



New England Fishery Management Council

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MEETING SUMMARY

Scallop Advisory Panel

Hilton Garden Inn, Boston, MA

January 17th, 2019

The Scallop Advisory Panel met in Boston, MA on January 17th, 2019 to: 1) Direct work on 2019 Council priorities, 2) Provide feedback on a draft Amendment 21 scoping document, and the range of issues covered in this action, 3) Provide input on approaches to mitigate impacts on yellowtail flounder, 4) Review and discuss the Council's 2019 – 2023 Research Priorities, and 5) discuss other business.

MEETING ATTENDANCE:

James Gutowski (Advisory Panel Chair), Ronald Enoksen, Eric Hansen, Kirk Larson, Brady Lybarger, Ed Mullis, Paul Parker, Kristan Porter, Tom Reilly, Paul Vafides, Charlie Quinn, Ed Welch, Jonathon Peros (PDT Chair), and Sam Asci (Council Staff).

Vincent Balzano, Chair of the Scallop Committee, was in attendance, along with approximately 10 members of the public.

SUPPORTING DOCUMENTATION: (1) [Meeting Agenda](#), (1a) [Staff Presentation](#), (2) [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), (3) [2019 Priorities Discussion Document](#)—(3a) [Overview of Georges Bank Flatfish AMs and GB Yellowtail Background Information](#), (3b) [2019 NEFMC Council Priorities \(Final 1/2/2019\)](#), (4) [Draft Amendment 21 Scoping Document](#), (4a) [Draft Amendment 21 Action Plan](#), (5) [NEFMC Scallop Research Priorities \(2019-2023\)](#), (6) [Correspondence](#), (B1) [Summary of GOM Reviewer Comments](#).

KEY OUTCOMES:

- The AP identified several impacts that the government shutdown was having on the ability of the fishery to prepare for the 2019 fishing year.
- The AP provided input on the Amendment 21 draft scoping document and recommended additional issues that the Council may consider including in development of this action (see consensus statement #3 and Motion 4).
- The AP provided guidance on other 2019 Council priorities related to the Scallop FMP.

The meeting began at 9:08 AM. Following introductions James Gutowski (AP Chair) welcomed the AP and members of the public and briefly reviewed the main goals of the meeting. Jonathon Peros, Council staff, provided an update on FW30 noting that the Council approved the AP preferred alternatives for FY2019. It was noted that the FW30 implementation process was at a standstill while the government was shut down, and that if implementation was delayed beyond April 1st, 2019, default specifications from FW29 would go into place. The key points from AP discussion related to impacts of the government shutdown are described below:

- The AP expressed concerns around potential impacts of a prolonged shutdown on the permit renewal process. It was noted that FY2018 permits will expire on March 31st, 2019 and that, typically, the permit renewal process begins in January. If permits are not renewed by April 1st, vessels will not be able to fish (i.e. either in the 60-carry forward window for access area fishing or under default specifications from FW29).
- Vessel documentation is handled by the USCG and fishing permits cannot be renewed without valid vessel documentation. The AP was concerned that the vessel documentation process may be slowed down by the government shutdown.
- A member of the audience involved with Scallop RSA research explained that the shutdown was preventing vessels from getting the LOAs needed to complete compensation fishing, which is preventing the research from being funded. Related to the Scallop RSA program, concerns were also raised about how the shutdown may impact the 2019/2020 award cycle through the NEFSC.
- A member of the AP noted that LAGC IFQ leases that were submitted before the shutdown have not been processed, meaning that quota is unavailable despite it already being paid for. The AP member stated that they knew of many LAGC IFQ vessels that were tied to the dock because of this.
- Overall, the AP felt these issues should be highlighted in letters from the Council to NOAA Fisheries and the USCG (see consensus statement #1 below).

1. By Consensus:

The AP is concerned about the impact of the federal government shutdown on the scallop fishery. There could be delays in processing:

- Vessel documentation from USCG
- Vessel Permits from GARFO
- Exempted Fishing Permits and Letters of authorization from GARFO
- LAGC IFQ quota transfers from GARFO
- 2020/2021 RSA awards from NEFSC

The AP recommends that the Committee ask the Council to send a letter to NOAA fisheries requesting that the agency expedite the approval process for scallop permits and find ways to allow vessels to keep fishing.

Rationale: Without vessel documentation from the USCG, vessels cannot fish and cannot apply for a permit. Scallop permits expire on March 31, 2019. The process for renewing permit

applications begins in late January. If vessels do not have valid permits, they cannot land or possess scallops, and would not be able to fish FW 29 default measures or FW 30 allocations, whichever are in place first. The RSA program supports several surveys, and a delay in making awards could impact 2019 surveys that support 2020/2021 specifications.

Fishing Report/Reflection on FW30 Specifications

The AP briefly discussed recent fishing reports and the upcoming FY2019 allocations developed through FW30. Key points from discussion included:

- Vessels that fished in Delmarva (i.e. part of open bottom in FY2018) reported high catch rates (3,500 to 4,000 pounds per day during July/August of this year). One AP member suggested nematodes were still an issue in DMV, while several other AP members suggested that DMV has supported lots of trips throughout the year without any meat quality issues.
- Regarding the NLS-West, many AP members suggested that fishing has become increasingly concentrated over time and catch rates have declined since the start of FY2018. Many AP members felt that the three trips allocated to this area for FY2019 (and default trip in 2020) may be more than the area can handle. Another AP member reported that scallops continue to be plentiful in the NLS-West and that reduced catch rates are due to the animals being smaller and taking longer to process. Council staff explained that 2018 surveys and subsequent analyses for FW30 suggested this area could support the level of fishing effort recommended by the Council. There was general agreement that fishery performance be monitored closely in the NLS-West during FY2019 (see consensus statement #2 below).
- A member of the AP noted that fishing in the Channel has been good as of late, supporting good trips with a lot of larger animals.

2. By Consensus:

The AP acknowledges that science supports three access area trips in the NLS-W. However, the AP is concerned about lower catch rates and the ability of the NLS-W to support allocations for FY 2019. The AP recommends that the Committee and Council track the performance of this area closely.

Discussion on Amendment 21: NGOM management measures and LAGC IFQ trip limits

Following a brief overview of 2019 scallop priorities and potential ways to address them (see Section 1 of Doc.3 [2019 Priorities Discussion Document](#)), Council staff focused discussion on Amendment 21. The objective of Amendment 21 is to develop measures that address the NGOM management area and LAGC IFQ possession limits. Staff noted that this meeting was an opportunity for the AP to provide input on the range of issues considered in Amendment 21 before the Council is asked to approve the scoping document at their January meeting. Any proposed changes to the draft scoping document (see [Doc.4](#)) by the AP will be incorporated into

an updated version for the Council's review. Staff presented key sections from the scoping document and a summary of AP discussion points is provided below for each item in A21.

NGOM Management Area

- It was suggested that a mechanism be developed to allow limited access fishing in the NGOM when the resource is able to support it. The AP briefly discussed potential ways to do this such as establishing a trigger that would allocate limited access effort to the area when biomass exceeds a certain threshold.
- A member of the AP felt that the ability of LAGC IFQ and LAGC Incidental permits to be transferred to LAGC NGOM permits should be considered in the action. Specifically, he felt the total number of permits eligible to become LAGC NGOM permits be highlighted in the scoping document.
- The AP briefly discussed how LAGC IFQ landings from the area are counted against both the NGOM TAC and a vessels individual quota. Staff noted that accounting for the NGOM in the ACL flowchart is challenging because this part of the resource is not considered in the overall stock assessment.
- There was some discussion on whether Amendment 21 should considered changing the boundary of the NGOM. One AP member noted that Stellwagen Bank is off the coast of Massachusetts, and that it may be appropriate to consider moving the southern boundary up to 43° N (i.e. the southern border of Maine).
- A member of the AP suggested that NGOM stakeholders have not expressed interest in changing the current trip limit.
- The AP generally agreed that the current management approach in the NGOM seems to be working at the current level of biomass.
- The AP supported the concept that the range of measures considered in Amendment 21 be narrowly bounded (see consensus statement #3 below).

3. By Consensus:

The AP recommends that the A21 scoping document highlight for NGOM issues:

1. The current approach to managing the NGOM is working at the current level of biomass in the management area (measures developed in FW29, FW30).
2. Recommend that the ability to move between the LAGC permit categories is addressed in this action.
3. Whether or not IFQ should not count as against individual quota and NGOM TAC.
4. Alternatives for managing the NGOM at different levels of exploitable biomass.
5. Consider changing the southern boundary of the management area north (EX: 43 degrees north).

LAGC IFQ trip limits

- A member of the AP recalled recent analysis indicating that increasing the trip limit to (or around) 800 pounds was not expected to have a significant impact on how the fishery operates. He felt that if there was industry support around a realistic trip limit increase

within this range, it may be worth considering this item in a separate action (i.e. splitting it off of Amendment 21).

- Council staff noted that the Council is able to split off issues if they so choose. Staff also reminded the AP of input received from NOAA General Counsel on this topic, in that an Amendment is the best way to handle the LAGC IFQ trip limit issues as it allows for impacts to be fully assessed.
- The AP had some brief discussion on considerations for this part of Amendment 21 that were already detailed in the scoping document (e.g. weekly trip limits, crew limits, etc.). The AP did not recommend adding any additional discussion points related to LAGC IFQ trip limits in the scoping document.

Other Items to Include in Amendment 21

A member of the AP felt that vessels with both LA and LAGC IFQ permits should be allowed to transfer quota to LAGC IFQ-only vessels and put forth a motion to include this item in Amendment 21.

Motion 4: Larson/Lybarger

The AP recommends that Amendment 21 consider allowing LA vessels with IFQ to sell or lease their IFQ to only LAGC IFQ (not other LA vessels).

Rationale: These vessels have 0.5% of the quota. This would allow the transfer of quota to smaller vessels, and enable additional access to quota for LAGC IFQ vessels.

The motion carried on a show of hands – 10/0/1.

Discussion points:

- With regard to Motion 4, the AP was in support of adding this item to Amendment 21 as it would provide flexibility to both LA with LAGC IFQ and LAGC IFQ-only vessels, and make more quota available for LAGC IFQ-only vessels that may have otherwise not been fished.
 - AP discussion clarified that this would only be a one-way transfer (i.e. LA with LAGC IFQ vessels could not lease-in quota from LAGC IFQ-only vessels or transfer quota to other LA with LAGC IFQ vessels).
- Unrelated to Motion 4, a member of the public suggested that Amendment 21 address managing ecosystem component species to bolster scallop production. An example of this was figuring out a way to control sea star populations in order to reduce predation on scallops.
 - It was suggested that this item could potentially be considered as part of the on-going priority of evaluating rotational management. A member of the AP felt it was an important question to ask, but felt that it might not belong in the Scallop FMP as it would be impactful to all fisheries.

Action to Mitigate Impacts on GB Yellowtail

Council staff presented background information on the 2019 Council priority “mitigate impacts on yellowtail flounder”. The presentation covered potential approaches to addressing this priority and PDT input to date (see Section 4 of [Doc.3](#)) and general background information on yellowtail flounder as related to the scallop fishery (see [Doc.3a](#)). Key points from AP discussion on this work priority include:

- Several members of the AP felt that since recent overall catches (i.e. groundfish, scallops, and small-mesh fisheries) of GB yellowtail haven’t collectively exceeded 50% of the US ACL, mitigating scallop fishery impacts to this stock were not warranted. They cited the restrictions already in place in the scallop fishery aimed at reducing yellowtail bycatch (i.e. seasonal closure, proactive AM, etc.) and felt stronger justification was needed to develop more restrictions.
- Some members of the AP expressed concerned about the level of yellowtail allocation/projected yellowtail bycatch the would prevent NMFS from allowing the scallop fishery into Closed Area II AA. It was noted that this threshold had not been specified by NMFS in the past, however many felt this may become a serious concern in the future.
- Discussion moved towards the data sources being used in the TRAC process for the yellowtail assessment. Members of the AP and public were interested in whether the Scallop PDT had looked into using data from the groundfish fishery—typically, analyses using groundfish fishery data are led by the Groundfish PDT; however, Council staff noted that there could be a collaborative effort between both PDTs that incorporates groundfish data in joint analyses.
- A member of the public suggested the status of yellowtail is more due to shifting climate conditions than fishery impacts. He also felt that reducing the number of meshes used on a scallop dredge would be impactful to reducing yellowtail bycatch. He suggested that changing the scallop fishery sub-ACL allocation structure to a bycatch averaging approach would be beneficial in that it would account for intermittent access to Closed Area II and be more reflective of actual yellowtail catch by the scallop fishery.
- An AP member expressed concerns around the NMFS bottom trawl survey’s ability to catch yellowtail due to the structure of the survey trawl. Overall, he felt that if the yellowtail are not there, the survey will not catch them, but the real problem arises when the survey is wrong, and the scallop fishery does catch yellowtail despite inaccurate allocations. The AP recommended that the TRAC assessment look at other data sources available to avoid this scenario (see consensus statement #5 below).

5. By Consensus:

The AP recommends that the Committee recommend that the Council consider additional data sources as part of the yellowtail flounder assessment (TRAC process).

Rationale: The Bigelow did not catch many yellowtail in 2018. There are several data sources that could support the TRAC assessment of yellowtail such as the SMAST video trawl survey, the CFF seasonal bycatch survey, and others.

2019 – 2023 NEFMC Research Priorities

Council staff presented information related to the Council’s research priority list and recent PDT input (see [Doc.5](#) and slides 29-31 of [Doc.1a](#)). It was noted that the Council is moving the development of research priorities to an annual process and this meeting was an opportunity for the AP to weigh-in on priorities that address research needs in the scallop fishery. Overall, the AP supported the PDT recommendations for modifying the list and put forth the consensus statements (#6 and #7) below.

6. By consensus

The AP supports the PDT’s recommended changes to the Council’s 5-year priority list in Doc.5, pages 1 and 2.

7. By Consensus

The AP recommends that the following items be added to the 5 year priority list.

1. Research and development of fishery dependent data collection systems that support scallop management.
2. Impact of offshore wind development on scallop production. This could include but is not limited to: impacts on larval settlement, scallop growth and reproduction, fishing opportunities, etc.

Evaluation of Rotational Management

Council staff presented background information, recent PDT input, and potential approaches to address the on-going 2019 Council priority “evaluation of rotational management” (see Section 3 of [Doc.3](#) and slides 32-34 of [Doc.1a](#)), and highlighted the need for the AP input on development of this work priority. The key points from AP discussion on this agenda item included:

- A member of the AP noted that rotational management seems to have evolved from a way to protect juvenile scallops to a tool for directing effort while accounting for slow growth, meat quality issues, and other things. He suggested it may be worthwhile considering how different areas might be treated differently based on the unique characteristics of each area. Another AP member later suggested evaluating rotational management separately between the major resource areas (i.e. Georges Bank and Mid-Atlantic).
- AP discussion moved to potentially developing a “back-up plan” for access areas that may not support the level of fishing allocated; an example provided was a mechanism to exchange access area allocation for open-area DAS.
- The AP discussed the importance of gaining access to the Northern Edge in the near future. Council staff noted that developing ways to do so would be a collective effort between the Habitat Committee and Scallop Committee. Some AP members and members of the public felt that the Scallop Committee should be leading such efforts. Regardless of the method, the AP was in agreement that access to the Northern Edge should be a top priority and put forth

the following consensus statement (#8).

8. By Consensus:

The AP recommends that the Committee recommend that the Council consider initiating an action to provide access to the Northern Edge of Georges Bank.

FW31 or Specifications

Council staff then presented information on 2020/2021 (default) specifications including a preliminary timeline for development and the type of management action they could be housed in. It was noted that an action to facilitate harvest of small growing scallops in the NLS-S-deep was not prioritized by the Council for this year; however, it is possible that this could be addressed along with specifications if there was support for doing so, and if there is enough lead time to work on this issue. Key points from AP discussion on this agenda item include:

- Several members of the AP agreed that a harvest solution needs to be developed for the scallops in the NLS-S-deep. Discussion acknowledged that this issue has many tentacles, but the best starting point is to develop a boundary around the area of concern and estimate the economic value of harvesting the slow growing animals.
- A representative of the Fisheries Survival Fund stated they are in the process of working with NOAA Fisheries to obtain an EFP that would allow the fishery access to the NLS-S-deep.
- Some AP members were hesitant of including this along with 2020/2021 specifications to avoid complicating the Council process; however, the group agreed that pursuing an EFP and considering harvest solutions through specifications would be the best approach (see consensus statement #9 below).

9. By Consensus:

Recommend that the Committee recommend that the Council include the harvest of small scallops in the NLS-South deep in 2020/2021 specifications. Recommend that the Committee task the PDT with reporting back in June on the potential to harvest scallops in the NLS-S deep. Present recent RSA research in this area by VIMS, and potential ways to facilitate harvest.

Rationale: It is time to try to do something with this part of the resource.

Other Business

No other business was discussed. The meeting adjourned at 2:59 PM.