

**PUBLIC HEARING DOCUMENT**  
**for**  
**AMENDMENT 11**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT (DSEIS)**  
**to the**  
**Scallop Fishery Management Plan (FMP)**

Prepared by the New England Fishery Management Council  
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**Schedule of Public Hearings**

<b>City and Date</b>	<b>Location</b>
Hyannis, MA Wednesday, May 16, 2007 6:00 p.m.	Radisson Hotel 287 Iyannough Road Hyannis, MA 02601 Phone: (508) 771-1700
Fairhaven, MA Thursday, May 17, 2007 6:00 p.m.	Holiday Inn Express 110 Middle Street Fairhaven, MA 02719 Phone: (508) 997-1281
Ellsworth, ME Monday, May 21, 2007 6:00 p.m.	Holiday Inn US Route 1 & 3 Ellsworth, ME 04605 Phone: (207) 667-9341
Durham, NH Tuesday, May 22, 2007 6:00 p.m.	UNH NE Conference Center 15 Strafford Avenue Durham, NH 03824 Phone: (603) 862-2801
Newport News, VA Tuesday, May 29, 2007 6:00 p.m.	Virginia Marine Resources Commission 2600 Washington Avenue, 4th Floor Newport News, VA 23607 Phone: (757) 247-2247
Manahawkin, NJ Wednesday, May 30, 2007 6:00 p.m.	Manahawkin Holiday Inn 151 Route 72 East Manahawkin, NJ 08050 Phone: (609-481-6100

Please contact the Council office if you need directions to any of these hearing locations or if you need a copy of the Amendment 11 DSEIS document

You can also download the Amendment 11 DSEIS document from the Council's website at  
<http://www.nefmc.org/scallops/index.html>

## **How to Submit Comments**

Members of the public may submit oral and/or written comments at any of public hearings listed on the cover of this document. Also, written comments can be sent directly to National Marine Fisheries Service, the responsible agency for this action.

**Comments must be submitted before 5:00 pm on June 11, 2007.**

### **Oral Comments:**

See Amendment 11 Public Hearing Schedule on back of cover page.

### **Written Comments By Mail:**

Patricia Kurkul, Regional Administrator  
National Marine Fisheries Service  
Northeast Regional Office  
1 Blackburn Drive  
Gloucester, MA 01930  
Subject line: "Comments on Scallop Amendment 11"

### **Written Comments By Fax:**

National Marine Fisheries Service  
(978) 281-9135  
Subject line: "Comments on Scallop Amendment 11"

### **Written Comments By Email:**

Send to: [Scallop.Eleven@noaa.gov](mailto:Scallop.Eleven@noaa.gov)  
Subject line: "Comments on Scallop Amendment 11"

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## *Executive Summary*

The New England Fishery Management Council and the NOAA Assistant Administrator for Fisheries propose to adjust measures to control capacity and mortality in the general category scallop fishery through Amendment 11 to the Scallop FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. This document includes a variety of measures to address the goals and objectives of the action.

This public hearing document is an abbreviated version of the full Amendment 11 DSEIS. It includes a description of the proposed alternatives as well as a summary of the potential impacts of the alternatives under consideration. Section 1.0 of the Amendment 11 DSEIS includes a summary of background information and describes the purpose of this action. Section 2.0 defines the goals and objectives of Amendment 11 and Section 3.0 of the DSEIS describes the preferred alternatives and all other alternatives under consideration. Section 4.0 is a description of the affected environment including a summary of the status of the Atlantic sea scallop resource, essential fish habitat (EFH), protected resources in this region, fishery-related businesses and communities, other fisheries and non-target species. Section 5.0 of the DSEIS describes the expected impacts of the Amendment 11 alternatives on the various components of the affected environment. Sections 6.0 through Section 10 of the Amendment 11 DSEIS include a description of the required provisions of federal laws that this action is subject to.

In addition to the no action alternative, the Council is considering limited entry and hard-TAC alternatives to control capacity and mortality in the general category fishery. Within the limited entry alternatives, there are numerous qualification alternatives for a limited access program, including different qualification time periods and past landings criteria. Other alternatives under consideration provide varied mechanisms through which qualifying vessels would access to the scallop resource. This action also includes specific limited entry permit provisions such as vessel upgrade, replacement, stacking and permits splitting restrictions. Several alternatives are designed to reduce the incentive for qualifying limited access general category vessels to fish for scallop with trawl gear. If adopted, other measures allow voluntary sectors in the general category fishery and interim measures for the transition period to limited entry.

Amendment 11 also contains measures that could affect existing limited access scallop vessels (full-time, part-time and occasional permits). Alternatives in the document permit or prohibit limited access to fish under general category. Allocating a portion of the total scallop catch to the general category fishery is also under consideration and several alternatives to allow better and more timely integration of recent data. Lastly, there are several other measures related to a current trawl gear restriction and a higher possession limit of scallops seaward of the VMS demarcation line.

The Council has identified a number of “preferred alternatives” for some of these measures. A “preferred” alternative reflects the Council’s favored approach to managing the general category scallop fishery at this time; however, the Council has not yet made final decisions on Amendment 11. This public hearing document has identified the alternatives that are preferred at this time to help focus public comment. The Council will consider all public comments before making final decisions on Amendment 11 at the next Council meeting in Portland, Maine (June 19-21).

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## **1.0 BACKGROUND AND PURPOSE**

### ***Background***

The general category scallop fishery is currently an open access fishery that was created in Amendment 4 when limited access was implemented for the scallop fishery (1994). Open access means any vessel that wants to apply for a permit can; there are no specific qualifications to receive a general category permit. The main control on mortality for this component of the scallop fishery is a daily possession limit.

Since 1999, there has been considerable growth in fishing effort and landings by vessels with general category permits, primarily as a result of resource recovery and higher scallop prices. This additional effort is likely a contributing factor to why the FMP exceeded the fishing mortality targets in recent years. Without additional controls on the general category fishery, there is a great deal of uncertainty with respect to potential fishing mortality from this component of the scallop fishery, thus the potential for overfishing is increased.

### ***Purpose and Need for Action***

The primary need for this action is to implement more effective management measures to control fishing mortality by the general category component of the scallop fishery. The first purpose of this amendment is to consider measures that will address capacity and fishing mortality in the general category fishery and allow the Council to develop alternatives that will more directly control the level of mortality from the general category fleet. A secondary need identified for this action is related to allowing for better and more timely integration of sea scallop assessment results in the management process. The scallop fishing year is out of sync with the framework adjustment process and the timing of when survey data become available for analysis.

### ***Vision Statement***

During the Amendment 11 process the Council decided to develop a vision statement to guide development and selection of alternatives to control capacity and mortality from the general category scallop fishery. Below is a summary of the vision statement approved by the Council. Section 1.3 of the DSEIS includes the full description of what the Council envisions the general category fishery to be after Amendment 11 is implemented to stabilize capacity and prevent overfishing.

The general category scallop fishery has changed since development and implementation of Amendment 4 in 1994. While some of the participants are the same, many have changed and fishing behavior has evolved with time. The fishery is very diverse; some general category vessels fish for scallops full-time but only seasonally, another component of the fleet lands scallops above incidental levels while fishing for other species, and some are full-time day boat vessels that target scallops year round. The overall intent of this action is to stabilize capacity and prevent overfishing from the general category fishery, to maintain the diverse nature and flexibility within this component of the scallop fleet, and preserve the ability for vessels to participate in the general category fishery at different levels. The Councils' vision for the general category fishery after Amendment 11 is implemented is a fleet made up of relatively small vessels, with possession limits to maintain the historical character of this fleet and provide opportunities to various participants including vessels from smaller coastal communities.

## 2.0 GOALS AND OBJECTIVES

The primary goal of Amendment 11 is to control capacity and mortality in the general category scallop fishery. The secondary goal is to allow for better and more timely integration of sea scallop assessment results in the management process.

In order to achieve these two goals the Council has identified the following list of objectives:

1. Allocate a portion of the total available scallop harvest to the general category scallop fishery (Section 3.1.7).
2. Establish criteria to qualify a number of vessels for a limited entry general category permit (Section 3.1.2).
3. Develop measures to prevent the limited entry general category fishery from exceeding their allocation (Section 3.1.2).
4. Develop measures to address incidental catch of scallops while fishing for other species (Section 3.1.8).
5. Determine means to incorporate the most recent sea scallop science and assessment results in management decisions (Section 3.2).

## 3.0 MANAGEMENT ALTERNATIVES UNDER CONSIDERATION

Section 3.0 of the DSEIS includes a detailed description of all the alternatives under consideration in Amendment 11. Table 1 (on page *x* of the Executive Summary) in the DSEIS summarizes the alternatives under consideration. The Council selected “**preferred alternatives**” at its April 2007 meeting based on the information and analyses contained in the DSEIS as well as input from the Scallop Committee and scallop advisors. A management alternative that is identified by the Council as “**preferred**” reflects the Council’s favored approach for Amendment 11 at this time. Following public hearings and an opportunity for the public to review the DSEIS and provide input to the Council, the Council may revise its choice of preferred alternatives and recommend different measures, **but may do so only within the bounds of the range of alternatives presented in the DSEIS.**

There are other measures being considered in this action that the Council has not identified as preferred. The Council may select some of these measures as part of the final action after the public comment period. Your comments on all of the alternatives, both written and oral, on all of the alternatives will help the Council determine which measures should be submitted to the Secretary of Commerce in the Final Amendment 11 document. The Council’s preferred alternatives are summarized in the Executive Summary of the DSEIS. Furthermore, after each alternative is described below in this public hearing document. For reference, the section and page number on the Amendment 11 DSEIS is included in the summary tables of alternatives under consideration and the preferred alternative is identified as well as the Council rationale for selecting it as preferred.



### 3.1 MEASURES TO CONTROL CAPACITY AND MORTALITY IN THE GENERAL CATEGORY FISHERY (SECTION 3.1)

Amendment 11 considers controlling capacity and mortality in the general category fishery under the No Action alternative, limited entry, and a fleetwide hard-TAC. The alternatives are described in the table below.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1</b>	<b>Measures to control capacity and mortality in the general category fishery</b>	
3.1.1 (p.10)	No Action	General category fishery would remain an open access fishery. No changes to the current permit system for the general category scallop fishery would be implemented under this alternative.
3.1.2 (p.10)	Limited Entry	In order to fish under general category rules a vessel would have to qualify for a limited access general category permit. The Council considered three different landings qualification criteria alternatives, three qualification time periods, two ways to calculate an allocation amount, and seven overall strategies for allocating access to vessels that qualify for a permit.
3.1.3 (p.38)	Hard-TAC	The general category fishery would remain open access, and vessels with a permit could fish up to 400 pounds of scallop meat per trip until a fleetwide hard-TAC was reached. The TAC would depend on the alternative the Council selects for Section 3.1.7, allocation between limited access and general category fisheries.

*Preferred alternative shaded*

#### 3.1.1 Description of Council’s preferred alternative

##### *Implementation of a limited entry program (Section 3.1.2)*

Only vessels that qualify for a limited entry general category permit would be permitted to land scallops under general category rules after this action is adopted. The current general category permits (1A- nonVMS and 1B- VMS permits) would be replaced with limited entry general category permits. The main rationale for the Council selecting limited entry as preferred was that limited entry is expected to have positive impacts overall on aspects of both the biological and economic environments, and was preferred by both the Scallop Oversight Committee and scallop advisory panels.

### 3.2 ALLOCATION BETWEEN LIMITED ACCESS AND GENERAL CATEGORY FISHERIES (SECTION 3.1.7)

The DSEIS considers two alternatives: No Action (a specific allocation would not be selected and mortality from the general category fishery would be estimated as it is now) and allocating a portion of the total projected annual scallop catch to the general category fishery (range of 2.5% to 11%).

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.7</b>	<b>Allocation between limited access and general category fisheries</b>	
3.1.7.1 (p.45)	No Action	A specific allocation would not be implemented.
3.1.7.2 (p.45)	Allocation for general category fishery of 2.5-11% of projected TAC	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. <b>Preferred allocation value is 5.0%.</b>

*Preferred alternative shaded*

Table 1 summarizes scallop landings by permit type from 1994 through 2006. The Council identified 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 just below 3%. The Council identified 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 was 14.09% (and about 20% of those landings were from vessels that did not have a permit before the control date – so would not qualify for a limited access permit in Amendment 11). If 20% of the general category landings for 2005 were removed, then the remaining percent is 11.27%.

**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%

### **3.2.1 Description of Council's preferred alternative**

#### ***Allocation of 5% of the total annual projected scallop catch to the general category fishery (Section 3.1.7.2)***

A portion of the total projected annual scallop catch would be allocated to vessels with a general category permit. The document considers a range of 2.5 – 11% of the total projected annual scallop catch, as well as no action for allocation. The Council identified 5% as the preferred allocation value, as was recommended by the Scallop Oversight Committee. The main rationale for identifying this alternative as preferred was that 5% reflects a percentage similar to the long-term average, but is higher to recognize more recent growth and participation in the general category fishery. Ideally this percentage would provide enough landings to be spread among various general category vessels that participate in this fishery at a variety of levels without having substantial impacts on the existing limited access fishery. The Council did discuss that the ultimate percentage value selected for allocation is linked and should reflect later decisions about qualification criteria alternatives that would affect the number of potential participants if limited entry is adopted.

### **3.3 ADDITIONAL ALTERNATIVES RELATED TO A LIMITED ENTRY PROGRAM FOR THE GENERAL CATEOGRY FISHERY**

If limited entry is the preferred strategy then there are a number of decisions that need to be made related to a potential limited entry program. Six related issues are listed below.

- **First, who should qualify?**
- **Second, how should access be allocated for qualifying vessels?**
- **Third, should additional limited entry permit provisions be included?**
- **Forth, should measures to reduce incentive for qualifiers to use trawl gear be included?**
- **Fifth, should qualifiers be permitted to form voluntary sectors?**
- **Sixth, should interim measures be considered for the transition period to limited entry until the final universe of qualifying vessels is known?**

### 3.3.1 Who should qualify for limited entry?

Figure 2 on page 10 of the DSEIS summarizes the host of qualification alternatives (landings criteria, time period, and contribution factor). There are three landings criteria alternatives (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). And 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 NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.2.1 (p.13)</b>	<b>Landings 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
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
<b>3.1.2.2 (p.14)</b>	<b>Qualification time period alternatives</b>	
3.1.2.2.1	March 1, 2003-November 1, 2004	Qualification would have to be during these five fishing years, note last fishing year only eight months long (Mar.1,04 - Nov.1,04)
3.1.2.2.2	March 1, 2000-November 1, 2004	Qualification would have to be during these two fishing years, note last fishing year only eight months long (Mar.1,04 - Nov.1,04)
3.1.2.2.3	March 1, 1994-November 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)
<b>3.1.2.3 (p.15)</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. That value would then be scaled based on projected TAC and percent given 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 from the qualification time period selected as their contribution to the general category fishery. That amount would then be multiplied by an index of years active in the scallop fishery. Option A is a range of index values from 0.9 to 1.1 for one to >5 years respectively. Option B is 0.75 to 1.25 for one to >5 years respectively ( <b>preferred</b> ). The final value would then be scaled based on projected TAC and percent given to the general category fishery.
3.1.2.3.3	Cap of 50,000 pounds for a vessels individual 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.

*Preferred alternatives shaded*

Table 2 is a summary of the number of vessels that are expected to qualify under the different qualification alternatives. Under the most restrictive alternative approximately 143 vessels would qualify and under the least restrictive alternative, approximately 705 vessels would qualify.

**Table 2 – Potential number of qualifying general category 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

*Preferred alternative shaded*

### 3.3.1.1 Description of Council’s preferred alternative

**A vessel would qualify if it had a permit before the control date (November 1, 2004), landings of 1,000 pounds in any year during the 11-year time period of FY1994 through the control date. (Section 3.1.2.1.2 and 3.1.2.2.3)**

Based on available data, approximately 469 vessels would qualify under these qualification alternatives. The main rationale for identifying these alternatives as preferred was that the longer time series provides more opportunity for vessels to qualify that may have fished historically as well as vessels that have fishing in more recent years. The 1,000 pound landings criterion reflects a poundage level that is not too restrictive but demonstrates dependence on the scallop resource. Overall, the Council intent of the preferred alternatives for qualification was to balance the number of vessels that qualify so that more than just directed general category vessels qualify, but not too many vessels so that the TAC is divided among too many participants. In order to be consistent with the vision statement for this action, these preferred alternatives for qualification would ideally identify a number of diverse vessels that could participate in the general category fishery at different levels.

**Individual allocation would be based on a vessels best year indexed by number of years active in the fishery. (Section 3.1.2.3.2)**

Each qualifying vessel would receive a percent of the available TAC for general category. A vessels best year of landings during the qualification time period would be taken and that amount would then be multiplied by an index of years active in the scallop fishery. The Council identified Option B as preferred, an index of 25% to be used to scale a vessels contribution factor by the number of years that vessel has been active in the fishery. The main rationale for the preferred alternative was to provide some weight in allocation for vessels that have been participating in the general category fishery for a longer period of time.

### 3.3.2 How should access be allocated for qualifying vessels?

Section 3.1.2.4 describes that there are seven allocation alternatives combined with limited entry (individual allocation, individual allocation 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 individual pounds (Option A) or number of 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).

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.2.4 (p.17)</b>	<b>Allocation of access for qualifiers</b>	
3.1.2.4.1 (p.18)	Individual allocation	Every vessel that qualifies would be allocated an individual amount of quota in pounds (Option A) or number of trips (Option B). <b>Option B is preferred.</b>
3.1.2.4.1.1 (p.18)	Modify the 400 lb. possession limit to 2,000 lb. per trip only with individual allocation alternative	A vessel that qualifies for a limited entry permit would be permitted to land up to 2,000 pounds of scallop meat per trip regardless of the length of a trip.
3.1.2.4.2 (p.19)	Individual allocation with two permit types	Every vessel that qualifies would be allocated an individual amount of quota in pounds (Option A) or number of trips (Option B) but there would be two permit types. Part time permit restricted to 200 pounds per trip and Full time permit restricted to 400 lb. per trip.
3.1.2.4.3 (p.19)	Individual allocation with three tiers	Every vessel that qualifies would fall into one of three tiers based on annual landings. Each vessel within a tier would get an equal allocation. Allocation of quota would be in pounds (Option A) or number of trips (Option B).
3.1.2.4.4 (p.20)	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.
3.1.2.4.5 (p.21)	Stand alone quarterly hard TAC alternative with limited entry	This alternative 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 lb. per trip and fish under a quarterly hard TAC.
3.1.2.4.6 (p.21)	Fleetwide Hard TAC with limited entry	A vessel would have to qualify for a limited access general category 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.
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 FY2000-FY2005 to identify the appropriate percentage that should be allocated for each quarter. Only vessels that qualify for a limited access general category permit would be permitted to fish for scallops up to 400 pounds per trip.

*Preferred alternative shaded*

### 3.3.2.1 Description of Council's preferred alternative

#### Allocation of access for qualifying vessels would be an individual allocation in trips, maintaining the 400 pound possession limit. (Section 3.1.2.4)

All vessels that qualify for a limited entry general category permit would be allocated a specific number of trips (Option B). The number of trips would be a percentage of the total general category allocation and based on an individual vessel's contribution to landings during the qualification time period. The main rationale for the preferred alternative was that individual allocation is the fairest strategy, and qualifying vessels would be allocated an amount that best reflects their contribution to general category landings. This alternative was the preferred alternative of the Scallop Oversight Committee, and allocation in trips was identified as preferred over pounds primarily for monitoring concerns and to reduce the potential for possible cost recovery requirements under the Magnuson-Stevens Act. NMFS is mandated to collect up to 3% of ex-vessel value of landed product to cover actual costs directly related to enforcement and management of an individual fishing quota program.

### 3.3.3 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.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.2.5 (p. 23)</b>	<b>Limited Entry Permit Provisions</b>	
3.1.2.5.1	Fishing history and permit transfers	
3.1.2.5.1.1	No Action (One vessel can only qualify one permit)	Fishing history for an open access permit remains with the vessel. Even if the purchase and sales agreement specifies that the general category history remains with the seller, NMFS does not recognize history for an open access permit and the buyer would be the only person eligible for qualification.
3.1.2.5.1.2	One vessel potentially qualifying more than one permit	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 for a permit. The buyer cannot qualify under that history; however, if the buyer qualifies under its own landings after the sale, but during the qualification period, the buyer could be granted a permit as well.
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.
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.
3.1.2.5.2.2.1	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.
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.
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 number of limited access general category permits	A vessel would be restricted to owning 1-5% of the total permits. If a vessel owns more than the limit when the plan is implemented, they would be grandfathered in.
3.1.2.5.9	Multispecies permit restrictions would not apply for limited entry general category qualifiers	In terms of not being permitted to have a limited entry scallop permit on a limited entry multispecies vessel, if limited entry is adopted for the general category fishery this alternative clarifies that one vessel would be permitted to have both a limited entry multispecies permit and a limited entry general category permit

*Preferred alternatives shaded*

### 3.3.3.1 Description of Council's preferred alternative

#### Specific permit provisions for limited entry general category permits (Section 3.1.2.5)

The Council reviewed all the provisions and identified several as preferred alternatives. First, the alternative that would allow more than one permit to be issued from one hull number was identified as preferred (provided that all previous owners of that hull retained the general category history of the vessel when it was sold, and all owners had a general category permit and qualifying landings during the qualification time period). Second, to identify one of the stacking alternatives as preferred; a vessel would be permitted to stack allocated general category access on one vessel up to 60,000 pounds or 150 trips (depending on how access is allocated). Lastly, the Council selected a third permit provision alternative as preferred; a measure to prevent excess consolidation, 1-5% of the total general category allocation could not be owned by one individual or corporation. In general, these alternatives were identified as preferred to respond to comments during the scoping process for Amendment 11. If an individual can prove that he/she held their general category scallop history when a vessel was sold, he/she should be entitled to qualify for a limited entry permit. Furthermore, one way to minimize potential revenue loss for qualifying vessels and increase flexibility would be to enable a vessel to stack access on one vessel. Lastly, the Council supports some level of consolidation, but identified one alternative that would prevent excess consolidation as preferred.



**3.3.4 Should measures to reduce incentive for qualifiers to use trawl gear be included?**

There are several alternatives in the DSEIS that would reduce incentive to fish for scallops with trawl gear for vessels that qualify for limited entry. One alternative 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. The No Action alternative was considered as well.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.2.6 (p.30)</b>	<b>Measures to reduce incentive for limited entry qualifiers to fish for scallops with trawl gear</b>	
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
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 alternatives under considerations (300 pounds and 250 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 lb. poss. 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.

**The Council did not identify any of these alternatives as preferred.**

**3.3.5 Should qualifying vessels be permitted to form voluntary sectors?**

The DSEIS includes the No Action and an alternative that 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%).

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
3.1.2.7.1 (p.32)	No Action	A process to allow sectors in the general category fishery would not be established in Amendment 11
3.1.2.7.2 (p.32)	Process to allow sectors for limited entry general category qualifiers	Establish a process for creation of voluntary sectors in the general category fishery.
3.1.2.7.2.9 (p.36)	20% maximum allocation per sector	One sector could not be allocated more than 20% of the total general category allocation. The maximum percent value could be changed in a future framework, perhaps after the Council considers an overall sector policy.

**The Council did not identify either of these alternatives as preferred.**

### 3.3.6 Interim measures for transition period to limited entry

The ultimate pool of participants in a limited entry general category program may not be known until about 18-24 months after the action is implemented (i.e. FY2010). Furthermore, since this action considers allocating access to qualifying vessels as a percentage of the total scallop catch allocated to the general category sector, until the final universe of vessels is known, the percent of access (in pounds or trips) per vessel can not be determined with certainty since additional vessels may qualify under the appeals process. Therefore, the Council is considering two alternatives for interim measures to control capacity and mortality from the general category fishery until a limited entry and allocation program could fully be implemented: one includes a hard TAC for qualifying vessels and one does not.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.2.8 (p.36)</b>	<b>Interim measures for transition period to limited entry</b>	
3.1.2.8.1	Transition to limited entry with hard-TAC	General category qualifiers (and vessels under appeal) will be limited to a 10% of total projected annual scallop catch
3.1.2.8.2	Transition to limited entry without hard-TAC	General category qualifiers (and vessels under appeal) will be permitted to fish under current restrictions – not hard TAC for the component of the fishery overall

**The Council did not identify either of these alternatives as preferred.**

### 3.4 ESTABLISH A NORTHERN GULF OF MAINE SCALLOP MANAGEMENT AREA

During development of this action there has been considerable discussion of establishing a separate management system for the general category scallop fishery in the Gulf of Maine. It has been argued that the fishery in this area is distinct, and the resource experiences sporadic abundance. Amendment 11 includes several alternatives related to this issue: one alternative would clarify that any measures implemented under Amendment 11 would not apply to the NGOM (two boundary options being considered), and another alternative would develop a separate limited entry program for the NGOM (same two boundary options). Figure 1 on the next page depicts the two boundary alternatives under consideration.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.4 (p.39)</b>	<b>Establish a NGOM Scallop Management Area</b>	
3.1.4.1	No Action	No additional measures would be considered for the NGOM
3.1.4.2	Amendment 11 would not apply to waters in the NGOM	If this alternative is selected by the Council then 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 per trip until a hard TAC is reached.
3.1.4.3	Establish a limited entry program for the NGOM	This alternative would develop a separate limited entry general category program in either Option A (the GOM exemption area north of 42°20N ( <b>PREFERRED</b> ) 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. See page 40 of the DSEIS for a detailed description of this alternative.

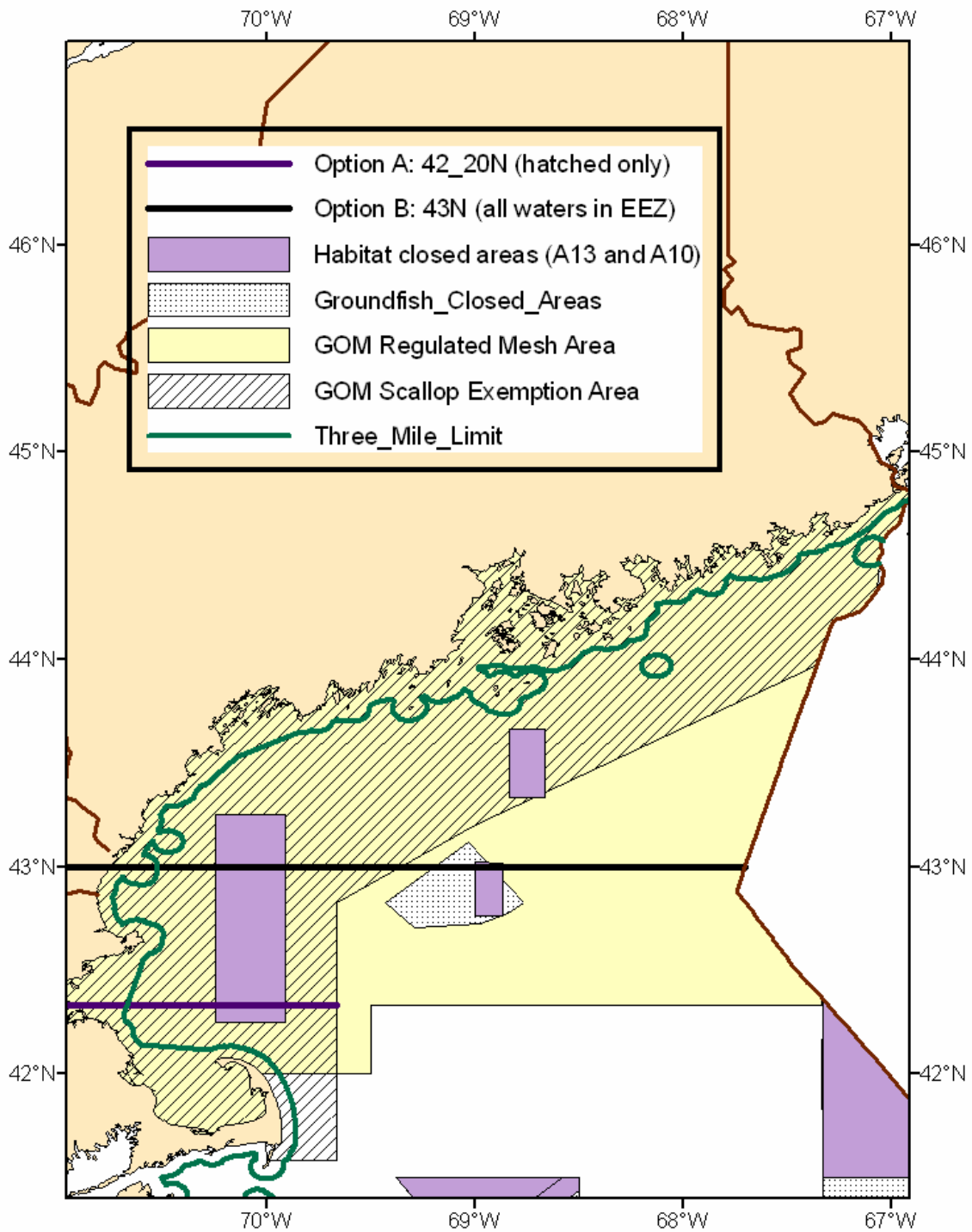
*Preferred alternative shaded*

#### 3.4.1 Description of the Council’s preferred alternative

**A separate Northern Gulf of Maine (NGOM) limited entry general category program would be adopted. Vessels could qualify for this permit if they landed at least one 100 pound trip in any fishing year since 1994 through the control date. Access to fish in this area would be at a reduced level (200 pounds per trip) with specific gear restrictions and the entire fishery would be under a hard-TAC. The NGOM area would close to all scallop fishing after the TAC was reached. (Section 3.1.4.3)**

The Council considered several alternatives for management of the scallop resource in the Northern Gulf of Maine. It has been noted that this area may be managed separately because the fishery in this region is a distinct component of the general category fishery and due to unique characteristics such as smaller vessels, sporadic fishable populations, and state regulations it is reasonable to consider this area separately from the overall program. The Council selected the alternative that would establish a separate limited entry program for this area with a reduced access level for vessels that had some level of historic fishing as preferred.

Figure 1 – Potential boundaries for the NGOM Management Area



### 3.5 MONITORING PROVISIONS

The DSEIS is considering landings and declaration of scallop trips through VMS or IVR as alternatives to improve monitoring.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.5 (p. 43)</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.
3.1.5.2	Require vessels to report landings through IVR	Vessels would be required to report landings through IVR in addition to VTR

**The Council did not identify either of these alternatives as preferred.**

### 3.6 LIMITED ACCESS FISHING UNDER GENERAL CATEGORY

A limited access scallop permit owner is currently permitted to fish under general category rules when not on a DAS. This has been permitted as part of the limited access permit since implementation of limited entry under Amendment 4. A limited access vessel is permitted to possess/land up to 400 pounds of scallops per trip when not fishing under a scallop DAS, or after their individual DAS have been used. One way to reduce capacity and effort in the general category fishery is to consider alternatives that would prohibit or limit limited access vessels from fishing under general category rules. One alternative prohibits all limited access vessels from fishing under general category rules. Two alternatives only allow limited access vessels to fish under general category rules if they qualify under the same criteria as general category vessels and the No Action alternative would allow all limited access vessels to fish under general category rules as currently permitted.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
3.1.6.1	Permit or prohibit limited access fishing under general category rules	
3.1.6.1.1	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.
3.1.6.1.2	Permit occasional or part-time limited access vessels that qualify	Same as above but full-time permits would not be considered.
3.1.6.1.3	Prohibit all limited access vessels from fishing under general category rules	All limited access permits would be prohibited from landings scallops under general category rules.

***Preferred alternative shaded***

Table 3 is a summary of the number of limited access vessels that are expected to qualify under the different qualification alternatives. Under the most restrictive alternative approximately 7 full-time and 5 part-time or occasional vessels would qualify and under the least restrictive alternative, approximately 267 full-time and 78 part-time or occasional vessels would qualify.

Under the preferred alternative (1994-2004 and 1,000 pounds) approximately 96 full-time vessels are expected to qualify and 30 part-time or occasional vessels.

**Table 3 – Potential number of limited access 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	
		Full-time	Part-time and occasional
<b>1994-2004</b> 367 vessels landed trip less than 400 pounds	100 lb. Criteria	267	78
	1000 lb. Criteria	96	30
	5000 lb. Criteria	22	7
<b>2000-2004</b> 231 vessels landed trip less than 400 pounds	Stand-alone ITQ alternative	174	57
	100 lb. Criteria	144	49
	1000 lb. Criteria	38	19
	5000 lb. Criteria	12	7
<b>2003-2004</b> 131 vessels landed trip less than 400 pounds	100 lb. Criteria	88	23
	1000 lb. Criteria	26	9
	5000 lb. Criteria	7	5

*Preferred alternative shaded*

### 3.6.1 Description of Council’s preferred alternative

**Limited access vessels would be prohibited from fishing under general category unless they qualify under the same qualification criteria selected for the limited entry general category permit. Catch from that component of the fishery would be limited to 0.5% of the total scallop TAC. Qualifying vessels would also receive an individual allocation of trips based on their best year indexed by years active in the fishery. (Section 3.1.6.1.1)**

All vessels that qualify would be allocated access to the scallop resource in the same method as general category vessels (preferred strategy is individual allocation in trips). Each vessel would receive an individual share based on their historical contribution to general category landings up to a total of 0.5% of the total projected annual scallop catch for the entire component of the fishery. All limited access vessels that do not qualify to fish under general category would no longer be permitted to fish under general category rules. The main rationale for this preferred alternative is that limited access vessels that have general category landings that qualify under the same criteria should be permitted to fish under general category. Some limited access vessels depend on this privilege as a component of overall revenue. The Council identified 0.5% as the maximum projected annual scallop catch that should be allocated to this component of the overall scallop fishery because that value is close to what historical landings have been in recent years and does not represent a large amount of the total catch, and is not projected to have substantial impacts on other limited access and general category vessels.

### 3.7 ALLOCATION OF YELLOWTAIL FLOUNDER BYCATCH IN ACCESS AREAS

In an effort to reduce the potential for one component of the fishery closing an access area to all scallop fishing this action is considering allocating a portion of the total yellowtail bycatch cap to the general category fishery equivalent to the percentage of total projected scallop catch being considered in this action (2.5% - 11%). The Council is also considering No Action, the bycatch

TAC is shared between the two fleets, and when it is projected to be caught the access area closes to both components of the fishery.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.7.3 (p.47)</b>	<b>Allocation of yellowtail flounder bycatch TAC in access areas</b>	
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.
3.1.7.3.2	Allocate a proportional allocation of the 10% to the general category 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%).

**The Council did not identify either of these alternatives as preferred.**

### **3.8 INCIDENTAL CATCH**

The Council is considering two alternatives for incidental catch. One is the No Action alternative, which would allow all vessels with a federal permit to possess and land (but not sell) up to 40 pounds of scallop meat per trip for personal use. A second alternative would establish a new incidental catch permit that would be limited entry for vessels that qualify for the time period selected in Amendment 11, but not the landings criteria. These vessels would be permitted to possess, land, and sell up to 40 pounds of scallop meat per trip. If a vessel does qualify for a limited entry general category permit but would prefer to fish for scallops under this permit category it can relinquish the limited entry general category permit and opt for a limited entry incidental catch permit instead. If this alternative is selected, then no vessel without a scallop permit would be permitted to possess or land scallops. This alternative also includes a provision to remove a certain percentage of the total projected annual scallop catch in future years to account for mortality from landings from this permit category.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.1.8 (p.48)</b>	<b>Incidental Catch</b>	
3.1.8.1	No Action	No change to incidental rules, 40 lb. possession limit for personal use. No permit needed – any vessel in the region is permitted to possess/land (but not sell) up to 40 lb.
3.1.8.2	New Incidental Catch Permit	A vessel that qualifies under the general category qualification time period alternative selected but not the landings criteria would qualify for this permit and could possess and sell up to 40 lb. of scallop meat per trip. A vessel that qualifies for a limited entry general category permit could opt for this permit instead. If this alternative is selected the current privilege for any vessel to possess (for personal use – cannot be sold) up to 40 lb. scallop meat would be eliminated.

**The Council did not identify either of these alternatives as preferred.**

### 3.9 BETTER AND MORE TIMELY INTEGRATION OF RECENT DATA

This was identified as the second goal of Amendment 11 because the scallop fishing year is out of sync with the framework adjustment process and the timing of when survey data become available for analysis. As a result, actions have not been implemented at the start of the fishing year, TACs have been misestimated due to reliance on older data, and extra actions have been required to compensate. Furthermore, there are numerous analytic requirements and extra steps in the framework approval process that make it difficult to implement measures in a timely way. See Section 5.1.2.1 of the DSEIS for detailed background information on this issue and examples of when the timing of the fishing year has been problematic for effective management of the scallop resource. 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. The other two alternatives are related to changing the start of the fishing year to either May 1 or August 1.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.2 (p.46)</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
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

**The Council did not identify any of these alternatives as preferred.**



### 3.10 OTHER MEASURES

During development of Amendment 11 the Council became aware of a regulation that was not consistent with Council intent related to interpretation of a net size restriction (§648.51). The Council intended the 144 ft. net sweep restriction to be exclusive to the scallop plan for all vessels targeting scallops using a net, and not to apply this restriction in other fisheries where scallops are caught more incidentally. Another issue came up during scoping related to the in-shell possession limit. An alternative was developed that would allow a vessel to harvest the amount of in-shell scallop (which varies by area and season) it takes to reach the 400 pound of meat possession limit. Currently a vessel is in violation if they have more than 50 bushels north of 42°20N, although it is common knowledge that 50 bushels do not equal 400 pounds of scallop meat.

SECTION	ALTERNATIVE NAME	DESCRIPTION OF ALTERNATIVE
<b>3.3 (p.50)</b>	<b>OTHER MEASURES</b>	
3.3.1.1	No action	Current trawl sweep restriction would apply
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. Specifically, if a vessel is fishing under a multispecies or monkfish DAS, and have a general category 1B permit, or a limited entry general category permit if one is adopted in this action, would be permitted to possess up to 400 pounds of scallops and would not be restricted by the 144 net sweep restriction.
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 Council did not identify any of these alternatives as preferred.**

## 4.0 AFFECTED ENVIRONMENT

Section 4.0 of the DSEIS describes the affected environment of the sea scallop fishery. Details about the sea scallop resource are described as well as an update of the status determinations and biomass estimates for 2006 (pages 65-74). Despite fishing mortality being above the target in recent years, the resource remains in relatively good condition, with a greater share of the landings coming from older and larger scallops. Since 1994 scallop biomass on Georges Bank has increased by a factor of 18 and in the Mid-Atlantic Bight by a factor of 8 (Hart and Rago, 2006). This recent “boom” is likely the result of a combination of improved management (that has increased average meat weight of landed scallops) and very strong recruitment on both Georges Bank and the Mid-Atlantic. Overall biomass in the Mid-Atlantic has increased since the mid 1990s as well, particularly in the scallop rotational closed areas. However, for the last several years there has been poor recruitment on Georges Bank. While recruitment is still above average in the Mid-Atlantic, growth rates are likely to be less than projections estimated; therefore, short term yields are expected to be lower.

Section 4.2 describes the physical environment and essential fish habitat for sea scallops (pages 75-107). Updated information on inshore and offshore environments in the Northeast are described. The gear effects of scallop gear are described, as well as the biological communities along the Northeast shelf. Section 4.3 (pages 108-112) describes the protected species found in the environment in which the sea scallop fishery is prosecuted. This section also highlights new information and regulations for sea turtle conservation and other threatened and endangered species in the Northeast. Section 4.4 (pages 113-160) describes the scallop fishery-related businesses and communities, with emphasis on the general category scallop fishery. And Section 4.5 describes other fisheries that general category vessels are involved in as well as non-target species and bycatch caught in the scallop fishery.

### **Limited Access Fishery**

The majority of scallops are landed by limited access vessels. Total landings by this component of the fishery have increased from a low of 10.5 million pounds in 1998 to a record high of 58.1 million pounds in 2004. About 325 active limited access vessels have landed scallops under limited access in recent years (Table 4). That number includes all three permit categories (full-time, part-time and occasional). The number of individual trips was over 4,000 in 2004, rose to over 5,000 in 2005, and for most of 2006 fishing year was below 3,000. Average revenue per vessel has been about 1.0 million dollars in recent years.

**Table 4 - Active limited access scallop vessels for recent fishing years (Dealer data)**

Permit Type	Data	2004	2005	2006*
Limited Access	Number of vessels	323	334	323
	Total number of trips	4,521	5,292	2,758
	Scallop pounds per vessel	184,194	134,442	127,001
	Average scallop revenue per vessel	940,065	1,038,976	772,914
	Average total revenue per vessel	988,401	1,072,991	803,873
	Total scallop landings	59,494,630	44,903,637	41,021,231

\*Preliminary estimates including January 2007. Fishing year February 28, 2007.

### General Category Fishery

While there were close to 3,000 general category permits in 2005, the number of vessels that have landed at least one pound of scallops is much lower (Table 5). The overall number of general category vessels participating in the fishery has increased from less than 200 in the mid-1990s to over 600 in 2005 and 2006.

**Table 5 – Summary of general category permits, number of permits with landings, and total landings**

Fish Year	Number of General Category permits	Number of General Category vessels landing scallops	Total scallop landings by General Category vessels only
1994	1992	181	95,268
1995	2075	180	123,967
1996	2003	216	204,635
1997	2002	235	310,049
1998	1939	204	164,435
1999	2096	189	150,482
2000	2263	202	357,691
2001	2378	275	1,216,947
2002	2512	294	983,775
2003	2574	332	1,809,071
2004	2827	427	3,245,661
2005	2950	604	7,495,884

In summary, the general category fleet as a whole has changed over time in terms of the number of vessels that land scallops, the total scallops landed per year, and overall dependence on scallops. Until 2001, very few vessels landed scallops on more than 50 trips and in 2005 more than 50 vessels landed scallops on 90 or more trips (Table 6). In addition, the number of vessels with higher annual scallop landings has increased in recent years; very few vessels landed over 10,000 annual pounds before 2001 (Table 7). Similarly, most general category vessels in the past have derived 10% or less of their total annual revenue from scallops, but an increasing number of vessels earned 90% or more of their total revenue from scallops in recent years (Table 8).

**Table 6 - Number of vessels by number of scallop trips**

FISHYEAR	<10 trips	10-29 trips	30-49 trips	50-69 trips	70-89 trips	>=90 trips	Grand Total
1994	135	13	NA				150
1995	137	21	5	NA			164
1996	161	33	10	NA	4	NA	210
1997	168	57	7	NA	NA	NA	236
1998	159	33	7	6	NA		206
1999	157	29	NA	NA	NA	NA	192
2000	156	37	4	4	5	NA	207
2001	182	40	26	10	9	11	278
2002	191	73	19	7	3	6	299
2003	200	63	28	15	10	12	328
2004	246	78	42	25	14	22	427
*2005	228	112	93	66	43	56	598
Grand Total	2120	589	244	139	91	112	3295

NA: Indicates that there were 3 or less vessels in this group. \*Preliminary numbers

**Table 7 - Number of vessels by annual scallop landings.**

Fish year	Annual scallop landings per vessel					
	<1000 lb.	1000-4999	5000-9999 lb.	10000-19999 lb.	20000-29999 lb.	>=30000 lb.
1994	119	24				
1995	134	29		NA		
1996	166	34	8	NA		
1997	171	54	NA	4		
1998	163	33	6	NA		
1999	164	22	5			
2000	150	34	11	4	NA	NA
2001	169	45	18	23	11	8
2002	170	72	30	16	4	5
2003	186	58	28	30	11	12
2004	150	109	33	44	11	26

**Table 8 - Number of general category vessels by percent revenue from scallops**

Fish Year	Percent of revenue from scallops						Grand Total
	<10%	10%-29%	30%-49%	50%-69%	70%-89%	>=90%	
1994	110	10	4	4*		15	143
1995	118	12	10	6*		18	164
1996	126	24	11	10*		39	210
1997	144	22	10	8	4	43	231
1998	137	17	6	7*		36	203
1999	143	10	7	3*		28	191
2000	143	19	11	3*		25	201
2001	160	23	11	5	9	66	274
2002	170	27	15	5	7	73	297
2003	181	26	13	12	10	83	325
2004	183	29	15	18	17	111	373

\* In order to protect confidentiality the two groups are combined.

While the general category fleet is spread throughout the eastern seaboard, the majority of general category permits are found in Massachusetts, Maine, New Jersey, Rhode Island, and New York (Table 9). Overall, the general category fleet is marked by broad regional differences, with the New England fleet primarily also a groundfish and lobster fleet and the Mid-Atlantic fleet participating in other regional fisheries such as surf clam, ocean quahog, and summer flounder fisheries. However, active general category vessels overall have come to increasingly rely on scallops, especially in the Mid-Atlantic where in fishing year 2005 scallops accounted for 44% of their landed value (on average). The majority of recent overall landings from the general category fishery have been from vessels homeported in the Mid-Atlantic region (Table 10).

**Table 9 - General category permits by homeport state, with average length, 1995-2004**

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
	<b>Number of general category scallop permits by state</b>									
<b>AK</b>	0	0	0	0	0	0	0	0	1	1
<b>AL</b>	0	0	2	2	1	1	0	0	0	0
<b>CT</b>	18	15	20	22	24	30	29	36	44	39
<b>DE</b>	10	9	10	8	11	11	11	11	16	17
<b>FL</b>	10	7	6	6	4	4	4	3	6	10
<b>GA</b>	0	0	0	0	0	1	4	4	3	7
<b>LA</b>	0	2	1	1	0	0	0	0	0	0
<b>MA</b>	825	854	817	843	812	834	872	922	997	991
<b>MD</b>	5	4	6	7	10	8	11	12	14	19
<b>ME</b>	508	558	556	491	459	503	551	556	548	561
<b>MS</b>	0	1	1	0	0	0	0	0	0	0
<b>NC</b>	39	30	34	37	41	43	56	68	77	94
<b>NH</b>	75	74	78	87	87	89	99	110	117	111
<b>NJ</b>	144	152	140	144	143	188	213	246	265	289
<b>NY</b>	158	156	146	152	145	162	173	156	164	179
<b>PA</b>	1	1	1	2	0	0	0	1	0	0
<b>RI</b>	152	170	155	157	160	165	175	180	179	184
<b>SC</b>	0	0	0	0	1	1	1	2	1	0
<b>TX</b>	2	2	1	1	1	1	0	0	0	1
<b>VA</b>	45	37	28	41	40	55	62	69	76	70
<b>VT</b>	0	2	1	1	0	0	0	0	1	0
<b>WA</b>	0	0	0	0	0	0	2	2	3	1

Source: NE Permit Data.

**Table 10 – Summary of general category landings by region from 1994 to date**

Fish Year	Number of General Category vessels landing scallops	% of General Category landings by Mid-Atlantic vessels	% of General Category landings by New England vessels
1994	181	12.9	87.1
1995	180	11.1	88.9
1996	216	3.8	96.2
1997	235	27.3	72.7
1998	204	8.7	91.3
1999	189	33.0	67.0
2000	202	61.7	38.3
2001	275	31.7	68.0
2002	294	45.9	53.9
2003	332	44.7	48.4
2004	427	67.1	28.8
2005	604	69.5	24.0
2006	627	65.8	29.0

*Data still preliminary for 2006*

## **5.0 ENVIRONMENTAL IMPACTS**

The impacts of the alternatives on different aspects of the affected environment are described below. The various impacts on the scallop resource are described in Section 5.1 and the expected impacts on the physical environment and EFH are summarized in Section 5.2. In addition, the impacts on threatened, endangered and other protected species are summarized in Section 5.3. Section 5.4 includes the economic analyses and Section 5.5 summarizes the social impacts of alternatives under consideration. Lastly, Section 5.6 summarizes other impacts including impacts on non-target species, other fisheries, and enforcement and safety. The cumulative effects of the alternatives considered in this action on all of these valued ecosystem components (VECs) combined is summarized in Section 5.7. This section of the public hearing document will summarize some of the main points discussed in the environmental impacts section, but the full analyses should be referenced when considering recommendations for final action (pages 165-430 of the DSEIS). In addition, Table 203 on page 421 of the DSEIS summarizes the cumulative impacts of all the alternatives under consideration on each of the VECs described in the DSEIS.

### **5.1 SCALLOP RESOURCE**

Overall the impact of No Action is expected to be negative for the scallop resource. Open access may increase the risk that estimates could be inaccurate and fishing mortality exceeded. The No Action would not help reduce fishing pressure in near shore waters which are below average in terms of abundance. Since No Action does not address potential growth of the general category fishery there is a greater chance that overfishing could result if projections do not accurately predict mortality from the general category sector. On the other hand, limited entry is expected to have positive impacts on the scallop resource. While the specific qualification alternatives have neutral impacts in terms of cumulative effects, overall limiting the number of vessels that can harvest scallop meat under general category helps prevent overfishing. In general, how access is allocated has neutral impacts, but the hard TAC options may have negative impacts on the scallop resource depending on how it is implemented and how vessels respond to a hard TAC. In general, the other alternatives under limited entry such as permit provisions, monitoring, fishing with trawl gear, and a mechanism for sectors have neutral or potentially positive effects. The overall impacts on the scallop resource from the interim measures for transition to limited entry are expected to be positive because they will limit capacity and mortality.

In terms of limited access fishing under general category the impacts on the scallop resource are neutral. Allocating a portion of the total scallop TAC to the general category fishery would help prevent the fishery from exceeding fishing mortality rates, but there are some concerns with near shore areas and vessel behavior in terms of scallop mortality. The cumulative impacts of the NGOM alternatives are neutral provided the TAC is set at an appropriate level to prevent overfishing. Neither of the incidental catch alternatives are expected to have impacts on the scallop resource. Lastly, positive cumulative impacts are expected from the measures to improve integration of scallop data so that management measures can be developed using the most recent data available. The alternatives that consider changing the fishing year are expected to have positive impacts on the scallop resource by enabling more timely implementation of new specifications. The other measures (trawl gear restriction and increased possession limit seaward of demarcation line) are not expected to have impacts on the scallop resource.

## **5.2 PHYSICAL ENVIRONMENT AND EFH**

In general, most alternatives under consideration have neutral to slightly positive cumulative impacts on EFH when compared to the No Action. Similar to the scallop resource, negative cumulative impacts are expected under No Action and positive impacts under limited entry. Limited entry will have long-term positive impacts on EFH by reducing the number of potential participants and controlling effort as compared to the No Action open access fishery. The specific qualification alternatives and permit provisions do not have expected impacts on EFH. Permitting the formation of sectors may have potential positive impacts on EFH if vessels can fish more efficiently and reduce bottom contact time. And if additional monitoring requirements are selected potential positive impacts on EFH may result with better information about the general category fishery. Overall if the general category fishery is allocated a portion of the scallop TAC there could be potential positive impacts on EFH because the potential expansion of general category effort would be limited, thus potential impacts to EFH reduced. However, if general category effort is concentrated in critical near shore areas then the cumulative impacts on EFH in those areas would be potentially negative in the long term.

## **5.3 PROTECTED RESOURCES**

In general, most alternatives under consideration have neutral cumulative impacts on protected resources. Similar to the scallop resource, negative overall cumulative impacts are expected under No Action and positive overall impacts under limited entry. The specific qualification alternatives and permit provisions do not have expected impacts on protected resources. Permitting the formation of sectors may have potential positive impacts on protected resources if vessels can fish more efficiently and reduce fishing time. Potentially negative impacts could occur if a change in the fishing year results in an increase in effort or derby effects that overlap with periods when turtles are most abundant. And if additional monitoring requirements are selected potential positive impacts on protected resources may result with better information about the general category fishery. Overall if the general category fishery is allocated a portion of the scallop TAC there could be potential positive impacts on protected resources because the potential expansion of general category effort would be limited, thus potential impacts to protected resources reduced.

## **5.4 FISHERY-RELATED BUSINESSES AND COMMUNITIES**

The direct and indirect impacts of the alternatives included in Amendment 11 on fishery related businesses and communities were analyzed in Section 5.4 (Economic Impacts) and Section 5.5 (Social Impacts) of the DSEIS. Overall, the impacts from most of the alternatives in Amendment 11 are expected to be positive on fishery related businesses and communities.

Past and present actions have had positive cumulative impacts on fishing communities by increasing scallop landings and revenues, and by giving relatively smaller general category vessels an option to fish on a rebuilt resource. The proposed action will continue providing this opportunity to a subset of vessels that had a general category permit and participated in the general category fishery before the control date for a period ranging from 2 to 11 years. Although the limited entry alternatives will have negative distributional impacts on the groups of general category vessels excluded from limited access, the overall cumulative impacts of the proposed action are expected to be positive compared to taking no action. Since with no action there are no limits on the number of trips a general category vessel could take and no limits on the number of vessels able to participate in the general category fishery, total fishing effort in this fishery could increase in response to higher scallop prices, to an increase in resource

productivity, or to changes in fishing opportunities in other fisheries. As a result, scallop mortality could exceed sustainable levels, reducing the stock biomass, the future yield, scallop revenues and income for the participants of the sea scallop fishery. Limited access, by itself, will not entirely eliminate these possible effects, but it will reduce the risks of overfishing of the scallop resource by preventing new entry to the general category fishery and by restricting the number of participants in this fishery to vessels that meet the poundage qualification criteria within a qualification time period.

Amendment 11 also includes alternatives that would control scallop fishing mortality in the general category fishery by allocating a separate TAC for this sector. In general, the cumulative impacts of the TAC alternatives are expected to be positive on fishery related businesses and communities compared to taking no action for the following reasons:

- Even with limited access and in the absence of measures that control overall scallop landings by general category vessels, it is possible for the fishing mortality to increase beyond the target levels if the qualified vessels increase the number of trips targeting scallops. This could have negative impacts on both the limited access and the general category vessels as scallop catch per day-at-sea declines and fishing costs per pound of scallops increase.
- Since any increase in overfishing of the scallop resource will need to be corrected through framework action according to the Sea Scallop FMP, the Council could reduce the DAS allocations for limited access vessels, negatively impacting these vessels and their communities. The Council could also reduce the possession limit for all general category vessels, affecting negatively most of the general category vessels that participate in the fishery and depend on scallops as a significant source of income.

If the general category fishery is managed by hard TAC, however, without limited access and/or without allocation on an individual basis (either in individual shares or allocation in tiers), it could lead to a race to fish and market gluts, which could have negative economic impacts especially on smaller vessels that fish seasonally and cannot access all areas due to the constraints on their capacity. Fleet-wide hard TAC by trimester or by quarter will spread out the fishing season and reduce negative impacts from derby fishing and market gluts to some extent. TAC management combined with limited entry and allocation for vessels (in terms of individual allocation in pounds or trips, or equal allocation for tiers) will prevent derby-style fishing and the negative impacts associated with it.

In general, the impacts of the other alternatives regarding permit and monitoring provisions, NGOM area management alternatives, limited access fishing under general category rules, allocation of yellowtail bycatch TAC between general category and limited access vessels, incidental catch, more timely integration of data and other measures, are expected to be positive for the participants in the sea scallop fishery.

#### **5.4.1 Selected tables to summarize impacts of limited entry qualification alternatives on general category vessels**

In addition to having a general category permit before the control date, Amendment 11 includes three qualification criteria alternatives (100 pound trip, 1,000 annual pounds, and 5,000 annual pounds), which are combined with three qualification time period alternatives (11 years, 5 years



and 2 years before the control date) to determine the vessels that qualify for limited access. There is also a stand alone alternative that would qualify all vessels that had a permit during the 5-year qualification period for limited access (3562 permits), but which would allocate an individual quota only to those vessels with landings of scallops of one pound or more (677 vessels). Table 11 shows the number of qualifiers for each of these alternatives, with qualification poundage determined according to each vessel's best year of scallop landings. The impacts of these alternatives on limited access qualifiers could be summarized as follows:

- The poundage criteria have a larger affect on the number of qualifiers compared to the qualification time period. For example, reducing time period for qualification from 11 years to 5 years would reduce the number of qualified vessels from 459 vessels to 369 vessels with the 1000 lb. criteria. On the other hand, holding the qualification time period constant at 11 years, but increasing the poundage criteria to 5000 lb. would reduce the number of qualified vessels even more, to 203 general category permit holders (Table 11).
- A longer time period would result in more vessels that were not active recently to qualify for limited access. For example, only 234 vessels out of 459 qualifiers with 11 year and 1000 lb. qualification criteria participated in the fishery in 2005 fishing year. Reducing qualification period will result in smaller number of vessels that were not active in recent years to qualify for limited access (Table 11).

**Table 11 - Number of qualifying general category vessels and estimated landings based on an individual allocation system and best year of landings during the specified time period.**

Time period (Up to the control date)	Qualification Criteria	Number of vessels that were active and qualify for limited access	Average Best year landings per vessel (lb.)	Total best year scallop landings (lb)	2005 fish year	
					Number of active General category vessels	General category revenue as % of total revenue
11 years 4777 unique general category permits, 924 active vessels	100 lb. Criteria	705	6,084	4,289,220	318	50%
	1000 lb. Criteria	459	9,124	4,187,916	234	60%
	5000 lb. Criteria	203	17,757	3,604,671	131	80%
5 years 3562 unique general category permits, 677 active vessels	Stand-alone ITQ	677	5,872	3,975,344	344	48%
	100 lb. Criteria	548	7,232	3,963,136	301	51%
	1000 lb. Criteria	369	10,524	3,883,356	224	61%
2 years 2876 unique general category permits, 482 active vessels	5000 lb. Criteria	188	18,475	3,473,300	130	80%
	100 lb. Criteria	399	7,443	2,969,757	270	53%
	1000 lb. Criteria	277	10,518	2,913,486	201	62%
	5000 lb. Criteria	143	18,245	2,609,035	114	81%

*Preferred alternative shaded*

Tables 85 through 89 of the DSEIS summarize the number of vessels per state that are expected to qualify under the different qualification alternatives. Table 12 below summarizes the number of vessels that have had a general category permit at least one year during in the different qualification time periods by state. Table 13 describes the number of vessels that are expected to qualify per state based on the preferred alternative for qualification time period (1994-2004).

**Table 12 - Number of unique general category permits according to the last-application date for the permit for the specified period**

Primary State	1994-2004 (up to the control date)*	2000-2004 (up to the control date)*	2003-2004 (up to the control date)*
CT and RI	336	271	238
MA and NH	2011	1483	1210
ME	1272	860	630
NY and NJ	773	629	535
Oth.Mid.At.	381	318	262
Unknown	4	1	1
<b>Grand Total</b>	<b>4777</b>	<b>3562</b>	<b>2876</b>

\*The primary state of landing corresponds to the primary state associated with the last permit application by the vessel-owner during the specified time period.

**Table 13 - Impacts of qualification criteria alternatives by state of landing**

Qualification Criteria	Qualify	State of landing	Qualification time period		
			11 year: Number of vessels	5 year: N umber of vessels	2 year: Number of vessels
100 lb. Criteria	NO	Maine	37	18	8
		MA+NH	100	58	35
		CT+RI	31	24	18
		NJ+NY	45	25	18
		Oth.MidAt	6	4	4
	YES	Maine	186	95	52
		MA+NH	261	213	168
		CT+RI	52	45	28
		NJ+NY	122	116	83
		Oth.MidAt	84	79	68
1000 lb. Criteria	NO	Maine	93	43	19
		MA+NH	193	123	86
		CT+RI	71	58	39
		NJ+NY	79	60	41
		Oth.MidAt	29	24	20
	YES	Maine	130	70	41
		MA+NH	168	148	117
		CT+RI	12	11	7
		NJ+NY	88	81	60
		Oth.MidAt	61	59	52
5000 lb. Criteria	NO	Maine	180	79	37
		MA+NH	296	210	162
		CT+RI	78	64	42
		NJ+NY	116	91	61
		Oth.MidAt	51	45	37
	YES	Maine	43	34	23
		MA+NH	65	61	41
		CT+RI	5	5	4
		NJ+NY	51	50	40
		Oth.MidAt	39	38	38

*Preferred alternative shaded*

Table 14 shows the number of unique general category permits issued before the control date (Nov.1, 2004) corresponding to the three qualification periods as well the permits issued for the first time after the control date. There were over 4777 unique vessels that had a general category permit in one or more years during the 11 years from 1994 to the 2004 fishing year up to the control date. The control date requirement will impact vessels that had a general category permit for the first time after the control date. There were 699 permit holders that obtained a general category permit for the first time on or after the control date (Nov.1, 2004) as of September 2006. This number could increase if more new general category permits are obtained in 2006 and 2007 application years. None of these vessels will qualify for limited access according to the control date criteria. Since the majority of these general category permit holders, i.e., 580 vessels, never participated in the general category fishery, the control date requirement will not have any impact on the current income of these vessels. The control date criteria will have negative economic impacts, however, on the 119 vessels that participated in the general category fishery during the recent years.

**Table 14 - Unique number of general category permits and active vessels by various periods of qualification**

Period	Unique number of general category permits	Number of active general category vessels (landed 1lb. or more scallops)	Number of vessels that did not land any scallops
<b>General category permits obtained before the control date</b>			
11 year qualification period: 1999 - 2004 (1)	4777	924	3853
5 year qualification period: 2000 - 2004 (1)	3562	677	2885
2 year qualification period: 2003 - 2004 (1)	2876	482	2394
<b>General category permits issued for the first time on or after the control date</b>			
Total of 2004-06	699	119	580
New permits in 2004 AP year (2)	210	NA	
New permits in 2005 AP year (3)	373 (109 VMS and 264 No-VMS)	81	
New permits in 2006 AP year (4)	116 (39 VMS and 77 No-VMS)	88	

**NOTES:**

- (1) Includes 2484 general category permits obtained during 2004 application year before the control date.
- (2) 28 of the 210 vessels did not renew their permits in the subsequent years.
- (3) This number shows the new additional permits issued in 2005, i.e., the number of general category permits that were issued for the first time in 2005. 555 out of the 2873 vessels that obtained a general category permit in 2005 application year did not have a permit before the control date. 182 of these obtained their permits, however, for the first time in 2004 after the control date, and 373 vessels obtained general category permit for the first time in 2005 application year. Only 81 vessels that had obtained a permit after the control date landed scallops in 2005 fishing year.
- (4) This number shows the new additional permits issued in 2006, i.e., the number of general category permits that were issued for the first time in 2006. Although there were 499 of the general category permits issued in 2006 application year were obtained by vessels that did not have a general category permit before the control date, 383 of these permits were obtained in 2004 and 2005 application years after the control date, and 116 new general category permits were issued for the first time in 2006. Only 88 vessels that had obtained a permit after the control date, including those obtained their permit in 2004 and 2005 application years, landed scallops in 2006 fishing year (up to Jan.2007).

#### **5.4.2 Selected tables to summarize the combined impacts of the qualification alternatives and the allocation of a TAC to the general category fishery**

The economic impacts of the TAC alternatives on general category and limited access vessels are examined in detail in Section 5.4.17 of the DSEIS for scallop harvest levels ranging from 40 million lb. to 70 million lb. The biological simulations for the next 11 years indicated that sustainable scallop yield could vary between 56 million lb. (for the 2008 fishing year) to 68 million lb. (for the 2015 fishing year), but levels less than these amounts (40 to 50 million lb.) were also included in this analysis to evaluate impacts in less favorable scallop resource conditions. The economic impacts will vary according to the level of general category TAC as follows:

- TAC management will have distributional impacts on general category and limited access vessels. Landings and revenues for each percent of general category TAC are compared in Table 15 to the upper bound of 11%, which is close to the status quo level. (According to Framework 18, the allocations for limited access vessels were determined by assuming that general category landings will constitute 11% of total scallop landings in 2006 and about 10% of total scallop landings in the 2007 fishing year.)
- If the general category is allocated at 2.5% of total scallop harvest, scallop landings and revenues for this fishery as whole and also for an average vessel could decline by 77% , whereas that of the limited access fishery could increase by 10% compared to an 11% TAC allocation for the general category fishery. In other words, a lower TAC for general category will have larger negative proportional impacts on general category vessels due to the lower volume of scallop landings by the general category vessels compared to landings by the limited access fishery. A higher percentage TAC will reduce the negative impacts on general category vessels, but will lower the positive economic impacts on the limited access vessels compared to status quo levels of 10% to 11%.

**Table 15 - Impacts of allocation on landings and revenues of the general category and limited access fleets**

Total Scallop TAC (Million lb.)	GC TAC as a % of Total TAC	General category TAC (lb.)	Limited access landings, (lb.)	% Change in landings and revenue compared to 11% for GC TAC	
				General category	Limited access
40	2.50%	1.0	39.0	-77%	10%
40	5%	2.0	38.0	-55%	7%
40	7%	2.8	37.2	-36%	4%
40	10%	4.0	36.0	-9%	1%
40	11%	4.4	35.6	0%	0%
50	2.50%	1.3	48.8	-77%	10%
50	5%	2.5	47.5	-55%	7%
50	7%	3.5	46.5	-36%	4%
50	10%	5.0	45.0	-9%	1%
50	11%	5.5	44.5	0%	0%
60	2.50%	1.5	58.5	-77%	10%
60	5%	3.0	57.0	-55%	7%
60	7%	4.2	55.8	-36%	4%
60	10%	6.0	54.0	-9%	1%
60	11%	6.6	53.4	0%	0%
70	2.50%	1.8	68.3	-77%	10%
70	5%	3.5	66.5	-55%	7%
70	7%	4.9	65.1	-36%	4%
70	10%	7.0	63.0	-9%	1%
70	11%	7.7	62.3	0%	0%

*Preferred alternative for percentage of TAC alternatives shaded for range of potential total scallop harvest (40-70 million)*

- TAC management could have significant negative economic impacts on general category vessels (compared to status quo) to the extent that it is different from the historical levels and/or from the level of scallop landings in recent years. At a total scallop harvest of 50 million lb., for example, a general category TAC less than 6.5% will reduce the total general category landings below the levels in 2004 fishing year (3.2 million lb.) and will reduce the general category landings by one-half compared to the level of landings in 2005 fishing year (7.4 million lb.).
- The impacts of a TAC for general category fishery will not be uniform among the qualifying vessels and will vary according to the qualification criteria and qualification period alternatives. Qualification of a smaller number of vessels for general category access will reduce the negative impacts of a low TAC on vessels that have a higher dependence on general category fishery as a source of income. Clearly, the number of qualifiers will decline and average allocation per vessel will increase as qualification poundage criteria increases and length of qualification period shortens (Table 16). On the other hand, higher poundage and shorter qualification period alternatives will increase the negative impacts on vessels that will have no access to the general category fishery in the future (see discussion in Section 5.4.1.3 in DSEIS).
- The allocations for individual vessels qualify for limited access will vary from the averages shown in Table 16. General category vessels are shown in three groups in Table 17 according to their best year scallops landings during the qualification period. These

groups also correspond to three tiers proposed by alternative 3.1.2.4.3, with tier-3 including vessels with 20,000 lb. or more landings and tier-1 those with scallop landings of less than 5000 lb. Similarly, tier-3 includes vessels with full-time permits and tiers 1 and 2 include vessels with part-time permits as proposed by alternative 3.1.2.4.2. Average allocation for each group is estimated for a total scallop harvest of 50 million lb. at varying percentage TAC for general category fishery.

- A general category TAC lower than the present levels of general category landings will reduce the allocations per vessel in the same proportion for each group of qualifiers. The absolute impacts as measured in terms of pounds of scallops will be larger, however, for vessels that land scallops in larger volumes and have a higher dependence on scallop fishing for their income. For example, for 62 vessels with historical landings of 20,000 or more scallops, an 11% TAC will result in an average allocation of 48,688 lb. with 1000 lb. criteria and 5-year qualification period. If the percentage TAC is set at 2.5%, however, this group of vessels would receive about 11,508 lb., a decline of more than 37,000 lb. Because scallop landings per vessel from best year averaged about 35,000 lb. for this group, a percentage TAC of less than 7% will result in an allocation lower than this average, except with 5000 lb. and 5 year criteria or with 2 year qualification period. On the other hand, the 181 vessels that landed less than 5000 lb. during the same period will have their allocations reduced by a smaller amount, by about 3,400 lb. if a 2.5 % TAC is applied (1,096 lb.) instead of an 11% TAC (4,489 lb.).
- The economic impacts of these alternatives on general category vessel landings, revenues, crew incomes and boat shares are examined in Section 5.4.17.3 of the DSEIS for harvest levels ranging from 40 million to 70 million pounds of scallops. For example, for a vessel that have a high dependence on scallop revenue and landed about 35,000 lb. pounds, an allocation of 10,000 lb. could reduce net boat shares by 98% to 114%, a 20,000 lb. allocation by 59% to 68 % to depending on the scallop prices (Table 177 in the DSEIS).
- The DSEIS also examined the impacts of allocating a TAC to the general category fishery on additional aspects of the fishery. For example, Section 5.4.5.2 summarizes the impacts on the average allocations per qualified general category vessel; Section 5.4.5.3 examines the impacts on average scallop revenue per qualified general category vessel, the impacts on fishing costs (Section 5.4.5.4), the impacts on average net revenue for qualifying vessels (Section 5.4.5.5) and the impacts on crew and vessel shares (Section 5.4.5.6).

**Table 16 - Average scallop pounds per vessel by percentage of scallop harvest allocated to general category fishery**

Total scallop harvest (Million lb.)	General category TAC as a % of total harvest	GC TAC (Mil. lb.)	11 Year period			5 year period				2 year period		
			100 lb. Criteria (705 vessels)	1000 lb. Criteria (459 vessels)	5000 lb. Criteria (203 vessels)	Stand alone-ITQ (677 vessels)	100 lb. criteria (548 vessels)	1000 lb. Criteria (369 vessels)	5000 lb. Criteria (188 vessels)	100 lb. Criteria (399 vessels)	1000 lb. Criteria (277 vessels)	5000 lb. Criteria (143 vessels)
40	2.50%	1.0	1,418	2,179	4,926	1,477	1,825	2,710	5,319	2,506	3,610	6,993
40	5%	2.0	2,837	4,357	9,852	2,954	3,650	5,420	10,638	5,013	7,220	13,986
40	7%	2.8	3,972	6,100	13,793	4,136	5,109	7,588	14,894	7,018	10,108	19,580
40	10%	4.0	5,674	8,715	19,704	5,908	7,299	10,840	21,277	10,025	14,440	27,972
40	11%	4.4	6,241	9,586	21,675	6,499	8,029	11,924	23,404	11,028	15,884	30,769
50	2.50%	1.3	1,773	2,723	6,158	1,846	2,281	3,388	6,649	3,133	4,513	8,741
50	5%	2.5	3,546	5,447	12,315	3,693	4,562	6,775	13,298	6,266	9,025	17,483
50	7%	3.5	4,965	7,625	17,241	5,170	6,387	9,485	18,617	8,772	12,635	24,476
50	10%	5.0	7,092	10,893	24,631	7,386	9,124	13,550	26,596	12,531	18,051	34,965
50	11%	5.5	7,801	11,983	27,094	8,124	10,036	14,905	29,255	13,784	19,856	38,462
60	2.50%	1.5	2,128	3,268	7,389	2,216	2,737	4,065	7,979	3,759	5,415	10,490
60	5%	3.0	4,255	6,536	14,778	4,431	5,474	8,130	15,957	7,519	10,830	20,979
60	7%	4.2	5,957	9,150	20,690	6,204	7,664	11,382	22,340	10,526	15,162	29,371
60	10%	6.0	8,511	13,072	29,557	8,863	10,949	16,260	31,915	15,038	21,661	41,958
60	11%	6.6	9,362	14,379	32,512	9,749	12,044	17,886	35,106	16,541	23,827	46,154
70	2.50%	1.8	2,482	3,813	8,621	2,585	3,193	4,743	9,309	4,386	6,318	12,238
70	5%	3.5	4,965	7,625	17,241	5,170	6,387	9,485	18,617	8,772	12,635	24,476
70	7%	4.9	6,950	10,675	24,138	7,238	8,942	13,279	26,064	12,281	17,690	34,266
70	10%	7.0	9,929	15,251	34,483	10,340	12,774	18,970	37,234	17,544	25,271	48,951
70	11%	7.7	10,922	16,776	37,931	11,374	14,051	20,867	40,957	19,298	27,798	53,846

*Preferred alternative for allocation and qualification shaded for range of potential total scallop harvest (40-70 million)*

**Table 17 - Distributional impacts of qualification criteria and time period alternatives combined with % TAC, assuming 50 mil. total scallop catch.**

Best year landings per vessel (lb)	11 Year period			5 year period				2 year period			
	100 lb. Criteria	1000 lb. Criteria	5000 lb. Criteria	Stand alone-ITQ	100 lb. criteria	1000 lb. Criteria	5000 lb. Criteria	100 lb. Criteria	1000 lb. Criteria	5000 lb. Criteria	
<b>&gt;=20,000 lb. (average pounds of scallops per vessel were about 35,000 lb.)</b>											
Number of vessels	62	62	62	62	62	62	62	44	44	44	
% share of TAC	49.7%	50.9%	59.1%	53.6%	53.8%	54.9%	61.4%	51.1%	52.0%	58.1%	
% TAC	GC TAC (Mil.lb.)	<b>Average allocation (pounds) per general category vessel at 50 million lb. scallop harvest</b>									
2.50%	1.3	10,419	10,671	12,398	11,241	11,276	11,508	12,867	15,084	15,376	17,170
5%	2.5	20,037	20,522	23,842	21,617	21,685	22,131	24,744	29,008	29,569	33,019
7%	3.5	28,052	28,730	33,379	30,264	30,360	30,983	34,641	40,612	41,396	46,226
10%	5.0	40,074	41,043	47,684	43,235	43,371	44,262	49,488	58,017	59,137	66,038
11%	5.5	44,081	45,147	52,452	47,558	47,708	48,688	54,436	63,818	65,051	72,642
<b>5000 lb. to 19,999 lb. (average pounds of scallops per vessel were over 10,000 lb.)</b>											
Number of vessels	141	141	141	126	126	126	126	99	99	99	
% share of TAC	34.3%	35.2%	40.9%	33.8%	33.9%	34.6%	38.6%	36.8%	37.5%	41.9%	
% TAC	GC TAC (Mil.lb.)	<b>Average allocation (pounds) per general category vessel at 50 million lb. scallop harvest</b>									
2.50%	1.3	3,167	3,243	3,768	3,482	3,493	3,565	3,986	4,832	4,925	5,500
5%	2.5	6,090	6,237	7,246	6,697	6,718	6,856	7,666	9,292	9,471	10,577
7%	3.5	8,526	8,732	10,145	9,376	9,405	9,599	10,732	13,009	13,260	14,807
10%	5.0	12,179	12,474	14,492	13,394	13,436	13,712	15,331	18,584	18,943	21,153
11%	5.5	13,397	13,721	15,942	14,733	14,780	15,084	16,864	20,442	20,837	23,269
<b>&lt;5000 lb. (average pounds of scallops per vessel ranged between 1,300 lb. with 100 lb. criteria to 2,300 lb. with 1000 lb. criteria)</b>											
Number of vessels	502	256	None	489	360	181	None	256	134	None	
% share of TAC	16.0%	13.9%	0.0%	12.6%	12.4%	10.6%	0.0%	12.2%	10.5%	0.0%	
% TAC	GC TAC (Mil.lb.)	<b>Average allocation (pounds) per general category vessel at 50 million lb. scallop harvest</b>									
2.50%	1.3	572	980	No allo.	465	618	1,049	No allo.	855	1,404	No allo.
5%	2.5	1,113	1,905	No allo.	904	1,202	2,041	No allo.	1,662	2,731	No allo.
7%	3.5	1,558	2,667	No allo.	1,266	1,683	2,857	No allo.	2,326	3,823	No allo.
10%	5.0	2,226	3,809	No allo.	1,809	2,404	4,081	No allo.	3,324	5,461	No allo.
11%	5.5	2,449	4,190	No allo.	1,990	2,644	4,489	No allo.	3,656	6,007	No allo.

**Preferred alternative for allocation and qualification shaded, assuming total scallop catch of 50 million pounds**



***Summary of impacts of the allocation of access alternatives for general category qualifiers***

Section 5.4.8 of the Amendment 11 DSEIS describes the expected economic impacts of the various allocation of access alternatives (including the individual allocation, equal allocation in tiers, ITQ, and hard TAC alternatives). The preferred alternative is individual allocation in trips (Alternative 3.1.2.4.1 Option B). The preceding tables in this public hearing document present information in terms of pounds, but if Option B is selected these landings will be converted into number of trips, assuming that vessels will land 400 lb. from each trip. Table 18 summarizes the average number of trips per qualifying vessel for the qualification alternatives at various levels of TAC. Under the preferred alternative for qualification, vessels would receive on average a total of 22 trips under a total TAC of 4 million pounds. Depending on which allocation of access alternative is selected (individual, tiers, etc.) the number of trips allocated per vessel will differ from the average. In addition, there are distributional impacts on qualifiers depending on which allocation strategy is adopted. For example, allocation in three tiers has uneven distributional impacts on vessels within the same tier group, because each vessel would receive an equal allocation rather than an individual amount (in pounds or trips) based on their historical contribution.

There are some important differences between allocation in pounds (Option A) and allocation in trips (Option B). For example, for vessels that land less than 400 lb. of scallop meat per trip, Option B could have negative economic impacts by reducing flexibility. These vessels could spend more time at sea to increase their trip landings up to the possession limit in order to maximize annual landings from their trip allocations, but such change in fishing behavior would increase trip costs and could have some safety impacts if the trip is extended, for example, during difficult weather conditions. However, allocation in trips does have an advantage over allocation in pounds in terms of monitoring and enforcement since with VMS it is easier to determine the number of trips per vessel than to monitor landings per trip.

**Table 18 - Number of qualifying vessels and estimated pounds or trips per vessel based on an individual allocation system and best year of landings (assuming 400 pounds per trip) during the specified time period.**

Time period	Qualification Criteria	Number of vessels	Average lb. per vessel based on Best year	Average # of trips based on Best year	Trips per vessel TAC=2 million lb.	Trips per vessel TAC=4 million lb	Trips per vessel TAC=7 million lb
1994-04 (Up to the control date)	100 lb. Criteria	705	6,084	15	7	14	25
	1000 lb. Criteria	459	9,124	23	11	22	38
	5000 lb. Criteria	203	17,757	44	25	49	86
2000-04 (Up to the control date)	Stand alone ITQ	677	5,872	15	7	15	26
	100 lb. Criteria	548	7,232	18	9	18	32
	1000 lb. Criteria	369	10,524	26	14	27	47
	5000 lb. Criteria	188	18,475	46	27	53	93
2003-04 (Up to the control date)	100 lb. Criteria	399	7,443	19	13	25	44
	1000 lb. Criteria	277	10,518	26	18	36	63
	5000 lb. Criteria	143	18,245	46	35	70	122

***Summary of impacts on limited access vessels from the alternative to allocate a percentage of projected scallop catch to the general category fishery***

The impacts of the general category TAC alternatives on limited access revenues, crew income and vessel shares are analyzed in Section 5.4.17.4 of the DSEIS and summarized in Table 19 below for a range of scallop prices and landings per unit of effort (LPUE). These scenarios show scallop revenues per vessel will be sufficient to pay for trip costs, crew shares and provide a surplus for the vessel after paying for the fixed costs even with a scallop harvest of 40 million lb. and 11% TAC for general category. Reducing general category share from a status quo of 10% to 11%, to 2.5%, however, will increase net boat shares by about 15% for Scenario A, and by as much as 20% for Scenario B depending on the level of total scallop harvest. A 2.5% TAC for general category is estimated to increase DAS-used per limited access vessel by 5 days compared to 11% TAC if the total scallop harvest was about 40 to 50 million lb. This increase is estimated generate about 15% to 19% increase in net boat share depending on LPUE and scallop price. A 5% TAC is estimated to increase boat shares by 11% to 13%, and a 7% TAC is estimated to increase boat shares by 7% to 9%, compared to an 11% TAC.

**Table 19 - Impacts of general category TAC on limited access vessels (assuming 334 full-time vessels)**

Total Scallop TAC (mill.)	% TAC for general category	General category TAC (mill.)	Limited access landings (mill.)	Scenario A: Higher prices and LPUE=2300 lb/Day-at-sea			Scenario B: Lower prices and LPUE=1800 lb/Day-at-sea		
				Scallop price per pound	DAS-used per vessel	% change in net boat share (compare with 11% GC-TAC)	Scallop price per pound	DAS-used per vessel	% change in net boat share (compare with 11% GC-TAC)
40	2.50%	1.0	39.0	9.45	51	16%	7.70	65	18%
40	5%	2.0	38.0	9.45	49	11%	7.70	63	13%
40	7%	2.8	37.2	9.45	48	7%	7.70	62	9%
40	10%	4.0	36.0	9.45	47	2%	7.70	60	2%
40	11%	4.4	35.6	9.45	46	0%	7.70	59	0%
50	2.50%	1.3	48.8	8.30	63	15%	6.00	81	19%
50	5%	2.5	47.5	8.30	62	10%	6.00	79	13%
50	7%	3.5	46.5	8.30	61	7%	6.00	77	9%
50	10%	5.0	45.0	8.30	59	2%	6.00	75	2%
50	11%	5.5	44.5	8.30	58	0%	6.00	74	0%
60	2.50%	1.5	58.5	6.90	76	15%	4.80	97	19%
60	5%	3.0	57.0	6.90	74	10%	4.80	95	14%
60	7%	4.2	55.8	6.90	73	7%	4.80	93	9%
60	10%	6.0	54.0	6.90	70	2%	4.80	90	2%
60	11%	6.6	53.4	6.90	70	0%	4.80	89	0%
70	2.50%	1.8	68.3	5.50	89	15%	3.80	114	21%
70	5%	3.5	66.5	5.50	87	11%	3.80	111	15%
70	7%	4.9	65.1	5.50	85	7%	3.80	108	10%
70	10%	7.0	63.0	5.50	82	2%	3.80	105	2%
70	11%	7.7	62.3	5.50	81	0%	3.80	104	0%

***Preferred alternative for percentage of TAC alternatives shaded for range of potential total scallop harvest (40-70 million)***

**5.4.3 Selected tables to summarize impacts of limited entry qualification alternatives on current limited access vessels**

Currently limited access scallop vessels are permitted to fish for scallops under general category rules while not fishing on a scallop DAS. They are restricted to 400 pounds per trip. The numbers of limited access vessels expected to qualify for general category limited access with 100 lb., 1000 lb. and 5000 lb. criteria, scallops pounds and number of general category trips are shown in Tables 155 to 157 in the DSEIS. For the preferred alternative, the number of current limited access vessels that would qualify under general category is expected to be 126 vessels, 96 full-time and 30 part-time and occasional vessels (Table 20).

**Table 20 - The limited access vessels that qualify and do not qualify for general category limited access permit with 1000 lb. criteria and qualification period**

Period	Qualify	Permit category	Number of vessels	Best year scallop pounds per vessel	Total scallop pounds (best year)	Number of trips per vessel (best year)
11 year	NO	Full-time	184	445	81,790	2.3
		Part-time+Occasional	57	413	23,562	2.8
	NO Total		241	437	105,352	2.4
	YES	Full-time	96	3968	380,914	12.6
		Part-time+Occasional	30	7361	220,831	25.2
YES Total		126	4776	601,745	15.6	
11 year Total			367	1927	707,097	7.0
5 years	NO	Full-time	136	339	46,155	1.6
		Part-time+Occasional	38	423	16,087	3.0
	NO Total		174	358	62,242	1.9
	YES	Full-time	38	5286	200,867	15.5
		Part-time+Occasional	19	10127	192,419	30.2
YES Total		57	6900	393,286	20.4	
5 years Total			231	1972	455,528	6.5
2 years	NO	Full-time	77	367	28,222	1.7
		Part-time+Occasional	19	462	8,785	3.8
	NO Total		96	385	37,007	2.1
	YES	Full-time	26	4740	123,238	13.7
		Part-time+Occasional	9	16276	146,487	44.6
YES Total		35	7706	269,725	21.7	
2 years Total			131	2341	306,732	7.4

*Preferred alternative shaded*

The full-time vessels taking general category trips have a lower dependence on general category trips as a revenue source compared to part-time and occasional vessels. Again using 1000 lb. criteria and five year qualification period as an example, Table 21 shows that full-time vessels derived only 3.3% of their revenue from general category trips, whereas part-time and occasional vessels derived 11% of their revenue fishing under the general category rules. Therefore, the alternative (3.1.6.1.4) that prevents all vessels with limited access permits from having access to general category fishery in the future would have more negative impacts on occasional and part-time vessels compared to the full-time vessels. The primary port of landings and average gross tonnage of the limited access vessels that could qualify for limited access under the preferred

alternative for qualification is shown in Table 22. In general, part-time and occasional vessels are smaller than their full-time counterparts. Majority of the limited access vessels that may qualify for limited access under some alternatives are from Mid-Atlantic area.

**Table 21 - Dependence on general category scallop landings as a % of total revenue in 2005 fishing year for a sample of limited access vessels that qualify for general category limited access permit with 1000 lb. criteria**

Period	Permit category	Number of active vessels with general category trips	Total revenue per vessel	Scallop revenue per vessel	Scallop revenue as a % of total revenue	General category scallop lb. as a % of total scallop lb.	General category revenue as a % of total revenue
11 year	Full-time	33	\$1,154,186	\$1,047,152	91.6%	3.7%	3.4%
	Part-time+Occasional	12	\$665,252	\$525,169	72.6%	27.5%	20.0%
5 years	Full-time	20	\$1,066,814	\$952,118	90.3%	5.8%	5.2%
	Part-time+Occasional	9	\$737,365	\$563,104	74.6%	22.6%	16.9%
2 years	Full-time	17	\$1,043,530	\$950,843	92.0%	6.5%	6.0%
	Part-time+Occasional	7	\$785,781	\$584,948	70.5%	28.0%	19.7%

*Preferred alternative shaded*

**Table 22 - Primary port of landing in 2005 fishing year for a sample of limited access vessels that qualify for general category limited access permit with 1000 lb. criteria**

Period	State of landing	Full-time		Part-time and occasional	
		Number of vessels	GRT (Average)	Number of vessels	GRT (Average)
11 year	MA+NH	6	101	NA	88
	NY+NJ	15	130	8	113
	Oth.Mid.At.	12	131	NA	107
11 year Total		33	125	12	110
5 years	MA+NH	4	76		
	NY+NJ	11	118	6	124
	Oth.Mid.At.	5	118	3	107
5 years Total		20	110	9	118
2 years	MA+NH	4	76		
	NY+NJ	10	116	4	116
	Oth.Mid.At.	3	108	3	107
2 years Total		17	105	7	112

*Preferred alternative shaded*

***Allocation of scallop catch to limited access vessels under general category (Alternatives in Section 3.1.6 of DSEIS)***

If limited access vessels are permitted to land under general category rules and a hard TAC is implemented for the general category fishery under this action then scallops landed by limited access vessels under general category rules will have to be deducted from either the TAC awarded to the general category fleet (Alternative 3.1.6.2.1), or a separate TAC, 0.5% of total scallop harvest, awarded to the limited access fishery for scallops caught under general category rules (Alternative 3.1.6.2.2).

Table 23 provides an analysis of alternative 3.1.6.2.1 assuming that limited access quota will be deducted from total general category % TAC according to the share of limited access qualifiers in total allocation amount. The last columns of this table show how a 5% and a 10% TAC will be distributed among the general category and limited access vessels. For example, with 11 year period and 1000 lb. qualification criteria, 87.4% of the scallop pounds from general category fishery was landed by general category vessels and 12.6% was landed by limited access vessels. Share of each category in total general category TAC will be proportional to these percentages. For example, if total general category TAC was set at 5% (10%), then only 4.4% (8.7%) of this amount will be allocated to the general category vessels and 0.6% (1.3%) of this amount will be allocated to limited access vessels qualifying for general category fishery (with 11 year and 1000 lb. criteria). Therefore, alternative 3.1.6.2.1 will reduce the amount of TAC allocated to general category vessels and will increase the quota for limited access vessels, with negative economic impacts on the first and positive economic impacts on the second group of vessels.

A separate allocation of 0.5% of the total catch for limited access vessels that qualify to fish under general category rules (Alternative 3.1.6.2.2) will result in limited access vessels receiving different allocations compared to the general category vessels depending on the % TAC and qualification alternatives. Using the same example above with 11 year period and 1000 lb. alternative and 5% (10%) TAC for general category vessels, limited access vessels would receive slightly less, 0.5%, with this alternative (3.1.6.2.2) compared to 0.6% (1.3%) with alternative 3.1.6.2.1. On the other hand, a five year qualification period combined with a 5% alternative would provide exactly the same share, 0.5% of TAC, for limited access under both alternatives. With a 2% combined TAC, however, limited access vessels with alternative 3.1.6.2.2 would receive slightly higher % share of TAC, 0.5%, instead of 0.3% they would have received with alternative 3.1.6.2.1. The impacts of a 0.5% separate TAC for limited access qualifiers corresponding to various levels of scallop harvest are shown in Table 24.

**Table 23 - Allocation of general category TAC among general category and limited access vessels qualifying for limited access**

Period	Qualification	Permit category	Number of vessels	Average scallop lb. per vessel (Best year)	Total scallop lb. (Best year)	% share in total scallop lb.	Total general category TAC		
							2%	5%	10%
							% share in TAC	% share in TAC	% share in TAC
11 year	100	General category	705	6,084	4,289,220	85.9%	1.7%	4.3%	8.6%
		Limited access	345	2,427	705,519	14.1%	0.3%	0.7%	1.4%
	100 Total		1,050	4,255	4,994,739	100.0%	2.0%	5.0%	10.0%
	1000	General category	459	9,124	4,187,916	87.4%	1.7%	4.4%	8.7%
		Limited access	126	5,665	601,745	12.6%	0.3%	0.6%	1.3%
	1000 Total		585	7,394	4,789,661	100.0%	2.0%	5.0%	10.0%
	5000	General category	203	17,757	3,604,671	90.2%	1.8%	4.5%	9.0%
		Limited access	29	17,004	393,458	9.8%	0.2%	0.5%	1.0%
	5000 Total		232	17,381	3,998,129	100.0%	2.0%	5.0%	10.0%
	5 year	Stand-alone ITQ alternative*	General category	677	5,872	3,975,344	89.7%	1.8%	4.5%
Limited access			231	9,303	455,528	10.3%	0.2%	0.5%	1.0%
Stand-alone ITQ alternative* Total		908	7,588	4,430,872	100.0%	2.0%	5.0%	10.0%	
100		General category	548	7,232	3,963,136	89.7%	1.8%	4.5%	9.0%
		Limited access	193	2,973	453,204	10.3%	0.2%	0.5%	1.0%
100 Total		741	5,102	4,416,340	100.0%	2.0%	5.0%	10.0%	
1000		General category	369	10,524	3,883,356	90.8%	1.8%	4.5%	9.1%
		Limited access	57	7,707	393,286	9.2%	0.2%	0.5%	0.9%
1000 Total		426	9,115	4,276,642	100.0%	2.0%	5.0%	10.0%	
5000		General category	188	18,475	3,473,300	91.8%	1.8%	4.6%	9.2%
	Limited access	19	17,862	310,442	8.2%	0.2%	0.4%	0.8%	
5000 Total		207	18,169	3,783,742	100.0%	2.0%	5.0%	10.0%	
2 year	100	General category	399	7,443	2,969,757	90.7%	1.8%	4.5%	9.1%
		Limited access	111	4,224	305,561	9.3%	0.2%	0.5%	0.9%
	100 Total		510	5,834	3,275,318	100.0%	2.0%	5.0%	10.0%
	1000	General category	277	10,518	2,913,486	91.5%	1.8%	4.6%	9.2%
		Limited access	35	10,508	269,725	8.5%	0.2%	0.4%	0.8%
	1000 Total		312	10,513	3,183,211	100.0%	2.0%	5.0%	10.0%
	5000	General category	143	18,245	2,609,035	92.3%	1.8%	4.6%	9.2%
Limited access		12	19,341	216,214	7.7%	0.2%	0.4%	0.8%	
5000 Total		155	18,793	2,825,249	100.0%	2.0%	5.0%	10.0%	

*Preferred alternative shaded*

**Table 24 - Impacts of 0.5% TAC on average allocation per limited access vessel**

Qualification period			11 year period			5 year period			2 year period			
Qualification Criteria (lb.)			100	1000	5000	Stand-alone ITQ	100	1000	5000	100	1000	5000
Number of qualified vessels			345	126	29	231	193	57	19	111	35	12
Scallop lb. per vessel (Best year)			2,427	5,665	17,004	9,303	2,973	7,707	17,862	4,224	10,508	19,341
Total scallop landings (mill. lb., Best year)			0.71	0.60	0.39	0.46	0.45	0.39	0.31	0.31	0.27	0.22
Scallop Harvest (mil.lb.)	% TAC	Limited access TAC (mill. lb.)	Average allocation per vessel (pounds)									
40	0.5%	0.20	580	1,587	6,897	866	1,036	3,509	10,526	1,802	5,714	16,667
50	0.5%	0.25	725	1,984	8,621	1,082	1,295	4,386	13,158	2,252	7,143	20,833
60	0.5%	0.30	870	2,381	10,345	1,299	1,554	5,263	15,789	2,703	8,571	25,000
70	0.5%	0.35	1,014	2,778	12,069	1,515	1,813	6,140	18,421	3,153	10,000	29,167

*Preferred alternative shaded*

## 5.5 OTHER FISHERIES

In general, most alternatives under consideration have neutral cumulative impacts on other fisheries when compared to the No Action. Some of the hard- TAC alternatives have potential negative impacts on other fisheries because if a hard TAC leads to vessels changing behavior impacts could increase. Specifically, if vessels end up fishing for scallops on a more direct basis until the TAC is caught and then fish for other species, then effort could shift into other fisheries after the general category TAC is caught.

## **6.0 QUESTIONS TO HELP FOCUS PUBLIC COMMENT ON AMENDMENT 11**

1. Do you agree that capacity and mortality in the general category fishery should be controlled?
2. If so, what is the best way to control capacity and mortality in the general category fishery? (Specifically which alternatives in Amendment 11 would you support, if any?)
3. If limited entry is adopted, which qualification alternatives would you support and why? Do you support the preferred alternatives for qualification: 1,000 pounds and 11-year time period for qualification?
4. How should access be allocated to qualifying vessels if limited entry is adopted? Do you support the preferred alternative for individual allocation in number of trips?
5. Do you believe any of the additional permit provisions or additional alternatives under a limited entry program should be adopted (i.e. measures to reduce use of trawl gear, mechanism for sectors, and interim measures for transition period to limited entry).
6. Do you agree that a separate system should be adopted to manage the general category fishery in the Northern Gulf of Maine (NGOM)? Do you support the preferred alternative to implement a separate limited entry for general category fishing in the NGOM?
7. Should the current privilege for limited access vessels to fish under general category rules change as a result of Amendment 11? Do you support the preferred alternative to allow limited access vessels to fish under general category only if they qualify under the same criteria?
8. Do you support an allocation of a percentage of the total projected annual scallop catch to the general category fishery? Do you support the preferred alternative to allocate 5% of the total projected annual scallop catch to the general category fishery?
9. Do you support an allocation of a percentage of the available yellowtail flounder bycatch TAC for access areas to the general category fishery equivalent to the percentage of scallop catch that may be allocated to the general category fishery?
10. How should incidental catch be addressed in Amendment 11?
11. Do you support any of the alternatives in Amendment 11 related to better and more timely integrations of recent data into the management process?
12. Do you support any of the “other measures” included in Amendment 11 (i.e. trawl sweep alternative and increased possession limit seaward of the demarcation line)?
13. Do you believe the Amendment 11 document has any deficiencies related to the range of alternatives under consideration and/or the analyses of impacts on the affected environment?
14. Do you have any other comments for the Council to be aware of when considering final action for Amendment 11?