



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

Scallop Committee

Hotel Providence, Providence, RI

May 24th, 2018

The Scallop Committee met in Providence, RI on May 24th, 2018 to: (1) continue work on 2018 work priorities and provide input on next steps regarding the monitoring and catch accounting and standard default measures priorities, (2) consider approaches for completing 2018 work priorities, (3) develop research recommendations for the 2019/2020 Scallop RSA program, (4) provide feedback on the RSA Program Review, and (5) discuss other business.

MEETING ATTENDANCE

Vincent Balzano (Committee Chair), Melanie Griffin, Justin Davis, Cheri Patterson, Rick Bellavance, Mark Godfroy, John Pappalardo, Eric Reid, Mike Sissenwine, Peter Christopher, Peter Hughes, Roger Mann, Jonathon Peros (PDT Chair), and Sam Asci (Council staff).

James Gutowski, Chair of the Scallop Advisory Panel, was in attendance, along with approximately 8 members of the public.

SUPPORTING DOCUMENTATION: 1. [Staff Presentation](#); 2. [Meeting Memo from Scallop Committee Chair, Mr. Vincent Balzano](#); 3. [Monitoring and Catch Accounting discussion document \(with letters to NOAA\)](#); 4. *Standard Default Measures*: a. [Staff Presentation \(Mr. Sam Asci\)](#), b. [Discussion document](#); 5. *RSA Documents*: a. [2018/2019 RSA Award Announcement](#), b. [Summary of Recent RSA Awards](#), c. [Scallop PDT recommendations for 2019/2020 RSA Research Priorities](#), d. [Draft Outline – Review of NEFMC’s RSA Programs](#); 6. [April 26, 2018 Scallop PDT meeting summary](#); 7. [May 8, 2018 Scallop PDT meeting summary](#); 8. [Draft Action Plan – 2019/2020 Specifications](#); 9. [Explanation of Scallop Observer Coverage Rates: Assigned vs. Carried](#); 10. [Correspondence](#).

KEY OUTCOMES:

- The Committee recommended preferred alternatives to the Council for two issues addressed through Standard Default Measures.
- The Committee recommended that the Council consider addressing carryover as a 2019 priority.
- The Committee made 2019/2020 RSA research recommendations to the Committee.

The meeting began at 9:06 am with Committee Chair Vincent Balzano welcoming the Committee and members of the public to the meeting. The main goal for the Committee meeting

was to continue work on 2018 scallop work priorities, specifically the monitoring and catch accounting and standard default measures priorities, consider approaches for completing 2018 work priorities, develop research recommendations for the 2019/2020 Scallop RSA program, and provide feedback on the RSA Program Review being coordinated by the Council, Science Center, and Regional Office.

Scallop PDT Chair Jonathon Peros provided the Committee with updates on:

Upcoming meetings

- May 30 – 4th Scallop SAW workgroup meeting (Conference Call)
- June 13 – Council meeting (Portland, ME)
- June 26 – June 29 – Scallop and Herring SARC 65 (Woods Hole, MA)
- July 25, 2018 – In-person PDT meeting at Mariners House (Boston, MA – Mariners House)
- August 28 & 29, 2018 – In-person PDT meeting (Falmouth, MA - TBD)
- October 10 – SSC Meeting (Location TBD)

Ongoing Scallop Benchmark Assessment

The Stock Assessment Working group (SAW) completed three meetings between February and May of 2018 and have a planned conference call on May 30th, 2018 to finalize items before the Stock Assessment Review Committee (SARC) meeting convenes on June 26th to 29th in Woods Hole. Results from the SARC will be presented to the AP and Committee in September 2018.

2018 NGOM Fishery

The NGOM management area was closed May 2nd when GARFO estimated the TAC had been filled. Landings were attributed to 44 distinct permits and were estimated to be \pm 4% of the 135,000 lb TAC.

AP report on FY2018 to date

At the previous day's AP meeting, industry members offered general input on how the 2018 fishing year is shaping up; key points from this discussion were:

- Most fishing to date has been focused in access areas where vessels are finding quality meats except in parts of the Mid-Atlantic Access Area where nematodes are prevalent.
- Catch rates in Elephant Trunk Flex, Hudson Canyon, and Nantucket Lightship-West have been between 3,000 to 4,000 lbs per day.
- Open bottom in the Southeast Parts has been productive with quality meats and high catch rates. ~50% of meats have been U10s with the rest being 10/20 count.
- Nantucket Lightship Extension has produced high volumes of 18/19 count scallops; however, vessels have generally moved on after fishing there to find larger meats.

- NLS-S has been producing larger scallops; however, some AP members suspected that U10s will not be as abundant in the near future and the fleet will move on to 10/20 count.
- Nematodes are still being found in ET and DMV (which is now open-bottom).

Monitoring and Catch Accounting

Council staff recapped background information and provided updates relevant to the monitoring and catch accounting 2018 work priority (see [Doc.3](#)).

Since their April 2018 meeting, the Council sent two letters to NOAA regarding 1) the current penalty schedule for VMS pre-land violations and 2) implementing a real-time quota transfer platform to help address the issue of LAGC IFQ vessels fishing without quota.

Representatives from NOAA Fisheries Office of Law Enforcement (OLE) met with the Scallop PDT at their May 8th meeting. A full accounting of discussion is detailed in Doc.7- [May 8, 2018 Scallop PDT meeting summary](#) , including OLE input on how the Joint Enforcement Agreement with participating states is structured, enforceability of scallop regulations, and how actual compliance lines up with recent scallop violations documented on social media. PDT discussion also noted that for LA vessels, VMP pre-land notifications are only required for access area trips (i.e. not open-area trips). Two key outcomes from discussion with OLE are:

- 1) The PDT concluded that the actual number of monitored offloads is higher than what was reported in the LAGC IFQ 5-year program review.
- 2) A concept to address unknown removals from possession limit overages is to develop a self-reporting program where vessels and dealers would report an overage and forfeit the surplus landings. The goal of such a program is to account for overages that would have otherwise gone unreported. This idea has only been preliminarily discussed by OLE for use in the scallop fishery, though similar programs have been successful in other US fisheries on the west coast.

Discussion:

Several Committee members did not support using a self-reporting program to account for trip overages as they felt it was self-incriminating and referenced an example where similar programs at the state-level were not effective. Staff further explained that this recommendation from OLE was based on a successful program being used on the west coast and that the specific mechanics of how the program would work for our application had not yet been worked out.

Another member of the Committee felt it important to incentivize reporting overages as it is a large sweeping issue in fisheries worldwide and this self-reporting program could potentially be a part of that effort. It was further suggested that the group be informed on how other regions have used self-reporting programs and the pros and cons of doing so.

Motion 1: Hughes/Reid

The Committee recommends that the Council develop measures to expand the VMS pre-landing notification requirement to cover LA open area trips.

Rationale: This would create reporting parity in the fishery by expanding a requirement that is already in place for LA access area trips, LAGC IFQ trips, and LAGC NGOM trips.

The motion carried on a show of hands (11/0/0).

Discussion: Regarding Motion 1, a representative of GARFO noted that expanding the VMS pre-land requirement to LA open-area trips would not add any additional time to a Framework but would likely have to be addressed in one. It was also suggested that if possible, GARFO should handle the recommendation in Motion 1 instead of having it developed as part of a Council action.

Standard Default Measures

Council staff presented background information and draft alternatives relative to the standard default measures work priority. The Council added this as a new 2018 work priority at their April 2018 meeting with the goal of streamlining the specifications process by reducing the number of decisions made at final action that have fairly predictable outcomes. The PDT discussed candidate measures at their May 8th meeting, including: default specifications, LAGC IFQ allocations to access areas, part-time access area allocations, and clarifying the LA access area timeline. A full accounting of progress to date on this work priority is detailed in Doc.4b [Standard default measures discussion document](#).

Default Specifications

Default specifications are allocated annually to ensure the fishery can continue operating at a conservative level if implementation of updated specifications is delayed after the start of the next fishing year. In addition to Alternative 1 (No Action), the Committee considered a draft alternative that would standardize default open-area DAS for the LA component and LAGC IFQ quota allocation at 75% of the preferred alternative for the previous Fishing Year allocation (Alternative 2, see Section 3.1.2 of Doc.4b).

LAGC IFQ access area allocations

The LAGC IFQ fishery is allocated a fleetwide number of AA trips through the specifications process. The overall LAGC IFQ AA allocation is based on total expected harvest from AAs (i.e. the trip equivalent of 5.5% of the total expected AA harvest that year). Typically, the Council considers LAGC access area allocations in two stand-alone alternatives: 1) the total number of LAGC access area trips, and 2) where LAGC access area trips are allocated to. In addition to Alternative 1 (No Action), the Committee considered two new draft alternatives: Alternative 2 (Section 3.2.2 in Doc.4b), which would standardize the overall access area allocation as the trip

equivalent to 5.5% of total projected access area harvest, and Alternative 3 (Section 3.2.3 in Doc.4b), which standardizes the overall access area allocation and also standardizes the proportional distribution of trips to available access areas. Both Alternative 2 and 3 follow the approach already used by the Council when setting specifications in recent years.

Part-time access area allocations

Part-time limited access vessels are allocated 40% of full-time limited access DAS and access area pounds. Though part-time vessels are allocated at a fixed rate, the Council must specify where access area trips are allocated to and an associated possession limit. PDT discussion on this topic suggested that standardizing where part-time trips go and a possession limit may be difficult due to the nature of rotational management (i.e. variation from year to year in overall access area allocation and available areas). In light of this, it was suggested that a tasking statement from the Committee on a range of trip limits and number of trips may help to streamline the specifications process. For example, the Committee could note a preference of higher trip limits and fewer trips, or lower trip limits and more trips.

Clarifying the LA access area timeline

LA vessels have a 60-day window at end of FY to harvest any outstanding access area pounds (14-month timeline from April 1st to complete AA trips). This carry-forward provision was established in FW18 as part of the broken trip exemption program with the rationale that it would reduce safety and business risks for trips taken at end of fishing year. Originally, carry-forward fishing was only permitted in access areas that were open in following fishing year; however, the regulations now allow fishing in 60-day carry forward period in all areas regardless of what is available in the follow year (unless otherwise specified by the Council).

Managing fishing in the carry-forward period has become increasingly difficult to manage, especially in recent actions (i.e. FW28, FW29) that modify area boundaries before end of 14-month timeline (i.e. if one area is split into several, area is absorbed into a larger area, area is turned into open bottom, etc.). Key points from PDT discussion on this topic include:

- The recent change to the start of FY means the 60-day carry-forward window has shifted from March/April (when meat yield is improving) to April/May (when fishing is approaching best of year).
 - This could lead to possible unintended consequences of the carry-forward period (i.e. vessels shifting access area fishing to next FY) which could impact management uncertainty and have neg. biological impacts on resource.
- This concern could be magnified by the recent trend in how the Council allocates to the scallop fishery (i.e. increasing access area landings and allocating fewer DAS).
- The PDT also expressed similar concerns for the DAS carryover provision.

Motion 2: Hughes/Pappalardo

The Committee recommends that the Council consider addressing the level of carryover for: 1) DAS per-year (10 days); 2) address IFQ carryover; and 3) LA AA harvest that can be fished in the 60-day carry forward period as a 2019 priority.

Rationale: This concept should be explored in 2019, and follows PDT recommendation to evaluate carryover. LA vessels carrying over 10 days every year, regardless of the DAS allocation.

The motion carried on a show of hands (11/0/0).

Motion 3: Griffin/Hughes

The Committee recommends that the Council adopt as preferred Section 3.1.2 Alternative 2 - Standardize default open-area DAS for the LA component and LAGC IFQ quota allocation at 75% of the preferred alternative for the previous Fishing Year allocation.

The Committee recommends that the Council adopt as preferred Section 3.2.2. Alternative 2 - Standardize LAGC IFQ access area allocations as 5.5% of the total expected access area harvest.

Rationale: This practice has been in place for several years and standardizing would efficiencies and predictable outcomes for stakeholders. Does not preclude Council from adjusting default measures in the future. More likely that rules in place on time.

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

Discussion: A Committee member provided further rationale for Motion 2, noting that many vessels carry over the 10 DAS maximum and plan their business on ramping up fishing in May, which the current carry-forward provisions make possible for both open-area and access area fishing.

A GARFO representative noted that General Counsel will have to weigh in on what kind of action will be needed for standardizing measures as described in Motion 3; preliminary input suggested that it may require a Framework because it changes long-term management of the fishery.

Draft Action Plan for 2018 Work Items

Council staff reviewed a draft action plan and possible vehicles to address 2018 work priorities (Doc.8-[Draft Action Plan – 2019/2020 Specifications](#)). There are a wide range of items being addressed in 2018 and therefore there are a range of actions that could be required to address them (i.e. Specifications package, FW, Amendment). To ensure meeting April 1st, it was suggested that a specifications action to set FY2019 and FY2020 (default measures) and implement standard default measures be developed parallel to another action that addresses the other work 2018 work priorities.

Discussion: There were not questions or comments relative to the Draft Action Plan for 2018 Work Items.

Follow-up on PDT tasking regarding observer coverage (NEFSC – Observer Program)

Council staff explained that the Scallop Committee had tasked the PDT to investigate the discrepancy between the number of trips assigned an observer and actual observer coverage between the LA and LAGC IFQ components.

Chad Keith from the Northeast Fishery Observer Program explained that there could be several reasons for differences in the number of trips assigned an observer and the actual observer coverage rate. First, he explained that LAGC vessels use a weekly notification system, while LA vessels call in for each trip. Another key issue that can create differences between the percent assigned and percent covered is the logistics of observer providers setting up trips with LAGC vessels. He also noted that target observer coverage rates differ between Limited Access and Limited Access General Category.

Discussion: Several Committee members expressed concern that observe providers prefer covering LA vessels due to the profit incentive of doing so. It was stated that the industry is paying for observer coverage to get the scientific information needed to manage the fishery. Chad Keith noted that provider companies are given yearly reports which detail their coverage and where coverage may be lacking—this information can be provided to the Committee if helpful to discussion.

2019/2020 RSA Research Priorities

Council staff presented background information on the Scallop RSA program, details on the management and technical review process, updates on awarded projects for 2018/2019, and PDT recommendations for 2019/2020 RSA priorities (see Doc.5a-5d). The goal for the meeting was to recommend a list of 2019/2020 research priorities for the Council to consider at their June meeting.

Discussion: Several Committee members and members of the public acknowledged that the offshore wind development process is in full swing and that several of the New York Bight wind energy areas being considered by BOEM overlap with productive scallop grounds. They also showed support for the AP motion made the day before that recommended wind-related research be done through the Scallop RSA program. It was also noted that the Council needs to continue pushing hard on this subject in addition to the steps-already taken to comment on offshore wind development.

In regard to the AP recommendation of adding a research priority that looks at impacts of wind development on larval settlement, several Committee members suggested that the RSA may not be able to provide the level of funding required for this kind of research.

There was general support for the use of “desktop projects” which use existing data sets, but it was suggested that any proposed projects that use existing data verify how the research is important for managing the scallop fishery.

Several Committee members felt that turtle research is important to the fishery and should continue to be a high priority.

Motion 4: Patterson/Hughes

The Committee recommends that the Council adopt the following list of scallop RSA research priorities for 2019/2020.

2019/2020 Committee Input on May 24, 2018	
Priority	#
HIGH (a, b, c have equal priority, 2 lower priority)	
Intensive survey of access areas	1a
Intensive survey of areas of interest ADD: Southern Flank of GB	1b
Broadscale surveys	1c
Variability in dredge efficiency – EXPANDED to include comm. dredge	2
General Research Areas (Not ranked)	
Impact of offshore wind development on larval settlement, dispersal	3
Sea Turtles	4
Bycatch - small scallop & non-target	5
Meat Quality	6
Research on MSE for scallops	7
Scallop Biology projects	8

The motion carried on a show of hands (11/0/0).

Council staff explained that they would update the full-text of the draft research priorities to reflect the Committee motion.

RSA Program Review (Dr. Michael Sissenwine)

Deirdre Boelke (Council staff) and Dr. Michael Sissenwine (Council member, Scallop Committee member) are leading a programmatic review of the three RSA programs currently used in New England (Scallops, Monkfish, and Herring). These programs have been viewed as successful, however, the Council wants to review each program to identify potential ways to improve them.

The review TORs include:

1. Program Administration

What are the roles, what is the review and selection process, conflict of interest issues, is there financial accountability, what improvements could be made?

2. Program Structure

What projects are getting funded, awards as grants, is funding sufficient, how are these programs supported administratively, are there ways to increase participation and value of RSA fishing?

3. Results

How are completed projects evaluated, are most used in management, are the projects cost effective?

Dr. Sissenwine reported good discussion at the previous day's AP meeting, including issues with compensation (i.e. how pounds of scallops are converted into dollars use for research).

Other business

Several members of the Committee voiced concern with Advisory Panel attendance. A Committee member present at the previous day's AP meeting noted that of the 16 AP members, 9 were present, and the AP could only complete 2 motions before losing a quorum. He felt that the AP is not being taken seriously by participants, which is upsetting and unacceptable as the scallop fishery is one of the most valuable fisheries in the United States. It was also noted that there are plenty of industry members who are interested in joining the AP, and that something needs to be done if the AP's current members can't show up and participate for the duration of a meeting. Another Committee member agreed with this sentiment and felt this issue should be brought to the Council for consideration.

The meeting adjourned at 12:50 pm.