

Framework 21 Initial Planning Input from March 12 PDT Meeting

The PDT discussed the following list of potential issues to be considered in FW21. All PDT input is included in CAPS.

1. Specifications for FY2010
2. Comply with RPM#1 from recent turtle biop
3. Observer program adjustments (BUT VERY LIMITED IN SCOPE)
4. Access area management adjustments for YT (BUT VERY LIMITED IN SCOPE)

PDT DOES NOT RECOMMEND INCLUDING:

5. Trawl issue for LAGC permits

1. Specifications for FY2010

This action will include the allocations for limited access, general category IFQ, and NGOM vessels. The PDT will review survey information over the summer and make recommendations for DAS and access area allocations. Based on survey data from last year (2008) access areas will likely be: Elephant Trunk, Delmarva, and possibly one trip divided between CA1 and NL. FY2010 is scheduled to be the first year the IFQ program will be fully implemented. Should access area trips for the general category fishery be allocated the same way – all when area first opens? Will details of the cost recovery program have to be in this action or does that occur outside the Council process? A survey of the scallop resource in NGOM is scheduled for May-July of 2009, so will likely not be available for use in setting the TAC in NGOM for FY2010. Still not clear if survey results from 2009 surveys will be available in time for analyses in FW21. PDT DISCUSSED THAT SURVEY RESULTS WOULD NEED TO BE READY BEFORE AUGUST 1; THEREFORE SPECIFICATIONS MAY HAVE TO BE BASED ON RESULTS THROUGH 2008 ONLY.

In addition, based on survey data from last year there may be new candidate scallop access areas based on high levels of small biomass – parts of great south channel. The PDT will examine survey data from 2009 to assess whether any new areas qualify under existing A10 RMA policies.

2. Comply with RPM#1 from recent turtle biological opinion

On February 5 the Council received the attached letter regarding RPM#1 from the recent turtle biological opinion for the scallop fishery. The agency revised the language of the original reasonable and prudent measure, and the Council is required to consider measures to comply with this RPM in FW21 for FY2010.

RPM#1

NMFS must limit the amount of allocated scallop fishing effort by “Limited access scallop vessels” as such vessels are defined in the regulations (50 CFR 648.2), that can be used in the area and during the time of year when sea turtle distribution overlaps with scallop fishing activity. (amended February 5, 2009).

Terms and Condition #1

To comply with 1 above, no later than the 2010 scallop fishing year, NMFS must limit the amount of allocated limited access scallop fishing effort that can be used in waters south of the northern boundaries of statistical areas 612, 613, 533, 534, 541-543 during the periods which turtle takes have occurred. Restrictions on fishing effort on described above shall be limited to a level that will not result in more than a minor impact on the fishery. (amended February 5, 2009)

PDT DISCUSSED THAT NEW ANALYSES COULD BE DONE USING SEA SURFACE TEMPERATURE TO EVALUATE MEASURES AND POTENTIALLY IDENTIFY MORE REFINED AREAS AND TIME PERIODS WITHIN THE TERM AND CONDITION LANGUAGE.

3. Adjustments to the industry funded observer program

In February 2007 the Council approved an action to implement a mechanism to re-activate the industry-funded observer program for the scallop fishery (Amendment 13). During the process, several issues were identified with the observer set-aside program, but due to timing constraints the Council did not develop alternatives to address those issues. Instead, the Council approved an alternative that would allow adjustments to the observer set-aside program to be considered in a framework action. Framework 19 was approved in October 2007 and it included several measures to improve some aspects of the scallop observer program.

Overall, five main problems were identified during development of Amendment 13: 1) vessels with lower fishing power are at a disadvantage in terms of the compensation given for carrying an observer (i.e. small dredge vessels); 2) the program does not work well in areas with lower catch rates (i.e. Hudson Canyon and some open areas); 3) small adjustments are needed to improve overall administration of program (e.g. standard operating procedures the Observer Program is currently using but for which no regulations are written: a vessel cannot call in more than ten days in advance, providers are required to get back to vessels in a timely way, data quality controls, the timeliness of Obscon reporting, etc.); 4) there is no mechanism for funding open area trips on general category vessels; and 5) observer coverage is too expensive. In FW19 the Council decided to consider two issues from the list above (#2 and #3).

THE PDT DOES NOT RECOMMEND CONSIDERRING MAJOR CHANGES TO THE OBSERVER PROGRAM AT THIS TIME PRIMARILY BECAUSE OF WORKLOAD ISSUES. ONLY TWO SPECIFIC ALTERNATIVES WERE SUGGESTED; 1) PROHIBIT VESSELS FROM NOT PAYING FOR OBSERVERS; AND 2) ADDRESS LOOPHOLE FOR OBSERVED GENERAL CATEGORY ACCESS AREA TRIPS.

1. CURRENTLY THERE IS NO OFFICIAL PROHIBITION SO VESSEL CAN CONTINUE TO FISH WITH OUTSTANDING BALANCE. IF AN OBSERVER PROVIDER REFUSES TO GO ON A FUTURE TRIP BECAUSE OF NON-PAYMENT, NMFS IS IN POSITION OF HAVING TO ISSUE A WAIVER. CURRENT REQUIREMNET TO PAY FOR OBSERVERS DOES NOT HAVE SUFFICIENT "TEETH"; IF VESSELS WERE NOT PERMITTED TO FISH OR GET A

PERMIT THE FOLLOWING YEAR BECAUSE OF NON-PAYMENT THERE WOULD BE INCENTIVE TO PAY OBSERVERS AS REQUIRED.

2. A GROWING NUMBER OF OBSERVED GENERAL CATEGORY TRIPS IN ACCESS AREAS ARE LANDING 1200 POUNDS. THE VESSEL LEAVES RIGHT BEFORE MIDNIGHT ON DAY 1 AND RETURNS AT SOME POINT ON DAY 2 WITH 400 POUNDS FOR THE TRIP PLUS 400 POUNDS EACH DAY CARRYING AN OBSERVER (TOTAL OF 1200 POUNDS). THE PDT DID NOT DISCUSS THAT THIS SHOULD NECESSARILY BE PROHIBITED, BUT THE PDT MAY NEED TO CONSIDER THIS PRACTICE WHEN SETTING ALLOCATIONS AND FISHING MORTALITY FOR ACCESS AREAS. MAY BE AN ISSUE ON LIMITED ACCESS TRIPS TOO – PDT WILL HAVE TO INVESTIGATE FURTHER.

4. Access area management adjustments for YT

Scallop dredge vessels have an incidental catch of yellowtail flounder that up to now, in the case of the scallop access areas, presents an impediment to their ability to harvest the allowable amount of scallops for those areas, especially as the yellowtail flounder TAC has been reduced. In 2006 and 2008 scallop vessels reached or exceeded the yellowtail flounder incidental catch limit before all vessels could take their allotted trips in the access areas. When the access areas closed prematurely, vessels that had not taken their allotted trip(s) were provided compensation DAS for use in the open areas. The problem caused by the yellowtail flounder TAC will likely be exacerbated in the future by two other factors, namely, the GARM III assessment and recommendations for other groundfish species, and the increasing average size of yellowtail flounder.

The Council has discussed this issue several times at Committee meetings and Council meetings. No measures have been added to either GF A16 or Scallop A15. It is possible that some ideas could be considered in FW21 if they are part of the current scallop management system already and will not take too much time to develop or analyze in FW21.

Potential ideas that could be considered in FW21:

1. Gear solutions – PDT DISCUSSED THAT THERE IS ONGOING RESEARCH ONGONING, BUT NOTHING NEW IS READY FOR PRIME TIME – NEEDS MORE RESEARCH AND DEVELOPMENT.

2. Make voluntary measures required. Following the 2006 closures the industry provided “best fishing practice” handouts to all scallop vessels about how to reduce or avoid YT bycatch. The handout recommended several specific fishing behavior changes vessels could make to potentially reduce YT bycatch (i.e. reduce the length of tow times, move fishing location if YT is encountered etc.). PDT DISCUSSED THAT THESE ARE NOT ENFORCABLE.

3. Allocate access area trips differently.

- One option could be to change the way we allocate scallop access on GB. Currently vessels are allocated access based on the amount of available scallop yield in the area. The approach could be modified so that vessels are allocated access based on the amount of scallop

effort that is expected to catch the available YT TAC. The system today impacts vessels that get “shut out” of an area more than the vessels that take access area trips at the beginning of an opening. By limiting the level of access to match the amount of YT available, this option would distribute the impacts more evenly between the fleet since the “optimal” yield from these access areas is sometimes constrained by the YT TAC.

While YT bycatch rates differ by year and area within each access area, the framework could consider first how much YT is available and then only allocate scallop effort up to that level. Similar problems still exist in terms of an area closing because the projected ratio could be wrong and the area may close regardless, but this option may have a greater potential of providing access to each vessel because the allocation of scallop catch is more closely linked to the amount of YT TAC available.

- Another option that would allocate trips in the area differently could be in terms of how trips are allocated throughout the year. Currently, access areas on GB open on June 15, and remain open through the rest of the fishing year (Feb 28/29 the following year) or until the YT TAC is reached, whichever happens first. One way to reduce derby affects and potentially keep the area open longer would be to allocate trips by month, or week if necessary. A fleetwide restriction on the number of trips that can be taken by month or week could spread effort out and reduce bycatch levels so each vessel is able to take a trip. However, scallop meat weights do vary by season, so there will be more desirable times to access these areas from the scallop fishery perspective, i.e. most vessels will want to fish in the summer when meat weights are higher and weather is better.

- Could evaluate if a different opening date would help reduce bycatch.

- Reduced possession limits

- Could implement measures designed to improve incentive to reduce bycatch. For example, allocate half a trip for first quarter, and if YT still available allocate the other half in the second quarter.

THE PDT ADDED THAT BECAUSE ACCESS ON GB IN 2010 MAY BE SPLIT BETWEEN NL AND CA1 – THIS MAY BE LESS OF AN ISSUE BECAUSE ACCESS AREA TRIPS WILL BE SPLIT BETWEEN CC/SNE AND GB YT STOCK AREAS.

5. Ability to switch from dredge to trawl gear in the general category fishery

At the September 2008 Committee meeting as well as the August 2008 AP meeting an issue was raised about the ability of LAGC vessels switching to trawl gear after qualifying for a permit with dredge gear.

From Committee Meeting Summary:

Ms. Boelke explained that the AP requested that the Committee consider some restriction for trawl use in the LAGC fishery. There is concern that some LAGC vessels are switching to nets

to target smaller scallops, thus having more impacts on scallop mortality. It was discussed that gear restrictions are a frameworkable item so this could be addressed in FW21. At first the Committee discussed that a vessel should be limited to the gear type they qualified with: if it was dredge they would have to remain dredge, and if it was trawl they could switch to dredge, but dredge vessels could not switch to trawl gear. Rather than go back to determine what gear the vessel used to catch it's qualifying pounds, it was suggested that it be linked to whatever gear type they got their initial LAGC permit with. But it was pointed out that currently there is no gear endorsement with a LAGC permit; applications have been listing several gear types to keep their options open and perhaps a framework action could restrict them to picking one gear type.

It was mentioned that this gear issue has been exacerbated by the appeals process because vessel owners keep appealing a permit rejection so that they can keep fishing. However, it was voiced that most of these vessels will likely be out of the fishery when the appeals process is done so at least the majority of this problem will be relatively short term.

THE PDT DOES NOT RECOMMEND CONSIDERING THIS ALTERNATIVE IN FW21 BECAUSE OF WORKLOAD ISSUES AND AFTER A11 IS FULLY IMPLEMENTED THE RISK OF INCREASING FISHING MORTALITY FROM THIS PRACTICE WILL BE REDUCED.