

New England Fishery Management Council
Eastland Park Hotel
Portland, Maine
June 19-21, 2007

MOTIONS

Tuesday, June 19, 2007

REPORTS

1. Mr. Simpson moved and Mr. Cunningham seconded:
recommend that the Council have one group of scallop advisors, combining the two advisory panels into one (*refer to Item #2 of Executive Committee summary dated May 25, 2007*).

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

ENFORCEMENT

2. Mr. Avila moved on behalf of the committee:
that the Council request NMFS establish a declaration that would allow vessels to transit closed areas with minimal gear stowage requirements, as the gear stowage requirements create serious safety concern.

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

HABITAT/MPA/ECOSYSTEM

3. Ms. McGee moved on behalf of the committee:
to approve the EFH designations for all species under management by the NEFMC as recommended by the Habitat/MPA/Ecosystems Committee including all technical corrections outlined by the Habitat PDT (*Goal #1 of decision document*).

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

4. Ms. McGee moved on behalf of the committee:
to approve the designation as a habitat area of particular concern (HAPC) the following areas as described in the DSEIS and as modified by the Habitat/MPA/Ecosystem Committee recommendations:

Alternative 1A – *Status quo Atlantic salmon HAPC*
Alternative 1B – *Status quo Georges Bank cod HAPC*
Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*
Alternative 3A – *Heezen Canyon HAPC*
Alternative 3E – *Hydrographer Canyon HAPC*
Alternative 3F – *Veatch Canyon HAPC*
Alternative 3G – *Alvin/Atlantis Canyons HAPC*
Alternative 3H – *Hudson Canyon HAPC*
Alternative 3J – *Wilmington Canyon HAPC*
Alternative 3K – *Baltimore Canyon HAPC*
Alternative 3L – *Washington Canyon HAPC*
Alternative 3M – *Norfolk Canyon HAPC*
Alternative 3N – *combined Lydonia/Gilbert/Oceanographers Canyons HAPC*
Alternative 3O – *combined Hendrickson/Toms/Middle Toms area HAPC*

Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*

Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*

Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m).*

- 4a. Mr. Pierce moved to amend and Ms. Valliere seconded:
with respect to the Habitat/MPA/Ecosystems Committee recommendations listed below, to substitute Alternative 6A with Alternative 6C, modified to encompass the entire Stellwagen Bank National Marine Sanctuary and the current Western Gulf of Main Habitat Closed Area:
- Alternative 1A – *Status quo Atlantic salmon HAPC*
 - Alternative 1B - *Status quo Georges Bank cod HAPC*
 - Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*
 - Alternative 3A – *Heezen Canyon HAPC*
 - Alternative 3E – *Hydrographer Canyon HAPC*
 - Alternative 3F - *Veatch Canyon HAPC*
 - Alternative 3G – *Alvin/Atlantis Canyons HAPC*
 - Alternative 3H – *Hudson Canyon HAPC*
 - Alternative 3J - *Wilmington Canyon HAPC*
 - Alternative 3K - *Baltimore Canyon HAPC*
 - Alternative 3L – *Washington Canyon HAPC*
 - Alternative 3M – *Norfolk Canyon HAPC*
 - Alternative 3N – combined *Lydonia/Gilbert/Oceanographers Canyons HAPC*
 - Alternative 3O – combined *Hendrickson/Toms/Middle Toms area HAPC*
 - Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*
 - Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*
 - Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m).*

The motion to amend **failed** on a roll call vote (8/9/0).

Yes – Cunningham, Pierce, Preble, Kurkul, McGee, Stockwell, Simpson, Valliere

No – Avila, Goethel, Hill, Leary, Nelson, Ruhle, Odlin, Rice, Salisbury

- 4b. Mr. Preble moved to amend and Mr. Cunningham seconded:
with respect to the Habitat/MPA/Ecosystems Committee recommendations listed below, to approve a modified HAPC Alternative 8 (Great South Channel) to include only areas that are included in the juvenile cod EFH Alternative 3E:
- Alternative 1A – *Status quo Atlantic salmon HAPC*
 - Alternative 1B - *Status quo Georges Bank cod HAPC*
 - Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*
 - Alternative 3A – *Heezen Canyon HAPC*
 - Alternative 3E – *Hydrographer Canyon HAPC*
 - Alternative 3F - *Veatch Canyon HAPC*
 - Alternative 3G – *Alvin/Atlantis Canyons HAPC*
 - Alternative 3H – *Hudson Canyon HAPC*
 - Alternative 3J - *Wilmington Canyon HAPC*
 - Alternative 3K - *Baltimore Canyon HAPC*
 - Alternative 3L – *Washington Canyon HAPC*

Alternative 3M – *Norfolk Canyon HAPC*

Alternative 3N – combined *Lydonia/Gilbert/Oceanographers Canyons HAPC*

Alternative 3O – combined *Hendrickson/Toms/Middle Toms area HAPC*

Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*

Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*

Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m).*

4c. Mr. Nelson offered as a friendly amendment:

with respect to the Habitat/MPA/Ecosystems Committee recommendations listed below, to forward a modified HAPC Alternative 8 (Great South Channel) to include only areas that are included in the juvenile cod EFH Alternative 3E to the PDT and Habitat/MPA/Ecosystem Committee for review and recommendation and report to the Council at its September Council meeting:

(Intent: to include the Alternative 8 decision in Phase 1 of the EFH Omnibus Amendment).

Alternative 1A – *Status quo Atlantic salmon HAPC*

Alternative 1B - *Status quo Georges Bank cod HAPC*

Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*

Alternative 3A – *Heezen Canyon HAPC*

Alternative 3E – *Hydrographer Canyon HAPC*

Alternative 3F - *Veatch Canyon HAPC*

Alternative 3G – *Alvin/Atlantis Canyons HAPC*

Alternative 3H – *Hudson Canyon HAPC*

Alternative 3J - *Wilmington Canyon HAPC*

Alternative 3K - *Baltimore Canyon HAPC*

Alternative 3L – *Washington Canyon HAPC*

Alternative 3M – *Norfolk Canyon HAPC*

Alternative 3N – combined *Lydonia/Gilbert/Oceanographers Canyons HAPC*

Alternative 3O – combined *Hendrickson/Toms/Middle Toms area HAPC*

Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*

Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*

Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m).*

The motion to amend **carried** on a show of hands (13/4/0).

4d. Mr. Stockwell moved to substitute and Mr. Salisbury seconded:

with respect to the Habitat/MPA/Ecosystems Committee recommendations listed below, to substitute deep-sea canyon HAPC Alternatives 3B, 3C, 3D and 3I for 3N and 3O :

Alternative 1A – *Status quo Atlantic salmon HAPC*

Alternative 1B - *Status quo Georges Bank cod HAPC*

Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*

Alternative 3A – *Heezen Canyon HAPC*

Alternative 3E – *Hydrographer Canyon HAPC*

Alternative 3F - *Veatch Canyon HAPC*

Alternative 3G – *Alvin/Atlantis Canyons HAPC*

Alternative 3H – *Hudson Canyon HAPC*

Alternative 3J - *Wilmington Canyon HAPC*

Alternative 3K - *Baltimore Canyon HAPC*

Alternative 3L – *Washington Canyon HAPC*

Alternative 3M – *Norfolk Canyon HAPC*

Alternative 3N – combined *Lydonia/Gilbert/Oceanographers Canyons HAPC*

Alternative 3O – combined *Hendrickson/Toms/Middle Toms area HAPC*

Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*

Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*

Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m)*.

The motion to substitute **failed** with a show of hands (4/11/0).

- 4e. The main motion, as amended, was voted:

to approve the HAPC designations recommended by the Habitat/MPA/Ecosystems Committee listed below and to forward a modified HAPC Alternative 8 (Great South Channel) to include only areas that are juvenile cod EFH Alternative 3e to the PDT and Habitat/MPA/Ecosystems Committee for review and recommendation and report to the Council at its September Council meeting.

Alternative 1A – *Status quo Atlantic salmon HAPC*

Alternative 1B - *Status quo Georges Bank cod HAPC*

Alternative 2A with identifiable EFH – *Bear and Retriever Seamounts HAPC*

Alternative 3A – *Heezen Canyon HAPC*

Alternative 3E – *Hydrographer Canyon HAPC*

Alternative 3F - *Veatch Canyon HAPC*

Alternative 3G – *Alvin/Atlantis Canyons HAPC*

Alternative 3H – *Hudson Canyon HAPC*

Alternative 3J - *Wilmington Canyon HAPC*

Alternative 3K - *Baltimore Canyon HAPC*

Alternative 3L – *Washington Canyon HAPC*

Alternative 3M – *Norfolk Canyon HAPC*

Alternative 3N – combined *Lydonia/Gilbert/Oceanographers Canyons HAPC*

Alternative 3O – combined *Hendrickson/Toms/Middle Toms area HAPC*

Alternative 4 as modified to be the current Cashes Ledge Habitat Closed Area – *Cashes Ledge area HAPC*

Alternative 6A current western Gulf of Maine Habitat Closed Area – *Jeffrey's Ledge/Stellwagen Bank HAPC*

Alternative 7B – *Inshore juvenile cod HAPC (0 to 20m)*.

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

5. Ms. McGee moved on behalf of the committee:
to approve the prey species evaluation (EFH) included in the DSEIS for all species under management by the Council.

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

6. Ms. McGee moved on behalf of the committee:
to approve the non-fishing impacts evaluation (EFH) included in the DSEIS for all species under management by the Council.

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

SECTOR

7. Mr. Nelson moved and Mr. Preble seconded:
to approve the committee's recommendations, and the committee chairman's clarifications which are shaded text in the memo dated June 6, 2007.

7a. Mr. Cunningham moved to amend and Mr. Ruhle seconded:
to approve the committee's recommendations, and the committee chairman's clarifications which are shaded text in the memo dated June 6, 2007, and to adopt the recommendations as a policy (guidelines) to be transmitted to individual species committees for their development of sector programs.

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

7b. Dr. Pierce moved to substitute Mr. Salisbury seconded:
to direct the committee to continue its develop of an Omnibus Sector amendment.

The motion to substitute **failed** on a show of hands (5/9/1).

7c. The main motion, as amended, was voted:
to approve the committee's recommendations, and the committee chairman's clarifications, which are shaded text in the memo dated June 6, 2007, and to adopt the recommendations as a policy (guidelines) to be transmitted to individual species committees for their development of sector programs.

The main motion, as amended, **carried** on a show of hands (12/4/0).

Wednesday, June 20, 2007**SCALLOPS**

1. Mr. Simpson moved on behalf of the committee:
to approve the list of preferred alternatives as final recommendations for Amendment 11. The list includes preferred alternatives for all but two topics (interim measures for transition period to limited entry and incidental catch). The list also includes three clarifications related to stacking provisions and one addition related to the length of time vessels should have to apply for a limited entry permit.

Preferred Alternatives:

- Section 3.1.2 (limited entry to control general category capacity and mortality)
- Section 3.1.2.1.2 (1,000 pounds for landings qualification criteria)
- Section 3.1.2.2.3 (March 1, 1994 – November 1, 2004 for qualification time period alternative)
- Section 3.1.2.3.2 (best year landings indexed by 0.75 to 1.25 for years active in the fishery)
- Section 3.1.2.4.1 (individual allocation in pounds – Option A)
- Section 3.1.2.5 (permit provisions)
 - 3.1.2.5.1.2 (one vessel potentially qualifying more than one permit for fishing history)
 - 3.1.2.5.2 (10:10:20 for vessel upgrades – removing the tonnage restriction)
 - 3.1.2.5.3 (vessel replacement provision)
 - 3.1.2.5.4 (permit stacking up to 60,000 lbs. or 150 trips)

- 3.1.2.5.5 (voluntary relinquishment of eligibility provision)
- 3.1.2.5.6 (prohibit permit splitting)
- 3.1.2.5.7 (permit renewals and CPH provision)
- 3.1.2.5.8 (percentage ownership restriction)
- Section 3.1.2.6.1 (no action for measures to reduce incentive to use trawl gear)
- Section 3.1.2.7.2 (establish a process for sectors in the general category limited access fishery)
- Section 3.1.2.5.9 (multispecies permit restrictions)
- Section 3.1.4.3 (establish a separate limited entry program for the Northern Gulf of Maine (NGOM))
- Section 3.1.5.2 (require landings and declaration of scallop trips through VMS)
- Section 3.1.6.1.1 (permit limited access vessels that qualify to fish under general category)
- Section 3.1.6.2.2 (landings from limited access vessels under general category from a separate 0.5% TAC)
- Section 3.1.7.2 (allocation of 5.0% of total scallop catch to general category vessels)
- Section 3.1.7.3.1 (no action for allocation of yellowtail flounder bycatch TAC to general category fishery)
- Section 3.2.1.1 (change issuance of general category permit to March 1 for measures to better integrate data)
- Section 3.3.1.2 (clarification of 144 ft. net sweep restriction under other measures)
- Section 3.3.2.2 (modify possession limit to 100 bu. seaward of VMS line under other measures)

Clarifications:

- Section 3.1.2.5.4 (permit stacking) is for limited access general category qualifiers only – these alternatives would not apply to limited access vessels who may also qualify for a general category permit. Those vessels would not be permitted to stack limited access general category permits on a vessel that is limited access already.
- Clarify language of stacking alternatives to be that stacking could be permanent or on an annual basis and that a vessel could only lease/sell their entire allocation – not a portion of their allocation.
- When a vessel wants to permanently stack a general category limited entry permit they also must either transfer all of their federal limited access permits or permanently cancel such permits.

Additions:

- NMFS consider a 90-day requirement for vessels to apply for a limited entry permit once amendment 11 is effective.

- 1a. Mr. Stockwell moved to amend and Mr. Salisbury seconded:
to revise Section 3.1.4.3 in the main committee motion to read:
to establish a NGOM management area north of 42°20'. The area will be open to vessels holding a general category permit on the control date. Vessels will be permitted to possess or land up to 200 lbs. per trip with a maximum of 10.5-foot dredge width with no vessel upgrade restrictions as defined in Section 3.1.2.5.2.2. The area would be under a hard TAC set by the scallop PDT based on federal portion of scallop resource in the NGOM. All federal permit holder landings from the NGOM count toward NGOM TAC. If a vessel qualifies for a limited access general category permit under Amendment 11, any landings from the NGOM will count against their individual allocation as well as the NGOM TAC. Vessels must have VMS. Once the TAC is reached, there will be no fishing in the NGOM by any federal scallop vessels.
- 1b. Mr. Rice moved and Ms. Kurkul seconded:
to move the question.
The motion to move the question **carried** on a show of hands (14/1/0).
- 1c. The motion to amend was voted:
to revise Section 3.1.4.3 in the main committee motion to read:
to establish a NGOM management area north of 42°20'. The area will be open to vessels holding a general category permit on the control date. Vessels will be permitted to possess or land up to 200 lbs. per trip with a maximum of 10.5-foot dredge width with no vessel upgrade restrictions as defined in Section 3.1.2.5.2.2. The area would be under a hard TAC set by the scallop PDT based on federal portion of scallop resource in the NGOM. All federal permit holder landings from the NGOM count toward NGOM TAC. If a vessel qualifies for a limited access general category permit under Amendment 11, any landings from the NGOM will count against their individual allocation as well as the NGOM TAC. Vessels must have VMS. Once the TAC is reached, there will be no fishing in the NGOM by any federal scallop vessels.
- The motion to amend **carried** on a show of hands (13/3/1).
- 1d. Ms. Valliere moved to amend and Dr. Pierce seconded:
to revise Section 3.1.2.2.3 qualification time period to March 1, 2000 – November 1, 2004 (5-year alternative)
- The motion to amend **carried** on a show of hands (16/1/0).
- 1e. Mr. Goethel moved to amend and Mr. Leary seconded:
to adopt Section 3.1.8.2 on establishing a new permit category on incidental catch.
- The motion to amend **carried** on a show of hands (16/1/0).
- 1f. Mr. Simpson moved to amend and Mr. Rice seconded:
to amend the NGOM alternative to include: any vessel permitted to fish for scallop post Amendment 11 and also fishing under a limited access multispecies or monkfish permit would be exempt from the dredge restriction in the NGOM.

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

1g. Mr. Simpson moved to amend and Mr. Salisbury seconded: that the Council recommend allocations be rounded to 10 lbs, include a section in Amendment 11 that identifies the need for a cost recovery program, identify the vessel baseline provision (as of the date of Amendment 11 implementation), add a section that either the stacking provision or maximum percentage ownership restriction limit ownership (whichever is more restrictive), and set the maximum ownership to 60,000 lbs. Lastly, add the alternative that restricts a sector allocation to 20%.

1h. Mr. Odlin moved to amend the amended motion and Ms. Kurkul seconded: to eliminate the 60,000 lb. cap and go with a straight percentage.

The motion to amend **carried** unanimously on a show of hands.

1i. Mr. Odlin moved to amend the amended motion and Mr. Leary seconded: to eliminate vessel upgrade restrictions.

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

1j. Mr. Odlin moved to amend the amended motion and Mr. Salisbury seconded: to eliminate the 20% cap and allow sectors to be formed.

The motion to amend **failed** on a show of hands (3/13/1).

1k. Mr. Goethel moved to amend the amended motion and Ms. McGee seconded: if permits are temporarily stacked for a year, then all other limited access permits that vessel has are stacked for the year.

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

1l. Mr. Salisbury moved to amend the amended motion and Mr. Avila seconded: to clarify that maximum ownership is by the vessel for this amendment, current percentage ownership restrictions only apply to current limited (pre Amendment 11) access scallop vessels.

1m. Mr. Cunningham moved to substitute and Mr. Salisbury seconded: that the maximum ownership interest in vessel allocation by an individual for Amendment 11 is 5% of the general category allocation and the maximum vessel allocation is 2% of the general category TAC.

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

1n. Dr. Pierce moved to amend the amended motion and Mr. Rice seconded: that all sector participants be restricted to a maximum possession limit of 400 lbs.

1o. Ms. McGee moved to amend the previous motion (1n) and Mr. Salisbury seconded: to revise the daily possession limit as a frameworkable item.

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

- 1p. The previous motion, as amended, was voted:
that all sector participants be restricted to a maximum possession limit of 400 lbs and to allow revision of the possession limit as a frameworkable item for sectors

The motion to amend **carried** on a show of hands (11/1/0).

- 1q. The amended motion, as amended, was voted:
that the Council recommend several clarifications:
- allocations be rounded to 10 lbs.
 - include a section in Amendment 11 that identifies the need for a cost recovery program
 - add the alternative that restricts a sector allocation to 20%
 - eliminate the vessel upgrade restrictions alternative
 - related to ownership restrictions, an individual cannot have ownership interest in more than 5% of the general category allocation, and the general category vessel cannot have more than 2% of the total general category allocation on one platform
 - a maximum possession limit of 400 lbs
 - allow revision of the possession limit as a frameworkable item for sectors

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

- 1r. Ms. Kurkul moved to amend and Mr. Goethel seconded:
that we delete as a preferred alternative Section 3.1.5.2 (require landings and declaration of scallop trip limits through VMS) and replace with Section 3.1.5.1 (no action for monitoring).

The motion to amend **failed** on a show of hands (2/15/0).

- 1s. Mr. Simpson moved to amend and Ms. Valliere seconded:
for the interim period to establish a hard TAC for the general category of 10% of the overall TAC administered on a quarterly basis with quarterly allocations being proportional to landings during the qualifying years (2000-2004).

The motion to amend **carried** on a show of hands (11/2/0).

- 1t. Mr. Stockwell moved to amend and Mr. Rice seconded:
to allow general category vessels that qualify for either the NGOM or limited access general category permit to fish in state waters exclusively, under state regulations, after NGOM TAC is reached.

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

- 1u. Mr. Rice moved to amend and Mr. Avila seconded:
any measure implemented under Amendment 11 should be added to the list of frameworkable items.

- 1v. Mr. Simpson moved to amend and Mr. Preble seconded:
to add any measure implemented under Amendment 11 should be added to the list of frameworkable items and to add except for allocation decisions and qualification criteria.

- 1w. Mr. Cunningham moved and Mr. Salisbury seconded:
to table the previous motions (1u & 1v) to a time uncertain.

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

- 1x. The main motion, as amended, was voted:
to approve the list of preferred alternatives for submission as modified this date from the scallop committee as final recommendations for Amendment 11. The list also includes several clarifications and one addition.

Preferred Alternatives:

- Section 3.1.2 (limited entry to control general category capacity and mortality)
- Section 3.1.2.1.2 (1,000 pounds for landings qualification criteria)
- Section 3.1.2.2.3 (March 1, 2000 – November 1, 2004 for qualification time period alternative)
- Section 3.1.2.3.2 (best year landings indexed by 0.75 to 1.25 for years active in the fishery)
- Section 3.1.2.4.1 (individual allocation in pounds – Option A)
- Section 3.1.2.5 (permit provisions)
 - 3.1.2.5.1.2 (one vessel potentially qualifying more than one permit for fishing history)
 - 3.1.2.5.1 (no upgrade restrictions)
 - 3.1.2.5.3 (vessel replacement provision)
 - 3.1.2.5.5 (allocation restriction up to 2% of total general category allocation per vessel)
 - 3.1.2.5.5 (voluntary relinquishment of eligibility provision)
 - 3.1.2.5.6 (prohibit permit splitting)
 - 3.1.2.5.7 (permit renewals and CPH provision)
 - 3.1.2.5.8 (percentage ownership restriction of 5% per individual)
 - 3.1.2.5.9 (multispecies permit restriction)
- Section 3.1.2.6.1 (no action for measures to reduce incentive to use trawl gear)
- Section 3.1.2.7.2 (establish a process for sectors in the general category limited access fishery with a maximum of 20% allocation per sector)
- Section 3.1.2.8 (establish a 10% interim quarterly hard-TAC for the transition period to limited entry)
- Section 3.1.2.5.9 (multispecies permit restrictions)
- Section 3.1.4.3 (establish a management program for the NGOM as amended in previous motions 1c and 1f)
- Section 3.1.5.2 (require landings and declaration of scallop trips through VMS)
- Section 3.1.6.1.1 (permit limited access vessels that qualify to fish under general category)
- Section 3.1.6.2.2 (landings from limited access vessels under general category from a separate 0.5% TAC)
- Section 3.1.7.2 (allocation of 5.0% of total scallop catch to general category vessels)
- Section 3.1.7.3.1 (no action for allocation of separate yellowtail flounder bycatch TAC to general category fishery)
- Section 3.1.8.2 (establishing a new permit category on incidental catch)
- Section 3.2.1.1 (change issuance of general category permit to March 1 for measures to better integrate data)

- Section 3.3.1.2 (clarification of 144 ft. net sweep restriction under other measures)
- Section 3.3.2.2 (modify possession limit to 100 bu. seaward of VMS line under other measures)

Clarifications:

- Section 3.1.2.5.4 (permit stacking) is for limited access general category qualifiers only – these alternatives would not apply to limited access vessels who may also qualify for a general category permit. Those vessels would not be permitted to stack limited access general category permits on a vessel that is limited access already.
- Clarify language of stacking alternatives to be that stacking could be permanent or on an annual basis and that a vessel could only lease/sell their entire allocation – not a portion of their allocation.
- When a vessel wants to permanently stack a general category limited entry permit they also must either transfer all of their federal limited access permits or permanently cancel such permits.

Additions:

NMFS consider a 90-day requirement for vessels to apply for a limited entry permit once Amendment 11 is effective.

Additional clarifications recommended by the Council:

- allocations be rounded to 10 lbs.
- include a section in Amendment 11 that identifies the need for a cost recovery program
- all sector participants be restricted to a maximum possession limit of 400 lbs. and to allow revision of the possession limit as a frameworkable item for sectors

Yes - Cunningham, Avila, Goethel, Hill, Leary, McGee, Stockwell, McBane, Odlin, Preble, Rice, Salisbury, Simpson, Valliere

No –

Abstention(s) - Kurkul

The main motion, as amended, **carried** on a roll call vote (14/0/1).

OBSERVER COVERAGE

2. Dr. Pierce moved on behalf of the committee:
that the Council take action so that catcher boats be required to deliver the entire catch (codend) to the processor, to the extent possible, so that accurate observations can be made.

2a. Dr. Pierce moved and David Goethel seconded:
to table the previous motion until the November Priority meeting.

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

3. Dr. Pierce moved and Ms. Valliere seconded:
that the Council send a letter to NMFS requesting clarification of regulations related to observer coverage on harvesting and at-sea processors following the implementation of Herring Amendment 1.

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

SCALLOPS (continued)

4. Mr. Simpson moved on behalf of the committee:
to identify the extension of interim measures for January-February, 2008 as final action and submission for Framework Adjustment 20 to the Scallop FMP.

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

5. Mr. Simpson moved on behalf of the committee:
to develop an action that will address the 24-hour period issue from the Enforcement Committee to be done in the most expeditious way (regulatory amendment or Framework Adjustment 20). The document would consider allowing one landing per calendar day consistent with how current regulations are worded for limited access vessels fishing outside a DAS. With the understanding that a vessel could leave for a second trip in the same calendar day, but not land until the next calendar day.

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

Thursday, June 21, 2007**MULTISPECIES (GROUND FISH)**

1. Mr. Cunningham moved on behalf of the committee:
that the Council recommend the Regional Administrator adopt the following performance standards when considering gear for the eastern US/Canada haddock SAP, or trawl gear for the Category B (regular) DAS program:
- a. The Regional Administrator can authorize additional gear for use in the eastern US/Canada area haddock SAP, or additional trawl gear for use in the Category B (regular) DAS program, consistent with the Administrative Procedures Act. The new gear must demonstrate a statistically significant reduction in each regulated groundfish stock of concern of at least fifty percent (by weight, on a trip-by-trip basis), or the catch of each regulated groundfish stock of concern in the new gear must be less than five percent of the total catch of regulated groundfish (by weight, on a trip-by-trip basis). Comparisons will be made to an appropriately selected control gear.
 - b. These standards must be met in a completed experiment that has been reviewed according to the standards established by the Council's research policy before the gear can be considered and approved by the Regional Administrator.
 - c. Requests for the approval of additional gear may be made by either the NEFMC or its committee responsible for developing the Multispecies FMP.
- 1a. Mr. Nelson move to amend and Dr. Pierce seconded:
that for Item C – that the request for additional gear may be made by either the Council or Executive Committee.

The motion to amend **carried** on a show of hands (10/3/0).

- 1b. Mr. Goethel moved to amend and Mr. Nelson seconded:
to add other stocks of concern.

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

- 1c. The main motion, as amended, was voted:
that the Council recommend the Regional Administrator adopt the following performance standards when considering gear for the eastern US/Canada haddock SAP, or trawl gear for the Category B (regular) DAS program:

a. The Regional Administrator can authorize additional gear for use in the eastern US/Canada area haddock SAP, or additional trawl gear for use in the Category B (regular) DAS program, consistent with the Administrative Procedures Act. The new gear must demonstrate a statistically significant reduction in each regulated groundfish and other stocks of concern of at least fifty percent (by weight, on a trip-by-trip basis), or the catch of each regulated groundfish and other stocks of concern in the new gear must be less than five percent of the total catch of regulated groundfish (by weight, on a trip-by-trip basis). Comparisons will be made to an appropriately selected control gear.

b. These standards must be met in a completed experiment that has been reviewed according to the standards established by the Council's research policy before the gear can be considered and approved by the Regional Administrator.

c. That the request for additional gear may be made by either the Council or Executive Committee.

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

2. Mr. Cunningham moved on behalf of the committee:
that the Council ask the Regional Administrator to lower the minimum size of haddock to 17" under either emergency action authority or the Regional Administrator's authority to adjust rules to allow the TAC to be harvested.
- 2a. Mr. Goethel moved to amend and Mr. Leary seconded:
that the Council ask the Regional Administrator to lower the minimum size of haddock to 18" either emergency action authority or the Regional Administrator's authority to adjust rules to allow the TAC to be harvested.

The motion to amend **failed** on a show of hands (6/8/0).

- 2b. Mr. Salisbury moved to amend and Mr. Preble seconded:
to lower the minimum size of haddock to 17" for vessels declared into the Georges Bank area under either emergency action authority or the Regional Administrator's authority to adjust rules to allow the TAC to be harvested.

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

- 2c. The main motion, as amended, was voted:
that the Council ask the Regional Administrator to lower the minimum size of haddock to 17” for vessels declared into the Georges Bank area under either emergency action authority or the Regional Administrator’s authority to adjust rules to allow the TAC to be harvested.

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

Yes – Preble, Odlin, Rice, Stockwell, Pierce, Cunningham, Avila, Salisbury, Ruhle

No – Gibson, Simpson, McGee, Kurkul, Leary, Hill, Goethel, Nelson

3. Mr. Cunningham moved on behalf of the committee:
that the Council utilize Amendment 16 for the sole purpose of meeting the required groundfish mid-term rebuilding targets for 2009 through modifications of the existing DAS program, consistent with the Magnuson-Stevens Act and that Amendment 17, or the next available groundfish amendment, be designated as the mechanism to further develop all other management options including but not limited to area management, DAS performance plan, Point System, ITQ management, party/charter boat limited entry, and approval of any new sector proposals or adjustments or modifications to existing sectors. Amendment 17 should also develop and establish a complete allocation system for the groundfish fishery.
- 3a. Ms. McGee motion to substitute and Mr. Preble seconded:
to initiate an amendment to the Multispecies FMP to:
1. modify the DAS system to meet the mortality objectives of GARM III
 2. establish required ACL's and AM's
 3. consider new sector proposals and modifications to existing sectors
 4. require that all sectors, new and existing, request an allocation of all managed groundfish species caught by sector participants, and that all sectors use a common baseline as the allocation baseline
- and to continue development of the Points System, Area management, and IFQ proposals through Amendment 17.
- 3b. Mr. Goethel moved to split and Dr. Pierce seconded:
to split into two separate amendments
Items 1 and 2 – Amendment 16
Items 3 and 4 - continue development of the Points System, Area management, and IFQ proposals through Amendment 17.

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

- 3c. The motion to substitute was voted (as perfected):
to include in Amendment 16 to the Multispecies FMP:
1. modify the DAS system to meet the mortality objectives of GARM III
 2. establish required ACL's and AM's
 3. consider new sector proposals and modifications to existing sectors
 4. require that all sectors, new and existing, request an allocation of all managed groundfish species caught by sector participants, and that all sectors use a common baseline as the allocation baseline
- and to initiate Amendment 17 to continue development of the Points System, Area management, IFQ management, and Party/Charter boat limited entry (*added via friendly amendment*) proposals.

The motion to substitute **carried** on a show of hands (11/3/0).

- 3d. The main motion, as substituted, was voted:
to include in Amendment 16 to the Multispecies FMP:
1. modify the DAS system to meet the mortality objectives of GARM III
 2. establish required ACL's and AM's
 3. consider new sector proposals and modifications to existing sectors
 4. require that all sectors, new and existing, request an allocation of all managed groundfish species caught by sector participants, and that all sectors use a common baseline as the allocation baseline
- and to initiate Amendment 17 to continue development of the Points System, Area management, IFQ management, and Party/Charter boat limited entry proposals.

The main motion, as substituted, **carried** on a show of hands (13/4/0).

4. Mr. Cunningham moved on behalf of the committee:
that the Council move forward for consideration in Amendment 16 the following measures:
- count DAS as a minimum of 24 hours
 - remove 20-day spawning block requirement
 - require use of diamond mesh codend in Closed Area II YTD SAP
 - allow use of 6-inch square mesh with separator trawl in the US/CA area
 - reduce/eliminate the conservation tax on DAS transfers
 - provide more flexibility in the length/horsepower restrictions in the das leasing and transfer programs
 - remove the tonnage restriction on replacement vessels
 - consider 6-inch mesh for gillnets
 - consider 17-inch Georges Bank haddock minimum size
 - reduce 72-hour observer notification requirement
 - consider adjustments in differential DAS program (areas and rates)
 - reconsideration of cod cap proposal
 - adjustments in DAS allocations
 - running clock
 - trip limit triggers on stocks with trip limits
 - re-examine rolling/seasonal closures
 - re-examine exempted fisheries
 - consider reducing minimum size of GOM haddock
 - allow general category scallop vessels fishing in the regulated mesh area to retain the same monkfish as allowed by general category permit vessels in other areas
- 4a. Mr. Preble moved to amend and Ms. McGee seconded:
to eliminate anything on this list of items to be considered in Amendment 16 except:
- count DAS as a minimum of 24 hours
 - consider adjustments in differential DAS program
 - consider adjustment in DAS allocations programs
 - trip limit triggers on stocks with trip limits

- 4b. Dr. Pierce moved to further amend and Mr. Odlin seconded:
to add to the list of items to be considered in Amendment 16 to re-examine rolling/seasonal closures.

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

- 4c. Mr. Ruhle moved to amend and Mr. Odlin seconded:
to add back to the list of items to be considered in Amendment 16:
- require use of diamond mesh codend in Closed Area II yellowtail flounder SAP
 - allow use of 6-inch square mesh with separator trawl in the US/CA area
 - reduce/eliminate the conservation tax on DAS transfers
 - running clock
 - re-examine exempted fisheries

- 4d. Mr. Cunningham moved to substitute and Mr. Salisbury seconded:
that this list be remanded to the Multispecies Oversight committee to focus the measures on meeting the objectives of the Amendment 16 motion passed on June 21 (see motion 3d).

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

- 4e. The main motion, as substituted, was voted:
that this list be remanded to the Multispecies Oversight committee to focus the measures on meeting the objectives of the Amendment 16 motion passed on June 21 (see motion 3d).

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

5. Mr. Cunningham moved and Mr. Preble seconded:
that the Council accept no additional sector proposals for consideration in Amendment 16.

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

MULTISPECIES (SKATE)

6. Mr. Cunningham moved on behalf of the committee:
that the Council recommend Alternatives 1, 2, 3, 4, 5 and 6 as outlined in Table 2 of the draft Amendment 3 decision document for evaluation and inclusion in Amendment 3 to the Skate Fishery Management Plan.

- 6a. Mr. Odlin moved to amend and Mr. Salisbury seconded:
to include the ability to form a skate sector and the rules would be mirror that of the groundfish plan at the time a skate sector comes forward and to include in the amendment Annual Catch Limits (ACL) and Accountability Measure (AM) provisions.

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

- 6b. The main motion as amended:
that the Council recommend Alternatives 1, 2, 3, 4, 5 and 6 as outlined in Table 2 of the Draft Amendment 3 decision document for evaluation and inclusion in Amendment 3 to the Skate Fishery Management Plan and to include the ability to form a skate sector and the rules would be mirror that of the groundfish plan at the time a skate sector comes forward and to also include in the amendment ACL's and AM provisions.

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

OBSERVER COVERAGE

7. Mr. Ruhle moved and Mr. Odlin seconded:
that the observer program add to the observer duties to report catch of any decomposed species and absence of.

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

SBRM

8. Mr. Rice moved and Rodney Avila seconded:
that the Council approve the Omnibus SBRM Amendment for submission to the Regional Administrator for review and implementation of preferred alternatives.

The motion **carried** on a show of hands (10/1/2).

Consensus item - The Council accepted the Enforcement Committee's motion informing them that if minimum haddock sizes change, the committee recommends one consistent size across all areas. The Council accepts this as a recommendation by the committee.