

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.2	MEASURES TO ADDRESS EXCESS CAPACITY IN THE LIMITED ACCESS FISHERY - page 11		
3.2.1 and 3.2.2	Definition and integration of new terms	This section includes a description of all the ACL related terms and identifies what they are for the Scallop FMP.	No Action necessary. This section is for clarity purposes.
3.2.3	ALTERNATIVES UNDER CONSIDERATION FOR IMPLEMENTING ACLs IN THE SCALLOP FMP - page 19		
3.2.3.1	No Action	The process for implementing Annual Catch Limits will not be adopted in this action.	
3.2.3.2	ACL Structure	The overall ACL will be divided between LA and LAGC fisheries. Each sub-ACL will have an ACT with buffers.	If selected, terms in Table 2 and structure in Figure 1 will be implemented. Cmte clarified by motion that set-asides would be removed from the ACL level (not the ACT level), and observer program in open areas for LAGC vessels would remain the same. Cmte clarified by motion that NGOM ACL would be removed before the directed fishery ACL.
3.2.3.3	Northern Gulf of Maine ACL	NGOM fishery will have a separate hard TAC because the resource is not currently incorporated into the assessment.	Currently this TAC is set at an estimate of 70,000 pounds.
3.2.3.4	Other sources of scallop fishing mortality	Discards, incidental catch mortality, and state catch will be removed before setting OFL.	Current estimate of about 7.5 million pounds (mostly from mortality on scallops impacted by gear on bottom).
3.2.3.5	ACL sub-components	Scallop plan will have 2 sub-ACLs - LA and LAGC. Each sub-ACL will have an associated ACT with AMs. Catch from incidental permits and set-asides will be removed before ACL is divided. LA sub-ACL = 94.5% and LAGC sub-ACL = 5.5%.	Sub-ACLs described in Figure 1. Cmte clarified by motion that LAGC fishery allocated 5% of ACL, which is not equal to 5% of projected catch because of management uncertainty buffers.
3.2.3.6	Placement of terms and buffers for uncertainty	This section describes how ACL related terms are associated - see Figure 2.	
3.2.3.7	Description of scientific uncertainty		
3.2.3.7.1	Qualitative analysis of scientific uncertainty	Sources were assessed with a numeric uncertainty level and a numeric importance/effect level to account for uncertainty in the assessment.	
3.2.3.7.2	Quantitative analysis of scientific uncertainty	SSC requested the PDT quantify the uncertainty in OFL (uncertainty in Fmsy and projected stock biomass).	
3.2.3.7.3	ABC control rule	ABC will be set corresponding to a fishing mortality that has 25% chance of exceeding OFL.	Specific SSC recommendation behind Tab 12 and background materials.
3.2.3.8	Description of management uncertainty	Seven overall sources have been identified, two of which are no longer an issue. Primary source is catch from open area DAS.	

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.2.3.8.1	BUFFER BETWEEN LIMITED ACCESS SUB-ACL AND ACT - page 40		
	LA ACT set at F rate with 25% probability of exceeding LA portion of total ACL = ABC	Based on identifying an F rate with 25% probability of exceeding ABC. Currently, this estimate is 0.24 when ABC is set at 0.28.	Cmte motion to include this in A15 as well as second alternative based on uncertainty of LPUE estimates.
	Identify a specific buffer based on results of new analyses of A) variability in estimate of LPUE, or B) projected LPUE compared to actual estimates from open area DAS.	Requested by Cmte on Sept 2, 2009; still under development. Should have an option to base on uncertainty in open area catch since this is the primary source of mgmt uncertainty.	
3.2.3.8.2	BUFFER BETWEEN GENERAL CATEGORY SUB-ACL AND ACT - page 46		
	Zero buffer (LAGC ACL = LAGC ACT)	Sub-ACL would be equal to ACT in the general category fishery.	Cmte motion to include 2 alternatives for the LAGC buffer. AP identified this as preferred.
	Up to 5% buffer to account for potential monitoring concerns, IFQ carryover provision and other implementation error	Some value up to 5% would be applied to the general category sub-ACL to create the GC ACT.	
3.2.9	ACCOUNTABILITY MEASURES FOR SCALLOP ACLs		
3.2.3.9.1	LIMITED ACCESS AMs - page 47		
	Use of ACT	Setting allocations lower than LA-ACL would reduce the likelihood of exceeding ACL, acting as a proactive AM.	
	Overall DAS reduction in the subsequent year to account for overage	PDT will identify how much ACL was exceeded and identify appropriate DAS equivalent for that overage.	
	Include a disclaimer for when LA AM would not be triggered	If overall F is re-estimated after the fishing year has ended and is more than one standard deviation below overall F for ACL, AMs would not be triggered in LA fishery.	Current standard deviation for ACL is 0.04. If fishery ACL = 0.28, then if ACL is recalculated to be 0.23 or less, LA AMs not triggered. Cmte clarified by motion that disclaimer should remain in document and be based on re-estimated F, not biomass.
3.2.3.9.2	GENERAL CATEGORY AMs - page 48		
	Use of ACT	Setting allocations lower than LA-ACL would reduce the likelihood of exceeding ACL, acting as a proactive AM.	This would not apply to the first alternative for LAGC buffer since that buffer is zero. ACT only with second option up to 5% buffer.
	IFQ reduced in subsequent fishing year	If an individual exceeds their IFQ, it will be reduced the following year by the same amount.	Cmte clarified by motion that if an individual leases quota and exceeds it, that individual is subject to AMs. By motion the Cmte decided not to include another option that would charge an additional 7% if an individual exceeded their IFO.

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.2.3.9.3	NGOM AMs - page 48		
	Reduce Hard TAC subsequent year	If the hard TAC in Year 1 is exceeded, overall hard TAC in year 2 will be reduced by the overage.	
3.2.10	Scallop ACLs for other fisheries	No other fisheries catch an appreciable amount of scallops as discards - see Table 14.	No Action necessary - no other alternative considered.
3.2.3.11	ACLs SET IN OTHER FMPs FOR THE SCALLOP FISHERY		
3.2.3.11.1	Analysis used to identify potential non-target species	The Council has determined that a primary FMP must identify a sub-ACL for the scallop fishery, if no sub-ACL is identified catch from the scallop fishery must be accounted for in a different way - i.e. removed as discard mortality.	No Action necessary - for clarity only.
3.2.3.11.2	YELLOWTAIL FLOUNDER- page 52	A16 to Multispecies FMP identified scallop fishery as sub-component for all 3 YT stocks. ACL for open and access areas. Minimum of 10% allocated to scallop fishery if CA1, CA2, or NL open. Allocation determined in GF specs.	AP consensus: do not support any of the YT AMs. More individually-based allocation would be preferable. Cmte passed motion at Sept 1/2 meeting to revise YT AMs approved at April Council meeting. Direction from Cmte for staff to clarify YT monitoring provisions.
3.2.3.11.2.1.1	Seasonal closure of a portion of the stock area pre-identified as having high bycatch	The PDT would identify areas that have higher bycatch rates within a stock area and these areas would close to both LA and GC when the sub-ACL is reached.	
<i>Option A</i>	In-season	YT catch would be monitored by stock area during the year, and when a specific level near 100% (maybe 75%) is reached the pre-identified areas of high bycatch would be closed.	AP identified Option 1A as good because it is in-season and would not close an entire stock area.
<i>Option B</i>	AM effective in Year 3	At the end of the FY NMFS will determine the total YT caught in each stock area and if it exceeds the sub-ACL the pre-identified areas will close in Year 3.	Areas could re-open during Year 3 if overage was small. Cmte clarified by motion that all "subsequent year" YT AMs would need to be revised to Year 3 AMs because of timing issues.
3.2.3.11.2.1.2	In-season closure of entire YT stock area	The entire YT stock area would be closed to both LA and GC vessels when the sub-ACL is reached.	Could result in large effort shifts.
3.2.3.11.2.1.3	Fleet wide maximum of DAS and percent of IFQ that can be used in a stock area	Would institute a fleet-wide maximum of DAS and IFQ that can be used in a stock area for Year 3 to account for an overage of the YT sub-ACL in Year 1.	Derby impacts expected.
3.2.3.11.2.1.4	Individual maximum of DAS and percent of IFQ that can be used in a stock area	Would institute an individual maximum of DAS and IFQ that can be used per vessel in a stock area for Year 3 to account for an overage of the YT sub-ACL in Year 1.	AP supports vessels being able to trade DAS or IFQ if maximum is implemented to reduce distributional impacts.
3.2.3.11.2.1.5	Revise the opening date of access areas on Georges Bank	The opening date of access areas would be modified (made earlier) to avoid yellowtail bycatch. This does not count as an AM - it is a bycatch reduction tool.	Cmte passed a motion requesting the Council initiate a joint GF/Scallop action to consider moving opening date as early as May 1. This would move #5 to considered and rejection section of A15. Another motion requesting Council initiate an action to address 10% limit in YT bycatch in scallop access areas was made at Sept 1/2 meeting.

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.3	MEASURES TO ADDRESS EXCESS CAPACITY IN THE LIMITED ACCESS FISHERY		
3.3.1	No Action	No measures would be taken to reduce capacity in the LA scallop fishery.	
3.3.2	PERMIT STACKING - page 60		Cmte motion to identify both stacking and leasing as preferred. AP motion failed.
3.3.2.1	Restrict action to two permits only	Stacked vessels could have no more than two permits.	No action needed - no other alternative considered.
3.3.2.2	Fishing power adjustment for stacking permits	Vessels of unequal size and horsepower would have their permits adjusted to account for increased LPUE. Different adjustment applied depending on vessel characteristics. Second mortality adjustment would be applied on all stacking transactions - PDT recommendation of 7-11%.	Cmte passed a motion to expand mortality adjustment from 7-11% to 5-11% and added that mortality adjustment could be modified by FW. Another Cmte motion added that both adjustments should be reconsidered if input controls are adjusted in future. AP did not support expansion and motion to support 7-11% failed because some supported a higher range to be included above 11%.
3.3.2.2.1	Permits can be stacked provided there is a fishing power adjustment	A fishing power adjustment would be applied based on HP and length class of each vessel, plus a second mortality adjustment somewhere between 5-11%.	Both AP and Cmte identified as preferred.
3.3.2.2.2	Permits can only be stacked which meet replacement criteria	Permits could be stacked but only if the baseline specifications of the permits involved meet the current vessel replacement criteria. No adjustments would be applied.	
3.3.2.2.3	Permits in same replacement criteria category have no adjustment applied and permits from different categories would be subject to adjustment	No adjustment if vessels are in the same category, otherwise the same adjustment as in 3.3.2.2.1 would be applied to stacked permit if it is from a different baseline groups.	
3.3.2.2.4	Restriction on stacking for trawl permits	If a trawl permit has converted to dredge through annual declaration and it stacks, it is prohibited from returning to trawl gear as stacked vessel.	Cmte added this restriction by motion at September 1/2 meeting.
3.3.2.3	Status of stacked permits	Permits are stacked as 'bundles,' and all permits are stacked with a vessel (all species). Clarified that stacked permits keep their identity and individual permits could toward the 5% ownership cap.	Cmte passed a motion to include 2 options for destacking - allow it and prohibit it. Cmte added two options for DAS carryover for stacked vessels - 10 DAS or 20 DAS. Cmte motion failed to allow all stacked permits retain original status for destacking. Cmte consensus that scallop permits revert to original value after destacking in terms of applied adjustments.
<i>Option A</i>	Permits can de-stack	A vessel could de-stack and re-stack in the future. Leased effort is used first.	AP identified as preferred. Cmte motion as preferred failed. Cmte gave direction to staff to clarify administrative section of stacking related to application deadlines and clarified that de-stacking could not occur during a fishing year.
<i>Option B</i>	Permits cannot de-stack	Stacking would be a one-time action.	

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.3.3	LEASING - page 67		Cmte motion to identify both stacking and leasing as preferred. AP motion failed.
3.3.3.1	Leasing of open area DAS	LA vessel could lease part or all of its open area DAS allocation on an annual basis in full day amounts to other vessels with LA permits.	
3.3.3.1.1	Fishing power adjustment for leasing open area DAS		
	<i>Option A</i>	All leasing of DAS would be subject to a fishing power adjustment similar to the one proposed for stacking.	AP and Cmte preferred.
	<i>Option B</i>	No adjustment would be applied, but vessels restricted to lease from vessels within the same HP/length category.	
	<i>Option C</i>	No adjustment unless vessels lease from vessels outside their baseline category; then the same adjustment as option A would occur.	
3.3.3.1.2	Maximum DAS that can be leased	The Lessee may lease open area DAS and access trips up to twice the amount of allocation.	No action needed - no other alternative considered.
3.3.3.1.3	DAS and landings history		
	<i>Option A</i>	Lessor will maintain DAS usage history and catch from leased effort would accrue to Lessee.	
	<i>Option B</i>	DAS usage and catch history is applied to the Lessor.	
3.3.3.2	Leasing of access area trips	Allows leasing of one or more access trips on an annual basis. Leased effort is used first.	No need for adjustments because limited by possession limit.
3.3.3.3	Ownership cap provisions		
	<i>Option A</i>	Any individual that owns the max number of permits allowed may not lease additional DAS or access trips, but leasing between vessels of same owner allowed.	
	<i>Option B</i>	Permit ownership and leasing of DAS and access trips shall be limited to no more than 5% of permits and 5% of allocation, not withstanding Option A.	
3.3.3.4	Leasing restrictions options		
	<i>Option A</i>	Restrict leasing to vessels in the same permit category only.	
	<i>Option B</i>	Leasing would be allowed between different permit categories for access area trips only. Lessee limited to possession limit of Lessor.	
3.3.3.5	Application requirements	Details of requirements for leasing applications and deadlines specified.	No action needed.
3.3.3.6	Leasing from vessels in CPH		
	<i>Allow leasing from vessels in CPH</i>	Leasing from vessels in CPH would be allowed and subject to the same restrictions as leasing from active vessels.	AP identified as preferred. Cmte motion failed because of lack of second.
	<i>Prohibit leasing from vessels in CPH</i>	Leasing from vessels in CPH would be prohibited.	
3.3.3.7	Sub-leasing	Sub-leasing and re-leasing of DAS and trips would be allowed subject to same restrictions applied to original leases. Carryover of leased DAS and trips prohibited.	No action needed.
3.3.3.8	Other Leasing Provisions	Several provisions clarified	No action needed.

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.4	MEASURES TO ADJUST SPECIFIC ASPECTS OF FMP AND MAKE OVERALL PROGRAM MORE EFFECTIVE		
3.4.1	MEASURES TO ADJUST THE CURRENT OFD TO BE MORE COMPATIBLE WITH AREA ROTATION - page 71		
3.4.1.1	No action.	The OFD will be left as status quo.	
3.4.1.2	A10 OFD – Time averaged within specific areas	The threshold for open areas would be set using a time-averaging principle, which will typically be higher than it is for the open areas, and the threshold for open areas the conventional Fmax.	
3.4.1.3	Hybrid overfishing definition alternative	Combines status quo with A10 to set Ftarget in the open and access areas individually at levels that will obtain optimal yield.	PDT recommendation.
3.4.2	MINOR ADJUSTMENTS TO THE LIMITED ACCESS GENERAL CATEGORY MANAGEMENT PROGRAM		
3.4.2.1	PROVISION TO ALLOW IFQ ROLLOVER - page 77		
3.4.2.1.1	No action	Status quo would maintain that IFQ expires at the end of a fishing year.	
3.4.2.1.2	Allow rollover of up to 15% of IFQ	An IFQ permit holder could carry forward up to 15% of their IFQ to the proceeding fishing year. The rollover would be automatically conducted by NMFS.	AP consensus to support the highest IFQ rollover acceptable that will not increase management uncertainty. AP motion for 100% carryover withdrawn.
3.4.2.2	CONSIDERATION OF A GENERAL CATEGORY SECTOR APPLICATION - page 77		
	One application was received but withdrawn	This alternative will be moved to the considered but rejected section.	Cmte motion to move to considered and rejected section based on oral testimony from applicant that they were no longer interested in applying.
3.4.2.3	MODIFY THE GENERAL CATEGORY POSSESSION LIMIT - page 78		
3.4.2.3.1	No action	Under the status quo possession limit would be maintained at 400 lbs.	AP motion as preferred.
3.4.2.3.2	Modify the possession limit up to 1000 lbs	The Council would be permitted to identify the final possession limit up to 1000 lbs at the final meeting.	
3.4.2.3.3	Eliminate the possession limit	This alternative would eliminate the possession limit for LAGC vessels.	
3.4.2.4	MODIFY THE MAXIMUM QUOTA ONE VESSEL CAN FISH - page 78		
3.4.2.4.1	No action	The current restriction of 2% maximum quota allocation would be maintained on each LAGC vessel.	
3.4.2.4.2	Modify the maximum quota one vessel can fish from 2% to 2.5% of total general category allocation	The maximum quota per vessel restriction would be changed from 2% to 2.5% of the total general category allocation.	
3.4.2.5	ALLOW LAGC QUOTA TO BE TRANSFERRED FROM IFQ PERMITS - page 79		
3.4.2.5.1	Allow LAGC IFQ permit owners to permanently transfer some or all quota allocation to another IFQ permit holder	Would allow LAGC IFQ permit owners to permanently transfer some or all of their quota allocation independent of their permit to another permit holder while retaining the permit itself.	<i>It has not been clarified if this includes all LAGC permit holders - including LA vessels that also qualified for a LAGC permit.</i>
3.4.2.5.2	Allow LAGC IFQ permit owners to permanently transfer some or all allocation to a community-based trust or permit bank	Permit owners could permanently transfer some or all of their quota independent of their permit to a community-based trust or permit bank while retaining the permit itself. A permit bank could lease/transfer the IFQ to any LAGC IFQ permit holder.	

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.4.2.6	IMPLEMENTATION OF COMMUNITY FISHING ASSOCIATIONS (CFAs) - page 80		
3.4.2.6.1	No action	CFAs would not be implemented.	
3.4.2.6.2	Establish process for CFAs	Non-profit entities could hold quota which can be leased to individuals with LAGC permit within a defined community. Alternative specifies definition of CFA, qualification of CFA, geographic designation, participation requirements, standards, restrictions, application process, criteria for evaluation, accumulation limits, and reporting and monitoring requirements.	AP motion to support CFA, but recommend it be tabled for future amendment. Cmte motion to retain CFA in A15. Another motion to clarify that accumulation limit should be 5%, new entry provision should not be included, and harvest of CFA should be limited to LAGC permit holders. Several outstanding issues related to CFA alternative remain.
	What can a CFA own and lease out		
	<i>Option A - quota only</i>		
	<i>Option B - quota and permits</i>		
3.4.3	MEASURES TO ADDRESS EFH CLOSED AREAS IF EFH OMNIBUS AMENDMENT 2 IS DELAYED - page 85		
3.4.3.1	No action	Measures currently in place to minimize impacts on EFH would be maintained, including both sets of EFH closed areas under A10 and A13.	
3.4.3.2	Modify EFH closed areas to scallop gear under A10 to be consistent with MS Amendment 13	The EFH closed areas would be made consistent under both FMPs to minimize impacts on EFH.	
3.4.4	MEASURES TO IMPROVE RESEARCH SET-ASIDE PROGRAM - page 87		
3.4.4.1	No action	No changes would be made to the existing program.	
3.4.4.2	Publish federal funding opportunity as early as possible	NMFS would publish funding announcements by June before the beginning of the following fishing year.	This can be a Council request only. Agency has already adjusted when the announcement is published.
3.4.4.3	Extend the RSA program to be multi-year	The length of time for research priorities would be increased with flexibility, allowing projects to be funded for up to two years - length of FW.	
3.4.4.4	Modify open area RSA allocation from DAS to pounds	RSA will be converted from 2% of open area DAS to the approximate equivalent poundage, starting with 1.0 million pounds.	
3.4.4.5	Modify entire RSA allocation to a fixed poundage rather than a percent	A set amount of catch would be allocated each year which would allow the announcement to come out earlier each year.	
3.4.4.6	Separate RSA TAC into 2 subsets (survey and other)	Survey-related research is highest priority and separating the TAC will help emphasize survey research proposals.	If TAC separated evenly - 50% for resource survey work and 50% on other may limit what is spent on survey work because in recent years more than 50% has been spent on resource survey work.
3.4.4.7	Remove additional TAC specific for survey work in addition to 2% set-aside	This would add an additional 1% (making the total 3%) set-aside for access area surveys, leaving 2% for all other work and emphasizing the need for AA surveys.	

SECTION	ALTERNATIVES	DESCRIPTION	COMMENTS / UNFINISHED BUSINESS
3.4.4	MEASURES TO IMPROVE RESEARCH SET-ASIDE PROGRAM - page 87 (cont'd)		
3.4.4.8	Rollover of RSA TAC		
3.4.4.8.1	Rollover of unused RSA TAC to the next FY	Unused RSA TAC would roll over to the RSA funding announcement for the following year.	
3.4.4.8.2	Rollover of unused RSA TAC to second solicitation in same FY	Unused RSA TAC would roll over to a 2nd announcement for the same year and all would need to be harvested by the end of that fishing year.	NMFS input has been that a second competition would make it very difficult to have funds available before end of FY.
3.4.4.8.3	Rollover of unused TAC to same individuals for program development funds	Unused RSA TAC would be given to the same individuals that received TAC that year so their research could be furthered with it.	
3.4.4.8.4	Rollover of unused TAC to help fund observer program	Unused RSA TAC would roll over to the industry-funded observer program.	
3.4.4.8.5	Rollover of unused TAC to compensate awarded projects	Would allow the Agency to allocate unused TAC if it was determined that \$/lb estimates used in the FFO were low.	
3.4.4.9	Extension for harvesting compensation TAC	A grace period would be developed to allow harvest of compensation TAC beyond the FY if the vessel was unable to do so during the FY due to hardship.	
3.4.4.10	Increase public input of RSA review process	It has been suggested that the Scallop AP could identify research priorities for the Cmte and have more input during the management review of proposals.	
3.4.4.11	Regulations from which RSA projects are exempt	RSA projects could be exempt from crew restrictions, seasonal ETCA closure, and requirement to return to port if fishing in more than one area.	
3.4.5	MEASURES TO CHANGE THE SCALLOP FISHING YEAR - page 90		
3.4.5.1	No Action	The scallop fishing year would remain with a start date of March 1.	
3.4.5.2	Change start of fishing year from March 1 to May 1	The start date of the fishing year would be moved to May to accommodate the availability of survey results and take advantage of better weather months.	
3.5	ITEMS TO BE ADDED TO THE LIST OF FRAMEWORKABLE ITEMS IN THE FMP - page 90		
3.5.1	Modify the general category possession limit	Regardless of 3.4.2.3.2 or 3.4.2.3.3, modifications to the possession limit would be added to the list of frameworkable items for the future.	
3.5.2	Adjustment to aspects of ACL Management	Specific ACL-related measures including OFL, ABC, ACLs, ACTs and their related buffers would be made frameworkable.	
3.5.3	Fishing power adjustments	If selected in Amendment 15, FPAs would be made frameworkable in order to be modified at a later date.	