

New England Fishery Management Council
Hilton Mystic Hotel
Mystic, Connecticut
April 10-12, 2007

MOTIONS

Tuesday, April 10, 2007

REPORTS

1. Mr. Hill moved and Mr. Cunningham seconded:
recommend that the Council establish a Council Coordination Committee consisting of the Chairs, Vice Chairs, and Executive Directors of each of the eight Regional Fishery Management Councils, other Council members and staff. The Chairs, Vice Chairs, and Executive Directors shall be voting members. The six NOAA fisheries Regional Administrators or their designees, other Council members, and staff shall be non-voting members. The Council Coordinating Committee shall meet from time to time as appropriate to discuss issues of relevance to all Councils. The Council Coordinating Committee may establish such subcommittees as it deems appropriate.

The motion carried on a show of hands.

2. Mr. Cunningham moved and Mr. Rice seconded:
that the Council make a recommendation that the revised MSA/NEPA compliance process should not apply to actions requiring only an EA or a categorical exclusion.

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

Wednesday, April 11, 2007

SCALLOPS

1. Mr. Simpson moved on behalf of the committee:
that the Council select 5% as preferred for Alternative 3.1.7.
- 1a. Mr. Salisbury moved to substitute and Mr. Gibson seconded:
that the Council select 7% as preferred for Alternative 3.1.7.
- 1b. Mr. Rice moved and Mr. Nelson seconded:
to call the question for the substitute motion.

The called motion carried on a voice vote.

The substitute motion (#1a) failed on a show of hands (8/9/0).

- 1c. Mr. Nelson moved and Mr. Rice seconded:
to call the question for the main motion.

The called motion carried on a voice vote.

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

2. Mr. Cunningham moved and Mr. Salisbury seconded:
that the incidental catch amount should come off the total TAC.

2a. The motion was perfected to read:
that the projected incidental catch amount should come off the total TAC.

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

3. Mr. Simpson moved on behalf of the committee:
to recommend limited entry as a preferred strategy to control capacity and mortality in the general category fishery.

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

4. Mr. Simpson moved and Mr. Avila seconded:
to reconsider previous motion (#2a).

The motion to reconsider carried on a show of hands.

4a. Mr. Salisbury moved and Mr. Nelson seconded:
to table reconsidered motion (#2a).

The motion to table carried on a show of hands.

5. Mr. Simpson moved on behalf of the committee:
to identify the 11-year time period (1994-2004) and the 1,000 annual poundage criteria as preferred for qualification alternatives.

5a. Mr. Stockwell moved to substitute and Mr. Rice seconded:
to identify the 11-year time period (1994-2004) and the 5,000 annual poundage criteria as preferred for qualification alternatives.

5b. Mr. Hill moved to amend the substitute motion and Mr. Avila seconded:
to identify the 5-year time period (2000-2004) and the 1,000 annual poundage criteria as preferred for qualification alternatives.

The motion to amend the substitute failed on a show of hands (4/13/0).

5c. The substitute motion was voted:
to identify the 11-year time period (1994-2004) and the 5,000 annual poundage criteria as preferred for qualification alternatives.

The substitute motion failed on a show of hands (7/10/0).

5d. Mr. Leary moved to split the motion and Mr. Nelson seconded:
the motion to split failed on a show of hands.

- 5e. Mr. Rice moved and Mr. Goethel seconded:
to call the question.

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

The main motion (#5) carried on a show of hands (10/6/1).

6. Mr. Simpson moved on behalf of the committee:
that the preferred alternative for contribution factor be best year indexed by years in the fishery with
Option B (25%).

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

7. Mr. Simpson moved on behalf of the committee:
to identify Alternative 3.1.2.4.1 with Option B (allocation in 400 pound trips) as preferred for
allocation of access for general category limited access qualifiers.

- 7a. Ms. McGee moved to substitute and Mr. Hill seconded:
to identify Alternative 3.1.2.4.1 with Option A (allocation in pounds) as preferred for allocation of
access for general category limited access qualifiers.

The motion to substitute failed on a show of hands (7/10/0).

The main motion (#7) carried on a show of hands (13/4/0).

8. Mr. Simpson moved on behalf of the committee:
to identify several permit provision alternatives as preferred: 1) one vessel potentially qualifying two
vessels; 2) the 60,000 stacking alternatives, and 3) the excess consolidation alternative (1-5%
changing the term “permits” to “access”)

- 8a. Mr. Goethel moved and Mr. Odlin seconded:
to split the motion.

The motion to split carried on a show of hands (9/6/0).

- 8b. The 1st part of the split motion:
to identify the permit provision alternative as preferred: one vessel potentially qualifying two
vessels. To Alternative 3.1.2.5.1.2 add the following sentences: “this applies to vessels that sold a
vessel with only open access general category permit and/or vessel with other limited entry permits.
Specifically, the current policy used under the consistency amendment would not apply; an
individual that retained history would be permitted to qualify for a permit and fish under general
category on a different vessel.

- 8c. The 1st part of the split motion was perfected to read:
to identify the permit provision alternative as preferred: one vessel potentially qualifying two vessels. To Alternative 3.1.2.5.1.2 add the following sentences: “this applies to vessels that sold a vessel with only open access general category permit and/or vessel with other limited entry permits. Specifically, the current policy used under the consistency amendment would not apply; an individual that retained history would be permitted to qualify for a permit and fish under general category on a different vessel.

The motion, as perfected, carried on a show of hands (9/3/1).

- 8d. The 2nd part of the split motion:
to identify the permit provision alternative as preferred: the 60,000 stacking alternatives.

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

- 8e. The 3rd part of the split motion:
to identify the permit provision alternative as preferred: the excess consolidation alternative (1-5% changing the term “permits” to “access”).

- 8f. The motion was perfected to read:
to identify the permit provision alternative as preferred: the excess consolidation alternative (1-5% changing the term “permits” to “total general category allocation”).

The motion, as perfected, carried on a show of hands (13/1/1).

9. Mr. Simpson moved and Ms. Kurkul seconded:
to include a measure to establish a temporary hard TAC for 2 years (or until the individual / tier allocation program can be implemented). Also, to establish a similar temporary hard TAC quota for limited access vessels fishing in the general category for the transition period to individual allocation.

The motion failed on a show of hands (3/10/0).

10. Mr. Simpson moved and Mr. Gibson seconded:
to include a measure to establish a temporary hard TAC of 10% of the overall TAC for 2 years during the transition period to limited entry (or until the individual / tier allocation program can be implemented). Also, to establish a similar temporary hard TAC quota for limited access vessels fishing in the general category for the transition period to individual allocation.

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

11. Mr. Cunningham moved and Mr. Stockwell seconded:
that general category scallop permit holders fish under existing regulations during the appeals process. All those who had a permit during the qualifying years (and have appealed their eligibility) prior to the control date qualify to fish. Qualification would be based on measures voted in under Amendment 11 and put in place at the end of the appeals process or 2 years, whichever is shorter.

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

12. Mr. Simpson moved on behalf of the committee:
to select Alternative 3.1.4.3 as preferred with option a as the boundary alternative (GOM exemption area north of 42°20').

The motion carried on a show of hands (11/4/1).

13. Mr. Simpson moved on behalf of the committee:
to select as a preferred alternative (Alternative 3.1.6.1.2) to allow limited access vessels that qualify to fish under general category rules (all permit types). They would qualify under the same criteria and be allocated access to the fishery under the same alternatives adopted for the general category fishery. As for where the landings are removed, 0.5% of the total scallop TAC will be used to identify the level of access for this sector of the fishery. (0.5% is not based on historical landings from 1994-2006 as currently described in Alternative 3.1.6.2.2).

The motion carried on a show of hands (13/2/1).

For clarification purposes, the motion was voted again. The re-voted motion carried on a show of hands (14/2/1).

14. Mr. Goethel moved and Mr. Nelson seconded:
that there be a 3rd category permit created that if you do not qualify for a limited access general category scallop permit that you retain 40 lbs. of scallop meat per trip.

- 14a. The motion was perfected to read:
if you meet the qualification criteria for having been issued a permit but not the landing criteria, there will be a 3rd category permit created that will allow you to retain and sell 40 lbs. of scallop meat per trip.

The motion, as perfected, carried on a show of hands (10/6/1).

15. Mr. Simpson moved and Mr. Salisbury seconded:
that the PDT develop an estimate of landings expected from this incidental catch fishery and that this estimate be taken off the top before allocation to the limited access and general category fisheries.

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

16. Mr. Rice moved on behalf of the committee:
if the analyses is complete and available and does not slow down Amendment 11, then the committee would recommend that the habitat closed area in Closed Area 1 be revisited as an alternative in Amendment 11.

- 16a. Mr. Nelson moved and Mr. Hill seconded:
to table the previous motion indefinitely.

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

17. Mr. Preble moved and Mr. Ruhle seconded:
that Section 3.1.2.7.2 be changed to allow both general category and limited access vessels to form sectors.

The motion failed on a show of hands (5/10/1).

18. Mr. Simpson moved and Mr. Salisbury seconded:
to approve the Amendment 11 document, as amended this date, for public hearing.

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

19. Mr. Simpson moved on behalf of the committee:
that the Council initiate Framework Adjustment 20 at this Council meeting to prevent overfishing in FY2007.

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

20. Mr. Ruhle moved and Mr. Preble seconded:
that the Council write a letter to NMFS requesting that the NEFSC remain the lead for ecosystem research including research on protected resources.

The motion carried on a show of hands (9/3/5).

Thursday, April 12, 2007

RESEARCH STEERING

1. Mr. Goethel moved on behalf of the committee:
to support the Research Steering Committee's recommendation that the highest funding priority for 2007 be analyses of the cod and yellowtail flounder IBS data so that information, as specified by the scientists conducting the benchmark assessments, is available for the GARM.

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

MULTISPECIES (GROUNDFISH)

2. Mr. Goethel moved and Mr. Nelson seconded:
that the Council request that the VMS requirements in Framework Adjustment 42, with regard to declaring into a fishery, be made consistent with past NMFS practices of using the "legacy code" unless changing fishery or area.

- 2a. Mr. Ruhle moved and Mr. Salisbury seconded:
to table the previous motion until the enforcement discussion later in the day.

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

3. Mr. Preble moved and Mr. Avila seconded:
to bring the tabled motion back to the table.

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

- 3a. The tabled motion was perfected to read:
that the Council request that NMFS evaluate VMS requirements and determine if other processes, such as the “legacy code” and/or IVR, would be more practical than current practices.

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

4. Mr. Ruhle moved and Mr. Gibson seconded:
that the Groundfish Committee/PDT analyze the efficacy of the Nantucket Lightship Closed Area with respect to its objective.

- 4a. The motion was perfected to read:
that the Groundfish Committee consider the efficacy of the Nantucket Lightship Closed Area with respect to its objective and if the Groundfish Committee is evaluating closed areas for mortality control.

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

OTHER BUSINESS

5. Ms. McGee moved and Mr. Simpson seconded:
that the Council communicate with members of Congress that MSA reauthorization has increased demands for management action in the region including the need for improved technology for monitoring catch and landings.

The motion was ruled out of order by the Vice Chair.

- 5a. The motion was reconsidered and voted:
the Council communicate with NMFS that MSA reauthorization has increased demands for management action in the region including the need for improved technology for monitoring catch and landings.

The reconsidered motion carried on a show of hands (12/0/1).

6. Mr. Salisbury moved and Mr. Leary seconded:
that the Council ask the Regional Administrator to respond to the Council explaining why the action was taken, specifically to the comments raised in the Associated Fisheries of Maine’s letter of April 4 which addresses the monkfish proposed interim rule.

- 6a. Dr. Pierce moved to substitute and Mr. Ruhle seconded:
that the Council express to Dr. Hogarth our: (1) strong objection to NMFS' decision to circumvent the Council process by: (a) delaying implementation of the New England and Mid-Atlantic Councils' Monkfish Framework Adjustment 4 supported by NEPA and MSA documentation developed with the assistance of NMFS Regional office; and (b) using secretarial interim rule-making to propose interim options not supported by either Council and that replace the Councils' Framework Adjustment 4 analytically supported management measures; (2) concern that NMFS has failed in the proposed rule to demonstrate that either an emergency exists or overfishing is occurring; (3) position that NMFS implement Framework Adjustment 4 as approved by both Councils, and NMFS should not reject Framework Adjustment 4's allowance for vessels to use carry-over DAS – an action not described or proposed in the March *Federal Register*.

The substitute motion carried on a show of hands (10/3/1).

MULTISPECIES (SKATES)

7. Mr. Cunningham moved on behalf of the committee:
that the scoping document be approved as amended.

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

OTHER BUSINESS

8. Mr. Ruhle moved and Dr. Pierce seconded:
recommend that NOAA keep the albatross available through 2009 due to the concern of limited time available on the albatross to calibrate to two sweeps.

The motion was withdrawn by its maker.