

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Sheraton Colonial Hotel
Wakefield, MA
October 25, 2007

MOTIONS

Thursday, October 25, 2007

Decision 1

1. Mr. Simpson moved on behalf of the committee:
to approve committee and advisory panel recommendation for new rotational area in Hudson Canyon to be the existing Hudson Canyon area (excluding southwest portion that overlaps with current Elephant Trunk Area (ETA)).

The motion carried unanimously on a show of hands.

Decisions 2 and 3

2. Mr. Simpson moved on behalf of the committee:
to accept "pref" scenario as the preferred overall management alternative for 2008 and 2009 specifications. This alternative has an average $F=0.20$ over two years to increase open area days-at-sea in 2008 and reduce days-at-sea in 2009 (specifically, 35 days-at-sea in 2008 compared to 30, and 42 days-at-sea in 2009 compared to 47 days-at-sea). This preferred alternative includes that any unused 2005 Hudson Canyon trips would expire on February 29, 2008 (no action).

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

Decision 4

3. Mr. Simpson moved on behalf of the committee:
to approve ETA notice action process with additional trigger that would reduce ETA allocation in 2009 by one trip if overall 'F' is projected to be above the fishing mortality threshold in 2009. The PDT will prepare a report for the Council to review in the fall of 2008 with updated fishing mortality rates, in time for the agency to take final action by February 1.

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

Decision 4

4. Mr. Simpson moved on behalf of the committee:
to move the seasonal closure alternative to reduce potential interactions with sea turtles for the ETA to the considered but rejected section of Framework 19.

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

Decision 5

5. Mr. Simpson moved on behalf of the committee:
to move Alternative 2.3.4.2.2 to the considered but rejected section of Framework 19 (seasonal closure to reduce potential interactions with sea turtles in Delmarva).

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

Decision 6

6. Mr. Simpson moved on behalf of the committee:
to identify the no action alternative as preferred for crew size maximum in access areas (no crew size limit).

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

Decision 7

7. Mr. Simpson moved on behalf of the committee:
to identify as preferred – prohibition on deckloading with more than 50 bushels of in-shell scallops for all scallop vessels leaving an access area with no exceptions (Option A).

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

Decision 8

8. Mr. Simpson moved on behalf of the committee:
to identify as preferred, Option A for the quarterly hard-TAC for the interim period to limited entry for the general category fishery (35% in Quarter 1, 40% in Quarter 2, 15% in Quarter 3 and 10% in Quarter 4).

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

Decision 8b

9. Mr. Simpson moved and Mr. Nelson seconded:
that 2% of each access area be allocated to the general category fishery to reduce derby fishing during the transition period.

- 9a. Mr. Goethel moved to amend and Mr. Odlin seconded:
that 5% of each access area be allocated to the general category fishery to reduce derby fishing during the transition period except that there be a zero allocation for Closed Area 2.

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

- 9b. The amended motion was voted:
that 5% of each access area be allocated to the general category fishery to reduce derby fishing during the transition period except that there be a zero allocation for Closed Area 2.

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

Decision 9

10. Mr. Simpson moved on behalf of the committee:
to select a 5% allocation for the general category fishery in all access areas after the transition period is over, except zero percent in Closed Area 2.

- 10a. The motion was perfected to read:
to select allocations of 5% for general category and 0.5% for limited access vessels fishing under general category in all access areas after the transition period is over, except zero percent in Closed Area 2.

- 10b. The Council returned to the original motion:
to select a 5% allocation for the general category fishery in all access areas after the transition period is over, except zero percent in Closed Area 2.

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

Decision 10

11. Mr. Simpson moved on behalf of the committee:
recommend Alternative 2 as preferred alternative for cost recovery for the IFQ program (IFQ shareholder pays directly). Also to refine Alternative 2 so that the payment is based on a fleetwide average annual value rather than a trip-by-trip value per vessel. It is understood that the owner is always responsible for payment even if quota is leased.

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

Decision 12

12. Mr. Simpson moved and Mr. Nelson seconded:
provided Amendment 11 is implemented with such a requirement, use 50,000 lbs. recommended by the PDT as the incidental catch mortality estimate to be removed from the total projected catch before allocations are made.

Decision 12 rationale: as outlined by the PDT incidental catch is expected to increase under Amendment 11 as vessels not qualifying for the limited access general category permit will begin landing under incidental catch rules.

- 12a. The motion was perfected to read:
to use 50,000 lbs. recommended by the PDT as the incidental catch mortality estimate to be removed from the total projected catch before allocations are made.

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

Decision 13

13. Mr. Simpson moved and Mr. Nelson seconded:
to adopt the biomass target (currently 108,600 mt) and threshold (currently 54,300 mt) reference points estimated using the CASA Model endorsed in SAW 45. Further, adopt the overfishing threshold of F_{\max} currently estimated at 0.29 using the CASA Model and reaffirm a fishing mortality target of $F=0.20$ as recommended by the PDT and adopted by the Council in September 2007.

Decision 13 rationale: the CASA Model represents the best available science. Setting the target 'F' at 0.2 is in recognition that fishing mortality is not uniformly distributed in the scallop fishery, but is prone to significant localized overfishing. Setting a slightly more conservative target fishing rate will help to mitigate localized depletion of the scallop resource in open areas.

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

Decision 15

14. Mr. Simpson moved and Mr. Nelson seconded:
to include a 30-day power down provision in Framework 19 as provided under multispecies permits.

Decision 15 rationale: provide relief from VMS requirements for vessels expecting to remain inactive for extended time periods.

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

Decision 16

15. Mr. Simpson moved and Mr. Nelson seconded:
to include text in Framework 19 to clarify that a vessel may leave port on an access area trip before the area opens, but may not enter the area until it opens.

Decision 16 rationale: clear up confusion on this point and ensure that vessels fishing from more distant ports are not disadvantaged when an access area is initially opened.

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

Decision 5 and Decision 14

16. Mr. Simpson moved and Mr. Nelson seconded:
to include Section 2.3.4.2.3 procedures to adjust Delmarva allocations by notice action to account for uncertainty and Section 2.8.1, assign a higher compensation rate for vessels fishing in open areas compared to access area trips.

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

Decision 14

17. Mr. Simpson moved on behalf of the committee:
approval of observer program modifications as recommended by NMFS observer program (all aspects including the specific items discussed below) as preferred:
1. under observer availability report, add two additional reports that are needed by NEFOP: 1) an updated list of contact information for all observers that includes the observer identification number, observer's name, mailing address, email address, phone numbers, homeports or fisheries/trip types assigned; and 2) a listing of whether or not the observer is "in service", indicating when the observer has requested for leave and/or is not currently working for the Industry Funded program.;
 2. change the call-in procedure to "a fisherman must provide 72 hours notice when calling NMFS to procure an observer, and if selected provide the provider with a minimum of 48 hours notice";
 3. Add that trip notification calls can not be made more than 10 days in advance of a trip, and not more than 10 trips can be called at a time;

4. include a definition for “day”. “Day” should be defined so that the daily rate set by an observer provider could be more comparable to the “day” defined for observer compensation allowances. The regulations should define that the providers must charge in a way that is consistent with the compensation received by the vessel, and with information available to the providers. It is suggested that it be clarified that a daily rate for trips receiving extra lbs. of compensation, would be defined as dock to dock, from when an observer boards a vessel, until they disembark, where “day” is defined as a 24-hour period, or any portion of a 24-hour period, regardless of the calendar day. For example, if a vessel with an observer departs on the 1st at 10:00 pm and lands on the 3rd at 1:00am, the time at sea equals 27 hours, which would equate to 2 “days” (24 hrs+3 hrs). For trips receiving comp based on their days-at-sea, it is suggested that it be clarified that a daily rate be defined as dock to dock where “day” is defined as a 24-hour period, and portions of the other days would be pro-rated at an hourly charge (taking the daily rate divided by 24). For example, for the trip demonstrated above, the provider would charge 1 day and 3 hours.

Two issues were clarified by NMFS observer program office representative; 1) general category trip call-ins should be weekly rather than daily and 2) add that providers must respond to fishermen’s requests for observers within 18 hours of their call to let them know if they have an observer available or not.

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

Decision 11

18. Mr. Stockwell moved and Mr. Nelson seconded:
that landings from federally permitted general category scallop vessels in state waters in the Northern Gulf of Maine (NGOM) and limited access scallop vessels in the NGOM management area be factored into the NGOM TAC.

The motion was withdrawn.

19. Mr. Nelson moved and Mr. Cunningham seconded:
to identify a hard TAC for the NGOM management area to be 70,000 lbs. for both FY2008 and FY2009.

The motion carried on a show of hands with the chair breaking a tie (8/7/0).

20. Mr. Simpson moved by the committee:
to adopt the research priorities recommended by the PDT for FY 2008 and 2009.

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

21. Mr. Simpson moved and Mr. Hill seconded:
to approve Framework 19 as amended this date for submission to NMFS.

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

MONKFISH

22. Mr. Pappalardo moved on behalf of the committee:
to recommend the Council request the Regional Administrator take emergency action to close the gillnet 3-hour rule loophole, consistent with the proposal being recommended for Framework 5, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4.

22a. Mr. Nelson moved to amend and Mr. Cunningham seconded:
to recommend the Council request the Regional Administrator take emergency action to change the gillnet 3-hour rule to be consistent with the proposal being recommended for Framework 5, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4.

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

22b. The main motion, as amended, was voted:
to recommend the Council request the Regional Administrator take emergency action to change the gillnet 3-hour rule to be consistent with the proposal being recommended for Framework 5, as soon as possible to prevent overfishing the 2007 target TAC and invoking the 2009 backstop provision adopted in Framework 4.

The amended motion failed unanimously on a show of hands (0/15/0).