

## **6.0 CONSISTENCY WITH THE MAGNUSON-STEVENSON CONSERVATION AND MANAGEMENT ACT**

The Magnuson-Stevens Act, implemented October 11, 2006, changed the standards for fisheries management. This section describes how this action is consistent with the various requirements of the Magnuson-Stevens Act. During development of this action the M-S Act was reauthorized and became effective on January 12, 2007. Several new provisions are now required of fishery management actions, and a description of how this action is consistent with these new provisions has been included in this section as well.

### **6.1 NATIONAL STANDARDS**

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act requires that fishery management plans (FMPs) contain conservation and management measures that are consistent with the ten National Standards:

*In General. – Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the...national standards for fishery conservation and management.*

(1) *Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.*

The proposed action does not include measures to change the present overfishing definition. The primary intent of this action is to control capacity and mortality in the general category fishery, which will help reduce the potential for overfishing the scallop resource overall. Currently the general category fishery is an open access fishery, and while fishing mortality projections estimate the expected level of mortality from this component of the fishery and reduce that from the allocated effort in the limited access fishery, there is uncertainty in the estimate of mortality from the general category fishery and there is increased risk the estimated level of mortality could be exceeded. These risks are increased under an open access fishery if conditions are right (i.e. high price for scallop meat and resource availability near shore).

By implementing limited entry and an overall catch limit for the general category sector there is much greater certainty that fishing mortality from this component of the fishery will not cause fishing mortality targets and thresholds in the Scallop FMP to be exceeded. The proposed action still allows optimum yield to be achieved for the fishery overall on a continuing basis. Future framework actions will implement the actual allocation of limited access DAS and access area trips, as well as general category management measures to achieve optimum yield. This action does not change the biennial framework process that implements management measures to ensure that measures in the Scallop FMP achieve optimum yield on a continuing basis.

(2) *Conservation and management measures shall be based upon the best scientific information available.*

This action is based on the most recent updated assessment of scallops available. The updated assessment (NEFSC 2006) is based on data through the end of calendar year 2005 and the methods used were identical to that used in the last fully peer-reviewed stock assessment (NEFSC 2004). The updated assessment report is available in Appendix IV. In summary, the overall scallop survey index in 2005 was 7.8 kg/tow, above the biomass target of 5.6 kg/tow. Thus overfishing was not occurring. The report noted two important caveats to the estimate: 1) the fishing mortality estimate is based on a spatial average over some areas that are closed and some that are heavily fished, so some areas experience mortality above the target, and some below; 2) there has been considerable growth in general category fishing effort in the last several years, which could threaten overfishing unless management action is taken.

The Council requested that the PDT produce an updated estimate of maximum sustainable yield (MSY) during development of Amendment 11 so that a value of long-term estimated catch could be used in the analyses and decision making process. Since this action includes many allocation decisions, the Council wanted a clear understanding of the status of the resource and most recent estimate of long-term yield. The Science and Statistical Committee (SSC) reviewed the estimate of scallop (MSY) used in the amendment and found it to be sound. The status of the scallop resource is updated each year and the methods used in the assessment process are re-evaluated about every three years. Therefore, the Stock Assessment Review Committee (SARC) recently met in June 2007 to review the updated assessment and methods used to estimate biomass and fishing mortality. The final report from that assessment is still not available, but will be used in future scallop actions.

Several sources of data were used in the development of this document, including the analysis of potential impacts. These data sources include, but are not limited to: landings data from vessel trip reports, data from Vessel Monitoring Systems (VMS), information from resource trawl and dredge surveys, sea sampling (observer) data, data from the dealer weighout purchase reports, as well as other sources. Fishing industry members have also provided useful information about various aspects of the scallop fishery that have been integrated into this document when applicable as well. Although there are some limitations to the data used in the analysis of impacts of management measures and in the description of the affected environment, these data are considered to be the best available. Information about bycatch is based on reports collected by the NEFSC Sea Sampling (Observer) Branch and incorporated into the NOAA Fisheries observer database. The observer data are collected using an approved, scientifically-valid sampling process. Furthermore, the analyses were prepared by and reviewed by the Council's Scallop Plan Development Team and complies with the Information Quality Act. Additional discussion related to the Information Quality Act can be found in Section 7.7 of this document.

*(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.*

Under the Atlantic Sea scallop FMP, the target fishing mortality rate and stock biomass are applied to the scallop resource from North Carolina to Maine at the US/CAN boundary. This encompasses the entire range of scallop stocks under Federal jurisdiction. Although management measure may vary within the management unit, the overfishing definition applies to

the entire scallop resource. Furthermore, impacts assessed in this action are evaluated for some components of the fishery individually, as well as the fishery overall.

This action includes a measure to implement a separate management system for the general category fishery in the Northern Gulf of Maine. While a separate limited entry program will be implemented for this area, a hard-TAC will also be implemented to prevent overfishing in this area and to be consistent with measures managing the stock overall. The amount of resource in this area is a small portion of the overall resource and is not believe to affect recruitment.

The scallop resource does extend into Canadian waters, on and around Georges Bank. There is no direct or indirect scallop management coordination with Canada; however, scientists from both countries do collaborate on stock assessment processes. It is believed that Canadian scallops on Georges Bank contribute to recruitment in US waters, but there is sufficient spawning capacity in US waters.

*(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*

The management measures proposed in this amendment do not discriminate between residents of different states. The allocation of fishing privileges through the proposed limited access program is intended to be fair and equitable to current and recent general category participants and also considers historical participation in the fishery to the extent possible. Fishing privileges are allocated based on participation in the fishery from March 1, 2000 – November 1, 2004. Each qualifying vessel will be treated equally regardless of homeport or location fished. Vessels will receive an individual allocation based on landings from their best year, and vessels that have been in the fishery for a longer period of time will have their landings multiplied by a weighting factor. Since the proposed limited access program will allocate access in individual pounds, vessels will have the flexibility to harvest their allocation in the most efficient way (still maintaining the 400 pound possession limit). Since the general category limited entry program is restricted to 5% of the total projected scallop catch, the allocation program is expected to promote conservation.

While the measures do not discriminate among permit holders, they do have different impacts on different participants. For example, there are some vessels that are not going to qualify for a limited entry general category permit because they did not have a permit before the control date of November 1, 2004. The Council decided to include the control date cut off in the proposed action for qualification to be consistent with the decision to implement a control date in the first place. In 2004 the Council recognized that there was a substantial increase in general category fishing effort and requested NMFS to implement a control date to put permit owners on notice that future management actions may follow. A control date promotes awareness of potential eligibility criteria for future access and is intended to discourage speculative entry into a fishery while a Council considers whether and how access to the fishery should be controlled.

Particularly because of the explosion of effort in the year following the control date by many

vessels that are no longer, or were not involved in the fishery before the control date. The Council felt that restricting the limited entry program to vessels with history before the control date was justified.

The Council adopted several specific measures that are consistent with the provision that no particular individual, corporation, or other entity acquires an excessive share. For example, the proposed action includes a provision to prevent a vessel from having more than 2% of the total general category allocation. Furthermore, an individual or corporation will not be permitted to have an ownership interest in more than 5% of the total general category allocation. Lastly, the proposed action does include a measure to allow voluntary formation of sectors, but there is a provision that one sector could not be allocated more than 20% of the total general category allocation. All these measures are intended to prevent an individual, corporation, or other entity to acquire an excessive share of fishing privileges in the general category scallop fishery.

The proposed management measures have been analyzed in this FSEIS document and are expected to promote conservation of the scallop resource over the long-term by managing capacity and mortality in the general category fishery.

*(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*

The proposed action should promote efficiency in the utilization of fishery resources by implementing a limited entry program intended to provide access to the fishery for both current and historical participants. Furthermore, there is a provision to allow vessels to buy/sell access to the fishery on a permanent or temporary basis. This provision enables some vessels to sell their allocation if it is not efficient for them to harvest their allocation on a permanent or annual basis. On the other hand, it may be more efficient for other vessels to acquire more access to the general category fishery.

There are several measures in place that arguably reduce efficiency for general category scallop vessels, namely the 400 pound possession limit. However, the Council maintains that this provision should stay in place to help preserve the nature of the general category fishery. While it may be more efficient for some vessels to land more than 400 pounds per trip, the Council believes that the possession limit has been the cornerstone of general category management and will help to maintain the historical small-boat character of this fleet and allow the catch to be more effectively monitored.

Economic allocation is not the sole purpose of this action: the measures are primarily intended to control mortality in the general category fishery and do so in the most equitable and efficient way possible while maintaining the historical character of the fishery. Allocation of permits is based on participation in the fishery during 2000 through 2004 and is intended to promote stability in the general category sector of the scallop fishery, consequently having long-term benefits for the industry and resource overall. This action also establishes an incidental permit has also been established in this action that will accommodate small incidental catches of scallop

up to 40 pounds per trip in non-directed fisheries. This permit is intended to reduce bycatch and promote efficiency in the utilization of fishery resources.

*(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*

Atlantic sea scallops are a very dynamic and variable resource. Historical landings have varied over time. Changes in the fishery occur continuously, both as a result of human activity and natural variation. This action will not change the variability in this resource and fishery. However, one purpose of this action is to help stabilize capacity and mortality from the general category fishery overall. Individual and overall landings will vary per year based on available resource and stock status, but the general category fishery will be limited to 5% of total projected catch as a result of this action. Qualifying vessels will be allocated an individual poundage of scallop meats per year, and that amount will vary as specified in future framework actions. However, the percent of total access a vessel has compared to all general category vessels will remain the same.

All the area rotation measures in the Scallop FMP that take into account variations in the resource and catch will not change as a result of this action. Furthermore, the biennial framework program that sets management measures like DAS and access area trips will not change as a result of this action, and that process allows the fishery to respond to variations in resource availability etc. This action will allow for a diverse fleet of vessels to participate in the general category fishery at a variety of levels. For example, there are vessels with different gear types, vessel size and fishing practices that will qualify for a limited entry general category permit. Similarly, there is a group of vessels that will qualify for a Northern Gulf of Maine limited entry permit that will be permitted to fish for scallops at a reduced level. Some current limited access vessels will also qualify to fish for scallops under general category rules if they meet the same qualification criteria. In addition, there are hundreds of vessels that will qualify for an incidental catch permit that will have the ability to land a smaller amount of scallops while fishing for other species. These various permit types proposed in this action account for the variations in this component of the scallop fishery, availability and catches.

*(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*

The Council considered the costs and benefits of this action when developing the amendment. The Council considered the costs to the industry and the nation overall of taking no action relative to adopting a limited entry program and the expected benefits are greater in the long-term under limited entry. The proposed action is intended to minimize costs and avoid unnecessary duplication, to the extent possible, while controlling capacity and mortality in the general category fishery. Any costs incurred as a result of the proposed action are considered to be necessary to achieve the goals and objectives of the amendment.

The measures proposed are not duplicative and were developed in close coordination with NMFS, the Mid-Atlantic Fishery Management Council, and other interested entities and agencies to minimize duplicity.

*(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of National Standard 2 in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.*

The Council carefully considered the importance of the general category fishery to affected fishery-related businesses and communities when developing the management measures proposed in Amendment 11. A complete description of the fishing communities engaged in the scallop fishery is provided in Section 4.4 of this document. This information represents the best available information, consistent with National Standard 2, and contributed to a thorough analysis of economic and social impacts of this amendment. The vision statement for this action includes reference to the importance of providing opportunities to various participants including vessels from smaller coastal communities. The proposed action for Amendment 11 includes measures that will provide access to this fishery for a variety of vessels from coastal communities along the east coast. For example, the landings criteria selected (1,000 pounds) was kept at a relatively low level to provide access to this fishery to more vessels that have participated in this fishery at various levels. Furthermore, the separate limited entry program for the NGOM was adopted to provide a reduced level of access for more vessels, particularly vessels that are from smaller fishing communities in the NGOM that depend on having some level of access to various fisheries. Lastly, the incidental catch permit should enable more vessels that land a small amount of scallops to benefit by permitting them to sell the product they catch up to 40 pounds.

Other measures that were adopted to foster continued participation in the fishery are the provisions that allow stacking of access privileges. Qualifying vessels will be permitted to lease or buy allocation on a permanent or temporary basis. This will enable vessels that do not receive an adequate amount of allocation to remain viable and remain in the fishery if they want to purchase additional quota. Furthermore, there is a provision to allow the formation of voluntary sectors. It may be more beneficial for a group of vessels from a fishing community for example to form a sector, and this action implements a mechanism for groups of vessels to organize and apply for a sector in the general category fishery.

*(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.*

This action minimizes bycatch to the extent practicable. Section 5.6.2 describes the impacts on non-target species from the proposed action and other measures under consideration. In general, a limited entry program is expected to have fewer impacts on non-target species because fewer boats will be permitted to fish for scallops under general category. Furthermore, there will be limits on overall fishing level and each vessel is going to be restricted to an individual quota. In addition, the proposed incidental catch permit is intended to reduce scallop bycatch on vessels that are targeting other species.

*(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.*

Fishing is a dangerous occupation; participants must constantly balance the risks imposed by weather against the economic benefits. A management plan should be designed so that it does not encourage dangerous behavior by the participants. The Council is aware of the safety implications of its management decisions, both through extensive public comment and the practical experience of many of its members. The management measures implemented through Amendment 11 promote the safety of human life at sea by implementing a limited access program that is intended to provide participants in the fishery with adequate opportunities to harvest the overall general category TAC on a year-round basis. In addition, several specific measures were selected to reduce potential impacts on safety. The Council allocated access to qualifying vessel in individual pounds rather than allocating a number of 400 lb. trips per vessel specifically in response to public comments from the industry about the potential safety concerns with allocation in trips. Because a limit on the number of 400 lb. trips might encourage vessels to fish in unsafe conditions to ensure that they catch 400 lb. of scallops on each trip. The Council ultimately decided to recommend allocation in pounds to promote safer fishing practices.

It is possible that some vessels will receive less allocation than they have previously depended on. If operators are unable to afford maintenance or safety equipment it is possible that there could be an increase in accidents. Furthermore, smaller allocations could also lead to less experience for crew and vessel captains, which could have impacts on safety. However, there are several measures in the proposed action to help mitigate these potential issues. For example, the proposed action does allow for stacking of access on one vessel. A vessel would be permitted to stack allocation up to 2% of the entire general category allocation. Measures like this could enable a vessel to remain more profitable, thus be able to afford basic safety equipment and maintenance for their vessel.

## **6.2 OTHER REQUIRED PROVISIONS OF THE M-S ACT**

Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act contains fifteen additional required provisions for FMPs, which are discussed below. Any FMP prepared by any Council, or by the Secretary, with respect to any fishery, shall:

*(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are-- (A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery; (B) described in this subsection or subsection (b), or both; and (C) consistent with the National Standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;*

Since the domestic scallop fishery is capable of catching and processing the allowable biological catch, there is no total allowable level of foreign fishing and foreign fishing on sea scallops is not permissible at this time.

*(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;*

Amendment 11 contains a description of the fishery and fishery participants, with a focus on the vessels in the general category fishery that would be impacted by the measures in Amendment 11. A complete description of the scallop fishery and fishery participants describing the limited access in more detail is included in Section 7.1 of Amendment 10 to the Scallop FMP.

Furthermore, Section 4.4 of this document includes a summary of the fishery and various participants as well as the actual and potential revenues from the fishery for various components of the fishery. Currently, there is neither foreign fishing for scallops in the EEZ, nor are there any Indian treaty rights related to this fishery.

*(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;*

The present and probable future condition of the resource and estimates of MSY and OY are given in Section 8.2.2.2 of Amendment 10 to the Scallop FMP. Current domestic landings and processing capabilities are around 50 million lbs., while OY is around 45 million lbs. Total landings in 2004 were about 62 million pounds and about 52 million pounds in 2005, based on NMFS dealer weighout data. Section 4.4 describes the expected level of landings and revenue in both the short-term and long-term.

*(4) assess and specify-- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); (B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and (C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;*

These required provisions relate directly to the fishery specification process that is addressed in biennial framework actions under the Scallop FMP. For example in 2007 the Council will develop Framework 19 that will set management measures for fishing years 2008 and 2009 to achieve optimum yield. Currently, the US fishery has the capacity to harvest 100% of OY and domestic processors have the capacity to process 100% of OY.

*(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirement and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;*

The FMP and existing regulations specify the type of reports and information that scallop vessel owners and scallop dealers must submit to NMFS. These data include, but are not limited to, the

weight of target species and incidental catch which is landed, characteristics about the vessel and gear in use, the number of crew aboard the vessel, when and where the vessel fished, and other pertinent information about a scallop fishing trip. Dealers must report the weight of species landed by the vessel, the date of landing, and the ex-vessel price for each species and/or size grade. Important information about vessel characteristics, ownership, and location of operation is also required on scallop permit applications. Dealers are also surveyed for information about their processing capabilities.

All limited access scallop vessels and are also required to operate vessel monitoring system (VMS) equipment to record the location of the vessel for monitoring compliance with DAS regulations. As a result of this action, all limited entry general category vessels will also be required to operate VMS as declare trips and report scallop landings through VMS. An at-sea observer is also placed on scallop vessels at random to record more detailed information about the catch, including size frequency data, the quantity of discards by species, detailed gear data, and interactions with protected species.

*(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;*

The action proposed in this amendment does not alter any adjustments made in the Scallop FMP that address opportunities for vessels that would otherwise be prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fisheries. Vessels that qualify for a limited entry general category permit are allowed to land their individual allocation throughout the fishing year. No consultation with the Coast Guard is required relative to this issue.

*(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;*

Essential fish habitat was defined in earlier scallop actions. This amendment does not further address or modify those EFH definitions. Section 4.2.2 describes Scallop EFH and the impacts on scallop gear on EFH of all relative species in the region. Adverse impacts of scallop fishing on EFH were minimized by actions taken in Amendment 10 to the Scallop FMP. There are no additional impacts to the physical environment or EFH expected from the action proposed in this amendment.

*(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;*

Data and research needs relative to Atlantic sea scallop and its associated fisheries are described in Section 5.1.8 of Amendment 10. Other data, already collected include fishery dependent data described in Section 6.2.4 of Amendment 10 and fishery-independent resource surveys that provide an index of scallop abundance and biomass.

*(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on-- (A) participants in the fisheries and fishing communities affected by the plan or amendment; (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and (C) the safety of human life at sea, including weather and to what extent such measures may affect the safety of participants in the fishery;*

This amendment document includes analyses and discussion of the impacts of the Proposed Action on the affected human environment, including scallop fishery participants and communities. The fishery impact statement for this amendment is contained in Section 5.4. The Council developed the measures proposed in this amendment in consultation with NMFS and the Mid-Atlantic Fishery Management Council as well, through the participation of its members on the Scallop PDT, Advisory Panel, and Committee, in addition to attendance at Council meetings.

*(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;*

Overfishing reference points describing targets and thresholds for biomass and fishing mortality are presented and explained in Section 5.1.1 of Amendment 10. These reference points were chosen as a proxy for our best estimate of levels that will produce MSY and prevent an overfished condition (that will threaten spawning potential) from developing. These reference points were derived based on median recruitment data from 1982 – 2002 and yield-per-recruit analyses conducted by SARC 32 (NMFS 2000).

*(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority-- (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided;*

The FMP relies on a standard data collection program, the Sea Sampling Observer Program, and provides a funding mechanism for the scallop industry to pay for observer coverage to ensure an adequate level of sampling – 1% observer set-aside program. These data will improve and be used for assessing the amount and type of bycatch occurring in the scallop fishery. The Council and NMFS initiated the development of an omnibus amendment to Northeast Region FMPs to address Standardized Bycatch Reporting Methodology (SBRM) across all fisheries. This action was approved at the June 2007 Council meeting as is currently being reviewed by NMFS for implementation. Amendment 11 does not change the standardized bycatch reporting

methodology used in the scallop fishery. Future actions such as Framework 19 will specify the SBRM and recommended levels of observer coverage by gear, area, etc.

(12) *assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;*

This Proposed Action does not address recreational fishing regulations. There are no substantial recreational or charter fishing sectors in the scallop fishery. Any recreational scallop fishing is likely conducted by diving, and harvest is by hand, maximizing the survival of released scallops.

(13) *include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;*

A detailed description of the scallop fishery is included in Section 7.1 of Amendment 10 and Section 4.4 of this document. These sections provide information relative to scallop vessels, processors, and dealers. There are no substantial recreational or charter fishing sectors in the scallop fishery. Trends in landings and economic impacts are also described.

(14) *to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;*

The action proposed in this amendment does not reduce the overall harvest from the Atlantic sea scallop fishery. Harvest from the Atlantic sea scallop fishery will continue to be reviewed, established, and analyzed through the biennial framework process. For example, Framework 19 will be developed this year and it will include management measures for FY2008 and FY2009. That action will consider fairness and equity as it relates to a reduction in the overall harvest of sea scallops, should such a reduction occur in the future. Recreational fishing for sea scallops is rare, does not occur in the US EEZ, and does not affect the success of the FMP.

(15) *establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.*

This action includes a 5% allocation of total projected scallop catch to the general category fishery. When the total projected catch is estimated for a particular fishing year 5% of that amount will be allocated to general category qualifiers. For example, in 2009 if the total projected scallop catch is 50 million pounds, 5% of that will be allocated to general category qualifiers. Each vessel will receive an individual allocation of quota adding up to the total 5% (2.5 million pounds for this example). Similarly, limited access vessels that qualify to fish under general category will receive an individual allocation of scallops up to 0.5% for that component of the fishery (250,000 pounds). The remaining projected catch (94.5% or 47.25 million pounds

for this example) will be allocated to the limited access fishery in the form of DAS and access area trips. The annual catch limits implemented by this action are intended to reduce the risk of overfishing. If an individual general category vessel lands more than their allocation they would be subject to enforcement action. Furthermore, if the fishery overall exceeds the total projected catch future specifications may be reduced if that additional level of mortality is projected to cause overfishing. Amendment 11 also includes provisions for the Council's Scallop Plan Development Team to evaluate incidental harvest mortality and to take into account such mortality in the development of future framework actions for the development of biennial fishing measures. The Council will consider a mechanism to address this provision formally in the Scallop FMP by 2011, as required by the MSA. Also, as the Council develops new measures, it will consider ways to ensure that all catch is accounted for and that accountability measures are considered, similar to the Council's action in Amendment 11 for incidental catch, as described above.

### **6.3 DISCRETIONARY PROVISIONS RELATED TO LIMITED ACCESS**

Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act also includes discretionary provisions for FMPs, one of which relates to the development of a limited access program for a fishery and is discussed below.

Any FMP prepared by any Council, or by the Secretary, with respect to any fishery, may:

- (6) *establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account --*
  - (A) *present participation in the fishery,*
  - (B) *historical fishing practices in, and dependence on the fishery,*
  - (C) *the economics of the fishery,*
  - (D) *the capability of fishing vessels used in the fishery to engage in other fisheries,*
  - (E) *the cultural and social framework relevant to the fishery and any affected fishing communities, and*
  - (F) *any other relevant considerations.*

The Council considered the above factors carefully when developing the limited access program proposed in this amendment, as discussed below.

Present participation was accounted for by selecting a shorter time frame for qualification. The Council discussed that the 1994 through 2004 time period would have additional negative impacts on more recent participants because vessels that have not fished in the fishery for over ten years could receive a permit and that would reduce available quota for vessels that are active in the fishery. The Council is aware that new vessels have entered the scallop fishery since the November 1, 2004 control date and some have become very dependent on the scallop fishery (see Section 5.4.6.1.4 for a detailed analysis of the expected impacts of this action on this group of vessels). In general, the Council is not supportive of extending the qualification period beyond the control date for this action. It was discussed numerous times during development of

Amendment 11, and the Council determined that including the vessels and effort levels after the control date would compromise the entire limited entry program for vessels that have historically participated in this fishery at various levels. Implementing a program under a 5% total allocation with participants after the control date would have large impacts on all participants since the level of landings in the years after the control date were over twice that level in most years (2005 and 2006).

The Council also discussed that the total number of qualifying vessels should not be a number that will spread the allocation so thin that vessels that are dependent on this fishery can no longer remain viable. Therefore, the Council selected qualification criteria that would permit approximately 369 permits. The Council also adopted a separate program for the NGOM to recognize that some historic participants will not qualify under the criteria, and these vessels should have an opportunity to access the general category fishery at a reduced level. Furthermore, the Council included a provision to allow limited stacking of quota so that vessels that do not receive an adequate allocation can buy or lease additional quota to make up revenue lost if that vessel was very dependent on the general category scallop fishery in the past. Similarly, if a vessel does not qualify for a permit, it could invest in purchasing a permit with allocation.

The economics of the fishery were accounted for by providing opportunities in the general category fishery at a variety of levels. The Council recognizes the importance of this opportunity as a component of total revenue for some vessels. Scallops in general have a higher price per pound in recent years. Furthermore, the Council is aware of the importance of this “day-boat” product for the scallop market overall. General category landings overall are usually landed from trips that are short in duration and the quality of the product landed is high. Moreover, the limited access program is designed to control capacity and mortality in the general category fishery to help prevent overfishing, which has long-term economic benefits on the fishery overall.

The capability of fishing vessels to engage in other fisheries was accounted for during development of this plan. There is an incidental catch permit that is available for vessels even if they qualify for the IFQ permit. If it is more advantageous for a vessel to have an incidental permit to land up to 40 pounds per trip rather than be restricted to the allocation that vessel would qualify for, a vessel could opt for the incidental catch permit instead. Furthermore, there are no restrictions in this program that make a vessel give up any other permits to qualify for a limited entry general category permit. The Council did not select any of the alternatives that included additional restrictions for qualifiers with trawl gear. It decided that if a vessel qualified using trawl gear it should not be restricted to use dredge gear etc.

The cultural and social framework relevant to the fishery and affected fishing communities was considered as the Council developed a limited access program. The Council ultimately selected criteria that were relatively inclusive to permit vessels that have participated in the fishery at various levels, and not just directed effort. The Council also retained the 400 pound possession limit to help maintain the cultural and social framework of the general category fishery. Lastly, a separate limited entry program was adopted for the NGOM to provide a reduced opportunity to

more vessels, particularly vessels that may have participated in the fishery historically or for vessels from small coastal communities that need access to various fisheries. Many participants stated that one of the main reasons the general category permit was first established was to provide a reduced level of access for vessels that fish for scallops in the GOM when the resource is available. Since that resource is sporadic many vessels in that area will not qualify under the qualification criteria. Therefore, this alternative was intended to be a placeholder for the future to provide some access to a fishery that has been part of the social framework of fishing in the GOM at certain times in the past.

## **6.4 COMPLIANCE WITH IFQ REQUIREMENTS**

As discussed in Section 3.1.2.4.1.2, a referendum vote under the IFQ program adopted by the Council is not required since the Council adopted Amendment 11 within the 6-month transition period included in the reauthorized MSA. As required by the reauthorized MSA, the IFQ program adopted by the Council complies with the provisions described in Section 303(d) of the previous version of the MSA, including specifications for developing a cost recovery program in the framework adjustment process (Section 3.1.2.4.1.1).

## **6.5 EFH ASSESSMENT**

This essential fish habitat (EFH) assessment is provided pursuant to 50 CFR 600.920(e) of the EFH Final Rule to initiate EFH consultation with the National Marine Fisheries Service.

### **6.5.1 Description of Action**

In general, the activity described by this proposed action, fishing for sea scallops, occurs throughout the U.S. EEZ, from about the NC/VA border to the coastal portions of the Gulf of Maine in the north. The concentrations of sea scallops, and thus the majority of scallop fishing activity, however, occur within a narrow depth band in the Mid-Atlantic from about the 40-meter isobath out to the 100-meter isobath, throughout the Hudson Canyon area, and around the perimeter of Georges Bank, including the Great South Channel. Thus, the range of this activity occurs across the designated EFH of all Council-managed species (see Amendment 9 to the Atlantic Sea Scallop FMP for a list of species for which EFH was designated, the maps of the distribution of EFH, and descriptions of the characteristics that comprise the EFH). This activity also occurs across EFH designated by the Mid-Atlantic Council for species such as black sea bass, ocean quahog, scup, spiny dogfish, summer flounder, and tilefish (see the Dogfish, Surf clam and Ocean Quahog, Summer Flounder, Scup and Black Sea Bass, and Tilefish FMPs for relevant information on the characteristics and distribution of EFH designated for these species). EFH designated for species managed under the Secretarial Highly Migratory Species FMPs are not affected by this action, nor is any EFH designated for species managed by the South Atlantic Council as all of the relevant species are pelagic and not directly affected by benthic habitat impacts.

Amendment 11 recommends implementation of measures to control capacity and mortality in the general category scallop fishery. The proposed action includes a limited entry program for the general category fishery. Each qualifying vessel will receive an individual allocation in pounds of scallop meat with a possession limit of 400 pounds. Qualifying vessels will receive a total

allocation of 5% of the total projected scallop catch. There are various permit provisions proposed as well including some level of stacking allocations on a permanent or temporary basis, approval of a mechanism for voluntary sectors in the general category fishery, and other provisions. The proposed action also includes a separate limited entry program for general category fishing in the Northern Gulf of Maine. This permit has no landings qualification criteria, but a vessel had to have a permit before the November 1, 2004 control date and a hard total allowable catch will be set for the area. The proposed action also includes adjustments to limited access scallop fishing under general category rules. Another separate limited entry program for that activity is proposed with the same qualification criteria as the limited entry general category permit. Qualifying vessels will also receive an individual allocation in pounds, and the entire category will receive 0.5% of the total projected scallop catch. A separate limited entry incidental catch permit is proposed as well that will permit vessels to land and sell up to 40 pounds of scallop per trip while fishing for other species. General category permits will be issued in March rather than May to better integrate fishery data in the scallop management process, and other administrative provisions and adjustments are proposed as well. Table 207 lists the actions selected by the Council for implementation under Amendment 11 to the Atlantic Sea Scallop FMP and their expected impacts on the physical environment and EFH.

**Table 207. Summary of Impacts to Physical Environment and EFH of Proposed Action**

<b>Alternatives</b>	<b>Physical Environment and EFH Impacts</b>	<b>Discussion</b>
<b>3.1.2 Measures to control capacity and mortality in the general category scallop fishery</b>		
<b>Limited Entry</b>	Positive	By reducing the number of potential participants, over long-term will have positive impacts as effort is controlled as compared to No Action.
<i>Qualification criteria, time period and amount</i>	0	Only affect the contribution factor used to determine a vessels access to the resource (allocation), these alternatives will not have any adverse impacts.
<i>Allocation of access to GC limited entry permit holders</i>	0	No expected affect on overall effort so no impacts on EFH
<i>Limited entry permit provisions</i>	0	While this alternative could increase capacity, if the total fishing mortality for the general category fishery is limited (i.e. hard-TAC) then there should be no additional impacts.
<i>Measures to reduce incentive for limited entry qualifiers to fish for scallops with trawl gear</i>	0	Transfer of effort between trawls and dredges will be conservation neutral on the physical environment and EFH. As such, there would be no adverse impacts.
<i>Sectors and Harvesting Cooperatives</i>	+/0	Indirect impacts may be beneficial since voluntary sectors may be able to identify ways to fish more efficiently, potentially reducing bottom contact time and impacts.
<i>Interim measures for transition to limited entry</i>	0/Uncertain	Overall, neutral because interim measures only. For the hard-TAC alternative - while the initial fishing pressure may be more intense under a hard TAC system than without, it is unclear if this will result in more or less impacts because the non-hard TAC system would merely spread out the effort over a longer portion of the year which may not allow the physical environment and EFH as much time to recover from the effects of scallop fishing.
<b>3.1.4 Establish a Northern Gulf of Maine Scallop Management Area (NGOM)</b>		
<i>Establish a Northern Gulf of Maine Management Area Limited Entry</i>	0/+	Vessel will be restricted by a 200 pound per trip possession or trip limit and can only fish with a 10.5foot dredge. This is a

Alternatives	Physical Environment and EFH Impacts	Discussion
<i>program</i>		smaller trip limit and a smaller dredge than is used in the traditional scallop fishery (limited access) and could have positive benefits for habitat by reducing the amount of benthic impacts by both a potential smaller area swept and a lighter dredge. However, the hard TAC counts towards both the NGOM TAC and the overall TAC which could result in a derby and more intensive initial fishing effort at the beginning of the fishing year. However, it is difficult to predict the behavior of the fishery at this time. Therefore, the habitat impacts are difficult to predict but are likely slightly positive.
<b>3.1.5 Monitoring Provisions</b>	0	Administrative.
<b>3.1.6 Measures to control capacity and mortality in the general category scallop fishery</b>		
<i>Permit or prohibit limited access vessels from fishing under General Category</i>	+	Under the proposed action this sector of the fishery will be allocated 0.5% of the total TAC and an overall limit on catch for limited access vessels that qualify under the general category. This will result in positive impacts as the Limited Access fleet's ability to fish under the General Category rules will be limited.
<i>Allocation of quota to limited access vessels under general category</i>	0	Administrative.
<b>3.1.7 Allocation between limited access and general category fisheries</b>		
<i>Allocation of projected TAC for general category vessels</i>	+	Would be positive relative to No Action because catch, and therefore effort, would be controlled.
<b>3.1.8 Incidental Catch</b>	0	These alternatives are not expected to have negative impacts on EFH because they do not include additional effort.
<b>3.2 Measures to allow better and more timely integration of recent data</b>	0	Administrative
<b>3.3 Other measures</b>		
<i>Trawl gear restriction</i>	0	Administrative clarification.
<i>Possession limit of 50 bushels</i>	0/-	May result in negative impacts due to an increase of fishing effort by allowing the vessel to catch more than the current limit of 50 bushels. However, the vessel would have to discard any additional catch before crossing the VMS demarcation line and reduce the non-harvest mortality and associated fishing to catch it.

### 6.5.2 Potential adverse impacts on the action on EFH

Although scallop dredges have been shown to be associated with adverse impacts to some types of bottom habitat (NEFMC 2003), this action does not propose to increase current levels of fishing activity in the U.S. EEZ. In fact, this action proposes to constrain the growth of the General Category Scallop fleet and, therefore, will have a long-term positive impact on essential fish habitat as shown in Table 207. See Section 5.2 for a more detailed discussion of the potential impacts of each proposed management measures on the physical environment and EFH. Only one measure (possession limit of 50 bushels shoreward and 100 bushels seaward of the VMS demarcation line) has the potential to adversely impact the physical environment and EFH. This measure will most likely not result in a fleet-wide increase in effort. Relative to the No

Action alternative, the net EFH impact of all the management measures proposed in Amendment 11 is expected to be positive.

### **6.5.3 Proposed measures to avoid, minimize, or mitigate adverse impacts of this action**

Table 208 includes a description of measures implemented by the Council in last major FMP amendments to minimize, mitigate or avoid adverse impacts of scallop fishing on EFH. This action would not adversely impact EFH.

In Amendment 13 to the Multispecies FMP and Framework 16 to the Scallop FMP, the New England Council implemented a range of measures to minimize the impacts of bottom trawling in the Gulf of Maine, George's Bank and Southern New England. In addition to the significant reductions in days-at-sea and some gear modifications, the Council closed 2,811 square nautical miles to bottom-tending mobile fishing gear (known as Habitat Closed Areas). See Section 5.7.4.1 for a description of the actions implemented in recent Council actions that act to minimize, mitigate or avoid impacts on EFH that are more than minimal and less than temporary in nature.

Although on August 2, 2005, actions taken in Framework 16 to the Scallop FMP to make the habitat closed areas spatially consistent in the Multispecies and Scallop FMPs were vacated, measures to minimize adverse effects of gear used in the scallop fishery that adversely affect EFH above the threshold allowed by law remain in effect due to the regulations promulgated as a result of Amendment 13 to the Northeast Multispecies FMP.

Because Amendment 11 does not propose any changes to the current measures to minimize the adverse impacts of scallop fishing on EFH that were previously established, adverse impacts of scallop fishing continue to be minimized and no additional measures are needed at this time. In addition, the cumulative effects of Amendment 11 actions to constrain the growth of the General Category Scallop fleet, which has experienced rapid and unrestricted growth in recent years, will be positive for EFH.

**Table 208. Description of measures implemented by Council in last major FMP amendments to minimize, mitigate or avoid adverse impacts on EFH.**

Measure	Source FMP (implemented by)	Description	Description of Habitat Impacts	Overall Habitat Impact
<b>CLOSED AREA MEASURES</b>				
<b>Mortality Closure</b>	Multispecies	Retention of existing groundfish closed areas in the Gulf of Maine, George's Bank and Southern New England. Addition of Cashes as a year round closure	Year-round closures provide habitat benefits to the areas within the closures. The addition of Cashes Ledge as a year-round closure will benefit EFH. Rare kelp beds are found in that area.	+
<b>Habitat Closed Areas (MPAs)</b>	Multispecies and Scallop	2811 square nautical miles closed to bottom-tending mobile gear indefinitely in five separate closed areas in GOM, GB and SNE.	Significant benefits to EFH by minimizing adverse effects of bottom trawling, scallop dredging and hydraulic clam dredging by prohibiting use.	+
Rotational Area Management (RAM)	Scallop	Amendment 10 implemented a rotational area management strategy which introduced a systematic structure that determines where vessels can fish and for how long. Framework adjustments will consider closure and re-opening criteria.	Expected to have positive effects on habitat because effort on gravelly sand sediment types is expected to decline. In general, swept area is expected to decline in most of the projected scenarios (especially in the Mid-Atlantic region), which could have positive impacts on EFH.	+
Habitat Closed Areas (MPAs)	Monkfish	Amendment 2 closed Oceanographer and Lydonia Canyons to trawls and gillnets on a monkfish DAS.	Precautionary action taken to ensure that any expansion of the monkfish fishery as a result of the other measures in Amendment 2 will not affect sensitive deep-sea canyon habitats for which EFH is designated.	+
<b>EFFORT REDUCTION MEASURES</b>				
<b>Monkfish DAS usage by limited access permit holders in scallops and multispecies fisheries</b>	Monkfish	Retain current requirement for vessels to use both monkfish DAS and scallop or multispecies DAS simultaneously	This alternative relies on the scallop and multispecies management plans to set DAS levels (with the exception of when DAS fall below 40 DAS). As DAS have been reduced by management actions over the past two years, consequent impacts on habitat by the directed monkfish fishery have been reduced proportionally. Further reductions are possible depending on management actions in these two plans.	+

Measure	Source FMP (implemented by)	Description	Description of Habitat Impacts	Overall Habitat Impact
<b>Capacity Control</b>	Multispecies	DAS can be transferred with restrictions and new measures for "reserve days"	Any measure that is intended to reduce the amount of time fishing by mobile gear will likely have benefits to EFH. These measures reduce amount of latent effort as well.	+
<b>DAS Reductions</b>	Multispecies	Mix of adaptive and phased effort reduction strategies. A days (60% of effective effort) B days (40% of effective effort) C days (FY01 allocation). Provides opportunity to fish on stocks that do not need rebuilding.	Reducing DAS will likely benefit EFH by reducing the amount of time vessels can fish.	+
<b>DAS Limits</b>	Scallops	Amendment 10 implemented a new program that allocates specific number of DAS for open areas and controlled access areas.	The total DAS allocation in open areas is significantly less than the Status quo DAS allocation. Less DAS translates into less fishing effort, so positive for EFH. Furthermore, CPUE in controlled access areas is expected to be greater, thus the gear is expected to spend less time on the bottom.	+
<b>Possession Limits</b>	Scallops	Reduced possession limit for limited access vessels fishing outside of scallop DAS	Vessels with limited access permits are currently allowed to possess and land up to 400 lbs per trip of shucked scallop meats when not required to use allocated DAS; this measure will reduce possession limit to 40 lbs/trip) and reduce fishing effort by vessels that have been targeting scallops under the higher general category possession limit. Scallops harvested under this provision cannot be sold.	+
<b>GEAR MODIFICATION MEASURES</b>				
<b>Minimum mesh size on directed MF DAS</b>	Monkfish	Mobile gear vessels are required to use either 10-inch square or 12-inch diamond mesh in the codend. Gillnets must be at least 10 inches	The mesh size regulations do not have a direct effect on habitat, but may indirectly minimize adverse effects of the fishery on complex bottom types by reducing the ability to catch groundfish, and therefore the incentive to target those fish in hard bottom areas.	+
<b>Roller gear restriction</b>	Monkfish	Establishes maximum roller gear diameter size for vessels fishing on a monkfish DAS.	Positive but not significant – sets maximum roller gear diameter equivalent to size currently in use in the area; prevents expansion of trawl effort into complex bottom areas and canyons.	+
<b>Four inch rings</b>	Scallop	Increase ring size on scallop dredge rig to 4" everywhere.	Four inch rings will slightly increase dredge efficiency for larger scallops, thus reducing bottom contact time in recently-opened areas where large scallops are abundant, but will reduce catch rates and increase bottom time in areas where medium-small sized scallops are prevalent.	+
<b>OTHER MEASURES</b>				

Measure	Source FMP (implemented by)	Description	Description of Habitat Impacts	Overall Habitat Impact
<b>Observer Coverage</b>	Multispecies	10% requested by 2006 for each gear type	If observers are able to collect data of interest to EFH management, increased coverage could indirectly benefit habitat.	+
<b>TAC Set-Aside for research</b>	Scallop	2% set-aside from TAC and/or DAS allocations to fund scallop and habitat research and surveys	Could indirectly benefit habitat when habitat research is funded and provides better information for future management decisions.	+

#### **6.5.4 Conclusions**

Section 5.7 (Cumulative Effects Analysis) demonstrates that the overall habitat impacts of all the measures combined in this action have positive impacts on habitat relative to No Action. The action proposed under this amendment will have no more than a minimal adverse effect on EFH of federally managed species. Because there are no substantial adverse impacts associated with this action, an abbreviated consultation may be the only required action.

## **7.0 RELATIONSHIP TO OTHER APPLICABLE LAW**

### **7.1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

#### **7.1.1 Introduction**

NEPA requires preparation of an Environmental Impact Statement (EIS) for major Federal actions that significantly affect the quality of the environment. The Council published a Notice of Intent (NOI) to prepare this Amendment and the EIS in the *Federal Register* on February 6, 2006, which was followed by three scoping meetings in Cape May, NJ, Portsmouth, NH, and Hyannis, MA. The Council prepared a scoping document that outlined some of the major issues and types of management measures that the Council might consider during the development of Amendment 11. The Council invited discussion on the scoping document and any other issues of concern at the scoping meetings as well as suggestions for appropriate management measures to consider during the development of this amendment.

To prepare the DSEIS, the Council held numerous meetings of its Scallop Oversight Committee, Scallop Advisory Panel, and Scallop Plan Development Team. The Council assembled a specific advisory panel with general category participants within the region while Amendment 11 was developed and discussed. The two advisory panels often met simultaneously, and sometimes they met separately. All of these meetings, as well as several related Council meetings, were open to the public. A list of public meetings held during the development of Amendment 11 is provided in Section 8.0 of this document.

The preferred alternatives, as well as the other management measures in this document were the subject of public hearings in May 2007. Public hearings were held in several locations in the Northeast including Maine, New Hampshire, Massachusetts, New Jersey and North Carolina. Complete meeting summaries from these hearings are included in Appendix III. The Council took public comment until the end of the public comment period (June 11, 2007). The responses to comments received on the DSEIS are included in Section 7.1.4. The Council approved the final management action and voted to submit Amendment 11 to NMFS at its June 2007 meeting in Portland ME.

#### **7.1.2 Scoping Process**

During the scoping period for Amendment 11, three scoping meetings were conducted, and numerous written comments were received. The digital recordings from the three scoping hearings are available on the Council website, or by request from the Council office. This