

## 5.0 PROPOSED ALTERNATIVES AND QUALITATIVE IMPACTS

### 5.1 *Proposed Action*

The framework adjustment proposes to temporarily open portions of the Nantucket Lightship Area, Closed Area I, and Closed Area II for a limited scallop fishery. The following sections describe the proposed action and the management measures that would apply to scallop fishing in portions of the groundfish closed areas.

Scallop vessels that are eligible to access the groundfish closed areas would be able to fish for scallops in portions of one or more groundfish closed areas. These areas, shown in Figure 4, were originally closed by the December 1994 Emergency Action to protect overfished groundfish stocks, including cod, haddock and yellowtail flounder. This action prevented the scallop fishery from accessing an historically important scallop resource area, including the Great South Channel and the Northern Edge and Peak. The latter resource area is open to the Canadian scallop fishery on the portion of Georges Bank within Canadian authority. During 1994, this was not a critical issue because of the low scallop abundance and biomass on Georges Bank. Scallop biomass has increased by 16 times the 1994 level, primarily in this favorable scallop habitat due to the near zero fishing mortality.

The management measures proposed for the closed area scallop fishery are defined by the scallop TAC (8,664 mt<sup>2</sup>) which determines the number of trips that may be allocated and the scallop possession limit for each trip, taking into account the number of vessels that would be eligible to participate. Since many eligible vessels are unlikely to participate, this is a risk-averse and adaptive approach. Under-participation by eligible vessels could allow a mid-season adjustment to the trip allocation and the scallop possession limit, based on the number of vessels that actually participate.

The initial allocations are three trips for Closed Area II, two trips for Closed Area I, and one trip for the Nantucket Lightship Area. Full-time vessels would be able to take all six trips, since the automatic accumulation of days for the six closed area trips totals 60 days, less than the 120 day allocation for full-time scallop vessels during the 2000 fishing year. Part-time and occasional scallop vessels, on the other hand, do not have sufficient days (48 and 10, respectively) to take all six trips. Assuming that a scallop vessel has its initial day-at-sea allocations available to fish in the closed areas, a full-time vessel could therefore take up to five trips<sup>3</sup> in the three groundfish closed areas (up three in Closed Area II, two in Closed Area I, and one in the Nantucket Lightship Area as long as they total no more than four), plus have eight days remaining in the open areas. Occasional scallop vessels would be able to take only one trip (accumulating 10 days-at-sea) in any one of the three groundfish closed areas if the vessel elects to fish there instead of in the open areas. The initial scallop possession limit, to be in effect at least until adjusted by the Regional Administrator, will be equal in all areas to improve enforceability.

Each trip into a closed area will trigger the accumulation of a minimum number of days-at-sea against the vessel's allocation, regardless of trip length. If the trip lasts longer than the day-at-sea tradeoff, due to distance from port, the actual number of days-at-sea will accumulate. If the vessel leaves these areas during a closed area trip, it may not return or continue fishing in other areas. This higher rate

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<sup>2</sup> This value includes the two-percent TAC set aside for funding observers and research and the five-percent set-aside for landings by general category scallop vessels, but excludes the one-percent supplement to fund observers.

<sup>3</sup> On March 1, 2000, a part-time scallop vessel has the potential to receive a 58 day-at-sea allocation; 48 days for the 2000 fishing year plus up to 10 unused days-at-sea carried forward from the 1999 fishing year.

of day-at-sea accumulation is a conservation measure to ensure that the program is conservation neutral and achieves the objective of shifting fishing effort from areas with small scallops (in currently open areas) to areas with large scallops (in currently closed areas).

A second TAC will ensure that the proposed action does not jeopardize the approved rebuilding schedule for yellowtail flounder. The scallop catch and yellowtail flounder bycatch will be closely monitored and the proposed action authorizes the Regional Administrator to suspend the closed area scallop fishery if the yellowtail flounder TAC will be exceeded.

Other measures are proposed to ensure compliance with the proposed action, promote monitoring of the fishery, and ease the law enforcement burden. A very important part of the proposed action is a scallop TAC set aside to provide funds for the high level of observer coverage required to monitor the fishery and for funding innovative research during the closed area fishery.

The management measures contained in the proposed action are described in Sections 5.1.1 to 5.1.13 and summarized in the table below. During the development of Framework Adjustments 13 and 34, the Council considered alternatives and options for the measures that were approved. The rejected alternatives and options are described in Section 0.

Table 4. Summary of management measures in the proposed action.

Eligibility	All limited access scallop permits are eligible General category scallop permits are eligible to fish under a scallop TAC set-aside program Net boats must use dredges, but may continue to use nets in other areas	Section 5.1.7
Total Allowable Catch for Scallops and Yellowtail Flounder	19.1 million lbs. scallop TAC 1% set aside and 1% supplement to fund observers; 1% set aside to fund research 725 mt Georges Bank and Cape Cod yellowtail flounder TAC 50 mt Southern New England yellowtail flounder TAC	Sections 5.1.3.1 to 5.1.4
Season	Nantucket Lightship Area: August 15 to September 30 Closed Area I: October 1 to December 31 Closed Area II: June 15 to August 14 Season will be suspended when the yellowtail flounder bycatch TAC is exceeded	Section 5.1.1
Area restriction	Northeast corner of Nantucket Lightship Area Central part of Closed Area I South of 41°30' N latitude for Closed Area II	Section 5.1.1
Scallop Buffer Zone	None.	Section 5.1.2
Gear restrictions for access to the groundfish closed areas	Limited access scallop vessels: dredges with a combined width of no more than 31 feet and with 10-inch mesh twine tops General category scallop vessels: one dredge no more than 10.5 feet in width and with 10-inch mesh twine tops	Section 5.1.8
Effort limits	One trip for full and part-time vessels in Nantucket Lightship Area; two trips in Closed Area I; and three trips in Closed Area II Additional allocations of trips possible through in-season	Section 5.1.6

	adjustments for the Nantucket Lightship Area and Closed Area I only Each closed area trip accumulates 10 days-at-sea	
Scallop possession limit	10,000 pounds of scallop meats for limited access vessels 400 pounds of scallop meats for general category scallop vessels 50 US bushels of shell stock	Section 5.1.9
Possession limits for bycatch	1,000 pounds of regulated multispecies for limited access vessels No possession of regulated multispecies for general category scallop vessels	Sections 5.1.9.4 and 5.1.9.5
Reporting requirements	Vessels must have an operational VMS onboard and all vessels will be polled on average two times per hour. Vessels will be required to make daily reports of catch and/or effort via email messaging Vessels must make vessel trip reports and may be required to submit supplementary data	Section 5.1.11
Observer coverage	Goal to sample 25 percent of closed area trips for all trips in each area made by limited access and general category scallop vessels Vessels may be required to pay for observer costs through authorized increases in scallop landings	Section 5.1.12
TAC set aside for research	Additional scallop landings to fund authorized research projects	Sections 5.1.3.2.1 and 5.1.13
Enforcement provisions	Activation code added to VMS program Vessels will be required to declare its intention to fish on a closed area trip prior to departure Vessels may not re-enter a groundfish closed area where scallop fishing is permitted once it has exited the area Vessels may not fish in other areas on a closed area trips Landings must be unloaded at a single location	Section 5.1.10

The annual framework adjustment proposes to make two changes to the FMP and achieve the plan objectives and Amendment 7 targets. The first change is to adjust the day-at-sea allocations to meet the Amendment 7 fishing mortality targets. Three options are proposed: 1) increase day-at-sea allocations to 1998 levels (142 for full-time vessels), 2) increase day-at-sea allocations to 1999 levels (i.e. no decrease from the 120 days-at-sea now allocated to full-time vessels) and 3) the status quo (51 days-at-sea allocated to full-time vessels). The second change is to continue and/or expand scallop access to the groundfish closed areas, where scallop biomass has rebuilt, to increase net benefits and boost rebuilding in the open areas through effort shifts into the groundfish closed areas.

The annual SAFE report (NEFMC 1999b) reported that the Amendment 7 fishing mortality targets were still expected to achieve the biomass targets during the rebuilding schedule. In fact, favorable recruitment and the effect of closed areas have improved the prospects for rebuilding, making it more consistent with the overfishing control rule for the Georges Bank and Mid-Atlantic stocks. Instead of rebuilding in 10 years, as Amendment 7 was meant to achieve, more recent biomass projections indicate that rebuilding is now possible in five to six years from implementation of Amendment 7. This

assumes median recruitment is realized in 2000 to 2004. Thus, no changes to the Amendment 7 fishing mortality schedule are necessary to meet plan objectives.

New analyses in the SAFE report, however, show that area closures have been effective at reducing mortality, improving the effectiveness of day-at-sea controls. This analysis was revised in Framework Adjustment 12 to address technical concerns raised by the Council’s Scientific and Statistics Committee and others. It shows that the closed areas help to achieve the mortality goals, since nearly 80 percent of scallop biomass (somewhat lower abundance) is not fished.

With this amount of the scallop resource under protection via area closures, the analysis indicates that increasing the day-at-sea allocations from the scheduled 51 days is possible without jeopardizing the biological objectives of the plan. This prediction, however, assumes that access to closed areas is truly conservation-neutral and day-at-sea use does not increase above projected levels, based on 1998 day-at-sea activities. There are also considerable uncertainty about the estimates and the data that the model uses, factors for the Council to consider when setting the day-at-sea allocations for 2000.

### 5.1.1 Area access boundaries and seasons for Nantucket Lightship Area, Closed Area I, and Closed Area II (Framework Adjustments 13 and 34)

#### 5.1.1.1 Closed Area II: June 15, 2000 to August 14, 2000 with Alternative 1 boundaries

Scallop vessels that are eligible to access the closed area(s) would be able to fish south of 41°30’ North latitude within Closed Area II. The shaded area in the southern portion of Closed Area II in Figure 21 represents the portion where scalloping would be permitted. Additional detail showing scallop distribution and average size at each station is shown in Figure 13 and described by longitude and latitude in Table 5. Vessels with general category permits are ineligible (see Section 5.1.7.3) to fish for scallops in Closed Area II.

Vessels with limited access scallop permits (Section 5.2.10) would be eligible to fish for as many as three trips (Section 5.2.6) in Closed Area II from June 15, 2000 to August 14, 2000, or until the catch exceeds either the scallop or yellowtail flounder TAC, whichever comes first. All trips must end before August 15, 2000 and no additional trips will be allocated, even if the catch is expected to fall short of the TACs.

Table 5. Boundary of the portion of Closed Area II for scallop fishing during June 15, 2000 to August 14, 2000.

Point label <sup>†</sup>	North latitude	West longitude
CII1	41°00’	67°20’
CII2	41°00’	66°35.8’
G5	41°18.6’	66°24.8’ (US/Can)
SC1	41°30’	66°34.8 (US/Can)
SC2	41°30’	67°20’
CII1	41°00’	67°20’

<sup>†</sup> Only points SC1 and SC2 are new. Other points are labeled to correspond to points of reference in existing regulations describing the boundaries of Closed Area II and the HAPC.