

**New England Fishery Management Council  
Hyatt Regency  
Newport, Rhode Island  
June 13-15, 2006**

**MOTIONS**

**June 13, 2006**

**NORTHEAST FISHERIES SCIENCE CENTER REPORTS**

1. Mr. Ruhle moved and Mr. Odlin seconded:  
that the Northeast Fisheries Science Center (NEFSC) give the Council a detailed report at the September Council Meeting on the status of the 2003 haddock year-class growth rate and the growth rates of all other managed stocks.

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

**HABITAT/MPA/ECOSYSTEMS**

2. Ms. McGee moved on behalf of the committee:  
to recommend to the Council the EFH Designation Alternative document as amended by the committee and that included in this are the preferred alternative recommendations from the committee.

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

**HAGFISH**

3. Mr. Hill moved and Mr. Nelson seconded:  
that the Council reaffirm the control date for the hagfish fishery set on August 28, 2002.

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

**June 14, 2006**

**MAGNUSON-STEVENSON REAUTHORIZATION**

1. Mr. Nelson moved and Mr. Gibson seconded:  
that the Council's comment letter include that we recommend not having prohibition of fees for recreational fishermen for the purposes of data collection at this time.

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

2. Mr. Nelson moved and Mr. Salisbury seconded:  
that the Council adopt the recommendations of the Magnuson-Stevens committee as amended for the purpose of forwarding these comments to members of Congress.

- 2a. Ms. McGee moved to amend and Mr. Pappalardo seconded:  
that the Council remove from the letter the comment regarding the duration of measures to rebuild diminished fisheries [language on pages 63-64 in paragraphs 1-4 in its entirety is not needed as flexibility currently exists].

The motion to amend failed on a show of hands (6/9/2).

- 2b. The main motion was perfected to read:  
that the Council adopt the recommendations of the Magnuson-Stevens committee as amended for the purpose of forwarding these comments to members of Congress. Amendments to the Magnuson-Stevens authorization comment letter include recommending not having prohibition of fees for recreational fishermen for the purposes of data collection at this time and on page 35, regarding limited access privilege programs eligibility strike the words "including those who have not participated in the fishery" and on page 21, recommend striking "required training".

The main motion, as perfected, carried on a show of hands (13/3/1).

### **GROUND FISH**

3. Mr. Cunningham moved and Mr. Odlin seconded:  
that the Council recommend to NOAA fisheries approval of the requested exemptions for the Georges Bank cod hook sector for FY 2006 only, with the intent that for FY 2007 the Georges Bank cod hook sector will have hard TACs for all species landed based on landings for FY 2001-2005, which will be approved by the Council as part of the 2007 annual operations plan submission process.

- 3a. The motion was perfected to read:  
that the Council recommend to NOAA fisheries approval of the requested exemptions for the Georges Bank cod hook sector for the FY 2006 only.

The motion, as perfected, carried on a show of hands (11/0/5).

**June 15, 2006**

### **SCALLOPS**

1. Mr. Hill moved and Ms. McGee seconded:  
to approve the list of alternatives for consideration in Amendment 11 the committee will work out the issues raised by the FMAT and the PDT [as well as other issues discussed this date].

- 1a. Mr. Hill moved and Mr. Cunningham seconded:  
to table the previous motion.

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

2. Mr. Hill moved and Mr. Pappalardo seconded:  
to make Alternative 1.1.2.3.2 (to allocate based on an average of the best three years) to be used with the longer time series alternative and to add another alternative in this section to average all years during the qualification period selected.

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

3. Mr. Hill moved and Mr. Cunningham seconded:  
to include a separate alternative in Section 1.1.2.4 that includes the qualification in number of trips as well as a second alternative based on poundage only.

- 3a. Dr. Pierce moved to substitute and Ms. Kurkul seconded:  
that the trip part of Alternative 1.1.2.4.3 be removed from the document [that alternative would only use poundage as part of the qualification criteria].

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

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

4. Ms. Kurkul moved and Mr. Hill seconded:  
that Alternatives 1.1.2.6.1.2 and 1.1.2.6.1.4 be deleted from the document (page 15 of scallop document 1) and to strike “that target scallops” from Alternative 1.1.2.6.1.3.

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

5. Mr. Goethel moved and Mr. Rice seconded:  
in reference to Section 1.1.2.7, that a sector could not be allocated more than 20% of the general category fishery and it is understood that the percentage can be modified in a future framework. [At this time the Council does not endorse participation by non-limited access general category qualifying vessels in a sector].

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

6. Ms. Kurkul moved and Mr. Stockwell seconded:  
to strike Alternative 1.1.3 (page 20 scallop document 1).

The motion carried on a show of hands (10/4/0).

7. Mr. Goethel moved and Mr. Cunningham seconded:  
to revisit tabled motion 1.

The tabled motion carried unanimously on a show of hands.

- 7a. The tabled motion reads as follows:  
to approve the list of alternatives for consideration in Amendment 11 and the Scallop Committee will work out the issues raised by the FMAT and the PDT [as well as other issues discussed this date].

- 7b. The motion was perfected to read:  
that the Council approve the range of alternatives as developed by the committee and as may be amended by the Council at this meeting for the development of the DSEIS for Amendment 11.
- 7c. Mr. Salisbury moved to amend and Mr. Rice seconded:  
to include an Alternative 1.1.2.2.3 [historical landings between March 1, 1994 through November 1, 2004].
- The motion to amend failed on a show of hands (7/7/0).
- 7d. Ms. Kurkul moved to amend and Ms. McGee seconded:  
to strike sections 1.1.4.2 and 1.1.4.3.
- The motion to amend carried on a show of hands (8/6/0).
- 7e. Ms. Kurkul moved to amend and Mr. Hill seconded:  
to add an alternative in the monitoring Section 1.1.5 that would monitor the General Category fishery using an IVR system.
- The motion to amend carried on a show of hands (9/0/3).
- 7f. Ms. Kurkul moved and Ms. McGee seconded:  
to include an alternative to the 400 lb. trip limit under Section 1.1.2.4.1 of 2,000 lbs. per trip.
- The motion as amended carried on a show of hands (8/6/0).
- 7g. Mr. Goethel moved to amend and there was no second:  
to create a Northern Gulf of Maine scallop management area and that in order to qualify and participate in this special management area, participants must have had a general category permit in any year between March 1, 1994 to November 1, 2004 and had to have landed 1,000 pounds or more in any one year during that time from this area.

Measures to control fishing in this area are:

1. north of 42°20' in this area, vessels must fish by the following rules;
2. participants can land a maximum of 200 lbs. per day;
3. participants can only fish with a dredge, maximum width of 10.5 ft;
4. the fishery in this area will be back-stopped with a hard TAC based on historic landings and PDT recommendation;
5. the hard TAC for this area should not be taken from the overall TAC for the scallop fishery because this area is outside the area surveyed for the scallop assessment.

The motion as amended was ruled out of order by the Chair.

- 7h. Mr. Ruhle moved to amend and Mr. Rice seconded:  
to include another alternative in Section 1.1.2.6, when fishing with a net for all other species the amount of scallops on board cannot exceed 5% of product on board, maintaining a 400 lbs. maximum of scallops per trip.

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

- 7i. Mr. Ruhle moved to amend and Mr. Rice seconded:  
to remove Section 1.1.2.7 until all components of the Council's sector policy guidance are formed.

The motion to amend failed on a show of hands (5/9/0).

- 7j. Mr. Darcy moved to amend and Ms. McGee seconded:  
to delete Section 1.1.7.2.1 (which would also include Sections 1.1.7.2.1.1 and 1.1.7.2.1.2) from the document.

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

- 7k. Mr. Darcy moved to amend and Mr. Ruhle seconded:  
to delete Section 1.1.7.2.2 from the document.

The motion to amend failed on a show of hands (3/7/0).

- 7l. Mr. Darcy moved to amend and Mr. Cunningham seconded:  
that another option [1.1.2.1.3] be added to Section 1.1.2.1 to read "in order to qualify a vessel would have to have a permit before the control date and annual landings of 5,000 lbs. in any one year during the qualification period."

The motion to amend carried on a show of hands (10/2/0).

- 7m. Mr. Rice moved and Mr. Salisbury seconded:  
to create a Northern Gulf of Maine scallop management area and that in order to qualify and participate in this special management area, participants must have had a general category permit in any year between March 1, 2000 to November 1, 2004 and had to have landed 1,000 lbs. in any one year from this area.

Measures to control fishing in this area are:

- 1 north of 42°20' in this area, vessels must fish by the following rules;
- 2 participants can land a maximum of 200 lbs. per day;
- 3 participants can only fish with a dredge, maximum width of 10.5 ft;
- 4 the fishery in this area will be back-stopped with a hard TAC based on historic landings and PDT recommendation;
- 5 the hard TAC for this area should not be taken from the overall TAC for the scallop fishery because this area is outside the area surveyed for the scallop assessment.

The motion to amend failed on a show of hands (4/9/0).

7n. The main motion as amended was voted:  
that the Council approve the range of alternatives as developed by the Scallop Committee and as may be amended by the Council at this meeting for the development of the DSEIS for Amendment 11 and to include:

- to strike sections 1.1.4.2 and 1.1.4.3 (page 21 of scallop document #1);
- to add an alternative in the monitoring Section 1.1.5 that would monitor the General Category fishery using an IVR system;
- to include an alternative to the 400 lb. trip limit under Section 1.1.2.4.1 of 2,000 lbs. per trip;
- to include another alternative in section 1.1.2.6, when fishing with a net for all other species the amount of scallops on board can not exceed 5% of product onboard, maintaining a 400 lb. maximum of scallops per trip;
- to delete Section 1.1.7.2.1 (which would also include Sections 1.1.7.2.1.1 and 1.1.7.2.1.2) from the document;
- that another option [1.1.2.1.3] be added to Section 1.1.2.1 to read in order to qualify a vessel would have to have a permit before the control date and annual landings of 5,000 lbs. in any one year during the qualification period.

The main motion, as amended, failed on a roll call vote (5/8/0).

Yes - Gibson, Cunningham, Hill, Darcy, Pappalardo

No - Goethel, McBane, Leary, Stockwell, Rice, Ruhle, Salisbury, Simpson

Abstention (s) - none

8. Mr. Salisbury moved and Mr. Rice seconded:  
that the list of alternatives be sent back to the committee.

The motion was withdrawn by its maker.

9. Mr. Darcy moved and Mr. Pappalardo seconded:  
that the draft list of alternatives be sent back to the committee for further development.

The motion carried on a show of hands (9/2/0).

10. Mr. Salisbury moved and Mr. Rice seconded:  
that the Chairman reconstitute the scallop committee.

The motion carried on a show of hands (9/1/1).

#### **OTHER BUSINESS**

11. Mr. Cunningham moved and Mr. Leary seconded:  
that the Council approve the minutes from January 31- February 2 and April 5-6, 2006 Council meetings.

The motion carried on a voice vote.

#### **CONSENSUS**

to send a letter to the Northeast Region Fisheries Observer Program to encourage them to consider ways, such as those identified in the letter from Environmental Defense, et al, to improve the identification of river herring by observers.