

1.4 CONSIDERED AND REJECTED ALTERNATIVES

1.4.1 Measures to control capacity and mortality in the general category scallop fishery (Goal #1)

1.4.1.1 Limited Entry (Objective #2)

1.4.1.1.1 Qualification criteria alternatives

1.4.1.1.1.1 Use of the control date only

In order to qualify for a limited access general category permit, a vessel would have to have had a permit before the control date, November 1, 2004.

Rationale for Rejection: The Committee considered this alternative and recommended not including it for analysis. The Committee felt that this criterion was not sufficient enough for controlling capacity and mortality in the general category fishery and additional criterion was necessary like historical landings. Furthermore, there is one alternative in the document that would give a permit to all vessels that had a permit before the control date even if they did not have landings, and those vessels would be able to purchase/lease quota from another vessel that qualified for access to the fishery with landings.

1.4.1.1.1.2 Use of the control date AND date VMS was required

In order to qualify for a limited access general category permit, a vessel would have to have had a permit before the control date, November 1, 2004 AND obtained VMS (permit 1B) before the December 1, 2006 deadline.

1.4.1.1.1.3 Use of control date, date VMS was required, and additional criteria in pounds or trips

In order to qualify for a general category permit, a vessel would have to have had a permit before the control date, November 1, 2004 AND obtained VMS (permit 1B) before the December 1, 2006 deadline AND qualify for additional criteria based on historical effort in pounds or trips. .

Rationale for Rejection: These alternatives were rejected because the Scallop Committee agreed with comments made at the general category scallop advisory panel meeting that using the VMS date would be unfair. It is unfair to exclude people based on the VMS date because there was no warning; it was never mentioned in the notice that getting VMS could be used as a qualifier, so that is wrong. There is a big difference between knowing you have to get VMS to participate in the fishery for the following year, and having to get VMS to participate in the fishery forever.

1.4.1.1.2 Qualification time period alternatives

1.4.1.1.2.1 Historical landings from March 1, 1994 through November 1, 2004

A vessels access to the fishery would be determined using historical landings from these eleven fishing years (up to and including the control date). This alternative would consider vessel activity since the general category permit was implemented under Amendment 4.

[The scallop advisors recommended this alternative as a reasonable length of time to capture both historical and more recent activity. It was noted that shorter time periods can disadvantage some vessels].

Rationale for Rejection: The Committee considered this alternative and decided not to recommend it as an alternative. It was discussed that this time period is longer than necessary, and going back to 2000 is inclusive enough. The Committee discussed that the more participants that are given a permit, the less quota there is to go around, and it was not desirable to “take” access away from active vessels and “give” access to vessels that have not been serious about scallop fishing in at least one of the last five years. Furthermore, if a vessel fished for scallops from 1994 to 2000, and not since then but they had a permit before the control date, they could have the opportunity to purchase/lease quota under at least one of the alternatives being considered.

1.4.1.1.2.2 Historical landings through fishing year 2004

Originally the qualification time period alternatives went through all of fishing year 2004, not just until the control date, November 1, 2004. For example, one alternative was FY2000-FY2004, which is five full fishing years.

Rationale for Rejection: The Committee decided to revise the qualification time period alternatives to end at the control date to be consistent with the other qualification criteria alternatives. The Committee did not think it was desirable to have landings after the control date count toward qualification for a permit that had to be issued before the control date.

1.4.1.1.3 Qualification exception for vessels from Southern New England

The general category advisors recommended an alternative for a qualification exception for vessels homeported near the Southern New England (SNE) exemption area. They discussed that vessels from this area have not been able to fish near their homeport since 1996 due to the closure to protect SNE yellowtail flounder. Vessels have only been permitted to fish in the SNE exemption area for six months of 2004. It was recommended that their landings history for qualification should be prorated. Specifically, if a limited access program is developed with multiple years for qualification criteria in trips and/or pounds, the SNE exemption area should be considered an exception area for qualification purposes. Landings for qualification should be pro-rated or weighted for vessels homeported between 72° 30 to 70° 00.

The PDT reviewed this recommendation and while they voiced concern about exceptions they suggested a modification to this alternative. The way the alternative is written now is problematic related to limiting that exception to vessels that are from a certain area. Instead it was suggested that a qualification exception could be considered for vessels that have landings reported in VTR from that area from 1994-2004, rather than being from a certain geographical

area. They cautioned that there may be other areas where regulations have prohibited vessels from fishing all year in areas near their homeport, and SNE yellowtail is in poor shape and reducing impacts on this species would be beneficial.

Rationale for Rejection: The Committee discussed this alternative and a motion was made to include it in the document, but the motion was not seconded so failed. The Committee discussed that exceptions are dangerous, and this would set a precedent for vessels from other areas to claim the same. Furthermore, it was noted that these vessels could have relocated and fished in other areas.

1.4.1.1.4 Determination of qualification amount

1.4.1.1.4.1 Allocation based on weighting of historical annual landings

The Committee did recommend one weighting alternative, but several others were considered. For example, four strategies were presented to the Committee and three of them were not selected. One approach took a vessel's best year and multiplied the total by a weighting factor that would represent years' action in the fishery. A second approach took all annual landings for a vessel and multiplied each year by a weight relative to participation in the fishery. One example of this approach gave higher weights to more recent years (approach recommended by the Committee) and a second example gave higher weights to earlier years. The second example was considered and rejected. The last method presented was a combination of the first two. [The detailed analyses of these weighting examples were presented in a document to the Committee on May 17, 2006 and are available upon request].

Rationale for Rejection: The Committee decided to recommend one weighting alternative only, not four individual alternatives. The Committee recommends that the strategy that uses all years of history and gives a higher weight to more recent years was the more desirable. This strategy would benefit vessels that have been active in the fishery for more than one year, but provide a higher weight to more recent years (arguably vessels with more current dependence on the fishery).

1.4.1.1.5 Allocation of access for general category limited access qualifiers

1.4.1.1.5.1 Individual fishing quota for two permit types (part-time and full-time)

The advisors originally recommended this alternative as one that would allocate an individual fishing quota for the full-time permits and a hard TAC for the part-time permits. The Committee decided to refine that recommendation to be an individual fishing quota for both permit types based on historical landings.

Rationale for Rejection: The Committee decided not to consider an alternative that uses a hard TAC because it would promote derby-style fishing. This causes many problems such as vessel safety, price, product quality, etc. Furthermore, it was discussed that monitoring a relatively small TAC (only a fraction of the general category TAC) could be problematic.

1.4.1.1.5.2 Allocation in number of trips

Access to the general category fishery for limited access general category permit owners would be allocated in total number of trips per vessel. Whether an individual or tiered system was adopted, access would be granted in number of trips, not pounds.

Rationale for Rejection: The Committee recommended rejecting this alternative for two primary reasons. First, allocating in trips has the potential to change fishing behavior. It was discussed that many vessels do not land 400 pounds on every trip and if each vessel was allocated a specific amount of quota, but in a total number of 400 pound trips it would be disadvantageous to land less than 400 pounds on every trip. This leads to the other primary reason the Committee rejected this alternative, safety. Allocating in number of 400 pound trips could have safety concerns if a vessel decides to stay out in bad conditions to catch their full trip limit, rather than catching that quota at a different time when conditions may be more favorable.

1.4.1.1.5.3 Full-time permit allocated in 2,000 pound increments

The general category advisors suggested an alternative for vessels that qualify for the full-time permit under this alternative. It was suggested that a vessel's best year should be used, but rather than allocating a different value for each vessel, their best year would be rounded into tiers of 2,000 pound increments. For example, a vessel whose best year was 6,450 would be allocated 6,000 pounds since it falls within the 5-7,000 pound increment. This strategy was recommended as a compromise of allocating each vessel an individual allocation and allocating only several tiers.

Rationale for Rejection: The Committee considered this alternative and did not recommend including it for analysis. The Committee felt that the individual allocation alternative and the tiered permit system were sufficient enough and it may be difficult to monitor and administer all these different tiers.

1.4.1.1.5.4 Hard TAC for all qualifiers

A limited entry program would be established and a certain number of vessels would qualify. The total TAC allocated to the general category sector would then be managed under a hard TAC. All qualifying vessels would be permitted to fish for scallops up to 400 pounds per trip until the total TAC was projected to be caught.

Rationale for Rejection: The Committee discussed whether a hard TAC should be used in conjunction with limited entry. It was recommended that if a limited entry program was established, access to the fishery should not be a hard TAC; allocation on an individual or tiered basis was favored. A fleetwide hard TAC, even if only for qualifying vessels, could lead to a derby fishery and all the associated problems with them.

1.4.1.1.6 Limited entry permit provisions

1.4.1.1.7 Measures to reduce incentive for limited entry qualifiers to fish for scallops with a net

1.4.1.1.8 Sectors and Harvesting Cooperatives

1.4.1.1.8.1 Add “mechanism to adopt sectors and harvesting cooperatives” as a frameworkable item

This alternative would add “mechanism to adopt sectors and harvesting cooperatives” to the list of frameworkable items. The Council could then decide to consider and approve sectors in a future framework, rather than an amendment.

Rationale for rejection: NOAA Counsel advised that this mechanism would have to be adopted by an amendment; therefore, the Committee recommended adding this as a frameworkable item be considered and rejected.

1.4.1.2 Exception for vessels that do not qualify for a limited access general category permit to fish in the Gulf of Maine

All the details of this alternative were never fully developed, but in general this alternative would provide access to the scallop fishery for vessels that do not qualify for a limited entry permit at a reduced level. The advisors discussed this alternative at length and recommended that an area north of 43N could be an exception area for vessels that do not qualify for a limited access permit (Figure 1). These vessels would be restricted to 200 pounds per trip. Vessels would be restricted to fish in that area only and would have to use a dredge with max width of 10.5 feet. The PDT also discussed this alternative and forwarded a consensus statement: *If capacity and mortality are not going to be controlled by limited access in a specific area (i.e. the GOM), the Council should add another way to control mortality such as a default TAC based on an average of historical landings, and that value could be adjusted in the future if abundance levels change.*

Rationale for Rejection: This alternative was raised during scoping and the Committee did consider it, but did not recommend that it be included in this action. The Committee reviewed a document with preliminary analyses including the pros and cons of this alternative and decided not to recommend it for inclusion. Some of the cons mentioned included: no good biological assessment of the area, could set a precedent for other exemption areas reducing the ability of Amendment 11 to control capacity and mortality in the general category fishery, could also raise fairness issues if the resource returns in other inshore areas, not clear where landings would be removed from the general category TAC, limited access TAC, or overall TAC, and there may be localized overfishing when the resource returns if additional measures are not adopted. It was discussed that it may be possible for this amendment to approve this concept in theory for when the resource returns inshore, but the details would be determined later.

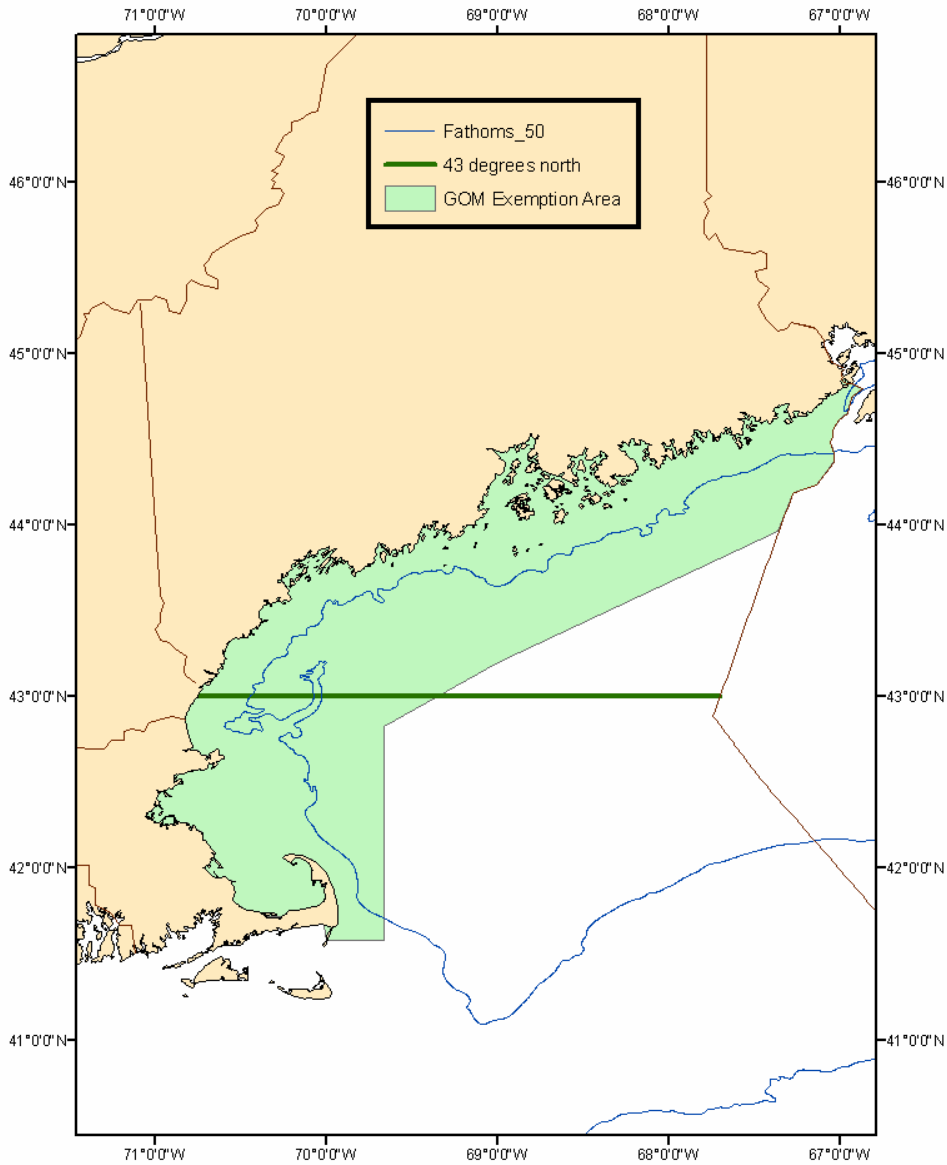


Figure 1 – Gulf of Maine Exemption Area and 43N latitude

1.4.1.3 Alternative to modify the possession limit restriction

1.4.1.4 Hard Total Allowable Catch (Hard TAC)

1.4.1.5 Monitoring Provisions

1.4.1.5.1 Require landings and declaration of scallop trip through IVR

Interactive Voice Reporting (IVR) is a system where vessels report landings on a weekly basis. Several TAC managed fisheries in the region use IVR. This alternative would require IVR in addition to VTR.

Rationale for Rejection: The Committee considered this approach and decided to recommend daily reporting through VMS instead. Since all general category vessels are required to have VMS already, this system would be more beneficial and would provide more real time reporting.

1.4.1.6 Limited access fishing under general category rules

1.4.1.7 Allocation between limited access and general category fisheries (Objective #1)

1.4.1.7.1 Allocation for vessels that qualify for a general category limited access permit

1.4.1.7.1.1 Examine a range of 2-5% of the total allocable catch

[Based on a recommendation from the Scallop Advisory Panel].

1.4.1.7.1.2 Examine a range of 5-15% of the total allowable catch

[Based on a recommendation from the General Category Scallop Advisory Panel].

1.4.1.7.1.3 Examine a range of 2-15% of the total allowable catch

[Based on a combination of the two recommendations made from the advisory panels].

1.4.1.7.1.4 Examine a range of 2-35% of the total allowable catch

[Based on the total range of percentages recommended from scoping comments].

Rationale for Rejection: The Scallop Committee considered all these ranges, and originally recommended 2.5 – 12.5%. They identified 12.5% at their first meeting as an upper bound that would reflect the negative consequences of a high allocation, so any amount higher than that would be unreasonable based on the Committee rationale for the alternative they selected for consideration. The Council ultimately selected 2.5 to 11% as the final range for consideration.

1.4.1.8 Incidental Catch (Objective #4)

1.4.1.8.1 Consider an incidental catch for different fisheries appropriate for each fishery

Examine available bycatch data and define what an appropriate incidental catch limit would be for different fisheries. For example, if data reflects that 30 pounds is appropriate for the fluke fishery then the incidental catch for that fishery should be adjusted downward. And if data reflects that 300 pounds is appropriate for the Closed Area II SAP groundfish fishery, then the incidental catch for that fishery should be adjusted upward from 40 pounds.

[This was a recommendation from the General Category Advisory Panel].

Rationale for Rejection: The PDT reviewed this alternative and recommended it be considered and rejected for the following reasons: 1) it is not well defined, 2) would be very difficult to analyze because there is very little observer data for the general category fishery, 3) it is very difficult to define when a vessel is “in” a certain fishery, 4) incidental catch is not a large concern for mortality and it is possible that vessels that land more than 40 pounds under general category now (like some components of the groundfish fishery) are likely to qualify for a limited access general category permit anyway]. The Committee agreed with these recommendations and rejected this alternative for consideration.

1.4.1.8.2 Prohibit landing of incidental catch (zero possession limit)

This option would prevent all vessels from landing scallops unless under a limited access or limited access general category scallop permit. Limited access vessels not on a scallop DAS would be prohibited from possessing scallops. Vessels that qualify for a general category limited entry permit would be prohibited from possessing scallops when fishing for other species and not on a general category trip. And all other vessels that currently are permitted to land an incidental catch of 40 pounds under a general category 1A permit would be prohibited from possessing or landings scallops.

Rationale for Rejection: The Committee does not recommend that the incidental scallop permit be changed under this action. The PDT notes that incidental catch does not have a large impact on mortality and the current incidental catch permit reduces scallop bycatch when vessels are targeting other species.

1.4.2 Measures to allow better and more timely integration of recent data (Goal #2, Objective #5)