



New England Fishery Management Council

Press Backgrounder – Sea Scallop Regulations

Newburyport, MA

January 28, 2005

The New England Fishery Management Council would like to clarify any confusion that may have resulted from a number of media reports about the tragic sinking of the scallop vessel *Northern Edge*. While the Council plans to review all its fishery management plans to ensure they are risk averse with respect to safety at sea, it also seeks to clarify the regulations that are presently in effect with respect to the options that are currently available to scallop fishermen.

Fishing is inherently a dangerous occupation, and many scallop vessels in particular fish year round. The scallop management program is intended to provide the flexibility to select periods to fish based on concerns about weather, needed vessel repairs, market conditions, availability of crew and other factors that are best determined by the fishermen.

Delayed Opening of the Special Access Program

In 2004, the Council developed a special access program to open the Nantucket Lightship Closed Area (NLCA) as well as other areas closed to scallop fishing to protect rebuilding groundfish stocks. The access period was defined as June 15 through January 31 with vessels subject to a limit on the number of trips allowed. One trip per vessel was allowed in the NLCA during 2004-2005 and one again in 2006 to control groundfish fishing mortality as well as conserve the scallop resource.

Because of the time required to develop, review and implement new regulations allowing scallop vessels into the closed areas, the NLCA did not open in 2004 until November 2. While there was a smaller window of time available, vessels that chose to participate in the program could take their single NLCA trip, as well as two trips into Closed Area II, at any time during the 90-day period between early November and the end of January. Together, these trips total about 20 days of actual fishing time. In the future, access will occur between June and January.

When it became apparent that there would be a delay in the start date of the special access program, vessels that did not choose to participate so late in the year received 20 additional days-at-sea to be used in the open areas between September 25, 2004 and February 28, 2005. This provision was not extended into future years because the full six-month period will be available.

Trip Limits in Special Access Areas Only

Vessels in the sea scallop fishery are subject to fishing during certain periods of time and poundage limits only when participating in the special access program. Each vessel is allowed to catch up to 18,000 pounds of scallops on NLCA as well as all other special access trips. Other restrictions address only gear and crew size.

Days-at-Sea Charge

There is no limit on the amount of time a vessel can take to catch its 18,000 pounds. Under the terms of the new scallop program, vessels fishing in any of the closed areas, including the NLCA, are charged 12 days-at-sea against a total per vessel days-at-sea allocation, regardless of how long a trip actually lasts. Vessels are not compelled by any regulation to stay out at sea for the entire 12-day period and there is no need to “fish continually” because of new management measures.

Estimates based on vessel reports indicate NLCA trips actually average 6 to 8 days because of the super-abundance of scallops found there. Compared to 12 years ago when many full-time vessels fished greater than 300 days per year, today’s vessels are more profitable while fishing far fewer days.

Ending a Trip Early

As in the areas open to scallop fishing year round, scallop vessels participating in the newly approved special access program may return to port at any time and for any reason. If a vessel ends a trip in a special access area before it is able to catch its 18,000 limit, it is allowed to take a make-up or “compensation” trip. To reduce the number of “broken trips”, and avoid excessive monitoring and enforcement problems, a vessel is assessed a charge in the form of a deduction in landings. This disincentive can range from two days-at-sea and 3,000 pounds to no charge at all if the vessel has landed over 80 percent of the trip limit. In those cases, it will receive an extra day and the opportunity to catch the rest of its scallops, up to the 18,000-pound limit.

The U.S Coast Guard reported that *the Northern Edge* was on a compensation trip at the time of the accident, contrary to the widely repeated statement that the vessel was trying to avoid a broken trip scenario. Although their investigation is ongoing, facts released to date also highlight many factors other than fishing regulations that may have contributed to the sinking. Nevertheless, to be precautionary in matters relating to safety, the Council is taking action to remove the rule that deducts landings as a consequence of terminating a trip before harvesting its allowed catch. Discussion of this issue will occur at the Council meeting on February 1 at 1:00 p.m. in Portsmouth, NH

A map of the Georges Bank scallop special access areas can be found at:
<http://www.nero.noaa.gov/nero/hotnews/Framework1639/>

For more information about the New England Fishery Management Council see:
www.nefmc.org

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