

**New England Fishery Management Council
Hilton Mystic Hotel
Mystic, Connecticut
April 4-5, 2006**

MOTIONS

**April 4, 2006
ENFORCEMENT**

Mesh Measurements

1. Mr. Avila moved on behalf of the committee:
that the Council recommend that NMFS complete a technical correction to the regulations to require an 8 kg weight for measuring trawl mesh over 120 mm and 2.5 mm diameter twine, and to hold a workshop with the states to develop a mesh measurement protocol.

The motion carried on a roll call vote (12/0/4).

Yes – Simpson, Salisbury, Ruhle, Rice, Odlin, Lapointe, Leary, Hill, Goethel, Cunningham, Valliere, Avila

No –

Abstention(s) – Pappalardo, Kurkul, McGee, Pierce

VMS Requirements under Framework 42

2. Mr. Avila moved on behalf of the committee:
recommend that the Council send a letter to Dr. Hogarth requesting that funding be made available for Council enforcement meetings, as well as other inter-group meetings to smooth the transition of implementation.
- 2a. The motion was perfected to read:
recommend that the Council send a letter to Dr. Hogarth requesting that funding be made available for Council enforcement meetings, as well as other inter-group meetings to smooth the transition to an implementation of VMS.
- 2b. Mr. Lapointe moved and it was seconded:
that the Council recommend to NMFS that a portion of the funds available for VMS reimbursement be redirected to implementation issues for VMS issues.

The motion was withdrawn by its maker.

- 2c. The main motion was voted:
recommend that the Council send a letter to Dr. Hogarth requesting that funding be made available for Council enforcement meetings, as well as other inter-group meetings to smooth the transition to an implementation of VMS.

The motion carried on a voice vote (8/7/1).

WHITING

3. Mr. Goethel moved and Mr. Nelson seconded:
that the Council include as part of the scoping document the issue of allocation of discards of whiting and red hake within other fisheries.

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

4. Mr. Goethel moved and Mr. Nelson seconded:
to make sure we are consistent within the scoping document, to refer to the small mesh multispecies specifically as both species of silver hake and red hake.

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

5. Mr. Goethel moved and Mr. Nelson seconded:
to seek comment from the public from the recreational fisheries on both red and silver hake (whiting for hake and ling for red hake).

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

6. Mr. Cunningham moved and Mr. Hill seconded:
that the Council reconfirm the control date of March 25, 2003.

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

7. Mr. Pierce moved and Mr. Nelson seconded:
to include in the scoping list, possible restrictions on catch and landings of juvenile whiting to increase yield and maintain fishing mortality at acceptable levels.

The motion carried on a show of hands (10/4/2).

HERRING LIMITED ACCESS

8. Mr. Rice moved and Mr. Goethel seconded:
that the Council oppose permit splitting in Amendment 1 (*motion reaffirms intent of Council as it relates to the transfer of fishing history prior to the implementation of Amendment 1*)

- 8a. Dr. Pierce moved to substitute and Mr. Odlin seconded:
a vessel owner who sells a vessel issued one or more limited access permits, but retains only the Atlantic herring fishing history, can use the Atlantic herring fishing history to qualify another vessel for the limited access permit proposed by the Council in Amendment 1 (*Intent: that history would go both ways and that it be up until implementation*).

- 8b. Ms. Valliere moved but it was not seconded:
to table the previous motion to a time certain.

- 8c. The substitute motion was voted:
a vessel owner who sells a vessel issued one or more limited access permits, but retains only the Atlantic herring fishing history, can use the Atlantic herring fishing history to qualify another vessel for the limited access permit proposed by the Council in Amendment 1 (*Intent: that history would go both ways and that it be up until implementation*).

The motion to substitute failed on a roll call vote (6/8/2).

Yes – Cunningham, Pierce, Kurkul, Odlin, Ruhle, Salisbury

No – Goethel, Hill, McGee, Lapointe, Nelson, Pappalardo, Rice, Simpson

Abstention(s) – Valliere, Leary

- 8d. The main motion was voted:
that the Council oppose permit splitting in Amendment 1 (*motion reaffirms intent of Council as it relates to the transfer of fishing history prior to the implementation of Amendment 1*).

The motion carried on a roll call vote (7/6/3).

Yes – Rice, Pappalardo, Nelson, Lapointe, McGee, Hill, Goethel

No – Simpson, Salisbury, Ruhle, Odlin, Pierce, Cunningham

Abstention(s) – Kurkul, Leary, Valliere

WHITING (continued)

9. Mr. Goethel moved and Mr. Nelson seconded:
that the Council approve the scoping document, as amended this date, for publication.

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

RESEARCH STEERING

10. Mr. Goethel moved on behalf of the committee:
to forward Priority #5 to the SSAC for comment and to have this group report back to the Council.

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

11. Mr. Goethel moved on behalf of the committee:
to clarify and refine Priority #6, recommend sending this issue to the SSC and Habitat committees to better target what kinds of information may be needed.

- 11a. The motion was perfected to read:
to clarify and refine Priority #6, recommend sending this issue to the SSC committee to better target what kinds of information may be needed.

The motion, as perfected, carried on a show of hands (9/5/2).

April 5, 2006

GROUND FISH

1. Mr. Odlin moved and Mr. Lapointe seconded:
that the Council consider at the June meeting the reconsideration of the das control mechanism (B2 only) in Framework 42 and to replace B2 with option E (the 24 hour minimum clock).
- 1a. Dr. Pierce moved to substitute and Mr. Avila seconded:
to place Framework 42 on the June council agenda to give the council the opportunity to consider any existing alternative to achieve fishing year 2006 Amendment 13 targets.

The motion to substitute failed on a show of hands.

- 1b. The main motion was voted:
that the Council consider at the June meeting the reconsideration of the days-at-sea control mechanism (B2 only) in Framework 42 and to replace B2 with option E (the 24 hour minimum clock).

The main motion failed on a roll call vote (3/14/0).

Yes – Odlin, Ruhle, Salisbury

No – Avila, Valliere, Cunningham, Pierce, Goethel, Hill, Leary, McGee, Kurkul, Lapointe, Nelson, Pappalardo, Rice, Simpson

Abstention(s) –

2. Mr. Avila moved and Mr. Salisbury seconded:
that the Council request to the NMFS Regional Administrator that the final rule for the NMFS interim emergency measure be replaced with the New Bedford recommended plan as soon as possible.

The motion was withdrawn by its maker.

3. Mr. Rice moved and Mr. Hill seconded:
that the Council direct a letter to NMFS and the New England Congressional Delegation expressing concern about the recent funding to the Northeast Fisheries Observer Coverage program and the reduction in quantity and quality of bycatch data collected by fisheries observers and the resulting limitations on management options.

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

SCALLOPS

4. Mr. Hill moved on behalf of the committee:
that the Council has identified two goals and several objectives for Amendment 11 to the Scallop FMP and that the primary goal of the amendment is to control capacity and mortality in the general category scallop fishery. The secondary goal is to allow for better and more timely integration of sea scallop assessment results in the management process (*refer to document 10 dated 3/31/06*).

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

5. Mr. Hill moved on behalf of the committee:
To adopt the objectives cited in Section 1.1.1:
“in order to achieve the two goals described in Section 1.1, the Council has identified the following list of objectives:
1. Allocate a portion of the total available scallop harvest to the general category scallop fishery;
 2. Establish criteria to qualify a number of vessels for a limited entry general category permit;
 3. Develop measures to prevent the limited entry general category fishery from exceeding their allocation;
 4. Develop measures to address incidental catch of scallops while fishing for other species;
 5. Determine means to incorporate the most recent sea scallop science and assessment results in management decisions.”

- 5a. Mr. Pappalardo moved to amend and Ms. McGee seconded:
that Objective #3 read “develop measures to prevent the limited entry general category fishery from exceeding their allocation including the development of alternatives using hard TACs.

The motion to amend failed on a show of hands (7/9/0).

- 5b. The main motion was voted:
To adopt the objectives cited in Section 1.1.1:
“in order to achieve the two goals described in Section 1.1, the Council has identified the following list of objectives:
1. Allocate a portion of the total available scallop harvest to the general category scallop fishery;
 2. Establish criteria to qualify a number of vessels for a limited entry general category permit;
 3. Develop measures to prevent the limited entry general category fishery from exceeding their allocation;
 4. Develop measures to address incidental catch of scallops while fishing for other species;
 5. Determine means to incorporate the most recent sea scallop science and assessment results in management decisions.”

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

6. Mr. Hill moved and Mr. Rice seconded:
that the Council consider an allocation range for the general category limited access scallop fishery between 2.5% and 12.5%. (*Just for general category vessels that qualify; all incidental catch and general category landings by limited access vessels would not be included in this percentage*).
- 6a. Dr. Pierce moved to amend and Mr. Hill seconded:
that the Council consider an allocation range for the general category limited access scallop fishery between 2.5% and 7.5%. (*Just for general category vessels that qualify; all incidental catch and general category landings by limited access vessels would not be included in this percentage*).

- 6b. Mr. Nelson moved to further amend and Mr. Simpson seconded:
that the Council consider an allocation range for the general category limited access scallop fishery between 2.5% and 11%. (*Just for general category vessels that qualify; all incidental catch and general category landings by limited access vessels would not be included in this percentage*).

The motion to amend carried on a show of hands (10/6/1).

- 6c. The motion to amend as amended was voted:
that the Council consider an allocation range for the general category limited access scallop fishery between 2.5% and 11%. (*Just for general category vessels that qualify; all incidental catch and general category landings by limited access vessels would not be included in this percentage*).

The motion to amend carried on a show of hands (11/5/1).

- 6d. The main motion, as amended, was voted:
that the Council consider an allocation range for the general category limited access scallop fishery between 2.5% and 11%. (*Just for general category vessels that qualify; all incidental catch and general category landings by limited access vessels would not be included in this percentage*).

The amended motion carried on a show of hands (13/3/1).

7. Mr. Hill moved and Mr. Cunningham seconded:
that the Council approve the research priorities for 2007 for submission to NMFS.

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

MONKFISH

8. Mr. Pappalardo moved on behalf of the committee:
recommend that the Council adopt the following objectives for Framework Adjustment 4 in support of the goals of the original FMP.
1. adopt a set of management measures that have a reasonable expectation of achieving the monkfish stock rebuilding goals (Bmsy) by 2009, the end of the 10-year rebuilding program;
 2. include measures that, to the extent possible, mitigate the socio-economic effects of the measures intended to rebuild the stock while not compromising their effectiveness;
 3. develop a program that provides contingencies for anticipated changes in the basis for evaluating stock status with respect to the reference points, specifically the transition to a new trawl survey vessel and the continuation of the triennial cooperative survey.

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

9. Mr. Pappalardo moved on behalf of the committee: recommend that the Council approve the following range of alternatives for consideration in Framework Adjustment 4:
- 1) Fixed TAC (not a “hard quota”) with annual adjustments of days-at-sea and trip limits if the TAC is exceeded;
 - 2) Fixed trip limits and days-at-sea, including a trip limit in the northern area;
 - 3) Reduce or modify the incidental catch limits, particularly the incidental catch limit (Category E) that was increased in Framework Adjustment 2, and the general category scallop possession limit;
 - 4) Eliminate the directed fishery during the rebuilding period and apply incidental catch limits to all vessels;
 - 5) Modify the current annual adjustment method so that the TAC is not increased while the stocks are behind in the rebuilding schedule;
 - 6) Implement a days-at-sea leasing program if such a program can be demonstrated to be conservation neutral;
 - 7) Modify or eliminate the days-at-sea carryover program;
 - 8) Modify the annual TAC formula to cap the adjustment in either direction (limit increase or decrease to a level yet to be determined), while preserving a minimum allocation of days-at-sea;
 - 9) When the fishery is rebuilt and 40 days-at-sea are restored, limit increases in the trip limit to no more than 20% in any one year;
 - 10) Mandatory VMS in the Georges Bank regulated mesh area, with mandatory daily catch reporting;
 - 11) Mandatory VMS everywhere, possibly to include voluntary submission of CPUE data in addition to other data collection and enforcement functions;
 - 12) One or more methods to objectively set target TACs for northern and southern fisheries that could be reasonably expected to achieve stock rebuilding by 2009, including the use of three-year average days-at-sea and trip limits and/or three-year average of landings to calculated trip limits and days-at-sea;
 - 13) Modify the boundary for the Category G and H fishery (the area off North Carolina and Virginia established by Amendment 2);
 - 14) Include the establishment of a voluntary enrollment large mesh category (in the SFMA) for gillnets in exchange for more days-at-sea.

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

10. Mr. Pappalardo moved and Mr. Ruhle seconded: recommend that the Council approve sending a letter, to the Regional Administrator, the Northeast Fisheries Science Center director, and the NMFS Assistant Administrator recommending that a third industry-NMFS monkfish cooperative trawl survey be conducted in the spring of 2007, and a fourth in 2010. In addition to being used to make fishery management decisions, the results will allow an evaluation of the ability of the new NOAA survey vessel to sample the monkfish resource, and its calibration if appropriate. The letter should include PDT comments regarding the data issues in the transition to a new NMFS survey vessel, and stress the need for adequate calibration work between the old and new vessels. The letter should also support a benchmark monkfish survey in 2007, and state that the data collected during the 2007 cooperative survey must be used in the 2007 monkfish stock assessment to provide both Councils with the best available scientific information. The monkfish committee chair will work with staff to draft the letter for signature by the Executive Director and/or Council chairman.

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

11. Mr. Pappalardo moved on behalf of the committee:
recommend that the Council approve sending a letter to the agency heads (Regional Administrator, Science Center director, and state agency directors) for those agencies with membership on the PDT seeking their support over the upcoming months in development and analysis of Framework Adjustment 4 alternatives. The letter should request that if there are potential scheduling conflicts for the respective analysts, that the agencies inform the Council so appropriate adjustments can be made on the PDT. The letter should also highlight the need for a social scientist to be assigned early in the process.

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

12. Mr. Goethel moved and Mr. Nelson seconded:
to support the staff recommendation vis-a-via the yellowtail set-aside for scallops.

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

13. Ms. McGee moved but it was not seconded:
to direct the Executive Committee to develop a strawman and longterm plan in the groundfish plan for Council consideration before the next groundfish action is initiated.