

BACKGROUND ON FRAMEWORK 20

Extension of measures implemented to prevent overfishing in FY2007

As discussed at the last Scallop Committee meeting there is a timing issue with measures implemented under the interim action to reduce ETA trips to prevent overfishing in FY2007 and the end of the scallop fishing year. Interim action was taken in December 2006 to prevent overfishing. As requested by the Council, NMFS reduced the number of trips in the Elephant Trunk Area for all permit categories, delayed the opening until March 1, and prevented deckloading from the area. That action can only be extended for two 180-day periods (Dec06-June 07 and June07-Dec07). If it is extended for a second 180-day period through December 2007, after that date status quo measures implemented under Framework 18 would revert back for the last two months of fishing year 2007 (January and February 2008). So in order to prevent overfishing for the entire fishing year, the Council may consider initiating a framework to extend the measures implemented by interim action through March 1, 2008.

The PDT briefly discussed this issue at their meeting on March 1 and the PDT is supportive of extending the interim regulations through framework action to prevent overfishing. If nothing is in place for January and February 2008 then status quo allocations under FW18 would apply. In other words, the allocations for the ETA for FY2008 would begin on January 2008. While many limited access vessels would not be expected to fish in January and February for reasons previously stated when the Council considered recommending emergency action, additional effort during that time could lead to overfishing in FY2007. If any limited access trips were taken during that time individual allocations could be reduced in later fishing years under Framework 19, but the rationale for taking emergency action was to reduce effort in FY2007 to prevent overfishing. As for the general category fishery, if the general category allocation for ETA was made in January, the PDT believes that could be problematic. Since those trips are fleetwide, vessels would be more inclined to fish in January/February, potentially increasing mortality in fishing year 2007 above the overfishing threshold. If additional effort is taken in January and February that would reduce the effectiveness of the interim action to prevent overfishing for FY2007.

NFMS has informed Council staff that this 2-month framework (Framework 20) would qualify as a categorical exclusion, which reduces the amount of analyses required under NEPA. The changes in the ETAA trip allocations and opening date were contemplated and analyzed in the Environmental Assessment supporting Framework 18 to the Scallop FMP; therefore NEPA documentation for a reduction in the ETAA trip allocations and a delay in the opening of the ETAA until March 1, 2007 was previously prepared and is complete. The impacts of the measures were determined to be non-significant, supporting the Finding of No Significant Impact in the EA for Framework 18. Furthermore, since the interim regulations implemented in December 2006 to reduce effort in that area qualified as a categorical exclusion, this action would simply extend the same regulations for two more months, so no additional impacts are expected.

The prohibition on deckloading (loading the working deck of a scallop vessel with unshucked scallops) for vessels on ETAA trips, was not in Framework 18, but it does not result in a change in the findings of the Final EIS prepared for Amendment 10 to the Atlantic Sea Scallop FMP or of the EAs for the annual fishing measures for the Atlantic sea scallop fishery. Furthermore, it was pointed out during discussions of the emergency action that most of the scallop industry has operated in access areas as if there were a prohibition on deckloading anyway. Many vessels were under the impression that deckloading was no longer permitted, even though regulations do not prevent it.

The Scallop Committee discussed this issue at the March 20 Committee meeting and passed the following motion:

Recommend that the Council initiate Framework 20 at the April Council meeting to prevent overfishing in fishing year 2007.

If the action is initiated at this Council meeting, final action would have to occur at the June Council meeting in order for the regulations to be in place before the emergency regulations are expected to expire in December 2007.