

# NEW ENGLAND FISHERY MANAGEMENT COUNCIL MEETING–APRIL 2007

## SELECTION OF PREFERRED ALTERNATIVES FOR

### SCALLOP AMENDMENT 11

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All of the alternatives described in Section 3.0 of the DSEIS for Amendment 11 have been boiled down to ten major decisions. Due to the interrelated nature of the alternatives it may be useful to select preferred alternatives in a specific order. Below is a suggested method of how alternatives in Amendment 11 can be reviewed to assist in selection of preferred alternatives. Input from the advisory panels and Scallop Committee are included for reference (see full meeting summaries for more details). When appropriate, summary analyses from the DSEIS are included as well as references to key sections and tables for more information about the potential impacts of the alternatives under consideration.

*Disclaimer: It is impossible to capture the detailed analyses of these alternatives in a sentence or two. It is important to reference the full DSEIS when considering identification of preferred alternatives. This summary is only intended to help the Council get through the document and select preferred alternatives.*

#### **DECISION 1: ALTERNATIVE 3.1.6**

#### **ALLOCATION BETWEEN LIMITED ACCESS AND GENERAL CATEGORY FISHERIES**

*Does the Council want to identify a specific percent of total scallop TAC (2.5 – 11%) that would be allocated to the general category fishery in future years – or No Action?*

Under the No Action alternative a specific allocation would not be selected and mortality from the general category fishery would be estimated as it is now. Management measures in both the general category and limited access fisheries would be designed around that expected level of mortality.

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.6</b>	<b>Allocation between limited access and general category fisheries</b>			
3.1.6.1	No Action	A specific allocation would not be implemented.		
3.1.6.2	Allocation for general category fishery of 2.5-11% of projected catch	The general category fishery would be implemented a specific percent of the total scallop catch. It is understood that the amount will change based on estimated yield, but the percent would remain the same. The range being considered in 2.5 to 11% of the total.	The general category AP recommended <b>11%</b> . (by consensus)  The scallop advisors did not have time to discuss this alternative as a separate AP.	The Committee recommended <b>5%</b> as the preferred alternative. (Vote: 6:0:1)  A motion with 7% was also discussed, but it failed (3:4:1).

A summary of the economic impacts of this alternative is described in **Section 5.4.1.2** (page 209-215), and the full economic analyses on both fleets as well as individual vessels are described in **Section 5.4.11** (page 304-323). In summary, allocating a lower TAC for the general category fishery will have larger negative proportional impacts on general category vessels due to lower volume of scallop landings by general category vessels compared to limited access vessels. Impacts on individual general category vessels will vary, but the impacts of lower TAC values will be larger for vessels that land scallops in larger volumes because their allocations per vessel will decrease. As for limited access vessels, a 2.5% allocation versus an 11% allocation would equate to about 5 DAS per limited access vessel (Table 73). Furthermore, average revenue per full time vessel would increase by about

10% if 2.5% is allocated to the general category fishery versus 11%. See Tables 61 and 62 for a summary of how the allocation of TAC alternative is related to the qualification alternatives in terms of average pounds per qualifying vessel and estimated DAS changes.

There are no major differences in biological impacts of the allocation range in this alternative. However, if general category effort remains primarily in inshore areas, impacts on those resources may be higher if higher allocations are considered for that fishery. However, as compared to recent years, impacts will not be higher since general category effort has been at or above the maximum range of this alternative (above 11%). Since the incentives for these fisheries are different more effort could be spent fishing under general category as compared to limited access vessels. Limited access vessels are more mobile so they can move to fish in areas with high abundance, while general category vessels may spend more time fishing in sub-optimal areas to harvest the possession limit.

**Table 1 – Summary of scallop landings by general category vessels, limited access vessels under DAS and limited access effort for trips under 400 pounds.**

Fish Year	Total scallop landings (LA and GC)	Total scallop landings by General Category vessels only		Total scallop landing by Limited Access vessels under DAS		Total scallop landings by limited access vessels outside DAS (on 400 lb trips)	
		LBS	%	LBS	%	LBS	%
1994	14,907,265	95,268	0.64%	14,713,046	98.70%	98,951	0.66%
1995	15,807,941	123,967	0.78%	15,603,104	98.70%	80,870	0.51%
1996	16,447,682	204,635	1.24%	16,175,248	98.34%	67,799	0.41%
1997	12,619,221	310,049	2.46%	12,122,375	96.06%	186,797	1.48%
1998	11,186,468	164,435	1.47%	10,528,707	94.12%	493,326	4.41%
1999	21,286,244	150,482	0.71%	20,713,733	97.31%	422,029	1.98%
2000	32,929,475	357,691	1.09%	32,259,404	97.97%	312,380	0.95%
2001	45,164,706	1,216,947	2.69%	43,659,686	96.67%	288,073	0.64%
2002	49,808,416	983,775	1.98%	48,641,573	97.66%	183,068	0.37%
2003	54,778,793	1,809,071	3.30%	52,781,614	96.35%	188,108	0.34%
2004	61,714,971	3,245,661	5.26%	58,106,020	94.15%	363,290	0.59%
2005	53,214,097	7,495,884	14.09%	44,917,224	84.41%	800,989	1.51%
2006	56,149,105	6,838,083	12.18%	48,886,653	87.07%	424,369	0.76%

Note that while the data changed slightly from the table on page 35 of the DSEIS as well as the values presented during scoping of Amendment 11, the overall rationale the Council used to identify this percentage is still justified.

The Council argued that the lower bound of the range should be based on historical average of all data available to date (1994-2005). If the percent of general category landings (excluding LA landings under general category) are averaged for those years the mean is 2.98%. The value used during development of A11 alternatives was 2.5 (using an older data set). The primary reason for the increase from 2.5 to 2.98 is all the data for FY2005 was not incorporated into the database when it was originally pulled.

The Council argued that the upper bound of the range should be based on recent activity (FY2005) of vessels with a permit before the control date. The total percent of general category landings for 2005 is 14.09% (and about 20% of those landings are from vessels that did not have a permit before the control date – so would not qualify under the limited access alternatives). If 20% of the general category landings for 2005 are removed, then the remaining percent is 11.27%. The value used during development of A11 alternatives was 11%.

**DECISION 2: ALTERNATIVE 3.1**

**MEASURES TO CONTROL CAPACITY AND MORTALITY IN THE GENERAL CATEGORY FISHERY**

*Does the Council want to address capacity and mortality through Limited Entry (3.1.2) a Fleetwide Hard-TAC (3.1.3) or No Action (3.1.1)?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1</b>	<b>MEASURES TO CONTROL CAPACITY AND MORTALITY IN THE GENERAL CATEGORY FISHERY</b>			
<b>3.1.1</b>	<b>No Action</b>	No change in management of general category. Permit would remain open access with 400 pound poss. limit.	Both advisory panels agreed by consensus <u>not</u> to support No Action.	
<b>3.1.2</b>	<b>Limited Entry</b>	Only vessels that qualify for a permit could fish under general category.	The general category advisors agreed by consensus that <u>limited entry be the preferred strategy</u> . Both advisory panels made a motion that	Passed a motion to recommend <u>limited entry as the preferred strategy</u> to control capacity and mortality in the general category fishery (vote: 7:0:0).
<b>3.1.3</b>	<b>Fleetwide hard-TAC</b>	Permit would remain open access and any vessel could land up to 400 pounds per trip until the hard-TAC for the entire general category fishery was taken.	Both advisory panels passed a motion that they do <u>not</u> in favor of hard TAC alternatives (with or without limited entry).	

No Action: Section 5.1.1.1 describes the impacts on the scallop resource of the No Action alternative. Since mortality from the general category fishery is difficult to predict under No Action, there is an increased likelihood that overfishing could occur. If overfishing results, future yield and revenues from the scallop resource could decline; this could have negative impacts on both the limited access and general category fisheries (Section 5.4.2 on page 217).

Limited Entry: In general, the impacts of limited entry are positive for the biological environment. As expected, long term benefits on qualifiers are positive as well. Depending on which qualification alternative is selected the impacts on vessels that do not qualify will vary.

Hard-TAC: There are negative impacts on the resource and fishery from derby fishing under this alternative. There would be potential for a race to fish, shorter seasons, and negative impacts on price and revenue will likely increase. However, since any vessel would be permitted to fish under general category in a hard-TAC system, there would be no impacts associated with limited entry on vessels that do not qualify

If **LIMITED ENTRY** is the preferred strategy then there are a number of decisions that need to be made related to a limited entry program. Five related topics are summarized below.

- **First, who should qualify?**

Figure 2 on page 10 summarizes the host of qualification alternatives (landings criteria, time period, and contribution factor). There are three landings criteria (100 pound trip, 1,000 annual pounds, and 5,000 annual pounds). There are three time period alternatives (2003-2004, 2000-2004, and 1994-2004). There are three contribution factor alternatives (best year, best year indexed by years active, and a 50,000 cap per vessel). All vessels would have to have a permit before the control date (11/01/04).

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.2.1</b>	<b>Qualification criteria alternatives</b>			
3.1.2.1.1	Permit before control date and 100 pound trip	In order to qualify must have permit before control date and at least one trip of 100 lbs or more during qualification time period		
3.1.2.1.2	Permit before control date and 1,000 annual pounds	In order to qualify must have permit before control date and at least 1,000 pounds of scallops in one year during the qualification time period		Cmte identified this alternative as preferred (Vote: 6:0:1). Several other motions and amended motions were made as well.
3.1.2.1.3	Permit before control date and 5,000 annual pounds	In order to qualify must have permit before control date and at least 5,000 pounds of scallops in one year during the qualification time period	The gen cat advisors recommended this as preferred. (by consensus)	
<b>3.1.2.2</b>	<b>Qualification time period alternatives</b>			
3.1.2.2.1	March 1, 2003-Nov. 1, 2004	Qualification would have to be during these five fishing years, note last fishing year only eight months long (Mar.1,03 - Nov.1,04)		
3.1.2.2.2	March 1, 2000-Nov. 1, 2004	Qualification would have to be during these two fishing years, note last fishing year only eight months long (Mar.1,00 - Nov.1,04)	The gen cat advisors recommended this as preferred (Vote: 5:0:1).	
3.1.2.2.3	March 1, 1994-Nov. 1, 2004	Qualification would have to be during these eleven fishing years, note last fishing year only eight months long (Mar.1 94 - Nov.1 04)		The Committee recommended this option as preferred (vote: 6:0:1). Several other motions and amended motions were made as well.
<b>3.1.2.3</b>	<b>Determination of qualification amount</b>			
3.1.2.3.1	Best year	A vessels best year would be taken from the qualification time period selected as their contribution to the general category fishery.		
3.1.2.3.2	Best year indexed by number of years active in the scallop fishery	A vessels best year would be taken and that amount would then be multiplied by an index of years active in the scallop fishery. Option A is a 10% index and Option B is a 25% index.	General category advisors recommended this alternative as preferred (vote: 4:3)	Committee identified this alternative as preferred with Option B – 25% index (Vote: 6:0:1)
3.1.2.3.3	Cap of 50,000 for contribution factor	The contribution factor calculated by any of the methods above (3.1.2.3.1 – 3.1.2.3.5) could not exceed 50,000 pounds per vessel.		

**Table 2 – Potential number of qualifying vessels under the different qualification alternatives**

Time period (Up to the control date)	Qualification Criteria	Number of vessels that were active and qualify for limited access
<b>1994-2004</b>  4777 unique general category permits, 924 active vessels	100 lb. Criteria	705
	1000 lb. Criteria	459
	5000 lb. Criteria	203
<b>2000-2004</b>  3562 unique general category permits, 677 active vessels	Stand-alone ITQ alternative	677
	100 lb. Criteria	548
	1000 lb. Criteria	369
	5000 lb. Criteria	188
<b>2003-2004</b>  2876 unique general category permits, 482 active vessels	100 lb. Criteria	399
	1000 lb. Criteria	277
	5000 lb. Criteria	143

Under the preferred alternative recommended by the Committee approximately **459** vessels would potentially qualify. As an example, if the total projected scallop catch is 50 million pounds and the general category fishery is allocated 5% (2.5 million pounds) then the average allocation per qualifying vessel would be 5,447 pounds.

Under the preferred alternative recommended by the general category advisors approximately **188** vessels would potentially qualify. As an example, if the total projected scallop catch is 50 million pounds and the general category fishery is allocated 5% (2.5 million pounds) then the average allocation per vessel would be 13,298 lbs.

The average impacts of the qualification alternatives combined with different TAC alternatives are summarized in Table 74. Obviously, the less restrictive alternatives permit more vessels but reduce the average allocation per vessel. Table 76 describes the impacts on revenue based on FY2005 for the various qualification alternatives on different groups of vessels. In general, the poundage criterion is more limiting than the qualification time period alternatives. Section 5.4.7 describes the economic impacts of the contribution factor alternatives. While these alternatives have relatively small impacts on average allocations, there will be distributional impacts affecting some vessels more significantly.

- **Second, how should limited access be allocated?**

Section 3.1.2.4 describes that there are seven allocation alternatives combined with limited entry (IFQ, IFQ with two permit types, equal allocation for three permit types, stand alone ITQ, stand alone quarterly hard-TAC, annual hard-TAC, or hard-TAC by quarter/trimester). Related to allocation for some of the alternatives, the document also considers whether access should be in pounds (Option A) or trips (Option B). There is an additional alternative specific only to the IFQ alternative that would permit a qualifying vessel to land up to 2,000 pounds of scallops per trip (Alternative 3.1.2.4.1.1).

*Does the Council want to identify a preferred alternative for allocating access?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
3.1.2.4	Allocation of access for qualifiers			
3.1.2.4.1	Individual allocation	Every vessel that qualifies would be allocated an individual level of access in pounds (Option A) or number of trips (Option B).	General category advisors recommend this alternative in <u>pounds</u> (Option A) Vote (5:1:2)	Committee recommended this alternative in <u>trips</u> (Option B) (vote: 5:1:0). Several other motions were made but failed.
3.1.2.4.1.1	Modify the 400 pounds possession limit to 2,000 pounds per trip if an IFQ is adopted	Under the IFQ option only a vessel would be permitted to land up to 2,000 pounds of scallop meat per trip regardless of the length of a trip. <b>This alternative is problematic when combined with Option B – PDT notes #1</b>	.	
3.1.2.4.2	Individual allocation with two permit types	Every vessel that qualifies would be allocated an individual level of access in pounds (Option A) or number of trips (Option B) but there would be two permit types. Part time permit -200 pounds, Full time permit -400 lb.		
3.1.2.4.3	Individual allocation with three tiers	Every vessel that qualifies would fall into one of three tiers based on best year qualification amount. Each vessel within a tier would get an equal allocation. Allocation could be in pounds (Option A) or trips (Option B).		Committee discussed a motion to add an alt. for more than three tiers to reduce loss/gain impacts – but the <u>motion failed 3:3</u> .
3.1.2.4.4	Stand alone ITQ alternative	This alternative would qualify all vessels that had a permit in any year from 2000 through the control date. However, only vessels with landings would be allocated access to the fishery. Vessels would be able to lease/buy quota from other qualifiers up to 1-5% of total general category quota.	Both advisory panels passed a motion that they are <u>not</u> in favor of hard TAC alternatives (with or without limited entry).	
3.1.2.4.5	Stand alone quarterly hard TAC alternative with limited entry	Would include a limited entry program for vessels with a permit before the control date and some level of landings. A vessel would qualify for a 200 pound permit if they landed 1-5,000 pounds in any FY from March 1, 1994 – Nov 1, 2004. A vessel would qualify for a 400 pound permit if they landed over 5,000 pounds in any one FY from 1994-2004. Qualifying vessels could possess up to 400 pounds per trip and fish under a quarterly hard TAC.	Both advisory panels passed a motion that they are <u>not</u> in favor of hard TAC alternatives (with or without limited entry).	
3.1.2.4.6	Fleetwide Hard TAC with limited entry	A vessel would have to qualify for a limited access gen cat permit. All vessels that qualify would be allocated a fleetwide hard TAC. When the TAC is projected to be caught vessels would not be permitted to land scallops outside of incidental catch rules.	Both advisory panels passed a motion that they are <u>not</u> in favor of hard TAC alternatives (with or without limited entry).	
3.1.2.4.7	Fleetwide Hard TAC by quarter or trimester with limited entry	A quarterly (Option A) or trimester (Option B) TAC would be set using data from most recent fishing years to identify the appropriate percentage that should be allocated for each period. Only vessels that qualify for a limited access general category permit would be permitted to fish for scallops up to 400 pounds per trip.	Both advisory panels passed a motion that they are <u>not</u> in favor of hard TAC alternatives (with or without limited entry).	

In terms of impacts on the scallop resource, EFH and protected species, there are no significant differences between the allocation alternatives, but hard-TAC alternatives could increase effort at the start of a fishing year (or season) having derby effects even with limited entry. Allocation in trips versus pounds could increase incentive to land up to the possession limit per trip, potentially increasing effort and changing fishing behavior for vessels that do not routinely land 400 pounds per trip.

Section 5.4.8 describes the economic impacts of the allocation alternatives. In general, if individual vessels receive less than amounts they have depended on in previous years, even impacts of the IFQ alternatives could be negative, unless lost revenue can be made up from other fisheries. Negative economic impacts are expected for some part-time qualifiers for the two tier alternative, because the average pounds caught per trips for that tier has been above 200 pounds. As for the three tier alternative with equal allocation in each tier, overall economic impacts are similar to the IFQ alternative; however since some there is uneven distribution within each tier, some vessels will gain and some will lose within each tier. On the other hand, this alternative could reduce inequities in individual allocations due to data errors. As for the ITQ alternative, this alternative will qualify more vessels for access because there is no landings criterion; a vessel only had to have a permit in one fishing year between 2000 and the control date. However, access is based on individual history, so some access will be very small, and many vessels will receive a permit with no access. The cost of entry is lower for vessels that qualify with no access because they can lease/buy quota, not a permit. There are three alternatives that incorporate limited entry with hard-TAC management. One is a stand-alone alternative with specific qualification alternatives, one is a fleetwide system, and one is by quarter/trimester. In general the quarter/trimester alternative will spread out the fishery to some extent reducing negative derby effects.

- **Third, should additional limited entry permit provisions be included?**

Section 3.1.2.5 describes the permit provisions that could be included if limited entry permits are issued. Most of these provisions are based on measures in other limited access programs in this region such as measures to govern vessel sales, permit transfers, permits splitting, vessel baselines, etc. One alternative that is different is related to vessel history and qualification. Alternative 3.1.2.5.1.2 would enable one vessel to potentially qualify two permits. Furthermore, there is an alternative that would allow stacking of permit, but up to 60,000 pounds or 150 trips depending on how access is allocated (Alternative 3.1.2.5.4.3). Lastly, Alternative 3.1.2.5.9 is considering a percentage ownership restriction of 1-5% of total limited access permits.

*Does the Committee want to identify any of these permit provisions as preferred alternatives?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.2.5</b>	<b>Limited Entry Permit Provisions – these alternatives only relative if limited entry adopted in this action</b>			
3.1.2.5.1	Fishing history and permit transfers		<b>Committee asked staff to draft language for a pre-qualification or eligibility determination process for Council to review (see page 22)</b>	
3.1.2.5.1.1	No Action	Fishing history for an open access permit remains with the vessel.		
3.1.2.5.1.2	One vessel potentially qualifying two permits	If a vessel owner sells his permits to another vessel, but retains the general category scallop history on the purchase and sales agreement, the seller should be able to qualify.	Joint advisors recommend this alternative as preferred Vote (8:2:2)	Cmte also identified this alternative as preferred (Vote:6:0:1)
3.1.2.5.2	Vessel upgrades			
3.1.2.5.2.1	No upgrade restriction	A vessel that qualifies can replace their vessel, or refit it without any restrictions.		Committee did not identify either upgrade alternative as preferred.

3.1.2.5.2.2	10:10:20 upgrade restriction	A vessel may be upgraded, but HP can only increase 20% once, length, GRT and NT can only increase 10% once.	Joint advisors discussed this as preferred, but it <u>failed</u> (1:6:1)	
3.1.2.5.2.1	Vessel baselines	If an upgrade restriction is adopted, establishing a baseline is necessary. A vessels baseline would be the specifications when a vessel qualifies for a limited access permit.		
3.1.2.5.3	Vessel replacements	A qualifying vessel would be permitted to replace that vessel in the future, but the same entity must own the vessel that is being replaced and the replacement vessel.		
3.1.2.5.4	Permit stacking			
3.1.2.5.4.1	No Action	No permit stacking		
3.1.2.5.4.2	Allow stacking up to two permits	A vessel that qualifies for more than one limited access permit, or leases/purchases additional quota (if permitted) would be allowed to stack their allocation onto one vessel-limited to two permits.	Joint advisors identified both stacking alternatives as preferred – clarifying that the poss. limit should remain at a max of 400 pounds. (vote: 8:2:2)	
3.1.2.5.4.3	Allow stacking up to 60,000 pounds or 150 trips	A vessel that qualifies could stack up to 60,000 pounds or 150 trips onto one vessel.		Cmte identified this alternative as preferred (Vote:6:0:1)
3.1.2.5.5	Voluntary Relinquishment of Eligibility	A vessel that qualifies can voluntarily exit the fishery. If relinquished, no limited access permit can be reissued to another vessel.		
3.1.2.5.6	Permit splitting	If limited entry is approved in this action, that permit would have to be sold as a package, like all other limited access permits.		
3.1.2.5.7	Permit renewals and CPH	A vessel owner must maintain the limited access permit status by renewing permits on an annual basis or applying for issuance of a CPH.		
3.1.2.5.8	Percentage ownership restriction			
3.1.2.5.8.1	Maximum of 1-5% of total limited access general category access	A vessel would be restricted to owning 1-5% of the total general category access – depending on how it is allocated.	Joint advisors identified this alternative as preferred (by consensus)	Cmte identified this alternative as preferred (Vote:6:0:1)

In terms of impacts of some of these measures, it is impossible to predict how many additional vessels may qualify under Alternative 3.1.2.5.1.2 (one vessel potentially qualifying two permits) because there is no way to know how many individuals have held onto their general category history on a purchase and sales agreement. It could be assumed the longer the time period selected for qualification, the greater the risk of additional vessels qualifying for limited entry. In general the stacking alternatives could reduce negative impacts on qualifying vessels if they are allocated less access than they need to be viable. However, stacking can have possible negative impacts at a community level on cultural values emphasizing small day-boat vessels. The percent ownership restriction alternative will help redistribute gains more equitably among qualifiers. See Section 5.4.12 (page 323) for more discussion of the impacts of the permit provision alternatives.



- **Forth, should measures to reduce incentive to use trawl gear be included?**

If yes, there is one alternative that prohibits a vessel that qualifies under dredge gear to switch to trawl gear (Alternative 3.1.2.6.2). There are two additional alternatives to reduce the possession limit for trawl vessels to either 250 or 300 pounds per trips. Lastly, there is an alternative that a trawl vessel that qualifies would not be permitted to have scallop catch above 5% of total regulated species onboard. Not selecting one of these alternatives would be the No Action

*Does the Committee want to identify any of these alternatives as preferred?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
3.1.2.6	Measures to reduce incentive for limited entry qualifiers to fish for scallops with trawl gear			
3.1.2.6.1	No Action	If a vessel qualifies for a permit using a trawl they would be permitted to land scallops up to 400 pounds per trip		The Committee decided not to identify any of these alternatives as preferred.
3.1.2.6.2	Prohibit a vessel from switching to trawl gear if it qualified under dredge gear	If a vessel qualifies using dredge gear at all during qualification they would get a dredge only permit, it would not be permitted to switch to trawl gear to fish for scallops under general category.		
3.1.2.6.3	Lower possession limit for vessels that qualify for a limited entry general category permit and fish with trawl gear	Two reduced possession limits are being considered – 250 and 300 pounds.		
3.1.2.6.4	If a vessel is fishing with a net and has a general category scallop permit, scallops can only be up to 5% of total regulated species onboard (maintaining the 400 pound possession limit)	This alternative would allow vessels to land up to 400 pounds of scallops with a net, but scallops can only be up to 5% of total product onboard. This would reduce incentive to fish for scallops with a net since a vessel would have to have 95% of another species onboard.	Joint advisors discussed a motion to modify this alternative and identified it as preferred. (Vote: 11:1:1)	

- **Fifth, should qualifiers be able to form voluntary sectors?**

Alternative 3.1.2.7.2 would establish a process for voluntary sectors in the general category fishery among limited entry participants. There is an alternative within this section related to maximum allocation per sector (20%).

*Does the Committee want to identify this as a preferred alternative?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
3.1.2.7	Sectors and Harvesting Cooperatives			
3.1.2.7.1	No Action		Motion was made to identify a mechanism to allow voluntary sectors as preferred, but it was <u>withdrawn</u> .	The Committee decided not to identify any of these alternatives as preferred.
3.1.2.7.2	Approve a mechanism to allow sectors for the general category limited access fishery	Establish a process for creation of voluntary sectors in the general category fishery.		

Impacts on scallop resource are summarized in Section 5.1.1.2.7 (p167) and the potential economic impacts are described in Section 5.4.14 (p.326).

**DECISION 3: Alternative 3.1.4**

**NORTHERN GULF OF MAINE MANAGEMENT AREA ALTERNATIVES**

*Does the Council believe that this area should be managed separately because the fishery in this region is distinct, and the resource experiences sporadic abundance?*

One alternative would clarify that any measures implemented under Amendment 11 would not apply to the NGOM (two boundary options being considered). Another alternative would develop a separate limited entry program for the NGOM (same two boundary options).

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.4</b>	<b>Establish a NGOM Scallop Management Area</b>			
<b>3.1.4.1</b>	<b>No Action</b>	No additional measures would be considered for the NGOM		
<b>3.1.4.2</b>	<b>Amendment 11 would not apply to waters in the NGOM</b>	Any measures adopted in Amendment 11 pertaining to controlling capacity and mortality in the general category fishery would not apply to waters in either Option A (the GOM exemption area north of 42°20N) or Option B (EEZ north of 43N). The open access 1B permit to fish for scallops under general category would remain for this area, and a vessel could possess up to 400 pounds until a hard TAC is reached. <b>Could federal vessels fish in state waters under state water exemption program after the TAC is reached?</b>		
<b>3.1.4.3</b>	<b>Establish a limited entry program for the NGOM</b>	This alternative would develop a separate limited entry general category program in either Option A (the GOM exemption area north of 42°20N) or Option B (EEZ north of 43N). The area would have a separate hard TAC. Separate qualification criteria are being considered as well as different trip and gear restrictions from the general category limited entry program. If a vessel qualifies for a limited entry general category permit and wants to fish in the NGOM area it will have to declare it is on a NGOM trip.	Joint advisors passed a motion to support the creation of a NGOM exemption area (by consensus)  Joint advisors discussed a motion to add a third boundary option to 41 35, but it <u>failed</u> (Vote: 3:8:0)	Committee passed a motion to select this alternative with Option A as the preferred alternative. (Vote 6:0:1)

Since both alternatives include a hard TAC for the NGOM the biological impacts of these alternatives on the resource in this area are reduced provided the TAC is set at the appropriate level and can be sufficiently monitored. If Amendment 11 implements limited entry for the general category fishery with alternatives that exclude participants that would want to fish in this area then these alternatives would have beneficial impacts on those vessels. However, if there is an influx of vessels from other areas, then benefits would be reduced for vessels that traditionally fished in this area. Potential derby fishing impacts apply for these alternatives as well since both include a hard TAC. Approximately 705 vessels are expected to qualify for the NGOM limited entry alternative, most from Massachusetts and Maine (Table 151, page 295)

**DECISION 4: Alternative 3.1.5**  
**MONITORING PROVISIONS**

*Does the Council believe that additional monitoring requirements are needed for general category vessels, regardless of other alternatives selected in this action?*

The document is considering landings and declaration of scallop trip through VMS or IVR.

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.5</b>	<b>Monitoring provisions</b>			
3.1.5.1	Require landings and declaration of scallop trip through VMS	Require vessels to declare they are going on a general category trip and report scallop landings through VMS.	The advisors did not have time to discuss a preferred alternative for this topic.	The Committee did not have time to discuss a preferred alternative for this topic.
3.1.5.2	Require vessels to report landings through IVR	Vessels would be required to report landings weekly through IVR in addition to VTR		

Overall, indirect benefits are expected due to improved information and monitoring ability. Adding reporting requirements does cause negative burdens on fishing participants in terms of increased time and general hassle, but since many general category vessels that would qualify have VMS already the negative impacts of having to invest in the unit are reduced.

**DECISION 5: Alternative 3.1.6**  
**LIMITED ENTRY FISHING UNDER GENERAL CATEGORY**

*Does the Council want to change the current privilege a limited access vessel has to fish under general category while outside a DAS?*

There is one alternative to prohibit all limited access vessels from fishing under general category, one alternative to only permit those that qualify under the same criteria, another to only permit part-time and occasional vessels that qualify under the same criteria, and the No Action alternative.

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.6</b>	<b>Limited access fishing under general category rules</b>			
3.1.6.1	Permit or prohibit limited access fishing under general category rules			
3.1.6.1.1	No Action	All limited access vessels could fish under general category as currently permitted.		
3.1.6.1.2	Permit limited access vessels that qualify	Any full-time, part-time, or occasional vessel that qualifies to fish under the same criteria selected for the general category fishery would receive a permit to land scallops under general category while not on a scallop DAS.	The joint advisors selected this option as preferred (Vote: 8:1:3)	The Committee selected this option as preferred (Vote: 6:0:1)
3.1.6.1.3	Permit occasional or part-time limited access vessels that qualify	Same as above but full-time permits would not be considered.		
3.1.6.1.4	Prohibit all limited access vessels from fishing under general category	All limited access permits would be prohibited from landings scallops under general category rules.		
3.1.6.2	Allocation of quota to limited access vessels under general category rules			
3.1.6.2.1	Landings deducted from gen cat TAC	Landings from limited access qualifiers under general category would be deducted as part of the general category TAC		
3.1.5.2.2	Landings deducted from separate allocation – about 0.5% of total TAC	Landings from limited access qualifiers under general category would be deducted from a separate TAC just for limited access fishing under gen cat rules- based on historical values, understood to be a small amount, about 0.5%.	The joint advisors selected this option as preferred (Vote: 6:0:6)	The Committee selected this option as preferred, but clarified that the separate TAC should not be based on an average of historic landings. Instead the TAC should be 0.5%. (Vote 6:0:1)

There are not substantial impacts on the scallop resource under these alternatives. This activity has occurred in the past and impacts are not different from normal scallop fishing practices. Section 5.4.10 (p.295) analyzes the economic impacts of these alternatives for each qualification alternative and the numbers of vessels that are expected to qualify under the different alternatives are summarized in Tables 152-154. Under the least restrictive alternative (11 years and 100 pounds) about 345 vessels would qualify and under the most restrictive alternative only about 12 vessels would qualify. The average pounds landed under general category per year and numbers of trips per limited access vessel under general category are presented in these tables as well. Dependence on general category landings varies by permit type and year (Tables 155-157). For example, for the Committee’s preferred alternative for qualification, about 3% of total revenue for full-time limited access revenue from this activity, and about 20% for part-time and occasional vessels (on average).

**DECISION 6: Alternative 3.1.7.3**

**ALLOCATION OF YT FLOUNDER BYCATCH TAC IN ACCESS AREAS**

*Does the Council want to identify an alternative for allocation of the YT flounder bycatch TAC as preferred?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
3.1.7.3	Allocation of yellowtail flounder bycatch TAC in access areas			
3.1.7.3.1	No Action	The yellowtail flounder bycatch TAC is for both components of the scallop fishery. When the TAC is projected to be caught, the area closes to both fisheries.	The advisors did not have time to discuss a preferred alternative for this topic.	The Committee did not have time to discuss a preferred alternative for this topic.
3.1.7.3.2	Allocate a proportional allocation of the 10% to the gen cat fishery	Currently the 10% YT bycatch TAC is for both fisheries combined. This alternative would allocate the same percent of the YT bycatch TAC as the Council selects for the scallop catch (2.5-11%).		

Potential impacts on the scallop resource are summarized in Section 5.1.6.3 (p.184) and Section 5.4.16 (p.327) summarizes potential impacts on participants.

**DECISION 7: Alternative 3.1.8**

**INCIDENTAL CATCH**

During scoping other options for incidental limits were discussed, but none of those remain in the DSEIS except the No Action; therefore no decision is required for this issue. The document recommends that incidental scallop landings remain at 40 pounds for all vessels not fishing for scallops under limited access or general category. There is no requirement to have an incidental scallop permit.

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.1.8</b>	<b>Incidental Catch</b>			
3.1.8.1	No Action	No change to incidental permits. 40 pounds of scallops	The joint advisors developed two new alternatives to be added to this section since the preferred option for qualification was relatively restrictive. Up to 100 lbs, and (Vote: 5:4:3) and 40 lbs per day up to 200 lbs. per trip (Vote: 6:1:4).	The Committee did not discuss adding these alternatives (in light of a less restrictive qualification alternative they identified as preferred – 1,000 lbs and 11-years versus 5,000 lbs and 5-year alternative).

**DECISION 8: Alternative 3.2**

**ALLOW BETTER AND MORE TIMELY INTEGRATION OF RECENT DATA**

*Does the Council believe that measures should be taken to improve integration of recent data?*

The DSEIS includes three alternatives to improve integration of recent data. One is related to changing the issuance date of general category permits from May to March so they coincide with the scallop fishing year. This would improve integration of effort data for management decisions. The other two alternatives are related to changing the start of the fishing year to either May 1 or August 1. These alternatives were developed to address that results from recent surveys cannot be integrated into the framework process because they are not available until right before the Council has to make final decisions in order for measures to be in place for the start of the fishing year.

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.2</b>	<b>MEASURES TO ALLOW BETTER AND MORE TIMELY INTEGRATION OF RECENT DATA</b>			
3.2.1	No Action	No additional measures to allow better and more timely integration of recent data	The advisors did not have time to discuss a preferred alternative for this topic.	The Committee did not have time to discuss a preferred alternative for this topic.
3.2.1.1	Change issuance date of permit	Change the issuance date of general category permit from May 1 to March 1		
3.2.2	Change start of FY to May 1	Change scallop fishing year for general category and limited access from March 1 to May 1		
3.2.3	Change start of FY to August 1	Change scallop fishing year for general category and limited access from March 1 to August 1		

Both fishing year alternatives are expected to have positive impacts on the resource by enabling the Council to use up to date information when setting specifications. If the survey can be moved to late May or early June then the May 1 option is preferred, and if the survey schedule must remain in late summer then August 1 would be preferable. If management decisions can be made with more recent data it is arguably more reliable and the risks for overfishing are reduced, so long term benefits on the fishery would be positive as well.

**DECISION 9: Alternative 3.3.1**

**TRAWL GEAR RESTRICTION**

*Does the Council want to clarify its intent that the 144ft net sweep restriction was supposed to be exclusive to the scallop plan for vessels targeting scallops using a net, not vessels that are fishing for other species and catch scallops more incidentally?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.3</b>	<b>OTHER MEASURES NOT DIRECTLY RELATED TO GOALS AND OBJECTIVES OF AMENDMENT 11</b>			
3.3.1.1	No action	Current trawl sweep restriction would apply	The advisors did not have time to discuss a preferred alternative for this topic.	The Committee did not have time to discuss a preferred alternative for this topic.
3.3.1.2	Clarification of trawl gear restriction	This alternative would clarify that the 144 ft. net sweep restriction is intended for vessels in the scallop fishery only, and does not apply to vessels participating on other trawl fisheries that catch scallops as bycatch.		

**DECISION 10: Alternative 3.3.2**  
**POSSESSION LIMIT EAST OF VMS DEMARCATION LINE**

*Does the Council want to select this alternative to allow vessels to catch the amount of in-shell scallop necessary (up to 100bushels) to shuck 400 pounds of meat and not be in violation east of the demarcation line if that amount is in excess of 50 bushels?*

Section	Alternative	Description of Alternative	AP Recommendation	Committee Recommendation
<b>3.3</b>	<b>OTHER MEASURES NOT DIRECTLY RELATED TO GOALS AND OBJECTIVES OF AMENDMENT 11</b>			
3.3.2.1	No Action	Current possession limit would apply in all areas		
3.3.2.2	Possession limit of 50 bu. Shoreward of the VMS demarcation line and up to 100 bushels east of the line	This modification would allow a general category vessel to be in possession of up to 100 bushels east of the demarcation line only. Once shoreward of the line a vessel can only be in possession of 50 bushels.	The advisors did not have time to discuss a preferred alternative for this topic.	The Committee did not have time to discuss a preferred alternative for this topic.

Limiting the amount of in-shell scallop a vessel can possess does reduce the incentive to highgrade and reduce non-harvest mortality if a vessel makes additional tows above what would be needed to shuck 400 pounds of meat. Since it is common knowledge that it usually takes more than 50 bushels to shuck 400 pounds of scallop meat, Alternative 3.3.2.2 would reduce the chance that a vessel would be in violation under normal fishing practices.

**NEW ALTERNATIVES TO POTENTIALLY BE CONSIDERED IN AMENDMENT 11 DSEIS**  
**(Keep in mind the updated timeline for Amendment 11 and scheduled final decision in June – Document #1)**

**FROM SCALLOP COMMITTEE**

- Consider adding an alternative to Amendment 11 that would make the habitat areas in Closed Area I consistent with the Multispecies plan.  
*[See motion under other business from Committee meeting summary for background]*

**FROM STAFF**

- Consideration of adding specific criteria for NMFS to use when reviewing state water exemption programs to help ensure they are consistent with conservation goals of Amendment 11 and the Scallop FMP.

***Example text that could be added for state water exemption programs:***

*Currently, the Scallop FMP includes a provision that allows for exemptions from the scallop possession limit and gear size restrictions provided that a state’s management program for scallops is consistent with the Scallop FMP. One concern about the state waters exemption program is that there is no guideline on when a review would be required. Amendment 11 would therefore require that a state waters exemption program would be required undergo review during the biennial framework process. The state waters exemption program would continue to only allow exemption from the gear and possession limit restrictions and all landings by federally permitted scallop vessels in state waters would apply to applicable quotas or allocations, as implemented under Amendment 11. Exemptions from possession limits may also be problematic if Amendment 11 implements trip limits, for which*

*the assumed catch per trip is 400 pounds. State waters exemptions that propose higher than 400 pound possession limit would be inconsistent with the Scallop FMP under Amendment 11.*

#### FROM ADVISORS OR INTERESTED PUBLIC

- If allocation is awarded in trips – consideration of allocation in 200 pound units with a maximum of 400 pounds per trip (to address impacts of allocating in 400 pound trips).  
*[See motion from advisory panel meeting for background]*
- Consider an alternative that would allocate the same percent that is allocated to the general category fishery to carry over to the access areas as well (i.e. if 5% is selected overall, the general category would be allocated 5% of access in the access areas combined).  
*[See motion from advisory panel meeting for background]*
- Sectors for the limited access scallop fishery  
This issue has been discussed at the Council in the past and is currently in the considered but rejected alternative section – but the Council received additional correspondence on this issue – see Document #9.