

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Radisson Hotel, Plymouth, MA
September 22-24, 2009
Motions

Tuesday, September 22, 2009

ELECTIONS

Chairman – John Pappalardo

Vice Chairman – Rip Cunningham

Executive Committee

1st seat – Terry Stockwell; 2nd seat – Jim Odlin; 3rd seat – Dave Pierce

MONKFISH

1. Mr. Stockwell moved on behalf of the committee:
to split Amendment 5, and defer consideration of the fully shaded measures in the July 15 version of the decision document to the next management action on monkfish, with the exception of the definition of OY, and to make consideration of catch shares for the monkfish fishery the priority for the next management action.

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

WHITING

2. Mr. Goethel moved on behalf of the committee:
to prioritize the list of issues to be addressed in Amendment 17 as: ACL/AMs, 3-year specification process, improved reporting and VMS requirements, bycatch, and task the advisory panel with developing limited access and catch share alternatives.
- 2a. Dr. Pierce moved to amend and Ms. Tooley seconded:
that the list of issues in order of priority to be addressed in Amendment 17 as: ACL/AMs, 3-year specification process, improved reporting and VMS requirements, bycatch, limited access and catch share alternatives. The advisory panel will be tasked with developing limited access and catch share alternatives.

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

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

Wednesday, September 23, 2009

SSC

1. Mr. Avila moved and Mr. Odlin seconded:
that the Council send the red crab ABC back to the SSC for further analysis.
- 1a. Mr. Stockwell moved to amend and Mr. Gibson seconded:
that the Council send the red crab ABC back to the SSC for further analysis after new peer review information is available and that a quorum is present throughout SSC deliberations.

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

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

2. Ms. McGee moved and Mr. Stockwell seconded:
to request the NRCC add to its October agenda, consideration of an improved process for the exchange of information between Councils and SSCs. This may include consideration of:
- providing a more open and transparent process
 - ensuring that the SSC has sufficient time to consider best available information to thoroughly respond to the Council's need for scientific advice
 - include a sufficient range of experts in deliberations relevant to the topic/species at hand

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

3. Dr. Pierce moved and Ms. Tooley seconded:
that the Council request the SSC revisit the size of the 40% buffer between OFL and ABC to consider whether application of recent years retrospective difference of about 17% is sufficient to account for scientific uncertainty caused by retrospective patterns.

The motion **carried** on a show of hands (8/7/1).

GROUND FISH

4. Mr. Odlin moved and Mr. Stockwell seconded:
the Council accepts the TMGC recommendations for FY 2010. The total allowable catch (TAC) for Eastern Georges Bank cod will be 1,350 mt (U.S. 338 mt; Canada 1,012 mt) and the TAC for Eastern Georges Bank haddock will be 29,600 mt (U.S. 11,988 mt; Canada 17,612 mt).

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

5. Mr. Goethel moved and Mr. Cunningham seconded:
that the Council set the TAC at 1,500 mt and the U.S. share at 960 mt.

- 5a. The motion was perfected to read:
that the Council set the TAC at 1,500 mt and the U.S. share will be determined by deducting 300 mt for the Canadian catch.

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

6. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council concurs with the groundfish PDT's approach for setting groundfish ACLs for FY 2010 – 2012, and agrees with the evaluation of management uncertainty.

- 6a. Dr. Pierce moved to amend and Mr. Odlin seconded:
that the Council concurs with the groundfish PDT's approach for setting groundfish ACLs for FY 2010 – 2012, and agrees with the evaluation of management uncertainty. The deduction for when we are more certain would be 3% and the deduction for when we are less certain would be 7%.

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

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

7. Mr. Cunningham moved and Ms. McGee seconded:
that the Council anticipates allocating the needed yellowtail flounder for the scallop fishery.
- 7a. Mr. Goethel moved to amend and Mr. Avila seconded:
that the Council anticipates allocating 5% of yellowtail flounder for the scallop fishery.
- 7b. Mr. Cunningham moved to substitute and Mr. Odlin seconded:
that the Council request the PDT to develop an analysis of groundfish/scallop revenue impacts under the different scenarios and the effects on fishing opportunities and that the PDT should determine the management uncertainty for the sub-ACL.

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

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

8. Mr. Cunningham moved and Mr. Stockwell seconded:
that the Council initiate a framework to deal with the Gulf of Maine cod and pollock Amendment 16 issues related to the common pool and that this Council meeting be considered the first framework meeting and that the November meeting be the target for the final framework meeting.
- 8a. Mr. Cunningham moved to substitute and Mr. Stockwell seconded:
that the Council direct the PDT to include measures in the Amendment 16 spec package to slow the catch in order not to exceed the ACL for the common pool with trip limit adjustments and/or differential DAS adjustments inseason by the Regional Administrator.

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

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

9. Mr. Cunningham moved and Mr. Grout seconded:
that it is the Council's intent that whenever NMFS deems it possible because sufficient data is available, in-season discard estimates should be used when monitoring sector and common-pool vessel catches. Staff is directed to make this clear in Amendment 16.

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

Thursday, September 24, 2009

SCALLOPS

1. Ms. McGee moved on behalf of the committee:
that Amendment 15 alternatives be modified to remove the 1% set aside for observer coverage from the ACL for the fishery and keep general category vessels exempt from the industry funded observer program in open areas. Also, to clarify that Option B be the only alternative in Amendment 15 for the overall ACL flowchart and to revise Amendment 15 so that general category fishery is allocated 5% of fishery ACL noting that the ACT allocations may be different based on the management uncertainty buffers selected for each fishery.

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

2. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified to include two options for identifying management uncertainty for the limited access (LA) fishery: 1) set LA ACT at F with 25% probability of exceeding LA portion of total ACL (after removing incidental catch, general category ACL and set-asides from the overall ACL=ABC) and; 2) identify a specific buffer based on results of new analyses of: a) variability in estimate of LPUE, or b) projected LPUE compared to actual LPUE estimates from open area DAS. Also, to include 2 options for the LAGC buffer for setting the LAGC ACT: 1) zero buffer (LAGC ACL = LAGC ACT); 2) up to 5% to account for potential monitoring concerns, IFQ carryover provision and other implementation error.

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

3. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified with a disclaimer concerning more than one standard deviation (*around overall ACL=ABC*) be modified to use fishing mortality instead of biomass. *[Clarify Alternative 3.2.3.9.2 so that overages are the responsibility of an individual – not the person that leased out their quota. Intent is that the vessel that harvested the scallops is responsible. Language will be modified with NOAA – committee consensus]*

- 3a. Ms. McGee moved to amend and Mr. Cunningham seconded: that Amendment 15 alternatives be modified with a disclaimer concerning more than one standard deviation (*around overall ACL=ABC*) be modified to use fishing mortality instead of biomass. Also, to direct staff to develop a formula to adjust DAS if the limited access sub-ACL is exceeded. *[Clarify Alternative 3.2.3.9.2 so that overages are the responsibility of an individual – not the person that leased out their quota. Intent is that the vessel that harvested the scallops is responsible. Language will be modified with NOAA – committee consensus]*

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

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

4. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified to replace all alternatives in Section 3.2.3.11.2.1 with alternatives below to be further developed by the PDT.
- closure of portion of yellowtail stock area with higher yellowtail bycatch to both fisheries (in-season and year 3 options);
 - closure of entire yellowtail stock area to both fisheries (in-season only);
 - fleet-wide max of DAS per stock area and max % of IFQ (year 3 only);
 - individual max of DAS per stock area and max % of IFQ (year 3 only). Consider allowing vessels to trade area-specific DAS and/or IFQ.
- Also, to clarify that all “subsequent year yellowtail AMs” would be effective in year 3 instead. All sections of document will be changed to reflect this clarification. Additional monitoring requirements for yellowtail sub-ACL will be developed by staff and included in the document working with NMFS. Lastly, to direct staff to develop a formula to adjust DAS if the LA sub-ACL is exceeded.

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

5. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified to expand range for second fishing power adjustment (the mortality adjustment) for public hearing document to 5%-11% for consideration. The value for the second adjustment could be modified by framework to an amount outside the initial percentage considered. Also, that the fishing power adjustment factors (could include both adjustments) should be reconsidered in the future and possibly adjusted if input controls are adjusted in future actions.

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

6. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified to allow a stacked vessel to carry up to 20 DAS to the following fishing year. (*motion clarifies that no action for this issue would be 10 DAS per stacked vessel*). Also, to include an alternative that if a trawl permit converts to dredge (through annual declaration) and stacks with another dredge permit it not be allowed to convert back to a trawl permit and fish both permits with trawl gear. [*Intent: once a trawl permit stacks with a dredge permit, it cannot go back to being a trawl permit*]

- 6a. Mr. Goethel moved to amend and Ms. Kurkul seconded: to include an alternative that if a trawl permit converts to dredge (through annual declaration) and stacks with another dredge permit it not be allowed to convert back to a trawl permit and fish both permits with trawl gear. [*Intent: once a trawl permit stacks with a dredge permit, it cannot go back to being a trawl permit*]

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

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

7. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified to separate out Section 3.3.2.3 and break out issue of status of stacked permits and allowance of de-stacking. Amendment 15 should include two options for de-stacking: Option A) allow de-stacking and Option B) prohibit de-stacking.

The motion **carried** on a show of hands (12/2/1).

8. Mr. Avila moved and Ms. McGee seconded: that Amendment 15 alternatives be modified to include three options: Option 1, any upgrades on vessels that stack be subject to the 10/10/20 rule; Option 2, that upgrades not be allowed on any vessels that stack and Option 3, upgrade subject to any fishing power adjustments.

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

9. Ms. McGee moved on behalf of the committee: that Amendment 15 alternatives be modified that the sector application to considered and rejected section (based on verbal testimony from the original potential applicants at Scallop Committee meeting on September 1, 2009)

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

10. Ms. McGee moved on behalf of the committee:
that Amendment 15 alternatives be modified to retain Community Fishing Association (CFA) alternative in Amendment 15. Also, to limit accumulation by a CFA to 5% of LAGC IFQ allocation, delete new entry option, and limit harvesting of CFA-held quota to LAGC permit holders and to clarify that CFAs would apply to LAGC permits and quota only.

10a. Mr. Stockwell moved to amend and Ms. Tooley seconded:
that Amendment 15 alternatives be modified to retain CFA alternative in Amendment 15. Also, to limit accumulation by a CFA to 5% of LAGC IFQ allocation, delete new entry option, and limit harvesting of CFA-held quota to LAGC permit holders and to clarify that CFAs would apply to LAGC permits and quota only and vessels with Northern Gulf of Maine LAGC permits.

The motion to amend **failed** on a show of hands (3/9/0).

10b. The main motion was voted:
that Amendment 15 alternatives be modified to retain CFA alternative in Amendment 15. Also, to limit accumulation by a CFA to 5% of LAGC IFQ allocation, delete new entry option, and limit harvesting of CFA-held quota to LAGC permit holders and to clarify that CFAs would apply to LAGC permits and quota only.

The motion **carried** on a show of hands (11/1/0).

11. Ms. McGee moved on behalf of the committee:
that Amendment 15 alternatives be modified to identify both stacking and leasing alternatives as preferred for Section 3.3 – measures to address excess capacity in the LA fishery and provide more flexibility for efficient utilization of the resource.

11a. Mr. Goethel moved to substitute and Mr. Stockwell seconded:
that there be no preferred alternatives for capacity and efficiency measures

The motion to substitute **failed** on a show of hands (6/6/0).

11b. The main motion was voted:
that Amendment 15 alternatives be modified to identify both stacking and leasing alternatives as preferred for Section 3.3 – measures to address excess capacity in the LA fishery and provide more flexibility for efficient utilization of the resource.

The motion **carried** on a show of hands (11/1/0).

12. Ms. McGee moved on behalf of the committee:
that Alternative 3.3.2.2.1 be the preferred alternative for fishing power and mortality adjustment for stacking and leasing DAS.

The motion **carried** on a show of hands (11/0/0).

13. Ms. McGee moved and Ms. Tooley seconded:
to include an option to allow limited access vessels that also hold general category quota to split that quota from that permit, and an additional option not to allow those vessels to split their quota from their permit.

The motion **carried** unanimously on a show of hands (11/0/0).

14. Dr. Pierce moved and Ms. Tooley seconded:
that the preferred alternative for Section 3.4.3 be Alternative 3.4.3.2 to modify EFH closed areas to scallop gear under Amendment 10 to be consistent with Northeast Multispecies Amendment 13.

The motion **carried** on a show of hands (9/2/0).

15. Ms. McGee moved and Mr. Goethel seconded:
to approve draft Amendment 15 for the public hearing process with changes made at the September Council meeting.

The motion **carried** on a show of hands (10/0/1).

16. Ms. McGee moved and Mr. Fair seconded:
recommend that the Council consider addressing the 10% limit on yellowtail bycatch in access areas in Framework 22, depending on staff resources.

The motion **carried** unanimously on a show of hands (11/0/0).

17. Ms. McGee moved on behalf of the committee:
that the Council initiate a joint action to consider moving the access area opening dates in groundfish closed areas as early as May 1 to reduce yellowtail bycatch.

- 17a. Dr. Pierce moved and Mr. Goethel seconded:
to postpone the previous motion until the November Council meeting.

The motion **carried** on a show of hands (9/1/0).

OTHER BUSINESS

18. Ms. Tooley moved and Dr. Pierce seconded:
that the Council recommend to the NEFSC that a benchmark assessment for Atlantic herring be performed under the SAW/SARC process during 2010 with results available as soon as possible.

The motion **carried** on a show of hands (10/0/1).