

FRAMEWORK 19

APPENDIX IV

Decision Document for Final Council Action on Framework 19



Framework 19 Decision Document
New England Fishery Management Council
October 25, 2007 – Council Meeting – Wakefield, MA

The primary purpose of this document is to set specifications for the 2008 and 2009 fishing years. In addition, this action includes alternatives specific to measures approved by the Council in Amendment 11. Lastly, there are several alternatives related to other more minor aspects of the management program.

This decision document will outline 16 decisions the Council must make before submitting Framework 19 to NMFS for approval. Each decision is described separately. For further information other than what is described in this document, refer to the section numbers in FW19 referenced after each decision herein. Both the Scallop Committee and Advisory Panels met to review Framework 19 and identified preferred alternatives. Input from these two groups is included by decision.

I. Specifications for FY2008 and FY2009

- Decision 1 New area closures in Hudson Canyon and the Great South Channel
- Decision 2 Overall scenario
- Decision 3 Un-used trip extension for Hudson Canyon
- Decision 4 Elephant Trunk Access Area seasonal closure and Notice Action
- Decision 5 Delmarva Access Area seasonal closure and Notice Action
- Decision 6 Crew size restrictions
- Decision 7 Prohibition of deckloading

II. Amendment 11 related alternatives

- Decision 8 Quarterly hard TAC for general category vessels
- Decision 8b General Category allocations in access areas during transition period
- Decision 9 General Category allocations in access areas post transition period
- Decision 10 Cost Recovery Program
- Decision 11 Northern Gulf of Maine hard TAC
- Decision 12 Incidental catch mortality removal from projected total catch

III. Other minor adjustments to the scallop management program

- Decision 13 Overfishing definition
- Decision 14 Observer set-aside program
- Decision 15 30-Day VMS power down
- Decision 16 Clarification about when a vessel can leave for an access area trip

Decision 1: Potential new rotational areas in Hudson Canyon and the Great South Channel

The PDT recommended consideration of closures for HC and GSC based on high numbers of small scallops (<70mm) caught in these areas during the 2007 scallop survey. The PDT used the guidelines established in Amendment 10 for flexible area rotation boundaries. The advisors reviewed these alternatives, and recommended inclusion of the existing HC boundary as an additional alternative.

A) New rotational area in Hudson Canyon (HC) vicinity – Section 2.9.1 (page 54, Figure 3)

| Section | Alternative | Description | Cmte Rec. | AP Rec. |
|---------|-----------------------|---|-----------------------------------|----------------------------------|
| 2.9.1.1 | No Action | No new rotational area in HC | | |
| 2.9.1.2 | Smaller HC area | 4x4 10min square; closed at least FY 2008 and 2009 | | |
| 2.9.1.3 | Larger HC area | 5x5 10min square; closed at least FY 2008 and 2009 | | |
| 2.9.1.4 | Current HC boundaries | No change to current HC boundary, closed at least FY2008 and 2009 | Committee identified as preferred | Advisors identified as preferred |

B) New rotational area in the Channel (SCh) – Section 2.9.2 (page 58, Figure 5)

| Section | Alternative | Description | Cmte Rec. | AP Rec. |
|---------|-------------|---|-----------------------------------|----------------------------------|
| 2.9.2.1 | No Action | No new rotational area in SCh | Committee identified as preferred | Advisors identified as preferred |
| 2.9.2.2 | New area | North of Nantucket Lightship, West of CAI; closed at least FY 2008 and 2009 | | |

Biological Impacts – Section 5.1.14, pg. 147

HUDSON CANYON

- Short and long-term exploitable biomass higher in HC under the two HC alternatives and the preferred alternative (which also closes existing HC area), compared to DMV2 (no new closures)
- But 2009 LPUE is 1700 lbs/day for DMV2, and 1900 lbs/day for the preferred alternative and HC alternatives
- Because scallops are small in this area, giving them time to reach their growth potential maximizes yield

GREAT SOUTH CHANNEL

- This area includes a concentration of small scallops that have not shown up on Georges Bank in recent years
- Short-term and long-term exploitable biomass is higher under the SCh alternative
- However, exploitable biomass in open areas in the Channel are hit relatively hard if SCh is closed because few open areas on GB have high scallop abundance
- SCh is expected to increase F in other areas compared to DMV2 due to displacement

Economic Impacts – Document #10

- Closure of HC or SCh is expected to have positive economic impacts due to reduced mortality and increased yield in this area.
- Larger HC closure reduces overall landings slightly in 2008, but revenue impacts and total economic benefits will be higher in short- and long-term compared to No Action.
- Closure of SCh with the HC open will allocate landings in relatively less productive areas, reducing overall LPUE
- Closure of SCh in short-term will have larger revenues and economic benefits compared to preferred alternative, but in long-term results in lower overall economic benefits

Other Impacts – Documents # 7 and 9

- *Both areas:* If area proves to have proportionally high scallop abundance, then the closure would allow for decreased bottom contact time and spatially-focused fishing, thus minimizing effects of fishing on EFH
- *Both areas:* Magnitude of reductions of adverse impacts on EFH inconclusive
- *Both areas:* Short-term social impacts include less flexibility for businesses from short-term decreases in revenue, but which are slightly offset by higher long-term revenues
- *Both areas:* More negative impacts on fishermen with smaller vessels or who have knowledge of a particular locale due to fewer options and less flexible fishing conditions
- *Both areas:* Expected future biomass increase will have more positive impacts on mobile fishermen who can switch areas more easily

Decision 2: Overall Scenario – Section 2.3, page 14

Due to the interrelated nature of area rotation and how the model projects impacts for the entire resource overall, it is difficult to pull out specific impacts by area. Therefore, the various alternatives under consideration have been combined into a number of scenarios. The **No Action** alternative assesses the impacts of essentially rolling over current specifications. There are two alternatives that consider revising the order of the Georges Bank access area schedule (**DMV3** and **DMV2**). The only difference between these two alternatives is that one keeps the Delmarva area closed for both 2008 and 2009, and one alternative considers access in 2009. The rest of the scenarios include various alternatives related to new rotational areas to protect small scallops: **HCL** would close a 5X5 ten-minute-square area near the current Hudson Canyon closed area; **HCS** would close a 4X4 ten-minute square area near the current Hudson Canyon area; **SCH** would close an area in the South Channel northeast of Nantucket Lightship; and **SCHHC** would close both areas – the smaller HC area and the SCH area. See the table below for a summary of what each scenario has analyzed.

All four of these scenarios include the same assumptions for allocations as scenario “DMV2” (one trip in NL in 2008, one trip in CAII in 2009, one trip in Delmarva in 2009, and 4 trips in ET in 2008 and 3 trips in ET in 2009). All scenarios then identify a certain level of open area DAS based on which areas are accessible to reach an overall fishing mortality target of $F=0.20$. **After the Committee meeting, an additional alternative was added that is similar to HC-sm, but it proposes to close the existing HC area (not the 4X4 ten-minute square area) and it allocated more DAS in open areas in 2008 and fewer DAS in 2009 for an average $F=0.20$ for both years combined; this alternative is called “Pref”, for the preferred alternative.**

Summary of scenarios considered in Framework 19

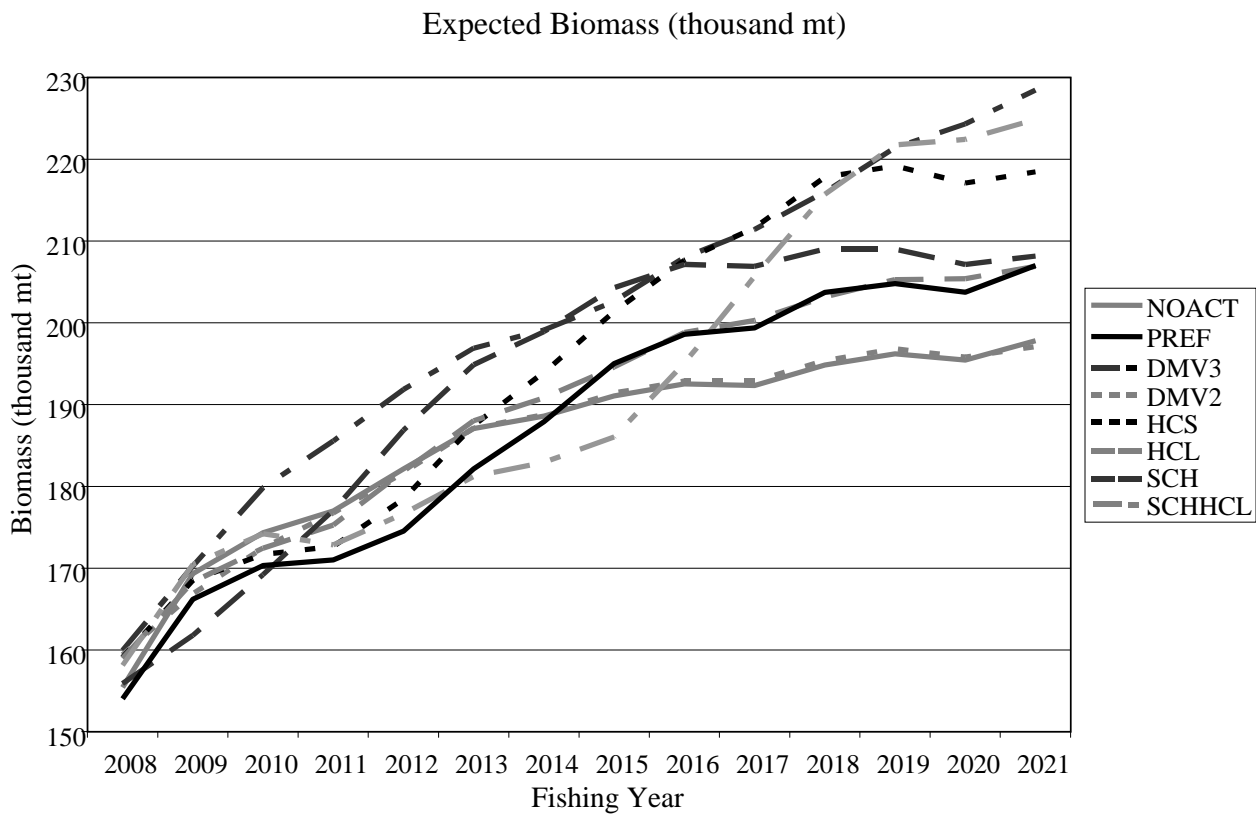
| 2008 | CL1 | CL2 | NLS | ET | Dmv | HC | Sch | IndvDAS* | Projected F | Projected Catch | Projected bottom area |
|------------------|-----------|---------------|---------------|----------------|---------------|-----------|-----------|-----------|-------------|-----------------|-----------------------|
| No Action | 1 trip | 0 trip | Cl | 3 trips | Cl | Op | Op | 51 | 0.24 | 43.6 | 6,783 |
| Preferred | Cl | Cl | 1 trip | 4 trips | Cl | Cl | Op | 35 | 0.22 | 44.4 | 5,558 |
| Dmv 3 | Cl | Cl | 1 trip | 4 trips | Cl | Op | Op | 32 | 0.20 | 46.3 | 4,185 |
| Dmv 2 | Cl | Cl | 1 trip | 4 trips | Cl | Op | Op | 32 | 0.20 | 46.3 | 4,185 |
| HC-sm | Cl | Cl | 1 trip | 4 trips | Cl | Cl | Op | 30 | 0.20 | 43.2 | 4,472 |
| HC-lar | Cl | Cl | 1 trip | 4 trips | Cl | Cl | Op | 29 | 0.20 | 44.0 | 4,454 |
| Sch | Cl | Cl | 1 trip | 4 trips | Cl | Op | Cl | 50 | 0.20 | 51.1 | 13,420 |
| Sch+HC | Cl | Cl | 1 trip | 4 trips | Cl | Cl | Cl | 42 | 0.20 | 44.2 | 7,335 |
| | | | | | | | | | | | |
| 2009 | CL1 | CL2 | NLS | ET | Dmv | HC | Sch | IndvDAS* | Projected F | Projected Catch | Projected bottom area |
| No Action | Cl | 0 trip | 0 trip | 3 trips | Cl | Op | Op | 51 | 0.16 | 41.3 | 5,539 |
| Preferred | Cl | 1 trip | Cl | 3 trips | 1 trip | Cl | Op | 42 | 0.18 | 45.9 | 5,886 |
| Dmv 3 | Cl | 1 trip | Cl | 3 trips | Cl | Op | Op | 60 | 0.20 | 51.6 | 6,487 |
| Dmv 2 | Cl | 1 trip | Cl | 3 trips | 1 trip | Op | Op | 48 | 0.20 | 52.6 | 5,321 |
| HC-sm | Cl | 1 trip | Cl | 3 trips | 1 trip | Cl | Op | 47 | 0.20 | 48.7 | 6,082 |
| HC-lar | Cl | 1 trip | Cl | 3 trips | 1 trip | Cl | Op | 47 | 0.20 | 49.2 | 5,820 |
| Sch | Cl | 1 trip | Cl | 3 trips | 1 trip | Op | Cl | 69 | 0.20 | 54.9 | 16,992 |
| Sch+HC | Cl | 1 trip | Cl | 3 trips | 1 trip | Cl | Cl | 54 | 0.20 | 46.3 | 7,896 |

* The full-time individual DAS value is based on an estimate of 326 active full-time equivalent limited access vessels out of 350 limited access permits in 2007. These values have removed TAC for general category allocations and set-asides.

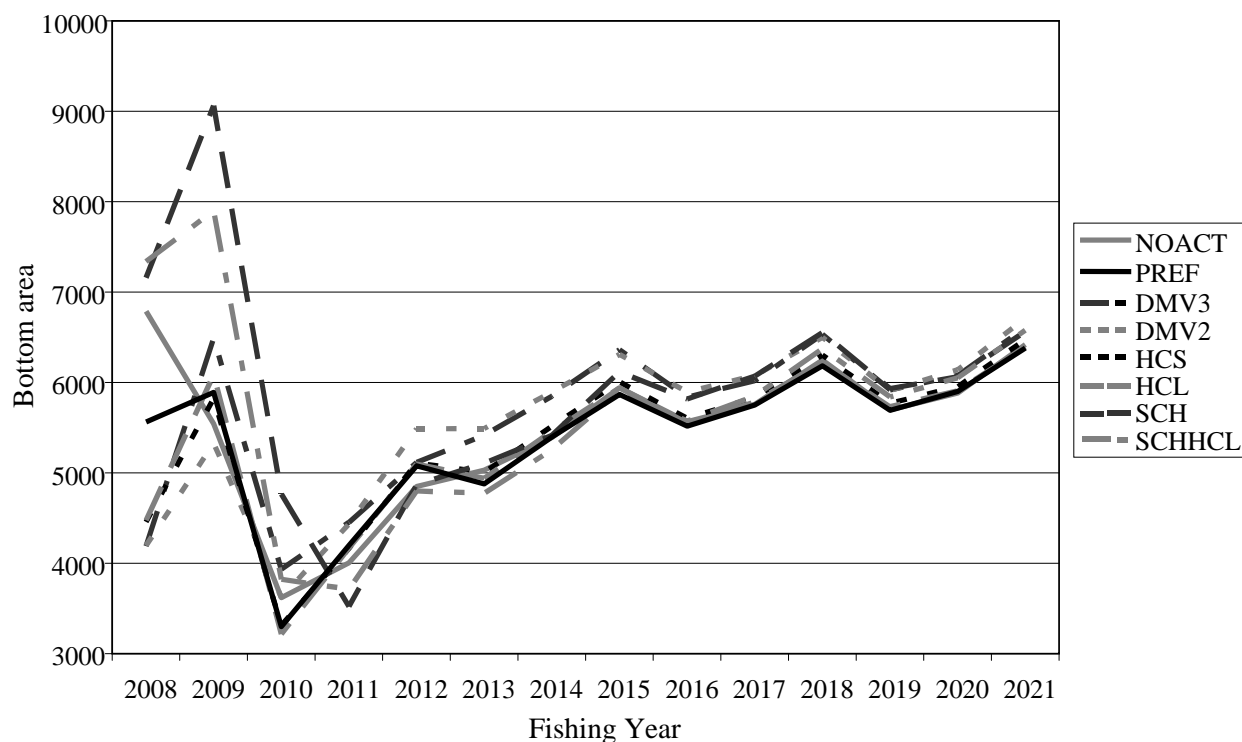
Decision 2 (continued):

Biological Impacts

- In general the projected exploitable biomass is similar overall when comparing the various scenarios but does vary by area. Biomass in open areas is lowest under alternatives that closed the area in the Channel and the No Action.
- Average LPUE is highest for the DMV and HC alternatives followed by the preferred alternative. Compared to the No Action alternative the preferred option has higher LPUE averages for both open and access areas for both years – thus lower impacts for same yield.



Expected Bottom Area



Economic Impacts – See Document #10

- Projected scallop landings for the preferred alternative and other alternatives are higher compared to No Action for FY2008 and 2009, with exception of the HCL alternative in 2008
- Preferred alternative and other alternatives expected to increase revenues in both 2008 and 2009 compared to No Action
- 2009: scallop revenues for preferred option expected to exceed the revenues under No Action by ~ 6.2%, and by slightly more under other alternatives
- Total benefits (consumer benefits + producer benefits) for alternative options expected to exceed No Action by 4.5% - 15.5% (range of prices considered in estimates)
- Preferred option will increase total economic benefits by ~5.5% - 5.8% in short-term
- Long-term: all alternatives expected to increase scallop revenues by 0.5% - 1.5% and total net benefits by 1% - 3%. Positive impacts of the preferred option on net economic benefits (2.68%) either exceed or are similar to benefits values under other alternatives.

Other Impacts – See Documents #7 and 9

- In general the habitat impacts of all scenarios are expected to be positive relative to baseline conditions because access is allocated in areas with more biomass (ET and NL) compared to areas with lower biomass such as open areas and Closed Area I, resulting in more concentrated, less diffuse fishing pressure.
- When less access is allocated, the short-term social impacts include less flexibility for businesses stemming from short-term decreases in revenue (see Economic Impact section), which would affect more those businesses with smaller cash flows or fewer economic and social resources. This would be offset by slighter higher revenues in the long-term.

Short term projections of catch, revenue, LPUE, DAS used and % Change in catch compared to No Action

| Fishing year | Alternatives | Landings (lb.) | Total Revenue (Lower prices, mill. \$) | LPUE | DAS-used (fleet total) | % Change in landings from No action |
|--------------|---|----------------|--|------|------------------------|-------------------------------------|
| 2008 | No Action | 43.4 | 336 | 1475 | 29,256 | |
| | Preferred option | 44.4 | 340 | 1593 | 27,903 | 2.3% |
| | DMV closed (Similar to SQ, DMV3) | 46.3 | 345 | 1780 | 25,870 | 6.7% |
| | DMV closed in 2008, open in 2009 (DMV2) | 46.3 | 345 | 1780 | 25,865 | 6.7% |
| | HC closure, large (HCL) | 43.2 | 336 | 1706 | 25,204 | -0.5% |
| | HC closure, small (HCS) | 44.0 | 338 | 1718 | 25,468 | 1.4% |
| | South Channel closed, HC open (SCH) | 51.1 | 358 | 1555 | 32,711 | 17.7% |
| | South Channel and HC closed (SCH+HC) | 44.2 | 339 | 1427 | 30,823 | 1.8% |
| 2009 | No Action | 41.3 | 326 | 1578 | 26,044 | |
| | Preferred option | 45.9 | 347 | 1632 | 27,949 | 11.1% |
| | DMV closed (Similar to SQ, DMV3) | 52.6 | 363 | 1785 | 29,380 | 27.2% |
| | DMV closed in 2008, open in 2009 (DMV2) | 51.6 | 361 | 1665 | 30,859 | 24.8% |
| | HC closure, large (HCL) | 48.7 | 354 | 1647 | 29,461 | 17.8% |
| | HC closure, small (HCS) | 49.2 | 356 | 1682 | 29,195 | 19.2% |
| | South Channel closed, HC open (SCH) | 54.9 | 368 | 1482 | 36,990 | 33.0% |
| | South Channel and HC closed (SCH+HC) | 46.3 | 348 | 1434 | 32,221 | 12.1% |

Short-term and long-term projections of total net benefits to society

| Fishing year | Alternatives | Short-term Total benefits net of No action (mill. \$) | % Change in Total Benefits | Long-term Cum. present value of Net Benefits (\$ million) | % Change in LT Benefits from No action |
|--------------|---|---|----------------------------|---|--|
| 2008-2021 | No Action | - | | - | |
| | Preferred option | 43 | 5.8% | 113 | 2.75% |
| | DMV closed (Similar to SQ, DMV3) | 86 | 11.6% | 129 | 3.14% |
| | DMV closed in 2008, open in 2009 (DMV2) | 93 | 12.6% | 48 | 1.16% |
| | HC closure, large (HCL) | 52 | 7.0% | 110 | 2.68% |
| | HC closure, small (HCS) | 60 | 8.2% | 130 | 3.17% |
| | South Channel closed, HC open (SCH) | 115 | 15.5% | 45 | 1.10% |
| | South Channel and HC closed (SCH+HC) | 33 | 4.5% | 40 | 0.97% |

The DAS compensation program for limited access vessels would not change under this action. If the GB or SNE YT TAC is reached in an access area, then limited access scallop vessels would receive open area DAS as compensation for the area closing before all allocated trips are taken. Specifically, for Nantucket lightship in 2008, the DAS compensation would be 7.7 DAS, and 7.9DAS for Closed Area II in 2009. (See Section 2.3.1.2 for details, page 16)

Decision 3: Un-used 2005 Hudson Canyon Trips – Section 2.3.2, page 20

Hudson Canyon TACs for 2004 and 2005 were too high and biomass was fished down faster than anticipated, thus many vessels took sub-optimal trips or chose to delay trips all together. Some vessels still have not used their 2005 trips because the catch rates are still sub-optimal, so the Council is considering measures to extend the time to take remaining trips for 3 additional months until 5/31/08, at which point the area reverts to an open area and the boundaries dissolve.

| Section | Alternative | Description | Cmte. Rec. | AP Rec. |
|---------|----------------------------------|--|-----------------------------------|---|
| 2.3.2.1 | No Action | All un-used HC trips expire 2/29/08 and area reverts to open | Committee identified as preferred | Advisors identified as preferred – but very narrow margin |
| 2.3.2.2 | Extend duration of HC to 5/31/08 | Un-used trips can be used until 5/31/08 | | |

Biological Impacts – Section 5.1.4, pg. 135

- Extension through May, 2008 results in higher mortality for that area than 2008 estimates
- Higher short-term mortality possibly in No Action because scallop spring growth hasn't occurred yet
- Long-term, scallops lose growth potential if trips are extended through May

Economic Impacts – See Document #10

- 117 trips remain as of September 10, 2007, and if all expire (worst case scenario) before any pounds are landed, it results in a \$13.6 million loss for fishery
- LPUE in HC could improve in 2007 according to biological projects to average 1400 lbs/day-at-sea, so it would take ~13 days to land 18,000 lbs in a trip, resulting in \$99,000 net revenue.
- Extending the date could allow vessels to take trips later in year when yields are higher, resulting in larger economic benefits compared to the No Action alternative.

Other Impacts – See Documents #7 and 9

- There is no discernable differences in EFH impacts between No Action and the extension compared to the baseline
- No Action results in negative impacts on fishermen who have not used their trips and may promote them to take trips in sub-optimal conditions

Decision 4: Elephant Trunk (ETA) Seasonal Closure and Notice Action – Section 2.3.3, p. 21

The number of trips allocated to this area is covered by the overall scenario selected under Decision 2. However, there are other alternatives related to a seasonal closure to reduce interactions with sea turtles and a Notice Action that the Council should specifically consider. The seasonal closure under consideration is the same as under Framework 18, and the Notice Action process is also the same, with an additional trigger based on updated estimates of overall F.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|---------|---|--|---|--|
| 2.3.3.2 | Seasonal Closure (Sept1-Oct 31) | Closure to potentially reduce interactions with sea turtles in the ETA. | Move to “considered but rejected” | AP did not address – but no discussion to remove |
| 2.3.3.3 | Notice Action procedure to reduce trips | Allows a procedure to adjust FY2009 ETA allocations by Notice Action to account for uncertainty. | By consensus Cmte approved inclusion of new overall F trigger | AP did not address |

Biological Impacts – Section 5.1.5, pg. 136

SEASONAL CLOSURE

- A seasonal closure potentially reduces sea turtle interactions
- Indirect positive impact: reduces effort when shell height to meat weight ratios are lower – reduces scallop mortality

NOTICE ACTION

- This would have positive impacts on the scallop resource by providing a mechanism that can reduce effort and prevent overfishing if updated information suggests the allocated effort is too high

Economic Impacts

- Increased landings will have positive impacts on consumers compared to No Action
- Lower fishing costs per pound of scallops from fishing in this more productive area combined with higher revenues increases producer benefits, so total economic benefits expected to be positive compared to No Action.
- Seasonal closure not expected to have substantial economic impacts
- Notice action procedure would have positive economic impacts by adjusting allocations in order to achieve optimal level of landings and revenues from the scallop resource

Other Impacts

- 4 trips in 2008 and 3 in 2009 isn’t expected to have adverse EFH impacts beyond baseline
- If seasonal closure results in more diffuse fishing pressure, then there may be slight adverse impacts. However, if it doesn’t and effort remains in areas typically fished, and overall effort levels decrease, then there will be a neutral-to-beneficial impact on EFH by reducing or maintaining the total time gear is in contact with the bottom
- The extra trip in 2008 could have neutral or possibly negative impacts on sea turtles
- Removal of seasonal closure could potentially increase negative impacts on sea turtles
- Closing areas may result in negative social impacts on less-mobile fishermen

Decision 5: Delmarva Access Area Seasonal Closure and Notice Action – Section 2.3.4, p.23

The number of trips allocated to this area is covered by the overall scenario selected under Decision 2. However, there are other alternatives related to a seasonal closure to reduce interactions with sea turtles and a Notice Action that the Council should specifically consider. The seasonal closure that has been discussed is from August 1 through October 31, and the Notice Action process is similar to the notice action process approved under FW18 for ETAA.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|-----------|---|---|--|--|
| 2.3.4.2.2 | Seasonal Closure (Aug1-Oct 31) | Closure to potentially reduce interactions with sea turtles in the Delmarva. | Move to “considered but rejected” | Support this alternative to reduce non-harvest mortality as well as reduce potential interactions with sea turtles |
| 2.3.3.3 | Notice Action procedure to reduce trips | Allows a procedure to adjust FY2009 Delmarva allocations by Notice Action to account for uncertainty. | No motion – but Cmte did not raise issue with this alternative | AP did not address |

Biological Impacts – Section 5.1.6, pg.136

SEASONAL CLOSURE

- A seasonal closure could potentially reduce sea turtle interactions
- Indirect positive impact: reduces effort when shell height to meat weight ratios are lower – reduces scallop mortality

NOTICE ACTION

- This would have positive impacts by providing a mechanism that can reduce effort if updated information suggests the allocated effort is too high

Economic Impacts

- Seasonal closure not expected to have substantial economic impacts
- Notice action procedure would have positive economic impacts by adjusting allocations in order to achieve optimal level of landings and revenues from the scallop resource

Other Impacts

- Since DAS used would be reduced if Delmarva opens in 2009, so would anticipated bottom contact time, which would have a positive impact on EFH
- The Delmarva substrate is sandy, thus less vulnerable to impacts from fishing gear
- Effects of seasonal closure to potentially reduce interactions with sea turtles are uncertain
- Closing areas may have negative impacts on less-mobile fishermen

Decision 6: Crew Size Restriction – Section 2.3.5.1, page 27

Vessels with limited access permits may carry no more than 7 persons on a DAS trip in open areas. This measure was implemented to control fishing power of a vessel on a DAS. Under Framework 18, the Council recommended that the maximum crew restriction be lifted for access area trips since there is a possession limit. NMFS implemented Framework 18 with no maximum crew limit for access area trips. This action is reconsidering a maximum of 8 or 9 crew members because with no crew limit vessels could target smaller scallops in access areas as catches of larger scallops decline. Larger crews also have an effect on cull size, which may cause the number of shucked scallops to increase.

| Section | Alternative | Description | Cmte. Rec. | AP Rec. |
|-----------|--------------------------|---|------------|-----------|
| 2.3.5.1.1 | No Action | No limit on number of crew in access areas | Preferred | Preferred |
| 2.3.5.1.2 | Reduce maximum crew size | Max crew size restriction of either A) 8 or B) 9. | | |

Biological Impacts – Section 5.1.7.1, pg. 137

- With a larger crew, vessels have increased shucking ability so smaller scallops could be kept resulting in increased mortality
- This measure, in conjunction with gear restrictions and possession limits could help reduce scallop mortality, thus having positive impacts on the scallop resource

Economic Impacts

- Carrying more crew on an access trip may reduce fishing costs by potentially reducing time at sea.
- Limiting crew size would increase trip costs by reducing vessel’s flexibility
- Less pay for crew if more crew onboard
- Alternatively, larger crews potentially increase risk of overfishing because they can shuck more scallops per day, resulting in long-term reduction of scallop yields and economic benefits, although data does not show that larger crews are targeting smaller scallops
- Crew size reduction expected to have little effect under No Action for a few vessels with small impacts on economic benefits

Other Impacts

- This measure is unlikely to change overall bottom contact time, resulting in a neutral impact on designated EFH, unless high-grading practices occur, which may increase bottom contact time
- Additional crew could improve safety and provide training opportunities for new crew members, thus having positive social impacts
- However, a smaller crew would result in a higher share per person

Decision 7: Deckloading Prohibition – Section 2.3.5.2, page 27

A prohibition on deckloading in this case refers to a vessel being prohibited from leaving an access area with more than 50 bushels of in-shell scallops. The Council decided to consider this topic in Framework 19 in light of a recent interim action for the Elephant Trunk Access Area that included a prohibition on deckloading to reduce non-harvest scallop mortality.

| Section | Alternative | Description | Comm. Rec. | AP Rec. |
|-----------|--|--|----------------------|--|
| 2.3.5.2.1 | No Action | No restriction on amount of in-shell scallop onboard when leaving an access area, except in the ETA. | | |
| 2.3.5.2.2 | Vessels may not leave an access area with more than 50 bu of in-shell scallops | A) No exceptions, all vessels are restricted to 50 bu limit under all circumstances; B) Vessel may leave an access area with more than 50 bu in-shell scallops if they are a general category vessel with an observer or the vessel has to break a trip due to a safety concern. | Preferred – Option A | AP did not have time to address this topic |

Biological Impacts – Section 5.1.7.2, pg. 139

- Deckloading prohibition would reduce non-harvest scallop mortality by preventing a vessel from discarding scallops in an area with unsuitable habitat, thus having a positive impact
- Prohibiting deckloading may reduce on-deck mortality

Economic Impacts

- If a vessel can leave an access area with a deckload of scallops, shucking during return to port, then time at sea and fishing costs may be reduced
- Prohibiting deckloading on access area trips will help prevent additional scallop mortality associated with discarding, thus resulting in higher yield, revenues, and economic benefits

Other Impacts

- This measure is unlikely to change overall bottom contact time, resulting in a neutral impact on designated EFH
- Deckloading prohibition is not expected to have any negative social impacts

Decision 8: Quarterly Hard TAC for General Category Vessels – Section 2.4.1.1, page 32

The No Action for this fishery would assume that Amendment 11 is approved as the Council recommended it. Specifically, a quarterly hard-TAC would be implemented for general category qualifiers (and vessels under appeal) while the fishery is in a transition to limited entry. Ten percent of the total projected scallop catch would be allocated to the general category fishery (open and access area fishing) and would be divided into quarters based on historical trends in landings.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|---------|-------------|--|----------------|---|
| 2.4.1.1 | No Action | 10% of total projected scallop catch allocated to general category fishery and divided into quarters based on historical trends. | | |
| | A | Quarters 1-4 would have TACs of 35%, 40%, 15%, and 10%, respectively. | Preferred | AP did not identify a preferred alternative |
| | B | Quarters 1-4 would have TACs of 40%, 45%, 10%, and 5%, respectively. | | |

Overall general category landings are highest (about 40%) during the 2nd quarter (June-August). Based on landings data, 20% of the landings occur in Quarter 1, followed by another 20% in Quarter 3. The PDT recommends that the historical averages be modified to account for access area openings in 2008. In addition, higher TACs in the first two quarters would allow any unused TAC to rollover into the following quarters.

Biological Impacts – Section 5.1.10.1.1, pg. 139

- Due to overall TAC, this alternative is not expected to have impacts on the resource

Economic Impacts

- Division of total TAC into quarterly TACs will lessen negative impacts from derby fishing, such as negative impacts on price due to market gluts
- Higher TAC in 1st quarter is expected to provide opportunity to general category vessels to take their ETA trips and still be able to fish open areas March to May 2008 and also will prevent an unrealistic TAC for 1st quarter if there's a delay in FW19 implementation
- Option A: due to quarterly distribution similar to 2006 observations, option A will have lower impacts on general category vessels regarding timing of their fishing activities
- Option B: will reduce derby fishing relatively more compared to option A in first 2 quarters, but the opposite could happen in quarters 3 and 4 if all allocated TAC from first 2 quarters are landed
- Unused TAC from Quarter 1 rolls to Quarter 3, and unused TAC from Quarter 2 rolls to the Quarter 4, so if catching them later makes more economic sense, there's less incentive for general category vessels to land scallops until all TAC allocated to first 2 quarters is reached, thus potentially reducing derby fishing and associated negative economic impacts

Other Impacts

- No impact on designated EFH relative to baseline

Decision 8b: General Category Access Area Allocations during Transition Period – Section 2.4.1.1.1, page 35

The Committee recommended 2% of each access area to be allocated to the general category fishery rather than the recommended 5% for FY2009 to reduce derby fishing during the transition period to limited entry. If a lower allocation is given to areas with higher scallop catch, the derby effects are expected to be reduced compared to allocating 5% of the access areas to the general category fishery during the transition period. The remainder of the overall general category fishery 10% TAC will be allocated to open areas.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|---|--|------------------------------------|--|
| 2.4.1.1.1 | Transition period allocation for general category fishery | General category allocation in each access area of A) 2% or B) 5%. | Supported 2% for transition period | Support 5% in access areas (except CA2). However some LA advisors did not support 5% if that translated into a reduction in trips in the ET area for the limited access fishery. |

Biological Impacts – Section 5.1.10.1.1, pg. 140

- No discernable difference between 2% and 5% because the remainder will still be harvested by the limited access fishery

Economic Impacts

- If 2% allocated for access areas, general category landings from open areas will be ~3.7 million lbs as opposed to 2.9 million lbs at a 5% allocation, so general category vessels can take an additional 1996 trips in open areas
- Derby fishing from a 5% allocation in access areas will result in more scallops landed in a shorter period of time, having a larger negative impact on prices compared to 2%
- Total profits for general category vessels could be lower at 2% than 5% because trips taken in access areas compared to open areas have lower fishing costs and higher profits
- If prices end up lower with a 5% access area allocation, the impacts on profits from fishing more in productive areas would be slight
- A 2% access area allocation may not have much impact on vessels located closer to and fish routinely in open areas, but may have negative economic impacts on vessels in proximity to access areas, such as the ETA

Other Impacts

- No impact on designated EFH relative to baseline
- If the change from 5% to 2% results in diminished derby fishing, then there are overall positive social impacts

Decision 9: General Category access area allocations post Transition Period – Section 2.4.2.1, page 41

Whatever areas deemed available for FY2008 and 2009 will also be available to the general category fishery. In the past, 2% has been allocated to the general category in a fleetwide allocation of trips. Once the maximum number of trips has been taken, the area closes to all general category vessels. For option 2.4.2.1.2, because the Committee also supports the action to reduce derby fishing during the transition period, this alternative would only apply for FY2009 (or until the IFQ program is implemented from Amendment 11).

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|--|--|-----------------------|----------------|
| 2.4.2.1.1 | Allocation of 5% of all areas for post-transition period | Fleetwide allocation of trips equal to 5% of each area open in FY2008 and 2009. | | |
| 2.4.2.1.2 | Allocation of 5% for all access area, but 0% for CAII | Fleetwide allocation of trips equal to 5% of each area open in FY2008 and 2009, except a zero allocation for CAII. | Preferred | Preferred |
| 2.4.2.1.3 | Allocation of 5% for all access areas, but only a small % for CAII | Fleetwide allocation of trips equal to 5% of each area open in FY2008 and 2009, but a small allocation for CAII to account for scallop landings on multispecies vessels participating in SAP programs. | | |

Biological Impacts – Section 5.1.10.2, pg. 146

- Differences in % allocated to the general category fishery do not have impacts on the scallop resource overall because the same overall amount of scallops will be harvested

Economic Impacts

- 0% CAII allocation in FY 2009 results in higher open area landings for general category TAC and is expected to have positive economic impacts since most general category vessels do not fish CAII

Other Impacts

- No impact on designated EFH relative to baseline
- 2% allocation to the general category fishery may have negative social impacts on that fleet because they are “paying” the costs for area rotations without getting full benefits
- Zero or reduced CAII allocations would only negatively impact a handful of fishermen because general category fishermen tend to have smaller vessels, thus don’t fish CAII

Decision 10: Cost Recovery Program for General Category IFQs – Section 2.4.1.2.1, p. 35

Under Amendment 11, general category vessels that qualify for a limited access permit will be allocated an individual amount of scallop meat in pounds per fishing year, or an individual fishing quota (IFQ). Per the MSFCMA, NMFS is required to collect fees to recover the costs directly related to management, data collection and analysis, and enforcement of IFQ programs. This action considered two ways to collect the fees, and two ways to estimate the fee a vessel would have to pay at the end of a fishing year.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------------------|--|--|---|--|
| 2.4.1.2.1.1 | No Action | No fees collected; however, this option is not consistent with MSFCMA. | | |
| 2.4.1.2.1.2 2.4.1.2.1.3 | Cost recovery program for IFQ programs | Covers costs associated with IFQ program and is mandatory under MSFCMA. Payment options: 1) vessel owner pays or 2) dealer pays. Determination options: 1) value reported by dealer when scallops are sold or 2) determined as average of ex-vessel values of all general category scallops landed March1-Nov30. | Alternative 2 – IFQ holder pays and fee is based on average ex-vessel value | Alt. 2 – IFQ holder pays. AP did not discuss different options for determining fee |

Biological Impacts – Section 5.1.10.1.2, pg. 140

- This alternative is administrative and not expected to have direct impacts on the resource

Economic Impacts

- Preferred Alternative: for 2008, total scallop landings estimated at 45.9 million lbs and ex-vessel prices estimated from \$7.55 - \$8.30, so at a 5% TAC, a 3% cost recovery could range from \$53,050 - \$60,300 in 2008 and be slightly higher in 2009
- Positive economic impacts of IFQs for the general category limited access qualifiers are expected to exceed the costs of the cost recovery program

Other Impacts

- This measure is administrative and not expected to have direct impacts on EFH
- It will cost vessel owners to pay for this program, but costs are expected to outweigh negative impacts of allocating 400 trip units versus an IFQ allocation

Decision 11: Northern Gulf of Maine Hard TAC – Section 2.4.1.3, pg. 41

The Council approved a separate limited entry program for the NGOM with a hard-TAC under Amendment 11. If this provision is approved, Framework 19 will need to consider a separate hard TAC for this area for both 2008 and 2009. Amendment 11 specifies that the Scallop PDT will recommend a hard-TAC for the federal portion of the scallop resource in the NGOM. The amendment recommends that the hard-TAC be determined using historical landings until funding is secured to undertake a NGOM stock assessment.

The PDT reviewed landings data from the VTR database and originally recommend that the hard-TAC for this area be 64,000 pounds for both FY2008 and FY2009 (Option A). The Scallop Committee requested that the PDT review another method for estimating the TAC (Option B). Option B also uses VTR data but includes landings from limited access vessels as well as landings from within state waters from federally permitted vessels.

See separate document that explains the methods used in Option B in more detail – Document #8.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|---------------------------------|--|------------------------------|--|
| 2.4.1.3 | Northern Gulf of Maine hard TAC | Options A) Hard TAC of 64,000 lbs for both FY 2008 and 2009, or B) Another TAC that incorporates landings from LA and within state waters. | Suggested review of option B | AP did not have time to address this topic |

Biological Impacts – Section 5.1.10.1.3, pg. 140

- No negative impacts on scallop resource if TAC is set at appropriate level and effectively monitored because scallop fishing is prohibited once TAC is reached
- Long run: hard TAC should help prevent overfishing the scallop resource

Economic Impacts

- GOM Hard TAC expected to have positive economic impacts on a larger number of vessels that do not qualify for limited access but do for an NGOM permit because it allows them to land scallops in this area during favorable resource conditions
- Preferred option: 64,000 lbs and an estimated price of ~\$7.66 in 2008 and \$7.55 in 2009, is expected to generate ~\$0.5 million scallop revenue for NGOM area access vessels

Other Impacts

- No impacts on EFH beyond those in baseline if TAC is set at appropriate level and effectively monitored because scallop fishing is prohibited once TAC is reached
- In general, a hard TAC could increase derby fishing

Decision 12: Incidental Catch Mortality – Section 2.5, page 43

Amendment 11 includes a provision that the Scallop FMP should consider the level of mortality from incidental catch and remove that from the projected total catch before allocations are made. If approved, the amendment requires the PDT to develop an estimate of mortality from incidental catch and remove that from the total. Based on review of VTR and dealer data, the PDT recommends taking recent VTR landings as a starting point for an estimate of mortality from incidental catch and increasing that to 50,000 pounds to account for an expected increase due to measures implemented by Amendment 11.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|--|---|--|--|
| 2.5 | Identification of 50,000 pounds to be removed for incidental catch mortality | 50,000 pounds will be removed from total projected catch before allocations are made. | No motion – but Cmte did not raise concern | AP did not have time to address this topic |

Biological Impacts – Section 5.1.11, pg. 146

- This alternative will have indirect benefits to the scallop resource by taking incidental catch mortality into account before allocations are made to the fishery

Economic Impacts

- Removal of incidental catch before making allocations ensures fishing mortality targets are not exceeded, thus having a positive impact on the resource, scallop yield, revenues, and total economic benefits

Other Impacts

- May reduce bottom contact time, but not enough to have any substantial EFH impacts
- Although this measure effectively reduces catch, it’s likely small enough not to have any social impacts on scallop vessels

Decision 13: Overfishing Definition – Section 2.6, page 45

CASA, a size-structured forward-projecting assessment model was compared to the rescaled F approach and it was determined that CASA is generally more accurate and less biased. SAW 45 recommended that the reference points be adjusted based on the CASA results. Therefore this action considers revising the overfishing definition to be consistent with the units (mt) generated by the CASA model, rather than the kg/tow unit in the current definition. In addition, the CASA model suggests that the overfishing threshold should be revised to $F=0.29$ from $F=0.24$. The Council considered revising the overfishing target from $F=0.20$ because the threshold changed, but recommended that the target remain at 0.20 to be more precautionary.

| Section | Alternative | Description | Comm. Rec. | AP Rec. |
|---------|-------------------------|--|---|--|
| 2.6.1 | No Action | Overfishing definition stays the same, as do the units for the biomass reference points (kg/tow) | | |
| 2.6.2 | Biomass Reference Point | The biomass reference point units would be changed from kg/tow to mt and reference points would change based on CASA model | No motion – but Cmte did not raise concern | AP did not have time to address this topic |
| 2.6.3 | Overfishing Target | Maintaining $F=0.2$ as target fishing mortality rate | Cmte discussed a higher F target but no motion was made related to this topic | AP did not have time to address this topic |

Biological Impacts – Section 5.1.12, pg. 146

- Accepting new definition benefits the scallop resource because the new model is less bias, uses more information, and is an improvement over the previous model
- Long-term beneficial impacts overall because $F=0.2$ is precautionary and reduces the risk of overfishing
- The overfishing threshold of 0.29 is based on an assumption that fishing mortality is spatially uniform. In the scallop fishery, this assumption is not even close to being met due in part to closed areas. In the case of highly non-uniform fishing effort, the fishing mortality that maximizes yield per recruit will be less than the spatially uniform target (0.29). For this reason, the PDT recommends keeping the target at 0.20, thus preventing the possibility of severe localized overfishing that can occur at higher targets.

Economic Impacts

- Maintaining the fishing mortality target at $F=0.2$ is precautionary and reduces risk of overfishing, thus having positive impacts on the scallop resource, scallop landings, revenues and total economic benefits over the long-term

Other Impacts

- This measure is not expected to have any impacts on EFH
- Long term social benefits by contributing to the sustainability of the resource

Decision 14: Observer Set-Aside Program Improvements – Section 2.8, page 50

The Council recently approved an action to implement a mechanism to re-activate the industry-funded observer program for the scallop fishery (Amendment 13). During the process several issues were identified with the observer set-aside program, but due to timing constraints the Council did not develop alternatives to address those issues. Instead the Council approved an alternative that would allow adjustments to the observer set-aside program to be considered in a framework action. This is the first action since implementation of Amendment 13 that could include consideration of these issues. The Council decided to consider two issues at this time (the program does not work well in areas with lower catch rates (i.e. Hudson Canyon and some open areas and small adjustments needed to improve overall administration of program); the other issues were considered too complex to consider in this action.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|---|---|---|--|
| 2.8.1 | Higher Compensation rate for fishing in open areas compared to access areas | This would increase the pounds and DAS compensated to vessels with an observer in open area trips and decrease compensation for access trips. | The Cmte did not have time to address this topic | The AP did not have time to address this topic |
| 2.8.2 | Small adjustments to improve overall administration | Potential adjustments that would improve administration of the observer set-aside program. Details in FW19 pgs. 51-53. | The Cmte approved what is in FW19 – some issues need more clarity | The AP did not have time to address this topic |

Biological Impacts – Section 5.1.13, pg. 146

- This alternative is not expected to have impacts on the scallop resource

Economic Impacts

- LPUE is lower in open areas in general, so assigning higher compensation for these trips increases ability of vessels to pay for observer costs and trip expenses
- To prevent total observer set-aside from being used faster as a result of open area higher compensation, the compensation rate for access area trips should decline

Other Impacts

- Measures are administrative in nature and not expected to have any impact on EFH
- Positive social impacts because it addresses some criticisms that open area trips with observers shoulder a higher cost burden than other trips

Decision 15: 30-Day VMS Power Down – Section 2.10.1, page 59

This alternative was considered in response to public request to reduce costs and burdens associated with having to run a VMS unit when a scallop vessel is not fishing. Vessels would be allowed to power down their VMS unit for a minimum of 30 days, similar to the provision for the multispecies permits, as long as the vessel does not engage in any fisheries until the unit is turned back on.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|-----------------------|---|--|--|
| 2.10.1 | 30-Day VMS power down | Allows a vessel to power down their VMS unit for a minimum of 30 days, similar to multispecies permits, as long as the vessel does not engage in any fisheries. | The Cmte did not have time to address this topic | The AP did not have time to address this topic |

Biological Impacts – Section 5.1.15.1, pg. 147

- This alternative is not expected to have impacts on the scallop resource

Economic Impacts

- VMS service cost will probably remain the same, but using generator less saves on costs
- This action reduces burden on vessel-owners to run vessel for long periods when it is not fishing
- Thus, alternative is expected to have some positive economic impacts on scallop vessels

Other Impacts

- Measures are administrative in nature and not expected to have any impact on EFH
- Positive impacts in that fishermen can power down their VMS when not fishing for an extended time, thus reducing costs

Decision 16: Clarification- When Vessel Can Leave for Access Area Trip – Section 2.10.2, p.59

Currently a scallop vessel can leave for an access area trip before the area opens, but it cannot fish in that area until the area opens. The agency requested that the Council clarify the intent of this measure because it is different than regulations in other fisheries and the agency is contacted by the public with questions about this regulation. The Scallop Committee supports No Action because scallop vessels are not allowed to fish until they are in an access area and there is a possession limit, thus prohibiting a vessel from leaving port before the area opens would only disadvantage vessels that are homeported farther away.

| Section | Alternative | Description | Committee Rec. | AP Rec. |
|----------------|---|---|-----------------------|--|
| 2.10.2 | Clarification about when a vessel can leave for an access area trip (no action) | Remedies confusion about when a vessel can leave port on an access area trip. Vessel can leave for an access area trip before the area opens. | Affirms No Action | The AP did not have time to address this topic |

Biological Impacts

- This alternative is not expected to have impacts on the scallop resource

Economic Impacts

- This alternative is expected to have indirect positive economic impacts on scallop vessels by preventing a vessel owner from making a wrong decision (with possible negative economic consequences) about when to leave on an access area trip

Other Impacts

- Measures are administrative in nature and not expected to have any impact on EFH
- Positive social impacts by continuing to allow vessels to leave port at more flexible times

****Reminder****

Council must review and approve research priorities for FY2008 and FY2009