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New England Fishery Management Council Groundfish Oversight Committee

Meeting Summary

October 5, 2011

The Groundfish Oversight Committee (Committee) met in Peabody, MA to discuss several adjustments to the Northeast Multispecies Fishery Management Plan (FMP). The committee discussed parts of Framework 47 to the FMP dealing with annual catch limits and accountability measures for some groundfish stocks, heard a report from NMFS on the determination of at-sea monitoring levels for FY 2012, reviewed a scoping document for Amendment 18 on fleet diversity and accumulation limits, reviewed Council priorities for 2012, and considered other business. Committee members present were Mr. Terry Stockwell (Chair), Mr. James Odlin (Vice-Chair), Mr. Erling Berg, Mr. Frank Blount, Mr. Thomas Dempsey, Mr. David Goethel, Ms. Melanie Griffin, Mr. Glen Libby, Ms. Sue Murphy, and Mr. David Preble. They were supported by staff members Ms. Deirdre Boelke, Ms. Anne Hawkins, and Mr. Tom Nies (NEFMC), Mr. Mark Grant, Ms. Sarah Heil, Mr. Michael Lanning, and Ms. Melissa Vasquez (NMFS NERO), and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by a PDT conference call report dated September 30, 2011, draft Framework 47 measures, and a draft scoping document for Amendment 18.

Accountability Measures

Council staff presented PDT work on development of accountability measures (AMs) for several stocks, and noted that this topic was related to the next topic of creating ACL sub-components. The PDT examined the effect of seasonality and gear types on catch of these species, and results are in the PDT's report in the meeting materials. The committee would need to express their concurrence with the PDT's AM recommendations so they can be analyzed, develop alternatives to address scallop fishery catches of SNE/MA windowpane flounder, and develop alternatives on changes to ACLs and AMs for yellowtail flounder in the scallop fishery.

A committee member suggested that one problem with SNE/MA windowpane was that all discards were counted as dead, and also that an overage could only trigger a closure in a fishery that was responsible for 20% of the total catch. He stated the need to ask for a mixed-stock exception on this stock. Council staff noted that the guidance says that the mixed-stock exception cannot be applied to a stock that is in a rebuilding program. Ms. Murphy clarified that the only two stocks that exceeded the overall ACL last year were the windowpane stocks. The northern stock's ACL was only slightly exceeded, but the southern stock was exceeded by a greater amount. If the agency receives confirmation that the southern stock is rebuilt, the mixed-stock exception could be considered.

A committee member pointed out that wolffish was given a zero possession limit because it is presumed to be released alive, and argued that there should therefore be no AM that would assume they were all dead. He requested the PDT to make any proposed closure areas as small as possible, and noted that differential observer coverage rates may affect the assumed discards. Several members stated that the gear restrictions suggested by the PDT would disallow small vessels from fishing in large areas. Another committee member asked if there was any older data that could be used to narrow down the areas, and Council staff responded that the PDT figured the more recent data would be the most accurate. A committee member stated that, from his

experience on the water, the proposed closure areas were not where the most wolffish were caught, and reiterated that they appear to survive when discarded.

Motion: To include an option in FW 47 that would eliminate the common pool restricted gear areas. (Mr. Odlin/Mr. Dempsey)

Ms. Murphy asked whether the PDT looked at vessels that may not have not gone into the gear-restricted areas and whether there were impacts from those vessels, and the PDT Chair responded that they did not.

The motion **carried** on a show of hands (9-0-0).

Motion: To include an option in FW 47 to invoke the Mixed Stock Exception for SNE/MA windowpane Flounder. (Mr. Odlin/Mr. Preble)

A committee member inquired how this would work in practice. Council staff replied that invoking this would potentially allow more catch of SNE/MA windowpane flounder before the AM is triggered, but that it was still necessary to design an effective AM for the stock.

Ms. Murphy informed the committee that there is a very high threshold to meet the exception in the National Standard Guidelines, with 3 prongs that need to be met. Of those, it could be particularly difficult to show that mitigating measures had been considered and a determination had been made that a similar level of net benefits could not be achieved through other means.

Public comment included:

- Drew Minkiewicz, Fisheries Survival Fund: We support this motion. If there was ever a stock that should be eligible for this exception, this is it. There is no directed fishery, it is of very little commercial value, and yet it is threatening to derail the entire fishery. Exceeding an ACL does not mean you are overfishing a stock. We seem to have replaced OFL with ACL in our minds, but OFL is the actual limit. Look at going above an ACL to the OFL, or even above. This is rebuilt, and it is frustrating it has taken NMFS this long to declare it rebuilt. The parameters are pretty simple on this one.

The motion **carried** on a show of hands (8-0-1).

Council staff expressed concern about how to bring the motion forward, given that there were only 3 weeks to complete and document and issues such as this one had not been discussed previously with the PDT or NMFS. Ms. Murphy stated that a determination on this may be available for the January Council meeting, but it was not certain.

Motion: To develop an accountability measure for halibut to be no possession and released alive. (Mr. Odlin/Mr. Goethel)

Ms. Murphy asked whether this required vessels catching halibut to ensure that it was released alive, and several fishermen on the committee stated that it halibut are extremely hardy and difficult to kill. 100% mortality is assumed on halibut, and a committee member asked why there was a minimum size on the stock if it was thought that the smaller ones would not survive being discarded. Another mentioned that many of these questions raise broader issues about discard mortality, particularly in relation to information that was being used in the cod assessments. Council staff noted that it was problematic if the assessment used one mortality assumption and

quota monitoring used another, because the catches would not line up. A committee member supported sending a message that the committee was increasingly frustrated with mortality assumptions in the assessments that managers and fishermen did not agree with.

The motion **carried** on a show of hands (7-0-2).

Council staff pointed out that there were a number of comments from the committee that spoke against the PDT alternatives, and asked whether they should be left as alternatives in the framework.

Motion: To include an option in FW 47 that AMs for Atlantic wolffish and Atlantic halibut are not triggered until the overfishing limit (OFL) is exceeded. (Mr. Goethel/Mr. Libby)

NOAA General Counsel staff advised that this is not broken down by statute, but the National Standard Guidelines outline the buffer system that includes ACLs and OFLs. This guidance clearly says that AMs are triggered by exceeding the ACL. This approach would be a wholesale change for this particular species.

The maker of the motion provided the rationale that there needed to be an honest discussion and analysis about whether or not the catch of a stock that was released alive should be counted against the ACL. With these two stocks, fish are mostly released alive, and there was ample logic to argue that catch did not exceed the ACL. Another committee member stated agreement with the intent, but felt that a better approach may be to erase the buffer for management uncertainty.

The motion **failed** on a show of hands (4-5).

A committee member stated that only 30% of the wolffish TAC had been caught, and that interactions in the fishery were highly variable and data was sparse.

Motion: To develop an alternative for FW 47 to allow the possession and sale of up to one Atlantic wolffish per commercial multispecies trip (minimum size to be determined by the PDT); as well as an alternative AM of zero retention in all areas and all portions of the fishery. (Mr. Dempsey/Mr. Preble)

Ms. Murphy informed the committee that the existence of the zero possession limit was one of the primary reasons this species was not listed under the Endangered Species Act after a recent petition to do so. The maker of the motion responded that if there was confidence in the SSC and the ABC-setting process, it should be acceptable to utilize the ACL that is allowed and identified for this stock.

Public comment included:

- Peter Shelley, Conservation Law Foundation: Having sat in on the SSC process of assessing wolffish, I am not sure there is any new data that underlies the number they came up with. My organization continues to be concerned about the very low status of the wolffish population. I agree with the statement, based on what we know from Canada, that the assumption of 100% mortality is inaccurate and we would support a measure for wolffish like the one for halibut. But not a one-possession limit until we get new data.
- Carl Bouchard, F/V Stormy Weather: I realize you are trying to satisfy the letter of the law, but from a realistic standpoint, one wolffish that weighs 5 pounds will not generate any income for anybody, but will be more of a burden. I personally would not go for it.

- Vito Giacalone, Northeast Seafood Coalition: We would expect that zero retention of wolffish would be an AM in itself. Any discard mortality that does not occur would only give us a buffer in that. I would hope when you calculate what triggers an AM that you would use some of the numbers from Canada instead of zero. Fishermen would rather have the strictest AM already built in, in lieu of any closure. That closure would be devastating. Why doesn't that AM work?
- Gib Brogan, Oceana: We oppose this. Having zero retention is not an AM and it does not limit catch. Catch is clearly defined as landings + discards. I understand the concerns about post-release mortality, and that is something that should be addressed in the stock assessments. The fish that survive will show up in the later stock assessments. This does not limit catch, and does not address our concerns with the way this was done in A16.

The maker of the motion provided rationale that, while the retention of one wolffish would not have a large economic effect, a minimal landing of the fish should be allowed so an AM can be implemented if the ACL is exceeded. Zero possession was not considered an AM. Ms. Murphy stated that she also did not see this as an AM, since it did not address what would happen when the overall ACL was exceeded including landings and discards.

The motion **carried** on a show of hands (7-1-1)

Ms. Murphy stated that from reading the document, the agency would need to project for May 1st whether the overall ACL was exceeded for these stocks the committee was discussing. Since they are primarily discard fisheries, there is little information from the other sub-components, and NMFS has to rely on observer catch. Typically that is not seen for 90 days, and a lot of proxy information would have to be included in estimates in order to make that determination. Committee members noted that year-after adjustments are done in other fisheries, and that especially since these are not directed fisheries, it is important to make sure the data being used is real and final.

Motion: To include an option in FW 47 to consider ocean pout, SNE/MA and GOM/GB windowpane flounders, Atlantic wolffish, and Atlantic halibut AM adjustments in the following year after catch data is finalized. (Mr. Odlin/Mr. Goethel).

The maker of the motion provided the rationale that there had been many cases where preliminary data was flawed by orders of magnitude, and that it was important to ensure that consequences were appropriate. Ms. Murphy stated that if post-season adjustments were done, that should factor into uncertainty when setting ACLs.

Public comment included:

- Drew Minkiewicz: We support this motion. This past year, SNE YTF went from being thought to be at 134% of the sub-ACL to 84% of it. If an AM had been in place for the scallop fishery for this year, an entire area off RI would have been closed for the entire year. Unlike with a poundage deduction that can be returned, you cannot go back and un-close an area. It makes sense, given the instability seen so far, to know we are looking at final numbers before making an AM.
- Peter Shelley: I urge the committee to vote against this. Recognizing the data issue is a real one, it seems there are other approaches that could be developed that could take place in the following year when data is finalized rather than putting it off a whole extra year.

Ms. Murphy stated that the intent of the PDT options was to take action on May 1st, and that NMFS would make adjustments once it had received final information, like it did for the differential DAS options. If an AM were onerous, it would not remain in place long and the quota could be restored. Several committee members spoke in favor of the motion in light of the large changes in catch estimates for SNE yellowtail flounder. One stated that the time period could be shortened when trustworthy real-time data was available.

The motion **carried** on a show of hands (7-1-1).

Motion: To include an option in FW 47 to consider in-season AM adjustments for ocean pout, SNE/MA and GOM/GB windowpane flounders, Atlantic wolffish, and Atlantic halibut following the determination of final catch data after the end of the fishing year. (Mr. Dempsey/Ms. Griffin)

Ms. Murphy stated that there was a risk that the ACL could be exceeded if there was a problem early in the year and there was no AM at the start of the fishing year. A committee member expressed concern that this type of mid-year adjustment could create a derby fishery, but would support it over an alternative that was based on projections.

The motion **failed** on a show of hands (2-7).

FY 2012 Annual Catch Limits: Distribution of the Components of the ACLs

Council staff explained to the committee that the scallop fishery caught 48% of the total 2010 SNE/MA windowpane flounder catch, which exceeded the total ACL by itself. Most of that catch was from limited access vessels. The numbers for the beginning of the year in 2011 and 2010 are similar, so there is no indication the scallop dredge catches this year will be smaller than last year.

Committee members tried to determine an explanation for the increase. The scallop twine top increase went into effect around 2001. They postulated that it could be because sand dabs are getting bigger because they are not being caught, and that the diameter has increased beyond the 10-inch twine. Council staff noted that the fishery is now very stable now in terms of allocation and where they fish. In 2011 and 2012, DAS will be reduced but not by a dramatic amount.

Motion: To include an option in FW 47 for SNE/MA windowpane flounder, to establish 3 sub-ACL categories: 1) large mesh multispecies fishery; 2) scallop fishery; and 3) other category (based on information to be provided by NERO). (Mr. Odlin/Mr. Dempsey)

The maker of the motion explained that other fisheries that catch over 5% of the groundfish ACL have been allocated a sub-ACL, and that even if the catch was well below 50% of the total ACL, it should still have its own sub-category according to this principle. He also stated that the intent of the motion was for the PDT to use a period of data for which they felt comfortable with the quality. A committee member asked if it might be desirable to sub-divide the ACL further if there were different bycatch rates for different scallop gears, and Council staff clarified that from the groundfish standpoint, if the scallop fishery is allocated a sub-ACL it should be up to the Scallop Committee to determine how to divide it within the fishery. In the priorities discussion in November, the Council will consider an overarching bycatch action that considers dividing the sub-ACL further than just to the scallop fishery, and this could be considered in that action if necessary. Staff asked the committee whether the Scallop PDT should work to determine the amount of this stock that was necessary for the scallop fishery to harvest their quota, and the

makers of the motion clarified that the intent was to look at what the scallop fishery caught, not a projection of what they might need.

A committee member asked whether this motion would replace the “other” sub-component currently in the specifications so that the only other sub-component was for state waters. Council staff replied that it would depend upon catch information from NMFS from other fisheries. Another member brought up the issue of the time period for the data, and did not want to risk creating a situation where each fishery asked for their best 5 years of catches. He felt that data prior to 2001 was probably irrelevant because the 10-inch twine top was implemented then. The PDT Chair responded that he would convey the advice that the committee prefers to have consistent and relatively near-term time periods. The committee agreed by consensus.

Public comment included:

- Drew Minkiewicz: I have some concerns with this. I understand desire to go to a sub-ACL, and with this stock and the inability to project on the need-based system, that gives the position of looking back. Given the irregularity of catches, it is hard to pick that number. Do you go with more recent trends assuming they will continue, or go with an average? Scallopers are confused about this – nobody knows quite why or how these large catches are happening. Given the recent history with other estimates of bycatch species, people are concerned whether this is actually an accurate picture. It does not match what people are seeing on the water, so that’s concerning. The issue with trawl boats will have to be dealt with in the scallop fishery itself, and the scallop fishery will retain the right to do the AMs on this. I am concerned how you would allocate this, given the instability over time and the inability to project going forward.

A committee member asked if it would be possible to look at the landings of this stock by the scallop fishery. Council staff responded that the numbers given included discards and landings. The landings have decreased in recent years, and have only exceeded 100 mt once since 2002. This information is in Table 2A of the landings report distributed by NMFS.

The motion **carried** on a show of hands (9-0-0).

Council staff introduced an issue that arose at the Council meeting regarding unused quota of GB yellowtail flounder.

Motion: To include an option in FW 47 to provide authority for the RA to make in-season adjustments to the specifications of the GB YTF stock to the groundfish and scallop fisheries for the purpose of maximizing the utilization of the stock by those fisheries within a fishing year. No such adjustment shall have the effect of limiting the ability of the scallop fishery to fully harvest the scallop ACL. (Mr. Goethel/Mr. Preble)

NOAA General Counsel staff advised that this motion may constitute an allocation decision based on new rationale and policy, and thus require an amendment to the FMP to be adopted. He stated that it was a grey area, but his office could consider the issue if the committee wanted to include it in FW 47. It is also possible that this would require changes to the Scallop FMP.

Public comment included:

- Maggie Raymond, Associated Fisheries of Maine: We would fully support the Council moving in this direction. If NOAA GC decides this cannot be done in this action, this is

exactly the type of issue that should rise to the top of the priorities list. At the last Council meeting, Mr. Blount talked about how the recreational fishery exceeded the ACL for haddock in GOM and the commercial fishery had not, and talked about mechanisms to make a trade. These are exactly the things we should be focusing on to allow OY to be reached and not prevent achieving ACLs.

- Vito Giacalone: It would be worth it for the committee to consider two aspects of this: the need for precedent and whether a similar thing is necessary for other stocks. Access to GB in coming years will be severely constrained by a drop in the GB YTF ACL. We do have a responsibility to look at this. We are fortunate to have sequential ending of seasons. This could salvage sectors by being able to operate in GB if the remainder is redistributed.
- Drew Minkiewicz: I would suggest to the committee to have no AMs in the scallop fishery if the overall ACL is not exceeded. This is an important step to maximize OY.

Council staff noted that the PDT discussed several of these issues. One concern they had with this approach was whether it would become precedent-setting for other fisheries, and the implications of that given other actions that have been adopted such as the haddock cap for the midwater trawl herring fishery. To some extent this could reduce the accountability of a particular component on their catch and allows them to borrow from another group. A committee member responded that he did not see that concern with this motion, because it was about utilizing a very constrained stock to allow transfer.

The motion **carried** on a show of hands (8-0-1).

Ms. Murphy pointed out that the RA sent a letter on 9/23/11 to inform the committee that the SNE winter flounder stock had a high catch by the scallop fishery and to ask whether a separate sub-ACL for the scallop FMP should be considered for that stock as well.

Motion: To request the PDT to look at a sub-ACL for SNE winter flounder in the scallop fishery. (Ms. Murphy/Mr. Odlin)

Council staff noted that the Council discussed continuing with the zero possession rule for this stock, but that no conclusion was reached.

Motion as perfected: To request the PDT look at a sub-ACL for SNE/MA winter flounder catches in the scallop fishery and that the 0 possession limit for SNE/MA winter flounder stay in effect.

The seconder of the motion clarified that the zero possession limit would apply to both the scallop and groundfish fisheries. He provided the rationale that they received data that, since the zero possession rule was implemented, the fishery was below its overfishing threshold for the first time, and that it was important to continue having that in effect. While it was important to create allocations for any fishery that was possible, in some cases it was important not to create a choke species, especially since the zero possession seemed to be keeping the stock where it needed to be. The committee clarified that its intent was to take an approach looking at a percent of extractions rather than any other approach.

Council staff noted that there may have been some possession of this stock by the scallop fishery and that it should be looked into. Also, they noted that this option would require the AM for this sub-ACL to be addressed. Catch from the scallop fishery is slightly higher than 10% of the overall ACL.

Public comment included:

- Drew Minkiewicz: It is kind of telling that the scalloper is the one that sits at the microphone all day. We have a fishery now that is actually achieving its targets. The scallop catch of this has not gone up, but stayed constant over the years. Now we are going to create a sub-ACL, because since the overall catch has decreased, the scallop percentage has increased? Here you are actually achieving your management goals, and are going to threaten another fishery with your sub-ACL? There is no need under the current management regime. The sub-ACL makes no sense, especially where there has not been a spike in catches.
- Maggie Raymond: In the part of motion that refers to the zero possession limit, is the intent to eliminate Option 2 which talks about allocating SNE/MA winter to the fishery?

Council staff clarified that the RA's letter did not specifically recommend a sub-ACL for this stock, but rather a way to reduce bycatch, and that the catch from the scallop fleet was about twice as much as the groundfish fleet catch. The seconder of the motion further clarified that the intent was not to eliminate Option 2, but to include this as an additional option.

Motion to split: To split the motion into two. (Mr. Odlin/Mr. Blount)

The motion to split **carried** on a show of hands (8-1-0)

Motion, as split: To request the PDT look at a sub-ACL for SNE/MA winter flounder catches in the scallop fishery.

The first portion of the motion, as split, **carried** on a show of hands (7-2)

Motion, as split: To include an option in FW 47 that the zero possession limit for SNE/MA winter flounder stay in effect.

A committee member noted that the zero possession limit is the No Action alternative, and will therefore be in the document either way. Another member spoke against maintaining the zero possession limit since fishery-dependent data was needed.

Motion: To table the previous motion. (Mr. Blount/Mr. Odlin)

The motion to table **carried** on a show of hands (8-0-1).

Motion: To include an option in FW 47 that the sub-ACL could be modified so that the scallop fishery AM is only triggered if the overall ACL is exceeded for GB and SNE/MA yellowtail flounder. (Mr. Goethel/Mr. Blount)

One committee member stated that he understood the desire to achieve OY, but felt that this motion could undermine the work that had been done to increase the component-specific accountability for staying within the ACL. He felt that the intent of this should be reached through development of a mechanism to allow transfer between the components. The committee discussed whether the timing of this idea would work, and felt that it should be possible even though the fishing years are not identical in the two fisheries, since no fish are being carried over.

Public comment included:

- Drew Minkiewicz: We strongly support this motion, maximizing OY, and getting the most we can out of the fisheries available to us. Without a rollover you know exactly where you are on the ACL and whether it has been exceeded. The argument that it is precedent-setting does not hold a lot of weight. We treat fisheries differently all the time. Vote for whether this is right or wrong, not to avoid setting the wrong precedent.

The motion **carried** on a show of hands (6-3).

Council staff clarified that this applied to both stocks, but that the previous motion had any unused quota going back to the groundfish fishery for the Georges Bank stock only. They also clarified that if this sub-ACL was adopted, it would go back to the Scallop Committee to develop accountability measures, and that it would be added to the priorities discussion in November. It could possibly be added as a stand-alone issue to the scallop framework.

Report from the Northeast Regional Office on At-Sea Monitoring Levels for FY 2012

Mr. Michael Lanning from the NMFS NERO provided the committee with a detailed overview of the process that was used to determine at-sea monitoring coverage levels for FY 2011. The presentation is available on the NEFMC website.

NERO staff clarified in response to a committee question that the 30% c.v. level was mandated in Amendment 16 in accordance with the SBRM levels. NOAA General Counsel staff stated that the coverage requirement would need to be changed in an amendment to the FMP if so desired, but pointed out that the SBRM was vacated by a court order so the agency was considering those issues. In response to another question, Mr. Lanning stated that if discards were not allowed, monitoring may not be cheaper because important information would be missing.

Another committee member asked whether an observer effect had been considered for differences in behavior between observed and unobserved trips. Mr. Lanning responded that it was covered by the NEFSC in a different study, and that this study looked at whether sampling of trips was random rather than fishing behavior. The committee member asked whether he had heard of a report that concluded that random sampling was unlikely to have occurred in 2010, and Mr. Lanning replied that he had not. Council staff clarified that the report may be misleading because the system was not designed to assign trips randomly across sectors, but rather across strata, and that it had provisions built in to thwart attempts to manipulate the pre-trip notification system. Mr. Lanning further clarified that the assumption was that any observer effect would be the same through 2012, and a committee member asked for even a rough analysis to indicate whether observer effect should be considered more closely.

Mr. Lanning stated that the only way to ensure a c.v. level of 30% would be to have coverage of 90-100%. Council staff asked whether the sectors would be required to make up for coverage if the NEFOP levels fell below 8%. NMFS staff replied that they did not know, but that all sectors would follow the same deployment scheme.

One committee member specifically pointed out the high coverage level in NESC Sector XII, and asked to clarify whether less than half the strata were still being met in the sector. Mr. Lanning confirmed that this was true, explaining that the c.v. would be lower with more consistent fishing behavior. The committee member responded that that explanation begged the question of whether the right metric was being used to determine discards, and whether the Council's goals were

being met, since people who generate lower discards have the highest coverage. NMFS staff responded that the way the system was set up, it may work that way, and asked to look at what level it was possible to get the majority of discards covered in the desired strata.

Public comment included:

- Gib Brogan: We hoped this analysis would have been done when Amendment 16 was being put together. The 25% number seems to be a policy call using cost-benefit analysis, and the way I see it, contrary to what is in Amendment 16. Will there be an adjustment to the ACLs to account for the 24% of discards that are not covered under that coverage level? It seems like that fits under the category of uncertainty.

NMFS staff replied that it is up to the Council to determine uncertainty in terms of setting ACLs, and clarified that sectors cannot be exempted from at-sea monitoring, since it is currently considered a reporting requirement. Any changes to that would have to be approved by the Council.

Amendment 18 Scoping Document

A scoping document for Amendment 18 was distributed to the committee so that they could ensure that the addition of a new table, as requested by the Council, was satisfactory.

A committee member stated that it looked from the document like permits were not being traded in 2010, and that the third table in the document did not provide any information on whether consolidation was occurring. He recommended adding language that stated that some permits went to permit banks or non-profit organizations, and that some transfers occurred for regulatory reasons in which ownership did not change, as well as language that explained that table three only included one year of data. If possible, committee members wanted to include information on how many permits went to permit banks. The committee agreed by consensus that the document should be circulated once those minor revisions were made.

Committee Review of 2010 Priorities

The committee reviewed the draft list of priorities that was distributed and further developed at the Council meeting in September. A final vote on priorities will occur at the November Council meeting. The chair directed the committee to defer making motions on the priorities to the November committee meeting.

One committee member stated that the continuation of the habitat omnibus amendment to modify groundfish closed areas should be very high on the list of priorities. He noted that the NOAA Administrator recently gave testimony in which she stated that she would like an evaluation of input controls and to provide access to unused quota, and he advocated that the Council give priority to both issues in order to improve fleet diversity and lower industry costs. Some other committee members agreed with his statements. In response to a question from the committee, Council staff noted that the percentage of ACE carryover could probably be modified in a framework action.

A committee member stated that the specifications were a requirement for the priorities, and the other items on the list were more debatable. Another noted that a framework on sector issues

would require prioritization of revisions anyway, and argued that many of the priorities on the list would be subsumed in that conversation following the sector workshop. The chair pointed out that, the more complicated a framework is, the longer it will take to develop. Another member argued that a comprehensive catch monitoring action needed to be taken immediately because otherwise small boats would not be fishing after May 1st. The need to address monitoring was also mentioned by Dr. Lubchenco in her testimony.

Public comment included:

- Maggie Raymond: Is the ability to transfer ACE between fisheries on the list? I would like to see that spelled out more clearly for the next committee meeting, as well as separating catch monitoring into its own bullet. That should be #2 on the list of things to get done. I also support that doing that will be the best way to secure a more diverse fleet. You said no discussion of prioritizing as a whole? Since the advisors are meeting the day before the next committee meeting, will you ask them to weigh in on prioritizing?

The Chair responded that ACE transfer was considered part of the framework to adjust sector rules, and that the advisors would give input on priorities.

Other Business

The chair informed the committee that the TMGC would be holding a conference call on October 6th to discuss the Council's motion rejecting the TMGC recommendation of a 900-mt TAC for Georges Bank yellowtail flounder and replacing it with the SSC's recommendation of 1,150 mt. An update on that call will be given to the committee at their next meeting.

Council staff stated that a decision on whether to list sturgeon under the Endangered Species Act was forthcoming, and Ms. Murphy replied that it had been delayed several weeks. The decision is now expected in mid-November.

The meeting adjourned at 3:51 p.m.

