

Scallop Amendment 15 Scoping Comment Summary



June 5, 2008

Scoping

- The final scoping document was approved at the February Council meeting
- Held four scoping hearings in early April
(Newport News, VA; Cape May, NJ; Portland, ME; and Fairhaven, MA)
- Scoping period ended April 4

A15 – Purpose

- 1) Set ACLs and AMs (required by MSRA 2007)
- 2) Rationalization measures for LA scallop fishery
- 3) Revise the current overfishing definition
- 4) Modifications to four specific measures approved under A11 (General category limited entry program)
- 5) Measures to address EFH closed areas in the Scallop FMP if Phase II EFH Omnibus Amendment is delayed
- 6) Alternatives to improve the current RSA program
- 7) Consider changing scallop fishing year to May 1

Timeline

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|------------------------------|---|
| May – October 2008 | Develop alternatives |
| November 2008 | Council approves alternatives to be analyzed in DSEIS |
| December '08 – May '09 | Complete analysis for DSEIS |
| June 2009 | Council approves DSEIS for public hearings |
| July – September 2009 | Break in A15 work to develop FW21 – specs for FY2010 |
| December 2009 | A15 Public Hearings |
| April 2010 | Council selects final alternatives for A15 |
| March 2011 | NMFS implements A15 |

Issue #1: ACLs and AMs

- ACLs and AMs should be developed in such a way that, for example, if the LAGC fishery goes over its ACL, it does not affect the LA fishery.
- Suggestions about the level to which the ACL should be broken down were made:
 - ❖ LA and LAGC fisheries
 - ❖ LAGC, NGOM, and incidental permits
 - ❖ To the individual level
- ACLs and AMs should account for bycatch also, such as an ACL and AM for the YTF fishery.
- ACLs should remain separate from the GF fishery

Issue #2: LA Rationalization

- We consistently heard that we should not adopt the IFQ/ITQ system.
- Many are in favor of permit stacking.
- Most consistent comment: 2 permits should be permitted to stack onto 1 boat.
- About $\frac{1}{2}$ of those in favor of permit stacking argued for no vessel upgrade restrictions, while the other $\frac{1}{2}$ was in favor of vessel upgrade restrictions.
- Many others argued against capacity reduction, saying we should forgo it at this time because it will lead to mega-boats, lack of accountability in the scallop industry, and financially hurt small boat owners.

Issue #3: OFD Revision

- Most commenters were against revision of the OFD.
- Concerns:
 - ❖ Negative environmental impact of increased fishing mortality limits in access areas
 - ❖ Negative economic impact with reduction of the fishing limit in open areas.
- A few people were supportive of the OFD revision because overfishing is most likely occurring in the open areas.

Issue #4: Modifications to LAGC

IFQ rollover

- This was supported by many fishermen, but one person voiced concern about “banking” IFQ, and so suggested only allowing a percentage of the leftover IFQ to rollover (such as a 15% rollover allowance).

IFQ by area

- One comment was that IFQ by area is good for nearshore areas, but may not be cost effective for offshore areas unless approved with other measures, such as sectors.
- Another commenter was opposed to IFQ by area.

LAGC Modifications cont...

NGOM calculation revision

- Landings from state waters should not count against NGOM TAC so that people can still fish in state waters after the federal TAC has been reached.
- GC scallops caught in the NGOM should not count against IFQ tailored to scallops outside the NGOM.
- All scallop vessels should abide by the 200 lb daily limit in the NGOM, instead of allowing the LA vessels 18000 lbs while restricting all others.
- A survey should be performed ASAP on the NGOM scallop resource for incorporation into the NGOM TAC development.

LAGC Modifications cont...

Consideration of sector applications

- No-one was specifically opposed to accepting sector applications. They were either supportive of accepting applications or against sectors altogether.

Other issues raised

- The daily GC possession limit should be raised from 400 lbs to 600 lbs due to the escalating cost of fuel and current economic crises, which would reduce expenses and increase profits and overall economic efficiency by reducing the number of trips a vessel would have to take to fill its IFQ.

Issue #5: EFH closed area consistency measures

- Most commenters were supportive of including this revision of EFH closed areas in Amendment 15, especially due to concerns about more delays in the EFH amendment development.
- Some commenters did not support it, as they felt it was better suited for the Habitat Omnibus Amendment.

Issue #6: Improvements to RSA program

- Most people were supportive of streamlining the process to reduce wait time between applying for and receiving funds, including multiyear proposals, and subdividing the 2% set-aside for access area surveys to aid in TAC estimation under rotational area management.
- One comment was that the process should be more open to stakeholder observation and comment.
- It was said that funding of NMFS surveys should be separate from the RSA industry program, but the commenter feels that NMFS is looking to subsidize their own budget with RSA funds.

Issue #7: Change FY to May 1

- Most people were against changing the fishing year due to already-established business plans and because the new turtle BiOp requiring a large reduction in fishing during the summer. This would mean that the scallop season would open May 1, immediately be reduced for turtle protection, and then increase again in November when the bad winter weather is setting in.
- A few commenters said that changing the fishing year start date to May 1 is a good idea because it matches it to the GF plan and makes it more compatible with science needs.

Other issues:

- A commenter requested including investigating effects of starfish predation and roe-on landings from closed areas; requiring meetings to be broadcast via internet; and determining the affects of oceanic man-made chemicals, including acid rain and jet fuel, on scallops.
- Adjusting when a vessel must declare the start of the trip (in port vs. when crossing the demarcation line).
- Implementing a rule against anchoring in access areas because when the YT TAC is close to being reached, some vessels have a tendency to anchor in access areas while shucking, which puts them in the path of other fishing vessels.

Other issues:

- A15 should include measures to address bycatch of sea turtles, as directed by the recent turtle BiOp.
- The daily GC possession limit should be raised from 400 lbs to 600 lbs.
- Adjustments to the observer set-aside program