

5.4 Considered and Rejected Alternatives for Amendment 10

This section describes all other potential management actions (e.g. IFQ) that the Council chose not to pursue further, providing qualitative rationale for its rejection. These measures were rejected based on preliminary analysis and evaluation.

5.4.1 Adaptive area closures with output controls

Instead of allocating area-specific days-at-sea (where the scallop mortality is uncertain because of differences between the nominal day-at-sea allocation day-at-sea use, and fishing power) or authorizing trips with a scallop possession limit and day-at-sea tradeoff (where the use of controlled access trips and actual trip length compared to the day-at-sea tradeoff is uncertain), the FMP would split the area-specific TACs by permit and allocate area-specific pounds or standard scallop bags to each vessel. These allocations may or may not be transferable in Amendment 10.

Rationale: The PDT proposed this alternative for reducing the uncertain relationship between nominal effort allocations and fishing mortality, as well as having favorable economic attributes. It might encourage innovation and reduce capital costs associated with targeting sea scallops in controlled access areas. In addition, the proposal had the potential to achieve greater regulatory compliance with the scallop possession limit. Fishermen would be able to more easily count standard bags than comply with a scallop possession limit described in total meat weight, a measure that is difficult to obtain at sea and does not take into account water uptake while in storage.

The Council rejected this individual quota proposal, with or without transferability, early in the Amendment 10 development process because at the time of discussions, the US Congress had implemented a moratorium on new ITQ management plans, which would prevent adoption of such a plan by the Council.

5.4.2 Upgrade exemption for limited access vessels authorized to use trawls in exchange for a dredge-only permit

A limited opportunity would be offered to vessels with trawl-authorized limited access permits to upgrade their vessels in exchange for a dredge-only limited access scallop permit. Vessels with a trawl-authorized permit could once and only once increase vessel length, horsepower, and/or tonnage, possibly enabling them to use dredges. Once upgraded and a new dredge-only permit had been issued, the vessel would not at any time be authorized to target scallops on a day-at-sea with a trawl. A realistic and practical limit on upgrading would be specified. The vessel could not upgrade after the one-time exemption.

Rationale : At one time, the Council preferred that all scallop fishing should be conducted with dredges, because fishermen using trawls often targeted smaller scallops that were more available to their fishing gear. After scoping in 2000, the Oversight Committee was considering an alternative that would prohibit using a scallop trawl on a day-at-sea, unless by the time of implementation experiments identified ways to improve the scallop size selectivity of trawls.

In lieu of this drastic measure, the PDT proposed an alternative that would allow scallop trawl vessels to equip their vessels to use dredges, even if it required vessel changes that did not meet the FMP's vessel upgrade limits. The Council considered and rejected this alternative because it would open a loophole for vessels to upgrade even when they were originally capable of fishing with scallop dredges.

In addition, the FMP currently allows vessels with trawl-authorized permits to use dredges, and even upgrade their day-at-sea allocations if they convert to a small dredge permit, as many began doing as the resource improved in 2000, 2001, and 2002.

5.4.3 Alternatives for allocating effort among vessels with limited access scallop permits

Individual vessel owners or groups of owners forming harvest cooperatives could permanently or temporarily re-allocate their day-at-sea allocations among other vessels. Harvest cooperatives might or might not be able to negotiate exchanges of area-specific days with other cooperatives, or might re-allocate their member's vessels.

Rationale : These discussions were also early in the development of Amendment #10 and focused on 'capacity reduction' since the total fleet had significantly greater harvesting capacity than the total of all day-at-sea allocations. The Council rejected this option since the impact of rotational management could not at that time be known until the full development of Amendment #10. When Amendment #10 was initiated it was anticipated it would be adopted quickly. At that time, the Council felt that the issues associated with rotational management were relatively simple, while the issues associated with allowing capacity reduction (also know as consolidation of effort) could have been drawn-out and complex. The Council decided at that time to reject the inclusion of consolidation of scallop fishing effort since it was the goal of the Council to adopt Amendment 10 quickly for the specific purpose of protecting juvenile scallops and increasing yields from the scallop fishery. Discussions of capacity reduction and consolidation were then 'tabled' take place after implementation of Amendment 10.

Recently potential impacts of Amendment 10 to the Scallop Management Plan, Amendment 13 to the Groundfish Management Plan, expiration of the Congressional moratorium on new ITQs, coupled with the continued delays in adoption of Amendment 10 caused some scallop industry groups to again raise the issue of capacity reduction in the scallop fleet. Due to the extended development period for Amendment 10, the Council has decided that Amendment 10 should only focus on rotational management and habitat issues, delaying discussion and implementation of a Scallop capacity reduction plan to a later amendment. This approach makes sense, since the harvestable capacity of the resource is dictated by the benefits of the adopted area rotation system and the size and location of proposed habitat closures.

5.4.4 Habitat research areas (Alternative#14)

Amendment 10 would identify and possibly close to fishing and/or other activities small areas dedicated for habitat research. These special management areas would be identified based on comment from the public and academia for the purposes of promoting and enabling habitat research that cannot be conducted under the usual fishery regulations and/or marine activities.

Rationale : At present, it is difficult for scientists to propose research that requires constraints on fishing activity because doing so would require a sometimes lengthy process of Council approval and/or plan amendment or framework adjustment. Establishing these areas through Amendment 10 could promote and enable habitat research that might otherwise be difficult or impossible to conduct.

This alternative was removed from further consideration at the March 2002 Council meeting. The Council conducted a set of workshops in 2000 with academia and the fishing industry to explore the need and desire for habitat research closed areas. The result of the workshops showed that there is a great deal of interest in having dedicated closed areas in which research could take place. Additionally, the workshops concluded that the best location(s) for such a closed area would be within existing closed areas

to minimize the impacts to the fishing industry. Since the location of long-term closed areas are currently in flux due to the development of Amendment 13 to the multispecies FMP, it was determined that further consideration of habitat research closed areas should wait until Amendment 13 either retains current closures, or implements new closed areas. Therefore, this alternative is rejected for further analysis at this time. However, the Council will be considering a Dedicated Habitat Research Area program as part of the Habitat Omnibus Amendment 2 that will be initiated in the late spring of 2003.

5.4.5 An incentive program to allocate more days-at-sea or allow special area access to vessels using habitat-sensitive gear (Alternative #15)

Similar to the large mesh limited access permit in the Multispecies FMP, vessels would be able to opt for a permit or exemption that would authorize extra day-at-sea allocations or a higher possession limit in exchange for the mandatory use of a gear or gear modification that lessened the impacts on habitat. Other changes in fishing practices or methods might also be considered in this program.

Rationale : The concept behind this rejected alternative was that it would encourage fishermen to explore new gear designs and/or fishing methods that lessened the impacts on habitat and/or had other beneficial qualities for the environment. This alternative was removed from further consideration at the March 2002 Council meeting, however. The Council was concerned that this approach would open up potential loopholes for permit holders to gain special compensation for gear modifications that were already in use. Additionally, a permit holder could be using some sort of gear that they claim has fewer habitat impacts and therefore they should be given additional DAS or access when they are not actually conducting research. The Council also felt that if a gear modification or type is identified as being habitat sensitive or reduced impact scallop gear, the entire fishery would be required to use this gear.

5.4.6 Habitat closures based on areas identified for in other FMPs for special habitat restrictions in the Mid-Atlantic region (Alternative #16)

Areas that are presently closed year around to bottom-tending mobile fishing gear and areas proposed for year-around closure in developing plans and amendments would be considered as potential long-term, indefinite habitat closures.

Rationale : At the time that the Council rejected this alternative, the final action in Amendment 13 to Summer Flounder, Scup and Black Seabass FMP had not been finalized, but did not include year round closed areas for habitat protection. The current amendment to the Surf Clam and Ocean Quahog FMP has not been finalized and contains the same recommended closures as in the Summer Flounder Plan. However, it may be unlikely that these measures get selected and it is not wise to depend on another Council for providing habitat protection to a New England Council managed species' EFH. The Council felt that it would be less effective habitat protection to close these areas to gears used in NEFMC regulated fisheries without reciprocation by the MAFMC.

5.4.7 Reduce the maximum dredge width to 13 feet (Alternative #17)

Limited access scallop vessels currently may use two dredges, each up to 15 feet wide. This regulation would require limited access scallop vessels to use no more than two dredges, each up to 13 feet wide, or 26 feet in total width. Implementation would be delayed for one year after implementation of the amendment. If necessary, day-at-sea allocations would be adjusted to compensate for the reduced area swept, but at current biomass levels would remain at the same amounts as for a 15-foot dredge because of the effects of crew limitations on shucking.

Rationale : Since fewer scallops would be caught per unit time, it is highly likely that fishermen would compensate by making longer tows in order to catch the same number of scallops as a 15 ft dredge would catch. This alternative would therefore not reduce total bottom time. 13 ft dredges would be lighter, but this is unlikely to reduce habitat impacts because scallop dredges are towed at high speeds (about 5 knots) so that they "skim" over the bottom regardless of how heavy they are.

5.4.8 Georges Bank controlled access alternatives

There variations on the alternative that is being considered for the controlled access program would alter the order and intensity of access. One option would allow access to only Closed Area II South (GB14). Another option would allow for equal, constant fishing in the portions of the three groundfish closed areas that were open for scallop fishing during the 2000 fishing year. A third option would also allow for equal, constant fishing in any portion of the groundfish closed areas that were not designated as a habitat closure or HAPC. All three options would have a TAC set to achieve a fishing mortality rate at 0.20.

Rationale : The Council rejected these options based on the current level of analysis, with the preferred alternative allowing sufficient access to support the fishing industry over the next few years, while refining the shape and location of potential habitat closures. Therefore, a future framework adjustment or amendment might be needed to allow controlled access to other areas of the groundfish closed areas if they are not chosen as habitat closures.

5.4.9 Fixed initial area rotation boundaries

This applies only to the initial, interim measures described in Section 5.3 in the DSEIS, which described and summarized the preferred alternative in the DSEIS³⁸. The initial configuration of rotation management area boundaries would be fixed based on the current analysis, using the RV Albatross scallop survey data, either the same as or with slight modifications to the areas shown in Map 7.

Rationale : The Council rejected the PDT recommendation to initially use the fixed area boundaries and asked that the PDT more finely identify initial rotation closures based on the survey and other information. The Council believed that the proposed fixed area boundaries were too large and restricted access to more area than would be necessary to protect the 2001 and 2002 year classes in 2004 and 2005.

5.4.10 Day-at-sea accounting for controlled access area trips

Instead of counting days-at-sea from the present monitoring line, declared controlled access trips would begin accruing day-at-sea charges when the vessel crossed the boundary of a controlled access area. This modification would cause an adjustment in how the day-at-sea tradeoff was treated in estimating the annual day-at-sea allocations for limited access scallop vessels.

Rationale : The adjustment would encourage more fishing in controlled access areas by vessels from distant US ports and have fewer community impacts. Instead of calling out of the fishery and steaming to the nearest point of land, a vessel from a distant port could steam directly to the controlled access area and have the same day-at-sea charges as vessels that originated from closer ports.

³⁸ This section does not appear in the FSEIS, being replaced with the description and summary of the proposed action.

The Council rejected this alternative because the present day-at-sea allocations and tradeoffs account for and include the total time fishing and traveling to and from port. With this alternative, the annual day-at-sea allocations would be reduced to account for the increase in the proportion of a day-at-sea allocations where fishing is actually occurring. While it would benefit vessels that fished far from port and might induce them to return to their originating port to offload their scallops, the alternative could hurt vessels that fish closer to port because they would receive fewer days-at-sea. Under either the present system or under this alternative, there could be shore-side and community impacts associated with the controlled access program when this would apply. Also, it might cause a safety concern because it could induce vessels that might not be equipped for travel to distant controlled access areas, but would need to do so if their day-at-sea allocations were affected by this measure.