

Amendment 4 to the Fishery Management Plan for the Scallop Fishery in the EEZ off Alaska

1. Section 5.2 "Category 2 Measures: Limited Access Management" is replaced with the following:

5.2 Category 2 Measures: Limited Access Management

A system for limiting access, which is an optional measure under section 303(b) of the Magnuson-Stevens Act, is a type of allocation of fishing privileges that may be used to promote economic efficiency or conservation. For example, "*limited access may be used to combat overfishing, overcrowding, or overcapitalization in a fishery to achieve OY*" (50 CFR 600.330(c)). The Magnuson-Stevens Act (Section 3(28)) further defines "... The "optimum" with respect to the yield from a fishery, means the amount of fish which -- (A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant social, economic, or ecological factor; and (C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

5.2.1 Moratorium Permit Program

The vessel moratorium remained in effect until June 30, 2000. A vessel owner qualified for inclusion in the moratorium program if he or she made a legal landing of scallops from the qualifying vessel during 1991, 1992 or 1993; or during at least 4 separate years from 1980 through 1990. The moratorium permit program is superceded by the scallop license limitation program.

5.2.2. Scallop License Limitation Program (LLP)

Beginning July 1, 2000, a Federal scallop license is required for vessels participating in all scallop fisheries in the EEZ off Alaska. Any person that meets the license programs qualification requirements will be issued a license. The LLP would limit access to the commercial scallop fisheries in the EEZ off Alaska.

5.2.2.1. Elements of the License Limitation Program

1. Qualification Criteria. A license authorizes the license holder to catch and retain scallops off Alaska. A license is issued to a moratorium permit holder who made legal landing of scallops in each of any 2 years in the period from January 1, 1996 through October 9, 1998. Licenses are not vessel specific.
2. License Recipients. Licenses will be issued to U.S. Citizens, or U.S. business (corporation, partnership, or other association) that satisfy the above qualification criteria.
3. Who May Purchase Licenses. Licenses may be transferred only to "persons" defined as those "eligible to document a fishing vessel" under Chapter 121, Title 46, U.S.C. Licenses may not be leased.
4. Area Endorsements. The licenses will have no area endorsements. All licenses will be statewide. However, some license will be restricted for use with a single 6 ft (1.8 m) dredge when fishing for scallops in all areas as defined in Federal Regulations.

5. Vessel Length. No increases in vessel length will be allowed. A license will be designated with a MLOA that will limit the length of a vessel that could be used by the license holder.

6. License Ownership Caps. No person, corporation, or entity can hold more than 2 scallop licenses. A person who has 2 scallop licenses can not receive a scallop license by transfer until the number of scallop licenses which that person has is less than 2.

7. Appeals. The appeals process is established in Federal Regulations at 50 CFR part 679.43.