



## New England Fishery Management Council

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### **MEETING SUMMARY**

#### **Scallop Committee**

Hilton Garden Inn, Boston, MA

January 18<sup>th</sup>, 2019

The Scallop Committee met in Boston, MA on January 18<sup>th</sup>, 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:***

Vincent Balzano (Scallop Committee Chair), Melanie Griffin, Peter Aarrestad, Rick Bellavance, Cheri Patterson, John Pappalardo, Melissa Smith, Eric Reid, Terry Stockwell, 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 7 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 Committee identified several impacts that the government shutdown was having on the ability of the fishery to prepare for the 2019 fishing year.
- The Committee provided input on the Amendment 21 draft scoping document. The Committee recommended that the Council consider allowing LA vessels with LAGC IFQ to transfer IFQ to the LAGC IFQ-only vessels in Amendment 21.
- The Committee provided guidance on other 2019 Council priorities related to the Scallop FMP. Specifically, the Committee tasked the PDT with developing options for reducing bycatch of Georges Bank yellowtail flounder.
- The Committee recommended updates to the Council's 2019-2023 research priorities.

The meeting began at 9:07 AM. Following introductions Vincent Balzano (Committee Chair) welcomed the Committee 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 Committee preferred alternatives for FY2019. It was noted that the FW30 implementation process was at a standstill while the government was shut down, and that default specifications from FW29 would go into place if implementation was delayed beyond April 1<sup>st</sup>, 2019. Council staff provided a brief overview of AP discussion from the day before regarding on-going and potential impacts of the government shutdown on fishery operations. With regard to the AP recommendation of sending letters to NOAA Fisheries and the USGC, a member of the Committee suggested sending letters may not be a good use of Council staff resources since the recipients may be unable to respond during the shutdown. . A member of the public noted that the Regional Administrator is working throughout the shutdown.

## 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 briefly reviewed AP input on this topic from the day before including the recommendation to address LA with LAGC IFQ quota transfers in Amendment 21. Proposed changes to the draft scoping document (see [Doc.4](#)) by the Committee will be incorporated into an updated version for the Council's review. Staff presented key sections from the scoping document and a summary of Committee discussion points is provided below:

- A member of the public felt the Council should consider allowing LA vessels to fish LAGC IFQ quota. Council staff clarified that this was not the intent of the AP motion from the day before in adding this item to Amendment 21—the intent was for a one-way transfer of quota from LA with LAGC IFQ vessels down to LAGC IFQ-only platforms. It was further noted that developing a way for LA vessels to fish LAGC IFQ quota would take a considerable amount of time if added to Amendment 21.
- Related to the AP recommendation of addressing quota transfers from LA with LAGC IFQ vessels to LAGC IFQ-only vessels, a member of the Committee suggested using regulatory language when discussing the movement of quota (i.e. permanent transfer, temporary transfer) instead of business terms (i.e. buy, sell, lease).
- Committee discussion clarified that the Amendment 21 timeline is structured so that the AP and Committee will have the opportunity to provide input to the Council on alternatives included in the action.

### A21 Discussion: NGOM Management Area

- The Committee discussed the AP recommendation of potentially adjusting the southern boundary of the NGOM Management Area through Amendment 21.

- Several Committee members felt this would make Amendment 21 overly complicated and suggested not including this consideration in the range of issues to be discussed during scoping.
- Several members of the public supported including the boundary in the range of issues discussed in Amendment 21 in the interest of being thorough. Members of the public suggested that the tradeoffs made when determining the NGOM boundary line in Amendment 11 should be revisited through development of Amendment 21.

**Motion #1: Stockwell/Patterson**

The Scallop Committee recommends that the A21 scoping document include the following 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. Consider how LAGC IFQ quota is used in the NGOM management area.
4. Alternatives for managing the NGOM at different levels of exploitable biomass.

*Rationale:* Update the A21 scoping document for the January Council meeting by adding the above issues.

**Motion to Amend #1a: Reid/Stockwell**

The Scallop Committee recommends that the A21 scoping document include 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. Consider how LAGC IFQ quota is used in the NGOM management area.
4. Alternatives for managing the NGOM at different levels of exploitable biomass.
5. Consider changing the boundary of the NGOM management area.

The motion to amend carried on a show of hands: (11/0/0)

The main motion as amended (#1a) carried on a show of hands: (10/0/0)

*Discussion:*

- Several members of the public did not support Motion #1 because it didn't include the NGOM boundary consideration. They felt it important to discuss the NGOM boundary line because the current area includes traditional fishing grounds for LA vessels (i.e. Stellwagen). They also felt opening the boundary discussion was important if other management measures developed in Amendment 21 could potentially exclude LA vessels from accessing these grounds. Others on the Committee and in the public did not support adjusting the current boundary of the NGOM management area.

- Aside from those in support or against changing the NGOM boundary, the Committee agreed to recommend that issues related to the NGOM should be open for discussion during the scoping process (see Motion #1a).

#### Other Items to Include in Amendment 21

The Committee supported the AP recommendation of addressing one-way quota transfers by LA with LAGC IFQ vessels to LAGC IFQ-only platforms in Amendment 21 (see Motion# 2 below). Note that there was no discussion on Motion #2, and that the Committee did not recommend including any additional information in the scalloping document related to the LAGC IFQ trip limit issue.

#### **Motion #2: Hughes/Reid**

The Committee recommends that Amendment 21 consider allowing Limit Access vessels with IFQ to transfer their IFQ to only LAGC IFQ vessels (e.g. not other LA vessels).

*Rationale:* These Limited Access vessels have 0.5% of the IFQ 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: (11/0/0)

#### Framework 30/Government Shutdown Discussion

The Committee briefly revisited AP discussion points from the previous days meeting regarding impacts of the government shutdown, specifically how a prolonged shutdown might prevent the fishery from operating in FY2019. Committee discussion clarified the individual issues raised by the AP and supported sending letters from the Council to NOAA Fisheries and the USCG to address these concerns (see Motion #3 below).

#### **Motion #3: Patterson/Aarrestad**

The Committee recommends that the Council send letters to NOAA Fisheries and the U.S Coast Guard requesting that the agencies expedite and prioritize issuing prior to the 2019 fishing year:

- 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 motion carried on a show of hands: (11/0/0)

#### 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](#)) as well as general background

information on yellowtail flounder as related to the scallop fishery (see [Doc.3a](#)). Key points from Committee discussion on this work priority include:

- A member of the Committee referenced the bycatch projections estimated for the scallop fishery through the development of specifications and inquired about how close the projections have been to realized bycatch in the past. Council staff explained that bycatch projections are based on projections of scallop biomass and expected fishery effort—the accuracy of projections has a lot to do with what data are available, so anticipated bycatch estimates have been above and below final estimated bycatch.
- Though combined catches (i.e. by groundfish, small-mesh multispecies, and scallop fisheries) of yellowtail have not exceeded the overall US TAC in recent years, the Committee acknowledged that the scallop fishery does not have access to the entire TAC, only to the sub-ACL.
- A Committee member asked if recent data collected by the Coonamessett Farm Foundation (CFF) seasonal bycatch survey supports the current seasonal closure in place for Closed Area II Access Area.
  - A representative of CFF suggested the data supports the current seasonal closure, though extending it a little earlier or later may be impactful in reducing yellowtail bycatch. They also suggested that a maximum hanging ratio gear requirement would help reduce flatfish bycatch.
- The Committee discussed the strengths and weaknesses of current data sources used in the TRAC assessment of GB yellowtail. A member of the Committee felt an investigation on the impacts of changing climate conditions to the GB yellowtail stock would be informative for the assessment.
- Further discussion noted that the data inputs considered in the TRAC assessment are very narrowly bounded; however, outside research groups can submit new data sources via working papers that would be considered in the TRAC process and help corroborate what the data sources used in the assessment are saying.
  - It was noted that the TORs for this year’s TRAC have already been established; however, the Council could work with the NEFSC to incorporate new data sources to the TRAC when the next TORs are discussed in September 2019.

#### **Motion #4: Hughes/Patterson**

The Committee tasks the PDT with analyzing the options for reducing bycatch of Georges Bank Yellowtail Flounder. This should include evaluating:

- Seasonal closures
- Analyze hanging ratios down to 1.5:1

*Rationale:* Given the poor status of Georges Bank yellowtail founder, there is a need to continue to find ways to reduce bycatch to mitigate impacts on the stock.

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

Discussion:

- Regarding Motion #4, the Committee supported exploring ways to reduce GB yellowtail bycatch in the scallop fishery through seasonal closures and reduced hanging ratio requirements. Discussion also pointed towards analyses prepared for developing scallop fishery flatfish accountability measures in Framework 29; it was suggested that this suite of analyses would be a good starting point to address the tasking in Motion 4.
- A member of the Committee highlighted how impactful the TMGC process is to the scallop fishery and suggested it would be beneficial if scallop fishery interests were better represented at TMGC in the future. Several Committee members voiced support for this idea.
- Several members of the Committee felt it would be informative to gather yellowtail data from past projects supported through the Scallop RSA program. A member of the Committee suggested that all RSA data should be catalogued in a master database that is easily accessible to the PDT. The Committee member felt that data from existing research could be used to address issues like yellowtail flounder bycatch.

## 2019 – 2023 NEFMC Research Priorities

Council staff presented information related to the Council’s research priority list and recent PDT and AP 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 Committee to weigh-in on priorities that address research needs in the scallop fishery.

A member of the Committee cited a recent study that looked at the effects of climate change on northeast groundfish species; this study suggested the distribution of groundfish species appears to be moving over the past 20-30 years. This Committee member felt that similar research should be prioritized for the scallop resource because it would inform management approaches moving forward.

The Committee supported the PDT recommendations for modifying the list as well as AP recommendations from the day before (see Motion #5 below).

### **Motion #5: Hughes/Reid**

The Committee supports the PDT’s recommended changes to the Council’s 2019-2023 research priority list in Doc.5, pages 1 and 2. Committee also recommends that the following items be added to the Council’s 2019-2023 research 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.

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

## 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 Committee input on development of this work priority.

One Committee member suggested that an RSA-funded MSE might address the overarching questions raised by the PDT regarding rotational management. The Committee recommended that the PDT continue to focus on the topics and questions it had identified for this priority. There was no other discussion on this agenda item.

## FW31 or Specifications

Council staff presented information on 2020/2021 (default) specifications including a preliminary timeline for development. Staff noted that specifications could be completed in either a framework or a specifications package. 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. Committee Chair Balzano acknowledged the AP’s support for including harvesting of the animals in the NLS-S-deep with specifications and noted the Council will have an opportunity to discuss this at their June meeting.

## Other Business

No other business was discussed. The Committee did not break for lunch. The meeting adjourned at 12:48 PM.