

#1

BACKGROUND FOR INITIATION OF FRAMEOWRK 23

1.1 COUNCIL MOTIONS RELATED TO 2011 PRIORITIES

The Council discussed work priorities for 2011 at the November 2010 Council meeting. The Executive Committee submitted recommendations and the Council accepted them with several modifications. The items recommended by the Executive Committee and approved by the Council related to scallop work priorities were: consider requirement for turtle excluder dredge and review/revise yellowtail flounder AMs approved in Amendment 15.

Two additional motions were passed at the November 2010 meeting to potentially add an item to Framework 23 and to initiate an amendment after completion of FW23 related to IFQs for the limited access scallop fishery.

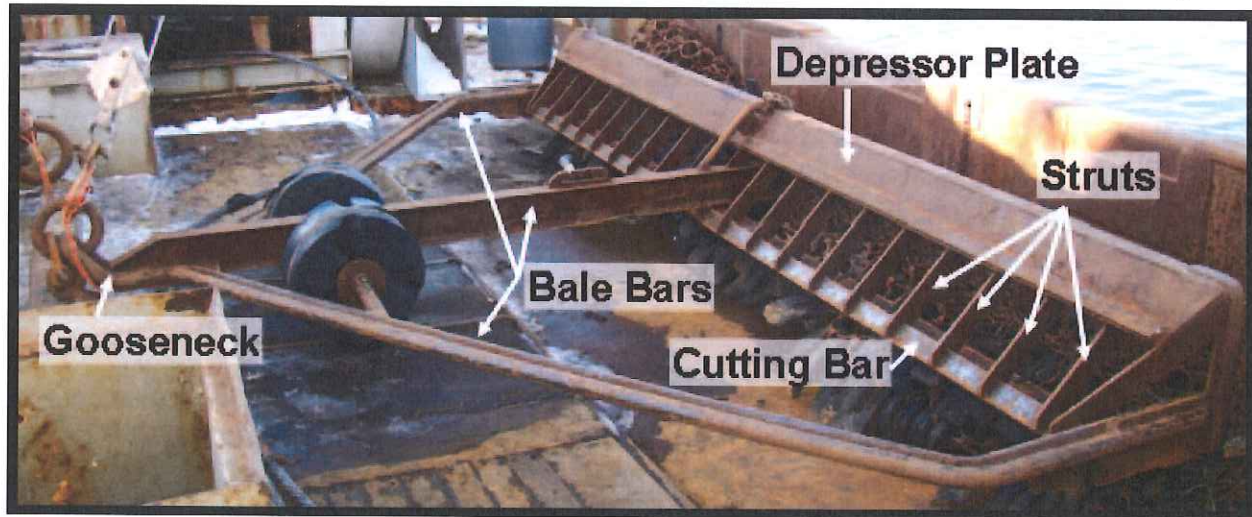
*Mr. Fair moved to amend and Ms. Tooley seconded:
that the issue of separating state and federal water fisheries in the Gulf of Maine be added to scallop Framework Adjustment 23.
The motion to amend **carried** on a show of hands (11/2/1).*

*Mr. Stockwell moved to amend and Mr. Fair seconded:
that following the completion of scallop Framework Adjustment 23, the Council initiate an amendment to develop IFQs in the scallop fishery.
The motion to amend **carried** on a show of hands (13/0/0).*

1.2 CONSIDER REQUIRING SCALLOP VESSELS TO USE TURTLE EXCLUDER DREDGE

For several years researchers have been working with the scallop industry to develop a turtle excluder dredge. The dredge is designed to reduce the likelihood of a turtle passing under the frame when the dredge fishes on the seafloor and getting injured/crushed. Key elements of the modified dredge are: a forward cutting bar, a reduced number of bale bars, and a reduction in the sources of entrapment between the depressor plate and the cutting bar – reduced spacing of struts (Figure 1).

Figure 1 – Photograph of the Coonamessett Farm turtle excluder dredge (Source: Smolowitz et al, 2010)



It has not been identified as the reason why the Council is developing this alternative, but this gear modification could qualify and assist NMFS with compliance with RPM#2 from the 2008 biological opinion: *NMFS must continue to investigate and implement, as soon as appropriate, gear modifications for scallop dredge and trawl gear to reduce the capture of sea turtles and/or severity of the interactions that occur.* NMFS has not requested that the Council get involved with implementing RPM#2, as they did with RPM#1 and FW21 – but a Council action could be the vehicle used to comply with RPM#2.

Issues the Committee will need to consider:

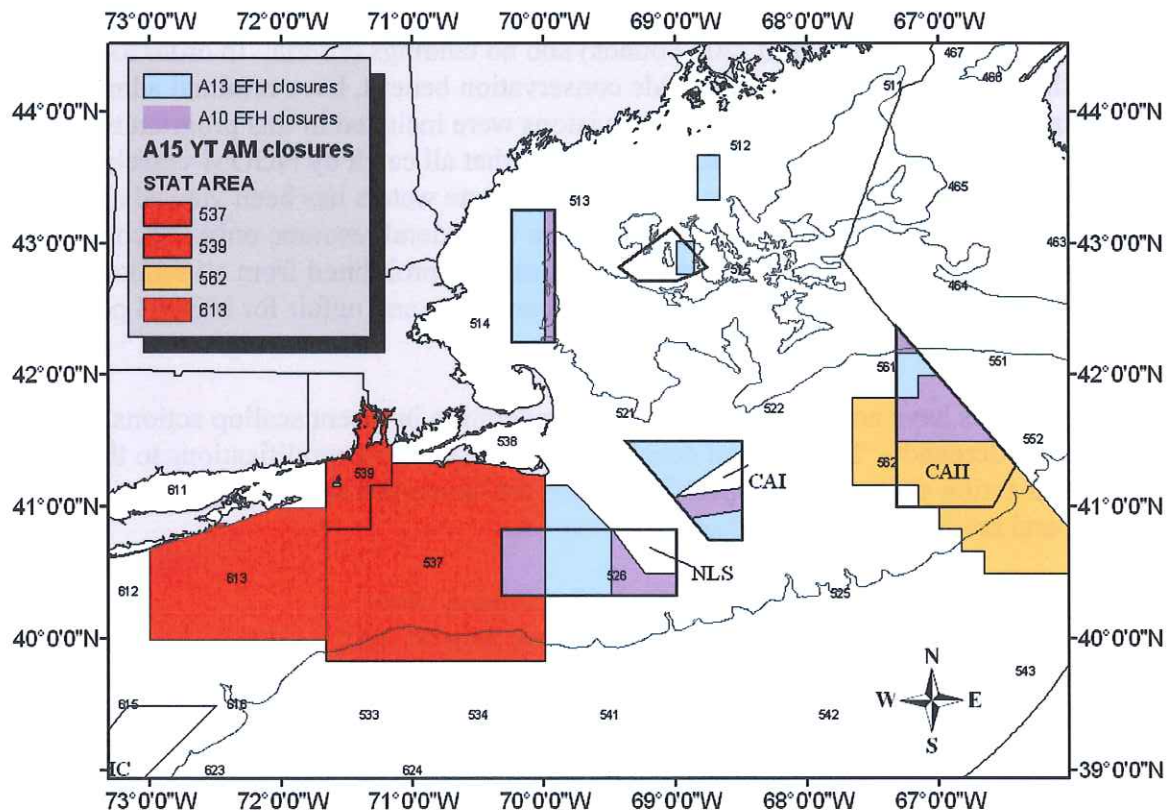
- Is this dredge ready for prime time?
Is there sufficient data to show that it will minimize impacts on sea turtles and minimize loss of scallop catch?
- What is the process and specifics related to standardizing this dredge?
- Information needs related to this requirement – costs, how many vessels are using it already, how many facilities are capable of making it, is a delay of implementation needed for production of these dredges?
- What does this requirement mean for the current RPM?
The current RPM will still be required until it is eliminated, replaced, or a new biological opinion is completed. If this dredge is required through Council action it would change the estimate of take in terms of severity and impact on turtles, so would requiring this dredge automatically trigger a new biological opinion? How long would that take?

1.3 REVIEW AND CONSIDER MODIFICATION OF THE YT AM

The Council recently approved Amendment 15, which included an AM for the YT sub-ACLs (GB and SNE/MA stocks) for the scallop fishery. If a sub-ACL is exceeded, starting March 1 the following fishing year a pre-identified area (Figure 2) would close to all limited access scallop vessels for a specified period of time. Because the area for the Southern New England/Mid-Atlantic spans a large amount of the LAGC fishing grounds in that area and bycatch by the fleet is low since the fleet is only allocated 5.5% of the projected scallop catch, the Council decided that the LAGC should be exempt from this AM in areas where they are allowed to fish under NE Multispecies FMP exempted fisheries.

While the amendment considered several AM alternatives over the last few years, much of the details of the proposed action were developed later in the Amendment 15 process. Therefore, the effectiveness could be improved with additional work.

Figure 2- Map showing statistical areas subject to closure under Option A of this alternative
Orange is SNE/MA stock area, and yellow is GB. Note that GB AM area includes the access area in CA2.



Issues that could be improved: area closure should not necessarily start on March 1, currently different methods are being used to determine how much YT to allocate to the scallop fishery (TRAC) and how to monitor YT bycatch (NMFS FSO website), YT caught by the general category fishery counts against the scallop fishery sub-ACL – but GC vessels are not subject to the AM, is the current monitoring and reporting system sufficient, effectiveness of AM on GB very dependent on access area schedule, can areas be more discrete, can closures be timed in conjunction with higher scallop catch rates and/or lower YT bycatch rates.

Elements that are important to maintain: effective in subsequent year, reduce derby effects as much as possible, access area programs within YT stock areas should not be impacted when possible to optimize scallop yield from area rotation.

1.4 CONSIDER MODIFICATIONS TO THE NGOM LAGC PROGRAM

In Amendment 11 the Council approved a separate LAGC program for the NGOM. The program was designed to provide continued access for vessels from Northern New England that would likely not qualify for a LAGC IFQ permit because of the sporadic booms and busts of the scallop resource in that area. Therefore, a separate limited entry program was developed for this area with a reduced possession limit (200 pounds) and no landings criteria. In order to satisfy NMFS that this program was going to provide conservation benefit, have minimal administrative burden, and adequate enforceability several provisions were included in this program that have caused concern for permit holders. First, the provision that all catch by NGOM vessels count against the federal TAC even if scallops were caught in state waters has been viewed as inconsistent since the TAC is supposed to be based on the federal resource only. Second, once the NGOM TAC is reached all NGOM permitted vessels are prohibited from all scallop fishing, even in state waters. This too has been viewed as inconsistent and unfair for NGOM permitted vessels that also hold state scallop permits.

To date, these issues have not been included for consideration in recent scallop actions primarily because of other demands. The Council decided to include possible modifications to the NGOM program in this action so long as the specific alternatives developed do not trigger an amendment, and are frameworkable changes.

Several specific issues raised during Amendment 15 scoping were:

- Landings from state waters should not count against NGOM TAC so that people can still fish in state waters after the federal TAC has been reached.
- GC scallops caught in the NGOM should not count against IFQ tailored to scallops outside the NGOM.
- All scallop vessels should need to abide by the 200 lb daily limit in the NGOM, instead of allowing the LA vessels 18000 lbs while restricting only those with state permits.

The Council discussed these precise aspects of the program during development of Amendment 11 and decided that in order to ensure that the TAC is not exceeded, all landings in the area

would have to count against the TAC (including landings on IFQ and limited access vessels fishing, and from state waters on all federal vessels). Amendment 11 was specific in what catch should be considered in calculating the TAC and what catch should count against the TAC once the fishery begins. Advice at the time was that the actual TAC can be changed by framework, but the foundation of what catch history is used, what catch is applied against the TAC, and what catch is not applied should potentially be considered in an amendment. So depending on where these alternatives go this topic may or may not have to be considered in an amendment.

1.5 GENERAL TIMELINE

If the Council initiates Framework 23 at this Council meeting final action would likely be in September 2011. A PDT meeting is scheduled on February 2 to begin work on this action. The Scallop Committee is expected to meet in early March to start developing specific alternatives and tasking the PDT and Advisory Panel. Consultation with the SSC is not expected for this action unless it becomes necessary in order to review the data available on the turtle excluder dredge related to impacts on turtles and the scallop resource.

After the Council completes this action the Committee would begin working on an amendment to consider IFQs. When the Council decided to look into a possible action to consider IFQs it was discussed that the Council should gauge the interest level and consult with the industry and public first to see if there is sufficient support for developing an IFQ program before the Council invests a substantial amount of time and resources on it. That process could begin as early as October 2011.

