

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Hotel Viking, Newport, RI
September 28-30, 2010
Motions

Tuesday, September 28, 2010

ELECTIONS

Chairman – John Pappalardo

Vice Chairman – Rip Cunningham

By acclamation, John Pappalardo was elected Chair.

By acclamation, Rip Cunningham was elected Vice Chair.

EXECUTIVE COMMITTEE NOMINATIONS

1st seat – Terry Stockwell

2nd seat – Jim Odlin

3rd seat – Sally McGee

REPORTS

1. Mr. Cunningham moved and Mr. Grout seconded:
that the Council accept the draft policy concerning correspondence from the Council as the official policy.

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

SPINY DOGFISH

2. Mr. Pappalardo moved and Dr. Pierce seconded:
to select alternative ABC-B, risk alternative G, DOG-B, DOG-D and DOG-F as preferred alternatives for spiny dogfish.

- 2a. Dr. Pierce moved and Mr. Avila seconded:
to postpone action on dogfish annual catch limit/accountability measure provisions until the November Council meeting when the Council is scheduled to approve specs for 2011-2015.

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

- 2b. The main motion was perfected to read:
to select alternative ABC-B, risk alternative G, DOG-B, DOG-D and DOG-F as preferred alternatives for spiny dogfish also to select Review B-C and modify B.

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

SKATES

3. Mr. Cunningham moved and Mr. Preble seconded:
that the Council request that the Service take emergency action to insure that OY is reached in the skate fishery and that the Council request the skate PDT produce an analysis of the first quarter landings and discard data to be reported at the November Council meeting to make sure the current discard estimate is as accurate as possible.

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

HERRING

4. Mr. Odlin moved and Ms. Tooley seconded:
to remove all options labeled in the Amendment 5 outline that are identified as 'no' or 'not sure' as to be ready for a draft EIS for consideration at this time.

- 4a. The motion was perfected to read:
to remove all options labeled in the Amendment 5 outline that are identified as 'no' or 'not sure', including all items in Section 2.6.2, as to be ready for a draft EIS for consideration at this time.

- 4b. Mr. Odlin moved to amend and Ms. Tooley seconded:
to include Sections 2.9.2 and 2.9.3 for elimination to the document.

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

- 4c. Mr. Blount moved to amend and Mr. Cunningham seconded:
to exempt Section 2.11.3 from elimination and modify Section 2.11.2 to include an industry-funded mechanism in the event there are no federal funds.

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

- 4d. Dr. Pierce moved to amend and Mr. Libby seconded:
to remove all options labeled in the Amendment 5 outline that are identified as 'no' or 'not sure' including all items in Section 2.6.2. In addition, to exempt Sections 2.9.4 and 2.11.3 from elimination and modify Section 2.11.2 to include an industry-funded mechanism in the event there are no federal funds.

The motion to amend **failed** on a show of hands (7/8/1).

- 4e. The main motion as amended:
to remove all options labeled in the Amendment 5 outline that are identified as 'no' or 'not sure' including all items in Section 2.6.2. In addition, to exempt Section 2.11.3 from elimination and modify Section 2.11.2 to include an industry-funded mechanism in the event there are no federal funds.

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

5. Mr. Grout moved on behalf of the committee:
to request that the states continue and expand their portside sampling programs provided funds are found for the program, in support of the Council's priority for portside sampling coverage and that the herring PDT and technical committee jointly meet to review the states shoreside monitoring programs in order to address the goals and objectives of Amendment 5.

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

6. Mr. Grout moved on behalf of the committee:
that the Council prioritize a joint groundfish/herring action (as part of herring Amendment 5) to establish criteria for midwater trawl vessel access to the groundfish closed areas.

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

7. Mr. Cunningham moved and Mr. Stockwell seconded:
that the Herring Committee consider developing measures that protect spawning fish in Amendment 5.

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

8. Dr. Pierce moved and Mr. Fair seconded:
referencing the option on page 38, that except for (3) (spiny dogfish), it will be assumed that the sea herring not pumped on board will equal 100,000 lbs. to be counted as part of the catch and against the quota for that management area. When the total catch of herring-not-pumped over all tows in that management area exceeds 1 million lbs., each additional release of sea herring for reasons given in (1) and (2) will cause trip termination and the vessel will be required to return to port.

The motion **carried** on a show of hands (11/4/0).

9. Mr. Preble moved but it did not receive a second:
that the Council ask the committee to prohibit midwater trawl vessels from contacting the bottom while fishing.

The motion **died** for lack of a second.

10. Mr. Libby moved and Mr. Fair seconded:
to direct the Herring Committee to develop two alternatives for inclusion in Amendment 5 establishing a river herring (blueback and alewife) catch cap (bycatch and incidental) in the Atlantic herring fishery.

1) a provisional catch cap beginning upon implementation of Amendment 5 based on catch history - either (a) VTR reports for the past 3 years (or another number of years) or (b) catch estimated based on observer data. It is intended that this provisional cap be in place until the permanent catch cap is implemented.

2) a permanent catch cap required to begin in the second fishing year under Amendment 5. This cap will replace the provisional cap and be based on river herring biology.

When NMFS determines that the Atlantic herring fishery has reached the cap for river herring, the directed fishery for Atlantic herring will be closed.

- 10a. Dr. Pierce moved to substitute and Ms. Tooley seconded:
that slippage caps and bycatch caps in the herring fishery be added to the list of items that can be implemented by a framework in the future.

The motion to substitute **failed** on a show of hands (2/13/0).

- 10b. Mr. Grout moved to amend and Mr. Goethel seconded:
to direct the Herring Committee to develop two alternatives for inclusion in Amendment 5 establishing a river herring (blueback and alewife) catch cap (bycatch and incidental) in the Atlantic herring fishery.

1) a provisional catch cap beginning upon implementation of Amendment 5 based on catch history - either (a) VTR reports for the past 3 years (or another number of years) or (b) catch estimated based on observer data. It is intended that this provisional cap be in place until the permanent catch cap is implemented.

2) a permanent catch cap will replace the provisional cap and be based on river herring biology and stock assessment conducted by ASMFC.

When NMFS determines that the Atlantic herring fishery has reached the cap for river herring, the directed fishery for Atlantic herring will be closed.

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

- 10c. Ms. Kurkul moved and Mr. Stockwell seconded:
to table the previous motion and remand the issue back to the Herring Committee.

The motion **carried** on a show of hands (9/5/0).

11. Ms. Kurkul moved and Dr. Pierce seconded:
to direct the Herring Committee to develop a river herring catch cap option.

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

Wednesday, September 29, 2010

MONKFISH

1. Mr. Stockwell moved and Mr. Preble seconded:
to initiate Framework Adjustment 7 to adopt new biomass reference points and to revise the northern management area ACT and associated management measures consistent with the revised ABC values. The first framework meeting will be held in November and the final meeting will be in January, 2011.

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

JT GROUND FISH/SCALLOPS

2. Mr. Cunningham moved on behalf of the committee:
recommend to the Council that the joint groundfish/scallop committee be suspended and forward all the joint advisory panel recommendations to appropriate committees for further development.

- Adjust the Georges Bank yellowtail flounder rebuilding strategy. (Groundfish FW 45)
- Develop an option to eliminate the Georges Bank access areas yellowtail flounder 10% cap. (Groundfish Cte)
- To allow a limited number of cooperative research trips to provide up to date information on bycatch rates and spawning periods.
- Allow formation of voluntary bycatch cooperatives to the purpose of developing gear modifications. (Scallop Cte)
- Allocate 100% of the scallop fishery estimated yellowtail flounder catch to the scallop fishery. (Groundfish Cte currently 100%, 90%, 90%)
- Do not change the fishing year. (Scallop Cte Amendment 15)
- To define the general category IFQ fishery as an ³other subcomponent² of the groundfish catch/ACLs. (Groundfish Cte)
- Revise/eliminate the Georges Bank closed areas for both groundfish fishing by sector vessels and for access by scallop vessels. (Groundfish Cte)
- Support a program that provides access to the year-round closed areas for a study fleet for the purpose of identifying maximum meat yield and eliminating bycatch.

Reverse the Amendment 16 decision to require groundfish sectors to bear the cost of at-sea monitoring and to instead share those costs with NMFS. (Groundfish Cte under consideration for Framework 45)

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

SCALLOPS – Capacity discussion

3. Dr. Pierce moved on behalf of the committee:
to recommend no action as it pertains to stacking (3.3.2) as the preferred alternative to address capacity in the limited access fishery.

The motion **carried** on a roll call vote (11/6/0).

Yes – Messrs. Alexander, Avila, Fair, Goethel, Grout, Leary, Libby, McGee, Pierce, Preble, Stockwell

No – Messrs. Blount, Cunningham, Gibson, Odlin, Ms. Kurkul and Ms. Tooley

Abstention(s) –

4. Dr. Pierce moved on behalf of the committee:
to adopt leasing of days-at-sea and/or access area trips as preferred for Amendment 15 (Alternative 3.3.3).

Yes – Ms. Tooley, Mr. Odlin, Ms. McGee, Ms. Kurkul, Messrs. Gibson, Cunningham, Blount

No – Messrs. Preble, Pierce, Libby, Leary, Grout, Goethel, Fair, Avila, Alexander

Abstention(s) – Stockwell

The motion **failed** on a roll call vote (7/9/1).

Annual Catch Limit Discussion

5. Dr. Pierce moved on behalf of the committee:
to recommend adoption of the ACL/ACT/ABC structure identified and described in Sections 3.2.3.2 through 3.2.3.8 of Amendment 15, together with the proposed sub-ACLs, ACTs, structural flowchart, and related methods to account for discards, incidental catch, northern Gulf of Maine catch, state waters catch, and other sources of mortality.

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

6. Dr. Pierce moved on behalf of the committee:
to recommend adoption of the ABC control rule in Section 3.2.3.7.3, so that the ABC will be set at a fishing rate that has a 25% probability of overfishing. (Relevant to Decision 1 in updated decision document)

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

7. Dr. Pierce moved on behalf of the committee:
that Option 1 in Section 3.2.3.8.1 be the preferred alternative, establishing the limited access ACT at an F rate with a 25% probability of exceeding the limited access ACL to account for management uncertainty.

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

8. Dr. Pierce moved on behalf of the committee:
that Option 1 in Section 3.2.3.8.2 be the preferred alternative, establishing the limited access general category ACT equal to the limited access general category ACL with no buffer.

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

9. Dr. Pierce moved on behalf of the committee:
to recommend adoption of the limited access AMs described in Section 3.2.3.9.1 of Amendment 15, including: (1) use of an ACT, (2) overall DAS reduction in the subsequent year to account for overage, and (3) include disclaimer for when limited access AM would not be triggered.

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

10. Dr. Pierce moved on behalf of the committee:
to recommend adoption of the general category AMs in Section 3.2.3.9.2 of Amendment 15, including: (1) use of an ACT, (2) IFQ reductions in subsequent year if IFQ is exceeded.

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

11. Dr. Pierce moved on behalf of the committee:
to recommend adoption of the NGOM AMs in Section 3.2.3.9.3 of Amendment 15, including reducing the hard TAC in the subsequent year to account for an overage.

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

12. Dr. Pierce moved on behalf of the committee:
to identify Option B in Section 3.2.3.11.2.1.1 as the preferred alternative for the yellowtail flounder AMs, requiring a seasonal closure of a portion of the yellowtail stock area pre-identified as having high bycatch, effective in Year 3.

- 12a. Mr. Cunningham moved and Mr. Preble seconded:
to table the previous motion.

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

13. Dr. Pierce moved on behalf of the committee:
to identify Option 3.4.1.3 as the preferred alternative, establishing the hybrid overfishing definition to address the spatial heterogeneity of F.

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

14. Dr. Pierce moved and Mr. Cunningham seconded:
that the Council modify the current reference points in the overfishing definition to reflect results from SAW 50. Specifically B_{\max} and F_{\max} replaced with B_{msy} and F_{msy} .

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

15. Dr. Pierce moved on behalf of the committee:
to allow a rollover of up to 15% of annual quota for limited access general category vessels – Alternative 3.4.2.1.2. Clarify that 15% refers to original allocation for that year, not including any leased quota.

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

16. Dr. Pierce moved on behalf of the committee:
to modify the limited access general category possession limit to 600 lbs.

- 16a. Mr. Stockwell moved to amend and Mr. Fair seconded:
that the Council adopt the no action Alternative 3.4.2.2.1.

The motion to substitute **failed** on a show of hands (5/11/1).

- 16b. The main motion was voted:
to modify the limited access general category possession limit to 600 lbs.

The motion **carried** on a show of hands (14/2/1).

Thursday, September 30, 2010

SCALLOPS - *Continued*

1. Dr. Pierce moved on behalf of the committee:
to support increasing the maximum quota one vessel can harvest from 2% to 2.5%.

The motion **carried** on a show of hands (9/6/1).

2. Dr. Pierce moved on behalf of the committee:
to support Alternative 3.4.2.4.1 Option B – that limited access general category quota can be split from permit for limited access general category IFQ vessels only. Vessels with limited access permits would not be able to split quota.

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

3. Dr. Pierce moved and Mr. Odlin seconded:
to modify EFH closed areas to scallop gear under Amendment 10 to be consistent with multispecies Amendment 13.

- 3a. Mr. Preble moved to amend and Ms. McGee seconded:
that it exclude the proposed changes in Closed Area II.

The motion to amend **failed** on a show of hands (2/15/0).

- 3b. The main motion was voted:
to modify EFH closed areas to scallop gear under Amendment 10 to be consistent with multispecies Amendment 13.

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

4. Dr. Pierce moved on behalf of the committee:
that Council adopt the RSA alternatives supported by the advisory panel. In addition, the compensation time period for Alternative 3.4.4.9 shall extend one quarter into the following fishing year and the initial RSA set-aside value shall be 1.25 million pounds. Also, support RSA Alternatives 3.4.4.2 through 3.4.4.5 and 3.4.4.7, 3.4.4.8.5 and 3.4.4.9 through 3.3.4.11 excluding 3.4.4.6. Clarify that the value used for 3.4.4.5 should be added to the list of frameworkable items in the FMP.

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

5. Dr. Pierce moved on behalf of the committee:
to select Alternative 3.4.5.1 as preferred; the fishing year would maintain March 1.

- 5a. Ms. McGee moved to substitute and Mr. Preble seconded:
to adopt Section 3.4.5.2 to change the start of the fishing year from March 1 to May 1.

The motion to substitute **failed** on a show of hands (7/9/1).

- 5b. The main motion was voted:
to select Alternative 3.4.5.1 as preferred; the fishing year would maintain March 1.

The motion **carried** on a show of hands (13/4/0).

6. Dr. Pierce moved on behalf of the committee:
that the Council include an alternative in Amendment 15 to modify the specifications package so that a 3rd year would be recommended until superseded by the next specification package.

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

7. Dr. Pierce moved and Mr. Avila seconded:
that the Council add to the list of frameworkable items in the FMP:

- modify the general category possession limit
- adjustment to aspects of annual catch limit management
- fishing power adjustments
- and adjusting EFH boundaries

- 7a. The motion was perfected to read:
that the Council add to the list of frameworkable items in the FMP:

- modify the general category possession limit
- adjustment to aspects of annual catch limit management
- adjusting EFH boundaries

The motion, as perfected, **carried** on a show of hands (14/2/0).

8. Dr. Pierce moved and Mr. Stockwell seconded:
if by January 15 the Regional Administrator determines that either yellowtail flounder sub-ACL for the scallop fishery will be exceeded, the statistical areas specified in amendment15 will be closed to scallop fishing on march 1 and remain closed for the length of time specified in table xx. The closure areas and/or table xx will be reviewed and may be revised in each biennial scallop framework.

- 8a. The motion was perfected to read:
if by January 15 the Regional Administrator determines that either yellowtail flounder sub-ACL for the scallop fishery will be exceeded, the statistical areas specified in Amendment15 will be closed to scallop fishing on March 1 and remain closed for the length of time specified in graphs to be developed by the scallop PDT prior to submission of Amendment 15. The areas and times may potentially be refined in Framework 22, and the closure areas and/or graph will be reviewed and may be revised in each biennial scallop framework. Closures would not apply to the general category fleet.

- 8b. Mr. Alexander moved to amend and Mr. Avila seconded:
if by January 15 the Regional Administrator determines that either yellowtail flounder sub-ACL for the scallop fishery will be exceeded, the statistical areas specified in Amendment 15 will be closed to scallop fishing on March 1 and remain closed for the length of time specified in graphs to be developed by the scallop PDT prior to submission of Amendment 15. The areas and times may potentially be refined in Framework 22 and the closure areas and/or graph will be reviewed and may be revised in each biennial scallop framework. Closures would not apply to general category trips.

The motion to amend **carried** on a show of hands (10/6/0).

- 8c. The amended motion was perfected to read:
if by January 15 the Regional Administrator determines that either yellowtail flounder sub-ACL for the scallop fishery will be exceeded, the statistical areas specified in Amendment 15 will be closed to scallop fishing on March 1 and remain closed for the length of time specified in graphs to be developed by the scallop PDT prior to submission of Amendment 15. The areas and times may potentially be refined in Framework 22 and the closure areas and/or graph will be reviewed and may be revised in each biennial scallop framework. Closures would not apply to general category trips in exempted areas.

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

9. Dr. Pierce moved and Mr. Stockwell seconded:
that an expansion of VMS should include reports for each trip of yellowtail flounder catch and all other species landed by stock area.
- 9a. Ms. Tooley moved to amend and Mr. Stockwell seconded:
that an expansion of VMS should include daily reports for each trip of yellowtail flounder catch and all other species landed by stock area.

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

The amended motion **carried** on a show of hands (15/2/0).

10. Mr. Goethel moved and Mr. Preble seconded:
if the limited access disclaimer is triggered, then 5.5% of the difference between the exceeded limited access sub-ACL and the actual limited access landings will be applied to the LAGC IFQ fleet in the fishing year two years after the overage. The poundage will be divided among the IFQ fleet in the same way that all quota is divided now.

- 10a. The motion was perfected to read:
in Section 3.2.3.9.1, if the limited access disclaimer is triggered, then 5.5% of the difference between the exceeded limited access sub-ACL and the actual limited access landings will be allocated to the limited access general category IFQ fleet in the next fishing year. The poundage will be deducted directly from the following year's limited access sub-ACL and will be divided among the IFQ fleet in the same way that all quota is divided now.

The motion, as perfected, **carried** on a show of hands (11/3/0).

11. Dr. Pierce moved on behalf of the committee:
to adjust in 2011 for any overages in the scallop yellowtail flounder subcomponent in 2010 if the overall annual catch limit for yellowtail flounder is exceeded in 2010. The specific measure will be the same measure adopted as the yellowtail accountability measure in Amendment 15 for future years.

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

12. Dr. Pierce moved and Mr. Cunningham seconded:
that the Council approve Amendment 15, as amended, for submission to NMFS for review and approval.

The motion **carried** on a roll call vote (10/5/1).

Yes – Messrs. Alexander, Avila, Cunningham, Fair, Grout, Leary, Libby, Pierce, Preble, Stockwell

No – Messrs. Blount, Gibson, Odlin, Ms. McGee, Ms. Tooley

Abstention(s) – Ms. Kurkul

RED CRAB

13. Ms. Tooley moved on behalf of the committee:
that the Council approve Amendment 3 including the preferred alternatives recommended by the committee and the alternative that would allow the landing of female red crab in a future framework action based on the recommendation of the SSC.

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

TMGC

14. Mr. Lapointe moved on behalf of the committee:
that the Council approve the following 2011 quotas for the U.S./CA sharing area: (1) cod – 1,050 mt (U.S. share 200 mt, Canadian share 850 mt), (2) haddock – 22,000 mt (U.S. share 9,460 mt, Canadian share 12,540 mt), (3) yellowtail flounder – 1,900 mt (U.S. share 1,045 mt, Canadian share 855 mt).

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

GROUND FISH

15. Mr. Blount moved and Mr. Cunningham seconded:
to include two options for the whaleback spawning closure in Framework 45: Option 1 (no action) and Option 2 Version 1; to include the small vessel permit Category C in the dockside monitoring exemption in Option 2, if fishing in the common pool; to recommend to the Council to have a trip limit of 300 lbs. for handgear A permits for GOM cod up to the percent sector contribution of handgear A permits; to recommend to the Council that Framework 45 include an option to remove the Amendment 16 requirements for groundfish vessels to pay for at-sea monitoring costs in 2012 and to recommend the Council eliminate the Amendment 16 requirement for dockside monitoring for groundfish vessels.

- 15a. Mr. Grout moved to amend and Mr. Gibson seconded:
to add to Section 1.2 under Option 2 the State of MA permit bank sector and the State of NH's permit bank sector.

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

- 15b. Ms. Kurkul moved to amend Mr. Blount seconded:
to include 2 options for the whaleback spawning closure in Framework 45: Option 1 no action and Option 2 Version 1; to include the small vessel permit Category C to the dockside monitoring exemption in Option 2, if fishing in the common pool; to recommend to the Council to have a trip limit of 300 lbs. for handgear A permits for GOM cod up to the percent sector contribution of handgear A permits; replace Option 3 in Section 1.5 with the following language: modify the Amendment 16 requirements for groundfish vessels to pay for at-sea monitoring costs in 2012 to say that in the absence of federal funding the industry will pay at-sea monitoring costs in 2012 and to recommend the Council eliminate the Amendment 16 requirement for dockside monitoring for groundfish vessels.

The motion to amend **failed** on a show of hands (5/11/0).

- 15c. The main motion as amended was voted:
to include 2 options for the whaleback spawning closure in Framework 45: Option 1 no action and Option 2 Version 1; to include the small vessel permit Category C to the dockside monitoring exemption in Option 2, if fishing in the common pool; to recommend to the Council to have a trip limit of 300 lbs. for handgear A permits for GOM cod up to the percent sector contribution of handgear A permits; to recommend to the Council that Framework 45 include an option to remove the Amendment 16 requirements for groundfish vessels to pay for at-sea monitoring costs in 2012 and to recommend the Council eliminate the Amendment 16 requirement for dockside monitoring for groundfish vessels. Also, to add to Section 1.2 under Option 2 the State of MA and State of NH's permit bank sector.

The main motion, as amended, **carried** on a show of hands (14/2/0).

16. Mr. Blount moved on behalf of the committee:
a state-operated permit bank sponsored by NOAA shall be considered a sector for the exclusive purpose of transferring ACE to qualifying sectors. Such permit banks will be allocated ACE for a fishing year based on the PSCs of permits owned by the permit bank that are declared as ACE permits for that fishing year. All or a portion of a permit bank's ACE for any northeast multispecies stock may be transferred to a qualifying sector at any time during the fishing year. Permit banks may only act as the transferor in an ACE transfer.

- 16a. Mr. Grout moved to substitute and Mr. Stockwell seconded:
to substitute the 1st paragraph under Option 2 of Section 1.7 with the following: a state-operated permit bank, sponsored by NOAA, is defined as a partnership between NOAA and one or more states in which federal grant funds are used by the state(s) to obtain federal fishing vessel permits so that the fishing access privileges associated with those permits may be allocated by the state(s) to qualifying commercial fishermen according to criteria to which NOAA and the state(s) have agreed. NOAA-sponsored, state-operated permit banks are subject to U.S. Department of Commerce regulations regarding program income, such that any revenue generated by the permit banks may only be used to defray the program costs of operating the permit bank, or must be returned to the federal government to reduce the amount of the initial grant award. Such entities shall be authorized to transfer ACE to sectors. All portions of a permit banks ACE for any northeast multispecies stock may be transferred to a sector at any time during the fishing year. Permit banks may only act as the transferor in an ACE transfer.

- 16b. Mr. Cunningham moved and Mr. Odlin seconded:
to table the previous motion two motions (16 and 16a).

The motion to table **carried** on a show of hands (10/5/0).

17. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council initiate an amendment to the groundfish plan for the single purpose of dealing with state operated permit banks.

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

18. Mr. Odlin moved and Ms. Tooley seconded:
to add an option to Framework Adjustment 45: that the Georges Bank yellowtail flounder rebuilding would be rebuilt by 2019 with at least 60% probability of success. (Framework 45, Option 1.1.2, sub-option D)

The motion **carried** on a show of hands (9/7/0).

19. Mr. Blount moved on behalf of the committee:
the Council recommends, based on the fleet diversity report, the establishment of individual accumulation caps for the groundfish fishery in the next appropriate action.

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