

Scallop Committee Input from September Meetings

This document summarizes the modifications to A15 and FW21 recommended by the Scallop Committee on September 16 and September 1/2. All motions made at the September 1/2 meeting have been reflected in the Amendment 15 document already. The motions made at the September 16 meeting are related to clarifications of A15 alternatives and identification of preferred alternatives. Motions 1-7 are related to further clarifying A15 alternatives, motion 8 is related to a subsequent action the Council should consider, and Motions 9-12 are related to identifying preferred alternatives for A15. If these motions pass at the September Council meeting it is understood that the A15 document (Document #2) will be updated to reflect these modifications before submission to NMFS.

Motion 1: Robins/Alexander

Consistent with our motion from Sept 1, remove the 1% set aside for observer coverage from the ACL for the fishery and *expand the observer set aside program into open areas for the general category fishery.*

Motion 2: Avila/Preble:

Table motion until this afternoon after report on observer program issues from NMFS.

Vote: 7:0:0, carries

Motion 13: Robins/Tooley

Take Motion 1 from the table.

Vote: carries unanimous

- **Tabled Motion 1**

Consistent with our motion from Sept 1, remove the 1% set aside for observer coverage from the ACL for the fishery and *keep gen cat vessels exempt from the industry funded observer program in open areas.*

Vote on perfected motion: 4:0:1, motion carries

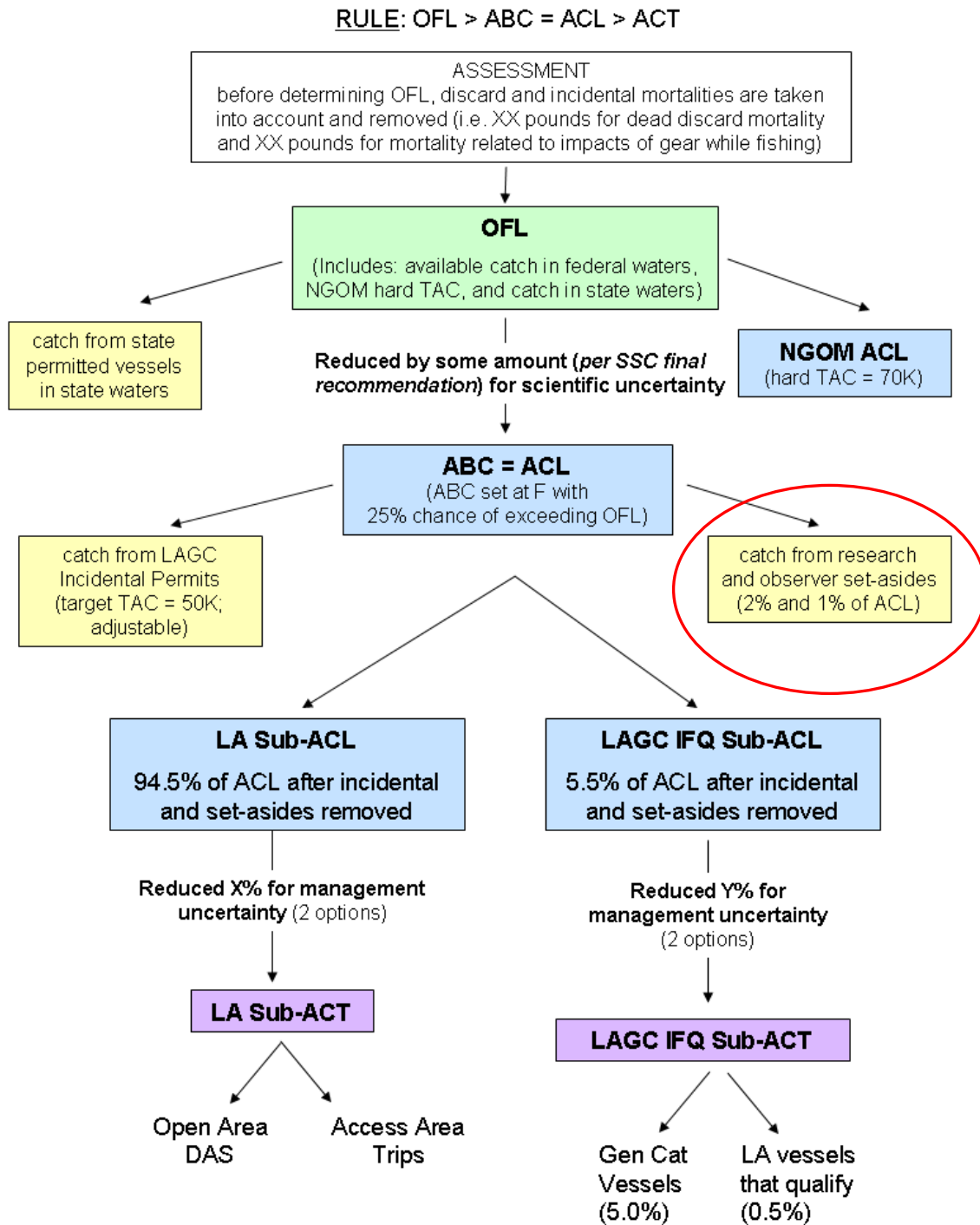
Background discussion on the motion:

The Committee decided on September 1 that set-asides for research and the observer program should be taken out of the fishery ACL before management buffers are applied because there is essentially no management uncertainty with these programs. Therefore, the overall ACL flowchart has been modified to reflect that 2% for research and 1% for the observer set-aside programs will be removed from the ACL rather than ACT level.

By removing set-asides at the ACL level compared to ACT, more catch will be available for these programs. The Committee also decided that the current observer set-aside program should not be modified as a result of this change. Specifically, the observer set-aside program would still only apply to limited access vessels in open areas and both limited access and general category vessels in access areas.

Figure 1 below reflects this change and the text in Section 3.2.3.2 (page 19) will be updated to clarify when the set-asides will be removed and what they will be used for.

Figure 1 - Recommended flow chart for ACLs for the scallop fishery.



- *Direction from Committee: Additional monitoring requirements for YT sub-ACL will be developed by Staff and included in the document working with NMFS later (5 new VMS codes for different areas in GF plan – vessels will likely have to make daily declaration for a YT stock area, but can switch areas during a trip.)*

Background discussion on the motion:

The above was not in the form of a motion but the Committee requests that Staff work with NMFS to include more specific detail of new reporting requirements that would be necessary to monitor the sub-ACLs for the three YT stock areas. Specific language will be added to Section 3.2.3.13 – monitoring ACLs (page 58).

- **Motion 3: Robins/Avila**

Allow a stacked vessel to carry up to 20 DAS to the following FY.

Vote: 4:2:1, carries

(Clarified that No Action for this issue would be 10 DAS per stacked vessel)

Background discussion on the motion:

This motion clarifies that a stacked vessel would be permitted to carry over 20 DAS to the following fishing year; the equivalent of the current allowance of 10 DAS per vessel. The Committee did recognize that management uncertainty could increase if stacking changes recent trends in carry over amounts for the fleet. The Committee decided to leave both options in for now with none preferred.

- *Direction from Committee: Staff should clarify administrative section of stacking section with NMFS to clarify stacking related application deadlines etc., but Committee clarified that de-stacking will not be permitted during the year.*

Background discussion on the motion:

The above was not in the form of a motion but the Committee requests that staff work with NMFS to include more specific detail of what permit stacking-related application deadlines would be. A new section (3.3.2.4) will be added to the end of the permit stacking section that will include application and other requirements. The Committee did give clear guidance that de-stacking will not be permitted during the year. If two permits are stacked on a single vessel, they remain stacked for the fishing year.

- **Motion 4: Tooley/Avila**

If de-stacking does occur, all stacked permits remain as a unit and retain their original size and baseline attributes (scallop and other permits)

Vote: 3:3:1, motion fails

Background discussion on the motion:

Because this motion failed, the document will be clarified to reflect that once a vessel stacks two scallop permits, the other permits associated with the second permit are “lost.” Current restrictions prevent a single vessel from having two permits in the same fishery on one vessel (i.e. fluke, squid, monkfish, etc.). So if two scallop permits are stacked NMFS would keep the identity of those permits separate so a vessel could de-stack scallop permits later, but when all other permits are stacked the individual will have to choose what other permits to keep on the stacked vessel. For example, the stacked vessel may end up with one squid, one fluke and one MF permit with 2 scallop permits. If that owner decides to de-stack down the road, it can only

de-stack the scallop permit, other permits that used to be associated with that scallop permit cannot be relinquished.

- The Committee also clarified another issue related to stacking by consensus.

By consensus, if permits are de-stacked, the scallop permit reverts back to its original value – any fishing power or mortality adjustments that may have applied when the permit was stacked would not apply after de-stacking. If the permit were stacked again, new adjustments would apply.

For example, if a vessel stacked a permit with 40 DAS in 2011 onto a vessel within the same HP and length class no fishing power adjustment would be applied. The second mortality adjustment would be applied (5-11% being considered). If it is assumed that a 10% adjustment is applied the permit would now be worth 36 DAS. If that owner decides to de-stack in 2012 that permit would revert back to original value – with no adjustment – 40 DAS in this example.

- **Motion 5: Avila/Robins**

Move sector application to considered and rejected section (based on verbal testimony from the original potential applicants at Scallop Committee meeting on September 1, 2009)

Vote: 6:0:1

Background discussion on the motion:

The Committee received verbal input from the original applicant that they are no longer interested in pursuing an application for becoming a sector because the Council did not grant any of the exemptions the sector was seeking. Therefore, the Committee recommends this section be moved to the considered and rejected section. The same group is now supporting consideration of “community fishing associations” instead.

- **Motion 6: Preble/Fair**

Move to retain Community Fishing Association (CFA) alternative in Amendment 15.

Vote: 4:2:1, carries

Background discussion on the motion:

The Committee clarified a few parts of the existing CFA alternative (see Motion 7 below) and several other questions were raised by the Committee. The Committee recommends that the alternative be included with clarifications in Motion 7, and be further modified later in the process. The alternative is on page 80 – Section 3.4.2.6.

- **Motion 7: Robins/Preble**

Limit accumulation by a CFA to 5% of LAGC IFQ allocation, delete new entry option, and limit harvesting of CFA-held quota to LAGC permit holders.

Vote: 7:0:0, carries

Background discussion on the motion:

Based on concerns from public input, the Committee supports a conservative accumulation limit of 5% for now to prevent CFAs from impacting other communities by pooling more allocation than the community previously had. The Committee was uncomfortable with the provision to allow new entrants at this stage since A11 just recently removed capacity. Lastly, the motion clarifies that LAGC quota can only be harvested by qualifiers under A11 or by anyone that has acquired a permit since adoption of A11.

MOTION RELATED TO FUTURE FRAMEWORK

- **Motion 8: Robins/Avila**

Request Council initiate a joint action to consider moving the access area opening dates in GF closed areas as early as May 1 to reduce YT bycatch.

Vote: 6:0:1, carries

This motion would move Option #5 for YT sub-ACL AM to considered and rejected section of Amendment 15.

Background discussion on the motion:

The Committee is supportive of reducing YT bycatch and considering alternatives to better address the YT sub-ACL in the scallop fishery. Adding measures to A15 is not practical at this stage, so the Committee hopes the Council adds specific YT issues to FW22 instead. If that action is a joint framework it will be implemented at the same time as A15 and could address some of these issues. The Committee passed a motion on Sept 1 related to potential issues for FW22 as well; see Motion 6 from that previous meeting below.

MOTIONS RELATED TO PREFERRED ALTERNATIVES

- **Motion 9: Robins/Preble**

Alternative 3.3.2.2.1 be the preferred alternative for fishing power and mortality adjustment for stacking and leasing DAS.

Vote: 6:0:1, carries

Background discussion on the motion:

This is the most flexible alternative because it allows stacking between all permit categories. It is favored over the second and third alternative because it includes both adjustments for all stacking transactions. The analyses show that even if vessels are within the same HP:length class, an adjustment is still needed to keep catch neutral.

- **Motion 10: Tooley/Robins**

Identify Option 1 under Alternative 3.3.2.3 Status of stacked permits as preferred – allow de-stacking.

Vote: 2:4:1, motion fails

Background discussion on the motion:

The Committee decided that these alternatives should go out to public hearing with equal weight. Some members were concerned that de-stacking can bring capacity back into the fishery, making the intended effect (capacity reduction) only temporary. Others argued that if de-stacking is not permitted very few vessels would actually stack because of the risks associated with stacking – it is too hard to predict what the future has in store.

- **Motion 11: Tooley/**

Select Option 1 for Alternative 3.3.3.6 be identified as preferred alternative – allow leasing from CPH permits.

Motion fails for lack of second.

- **Motion 12: Robins/Tooley**

Identify both stacking and leasing alternatives as preferred for Section 3.3 – Measures to address excess capacity in the LA fishery and provide more flexibility for efficient utilization of the resource.

Vote: 3:2:1, motion carries

Background discussion on the motion:

The Committee heard lots of testimony on this subject over the course of the day. Many expressed concern that the vessels that do not stack will be at a disadvantage due to increased efficiency/catch for the vessels that do stack. Some explained that not many vessels are expected to do this in the first few years, so why spend so many resources on this now when we have other more pressing problems like YT, EFH and turtles. Others argued that stacking and leasing will help reduce capacity and if the adjustments are correct the risk is reduced. And if the adjustments are too low they can be changed by framework. One Committee member reminded the audience that even if this is identified as preferred it does not preclude the Council from picking No Action later.

MOTIONS FROM THE SEPTEMBER 1/2 MEETING

The motions below have already been reflected in A15 (Document #2). If the Council has issue with one of these recommendations and does not support the Committee motions from the previous meeting a Council motion should be made to change A15.

Motion 1: Cunningham/Avila:

Clarify that Option B be the only alternative in A15 for the overall ACL flowchart.

Vote: 6:0:0, motion passes

This motion was clarified that this is focused on placement of NGOM only; we will still need to discuss how to address management uncertainty.

Motion 2: Preble/Robins

Revise A15 so that general category fishery is allocated 5% of fishery ACL. Noting that the ACT allocations may be different based on the management uncertainty buffers selected for each fishery.

Vote: 7:0:0, motion passes

Clarified that incidental catch and set-asides are removed before the split between LA and LAGC ACLs.

Motion 3: Cunningham/Preble

Disclaimer concerning more than one standard deviation (*around overall ACL=ABC*) be modified to use fishing mortality instead of biomass.

Vote: 8:0:0 motion passes

Motion 4: Cunningham/Preble

Add option 2 under Alternative 3.2.3.9.2 to add an additional 7% to be applied if an individual exceeds their individual IFQ.

Vote: 0:8:0, motion fails

By consensus: Clarify Alternative 3.2.3.9.2 so that overages are the responsibility of an individual – not the person that leased out their quota. Intent is that the vessel that harvested the scallops is responsible. Language will be modified with NOAA.

Motion 5: Robins/Tooley:

Clarify that all “subsequent year YT AMs” would be effective in Year 3 instead. All sections of document will be changed to reflect this clarification.

Vote: 8:0:0, motion passes

Motion 6: Robins/Cunningham

Recommend that the Council consider addressing the 10% limit on YT bycatch in access areas in FW21 or FW22, depending on staff resources.

Vote: 8:0:0 motion passes

Motion 7: Cunningham/Preble

Replace all alternatives in Section 3.2.3.11.2.1 with alternatives below to be further developed by the PDT (friendly amendment to add #5).

1. Closure of portion of YT stock area with higher YT bycatch to both fisheries. In-season and Year 3 options.
2. Closure of entire YT stock area to both fisheries, in season only.
3. Fleet-wide max of DAS per stock area and max % of IFQ. Year 3 only.
4. Individual max of DAS per stock area and max % of IFQ. Year 3 only. Consider allowing vessels to trade area-specific DAS and/or IFQ.
5. Include an alternative to revise the opening date of access areas on GB – either to reduce YT bycatch or as an AM (in A15 or possible joint framework 21 or 22).

Motion carried unanimously 8:0:0.

Motion 8: Robins/Alexander

Expand range for second fishing power adjustment for public hearing document to 5%-11% for consideration. The value for the second adjustment could be modified by framework to an amount outside the initial percentage considered.

Vote: 8:0:0, motion carries

Motion 9: Cunningham/Alexander

The fishing power adjustment factors (could include both adjustments) should be reconsidered in the future and possibly adjusted if input controls are adjusted in future actions.

Vote: 6:0:2, motion carries

Motion 10: Cunningham/Robins

Include an alternative that if a trawl permit converts to dredge (through annual declaration) and stacks with another dredge permit it not be allowed to convert back to a trawl permit and fish both permits with trawl gear.

Vote: 8:0:0, motion carries

Intent – once a trawl permit stacks with a dredge permit it can't go back to being a trawl permit.

Motion 11: Preble/Fair

Separate out Section 3.3.2.3 and break out issue of status of stacked permits and allowance of de-stacking. A15 should include two options for de-stacking: Option A) allow de-stacking and Option B) prohibit de-stacking.

Vote: 7:1:0, motion carries

By consensus this will be clarified in the document that the IFQ rollover will be automatic and mirror how the DAS carry-over program works for LA vessels.

Motion 12: Robins/Avila

Include the proposal to include CFAs in A15 – Alternative 1.1.1.1.2 in Document #12.

Vote: 6:1:1, motion carries

Motion 13: Robins/Preble

Clarify that Community Fishing Associations (CFAs) would apply to LAGC permits and quota only.

Vote: 8:0:0, motion carries

Motion 14: Robins/Cunningham

Include two options for identifying management uncertainty for the LA fishery:

- 1) Set LA ACT at F with 25% probability of exceeding LA portion of total ACL (after removing incidental catch, general category ACL and set-asides from the overall ACL=ABC) and;
- 2) Identify a specific buffer based on results of new analyses of:
 - A) variability in estimate of LPUE, or
 - B) projected LPUE compared to actual LPUE estimates from open area DAS.

Motion carries 8:0:0.

Motion 15: Robins/Avila

Include 2 options for the LAGC buffer for setting the LAGC ACT:

- 1) zero buffer (LAGC ACL = LAGC ACT);
- 2) up to 5% to account for potential monitoring concerns, IFQ carryover provision and other implementation error

Vote: 7:0:1, motion carries