

**This is a working draft for Discussion at the  
September AP and Cmte Meeting only.**

**This document has not been reviewed or approved by the  
Scallop Committee or Council**

## **Framework 25 to the Scallop FMP**

Including a Draft Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis and Stock Assessment and Fishery Evaluation (SAFE Report)

### **Scallop AP and Committee**

Staff has highlighted 10 specific questions to focus on when reviewing FW25 measures developed to date. They are numbered 1-10 within the document as well as listed at the end of this document.

Prepared by the New England Fishery Management Council, in consultation with the National Marine Fisheries Service and the Mid-Atlantic Fishery Management Council

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*Final Council Meeting: November 19-21, 2013*

*Submission of Final EA: December 2013*

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## Executive Summary

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## LIST OF ACRONYMS

## **1.0 BACKGROUND AND PURPOSE**

### **1.1 BACKGROUND**

This framework to the Scallop Fishery Management Plan (FMP) sets fishery specifications for fishing year (FY) 2014 and default measures for FY 2015. The New England Fishery Management (Council) decided to develop a one-year action only, including default measures for Year 2 only (FY2015). This decision was made to get the management cycle back in-sync with the scallop assessment schedule. The scallop resource is scheduled for a benchmark assessment in the spring of 2014. Therefore, the status of the stock will be reviewed and more up to date information will be available in 2014 that can be used to set management measures for FY2015 and FY2016.

The list of measures required to be in a framework has increased over the years to include overall annual catch limits, specific allocations for both limited access and limited access general category vessels. Below is a list of the measures required as part of the scallop fishery specifications:

- Overfishing Limit (OFL) and Acceptable Biological Catch (ABC), which is approved by the SSC;
- Annual Catch Limits (ACL) (for both the limited access and limited access general category fisheries, and Annual Catch Target (ACT));
- Allocations for limited access vessels include DAS allocations, access area allocations with associated possession limits;
- Allocations for limited access general category vessels include an overall IFQ for both permit types, as well as a fleetwide, area-specific maximum number of access area trips available for the general category fishery;
- NGOM hard-TAC;
- Incidental catch target-TAC; and
- Set-aside of scallop catch for the industry funded observer program.

Through Framework 48 to the Multispecies FMP the Council allocated a sub-ACL of SNE/MA windowpane flounder to the scallop fishery. Since, all sub-ACLs require accountability measures (AMs) if exceeded, those measures will also be developed in this action. The sub-ACL for SNE/MA windowpane flounder was set at 36% of the total ABC for that stock. This percentage of the ABC would be used to determine the scallop fishery sub-ABC, and then this would be adjusted for management uncertainty to get the scallop fishery sub-ACL. This allocation is based on the 90<sup>th</sup> percentile of the scallop fishery catches from 2001-2010. For 2014 and 2015 the scallop fishery sub-ACL is 186 mt.

Finally, the Council identified one additional item to consider when Framework 25 was officially initiated in April 2013. Specifically, the Council requested that measures be developed to address Closed Area I access areas trips allocated in FY2013. Catch rates have declined rapidly in that area and measures will be considered in this action that would potentially allow vessels to use those trips in a future fishing year and/or area.

## 1.2 PURPOSE AND NEED

The primary need of this action is to achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery. The primary purpose for this action is to set specifications including: OFL, ABC, scallop ACLs and associated set-asides, day-at-sea (DAS) allocations, general category fishery allocations, and area rotation schedule and allocations for the 2014 fishing year, as well as default measures for FY2015 that are expected to be replaced by a subsequent action. Related to this primary need, the Council is developing measures to improve yield per recruit from Closed Area I. Specifically, this action will also consider measures to address Closed Area I access area trips allocated to a portion of the limited access scallop fishery in FY2013. Catch rates have declined rapidly in this area and measures were developed to reduce potentially negative environmental and disproportional economic impacts of these allocations.

Another purpose of this action is to establish accountability measures (AMs) for the SNE/MA windowpane flounder sub-ACL. These AMs are needed to help prevent overfishing and reduce catch of SNE/MA windowpane flounder if the scallop fishery exceeds their sub-ACL of this stock.

**Table 1 – Summary of the purpose and need for measures developed in Framework 25 including section number with specific alternatives**

Need	Purpose	Section # with specific alternatives
1. To achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery	1. To set specifications for FY2014 and FY2015 (default): OFL, ABC, ACLs, ACT, DAS, general category allocations, and area rotation schedule and related allocations.  2. To address low catch rates in Closed Area I that may have negative impacts on the environment in that area as well as disproportional economic impacts.	Section 2.1  Section 2.1.2.4
2. To reduce bycatch of SNE/MA windowpane flounder if the scallop fishery exceeds their annual limit (sub-ACL)	To implement AMs for the SNE/MA windowpane flounder sub-ACL allocated to the scallop fishery	Section 2.2

## 1.3 SUMMARY OF SCALLOP FISHERY MANAGEMENT PLAN

The Atlantic Sea Scallop FMP management unit consists of the sea scallop *Placopecten magellanicus* (Gmelin) resource throughout its range in waters under the jurisdiction of the United States. This includes all populations of sea scallops from the shoreline to the outer boundary of the Exclusive Economic Zone (EEZ). While fishing for sea scallops within state

waters is not subject to regulation under the FMP except for vessels that hold a federal permit when fishing in state waters, the scallops in state waters are included in the overall management unit. The principal resource areas are the Northeast Peak of Georges Bank, westward to the Great South Channel, and southward along the continental shelf of the Mid-Atlantic.

The Council established the Scallop FMP in 1982. A number of Amendments and Framework Adjustments have been implemented since that time to adjust the original plan, and some Amendments and Framework Adjustments in other plans have impacted the fishery. This section will briefly summarize the major actions that have been taken to shape the current scallop resource and fishery, but a complete list of the measures as well as the actions themselves are available on the NEFMC website (<http://www.nefmc.org/scallops/index.html>).

Amendment 4 was implemented in 1994 and introduced major changes in scallop management, including a limited access program to stop the influx of new vessels. Qualifying vessels were assigned different day-at-sea (DAS) limits according to which permit category they qualified for: full-time, part-time or occasional. Some of the more notable measures included new gear regulations to improve size selection and reduce bycatch, a vessel monitoring system to track a vessel's fishing effort, and an open access general category scallop permit was created for vessels that did not qualify for a limited access permit. Also in 1994, Amendment 5 to the Northeast Multispecies FMP closed large areas on Georges Bank to scallop fishing over concerns of finfish bycatch and disruption of spawning aggregations (Closed Area I, Closed Area II, and the Nantucket Lightship Area - See Figure 1).

In 1998, the Council developed Amendment 7 to the Scallop FMP, which was needed to change the overfishing definition, the day-at-sea schedule, and measures to meet new lower mortality targets to comply with new requirement under the Magnuson-Stevens Act. In addition, Amendment 7 established two new scallop closed areas (Hudson Canyon and VA/NC Areas) in the Mid-Atlantic to protect concentrations of small scallops until they reached a larger size.

In 1999, Framework Adjustment 11 to the Scallop FMP allowed the first scallop fishing within portions of the Georges Bank groundfish closed areas since 1994 after resource surveys and experimental fishing activities had identified areas where scallop biomass was very high due to no fishing in the intervening years. This successful "experiment" with closing an area and reopening it for controlled scallop fishing further motivated the Council to shift overall scallop management to an area rotational system that would close areas and reopen them several years later to prevent overfishing and optimize yield.

In 2004, Amendment 10 to the Scallop FMP formally introduced rotational area management and changed the way that the FMP allocates fishing effort for limited access scallop vessels. Instead of allocating an annual pool of DAS for limited vessels to fish in any area, vessels had to use a portion of their total DAS allocation in the controlled access areas defined by the plan, or exchange them with another vessel to fish in a different controlled access area. The amendment also adopted several alternatives to minimize impacts on EFH, including designating EFH closed areas, which included portions of the groundfish mortality closed areas. See Section 1.3.1 below for a more detailed description of the rotational area management program implemented by Amendment 10.

As the scallop resource rebuilt under area rotation biomass increased inshore and fishing pressure increased by open access general category vessels starting in 2001. Landings went from an average of about 200,000 pounds from 1994-2000 to over one million pounds consistently from 2001-2003 and 3-7 million pounds each year from 2004-2006 (NEFMC, 2007). In June 2007 the Council approved Amendment 11 to the Scallop FMP and it was effective on June 1, 2008. The main objective of the action was to control capacity and mortality in the general category scallop fishery. Amendment 11 implemented a limited entry program for the general category fishery where each qualifying vessel received an individual allocation in pounds of scallop meat with a possession limit of 400 pounds. The fleet of qualifying vessels receives a total allocation of 5% of the total projected scallop catch each fishing year. This action also established separate limited entry programs for general category fishing in the Northern Gulf of Maine and an incidental catch permit category (up to 40 pounds of scallop meat per trip while fishing for other species).

More recently Amendment 15 to the Scallop FMP was implemented in 2011. This action brought the FMP in compliance with new requirements of the re-authorized MSA (namely ACLs and AMs) as well as a handful of other measures to improve the overall effectiveness of the FMP.

### **1.3.1 Detailed background on rotational area management**

Rotational area management is the cornerstone of scallop fisheries management. There are four types of areas in this system: 1) “open areas” where scallop fishing can occur using DAS or IFQ; 2) areas completely closed to scallop fishing year-round to reduce impacts on EFH and/or groundfish mortality; 3) areas temporarily closed to scallop vessels to protect small scallops until a future date; and 4) areas open to very restricted levels of scallop fishing called “access areas”. When scallop vessels are fishing in these areas they are limited in terms of total removal and sometimes season.

Amendment 10 introduced area rotation: areas that contain beds of small scallops are closed before the scallops experience fishing mortality, then the areas re-open when scallops are larger, producing more yield-per-recruit. The details of which areas should close, for how long and at what level they should be fished were described and analyzed in Amendment 10. Except for the access areas within the groundfish closed areas on Georges Bank, all other scallop rotational areas should have flexible boundaries. Amendment 10 included a detailed set of criteria or guidelines that would be applied for closing and re-opening areas. Framework adjustments would then be used to actually implement the closures and allocate access in re-opened areas.

The general management structure for area rotation management is described in Table 2. An area would close when the expected increase in exploitable biomass in the absence of fishing mortality exceeds 30% per year, and re-open to fishing when the annual increase in the absence of fishing mortality is less than 15% per year. Area rotation allows for differences in fishing mortality targets to catch scallops at higher than normal rates by using a time averaged fishing mortality so the average for an area since the beginning of the last closure is equal to the resource-wide fishing mortality target.



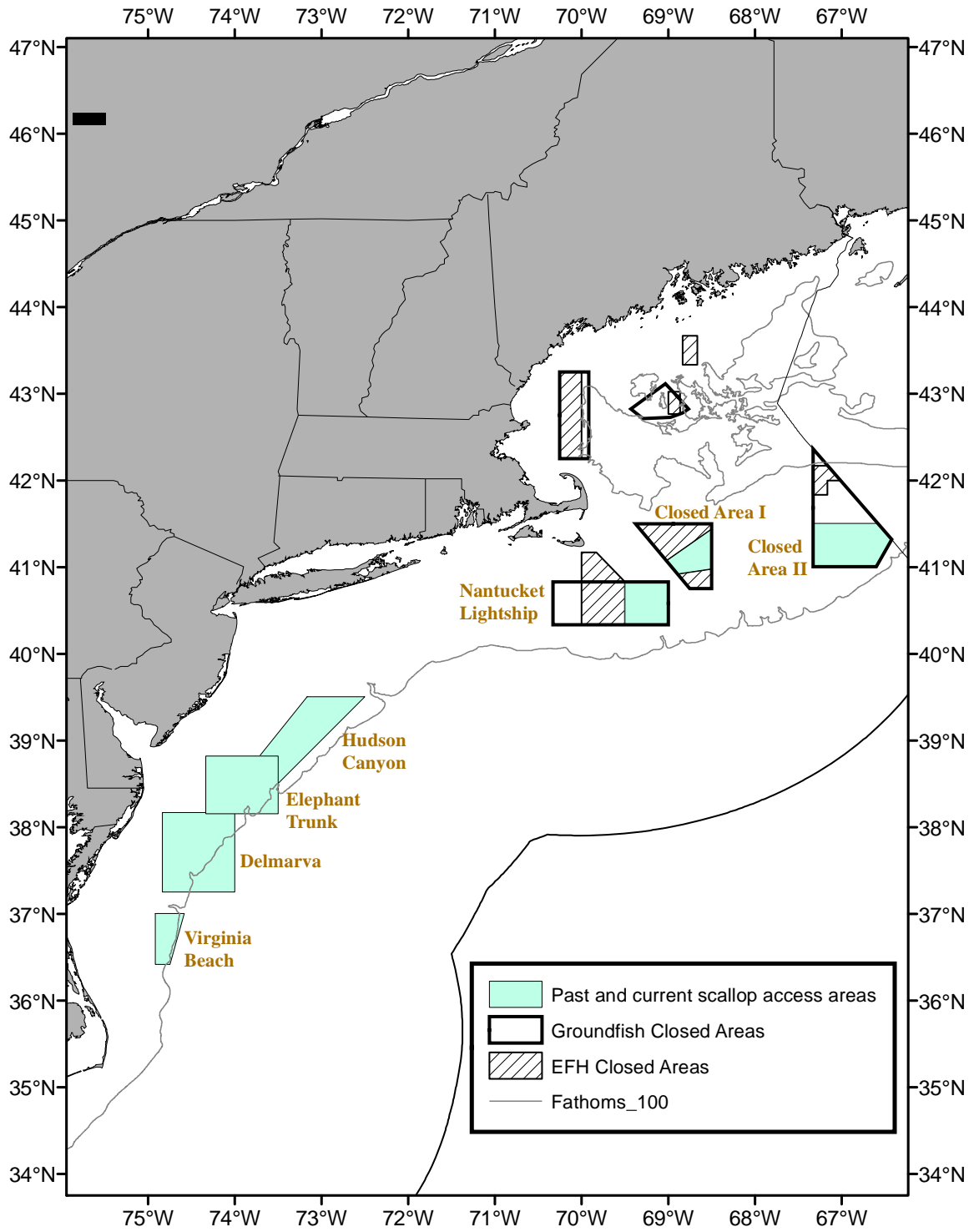
Figure 1 shows the boundaries of current and past scallop access areas (green shaded) on Georges Bank and in the Mid-Atlantic. Areas that are closed to the scallop fishery are indicated as well: groundfish mortality closed areas (hollow) and EFH closed areas (hatched). For the most part some of these areas are closed to the fishery if small scallops are present, some areas are open as access areas with a controlled level of fishing, and some may be “open areas” that may be fished using DAS, not access area trips. Each year limited access vessels are allocated a set number of trips with possession limits to fish in specific access areas. And general category vessels are awarded a fleetwide maximum of trips that can be taken per area.

The NEFMC is currently reviewing the EFH and groundfish mortality closed areas in this region in the EFH Omnibus Amendment. Based on the outcome of that action the current boundaries of these closed areas may change. Therefore, future scallop access areas may also be different, and current restrictions to fish in EFH closed areas may be different as well. Since this action is primarily limited to FY2014, and any of these potential changes will only be effective toward the very end of FY2014 (under the best case scenario); Framework 25 will only address specifications based on the current areas available to the scallop fishery – areas outside of EFH closed areas and areas within CA1, CA2, and NL that have been available to the scallop fishery in the past.

**Table 2- General management structure for area rotation management as implemented by Amendment 10**

<b>Area type</b>	<b>Criteria for rotation area management consideration</b>	<b>General management rules</b>	<b>Who may fish</b>
Closed rotation	Rate of biomass growth exceeds 30% per year if closed.	No scallop fishing allowed Scallop limited access and general category vessels may transit closed rotation areas provided fishing gear is properly stowed. Scallop bycatch must be returned intact to the water in the general location of capture.	Any vessel may fish with gear other than a scallop dredge or scallop trawl Zero scallop possession limit
Re-opened controlled access	A previously closed rotation area where the rate of biomass growth is less than 15% per year if closure continues.  Status expires when time averaged mortality increases to average the resource-wide target, i.e. as defined by the Council by setting the annual mortality targets for a re-opened area.	Fishing mortality target set by framework adjustment subject to guidelines determined by time averaging since the beginning of the most recent closure. Maximum number of limited access trips will be determined from permit activity, scallop possession limits, and TACs associated with the time-average annual fishing mortality target. Transfers of scallops at sea would be prohibited	Limited access vessels may fish for scallops only on authorized trips. Vessels with general category permits will be allowed to target scallops or retain scallop incidental catch, with a 400 pounds scallop possession limit in accordance with general category rules.
Open	Scallop resource does not meet criteria to be classified as a closed rotation or re-opened controlled access area	Limited access vessels may target scallops on an open area day-at-sea General category vessels may target sea scallops with dredges or trawls under existing rules. Transfers of scallops at sea would be prohibited	All vessels may fish for scallops and other species under applicable rules.

**Figure 1 – Scallop management areas (past and present)**



### **1.3.2 Detailed background on more recent requirements of the MSA**

Amendment 15 to the Scallop FMP was implemented in 2011 to bring the FMP in compliance with new requirements of the re-authorized MSA (namely ACLs and AMs).

*(Will include more info with flowcharts and tables like in the final regulations for all required terms, and summary of related AMs)*

## **1.4 SUMMARY OF FY2014 DEFAULT MEASURES APPROVED IN FRAMEWORK 24**

The Council routinely sets default measures for the fishing year following the intended length of an action in the event that subsequent actions are not in place at the start of the following fishing year. For example, the scallop fishing year starts on March 1, but complete management measures are not usually in place until May. This lag is primarily due to the fact that scallop specifications are set using the most up to date survey data collected the summer before the start of the fishing year. The results are typically available in August, a new ABC is reviewed by the SSC in September, and the PDT develops and analyzes specification alternatives in early fall before final Council action at the November meeting. Staff generally completes the submission package by the end of the year and the action is reviewed and implemented by NMFS typically in May.

In the past, measures have been in place on March 1 that are inferior to measures proposed for implementation in a subsequent action using more updated information. Ultimate catch levels may be higher or lower depending on updated survey results, some areas with access area trips assigned may not be able to support that level of effort, or small scallops may show up in a new survey suggesting the area should be closed to protect new recruitment. In order to minimize the potentially negative impacts of having measures in place on March 1 that ultimately need to be changed, the Council more recently only allocated DAS to the limited access fishery as default measures for FY2014; no access area trips were assigned to limited access vessels or general category vessels.

Therefore, if Framework 25 is delayed past March 1, 2014, scallop vessels would be restricted to fishing in open areas until final FY 2014 specifications are implemented. However, vessels would be able to fish FY 2013 compensation trips in the access areas that were open in FY 2013 (e.g., HC, NLS, CA1, and CA2) for the first 60 days that those areas are open in FY 2014, or until Framework 25 is approved and implemented, whichever occurs first. In addition, the default DAS allocations were set at 75% of the projection to be precautionary. Therefore, vessels will receive a set number of DAS on March 1, 2014, and that may be different than the ultimate number of DAS awarded under FW25.

The default measures for 2014 also included the required ABC and ACL values, but they will likely be replaced by this action. The table below summarizes the default values that will be effective on March 1, 2014 until FW25 is implemented to replace them. Vessels with a LAGC IFQ permit will receive an allocation based on the contribution factor assuming the total LAGC IFQ is 2.5 million pounds. Their allocations for FY2014 may ultimately change based on the final sub-ACL approved in FW25. LAGC IFQ vessels are responsible to payback any overage

the following year if the ultimate IFQ for FY2014 is lower than the allocation under the default sub-ACL.

If FW25 is not adopted these allocations would remain in place for all of FY2014 and beyond until replaced by a subsequent action.

**Table 3 - ACL related values and allocations for 2014**

	<b>2014*</b>
OFL	31,110 mt (68,585,801 lb)
ABC	23,697 mt (52,242,952 lb)
incidental	22.7 mt (50,000 lb)
RSA	567 mt (1,250,000 lb)
OBS	237 mt (522,429 lb)
ACL after set-asides/incidental removed (= ABC-(incidental + RSA +OBS))	22,870.3 mt (50,420,523 lb)
LA sub-ACL (94.5% of ACL)	21,612 mt (47,647,385 lb)
IFQ-only (5% of ACL)= sub-ACL = ACT	1,144 mt (2,521,026 lb)
IFQ + LA (0.5% of ACL)=sub-ACL=ACT	114 mt (252,103 lb)

\* 2014 measures are default and expected to be adjusted based on FW25

**Table 4 – Summary of FY2014 default allocations for LA vessels (approved in FW24)**

	LA FT	LA PT	LA Occasional
<b>2014</b>	23	9	2

\* Default DAS is 75% of the total DAS projected for FY2014 (31 DAS)

## 2.0 MANAGEMENT ALTERNATIVES UNDER CONSIDERATION

### 2.1 FISHERY SPECIFICATIONS

#### 2.1.1 Overfishing Limit (OFL) and Acceptable Biological Catch (ABC)

The MSA was reauthorized in 2007. Section 104(a) (10) of the Act established new requirements to end and prevent overfishing, including annual catch limits (ACLs) and accountability measures (AMs). Section 303(a)(15) was added to the MSA to read as follows: “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.” ACLs and AMs are required by fishing year 2010 if overfishing is occurring in a fishery, and they are required for all other fisheries by fishing year 2011. The Council initiated Scallop Amendment 15 to comply with these new ACL requirements, and that action was implemented in 2011.

Acceptable Biological Catch (ABC) is defined as the maximum catch that is recommended for harvest, consistent with meeting the biological objectives of the management plan. The determination of ABC will consider scientific uncertainty and the Council may not exceed the fishing level recommendations of its Science and Statistical Committee (SSC) in setting ACLs (Section 302(h)(6)). The MSA enhanced the role of the SSCs, mandating that they shall provide ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (MSA 302(g)(1)(B)). This requirement for an SSC recommendation for ABC was effective in January 2007.

##### 2.1.1.1 No Action (Alternative 1)

Under “No Action”, the overall OFL and ABC would be equivalent to default 2014 values adopted in Framework 24 (Table 5). These would remain in place until a subsequent action replaced them. These values were selected based on the same control rules: 1) OFL is equivalent to the catch associated with an overall fishing mortality rate of 0.38; and 2) ABC is set with a 25% chance of exceeding OFL where risk is evaluated in terms of the probability of overfishing compared to the fraction loss to yield. The overall fishing mortality rate used for setting ABC is 0.32. These values include estimated discard mortality. Therefore, when the fishery specifications are set based on these limits, the estimate of discard mortality is removed first and allocations are based on the remaining ABC available (Table 5, column to the far right).

**Table 5 – Summary of OFL and ABC FY2014 (default) values approved by the SSC in Framework 24 (in metric tons)**

	OFL (including discards at OFL)	ABC (including discards)	Discards (at ABC)	ABC available to fishery (after discards removed)
2014 (default)	35,110	30,353	6,656	23,697

##### 2.1.1.2 Updated estimate of ABC for FY2014 and FY2015 (default) (Alternative 2)

To be discussed at SSC meeting on September 16, 2013

## **2.1.2 Specifications for limited access vessels**

### **2.1.2.1 No Action for limited access specifications (Alternative 1)**

### **2.1.2.2 Alternative 2**

### **2.1.2.3 Alternative 3**

### **2.1.2.4 Alternative 4**

#1 – Provide general input on preliminary specification alternatives. See August PDT summary

### **2.1.2.5 Measures to address FY2013 Closed Area 1 access area trips**

#### **2.1.2.5.1 No Action – No rollover of FY2013 access area trips (Alternative 1)**

Vessels with unused FY2013 Closed Area I trips will be permitted to fish those trips until the end of the 2013 fishing year. Consistent with current regulations, if a vessel breaks a trip in the last 60 days of the 2013 fishing year, the vessel can fish the remainder of that trip during the first 60 days of the next fishing year, but only if that access area is open.

Based on the current condition of scallop biomass in Closed Area I, the area is not expected to be open under the rotational management program in FY2014. Therefore, under No Action vessels would likely need to fish all 2013 CA1 allocation before February 28, 2014, since the area is not expected to be open as an access area in FY2014. Unused trips would expire after that date if Closed Area I is not an access area in FY2014.

#### **2.1.2.5.2 Alternative 2 – Allow rollover of unused FY2013 Closed Area I catch to future fishing year**

This alternative would extend the deadline to use FY2013 Closed Area I access area trips. This alternative has three options in terms of the length of time trips can rollover. Option 1 is through FY2014; Option 2 is through FY2015; and Option 3 is the fishing year when Closed Area I reopens as an access area to the fishery – exact year to be determined in a future action.

##### **2.1.2.5.2.1 Option 1 – Unused FY2013 Closed Area I catch could be through FY2014**

Vessels would be permitted to fish unused 2013 Closed Area I trips through February 28, 2015, the end the 2014 fishing year.

##### **2.1.2.5.2.2 Option 2 – Unused FY2013 Closed Area I catch could be fished through FY2015**

Vessels would be permitted to fish unused Closed Area I trips through February 28, 2016, the end the 2015 fishing year.

##### **2.1.2.5.2.3 Option 3 – Unused FY2013 Closed Area I catch could be fished in the year the area reopens as an access area**

Vessels would be permitted to fish unused FY2013 Closed Area I trips in the fishing year this area reopens to the fishery as an access area. The specific year is unknown at this time, but it is

likely that Closed Area I will reopen as an access area to the scallop fishery in the next several years. Vessels would be permitted to fish unused catch from allocated 2013 CA1 trips when the area reopens as an access area. Those trips would need to be fished by the end of that fishing year.

**2.1.2.5.3 Alternative 3 – Allow vessels with unused FY2013 Closed Area I catch to fish that allocation in a different access area**

This alternative would allow a vessel with an unused FY2013 trip to harvest that catch from a different access area. Two options are being considered in terms of the deadline vessels would need to complete unused Closed Area I trips: Option 1 is through FY2014; and Option 2 is through FY2015. The PDT will identify the appropriate access area in this action, or in a future scallop action, particularly if Option 2 is selected.

**2.1.2.5.3.1 Option 1 – Unused FY2013 Closed Area I catch could be fished in ??? access area through FY2014**

**2.1.2.5.3.2 Option 2 – Unused FY2013 Closed Area I catch could be fished in a scallop access area through FY2015**

*The access area would be specified in the scallop action that sets FY2015 specifications OR the access area would be specified in this action. Should PDT explore both?*

**2.1.2.5.4 Alternative 4 – FY2013 Closed Area I catch could be fished in open areas through FY2014**

This alternative would convert unused Closed Area I trips into access in open areas instead. The PDT is currently exploring two options in terms of the currency for this catch. Option 1 is to directly convert unused Closed Area I catch into open area catch. Option 2 is to convert unused Closed Area I catch into DAS.

**2.1.2.5.4.1 Option 1 – Unused FY2013 Closed Area I catch could be fished in open areas through FY2014**

*If allocated in open area pounds it may be possible to grant a vessel an LOA to fish a certain poundage in open areas since they would not be on DAS - NMFS is confirming if this is feasible/legal.*

**2.1.2.5.4.2 Option 2 – Unused FY2013 Closed Area I catch would be converted to DAS that could be fished in open areas through FY2014**

*If catch needs to be converted to DAS – the allocation will likely be very conservative due to relatively high catch rates in most open areas. DAS conversion would need to be conservative to prevent unintended consequences on the resource in open areas as well as other segments of the fishery. Concerns raised about vessels having different capacities in open areas.*

#2 – Is range of CA1 alternatives sufficient?  
See May PDT summary

#3 – Should a sub-ACT be considered to address uncertainty of IFQ carryover?  
See Aug PDT summary

**2.1.3 Specifications for limited access general category IFQ vessels**

**2.1.3.1 No Action LAGC IFQ specifications (Alternative 1)**

**2.1.3.2 Updated LAGC IFQ for FY2014 and FY2015 (default) (Alternative 2)**

**2.1.3.3 Allocation of fleetwide access area trip allocations for LAGC fishery**

**2.1.3.3.1 Option 1 for LAGC fleetwide access area trip allocations – same areas as LA fishery**

**2.1.3.3.2 Option 2 for LAGC fleetwide access area trip allocations – no access in CA2 and those trips moved to access areas closer to shore**

**2.1.4 Specifications for limited access general category NGOM vessels**

**2.1.4.1 No Action NGOM hard-TAC (Alternative 1 - 70,000 pounds)**

**2.1.4.2 Updated NGOM hard-TAC (Alternative 2 – 58,000 pounds)**

**2.1.5 Specifications for limited access general category incidental catch vessels**

**2.1.5.1 No Action Incidental target TAC (Alternative 1 - 50,000 pounds)**

**2.1.5.2 Updated Incidental target TAC (Alternative 2 - ???)**

*PDT will evaluate FY2012 data to see if a different TAC is more appropriate.*

#4 – Should a higher target TAC alternative for Incidental be considered?  
See letter from NMFS.

#5 – Should a higher assumption for state water catch be used for 2014?  
See letter from NMFS.



## STILL UNDER DEVELOPMENT

### 2.2 ACCOUNTABILITY MEASURES FOR THE SNE/MA WINDOWPANE FLOUNDER SUB-ACL ALLOCATED TO THE SCALLOP FISHERY

#### 2.2.1 No Action SNE/MA Windowpane flounder AM (Alternative 1)

Under No Action, the sub-ACL for SNE/MA windowpane flounder would not have accountability measures specific to the scallop fishery. If the scallop fishery exceeds their sub-ACL, no measures would be triggered to limit or reduce future windowpane catch in the scallop fishery. This is not in compliance with NMFS regulation and guidance on ACL management, which requires an AM for every ACL and sub-ACL.

In terms of when AMs trigger in general, under No Action, if the scallop fishery is below their sub-ACL, and the GF fishery is over their sub-ACL, but the sum of all catch is below the total ACL, then no AMs would trigger in the groundfish fishery. In the reverse, if the scallop fishery exceeds their sub-ACL, but the total ACL is not exceeded because other components of the fishery were under their sub-ACLs, then AMs would NOT trigger for the scallop fishery. The program for SNE/MA windowpane flounder was designed so that each component of the fishery is accountable, but the trigger to implement AMs only occurs if the total ACL is exceeded, not just one particular sub-ACL.

However, under No Action, if the overage by the scallop fishery is substantial causing the overall ACL to be exceeded, AMs would trigger for the groundfish fishery because there are currently no AMs specific to the scallop fishery. If No Action is adopted in Scallop Framework 25, it would be likely that the next groundfish action would consider an AM for the scallop fishery to address this issue. The sub-ACL management strategy used by the Council for other species is that each fishery is accountable, and an overage that causes the total ACL to be exceeded should not impact a fishery that did not cause the overage.

#### 2.2.2 Reactive AM - Seasonal Area Closure (Alternative 2)

This alternative would close a specified area for a period of time with higher bycatch rates of SNE/MA windowpane flounder. This AM would apply to all scallop vessels, LA and LAGC IFQ vessels.

*Length of time or size could vary based on overage – still under development  
Do we want to expand the area if overage higher, or expand the season?  
What would be more effective for this stock?*

##### 2.2.2.1 Background information

The PDT discussed two possible methods for identifying WP hot spots that could be used for both types of alternatives: 1) a method similar to what the GF PDT did in FW47; and 2) identifying hotspots using summarized observer data from 2006-2011 binned several different ways. Specifically, wp catch data will be summarized for the SNE/MA stock only, and will be summarized by statistical area as well as ten minute square. All wp catch will be summarized three ways: total sum of catch per area from all tows, mean catch per tow in each area, as well as

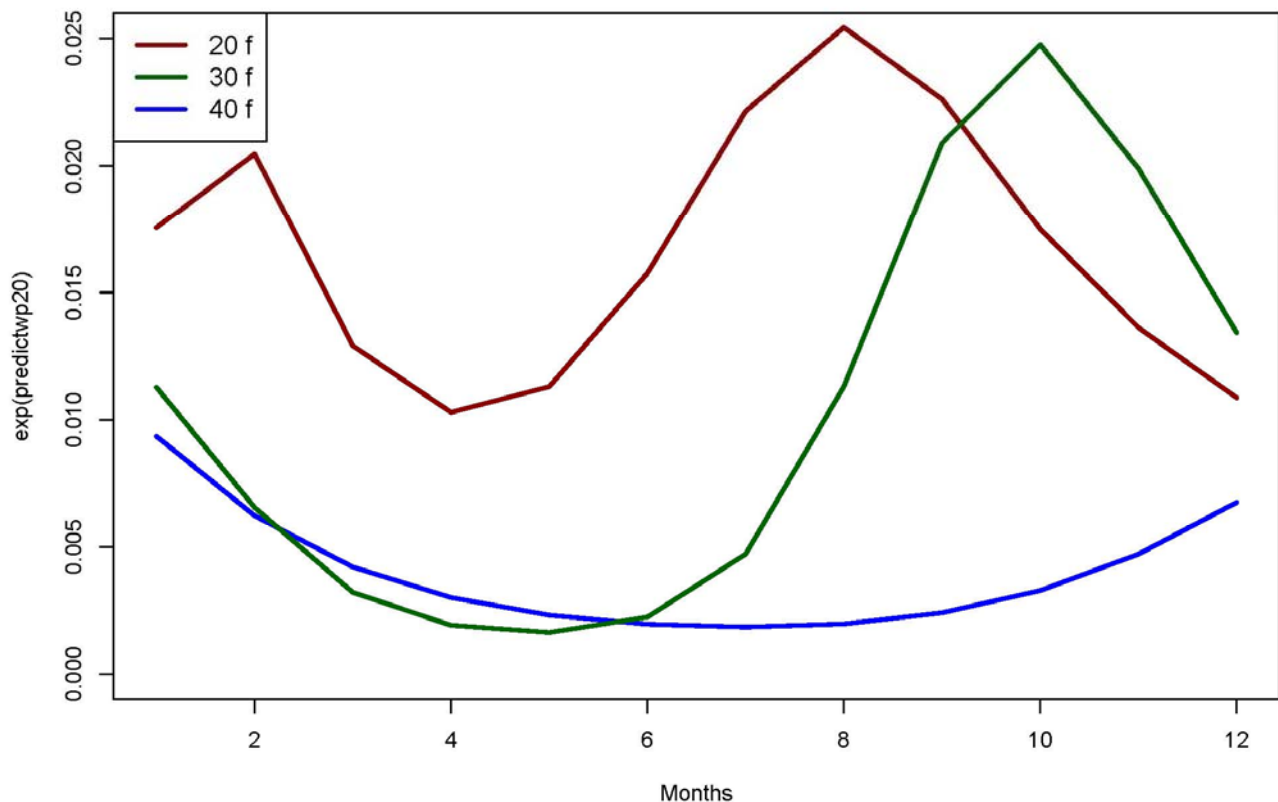
discarded wp to kept scallops for all tows per area. The PDT will review the updated maps at a future date and discuss the best way to identify hot spots for potential AM areas.

The PDT also reviewed observer data summarized by depth and season. These data support that in warmer summer weather SNE/MA windowpane are found in more shallow depths. As water cools, windowpane move deeper, and in the winter months they are more scattered by depth (Figure 1).

Based on these results the PDT supports potential adoption of a season for either an area closure of gear restricted AM for windowpane, i.e July-October. Furthermore, it may be possible to further refine the AM by depth so that the AM area could include more shallow waters in July and August when bycatch rates at that depth are higher, and then expanded to the full area during September and October when windowpane move deeper.

The PDT also discussed that may be an argument to have a smaller area for the closure option and a larger AM area for the gear restricted area – since impacts of latter are likely less.

**Figure 2 – Predicted windowpane bycatch by month and depth**



#6 – AP – Are these seasonal and depth trends for wp bycatch consistent with what you would expect?

### 2.2.3 Reactive AM - Seasonal gear restricted area (Alternative 3)

This alternative would implement a gear restricted area for a specified period of time with higher bycatch rates of SNE/MA windowpane flounder. The specific gear modification has two elements: 1) shorter apron in the dredge bag; and 2) reduced twine top hanging ratio. Figure 3 is a drawing of typical scallop dredge gear. The two gear elements involved with this gear modified area are highlighted in the margin of the figure.

First, the maximum number of rows allowed in the apron of the topside of the dredge would be five rows. A vessel could fish with fewer rows of rings, but the maximum number of rows would be restricted to five. Second, the maximum hanging ratio for the dredge would be 1.5:1 overall; that is an average of 1.5 meshes per ring for the width of the twine top. The twine top is usually connected to the topside of the dredge frame by several rows of rings called the skirt. Individual meshes of the twine top are connected to each ring across the skirt of the dredge. Some vessels use a hanging ratio of 2:1, which means 2 meshes per ring. Some vessels fish with a lower hanging ratio, and some with a greater ratio of 2.5:1 or even 3:1. An overall hanging ratio of 1.5:1 means that the twine top is hung alternating 2 meshes per ring and 1 mesh per ring, for an overall average of 1.5 meshes per ring for the entire width of the twine top.

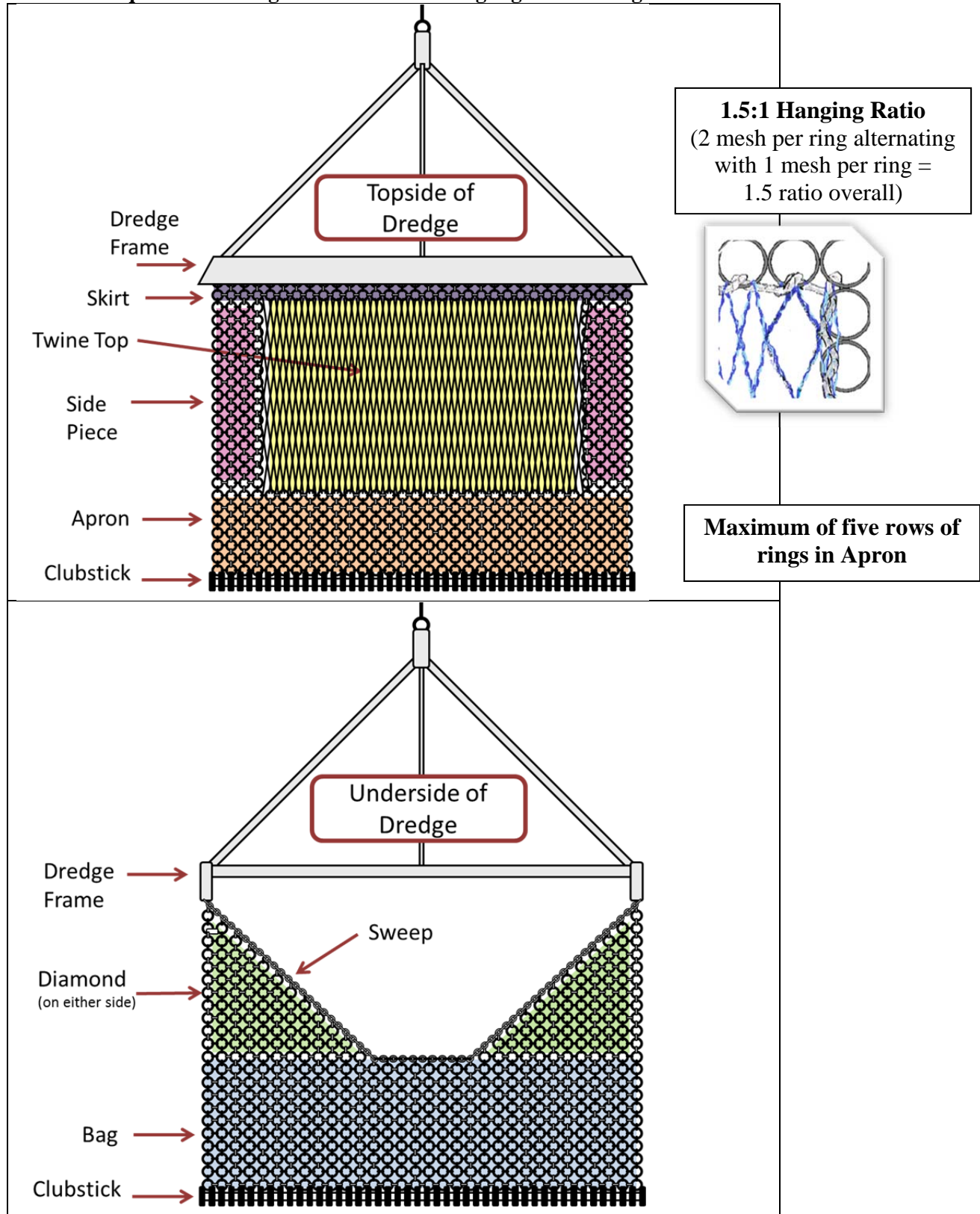
If the twine top is hung with chain instead of rings, then the restriction is ???.

This AM would apply to all scallop vessels, LA and LAGC IFQ vessels.

#7 – AP – what is currently used in the fishery for # of rows in apron and hanging ratio? How does that compare to observer data?

#8 – AP – any ideas for how this regulation would work for vessels that use chain to hang twine top?

**Figure 3 – Typical Scallop dredge gear (topside of gear on top and underside on bottom) Gear requirements for gear restricted area highlighted in margin**



Source: Goff, K. D. 2002. Ring diameter and closed area scallop fisheries. Masters thesis, Virginia Institute of Marine Science, College of William and Mary. (Note: labels and colors added to original figure).  
 Insert figure of hanging ratio courtesy of Coonamessett Farm Foundation.

### 2.2.3.1 Option 1 – Trawl vessels would not be affected by this AM

This Option would not include scallop trawl vessels; these vessels would be exempt from this potential gear restricted area AM.

### 2.2.3.2 Option 2 – Specific trawl gear specifications

This Option would implement a gear restricted area for scallop trawl vessels as well. specific trawl gear modifications would be ???.

#9 – AP – are there any trawl modifications that could be included? Any tested?

### 2.2.3.3 Option 3 – Scallop trawl gear would be prohibited within the seasonal gear restricted area for the time of year the AM is effective

If triggered, a vessel with trawl gear would be prohibited from fishing for scallops within the gear restricted area while the AM is effective.

### 2.2.4 Proactive AM – Modify gear regulations to include a maximum of seven rings in the apron of a dredge in all areas (Alternative 4)

Within the current twine top restrictions in Section 648.51 of the scallop regulations it states that a dredge greater than 8 feet in width, must have at least seven rows of rings between the terminus of the dredge (clubstick) and the twine top. Framework 5 implemented this regulation in 1995 to protect against the overharvest of small scallops. At that time some vessels were running twine top along the topside of the dredge all the way down to the clubstick. Since the mesh used for twine top was much smaller than it is today this practice essentially turned the dredge bag into a net, which has higher mortality on small scallops.

Now that twine top mesh is a required to be a minimum of 10 inches there is less incentive to run it back to the terminus of the dredge. However, recent gear research has shown that a shorter apron, for example 5 rows of rings from the clubstick, may reduce flatfish bycatch. This action is considering a seasonal gear restriction AM that would require vessels to use a shorter apron, but that will only be implemented if an AM is triggered, and would only be required in the specified AM area and season. In contrast, this measure would modify the current requirement to have at least a seven row apron, and instead require vessels to have a maximum of seven rows. This measure may reduce flatfish bycatch by enabling vessels to voluntarily fish with a shorter apron, less than seven rings, to proactively reduce flatfish bycatch in any area or season. This measure would apply to all scallop vessels (LA and LAGC IFQ) in all areas (access and open areas).

This gear restriction is outdated and is no longer necessary with larger mesh size restrictions. In addition, it is counter to innovations that could help reduce flatfish bycatch. Therefore, modifying this dated regulation is a proactive AM. The combination of a shorter apron and lower hanging ratio has been shown to be more selective for larger scallops.

**2.2.5 Proactive AM – Include a maximum twine top hanging ratio of 1.5:1 for all areas (Alternative 5)**

Currently there is no limit on the number of meshes a scallop dredge vessel can use in the twine top of their dredge, so long as the opening is at least 10 inches. The more meshes that are used, the tighter the meshes pull together when fished. For example, many vessels fish with 60 meshes across a 15 ft. dredge, but some fish with as many as 80 or 90 meshes across. As meshes pull tighter there is less space for scallops and fish to escape the gear.

Twine top mesh is connected to the topside of the dredge frame by either rings or chains. In the case of rings, the number of meshes per ring is referred to as the hanging ratio. Some vessels fish a 2:1 hanging ratio which means 2 meshes per ring. Some vessels fish a lower ratio than this (fewer mesh per ring), and other vessels fish a higher ratio (more meshes per ring).

The most effective way to regulate the gear so that the twine top is fished as it was intended to with greater openings for escapement of finfish is to restrict the hanging ratio. Research has shown that lower hanging ratios increase finfish escapement. This alternative would require a maximum hanging ratio of 1.5 meshes per ring, on average for the entire width of the twine top. This measure would apply to all scallop vessels (LA and LAGC IFQ) in all areas (access and open areas).

**2.2.6 Proactive AM – Maximum of five rows of rings in the apron of dredge gear in all newly opened access areas on GB (NL, CA1, and CA2) (Alternative 6)**

This alternative would require a maximum of five rows in the apron of dredge gear on all scallop vessels (LA and LAGC IFQ) in all access areas on GB, including NL, CA1, and CA2. If new scallop access areas are developed on GB and this measure is adopted, this gear restriction should be considered for new access areas as well. Vessels would not be subject to this proactive AM when fishing in open areas.

**2.2.7 Proactive AM – Maximum twine top hanging ratio of 1.5:1 in all newly opened access areas on GB (NL, CA1, and CA2) (Alternative 7)**

This alternative would require a maximum hanging ratio of 1.5 meshes per ring, on average for the entire width of the twine top. All vessels (LA and ALGC IFQ) would be required to fish with this hanging ratio, or less, in all access areas on GB, including NL, CA1, and CA2. If new scallop access areas are developed on GB and this measure is adopted, this gear restriction should be considered for new access as well. Vessels would not be subject to this proactive AM when fishing in open areas.

#10 – AP – Input on the range of reactive and proactive AMs developed to date?

Issues to help focus discussion at September 2013 Meetings			
#	Page in FW25	Staff question	Notes/Potentail Motions
1	14	Provide general input on preliminary specification alternatives. See August PDT summary	
2	15	Is range of CA1 alternatives sufficient?	
3	16	Should a sub-ACT be considered to address uncertainty of IFQ carryover? See Aug PDT summary.	
4	16	Should a higher target TAC alternative for Incidental catch be considered? See letter from NMFS.	
5	16	Should a higher assumption for state water catch be used for 2014? See letter from NMFS.	
6	18	AP - are the seasonal and depth trends for WP bycatch from the observer data consistent with what you would expect?	
7	19	AP- What is currently used in the fishery for the # of rows in the apron of a dredge and hanging ratio for twine top? How does that compare to observer data staff has?	
8	19	AP-Any ideas for how the reactive gear restricted AM alternaitve could be drafted for vessels that use chain to hang twine top rather than rings?	
9	21	AP- Are there any trawl modificatinos that could be included? Any tested?	
10	22	Input on the range of reactive and proactive AMs developed to date?	