

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Holiday Inn by the Bay, Portland, ME**  
**June 19-21, 2012**  
**MOTIONS**

**Tuesday, June 19, 2012**

**REPORTS ON RECENT ACTIVITIES**

1. Dr. Pierce moved and Ms. Tooley seconded:  
that the NEFSC CIE or CIE-like peer review of sea scallop survey work include in the terms of reference the Council task to the SSC regarding the HABCAM.

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

**HABITAT**

2. Mr. Preble moved on behalf of the committee:  
with respect to coral-related issues, that staff continue to prioritize a memorandum of understanding with the Mid-Atlantic.

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

3. Mr. Preble moved on behalf of the committee:  
to recommend that the Council request a Notice of Intent be published to notify the public that the Council is considering splitting the coral alternatives developed under the discretionary provisions from the omnibus EFH amendment into a separate omnibus amendment.

The motion **carried** on a show of hands (13/0/2).

**Wednesday, June 20, 2012**

**HERRING** - *Ms. Tooley recused herself from all voting related to Herring Amendment 5.*

**Catch Monitoring At-Sea**

*Alternatives to allocate observer coverage on limited access herring vessels (Section 3.2.1)*

1. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative for Section 3.2.1, Alternative 2, 100% coverage on Category A, B and C herring vessels, coupled with the Herring Advisory Panel recommendation for funding Option 2 – federal and industry funds– with a maximum contribution of \$325 per sea day by the fishing industry, and Option 2 to authorize the states as service providers.
- 1a. Mr. Stockwell moved to amend and Mr. Libby seconded:  
that the preferred alternative for Section 3.2.1, Alternative 2 be 100% coverage on Category A and B herring vessels.

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

1b. The motion as amended and perfected:  
to adopt as a preferred alternative for Section 3.2.1, Alternative 2, 100% coverage on Category A and B herring vessels, coupled with the Herring Advisory Panel recommendation for funding Option 2 – federal and industry funds– with a target maximum contribution of \$325 per sea day by the fishing industry, and Option 2 to authorize the states as service providers.

1c. Mr. Dempsey moved and it was seconded:  
to move the question (non-debatable).

The motion to move the question **carried** on a show of hands (14/1/1/1 recusal).

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

2. Mr. Stockwell and Mr. Grout seconded:  
to adopt Section 3.2.1, funding Option 1 as a temporary measure until Option 2 (federal industry funded option) is fully implemented. The timeline for this measure will be one year, following the implementation of Amendment 5.

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

3. Mr. Grout moved on behalf of the committee:  
that a waiver for an at-sea observer be granted for a fishing trip if an observer cannot be provided within 24 hours of the vessel's notification of the prospective trip. A waiver will not be granted if the trip is to include tows in areas and at times associated with measures to avoid or protect river herring.

3a. Mr. Libby moved to amend and Ms. McGee seconded:  
that a waiver for an at-sea observer be granted for a fishing trip if an observer cannot be provided within 24 hours of the vessel's notification of the prospective trip. A waiver will not be granted if the trip is to include tows in groundfish closed areas or in areas and at times associated with measures to avoid or protect river herring.

The motion to amend **failed** on a show of hands (1/14/1/1 recusal).

The main motion **carried** on a show of hands (11/4/1/1 recusal).

*Other measures to address catch monitoring at-sea (Section 3.2.2 – measures to improve/maximize sampling at-sea)*

4. Mr. Grout moved on behalf of the committee:  
to recommend as a preferred alternative, Section 3.2.2, Option 2, Sub-Options 2a-2f [*pg 30 of the public hearing document*].

- 4a. Mr. Dempsey moved to amend and Ms. McGee seconded:  
recommend as a preferred alternative, Section 3.2.2, Option 2, Sub-Options 2a-2e [*pg 30 of the public hearing document*].

The motion to amend **failed** on a show of hands (1/13/1/1 recusal).

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

*Other measures to address catch monitoring at-sea (Section 3.2.4 – maximized retention alternative)*

5. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative, Section 3.2.4, Option 1 – no action.

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

*Other measures to address catch monitoring at-sea (Section 3.2.3 – measures to address net slippage)*

6. Mr. Grout moved on behalf of the committee:  
that for Section 3.2.3, measures to address net slippage recommend Option 4, Sub-Option 4c Closed Area I provisions trip termination after ten slippage events by each gear type – midwater trawl (single and paired), purse seine, and bottom trawl (with an added exception for slippage under #3, spiny dogfish clogging the pump for all gear types). Language will be modified to reflect requirements for all gear types and for vessels that do not pump fish.

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

7. Mr. Goethel moved and Mr. Preble seconded:  
that the Council review observer coverage two years after implementation of the 100% observer coverage requirement.

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

*Proposed adjustments to the fishery management program*

8. Mr. Grout moved on behalf of the committee:  
that the Council adopt Section 3.1.1b – proposed regulatory definitions.

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

9. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.2b – proposed administrative/general provisions – including 2a, 2b, and 2c.

- 9a. Mr. Odlin moved and Mr. Grout seconded:  
to table the previous motion until later in the day.

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

10. Mr. Grout moved on behalf of the committee:  
to require that all herring vessels must offload all fish before leaving dock prior to start of the next fishing trip unless there is confirmation by an observer or enforcement of weight on board that will be offloaded at the time of the next landing event.

The Chairman ruled the motion **out of order**.

11. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.3.2, Option 3 – dual option for carriers (VMS or LOA).

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

12. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.3.3, Option 3 – prohibit transfers at sea to non-federally permitted vessels.

- 12a. Mr. Goethel moved to amend and Mr. Kendall seconded:  
to substitute with Option 1 – no action.

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

- 12b. The main motion as amended was voted:  
to adopt as a preferred alternative Section 3.1.3.3, Option 1 – no action.

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

13. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.4, Option 2 – modify and extend pre-trip notification requirements and in Section 3.1.4, Option 3 – extend pre-landing notification requirement.

The motion **carried** on a show of hands (13/1/1/1 recusal).

14. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.5, Option 2 with Sub-Option 2b – require dealers to accurately weigh all fish and require documentation for individual landings submissions on how species composition of mixed catch is estimated.

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

15. Mr. Grout moved on behalf of the committee:  
to adopt as a preferred alternative Section 3.1.6, Option 2 for limited access mackerel permit holders (all three tiers) – 20,000 lb. possession limit in areas 2/3 for vessels that also possess a limited access mackerel permit, and that the possession limit could be adjusted in the future through the specifications process.

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

16. Mr. Grout moved and Mr. Preble seconded:  
to bring back tabled motion #9.

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

17. The tabled motion was discussed:  
to adopt as a preferred alternative Section 3.1.2b – proposed administrative/general provisions – including 2a, 2b, and 2c.

- 17a. Mr. Morris moved to amend and Mr. Goethel seconded:  
for carrier vessels that receive Atlantic herring for other than transport at sea (*add to the end of 2c*).

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

- 17b. The main motion, as amended, was voted:  
to adopt as a preferred alternative Section 3.1.2b – proposed administrative/general provisions – including 2a and 2b and Option 2c for carrier vessels that receive Atlantic herring for other than transport at sea.

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

*Management measures to address River Herring bycatch*

18. Mr. Grout moved on behalf of the committee:  
to recommend as a preferred alternative to address river herring bycatch Alternative 2, Option 4 – two-phase bycatch avoidance approach based on SMAST/SFC/DMF project.

- 18a. Dr. Pierce moved to amend but it was not seconded:  
to recommend as a preferred alternative to address river herring bycatch Alternative 2, Option 4 – two-phase bycatch avoidance approach based on SMAST/SFC/DMF project and Alternative 3, Option 1 closed area for the 10” square area east of Cape Cod from Nov-Feb [*identified on pg 54 of the public hearing document*].

The motion to amend **failed** due to lack of second.

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

19. Mr. Grout moved on behalf of the committee:  
to recommend Section 3.3.5 [*pg 59 of the public hearing document*] for a river herring catch cap, which the Council would consider through a framework adjustment.

- 19a. Dr. Pierce moved to substitute and Mr. Dempsey seconded:  
to implement a River Herring bycatch cap for the GOM, Cape Cod and SNE areas beginning in 2013 through a framework and task the PDT to recommend caps for those areas using the current and last two years of observer and port sampling data.

- 19b. Mr. Odlin moved and Mr. Kendall seconded:  
to move the question (non-debatable).

The motion to move the question **carried** on a show of hands (15/0/1/1 recusal).

The motion to substitute **failed** in a show of hands (4/10/1/1 recusal).

- 19c. Mr. Stockwell moved to amend and Mr. Libby seconded:  
to recommend Section 3.3.5 [*pg 59 of the public hearing document*] for a River Herring catch cap, which the Council would consider through the next appropriate action.

- 19d. Mr. Avila moved and Mr. Goethel seconded:  
to move the question (non-debatable).

The motion to move the question **carried** on a show of hands (16/0/0/1 recusal).

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

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

*Measures to address Midwater trawl access to groundfish closed areas*

20. Mr. Grout moved on behalf of the committee:  
to recommend Alternative 4, Option 4a for midwater trawl access to groundfish closed areas – apply Closed Area I provisions with 100% observer coverage, to all current year-round closed areas.

- 20a. Mr. Libby moved to substitute and Mr. Dempsey seconded:  
to recommend Alternative 5 - close the year round Groundfish closed areas to midwater trawl vessels that are not declared out of the herring fishery. They would be prohibited from the closed areas except with an experimental fishing permit.

The motion to substitute **failed** on a show of hands (2/13/1/1 recusal).

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

21. Mr. Grout moved and Mr. Stockwell seconded:  
that in Section 3.5 [*pg 19 of the decision document as amended today*] the list of frameworkable measures and fishery specification items be approved.

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

22. Mr. Grout moved and Mr. Dempsey seconded:  
to submit Amendment 5 to the Secretary, including the alternatives identified today for approval.

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

**Thursday, June 21, 2012****MONKFISH**

1. Mr. Odlin moved and Mr. Dempsey seconded:  
to move Amendment 6 forward without consideration of an ITQ for the purpose of expediting the amendment.

The motion **failed** on a show of hands (5/10/1).

**WHITING**

2. Mr. Goethel moved on behalf of the oversight committee:  
to approve Section 5.7.4.1 as a final alternative, raising the southern whiting possession limit to 40,000 lbs. in the Mid-Atlantic and Southern New England exemption area.
- 2a. Mr. Kendall moved to amend and Dr. Pierce seconded:  
to approve Section 5.7.4.1 as a final alternative, raising the southern whiting possession limit to 40,000 lbs. from November through June in the Mid-Atlantic and Southern New England exemption area.
- 2b. Ms. Ramsden moved and Mr. Preble seconded:  
to move the question (non-debatable).

The motion to move the question **carried** on a show of hands (16/0/0).

The motion to amend **failed** on a show of hands (6/9/1).

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

3. Mr. Goethel moved and Mr. Alexander seconded:  
to authorize staff to incorporate final alternatives and revise the amendment accordingly, submitting final Amendment 19 to NMFS for approval.

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

**GROUND FISH****GB yellowtail flounder catch limits issue**

4. Mr. Stockwell moved on behalf of the joint Groundfish/Scallop committees:  
to recommend that the Council request NMFS utilize existing authority provided in Groundfish Framework Adjustment 47 to immediately transfer all but 156.9mt (90% of the 174.3mt) of Georges Bank Yellowtail Flounder from the scallop sub-ACL to the groundfish sub-ACL, based on the revised high projection of 2012 Georges Bank Yellowtail Flounder bycatch by the scallop fleet. Any additional unused Georges Bank Yellowtail Flounder should be transferred to the groundfish fleet by January 15th, as outlined in the existing regulations and based on actual scallop fleet Georges Bank Yellowtail Flounder catch data from FY2012. To request an Emergency Action to temporarily relieve the scallop fishery from any AM triggered by catch of yellowtail flounder less than 307mt that under the current scallop regulations would be required if the sub-ACL is exceeded in 2012. Instead the pound for pound repayment provisions of the US/CA agreement could be utilized should the TAC be exceeded for FY 2012.

- 4a. Ms. McGee moved and Mr. Blount seconded:  
to split the question.

The motion to split **failed** on a roll call vote (3/12/0/1 recusal).

Yes - Blount, Dempsey, McGee

No - Alexander, Avila, Gibson, Grout, Goethel, Kendall, Morris, Libby, Pierce, Odlin, Preble, Stockwell

Recusal - Tooley

The main motion **carried** on a roll call vote (11/4/0/1 recusal).

Yes - Stockwell, Preble, Pierce, Odlin, Libby, Kendall, Goethel, Gibson, Grout, Avila, Alexander

No – McGee, Morris, Dempsey, Blount

Recusal - Tooley

5. Mr. Stockwell moved on behalf of the joint Groundfish/Scallop committees:  
that the Council look into redrawing the Georges Bank Yellowtail flounder area in the sector framework.

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

6. Mr. Stockwell moved on behalf of the joint Groundfish/Scallop committees:  
that the Council send a letter to NMFS requesting that the SAPS in Closed Area II for haddock be open May 1 to trawl vessels using restrictive gear.

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

7. Mr. Stockwell moved on behalf of the joint Groundfish/Scallop committees:  
that the Council fast track the Omnibus Habitat amendment so that areas of higher concentration of haddock and scallops can be accessed in order to alleviate the yellowtail flounder bycatch problem as soon as possible.

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

8. Mr. Stockwell moved on behalf of the joint Groundfish/Scallop committees:  
that the Council task the U.S. TMGC members to work with NERO to develop pros and cons of readdressing the US/CA Resource Sharing Understanding.

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

ABC/ACL/AM Issues

9. Mr. Stockwell moved on behalf of the Committee:  
to establish a sub-ACL of Southern New England/Mid-Atlantic Windowpane flounders for the scallop fishery based on 90<sup>th</sup> percentile of recent catches from 2001-2010.



- 9a. Mr. Odlin moved to substitute and Ms. Ramsden seconded:  
to establish a sub-ACL of Southern New England/Mid-Atlantic Windowpane flounders for the scallop fishery based on 90<sup>th</sup> percentile of recent catches from 2001-2010 and will look into an option of the mixed stock exemption.

The motion to substitute **carried** on a show of hands (8/6/1).

The main motion as substituted **carried** on a show of hands (11/2/2).

10. Mr. Stockwell moved on behalf of the Committee:  
that the Council develop two options to address scallop fishery catches of Georges Bank yellowtail flounder:
- Option 1 that allocates a set percentage of Georges Bank Yellowtail flounder ACL to the scallop fleet based on past history of the catch, with Sub-Option A based on past five years of the catch and sub-Option B based on past ten years of the catch.
  - Option 2: the scallop fleet gets 90% of the projected needs calculated on an annual basis and adjusted annually in the specifications setting process for the Georges Bank ACLs.

The motion **carried** on a show of hands (13/0/2).

11. Mr. Stockwell moved on behalf of the Committee:  
that the Council send a letter to the MAFMC and ASMFC about the possible intent to set sub-ACLs for Southern New England/Mid-Atlantic windowpane flounder in the fluke, scup, and other fisheries identified with high bycatch.

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

12. Mr. Stockwell moved on behalf of the Committee:  
to accept as part of Option 2, language for funding mechanisms that we target 100% of the costs of at-sea monitoring (*costs as identified at previous Committee meeting*).

The motion **carried** on a show of hands (12/0/2).

13. Mr. Stockwell moved on behalf of the Committee:  
to add a Sub-Option F that would tie monitoring funds to discard/landings ratio by sector with a goal of provide incentive to reduce discards of allocated groundfish.

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

14. Mr. Stockwell moved on behalf of the Committee:  
that the Council send a letter to NEFSC that clarifies that electronic monitoring is intended to be considered as a potential component of a Sector's catch monitoring program, rather than a complete replacement for all tasks currently performed by an observer or at-sea monitor.

The motion **carried** on a show of hands (13/0/1).

15. Mr. Stockwell moved on behalf of the Committee:  
that there be an option of full retention for all allocated stocks in the multispecies complex.

The motion **carried** on a show of hands (13/1/1).

16. Mr. Stockwell moved on behalf of the Committee:  
that should reliable information be available in year one that an ACL for a non-allocated stock has been attained, that the respective AM would go into effect at the start of the next fishing year.

- 16a. Mr. Morris moved to amend and Mr. Odlin seconded:  
that should reliable information be available in year one that an ACL for a non-allocated stock has been attained, that the respective AM would go into effect at the start of the next fishing year. This would be retroactive to the 2012 fishing year.

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

The main motion as amended **carried** on a show of hands (13/2/0).

17. Mr. Stockwell moved on behalf of the Committee:  
that the Council include as alternatives for development the AMs that were entertained in Framework Adjustment 47 for halibut, wolffish, and a similar approach for Southern New England/Mid-Atlantic winter flounder [*the AMs are described on pgs 23-27 of the PDT report*].

The motion **carried** on a show of hands on a show of hands (11/3/1).

18. Mr. Stockwell moved on behalf of the committee:  
that the Council send a letter NEFSC asking for a detailed discussion of the issues surrounding the discard mortality of Atlantic wolffish.

- 18a. Mr. Odlin moved to amend and Mr. Preble seconded:  
that the Council send a letter NEFSC asking for a detailed discussion of the issues surrounding the discard mortality of Atlantic wolffish and Atlantic halibut.

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

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

19. Mr. Stockwell moved and Mr. Dempsey seconded:  
to initiate a framework action (Framework Adjustment 48) to set specifications for FY 2013-2014, to adjust sector measures and to modify other management measures as necessary.

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

20. Mr. Stockwell moved and Mr. Libby seconded:  
that the Council send a letter to NMFS requesting full funding of multispecies monitoring costs for FY 2013. [The letter should detail the economic challenges facing the groundfish industry in support of the request]

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

21. Mr. Dempsey moved and Mr. Kendall seconded:  
to request NMFS immediately analyze and determine whether it is possible to authorize up to 50% carryover of the fishing year 2012 Gulf of Maine cod sector ACL to fishing year 2013. This is intended to be a onetime stock specific transfer in an effort to provide maximum flexibility to the industry while rebuilding the stock ASAP.

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