



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

**MEMORANDUM**

**DATE:** August 23, 2012  
**TO:** Scallop Committee  
**FROM:** Scallop Plan Development Team (PDT)  
**SUBJECT:** **Response to questions from the Committee about LAGC vessels and groundfish permits**

The Scallop Committee met in April 2012 and during the discussion of potential YT AMs for the LAGC fishery in FW24 several questions came up about potential participation of LAGC IFQ vessels in groundfish sectors.

At the meeting there was general confusion about what LAGC vessels can and cannot do if they also have a GF permit, particularly in and around the SNE dredge exemption area. One Committee members suggested that there may be other ways for the LAGC fishery to address YT bycatch such as enrolling in GF sectors and having that bycatch count against GF ACE, rather than the scallop fishery sub-ACL. This led to a list of questions regarding the "barriers" that currently exist to a program like that and necessary modifications to the GF regulations that would be required. While these issues were beyond the scope of FW24, the Committee requested that staff try to get answers to the list of questions and outstanding issues below.

The PDT met in May 2012 and reviewed these questions using information drafted by the Regional Office (attached). The PDT reviewed and approved this memo following the July 2012 PDT meeting.

**1) *May LAGC scallop fishermen buy groundfish permits and enroll in sectors?***  
Yes, but the GF permit has to be a limited access permit.

**2) *May LAGC fishermen land scallops and groundfish on the same trip?***  
Yes. A vessel with a LAGC IFQ permit and a multispecies permit can declare a NE multispecies trip and land both scallops and GF, but only using regulated NE multispecies gear. For example, if a trawl vessel is fishing under a DAS it can land scallops from any area if it has an IFQ permit. To be clear, scallop dredge gear is NOT a regulated NE multispecies gear, so a dredge vessel would need to convert to a regulated gear type to land both scallops and multispecies on the same trip.

If the vessel is fishing under its scallop IFQ permit provisions and is on a declared IFQ trip only, the vessel may not retain GF.

**3) Can LAGC fishermen count groundfish catch against sector PSC?**

If a LAGC vessel is fishing on a declared NE multispecies trip groundfish catch from that trip is counted against the NE multispecies YT sub-ACL, not the overall scallop fishery YT sub-ACL.

**4) If LAGC fishermen are counting groundfish catch against sector PSC then is it reasonable to grant these vessels exemption from the dredge restriction in the exemption areas?**

The PDT will not comment on whether this is a reasonable policy decision, but will elaborate on how GF is currently tracked for vessels with both permits because questions have arisen about which ACL bycatch is being attributed to.

Currently the Regional Office is only counting GF landings against sector PSC when a LAGC vessel is on sector trips and are not following their scallop permit provisions requiring them to retain no groundfish in the scallop dredge exemption areas. Even in the Mid-Atlantic, where there is no dredge exemption area, they must be on a GF trip to land GF (in which case the landings would apply against the sector PSC).

If an LAGC IFQ vessel is fishing on an IFQ trip (i.e., IFQ VMS declaration), there is no retention of GF allowed and any catch is applied to the scallop YTF sub-ACL, not a sector PSC.

**Attachment: Prepared for the May 2012 Scallop PDT Meeting**

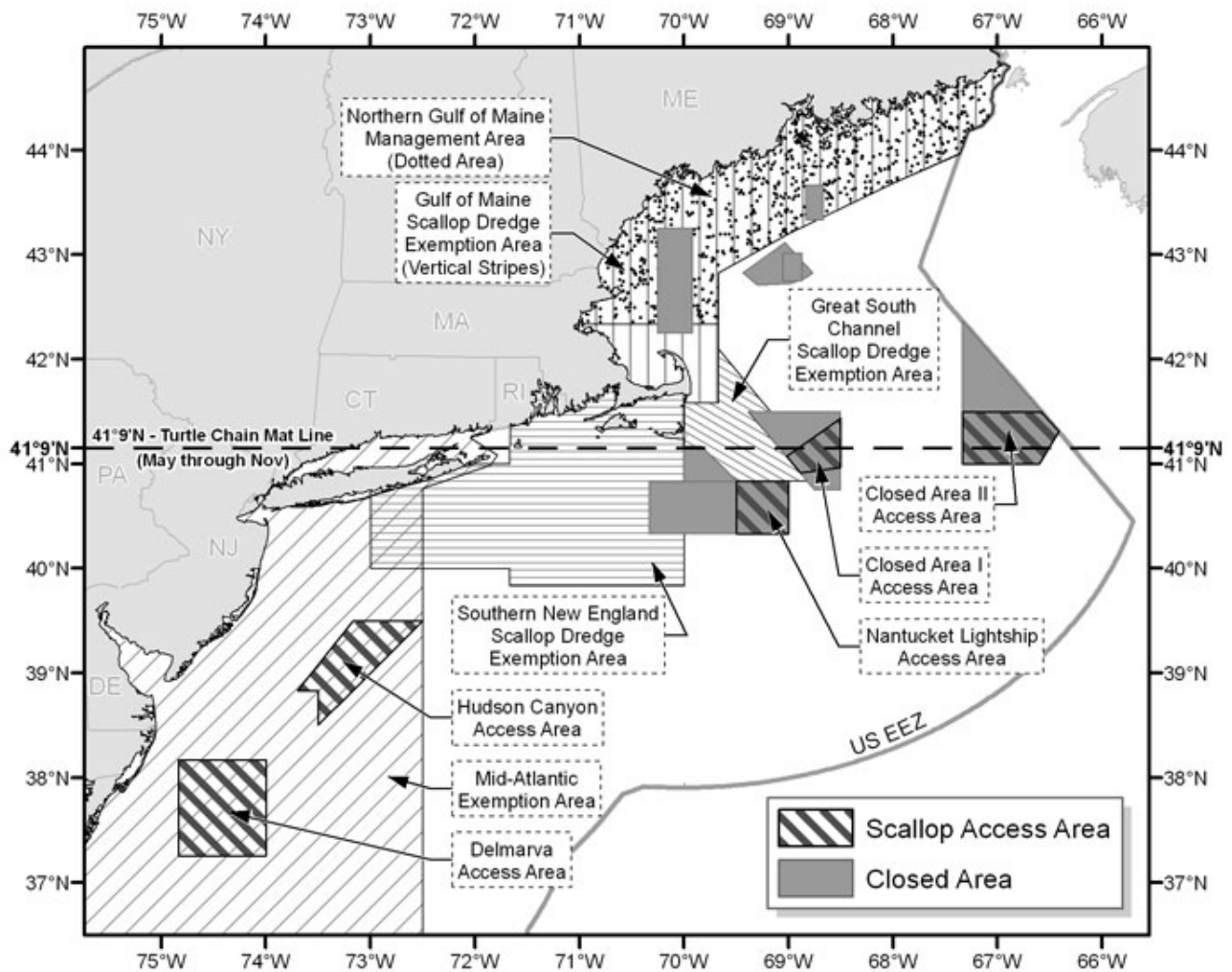
**DRAFT**

**Limited Access General Category Fishery**

**Regulations for gear and possession of Northeast (NE) multispecies by area**

Fishing for IFQ Scallops on a Northeast (NE) Multispecies Trip in Georges Bank (GB), Southern New England (SNE), and the Mid-Atlantic (MA):

If a vessel has both a scallop IFQ permit and a NE multispecies permit (in either the DAS or sector program), it can declare a NE multispecies trip and land both scallops and NE multispecies but can't use dredge gear, only regulated NE multispecies gear. In this instance, yellowtail flounder (YTF) catch would be applied to the respective NE multispecies YTF sub-ACL/ACE, not the scallop fishery's YTF sub-ACL.



Note: There is an error on the map (based on older regulations)...the boundary of SNE scallop dredge exemption area does not extend west of 72°30'.

### LAGC IFQ Regulations by Exemption Area

(Refer to map above, Outlined in NE Multispecies Regulations at § 648.80, but relevant to all fisheries)

In the Gulf of Maine (GOM), GB, and SNE Regulated Mesh Areas, LAGC IFQ vessels fishing with dredge gear must fish in the GOM, Great South Channel (GSC), and SNE Scallop Dredge Exemption Areas. The following applies to vessels fishing under the provisions of their LAGC IFQ permits:

- Must declare an IFQ trip in VMS to land over 40 lb of scallops and to use dredge gear
- Can only fish for and land scallops (up to 600 lb) and up to 50 lb of monkfish tails (146 lb whole weight) per trip.
- Must fish with dredge gear; combined dredge width may not exceed 10.5 ft (includes dredges on board vessel); minimum mesh size used in twine top is 10 inches.
- These regulations above apply to LAGC IFQ open and access areas (Closed Area I, Closed Area II, Nantucket Lightship) trips

In the Mid-Atlantic Exemption Area, a scallop vessel can't fish for or land NE multispecies without being on a NE multispecies DAS or sector trip (trawl minimum mesh is 6.5 in this case, rather than 5.5 in if not on a multispecies trip). Must use trawls. Can't land multispecies with dredge gear.

- LAGC IFQ vessels can also declare an IFQ trip using trawl gear. On these trips in the MA, an LAGC IFQ vessel can also fish for and retain other species so long as the gear requirements are the same (i.e., fluke, etc - but can't land mults without being on a declared mults trip)
- LAGC combined dredge width may not exceed 31 ft (includes dredges on board vessel); minimum mesh size used in twine top is 10 inches.
- LAGC trawl minimum mesh size is 5.5 inches, with a max sweep of 144 ft.
- These regulations above apply to LAGC IFQ MA open and access areas (Hudson Canyon, Delmarva) trips. In addition, when on a MA access area trip, IFQ vessels can only fish for scallops and monkfish.

### **Vessels in Multispecies Sectors that also have LAGC IFQ Permits**

- With respect to fishing for NE multispecies, sectors may only request exemptions from the NE multispecies regulations
- A vessel with both permits that is enrolled in a sector can land its IFQ scallops on a multispecies sector trip (i.e., VMS declaration is for multispecies)
  - YTF catch applied to sector YTF ACE, not scallop fishery's YTF sub-ACL (These vessels are in compliance with scallop regulations but are fishing with NE Mults gear. Sub-ACL for scallop fishery is allocated to scallop fishing with scallop gear).
  - Gear and possession requirements: Under a sector declaration, vessel can land up to 600 lb of scallop IFQ but must use regulated mults gear (no dredges)
- If that vessel fishes under its scallop IFQ permit provisions (i.e., LAGC IFQ declaration, not sector declaration):
  - YTF catch on that trip counts towards the scallop fishery's YTF sub-ACL, not the sector ACE.
  - YTF cannot be landed, but catch and discard counts against sub-ACL.