



New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: November 7, 2006
TO: New England Council members
FROM: Phil Haring
SUBJECT: **Framework 4 Decision Memo**

The following outlines the decisions before the Council with respect to final action on Framework 4. The Framework 4 document section for each decision is identified for reference.

Decision 1

TAC Alternatives (3.1) – Alternative 1 (PDT recommended method) or Alternative 3 (no action)
The AP recommended Alternative 1.

Motion on behalf of the Committee

To adopt TAC Alternative 1 (5,100 mt and 5,000 mt in the SFMA and NFMA, respectively).

Decision 2

Moratorium on Directed Fishing (3.4.3) – If the Council adopts this alternative, no further decisions would be required but the Council should proceed with secondary recommendations on all of the following decisions, in the event the Mid-Atlantic Council does not concur. The AP did not support this alternative. The Committee took no action on this alternative (no motion on behalf of the Committee).

Decision 3

NFMA DAS Alternatives (3.2) – Alternative 1 (require MF DAS in the NFMA) or Alternative 2 (no action, MF DAS not required). The AP supported Alternative 1 on the condition that the proposal to allow vessels to declare a monkfish DAS by VMS prior to returning to port is retained.

Motion on behalf of the Committee

To adopt NFMA DAS Alternative 1 (require MF DAS in the NFMA). If a vessel calls in a monkfish DAS prior to starting a trip, then it must adhere to the monkfish gear requirements. If it starts the trip on a multispecies DAS, and declares a monkfish DAS while at sea, the multispecies gear requirements apply for the entire trip. A vessel must start the trip on a multispecies A DAS to be able to make the at-sea declaration of a monkfish DAS

Decision 4

NFMA Incidental Limit Alternatives (3.3) – Alternative 1 (300 lbs. or 25% of total wt. of fish on board) or Alternative 2 (no action, 400 lbs. or 50% of total wt. of fish on board). The AP did not have a recommendation on these alternatives, noting that a lower limit will discourage directed

fishing under the incidental limit, while a higher limit will minimize bycatch. The PDT recommended the lower limit.

Motion on behalf of the Committee

To adopt NFMA Incidental Limit Alternative 1.

Decision 5

SFMA Trip Limits/DAS Alternatives (3.4.1) – Alternative 1 (no action, 550/450 lbs.) or Alternative 2 (475/375 lbs.). The AP did not reach consensus on this decision, citing pros and cons of each. The AP stated that they would support an option that would allow vessels the ability to make an annual declaration into one or the other alternative. The PDT did not make a recommendation on either alternative.

Motion on behalf of the Committee

To adopt SFMA Trip Limit/DAS Alternative 1 (no action) as the preferred alternative, and an enrollment program to allow vessels the ability to select into Alternative 2 at the start of the fishing year

Decision 6

NFMA Trip Limits/DAS Alternatives (3.4.2) – The range of options depends on the outcome of Decisions 1 – 3. If the Council adopts Alternative 2 (no action) on Decision 2 (NFMA DAS Alternatives) then no further decision is required and all vessels will operate under the incidental limit. If DAS Alternative 1 is adopted, then the Council will have a range of DAS/trip limits to select from within the TAC Alternative and Incidental Limit Alternative adopted. The AP did not make a recommendation on these alternatives, again citing the tradeoff between higher trip limits or more DAS. The options under consideration particularly affected Category BD vessels, because under the two most likely options, the trip limits for Category AC vessels are the same, while under Option 2 the DAS are higher. The PDT did not recommend a specific option but strongly recommended against the no-trip-limit option (Option 4).

Motion on behalf of the Committee

To adopt NFMA Trip Limits/DAS Option 2 (daily limit of 1,250 and 470 lbs. tail wt. with 31 DAS)

Decision 7

TAC Overage Backstop Alternatives (3.5) – Alternative 1 would put in place a notice action adjustment to DAS in a management area for FY2009 if the TAC for that area is exceeded in FY2007 by more than 10%, or less than 30%. If the overage exceeds 30%, the DAS allocated to vessels for that area would be reduced to zero. Under Alternative 2 (no action) there would be no adjustment in the event of a TAC overage. The AP did not make a recommendation on these Alternatives, but a majority did not support Alternative 1 out of concern about the uncertainty in the underlying science used to develop the management program. The PDT recommended Alternative 1.

Motion on behalf of the Committee

To adopt TAC Overage Backstop Alternative 1

Decision 8

DAS Carryover Alternatives (3.6) –Alternative 1 (limit carryover to 6 DAS) or Alternative 3 (no action, carryover up to 10 DAS). The AP recommends no action, noting that as DAS are reduced, the economic need for carryover DAS is more urgent. The PDT had recommended a reduction in carryover DAS to 4, which was modified by the Committee to 6 DAS under Alternative 1.

Motion on behalf of the Committee

To adopt DAS Carryover Alternative 3, no action.

Decision 9

Permit Category H (NC/VA) Fishery Boundary Adjustment (3.7) –Alternative 1 would shift the boundary 20 miles north, while under or Alternative 2 (no action) the boundary remains at 38°20'N. The AP recommended Alternative 1, in agreement with the objective of reducing interaction between the gillnet fishery and sea turtles. The PDT did not make a recommendation.

Motion on behalf of the Committee

To recommend Permit Category H Fishery Boundary Alternative 1

Decision 10

Extension of measures beyond 2009 (3.8) – While the actions proposed in this framework are intended to cover the remaining three years of the rebuilding program, through FY2009, the possibility exists, for a variety of reasons, that the Councils will not have completed the follow-up action that would manage the fishery beyond that time. . The only difference between the two alternatives is that under Alternative 1, if the TAC Overage Backstop measure results in a closure of the directed fishery in 2009, then the measures that would be in place for 2010 and beyond would be those that were in place in FY2008. Under the no action alternative, Alternative 2, whatever measures are in place in 2009 would remain in place until modified by the Councils through a regulatory action. The AP and PDT did not make a recommendation.

Motion on behalf of the Committee

To adopt Measures for 2010 and Beyond Alternative 1 that provides that the measures in place in 2009 will continue in 2010 and beyond, unless the backstop provision eliminates the directed fishery in 2009, in which case measures will be restored to 2008 levels in 2010 and beyond unless the Councils adopt new measures for 2010

Decision 11

Incidental Limit on Scallop vessels fishing in the Multispecies Closed Area Access Programs (3.9) – The following recommendation was a new business item at the November 1 Committee meeting considered by the Committee at the direction of the Council.

Motion on behalf of the Committee

To adopt Scallop Closed Area Access Program Incidental Limit Alternative 1 (300 lbs. tail wt. per day incidental limit while a vessel is in the Closed Area Access Fishery, not to include steaming time).