

New England Fishery Management Council
Sheraton Harborside Hotel
Portsmouth, New Hampshire
February 6-8, 2007

MOTIONS

Tuesday, February 6, 2007

REPORTS

1. Mr. Nelson moved and Mr. Avila seconded:
approve that at the recommendation of the Executive Committee, to have the Recreational Advisory panel report to the Groundfish O/S Committee rather than the Council chair.

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

ENFORCEMENT

2. Mr. Avila moved on behalf of the committee:
that the Council send a letter to NMFS requesting that they investigate the change to VMS polling based on the declaration of the fishery.

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

3. Mr. Avila moved on behalf of the committee:
that the Council send a letter to NMFS asking that the turtle chain rule be re-evaluated to allow discretion in measuring the chain configuration [for safety reasons].

The motion **carried** on a show of hands (12/2/1).

4. Mr. Avila moved on behalf of the committee:
that the MAFMC have a voting member on the NEFMC VMS/Enforcement Committee.

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

5. Mr. Avila moved and Mr. Rice seconded:
that the Council send a letter to NMFS encouraging the completion of a days-at-sea (DAS) web page as soon as possible.

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

6. Mr. Avila moved and Mr. Rice seconded:
that the Council send a letter to all VMS vendors, including potential vendors, asking them to contact their clients and explain in detail how their safety feature works and encouraging the fishermen to implement any needed procedures immediately. This may be done at the next billing cycle. [*Vendors: Thrane and Thrane; Boatracs; Skymate*]

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

7. Mr. Avila moved and Mr. Ruhle seconded:
that the Council charge the staff to develop guidelines for how VMS affects all current regulations. This may be achieved by updating all enforcement analyses for all plan's regulations, not just the most recent.

The motion **carried** on a show of hands (11/1/2).

8. Mr. Avila moved and Mr. Ruhle seconded:
that the Council request from NOAA any information they may have relative to graduated penalty/fee schedules used as guidance for enforcement and legal counsel.

- 8a. Mr. Salisbury moved and Ms. McGee seconded:
to table the previous motion.

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

Wednesday, February 7, 2007

SBRM

1. Dr. Pierce moved and Mr. Preble seconded:
that the Council add a requirement to the SBRM that a quarterly report be produced by gear, statistical area and fishery.
- 1a. Mr. Nelson moved to amend and Mr. Goethel seconded:
that the Council add a requirement to the SBRM that a semi-annual report be produced by gear, statistical area and fishery.

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

- 1b. The amended motion was voted:
that the Council add a requirement to the SBRM that a semi-annual report be produced by gear, statistical area and fishery.

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

2. Ms. McGee moved and Mr. Rice seconded:
ask NMFS to prepare a technical amendment to the SBRM amendment that would allow set asides to be used to fund observers in order to implement or improve the effectiveness of management measures in all Council FMPs.

- 2a. The motion was perfected to read:
include in the SBRM provisions in each FMP that would allow set asides to be used to fund observers in order to implement or improve the effectiveness of management measures in all Council FMPs.

The motion, as perfected, **carried** on a show of hands (12/3/0).

SCALLOPS

3. Mr. Simpson moved on behalf of the committee:
to approve Amendment 13 for submission to NMFS with Alternatives 3.2 and 3.3 as the proposed action (*Alternative 3.2 is a mechanism to administer the industry-funded scallop observer program as implemented by emergency action and Alternative 3.3 is the addition of “adjustments to the scallop observer program” as a frameworkable item to the Scallop FMP*).

The motion **carried** on a roll call vote (9/8/0).

Yes – Stockwell, Pierce, Simpson, Nelson, Kurkul, Cunningham, Hill, Salisbury, McGee

No – Gibson, Avila, Goethel, Odlin, Leary, Preble, Rice, Ruhle

Abstention(s) -

4. Mr. Rice moved and Mr. Avila seconded:
that the Council approves the Scallop Committee request to send NMFS a letter clarifying the 50 bushel in-shell scallop possession limit. The letter will request that the agency consider sending out a letter to all scallop permit holders clarifying the 50 bushel possession limit. Specifically, the letter should explain that the current regulations are in bushels (not plastic baskets), and vessels should be aware that 50 bushels is closer to the equivalent of 36 baskets based on analysis prepared by the scallop PDT. The agency should consider a technical correction to the regulations that would include language to clarify the volumetric measurement of one bushel and one standard plastic basket to improve compliance.

- 4a. The motion was perfected to read:
that the Council approves the Scallop Committee request to send NMFS a letter clarifying the 50 bushel in-shell scallop possession limit. The letter will request that the agency consider sending out a letter to all scallop permit holders clarifying the 50 bushel possession limit. Specifically, the letter should explain that the current regulations are in bushels (not plastic baskets), and vessels should be aware that 50 bushels is closer to the equivalent of 36 baskets based on analysis prepared by the scallop PDT.

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

TRAWL SURVEY

5. Dr. Pierce moved and Mr. Preble seconded:
to endorse the Trawl Survey Advisory Panel recommendation regarding the gear design to be used on future bottom trawl surveys conducted by the FSV Henry B. Bigelow.

- 5a. The motion was perfected to read:
that the Trawl Survey Advisory Panel recommends as specified in technical addendum: a three-bridle four seam 400 x 12cm net; use of one of two sweeps (1 rockhopper or 1 cookie); 66" type iv thyboron door (or doors with equivalent performance, i.e., 4.5 to 5.5 meter head rope height, 12.5 to 14.5 meter wing spread, and 30 to 35 meter door spread at 3.2 knots) to be utilized for future bottom trawl surveys on the FSV Henry B. Bigelow.

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

6. Mr. Avila moved and Mr. Ruhle seconded:
that the Trawl Survey Advisory Panel recommend that NOAA establish a formal training program for all personnel involved with the vessel fishing crew, survey leadership and shore based personnel for understanding the handling, repairing and construction of fishing gear utilized during fisheries surveys by the NEFSC.

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

HABITAT

7. Ms. McGee moved on behalf of the committee:
recommend to the Council the approval of the DSEIS with modifications approved at the January 16, 2007 committee meeting (motions 1-8 from the committee meeting summary) for public comment.

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

Thursday, February 8, 2007

GROUND FISH

1. Mr. Cunningham moved on behalf of the committee:
that the Council include revisions to the existing DAS program, including the DAS performance plan for further development in Amendment 16.
- 1a. Ms. Kurkul moved and Mr. Rice seconded:
to split the previous motion.
- The motion to split carried on a show of hands (16/1/0).
- 1b. The 1st part of split motion was voted:
that the Council include revisions to the existing DAS program.
- The motion carried unanimously on a show of hands (17/0/0).
- 1c. The 2nd part of split motion was voted:
to include the DAS performance plan for further development in Amendment 16.
- The motion carried on a show of hands (10/6/1).
2. Mr. Cunningham moved on behalf of the committee:
that the Council include LAPPs as alternatives for further development under Amendment 16.
- 2a. Mr. Salisbury moved to amend and Ms. McGee seconded:
to include the individual hard total allowable catch in the previous motion.

The motion to amend was withdrawn.

- 2b. The main motion was perfected to read:
that the Council include individual hard TACs, individual transferable quotas and stewardship shares as alternatives for further development under Amendment 16.

The main motion, as perfected, failed on a show of hands (4/13/0).

3. Mr. Cunningham moved on behalf of the committee:
that the Council include area management for further development under Amendment 16.

The motion carried on a show of hands (12/4/1).

4. Mr. Cunningham moved on behalf of the committee:
that the Council include the point system for further development under Amendment 16.

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

5. Mr. Cunningham moved on behalf of the committee:
that comments for modification to sector rules be referred to the Omnibus Sector Committee.

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

6. Mr. Cunningham moved on behalf of the committee:
that the Council allow vessels to possess a limited access groundfish and scallop permit at the same time for inclusion in the Amendment 16 analysis.

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

7. Mr. Cunningham moved on behalf of the committee:
that all the issues on allocating closed area yellowtail flounder TAC be referred to the Scallop Committee.

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

8. Mr. Cunningham moved on behalf of the committee:
that the Council develop a research set aside program for all groundfish stocks in Amendment 16.

The motion carried on a show of hands (12/0/4).

9. Mr. Cunningham moved on behalf of the committee:
that the Council forward a letter to NMFS to allow general category scallop exempted fishery east of cape cod to fish year round if the ongoing experiment proves that the bycatch of yellowtail flounder in this area is below the 5 percent exempted fishery threshold.

- 9a. Mr. Goethel moved to amend and Mr. Nelson seconded:
that the Council forward a letter to NMFS to allow general category scallop exempted fishery east of cape cod to fish year round if the ongoing experiment proves that the bycatch of regulated multispecies in this area is below the 5 percent exempted fishery threshold.

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

- 9b. The main motion as amended was voted:
that the Council forward a letter to NMFS to allow general category scallop exempted fishery east of cape cod to fish year round if the ongoing experiment proves that the bycatch of regulated multispecies in this area is below the 5 percent exempted fishery threshold.

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

10. Mr. Cunningham moved on behalf of the committee:
that hard TACs as a stand alone measure/alternative be moved to considered but rejected.

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

11. Mr. Odlin moved and Mr. Preble seconded:
that the Recreational Advisor's recommendations be forwarded to the Groundfish Committee for analysis and consideration in Amendment 16.

- 11a. Mr. Preble moved and Mr. Odlin seconded:
to split the previous motion.

The motion to split failed on a show of hands (4/10/1).

- 11b. The main motion was voted:
that the Recreational Advisor's recommendations be forwarded to the Groundfish Committee for analysis and consideration in Amendment 16.

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

12. Dr. Pierce moved and Mr. Odlin seconded:
that the Executive Committee and Regional Administrator consider appointing a small technical group to evaluate the potential impacts of implementing the proposed groundfish buyout and specifically how that program would affect the need to implement the default measures in 2009.

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

OTHER BUSINESS

13. Mr. Salisbury moved and Mr. Cunningham seconded
that the Council adopt the terms of reference for the Sector Omnibus Committee.

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

14. Mr. Hill moved and Mr. Preble seconded:
to change the NEFMC SOPPs to have the Recreational Advisory Panel report to the individual species committee that needs its advice rather than to the Council chair.

The motion carried on a show of hands.

15. Mr. Goethel moved and Mr. Nelson seconded:
that NMFS report on the functioning of VMS monitoring from May 1, 2006 to January, 2007 including how often vessel signals are lost, average length of lost signals and what limitations may exist with increased use of VMS to provide future monitoring information. If possible, break out the information by vendor.

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