

**New England Fishery Management Council  
Holiday Inn  
Peabody, Massachusetts  
September 26-28, 2006**

**MOTIONS**

**Tuesday, September 26, 2006**

**ELECTION OF OFFICERS**

*Chairman: John Pappalardo*

Mr. Nelson moved and it was seconded:  
to close the Chair nomination process.  
The motion carried on a voice vote.

*Vice-Chair: Rip Cunningham*

Mr. Goethel moved and it was seconded:  
to close the Vice-Chair nomination process.  
The motion carried on a voice vote.

Executive Committee:

*1<sup>st</sup> seat - Jim Odlin*

Mr. Nelson moved and it was seconded:  
to close the 1<sup>st</sup> Executive Committee at-large seat nomination process.  
The motion carried on a voice vote.

*2<sup>nd</sup> seat – Sally McGee*

Mr. Hill moved and it was seconded:  
to close the 2<sup>nd</sup> Executive Committee at-large seat nomination process.  
The motion carried on a voice vote.

*3<sup>rd</sup> seat – David Pierce*

Mr. Nelson moved and it was seconded:  
to close the 3<sup>rd</sup> Executive Committee at-large seat nomination process.  
The motion carried on a voice vote.

**REPORTS**

1. Mr. Cunningham moved and Mr. Nelson seconded:  
to approve the Travel Authorization and Reimbursement as revised on August 4, 2006.

The motion carried on a voice vote.

**HABITAT - ATLANTIC SALMON**

2. Mr. Goethel moved and Mr. Salisbury seconded:  
that the Council approve the range of Atlantic Salmon EFH designations (Document 2A, Tab 7)  
for inclusion in the DSEIS for Phase 1 for public comment.

The motion carried on a voice vote.

### **DEEP-SEA RED CRAB**

3. Mr. Goethel moved and Mr. Cunningham seconded:  
that the Council approve the range of deep-sea red crab EFH designations (Document 3A, Tab 7)  
for inclusion in the DSEIS for Phase 1 for public comment.

The motion carried on a voice vote.

### **PREY SPECIES DOCUMENT**

4. Mr. Goethel moved on behalf of the committee:  
to recommend to the Council that the prey species document as written by the PDT (Document 4,  
Tab 7) be included in the DSEIS for Phase 1 of the EFH omnibus amendment.

- 4a. Dr. Pierce moved to amend and Mr. Ruhle seconded:  
to recommend to the Council that the prey species document as written by the PDT (Document 4,  
Tab 7) be included in the DSEIS for Phase 1 of the EFH omnibus amendment and that spiny  
dogfish be included in the prey species document.

The motion to amend failed on a voice vote.

- 4b. The main motion was voted:  
to recommend to the Council that the prey species document as written by the PDT (Document 4,  
Tab 7) be included in the DSEIS for Phase 1 of the EFH omnibus amendment.

The main motion carried on a voice vote.

### **HAPC**

5. Mr. Goethel moved and Mr. Darcy seconded:  
that the Council approve the range of habitat area of particular concern (HAPC) alternatives  
(Document 6A, Tab 7) for inclusion in the DSEIS for Phase 1 for public comment.

The motion carried on a voice vote.

### **SCALLOPS – AMENDMENT 11**

6. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.1.2.2.3 which would include a qualification time period alternative of  
March 1, 1994 through November 1, 2004 (control date) and clarify for all qualification time  
period alternatives that the general category permit and qualification criteria landings must be  
from the same fishing year.

Yes – Avila, Cunningham, Goethel, Leary, Stockwell, Preble, Rice, Ruhle, Salisbury, Simpson,

No – Pierce, Hill, Nelson, Gibson

Abstention(s) – Darcy

The motion carried on a roll call vote (10/4/1).

7. Mr. Cunningham moved and Mr. Avila seconded:  
to add Alternative 3.1.2.3.5 which would include a contribution factor alternative using the best year indexed by number of years active in the scallop fishery (Option A and Option B for consideration). In addition, suggest that this alternative replace Alternatives 3.1.2.3.2, 3.1.2.3.3, and 3.1.2.3.4 and that they be moved to the “considered but rejected” section of the document.

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

8. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.1.2.3.6 that would cap a vessel’s contribution factor at 50,000 lbs.

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

9. Mr. Cunningham moved and Mr. Rice seconded:  
to add “Option B-Allocation in number of trips” to each of the Individual Fishing Quotas (IFQ) alternatives (Alternatives 3.1.2.4.1, 3.1.2.4.2, and 3.1.2.4.3) and clarify that if Alternative 3.1.2.4.1.1 is selected under 3.1.2.4.1, then a vessel would be charged a number of “trip units” if it lands over 400 lbs. per trip. Alternative 3.1.2.4.1.1 would allow a vessel to land up to 2,000 lbs. per trip.

- 9a. Mr. Stockwell moved to amend and Mr. Darcy seconded:  
to split the previous motion.

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

- 9b. 1<sup>st</sup> part of split motion:  
to add “Option B-Allocation in number of trips” to each of the Individual Fishing Quotas (IFQ) alternatives (Alternatives 3.1.2.4.1, 3.1.2.4.2, and 3.1.2.4.3)

The motion carried on a show of hands (8/6/0).

- 9c. 2<sup>nd</sup> part of split motion:  
clarify that if Alternative 3.1.2.4.1.1 is selected under 3.1.2.4.1, then a vessel would be charged a number of “trip units” if it lands over 400 lbs. per trip. Alternative 3.1.2.4.1.1 would allow a vessel to land up to 2,000 lbs. per trip.

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

10. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.1.2.4.5 that would add an alternative that combines limited entry, different permits with different possession limits and a quarterly hard TAC.

- 10a. Mr. Stockwell moved to amend and Mr. Leary seconded:  
that a vessel would qualify for a 200 lb. permit if they landed 100 to 5,000 lbs. and to add Alternative 3.1.2.4.5 that would add an alternative that combines limited entry, different permits with different possession limits and a quarterly hard TAC.

The motion to amend carried on a show of hands (9/3/1).

The main motion, as amended, carried on a show of hands (9/3/2).

11. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.1.2.4.7 that would add an alternative that combines limited entry and a quarterly hard TAC.

11a. Mr. Ruhle moved to amend and Mr. Darcy seconded:  
to add Alternative 3.1.2.4.7 that would add an alternative that combines limited entry and a trimester hard TAC.

The motion to amend was withdrawn.

11b. The main motion was voted:  
to add Alternative 3.1.2.4.7 that would add an alternative that combines limited entry and a quarterly hard TAC.

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

12. Mr. Ruhle moved and Mr. Darcy seconded:  
to include for analysis an alternative for trimesters instead of quarters (Alternative 3.1.2.4.7).

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

13. Mr. Salisbury moved and Mr. Ruhle seconded:  
that vessels fishing on a general category permit may not possess or land scallops when the TAC is caught.

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

14. Mr. Cunningham moved and Mr. Rice seconded:  
to add Alternative 3.1.4.2 that would include an alternative in which any actions passed under Amendment 11 to control capacity and mortality in the general category fishery would not apply to the Northern Gulf of Maine management area (NGOM). The alternative includes two boundary options (Option A-Waters in the GOM scallop exemption area north of 42°20' and Option B-All waters in the EEZ north of 43N). Furthermore, all vessels that fish in the NGOM must declare so through VMS.

Yes – Cunningham, Goethel, Leary, Stockwell, Preble, Rice, Ruhle, Salisbury

No – Avila, Hill, Simpson

Abstention(s) – Darcy, Nelson

The motion carried on a roll call vote (8/3/2).

15. Mr. Cunningham moved and Mr. Stockwell seconded:  
to add Alternative 3.1.4.3 that would include a separate limited entry program for the NGOM. (See specific wording of alternative on pages 28-29 of the DSEIS). In addition, general category permit and qualifying landings must be from the same fishing year.

The motion carried on a show of hands (7/3/2).

16. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.2.4 that would add an alternative that would consider annual management of scallops (rather than the current biennial structure).

The motion failed on a show of hands (4/8/0).

17. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.3.1.2 that would clarify the 144 trawl sweep gear restriction.

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

18. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.3.2.2 that would modify the 50 bushel possession limit to shoreward of the VMS demarcation line and up to 100 bushels east of the demarcation line.

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

19. Mr. Cunningham moved on behalf of the committee:  
to add Alternative 3.3.2.3 that would consider a mechanism to allow sectors and harvesting cooperatives for the limited access scallop fleet. (It is understood that a sector would be allocated access in whatever units are used to manage the fishery [i.e. DAS, number of access area trips] and to be consistent with alternative for sectors for the general category fleet, this alternative would include a maximum of 20% that could be allocated to one sector).

Yes – Ruhle, Rice, Preble, Darcy, Hill, Cunningham

No – Simpson, Salisbury, Nelson, Stockwell, Leary, Goethel, Avila

Abstention(s) -

The motion failed on a roll call vote (6/7/0).

20. Mr. Cunningham moved and Mr. Salisbury seconded:  
to add under Section 3.1.2.6.4, add “regulated species between total and onboard.”

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

21. Mr. Cunningham moved and Mr. Salisbury seconded:  
that the Council approve the final list of alternatives for analysis in Amendment 11 including revisions made at both the June and September 2006 Council meetings.

- 21a. Mr. Nelson moved to amend and Mr. Salisbury seconded:  
to reconsider previous motion #19.

The motion to reconsider carried on a show of hands (8/5/0).

- 21b. The reconsidered motion:  
to add Alternative 3.3.2.3 that would consider a mechanism to allow sectors and harvesting cooperatives for the limited access scallop fleet. (Understood that a sector would be allocated access in whatever units are used to manage the fishery (i.e. DAS, number of access area trips) and to be consistent with alternative for sectors for the general category fleet, this alternative would include a maximum of 20% that could be allocated to one sector).

The reconsidered motion failed on a show of hands (6/7/0).

- 21c. The main motion was voted:  
that the Council approve the final list of alternatives for analysis in Amendment 11 including revisions made at both the June and September 2006 Council meetings.

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

#### **CONSENSUS:**

- that the New England Council forward a letter to the MAFMC re New England's concerns to have the MAFMC place spiny dogfish in their prey species document.
- Recommend our SSC review our Scallop data (check language w/Chris)

#### **WITHOUT OBJECTION:**

Ask staff to write letter to support research proposal as described in letter dated 9/14/06 from Maggie Raymond (Deirdre).

#### **Wednesday, September 27, 2006**

#### **GROUND FISH**

1. Mr. Cunningham moved on behalf of the committee:  
that for the 2009 adjustment to the Northeast Multispecies Fishery Management Plan (FMP), the Council will base the supporting assessments on data through 2007, submit a full amendment and support the amendment with an EIS.

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

2. Mr. Cunningham moved on behalf of the committee:  
the Council will accept developed alternative management systems to DAS that are submitted during the scoping process for the annual adjustment.

- 2a. The motion was perfected to read:  
The Council will consider alternative management systems to DAS that are submitted during the scoping process for the 2009 adjustment.

The motion, as perfected, carried unanimously on a show of hands.

3. Mr. Ruhle moved and Mr. Odlin seconded:  
that the Council ask staff to research pros and cons of hard quota, ITQ and DAS systems used in other multispecies fisheries in the North Atlantic to be used by the Council as guidance in developing management alternatives for Amendment 15.

The motion was tabled until a time certain.

4. Mr. Lapointe moved on behalf of the committee:  
that the 2007 Eastern Georges Bank US/CA haddock TAC be set at 19,000 mt with a US share of 6,270 mt (33%) and a Canada share of 12,730 (67%).

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

5. Mr. Lapointe moved on behalf of the committee:  
that the 2007 Eastern Georges Bank US/CA cod TAC be set at 1,900 mt with a US share of 494 mt (26%) and a Canada share of 1,406 mt (74%).

- 5a. Dr. Pierce moved to substitute and Mr. Hill seconded:  
to remand the proposed 2007 Eastern Georges Bank cod US/CA TACs back to the TMGC to address the Canadian 200 mt 2005 total allowable catch (TAC) overage.

The motion to substitute carried on a show of hands.

The substitute motion carried on a show of hands.

6. Mr. Lapointe moved on behalf of the committee:  
that the 2007 Georges Bank yellowtail flounder TAC be set at 1,500 mt with a US share of 1080 mt (72%) and a Canada share of 420 mt (28%).

- 6a. Mr. Hill moved to amend and Mr. Nelson seconded:  
to remand the previous motion to the TMGC with the advice that the committee re-negotiate the quota to be consistent with the technical recommendation of a 1250 mt quota.

Yes – Cunningham, Goethel, Hill, Leary, Darcy, Nelson, Preble, Simpson

No – Avila, Pierce, Lapointe, Rice, Gibson

Abstention(s) – Ruhle

The motion to amend carried on a roll call vote (8/5/1).

- 6b. The main motion, as amended:  
to remand the previous motion to the TMGC with the advice that the committee re-negotiate the quota to be consistent with the technical recommendation of a 1250 mt quota.

- 6c. The amended motion was perfected to read:  
to remand the previous motion to the TMGC with the advice that the committee re-negotiate the quota to be consistent with F reference.

Yes – Simpson, Preble, Nelson, Darcy, Leary, Hill, Goethel, Cunningham

No – Gibson, Ruhle, Rice, Lapointe, Pierce, Avila

Abstention(s) -

The amended motion, as perfected, carried on a roll call vote (8/6/0).

7. Mr. Goethel moved and Mr. Avila seconded:  
request that the Secretary of Commerce require the State Department to arrange a formal agreement for management of transboundary stocks.

The above motion was ruled out of order by the Chair, but the Chair agreed to accept the following motion to place the issue on the November Council meeting agenda.

- 7a. that at the November Council meeting, the Council consider requesting that the Secretary of Commerce require the State Department to arrange a formal agreement for management of transboundary stocks.

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

8. Dr. Pierce moved and Mr. Ruhle seconded:  
to task the scallop and groundfish PDTs to evaluate the impact of a 1,250 mt Georges Bank yellowtail TAC on Georges Bank groundfish and scallop fisheries.

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

### **SBRM (BYCATCH)**

9. Mr. Rice moved on behalf of the committee:  
that the Councils' approve the draft public hearing SBRM amendment for public hearing with the committee's recommended preferred alternatives and two (2) public hearings in conjunction with the November (NEFMC) and December (MAFMC) Council meetings.

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

### **GROUND FISH (revisited)**

10. Mr. Ruhle moved to bring the following motion back to the table but it lacked a second:  
that the Council ask staff to research pros and cons of hard quota, ITQ and DAS systems used in other multispecies fisheries in the North Atlantic to be used by the Council as guidance in developing management alternatives for Amendment 15.

### **Thursday, September 28, 2006**

#### **HERRING**

1. Dr. Pierce moved on behalf of the committee:  
that the Council adopt Alternative 1 for 2007-2009 Sea Herring fishery specifications with a requirement for the Council to conduct a one-year review of all specifications.





- 1a. Mr. Cunningham moved to substitute and Mr. Preble seconded:  
that the Council adopt Alternative 2 for 2007-2009 Sea Herring fishery specifications with a requirement for the Council to conduct a one-year review of all specifications.
- 1b. Mr. Nelson moved and Mr. Salisbury seconded:  
to table the previous motion.

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

- 1c. Mr. Nelson moved to amend the substitute motion and Mr. Hill seconded:  
that the Council adopt Alternative 2 for 2007-2009 Sea Herring fishery specifications with a requirement for the Council to conduct a one-year review of all specifications and to amend Alternative 2 to 50,000 mt in Area 1A with 5,000 mt from January through May and the resulting number for Area 3 of 55,000 mt.

The motion to substitute, as amended, carried on a roll call (14/0/1).

Yes – Avila, Cunningham, Pierce, Goethel, Hill, Leary, Stockwell, Nelson, Preble, Rice, Ruhle, Salisbury, Smith, Gibson

No –

Abstention(s) – Darcy

- 1d. The substitute, amended, motion was voted:  
that the Council adopt Alternative 2 for 2007-2009 Sea Herring fishery specifications with a requirement for the Council to conduct a one-year review of all specifications and to amend Alternative 2 to 50,000 mt in Area 1A with 5,000 mt from January through May and the resulting number for Area 3 of 55,000 mt.

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

- 1e. The main substitute motion was voted:  
that the Council adopt Alternative 2 for 2007-2009 Sea Herring fishery specifications with a requirement for the Council to conduct a one-year review of all specifications and to amend Alternative 2 to 50,000 mt in Area 1A with 5,000 mt from January through May and the resulting number for Area 3 of 55,000 mt.

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

2. Dr. Pierce moved on behalf of the committee:  
recommend that the Council initiate a framework adjustment to the groundfish plan to modify the list of allowable species that herring gear can take in the Gulf of Maine and Georges Bank exemption areas to include spiny dogfish, squid and whiting.

- 2a. Mr. Nelson moved to amend and Mr. Hill seconded:  
recommend that in the next adjustment to the groundfish plan, the Council consider modifying the list of allowable species that herring gear can take in the Gulf of Maine and Georges Bank exemption areas to include spiny dogfish, squid and whiting.
- 2b. Mr. Hill moved and Mr. Goethel seconded:  
to table the previous motion.

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

### **WHITING**

3. Mr. Goethel moved and Mr. Nelson seconded:  
that the committee should develop FMP objectives for Council approval.

The motion carried on a show of hands.

### **HAGFISH**

4. Mr. Hill moved and Mr. Cunningham seconded:  
the Council requests that NMFS implement a collection of information program on hagfish under the provisions of Section 402(a) of the Magnuson Stevens Fishery Conservation and Management Act to enable the Council to begin its development of an FMP for the hagfish fishery. The collection of information program should require: (1) hagfish dealer/processor permitting and weekly submission of electronic purchase reports; (2) participation in the annual processor survey by hagfish dealer/processors; and (3) a requirement that hagfish vessels carry observers, if requested to do so.

The motion carried unanimously on a show of hands.

5. Mr. Stockwell moved and Mr. Salisbury seconded:  
that the Council revisit the limited access harvesting sector issue in the scallop amendment at the November Council meeting.

The motion was ruled out of order by the Chair.