



New England Fishery Management Council

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

John F. Quinn, J.D., Ph. D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY **Joint Scallop Plan Development Team & Advisory Panel**

Hilton Garden Inn, Boston, MA

October 25th, 2017

The Scallop PDT and AP met in Boston, MA on October 25th, 2017 to: (1) review analyses and discuss potential specification alternatives to be considered in Framework 29, and receive an update on OHA2 relative to FW29, (2) review PDT progress on tasking from the September Committee meeting, (3) review progress on management measures in FW29, including flatfish accountability measures, Northern Gulf of Maine Management Measures, and measures to modify access area boundaries to be consistent with potential changes to habitat and groundfish mortality closed areas, (4) provide input on potential scallop work priorities for 2018, and (5) discuss other business.

MEETING ATTENDANCE

Advisory Panel: Michael Bomster, Ronald Enoksen, Brent Fulcher, James Gutowski (Advisory Panel Chair), Eric Hansen, Kirk Larson, Brady Lybarger, Michael Marchetti, Robert Maxwell, Ed Mullis, Paul Parker, Kristan Porter, Tom Reilly, and Paul Vifides.

PDT: Sam Asci, Carl Wilson, Dr. William DuPaul, Travis Ford, Ben Galuardi, Dr. Demet Haksever, Dr. Dvora Hart, Tim Cardiasmenos, Chad Keith, Kevin Kelly, Dr. Cate O'Keefe, Danielle Palmer, Jonathon Peros (PDT Chair), Dr. David Rudders, and Dr. David Bethoney.

Vincent Balzano, Chair of the Scallop Committee, was in attendance, along with approximately 15 members of the public.

SUPPORTING DOCUMENTATION: (1) [Framework 29 Action Plan](#), (2) Framework 29 Documents—(a) [FW29 Specification information](#), (b) [Draft Framework 29 management measures](#), (c) [Updated fishery data for FY2017](#), (3) [Scallop Committee meeting summary, Sept. 20, 2017](#), (4) [Scallop Advisory Panel meeting summary Sept 19, 2017](#), (5) [Scallop PDT summaries: July - October](#), (6) [Scallop PDT memo to the SSC re: 2018 and 2019 \(default\) OFLs and ABCs](#), (7) [Potential 2018 work priorities for the Scallop FMP](#), and (8) [Correspondence](#).

KEY OUTCOMES:

- The Scallop Advisory Panel provided the Scallop Committee with recommendations on measures to include in Scallop Framework 29.
- The Scallop Advisory Panel recommended a list of 2018 scallop priorities to the Committee.

The meeting began at 9:38 am. Jim Gutowski, AP Chair, welcomed members of the AP, PDT, and public to the meeting and outlined the ground rules for the meeting. Mr. Gutowski explained that recommendations to the Committee may come as consensus statements from the entire group, or in the form of a motion from the AP. PDT members did not vote on AP motions, but joined in the discussion. Any PDT consensus recommendations will be communicated to the Committee by Council staff and documented in the meeting summary.

Council staff explained that the meeting would begin with a series of presentations focused on fishery data and SAMS model runs relevant to setting specifications for FY2018, and that a goal of the meeting was to identify measures to be included in Framework 29.

VMS Summary for scallop fishing year 2017, 2017 Scallop Grades and LPUE update—presentation, Ben Galuardi (GARFO).

The AP and PDT received a presentation on scallop fishery VMS data to date for FY2017 (March-September). For both LA and LAGC components, VMS data with a speed filter (2 kts ≤ 5 kts) were compiled by 3-minute square and used as a proxy for fishing effort. LA open-area effort in FY2017 appeared to be directed in concentrated patches off Long Island and along the south west boundary of CAII extension. Some LAGC effort has been directed off Long Island, while the most concentrated effort has been seen around Chatham and along the eastern coast of outer Cape Cod. Generally, 2017 fishing appeared to be more concentrated than what was seen in 2016.

A member of the PDT suggested that increasing the upper limit of the VMS speed filter would capture vessels that fish at faster tow speeds, and may more accurately describe effort. An AP member suggested that, since FY2017 is still underway, comparing FY2017 effort to FY2016 may be premature. Another AP member noted that fishing has appeared to occur farther offshore in FY2017 compared to FY2016; GARFO staff will review FY2015 data to confirm this.

The PDT and AP received an update of scallop market information and LPUE to date in FY2017. The figures presented suggested that more 10-20's have been caught in the open area in FY2017 compared to FY2016 and FY2015, prices have generally decreased over the course of FY2017, and that LPUE in FY2017 has continued to be higher than what was seen in the past several years.

Specification alternatives and access area configurations for Framework 29

Council staff described the anticipated outcomes for the day's discussion on FW29 specification alternatives:

1. Provide input to the Committee on open area fishing configurations for FW29, particularly areas that could become open bottom (ex: NLS-ext and Delmarva).
2. Provide input to the Committee on F rates for setting DAS fishing (ex: F=0.48, F=0.4, something lower?). Including or excluding NLS-S and DMV will change DAS associated with different F rates.

3. For areas currently available to the fishery (i.e. NOT areas that may open with OHA2), provide input to Committee for tasking of additional SAMS runs, if needed. In doing so, the AP should identify the number of access area trips, where they would be taken, and the configuration of open areas.
4. For areas that may open to the fishery through OHA2 (i.e. Closed Area I, Nantucket Lightship West), provide input to Committee for tasking of additional SAMS runs, if needed. In doing so, the AP should identify the number of access area trips, where they would be taken, and the configuration of open areas. This should be done after the recommendations on available areas are made (#3).

Staff explained that a final decision on OHA2 is expected by January 4th, 2017, and that the timing of a final rule and effective date is still uncertain. Staff advised the AP to provide input to the Committee on alternatives that address each possible scenario for FW29 (i.e. if OHA2 is not approved, if OHA2 is approved, if only the SNE part of OHA2 is approved, if only the Georges Bank part of OHA2 is approved). Staff also advised the AP to provide input on how to structure RSA compensation fishing in FW29 under these different OHA2 scenarios. Staff noted that CAI carry over pounds from FY2012 can also be considered under each OHA2 scenario.

Dr. Dvora Hart reviewed the details of the FW29 alternatives SAMS runs (see [here](#) for presentation and details). Discussion points included:

- Setting $F = 0$ for DMV as open area did not skew mean F across all SAMS areas.
- The model was sensitive to areas with uncertain growth (NLS-S, ET-Closed); changes were made to growth assumptions this year, and the model is sensitive to different growth possibilities for these areas (i.e. slow growth continues, animals resume normal growth).
- Opening the NLS-ext in FY2018 seemed to increase DAS by roughly 3 days. The model projected LPUE in NLS-ext to be ~3,500 lbs per day.
- If DMV becomes open bottom in FY2018, some vessels will most likely fish there (i.e. southern boats, LAGC boats from Ocean City).

(Note: Motions 1-3 focus on access areas that are currently available to the fishery.)

Motion 1: Parker/Larson

The AP recommends that the Committee recommend the following run for consideration in the development of FW29. The run would consist of 5 access area trips:

- 3 trips in the MAAA (as ET, ET-Flex, HC)
- 1 trip in CAII with extension (CAII and CAII-ext)
- 1 trip in NLS (NLS-N and NLS-S) part of the access area
- Open area $F=0.36$ with DMV $F=0$, NLS-ext opening as open area
- FT Trip limit = 18,000 lbs

Rationale: This is the BASE $F=0.36$ run (#7 in Table 1). DMV would become open bottom. Reduction of DAS to ease pressure on open bottom. This is not the best configuration available to the fishery, options available if EFH areas open would be better.

The motion carried on a show of hands 13-0-0.

Discussion points:

- Travis Ford (GARFO staff) noted that the best case scenario for an OHA2 final rule is by April 1st, with the possibility that it may be delayed slightly. If the OHA2 final rule is delayed far beyond April 1st, the Council could address this at their April meeting.
- The NLS-ext was part of NLS AA in FY2017 and has not been fished; therefore, despite uncertainty in NLS-ext biomass, AP members supported it becoming part of open area fishing.
- AP members were not interested in a “take-it-or-leave-it trip” to NLS Notch/NLS-S-“deep” SAMS area because there is no market for a 60-count scallop. From a policy standpoint, it was suggested that either a trip gets allocated to the NLS Notch or it doesn't, do not make an NLS Notch trip optional.

Motion 2: Bomster/Mullis

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: PDT Run 2 (#9 in table). This run would consist of 5 access area trips:

- 3 trips in the MAAA (as ET, ET-Flex, HC)
- 1 trip in CAII with extension (CAII and CAII-ext)
- 1 trip in NLS-S access area, NLS-N remains closed
- Open area F=0.4 with DMV F=0, NLS-ext opening as open area
- FT Trip limit = 18,000 lbs

The motion carried on a show of hands 10-3-0.

Discussion points:

- The PDT was in support of keeping NLS-N closed and reopening it in FY2019 to improve meat yield.
- An AP member supported keeping the NLS-N closed in FY2018 because a recent trip to the NLS-N did not produce the same meat yield as earlier in FY2017.

Motion 3: Fulcher/Lybarger

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: The PDT Run 2 (#7 in Table 1), with 29 DAS and CAII-ext as open bottom.

Rationale: This would make the CAII-ext open bottom, and increase DAS. NOTE: Staff will write this out like Motion 1 with each area listed.

The motion failed on a show of hands 6/7/0.

(Note: Motions 4 and 5 focus on access areas and specifications scenario in which the Nantucket Lightship West area (currently EHF) opens to the fishery through OHA2.)

Motion 4: Enoksen/Larson

The AP recommends that the Committee recommend the following run for consideration in the development of FW29:

- 2 in NLS-WEST
- 1 in NLS-South only
- 2 in MAAA
- NLS-ext would OPEN. CAII-ext would be OPEN.
- Set DMV as OPEN, and set DMV F=0
- F=0.4

Rationale: This would be if only NLS-west is available, and CAI stays closed. CAII and NLS-N closed.

The motion carried on a show of hands 12-1-0.

Discussion points:

- Some members of the AP preferred using 52 million lbs of projected landings as a basis for DAS (i.e. adjust DAS to accomplish overall landings of 52 million lbs). Other members disagreed, noting that if there is potential for more than 52 million lbs being landed in FY2018 the AP should consider it.

Motion 5: Fulcher/Mullis

The AP recommends that the Committee recommend the following run for consideration in the development of FW29:

- 2 in NLS-WEST
- 1 in CAII with CAII-ext
- 2 in MAAA
- NLS-ext would OPEN.
- Set DMV as OPEN, Set DMV F=0
- F=0.36

The motion carried on a show of hands 12-0-0.

(Note: Motions 6, 7, and 8 focus on access areas and specifications scenario in which both the Nantucket Lightship West area and the Closed Area I North area (currently EHF) opens to the fishery through OHA2.)

Motion 6: Parker/Lybarger

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: The “EFH 2” (#11 in table), with 2 trips in the MAAA and a full trip in the NLS-S. This run would include 6 total access area trips and configurations:

- 2 in NLS-WEST
- 1 in NLS-South
- 1 in CAI
- 2 trips in MAAA (ET, ET-Flex, HC)
- CAII and NLS-N closed.
- NLS-ext and CAII-ext would be open bottom.
- Set DMV as OPEN, Set DMV F=0
- Open area F outside Delmarva F=0.295.

The motion carried on a show of hands 12-0-0.

Motion 7: Lybarger/Parker

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: The “EFH 1” (#10 in Table 1). This run would include 5 total access area trips and configurations:

- 2 in NLS-WEST
- 1 in CAI
- 2 trips in MAAA (ET, ET-Flex, HC)
- CAII and NLS-N closed.
- NLS-ext and CAII-ext would be open bottom.
- Set DMV as OPEN, Set DMV F=0
- Open area F outside Delmarva F=0.4

The motion carried on a show of hands 12-0-0.

Discussion points:

- With regard to Motion 6 and Motion 7, a member of the AP implored the group to consider the impact of landing such a high volume of low count scallops, and what spatial management alternative may provide a better spread of market grades beyond U10s.

Motion 8: Parker/Maxwell

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: The “EFH 1” (#10 in Table 1), with 24 DAS.

Rationale: This configuration would likely result in total projected landings to be closer to 50 million lbs and reduce pressure on open areas.

The motion carried on a show of hands 12-0-0.

Discussion points:

- Some AP members did not believe that being overly conservative with DAS to be a good idea. The AP did not specify what an overly conservative amount of DAS would be, but noted that an $F=0.36$ was lower than the $F=0.48$ that typically serves as an upper bound for setting DAS. Others supported lower DAS to improve the long-term return of open-area fishing in the coming years.

(Note: Motions 9 and 10 focus on access areas and specifications scenario in only the Closed Area I North area (currently EHF) opens to the fishery through OHA2.)

Motion 9: Larson/Mullis

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: Five trips at 18,000 with 29 DAS.

- 1 trip in CAI
- 1 trip in CAII with Ext
- 1 trip in NLS-South
- 2 trip in MAAA
- NLS ext and DMV open areas. DMV $F=0$.

The motion carried on a show of hands 11-0-0.

Discussion points:

- A member of the AP expressed concern that southern vessels might use-up too many DAS while transiting under the alternative described in Motion 9. GARFO staff noted that there are provisions in the regulations that allow southern vessels to transit north without using DAS, and that F rates used in these projections accounts for DAS steam time.

Motion 10: Hansen/Larson

The AP recommends that the Committee recommend the following run for consideration in the development of FW29: Six trips at 18,000 with F=0.36 for open areas.

- 1 trip in CAI
- 1 trip in CAII with Ext
- 1 trip in NLS-South
- 3 trip in MAAA
- NLS ext and DMV open. DMV F=0.

The motion carried on a show of hands 10-0-2.

By Consensus (11):

The AP recommends that the Committee recommend the development of the NLS-West AA boundary described in Section 4.9 of doc.2b for consideration in FW29.

Motion 12: Bomster/Mullis

The AP recommends that the Committee recommend the development of CAI carryover pounds described in Section 4.10 of doc.2b for consideration in FW29. The AP recommends that these pounds be fished in NLS-W if only that area opens through OHA2.

Rationale: The priority is that these pounds come out of CAI if it is available. These pounds have been on the books for 5 years. Keep possession limit at 18,000.

The motion carried on a show of hands 11-0-0.

Discussion points:

- GARFO staff noted that an access area trip possession limit has always been asked for by the Council in previous actions. However, to address these CAI carry over pounds, the Council may elect to remove the trip limit or adjust it for one year.
- AP members were in support of keeping the trip limit in place for FY2018.

Review and provide input on Northern Gulf of Maine management measures for FW29

The AP and PDT received a presentation on projected FY2018 exploitable biomass in the NGOM and corresponding overall NGOM TAC, and reviewed potential options for how to split that TAC between LA and LAGC components. A member of the PDT clarified that previous PDT discussion suggested fishing would likely not happen on Jeffreys Ledge in FY2018. A member of the AP believed that fishing probably will occur on Jeffreys Ledge because scallop yield will likely be improved compared to this year, and because these fishing grounds are close to shore.

Motion 13: Porter/Marchetti

The AP recommends that the Committee recommend that an alternative for the NGOM TAC be set at F=0.18 for both Jeffreys and Stellwagen Bank for consideration in FW29 (183,000 lb TAC).

Rationale: There is likely to be fishing on Jeffreys, close to Gloucester on weather days.

The motion carried on a show of hands 11-0-0.

Discussion points:

- Dr. Hart suggested that, in light of the uncertainty in biomass across the NGOM, a conservative TAC be set for FY2018.
- Because of the low overall NGOM TAC, it was suggested that the LA portion of the NGOM TAC could be fished as RSA compensation fishing.

Motion 14: Lybarger/Fulcher

The AP recommends that the Committee recommend that an alternative be developed that would allow the LA share of the NGOM TAC to be available for RSA compensation fishing for consideration in FW29.

Rationale: This would be a short term solution to utilize a small LA TAC in the NGOM with the expectation that a more formal allocation and harvest strategy would be developed in a future amendment. This would not be in addition to the 1.25 million lbs set-aside for the RSA program. These pounds would not be exclusive to RSA research in the NGOM.

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

Discussion points:

- The simplest approach would be to take NGOM LA lbs from the already established RSA set-aside of 1.25 million lbs.
- Under this scenario, if an RSA project is doing research in the NGOM, NGOM compensation lbs would be used to fund it.
- Several members of the PDT showed support for just not fishing the LA portion of the TAC in FY2018.
- Several members of the PDT, AP, and public expressed concern that NGOM vessels would not contribute to RSA research even though it may occur in the NGOM in the future.
- The group acknowledged that the approach outlined in Motion 14 is not perfect, but that it is as close to equitable as possible for FY2018 and could be revisited in the future.

Review and provide input on Flatfish Accountability measures for FW29

Council staff presented recommendations of reactive flatfish accountability measure alternatives to be included in FW29.

Motion 15: Lybarger/Enoksen

The AP recommends that the Committee recommend that flatfish AM measures be developed for northern windowpane, GB yellowtail, and SNE/MA yellowtail as described in sections 4.5, 4.6, and 4.7 in Doc 2b for consideration in FW29.

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

There was no further discussion on flatfish AMs following Motion 15.

AP only-Provide input to Committee for potential scallop work priorities for 2018

The AP reviewed a draft list of potential work priorities for 2018; staff noted that the Council added ‘increase to LAGC IFQ trip limits’ to the list at their September meeting. The AP was reminded that the goal for today was to provide the AP’s final recommendations on 2018 work priorities (in ranked order, if possible) to the Committee for consideration. The Council takes final vote on the list at their December meeting.

AP discussion points:

- A member of the AP noted that a work priority had remained on the list of potential priorities under consideration. The AP had previously voted to remove a proposal for an Amendment to create Harvester Associations. Staff explained that the Committee and Council had not taken action to remove this item from the list.
- A member of the AP noted that the group had voted down a motion to add increasing the LAGC IFQ trip limit in FW 29, and questioned why it was on the list of 2018 priorities. Staff explained that this item had been added to the list of potential priorities for 2018 at the September Council meeting. Both items will continue to be on the list until the Council formally recommends removing them.
- The Council’s preliminary priority list includes any and all possible priorities for consideration.

Motion 16: Parker/Vifides

The AP recommends that the Committee recommend that the Council to accept the 2018 scallop priorities as written with the following priorities being below the line for 2018:

- a. Measures to address DAS and IFQ carryover
- b. Harvest Associations
- c. Adjustment to Scallop IFM observer program

- d. Monitoring and catch accounting provisions
- e. Scallop RSA program support, in season bycatch tracking (this takes place by NEFMC staff on an annual basis)

Rationale: These items would not be prioritized for work in 2018.

The motion carried on a show of hands 7-2-1.

Other business

By Consensus (17):

The AP recommends that the Committee recommend the development of the NLS-South AA boundary that reflects the NLS-S SAMS area boundary for consideration in FW29.

By Consensus (18):

Recommend that FY 2017 RSA compensation pounds could be fished in access areas that are identified for RSA comp fishing in FW29 (April 1 – May 31).

Rationale: This would provide more opportunity for vessels to fish on larger scallops that would command the \$12 average scallop price. Prices in 2017 have been less than \$12.

Discussion points:

- With regard to By consensus statement (18), several members of the AP were concerned with how the 2017 RSA common scallop price is higher than what has been seen in the market; some showed support for increasing the pounds in the RSA set-aside.
- It was noted that the RSA set-aside continues to support several research projects and always covers the highest priority TORs.

No other business was discussed, the meeting adjourned at 6:34 pm.