

availability, either through direct harm or capture, or through adverse effects to prey species' habitats.

- **Development and adoption of a habitat susceptibility and recovery index** for the Northeastern US will be a focus of further analysis.
- **Identification of habitat areas of particular concern (HAPCs)** will be done through the HAPC process approved by the Council and included in a formal RFP. The RFP will be initiated in NOI for the Omnibus Amendment 2 and terminated 6 months later.
- **Consideration and identification of Dedicated Habitat Research Areas**, using the same type of process as the HAPC process and work closely with the Research Steering Committee on this effort.
- **Research and Information Needs.** Review and update the current recommendations, in priority order, for research effects necessary to improve upon the description and identification of EFH, the identification of threats to EFH from fishing and other activities and the development of conservation and enhancement measures for EFH.

3.2 Current Fishery Regulations

The fishery is presently regulated as two directed fisheries, using a combination of regulations including day-at-sea limits, gear restrictions, limits on the number of crew, area closures, trip allocations, and possession limits. One directed fishery is a limited access fleet categorized as full-time, part-time, and occasional, distinguished by different annual day-at-sea allocations. A second directed fishery is comprised of primarily smaller vessels that seasonally or opportunistically target local beds of scallops when commercial quantities are available. These vessels are regulated by an open access permit, a scallop possession limit, and area/season exemptions.

3.2.1 Limited access fleet

Vessels that participated in the directed scallop fishery between 1988 and 1990 were able to qualify for a limited access permit, created in 1994 by Amendment 4 to the Sea Scallop FMP. Permits are categorized as full-time, part-time, or occasional, based on the vessel's scallop fishing activity from 1985 to 1990. Most vessels are authorized to use two dredges having a combined of no greater than 30 feet with rings no less than 3½-inches. Smaller or single dredges may be used. Additional restrictions govern the use of cookies, chafing gear, donuts, and links to prevent fishermen from decreasing the gear's size selectivity by closing the gaps between or within the rings. Dredges must have a twine top with mesh no less than 8-inches square or diamond to improve finfish escapement and reduce bycatch. Some vessels with a limited access scallop permit are also authorized to use a scallop trawl, no greater than 144 feet wide with a mesh no less than 5½-inches stretch.

As a limit on the fishing power of a day-at-sea, limited access vessels using either legal gear may carry no more than seven crew members and may not possess or land more than 50 US bushels of in-shell scallop while the vessel is not on a day-at-sea. The 50-bushel shell-stock limit became effective through Framework Adjustment 14 in 2001 as catches rose and fishermen began deckloading scallops to shuck off the day-at-sea clock. There is a 3½-inch minimum shell height limit for landed shell stock. For the same reasons, automatic sorting and shucking machines are prohibited. The present limits on the day-at-sea allocations are specified by Amendment 7, as amended by annual framework adjustments to achieve the annual fishing mortality targets established by Amendment 7 (see table below). Vessel may also carry up

to 10 unused days from one year to the next. There is a small-dredge program that allocates the next highest day-at-sea category to vessels that participate in the program. Vessels in the small-dredge program may use one dredge no greater than 10 feet in width and carry no more than five crewmembers.

Table 3. Annual day-at-sea allocations

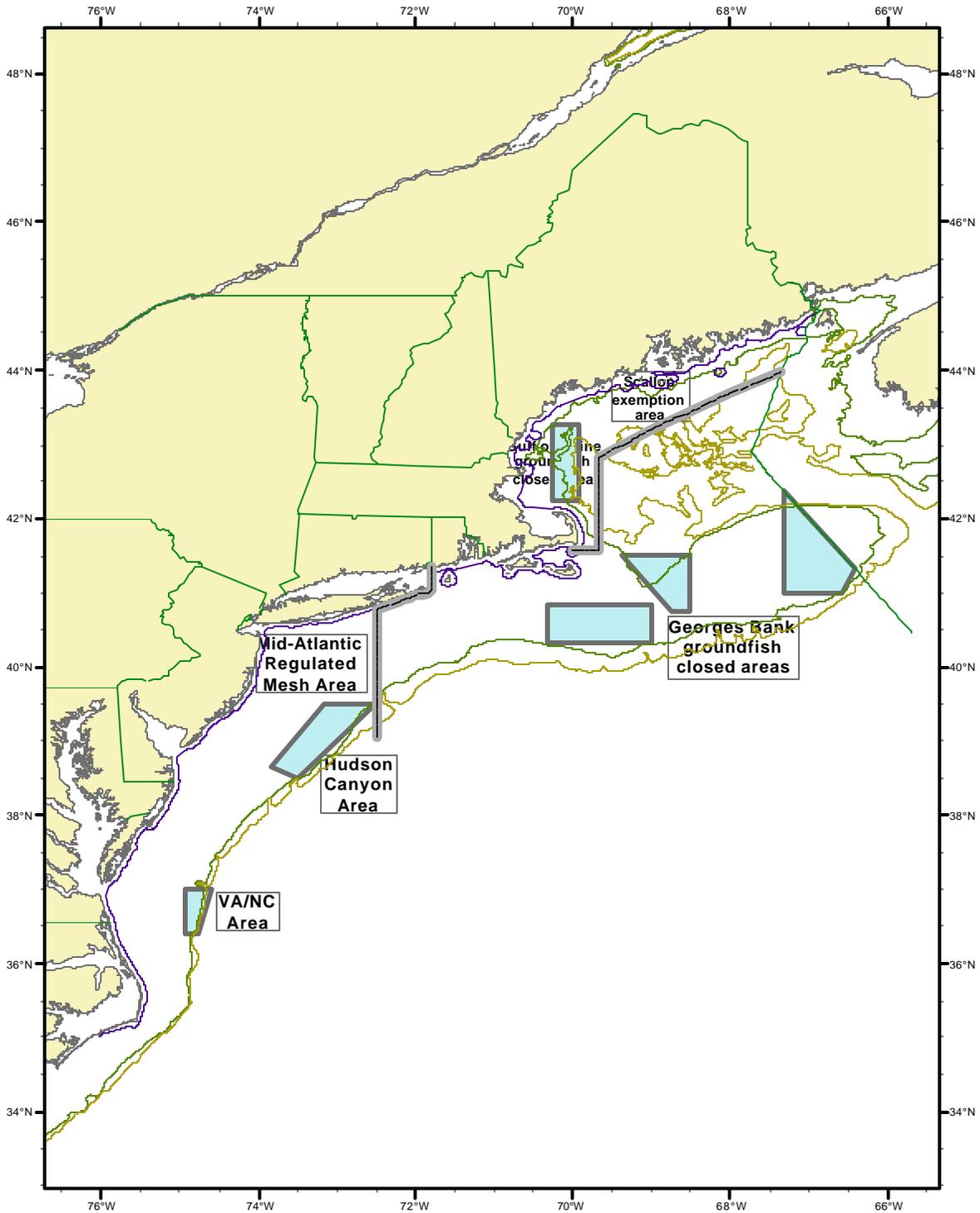
	Fishing year						
	2002	2003	2004	2005	2006	2007	2008 or rebuilt ¹²
Fishing mortality target	0.24	0.22	0.15	0.15	0.15	0.15	0.20
Full-time allocation	120	45	34	35	38	36	60
Part-time allocation	48	18	14	14	15	17	24
Occasional allocation	10	4	3	3	3	4	5

Days are counted as time away from port when the vessel is seaward of the COLREGS line, monitored by automated vessel monitoring systems (VMS). Full-time and part-time vessels are required to maintain and operate VMS equipment, but vessels with an occasional limited access scallop permit may participate in an optional call-in system in lieu of the VMS program. Limited access vessels may call out of the scallop fishery to transit to other ports or participate in other fisheries. While not on a scallop day-at-sea, the scallop possession limit is 400 pounds per day or trip (if longer than 24 hours) and other fishery regulations may apply. Thus limited access scallop vessels may target scallops under general category management regulations while not on a scallop day-at-sea.

Under the Sea Scallop FMP, vessels on a scallop day-at-sea may fish in any area except for the Hudson Canyon and VA/NC Areas (Map 1), which are presently under special management regulations. Regulations for the Northeast Multispecies FMP also prohibit scallop fishermen from using scallop dredges and trawls within year around groundfish closed areas on Georges Bank and in the Gulf of Maine. Limited access scallop vessels are authorized to fish up to three trips in the Hudson Canyon and VA/NC Areas with an 18,000 pound (meat weight) scallop possession limit. Additional rules specify when vessels may take Hudson Canyon and VA/NC Area trips and the Regional Administrator may adjust the trip allocations and scallop possession limit for these areas. Dredges must have a twine top with mesh no less than 10-inches square or diamond to improve finfish escapement and reduce bycatch. On March 1, 2004, these special restrictions developed in Framework Adjustment 15 will expire and the Hudson Canyon and VA/NC Areas would re-open to limited access scallop fishing under general management rules¹³.

¹² Stocks are deemed rebuilt with the stratified mean catch per tow in the annual resource survey equals or exceeds the biomass target value associated with B_{max} , the expected catch per tow if the stock is fished at F_{max} . Amendment 7 expected the stock to rebuild by 2008.

¹³ Amendment 10 proposes to continue the controlled access program for the Hudson Canyon Area, but allow the VA/NC Area to re-open as planned, due to different resource conditions.



Map 1. Closed areas, groundfish exemption areas, and state exemption line (3-mile limit in ME, NH, and MA) governing scallop fishing.

3.2.2 General category fleet and state waters exemption

Any fishing vessel may obtain an open access general category scallop permit that enables it to retain more scallops than the 40-pound (meat weight) personal use limit. Vessels may retain and land up to 400 pounds (meat weight) or 50 US bushels of scallops per day or trip (if longer than 24 hours). Any legal fishing gear may be used, but scallop dredge and trawl size and configurations are regulated the same as those for limited access vessels, unless the vessel is fishing in an exempted groundfish fishery or a state-exempted scallop fishery. In addition, the scallop possession limit for vessels that fish in the Hudson Canyon and VA/NC Areas with a general category scallop permit or vessels not on a scallop day-at-sea is 100 pounds (meat weight), or 12½ US bushels of in-shell scallops. This 100-pound/12.5 bushel possession limit expires on March 1, 2004.

According to the Northeast Multispecies FMP regulations, vessels with general category permits using a scallop dredge may fish in the Mid-Atlantic regulated mesh area or in the Gulf of Maine Northern Shrimp Fishery Exemption Area. If fishing in the latter area, vessels using scallop dredges may not use dredges with a combined width greater than 10½ feet.

The original purpose of this permit and fleet category was meant to accommodate vessels that opportunistically or seasonally targeted sea scallops, but could not qualify for a limited access scallop permit. The Council also intended that this permit would accommodate incidental scallop catches on longer trips, such as those that target squid and summer flounder.

Under the Sea Scallop FMP, vessels fishing for sea scallops exclusively within state waters are exempt from the day-at-sea restrictions and scallop possession limits, if the state's scallop fishing does not jeopardize the fishing mortality and effort reduction objectives of the Sea Scallop FMP. The Regional Administrator has determined that scallop fishing in the state waters of ME, NH, and MA meet this requirement.

3.2.3 Incidental catches

If a vessel has an open access general category permit, it may retain and land up to 400 pounds (meat weight) or 50 US bushels of sea scallops on any trip, including those targeting other species. In addition, any vessel without a scallop permit may retain and land up to 40 pounds of scallop meats or 5 US bushels of in-shell scallops for personal use.

3.3 *Development of Amendment 10*

Amendment 10 for the Atlantic Sea Scallop FMP was initiated in 2000 to introduce a formal area rotation system for scallop management, building on the results that were observed from the Georges Bank groundfish closed areas in 1994, which coincidentally promoted rebuilding of scallop biomass from an overfished condition, and from the Hudson Canyon and VA/NC Area closures in 1998, which postponed mortality on the strong 1997 and 1998 year classes and led to higher yield and net benefits when re-opened. A system of controlled access with day-at-sea tradeoffs, implemented by Frameworks 11, 13, and 14, were mostly successful and allowed the industry to catch large, valuable scallops during specific seasons (to avoid bycatch problems) while reducing scallop exploitation elsewhere.

NMFS published a Notice of Intent on February 11, 2000 and the Council held Amendment 10 scoping hearings on February 15 to 17, 2000. Three hearings were held in Fairhaven, MA; Norfolk, VA;