

New England council votes

Channel stays open; scallop days cut in 2010

NEWPORT, RI – Although scallop fishermen were successfully able to avert a proposed new area closure in the Great South Channel, they ended up being deeply disappointed with the New England Fishery Management Council's decision to sharply reduce days-at-sea and access-area trips for the 2010 fishing year.

The council approved a 2010 specification package during its Nov. 17-19 meeting here and voted to submit the measures – all contained within Framework Adjustment 21 to the federal scallop plan – to the National Marine Fisheries Service (NMFS) for review and approval.

If implemented as submitted, the framework will give limited-access full-time scallopers 29 open-area days-at-sea in 2010, down from 37 in 2009. Allocated access-area trips will drop from five to four, with two allowed in the Elephant Trunk Area, one in Delmarva, and one in the Nantucket Lightship area. Each access-area trip results in roughly six million pounds of landings by the scallop fleet.

Framework 21 also includes measures to reduce potential interactions with sea turtles, as well as general category provisions (see story page 12A).

As the council worked its way through these difficult framework issues, fishermen sat in the audience counting votes. Fisheries Survival Fund (FSF) representatives and others testified repeatedly, trying to sway the council's positions.

Great South Channel

The first proposal discussed was the Great South Channel closure. The council had to decide whether to close a part of the channel to protect concentrations of small scallops located north of Nantucket Lightship and west of Closed Area I.

If adopted, the closure would have become part of the rotational area

management program and, as such, would have reopened a few years down the road to contribute to allocated access-area trips.

Dredge and video surveys last spring and summer verified the presence of small scallops, a fact industry did not contest.

But several industry members argued adamantly that currents rip through the channel, sweeping seed scallops far from their original beds. As a result, reopening the area three years down the road would not, in all likelihood, result in the bonanza of abundant large scallops that everyone affected by the closure would have sacrificed for.

"There's always seed there," said FSF representative Ron Smolowitz. "That particular area in the channel is a seed area. Hopefully it's moving out of there naturally into the Lightship and Closed Area I."

Negative impacts

Furthermore, plan development team (PDT) analyses showed that proposed Framework 21 alternatives involving a new closure would force more effort into the Mid-Atlantic, where the council was trying to curb effort to reduce turtle interactions.

And, because more effort would take place outside of the channel, where scallops were less abundant, projections showed that "area swept" impacts were significantly higher. Area swept is the amount of bottom the dredge covers during scallop fishing. The more "area swept," the more impact on habitat.

The final kicker was that a closure in the channel would shift more effort into areas with higher anticipated bycatch of Southern New England/Mid-Atlantic yellowtail, which the scallop industry is trying to minimize.

Scallop committee Chairman Sally McGee of Connecticut summed up the arguments, saying, "There was a lot of potential for the Great South Channel to

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—Sally McGee



Sam Bari/CFN photo

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—Rick Robins



Peter K. Prybut photo

When you look at habitat, turtles, and bycatch of yellowtail, the closure options are negative on all three of those.

—Drew Minkiewicz



Peter K. Prybut/CFN photo

be added to the rotational management system, but there were problems.

"The shift in effort would be such that the area swept would be significantly

increased the first three years the area was closed, and it would be negating the gains when the area reopened three years down the road," she said.

What about rotation?

Massachusetts council member David Pierce initially questioned the wisdom of abandoning the proposed new closure.

Pierce acknowledged the proposal's complicating factors but said, "I always understood we'd have these types of impacts in exchange for long term gains."

Seeking reassurance from the council, he asked, "Are we telling people that it's highly unlikely we'll close areas with beds of small scallops in the future? I need to be convinced we're not undercutting rotational area management."

According to McGee, the council in this case would not be sending the wrong message.

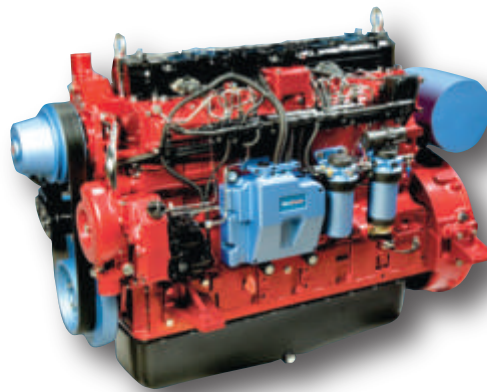
"I don't think it would be an indication of 'throwing in the towel,'" she said. "It's that, with all of the impacts, the closure was less attractive."

Mid-Atlantic council Chairman Rick Robins, who sits on the New England council's scallop committee and was serving as his council's liaison during the New England council meeting, agreed.

"Rotational management has been the cornerstone of this fishery management plan," he said. "But the benefits associated with this closure were very marginal in cumulative yield over that time period, and

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Mass DMF asks NMFS to reconsider 2010 open area scallop days

BOSTON, MA – Massachusetts Division of Marine Fisheries (DMF) Director Paul Diodati has asked National Marine Fisheries Service (NMFS) Regional Administrator Pat Kurkul to reconsider the New England Fishery Management Council's mid-November decision to allocate fewer open-area days-at-sea to scallopers in 2010.

The council voted to adopt a fishing mortality (F) rate of .20 in Framework 21 to the scallop plan, which would result in full-time limited-access scallopers receiving 29 open-area days in the next fishing year (see story previous page for details).

Diodati, however, said an F of .24, resulting in 38 open-area days, was warranted given previous advice from the council's own Scientific and Statistical Committee (SSC) and scallop plan development team (PDT).

"After reflecting on the council discussions ... and reviewing documents not discussed at the council meeting, I conclude that important scientific advice was forgotten," wrote Diodati in a Dec. 2 letter to Kurkul. "I request you consider that advice during your review of Framework 21 in preparation for its

implementation next year."

Diodati's argument centers on the SSC's recommendation for acceptable biological catch (ABC), which the SSC said should be set at 29,578 metric tons.

Diodati cited several SSC and PDT documents noting that the SSC, incorporating PDT advice, supported using "a 25% chance of overfishing," which would be associated with an F of .24.

"The SSC/PDT probability of overfishing with corresponding 2010 Fs and yield never was brought forward by the scallop committee at the November council meeting," said Diodati. "I believe this omission played a key role in the council adopting an F of .20 with all its attendant consequences."

The DMF director then said it was "for this reason" he was requesting that Kurkul "take appropriate steps to account for PDT and SSC analyses of uncertainty" and, consequently, set the 2010 F rate at .24. He further suggested that the council could revisit this issue during its January meeting.

In conclusion, Diodati wrote, "Considering the success of sea scallop management and the tremendous support of the fishing industry for management and science, I feel your acting to correct an unfortunate situation caused by a council misunderstanding about technical/scientific recommendations is warranted." /cfn/



Lorelei Stevens photo



Peter K. Pryboc/CFN photo

There will be one less trip in access areas, so all of these alternatives represent a reduction from current effort.

—Mary Beth Tooley

If we had any doubt at all, we would not be advocating for this alternative, but there is absolutely no risk at the .24 level.

—Ron Smolowitz



Peter K. Pryboc/CFN photo

the area swept went through the roof with some of the options. I think the closure in this case just did not perform very well."

Massachusetts council member Rodney Avila pointed out another potential impact.

"If we close the channel, a lot of that effort would move south where we have winter flounder," he said.

The possession limit on Southern New England/Mid-Atlantic winter flounder currently is zero.

Avila was convinced that the 4" rings now required in dredges would adequately release small scallops, which he, too, believed would not remain in the channel throughout the duration of the closure.

"History shows the seed moves from there," he said.

FSF representative Drew Minkiewicz had the final word from industry.

"When you look at habitat, turtles, and bycatch of yellowtail, the closure options are negative on all three of those," he said.

all boiled down to .24 vs. .20.

And for industry, the difference between 38 days at .24 and 29 days at .20 was huge.

What about .24?

When McGee made the first motion of the day, it was for "no closure" in the channel and an overall F of .20.

Once the council had agreed to reject the closure, Maine council member Mary Beth Tooley moved to change the F rate to .24.

"I think it's certainly justified for the coming year," she said. "There will be one less trip in access areas, so all of these alternatives represent a reduction from current effort. We're operating this fishery in a very conservative manner."

However, the scallop PDT noted that back in Framework 19, which contained specifications for fishing years 2008 and 2009, the council selected an F rate of .20

Fishing mortality

That said, the council seemed to agree by consensus that it would not include a Great South Channel closure in Framework 21. So it turned its attention to choosing a target fishing mortality (F) rate, a selection that would directly affect the number of open-area days-at-sea each vessel would be allocated.

When the council first started its discussion early on the morning of Nov. 18, it faced four alternatives in addition to "no action." However, since the two closure options were now out of the running, only two real alternatives remained on the table.

One involved a fishing mortality (F) rate of .24, which would give limited-access full-time scallopers 38 open-area days. The second, which was more conservative, involved an F rate of .20, which would give 29 open-area days to full-timers.

All of the options in Framework 21 included four access-area trips. The council typically relies on the scallop PDT to calculate the appropriate number of trips per access area based on existing concentrations of large scallops. Then the council's big task is deciding how many extra open-area days can be allocated while keeping the fishery within the selected target fishing mortality rate.

So after several hours of discussion, it

and, although the 2009 fishing year won't be done until Feb. 28, the fleet right now is on a trajectory for ending up with an F rate of .30, which would push it just above the overfishing threshold.

Paul Howard, the council's executive director, said, "I don't think any of us wants to see our most valuable fishery listed as 'overfishing is occurring.'"

Pros and cons

The council reviewed the pros and cons of both alternatives.

The PDT estimated that, over the long term, the F=.24 option had "the lowest projected biomass, landings, and economic revenues," while the F=.20 option had "longer term biological and

See SCALLOP DAYS, page 14A

"I'VE BEEN BUYING QUALITY TRAPS FROM FRIENDSHIP FOR 30 YEARS"

Veteran lobsterman Dan Staples of Cushing, ME has a well-earned reputation as a hard worker, a good fisherman – and the kind of guy who pays attention to his gear. In particular, Dan knows how he likes his traps to be built and rigged. "I know what works best for me," he says.

"For 30 years now, I've been coming to Friendship Trap Company because I know they'll build to my specs." That's

just the kind of thing that Friendship Trap Production Manager Mark Wadsworth wants to hear: "It doesn't matter to me if it's a long-time customer like Danny or a first-time Friendship Trap customer," says Mark, "we want them to feel that they got exactly what they

wanted." A veteran trap builder (beginning in the original Friendship Trap shop in October of 1979), Mark has seen his world change from a few basic designs to a market that is constantly changing, redesigning, and improving itself. "Whether it's our stock traps or

custom gear, I have a great crew and they feel they same way I do: we're going to build the best trap out there – period." In Dan Staples' opinion, Mark and crew

are doing just that: "With today's economy, guys are always looking for good deals. As far as I'm concerned, you can't buy this kind of quality and attention to the customer anywhere else ... and that's the best kind of 'deal' there is."

"You just can't get quality like this anywhere else."
—Dan Staples



FTC Production Manager Mark Wadsworth and lobsterman Dan Staples discuss head configurations. "Friendship Trap builds to my specs," says Dan. "They always give me exactly what I want."

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Scallop days Continued from page 11A

economic benefits.”

But the short-term consequences were significant. The difference between .20 and .24 for 2010 was \$40 million, according to the PDT. Total revenue in 2010 under .20 was estimated to be roughly \$304 million compared to \$344 million under .24.

“However, over the next several years, the proposed action (under .20) would result in ... just under \$12 million more each year from 2011 through 2016 compared to the higher F option,” the PDT concluded.

Then there's ABC

Further complicating matters, the council was handed a non-negotiable 2010 acceptable biological catch (ABC) for the scallop fishery by its Scientific and

Statistical Committee (SSC).

The SSC set ABC at 29,578 metric tons (mt), equivalent to 65.2 million pounds.

While seemingly large, the PDT said the total ABC must cover discards and incidental mortality, as well as landings by both the regular limited-access fleet and the general category.

The PDT projected that discards and incidental mortality for 2010 would amount to roughly 7.4 million pounds. So this was taken off the top of the ABC, resulting in an operational ABC of 26,211 mt or 57.8 million pounds.

Buffer

Under Framework 21's F=.20 option, the PDT projected that landings in 2010 would come in at roughly 41.5 million pounds, while under the F=.24 option, they

I don't think any of us wants to see our most valuable fishery listed as 'overfishing is occurring.'
—Paul Howard



Peter K. Pryboj/CFN photo

would be closer to 47.3 million pounds.

Both projections were lower than the remaining ABC of 57.8 million pounds, although some of the ABC will be locked up in closed areas and won't be available to the fleet.

Industry nonetheless noted the big difference between ABC and projected landings and argued strongly for the F=.24

alternative.

Ron Smolowitz said, “If we had any doubt at all, we would not be advocating for this alternative, but there is absolutely no risk at the .24 level.”

Drew Minkiewicz added, “The stock size is still growing and recruitment is strong. With .24, we are in very safe, very conservative territory.”

Council concerns

Several council members, however, expressed concerns about going with .24 after reviewing additional information supplied by the PDT.

The PDT had projected in Framework 19 that scallopers would land 46 million pounds in 2009 under an F rate of .20.

However, even though the fishing year is not over yet, total catch is expected to be closer to 56 million pounds, significantly exceeding projected landings.

Scallop plan coordinator and PDT Chairman Deirdre Boelke said the PDT clearly understood the ramifications of the lower numbers under the .20 option with fewer open-area days and four access-area trips.

“The PDT knows this is a bitter pill to swallow all at once,” she said.

However, the PDT now has far more confidence in its projections, she added. That's because in past frameworks, the PDT assumed 325 full-time vessels used scallop days-at-sea. But it's now clear that “the equivalent” of 340 full-time vessels utilize days, so the PDT factored in this more accurate figure in Framework 21.

As a result, total catch-per-unit effort for the fleet turned out to be higher, which led to a lower number of available open-area days under .20. But it also resulted in a lower area swept, which reduced habitat impacts, bycatch of yellowtail flounder, and potential interactions with sea turtles, and it produced better long-term landings, said the PDT.

Vote

NMFS Northeast Regional Administrator Pat Kurkul said she did not support the motion for .24 and instead wanted to go with .20.

“It provides just a little bit of an extra cushion in terms of our fishing mortality rates and longer term benefits,” she said.

The motion to go with “no closure” in the channel and .24 failed in a 7-to-10 vote.

Subsequently, the motion to go with “no closure” and .20 passed 14-to-2 with one abstention.

At press time, industry members were still sorting through the economic ramifications of the reduced 2010 allocations and were contacting congressional representatives with their concerns.

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