

Closed Area I Carryover Trips

Main Motion as Amended #6: Griffin/Pappalardo

The Committee tasks the PDT to evaluate how CAI carryover trips could be taken in FY2017. In doing so the PDT would evaluate how to AA and Open area fishing would impact the specifications setting process.

The motion carried on a show of hands. (5-0-1)

- **Roughly 1.6 million lbs of CAI carryover.**
- **How would allocating CA I carryover trips to other areas in FY2017 impact specifications?** CA I access could be handled several ways:
 1. Allocation could be accounted for within the management uncertainty buffer for the LA component and not come out of projected landings. This would increase the F in the areas AA and/or open area fishing, but not change allocation to the LA or LAGC component. There is considerable distance between the LA ACT and ACL this fishing year.
 2. Pounds could come off the top of projected landings (treating these carryover pounds like the RSA or observer set aside).
 3. The carryover could come out of the LA component's share of projected landings.
- **How could CA I carryover trips be taken in FY2017?**
 1. The Committee has not tasked the PDT to evaluate potential access to CA I in FY2017, therefore assigning CA I carryover trips would be assigned to areas that are open to the fishery. Access to the CA I HMA area (which contains exploitable biomass is contingent on the OHA2 Final Rule).
 2. Carryover pounds could be assigned to other access areas open in FY2017.
 3. Carryover pounds could be assigned to open areas as either 1) pounds or 2) DAS by using a LPUE conversion.
- **The PDT recognizes that a large number of businesses have not been able to utilize their CA I allocation for several years, but does not support allocating CA I trips to other areas in FY2017 for the following reasons:**
 1. 2016 optical and dredge surveys of the area indicate that there is enough exploitable biomass in the closed portion of CA I to cover the 1.6 million carryover lbs this year. Surveys indicate that these animals at 6 years old.
 2. The Council considered this issue through FW25, and recommended that the CA I carryover pounds rollover until CA I reopens. The Council considered converting CA I lbs to DAS, but did not select this as preferred.
 3. The PDT noted that vessels traded for CA I trips that they were not able to take.

Excerpts from Scallop FW25 (pp.53-57):

Measures to address unused Closed Area 1 access area trips

The Council developed a range of measures to address unused CA1 access area trips. Catch rates dropped dramatically in this area and some vessels were not able to complete trips. Because only some vessels received trips in CA1 through the lottery system, and those trips could not be fished in a different area, these measures were developed to reduce negative impacts on the environment in that area as well as disproportional economic impacts. The preferred alternative for this section is Alternative 2, Option 1, Sub-option C, as well as Alternative 2, Option 2, sub-option C.

No Action – No rollover of FY2012 or FY2013 access area allocation (Alternative 1)

Vessels with unused FY2013 Closed Area I allocation will be permitted to fish those trips until the end of the 2013 fishing year. Consistent with current regulations, if a vessel breaks a trip in the last 60 days of the 2013 fishing year, the vessel can fish the remainder of that trip during the first 60 days of the next fishing year, but only if that access area is open.

Based on the current condition of scallop biomass in Closed Area I, the area is not expected to be open under the rotational management program in FY2014. However, vessels will be able to fish their FY2013 compensation trips in the first 60 days of FY2014. Compensation trips for CA1 broken after December 30, 2013 must begin no later than April 29, 2014. All closed Area I compensation trips from trips broken after December 30, 2013, if not taken, will expire on April 30, 2014.

Under No Action, there is no opportunity left for vessels with unused FY2012 CA1 trips. Those trips expired at the end of FY2012. And if a vessel broke a trip within the last 60 days of that fishing year it could have fished the remaining possession limit within the first 60 days the area opened in FY2013, which was between May 20-July 20, 2013. Since that date has passed these trips are completely expired under No Action.

**Alternative 2 – Allow rollover of unused Closed Area I allocation to future fishing year
(Preferred Alternative)**

This alternative would extend the deadline to use Closed Area I access area trips. This alternative has two options in terms of 2012 trips and/or 2013 trips, as well as three sub-options in terms of the length of time trips can rollover (Table 13). Option 1 for FY2013 trips only with three sub-options to extend the trips through FY2014, FY2015, or until CA1 reopens. Option 2 is for FY2012 CA1 trips with the same three sub-options for the length of the extension. For this alternative, both Option 1 (2013 trips) and Option 2 (2012 trips) can be selected.

The Committee also clarified that if CA1 trips are permitted to rollover in this action, the trips could be taken within the existing CA1 access area, or a revised CA1 access area if modified by the EFH Omnibus Amendment. Specifically, if the EFH closed area within Closed Area I is modified or removed by that action, a subsequent scallop action could modify the access area boundaries to extend farther north. If that happens unused CA1 trips from 2012 and/or 2013 could be fished in the expanded area if an alternative in this section is selected.

Council rationale for preferred: The Council recommends this alternative as preferred primarily because there is a desire to enable access for vessels that received a trip through the lottery system to an area with much lower than projected catch rates. Trips in this area were not economically feasible and had potentially increased impacts on the environment from increased fishing effort to attain possession limits. In the last two specification packages the Council has recommended the use of a lottery system to allocate access to scallop access areas when there is insufficient biomass in one single area to enable one trip for every vessel in the fishery. In order to preserve fairness and effectiveness of the lottery system overall, the Council recommends that vessels with unused trips be allowed to rollover unused allocation in Closed Area I when the area reopens. The Council recommends this allowance for both unused 2012 and 2013 CA1 trips. Sub-Option C is also preferred, which would allow access when CA1 re-opens, potentially after the EFH Omnibus Amendment, which may eliminate EFH areas in CA1 that contain relatively high concentrations of scallop biomass. The Council clarified that this access would need to be accounted under the LA sub-ACL in the fishing year it is permitted; it is not additional catch above the LA-ACL. This alternative was also recommended as preferred by both the Council's Scallop Oversight Committee and Advisory Panel.

Option 1 – Allow rollover of unused FY2013 Closed Area I allocation (*Preferred Alternative*)

Vessels would be permitted to fish unused 2013 Closed Area I for a specified period of time. The PDT estimates that the unused FY2013 allocation is over one million pounds. The Council clarified that vessels do not have to submit a broken trip adjustment sheet for unused 2013 trips.

- Sub-option A – unused allocation could be fished through February 28, 2015, the end the 2014 fishing year
- Sub-option B - unused allocation could be fished through February 28, 2016, the end the 2015 fishing year
- Sub-option C - unused allocation could be fished the fishing year that CA1 reopens as an access area under a future action (*Preferred Alternative*)

Option 2 – Allow rollover of unused FY2012 Closed Area I allocation (*Preferred Alternative*)

Vessels would be permitted to fish unused 2012 Closed Area I for a specified period of time. The PDT estimates that there is about 680,000 pounds of unused 2012 CA1 allocation. Most vessels have less than 500 pounds of unused allocation, but about 18 vessels have between 1,000 and 6,000 pounds unharvested, and over 30 vessels have 8,000 pounds or more (Table 12). The Council clarified that any rollover of unused 2012 allocation would be limited to vessels that submitted a broken trip adjustment sheet and qualify for a broken trip only. Therefore, the majority of vessels that had relatively little unused allocation likely did not submit a broken trip adjustment sheet. The PDT estimates that about 350,000 pounds have been submitted through broken trip adjustment sheets. Therefore, the maximum amount of catch from unused 2012 trips would be around 350,000 pounds.

- Sub-option A – unused allocation could be fished through February 28, 2015, the end the 2014 fishing year
- Sub-option B - unused allocation could be fished through February 28, 2016, the end the 2015 fishing year

- Sub-option C - unused allocation could be fished the fishing year that CA1 reopens as an access area under a future action (*Preferred Alternative*)

Table 1 - FY2012 scallop limited access sub-ACL Closed Area 1: number of vessels by range of allocated pounds under-harvested

Number of Vessels	Under-harvested (lb)
129	0-100
22	101-200
11	201-300
9	301-400
9	401-500
7	501-600
5	601-700
7	701-800
4	801-900
7	1000-2000
6	2001-4000
5	4001-6000
4	8000-10000
8	10001-15000
10	16000-19000
5	25000-35000
4	35001-36000

Alternative 3 – Unused Closed Area I allocation could be fished in open areas

This alternative would convert unused Closed Area I allocation into access in open areas instead. There are two options being considered for when access would be granted: FY2014 or some in FY2014 and some in FY2015 (Table 13). There are two sub-options for how access would be allocated. Sub-option A would directly convert unused Closed Area I allocation into open area allocation in terms of pounds. Sub-option B would convert unused Closed Area I allocation into DAS. If the Council selects this alternative it needs to specify if the rollover is for unused 2013 and 2012 trips, or just unused 2013 trips.

Option 1 – Unused Closed Area I allocation could be fished in open areas through FY2014

Vessels would have until the end of FY2014 to fish unused CA1 allocation in open areas. Allocation will be granted in pounds or DAS based on the sub-options below.

- Sub-option A – unused allocation would be allocated in pounds. Vessels would receive an LOA to fish unused allocation in open areas
- Sub-option B - unused allocation would be allocated in DAS. The PDT will provide a conversion factor for NMFS to use to assign DAS allocations for unused allocation. *DAS conversion would need to be conservative to prevent unintended consequences on the resource in open areas as well as other segments of the fishery. Concerns rose about vessels having different capacities in open areas.*

PDT Recommendation - any unused allocation would be divided by 3,000 pounds to get DAS conversion. This is based on current projection of open area LPUE for 2014 (2,700 pounds per DAS) and rounded up to 3,000 pounds to acknowledge that the model underestimates LPUE and to limit unintended consequence. For example, if a vessel has 12,000 pounds of unused allocation the DAS conversion would be 4DAS.

Option 2 – Unused Closed Area I allocation would be divided with 40% available in FY2014 and 60% in FY2015.

Vessels with unused CA1 allocation will be allowed to fish that allocation in either FY2014 or FY2015. All vessels with unused allocation would be placed in a lottery. Forty percent of the unused allocation would be granted access in FY2014 and 60% of unused allocation would be granted access in FY2015. This was recommended as a way to spread catch over two years to reduce impacts of additional catch on other limited access vessels. The catch from this rollover will need to be considered under the LA sub-ACL for each fishing year. Allocation will be granted in pounds or DAS based on the sub-options below.

- Sub-option A – unused allocation would be allocated in pounds. Vessels would receive an LOA to fish unused allocation in open areas
- Sub-option B - unused allocation would be allocated in DAS. The PDT will provide a conversion factor for NMFS to use to assign DAS allocations for unused allocation.

DAS conversion would need to be conservative to prevent unintended consequences on the resource in open areas as well as other segments of the fishery. Concerns were raised about vessels having different capacities in open areas.

PDT Recommendation - any unused allocation would be divided by 3,000 pounds to get DAS conversion. This is based on current projection of open area LPUE for 2014 (2,700 pounds per DAS) and rounded up to 3,000 pounds to acknowledge that the model underestimates LPUE and to limit unintended consequence. For example, if a vessel has 12,000 pounds of unused allocation the DAS conversion would be 4DAS. The Council agreed with this recommendation, and if selected this is how DAS would be calculated.

Table 2 – Summary of alternatives under consideration for unused Closed Area I alternatives.
Preferred alternatives in italics and underlined

ALTERNATIVE	DESCRIPTION
No Action (Alt 1)	No rollover of 2012 or 2013 trips
Alternative 2	<u>Allow rollover in CA1 access area</u> <u>(or a revised CA1 access area if modified by the EFH omnibus action)</u>
Option 1	2013 trips only
Sub-Option A	Through FY2014
Sub-Option B	Through FY2015
<u>Sub-Option C</u>	<u>When CA1 reopens</u>
Option 2	2012 trips only
Sub-Option A	Through FY2014
Sub-Option B	Through FY2015
<u>Sub-Option C</u>	<u>When CA1 reopens</u>
Alternative 3	Allow rollover in open areas
Option 1	Unused trips could be fished through FY2014
Sub-Option A	Allocation in pounds
Sub-Option B	Allocation in DAS conversion
Option 2	Unused allocation divided by FY (40% in FY2014 and 60% in FY2015) by lottery
Sub-Option A	Allocation in pounds
Sub-Option B	Allocation in DAS conversion