

#6

Yellowtail Flounder Incidental Catch in the Scallop Fishery

Issues and Proposals
Discussion Paper
November, 2008

Purpose of this Paper

- Sept. 2008 Council directed staff to prepare a white paper to address issues and proposals in a letter from Associated Fisheries of Maine

Paper will:

- state the problems caused by yellowtail flounder incidental catch and limits in the scallop fishery
- suggest management objectives
- discuss alternatives to achieve those objectives.

Need for Action – Problems being addressed

- Scallop vessels fishing in portions of groundfish closed areas have a 10% allocation of the yellowtail flounder (YTF) TAC for GB and SNE/MA stocks
- In 2006 and 2008 vessels reached their YTF TAC before all vessels could take their closed area trips
- Scallop yield foregone, even considering compensation trips in open areas

Scallop Incidental Catch

- LA scallop vessels can land 1,000 lbs. YTF on access trips; GC vessels cannot
- All catch (landings and discards) from both fleets count against YTF TAC, based on extrapolation of observed trips to all trips
- GARM III: other species caught incidentally, such as SNE/MA winter flounder may pose similar obstacle

Principal Problem Statement

- **Reduce or eliminate the impediment to achieving the optimum yield from the scallop fishery caused by the fishery's incidental catch of yellowtail flounder, and, perhaps, other species**

Additional Problem – ACLs & AMs

- Not raised in AFM letter; staff sees parallel issue expanded to open areas
- Amendment 16 proposes three stock based sub-allocations of YTF ACL to the scallop fishery
- If adopted, these limitations could pose the same impediment as current closed area TAC to achieving OY from scallop fishing in all areas, depending on AMs

Suggested Management Objectives

- maximize scallop yield while rebuilding groundfish stocks, particularly YTF
- mitigate the effect of the YTF catch limit, or other existing or future MS catch limits, on harvesting the total allowable catch of scallops within portions of the groundfish closed areas
- mitigate the impact of any such changes on MS vessels currently involved in the YTF fishery
- Resolve similar problems that may occur as a result of the implementation of ACLs in scallop, groundfish and other fisheries

AFM Proposals

1. Allow scallop permit holders to **absorb groundfish permits** that are allocated yellowtail ACE. All other ACE associated with that permit could not be utilized, reducing effort on other groundfish stocks
2. Allow scallop permit holders to **lease groundfish DAS** from permit holders that are allocated yellowtail ACE. The scallop vessel would then fish on a joint groundfish/scallop day at sea
3. Allow scallop permit holders to **join a groundfish sector** for the purpose of utilizing yellowtail ACE

AFM Proposals – General Comments

- Based on erroneous premise that groundfish vessels are allocated Annual Catch Entitlements (ACE) that could be transferred to scallop vessels
- In Amendment 16, ACE applies to sectors, not individual vessels, which have Potential Sector Contribution that is only converted to lbs. of fish upon joining a sector

AFM Proposals – More General Comments

- Council will need to clarify impact of any transfers of YTF catch to scallop vessels on existing 10% YTF TAC (*landings and discards*) for access programs
- LA Scallop vessels have 1,000 lb. YTF landing limit in access programs; increasing allowable catch will result in increased bycatch. Council needs to justify in context of NS 9 (minimize bycatch to the extent practicable).

AFM Proposal #1

- Need to clarify the disposition of other permits associated with GF permit that is “absorbed” by scallop vessel. Currently, no permit splitting
- Permits do not have an allocation of lbs. of fish, except as potential sector contribution, upon joining a sector
- If such permit transfer could occur for the purpose of transferring an amount of YTF, it could be considered an IFQ, triggering LAPP requirements for groundfish and/or scallop fisheries

AFM Proposal #2

- If a scallop vessel leases GF DAS, can it land other GF species on a combination DAS?
- If a GF vessel leases its DAS, will it increase effort in other fisheries in which it holds permits?
- Council will need to enable scallop vessels that do not have GF permits to fish on GF DAS
- NMFS will have to track special combination DAS
- If a GF vessel leases part of its DAS for the purpose of increasing scallop vessel YTF catch, Council will need to specify the impact on the GF vessels potential sector contribution for all species (proportional reduction or some other formula)

AFM Proposal #3

- Council's sector policy limits membership to vessels with LA permits in that fishery
- Amendment 16 proposal to allow scallop vessel to hold GF permit, could then join a sector, but proposal needs modification so catch counts against sector, not scallop fishery ACL
- Other questions re: 10% YTF TAC; attributing catch to ACL or ACE; impact of access area closure on scallop vessel in GF sector with YTF ACE remaining

Other Approaches to Achieving Goals (staff suggestions)

- Gear Solutions
- Increase YTF TAC for access areas
- Allow scallop sectors solely for pooling YTF catch
- Make voluntary measures mandatory
- Allocate access trips differently
- Increase observer coverage
- Do nothing

Comment on Other Alternatives

- Gear solutions: probably not viable near term without further loss of scallop yield
- Increase YTF TAC for access areas: would come at expense of MS vessels' YTF TAC; may increase bycatch unless vessels required to land all legal-sized YTF
- Scallop sectors for YTF catch pooling: would require allocation of YTF sector contribution to individual vessels; may increase catch monitoring costs for relatively small amounts of YTF incidental catch

Other Alternatives (cont'd)

- Make voluntary measures mandatory: difficult to enforce; with only one access trip, no incentive for individual vessels to reduce bycatch
- Allocate access trips differently: linking access to YTF projected catch may still result in foregone scallop yield; allocating access trips seasonally may enable more vessels to take their trips before YTF TAC is reached, but may also force some to fish when meat weights are lower, or weather is poorer

Yet More Alternatives

- Increased observer coverage: may improve estimates of YTF catch, but could result in earlier closure if improved estimates are higher
- No Action: if YTF TAC is increased as projected, poundage available under the 10% access area TAC would also increase; could be offset by increased catch rates

Implementation Matters

- No staff recommendations at this time
- Any regulation that requires modification of GF regs. would not take effect until at least 2010, if put into Amendment 16 at this meeting
- Choices of alternatives may depend on which ACL/AM options are chosen in Amendment 16 and approved by NMFS
- Need guidance on which measures are frameworkable or need an amendment