

2.0 INTRODUCTION

2.1 Background

2.1.1 Summary of Existing Closures

During December 1994, three large areas of Georges Bank (Figure 4) were closed via Emergency Action to all gear capable of catching groundfish. The Council requested this action by the Secretary of Commerce to protect the depleted groundfish stocks on Georges Bank. The Council followed this temporary action up with a permanent change to the Northeast Multispecies FMP via Framework Adjustment 9.

The basis for excluding scallop vessels from the groundfish closures was that they were “known to catch significant amounts of yellowtail flounder”, and were “reported to have the ability to catch other groundfish when concentrated as for spawning, and that the dredge disturbs the bottom and disrupts the spawning activity.” The Environmental Assessment for the Emergency Action estimated that the foregone scallop revenue was \$21.9 million for 725 scallop trips in the closed areas (Table 1). This economic impact was thought to overestimate the true impacts because of the “possibility that many scallop vessels may have recently redirected their efforts to areas in southern New England and the Mid-Atlantic region due to the severe condition of the scallop resource in the Georges Bank area.”

Table 1. Foregone pounds and value for scallop vessels fishing in the groundfish closed areas. Source: Environmental Assessment for an Emergency Action to implement protective measures in the Northeast Multispecies Fishery prepared by NMFS-Gloucester; March 6, 1995.

Area	Foregone Landings (million lbs.)	Foregone Revenue (million dollars)	Trips affected
Closed Area I	1.1	4.5	126
Closed Area II	2.7	11.7	377
Nantucket Lightship Area	1.4	5.8	222
Total	5.2	21.9	725

NMFS closed two areas in the Mid-Atlantic via Emergency Action in response to a Council request to protect newly recruited scallops (Figure 5). This action was also taken because of the depleted resource conditions in the Mid-Atlantic and as a way to protect some areas where small scallops were abundant. The Council included this temporary closure in Amendment 7 to the Atlantic Sea Scallop FMP and it will last until March 1, 2000.

2.1.2 Success of the Closed Area II scallop fishery during 1999.

Access to Closed Area II for vessels fishing for scallops was highly successful and realized the benefits predicted by Framework Adjustment 11 (NEFMC 1999a). At this time, 185 out of a potential 328 vessels with limited access scallop permits made 580 out of a potential 965 trips into Closed Area II to catch large scallops. As anticipated by Framework 11, trips averaged 6 days-at-sea, ranging from one to fourteen days (Figure 1). NMFS program to place observers on board scallop vessels in Closed Area II was highly successful and over 25 percent of the trips were observed (Table 3). *(The final, 15-Nov-99 preliminary monitoring report from this program is included as Appendix 16.0 because it was available after this document was prepared for consideration by the Council, however, the results do not differ significantly from those reported here.)*

During these trips, the vessels caught 5.3 million lbs. of scallops worth approximately \$32 million (Table 2). They also caught 746,000 lbs. of yellowtail flounder (Figure 3). The ratio of yellowtail flounder to scallop catch was 0.14 lbs. of flounder for each pound of scallops. This ratio is much lower than that predicted in Framework Adjustment 11, allowing the season to last longer than expected and allowing the allocation of three additional trips to 178 vessels that fished before the September 30, 1999 deadline to be eligible for a mid-season adjustment.

The mid-season adjustment appeared to have some unintended consequences, however. On October 12th, the NMFS Regional Office authorized these 178 vessels to make up to three additional trips to Closed Area II. After the announcement, fishing effort and yellowtail flounder bycatch shot up (Figure 2) and the fishery more rapidly approached the flounder TAC (Figure 3).

Seventy-three (73) vessels took advantage of the added opportunity in October 1999 (Table 3). Fifty-one (51) vessel made less than the three trips initially authorized by Framework Adjustment 11. In total, these vessels made 580 trips to Closed Area II and landed nearly 5.3 million lbs., about 9,200 lbs. of scallops per trip. Since each trip accumulated a minimum of 10 days, the trips in Closed Area II used up slightly more than 5,800 days-at-sea, or about 20 percent of the total annual allocation of days-at-sea. Since the average trip length was about six days, the program used 2,320 days that were not actually fished. The actual amount of fishing effort that the Closed Area II fishery removed from the open areas is unknown; it depends on what vessels entered Closed Area II to fish and whether they took advantage of unused days to fish. A more comprehensive analysis of the effects was analyzed in the 1999 SAFE report (NEFMC 1999b) and included in 6.2.6.

Table 2. Total allowable catch and status of the Closed Area II fishery as of October 27, 1999. Source: NMFS– <http://www.nero.nmfs.gov/ro/doc/gb102799.htm>.

	Directed Scallop Fishery (meat weight)	Yellowtail Flounder Bycatch (live weight)
Total Allowable Catch (TAC)	9,384,812 lbs (4,257 mt)	853,165 lbs (387 mt)
Total Catch to date	5,316,358	745,950
% of TAC	57%	87%

Table 3. Distribution of trips and vessel participation during the Closed Area II fishery from June 15, 1999 to October 27, 1999. Source: NMFS– <http://www.nero.nmfs.gov/ro/doc/gb102799.htm>.

Number of Trips	Trips	Number of Vessels
	1	25
2	26	
3	66	
4	58	
5	15	
6	0	
Total Number of Participating Vessels	190	
Number of Scallop Fishing Trips	580	
Percentage of Observed Trips	25.2%	

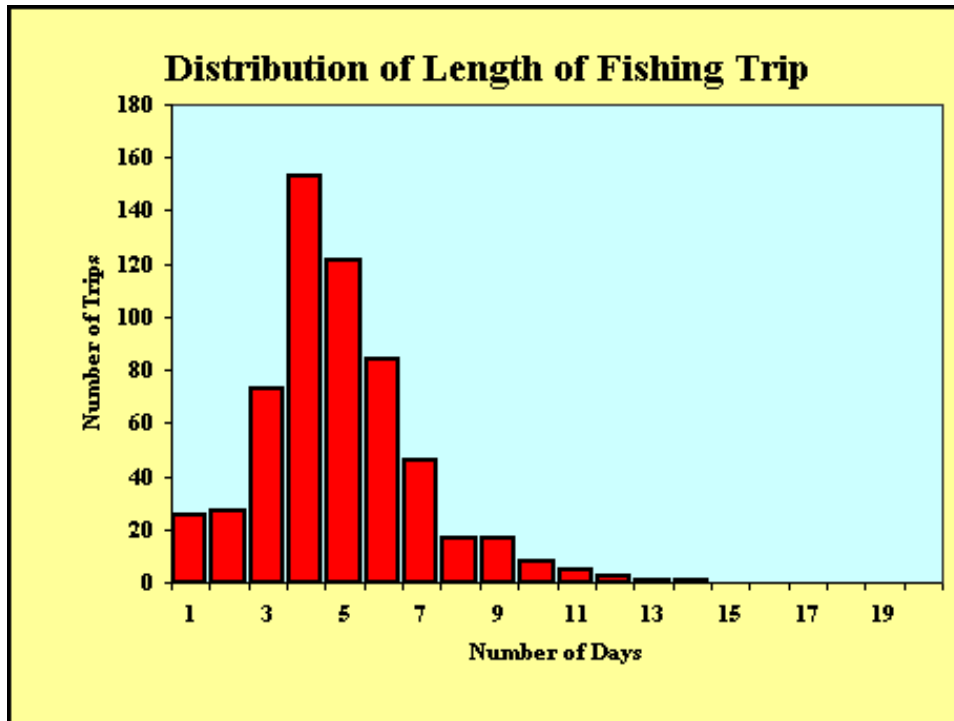


Figure 1. Trip length distribution for scallop fishing trips to Closed Area II, during June 15 to October 27, 1999. Source: NMFS – <http://www.nero.nmfs.gov/ro/doc/gb102799.htm>.

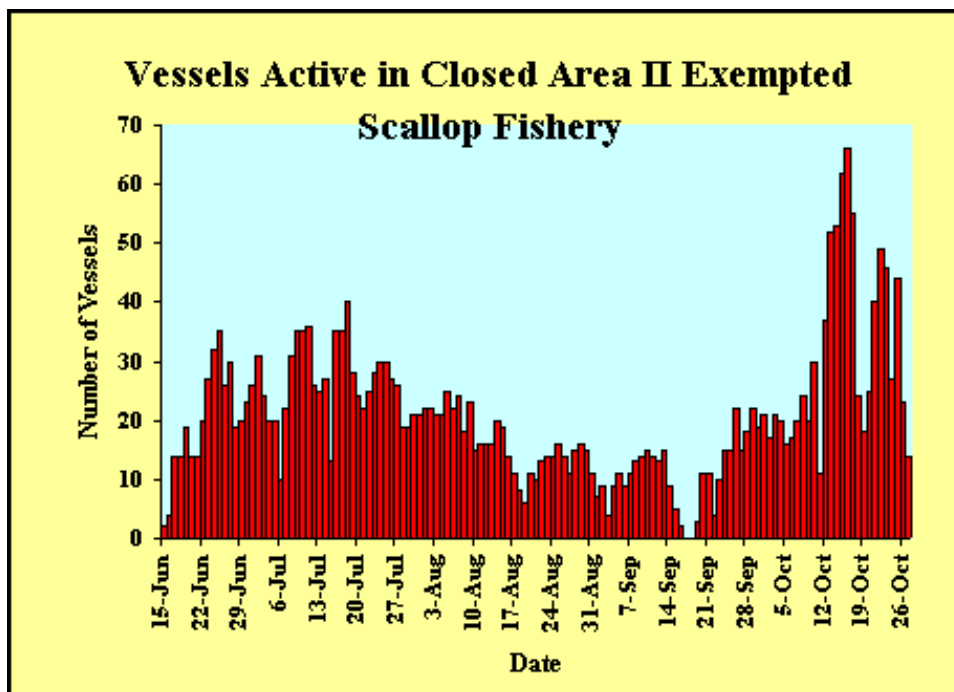


Figure 2. Daily vessel activity in Closed Area II from June 15 to October 27, 1999. Source: NMFS – <http://www.nero.nmfs.gov/ro/doc/gb102799.htm>.

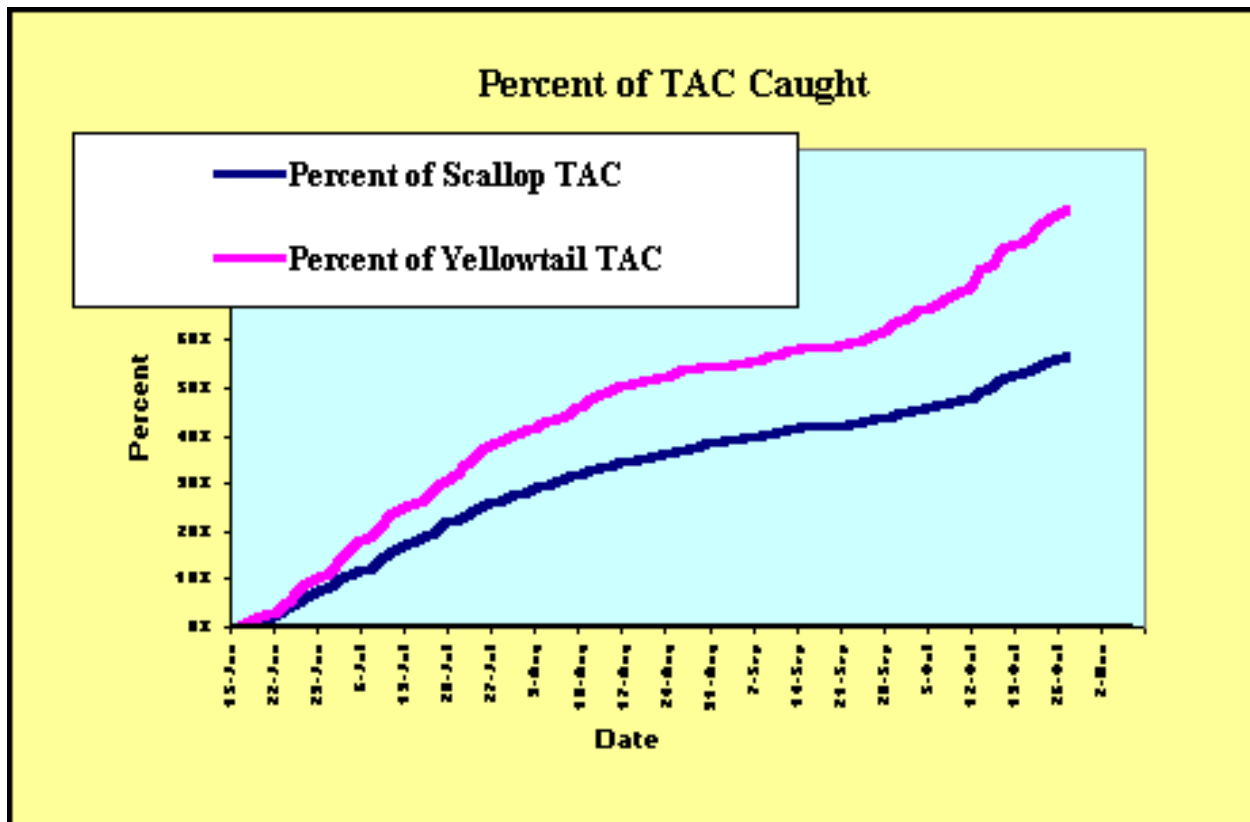


Figure 3. Proportion of scallop and yellowtail flounder TACs caught by vessels fishing in Closed Area II between June 15 to October 27, 1999. Source: NMFS – <http://www.nero.nmfs.gov/ro/doc/gb102799.htm>.

2.1.3 Meetings and Opportunity for Public Comment

Prior to and during the development of Framework Adjustment 13, the Council held the following meetings. This action initially began as part of the annual framework adjustment, i.e. Framework Adjustment 12. During the final meeting for Framework Adjustment 12 on November 17, 1999, after taking public comments and debate on issues related to access to the groundfish closed areas, several significant issue had not been satisfactorily evaluated by the Council’s Oversight Committees. In lieu of postponing the annual framework adjustment, to increase the day-at-sea allocations to 120 days for full-time vessels, the Council postponed action on the access to closed areas and split those alternatives off into a new action. The initial meeting for Framework Adjustment 13 is therefore the September 22, 1999 Council meeting (see table below). The Council therefore also held two final meetings, on November 17, 1999 and January 20, 2000, to take public comment on the proposed access alternatives.

The meetings where access to the groundfish closed areas was a primary and specific agenda item are listed for completeness. Following the formal framework initiation by the Council in January, numerous Council committee, plan development team (PDT), advisory, and scientific meetings were held to discuss issues and concerns, to develop recommendations, and to specify management alternatives. These meetings are listed in the following table:

Prior to initiation of the framework adjustment – SAFE report and assessment meetings	
Date	Meeting
October 17, 1997	Scallop and Groundfish Plan Development Teams
May 20, 1999	Invertebrate Assessment Sub-committee
June 2, 1999	Scallop Plan Development Team
June 21-25, 1999	Stock Assessment Review Committee
July 7-8, 1999	Scallop Plan Development Team
July 29-30, 1999	Scallop Plan Development Team
August 24, 1999	Scallop Plan Development Team
September 16-17, 1999	Scientific and Statistical Committee
Framework adjustment meetings	
Date	Meeting
September 9, 1999	Scallop Advisory Committee
September 10, 1999	Scallop Oversight Committee
September 22, 1999	Initial Framework Meeting – Fairhaven, MA
September 28-29, 1999	Scallop Oversight Committee
October 6-7, 1999	Scallop Plan Development Team
October 6, 1999	Habitat Technical Team
October 18, 1999	Scallop Plan Development Team
October 19, 1999	Habitat Oversight Committee
November 8, 1999	Research Steering Committee
November 10, 1999	Groundfish Oversight Committee
November 12, 1999	Scallop Oversight Committee
November 15, 1999	Gear Conflict Committee
November 15, 1999	Enforcement Committee
November 17, 1999	Final Framework Meeting – Gloucester, MA
December 7-8, 2000	Groundfish Plan Development Team
December 13, 1999	Groundfish Oversight Committee
January 10-11, 2000	Scallop Oversight Committee
January 14, 2000	Groundfish Oversight Committee
January 20, 2000	Final Framework Meeting – Danvers, MA

Consistent with the Council's framework adjustment procedures in the Atlantic Sea Scallop and the Northeast Multispecies FMPs, two formal framework meetings were also held. At regularly scheduled Council meetings, the initial meeting was September 22, 1999 in Fairhaven, MA and the final meeting was November 17, 1999 in Gloucester, MA. Due to unresolved issues at the November 17, 1999 meeting, the Council postponed final action on Framework Adjustment 13 until January 20, 2000. Notices and agendas for all three framework meetings, as well as all committee meetings, were published in the Federal Register and distributed to the Council's extensive interested party mailing list.

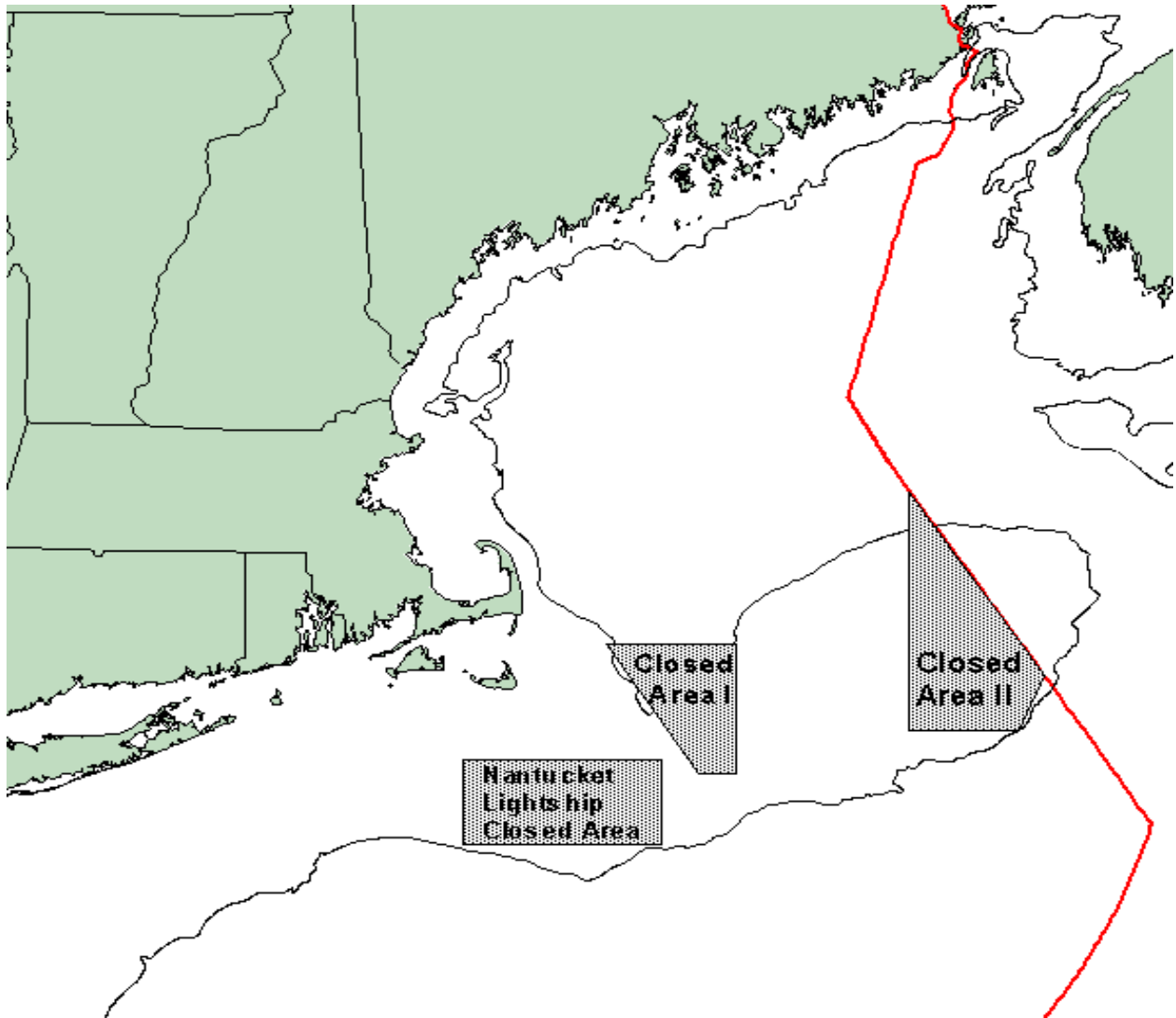


Figure 4. Location of groundfish closed areas closed to scallop vessels during December 1994.

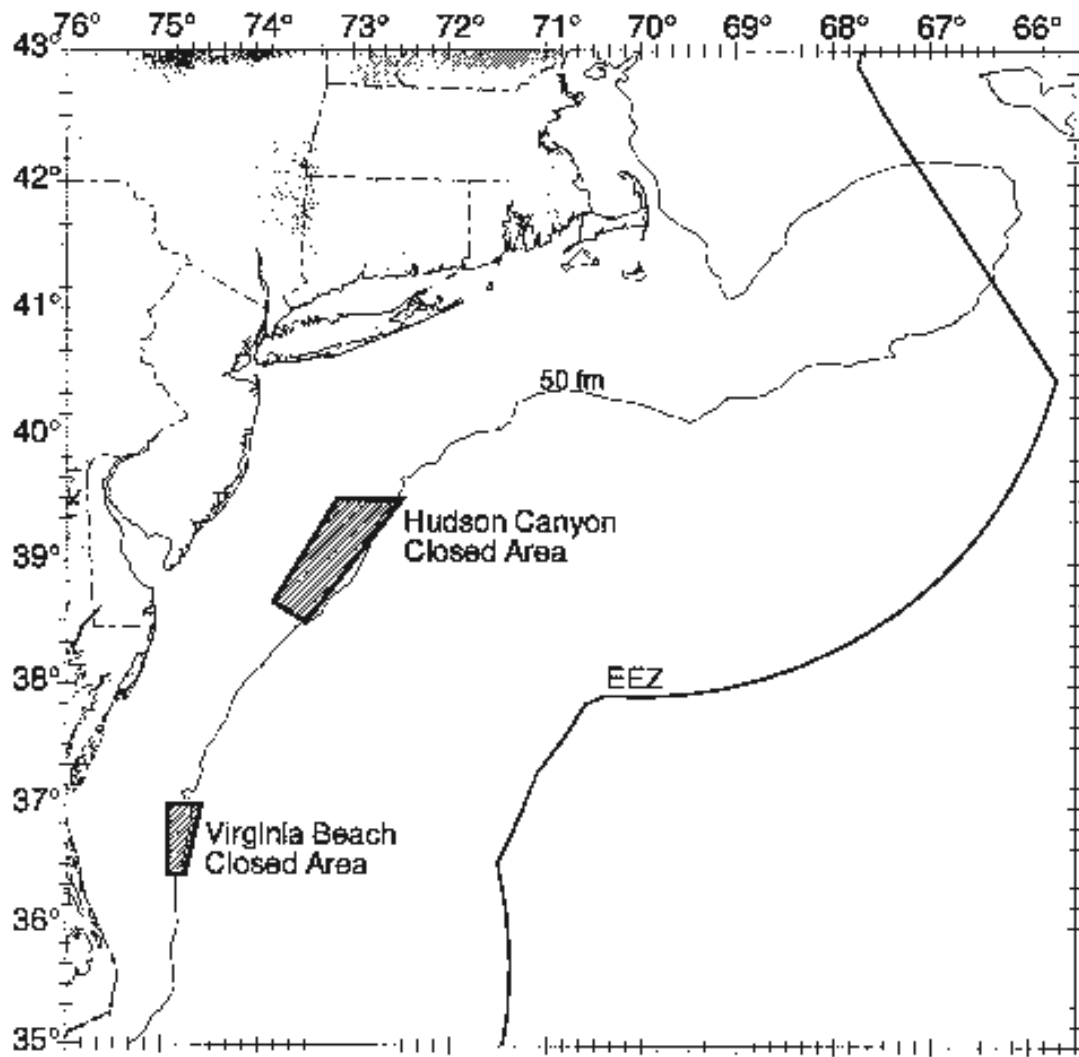


Figure 5. Location of scallop closed areas in the Mid-Atlantic closed during 1998 by emergency action.