

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Providence Biltmore**  
**Providence, RI**  
**April 15-17, 2008**  
**MOTIONS**

**Tuesday, April 15, 2008**

**REPORTS ON RECENT ACTIVITIES**

1. Mr. Simpson moved and Mr. Cunningham seconded:  
that if draft regulations have not been deemed necessary and appropriate at the time an FMP or an amendment or framework adjustment to a FMP is approved by the NEFMC, the Council Executive Director shall review the draft regulations, when available, for such actions before they are implemented by NMFS.

After reviewing the draft regulations, the Executive Director shall recommend to the Council Chair whether they are necessary and appropriate for the purposes of implementing the Council-approved action.

After considering the Executive Director's recommendation, the Council Chair, on behalf of the full Council shall make the determination to deem the draft proposed regulations as necessary and appropriate for the purposes of implementing the action, consistent with Section 303(c) of the Magnuson-Stevens Act.

Once this process has occurred and if approval has been granted, the Executive Director shall forward the appropriate docs to NMFS.

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

**SKATES**

2. Ms. Kurkul moved and Ms. McGee seconded:  
consistent with SSC and PDT advice, use a 50% discard mortality rate, set the TAL at 75% of the median catch/biomass ratio and use recent average discard rates (2004-2006).

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

3. Mr. Goethel moved and Mr. Avila seconded:  
to instruct the PDT and Skate Committee to set target TACs for both the wing and bait skate fisheries for both landings and discards. If necessary, develop aggregate wing possession limits to meet the target TAC. Further to develop a separate bait skate TAC to be geographically constrained to catch primarily little skates.

The motion **failed** on a show of hands (8/9/0).

4. Mr. Odlin moved and Mr. Stockwell seconded:  
that the Council charge the PDT and the Skate Committee to review the mix between the bait fishery and the wing fishery (8,000 tons vs. 4,000 tons).

- 4a. The motion was perfected to read:  
that the Council charge the PDT and the Skate Committee to come up with a mechanism to review the mix between the bait fishery and the wing fishery on an annual basis.

The motion was **withdrawn** by its maker.

5. Ms. Kurkul moved and Mr. Simpson seconded:  
to remove management measures 3, 5, 6 and 8 from the Amendment 3 decision document.

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

6. Mr. Pappalardo moved on behalf of the committee:  
to move 'requirement to land skates in whole form' from considered but rejected to a management measure to be considered in Amendment 3.

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

7. Ms. Kurkul moved and Dr. Pierce seconded:  
to remove sectors from consideration in Amendment 3.

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

### **Wednesday, April 16, 2008**

#### **HABITAT**

1. Mr. Preble moved and Mr. Goethel seconded:  
that the Council accept the draft MPA letter as written with the edits made this date.

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

#### **MONKFISH**

2. Mr. Pappalardo moved on behalf of the committee:  
to submit Framework Adjustment 6 to the Monkfish FMP to NMFS with a recommendation to adopt Alternative 1, eliminating the TTAC backstop provision.

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

#### **ENFORCEMENT**

3. Mr. Goethel moved and Mr. Leary seconded:  
that the Council request that the Groundfish Committee discuss and consider necessary changes to be made in the groundfish plan to allow for one extra trip limit of cod to be landed through VMS declaration effective with the next VMS software change.

The motion **carried** on a show of hands (8/4/1).

#### **GROUND FISH**

4. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 the PDT recommended language for ACE transfers.

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

5. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 the PDT recommendation on overage from Bullet 1 in Paragraph 11 to the end of the paragraph from the March 19 PDT report.

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

6. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 that sectors will be restricted to their percent share of Eastern US/Canada area TAC's based on their percent share of the overall Georges stock TACs.

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

7. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 that when calculating the landings history percentage of a permit's potential sector contribution, the denominator will be landings of groundfish by permits eligible for sector membership (limited access permits, including handgear A and permits in CPH category). Permits are eligible vessels that have a permit as of April 30, 2008.

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

8. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 that existing sector allocations can be done according to the Amendment 13 allocation scheme; and an option that the calculation will be done as adopted in Amendment 16.

- 8a. Mr. Cunningham moved to amend and Mr. Grout seconded:  
that the Council accept for inclusion in Amendment 16 that existing sector allocations can be done according to the Amendment 16 allocation scheme.

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

- 8b. The main motion was voted:  
that the Council accept for inclusion in Amendment 16 that existing sector allocations can be done according to the Amendment 13 allocation scheme; and an option that the calculation will be done as adopted in Amendment 16.

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

9. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 for the Eastern US/Canada haddock SAP the PDT recommendations 1, 2, 3 and 4 from the March 19 PDT report page 4.

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

10. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 that with respect to the Closed Area 2 yellowtail flounder SAP, to adopt the PDT recommendations described in numbers 1-4 for sector participation from the March 19 PDT report page 4.

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

11. Mr. Cunningham moved on behalf of the committee:  
that Council accept for inclusion in Amendment 16 that if other non-specified categories of catch rise above five percent, accountability measures will be developed to address the cause of that rise above five percent.

- 11a. Mr. Simpson moved to amend and Mr. Gibson seconded:  
that Council accept for inclusion in Amendment 16 that if other non-specified categories of catch rise above five percent, accountability measures will be developed to prevent the overall ACL from being exceeded.

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

- 11b. The main motion, as amended, was voted:  
that Council accept for inclusion in Amendment 16 that if other non-specified categories of catch rise above five percent, accountability measures will be developed to prevent the overall ACL from being exceeded.

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

12. Mr. Odlin moved and Mr. Salisbury seconded:  
to remove the baseline cap on DAS leasing.

The motion **failed** on a show of hands (4/11/2).

13. Mr. Cunningham moved on behalf of the committee:  
that the Council accept for inclusion in Amendment 16 that vessels that are fishing in a single or a multiple area trip declare either one area or that it is a multiple area trip via VMS and that vessels fishing on either a single area trip or multiple area trip declare their VTR serial # via VMS. Vessels that fish in multiple areas as proposed by the Northeast Regional Office (NERO) on the same trip will report catch (kept and discarded) daily by VMS.

- 13a. The motion was perfected to read:  
that the Council accept for inclusion in Amendment 16 that vessels that are fishing in a single or a multiple area trip declare either one area or that it is a multiple area trip via VMS and that vessels fishing on either a single area trip or multiple area trip declare their VTR serial # via VMS. Vessels that fish in multiple areas as proposed by NERO on the same trip will report catch (kept and discarded) daily by VMS.

13b. Mr. Avila moved to amend and Mr. Salisbury seconded:

that the Council accept for inclusion in Amendment 16 that vessels that are fishing in a single or a multiple area trip declare either one area or that it is a multiple area trip via VMS and that vessels fishing on either a single area trip or multiple area trip declare their VTR serial # via VMS. Vessels that fish in multiple areas as proposed by NERO on the same trip will report catch (kept) daily by VMS.

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

13c. The main motion, as amended, was voted:

that the Council accept for inclusion in Amendment 16 that vessels that are fishing in a single or a multiple area trip declare either one area or that it is a multiple area trip via VMS and that vessels fishing on either a single area trip or multiple area trip declare their VTR serial # via VMS. Vessels that fish in multiple areas as proposed by NERO on the same trip will report catch (kept) daily by VMS.

The main motion, as amended, **carried** on a show of hands (17/0/0).

14. Mr. Cunningham moved on behalf of the committee:

that the Council accept for inclusion in Amendment 16 to allow groundfish landed by recreational fishermen to be landed with the skin off.

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

15. Mr. Cunningham moved on behalf of the committee:

that the Council accept for inclusion in Amendment 16 that in the event that common pool vessels fishing under the DAS management system exceed the ACL, then the following adjustments will be made in order:

- trip limits will be recalculated so the ACL is not exceeded in the following year (trip limits work for some species: examples might be Cape Cod/Gulf of Maine yellowtail flounder, Georges Bank and SNE/MA winter flounder and SNE/MA yellowtail flounder);
- recalculate differential counting of DAS in areas where needed;
- 'A' DAS adjustments (Category 'A' DAS reduced)

If an ACL is not exceeded in a given year, and the ACL will increase in the following year and it can be projected that the ACL will not be caught, for a stock under trip limits, the trip limits will be raised. On stocks where the control is differential DAS, the differential DAS rate will be decreased in area or time.

*This motion was directed to the PDT to develop a formulaic response for accountability measures that looks at DAS adjustments for the following year and an inseason adjustment.*

16. Mr. Goethel moved and Ms. Kurkul seconded:

that the start date for sectors be May 1, 2010 and that the June 1, 2008 sign-in date for sectors be moved to June 1, 2009.

16a. The motion was perfected to read:  
that the start date for sectors be May 1, 2010 and that the sign-in date for sectors be moved to a date to be determined.

Yes – Avila, Blount, Cunningham, Pierce, Goethel, Hill, Kurkul, Stockwell, Grout, Odlin, Simpson

No – Leary, McGee, Preble, Rice, Salisbury, Gibson

Abstention(s) -

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

17. Mr. Cunningham moved on behalf of the committee:  
that the Council ask for emergency or regulatory action to allow vessels to transit from one port to another port after unloading only partial catch, providing they make the appropriate VMS declaration for transiting.

The motion **failed** on a show of hands (6/8/2).

18. Mr. Odlin moved but it was not seconded:  
that the Council consider as an option in Amendment 16 for implementation in 2010, Individual Transferable Annual Catch Entitlement (ITACE) by permit:

1. allocation will be same as the alternatives in the sector allocation proposal in Amendment 16;
2. reporting requirements to NMFS will be the same as for sectors, i.e. vessels fishing under an ITACE permit will report to NMFS by VMS daily catch and discards, all VTR data will be reported monthly, etc.;
3. it will be the responsibility for all ITACE permit holders to track their ITACE on a daily basis and not to exceed the ITACE (same as today, all permit holders are required to track their DAS);
4. all observer and weigh master requirements for sectors will be the same for ITACE permit holders;
5. only “universal exemptions” will be allowed by ITACE vessels;
6. transfers will be allowed between ITACE permit holders. Applications will be sent to NMFS for approval (same as DAS leasing forms today);
7. the same balancing option will apply to ITACE permit holders as will sectors. Any overages must be balanced;
8. there will be a 20% hold back of ITACE for the first 45 days of the fishing year for ITACE balancing.

The motion was **ruled out of order** by the Chairman.

***Groundfish consensus:** Refer section 3.1.6 (Mortality/Conservation Controls) back to the Groundfish PDT for further review and recommendation.*

## **Thursday, April 17, 2008**

### **HERRING**

1. Mr. Blount moved on behalf of the committee:  
that the Council approve the draft scoping document for Amendment 4 to the Herring FMP.
- 1a. Mr. Simpson moved to amend and Mr. Rice seconded:  
to remove Item 5 from the list of objectives for scoping.

- 1b. Ms. McGee moved to substitute the amendment and Mr. Preble seconded:  
to change the language for Objective 5 to read “in the context of Objectives 1-4, to consider the health of the herring resource and the important role of herring as a forage fish and predator fish throughout its range.”

The motion to substitute the amendment **carried** on a show of hands (11/5/0).

- 1c. The motion to amend was voted:  
to change the language for Objective 5 to read “in the context of Objectives 1-4, to consider the health of the herring resource and the important role of herring as a forage fish and predator fish throughout its range”

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

- 1d. Mr. Odlin moved to amend and Mr. Rice seconded:  
to remove the ‘allocation period ending date’ of December 31, 2006 from the document and go to scoping without a specific date.

The motion to amend **failed** on a show of hands (4/12/1).

- 1e. Dr. Pierce moved to amend and Mr. Grout seconded:  
to include the following questions within the scoping document:
- how should the Council account Canadian catch of Area 1A herring in the ACL and AM setting process?
  - what process can be established to improve US/Canada interactions re the setting of ACLs/AMs?
  - how should the Council improve its interaction with ASMFC for the setting of ACLs/AMs?

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

- 1f. The main motion, as amended, was voted:  
that the Council approve the draft scoping document for Amendment 4 to the Herring FMP and to change the language for Objective 5 to read “in the context of Objectives 1-4, to consider the health of the herring resource and the important role of herring as a forage fish and predator fish throughout its range”

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

2. Mr. Blount moved on behalf of the committee:  
that the Council also consider alternatives (in Amendment 4) to address concerns about potential herring discards on mackerel vessels in Areas 2/3. *[The Council agreed that the language of this motion would be added to the scoping document.]*

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

3. Dr. Pierce moved and Mr. Goethel seconded:  
that the Council request the NRCC give sea herring high priority and request the establishment of a TMGC-like process for pelagics (sea herring and mackerel).

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