



New England Fishery Management Council

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MEETING SUMMARY

Scallop Advisory Panel Meeting

Hotel Providence, Providence, RI

March 29, 2017

The Scallop Advisory Panel met on March 29, 2017 in Providence, RI to: (1) provide input on 2017 work priorities, (2) offer direction for the development of management measures and PDT tasking, (3) receive an update on the 2017/2018 Scallop RSA award recommendations, begin discussing the 2018/2019 RSA priorities, and (4) to discuss other business as necessary.

MEETING ATTENDANCE: Jim Gutowski (AP Chair), Jonathon Peros (PDT Chair), Ron Enoksen, James Fletcher, Eric Hansen, Kirk Larson, Mike Marchetti, Robert Maxwell, Paul Parker, Charles M. Quinn, Jr., Ed Welch, Peter Benya, Michael Bomster, Brent Fulcher, Ed Mullis, Kristan Porter, and Tom Reilly. Mary Beth Tooley, Chair of the Scallop Committee, was present in the audience. There were approximately 25 members of the public in attendance.

SUPPORTING DOCUMENTATION: Discussions were aided by the following documents and presentations: 1) Staff presentation; 2) Meeting Memo from the Scallop Committee Chair, Mary Beth Tooley; 3) 2017 Priorities for the Scallop FMP; 4a) Northern Gulf of Maine (NGOM) discussion document; 4b) Update on the 2017 NGOM fishery; 5a) Scallop fishery flatfish sub-ACLs and AM discussion document; 6) Outlook and plans for follow-up to the scallop survey peer-review; 7) Background on potential modifications to access areas in future scallop action; 8) 2017/2018 Scallop RSA Award Announcement, including RSA-funded survey coverage maps; 9) March 1, 2017 Scallop PDT meeting summary; 10) March 21, 2017 Scallop PDT meeting summary; 11) Correspondence

KEY OUTCOMES:

- The Scallop Advisory Panel recommends that the priority of gear modifications to protect small scallops be removed from the priority list in 2017.
- The Scallop Advisory Panel recommends that a portion of the Northern Gulf of Maine Management area be surveyed in 2017.
- The Scallop Advisory Panel considered several changes to the management of the Northern Gulf of Maine through multiple motions.

The meeting began at 9:37 am with introductions of both AP members and members of the audience. Council staff presented an outline and approximate schedule for the 2017 work priorities. The work priorities for 2017 include: 1) development of a specifications package for FY2018; 2) modifying flatfish accountability measures (AM), including the development of an AM for Northern windowpane (regulatory requirement); 3) complete the 5-year LAGC IFQ review and submit final report to the Council in June 2017; 4) modify the current boundaries of access areas to be consistent with OHA2; 5) address Northern Gulf of Maine management measure changes; 6) integrate findings from Sea Scallop Survey Methods Peer Review; and 7) develop gear modifications to protect small scallops.

Staff reminded members of the AP that the 2018 fishing year will start April 1st.

Motion 1: Hansen/Bomster

The AP recommends that the priority of gear modifications to protect small scallops be removed from the priority list in 2017.

Rationale: There is not currently enough information on this priority to proceed this year. Removing this from the priority list would not preclude this from being a priority in future years. The motion carried on a show of hands: 15-0-0

Discussion: The AP briefly discussed the 2017 work priority “develop gear modifications to protect small scallops”. The AP raised questions as to whether or not findings from an on-going RSA gear modification project were substantial enough to support an industry-wide gear modification. Council staff and a representative of Coonamessett Farm Foundation explained that potential gear modifications, which would reduce the catch of small scallops but not reduce catch of harvestable sized scallops, are still being tested in the field. It was noted that there is currently not enough data to impose a gear modification as a regulatory management measure to protect small scallops. The AP agreed that even though there is currently not enough data to address this priority, it will be an important work item to address when the necessary data becomes available in the future.

Northern Gulf of Maine Management

Council staff guided AP discussion to the next work item for 2017: “address Northern Gulf of Maine management measure changes.” Staff presented relevant background information on the NGOM program, including its development through Amendment 11, how the area is currently managed, and fishery data which detailed vessel activity and landings by permit category from FY2008-FY2017 (Table 1). It was noted that because the NGOM management area closed shortly before the meeting (March 23, 2017), all fishery data for FY2017 presented to the AP were preliminary and would be updated as more information became available.

Table 1. Overview of NGOM landings by permit category from FY2009-FY2017 (source: GARFO).

FY	Landings by Permit Category			Total NGOM Landings	NGOM closure date, (days open)	LAGC TAC
	GC IFQ	GC NGOM	LA*			
2009	0	5,793	0	5,793	n/a, (entire FY year)	70,000
2010	4,762	3,877	0	8,639	n/a, (entire FY year)	70,000
2011	6,092	816	0	6,908	n/a, (entire FY year)	70,000
2012	894	6,546	0	7,440	n/a, (entire FY year)	70,000
2013	8,907	46,543	0	55,450	n/a, (entire FY year)	70,000
2014	11,521	46,321	0	57,842	n/a, (entire FY year)	70,000
2015	26,395	46,151	0	72,546	n/a, (entire FY year)	70,000
2016	26,484	62,599	*292,517	381,600	May 13, (74 days)	70,000
2017	***44,557 ****(51,800 max)		**999,272	1,043,829	March 23, (23 days)	73,371
*Estimated landings value based on VTR reports **Estimated landings value based on VMS daily catch reports (LA) ***Estimated landings value based on VMS pre-landings reports (LAGC) ****Estimated landings value based on number of completed trips by LAGC.						

AP discussed different aspects of the NGOM program, including the rationale for the NGOM’s southern boundary and the management area’s overlap with Maine’s state waters scallop fishery. The Scallop Committee’s rationale for 42° 20’ as a southern boundary was “to recognize that this opportunity should be for vessels that fished under general category from other states in Northern new England, not just Maine...the larger the area is the faster the TAC may be reached because it would be potentially more attractive for more vessels to participate and would include fishing grounds with more abundant scallop grounds (i.e. east of Cape Ann).” (Scallop Committee, March 20, 2007) It was clarified that dually permitted vessels (with both LAGC NGOM and Maine state permits) can fish the state water portion of the NGOM after the federal fishery is closed under the State Waters Scallop Exemption Program. Maine had recently requested this exemption be extended for vessels with both LAGC IFQ and Maine state waters scallop permits. A member of the AP noted that under current management, Maine’s state scallop fishery will be closed before the NGOM is open (April 1st). A representative from the Commonwealth of Massachusetts noted that the Division of Marine Fisheries had requested to be part of the State Waters Scallop Exemption Program and that the application was currently under review.

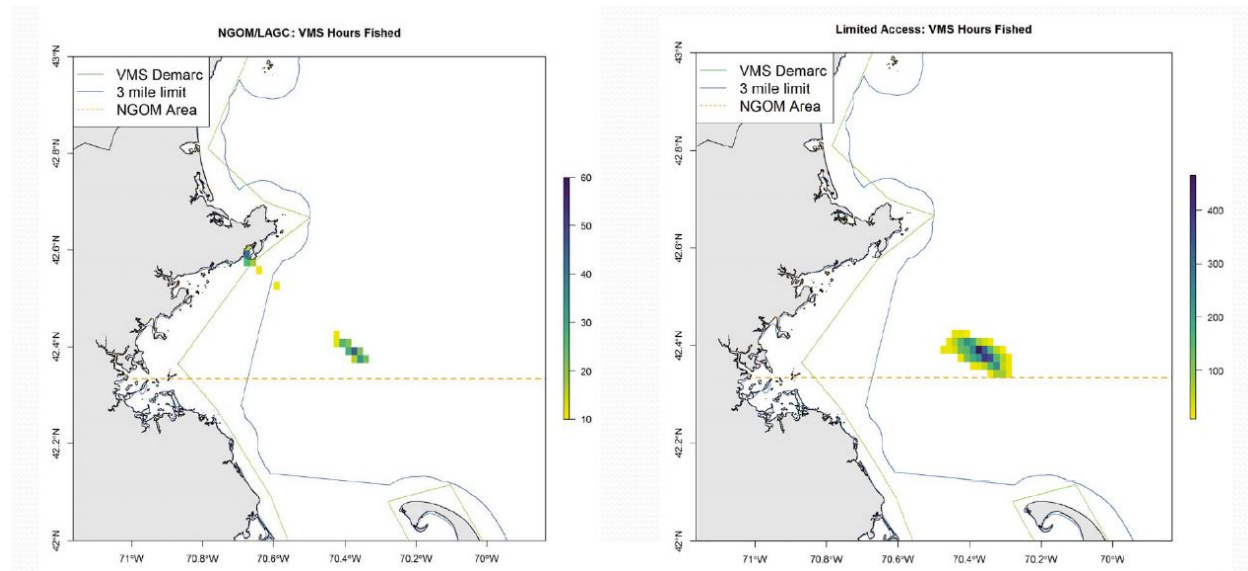
Discussion then shifted to the mechanisms in place which monitor and enforce state and federal scallop landings from the NGOM and surrounding state waters, noting that vessels with only state permits are not required to have VMS. All federally permitted scallop vessels must have

VMS and are monitored when fishing in both federal and state waters. NOAA does not actively track landings from state fisheries; however, it does monitor annual landings.

The federal stock assessment focuses on Georges Bank and the Mid-Atlantic, and the Gulf of Maine is not part of the overall stock assessment. The removals from the Gulf of Maine (NGOM management area and state waters) are accounted for when setting the OFL. AP discussion continued to how the NGOM TAC is set and how the NGOM fits into the ACL flowchart. Staff described that there is currently not enough survey data available to incorporate the NGOM into the ACL flowchart. If the NGOM were to be incorporated in the ACL flowchart, the first step would be to identify a process which includes an annual survey of this area.

Maine Division of Marine Resources and University of Maine conducted a dredge survey in the NGOM in 2016. Findings from this survey showed that overall scallop biomass had increased since 2012 (last time the area was surveyed), and that the majority of the biomass was located in the southern portion of the management area. Maine DMR/UMaine findings correlated closely with where LAGC and LA vessels directed fishing effort within the NGOM in FY2016 and FY2017 (Figure 1).

Figure 1. Location of fishing effort in the NGOM by LAGC and LA vessels in FY2017.



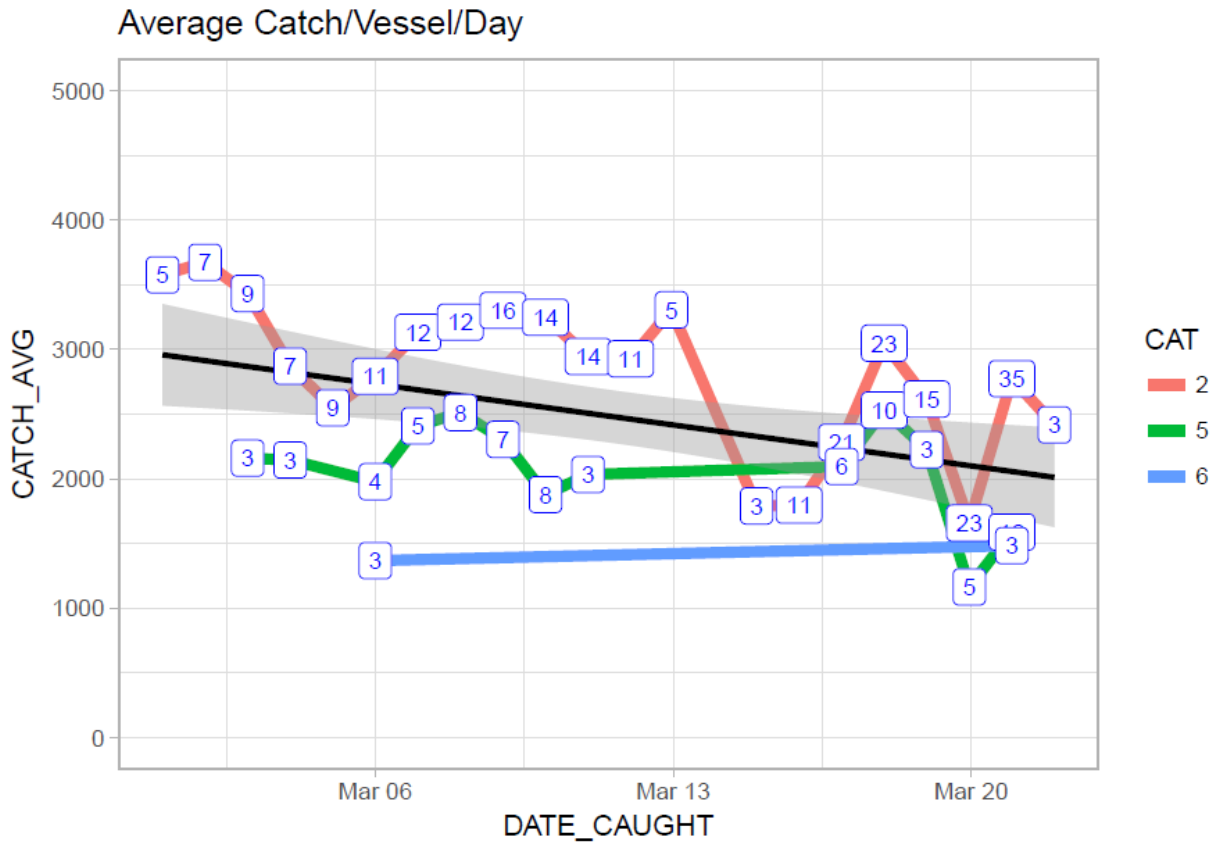
Of the total 67 LA vessels active in the NGOM in FY2017, 49 were LA full time, 15 were LA full time small dredge (10.5'), and 3 were LA part time small dredge (10.5'). Of the total 38 LAGC vessels active in the NGOM in FY2017, 28 were LAGC NGOM and 10 were LAGC IFQ.

The AP discussed daily catch reports of LA vessels fishing under DAS in the NGOM in FY2017 (Figure 2). It was noted that fluctuation in daily catch was potentially due to vessels being in transit or reflective of poor weather conditions which forced many vessels to seek shelter. The AP agreed that, based on industry reports, daily catch remained steady for the duration of time the NGOM was open.

Staff noted that the PDT is seeking direction from the AP/Committee on the development of NGOM management measures, and asked the AP to consider the following PDT points/recommendations:

1. The approach used to set the NGOM TAC for FY2017 did not control total landings from the area as expected. Total removals from the NGOM in FY2017 exceeded the anticipated landings.
2. The PDT recommends that a 2018/2019 RSA priority should be to survey the NGOM area, with particular emphasis on the southern portion NGOM management area.
3. The PDT recommends that the southern portion of the NGOM management be surveyed in 2017.

Figure 2. Average daily catch of LA vessels fishing in the NGOM in FY2017. Estimates are based on daily catch reports of LA full time (2), LA full time small dredge (5), and LA part time small dredge (6) vessels. (source: GARFO).



Motion 2: Hansen/Mullis

The AP moves that the Committee consider pursuing the following recommendations with regard to the Northern Gulf of Maine Management Area:

1. The current NGOM area must be surveyed.
2. The NGOM remains closed to all scallop fishing until a survey is completed.
3. The NGOM shall be modified by moving its southern boundary north to 43° 05'N.
4. All vessels fishing for scallops in state or federal waters shall have a vessel tracking system.
5. The Council shall issue a control date, with intent of freezing the footprint on NGOM permits and not allowing any future upgrades of incidental catch permits.
6. Any allocation of scallops in the NGOM shall be based upon historical catch and resource abundance.
7. There shall be an RSA set aside from the NGOM TAC of 1 % that will be included in overall RSA funding.

Rationale:

1. The PDT recommended a survey of the southern portion of the area in 2017.
2. The TAC for the area should be based on survey information.
3. 43° 05' is the Maine state line.
4. Scallops are a federally managed stock, and all vessels harvesting them should be monitored.
5. Control date would address the movement between the NGOM and Incidental permit categories.
6. An allocation approach would be consistent with use of catch history in determining access.
7. Related to the PDT recommendation to survey the area, a funding source is needed to support a survey of the area.

The intent is to have as many items be addressed in a FW as possible.

Discussion: Members of the AP were curious about which items of Motion 2 would trigger a Framework Adjustment as opposed to an Amendment. GARFO staff described that each individual item of Motion 2 could probably be done in a Framework; however, the Motion in its entirety would more likely trigger an Amendment.

A member of the AP urged that future management measures should address how the NGOM has become a 'derby' style fishery. This member noted that excluding the LAGC fleet from this fishery by shifting the boundary north is not a solution to the problem at hand. Further, he believed excluding LA vessels from fishing in the NGOM while allowing LAGC vessels to fish until management measures are put in place would be beneficial, because it would put pressure on the timeline of an Amendment and ensure that the NGOM remains a high priority.

Another member of the AP did not support the motion, noting that closing the NGOM indefinitely until management measures are in place and moving the southern boundary of the

management area further north was punitive to the small boat LAGC fleet. He agreed that surveying this area will be important and that the NGOM should remain closed until a survey has been conducted.

Several members of the public vocalized strong disagreement with Motion 2, most notably with #3 (“the NGOM shall be modified by moving its southern boundary north to 43° 05’N”). Public commenters believed that shifting the boundary north was not an appropriate action to take and that it would only serve to exclude fishery participants who have waited for the NGOM scallop resource to rebound. Additionally, public commenters noted that ME vessels are not the only participants in the NGOM fishery; modifying the southern boundary to only include ME waters would also exclude active participants from MA and NH.

A member of the AP stated that management is dictated by the Magnuson-Stevens Act. He further remarked that this needs to be kept in mind as management measures are being formed for the NGOM, noting the closure of this area in FY2017 may have left many harvestable scallops unfished.

Another member of the AP believed that several items of Motion 2 would be controversial and require an Amendment.

Motion to split (3): Parker/Porter

Move to split out #3 and #6 from the above motion.

The motion to split failed for lack of majority – 6/6/2.

The main motion carried on a show of hands – 10/2/2.

Discussion: A member of the public expressed concern in Motion 2 #2 (“the NGOM remains closed to all scallop fishing until a survey is completed”); as a LA part time small dredge (10.5’) vessel out of Boston, MA, he fishes at the same capacity of many LAGC vessels, but is considered part of the ‘big boat’ fleet. He further explained that his long-term reliance on scallop grounds of Stellwagen Bank would be threatened if the NGOM was closed indefinitely, as a portion of Stellwagen falls within the management area.

Members of the AP and public agreed that surveying the area would be an important first step in addressing management measures for the NGOM. Staff stated that there is currently no federal survey planned for the southern portion of the management area, but that the AP could recommend this area be surveyed moving forward.

Motion 4: Porter/Marchetti

The AP recommends that the Committee consider developing measures that would prohibit LA vessels from the NGOM management area. The area would remain open to the LAGC NGOM and IFQ vessels at a historic 70,000 TAC, until allocation issues can be addressed in the NGOM management area.

Rationale: The intent is to control exploitation in the NGOM area until other measures can be put in place using the historic TAC. The current set of regulations do not control for removals in the NGOM management area. The only way the area closes is if one group catches a TAC.

The motion failed on a show of hands - 2/7/5.

Discussion: An AP member felt that Motion 2 did not sufficiently address the problem at hand, suggesting that the proper solution would address allocation and likely require an Amendment. Further discussion pointed to how existing management of the NGOM had typically deterred intense effort in the NGOM management area and kept removals to a conservative level; now that the situation had changed, controlling removals from the management area (by prohibiting LA vessels from fishing the area) should be addressed to preserve the resource.

Another member of the AP strongly disagreed with Motion 4, citing that LA vessels have a right to fish in federal waters (including the Northern Gulf of Maine). Another AP member raised the concern that this motion still does not address the issue of the NGOM being a 'derby' fishery, and that prohibiting access to varying permit categories is not the correct approach in achieving a collective goal via an Amendment. Additionally, it was suggested that even if LA vessels were prohibited from fishing the area, a derby fishery would still exist amongst the LAGC fleet.

Members of the AP and public in support of Motion 4 explained that LAGC vessels do not expect to have sole access to the NGOM resource; however, they felt that closing the area until management measures were in place via an Amendment would be unfair to the LAGC operators who have waited so long for the resource to rebound. Other members of the public in support of Motion 4 noted that the Gulf of Maine is a unique area (different than Georges Bank and the Mid-Atlantic), and cannot be managed the same as Georges Bank and the Mid-Atlantic.

Flatfish Accountability Measures

Staff presented background information and work to date on the current flatfish accountability measures in place for the scallop fishery (gear modification for SNE/MA windowpane, time-area closures for Georges Bank and SNE/MA yellowtail). Staff reminded the AP that the development of an AM for Northern windowpane flounder is a regulatory requirement for 2017. In 2017, the scallop fishery is projected to exceed sub-ACLs for both Northern Windowpane and Georges Bank yellowtail flounder (Table 2).

Table 2. Allocated flatfish sub-ACLs and projected catch estimates for the LA component for FY2017.

	GB YT	SNE/MA YT	So. Windowpane	N. Windowpane
2017 ACL	201 mt	256 mt	599 mt	172 mt
sub-ACL	32 mt	34 mt	209 mt	38 mt
Projected catch estimates	63.21 mt	10.66	77.85	103.33
% of 2017 sub-ACL	198%	31%	37%	272%

Additionally, the AP was reminded of the Council motion from June 2016, which “recommend making all flatfish bycatch accountability measures consistent to the extent feasible with gear modification accountability measures for southern windowpane flounder”.

To date, the PDT had taken the following methods to initial development of an AM for NWP:

- Reviewed flatfish bycatch data from observer records and CFF’s seasonal bycatch survey on GB.
- Reviewed scallop landings from GB and Great South Channel by year and month
- Initiate the use of observer data to examine the season catch of NWP and yellowtail as a function of depth.

Findings from the CFF seasonal bycatch survey suggested that peaks in bycatch of GB yellowtail and NWP did not align; NWP bycatch seemed highest between January and April in CA II South. Based on analysis performed (and discussed) by the PDT, the PDT recommends the following approaches be considered for development of a NWP AM:

1. Consider recommending variations of gear modifications and time-area closures, including a ‘multi-year average’ approach, or identifying finer-scale closures within a management unit (i.e. bycatch ‘hotspot’ zones in CA II).
2. Based on where the majority of NWP bycatch occurs by LA component, consider focusing an AM in statistical reporting areas 522, 525, 561, and 562.
3. Since NWP catch peaks in CA II from January to April, consider delaying the opening of CA II to reduce bycatch and potentially optimize meat yields.

Following a brief discussion of PDT recommendations, the AP put forth the following statements to bring to the Committee:

By consensus (5) – The AP supports the consideration of using a multi-year average when determining the triggering of an AM (in light of spatial management of scallop fishery).

By consensus (6) – The AP recommends that flatfish AMs be developed consistent with the Council’s June 2016 motion. (i.e. gear modifications of 5-row apron).

Update on other 2017 Priorities

Post-OHA2 Access

The timing of a final rule of Omnibus Habitat Amendment 2 is currently uncertain, but could potentially happen in Fall of 2017. Granting access to areas that may open via OHA2 will be a two-step process:

1. Define the area for access (ex: modify access area).
2. Allocate to the area (based on survey data).

Staff noted that if this was the case, modifying access areas in addition to the development of specifications for FY2018 could add complexity to the process; it was suggested that proactively identifying candidate areas (like CA I in FW28) for modification may help streamline the overall process in the Fall.

Scallop Survey Peer Review Follow-up

Several issues flagged during the Scallop Survey Methods Peer Review arose during last year's process in regard to survey results and biomass estimates. Staff informed the AP that a PDT sub-group (Drs. Cate O'Keefe, Dave Rudders, Bill DuPaul, and Dvora Hart) had been created to address the following issues:

1. Explore ways to combine survey estimates, including situations where there may be a large divergence in estimates.
2. Explore dredge efficiency in high density areas.
3. Explore the likely under-estimation of biomass variance estimates from HabCam surveys.

2017/2018 RSA Awards

Staff updated the AP on the March 17, 2017 announcement of 2017/2018 RSA awards. 17 projects were recommended for funding with over 30 researchers from 15 organizations. Awarded surveys include VIMS dredge survey, S Mast drop camera survey, and two HabCam surveys (WHOI/CFF). Findings from RSA awarded projects will be presented at the upcoming RSA Share Day (May 4th, 2017) in Boston, MA. Staff urged the AP to begin thinking about next year's RSA priorities for upcoming meetings in May/June.

Other Business

A member of the AP stated that the current method of transferring permits between vessels was unnecessarily complex and arduous, and asked if the process could be streamlined in the future. A representative of GARFO described why the current process is in place and informed the AP that an action is currently under development which will address permit transferring issues.

A member of the public inquired as to where funding will come from for the potential survey of the NGOM discussed earlier in the meeting. Staff clarified that no determination had been made yet, but that NEFSC was exploring various avenues to survey the area.