### NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Sheraton Harborside Portsmouth, NH February 12-14, 2008 MOTIONS

## Tuesday, February 12, 2008

## **SCALLOPS**

1. Mr. Stockwell moved and Mr. Rice seconded:

to include state water landings of general category vessels and limited access vessels from the northern Gulf of Maine (GOM) for future development in the document.

The motion was withdrawn by its maker.

2. Mr. Simpson moved on behalf of the committee: to approve the scoping document developed by the Scallop Committee (including 8 specific scoping issues as described in the draft scoping document).

2a. Mr. Stockwell moved to amend and Mr. Rice seconded:

to approve the scoping document developed by the Scallop Committee (including 8 specific scoping issues as described in the draft scoping document) and to include state water landings of general category vessels and limited access vessels from the northern GOM for future development in setting the TAC in the document.

The motion to amend **carried** on a show of hands (10/5/2).

2b. Mr. Preble moved to amend and Mr. Goethel seconded:

to eliminate #6 from the scoping document described as "Measures to Address EFH closed areas under the scallop FMP if Phase II of the EFH amendment is delayed."

The motion to amend failed on a show of hands with the Chair not voting (8/8/0).

2c. Dr. Pierce moved to amend and Mr. Rice seconded:

to eliminate #3 from the scoping document described as "Mechanism for Sectors in the Limited Access Fishery."

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

2d. The main motion as amended:

to approve the scoping document developed by the Scallop Committee (including 8 specific scoping issues as described in the draft scoping document) and to include state water landings of general category vessels and limited access vessels from the northern GOM for future development in setting the TAC in the document. In addition, to eliminate #3 from the scoping document described as "Mechanism for Sectors in the Limited Access Fishery."

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

3. Mr. Goethel moved and Mr. Simpson seconded:

that the Council not accept any sector applications at this time for the general category scallop fishery in this amendment [reconsider this subject under a different action after Amendment 11 is approved].

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

#### **OPERATIONS HANDBOOK**

4. Mr. Preble moved and Mr. Goethel seconded:

that the Council adopt the following language on Page 1 in the Sector Policy "...in the fishery management plan through which the sector is being formed..."

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

5. Dr. Pierce moved and Mr. Avila seconded:

that the issues paper regarding reconsideration of multiple sector enrollment be referred to the [reconstituted] Sector Committee to address the questions raised therein.

5a. Mr. Odlin moved to amend and Mr. Preble seconded:

to strike the following language from page 3 in the Sector Policy "furthermore, a vessel cannot be in more than one sector in different FMPs in the same year."

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

5b. The main motion as amended:

that the issues paper regarding reconsideration of multiple sector enrollment be referred to the [reconstituted] Sector Committee to address the questions raised therein. Also, to strike the following language from page 3 in the sector policy "furthermore, a vessel cannot be in more than one sector in different FMPs in the same year."

The main motion, as amended, **carried** on a show of hands (10/4/1).

6. Mr. Cunningham moved on behalf of the groundfish committee:

that the Council strike the following language on page 3 of the sector policy: "each sector is responsible for ensuring that their eligibility criteria are implemented in a fair and uniform manner."

The motion **carried** on a show of hands (12/5/0).

7. Mr. Odlin moved and Mr. Salisbury seconded:

that for the SSC policy, to substitute "the five voting members of the Executive Committee will appoint SSC members..." to "the Council will appoint SSC members..."

The motion **failed** on a show of hands (3/12/1).

8. Mr. Odlin moved and Mr. Preble seconded:

that the Operations Handbook, as amended this date, be approved.

The motion was withdrawn by its maker.

9. Mr. Salisbury moved and Mr. Avila seconded:

that the Council be made aware of the SSC nominees and that they be able to provide recommendations to the Executive Committee prior to their selection.

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

10. Mr. Odlin moved and Mr. Preble seconded:

that the Operations Handbook, as amended this date, be approved.

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

Consensus (Operations Handbook):

that the Council approve the Advisory Panel, Enforcement and Approval of Additional Gears Use of B-Regular days-at-sea (DAS) Program policies as amended this date.

## Wednesday, February 13, 2008

## PROCESS FOR REVIEW OF NEFMC FMP REGULATIONS

1. Mr. Cunningham moved and Mr. Nelson seconded:

that the Council send the draft proposed regulations for implementing Framework 19 to the Scallop FMP and Framework 5 to the Monkfish FMP to the Executive Director for review. After reviewing the draft proposed regulations, the Executive Director shall recommend to the Council Chair whether they are necessary and appropriate for purposes of implementing the relevant framework. After considering the Executive Director's recommendation, the Council Chair, on behalf of the Council, shall decide whether to deem the draft proposed regulations as necessary and appropriate for implementing the frameworks consistent with section 303(c) of the Magnuson-Stevens Act.

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

## **RESEARCH STEERING**

2. Mr. Goethel moved on behalf of the committee:

to support the following as 2008 priorities for inclusion in the NMFS broad agency announcement and for use by other funders of cooperative research:

- 1. develop gear that would separate haddock from all other species in the eastern US/CA;
- 2. develop species selective gears that will reduce the capture of dogfish and reduce the capture of skates (in particular thorny skates) in fisheries where these species are taken as bycatch; and
- 3. develop and implement a data collection/monitoring program that would promote accurate fine-scale spatial accounting of all catch components of the multispecies fishery (to include landings, bycatch and discards).
- 2a. Mr. Nelson moved to amend and Mr. Stockwell seconded:
  - to support the following as 2008 priorities for inclusion in the NMFS broad agency announcement and for use by other funders of cooperative research:
  - 1. develop gear that would separate haddock from all other species in the eastern US/CA;
  - 2. develop species selective gears that will reduce the capture of dogfish and reduce the capture of skates (in particular thorny skates) in fisheries where these species are taken as bycatch; and
  - 3. develop according to ACCSP standards, and implement a data collection/monitoring program that would promote accurate fine-scale spatial accounting of all catch components of the multispecies fishery (to include landings, bycatch and discards).

2b. Mr. Simpson moved to further amend and Mr. Salisbury seconded:

to support the following as 2008 priorities for inclusion in the NMFS broad agency announcement and for use by other funders of cooperative research:

- 1. develop methodologies that would separate haddock from all other species in the eastern US/CA;
- 2. develop species selective methodologies that will reduce the capture of dogfish and reduce the capture of skates (in particular thorny skates) in fisheries where these species are taken as bycatch; and
- 3. develop according to ACCSP standards, and implement a data collection/monitoring program that would promote accurate fine-scale spatial accounting of all catch components of the multispecies fishery (to include landings, bycatch and discards).

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

2c. The main motion, as amended, was voted:

to support the following as 2008 priorities for inclusion in the NMFS broad agency announcement and for use by other funders of cooperative research:

- 1. develop methodologies that would separate haddock from all other species in the eastern US/CA;
- 2. develop species selective methodologies that will reduce the capture of dogfish and reduce the capture of skates (in particular thorny skates) in fisheries where these species are taken as bycatch; and
- 3. develop according to ACCSP standards, and implement a data collection/monitoring program that would promote accurate fine-scale spatial accounting of all catch components of the multispecies fishery (to include landings, bycatch and discards).

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

### **HABITAT**

3. Mr. Preble moved on behalf of the committee:

to redefine the minimum and maximum depths for adult white hake EFH as 25m and 850m respectively, and to redefine the temperature range for adult white hake EFH as 2-13 degrees celsius respectively.

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

4. Mr. Preble moved on behalf of the committee:

to revise the boundaries of the eight affected HAPCs affected by the redefinition of white hake EFH maximum depth such that their seaward boundaries follow the 1500m depth contour, the deepest designated EFH for adult and juvenile witch flounder.

The motion **carried** on a show of hands (10/5/2).

5. Mr. Preble moved on behalf of the committee:

to direct the Habitat PDT to evaluate existing information on deep sea corals and to develop management options to protect deep sea coral habitat. It is understood that these options would be independent of any EFH and HAPC designations.

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

## **GROUNDFISH**

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

that the Council adopt the PDT recommendations for ACLs that are described in paragraph numbers 21-26 of the January 11, 2008 PDT discussion paper.

6a. Dr. Pierce moved to amend and Mr. Stockwell seconded:

that the Council adopt the PDT recommendations for ACLs that are described in paragraph numbers 21-26 and in the left column of the table in number 21 where overfishing is defined by catch at  $F_{msy}$ . The recommendations are found in the January 11, 2008 PDT discussion paper.

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

6b. The main motion was voted:

that the Council adopt the PDT recommendations for ACLs that are described in paragraph numbers 21-26 of the January 11, 2008 PDT discussion paper.

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

7. Mr. Cunningham moved and Mr. Preble seconded:

that the Council direct the Groundfish Committee to continue to develop the PDT's recommendation on ACL subcomponents.

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

8. Mr. Cunningham moved and Mr. Preble seconded:

that the Council direct the Groundfish Committee to adopt the PDT's recommendation on the ACL setting process.

8a. The motion was perfected to read:

that the Council direct the Groundfish Committee to develop the PDT's recommendation on the ACL setting process and make a recommendation to the Council.

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

9. Mr. Preble moved and Mr. Gibson seconded:

that the haddock eliminator trawl be recommended to the Regional Administrator for use in the haddock fishery.

9a. The motion was perfected to read:

that the haddock eliminator trawl be recommended to the Regional Administrator for use in the eastern US/CA haddock SAP and the category 'B' DAS program.

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

10. Mr. Preble moved and Mr. Rice seconded:

to bring back the tabled motion regarding emergency action to expand the CAI Hook Gear Haddock SAP from the January 24 Council meeting.

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

10a. Mr. Odlin moved and Dr. Pierce seconded:

to table the motion on emergency action to expand the CAI Hook Gear Haddock SAP until the following day.

The motion to table **carried** on a show of hands (9/8/0).

11. Mr. Preble moved and Mr. Avila seconded:

that the Council task the Habitat Committee to investigate opening a corridor between Closed Area 2 and the Hague line.

11a. Mr. Cunningham moved to substitute and Mr. Goethel seconded:

that the Council task the Chair and Executive Director to provide the Canadian Department of Fisheries and Oceans (DFO) presentation given at the 2007 Haddock Symposium to the Council as a whole.

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

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

## Thursday, February 14, 2008

### **GROUNDFISH**

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

that the Council forward the request to have NMFS institute emergency action as requested by the CCCHFA concerning the expansion of the Closed Area 1 SAP.

Yes – Pierce, Hill, Leary, Rice

No – Avila, Blount, Cunningham, Goethel, McGee, Kurkul, Stockwell, Nelson, Odlin, Preble, Salisbury, Simpson, Gibson

Abstention(s) –

The motion **failed** on a roll call vote (4/13/0).

The following motions refer to the Amendment 16 Summary of Measures under Consideration document:

## I. Section 1.0 Updates on Status Determination Criteria, Rebuilding Program Mortality Targets

2. Mr. Cunningham moved and Mr. Odlin seconded:

to include a placeholder in Amendment 16 alternatives for revising status determination criteria, revising mortality targets for rebuilding programs, and "if necessary" adopting additional formal rebuilding programs.

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

# II. Fishery Program Administration – Section 2.0 [Preparation of a Sector Proposal/Operations Plan]

3. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the sector formation and operations plan requirements as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008.

3a. Dr. Pierce moved to amend and Mr. Nelson seconded:

to include as an Amendment 16 alternative the sector formation and operations plan requirements as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008. The sectors operation plan must include a list of all federal and state permits held by vessels that would be part of the sector and a description of the extent to which effort displacement to other state and federal waters fisheries will occur.

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

3b. Dr. Pierce moved to amend and Mr. Preble seconded:

to include as an Amendment 16 alternative the sector formation and operations plan requirements as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008. The sectors operation plan must include a list of all federal and state permits held by vessels that would be part of the sector.

The motion to amend **carried** on a show of hands (12/5/0).

3c. Ms. Kurkul moved to amend and Mr. Odlin seconded:

to change the date from December 1 to September 1 for submission of the final operations plan.

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

3d. The min motion, as amended, was voted:

to include as an Amendment 16 alternative the sector formation and operations plan requirements as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008. The sectors operation plan must include a list of all federal and state permits held by vessels that would be part of the sector. In addition, to change the date from December 1 to September 1 for submission of the final operations plan.

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

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

to include as an Amendment 16 alternative that sectors will receive a hard TAC of all regulated groundfish with the exception of ocean pout, windowpane flounders, and Atlantic halibut, and that there will not be a cap on the share of a stock that can be allocated to a sector.

4a. Dr. Pierce moved to split the question and Mr. Goethel seconded:

the motion to split **failed** on a show of hands (6/9/0).

4b. Mr. Goethel moved to amend and Dr. Pierce seconded:

to include as an Amendment 16 alternative that sectors will receive a hard TAC of all regulated groundfish with the exception of ocean pout, windowpane flounders, and Atlantic halibut and that there be a 20% cap on the share of a stock that can be allocated to a sector.

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

4c. The main motion was voted:

to include as an Amendment 16 alternative that sectors will receive a hard TAC of all regulated groundfish with the exception of ocean pout, windowpane flounders, and Atlantic halibut, and that there will not be a cap on the share of a stock that can be allocated to a sector.

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

#### US/CA Area

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

to include as an Amendment 16 alternative that sectors will receive a specific allocation for those stocks that have a TAC specific to the eastern US/CA area.

The motion **carried** on a show of hands (12/3/2).

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

for the sector share calculations, the vessel baseline will be fixed at January 29, 2004 (for those alternatives that include length/hp characteristics/capacity part of formula).

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

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

to allow Closed Area 1 hook gear haddock SAP landings to be counted in determining potential sector contributions.

The motion **carried** on a show of hands (14/1/2).

## Transfer of Catch Entitlements

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

to include as an Amendment 16 alternative the provisions for transfer of annual catch entitlement (ACE) as described in the Amendment 16 Draft Sector Management Measures dated January 31, 2008.

8a. Dr. Pierce moved to amend and Mr. Nelson seconded:

to include as an Amendment 16 alternative the provisions for transfer of annual catch entitlement (ACE) as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008. Also, to add the following language in Section H4, (page 24 of the draft Amendment 16 document) which states "details (including types of compensation) of transfer of ACE to other sectors must be reported in sector annual reports."

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

8b. The main motion was voted:

to include as an Amendment 16 alternative the provisions for transfer of annual catch entitlement (ACE) as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008.

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

#### Mortality/Conservation Controls

9. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the provisions for mortality/conservation controls as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008.

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

## Interaction with Common Pool Vessels

10. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the universal sector exemptions as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008.

10a. Mr. Goethel moved to amend and Mr. Preble seconded:

to remove rolling and seasonal closures from the list of universal exemptions, and add them to the list of measures from which sectors cannot request an exemption.

The motion to amend was withdrawn.

10b. Mr. Goethel moved to amend but no one seconded:

to remove rolling and seasonal closures from the list of universal exemptions, and add them to the list of measures from which sectors cannot request an exemption.

10c. Mr. Stockwell moved to amend and Mr. Preble seconded: to remove rolling closures from the list of universal exemptions.

The motion to amend **carried** on a show of hands (9/8/0).

Council discussion indicated rolling closures are those closures in the Gulf of Maine; seasonal closures refers to the seasonal May closure on Georges Bank.

10d. The main motion as amended was voted:

to include as an Amendment 16 alternative the universal sector exemptions as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008 but remove rolling closures from the list of universal exemptions.

The main motion, as amended, **carried** on a show of hands (12/3/1).

11. Dr. Pierce moved and Mr. Stockwell seconded:

that for Amendment 16, rolling closures be reexamined and modified with the purpose of protecting spawning cod and allowing fishermen to regain access to areas currently closed.

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

## Monitoring and Enforcement

12. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the monitoring and enforcement provisions as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008.

12a. Dr. Pierce moved to amend and Mr. Simpson seconded:

to change the language on page 28 (2<sup>nd</sup> bullet) to read "discards will be counted at the previous assumed discard rate, calculated as often as is practicable, by gear, and that amount will be deducted off the top of the ACE. A sector <u>must</u> develop an adequate monitoring system and demonstrate to NMFS that discards can be accurately monitored and counted as part of the ACE, at the sector's expense. Details about such a monitoring system must be provided in the sector's operations plan. This system will enable the sector to deduct actual discards from the ACE'S instead of assumed discard rates."

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

12b. The main motion, as amended, was voted:

to include as an Amendment 16 alternative the monitoring and enforcement provisions as described in the Amendment 16 Draft Sector Management Measures document dated January 31, 2008 and to change the language on page 28 (2<sup>nd</sup> bullet) to read "discards will be counted at the previous assumed discard rate, calculated as often as is practicable, by gear, and that amount will be deducted off the top of the ACE. A sector <u>must</u> develop an adequate monitoring system and demonstrate to NMFS that discards can be accurately monitored and counted as part of the ACE, at the sector's expense. Details about such a monitoring system must be provided in the sector's operations plan. This system will enable the sector to deduct actual discards from the ACE'S instead of assumed discard rates."

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

### Section 2.2 – Research Set Aside Program

13. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the research set-aside program as described in the Amendment 16 Summary of Measures under Consideration.

13a. Mr. Nelson moved to amend and Mr. Goethel seconded:

for each regulated groundfish stock, up to 3% of the available catch may be set aside for conducting research.

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

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

to include as an Amendment 16 alternative the research set-aside program as described in the Amendment 16 Summary of Measures under Consideration and that for each regulated groundfish stock, up to 3% of the available catch may be set aside for conducting research.

The main motion, as amended, **failed** on a show of hands (8/8/0).

# <u>Section 2.5 – Allocation to the Commercial and Rec</u>reational Groundfish Fisheries

14. Mr. Cunningham moved on behalf of the committee: to include as an Amendment 16 alternative the allocation of groundfish to the commercial and recreational components of the fishery as described in the Amendment 16 Summary of Measures under Consideration.

14a. Mr. Simpson moved to amend and Mr. Avila seconded:

to include an alternative in Amendment 16 that calculates a recreational allocation for state waters on anticipated catch for the years ACLs are being specified. This alternative applies to winter flounder listed in table 1, page 6 as described in the Amendment 16 Summary of Measures under Consideration.

The motion to amend **carried** on a show of hands (7/6/0).

14b. The main motion, as amended, was voted:

to include as an Amendment 16 alternative the allocation of groundfish to the commercial and recreational components of the fishery as described in the Amendment 16 Summary of Measures under Consideration and to include an alternative that calculates a recreational allocation for state waters on anticipated catch for the years ACLs are being specified. This alternative applies to winter flounder listed in table 1, page 6.

The main motion, as amended, **carried** on a show of hands (11/3/2).

## Section 3.1 – Effort Controls

15. Mr. Cunningham moved and Mr. Preble seconded: to include as Amendment 16 alternatives effort control alternatives and recreational management measures as described in the Amendment 16 Summary of Measures under Consideration.

15a. Mr. Odlin moved to amend and Mr. Stockwell seconded:

that 'adjustments to trip limits' be listed [in addition to the 4 items listed on page 7] under effort control alternatives.

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

15b. The main motion, as amended, was voted:

to include as Amendment 16 alternatives effort control alternatives and recreational management measures as described in the Amendment 16 Summary of Measures under Consideration and that 'adjustments to trip limits' be listed [in addition to the 4 items listed on page 7] under effort control alternatives.

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

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

to include an option in Amendment 16 which allows the owners of multiple groundfish permits to consolidate the DAS/catch history on a single vessel and be exempt from the DAS transfer program conservation tax. Said program may be limited to a specific period of time to reduce the administrative burden on NMFS.

The motion **carried** on a show of hands (12/3/1).

## Section 3.3 – Additional/Modified Sectors

17. Mr. Cunningham moved and Mr. Avila seconded:

to include as an Amendment 16 alternative the sector applications/modifications as described in the Amendment 16 Summary of Measures under Consideration.

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

## Section 3.4 – Accountability Measures

18. Mr. Cunningham moved and Mr. Stockwell seconded:

to include as Amendment 16 alternatives the accountability measures for common pool vessels, recreational vessels, and sectors as described in the Amendment 16 Summary of Measures under Consideration.

18a. Mr. Salisbury moved and Mr. Odlin seconded: to table the previous motion.

The motion to table **failed** on a show of hands (6/9/0).

18b. Mr. Preble moved and Mr. Goethel seconded:

to table the main motion until the April Council meeting and to task the Groundfish Committee with developing one or more accountability measures as specified in Section 3.4.1.2.

The motion to table **carried** on a show of hands (9/5/0).

19. Mr. Leary moved and Dr. Pierce seconded:

to forward the Closed Area 1 SAP expansion proposal into Amendment 16.

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

20. Mr. Nelson moved and Mr. Avila seconded:

that the Groundfish Committee evaluate potential sector contribution Alternative 4 which is 50% of the landings history and 50% vessel 'A' DAS baseline for all stocks FY1996 - FY2006.

The motion **carried** on a show of hands (9/5/2).

21. Mr. Odlin moved and Mr. Avila seconded:

that the Council consider the extension of the eastern Georges US/CA Haddock SAP in Amendment 16.

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

22. Mr. Hill moved and Mr. Rice seconded:

to advance the concept of the running clock to the Enforcement Committee to see if enforcement problems cited in the past still exist.

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