



New England Fishery Management Council

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MEETING SUMMARY

Scallop Advisory Panel Meeting

September 18, 2019

Boston Logan Courtyard Marriott, Boston, MA

The Scallop Advisory Panel met in Boston, MA on September 18, 2019 to: 1) Framework 32: review 2019 survey results and develop options for harvest in 2020 (SAMS runs), provide input on potential harvest of small scallops in the NLS-S-deep, and provide input on approaches to mitigate impacts on yellowtail flounder; 2) review Amendment 21 draft alternatives and progress on recent tasking; 3) review the list of potential scallop work priorities for 2020, and add any other potential scallop priorities for 2020; 4) receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework; and, 5) discuss other business.

MEETING ATTENDANCE:

James Gutowski (AP Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Kirk Larson, Ron Enoksen, Paul Vafides, Bob Maxwell, Brady Lybarger, Ed Mullis, Eddie Welch, Brent Fulcher, Mike Marchetti, Paul Parker, Kristan Porter, and Eric Hansen.

There were approximately 15 members of the public in the audience.

MEETING MATERIALS: Doc.1) [Meeting Agenda](#), Staff presentations: Doc.1a) [Framework 32 and Survey Results, Amendment 21 and 2020 Priorities](#), Doc.1b) [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c) [Staff Presentation: Mitigating Impacts to GB Yellowtail](#); 2020 Scallop Work Priorities: Doc.2a) [Initial list for all FMPs \(September 5, 2019\)](#); Framework 32: Doc.3a) [2019 Scallop Survey Biomass Estimates \(Sept. 10, 2019\)](#), Doc.3b) [Draft SAMS run of exploitable biomass](#), Doc.3c) [Nantucket Lightship S-deep discussion document](#), Doc.3d) [Options for mitigating impacts on Georges Bank yellowtail flounder](#); Amendment 21: Doc.4a) [Amendment 21 – Draft alternatives in development](#), Doc.4b) [Amendment 21 Action Plan](#); PDT Meeting Summaries: Doc.5a) [June 27, 2019 Conference Call](#), Doc.5b) [July 24, 2019 Meeting, Boston, MA](#), Doc.5c) [August 27 & 28, 2019 Meeting, Falmouth, MA](#); eVTR Framework: Doc.6a) [Discussion Document](#), Doc.6b) [Frequently asked questions related to eVTR](#), Doc.6c) [Staff presentation on eVTR Omnibus Framework](#); Doc.7) [Correspondence](#)

Note: this summary is limited to meeting motions and key points from AP discussion. Audio recordings of the full meeting can be provided upon request.

Key Outcomes:

- The AP made several recommendations for 2020/2021 scallop fishery specifications for the Scallop Committee to consider. This included ideas for rotational management and fishing mortality rates for open bottom DAS.
- The AP recommended that harvest of the small slow growing scallops in the NLS-S-deep could be done as a “bonus” allocation for the LAGC IFQ and LA components. The AP also recommended modifying the boundary of the area and adding crew to help process the catch.
- The AP discussed progress on Amendment 21 and passed two motions about a control date.

FW32 Projection Run Tasking Motions

Motion 1: Fulcher/Larson

Recommend that the Committee task the PDT to consider the following spatial management configuration for FY 2020 as an option for consideration in FW32:

Five trip option, 18,000 lb trip limits:

- ½ trip NLS-N AA & ½ trip CAI AA (use a lottery)
- 1 trip in CAII AA
- 2 MAAA
- 1 NLS-W and NLS-S-shallow (Reconfigured area that combines the 2 areas)

Notes: The boundary of the NLS-S-shallow may need to be modified from a depth contour for management purposes. CAII does not include the extension, that are would remain open bottom.

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

Discussion on Motion 1 was brief. Some AP members were hesitant to combine the NLS-West and NLS-S-shallow due to the shift in biomass seen in the NLS-West over the past year. A member of the public felt that more effort should be directed to CAII in FY2020. Overall, the AP supported analyzing the specifications run described in Motion 1.

Motion 2: Enoksen/Welch

Recommend that the Committee task the PDT to consider the following spatial management configuration for FY 2020 as an option for consideration in FW32:

Four trip option, 18,000 lb trips.

- 2 MAAA
- 1 CAII AA
- 1 trip by combining 1/3 trip from each of the following areas (allocated in 18,000 lb each, distributed in a lottery, tradable).
 - NLS-N
 - CAI
 - CAII

- Fine scale closure to protect small scallops in CAII and the entire CAII-ext. Do not include SF area.

Rationale: Closed area to protect juvenile scallops and improve YPR. This would also mitigate impacts on GBYT. Trips would be tradeable. GC trips in CAII would be redirected to CAI and the NLS-N.

The motion carried on a show of hands (11/0/1).

Discussion on Motion 2 noted that area closures around CAII and limiting harvest from CAII in FY2020 would benefit GB yellowtail as well as protect small scallops. Regarding potential closures around CAII, many agreed that a simple approach using familiar boundaries (i.e. former CAII-extension) would be preferred to make things easier for Captains that do not closely follow discussions on boundary modifications. An AP member did not support the use of access area trip “lotteries”. In lieu of a lottery, it was suggested that all vessels be allocated portions of a trip, and that those portions of a trip should be tradeable in increments less than the trip limit (for example, for Motion 2, each LA vessel would be allocated 6K lbs to CAI, CAII, and NLS, and then could trade those 6K lbs increments to make a full 18,000 lb trip in the area they prefer). Input from GARFO staff suggested this approach could be implemented, but noted that it may be problematic if the tradeable increment gets too low (for example, trading pound for pound).

Motion 3: Enoksen/Welch

Recommend that the Committee task the PDT to consider the following spatial management configuration for FY 2020 as an option for consideration in FW32:

Five trip option, 15,000 lb trips:

- ½ trip NLS-N AA & ½ trip CAI AA (use a lottery)
- 1 trip in CAII AA
- 2 MAAA
- 1 NLS-W and NLS-S-shallow (Reconfigured area that combines the 2 areas)

Notes: The boundary of the NLS-S-shallow may need to be modified from a depth contour for management purposes. CAII does not include the extension, that are would remain open bottom.

The motion carried on a show of hands (12/0/0).

Discussion on Motion 3: A few members of the AP were supportive of using a “flex” option instead of allocating trips to the NLS-North and CAI AA using a lottery.

Motion 4: Lybarger/Mullis

Recommend that the Committee task the PDT to consider the following spatial management configuration for FY 2020 as an option for consideration in FW32:

4 trip option, 18,000 lbs

- 2 MAAA
- 1 CAII
- ½ trip NLS-N & NLS-S-shallow combined and ½ CAI Flex trip

Notes: Would only be able to FLEX the CAI trip to MAAA, not the NLS trip. The boundary of the NLS-S-shallow may need to be modified from a depth contour for management purposes.

The motion carried on a show of hands (12/0/0).

Discussion on Motion 4: The AP and members of the public supported this run and highlighted the importance of fishing conservatively in CAII in FY2020. Doing so would optimize yield over multiple years and reduce impacts to GB yellowtail flounder. Several AP members felt it important to keep the NLS-West separate from the NLS-S-shallow and NLS-North because vessels would fish in the NLS-North because bigger scallops are found there. A member of the public thought the NLS-N and NLS-S-shallow should be combined and kept closed until FY2021.

Motion 5: Enoksen/Larson

AP recommends that the Committee task the PDT to calculate DAS for open area fishing at:

- F=0.23
- F=0.295
 - With and without NLS-W as part of open bottom
- NLS-Hatchet as open bottom (this is not a SAMS area, will not change).

Note: the AP would like to see estimated F rates by SAMS area for open bottom fishing. The motion carried on a show of hands (12/0/0).

Discussion on Motion 5: A member of the AP did not support turning the NLS-West into open bottom, suggesting that vessels will not want to fish there using DAS. They felt harvesting scallops in the NLS-West would be more suited for an access area trip. It was clarified that access area fishing and open area fishing are treated separately in the SAMS model. Overall, the AP was supportive of analyzing specifications runs with the range of open area F rates defined in Motion 5.

Motion 6: Fulcher/Maxwell

AP recommends that the Committee task the PDT to calculate DAS for open area fishing in FY 2020 at:

- F=0.23
- F=0.295
- F=0.4
- For both area:
 - With and without CAII-EXT
 - With and without Southern Flank

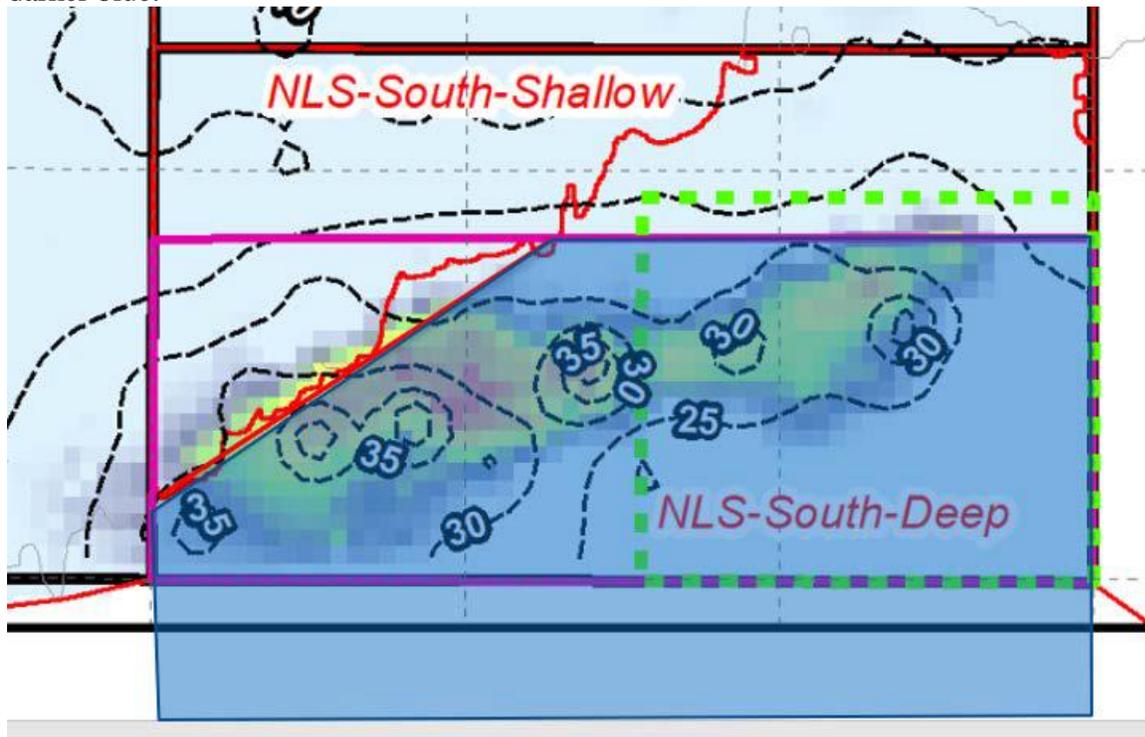
Rationale: This motion advances open bottom F rates that have been used by the Council to set open area DAS in recent actions.

The motion carried on a show of hands (12/0/0).

Discussion on Motion 6: The AP noted that, relative to the current OFL $F=0.64$, even the higher end of the open area F rates considered in Motion 6 could be considered conservative. Discussion highlighted that maintaining a conservative F is appropriate due to the lack of incoming recruitment to the fishery. Generally, the AP felt that the specifications runs described in Motions 1 through 6 will provide a suitable range of options to reach ~50 million pounds of landings in FY2020.

Nantucket Lightship South Deep Motions

(7) **By consensus**, the AP recommends that Committee task the PDT with modifying the NLS-S boundaries using the following graphic as a guide, with the new NLS-S-deep area as shaded in darker blue.



Rationale: Extend the southern extent of the management boundary to allow vessels more room to operate in the area. Delineate a boundary that focuses on the small scallops in high density areas. This would modify the existing NLS-S-shallow and NLS-S-deep areas

Discussion on Consensus statement (7): The AP agreed that establishing a boundary for the NLS-S-deep is important to do before discussing how much fishing should occur there in FY2020 and beyond. The group was hesitant to overcomplicate allocations to the NLS-S-deep in FW32. Some were ambivalent about allowing LAGC vessels to fish in the NLS-S-deep without using IFQ, though it was noted that this would be preferred over other approaches (e.g. shell stocking). One member of the AP suggested an increased trip limit for the LAGC component fishing in the NLS-S-deep; however, several other AP members and a member of the public were opposed to this. Overall, the AP felt that the NLS-S-deep should be fished at a conservative level in FY2020, and serve as an exploratory fishing opportunity to better understand how this area might be fished in FY2021 and beyond.

Motion 8: Fulcher/Lybarger

The AP recommends that the Committee task the PDT to develop the following option for harvesting the NLS-S-deep area in 2020 in Framework 32:

- This would be a “bonus” trip as a special access program.
- Trip limit of 15,000 for LA (~5 million lb harvest)
- The LAGC allocation be 5.5% of the total harvest from for the SAP area. LAGC would be allocated a total number of trips. Maintain 600 lb trip limit.
- Vessels would have 12 months to harvest (April 1, 2020 – March 31, 2021).
- Vessel would not be able to carry forward this trip into a subsequent fishing year. (use or lose)

Rationale: Fish this area in 2020, and begin utilizing these scallops. This is a starting point for harvesting these scallops in the future.

Staff notes: The AP felt that it was important to begin accessing these scallops in 2020, recognizing that they may be important to the fishery in 2021. Crew limits would say the same. The motion carried on a show of hands (12/0/0).

Discussion on Motion 8: A member of the AP clarified that all the current access area fishing regulations would apply to the NLS-S-deep in FY2020. It was noted that the option described in Motion 8 would not impact estimates for open area DAS in the SAMS model.

Mitigating Impacts on Georges Bank Yellowtail Flounder

(9) Consensus on GB YT:

The spatial management approaches for FY 2020 that the AP recommended to the Committee are expected to help mitigate impacts on GB YT flounder. This includes reduced access in Closed Area II and fishing open area DAS at a conservative F rate.

Discussion on Consensus statement (9): The AP and members of the public were opposed to developing additional restrictions on the scallop fishery to reduce impacts on GB yellowtail, citing the range of proactive measures already in place that are engineered to address this issue (i.e. 10” twine top, 7-row apron maximum requirement, CAII seasonal closure). Several in the room noted that the scallop fishery has not exceeded its GB yellowtail sub-ACL recently, and that a sensitivity analysis for FW30 suggested that the GB yellowtail bycatch associated with a 15,000-pound FT LA trip to CAII was below the sub-ACL. CAII AA could support more than one trip in FY2020, but the AP considered impacts to GB yellowtail when suggesting this area be fished at a more conservative level in FY2020. Overall, the AP felt that recent trends related to GB yellowtail and the outlook for FY2020 did not warrant additional restrictions for the scallop fishery.

Closure to Protect Small Scallops

Motion 10: Porter/Mullis

The AP recommends that the Committee task the PDT to develop a targeted closed area on Stellwagen Bank to protect juvenile scallops. Closed area to remain for 2 years with possible adjustments made after year 1 to account for scallop movement.

Rationale: Closure is expected to improve YPR.

Notes: Focused closure would be intended retain some access on Stellwagen Bank.

The motion carried on a show of hands (11/0/1).

There was no discussion on Motion 10.

Amendment 21 NGOM Alternatives

Motion 11: Fulcher/Maxwell

Recommend the Committee recommend that the Council establish a control date that could be used to restrict movement between LAGC B/C permits.

Rationale: The LAGC B permit is the NGOM permit, the LAGC C permit is the incidental permit. If folks are considering getting into the NGOM fishery they should be notified that Council may changes the rules in the future.

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

Motion 12: Porter/Vafides

Recommend the Committee recommend that the Council establish a control date that could be used to restrict permanent movement from a LAGC A (IFQ) permit to a LAGC B (NGOM) or C (Incidental) permit.

Rationale: If folks are considering getting into the NGOM fishery they should be notified that Council may changes the rules in the future.

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

Discussion on Motion 11 and Motion 12: The AP acknowledged that developing effective management measures for the NGOM Management Area would be difficult if the universe of permits that could be active in the fishery was uncertain. One member of the AP did not support a control date for the NGOM, suggesting that excluding permit holders in the future would go against Amendment 11. Many members of the AP felt that allocation share alternatives in A21 should allow LAGC IFQ vessels to fish 600 pounds per trip (i.e. instead of the current 200 pounds per trip). Regarding the allocation share strawman, a member of the AP felt that the NGOM “set-aside” should be incrementally increased at considerably higher levels of biomass. A member of the public supported establishing a control date, and also felt that the best way to address NGOM management measures is to dissolve the management boundary, and allocate

DAS to NGOM permit holders that can be fished anywhere in the resource at 200 pounds per day. They also felt strongly that the LA component should be able to access the NGOM equitably.

2020 Council Priorities

By Consensus (13):

Add to the Council's 2020 Priorities and Research Priorities:

- Investigation of poor scallop recruitment recent years.

Notes: This occurred while scallop fishery during years of high landings. What was special about/drove the 2012 and 2013 recruitment events?

Discussion on Consensus statement (13): It was noted that the scallop fishery has sustained some of the highest landings in history over the past several years, but no recruitment has come in behind it. The group agreed that it will be important to better understand the dynamics of recruitment to improve the long-term chances at a stable resource and fishery. The AP also supported a priority that would develop scallop fishery access to the Northern Edge (i.e. see Habitat CTE priorities). An AP member expressed concern around the impacts of wind energy development on the scallop fishery, including issues related to safety and navigational hazards—they felt the scallop industry should be more involved with figuring out ways to co-exist with wind arrays.

Other Business

No other business was discussed. The meeting ended at 5:28pm.