

The 2012 Biological Opinion for the Atlantic Sea Scallop Fishery

Q: Where can I go to read the complete Biological Opinion (BiOp)?

A: The 2012 BiOp can be accessed here:

http://www.nero.noaa.gov/prot_res/section7/NMFS-signedBOs/2012ScallopBiOp071212.pdf

Q: Why was formal consultation on the BiOp reinitiated?

A: Two reasons:

- 1) Several new sources of information on the effects of the scallop fishery on sea turtles have become available since the publication of the last Opinion in 2008, including new management measures such as the TDD.
- 2) The February 6, 2012, ESA listing of Atlantic sturgeon (five DPSs of Atlantic sturgeon were listed as threatened or endangered).

For more details, see page 5 of the BiOp.

Q: What are the anticipated annual interactions of ESA-listed species in the scallop fishery?

A: We anticipate up to 161 loggerhead interactions in scallop dredge gear annually as a result of the continued operation of the scallop dredge fishery. For fishing year 2012 (pre-TDD), 129 of those interactions are expected to result in serious injuries or mortality. For fishing year 2013 and beyond (post-TDD), 46 of those interactions are expected to result in serious injuries or mortalities each year. That represents a 64% reduction in serious injury/mortality from 2012 to 2013 and beyond. These are estimates of total observed plus unobserved, but quantifiable, interactions in the dredge fishery annually. The continued operation of the scallop fishery is also expected to result in the total annual capture of one leatherback, two Kemp's ridleys, and one green sea turtle in dredge gear.

Scallop trawl gear is expected to result in the estimated annual average capture of up to 140 loggerhead sea turtles, of which up to 66 are expected to be lethal. Scallop trawl gear is also expected to result in the total annual capture of one leatherback, one Kemp's ridley, and one green sea turtle annually. These interactions may be either lethal or non-lethal.

Finally, the continued operation of the scallop fishery is expected to result in the capture of one Atlantic sturgeon annually, which may come from any of the five DPSs which are assessed above.

For more details, see page 140 of the BiOp.

Q: What are the updated Reasonable and Prudent Measures?

A:

Reasonable and Prudent Measures (RPMs)

1. NMFS must annually monitor and assess the distribution of fishing effort in the Mid-Atlantic scallop dredge fishery during the period of known sea turtle overlap (May through November) to ensure that there are no increases in the likelihood of interactions with sea turtles that may result from increased effort.

2. NMFS must continue to investigate and implement, within a reasonable time frame following sound research, modifications to gears used in these fisheries to reduce incidental takes of sea turtles and Atlantic sturgeon and the severity of the interactions that occur.
3. NMFS must continue to review available data to determine whether there are areas or conditions within the action area where sea turtle and Atlantic sturgeon interactions with fishing gear used in the scallop fishery are more likely to occur.
4. NMFS must continue to quantify the extent to which chain mats and TDDs reduce the number of serious injuries/deaths of sea turtles that interact with scallop dredge gear.
5. NMFS must continue to research the extent to which sea turtle interactions with scallop dredge gear occur on the bottom versus within the water column.
6. NMFS must ensure that any sea turtles incidentally taken in scallop dredge or trawl gear and any Atlantic sturgeon incidentally taken in scallop trawl gear are handled in a way as to minimize stress to the animal and increase its survival rate.
7. NMFS must seek to ensure that monitoring and reporting of any sea turtles and Atlantic sturgeon encountered in scallop fishing gear: (1) detects any adverse effects such as injury or mortality; (2) detects whether the anticipated level of take has occurred or been exceeded; and (3) collects data from individual encounters.
8. NMFS must continue to engage in outreach efforts with commercial fishermen regarding the proper installation and use of chain mats on their scallop dredges.

These RPMs are listed on page 179 of the BiOp. Associated Terms and Conditions are outlined on pages 179-181.

Q: Does the NEFMC have any specific responsibilities based on these updated findings?

A: This has not been confirmed yet, but it seems that the NEFMC no longer has direct responsibility related to RPMs. None of the updated RPMs have required fishery limits that could be developed through a Council action.

One area that the Scallop PDT may or may not become involved in at some level could be related to monitoring under RPM#1. NMFS is now required to “annually monitor and assess the distribution of fishing effort in the Mid-Atlantic scallop dredge fishery during the period of known sea turtle overlap (May through November) to ensure that there are no increases in the likelihood of interactions with sea turtles that may result from increased effort.” The BiOp explains that dredge hours are used as a surrogate measure of actual takes and the Incidental Take Statement is considered exceeded (which technically then re-initiates consultation) if a two-year average of dredge hours during May-November in the Mid-Atlantic exceed those in the same times and area during 2007-2008.