



New England Fishery Management Council

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Scallops: Council Approves Framework 29 with 2018-2019 Specs Under Four Potential Habitat Amendment Outcomes

The New England Fishery Management Council today approved a sweeping package of measures for Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan. The framework includes specifications for the 2018 scallop fishing year, which begins April 1, as well as default specifications for 2019. It also includes actions related to Closed Area 1 carryover pounds, the Northern Gulf of Maine Management Area, and flatfish accountability measures, among others.

Several of the actions in Framework 29 are intertwined with the approval and implementation of the Council's Omnibus Essential Fish Habitat (EFH) Amendment 2, which is under review by the National Marine Fisheries Service (NMFS). The amendment may open EFH and groundfish closed areas that have been off limits to scallop fishing for many years. NMFS is expected to announce whether it has approved or disapproved all or part of the amendment by January 4, 2018. The comment period on the amendment closed December 5, but a final rule is not expected until later this winter or early spring.

The Habitat Amendment decisions for two areas in particular – Closed Area I and the Nantucket Lightship Area – will drive the eventual outcome of Framework 29. A substantial biomass of harvestable scallops exists in both the “sliver” portion of Closed Area I and in the western portion of the Nantucket Lightship Area, one or both of which may reopen. Important to note is that even if these areas become available through the Habitat Amendment, they *do not automatically* become available to the scallop fishery without additional action in Framework 29 to convert them to scallop access areas.

Given this situation and the fact that the Council had to take final action on Framework 29 during its December meeting without knowing the Habitat Amendment outcome, it approved four preferred alternatives to cover all potential scenarios. Here are the allocations for full-time limited access permit holders.

- **Closed Area 1/Nantucket Lightship West Scenario** – If both of these areas become available, then 24 open area days-at-sea and six access area trips:
 - One to the reconfigured Closed Area I;
 - Two to Nantucket Lightship West;
 - One to Nantucket Light South; and
 - Two to the Mid-Atlantic Access Area.



– Virginia Institute of Marine Science photo



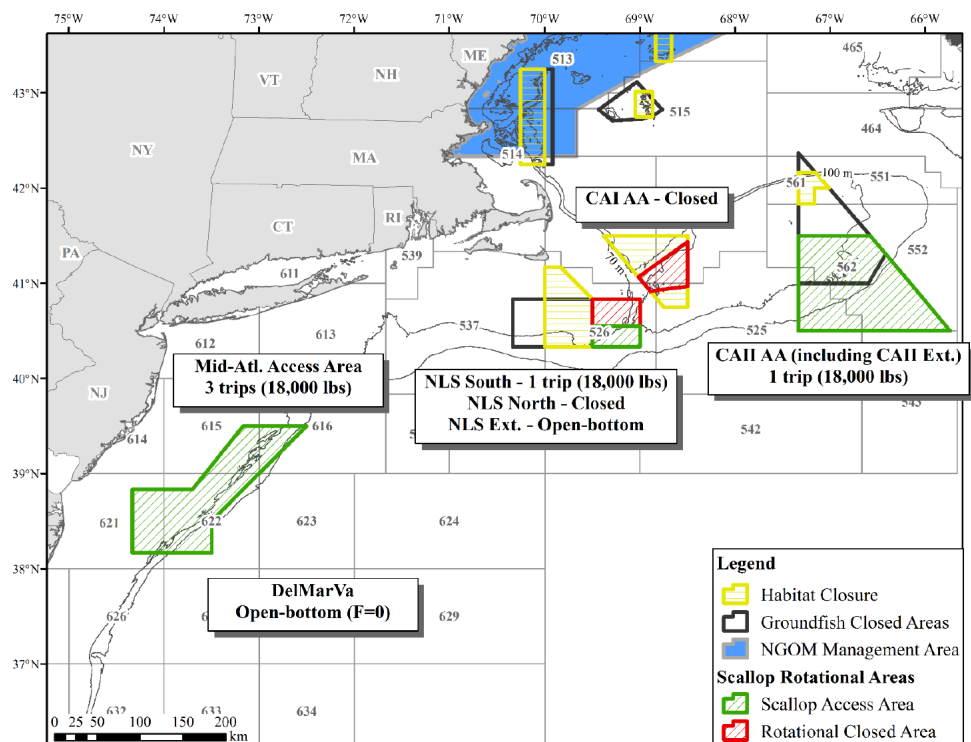
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- **Nantucket Lightship West Only Scenario** – If only the Nantucket Lightship Area becomes available, then 31 open area days-at-sea and five access area trips:
 - Two to Nantucket Lightship West;
 - One to Nantucket Lightship South; and
 - Two to the Mid-Atlantic Access Area.
- **Closed Area 1 Only Scenario** – If only Closed Area 1 becomes available, then 23 days-at-sea and five access area trips:
 - One to the reconfigured Closed Area I;
 - One to Closed Area II, including the Closed Area II Extension;
 - One to Nantucket Lightship South; and
 - Two to the Mid-Atlantic Access Area.
- **No Change Scenario:** If additional access to Nantucket Lightship and/or Closed Area I does **NOT** become available through the Habitat Amendment, then 26 open area days-at-sea and five access area trips:
 - One to Closed Area II, including the Closed Area II Extension;
 - One to Nantucket Lightship South; and
 - Three to the Mid-Atlantic Access Area.

The Council approved an 18,000-pound possession limit for all full-time trips.

Of the four scenarios described above, only **one** will be fully developed for implementation once the stage is set by the Habitat Amendment.

The Council also voted to allocate the existing 1.64 million pounds of Closed Area I carryover *if* Closed Area I and/or Nantucket Lightship West are reopened. The carryover is a result of roughly 130 trips that were allocated to Closed Area I in 2012 and 2013 through a lottery



If additional bottom does not become available under the Habitat Amendment, full-time limited access scallopers would be allocated five access-area trips for the 2018 fishing year under the Council's preferred alternative for this scenario – three trips in the Mid-Atlantic, one in Nantucket Lightship South, and one in Closed Area II with the Extension included, along with 26 open area days-at-sea. – NEFMC graphic



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system that fishermen did not take because of poor fishing conditions.

According to analyses conducted by the Scallop Plan Development Team, the alternatives that provide access to Nantucket Lightship West and/or Closed Area I generate the greatest benefits in terms of higher landings, higher revenue, and reduced impacts on habitat because the fleet will be able to work in areas with denser concentrations of scallops and catch their trip limits faster, thereby reducing the amount of bottom that is swept by dredges. Flatfish bycatch also is projected to be lower.

Framework 29 includes provisions to allocate 5.5% of the total access area allocations to the Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) fleet. The 5.5% is equivalent to 2,855 or 3,426 IFQ trips, which would be distributed proportionally to the available areas depending on which Habitat Amendment-dependent scenario is implemented. Unlike full-time, part-time, and occasional limited access scallop permit holders, LAGC IFQ permit holders are allocated a total number of fleet-wide trips rather than individual allocations. If Closed Area II becomes an access area, LAGC trips for that area will be redistributed evenly across other Georges Bank access areas since Closed Area II is difficult for many LAGC IFQ boats to access given its distance from shore.

Flatfish Accountability Measures

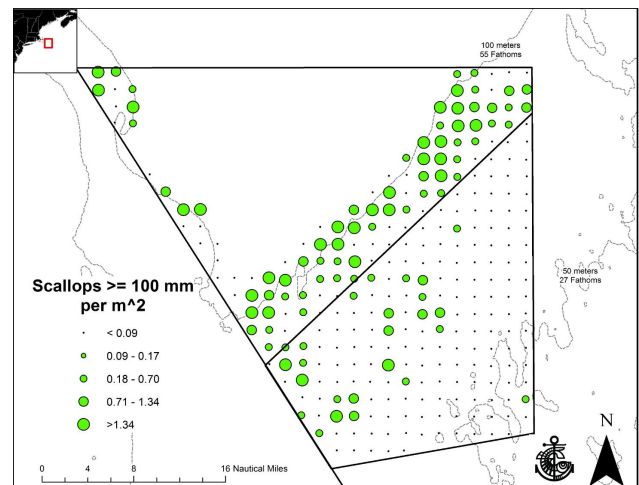
The scallop fishery is subject to sub-annual catch limits (sub-ACLs) for four flatfish stocks. The Council uses accountability measures (AMs) to prevent or react to ACL overages and prevent overfishing. “Proactive” AMs are designed to avoid overages, while “reactive” AMs are triggered once an overage occurs.

Framework 29 contains a new AM for northern windowpane flounder, as well as modified AMs for Georges Bank yellowtail flounder and Southern New England/Mid-Atlantic yellowtail. The Council took action through this framework to streamline all of the reactive flatfish AMs in the scallop fishery and make them consistent with the current AM for southern windowpane flounder.

If an AM is triggered, scallopers will need to use modified dredges – configured with a five-row apron with a 1.5:1 maximum hanging ratio – to fish in designated GRA areas.

The duration of an AM is dependent on the magnitude of a sub-ACL overage as follows:

- **Small AMs** – These are triggered if a quota overage is greater than 0% but less than 20%; and
- **Large AMs** – These are triggered when overages exceeds 20% of the sub-ACL for a flatfish stock.



The current Closed Area I Scallop Access Area, depicted in the SMAST graphic above, is located in the southern half of Area I below the diagonal black line. The green dots above the line are concentrated in what is known as the “sliver,” which currently is off limits. The Council recommended that the entire area north of the diagonal line be opened as part of the Omnibus Habitat Amendment.



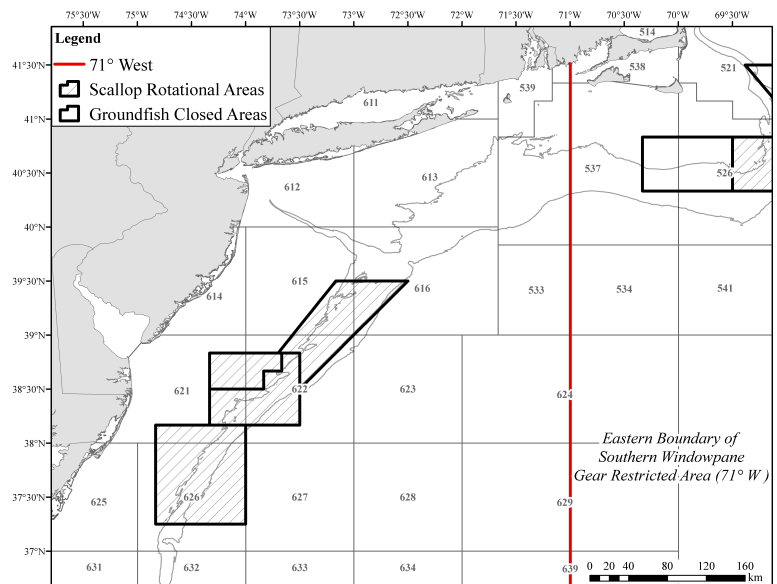
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The Council approved identical reactive AMs for northern windowpane flounder and Georges Bank yellowtail flounder. The Council took this step so that if an AM is triggered for *either* stock, the action will reduce the impacts of scallop fishing on *both* flatfish stocks. The reactive AMs for the scallop fishery are described as follows:

- **Northern windowpane flounder and Georges Bank yellowtail flounder:**
 - Small AM: If triggered, modified dredges will need to be used for *six weeks* from November 16 through December 31 in Closed Area II and the Closed Area II Extension; and
 - Large AM: If triggered, modified dredges will need to be used *year-round* in Closed Area II and the Closed Area II Extension
- **Southern New England/Mid-Atlantic yellowtail flounder:**
 - Small AM: If triggered, modified dredges will need to be used to fish in *open areas* west of 71° W in April (**boundary line in red on map**);
 - Large AM: If triggered, modified dredges will need to be used to fish in *open areas* west of 71° W in April and May.
- **Southern windowpane flounder:**
 - Small AM: If triggered, modified dredges must be used to fish in *open areas* west of 71° W in February;
 - Large AM: If triggered, modified dredges must be used to fish in *open areas* west of 71° W in February and March.

Fishing Year 2018 Flatfish Sub-ACLs for Scallop Fishery with Percentage Increases/Decreases from 2017

- **Georges Bank yellowtail flounder:** 33 metric tons (mt), **up** 3.1%
- **Southern New England/Mid-Atlantic yellowtail:** 5 mt, **down** 85.3%
- **Northern windowpane:** 18 mt, **down** 50%
- **Southern windowpane:** 158 mt, **down** 24.4%



The GRA for southern windowpane flounder is to the west of the red 71° W boundary line. Modified gear must be used in the open areas of the GRA if an AM is triggered. This same area will mark the GRA for Southern New England/Mid-Atlantic yellowtail flounder if Framework 29 is approved. – NEFMC graphic

The Council already has taken many steps to reduce flatfish bycatch in the scallop fishery, including: prohibiting possession of flatfish; requiring that dredges be constructed with a maximum of seven rows in the apron and 10" twine tops to allow flatfish escapement; and seasonally closing the Scallop Closed Area II access area from August 15 through November 15 to protect yellowtail flounder and windowpane flounder.



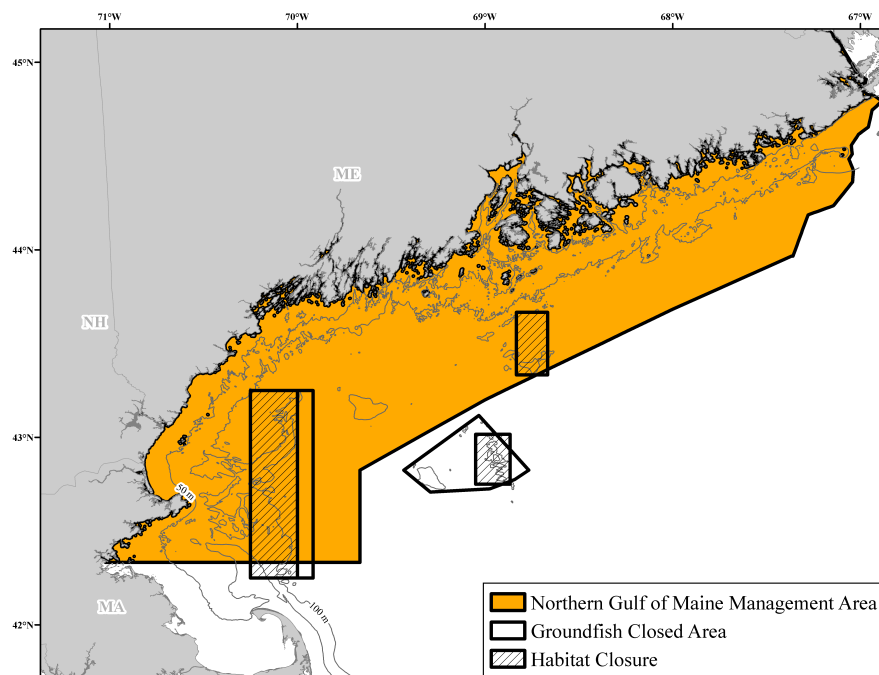
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In order to continue reducing overall fishery impacts, the Council approved two measures in Framework 29 related to the Scallop Research Set-Aside (RSA) Program. The measures stipulate that RSA compensation fishing will be: (1) *prohibited* once again in Closed Area II to help reduce potential bycatch of flatfish; and (2) capped in the Northern Gulf of Maine Management Area at the total allowable catch level designated for the limited access fishery.

Northern Gulf of Maine Management Area

The Council voted to set the total allowable catch (TAC) for the Northern Gulf of Maine (NGOM) Management Area at 200,000 pounds for the 2018 fishing year and 135,000 pounds for 2019 as a default.

The Council also voted to split the TAC between the limited access (LA) and LAGC components of the fishery with the first 70,000 pounds of the TAC going to the LAGC fishery and the remainder split 50/50 between the LA and LAGC components. Furthermore, the Council stipulated that the limited access portion of the TAC would be available for RSA compensation fishing only. Priority will be given to RSA projects that involve research in the Northern Gulf of Maine area.



Northern Gulf of Maine Management Area in orange. – NEFMC graphic

More Information to Come

The Council voted to submit Framework 29 to NMFS – also called NOAA Fisheries – for review and implementation. The target date for implementation is April 1, 2018, which marks the beginning of the new fishing year.

The Council will distribute another news release after NMFS announces its decision on the Habitat Amendment. At that point, the Council will know which of its four preferred alternatives for limited access days-at-sea and access area trip allocations will advance in the scallop rulemaking process.

- Documents used during the Council's scallop discussion in Gloucester are available for downloading at: <https://www.nefmc.org/management-plans/scallops>
- For more information, contact Jonathon Peros at (978) 465-0492, ext. 117, jperos@nefmc.org. Also, visit the Council's scallop webpage at: <https://www.nefmc.org/management-plans/scallops>