



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Scallop Advisory Panel Meeting

Omni, Providence, RI

May 21, 2014

The Scallop AP met on May 20, 2014 in Providence, RI to make recommendations for the Scallop Committee to consider the following day on three issues: 1) initiation of Scallop Framework 26; 2) recommendations for Scallop RSA priorities; and 3) review the Draft LAGC IFQ Performance Report.

MEETING ATTENDANCE: Peter Hughes (Chairman); James Gutowski (Vice Chair); Ron Enoksen, Gary Hatch, Eric Hansen, Robert Keese, Michael Marchetti, Brady Lybarger, Robert Maxwell, Paul Parker, Charles Quinn, and Edward Welch.

AP members absent: Scott Bailey, James Fletcher, Kirk Larson

Deirdre Boelke and Demet Haksever (NEFMC staff); and Emily Gilbert and Travis Ford (NMFS GARFO staff). In addition, approximately 10 members of the public attended.

KEY OUTCOMES:

- The AP passed five motions related to the timeline and potential measures to consider in Framework 26. The also included one consensus statement related to work the industry plans to do outside of the Council process to frontload and expedite development of new GB access areas as a result of boundaries potentially changing in the Habitat Omnibus Amendment.
- The AP passed three motions related to Research Set-Aside priorities for 2015 and 2016. In addition, they also included one consensus statement about the independent scallop survey review planned by the NEFSC and a request for NEFSC to present the details about the process and budget for the federal scallop survey.
- The AP passed one motion and one consensus statement related to the LAGC IFQ Report. The motion is related to discussing two key issues facing the LAGC fishery at a future meeting (management of bycatch and localized depletion of inshore areas) and a suggestion for the LAGC IFQ Report to include information on how catch per unit of effort has changed over time for the LAGC fishery.

PRESENTATION: DEIRDRE BOELKE, NEFMC STAFF, SCALLOP PDT CHAIR

Staff summarized the Draft Action Plan for Framework 26 including a summary of the timelines for both Scallop FW26 and the Habitat Omnibus Amendment. Final action for the Habitat Omnibus Amendment has shifted to November 2014, best case scenario. Since that is the same meeting as final action for FW26 it would be very problematic to develop and analyze potential modifications to GB access areas before the Council has taken final action on those issues.

AGENDA ITEM #1: PROVIDE INPUT ON MEASURES TO CONSIDER IN SCALLOP FRAMEWORK 26

1. MOTION: ENOKSEN/PARKER

AP supports Option 3 regarding timeline for scallop and EFH actions – wait to consider new scallop access areas on GB for FY2016 in the regular specifications package.

Discussion on the Motion:

The AP had a very lengthy discussion about the interrelation of the Habitat Omnibus Amendment and future scallop specifications. The general pros and cons of several possible timelines were discussed in terms of the appropriate management action to consider potential revisions to GB access areas if EFH areas change on GB as a result of the Habitat Omnibus Amendment. Many members provided input that there is a good chance the EFH action could get further delayed and it may make more sense to develop modifications to GB scallop access areas outside of a scallop specification action. One commented that the process should initiate an action as soon as possible to at least try to provide access earlier before more yield is foregone in those areas. The AP went back and forth about whether it made more sense to initiate a separate action to address this issue in isolation, or if it made more sense to incorporate it more holistically in the action that sets specifications for FY2016.

2. MOTION TO SUBSTITUTE: HANSEN/GUTOWSKI

Eliminate Option 1 and take consideration of new GB scallop access areas out of Scallop FW26. Leave Option 2 and 3 for further consideration.

Vote on motion to substitute: 11:0:0, motion passed unanimously

Vote: 11:0:0, motion passed unanimously

Discussion on the Motion:

The AP agreed that Option 1 presented by staff, which leaves consideration of modifying GB access areas in FW26 is not feasible. One commented that the PDT should not spend time working on many iterations of possible area closure scenarios until there is a better sense of where the EFH action is headed. Rather than specify a set time the AP discussed that the Council should agree to start a scallop action to address GB access areas at the same meeting final action is taken on the Habitat Omnibus Amendment. Another motion was developed to further clarify the intent of the AP related to the timelines for EFH and scallop actions.

3. MOTION: HANSEN/GUTOWSKI

Do not address GB scallop access areas in Scallop FW26 and as soon as the Council takes final action and selects final measures on EFH action the Council should initiate a new scallop action to consider potential modification to GB scallop access areas. This action should be standalone and not be tied to scallop specifications.

Vote: 11:0:0, motion passed unanimously

Discussion on the Motion:

The maker of the motion clarified the intent of the AP with this motion. The AP recommends the Council get an action going that would coincide with implementation of the EFH Amendment, but it should not slow down regular specifications for the scallop fishery. The AP was concerned however that the industry and Council at large should not stop thinking about these important issues. Recognizing that it may not make sense administratively for the Council to include this topic in an action until final action is taken on the EFH action, the industry present at the meeting wanted to communicate to the Council that industry should continue to work on this topic, either outside of the Council process on their own, or at least with the AP and possibly some PDT support. The AP passed a consensus statement to show their commitment to work on this issue between now and the final action on the Habitat Omnibus Amendment.

By consensus, between now and when the EFH action is final the industry plans to discuss options and hold stakeholder meetings to identify possible modifications to GB scallop access areas. The intent is to frontload and expedite this work so it is further developed before the Council initiates a formal action to address these measures.

After the AP discussed the timeline for FW26 and interaction with the Habitat Omnibus Amendment they discussed other measures to include in FW26 in the event that modification of GB access areas is no longer considered in the action. Through several motions the AP recommended that three additional issues be considered in FW26: reconcile turtle measures, AMs for northern windowpane flounder and revisit AMs for GB and SNE/MA YT flounder, and measures to address NGOM and state water fisheries.

4. MOTION: GUTOWSKI/LYBARGER

AP recommends FW26 also consider an alternative to make the turtle chain mat regulations consistent with the TDD boundary (71W) and modify the season to be May through November.

Vote: 11:0:0, motion passed unanimously

Discussion on the Motion:

The AP briefly discussed this issue and was supportive of the potential alternative suggested by GARFO to make the two turtle measures consistent; 71W as the boundary and a season of May-November.

5. MOTION: GUTOWSKI/MAXWELL

AP recommends that FW26 also consider alternatives to modify the existing area closure AMs in place for GB and SNE/MA YT, as well as develop new AMs for potential sub-ACL under consideration in GF FW53 for northern WP flounder. Alternatives would likely include reactive gear modification AMs (consistent with the AM approved for southern WP AM in FW25) and proactive AMs to limit the number of rings in the apron.

Vote: 11:0:0, motion passed unanimously

Discussion on the Motion:

In light of making measures more consistent, the AP next discussed that AMs should be more consistent, if feasible. For example, the gear modification AMs recently approved in Scallop FW25 for southern windowpane flounder would likely have similar beneficial impacts for YT. However, the AMs in place for YT are more complex area closures that vary by season, area, permit category, as well as gear type. The AP discussed that those area closures should be re-examined, because there may be other areas or seasons that gear modifications could be used to benefit YT even more. In general, the AP is more supportive of gear modification AMs over area closures due to more uncertain impacts and reduced flexibility for the industry.

6. MOTION: MARCHETTI/HATCH

AP recommends that FW26 also consider alternatives to allow LAGC Incidental Permits to be split from the other suites of permits.

Motion Withdrawn

Discussion on the Motion:

After this issue was raised it became clear that this is not consistent with how other permits are treated in the region, it could create state/federal issues, and is likely not frameworkable.

7. MOTION: HATCH/MARCHETTI

AP recommends FW26 also consider alternatives to address that if the federal NGOM hard TAC is caught and the fishery closes, vessels that have a federal NGOM or Incidental permit as well as a state scallop permit should be able to participate in state only fisheries.

For clarity, vessels with LAGC IFQ and LA permits would not be included. If the NGOM hard TAC is reached, they would not be able to fish within the NGOM after the TAC is reached (status quo).

Vote: 8:0:3, motion carried

Discussion on the Motion:

One AP member explained the current situation to the panel. If the federal NGOM hard TAC is reached, any vessels with a federal scallop permit is no longer allowed to fish for scallops in the NGOM area, including state waters. In Maine, the state water fishery is much larger than the federal fishery, and it is growing. Total catch from this winter state water fishery was over 400,000 pounds in 2013 (December – March). Therefore, if the 70,000 pound federal TAC is reached before the winter state fishery begins, and vessel with a federal scallop permit would not be able to fish in the state water fishery.

It was pointed out from the audience that there were several disincentives in Amendment 11 to reduce the number of vessels to get federal permits. For example, to fish with a NGOM permit VMS is required. This requirement may have been a disincentive for some vessels to bother to get a federal permit. In addition, the prohibition to fish in state waters once the TAC is reached may also have been a disincentive for some vessels that fish in state waters to take a federal scallop permit.

Ultimately, the AP voted to recommend including this issue in FW26 for consideration.

PRESENTATION: DEIRDRE BOELKE, NEFMC STAFF, SCALLOP PDT CHAIR

Staff gave a brief presentation on the Scallop RSA program, 2014 awards, and a summary of the priorities from last year as well as several PDT recommendations to refine the list for this year.

AGENDA ITEM #2: PROVIDE INPUT ON SCALLOP RSA PRIORITIES

The AP had a long discussion about potential modifications to the Scallop RSA priorities. Some concern was expressed that one of the awards in 2014 included a survey of the scallop resource within state waters. One AP member commented that surveying the GOM does not benefit the majority of the scallop fishery, so RSA funds should not be used for that purpose, especially within state waters. Another AP member argued that the RSA is a public resource, and it is the Council's responsibility to manage the NGOM under a TAC, thus more science is needed for this purpose.

8. MOTION: HANSEN/QUINN

Keep RSA Priority #4 as a high priority. Include suggestions from PDT in terms of defining the resource area and objective of the survey.

RSA PRIORITY #4. Broad, resource wide industry-based survey of scallops within Georges Bank and/or Mid-Atlantic resource areas. The primary objective of these surveys would be to provide an additional broadscale biomass indicie to improve the overall precision of the scallop biomass estimate produced from the model used by the Scallop Plan Development Team. If the data from these surveys are available by August of the prior fishing year these results can be used in the overall scallop biomass estimate to evaluate the current status of the stock.

Vote: 10:0:1, motion carried

One AP member argued that broadscale surveys should remain a high priority because currently there is a mixed or hybrid survey using different methods. He argued that a single, simple survey design would be more informative. Concerns were raised about models, and less trust in model results compared to more simple surveys. One AP member added that the more RSA funds used to do a broadscale survey the entire resource the less RSA available to investigate other important issues. General concerns were voiced about how it seems that each year the federal survey is covering less area with fewer tows, and the RSA program is being used more and more to fill in gaps not covered by the federal survey.

The Scallop AP discussed that the "survey method review" meeting is long overdue and should help the industry and NEFSC move forward in terms of identifying the best way to survey this resource. The AP went further to request the survey be done sooner before more RSA funds are used to fund future scallop surveys. In addition, the AP would like to know more about the details of the federal scallop survey. How is the survey design changing, are fewer resources being used, etc.?

By consensus the AP very supportive of the proposed independent scallop survey meeting and wants it to be held before the current scheduled date (March 2015). Ideally the review could be completed before RSA awards are made for FY2015 (assumed to be Spring 2015). In addition, the AP requests the Committee ask the Council to have NEFSC explain their scallop survey procedure and budget in more detail, and how it has changed over time.

The AP spent another two hours or so struggling with how to prioritize the overall items. The conversation bounced around from assessing where our knowledge is on bycatch, turtles, grey meats, study fleets, etc. A few AP members supported that the RSA program should be as general as possible to support research for all fisheries. On the other hand, another AP member commented that the RSA program was originally developed to support area rotation, and the current list of priorities is beyond the original scope of the program.

Ultimately the AP passed several motions to move some of the priorities higher or lower to better reflect current issues facing the fishery. Overall, they recommend surveys have the highest priority, including surveys of access areas, new candidate areas, and broadscale surveys. Bycatch projects should be second overall, and finally predation and scallop seeding and enhancement should have the third overall priority.

9. MOTION: GUTOWSKI/HANSEN

The overall RSA priorities listed under HIGH should be modified as follows:

- The top priority should include 1, 2 and 4 all as the highest priority – equal management relevance.
- The second priority should be #3 (bycatch projects).
- The third priority should be #12 (predation and seeding)

Vote: 10:0:0, motion carried unanimously (one AP member absent for vote)

10. MOTION: HATCH/MARCHETTI

All RSA funds be used to benefit all fisheries to the extent practicable.

Vote: 0:7:4, motion fails

11. MOTION: HANSEN/HATCH

Move Priority #7 (grey meats) as the highest priority under MEDIUM priorities.

Motion Withdrawn

12. MOTION: GUTOWSKI/ENOKSEN

Identify a handful of priorities as “medium” to have equal priority:

#6 (turtles), #7 (grey meats), #11 (EFH projects), and a new priority to seasonally monitor any large recruitment event (i.e. southeast of NL access area and south along 40 fathom curve to Hudson Canyon). Move the remaining priorities listed under “medium” that are not mentioned above to “other” (#5 (unsurveyed areas), #8 (ocean acidification etc.) and #9 (assessment priorities)).

Vote: 10:0:1, motion carries

PRESENTATIONS: DEIRDRE BOELKE AND DEMET HAKSEVER, NEFMC STAFF

Staff gave a brief presentation on the Draft LAGC IFQ Report. Ms. Boelke summarized the outline of the report as well as the performance indicators related to biological performance, monitoring and enforcement, as well as governance. Dr. Haksever reviewed the numerous economic indicators.

The AP had several questions and general comments. Overall several commented that the report has a ton of facts, but what is the goal the report is measuring against? There are no clear ways to measure the performance because specific goals have not been identified, i.e. number of active vessels, number of ports, etc. It was suggested that the AP may be the appropriate place to identify what the goal posts should be to measure performance in a future report. One AP member suggested that one way to measure biological performance may be catch per day. Total catch does not reflect the status of the resource in nearshore areas. There is a major difference in the performance of the fishery if it takes 4 hours to catch 600 pounds compared to 24 hours.

By consensus, AP recommends that a biological performance indicator be included to measure catch per day. This analysis should be included in this report if time permits, or the 5-year review.

One AP member commented on the compliance section of the report suggesting that compliance is likely very high because vessels with IFQ know what they have is valuable and they are nervous to risk anything. Several commented that a future report really needs to dig into more about debt vessel owners now carry from the additional costs of leasing and buying quota. One AP member explained that purchasing/leasing quota is a huge expense and adds a great deal of stress for a small business. In general, the AP did not identify any major surprises or errors in the information reported. No major concerns or issues identified. The AP did not have any specific input on the handful of PDT findings or conclusions identified in the report.

However, the discussion did evolve into a discussion about the management of the LAGC IFQ program overall and how it could potentially be improved. Two specific concerns were raised as “threats” to the IFQ fishery: bycatch AMs and localized depletion of inshore scallop areas.

13. MOTION: PARKER/KEESE

The current IFQ report does not address two potential threats to the vision of LAGC program. First, how groundfish bycatch is managed, and second, localized depletion of inshore areas. The AP recommends that these issues be discussed in more detail at a AP future meeting.

Vote: 8:0:2, motion carried

Discussion on the Motion:

The AP discussed this issue for a substantial amount of time. Since it did not appear that solutions were straight forward, and may involve significant development beyond what could be included in FW26, the AP discussed that it would be better to discuss these issues in more detail at a future meeting.

The Scallop AP meeting adjourned at approximately 6:30 p.m.