

# **DRAFT**

## **Framework 26 to the Scallop FMP**

Including a Draft Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis and Stock Assessment and Fishery Evaluation (SAFE Report)

**Draft Strawman Alternatives Included for Each Issue  
for PDT Discussion Only**

Prepared by the New England Fishery Management Council, in consultation with the National Marine Fisheries Service and the Mid-Atlantic Fishery Management Council

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## LIST OF ACRONYMS

## **1.0 BACKGROUND AND PURPOSE**

### **1.1 BACKGROUND**

This framework to the Scallop Fishery Management Plan (FMP) sets fishery specifications for fishing year (FY) 2015 and default measures for FY 2016. The New England Fishery Management (Council) decided to develop a one-year action only, including default measures for Year 2 only (FY2016). This decision was made to set specifications for one year only since another action, the EFH Omnibus Amendment, is considering changes to closed areas that may or may not have impacts on scallop fishery specifications in the future. Final action for the EFH Omnibus Amendment is expected in late 2014 or early 2015; therefore, it is expected to be implemented in the fall of 2015. A subsequent scallop action could consider measures to address potential changes to scallop access areas on Georges Bank that may result from the EFH action. Following that, scallop specifications could then be set for FY2016 and FY2017 based on any new closed areas and scallop access areas.

A benchmark assessment for the scallop resource was recently conducted in July 2014. The status of the stock was reviewed and new models and reference points were considered. The final report from that assessment is expected to be available in August, and if possible this action will incorporate any necessary updates to scallop reference points as a result of that process.

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.

In addition to specifications, the Council included four additional issues to consider in this action. First, measures to allow fishing in state waters after the federal NGOM hard TAC is reached for vessels that hold a federal NGOM permit only. Second, measures to make the turtle chain mat and turtle deflector dredge requirements consistent in terms of season and area. Third, measures to develop accountability measures for northern windowpane flounder, as well as measures to modify the existing seasonal area closures accountability measures for GB and

SNE/MA YT flounder sub-ACLs. Finally, measures to allow a limited access vessel to steam back to port and not be charged DAS.

The PDT met in August to begin developing alternatives and three additional issues were discussed that could potentially be included in this action.

1. Update reference points based on results from benchmark assessment
2. Increase observer compensation for LAGC IFQ trips over 24 hours
3. Modify the regulations related to the flaring bar provision of the turtle deflector dredge

Framework 53 to the Multispecies FMP the Council allocated a sub-ACL of SNE/MA windowpane flounder to the scallop fishery. Since, all sub-ACLs require accountability measures (AMs) if exceeded, those measures will also be developed in this action. The sub-ACL for SNE/MA windowpane flounder was set at 36% of the total ABC for that stock. This percentage of the ABC would be used to determine the scallop fishery sub-ABC, and then this would be adjusted for management uncertainty to get the scallop fishery sub-ACL. This allocation is based on the 90<sup>th</sup> percentile of the scallop fishery catches from 2001-2010. For 2014 and 2015 the scallop fishery sub-ACL is 186 mt.

## 1.2 PURPOSE AND NEED

The primary need of this action is to achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery. The primary purpose for this action is to set specifications including: OFL, ABC, scallop fishery ACLs and ACTs including associated set-asides, day-at-sea (DAS) allocations, general category fishery allocations, and area rotation schedule and allocations for the 2014 fishing year, as well as default measures for FY2015 that are expected to be replaced by a subsequent action. Related to this primary need, the Council is developing measures to improve yield per recruit from Closed Area I. Specifically, this action will also consider measures to address unused Closed Area I access area trips allocated to a portion of the limited access scallop fishery in FY2013 and FY2012. Catch rates have declined rapidly in this area and measures were developed to reduce potentially negative environmental and disproportional economic impacts of these allocations.

Another purpose of this action is to...

**Table 1 – Summary of the purpose and need for measures developed in Framework 25 including section number with specific alternatives**

Need	Purpose	Section # with specific alternatives
1. To achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery	1. To set specifications for FY2015 and FY2016 (default): OFL, ABC, ACLs, LA ACT, DAS, general category allocations, and area rotation schedule and related allocations.	Section 2.1
2.	2.	Section 2.2

3.	3.	Section 2.3
4.	4.	Section 2.4
5.	5.	Section 2.5

### **1.3 SUMMARY OF SCALLOP FISHERY MANAGEMENT PLAN**

#### **1.4 SUMMARY OF FY2015 DEFAULT MEASURES APPROVED IN FRAMEWORK 25**

The Council routinely sets default measures for the fishing year following the intended length of an action in the event that subsequent actions are not in place at the start of the following fishing year. For example, the scallop fishing year starts on March 1, but complete management measures are not usually in place until May. This lag is primarily due to the fact that scallop specifications are set using the most up to date survey data collected the summer before the start of the fishing year. The results are typically available in August, a new ABC is reviewed by the SSC in September, and the PDT develops and analyzes specification alternatives in early fall before final Council action at the November meeting. Staff generally completes the submission package by the end of the year and the action is reviewed and implemented by NMFS typically in May.

In the past, measures have been in place on March 1 that are inferior to measures proposed for implementation in a subsequent action using more updated information. Ultimate catch levels may be higher or lower depending on updated survey results, some areas with access area trips assigned may not be able to support that level of effort, or small scallops may show up in a new survey suggesting the area should be closed to protect new recruitment. In order to minimize the potentially negative impacts of having measures in place on March 1 that ultimately need to be changed, the Council only allocated DAS to the limited access fishery as default measures for FY2015; no access area trips were assigned to limited access vessels or general category vessels.

Therefore, if Framework 26 is delayed past March 1, 2015, scallop vessels would be restricted to fishing their FY2015 default allocations in open areas until final FY 2015 specifications are implemented. However, vessels would be able to fish FY 2014 compensation trips in the access areas that were open in FY 2014 (e.g., DMV, NLS, and CA2) for the first 60 days of FY2015 (i.e., March 1 through April 29, 2015). In addition, the default DAS allocations were set at 75% of the projection to be precautionary. Therefore, vessels will receive a set number of DAS on March 1, 2015, and that may be different than the ultimate number of DAS awarded under FW26.



The default measures for 2015 also included the required ABC and ACL values, but they will likely be replaced by this action. The table below summarizes the default values that will be effective on March 1, 2015 until FW26 is implemented to replace them. Vessels with a LAGC IFQ permit will receive an allocation based on the contribution factor assuming the total LAGC IFQ is 2.5 million pounds. Their allocations for FY2015 may ultimately change based on the final sub-ACL approved in FW26. LAGC IFQ vessels are responsible to payback any overage the following year if the ultimate IFQ for FY2015 is lower than the allocation under the default sub-ACL.

If FW26 is not adopted these allocations would remain in place for all of FY2015 and beyond until replaced by a subsequent action.

**Table 2 - ACL related values and allocations for 2015 (default measures approved in FW25)**

	<b>2015*</b>
OFL	34,247 mt (75,501,724 lb)
ABC	23,982 mt (52,871,269 lb)
incidental	22.7 mt (50,000 lb)
RSA	567 mt (1,250,000 lb)
OBS	240 mt (529,110 lb)
ACL after set-asides/incidental removed (= ABC-(incidental + RSA +OBS))	23,152 mt (51,042,084 lb)
LA sub-ACL (94.5% of ACL)	21,879 mt (48,234,778 lb)
IFQ-only (5% of ACL)= sub-ACL = ACT	1,158 mt (2,552,105 lb)
IFQ + LA (0.5% of ACL)=sub-ACL=ACT	116 mt (255,210 lb)

\* 2015 measures are default and expected to be adjusted based on FW26

**Table 3 – Summary of FY2015 default allocations for LA vessels (approved in FW25)**

	LA FT	LA PT	LA Occasional
<b>2015</b>	17	7	1

\* Default DAS is 75% of the total DAS projected for FY2015 (23DAS)

## **2.0 MANAGEMENT ALTERNATIVES UNDER CONSIDERATION**

### **2.1 FISHERY SPECIFICATIONS**

*PDT will work on this section after results from 2014 surveys are available.*

*PDT meeting scheduled for August 26/27 to review survey results and develop specification alternatives.*

### **2.2 MEASURES TO ALLOW FISHING IN STATE WATERS AFTER FEDERAL NGOM TAC IS REACHED**

#### **2.2.1 No Action**

Once the federal NGOM hard TAC is reached, all vessels with a federal scallop permit are prohibited from fishing for scallops in the NGOM, INCLUDING state waters.

#### **2.2.2 All vessels with both a state scallop permit and federal NGOM permit allowed to fish in state waters after the federal TAC is reached**

If the federal NGOM hard TAC is reached and the area is closed, but a vessel has both a federal NGOM permit and a state water scallop permit, that vessel would be permitted to fish exclusively in state waters for scallops under state water rules. All other vessels with federal scallop permits would be prohibited to fish for scallops in state waters in the NGOM management area after the TAC is reached (LA, LAGC IFQ, and LAGC Incidental).

#### **2.2.3 Revise the state water exemption program provisions to allow a state to request a specific exemption related to fishing in state waters after the NGOM TAC is reached**

No changes would be made to the regulations prohibiting all vessels with a federal scallop permit to fish for scallops in state waters after the NGOM hard TAC is reached (§648.62). Instead, the regulations related to state water exemptions would be revised to allow an individual state to request a specific exemption related to fishing in state waters after the NGOM TAC is reached. Section 648.54 of the regulations specify the eligibility, requirements and exemptions vessels are subject to. If adopted, this alternative would allow a state to apply for an exemption from the prohibition to fish in state waters if the federal NGOM hard TAC is reached. To date, this alternative is not specific to permit type; a state could specify which federal scallop permit types could potentially be exempt from this prohibition.

### **2.3 MEASURES TO MAKE TURTLE REGULATIONS CONSISTENT**

#### **2.3.1 No Action**

There are two specific measures in place in the Scallop FMP that are designed specifically to reduce mortality on sea turtles; the turtle chain mat requirement and the turtle deflector dredge requirement (Figure 1).

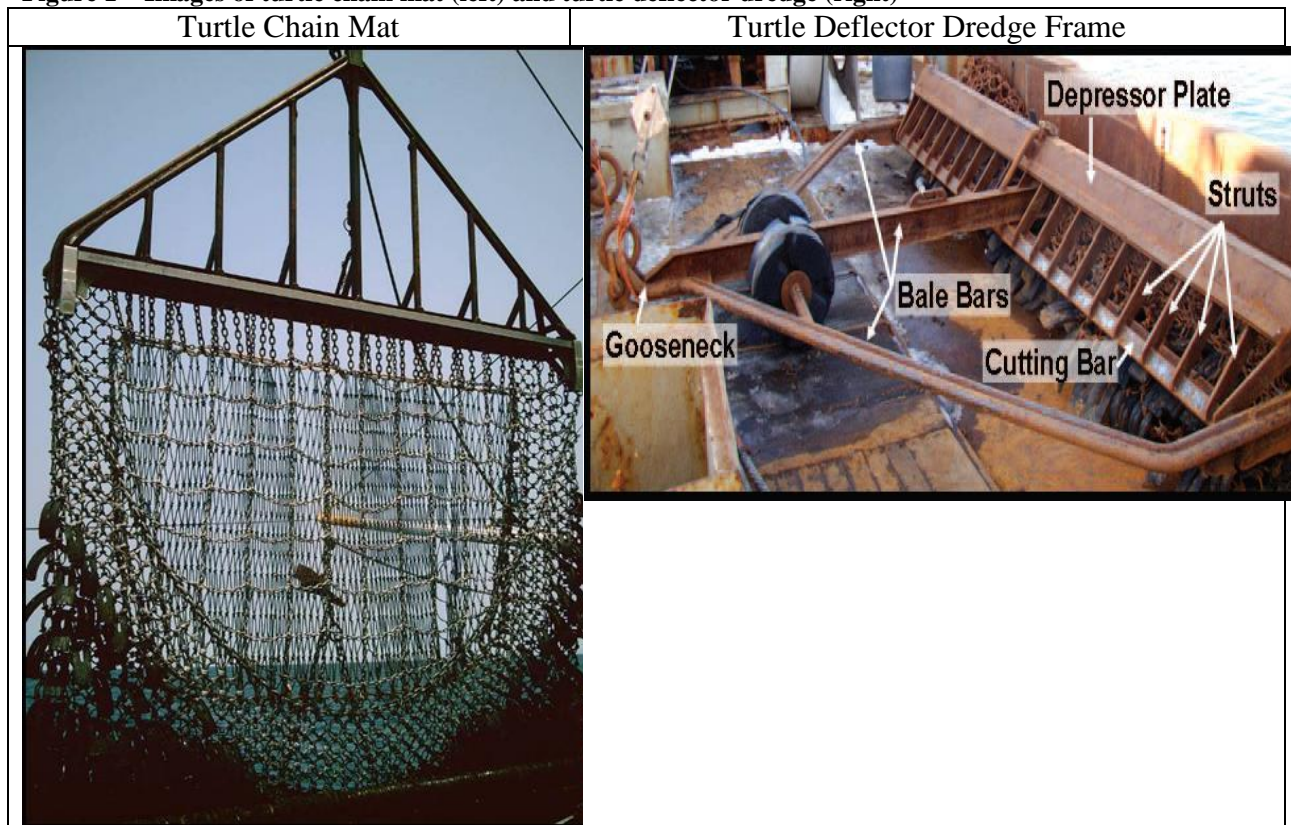
- *Turtle chain mat requirement:*

During the time period of May 1 through November 30, any vessel with a sea scallop dredge and required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, that enters waters south of 41°9.0' N. latitude, from the shoreline to the outer boundary of the Exclusive Economic Zone must have on each dredge a chain mat as described in Section 223.206(d)(11) of the regulations.

- *Turtle deflector dredge:*

From May 1 through October 31, any limited access scallop vessel using a dredge, regardless of dredge size or vessel permit category, or any LAGC IFQ scallop vessel fishing with a dredge with a width of 10.5 ft (3.2 m) or greater, that is fishing for scallops in waters west of 71° W long., from the shoreline to the outer boundary of the EEZ, must use a turtle deflector dredge (5 elements of the dredge). A limited access scallop vessel that uses a dredge with a width less than 10.5 ft (3.2 m) is required to use a TDD, except that such a vessel is exempt from the “bump out” requirement. LAGC vessels with dredges less than 10.5 ft are exempted from the requirement all together.

**Figure 1 – Images of turtle chain mat (left) and turtle deflector dredge (right)**

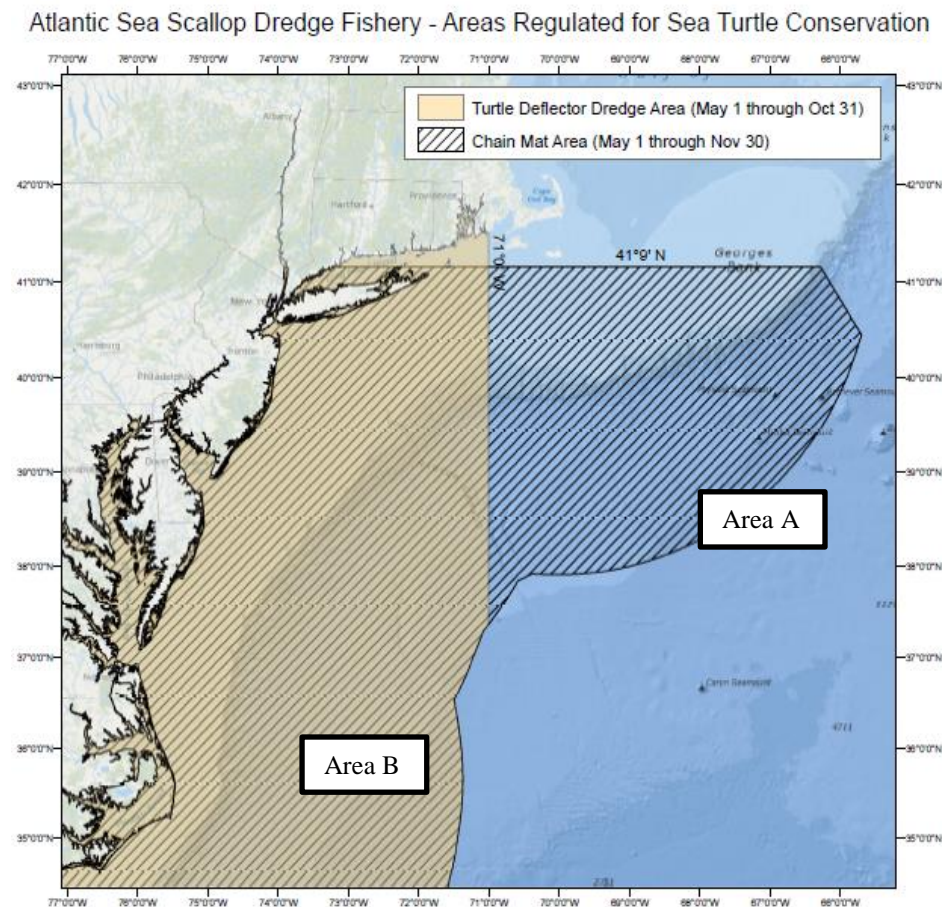


### 2.3.2 Revise season and area for turtle chain mat and turtle deflector dredge to be consistent (waters west of 71W and during the months of May through November)

Revise the turtle chain mat regulations to have a consistent boundary with the TDD requirement. And revise the TDD regulations to have a consistent season with the chin mat regulations. If approved, both gear elements would be required for the same area (waters west of 71W) and during the same season (May-November).

The PDT discussed that the current chain mat requirement is required for all dredges, regardless of size of vessel permit category. However, the turtle deflector dredge requirement is limited to all LA vessels and only LAGC IFQ vessels that fish with a dredge greater than 10.5 ft. LAGC IFQ vessels that fish with smaller dredges are exempt from the turtle deflector dredge requirement. The PDT recommends that this measure should maintain those permit type differences. Specifically, if approved this alternative would require all scallop dredge vessels to fish with a chain mat, regardless of dredge size or permit category. And all LA vessels and all LAGC IFQ vessels greater than 10.5 feet would need to fish with a TDD.

**Figure 2 – Management areas for TDD (beige) and chain mat (hatched) regulations in the scallop fishery** “Area A” and “Area B” have been superimposed. They delineate subsections of the chain mat area but east and west of the TDD boundary. These areas are reference areas used in the analyses for FW26.



## **2.4 MEASURES TO DEVELOP NEW ACCOUNTABILITY MEASURES FOR NORTHERN WINDOWPANE FLOUNDER AND MODIFY EXISTING ACCOUNTABILITY MEASURES FOR GB AND SNE/MA YELLOWTAIL FLOUNDER**

### **2.4.1 AM for northern windowpane flounder**

#### **2.4.1.1 No Action**

Under No Action, the sub-ACL for northern windowpane flounder would not have accountability measures specific to the scallop fishery. If the scallop fishery exceeds their sub-ACL, no measures would be triggered to limit or reduce future windowpane catch in the scallop fishery. This is not in compliance with NMFS regulation and guidance on ACL management, which requires an AM for every ACL and sub-ACL.

In terms of when AMs trigger in general, under No Action, if the scallop fishery is below their sub-ACL, and the GF fishery is over their sub-ACL, but the sum of all catch is below the total ACL, then no AMs would trigger in the groundfish fishery. In the reverse, if the scallop fishery exceeds their sub-ACL, but the total ACL is not exceeded because other components of the fishery were under their sub-ACLs, then AMs would NOT trigger for the scallop fishery (unless they exceed their sub-ACL by more than 50%). The program for northern windowpane flounder was designed so that each component of the fishery is accountable, but the trigger to implement AMs only occurs if the total ACL is exceeded, not just one particular sub-ACL.

However, under No Action, if the overage by the scallop fishery is substantial causing the overall ACL to be exceeded, AMs would trigger for the groundfish fishery because there are currently no AMs specific to the scallop fishery. If No Action is adopted in Scallop Framework 26, it would be likely that the next groundfish action would consider an AM for the scallop fishery to address this issue. The sub-ACL management strategy used by the Council for other species is that each fishery is accountable, and an overage that causes the total ACL to be exceeded should not impact a fishery that did not cause the overage.

#### **2.4.1.2 Reactive AM for northern WP – Seasonal gear restricted area**

This alternative would implement a gear restricted area for a specified period of time with higher bycatch rates of northern windowpane flounder. This is the same gear modification as the AM for southern windowpane flounder implemented under Framework 25. The specific gear modification has two elements: 1) shorter apron in the dredge bag; and 2) reduced twine top hanging ratio. Figure 3 is a drawing of typical scallop dredge gear. The two gear elements involved with this gear modified area are highlighted in the margin of the figure.

The AM area is ??? (Figure 4). **ONE AREA OR MORE?**

If the AM is triggered and the overage by the scallop fishery is estimated to be  $>0$  and  $<20\%$ , the AM would be in effect for **???**. If the AM is triggered and the overage by the scallop fishery is over 20% the AM would be in effect for **???**.

The Scallop PDT has estimated the amount of “WP savings”, or reduced WP catch associated with this AM alternative in Table 4. This is calculated by estimating the WP and scallop catch

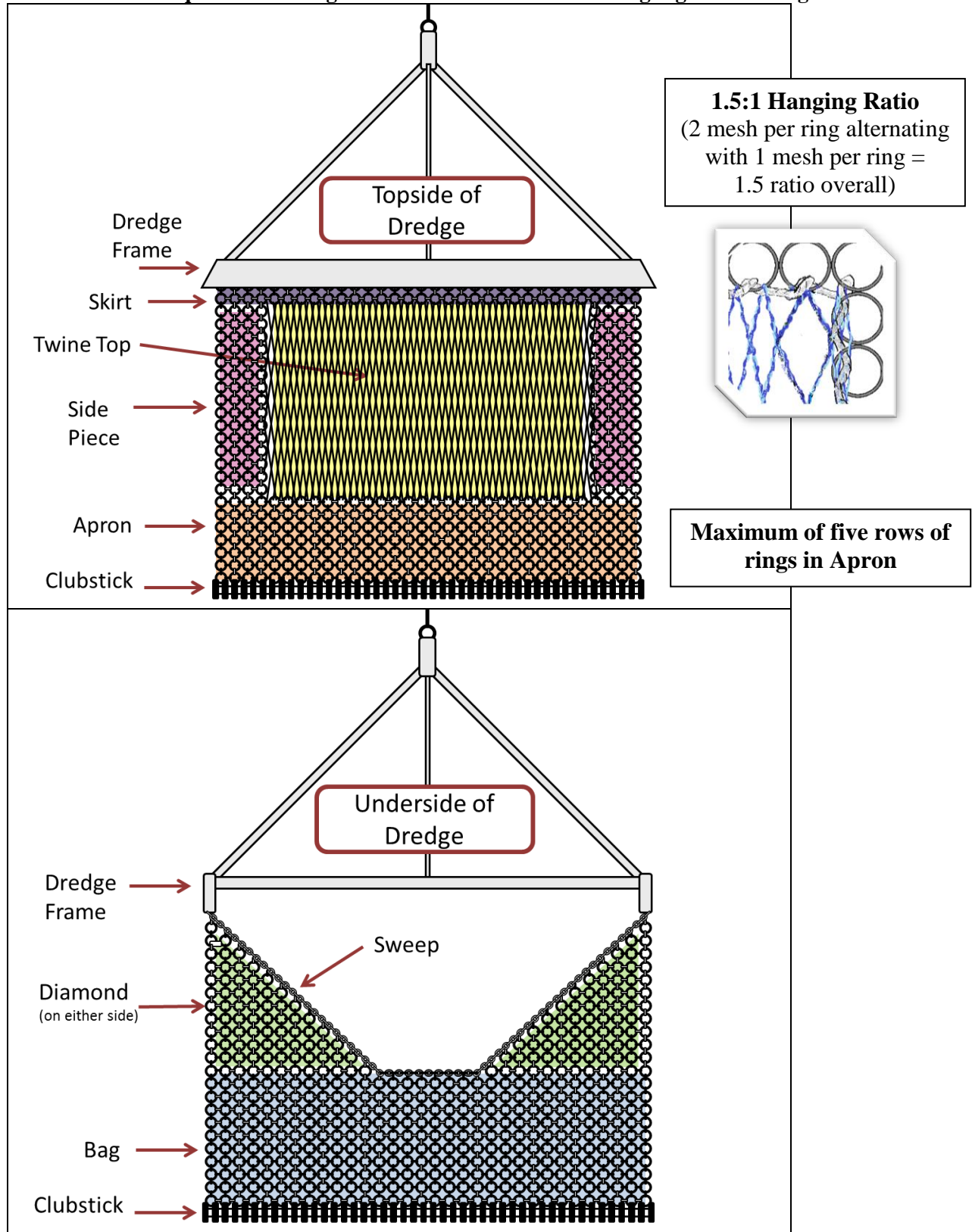
from this area based on observer and VMS data and applying a ??% reduction for WP catch based on results from gear tests of the modified dredge gear. See Appendix 1 for a summary of the research used by the PDT to complete analyses related to this gear modification alternative.

First, the maximum number of rows allowed in the apron of the topside of the dredge would be five rows. A vessel could fish with fewer rows of rings, but the maximum number of rows would be restricted to five. Second, the maximum hanging ratio for the dredge would be 1.5:1 overall; that is an average of 1.5 meshes per ring for the width of the twine top. The twine top is usually connected to the topside of the dredge frame by several rows of rings called the skirt. Individual meshes of the twine top are connected to each ring across the skirt of the dredge. Some vessels use a hanging ratio of 2:1, which means 2 meshes per ring. Some vessels fish with a lower hanging ratio, and some with a greater ratio of 3:1 or even 5:1. An overall hanging ratio of 1.5:1 means that the twine top is hung alternating 2 meshes per ring and 1 mesh per ring, for an overall average of 1.5 meshes per ring for the entire width of the twine top.

A dredge would be in compliance if the ratio did not exceed 1.5 based on the total number meshes in the twine top (counted at the bottom where the twine top connects to the apron) divided by the total number of rings that the twine top is connected to in the apron. For example, an apron that is 40 rings wide (not including any ring in the side pieces) would only be able to use a twine top with 60 or fewer meshes so that the overall ratio of meshes to rings did not exceed 1.5 (60 meshes/40 rings = 1.5). The regulation would not be based on the number of meshes across the top of the twine top connected to the skirt of the dredge, because some vessels connect the twine top to the frame with chain instead of rings.

This AM would apply to all scallop vessels, LA and LAGC IFQ vessels. The Council clarified that since this AM would impact all vessels on a scallop trip it would apply to vessels that fish for scallops with trawl gear as well. Specifically, if this AM were triggered a vessel fishing for scallops with trawl gear would be prohibited from fishing for scallops within the gear restricted area while the AM is effective. However, if a vessel with trawl gear wants to fish in the AM area and season if it were implemented, it would be permitted to switch to the modified dredge gear. Otherwise, vessels fishing for scallops with trawl gear would be prohibited in the AM area and season if AMs are triggered.

**Figure 3 – Typical Scallop dredge gear (topside of gear on top and underside on bottom)  
 Gear requirements for gear restricted AM alternative highlighted in margin**



Source: Goff, K. D. 2002. Ring diameter and closed area scallop fisheries. Masters thesis, Virginia Institute of Marine Science, College of William and Mary. (Note: labels and colors added to original figure).  
 Insert figure of hanging ratio courtesy of Coonamessett Farm Foundation.

**Table 4 - Estimate of WP reduction from Gear Modification AM by month within the AM area (% reduction compared to projected WP catch with no AM and applying ??% reduction from the gear modification in the AM area)**

EVENTUALLY THE PDT NEEDS TO IDENTIFY WHAT % REDUCTION VALUE TO USE. LAST YEAR WE USED 45%, BUT NEW ANALYSES SUGGESTS THE PERCENT REDUCTION COMPARED TO GEAR TYPES USED IN THE FISHERY IS QUITE VARIABLE. MAYBE A RANGE IS MORE APPROPRIATE.

#### **2.4.1.2.1 Northern WP AM Area**

**Entire northern windowpane stock area**

**Subset of northern windowpane stock area (south of ??? N)**

**Figure 4 – Northern WP seasonal gear restricted AM area under consideration**

ONE AREA OR MORE AREAS UNDER CONSIDERATION?

#### **2.4.1.2.2 Northern WP AM Season**

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 0% and less than 20%, the AM season would be ???.

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 20% the AM season would be ??.

Could use a different approach – this is what is in place for southern WP.

#### **2.4.1.3 Proactive AM for northern WP – Modify the restriction on the number of rings in apron of dredge**

Currently there is a requirement that all scallop dredges have a MINIMUM of seven rows of rings in the apron of the dredge in all areas east of 71 W. Framework 25 modified this outdated regulation for all waters west of 71W excluding Mid-Atlantic access areas already as a proactive AM for southern windowpane flounder, but the requirement to have a minimum 7-ring apron still exists for all other areas.

This alternative would modify the current requirement to have at least a seven row apron, and instead require all vessels to have a MAXIMUM of seven rows. This would apply to all open areas and access areas, all year long.

#### ***Background***

Within the current twine top restrictions in Section 648.51 of the scallop regulations it states that a dredge greater than 8 feet in width, must have at least seven rows of rings between the terminus



of the dredge (clubstick) and the twine top. Framework 5 implemented this regulation in 1995 to protect against the overharvest of small scallops. At that time some vessels were running twine top along the topside of the dredge all the way down to the clubstick. Since the mesh used for twine top was much smaller than it is today this practice essentially turned the dredge bag into a net, which has higher mortality on small scallops.

Now that twine top mesh is required to be a minimum of 10 inches there is less incentive to run it back to the terminus of the dredge. However, recent gear research has shown that a shorter apron, for example 5 rows of rings from the clubstick, may reduce flatfish bycatch. This action is considering a seasonal gear restriction AM that would require vessels to use a shorter apron, but that will only be implemented if an AM is triggered, and would only be required in the specified AM area and season. In contrast, this measure would modify the current requirement to have at least a seven row apron, and instead require vessels to have a maximum of seven rows. This measure may reduce flatfish bycatch by requiring vessels that fish in the AM area all year to use a maximum of seven rows, and enable vessels to voluntarily fish with an even shorter apron, less than seven rings, to proactively reduce flatfish bycatch in any area or season. This measure would apply to all scallop dredge vessels (LA and LAGC IFQ).

The current gear restriction is outdated and is no longer necessary with larger mesh size restrictions. In addition, it is counter to innovations that could help reduce flatfish bycatch. Therefore, modifying this dated regulation is a proactive AM, not only for SNE/MA WP but all flatfish bycatch that overlap with this AM area. The combination of a shorter apron and lower hanging ratio has been shown to be more selective for larger scallops.

#### **2.4.1.4 Proactive AM for northern windowpane – Eliminate the restriction on the number of rings in the apron of dredge**

This alternative would eliminate the regulation on number of rings in the apron all together. A vessel could fish with any number of rings in the apron of the dredge.

I had in my notes to have this alternative as well but why? This would allow a vessel to fish with less than seven, but by just eliminating it a vessel could fish with any number it wants, potentially increasing the number of rings? Seems counterproductive to just eliminate correct?

## 2.4.2 Modify GB and SNE/MA yellowtail flounder AMs

### 2.4.2.1 No Action

If AMs trigger for the scallop fishery a series of seasonal closure alternatives are potentially implemented based on which component of the scallop fishery caused the overage. There are three different YT AMs in the scallop fishery:

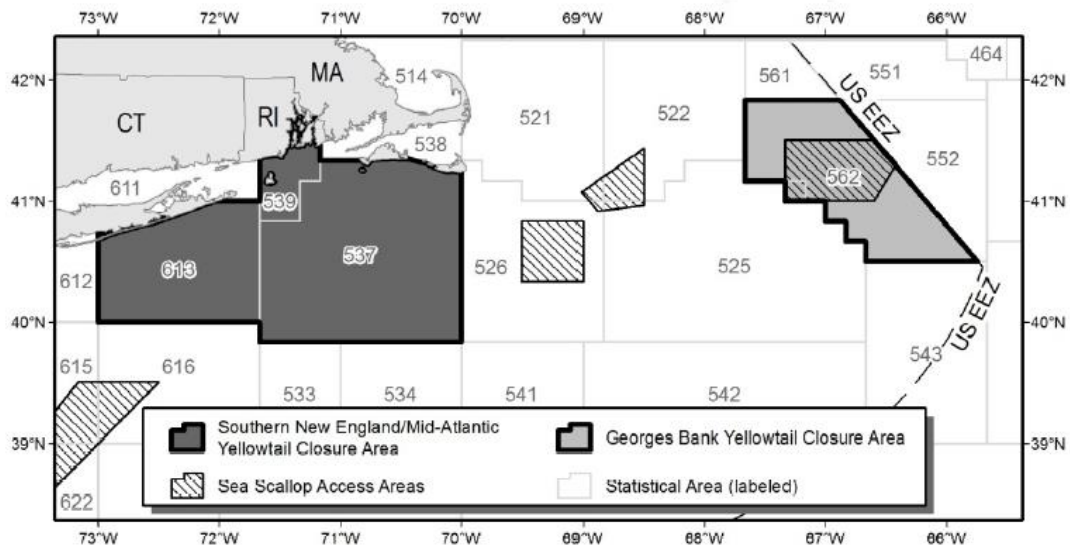
- 1) one for the LA fleet;
- 2) one for LAGC IFQ dredge fishery; and
- 3) one for LAGC IFQ trawl fishery.

The LA fishery has AMs for both GB and SNE/MA YT, but the LAGC IFQ fisheries only have AMs for SNE/MA YT since their catch of GB YT is minimal.

- **When do YT AMs trigger?**

For LA fishery AMs trigger if the total YT ACL is exceeded and the scallop fishery sub-ACL was exceeded by any amount; or the total YT ACL was *not* exceeded, but the scallop fishery exceeded its sub-ACL by 50% or more. The LAGC fleet has two other caveats for SNE/MA YT AM. AMs for LAGC dredge vessels only trigger if YT catch from that segment is greater than 3% of sub-ACL. AMs for LAGC trawl vessels only trigger if YT catch from that segment is greater than 10% of sub-ACL. In addition, if the LAGC trawl catch is more than 10% of the total sub-ACL, AMs for this segment trigger regardless of whether the total ACL or total sub-ACL are exceeded. In this case the maximum closure season is implemented (7 months)

**Figure 5 – AM seasonal closed areas for SNE/MA and GB YT for limited access fishery (SNE/MA AM area is the same for LAGC IFQ dredge fishery)**



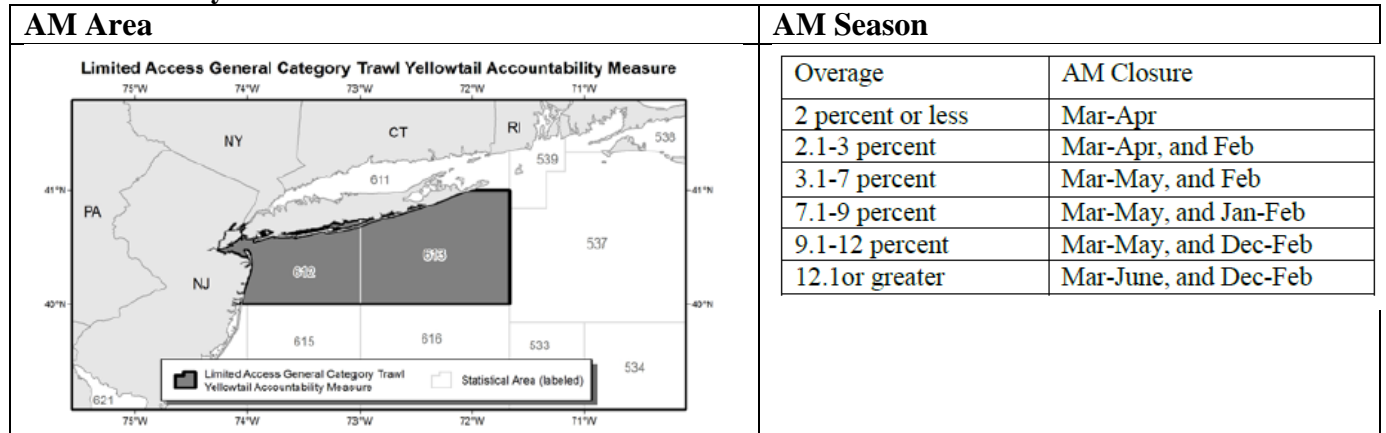
**Table 5 – YT AM seasons for LA fishery**

<b>SNE/MA</b>		<b>GB</b>	
<b>Percent overage of YTF sub-ACL</b>	<b>Length of closure</b>	<b>For Years CA2 AA Open</b>	
2 or less	Mar-Apr	<b>Percent overage of YTF sub-ACL</b>	<b>Length of closure</b>
2.1-3	Mar-Apr , Feb	3 or less	Oct-Nov
3.1-7	Mar-May, Feb	3.1-14	Sep-Nov
7.1-9	Mar-May, Jan-Feb	14.1-16	Sep-Jan
9.1-12	Mar-May, Dec-Feb	16.1-39	Aug-Jan
12.1-15	Mar-Jun, Dec-Feb	39.1-56	Jul-Jan
15.1-16	Mar-Jun, Nov-Feb	Greater than 56	Mar-Feb (All year)
16.1-18	Mar-Jul, Nov-Feb	<b>For Years CA2 AA Closed</b>	
18.1-19	Mar-Aug, Oct-Feb	<b>Percent overage of YTF sub-ACL</b>	<b>Length of closure</b>
19.1 or more	Mar-Feb (All year )	1.9 or less	Sep-Nov
		2.0 -2.9	Aug-Jan
		3.0 -3.9	Mar-Aug, Feb
		4.0 - 4.9	Mar, Jul-Feb
		5.0 -5.9	Mar-May, Jul-Feb
		6.0 or greater	Mar-Feb (All year)

**Table 6 – YT AM season for LAGC IFQ dredge fishery**

	AM closure area and duration		
	539	537	613
Overage	539	537	613
2 percent or less	Mar-Apr	Mar-Apr	Mar-Apr
2.1 - 7 percent	Mar-May, Feb	Mar-May, Feb	Mar-May, Feb
7.1 - 12 percent	Mar-May, Dec-Feb	Mar-May, Dec-Feb	Mar-May, Feb
12.1 - 16 percent	Mar-Jun, Nov-Feb	Mar-Jun, Nov-Feb	Mar-May, Feb
16.1 percent or greater	Mar-Feb (All year )	Mar-Jun, Nov-Feb	Mar-May, Feb

**Figure 6 – No Action SNE/MA YT AM seasonal closed area and season for LAGC IFQ trawl fishery**



Under No Action, if the scallop fishery is below their sub-ACL, and the GF fishery is over their sub-ACL, but the sum of all catch is below the total ACL, then no AMs would trigger in either fishery. In the reverse, if the scallop fishery exceeds their sub-ACL, but the total ACL is not exceeded because other components of the fishery were under their sub-ACLs, then AMs would NOT trigger for the scallop fishery (unless they exceed their sub-ACL by more than 50%). The program for northern windowpane flounder was designed so that each component of the fishery is accountable, but the trigger to implement AMs only occurs if the total ACL is exceeded, not just one particular sub-ACL.

**2.4.2.2 Reactive AM for GB YT – Seasonal gear restricted area**

If selected, this would replace the seasonal area closure AMs currently in effect for GB YT. Instead, if AMs are triggered in the scallop fishery a seasonal gear modification area will be implemented for a specified amount of time with higher bycatch rates of GB YT. This is the same gear modification as the AM for southern windowpane flounder implemented under Framework 25. The specific gear modification has two elements: 1) shorter apron in the dredge bag; and 2) reduced twine top hanging ratio. Figure 3 is a drawing of typical scallop dredge gear. The two gear elements involved with this gear modified area are highlighted in the margin of the figure. More details of the specific gear restrictions are described in Section 2.4.1.2.

#### **2.4.2.2.1 GB YT AM Area**

**Entire GB YT stock area**

**Subset of GB YT stock area (south of ??? N or east of ??W)**

**Current AM area – stat area 562**

**CA2 scallop access area only**

#### **2.4.2.2.2 GB YT AM Season**

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 0% and less than 20%, the AM season would be ???.

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 20% the AM season would be ??.

Could use a different approach – this is what is in place for southern WP.

#### **2.4.2.3 Proactive AM for GB YT – Modify the restriction on the number of rings in apron of dredge**

Currently there is a requirement that all scallop dredges have a MINIMUM of seven rows of rings in the apron of the dredge in all areas east of 71 W. Framework 25 modified this outdated regulation for all waters west of 71W excluding Mid-Atlantic access areas already as a proactive AM for southern windowpane flounder, but the requirement to have a minimum 7-ring apron still exists for all other areas.

This alternative would modify the current requirement to have at least a seven row apron, and instead require all vessels to have a MAXIMUM of seven rows. This would apply to all open areas and access areas, all year long. This is the same alternative as Alternative 2.4.1.3 for windowpane, it is repeated here to highlight that this proactive measure is expected to reduce yt bycatch as well.

#### **2.4.2.4 Reactive AM for SNE/MA yellowtail flounder – Seasonal gear restricted area**

If selected, this would replace the seasonal area closure AMs currently in effect for SNE/MA YT. Instead, if AMs are triggered in the scallop fishery a seasonal gear modification area will be implemented for a specified amount of time with higher bycatch rates of SNE/MA YT. This is the same gear modification as the AM for southern windowpane flounder implemented under Framework 25. The specific gear modification has two elements: 1) shorter apron in the dredge bag; and 2) reduced twine top hanging ratio. Figure 3 is a drawing of typical scallop dredge gear. The two gear elements involved with this gear modified area are highlighted in the margin of the figure. More details of the specific gear restrictions are described in Section 2.4.1.2.

#### 2.4.2.4.1 SNE/MA YT AM Area

##### Entire SNE/MA YT stock area

##### Subset of SNE/MA YT stock area (west of 71W) excluding access areas

YT stock area does not go as far south as southern WP – should this alternative be the same as southern WP to keep things simple – or should southern boundary match up with southern boundary of YT stock area (i.e. north of 39 N).

##### Current AM area (stat areas 613, 537 and 539)

Those 2 stat areas are the current AM area for LA vessels and LAGC IFQ dredge vessels. LAGC IFQ trawl vessels ave AM area of 612 and 613 only.

Gear modification is limited to dredge vessels – what should be done with trawl vessels?

#### 2.4.2.4.2 SNE/MA YT AM Season

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 0% and less than 20%, the AM season would be ???.

If AMs trigger for the scallop fishery and the sub-ACL exceeded by more than 20% the AM season would be ??.

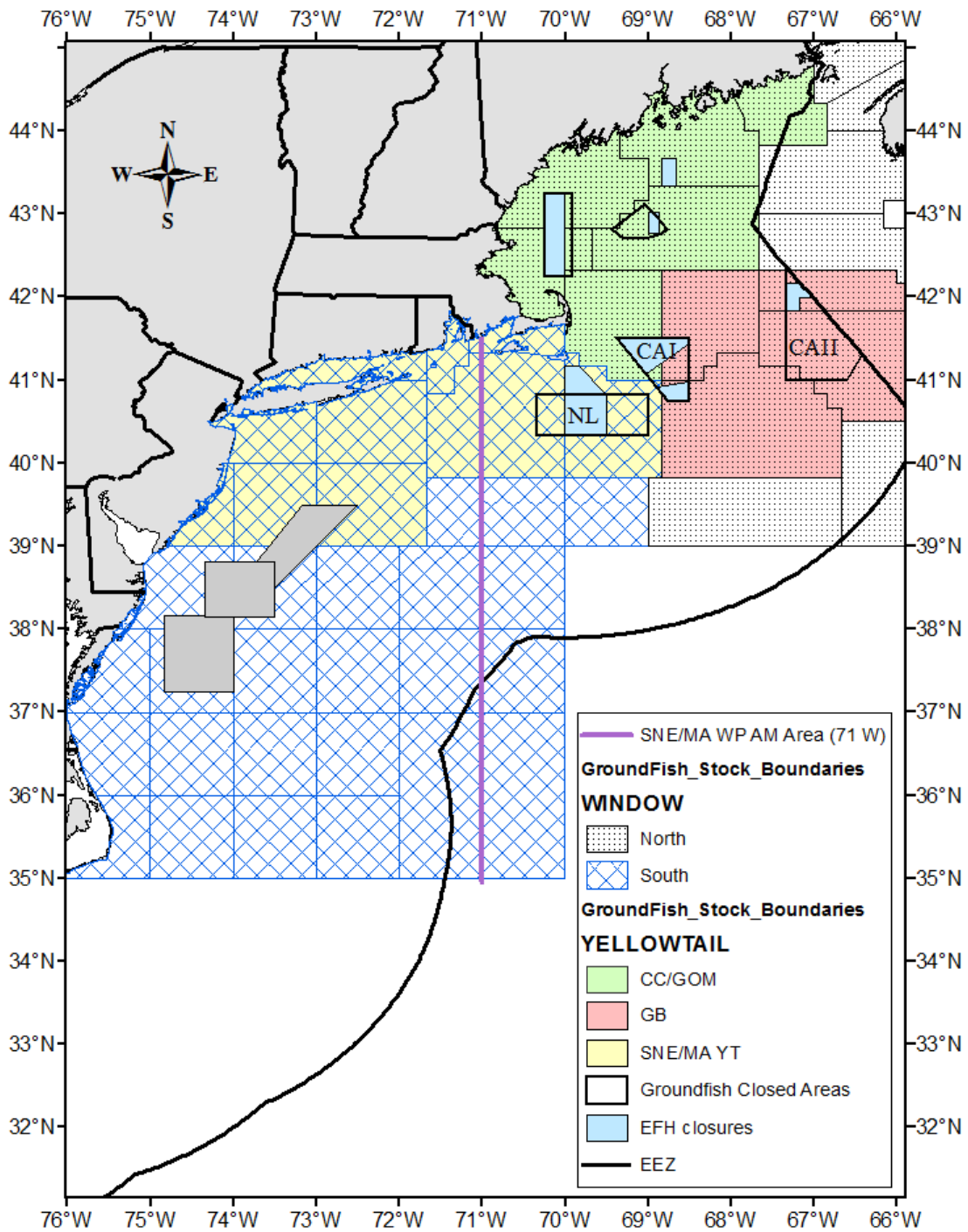
Could use a different approach – this is what is in place for southern WP.

#### 2.4.2.5 Proactive AM for SNE/MA YT – Modify the restriction on the number of rings in apron of dredge

Currently there is a requirement that all scallop dredges have a MINIMUM of seven rows of rings in the apron of the dredge in all areas east of 71 W. Framework 25 modified this outdated regulation for all waters west of 71W excluding Mid-Atlantic access areas already as a proactive AM for southern windowpane flounder, but the requirement to have a minimum 7-ring apron still exists for all other areas.

This alternative would modify the current requirement to have at least a seven row apron, and instead require all vessels to have a MAXIMUM of seven rows. This would apply to all open areas and access areas, all year long. This is the same alternative as Alternative 2.4.1.3 for windowpane, it is repeated here to highlight that this proactive measure is expected to reduce yt bycatch as well.

**Figure 7 Stock boundaries for windowpane and yellowtail flounder stocks**



## **2.5 MEASURES TO ALLOW A LIMITED ACCESS VESSEL TO DECLARE OUT OF FISHERY ON RETURN TO HOMEPORT**

### **2.5.1 No Action**

Limited access scallop vessels on an open area DAS trip are charged DAS from the time a vessel positions seaward of the VMS demarcation line until it once again positions shoreward of the demarcation line. There is some flexibility built into the program already. First, a trip no longer has to be declared from a port, but it must be declared from inside of the demarcation line. Meaning, a vessel can steam inside or outside of the demarcation line under a DOF-TST code, which stands for declared out of fishery and transiting. Under that code a vessel can steam closer to shore it wants to fish, pull in shoreward of the demarcation line, and declare into the scallop fishery from there. The scallop portion of the trip/DAS charge will still begin on the vessels first VMS position report seaward of the demarcation under the code for open area fishing (SES-SCA-OPSxxx).

In addition, there are provisions that allow a vessel to come inside demarcation for safety reasons. The trip/DAS charge begins with the first VMS position report seaward of the demarcation line and ends with the first VMS position report shoreward of the line. But if a vessel stays inside the VMS line for fewer than four hours, those separate trips codes are “stitched” together, and the vessel is charged DAS for the time spent inside demarcation, up to four hours. However, if a vessel is inside demarcation for more than four hours those trips are not automatically stitched together, and a vessel is not charged DAS for that time inside the line. While it was not the intent of this safety VMS provision that allows a vessel to come inside the line during a trip for safety, there are vessels that seem to be using this provision to move from one fishing ground to another and not be charged for that transit time, if it exceeds four hours.

On the way back to port at the end of a trip, the DAS clock ends when a vessel positions a report inside the VMS demarcation line and stays inside for more than four hours. At that point a vessel could steam back to port and not be charged DAS if it stays within the VMS demarcation line. If a vessel positions outside the line after the four hour period inside, the vessel will be charged DAS for the time spent seaward of the line and VMS would once again record it as a separate trip.

### **2.5.2 Implement an inshore transit corridor**

A corridor would be defined and vessels could enter this area on their return to port and not be charged DAS while in the corridor. To reduce or eliminate potential abuse of this corridor provision several requirements would apply:

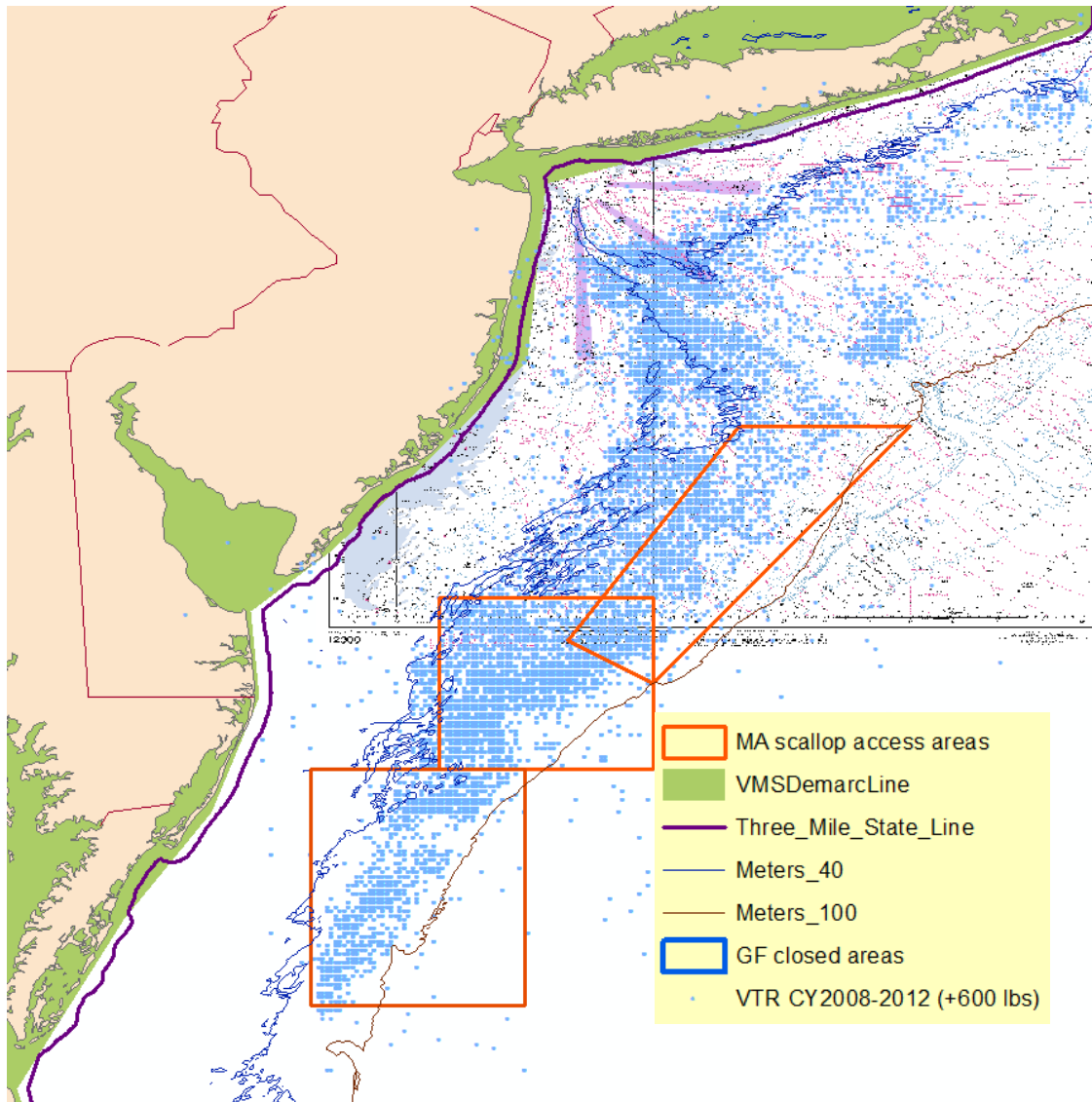
- a. Vessel must return directly to port and offload scallops immediately
- b. Pre-landings notification required
- c. No in-shell product on board (or maximum of 50 bu)
- d. Gear must be stowed
- e. Increased VMS polling within corridor (suggested as potential measure at Council meeting buy initial input from NMFS OLE is that this is not feasible)
- f. Others?



### 2.5.2.1 Corridor area

The corridor area should be inshore of primary scallop fishing grounds as well as major shipping lanes. May be most straight forward to simply keep the area congruent with the VMS demarcation line and simply extend it farther from shore with 2 nautical miles, or 4 nautical miles.

**Figure 8 – Potential VMS corridor boundaries (this will be replaced with updated figures)**

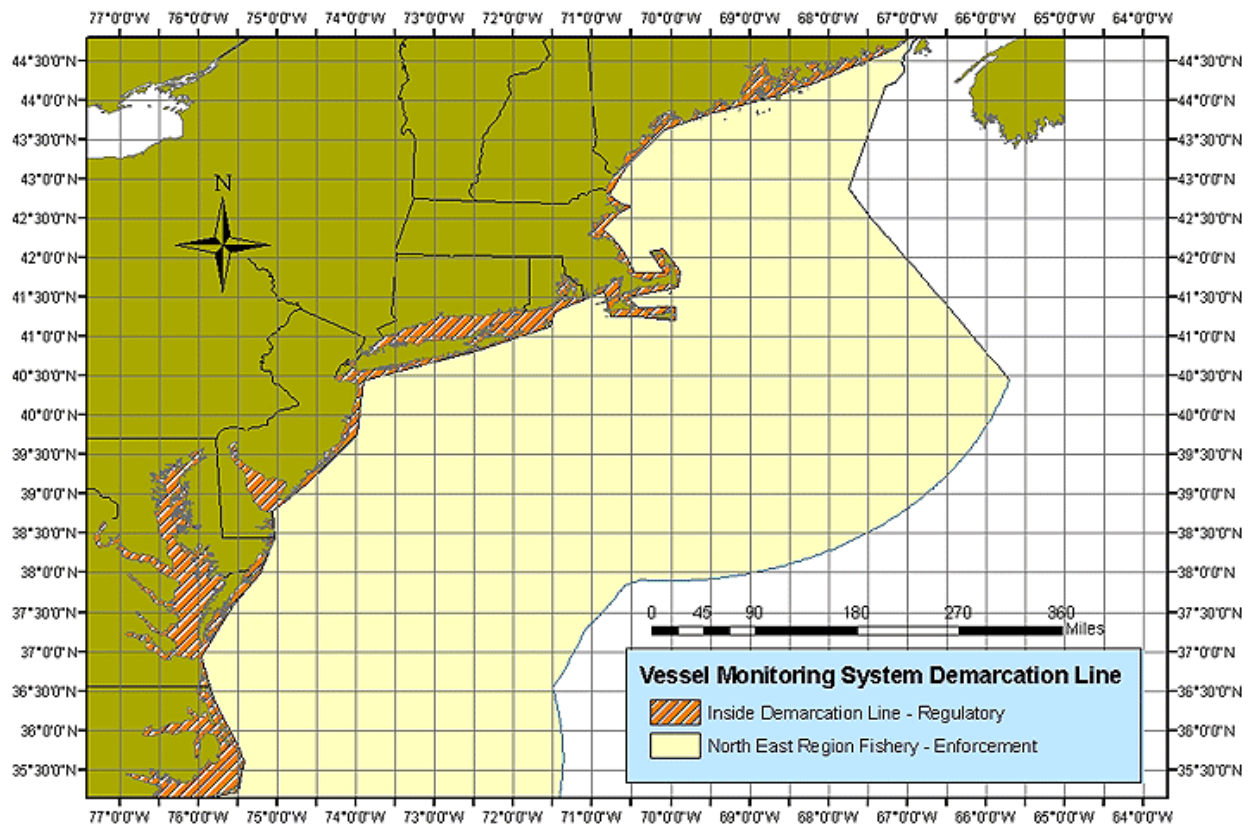


### 2.5.3 Implement a separate VMS declaration code for steaming back to port

Vessels could finish their scallop trip by going inside the demarcation line, ending their scallop DAS trip, and declare out of the fishery (this would require a new DOF code to identify transiting with product on board). Once this DOF trip has been declared, vessels could go outside of the demarcation line to travel back to port with the following requirements:

- a. Vessel must return directly to port and offload scallops immediately
- b. Pre-landings notification required
- c. No in-shell product on board (or maximum of 50 bu)
- d. Gear must be stowed
- e. Increased VMS polling within corridor (suggested as potential measure at Council meeting buy initial input from NMFS OLE is that this is not feasible)
- f. Others?

Figure 9 – VMS demarcation line



## **2.6 UPDATE REFERENCE POINTS BASED ON RECENT BENCHMARK ASSESSMENT RESULTS**

**THIS IS A PDT RECOMMENDATION TO CONSIDER ONLY – THIS ALTERNATIVE IS NOT FORMALLY UNDER CONSIDERATION IN THIS ACTION.**

A full benchmark assessment was completed on the sea scallop resource in July 2014. Several changes were reviewed and approved during the assessment including new biological reference points. Since the reference points for the Scallop FMP are specified in the regulations, the Scallop PDT recommends the Council consider updating those reference points in this action so that they are consistent with the new assessment results.

### **2.6.1 No Action**

The reference points would remain the same, as approved in SARC50 (2010). Overfishing is occurring if fishing mortality is above  $F_{msy} = 0.38$  and is considered overfished if biomass is less than 62,670 mt ( $1/2 B_{msy}$ ).  $B_{msy}$  is estimated to be 125,000 mt.

**PDT does not plan to run specification alternatives using old reference points. So if organizing this section implies that we will – PDT needs to consider revising how this section is structured.**

### **2.6.2 Updated reference points based on results from recent benchmark assessment (SARC59)**

The updated stock assessment calculated a  $F_{msy}=0.48$ , and the overfished threshold at 48,240 mt. The updated model used a stock recruit relationship to calculate recruitment, which is different from the approach used in CASA (SARC50?). This time the model combined per recruit analysis with stock-recruit relationship to estimate MSY and the associated biomass and fishing mortality reference points. Specific updates from SARC50 include: several changes to the dredge index; use of a separate Habcam index; splitting out GB open and GB closed subareas; several model parameter adjustments (increased estimates for natural mortality; increased natural mortality for larger scallops; and new growth estimates for three different time periods). All of these changes caused the overall  $F_{msy}$  to increase and  $B_{msy}$  to decrease. The main driver for the increase in  $F_{msy}$  is due to increases in natural mortality and weakening of MA stock recruit relationships. In general  $F_{msy}$  is uncertain because the  $F_{msy}$  curve for MA is very flat, uncertain where  $F_{max}$  is for that region.

Several important assumptions are still used in this assessment, and the review panel noted that the  $F_{msy}$  estimates for the two sub-regions are quite different; 0.30 for Georges Bank and 0.74 for Mid-Atlantic. Therefore, “applying a combined estimate of 0.48 to the whole stock uniformly could imply that GB could be fished harder than biologically advisable, and the MA might be fished lighter than biologically advisable.” (SARC59, 2014).

The updated estimates for 2013 are:  $F=0.32$  and  $B=132K$ , so the stock is not overfished and overfishing is not occurring, under both the old and new reference points.

## **2.7 INCREASED OBSERVER COMPENSATION FOR LAGC IFQ TRIPS THAT ARE MORE THAN 24 HOURS**

**THIS IS A PDT RECOMMENDATION TO CONSIDER ONLY – THIS ALTERNATIVE IS NOT FORMALLY UNDER CONSIDERATION IN THIS ACTION.**

This alternative would allow a LAGC IFQ vessel to receive additional compensation if carrying an observer on a trip that extends more than 24 hours. Currently a LAGC IFQ vessel is limited to one day of compensation, regardless of trip length, to help prevent vessels from extending trips primarily to increase observer compensation. To date the limitation on one day of compensation, currently 150 pounds, does not seem to be a major issue, but there have been some calls from the industry that catch rates inshore are lower and it can take more than 24 hours to catch 600 pounds.

The PDT discussed that having a limit on compensation could cause a vessel to change behavior and end a trip early if one day of compensation was not going to cover the costs of an observer beyond one day of fishing. Currently a LAGC vessel is awarded 150 pounds compensation per trip if required to carry an observer. Depending on the price that may not be sufficient if the trip lasts more than 24 hours and the vessel needs to pay an observer for two days. One suggestion was to consider a higher compensation rate if a trip is more than 24 hours, perhaps 75 additional pounds. The PDT discussed that any additional compensation would need to be minimal so it was not abused and bring us back to why the maximum was implemented in the first place.

## **2.8 MODIFY REGULATIONS RELATED TO FLARING BAR PROVISION FOR TURTLE DEFLECTOR DREDGE**

**THIS IS A PDT RECOMMENDATION TO CONSIDER ONLY – THIS ALTERNATIVE IS NOT FORMALLY UNDER CONSIDERATION IN THIS ACTION.**

This alternative would slightly revise the description of the “flaring bar” within the turtle deflector dredge regulations. The agency has received one call about the “flaring bar”, and has expressed interest in building a dredge that would not comply with the current regulations. The regulations state that, *“for the purpose of flaring and safe handling of the dredge, a minor appendage not to exceed 12 inches (30.5 cm) in length may be attached to each of the outer bale bars. Only one side of the flaring bar may be attached to the dredge frame. The appendage should at no point be closer than 12 inches (30.5 cm) to the cutting bar.”*

The restriction to only allow the flaring bar to be attached in one place was intended to help prevent the creation of more spaces that could trap a turtle or reduce the effectiveness of the “bump out”. The Agency has been contacted by one individual that is interested in constructing a “flaring U”, rather than a single bar, and it would be attached closer to the gooseneck; not near the bump out down by the cutting bar. Currently this would be prohibited because it would be attached to the dredge frame in more than one place. There would not necessarily be concerns in terms of impacts on turtles as long as the flaring U did not create more space for a turtle to get caught, but to change the regulations for this measure, it would need to be added to a framework action.

When the Council reviewed the proposed regulations and deemed them consistent, the Council noted that some language be added to the regulations to allow flaring of the dredge, and oversight during development of the action. This is an aspect of the dredge that does not impact the fishing capability or the impact on turtles, it is ... To be precautionary the Council recommended that a flaring bar be allowed, but not too close to the bump out of the TDD. Therefore, the final regulations include a prohibition to attach the flaring bar in more than one place with the intent that the flaring bar could not close off the bump out and be attached to the bale bar in two places. This....

## **2.9 CONSIDERED AND REJECTED ALTERNATIVES**

### **3.0 REFERENCE INFORMATION RELATED TO FISHERY SPECIFICATIONS (COUNCIL ACTION AND ANALYSES NOT REQUIRED)**

#### **3.1 SPECIFICATIONS FOR LAGC INCIDENTAL CATCH VESSELS**

#### **3.2 TAC SET-ASIDES FOR OBSERVER AND RESEARCH PROGRAMS**

##### **3.2.1 Research Priorities for 2015**

### **3.3 UPDATED PROJECTIONS OF FLATFISH BYCATCH (YT AND WP)**

## **4.0 AFFECTED ENVIRONMENT**

### **4.1 ATLANTIC SEA SCALLOP RESOURCE**

### **4.2 PHYSICAL ENVIRONMENT AND ESSENTIAL FISH HABITAT**

### **4.3 PROTECTED RESOURCES**

**4.4 ECONOMIC AND SOCIAL TRENDS IN THE SEA SCALLOP FISHERY**

**4.4.1 Introduction - Demet**

**4.4.2 Trends in Landings, prices and revenues for 1994-2013 (by broad permit categories, i.e., LA and LAGC) - Dealer data - Demet**

**4.4.3 Trends in effort and LPUE by area if possible – VTR and DAS Activity Data by area (for 2009-2013 fish years) request from GARFO**

**Table 7 - Percent of total limited access scallop catch by area and fish year (Dealer and VMS data, 2013 Fishyear)**

<i>Area</i>	<i>Scallop landings</i>	<i>Number of trips</i>	<i>Average Trip duration</i>	<i>DAS used</i>	<i>LPUE</i>
Closed Area 1					
Closed Area 2					
Delmarva					
Elephant Trunk					
Hudson Canyon					
Nantucket Lightship					
OPEN					

**Same table above for LAGC fishery.**

- 4.4.4 The trends in participation (numbers of total and active permits) by permit and permit category (Demet).
  - 4.4.5 Landings by permit and permit category –(Dealer and permit databases) Demet
  - 4.4.6 Trends in vessel characteristics and gear type (Julie): Permit and VTR databases)
  - 4.4.7 Landings by gear type: Dealer and VTR (Julie)
  - 4.4.8 Trends in the meat count and size composition of scallops and prices; Dealer data - Demet
  - 4.4.9 Dependence on the Scallop Fishery for LA and LAGC vessels (Julie)
  - 4.4.10 Fishing Costs – Observer Trip cost and Cost surveys 2011-12 - Demet
  - 4.4.11 Trends in Foreign Trade - Demet
  - 4.4.12 Trends in employment – Julie (crew lay system if available)
  - 4.4.13 The trends in the number of seafood dealers - Julie
  - 4.4.14 Trends in scallop landings by state, by port, vessel size and permit category – Julie
- 4.5 NON-TARGET SPECIES

## **5.0 IMPACTS OF ALTERNATIVES UNDER CONSIDERATION**

### **5.1 SCALLOP RESOURCE**

PDT Lead - Deirdre

### **5.2 PHYSICAL ENVIRONMENT AND ESSENTIAL FISH HABITAT**

PDT Lead – Michelle Bachman

### **5.3 PROTECTED RESOURCES**

PDT Lead - ??? and Kimberly and Carrie for turtle specific measures

### **5.4 ECONOMIC IMPACTS**

PDT Lead - Demet

### **5.5 SOCIAL IMPACTS**

PDT Lead - Julie

### **5.6 NON-TARGET SPECIES**

PDT Lead - Deirdre

### **5.7 CUMULATIVE EFFECTS**

PDT Lead – Brian

## **6.0 COMPLIANCE WITH APPLICABLE LAW**

PDT Lead – Deirdre

## **7.0 GLOSSARY**

## **8.0 LITERATURE CITED**

## **9.0 INDEX**