

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Sheraton Harborside, Portsmouth, NH**  
**January 31-February 2, 2012**  
**MOTIONS**

**Tuesday, January 31, 2012**

**RESEARCH STEERING**

1. Mr. Goethel moved and Mr. Preble seconded:  
that the Council request that NMFS clarify their interpretation of the Act that the Agency cannot require either the vessel or the research institution to report its catch.

The motion **carried** on a show of hands (14/0/1).

**TOUCHSTONE REPORT**

2. Mr. Libby moved and Mr. Preble seconded:  
to adopt the draft FMP performance evaluation white paper.

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

**SCALLOPS**

3. Ms. Tooley moved on behalf of the committee:  
request that the Agency require than an observer provide a copy of raw data to the Captain before leaving the vessel. (*not clear if this has to be added to framework or just done administratively and change observer protocols*)

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

*Without objection, the Council will write a letter to the NMFS to request that the Agency work with industry to identify the most effective way to improve observer data quality and observer protocols and that this issue be addressed administratively for all fisheries, not just scallops.*

4. Ms. Tooley moved on behalf of the committee:  
that the Council consider including the following topics in Framework Adjustment 24. First, yellowtail AMs should trigger in Year 2 following an overage compared to the subsequent year. Second, the observer set-aside program be expanded to cover LAGC vessels in open areas.

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

5. Ms. Tooley moved and Mr. Avila seconded:  
that the Council initiate Framework Adjustment 24 to the Scallop FMP.

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

6. Ms. Tooley moved on behalf of the committee:  
recommend that the Council request that NMFS implement an Emergency Action for FY2012 to convert Delmarva access area trips into either open area DAS to be used in FY2012 or into Hudson Canyon access area trips in FY2012.

- 6a. Dr. Pierce moved to amend and Mr. Avila seconded:  
that the Council request that NMFS implement an Emergency Action to close Delmarva and request that those trips be allocated into Closed Area 1 in FY2012.

The motion to amend **carried** on a show of hands (14/0/1) and one **recusal**, Ms. Tooley.

The main motion as amended **carried** on a show of hands (14/1/0) and one **recusal**, Ms. Tooley.

7. Ms. Tooley moved on behalf of the committee:  
that the Council request NEFSC: 1) explain how it intends to integrate Habcam results into overall biomass estimates; 2) detail scientific/technical obstacles for successful integration of Habcam results; 3) provide a timeline for expected integration of those results; and 4) describe its intentions for continued use of other surveys for biomass estimates.

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

### **Wednesday, February 1, 2012**

#### **SSC**

1. Mr. Odlin moved and Ms. Ramsden seconded:  
that the Council request from NEFSC that the MRIP data and discard mortality rates be incorporated into the assessment as soon as possible and request that Dr. Butterworth's analysis be reviewed by the SSC.
- 1a. Mr. Grout moved to substitute and Mr. Preble seconded:  
that the Council task the SSC with developing work plans for addressing all 4 items listed as warranting further investigation and to submit those work plans as quickly as possible to the NEFSC and request that Dr. Butterworth's analysis be reviewed by the SSC.

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

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

#### **GROUND FISH**

##### *GOM Cod Discussion*

2. Mr. Stockwell moved and Mr. Preble seconded:  
the Council asks that the NMFS take interim action for FY 2012 to reduce overfishing on GOM (Gulf of Maine) cod while the Council responds to the GOM cod assessment.
- The motion **carried** on a show of hands (16/1/0).
3. Mr. Stockwell moved and Ms. Tooley seconded:  
as part of that Emergency Action, the Council recommends NMFS set an FY 2012 interim catch level for GOM cod at 6,000 mt. This catch should be considered the annual catch limit.

- 3a. Dr. Pierce moved to substitute and Mr. Goethel seconded:  
as part of that Interim Action, the Council recommends NMFS set an FY 2012 interim catch level for GOM cod at the same level as FY 2011. This catch should be considered the annual catch limit.

The question was moved by a vote (17/0/0).

Yes – Goethel, Pierce

No – Alexander, Avila, Blount, Dempsey, Gibson, Grout, Kendall, Darcy, Libby, McGee, Odlin, Preble, Ramsden, Stockwell, Tooley

Abstention(s) –

The motion to substitute **failed** on a roll call vote (2/15/0).

- 3b. Mr. Odlin moved to amend and Mr. Preble seconded:  
as part of that Interim Action, the Council recommends NMFS set an FY 2012 interim catch level for GOM cod at 6,700 mt. This catch should be considered the annual catch limit.

- 3c. Mr. Goethel moved to further amend and Mr. Kendall seconded:  
as part of that Interim Action, the Council recommends NMFS set an FY 2012 interim catch level for GOM cod at 7,500 mt. This catch should be considered the annual catch limit.

The question was moved by a vote (16/0/1).

Yes – Stockwell, Ramsden, Preble, Pierce, Kendall, Grout, Goethel, Avila

No – Tooley, Odlin, McGee, Libby, Darcy, Gibson, Dempsey, Blount, Alexander

Abstention(s) -

The motion to further amend **failed** on a roll call vote (8/9/0).

- 3d. Mr. Odlin moved to substitute and Mr. Libby seconded:  
as part of the Interim Action, the Council recommends NMFS set an FY 2012 interim catch level for GOM cod at between 6,700 and 7,500 mt. This catch should be considered the annual catch limit.

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

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

4. Mr. Stockwell moved and Mr. Goethel seconded:  
as part of the Emergency Action requested to address GOM cod, the Council recommends NMFS implement additional recreational measures sufficient to limit recreational catches to the recreational sub-ACL. These measures should consider reducing the GOM cod minimum size limit and/or bag limits to reduce recreational discards.

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

5. Mr. Stockwell moved and Ms. Ramsden seconded:  
the Council asks NMFS that considering the recently revised estimates of recreational GOM haddock catches in FY 2010, recreational accountability measures addressing GOM haddock be adjusted or removed by the most expedient method.

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

6. Mr. Stockwell moved on behalf of the committee:  
that the Council ask the NEFSC to update or replace the GOM cod stock assessment based in part on the SSC review in time for use in setting an ABC for FY 2013.

- 6a. Mr. Odlin moved and Mr. Dempsey seconded:  
to table the previous motion.

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

7. Mr. Odlin moved and Mr. Avila seconded:  
that the Council request the following Emergency/Interim Action of NMFS:
1. open the Nantucket Lightship Closed Area year round
  2. open Closed Area 1 May 1-February 15
  3. open Closed Area 2 south of 41°50' from May 1 through February 15 for the use of selective fishing gear
  4. open the Western GOM closed area, except for the area within the western GOM closed area referred to as 'Jeffrey's Ledge' on page 5 of the habitat PDT memo dated 8/15/11
  5. open the Cashes Ledge closed area year round, except for the areas around Ammen Rock, consistent with the habitat PDT recommendation #4 on page 3 of the habitat PDT memo dated 8/15/11

The question was moved by a vote (17/0/0).

The motion **carried** on a show of hands (8/7/2).

### Rednet discussion

8. Mr. Stockwell moved and Mr. Preble seconded:  
to ask that NMFS expedite approval of a sector exemption request that would facilitate targeting of redfish in the GOM. Approving this request will help mitigate the impacts of low GOM cod catch levels that are expected in FY 2012.

The motion **carried** on a show of hands (14/1/1).

## **Thursday, February 2, 2012**

### **GROUND FISH (continued)**

1. Dr. Pierce moved and Mr. Grout seconded:  
for more effective monitoring of groundfish catch by broad stock area (GOM, inshore and offshore Georges Bank, and Southern New England/Mid-Atlantic), a vessel prior to leaving port on each trip declared into the groundfish fishery will be required to declare via VMS or the IVR call-in system his/her intent to fish in one of the four stock areas. Fishing will be allowed only in one stock area each trip.

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

2. Dr. Pierce moved and Mr. Goethel seconded:  
that a vessel, prior to leaving port on each trip declare into the groundfish fishery and intending to fish in the GOM, be required to declare VMS with the IVR call in system if it is his/her intent to fish in the GOM. Fishing will only be allowed in the GOM on that trip.

Yes – Goethel, Pierce

No – Alexander, Avila, Blount, Dempsey, Gibson, Kendall, Darcy, Libby, McGee, Odlin, Preble, Ramsden, Stockwell, Tooley

Abstention(s) – Grout

The motion **failed** on a roll call vote (2/14/1).

3. Mr. Grout moved Mr. Kendall seconded:  
to request NMFS include in the interim action a measure to eliminate the trimester element of the accountability measures developed in Amendment 16 for the common pool

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

4. Mr. Grout moved but it was not seconded:  
to request NMFS include in the interim action a measure to allow limited access handgear (HA permits) into statistical Grids 132 and 133 in April and May.

5. Ms. McGee moved and Mr. Preble seconded:  
to clarify the Council’s continued commitment to completing a thorough analysis of potential changes in the groundfish mortality closures and habitat closures in the context of the omnibus habitat amendment.

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

## WHITING

6. Mr. Goethel moved on behalf of the committee for Amendment 19 to the Whiting FMP:
- to adopt new overfishing definitions in Section 5.1 as preferred alternatives;
  - to add a new alternative as Section 5.2.2.3 as a preferred alternative that NMFS prepare annual landings, discard summaries, and trends in survey biomass in consultation with the PDT to be reported to the Council in June;
  - to adopt a stock wide TAL for the northern stock area (Section 5.3.1) (as proposed in the secretarial amendment) as the preferred alternative. This is also the no action alternative;
  - to adopt a 400 lb. incidental possession limit as a red hake AM in the northern stock area (Section 5.4.1.3) as the preferred alternative. This is also expected to be approved in the secretarial amendment, and is therefore the no action alternative;
  - to adopt a 2,000 lb. incidental possession limit as a silver hake AM in the northern stock area (Section 5.4.2.3) as the preferred alternative. This is the alternative recommended by the PDT to be considered as preferred;
  - to adopt a triggered quarterly allocation (Section 5.5.3) and the roll up monitoring process (Section 5.5.4.2) as preferred alternatives;
  - to use the recommended language in Paragraph 3 to address concerns by NMFS with Section 5.5.4.1 (a quarterly TAL adjustment process) and treat it as a non-preferred alternative;
  - to adopt a 400 lb. incidental possession limit as a red hake AM in the southern stock area (Section 5.6.1.3) as the preferred alternative. This measure is also expected to be approved in the secretarial amendment;

- to adopt a 2,000 lb. incidental possession limit as an AM for silver hake in the southern stock area (Section 5.6.2.3) as the preferred alternative. This is the alternative recommended by the PDT to be considered as preferred;
- to adopt no action in Section 5.7.3 (no year around red hake possession limit for both stocks) as the preferred alternative;
- to adopt Section 5.8.1, requiring weekly VTRs and assign landings to stock and/or management area as a preferred alternative;
- to adopt Section 5.9.2 to reduce the incidental possession limit trigger as a post-season AM as the preferred alternative.

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

7. Mr. Goethel moved and Ms. Ramsden seconded:  
to take draft Amendment 19 to public hearing.

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

### **MONKFISH**

8. Mr. Alexander moved on behalf of the committee:  
that the Council request that NMFS publish in the *Federal Register* as soon as possible, a control date pertaining to management of the monkfish fishery that is applicable to, but not limited to, limits on the accumulation of excessive control or ownership of fishing privileges, qualifying landings history and referendum qualification.

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

9. Mr. Alexander moved and Mr. Avila seconded:  
that the Council approve the draft *Federal Register* notice for a monkfish control date for submission to NMFS.

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

### **ENFORCEMENT**

10. Mr. Blount moved on behalf of the committee:  
to recommend that the Groundfish Committee:
- review Section 648.23 (b), definition of “not available for immediate use”, and determine if the regulations under that section are still necessary;
  - to remove from Section 648.23(b)(1)(iv), part (B) that requires the towing wires be detached from the doors;
  - to change completely the wording of Sections 648.23(b)(1)(iii), part (A) and 648.23(b)(1)(iv), part (A) to say “the net is on the reel and its surface is covered with an approved material”.

The motion **carried** on a show of hands (14/0/1).

11. Dr. Pierce moved and not seconded:  
that the following issue and questions be referred to the VMS/Enforcement Committee for their consideration and recommendations. After almost two fishing years with groundfish ACLs and sector ACEs in place with there being no landing requirements for sector vessels, do state and federal law enforcement officers believe the hail requirement is a sufficient deterrent for false reporting of actual landings? Are trip-end hails being checked with vessel offloads, how often does that verification occur, and what have been the results of that monitoring? What is the penalty for a vessel offloading more than its hail and how much of a difference in hail and offload must there be before there is a violation?

The motion was referred to the Enforcement Committee.