

# Scallop Report

Jonathon Peros

**NEFMC Meeting  
February 2, 2022  
Webinar**



New England  
Fishery Management Council

# Today's Meeting:

- **Updates – Recent Actions**
- **Scallop Work Priorities – Outlook for 2022**
- **Evaluation of Rotational Management Final Report**
- **Scoping for Limited Access leasing**

*No Council action required.*

# Maine Fishermen's Forum:

- **Scallop Seminar on Northern Gulf of Maine**
  - Implementation of Amendment 21 – new management program
  - Incoming specifications for NGOM in FW34
  - New monitoring requirements for all vessels fishing in the NGOM
- **Thursday, February 17, 2022 at 3pm – 4:30pm**
  - Additional details to follow
- <https://mainefishermensforum.org/>



# Monitoring Requirement in LAGC NGOM fishery

- All vessels active in the directed scallop fishery in the federal waters of the NGOM are required to participate in the Industry-funded scallop (IFS) observer program, operated by the Northeast Fisheries Science Center.



Amendment 21: Travis Ford, Sustainable Fisheries, GARFO, (978) 281-9233

Industry-funded scallop (IFS) program: Jessica Blaylock, Fishery Monitoring Operations, NEFSC, (508) 274-7393

# Amendment 21

- **Final rule published on January 12, 2022**
- **Action will become effective on March 31, 2022**
- <https://www.federalregister.gov/documents/2022/01/12/2022-00367/fisheries-of-the-northeastern-united-states-atlantic-sea-scallop-fishery-amendment-21>

# Scallop Framework 34

- Final Action on December 9, 2021
- Council submitted the decision draft on January 3, 2022
- Deemed the regulation changes on January 12, 2022
- NMFS preparing the proposed rule
  
- Next steps:
  - Preliminary submission – early February
  - Final submission – early March
  - Final rule and implementation – before April 1.

# List of 2022 Scallop Priorities

- Finish work on FW34 (ongoing)
- Specs for FY 2023 and FY 2024 (default)
- Evaluate rotational management program
- Support the Scallop RSA program (share days, priorities, reviews, etc.)
- Continue work of the scallop survey working group (SSWG)
- Conduct scoping for a LA DAS and AA trips leasing program to assess: 1) the need for a leasing program; and 2) what should the leasing program consider, then decide on whether to move forward with developing an amendment (multi-step approach).
- Annual responsibilities related to estimating catch and bycatch (handled largely by GARFO/APSD)
- Council staff participate in the 2023 management track review of the scallop projection model.

# Scallop outlook by quarter in 2022. How might we spend our time this year? Major Projects

Key: Scallop led project Center led project, with Staff involvement Possible follow-up and/or implementation

Calendar Year	Jan – Mar	Apr - Jun	July - Sept	Oct - Dec
Scallop Survey Working Group	Sub-Group work and Third SSWG Meeting	Fourth/Fifth SSWG Meetings Project Wrap-Up		
Evaluation of Rotational Management	<div style="display: flex; justify-content: space-around;"> <div style="background-color: #4a7ebb; color: white; padding: 5px;">Final Report Complete</div> <div style="background-color: #4a7ebb; color: white; padding: 5px;">Discuss results with Scallop Committee</div> </div>			
Framework 34	Preliminary and Final Submission			
LA Leasing	Draft and Finalize Scoping Document	Public Process – Scoping Meetings	<div style="display: flex; justify-content: space-between;"> <div style="background-color: #4a7ebb; color: white; padding: 5px;">Summarize Comments</div> <div style="background-color: #4a7ebb; color: white; padding: 5px;">Step Two: Decide to move ahead or stop work</div> </div>	
Framework 35 (just specs?)		2022 Field Season	2023/2024 (default) Specifications	
SAMS Model Review	Agree to TORS, format			Staff Support
Scallop RSA		Share Day and Set Priorities		Support RSA Program



# Committee Tasking & Research Share Day

- **Tasking Motion from Committee re: Industry funded scallop transplanting update**
  - Assess the utility of the NLS-Triangle as a closed area in 2023
  - Examine the application of transplanting scallops in future Council actions
- **Next steps:**
  - Enhancement themed session as part of the Scallop Research Share Day(s), with additional time for PDT review of projects, including CFF work
  - Based on Share Day Discussion → Brief memo from the PDT in May or June, 2022 addressing:
    1. Recommendation for use of NLS-Triangle in the scallop rotational program
    2. Any PDT recommendations on RSA priorities related to scallop enhancement
    3. PDT feedback on CFF report

# Planned Work and Multi-year Scallop FMP outlook

Key: Scallop led project Center led project, with Staff involvement Possible follow-up and/or implementation

Calendar Year	2021	2022	2023	2024	2025				
Surveys, Projections, Assessments	<span style="background-color: #4F81BD; color: white; padding: 5px;">SSWG (Contractor Support, Joint with Center)</span>	<span style="border: 1px dashed gray; padding: 2px;">Implement recs of SSWG: Surveys, Wind, Modeling Approaches</span> <span style="background-color: #C85A3D; color: white; padding: 2px;">Review of Projection Model (SAMS &amp; GeoSAMS)</span>	<span style="border: 1px dashed gray; padding: 2px;">Implement recs of the projection review</span> <span style="background-color: #C85A3D; color: white; padding: 2px;">Research Track Assessment for Scallops</span>	<span style="border: 1px dashed gray; padding: 2px;">Implement recommendations of the research track assessment</span>					
Evaluation of Rotational Management	<span style="background-color: #4F81BD; color: white; padding: 5px;">Eval. Rotational Management (Contractor Support)</span>	<span style="border: 1px dashed gray; padding: 2px;">Implement recommendations</span>	<span style="border: 1px dashed gray; padding: 2px;">MSE?</span>						
Frameworks (Assuming Annual Specs)	<span style="background-color: #4F81BD; color: white; padding: 5px;">FW34 (Implementing A21)</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">2023/2024 (default) Specifications</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">2024/2025 (default) Specifications</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">2025/2026 (default) Specifications Implement Assessment Results</span>					
LA Leasing		<span style="background-color: #4F81BD; color: white; padding: 5px;">Scoping for Leasing</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">Determine if Council will take action</span>						
LAGC IFQ Program Review			<span style="background-color: #4F81BD; color: white; padding: 5px;">Start in <u>early 2023</u>, focusing on FY2016-2021. Complete and present report in 2024.</span>						
Scallop RSA	<span style="background-color: #C85A3D; color: white; padding: 5px;">Support RSA Program</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">Share Day, Set Priorities</span>	<span style="background-color: #C85A3D; color: white; padding: 5px;">Support RSA Program</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">Share Day, Set Priorities</span>	<span style="background-color: #C85A3D; color: white; padding: 5px;">Support RSA Program</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">Share Day, Set Priorities</span>	<span style="background-color: #C85A3D; color: white; padding: 5px;">Support RSA Program</span>	<span style="background-color: #4F81BD; color: white; padding: 5px;">Share Day, Set Priorities</span>	<span style="background-color: #C85A3D; color: white; padding: 5px;">Support RSA Program</span>

# Evaluation of Rotational Management



- Draft report presented in December (Dr. Cate O'Keefe)
- Final report reviewed by Scallop PDT
- Today: Recommendations/Areas of Improvement
- March: Discuss next steps with Committee



# Evaluation Goals and Objectives

- **Goals**

1. Evaluate how original objectives (AIO) of the rotational program have been met;
2. Evaluate how current rotational management meets expected outcomes

- **Objectives**

1. Document the use of rotational management, specifically 2015-2021;
2. **Assess performance relative to AIO objectives → Bycatch and Habitat Impacts**
3. Describe current rotational program compared to original approach and describe outcomes and rationale for alternative approaches;
4. Document two-year specifications and evaluate outcomes and trade-offs;
5. **Identify possible changes or areas for improvement of the rotational program**

# Obj. 5 – Alternatives and Improvements

- **Evaluate scallop biomass projection models and associated uncertainty.**
  - The Northeast Fisheries Science Center (NEFSC) has committed to assessing the performance of the Scallop Area Management Simulator (SAMS) projection model and the newly-developed GeoSAMS projection model through the 2023 scallop management track stock assessment process.
  - Results from this report may be useful to inform future iterations of scallop projection models and should be considered through the assessment process.
- **Consider the performance of flexibility measures for future scallop management actions.**
  - Conclusions from this evaluation indicate that measures to increase flexibility of rotational management have provided benefits to the fishery, but cumulative impacts from combined measures should continue to be considered.
  - Flex trip options should include an assessment of area-specific LPUE projections, characterization of market categories of landings, and scallop price per pound information to inform potential fishery utilization within flex area options.
  - A description of scallop catch accounting methods for all allocations should be documented and areas of uncertainty or potential improvement should be identified.
  - An evaluation of the DAS carry over provisions, similar to the one provided for access area carry over in this report, should be conducted to determine if there are potential improvements to current regulations.

# Obj. 5 – Alternatives and Improvements

- **Consider seasonal measures to improve scallop yield and minimize mortality in access areas.**
  - Establishing area-specific seasonal restrictions could limit fishing and associated mortality during:
    - peak scallop spawning when meat yields are low;
    - summer months when surface water and deck temperatures may exceed lethal limits;
    - periods of overlap with bycatch species of concern.
  - An evaluation of potential seasonal restrictions should be conducted to assess the positive and negative impacts to the scallop fishery, resource, and bycatch species of concern.
- **Consider appropriate spatial scale of future access area configurations.**
  - The optimal size and boundary configuration for rotational management areas were assessed during the development of Amendment 10, but ultimately the fully adaptive rotational scheme was adopted.
  - Based on this evaluation and recent performance of specific access areas, review of the Amendment 10 guidance for optimal access area size and configuration is warranted to consider Best Management Practices for the rotational management program.

# Obj. 5 – Alternatives and Improvements

- **Evaluate the performance of access areas in the initial and final years of opening.**
  - This report highlighted uncertainties associated with the initial reopening of previously closed rotational areas, including anomalous growth, poor meat quality, and unforeseen fishing behaviors.
  - The final years of access to rotational areas also have increased uncertainty related to decreased catch rates, which can increase tow time and area swept resulting in habitat and bycatch impacts, low LPUE, and the need for management interventions.
  - Evaluations of area-specific allocation decisions and fishing mortality projections should continue to consider the increased uncertainty associated with the initial and final years of rotational access.

# Obj. 5 – Alternatives and Improvements

- **Assess options for streamlining the Council process to facilitate annual specification actions.**
  - Conclusions from this evaluation indicate that maintaining annual scallop specifications based on annual scallop survey information provides benefits to the resource and fishery.
  - A I 9, Supplemental Information Reports (SIR)
  - The Scallop Survey Working Group recommendations can streamline and potentially reduce the timeline to incorporate annual survey information into management actions.
  - An assessment of available management tools to maintain annual specifications with reduced process and regulatory burdens should be conducted to assist the Council in developing an adaptive approach that allows time and opportunity to focus management and scientific resources on topics beyond annual specifications.



# Obj. 5 – Alternatives and Improvements

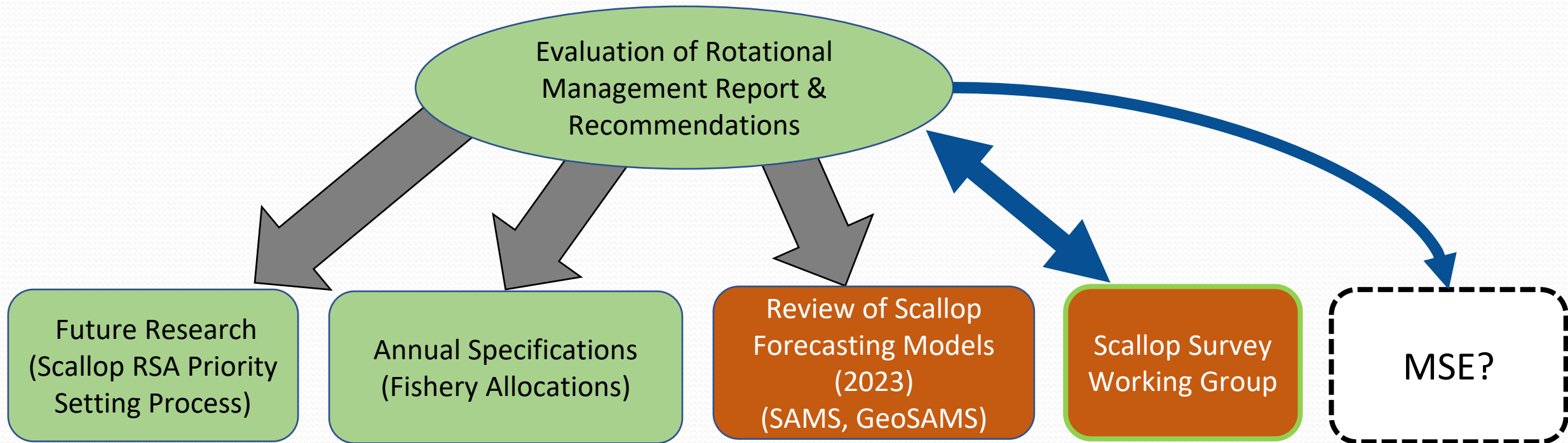
- **Consider the use of MSE to simulate future scenarios of scallop resource and fishery characteristics to optimize the scallop management regime.**
  - This report provides baseline information about the performance of the rotational management program since implementation of Amendment 10 and suggests that the program has been successful based on objectives set in 2004.
  - An MSE based on understanding of scallop population dynamics, biological and oceanographic conditions, and fishery behaviors could inform Best Management Practices for the scallop fishery in the future, including addressing ocean use conflict (e.g., offshore wind farms), changing resource distribution (e.g., related to climate change), and allocation scenarios (e.g., consolidated fishing fleets).
- **Consider updating the names of rotational management areas to reference current management regime.**
  - Post-OHA2 rotational management has expanded the number of access areas in places that were formerly a single access area (e.g., Nantucket Lightship and Closed Area II).
  - Use plain language to describe rotational areas. For example, the use of “Closed Area” in the naming scheme for access areas can be confusing.

# Conclusions

- Based on the scope of information considered, the evaluation indicates that the scallop rotational management program has been extremely successful in meeting intended objectives and adapting to changing expectations.
- There is room for continued improvement in the rotational management program and the suggested recommendations may provide useful next step actions for the Council and fishing industry.
- Continued periodic review of the rotational management program could be useful to inform Council decisions in the future.

# ERM: Next Steps

- Discuss Next Steps with the AP and Committee in March.



# Limited Access Leasing Scoping Process

# Petition for Rulemaking Process:

## Scallopers Campaign Request for LA Leasing

DOC/NMFS has been asked to prepare an amendment to the Scallop FMP on LA leasing outside of the Council process.

Process so far:

- Request to the Secretary of Commerce on January 15, 2021
- NMFS letter to the Council on March 10, 2021
- **Council reply to NMFS on July 19, 2021**
- Scallopers Campaign letter to NMFS on July 29, 2021
  - Ask the agency to delay response to the Campaign's petition until after the Council's vote on 2022 scallop work priorities in December
- **New: Council voted to conduct scoping for Limited Access leasing as a 2022 work priority**

Next Steps:

- NMFS response to Campaign's petition

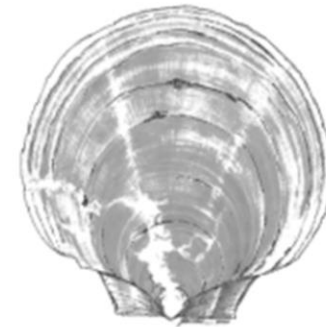
# Draft Scoping Document:

- <https://s3.amazonaws.com/nefmc.org/Doc.-3-Draft-Scoping-for-LA-Leasing.pdf>
- **Limited Access Leasing Scoping Document (pp. 1-9)**
- Letter from NMFS on vessel replacements (pp. 11-13)
- Scallop Amendment 21 Scoping Document (pp. 14-30)
- Skate Amendment 5 Supplemental Scoping Document (pp. 31-40)

“The Council is conducting scoping for a scallop fishery Limited Access days-at-sea (DAS) and access area leasing program to assess: 1) the need for a leasing program, and 2) what elements the leasing program should consider. In September of 2022, the Council will decide whether to initiate an amendment to the Atlantic Sea Scallop Fishery Management Plan (FMP) that may allow the leasing of access area allocations and DAS in the Limited Access component of the fishery.” (page 1)

Atlantic Sea Scallop Fishery Management Plan

## SCOPING DOCUMENT for Limited Access Leasing



Prepared by the

New England Fishery Management Council

# Proposed Approach for LA leasing priority

January - April

May - June

July - August

Council Approves  
Scoping Document

8am July 5<sup>th</sup>:  
Comment period closes

Develop Scoping  
Document

Scoping Meetings

Scoping Summary  
Report

September  
2022:  
Decision

Council accepting public comment on LA leasing

- Goal: Decision on moving forward with a leasing amendment (yes/no) in September 2022.
- Approve scoping document in April 2022.
- Public comment now – July 5<sup>th</sup>, 2022

# Scoping Comments on Limited Access Leasing

- How: Oral comments at scoping meetings and written comments
  - Under new NEPA regs, planning to include and consider correspondence on the Limited Access leasing topic that arrives prior to the publishing of the scoping document.
  - Examples: See Correspondence for this meeting.



Mr. Thomas A. Nies  
Executive Director  
New England Fishery Management Council  
50 Water St., Mill 2  
Newburyport, MA 01950

January 4, 2021

Dear Mr. Nies,

The Scallop Plan Development Team (PDT) is scheduled to meet on January 18, 2022, and the agenda includes, "Scoping for Limited Access leasing: review a draft scoping document and discuss the process that the Council plans to use to gather public input on this topic". The Scallopers Campaign looks forward to working with Council staff and the PDT to provide you with any information we have gathered over the past three years on the leasing issue.

Chairman Eric Reid  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Dear Mr. Reid,

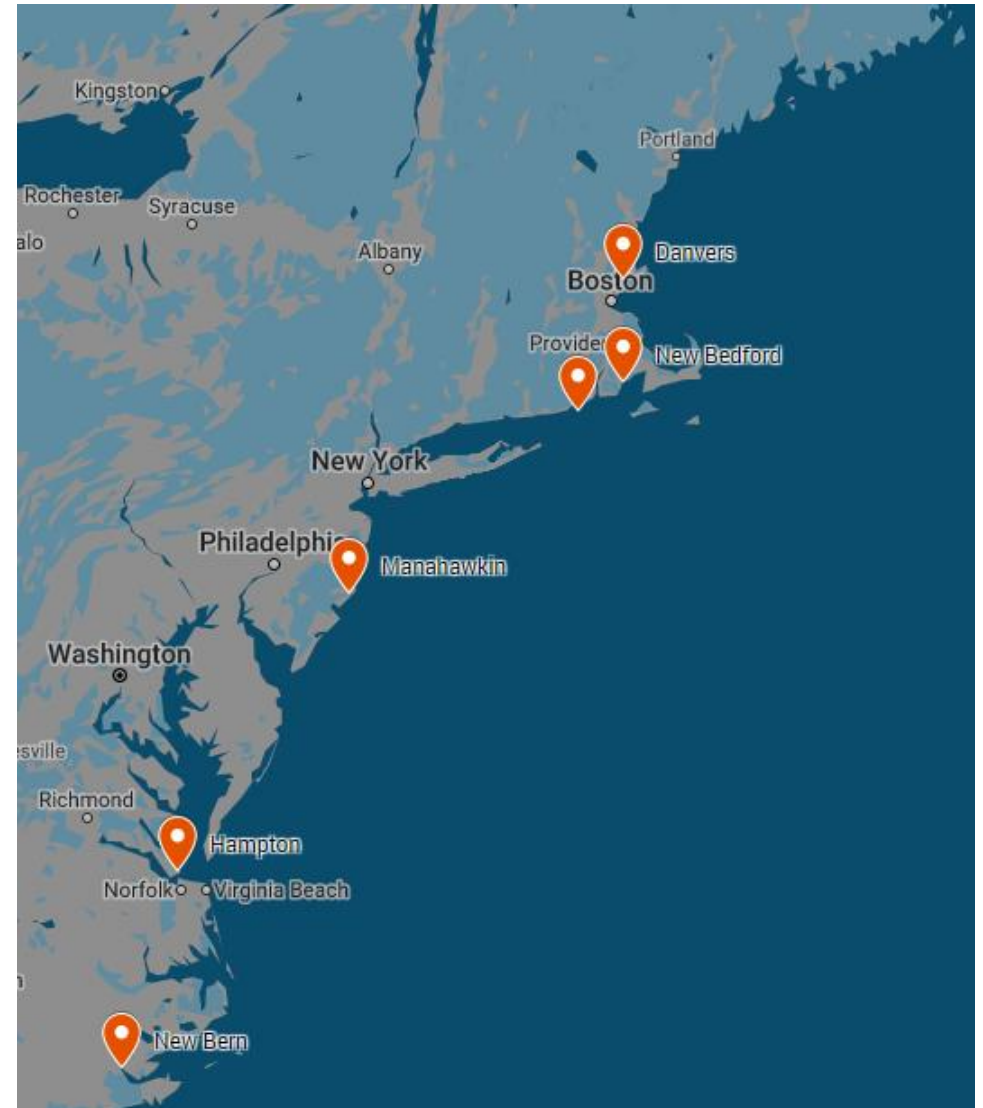
I am an owner of a shoreside business supporting the limited access (LA) fleet of the Atlantic Sea Scallop fishery. I would like to voice my opposition to the development of an amendment for leasing within this fishery. This particular fishery has remained one of the most prosperous fisheries in the world, mostly due to the current management structure. Changing the management of this fishery could not only harm independent owners, but also the shore support industry that rely on them. Most limited access permit holders in favor of leasing own vertically integrated companies and are primarily self-sufficient and have little necessity for outside shore support businesses.



# Possible Scoping Meeting: Updated

- **Timing:** May and June, after scoping document is finalized in April.
- **Possible Locations:**
  - Danvers, MA
  - New Bedford, MA (2 meetings)
  - Rhode Island (URI, Point Judith)
  - Manahawkin, NJ
  - Hampton, VA
  - New Bern, NC
  - Webinars (multiple - No more than 2)
- 9 total meetings

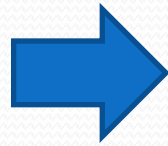
• **Input from Council?**



# Feedback on Scoping Document

## Request to the AP and Committee:

- Comments on the proposed process?
- Feedback on locations and number of scoping meetings? (previous slide)
- Input on the questions being used to gather feedback?
- Feedback on the data and information that may help stakeholders respond to these questions.



## Committee Feedback:

- No comments on proposed timeline.
- Contact NEFSC about data on crews, shoreside businesses.
- Robust outreach strategy to spread the word about this scoping process.
- Keep questions short; focused.
- Use more bullets to improve readability.
- Additional questions to add to the scoping document.
- Questions about stacking vs. leasing...

# Stacking and Permanent Transfers: What's the difference?

## Permanent Transfer:

- Transaction that splits (“sells”) allocation off of a scallop permit.
- A permit that permanently transfers its scallop allocation can still be used to access scallop allocation in the future because the scallop permit stayed with the vessel.
- The permit holder retains the other non-scallop permits (e.g. monkfish).

## Stacking:

- Transaction combines scallop access privileges from several permits into one permit, on one vessel.
- Multiple permits become one permit, with a larger scallop allocation.
- Multiples of other permits (e.g., monkfish) are relinquished.
- Fewer vessels can assess scallop fishery.

# Background Information

*Other topics to cover under background information:*

- Permit activity
- Landings
- Information on ownership entities
- Vessel age
- Vessel replacement information
- DAS and access area performance (see ERM report)

Table 1 – The distribution of Limited Access vessels by homeport state (source: 2021 GARFO permit data).

Homeport State	No. of LA Vessels
MA	150
NJ	98
VA	52
NC	38
CT	4
FL	3
RI	2
PA	2
ME	1

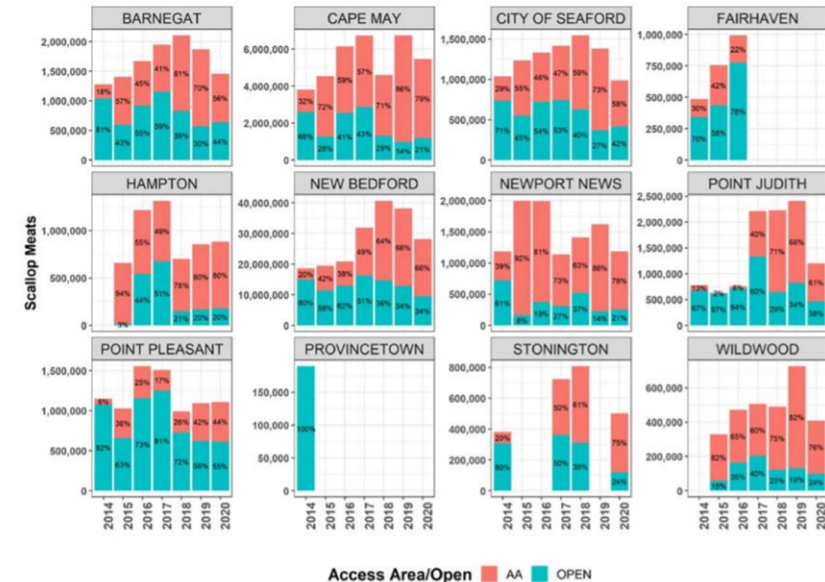


Figure 33. Landed scallop meat weight by port from access areas (red bars) and open areas (blue bars) from 2014 to 2021.

# Next Steps for Scoping:

## Document:

- Staff request data & update scoping document, review with PDT in February.
- AP and Committee review updated scoping document in March.
- Approve scoping document at the April Council meeting.

## Meetings:

- Consider schedule and venues, report to Committee in March.





Questions?