

Clam Amendment - Proposed Exemption Areas (Preferred Alternative)
Northeast United States
December 2018

Prepared for:
Northeast Regional Ocean Council (NROC)
Northeast Ocean Data
www.northeastoceandata.org

Prepared by:
New England Fishery Management Council
50 Water St Mill 2
Newburyport, MA 01950
Contact: Michelle Bachman, mbachman@nefmc.org

1. INTRODUCTION

Since implementation of the New England Fishery Management Council's Omnibus Habitat Amendment 2 on April 9, 2018, the Great South Channel Habitat Management Area (HMA) has been closed to all mobile bottom-tending gear. The surfclam fishery currently is allowed to operate in all but the northeast corner of the HMA under a one-year exemption that expires April 9, 2019. The Council is working on a Clam Dredge Framework to consider options for allowing continued surfclam fishery access to nonsensitive habitat in the HMA, and has tasked its Habitat Plan Development Team (PDT) with analyzing areas where surfclam dredge fishermen potentially could continue to fish year-round or seasonally. The purpose of limiting the use of clam dredge gear to specific parts of the HMA is to minimize the impacts of the fishery on benthic habitats.

The Council identified a final preferred alternative for clam and mussel dredge exemptions on December 4, 2018. This proposal will be submitted to the National Marine Fisheries Service for possible approval, rulemaking, and implementation. The recommendation is referred to as Alternative 5 in the draft framework document and environmental assessment. Under Alternative 5, three exemption areas would be designated for both surfclam and mussel dredges: (1) McBlair, (2) Old South, and (3) Fishing Rip. Old South would be closed for six months from November 1-April 30 to reduce overlaps between clam dredging and cod spawning activities. The remainder of the Great South Channel HMA would be closed to clam and mussel dredges.

Exemption areas: Under Alternative 5, three exemption areas would be designated for both surfclam and mussel dredges: (1) McBlair, (2) Old South, and (3) Fishing Rip. Old South would be closed for six months from November 1-April 30 to reduce overlaps between

clam dredging and cod spawning activities. The remainder of the Great South Channel HMA would be closed to clam and mussel dredges.

Monitoring requirements: All vessels fishing in the exemption areas would be required to use clam or mussel dredges and to request an annual letter of authorization to fish under the exemption program. The purpose of the letter of authorization would be to identify the vessels interested in accessing the HMA to ensure that the vessels have the necessary permits and correct Vessel Monitoring System (VMS) unit. Vessels would be required to use a type-approved VMS unit capable of being triggered remotely by the NOAA Office of Law Enforcement (NOAA OLE) to send positions every 5 minutes beginning when the vessel approaches the GSC HMA boundary. This rate represents an increase from the normal 60-minute rate (30-minutes for any vessels with scallop permits). Based on preliminary analysis of 5-minute data from four clam dredge vessels, a distance buffer of 3 nm from the outer HMA boundary appears to be suitable for the automatic trigger. Vessels participating in the program would automatically send 5-minute data any time they cross the 3-nm boundary line. At present, while all four of the type-approved VMS units in the Greater Atlantic Region can collect data at this frequency, only three of the four (Woods Hole Group's "Thorium Triton", SkyMate's "I1500", and Network Innovations' "Sailor Platinum") can be triggered to do so remotely by NOAA OLE. This remote activation of the increased polling rate is important to the integrity of the enforcement system, and therefore a vessel would need to have one of these three VMS types if they wished to fish under this program. This capability could be added by other vendors in the future, so this specific list of VMS units is not intended to prevent the use of other suitable units in future. Vessel operators would be required to declare into the GSC HMA fishery using the VMS system for any trip where fishing within the exemption areas is anticipated. A trip-level declaration via VMS will alert NOAA OLE to monitor vessel speed and position in real time. Vessels would be allowed to fish within multiple sub-areas per trip, accounting for any open and closed seasons, but clam or mussel dredges would need to be on deck while transiting between areas. Hydraulic hoses used with clam dredges could remain in the water during transit between areas. The alternatives do not set any fishing or transit speed requirements. As a best practice, vessels would be encouraged to transit the closed portions of the HMA at higher speeds and report extended low-speed, non-fishing activities along the boundaries of the exemption areas to NOAA Office of Law Enforcement. In terms of any alternatives that create exemptions for mussel dredges, any mussel dredge vessel fishing in the exemption areas within the GSC HMA would be required to have a surfclam permit, because there is no federal mussel permit. The requirement that vessels hold a surfclam permit would trigger VMS requirements, as well as VTR requirements. A separate VMS declaration would be established for fishing in the exemption areas with mussel dredge gear. Existing regulations associated with the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area, which fully encompasses the exemption area considered in this alternative, specify that mussel dredges

may be no wider than 8 ft (2.4 m) measured at the widest point in the bail of the dredge. The Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area also requires that vessels do not fish for, harvest, possess, or land any species other than mussels and sea urchins. This maximum gear width is adopted for this exemption program as well, such that it would be maintained even if the Mussel and Urchin Dredge Exemption Area is altered or removed. In addition, under this exemption program vessels may not fish for, harvest, possess, or land any species other than mussels when on a declared mussel exemption trip.

Research agenda: The Council though the Habitat PDT would develop with the industry a prioritized list of research needs concerning Rose and Crown and Davis Bank East. The intent is to work towards an exempted fishing permit program for these areas, which will support the potential development of additional exemptions in the future.

2. PURPOSE

To show the preferred clam dredge exemption areas for consideration by the New England Fishery Management Council. These are draft areas and the boundaries and number and seasonality of areas recommended by the Council are subject to modification. These zones are being considered as part of the New England Fishery Management Council's Clam Framework. These zones will continue to be modified throughout the amendment development process and should be considered a draft until a final decision is recommended by the Council to the National Marine Fisheries Service and approved by NMFS for implementation. The purpose of limiting the use of clam dredge gear to specific parts of the HMA only is to minimize the impacts of the fishery on benthic habitats

3. SOURCES AND AUTHORITIES

- New England Fishery Management Council, December 2018.
- For questions, contact Michelle Bachman (mbachman@nefmc.org)

4. DATABASE DESIGN AND CONTENT

Native storage format: ArcGIS File Geodatabase – simple feature class

Feature Types: Polygons

Data Dictionary:

Line	Name	Definition	Type	Size
------	------	------------	------	------

1	ID	Name of the discrete area	Text	*
2	Area	Area, in square kilometers	Float	*
3	Label	Label of the discrete area	Text	*
4	Season	Type of exemption area: year-round or closed part of the year	Text	*
5	Status	Description of the type of exemption	Text	*

Feature Class Name: Clam_Amendment_Alternative5

Total Number of Unique Features: 5

Dataset Status: In Progress

5. SPATIAL REPRESENTATION

Geometry Type: vector polygon

Reference System: GCS North American 1983

Horizontal Datum: North American Datum 1983

Ellipsoid: Geodetic Reference System 1980

XY Resolution: XY Scale is 1000000000.0000001

Tolerance: 0.0000000089831528411952117

Geographic extent: -69.822 to -69.344, 41.4333 to 40.9896

ISO 19115 Topic Category: biology, environment, oceans

Place Names:

Atlantic Ocean, Nantucket Sound, Gulf of Maine, Great South Channel

Recommended Cartographic Properties:

Simple Fill Symbol. Outline width: 1.5, outline color: 255-170-0, Fill color: transparent

Scale range for optimal visualization: 5,000,000

6. DATA PROCESSING

Processing environment: ArcGIS 10.3, Windows 10 Professional, Intel Core i5 CPU

Process Steps Description

1	These areas were drawn by the surfclam industry to encompass areas of higher fishing effort (hours fished). Fishing effort was mapped with speed-filtered and gridded Vessel Monitoring System data from 2010-summer 2018.
2	The Council's Habitat Committee has selected a subset of these areas for year-round and seasonal exemptions and modified area boundaries to facilitate fisheries enforcement.

7. QUALITY PROCESS

Attribute Accuracy: Attribute information is based upon source material and is accurate as such.

Logical Consistency: These data are believed to be logically consistent.

Completeness: These are draft management areas and subject to change

Positional Accuracy: These zones were delineated using Vessel Monitoring System data. Accuracy based on the correct location of the source layer.

Timeliness: Data up to date as of December 2018.

Use restrictions: Not for navigation

Distribution Liability: Data provided as is. Northeast Ocean Data and NEFMC are not liable for any interpretations, assumptions, or conclusions based on these data