1.0 BACKGROUND AND PURPOSE

1.1 BACKGROUND

This framework to the Scallop Fishery Management Plan (FMP) sets fishery specifications for fishing year (FY) 2017 and default measures for FY 2018. The New England Fishery Management (Council) decided to develop a one-year action only, including default measures for Year 2 only (FY2018).

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 (LA) and limited access general category (LAGC) 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) for the LA fishery;
- 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 and research set-aside program.

The Council also included several management measures for consideration in this action. They include: 1) measures to restrict the possession of shell stock inshore of 42° 20’ N; 2) measures to apply spatial management to fishery specifications (ACL flowchart); 3) measures to modify the Closed Area I access area boundary, consistent with potential changes to habitat and groundfish mortality closed areas.

1.2 PURPOSE AND NEED

1.3 SUMMARY OF SCALLOP FISHERY MANAGEMENT PLAN

2.0 MANAGEMENT ALTERNATIVES UNDER CONSIDERATION

2.1 OVERFISHING LIMIT AND ANNUAL BIOLOGICAL CATCH

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.'' The Council adopted 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 Alternative 1 – No Action for OFL and ABC

Under "No Action", the overall OFL and ABC would be equivalent to default 2017 values adopted in Framework 27 (Table 1) that were calculated for FY2016 and FY2017 based on survey and fishery data through 2015. 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 equivalent to Fmsy; and 2) ABC is set at the fishing mortality rate 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. 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 1, column to the far right).

Table 1 - Summary of OFL and ABC FY 2017 (default) values approved by the SSC in Framework 27 (in metric tons).

	OFL (including discards at OFL)	ABC (including discards)	Discards (at ABC)	ABC available to fishery (after discards removed)
2017 (default)	68,418	55,737	17,885	37,852

Once the OFL and ABC are established, associated ACLs for the fishery can be defined. The table below summarizes the various ACL allocations for the fishery under 2017 default measures in Framework 27 (Table 2).

Table 2 – Summary of ACL related values for the scallop fishery based on default FY 2016 values in FW27.

	2017 (default)	
	MT	lbs.
OFL	68,418	150,835,870
ABC/ACL (discards removed)	37,852	83,449,375
incidental	23	50,000
RSA	567	1,250,000
OBS	379	835,552
ACL for fishery	36,884	81,315,314
LA ACL	34,855	76,842,134
LAGC ACL	2,029	4,473,180
LAGC IFQ	1,845	4,067,529
LA with LAGC IFQ	184	405,650

2.1.2 Alternative 2 – Updated OFL and ABC for FY 2017 and FY 2018 (default)

Update when OFL and ABC values available.

2.2 APPLYING SPATIAL MANAGEMENT TO THE SPECIFICATION SETTING PROCESS (ACL FLOWCHART)

Annual catch limits (ACLs) in the scallop fishery are based on the overall biomass (projected landings at F=0.38 in all areas, including closed areas), while projected landings are limited to the harvestable biomass in areas that are open to the fishery in a given year. The ACL split for the LA and LAGC fisheries are consistent with decisions made in Amendment 11 (94.5% to the LA fishery and 5.5% to the LAGC fishery). Since Amendment 15 (A15), the LAGC IFQ allocation has been based on scallop projected landings at F=0.38 in all areas, including closed areas, and the LA allocation has been based on projected landings for the fishing year, after accounting for the research set-aside, observer set-aside, incidental landings, and the LAGC IFQ share (5.5% of the ACL). In this way, the allocation to LA is spatially explicit, while the LAGC IFQ allocation is not.

2.2.1 Alternative 1 – No Action

There would be no change to the current process of specifying allocations of projected landings to the LA and LAGC IFQ components of the fishery. The LAGC IFQ component would receive 5.5% of the ACL. The LA component would be based on projected landings for the fishing year, after accounting for the research set-aside, observer set-aside, incidental landings, and the LAGC IFQ share (5.5% of the ACL).

2.2.2 Alternative 2 – Fishery allocations based on spatial management

The allocation of projected landings between the LA and LAGC IFQ components would follow the spatial management of the fishery. The LA component would receive 94.5% of the projected landings from areas open to the fishery, and the LAGC IFQ component would receive 5.5% of the projected landings from areas open to the fishery, after set-asides and incidental landings are accounted for. Because ACL in the scallop fishery is based on the overall biomass, and projected landings are based on spatial management for a given fishing year, the allocations for both

components would be capped at either the ACT for the LA component, or the sub-ACL for the LAGC IFQ component.

Rationale: Basing allocations for both the LA and LAGC IFQ components on harvestable biomass better reflects the area based management used in the scallop fishery.

2.3 FISHERY SPECIFICATIONS

2.3.1 Northern Gulf of Maine Total Allowable Catch (NGOM TAC)

2.3.1.1 Alternative 1 - No Action (Default measures from Framework 27)

The NGOM hard TAC would be set at 70,000 pounds.

2.3.1.2 Alternative 2 – NGOM TAC based on 2016 survey results and FY2016 catch ratio.

The NGOM hard TAC would be set using biomass estimates from the 2016 survey and FY 2016 landings data from the LAGC IFQ, LAGC NGOM, and LA components. The TAC would be determined by multiplying the ratio of General Category/Limited Access landings with a range of biomass estimates using an F=0.2, and a dredge efficiency equal to 0.4. General category catch by IFQ and NGOM permits accounted for 23% of the landings attributed to the NGOM management area in FY 2016. With respect to biomass estimates, the scallop PDT recommended using values no higher than the 25th quartile. Four sub-options have been developed in this action.

Table 3 - Range of potential NGOM TAC values for FY2017 (lbs)

Column	*A*	*B*	*C*
	Percentile	Biomass estimate	NGOM TAC (column *B* x 23%)
Status Quo			**70,000**
Sub-Option 1	10th %	350,364	**80,663**
Sub-Option 2	15th %	411,048	**94,634**
Sub-Option 3	20th %	448,853	**103,338**
Sub-Option 4	25th %	480,428	**110,608**

2.3.1.2.1 Sub-Option 1 – NGOM hard TAC of 80,663 pounds

10th percentile. Add text here.

2.3.1.2.2 Sub-Option 2 – NGOM hard TAC of 94,643 pounds

15th percentile. Add text here.

2.3.1.2.3 Sub-Option 3 – NGOM hard TAC of 103,338 pounds

20th percentile. Add text here.

2.3.1.2.4 Sub-Option 4 – NGOM hard TAC of 110,608 pounds

The NGOM hard TAC would be set by multiplying 23% by the survey biomass estimate equivalent the 25th percentile.

2.3.2 Overall Fishery Allocations

2.3.2.1 Alternative 1 – No Action (Default measures from Framework 27)

2.3.2.2 Alternative 2 – Basic Run….

2.3.2.3 Alternative 3 – Basic Run and ….

2.3.2.4 Alternative 4 –

2.3.2.5 Default measures for 2017

2.4 FISHERY ALLOCATIONS TO LA AND LAGC IFQ COMPONENTS

2.4.1.1 Allocation method for FT LA access area allocations

2.4.1.1.1 Alternative 1 - No Action – No Lottery

2.4.1.1.2 Alternative 2 – Lottery Allocation

2.4.1.2 Allocation of LAGC IFQ trips in access areas

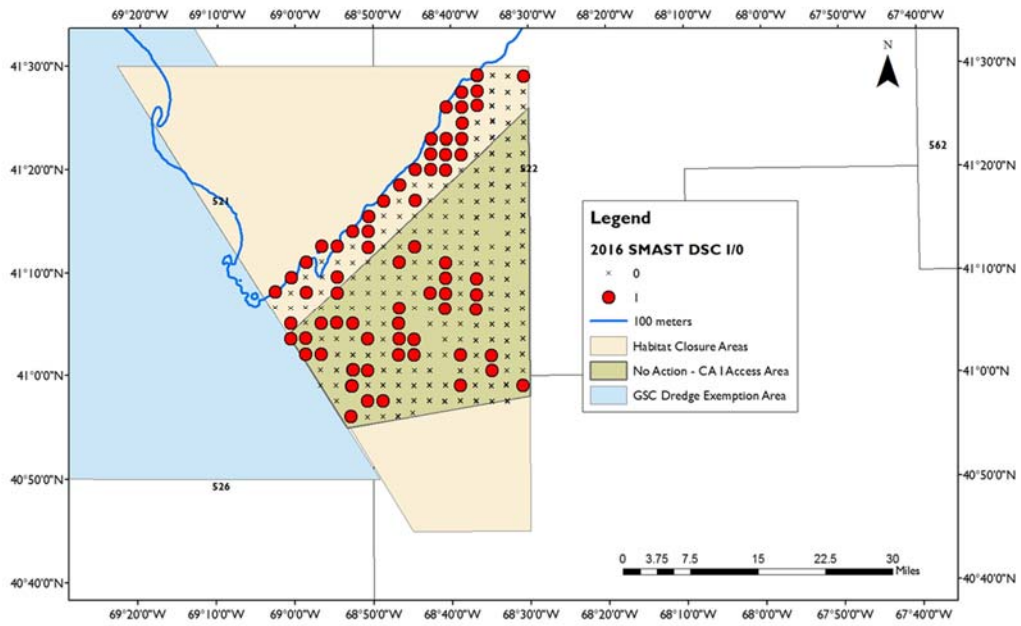
2.5 MODIFICATIONS TO CLOSED AREA I ACCESS AREA BOUNDARY

Modifications to the Closed Area I Access Area boundary are contingent upon the final rule of Omnibus Habitat Amendment 2.

2.5.1 Alternative 1 - No Action

There would be no change to the Closed Area I Access Area boundary as defined in XXXX.

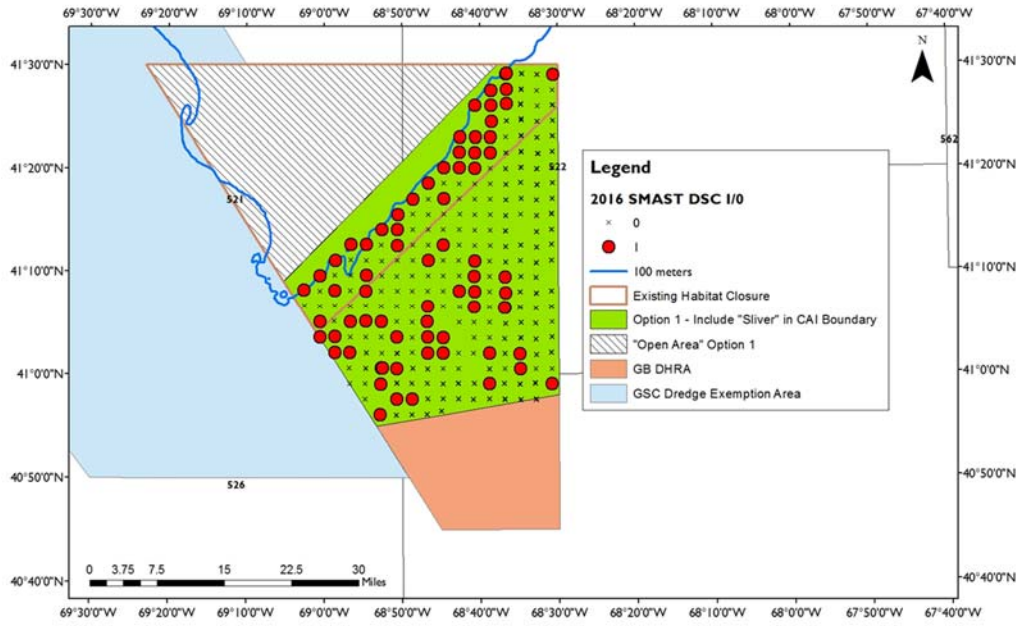
Add table with coordinates.



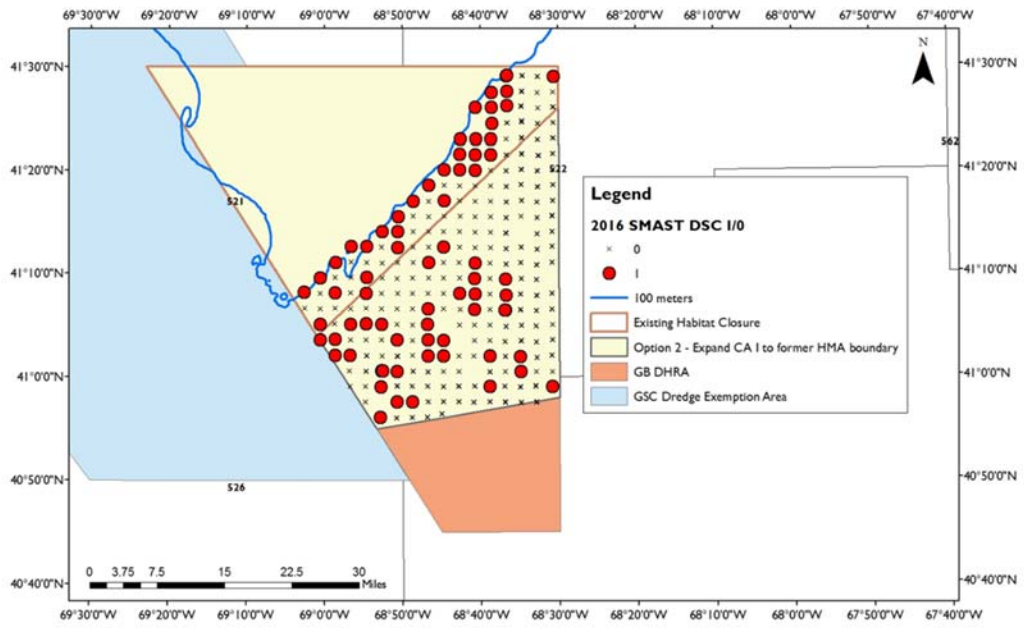
2.5.2 Alternative 2 – Modify Closed Area I Access Area Boundary

The Closed Area I Access Area boundary would be modified, consistent with recent modifications to groundfish closed areas and habitat closures through the OHA2 (TBD, pending final rule).

2.5.2.1 Sub-Option 1 – Expand CA I AA to include the "sliver"



2.5.2.2 Sub-Option 2 – Expand CA I AA Boundary to include the CA I Habitat Management Area



2.6 POSSESSION OF SHELL STOCK INSHORE OF DAYS AT SEA MONITORING LINE

2.6.1 Alternative 1 – No Action

There would be no change to existing restrictions on the possession of shell stock inshore of the day-at-sea demarcation line. A vessel with a limited access or general category scallop permit that fishes or transits any are south of 42°20' N latitude during any portion of a trip, it will be prohibited from possessing more than 50 US bushels when inshore of the day-at-sea monitoring line and from landing more than 50 US bushels from a fishing trip. Scallop shell stock must be compliant with the 3½-inch minimum size shell height standards (§648.50). Any vessel fishing in the state waters exemption program (§648.54) would also be exempt from the scallop shell stock limit.

Rationale: This measure is intended to allow a limited fishery to continue north of 42°20 N. latitude by some vessels that have traditionally landed in-shell scallops.

2.6.2 Alternative 2 – Restrict the Possession of Shell Stock Inshore of DAS Demarcation Line

If a vessel with a limited access or general category scallop permit fishes or transits inshore of the day-at-sea monitoring line during any portion of a trip, it will be prohibited from possessing more than 50 US bushels when inshore of the day-at-sea monitoring line and from landing more than 50 US bushels from a fishing trip. Scallop shell stock must be compliant with the 3½-inch minimum size shell height standards (§648.50).

Any vessel fishing in the state waters exemption program (§648.54) would also be exempt from the scallop shell stock limit. NMFS would monitor trips through the VMS program.

Rationale: The FMP relies on day-at-sea restrictions and crew limits to achieve its mortality targets and prevent overfishing. As catch rates rise, it becomes more attractive for vessels to deckload sea scallops and shuck them inside of the day-at-sea monitoring line, thereby circumventing the regulation's intent. Recently, limited access vessels began fishing in areas north of 42°20' N latitude within the NGOM management area, where there is no limit on the number of bushels a vessel may possess inside the demarcation line. This measure would restrict the number of bushels that limited access or general category vessels can possess to 50 when inshore of the day-at-sea monitoring line, effectively expanding an existing provision that only applied to fishing activity south of 42°20' N latitude. Another adverse effect is that the discarded scallop shells and viscera may also cover important habitats and foul inshore waters, especially where temperatures are high and currents are slow. This measure will prevent scallop vessels from possessing excessive amounts of shell stock inshore of the day-at-sea monitoring line, eliminating the incentive to deckload and shuck scallops "off the clock". The 50 US bushel limit will enable the vessels to bring a moderate amount of shell stock in to avoid poor weather and/or to land some shell stock for a small market for whole scallops or scallop parts.

3.0 CONSIDERED AND REJECTED ALTERNATIVES

3.1 MANAGEMENT UNCERTAINTY BUFFER FOR THE LAGC IFQ COMPONENT

Measures adopted during and since Amendment 15 have introduced the potential for management uncertainty in the LAGC IFQ fishery. These include mortality from carry-over allowances, and ability of the FMP to monitor and enforce all catch. The PDT evaluated potential sources of management uncertainty, focusing of the annual carryover and potential utilization of carryover pounds in the subsequent fishing year. The PDT noted that carryover is relatively stable year to year in this fishery. The PDT also noted that the IFQ component has not exceeded its sub-ACL since FY2010.

Table 4 - LAGC IFQ Carryover (lbs) from FY 2010 - FY 2016.

Fishing Year	Sum of carryover	Sum of base allocation	% carryover
2010	0	2,329,500	0%
2011	131,881	3,044,151	4%
2012	194,049	3,273,502	6%
2013	301,354	2,494,866	12%
2014	209,897	2,375,277	9%
2015	243,041	2,939,585	8%
2016	312,796	4,369,333	7%
Total	1,393,018	20,826,214	7%

3.2 SPATIAL MANAGEMENT ALLOCATION CEILING

The PDT, AP, and Committee discussed the concept of applying a ceiling for the LAGC IFQ could be set at different F rates under a spatial management scenario. In practice, these options would have specified the maximum potential allocation for a given fishing year. The actual allocation to both components would be based on projected landings. ADD ADDITIONAL DESCRIPTION.