



New England Fishery Management Council

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MEETING SUMMARY

Scallop Committee Meeting

Hotel Providence, Providence, RI

March 30, 2017

The Scallop Committee met on March 30th, 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: Mary Beth Tooley (Chair), Jonathon Peros (PDT Chair), John Quinn (Council Chair), Mark Alexander, John Pappalardo, Melanie Griffin, Cheri Patterson, Peter Kendall, Terry Stockwell, Peter Christopher, Peter Hughes, and Roger Mann.

Jim Gutowski, Chair of the Scallop AP, and Tom Nies, Executive Director of the Council, were present in the audience. There were approximately 30 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 Committee recommends that the priority of gear modifications to protect small scallops be removed from the priority list in 2017.
- The Scallop Committee developed a problem statement for Northern Gulf of Maine management.
- The Scallop Committee recommends that a portion of the Northern Gulf of Maine Management area be surveyed in 2017.
- The Scallop Committee recommends that the Council initiate FW29 and develop measures for the Northern Gulf of Maine. The Committee discussed initiating an

amendment to further address Northern Gulf of Maine management measures during this year's priorities discussion.

The meeting began at 9:36 am. Mary Beth Tooley welcomed members of the Committee and public to their first meeting of 2017. Following introductions, Council staff proceeded with a presentation of 2017 work items and a work plan for the year. 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.

There were no questions from the Committee or public regarding 2017 work priorities or timing for the PDT workload.

Northern Gulf of Maine Management

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 described vessel activity and landings by permit category from FY2009-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 Committee were preliminary and would be updated as more information became available.

Staff noted 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's state scallop fishery is seasonal, open during the winter months and closed by the end of March. Staff clarified that the boundary of the NGOM management area is not representative of a stock boundary; originally, the boundary was set to increase participation in the fishery by including a larger area with more abundant scallop grounds. There is no federal survey in the NGOM nor immediately south of the NGOM in Cape Cod Bay.

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. | | | | | | |

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. Staff noted that the biomass estimate from this survey is a sound reference point; however, uncertainty does surround this estimate. Additional surveying of this area will be important in gaining a better understanding of scallop biomass across the entire area in question.

Daily catch reports from the LA component fishing in the NGOM in FY2017 were presented (Figure 2); daily catch varied from day to day, but on average was between 2,000-3,000 lbs. It was noted that attributing landings from the NGOM to LA vessels is difficult because they are fishing under days at sea management, and do not declare trips into the management area. A member of the Committee suggested that fishing effort was commonly directed just south of the management area (southwest corner of Stellwagen Bank), and requested that VMS analysis for LA vessels (as seen in Figure 1) be extended to incorporate this.

Members of the Committee were concerned that the VMS information presented did not tell the full story of NGOM fishing activity due to confidentiality issues. It was suggested that the PDT aggregate several years of VMS data so that the Committee can better understand fishing activity in the area.

Since FY2008, the number of active LAGC NGOM/IFQ permitted vessels fishing within the management area had increased each year, most notably in FY2016 and FY2017. 16% of vessels actively fishing in the management area in 2016 were participating in the fishery for the first time.

Staff noted that the PDT is seeking direction from the Committee on the development of NGOM management measures, and asked the group to consider the following 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 1. 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).

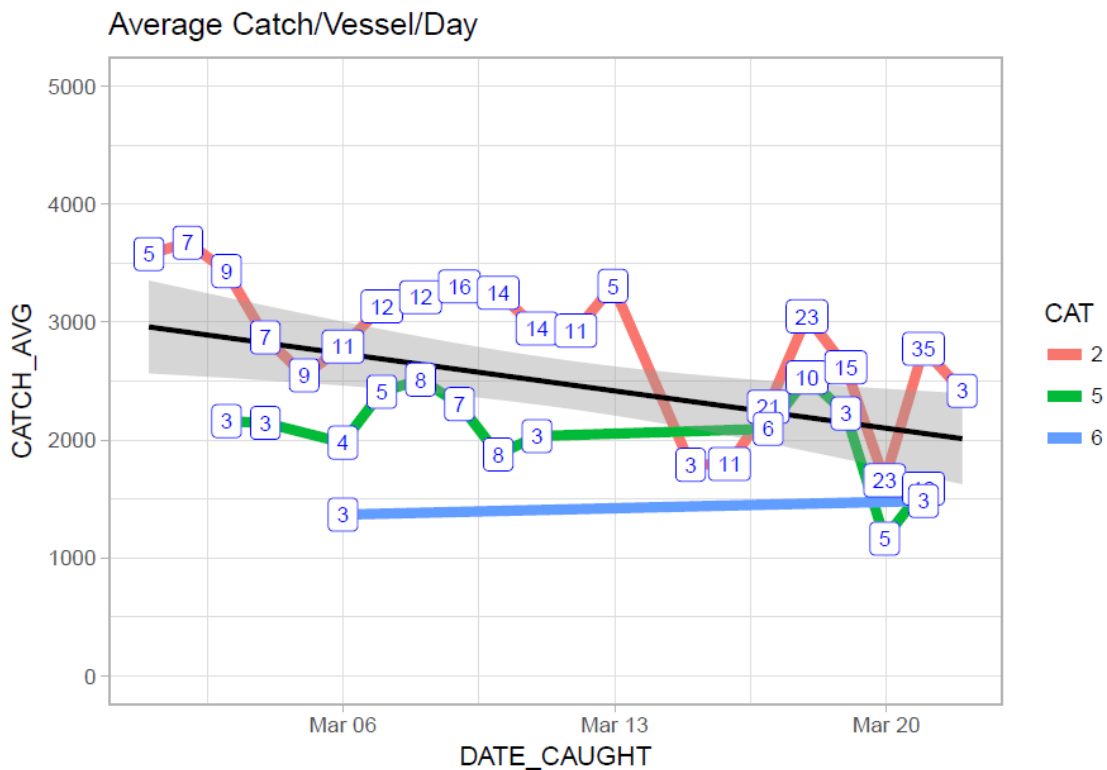
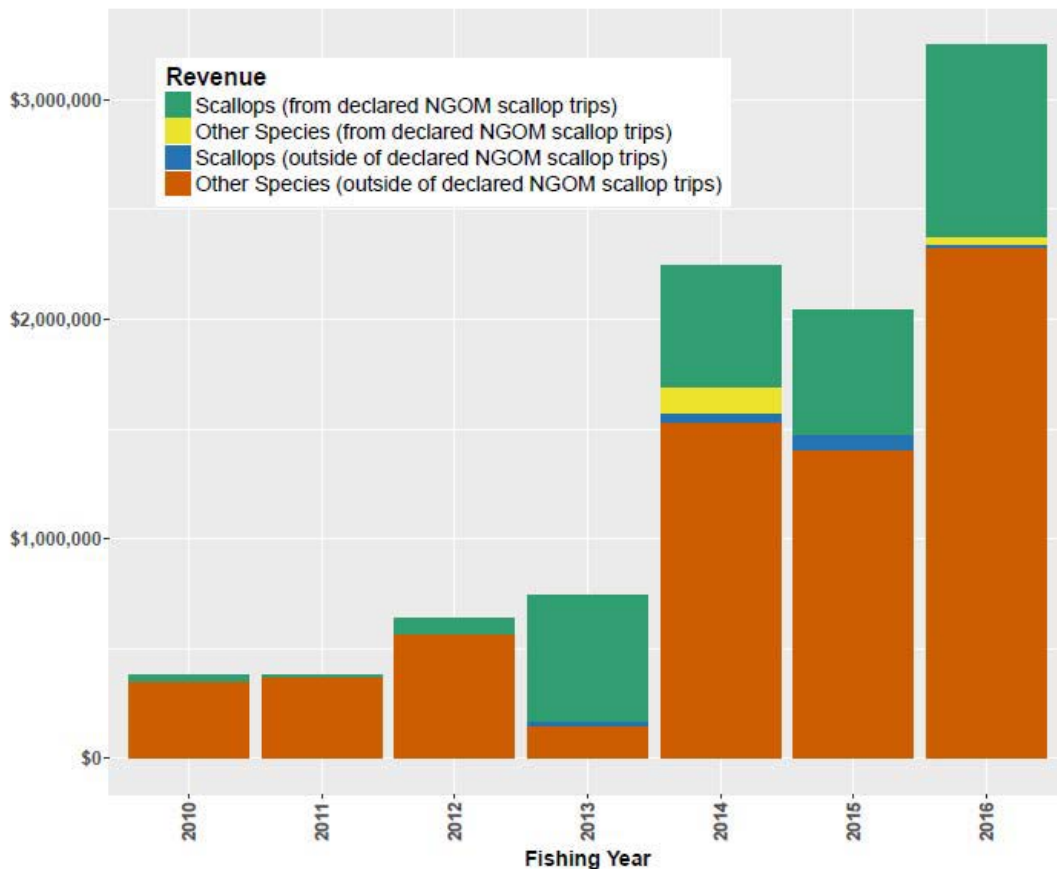


Figure 3 describes the value of NGOM scallops relative to revenue from other species landed and trips taken outside of NGOM scallop trips for vessels that had at least one declared scallop trip in the NGOM that year. Total revenue increased each year as more vessels actively fished for scallops in the management area; overall, years with the most active vessels (FY2014-

FY2016) showed scallop revenue to be roughly less than 1/3rd of total vessel revenue for the year. Committee members noted that a similar comparison showing LA revenue from the NGOM vs. LA revenue from outside the NGOM would be helpful. A Committee member noted that revenue of ‘other species’ was likely under estimated because state lobster landings were not included in analysis. Another member noted that seemingly small scallop revenue vs. revenue from other species in FY2016 could be attributed to the management area being shut down after 74 days which forced vessels to fish for other species.

Figure 2. Revenue of NGOM scallops relative to revenue from other species. Data only displays LAGC NGOM vessels with at least one declared NGOM scallop trip that year.



Jim Gutowski (AP Chair) briefly summarized AP discussion and motions regarding the NGOM from the AP meeting the day before:

- Discussion involved AP members from all permit types and categories with a range of support for and against the motions.
- AP members agreed that no fishermen want fishermen off the water; the AP is committed to solving this issue properly.
- Some members agreed that catch could be allocated to the area after surveying efforts had been complete, based on survey findings and historic landings, which would allow

stakeholders from all permit categories to prosecute a fishery in this region and avoid creating a derby fishery.

- It was acknowledged that some of the AP motions would trigger a Framework, while others may trigger an Amendment.

Motion 1: Stockwell/Patterson

Move to recommend that the Council initiate FW29 to develop measures for the NGOM scallop management area. Recent high landings and unknown biomass in the area underscore the critical need to develop additional tools to better manage the NGOM in order to fully understand total removals from the management area. The FW would consider limiting vessels from fishing in the NGOM management until surveys more accurately determine biomass in the area and management measures are developed to ensure sustainable harvest for all permit categories. The Council will consider prioritizing an Amendment to develop sustainable harvest strategies, permit allocations, permit access, a NGOM RSA and associated trip level reporting.

The motion carried on a show of hands. 10/0/0

Rationale: The proposed FW is the first step in a two part process to address the many issues raised by the Council and public concerning management measures in the NGOM scallop area which have been underscored by recent high landings by LA permit vessels in this area. Current measures for the LAGC components, including the 200# daily trip limit and dredge size regulations would remain in place. This FW would consider limiting removals from the area, and an Amendment, as prioritized by the Council would consider modifying NGOM management measures initially developed in A11. While this approach considers a temporary prohibition of LAGC and LA permits from fishing in the NGOM, it would not preclude future access at a time when biomass in the area has been scientifically determined to allow for increased effort, and effort controls and accountability measures for all permit categories have been fully developed. This action may not be a perfect action but a band aid to be in place for FY 2018. This action should also include the 2018 TAC so that the PDT, Committee and Council does not have allocate any further time/effort on this area so that the other scallop priorities can be accomplished in 2017.

Discussion: Initial discussion highlighted how the workload of the PDT would shift if tasked with a sole purpose Framework to address NGOM management measures. In the scenario of a sole purpose Framework, staff confirmed that there would be a significant delay in addressing the other 2017 work priorities, including two work priorities which are regulatory requirements (i.e. development of a specifications package and northern windowpane accountability measure). A member of the Committee voiced concern that diverting the PDT workload away from developing a specifications package could prove problematic, even if the 2018 fishing year does not begin until April 1st. The maker of the motion affirmed that there was no intent to slow down the overall process; if done right, the proposed workload could be done before specifications are normally addressed.

Public comments: Several members of the public voiced support for and against Motion 1. Some commenters did not see merit in prohibiting only LA vessels from fishing in the NGOM, noting that management controls are in place on LA vessels while fishing under open area days-at-sea. Other commenters in support of the motion believed that the NGOM resource is not highly valuable to the LA component because they could fish elsewhere, further stating that the NGOM resource is extraordinarily valuable to LAGC NGOM vessels which are restricted to fishing only within the NGOM management area. Another member of the public strongly disagreed with Motion 1; as a LA part-time small dredge (10.5') vessel out of Boston, MA, they fish at the same capacity of many 'small boat' LAGC vessels, but is considered part of the 'big boat' fleet. They further explained that their long-term reliance on scallop grounds of Stellwagen Bank would be threatened if LA vessels were prohibited from fishing within the NGOM. Other commenters believed the NGOM should be closed to all fishing, regardless of permit type, until an effective management plan is in place.

A member of the Committee supported parts of Motion 1; however, he believed that excluding one access group over another from fishing in the management area was not the proper solution. Overall, the Committee agreed that a solution must be equitable to all components of the fishery and not exclude one user group over another. The Committee perfected the motion based on their discussion.

Motion 2: Hughes/Stockwell

Move that the Committee recommends that the Council consider establishing a control date, with intent of freezing the footprint on NGOM permits by not allowing any future upgrades of incidental catch permits.

Rationale: Control date would address the movement between the NGOM and Incidental permit categories.

The motion carried on a show of hands. 9/0/1

Discussion: A member of the Committee raised concern that freezing the current footprint of NGOM participants would exclude permit holders who may not have actively fished in the NGOM because they were not in close proximity to abundant fishing grounds. The Committee and several members of the public clarified that a control date does not have legal implications, it merely acts as a notification from the Council that future restriction may occur. It was further noted that control dates are almost always finalized in an Amendment.

Motion 3: Stockwell/Kendall

Northern Gulf of Maine Problem statement/goal:

Recent high landings and unknown biomass in the NGOM scallop management area underscore the critical need to initiate surveys and develop additional tools to better

manage the area and fully understand the total removals. The surveys and new measures are necessary to: re-align effort and biomass to avoid localized depletion, reduce ecological impacts of biomass removal by fishing activity and avoid derby fisheries.

Rationale: The intent is that this problem statement would apply to the two-step process outlined in Motion 1.

Several committee members felt that it was not appropriate to use the term ‘localized depletion’ in Motion 3, as this term describes the fundamental nature of scallop access area management and how the fishery operates as a whole. Staff suggested that it would likely take a two-step process (immediate Framework followed by an Amendment) to address everything in Motion 3. Several members of the Committee believed that revising Motion 3 would address the immediate issue at hand without adding more complexity to implementation of a Framework in time for the 2018 fishing year.

Motion to amend (4): Quinn/Hughes

Northern Gulf of Maine Problem statement/goal:

Recent high landings and unknown biomass in the NGOM scallop management area underscore the critical need to initiate surveys and develop additional tools to better manage the area and fully understand the total removals.

The motion to amend carried on a show of hands. 8/2/0

The main motion as amended carried on a show of hands. 10/0/0

Motion 5: Griffin/Patterson

The Committee Requests that the Council send a letter to the NEFSC explore inclusion of the southern portion of the NGOM scallop management area where scallop fishing effort has been concentrated in FY2016 and FY2017 (e.g. off Cape Ann and northeastern section of Stellwagen Bank) in upcoming 2017 scallop surveys.

Rationale: Survey of the area would not be limited to the NEFSC, it could be done through the RSA.

The motion carried on a show of hands. 10/0/0

Discussion: The Committee was in overall agreement that the southern portion of the NGOM management area should be surveyed in order to better inform management decisions in the future.

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 Committee 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 Committee 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 Northern windowpane flounder:

- 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 Northern windowpane flounder and yellowtail as a function of depth.

Findings from the CFF seasonal bycatch survey suggested that peaks in bycatch of GB yellowtail and Northern windowpane flounder did not align; Northern windowpane flounder 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 Northern windowpane flounder 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 Northern windowpane flounder bycatch occurs by LA component, consider focusing an AM in statistical reporting areas 522, 525, 561, and 562.

3. Since Northern windowpane flounder catch peaks in CA II from January to April, consider delaying the opening of CA II to reduce bycatch and potentially optimize meat yields.

Motion 6: Hughes/Mann

The Committee tasks the PDT to develop flatfish AM measures consistent with the Council's June 2016 motion (i.e. gear modifications of 5-row apron). The PDT will consider options for using a multi-year average when determining the triggering of an AM (in light of spatial management of scallop fishery).

Rationale: The intent is not to only look at GRAs, the PDT may also consider time/area closures.

The motion carried on a show of hands. 9/0/0

Discussion: The Committee briefly discussed the PDT's work to date on development of flatfish AMs. A Committee member suggested that the PDT investigate the CVs associated with catch accounting for flatfish sub-ACLs, noting that this information may be constructive for the Council to know when discussing this work item in the near future. Further discussion clarified that a gear-modification would be a preferred AM for Northern windowpane flounder, but that the PDT should consider all options based on the information available. There were no questions or comments from the public.

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 subgroup (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.

Gear Modifications to Protect Small Scallops

Staff updated the Committee on progress made on the 2017 work item "develop gear modifications to protect small scallops"; at the present time, there was not sufficient data available from on-going gear modification RSA projects to support this priority. The AP had recommended removing this work priority from the list for 2017; however, this does not preclude this item from being addressed in the future when the suitable information does become available.

Motion 7: Pappalardo/Kendall

The Committee supports Motion 1 from the AP and Consensus Statement 7 from the Scallop Advisory Panel.

AP Motion 1: 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.

AP Consensus Statement 7: The AP recommends the continued development of CA I AA configuration from FW28 for post-OHA2 area modifications.

The motion carried on a show of hands. 9/0/0

Discussion: There was no discussion or questions on Motion 7 from the Committee or members of the public.

2017/2018 RSA Awards

Staff updated the Committee 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, SMAST 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 Committee to begin thinking about next year's RSA priorities for upcoming meetings in May/June.

A member of the Committee suggested that if there was a surplus in RSA funding from the 2017/2018 awarded projects, that 'left-over' funding could be put towards surveying the southern portion of the NGOM. Staff explained that this scenario was being explored within the Cooperative Research Program and that the Committee, Advisory Panel, and Council would be notified on the process as more information becomes available.

Other Business

No other business was discussed.