

## **Follow-up from Feb 12 PDT Meeting – PDT Conference Call on March 14**

**The PDT approved the draft FW25 work plan for the Committee to consider at their future meeting, and agreed that several additional measures could be included for consideration.**

1. Measures to consider other fishing options for 2013 CA1 trips if vessels did not fish them in 2013.

Catch rates have fallen below 1,000 pounds a day in that area since the fall, and they are not expected to be much higher when the area opens for FY2013. As of January 1, 2013 about 800,000 pounds left of allocated CA1 catch. About 1.5 million pounds will be allocated in CA1 for FY2013, if approved in FW24. Possible ideas could be to allow vessels to use unused FY2013 trips 2014 or 2015 (extend CA1 access area trips), or possibly those trips could be moved to another area. However, there will likely be very few areas available in 2014, so more likely unused 2013 CA1 trips could be shifted to a different area in 2015.

**The PDT recommends including this provision as part of the specifications for 2014.**

2. Several members of the PDT are going to investigate the potential issue of non-payment of observer providers further and report back to the PDT and Committee

Representatives from the NEFSC Observer Program contacted observer service providers and learned that non-payment is not an issue now, and if it is it is currently very rare. However, all are concerned that with the program expanding to open areas it may become an issue in the future. Several PDT members discussed that the most straight forward way to address this is to urge NMFS to modify the observer provider reporting requirements (Section 648.11(h)(vii)) to require that providers define when payments are considered overdue and define what constitutes an “unpaid payment” within their operations plans. NMFS has identified that the lack of clear definitions related to payment issues has made it difficult to impose permit sanctions due to non-payment violations. Adding this clarification would provide OLE with an avenue to investigate, pursue, and, if ultimately necessary, enforce permit sanctions pertaining to unpaid observer services.

NMFS has informed the PDT that updating the provider reporting requirements to assist OLE with the permit sanction process does NOT require a Council action and could be modified by NMFS under their existing authority to clarify and remove confusing regulatory text. On the other hand, NMFS has also informed the PDT that making non-payment a provision of permit renewal WOULD require a change to the regulations. When this issue has come up in the past the Council has been reluctant to get involved and include non-payment an issue for permit renewals.

**The PDT recommends that this issue NOT be included in Framework 25; it can be addressed by NMFS outside the Council process.**

3. Several members of the PDT will also investigate the broken trip provision further to identify if there is a more practical way to address this regulation.

A handful of PDT members investigated recent broken trip practices (2010-2012). The number of trips taken during the last 60 days of each fishing year were evaluated in terms of trip length and scallop pounds landed. Overall, breaking trips with no scallop catch in the last 60 days is quite

prevalent, and not surprisingly most prevalent in areas with lower catch rates. Table 1 shows that for FY2012 almost 60% of trips taken during the last 60 days CA1 was open were broken trips with zero scallop catch. Closed Area II was just over 40%, and both NL and HC were just under 40%.

**Table 1 – Number of observed trips and broken trips by area during the last 60 days of area opening**

Area	Total # of trips during last 60 days	# Observers Assigned	# Broken Trips that Carried Obs	% of trips observed	% Broken Trip with Obs.	# of Comp. Trips Applied For	# of Trips with 0 Catch & 0 DAS	% 0 Catch & 0 DAS
CAI	67	4	3	6%	75%	56	32	47.76%
CAII	25	4	0	16%	0	14	6	24.00%
NL	64	9	0	14%	0	19	7	10.94%
HC	34	2	0	6%	0	31	12	35.29%

This issue came up originally by the NEFSC Observer Program noting the resource issues involved. In order to break a trip a vessel must cross the VMS demarcation line. In some cases these trips end up taking an observer, which is problematic for several reasons. Nothing is observed on those trips so it is a waste to place an observer onboard, vessels are required to pay for that observer and no data is collected, and that observer could have been used on a different trip.

The majority of the time the Observer Program is aware that a trip is going to be broken before it leaves and waivers are sometimes issued. But in some cases an observer is placed on a trip that is broken. For example, in FY2012 most trips that were observed during the last 60 days in each area were on actual trips, not broken trips. But 3 of the 4 observed trips in CA1 were broken, 75% (Table 1).

From the vessels perspective, the 60 day requirement to cross the VMS demarcation line is also viewed as a waste of resources. The time and resources used such as fuel are wasted. In many cases only one or two individuals are on the vessel for broken trips, and this is potentially a safety risk.

#### **The PDT discussed that this issue could be addressed two potential ways.**

First, FW25 could consider removing the requirement that a trip be broken within the last 60 days of the fishing year in order to rollover during the first 60 days the area is open the following year. This would alleviate the need to specifically go out at the end of the year, but a vessel would still need to break a trip at some point during the year. In addition, modifications could potentially be made to the IVR call-in system to enable vessels to notify NMFS if they plan to break a trip from the start, or modify the observer call-in system so vessels can notify NEFOP that they intend to break a trip. That way an observer would not be assigned to that trip. Someone would have to confirm that trips declared as broken trips do not land any scallops.

Second, the Council could revisit the entire broken trip provision. The original intent of the provision was to allow vessels an opportunity to harvest the rest of an access area without taking a reduction in catch or DAS. If a trip was taken earlier in the year that had to be broken due to bad

weather or a mechanical issue it was assumed a vessel would have sufficient time to make that trip up later in the year. But if the trip was taken near the end of the year a vessel would potentially continue to fish in hazardous conditions if the only option was lost catch.

Over time the broken trip provision has changed. More vessels are using it, a reason for breaking a trip is no longer required, and in many cases, access area catch is shifted to future years for a variety of reasons, and not just safety. For example, individual vessel may break a trip for business planning, to enable more access area catch during March and April, or June and July in GB access areas, to take advantage of growth potential and meat weight variations, etc.

If this provision is revisited the Council will need to consider a range of issues. For example, why limit it to 60 days, what are the potential impacts on the scallop resource, will the management buffer need to increase if all access area trips can potentially be shifted from one year to another, what will impacts be on small scallops if an area is closed the following year, etc.

**The PDT recommends that if the AP and Committee want to pursue this issue it should be limited to just modifying the regulation that requires a vessel to break a trip within 60-days before the end of year. In addition, NMFS could determine if there is a way that vessels can identify if a trip is going to be deliberately broken to prevent observer coverage on broken trips with no catch. Exploring much more than this at this time will likely require more PDT and Committee time than has been allotted for FW25.**