

**New England Fishery Management Council
Tavern on the Harbor
Gloucester, Massachusetts
November 14-16, 2006**

MOTIONS

Tuesday, November 14, 2006

HABITAT

1. Ms. McGee moved on behalf of the committee:
to include the PDT Great South Channel Option 1 (Map 1 in the 11/1/06 habitat PDT memo to the committee, Document 2) alternative as an HAPC alternative for cod EFH in the Phase 1 DSEIS for public comment.

Yes – Cunningham, Goethel, Kurkul, Leary, Stockwell, McGee, Nelson, Odlin, Preble, Rice,
Ruhle, Salisbury, Simpson, Gibson

No –

Abstention(s) –

The motion **carried** unanimously on a roll call vote (13/0/0).

2. Mr. Ruhle moved and Mr. Rice seconded:
that when the Council uses a consensus statement or other agreed position, they clearly reflect their intent within the motion document.
- 2a. Mr. Hill moved and Mr. Nelson seconded:
to table the previous motion.

The motion to table **carried** on a voice vote.

The motion was tabled.

3. Ms. McGee moved and Mr. Hill seconded:
that the Council direct the Habitat Committee, in collaboration with NMFS, to develop geographically-specified sub regions that may be used for fisheries management.
- 3a. The motion was perfected to read:
that the Council direct the Habitat Committee, in collaboration with NMFS, to develop geographically-specified sub regions based on ecosystem principles that may be used for fisheries management.

The motion **carried** unanimously on a show of hands.

4. Mr. Cunningham moved and Mr. Nelson seconded:
that the Council accept the 2007 priorities / committee tasking above the line as recommended to the Council on 11/14/06.

4a. Mr. Stockwell moved to amend and Mr. Preble seconded:
to substitute the Whiting Amendment with the Sector Omnibus Amendment on the priorities list.

The motion to amend **failed** on a show of hands (7/8/0).

4b. Mr. Salisbury moved to amend and Mr. Preble seconded:
to substitute the Skate Amendment with the Sector Omnibus Amendment on the priorities list.

4c. The amended motion was perfected to read:
to substitute the herring specs priority with the Sector Omnibus Amendment and that the SBRM priority would become a Council discussion item only.

Yes – Hill, McGee, Kurkul, Stockwell, Odlin, Preble, Rice, Ruhle, Salisbury

No – Cunningham, Goethel, Leary, Nelson, Simpson, Gibson

Abstention(s) –

The amended motion **carried** on a roll call vote (9/6/0).

4d. The main motion as amended was voted:
that the Council accept the 2007 priorities / committee tasking above the line as recommended to the Council on 11/14/06 and to substitute the herring specs priority with the Sector Omnibus Amendment and that the SBRM priority would become a Council discussion item only.

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

Wednesday, November 15, 2006

MONKFISH

1. Mr. Pappalardo moved and Mr. Nelson seconded:
that the Council adopt the 11 decisions contained in the 11/7 memo to the Council for inclusion in Framework Adjustment 4 to the monkfish plan.

1a. Dr. Pierce moved to amend and Mr. Nelson seconded:
to adjust the total allowable catch for the northern stock to 6.0 (6,000mt) (method M2 in Table 1 in the appendix).

The motion to amend **failed** on a show of hands (3/13/0).

- 1b. Ms. Kurkul moved to amend and Mr. Gibson seconded:
that consistent with the SFMA, vessels in the NMFA be required to declare a monkfish days-at-sea prior to crossing the demarcation line after leaving port.

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

- 1c. Dr. Pierce moved to amend and Mr. Cunningham seconded:
to delete the enrollment program allowing vessels the ability to select into Alternative 2 outside of the fishing year.

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

- 1d. The main motion as amended was voted:
that the Council adopt the 11 decisions contained in the 11/7 memo from the committee to the Council for inclusion in Framework Adjustment 4 to the monkfish plan. Also, to delete the enrollment program allowing vessels the ability to select into Alternative 2 outside of the fishing year (*motion is comprised of decision 1 and decisions 3 through 11*).

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

2. Mr. Pappalardo moved on behalf of the committee:
to recommend the Council initiate Framework Adjustment 5 for the sole purpose of implementing a monkfish days-at-sea leasing program for the 2009 fishing year. The program will have the standard of being conservation neutral to the extent possible and may include a conservation tax as a means to achieving conservation neutrality, and it will incorporate days-at-sea data from the 2007 fishing year.

- 2a. Mr. Salisbury moved to amend and Mr. Ruhle seconded:
that the Council, in the next monkfish framework or amendment, include a consideration for a monkfish days-at-sea leasing program.

The motion to amend **failed** on a show of hands (7/8/0).

- 2b. The main motion was voted:
to recommend the Council initiate Framework Adjustment 5 for the sole purpose of implementing a monkfish days-at-sea leasing program for the 2009 fishing year. The program will have the standard of being conservation neutral to the extent possible and may include a conservation tax as a means to achieving conservation neutrality, and it will incorporate days-at-sea data from the 2007 fishing year.

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

- 2c. Mr. Nelson moved and Mr. Hill seconded:
to reconsider the previous motion.

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

- 2d. Mr. Nelson moved to amend and Mr. Hill seconded:
recommend that the reconsidered motion be a consideration for the action plan of 2008.

The motion to amend was **withdrawn**.

- 2e. Dr. Pierce moved to amend and Ms. McGee seconded:
to delete the words “to the extent possible” from the reconsidered motion.

The motion to amend **failed** on a show of hands (4/12/0).

- 2f. The reconsidered motion was voted:
to recommend the Council initiate Framework Adjustment 5 for the sole purpose of implementing a monkfish days-at-sea leasing program for the 2009 fishing year. The program will have the standard of being conservation neutral to the extent possible and may include a conservation tax as a means to achieving conservation neutrality, and it will incorporate days-at-sea data from the 2007 fishing year.

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

3. Mr. Pappalardo moved on behalf of the committee:
to recommend that general category scallop vessels fishing within the exemptions granted under the groundfish plan be allowed the same monkfish incidental catch allowed in small dredge fisheries in other management areas, that is, 50 lbs. tail weight per day to a maximum of 150 lbs.

- 3a. Mr. Cunningham moved to amend and Mr. Stockwell seconded:
to recommend for consideration that general category scallop vessels fishing within the exemptions granted under the groundfish plan be allowed the same monkfish incidental catch allowed in small dredge fisheries in other management areas, that is, 50 lbs. tail weight per day to a maximum of 150 lbs.

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

- 3b. Mr. Simpson moved to amend and Mr. Preble seconded:
that the Council write a letter to the Regional Administrator recommending that general category scallop vessels fishing within the exemptions granted under the groundfish plan be allowed the same monkfish incidental catch allowed in small dredge fisheries in other management areas, that is, 50 lbs. tail weight per day to a maximum of 150 lbs.

The motion **failed** on a show of hands (7/8/0).

- 3c. The main motion was voted:
to recommend that general category scallop vessels fishing within the exemptions granted under the groundfish plan be allowed the same monkfish incidental catch allowed in small dredge fisheries in other management areas, that is, 50 lbs. tail weight per day to a maximum of 150 lbs.

The motion **failed** on a show of hands (3/10/2).

4. Mr. Pappalardo moved and Mr. Nelson seconded:
that the Council approve and forward Framework Adjustment 4, as amended, to the Monkfish FMP to NMFS.

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

SCALLOPS

5. Dr. Pierce moved and Mr. Cunningham seconded:
that the Council initiate Amendment 13 to the Scallop FMP to reactivate the industry-funded observer program for the scallop fishery. The program will include improvements identified by the PDT provided those improvements do not delay the amendment process. If a delay is anticipated, additional measures will be added to the list of frameworkable items.

- 5a. The motion was perfected to read:
that the Council initiate Amendment 13 to the Scallop FMP to reactivate the industry-funded observer program for the scallop fishery. The program will include improvements identified by the PDT provided those improvements do not delay the amendment process and adjustments in the observer program will be added to the list of frameworkable items.

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

6. Mr. Odlin moved and Mr. Stockwell seconded:
that the Council initiate Framework Adjustment 19 to the Scallop FMP to set management measures for FY 2008 and FY 2009.

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

7. Mr. Odlin moved and Mr. Stockwell seconded:
that the Council recommend that NMFS consider interim action to prevent overfishing in 2007 and implement Alternative 2 as described in the 11/7 PDT memo to Council.

- 7a. Mr. Goethel moved to substitute and Mr. Preble seconded:
that the Council recommend that NMFS consider interim action to prevent overfishing in 2007 and implement Alternative 3 as described in the 11/7 PDT memo to Council.

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

- 7b. Dr. Pierce moved to amend and Mr. Rice seconded:
that the Council recommend that NMFS consider interim action to prevent overfishing in 2007 and implement Alternative 2 as described in the 11/7 PDT memo to Council. Additionally, this interim action should 1) delay the opening of the Elephant Trunk Area until 3/1/07 and 2) prohibit vessels fishing in any access area from leaving that area with more than 50 bushels of unshucked scallops.

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

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

HERRING

8. Mr. Pierce moved and Mr. Ruhle seconded:
that the Council adopt, as priorities for cooperative research, Items 1-6 as described in the 11/2 memo to Council for the 2008 and 2009 fishing years:
1. Efforts to define localized depletion on a spatial and temporal scale; continue to develop hydroacoustic surveys to provide an independent means of estimating stock sizes and/or defining localized depletion
 2. Investigate bycatch/discards in the directed herring fishery
 3. Continue commercial catch sampling program and portside bycatch survey
 4. Synthesize predator/prey information and conduct investigations to address information gaps; investigate the role of herring in the Northwest Atlantic ecosystem and the importance of herring as forage relative to other forage species in the region
 5. Develop and test gear modifications to minimize interactions with non-target species in the Atlantic herring fishery
 6. Develop tagging and morphometric studies to explore uncertainties in stock structure, stock mixing rates and the impacts of harvest mortality on different components of the stock

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

Thursday, November 16, 2006

SMALL MESH MULTISPECIES (SMM)

1. Dr. Pierce moved on behalf of the cte:
to adopt the following SMM objectives. Note that the annual purpose is to:
1. Prevent excess capacity in the harvesting sector of the fishery
 2. Maintain fishing mortality at acceptable levels
 3. Control fishing mortality on juveniles as appropriate
 4. Allow for industry flexibility through dedicated access privileges
 5. Simplify and improve management of the SMM fishery through the development of a stand-alone FMP

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

GROUND FISH

2. Mr. Cunningham moved and Mr. Goethel seconded:
that the Council set the 29th of December 2006 as the cutoff date for the final submission of alternative management measures for consideration under Amendment 16.

- 2a. Mr. Goethel moved and Mr. Nelson seconded:
to table the previous motion to a time certain.

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

3. Mr. Nelson moved and Mr. Goethel seconded:
proposals must be submitted in accordance with the document entitled 'Standards for Evaluating New Management System' using as guidance numbers 1, 3, 7, 9.

- 3a. The motion was perfected to read:
proposals should be submitted using as guidance numbers 1, 3, 7 and 9 from the document entitled 'Standards for Evaluating New Management System' and that Standard 1 be revised to read "any new management system should..."; Standard 3 be revised to read "proposed management concepts may..." and that the word "entire" be removed from Standard 9.

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

4. Mr. Cunningham moved and Mr. Nelson seconded:
to return the tabled motion to the table.

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

- 4a. Mr. Cunningham moved to amend and Mr. Odlin seconded:
that the Council set the 29th of December 2006 as the cutoff date for the submission of alternative management measures for guaranteed consideration by the multispecies committee under Amendment 16 and which will be evaluated in accordance with the guidelines for submission.

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

TMGC

5. Mr. Lapointe moved and Mr. Cunningham seconded:
that the Council approve the TMGC recommendation of a yellowtail flounder quota for the US/CA sharing area of 1,250 mt with a US share of 72% or 900 mt and a Canadian share of 28% or 350 mt for the 2007 fishing year.

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

6. Mr. Lapointe moved and Mr. Cunningham seconded:
that the Council approve the TMGC recommendation of an Eastern Georges Bank cod quota for the US/CA sharing area of 1,900 mt with a US share of 26% or 494 mt and a Canadian share of 74% or 1,406 mt for the 2007 fishing year.

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

OTHER BUSINESS

7. Mr. Preble moved and Mr. Ruhle seconded:
that the Council send a letter to the Regional Administrator requesting a correction to Framework Adjustment 42 to move the northern boundary of the Southern New England differential counting area from 41°05' to 41°03'.

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