

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Radisson Hotel, Plymouth, MA
September 25-27, 2012
MOTIONS

Tuesday, September 25, 2012

ELECTION OF OFFICERS

Chairman – Rip Cunningham

Vice Chairman – Terry Stockwell

1st Executive Committee seat – Frank Blount

2nd Executive Committee seat – Tom Dempsey

3rd Executive Committee seat – Dave Preble

1. Mr. Blount moved and Mr. Preble seconded:
that the NEFMC ask the Secretary of Commerce for joint management with the MAFMC of scup.

- 1a. Mr. Dempsey moved and Dr. Pierce seconded:
to table the motion until the November Council meeting.

The motion **carried** on a show of hands (16/0/0).

SPINY DOGFISH

2. Dr. Pierce moved and Mr. Gibson seconded:
to adopt the following alternatives for Amendment 3 to the Spiny Dogfish FMP:
 - RSA - Alternative 1b "allow allocation of up to 3% of commercial quota as research set-aside"
 - EFH - Alternative 2b "update essential fish habitat definitions for spiny dogfish"
 - Delayed rulemaking - Alternative 3b "maintain all of the previous fishing year's management measures, including the quota, until they are replaced via rulemaking"
 - Quota allocation - Alternative 4b "eliminate seasonal allocation of the commercial quota"

The motion **carried** on a show of hands (12/0/3).

3. Dr. Pierce moved and Mr. Grout seconded:
that both the NEFMC SSC and MAFMC SSC play a greater role in the identification and prioritization of Council research needs for spiny dogfish and in the scientific review of proposed and completed projects thereby improving the scientific credibility of projects funded under the RSA program.

- 3a. The motion was perfected to read:
that the NEFMC RSC or SSC play a greater role in the identification and prioritization of Council research needs for spiny dogfish and in the scientific review of proposed and completed projects thereby improving the scientific credibility of projects funded under the RSA program.

The motion, as perfected, **carried** on a show of hands (16/0/0).

4. Mr. Dempsey moved:
to recommend the development and consideration of alternatives to Amendment 3 to the Spiny Dogfish FMP allowing the rollover of 10, 15 or 25% of the unutilized federal spiny dogfish quota from one year to the next.

The motion was **ruled out of order**.

ENFORCEMENT

5. Mr. Goethel moved and Mr. Grout seconded:
that fishermen have experience with break downs of the herring IVR system, and think that VMS transmissions are better. Perhaps all quota fisheries should be required to report via VMS, however, the transmission times with VMS must be speeded up.

Also, the requirement to fill out the form for not fishing is onerous; typing in a lot of zeros shouldn't be necessary. In general, the fewer items that must be entered, the better chance for the transmission to go through. These comments should be transmitted to NOAA.

The motion **carried** on a show of hands (16/0/1).

Wednesday, September 26, 2012

HERRING

1. Mr. Grout moved on behalf of the committee:
to recommend adopting an ABC/ABC control rule as a preferred alternative for 2013-2015 based on the constant catch approach outlined by the herring PDT and supported by the SSC.

The motion **carried** on a show of hands (16/0/1).

2. Mr. Grout moved on behalf of the committee:
to deduct, as part of management uncertainty, a revised value of 6,200 mt for Canadian catch (New Brunswick weir fishery) based on a 3-year average catch (2009-2011, rounded to the nearest hundred mt), as the preferred alternative.

The motion **carried** on a show of hands (16/0/1).

3. Mr. Grout moved on behalf of the committee:
to consider alternatives for adjusting AMs that include closing the herring fishery when (A) 95% of a management area sub-ACL is projected to be taken and (B) when 100% of a management area sub-ACL is projected to be taken.

The motion **failed** on a show of hands (8/9/0).

4. Mr. Grout moved and Mr. Stockwell seconded:
to consider including the following alternatives for AMs in the specifications package:
1. an alternative that would require proactive accountability measure to close the directed fishery in a given management area when landings are projected to reach 95% of a sub-ACL to be reduced to 92% under the following conditions:
 - a. the stock is overfished or overfishing is occurring and;
 - b. the sub-ACL for the management area has been exceeded in either of the preceding 2 years
 2. an alternative that states that if overfishing is not occurring and the stock is rebuilt (SSB exceeds the target), the consequential AM requiring a pound for pound payback for exceeding a sub-ACL would not be invoked unless the sub-ACL is exceeded by 5% or more.

The motion **carried** on a show of hands (16/0/0).

SCALLOPS

5. Ms. Tooley moved on behalf of the committee:
that the Council adopt motion 9 from the Advisory Panel meeting (request NMFS implement an Emergency Action to close the Elephant Trunk Area using the previous boundaries until Framework 24 is implemented).

The motion **carried** on a show of hands with one recusal, Ms. Tooley (15/1/0).

6. Ms. Tooley moved on behalf of the committee:
that the Council adopt motion 15 from the Advisory Panel meeting (initiate in 2013 a framework to set FY 2014 specifications (i.e. setting das, access area trips, Northern Gulf of Maine TAC, IFQ, potential modification of scallop access area boundaries, etc.)

The motion was **withdrawn** without objection.

TMGC

7. Ms. Tooley moved but it was **not seconded**:
that the Council request that the U.S./CA Steering Committee negotiate with our Canadian counterparts for a one-time request to trade some amount of Georges Bank haddock from the U.S. 2013 share in return for amount of Georges Bank yellowtail from the Canadian 2013 share.
8. Mr. Cunningham moved and Mr. Preble seconded:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt), (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt), (3) Georges Bank yellowtail flounder - 500 mt (U.S. share 215 mt, Canadian share 285 mt).
- 8a. The motion was perfected to read:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding for analysis in Framework 48: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt), (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt), (3) Georges Bank yellowtail flounder - 500 mt (U.S. share 215 mt, Canadian share 285 mt).

- 8b. Dr. Pierce moved and Ms. Tooley moved to amend:
that the Council approve the following 2013 quotas for the U.S./Canada resource sharing understanding for analysis in Framework 48: (1) Eastern Georges Bank cod – 600 mt (U.S. share 96 mt, Canadian share 504 mt), (2) Eastern Georges Bank haddock – 10,400 mt (U.S. share 3,952 mt, Canadian share 6,448 mt), (3) Georges Bank yellowtail flounder - 500 mt (U.S. share 215 mt, Canadian share 285 mt). The SSC recommended ABC of 1,150 mt as a bycatch fishery also should be included in the Framework 48 analysis.

The motion to amend **carried** on a show of hands (16/0/1).

The amended motion **carried** unanimously on a show of hands (17/0/0).

Thursday, September 27, 2012

SMALL MESH MULTISPECIES

1. Mr. Goethel moved and Mr. Dempsey seconded:
recommend that NMFS publish a control date for the small mesh multispecies fishery.
- 1a. The motion was perfected to read:
recommend that NMFS publish an Advanced Notice of Proposed Rulemaking (ANPR) for the small mesh multispecies fishery.

The motion **carried** unanimously on a show of hands (16/0/0).

GROUND FISH – *Framework 48 motions*

2. Mr. Stockwell moved on behalf of the committee:
in draft Framework 48 Section 4.1.3, scallop fishery sub-ACL for Georges Bank yellowtail flounder, move the sub-option that proposes an allocation based on catch history from 2002-2011 to considered and rejected, and round the value for Option 3 to 8%.
 - 2a. Dr. Pierce moved to substitute and Mr. Quinn seconded:
to modify Option 3 to base the percentage on a range from 8-16%
- The motion to substitute **carried** unanimously on a show of hands (15/0/0).
- The substitute motion **carried** unanimously on a show of hands (16/0/0).
3. Mr. Stockwell moved on behalf of the committee:
to move to considered and rejected the option that would distribute additional ACE to sectors to fund monitoring costs.

The motion **carried** unanimously on a show of hands (15/0/0).

4. Mr. Stockwell moved on behalf of the committee:
to add an option to draft Framework 48, Section 4.2.3, to change minimum sizes as shown in the last column in the table of the PDT report (reproduced below) rounded up to the nearest inch:

Species	Minimum size to reduce most discards
Cod	18.9 in. (48 cm)
Haddock	15.7 in (40 cm)
Pollock	14.2 in. (36 cm)
Witch flounder (gray sole)	10.6 in. (27 cm)
Yellowtail flounder	11.8 in (30 cm)
American plaice (dab)	5.5 in. (25 cm)
Atlantic halibut	41 (104.1 cm)
Winter flounder (blackback)	7.5 in. (19 cm)
Redfish	7.1 in. (18 cm)

The motion **carried** on a show of hands (14/3/0).

5. Mr. Stockwell moved on behalf of the committee:
to include an option in Framework 48 that considers going to zero possession on Georges Bank yellowtail flounder and not allocate the resource to sectors in FY 2013.
- 5a. Ms. Tooley moved to amend and Mr. Preble seconded:
to include an option in Framework 48 that considers going to zero possession on Georges Bank yellowtail flounder and allocate the resource to sectors in FY 2013.

The motion to amend **failed** on a show hands (1/16/0).

The main motion **failed** on a show of hands (0/17/0).

6. Mr. Stockwell moved on behalf of the committee:
to develop an alternative in Framework 48 allowing sectors to request exemption from the prohibition on fishing in year round closed areas consistent with the following limitations:
- access will only be granted for the parts of areas that are not defined as habitat closed areas, or that have not been identified as potential habitat management areas as part of the development of the Omnibus Habitat amendment;
 - access to Closed Area 1 and Closed Area 2 will only be granted for the period May 1 through February 15; and
 - access to the Western Gulf of Maine Closed Area will only be granted during periods not subject to rolling closures that are applicable to sectors.

- 6a. Mr. Grout moved to amend and Mr. Preble seconded:
to include that when considering sector requests for access to closed areas, the Regional office should include, inter alia, consideration of the potential for gear conflicts, shifts in fishing effort out of the closed areas and impacts on protected species and lobsters.

The motion to amend **carried** unanimously on a show of hands (17/0/0).

The main motion, as amended, **carried** on a show of hands (16/1/0).

7. Mr. Stockwell moved on behalf of the committee:
after reviewing the PDT identified complications for revising the Georges Bank yellowtail flounder operating area, the Council recommends the Georges Bank yellowtail flounder area not be redrawn in the sector framework.

The motion **carried** unanimously on a show of hands (17/0/0).

8. Mr. Stockwell moved on behalf of the committee:
to direct the PDT to develop alternatives to revise the existing sector discard strata for Georges Bank yellowtail flounder and instead stratify discards on Georges Bank by statistical areas or by groups of statistical areas with the goal of the highest practical resolution.

The motion **carried** unanimously on a show of hands (17/0/0).

OTHER GROUND FISH ISSUES

9. Mr. Stockwell moved on behalf of the committee:
to recommend the Council request NMFS incorporate the science based recommendations from the Atlantic cod discard mortality workshop into ace tracking for both cod stocks and all gear types beginning in FY 2013.

The motion **carried** unanimously on a show of hands (17/0/0).

10. Mr. Grout moved and Mr. McKenzie seconded:
to include in Framework 48 a provision to change the current trimester TAC portion of the common pool to a 2 period system; Period 1 will run from May 1-September 30 and Period 2 will run from October 1-April 30.

The motion was **withdrawn** without objection.

11. Mr. Grout moved and Mr. Dempsey seconded:
to include in Framework 48 a provision to exclude the handgear A and B permits from the trimester TAC AMs (but not an annual closure) for species that they catch small amounts of.

The motion **carried** unanimously on a show of hands (16/0/0).

12. Ms. Tooley moved and Ms. Ramsden seconded:
that the Council request that the U.S./CA Steering Committee negotiate with our Canadian counterparts for a one-time request to trade some amount of Georges Bank haddock from the U.S. 2013 share in return for amount of Georges Bank yellowtail from the Canadian 2013 share.

The motion **carried** on a show of hands (12/5/0).

13. Mr. Goethel moved and Mr. Kendall seconded:
that in the next available amendment, develop and analyze a basket TAC for eastern Georges Bank cod, haddock and yellowtail flounder for presentation to the TMGC.

The motion **failed** on a show of hands (1/15/0).

HABITAT

14. Mr. Preble moved on behalf of the committee:
to split the coral alternatives out of Omnibus EFH Amendment 2, with Omnibus Habitat Amendment 2 continuing to be the priority of the Habitat Committee and PDT.

The motion **carried** unanimously on a show of hands (17/0/0).

15. Mr. Preble moved on behalf of the committee:
recommend the Council endorse the MOU as written, subject to approval of General Counsel.

- 15a. Dr. Pierce moved to substitute and Mr. Preble seconded:
that the Council adopt the draft MOU regarding the management of deep sea corals between the NEFMC, MAFMC and SAFMC Councils.

The motion to substitute **carried** on a show of hands (17/0/0).

The substitute motion **carried** unanimously on a show of hands (16/0/0).

16. Ms. Tooley moved on behalf of the Scallop Committee:
that the Council include development of scallop access areas and allocations in and around current EFH closures in the habitat omnibus amendment and recommend expediting submission of that action to the extent practicable.

The motion **failed** on a show of hands (8/9/0).

17. Ms. Tooley moved and Mr. Stockwell seconded:
to move the Omnibus Habitat amendment on a faster timeline, the Council will: 1) limit the dedicated habitat research area alternative in the Omnibus Amendment to one area in the current Western Gulf of Maine closed area and one area in Closed Area 1; 2) schedule a 1-day Council meeting following the habitat advisors/PDT meeting to develop and finalize area management alternatives; and 3) move the document out to public hearings as soon as possible.

17a. The motion was perfected to read:
to move the Omnibus Habitat amendment on a faster timeline, the Council will: 1) limit the dedicated habitat research area alternative in the Omnibus Habitat to one area in the Western Gulf of Maine closed area and one area in Closed Area 1; 2) schedule a 1-day Council meeting (adding a day to the January Council meeting) following the habitat advisors/PDT meeting to develop and finalize area management alternatives; and 3) move the document out to public hearings as soon as possible.

17b. Mr. Dempsey moved to amend and Mr. Preble seconded:
to eliminate the 1st bullet.

The motion to amend **carried** on a show of hands (14/2/0).

The main motion, as amended, **carried** unanimously on a show of hands (16/0/0).

18. Mr. Dempsey moved and Ms. Ramsden seconded:
to include as alternatives in the next available framework to the Scallop FMP the consideration and potential creation of new access areas in existing habitat closures in Georges Bank should those areas be modified or eliminated in the habitat omnibus amendment. This consideration would be based on survey information and would follow the existing protocols for the creation of new rotational access areas and associated allocations.

The motion **carried** unanimously on a show of hands (16/0/0).

PRIORITIES DISCUSSION

Changes to include:

- to add a bullet under skates “to prepare an amendment to consider limited access in the skate fishery”
- to initiate in 2013 a framework to set FY 2014 specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ, potential modification of scallop access area boundaries, etc.)

SBRM

19. Mr. Stockwell moved and Ms. Tooley seconded:
to approve for analysis the list of SBRM alternatives as presented by the FMAT.

The motion **carried** unanimously on a show of hands (16/0/0).

OTHER BUSINESS

20. Mr. Stockwell moved and Ms. Ramsden seconded:
recommend that the Council request the NEFSC expedite development of guidance for 1) an objective set of criteria to determine the validity of an assessment for the purpose of setting catch advice and, 2) protocol for setting catch advice in circumstances when the validity of an assessment is rejected.

The motion **carried** on a show of hands (15/0/1).