

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director



ESTIMATED TIME

1 HOUR

DATE: November 17, 1996

SUBJECT: Scallop Management

ACTION REQUIRED

- (a) Review status of moratorium.
- (b) Discuss potential follow-up actions.

BACKGROUND

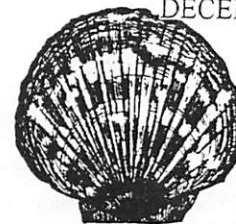
In June 1995, the Council approved an amendment package that established management measures to replace an interim closure of Federal waters off Alaska to scallop fishing. This package also included a 3-year vessel moratorium with qualifying criteria whereby vessels that had made at least one landing in any year from 1991 through 1993, or during any 4 years from 1980 through 1990 would qualify. ADF&G fish ticket data and CFEC records indicate that a total of 18 vessels would qualify to fish for scallops.

Amendment 1: In April 1996, the Council agreed to remove the moratorium from the Amendment 1 package to not delay opening of a fishery in 1996. The final rule implementing Amendment 1 was published on July 23, 1996, and scallop fishing resumed in most registration areas on August 1. A summary of scallop biology, management, and the fishery is attached as Item C-6(a).

Amendment 2: The vessel moratorium is proposed as Amendment 2. The moratorium package was submitted to the Secretary of Commerce on November 8, 1996, and the proposed rule should be published shortly. NMFS staff will be on hand to discuss the proposed rule for Amendment 2.

Amendment 3: NMFS has prepared a proposal for Amendment 3, which would delegate scallop management responsibilities to the State of Alaska (Item C-6(b)). Under the Magnuson-Stevens Act, the State of Alaska may now regulate vessels not registered with the State if they are operating in the EEZ. As such, one option the Council may consider is to delegate management authority to the State (this would require a 3/4 majority vote of the Council).

In September 1996, a proposal for a license limitation system was submitted by the Kodiak Fish Company (Item C-6(c)). At this meeting, the Council needs to discuss the next steps for scallop management and tasking.



Scallops

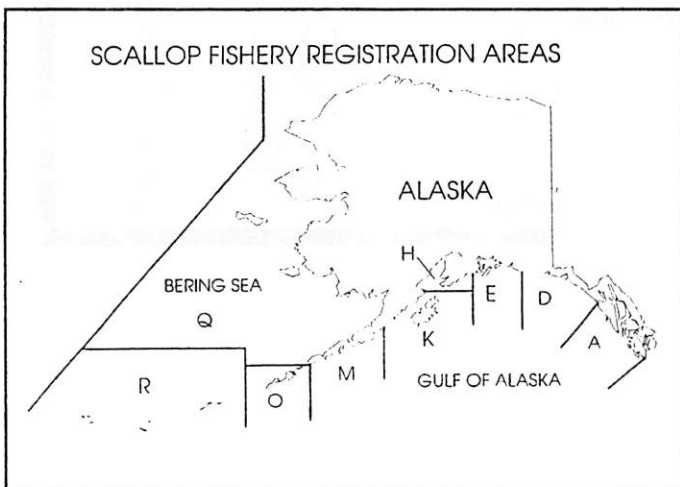
Biology: Weathervane scallops (*Patinopectin caurinus*), are distributed from Point Reyes, California, to the Pribilof Islands, Alaska. The highest known densities in Alaska have been found to occur in the Bering Sea, off Kodiak Island, and along the eastern gulf coast from Cape Spencer to Cape St. Elias. Weathervane scallops are found from intertidal waters to depths of 300 m, but abundance tends to be greatest between depths of 40-130 m on beds of mud, clay, sand, and gravel. Sexes are separate and mature male and female scallops are distinguishable based on gonad color. Although spawning time varies with latitude and depth, weathervane scallops in Alaska spawn in May to July depending on location. Eggs and spermatozoa are released into the water, where the eggs become fertilized. After a few days, eggs hatch, and larvae rise into the water column and drift with ocean currents. Larvae are pelagic and drift for about one month until metamorphosis to the juvenile stage when they settle to the bottom. Weathervane scallops begin to mature by age 3 at about 7.6 cm (3 inches) in shell height (SH), and virtually all scallops are mature by age 4. Growth, maximum size, and size at maturity vary significantly within and between beds and geographic areas. Weathervane scallops are long-lived; individuals may live 28 years old or more. The natural mortality rate is thought to be about 15% annually ($M = 0.16$). Scallops are likely prey to various fish and invertebrates during the early part of their life cycle. Flounders are known to prey on juvenile weathervane scallops, and seastars may also be important predators.

Several other species of scallop found in the EEZ off Alaska have commercial potential. These scallops grow to smaller sizes than weathervanes, and thus have not been extensively exploited in Alaska. Pink scallops, *Chlamys rubida*, range from California to the Pribilof Islands. Pink scallops are found in deep waters (to 200 m) in areas with soft bottom, whereas spiny scallop occur in shallower (to 150 m) areas characterized by hard bottom and strong currents. Pink scallops mature at age 2, and spawn in the winter (January-March). Maximum age for this species is 6 years. Spiny scallops, *Chlamys hastata*, are found in coastal regions from California to the Gulf of Alaska. Spiny scallops grow to slightly larger sizes (75 mm) than pink scallops (60 mm). Spiny scallops also mature at age 2 (35 mm) and spawn in the autumn (August-October). Rock scallops, *Crassadoma gigantea*, range from Mexico to Unalaska Island. Rock scallops are found in relatively shallower water (0-80 m) with strong currents. Apparently, distribution of these animals is discontinuous, and the abundance in most areas is low. These scallops attach themselves to rocks, attain a large size (to 250 mm), and exhibit fast growth rates. Rock scallops are thought to spawn during two distinct periods, one in the autumn (October -January), and one in the spring-summer (March-August).

Management: The weathervane scallop resource consists of multiple, discrete, self sustaining populations that are managed as separate stock units. Scallop stocks in Alaska have been managed under a federal fishery management plan (FMP) since 1995. The FMP controls the fishery through permits, registration areas and districts, seasons, closed waters, gear restrictions, efficiency limits, crab bycatch limits, scallop catch limits, inseason adjustments, and observer monitoring. Most of these regulations were developed by the State prior to 1995. Dredge size is limited to a maximum width of 15 feet, and only 2 dredges may be used at any one time. In the Kamishak District of Cook Inlet, only 1 dredge with a 6' maximum width is allowed. Dredges are required to have rings with a 4" minimum inside diameter. To reduce incentives to harvest small scallops, crew size on scallop vessels is limited to 12 persons and all scallops must be manually shucked. Dredging is prohibited in areas designated as crab habitat protection areas, similar to the groundfish FMPs. The

Management measures established under Amendment 1 to the federal scallop FMP.

- Gear restrictions
- Efficiency limits
- Registration areas and districts
- Harvest limits
- Crab bycatch limits
- Closed areas
- Inseason adjustments
- Seasons
- Observer requirements



C o u n c i l announced a control date of January 20, 1993, to place the industry on notice that a moratorium for this fishery may be implemented. In June 1995, the Council adopted a 3-year vessel moratorium to restrict new entry into the scallop fishery while a more comprehensive plan was being developed. The moratorium was submitted for Secretarial review as Amendment 2 in November 1996. To qualify under the proposed moratorium, a vessel must have made at least one landing in 1991, 1992, or 1993, or must have participated for at least 4 years between 1980 and 1993. The proposed moratorium also limits reconstruction and replacement of vessels to a 20% maximum increase in original qualifying length overall.

Weathervane scallop registration areas, seasons, GHL's (pounds, shucked), and crab bycatch limits established for the 1996 scallop fishery, by area.

| <u>Area</u> | <u>GH L (pounds)</u> | <u>Fishing Season</u> | <u>Crab Bycatch Limits</u> | | |
|---------------------------|--------------------------|---------------------------|----------------------------|------------------------|----------------------|
| | | | <u>king crab</u> | <u>Tanner crab</u> | <u>Snow crab</u> |
| A - Southeast | 0 - 27,000 | Jan 10 - Dec 31 | n/a | n/a | n/a |
| D - Yakutat | 0 - 195,000 | Jan 10 - Dec 31 | n/a | n/a | n/a |
| E - Eastern PWS | 0 - 50,000 | Jan 10 - Dec 31 | n/a | 500 | n/a |
| Western PWS | combined | Jan 10 - Dec 31 | n/a | 130 | n/a |
| H - Cook Inlet (Kamishak) | 0 - 28,000 | Aug 15 - Oct 31 | 60 | 29,000 | n/a |
| Cook Inlet (Outer area) | combined | Jan 1 - Dec 31 | 98 | 2,170 | n/a |
| K - Kodiak (Shelikof) | 0 - 400,000 | July 1 - Feb 15 | 22 | 16,100 | n/a |
| Kodiak (Northeast) | combined | July 1 - Feb 15 | 66 | 130,000 | n/a |
| M - AK Peninsula | 0 - 200,000 | July 1 - Feb 15 | 435 | 22,000 | n/a |
| O - Dutch Harbor | 0 - 170,000 | July 1 - Feb 15 | 10 | 10,700 | n/a |
| Q - Bering Sea | 0 - 600,000 | July 1 - Feb 15 | 500 | 257,000 | 275,000 |
| R - Adak | 0 - 75,000 | July 1 - Feb 15 | 50 | 10,000 | n/a |

Fishery: In 1996, a total of 9 vessels participated in the scallop fishery statewide. Scallop vessels average 90-110 ft long. Scallops are harvested using dredges of standard design. Weathervane scallops are processed at sea by manual shucking, with only the meats (adductor muscles) retained. Scallops harvested in Cook Inlet are bagged and iced, whereas scallops harvested from other areas are generally block frozen at sea. The fishery has occurred almost exclusively in the EEZ in recent years, but some fishing in State waters occurs off Yakutat, Dutch Harbor, and Adak.

Catch History: Since 1967, when the first landings were made, fishing effort and total scallop harvest (weight of shucked meats) have varied annually. Total commercial harvest of weathervane scallops has fluctuated from a high of 157 landings totaling 1,850,187 pounds of shucked meats by 19 vessels in 1969 to no landings in 1978. Prices and demand for scallop have remained high since fishery inception. Prior to 1990, about two-thirds of the scallop harvest has been taken off Kodiak Island and about one-third has come from the Yakutat area; other areas had made minor contributions to overall landings. Harvests in 1990 and 1991 were the highest on record since the early 1970's. The 1992 scallop harvest was even higher at 1,810,788 pounds. The increased harvests in the 1990's occurred with new exploitation in the Bering Sea. The reduced 1995 catch was due to implementation of an interim closure in the EEZ from 2/23/96 to 8/1/96.

Only 1 vessel has made commercial landings of scallops other than weathervanes. In 1991 and 1992 this vessel fished for pink scallops in the Dutch Harbor and Adak registration areas. These landings remain confidential.

Landings and effort in the Alaska weathervane scallop fishery, 1980 - 1996. The 1996 data are preliminary through October.

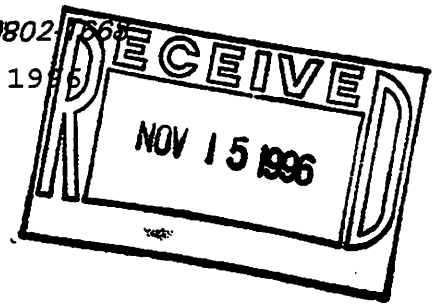
| <u>Year</u> | <u># of Vessels</u> | <u>Landings (pounds)</u> | <u>Price (\$/lb)</u> |
|-------------|-------------------------|------------------------------|--------------------------|
| 1980 | 8 | 633,000 | 4.32 |
| 1981 | 18 | 924,000 | 4.05 |
| 1982 | 13 | 914,000 | 3.77 |
| 1983 | 6 | 194,000 | 4.88 |
| 1984 | 10 | 390,000 | 4.47 |
| 1985 | 8 | 648,000 | 3.12 |
| 1986 | 9 | 683,000 | 3.66 |
| 1987 | 4 | 583,000 | 3.38 |
| 1988 | 4 | 341,000 | 3.49 |
| 1989 | 7 | 526,000 | 3.68 |
| 1990 | 9 | 1,489,000 | 3.37 |
| 1991 | 7 | 1,191,000 | 3.76 |
| 1992 | 7 | 1,811,000 | 3.88 |
| 1993 | 15 | 1,429,000 | 5.00 |
| 1994 | 16 | 1,235,000 | 6.00 |
| 1995 | 10 | 283,000 | n/a |
| 1996 | 9 | 733,427 | 7.00 |



UNITED STATES DEPARTMENT OF COMMERCE (AGENDA C-6(b)
National Oceanic and Atmospheric Administration DECEMBER 1996
National Marine Fisheries Service
P.O. Box 21668

Juneau, Alaska 99802-21668

November 6, 1996



Clarence Pautzke
Executive Director
North Pacific Fishery
Management Council
605 W. 4th Ave.
Anchorage, AK 99501-2252

Dear Clarence.

Enclosed is a proposal for Amendment 3 to the Fishery Management Plan for the Scallop Fishery off Alaska (FMP). This amendment would delegate scallop management responsibilities to the State of Alaska (State) as authorized by recent amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Amendment 1 to the FMP established a dual State-Federal management regime under which NMFS has implemented a Federal scallop management measure to parallel each State scallop management measure. The purpose of this dual management regime was to prevent unregulated fishing in the exclusive economic zone (EEZ) until such time that changes in the Magnuson Act would enable the Council to defer management responsibility back to the State.

Section 306(a)(3) of the Magnuson-Stevens Act now provides authority for a State to regulate vessels fishing in the exclusive economic zone (EEZ) only under three circumstances: (1) The vessel is registered under the law of the State, (2) The FMP delegates management authority to the State, or (3) The vessel is operating in a fishery for which there was no FMP on August 1, 1996. In all cases, State laws and regulations must be consistent with the Magnuson-Stevens Act and any applicable FMP. The Magnuson-Stevens Act also contains the following language that requires a three-quarters majority vote of the Council to approve any amendment to an existing FMP that delegates management authority to a state:

For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council (Section 306(a)(3)(B)).

The language cited above applies to the scallop fishery because the scallop FMP was approved on July 26, 1995, with the closure



of the EEZ to fishing for scallops as the sole management measure.

The Magnuson-Stevens Act did not become law until October 11, 1996. As a consequence, NMFS did not have time to analyze the Act and prepare an FMP amendment proposal before the Council's August deadline for FMP amendment proposals. However, we feel this proposal is important enough to warrant Council attention under the staff tasking agenda item at the December 1996 meeting.

Sincerely,



Steven Pennoyer
Administrator, Alaska Region

Enclosure

SCALLOP FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fishery Management Council

Date: November 6, 1996
Name of Proposer: NMFS Alaska Region
Address: P.O. Box 21668 Juneau, AK 99802-1668
Telephone: (907) 586-7228
FMP: Scallop Fishery off Alaska

Brief Statement of Proposal: This proposal would delegate scallop management authority to the State of Alaska (State) as Amendment 3 to the FMP.

Objectives of Proposal: (What is the problem?) Amendment 1 to the FMP established a dual State-Federal management regime under which NMFS has implemented a parallel Federal scallop regulation to match each State scallop regulation. The purpose of Amendment 1 was to prevent unregulated fishing in the exclusive economic zone (EEZ) until such time that changes in the Magnuson Act would enable the Council to delegate management responsibility to the State.

Under Amendment 1, both the State and NMFS must specify and publish on an annual basis, total allowable catch (TAC) amounts and crab bycatch limits (CBLs). In addition, every opening and closure must be coordinated so that State and Federal actions are simultaneously effective. While this management regime has enabled NMFS to reopen the EEZ to fishing for scallops, it has proven to be cumbersome in practice. NMFS inseason management staff must draft and publish Federal Register notices that duplicate every State inseason scallop action. State scallop managers are constrained in their ability make rapid management decisions because they must coordinate each action with NMFS and provide sufficient lead-time for publication of the action in the Federal Register. The cumbersome nature of the existing dual State-Federal management regime will become more apparent at the April Council meeting when the Council will need to review and take public testimony on the State's proposed TACs and CBLs before forwarding those recommendations on to NMFS for publication in the Federal Register.

When considering Amendment 3, the Council will wish to consider the extent to which scallop management authority would be delegated to the State, and the extent of Federal oversight that would be specified in the FMP. Alternatives for Amendment 3 could include:

1. Delegation of conventional management authority to the State (TACs, CBLs, seasons, closures, authorized gear types, observer requirements etc.) while maintaining a Federal limited access program.

2. Delegation of all scallop management authority to the State including authority to limit access such as a vessel moratorium and/or a license limitation program.

Need and Justification for Council Action: A plan amendment is required to delegate EEZ management authority to the State and to repeal the Federal management measures authorized under Amendment 1. A plan amendment delegating EEZ management authority to the State will require a three-quarters majority vote of the Council.

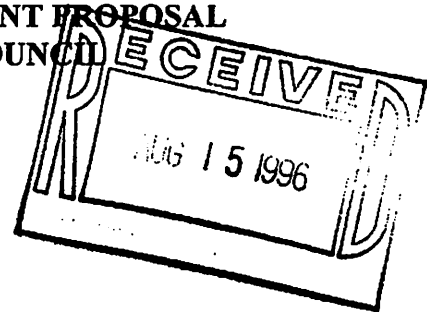
Foreseeable Impacts of Proposal: Industry would benefit by the removal of redundant Federal regulations that no longer serve a management objective. Because State and Federal scallop regulations are largely identical, little if any change in the actual management of the scallop fishery is anticipated.

Are there Alternative Solutions? No alternative solutions have been identified.

Supportive Data & Other Information: What data are available and where can they be found? Substantial information on the scallop fishery has been compiled in the Environmental Assessments and Regulatory Impact Reviews prepared for the FMP and for Amendments 1 and 2 to the FMP. Scallop catch records are maintained by the State. Very little new information or data would be required to analyze the proposal.

Signature: _____

**SCALLOP FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**



Name of Proposer: Kodiak Fish Company

Date: August 14, 1996

Address: Suite 205, 326 Center Avenue, Kodiak, Alaska 99615

Telephone: 907-486-3309/Fax 907-486- 3676 or 360-366-9131/Fax 360-366-9132

Fishery Management Plan: Scallop FMP

Brief Statement of Proposal:

The vessel moratorium in the scallop fishery is designed to be a temporary measure. This is a proposal to enact a license limitation program to replace that moratorium.

Objectives of Proposal: (What is the problem?)

The scallop fishery experienced rapid growth and catch reached levels which have not been sustainable in the past. The moratorium was put in place by the Council to freeze growth at its current level but the moratorium is a temporary measure with a maximum life of four years. Council action takes several years from proposal to having a final rule. To have a permanent plan in place by the time the moratorium is to expire requires an early start. This proposal suggests a license limitation plan for scallops similar to those enacted for groundfish and crab.

Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)

The Council is the only body with the authority to enact a successor plan to the moratorium.

Foreseeable Impacts of Proposal: (Who wins, who loses?)

Winners will be those who have participated and been dependent on the scallop fishery in Alaska both in the past and recently. The fishery and the resource will stabilize - allowing resource managers to better plan and conduct the fishery. The historic extreme ups and downs characteristic of this fishery will be leveled to the extent possible. Markets dependent on this product will be able to count on consistency in supply and supplier. Losers will be those who have never participated in the Alaskan scallop fishery or those who have not participated in recent years.

Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?

Many alternatives were considered in the process of developing this proposal. The Council in enacting a vessel moratorium agreed that the fishery was experiencing rapid growth and overcapitalization which the resource had been historically unable to withstand - resulting in a classic pulse fishery. The scallop species throughout the world all exhibit a cyclical abundance - this type of sporadic reproduction of a longlived animal such as the weathervane scallop can still produce a stable fishery under the proper management regime. The SSC has repeatedly recommended a quota share type system which would more fairly allocate the catch among full time and part time fishers. An ITQ plan could not even be discussed due to Congressional interference with the Council process. A license program which takes into account more recent years of participation, requires the permit holder to use the permit, and prohibits transfers will allow those intent on staying in the fishery to do so and discourages speculation. Options presented in this proposal will move the qualifying periods forward to reflect more recent participants while still requiring some level of historic dependance - but again with that history moved forward in time. These options were suggested in recognition of the criticism that earlier time periods of qualifying received in the halibut/sablefish allocations.

The only other option is to allow the moratorium to expire with no replacement plan. The situation which existed prior to final action on the moratorium is worse now. The North Pacific groundfish moratorium is in place. Both scallop and groundfish fisheries on the East Coast are under a limited license system and their fishing days are being continually reduced each year. The East Coast groundfish fishery has a government funded buyback program in place to reduce the number of vessels participating but such a program hasn't been approved for the scallop fishery. An open access fishery in Alaska would attract a few participants from all these areas. With a moratorium in Alaska and conservative management measures in place, those vessels participating here should have catch rates which will exceed the level of those in New England and the mid-Atlantic scallop fisheries. That will be attractive to those boats which even today are barely eking out a living and with further cuts in fishing time, facing ruin. Without a permanent limit on vessels in Alaska's scallop fishery, a high degree of risk exists that the fishery will attract enough new entrants as to make management difficult and economic return for long term participants below break even. These fishers have already endured almost two years of no fishing due to loopholes in regulation which rendered proper management impossible. To open the fishery back up to open access would make a mockery of any conservation gains made during this involuntary penalty period.

Supportive Data & Other Information: What data are available and where can they be found?

The scallop observer program is currently up to date on data entry and Alaska Department of Fish and Game has allocated some resources to data analysis. In addition, the University of Washington School of Fisheries is in the process of analysis of all available data to produce a stock assessment. These sources should allow for a reasonable estimate of the resource. Additionally, the data used for analysis of the moratorium is available from the Council and NMFS.

SCALLOP LICENSES
COMPONENTS & ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENT
ANALYSIS FORMAT

Nature of Licenses

Single license for weathervane scallops only and all areas.

Single license for weathervane scallops and Icelandic scallops all areas.

Endorsement each for Statewide and Cook Inlet (Statewide is defined as all areas other than Cook Inlet).

Endorsement for each FMP sub-area. (Southeast Alaska, Yakutat, Prince William Sound, Kodiak, Alaska Peninsula, Dutch Harbor, Bering Sea, Adak, Cook Inlet).

License Allocations

No allocation results from receiving a license.

TACS are divided among recipients based upon catch history.

TACS are divided equally among recipients.

License Recipients

Current owners.

Current owners, then owner at the time of landing (no duplicates).

License Designations

No restrictions.

Vessel length.

Freezer vessels and non freezer vessels.

Freezer vessels and non freezer vessels and vessel length.

Qualifying Periods

Moratorium qualifying period

Moratorium qualifying period & January 1, 1996 - September 22, 1996

January 1, 1991 - December 31, 1995

January 1, 1991 - December 31, 1995 & January 1, 1996 - September 22, 1996

Landings Requirement for License Qualification and Endorsement Qualification

No minimum.

10,000 lbs for Statewide, no minimum for Cook Inlet.

10,000 lbs for Statewide, 1,000 lbs for Cook Inlet.

COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING THE OWNERSHIP, USE AND TRANSFER OF LICENSES

Who May Purchase Licenses

1. Licenses could be transferred only to "persons" defined under Title 46 USC.
2. Licenses could be transferred to "persons" with 76% or more U.S. ownership.
3. Licenses are non-transferable for first 4 years of the program.
4. Licenses are non-transferable.

Vessel/License Linkages

1. Vessel must be transferred with license.
2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than that to which the license initially was issued.

Options Regarding the Use of Licenses

1. License must be used at least once during each calendar year to retain use of license. Vessels may appeal one year of non use of license if casualty loss occurred and vessel did not fish in any other fishery anywhere during that year.
2. Licenses may be retained whether or not they are used.

Buy-back/Retirement Program

1. No buy-back retirement program.
2. Industry funded buy-back program with right of first refusal on all transfers of licenses.

Options Regarding the Separability of Area Designations

1. Area designations are not separable, and shall remain as a single license with those initial designations.
2. Area designations shall be treated as separable licenses and may be transferred as such.
3. Area designations shall be regarded as separable endorsements which require the owner to also own a general license before use or purchase.

Vessel Replacement and Upgrades

1. Vessel may not be upgraded.
2. Vessel may not be replaced with the exception of lost vessels. Lost vessels must be replaced within two years of loss. Replacement vessel must be equal to or less than the length of the replaced vessel.
3. Vessel may be replaced or upgraded within the bounds of the 20% rule as defined under the moratorium proposed rule.

License Ownership Caps

1. No limit on the number of licenses or endorsements which may be owned by a "person".
2. No more than 2 area licenses per person.
3. No more than 1 area license per person.

Other Provisions (Choose any or none of the following.)

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations.
4. Implement a Skipper Reporting System which requires license holders to report skipper names, address, and service records to NMFS.
5. Develop and implement mechanisms to collect management, enforcement costs and/or rents from the industry, including taxes and fees on industry.



MR. DAVE WITHERELL
NORTH PACIFIC FISHERY
MANAGEMENT COUNCIL
605 WEST 4 TH AV SUITE 360
ANCHORAGE AK 99501

DEAR SIR.

REFERENCE: SCALLOP REGULATIONS FOR 1997-98 FOR ALASKA WATERS AND THE EEZ OFF ALASKA.
THE COMPANY IS CONTEMPLATING SENDING IT'S VESSELS BACK TO ALASKA TO PARTICIPATE IN THE SCALLOP FISHERY. THEREFORE WE REQUEST THE MOST RECENT REGULATIONS, AND ANY CHANGES THAT ARE BEING PROPOSED IN THE REGULATIONS.

I REQUEST THE OPENING DATES, AREA OPENINGS WITH QUOTAS, OF THE SCALLOP SEASON FOR ALASKA WATERS AND THE EEZ OFF ALASKA 1997-98 ID BEYOND IF AVAILABLE.

1. I REQUEST THE LATEST AND MOST COMPLETE REGULATIONS GOVERNING SCALLOP HARVEST IN THE EEZ AND ALASKAN WATERS.
2. WHAT IS THE STATUS OF I.T.Q. FOR THE SCALLOP FISHERY IN ALASKA AND THE EEZ?
3. WHAT IS THE NUMBER OF LICENSED VESSELS UNDER THE MORATORIUM? CAN I HAVE A LIST OF THE VESSELS THAT ARE ELIGIBLE ?
4. WHAT PAPER WORK NECESSARY TO REPLACE A QUALIFIED VESSEL WITH ANOTHER VESSEL?
5. HAS NATIONAL MARINE FISHERIES PUT IN A PERMIT REQUIREMENT FOR VESSELS SEPARATE FROM THE ALASKA LICENSES FOR SCALLOPS?
6. ARE ANY MEETINGS ON THE AGENDA THAT WILL AFFECT SCALLOP HARVEST IN THE EEZ OR ALASKA?

DAVE, IF YOU WOULD FAX ME BASIC INFORMATION A.S.A.P., AND MAIL THE REGULATIONS AND VESSEL LIST LATER. ARE THE MISTER BIG AND TRADE-WINDS STILL ELIGIBLE TO SCALLOP ?

THANK YOU

James Fletcher
JAMES FLEICHER, DIRECTOR

919 473 4969

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director



605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax: (907) 271-2817

November 25, 1996

Mr. James Fletcher
United National Fishermen's Association
123 Apple Road
Manns Harbor, NC 27953

Dear Mr. Fletcher:

Thank you for your recent letter regarding the Alaska scallop fishery. Most of the information you are requesting is found in the Federal Register notice for the final rule implementing Amendment 1 to the FMP. If you have additional questions about the current status of scallop quotas, seasons, and crab bycatch limits, I suggest you contact the Alaska Regional Office of the National Marine Fisheries Service (907) 586-7228.

As you know, a vessel moratorium is proposed under Amendment 2 to the Scallop FMP. Amendment 2 was submitted to the Secretary of Commerce on November 8, 1996, and a proposed rule should be published in the Federal Register shortly. I suggest you contact Kent Lind of the NMFS at the number listed above to receive a copy, as well as answer your other questions about permit transfers, etc.. I have attached a list of qualified vessels, based on the Council's preferred option, using preliminary ADF&G data. The F/V Mr. Big and F/V Tradewind both appear on this list.

The Council is scheduled to discuss scallop management at its meeting December 11-15, 1996. A review of the status of the moratorium and a discussion of potential follow up actions are scheduled. Note that under the Magnuson-Stevens Act, the State of Alaska may regulate vessels not registered with the State if they are operating in the EEZ. As such, one option the Council may consider is to delegate management authority to the State (requires 3/4 majority vote of Council).

Please let me know if you require additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Witherell', with a stylized flourish at the end.

David Witherell

enclosures (2)