

**DISCUSSION DOCUMENT
POTENTIAL MANAGEMENT MEASURES
FRAMEWORK 28**

Contents

1.0 Possession of Shell Stock Inshore of the Day-At-Sea Monitoring Line..... 1
 1.1.1 No Action..... 2
 1.1.2 Restrict the Possession of Shell Stock Inshore of the Day-At-Sea Monitoring Line . 2
2.0 ACL Flowchart Measures 4
3.0 Potential Modification to Georges Bank Scallop Access Areas (CA I focus)..... 5

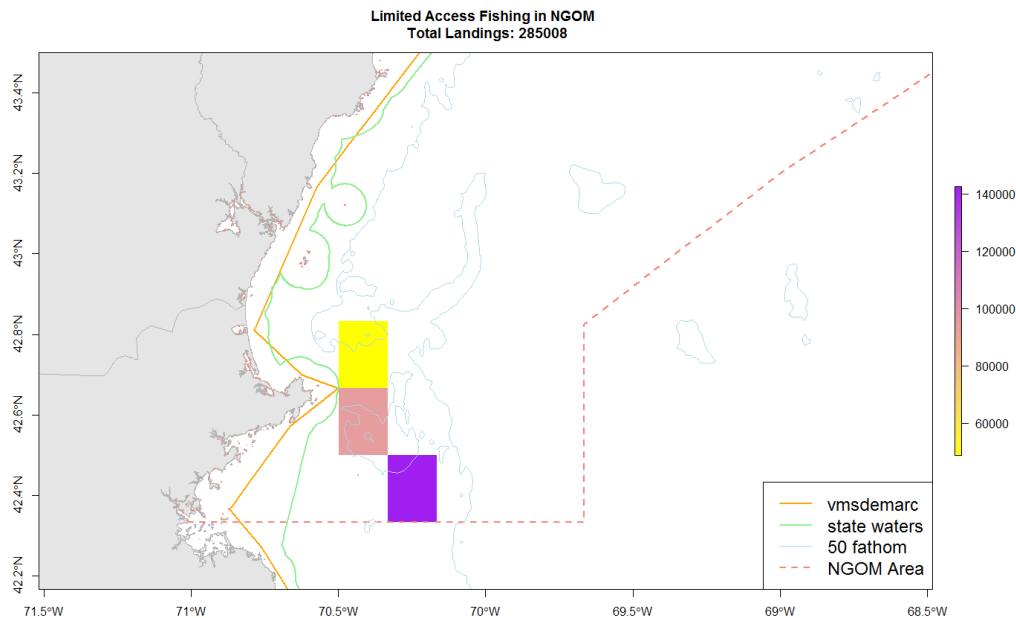
1.0 Possession of Shell Stock Inshore of the Day-At-Sea Monitoring Line

Background: In response to concerns about the ability of Limited Access vessels to possess more than 50 bu of in-shell scallops once inside the VMS/DAS demarcation line when fishing north of 42°20' N. lat, the Council identified this as a new priority for 2016 at its April meeting in Mystic, CT. This measure would expand upon an existing regulation that prohibits the possession of more than 50 bushels of in-shell scallop product inside the VMS demarcation line south of 42° 20' N. Prior to Council action, the Scallop AP recommended this approach at their March 22, 2016 meeting.

Available data on LA fishing in NGOM:

- [Background information on scallop fishing in the Northern Gulf of Maine \(Staff memo to Council, April 8, 2016\)](#)
- There have been no landings from the NGOM management area by LA vessels since the NGOM program was adopted until FY2016.
- For FY2016, LA vessels are estimated to have harvested over 300,000 lbs from the NGOM Management Area (working in areas east and southeast of Cape Ann - see Figure 1).
 - The FY2016 estimate assigns LA landings to NGOM based VTR point locations.
 - LA vessels operating under DAS may fish inside and outside of NGOM management area within the same statistical reporting area (ex: SRA 514) on the same trip (or haul).

Figure 1 - FY2016 LA landings in NGOM management area based on VTR point locations (as of 6/10/16).



Questions/Discussion for PDT:

1. Re: VEC analysis: Focus of alternative is on LA landings/effort in the area.
 - a. Is additional data or analyses needed for FW analysis?

Proposed Language for this Measure:

1.1.1 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.

1.1.2 Restrict the Possession of Shell Stock Inshore of the Day-At-Sea Monitoring 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.

2.0 ACL Flowchart Measures

Background: The PDT has not discussed this priority since early 2016. At their March meetings, the Scallop AP and Committee received a presentation on the development of a scallop ACL flowchart discussion document. The Scallop Committee made several recommendations to update this document by consensus. Staff has made modifications to the discussion paper based on the Committee's input. In June, the AP and Committee recommended that additional information be added to the discussion document describing allocations under the proposed scenarios for past fishing years.

The updates to the document since version 1 include:

- Adding discussion of *management uncertainty* to the problem statement.
- Modifying draft objectives to begin with "consider."
- Add in a management uncertainty option of 5% (this was contemplated in A15 development).
- Modify Limited Access chart to include Annual Catch Limit (not just Annual Catch Target)

Draft management measures can be found in Section 5.0 of the draft discussion paper.

3.0 Potential Modification to Georges Bank Scallop Access Areas (CA I focus)

Background: The Council has made recommendations to modify the existing configuration of habitat closures through Omnibus Habitat Amendment 2 (OHA2). A preliminary rule is expected in the summer of 2016. Based on this timing, staff expects a final rule to be effective around January 1, 2017. Access to newly opened areas for the scallop fishery will require a Council action. Because of the uncertainty and relatively large amount of development and analyses needed to consider possible modifications to all the current GB access areas, the Council has recommended that modifications to GB access in FW28 focus on to Closed Area I. This may entail modifying the current CAI access area boundary to include an area that has been referred to as the “sliver” (and identifying other area of the current groundfish closure as open bottom). There are unused CAI trips that remain on the books (1.5 million lbs) that should be allocated when the area reopens.

Figure 2 - Areas proposed by the Council in OHA2, and NEFSC scallop dredge survey (2000-2014) (numbers per tow). The "sliver" is denoted by a red oval and arrow.

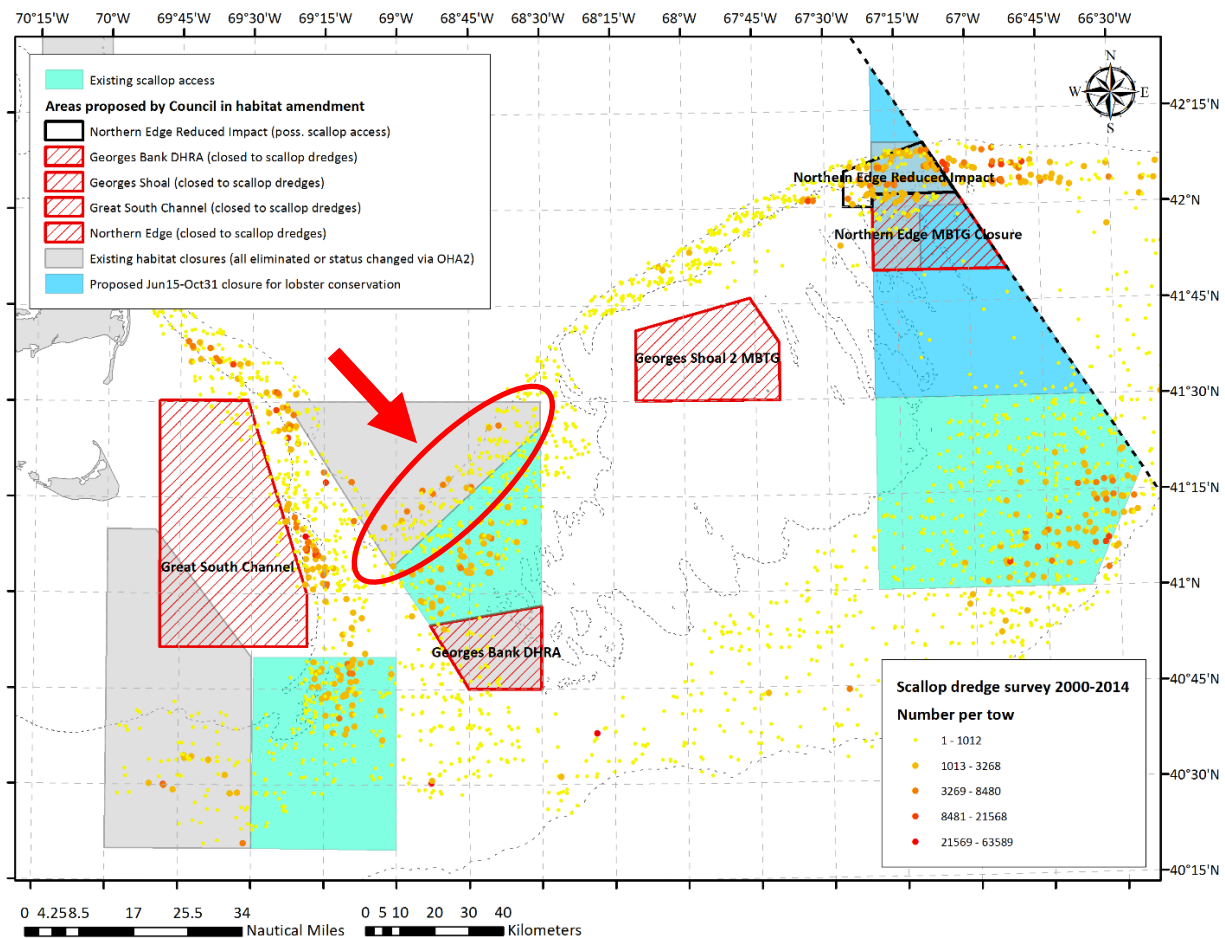


Figure 3 - Closed Area I zoom of existing and potential boundaries for CAI along with scallop dredge survey results.

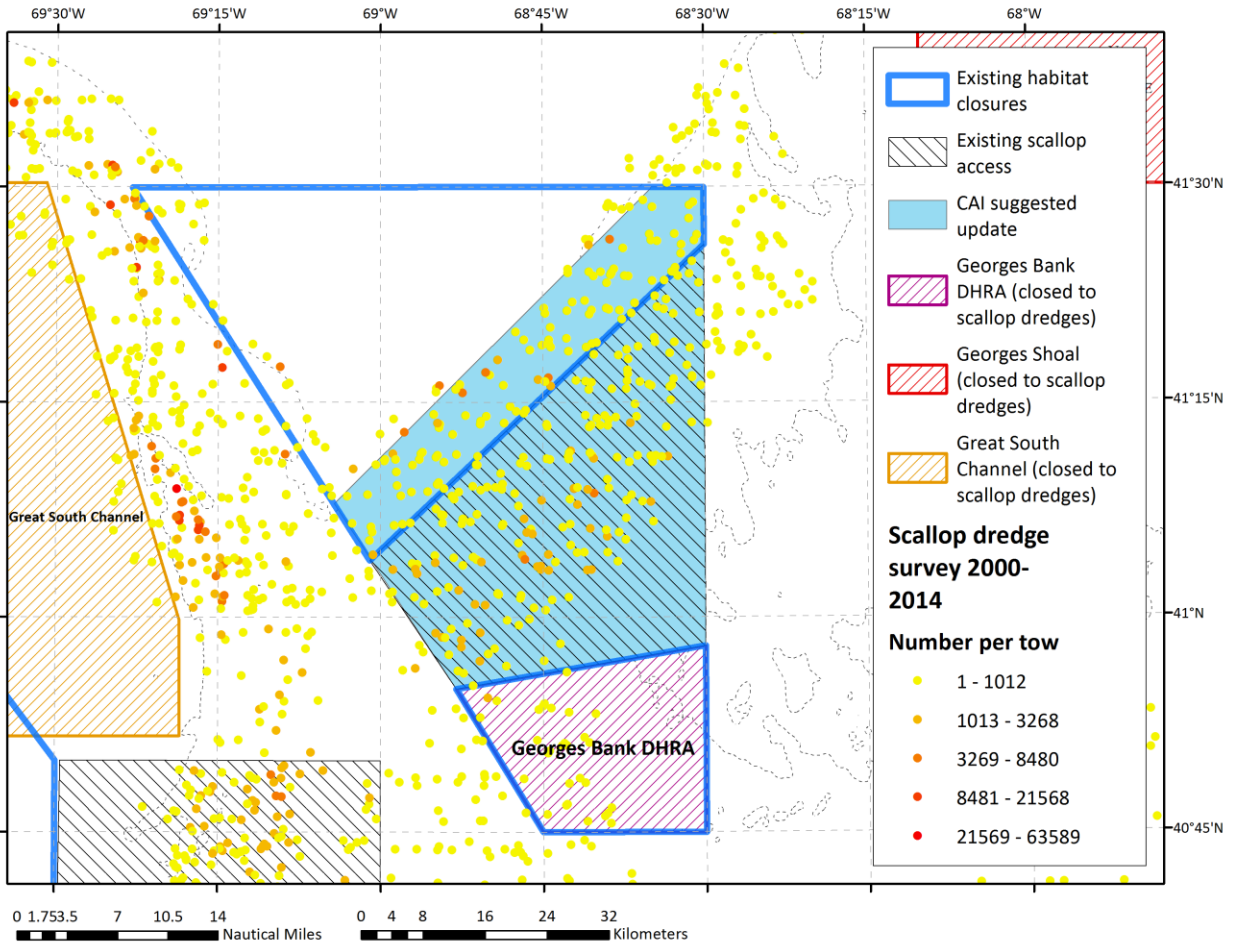


Figure 4 - SMAST Large Camera View Drop Camera Survey Results from 2014 and 2015 (Scallops Per Station and Recruits Per Station) CAI focus

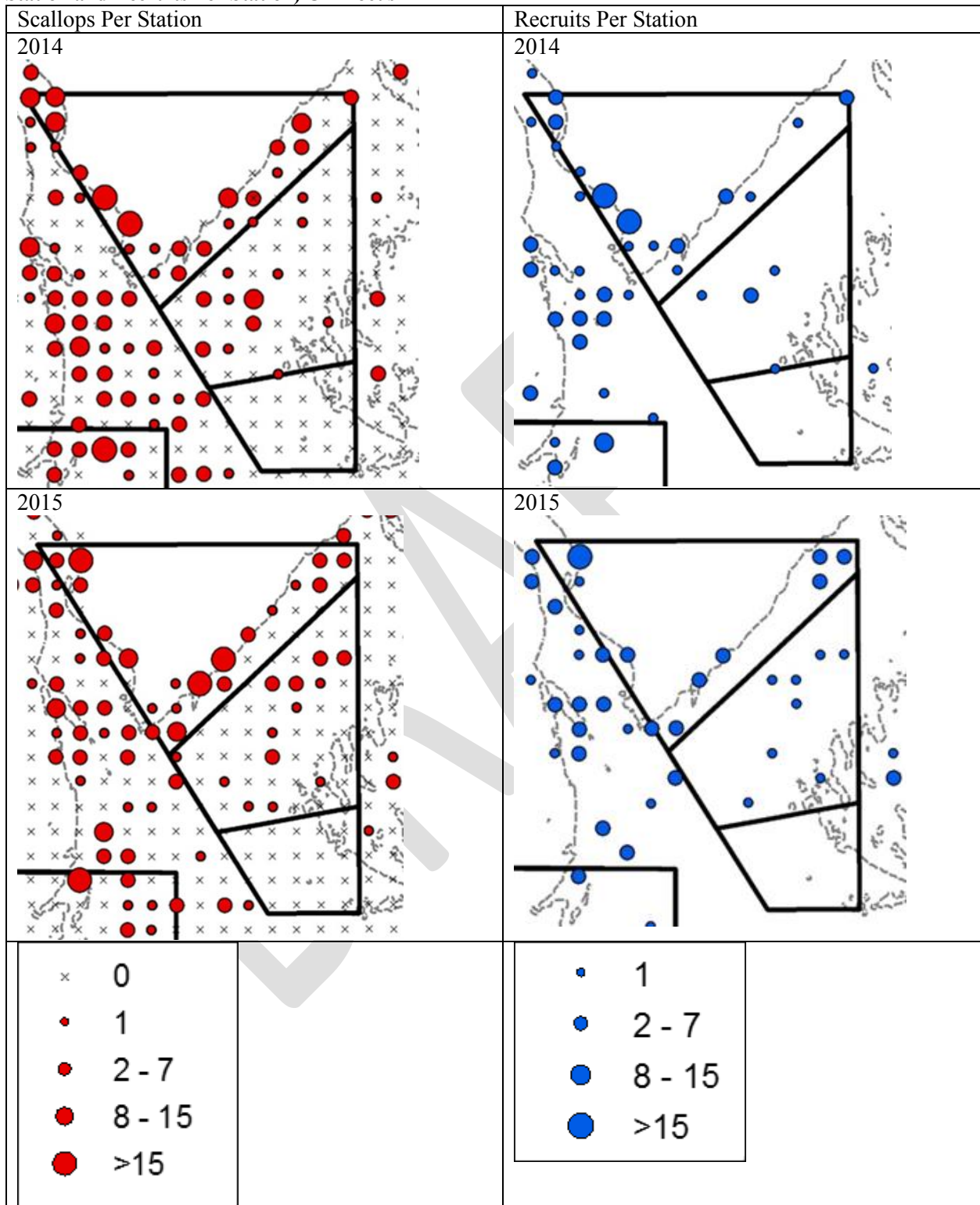
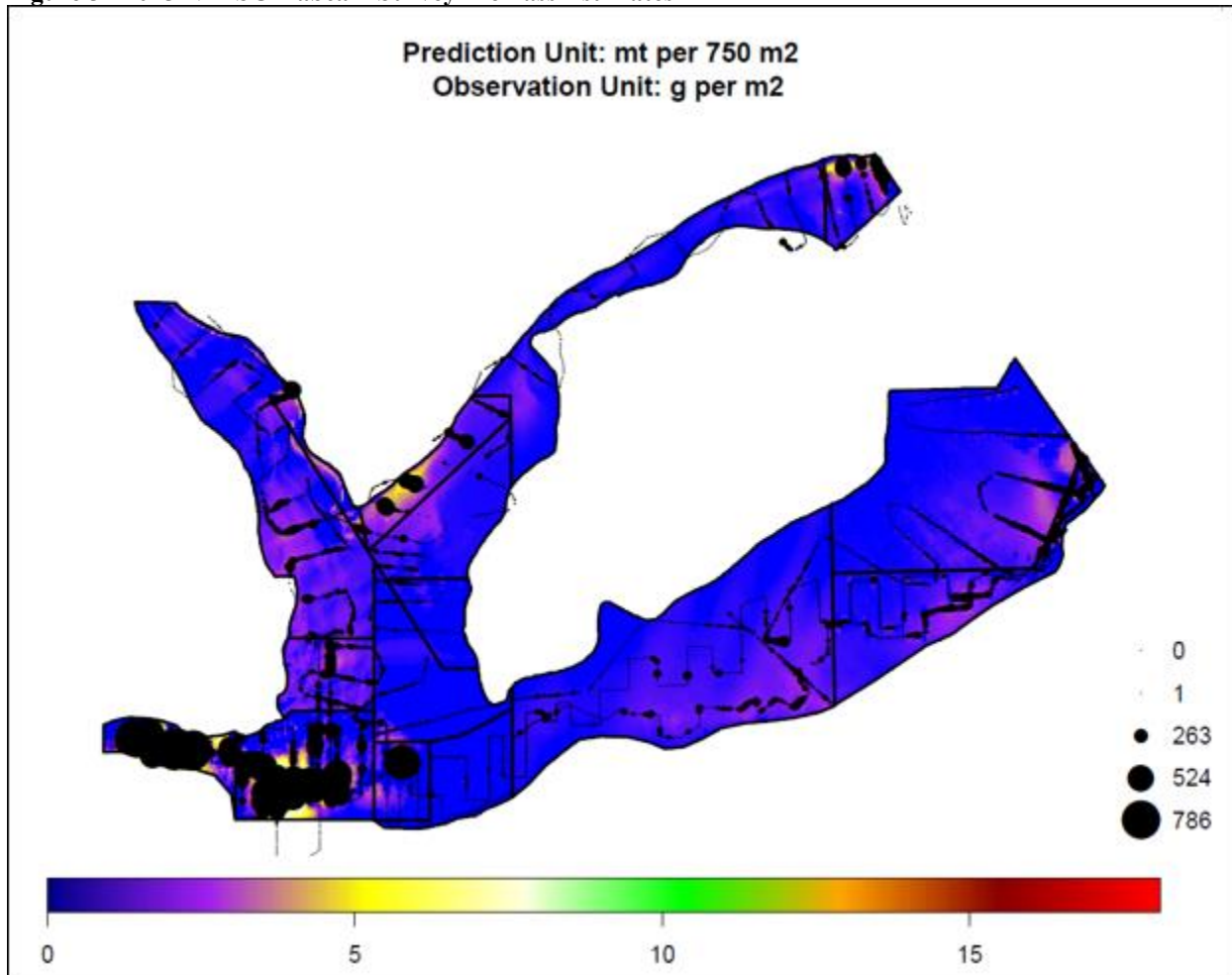


Figure 5 - 2015 NEFSC Habcam Survey Biomass Estimates



Closed Area I – Questions/Discussion for PDT:

1. Re: Biomass estimates and VEC analysis: CAI “North” has been closed to groundfish and scalloping
 - a. Identify potential data sources (Federal surveys (scallop and Bigelow), RSA?, other?)
 - b. Range of years to look at?
2. Boundaries (for August, after survey results?)
3. Access
 - a. LA access area trips first (~1.5 million lbs)