

PART 9: CONSISTENCY WITH OBJECTIVES AND NATIONAL STANDARDS

§910 Consistency with Management Objectives

As described in §520, the Council adopted one overall management objective for the sea scallop management program, supported by four considerations. The overall objective is to maximize over time the joint social and economic benefits from the harvesting and use of the sea scallop resource. The four considerations include stock restoration in terms of abundance and age distribution, enhancement of yield per recruit, evaluation of plan-related costs and minimization of adverse environmental impacts.

The management strategy adopted in this Plan, as part of a continuing management program, directly addresses stock restoration and increased yield-per-recruit through control on age-at-entry into the exploitable part of the fishery. The biological benefits associated with adoption of a minimum meat count and shell size measure are discussed in sections 240 and 710. Average productivity per individual in the sea scallop population is shown to increase as controls on meat count and minimum size effectively require the industry to consistently cull scallops that are larger than that which would be retained under traditional industry practice. As a consequence of the increased age-at-entry, the distribution of year classes in the population improves, thereby contributing to stock restoration. The possible future adoption of additional measures, in the continuing management process, to control fishing mortality (supported by data gathered under the licensing and reporting system) will substantially enhance the Council's ability to address these considerations in meeting its overall management objective.

Other biological benefits of a cull-size measure are due to increased reproductive potential. By delaying capture until an older age, scallops which are just beginning to contribute significantly to spawning remain in the population. Although sea scallops begin to mature at age 3, they do not produce many eggs in the first year. At age 4, a female scallop will release about 2 million eggs during spawning. Historically on Georges Bank, sea scallops typically become subject to retention between 3 and 4 years of age. Because significant spawning does not take place until late summer or fall of their fourth year, many scallops are caught before they can contribute to the reproductive potential of the resource. Therefore, the Plan's action to institute a 30 meat count means that fewer immature scallops will be removed from the resource, particularly when recent recruitment dominates the population structure. Therefore, the action will substantially benefit the long-term viability of the overall resource.

As noted in §520, the consideration for minimization of adverse environmental impacts cannot be directly addressed by measures adopted in this Plan. However, measures directed at overall stock restoration will tend to make the fishery resource less susceptible to localized environmental perturbations. A more robust, restored population will also tend to be buffered against uncertain recruitment.

Finally, the management strategy proposed in this Plan is expected to result in minimum implementation, enforcement and research costs. Enforcement will rely on compliance monitoring by NMFS agents, and may result in additional personnel requirements. However, no new system of enforcement within NMFS would be required. Data gathering is expected to rely heavily upon participating, permitted vessels, in addition to ongoing research and survey programs by NMFS. As a result, costs associated with gathering any additional data required by the Council's continuing fishery management programs are expected to be minimal.

§920 Consistency with the National Standards

Section 301 of the Magnuson Act establishes seven National Standards for fishery conservation and management with which all fishery management plans must be consistent. The measures and provisions of the Sea Scallop Plan are consistent with these National Standards in the following manner:

National Standard No. 1:

Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

This Plan defines optimum yield to be the amount of scallops that are harvested by the domestic fishing industry while complying with the specified maximum average meat count and minimum shell size limitations. These measures were selected because of their contribution to the long-term productivity of the scallop resource, as demonstrated by the biological analyses in sections 240 and 710. The Council believes that optimum yield will be achieved for the sea scallop fishery because the industry will accept the specified management measures and comply with them.

The meat count and shell size measures were specifically designed to prevent recruitment overfishing by minimizing the harvest of scallops that are not old and fecund enough to have contributed to the spawning stock.

National Standard No. 2:

Conservation and management measures shall be based upon the best scientific information available.

The Council used the best and most recent scientific information available in developing the sea scallop management program and analyzing its impacts. The 1981 sea scallop stock assessment, prepared by the National Marine Fisheries Service, as well as the most recent statistical information available in the sea scallop industry, served as the basis for much of the descriptive and analytical materials in Parts 2, 3 and 7. Also, a significant amount of biological and life history information was incorporated into the Plan's provisions.

National Standard No. 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.

The entire Atlantic sea scallop resource under U.S. jurisdiction is managed uniformly throughout the New England and Mid-Atlantic regions by the Plan. The Council finds that there are no significant, observed biological differences that would support the separation of regional sea scallop population within the management unit (see §212). Further, there is no biological basis to suggest that separate management of sea scallop populations outside U.S. jurisdiction will have any negative effect on the U.S. sea scallop resource.

National Standard No. 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 U.S. 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 a manner that no particular individual, corporation or other entity acquires an excessive share of such privileges.

This Plan does not discriminate nor make any distinctions between fishermen from the various states. The Council determined that in order to achieve the management objective it is necessary to formulate the management program on an industry-wide basis, and not on the basis of separate, subregional management regimes. The various bioeconomic interrelationships in the sea scallop fishery and the interregional nature of scallop processing and marketing makes this determination necessary. Further, uniform regulation is appropriate in view of the demonstrated ability of most fleet sectors to exploit the resource throughout its range and the lack of any biological basis for creating subregional management areas.

National Standard No. 5:

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

~~This Plan does not make any allocations, either directly or indirectly, of the sea scallop resource to sectors of the industry.~~

Compliance with the meat count and shell size measures and the licensing and reporting requirements will not induce inefficiency in the fishery because culling and sorting are already part of sea scallop fishing operations. The resource is efficiently utilized under this management program because long-term yield is increased for every unit of fishing effort applied. The Plan allows all scallops above the specified sizes to be harvested as they become available, without restrictions imposed on areas or times fished.

National Standard No. 6:

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

The Plan addresses the problems created for the industry by recruitment-induced fluctuations in the resource through measures that are designed to increase overall stock abundance. Nevertheless, fluctuations in year class strength and, therefore, in sizes of scallops available for harvesting will occur. The Council adopted the flexibility mechanism described in Section 821 and Appendix A to allow adjustments in the meat count and shell size measures reflecting changes in resource and fishery conditions.

National Standard No. 7:

Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The measures specified in the sea scallop management program do not impose additional costs on the industry because compliance can be achieved with only slight modifications to traditional harvesting practices. The administrative costs of the program are not expected to be substantial.