



## New England Fishery Management Council

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### MEETING SUMMARY

#### Scallop Advisory Panel Meeting

December 8, 2020

Webinar Meeting

The Scallop Advisory Panel met via webinar on December 8, 2020 to: 1) review analyses and recommend specification alternatives to be considered by the Committee for inclusion in Framework 33, 2) review Gulf of Maine survey results and consider closure configurations in the Gulf of Maine to protect small scallops, and 3) discuss other business.

#### ***MEETING ATTENDANCE:***

James Gutowski (AP Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Kirk Larson, Ron Enoksen, Bob Maxwell, Ed Mullis, Brent Fulcher, Kristan Porter, Ben Martens, Cassie Canastra, Chris Merl, Charlie Quinn, Paul Vafides, Tom Coley, Mike Marchetti, Brady Lybarger, and Eric Hansen.

Vincent Balzano (Scallop Committee Chair) was in attendance on the webinar along with approximately 35 members of the public.

The meeting began at 9:04 AM. Advisory Panel Chair Jim Gutowski welcomed the AP and members of the audience to the webinar. Due to the COVID-19 pandemic, all Council related meetings have been transitioned to webinars including the Scallop AP and Committee meetings. Staff reviewed instructions for participating in the webinar and gave an overview of the goals and objectives for the day's meeting.

#### Key Outcomes:

- The AP made recommendations to the Committee on the range of specifications alternatives and measures to be included in FW33.
- The AP recommended the continued closure of the NGOM portion of Stellwagen Bank in FY2021 and identified areas that are likely to be fished in 2021.

#### Framework 33

##### *Overview of motions and general discussion related to FY2021 specification alternative*

*recommendations to the Committee:* The AP made a series of motions recommending a range of specifications alternatives to be considered in Framework 33 (see Motion 1 – Motion 6 below). All recommendations set the full-time access area possession limit at 18,000 pounds and would allow access area allocations to be traded in 9,000-pound increments. The recommendations all allocate access at varying levels to Closed Area II (both CAII-Southwest and CAII-Extension), the MAAA, and the Nantucket Lightship South. The spatial management configuration for these areas were the same for all

options except for Motion 2, which would allocate access to CAII-SW and CAII-Ext as two separate areas – in all other options, CAII-SW and CAII-Ext are considered one continuous area. The AP recognized that the bulk of biomass in these two areas lies on their shared boundary and felt that fishing them separately will create an unsafe situation where vessels are fishing in close proximity on either side of the border.

The only other difference in spatial management configuration is also in Motion 2, which makes Closed Area I part of the open area. The AP had a fair bit of discussion around CAI in general. Some felt that there may be more biomass in CAI than what is projected for 2021, but there was agreement that this area could not support either a full trip or half trip for FT LA vessels in FY2021. Some felt that making CAI part of the open area is an equitable approach for the whole fishery in that both LA and LAGC vessels will have access to it when fishing open trips, and LAGC vessels won't be constrained by a set number of access area trips. Others supported the idea of allowing pounds from other areas to be flexed to CAI because it would give flexibility to LA vessels if they want to fish there, but does not force any vessel to fish there. The "flex" concept was first used in FW29 and allows fishermen to pick which access area they want to fish in. Another part of the discussion was focused on the importance of having areas on Georges Bank where LAGC vessels can fish. The AP felt that having access areas open on Georges Bank and in the Mid-Atlantic gives LAGC fishermen a chance to fish in access areas closer to home, preserves the geographic distribution of that component of the fishery, and does not create a situation where access area trips that would have been allocated to Closed Area II are instead redistributed to the Mid-Atlantic Access Area.

Related to the Mid-Atlantic Access Area, there was agreement that this area should be fished in a way that access is supported for both 2021 and 2022. The AP felt that this can be accomplished through the 1.5 and 1 trip options.

For open area days-at-sea options, there was agreement that the range of 24 to 28 DAS should be included in FW33 and that this range is consistent with the approach used by the Council for several years in managing the open area conservatively.

### **Motion 1: Lybarger/Fulcher**

Recommend that the Committee tasks the PDT to develop an alternative in FW33 that would:

- Set FT LA possession limit at 18,000 pounds in all access areas.
- 4 Total FT LA AA trips:
  - 1.5 in MAAA
  - 1.5 in CAII (SW and EXT as one area)
  - .5 in NLS-South
  - .5 CAI-FLEX to NLS-South
- Trip exchanges in 9,000 pound increments.

*Rationale:* This allows no more than 27k (1.5 trips) in 2021 in MAAA. Opening the smaller box of CA2 SW and EXT spreads the boats out and flexibility with safety in mind. Opening CA1 for 9k gives incentive to fish those scallop pounds remaining in the area and gives the Gen Cat fleet an area to fish close to home in New England. And FLEXing into the NLS wouldn't put any more burden on that area, we could rely on a full trip in 2022. This motion would allocate 4 FT LA AA trips in 2021 while trying to preserve some access for 2022.

Motion 1	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens	Yes			
Bob Maxwell	Yes			
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Charlie Quinn	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Eric Hansen (VC)	Yes			
Kirk Larson	Yes			
Kristen Porter				
Michael Marchetti	Yes			
Paul Vafides	Yes			
Ronnie Enoksen	Yes			
Tom Coley	Yes			
TOTAL VOTE	14	0	0	0

Discussion on Motion 1: Several AP members voiced support for Motion 1, specifically because it combines Closed Area II Southwest and Closed Area II Extension as one continuous area, it allows the LA fleet a chance to fish in CAI while also giving the LAGC component access to that area, and keeps effort in the MAAA at a level where fishing can be supported in both FY2021 and FY2022.

**Motion 2: Hansen/Mullis**

Recommend that the Committee task the PDT to develop an alternative in FW33 that would:

- Set FT LA Access Area possession limits at 18,000 pounds.
- Four access area trips:
  - MAAA 1.5
  - CL2-SW 1
  - NLS-S 1
  - CL2ext .5
- Allow FT LA exchanges in 9,000 pound increments.
- CA1 open bottom

*Rationale:* Closed Area I would be open bottom because it now qualifies as open bottom rather than staying closed as an access area. This motion tries to preserve some allocation/fishing opportunities in the MAAA for 2022.

Motion 2	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Paul Vafides	Yes			
Michael Marchetti		No		
Kristen Porter				
Kirk Larson		No		
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Ed Mullis	Yes			
Chris Merl		No		
Charlie Quinn	Yes			
Cassie Canastra	Yes			
Brent Fulcher		No		
Brady Lybarger		No		
Bob Maxwell		No		
Ben Martens – did not vote				
TOTAL VOTE	7	6	0	0

Discussion on Motion 2: Those opposed to Motion 2 did not support the idea of making CAI part of the open area. Several Advisors felt that it is important to preserve LAGC access in CAI in FY2021 and noted that opening it would limit available access areas for this component of the fishery. Others did not necessarily disagree with opening CAI, but did not support the motion because they felt this recommendation would not get tractions at the Committee. Those in support of the motion felt that making CAI open bottom would allow for equitable access to the scallops there by both the LA and LAGC components.

**Motion 3: Larson/Fulcher:**

Recommend that the Committee task the PDT to develop an alternative in FW33 that would:

- Set FT LA Access Area possession limits at 18,000 pounds
- 4 FT LA trips
  - 1.5 MAAA (.5 could be FLEXed to CAI)
  - 1.5 CAII-SW CAII-EXT (.5 Could be FLEXed to CAI)
  - 1 NLS-South
- Allow FT LA exchanges in 9,000 pound increments.

*Rationale:* Scallops in the NLS are older and should be available for harvest. This option provides flexibility for the LA fleet to fish across four different access areas in 2020, and make business decisions. This keeps CAI available for LAGC fishing, while allowing LA to fish in

other areas with little fishing pressure in CAI. It also allows the fishing in CAI if the other areas don't pan out.

Motion 3	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson	YES			
Kristen Porter				
Michael Marchetti	YES			
Paul Vafides	YES			
Ronnie Enoksen	YES			
Tom Coley	YES			
Ben Martens	YES			
Bob Maxwell	YES			
Brady Lybarger	YES			
Brent Fulcher	YES			
Cassie Canastra	YES			
Charlie Quinn	YES			
Chris Merl	YES			
Ed Mullis	YES			
Eric Hansen (VC)	YES			
TOTAL VOTE	14	0	0	0

**Motion 4: Larson/Fulcher:**

Recommend that the Committee moves to task the PDT to develop an alternative in FW33 that would:

- Set FT LA Access Area possession limits at 18,000 pounds
- 4 FT LA trips
  - 1.5 MAAA (.5 could be FLEXed to CAI)
  - 1.5 CAII (CAII-SW CAII-EXT as one area)
  - 1 NLS-South
- Allow FT LA exchanges in 9,000 pound increments.

*Rationale:* Same motion as #3, but with only FLEX from one area (MAAA). 12-13 bushels to the bag in the MAAA right now, could use an option to FLEX to CAI.

Motion 4	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			

Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Kristen Porter				
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	14	0	0	0

**Motion 5: Hansen/Mullis:**

Recommend that the Committee moves to task the PDT to develop an alternative in FW33 that would:

- Set FT LA Access Area possession limits at 18,000 pounds
- 4 FT LA trips
  - 1 MAAA
  - 1.5 CAII (CAII-SW CAII-EXT as one area)
  - 1.5 NLS-South (.5 could be FLEXed to CAI).
- Allow FT LA exchanges in 9,000 pound increments.

*Rationale:* This goes with 1 trip to the MAAA, and increasing landing from NLS-South. The scallops in the NLS-S may die of old age if we don't harvest them, and that is a waste of the resource. 12-13 bushels to the bag in the MAAA right now, could use an option to FLEX to CAI.

Motion 5	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Kristen Porter				
Charlie Quinn	Yes			
Paul Vafides	Yes			

TOTAL VOTE	14	0	0	0
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Discussion on Motion 3, Motion 4, and Motion 5: The AP was supportive of Motion 3 because it follows a similar spatial management configuration as other options, but also utilizes half trip flex allocations that could be fished in Closed Area I. Following the vote on Motion 3, there was some discussion around how administering half trip flex allocations from two different areas could be challenging – in light of this discussion, the AP moved forward Motion 4 and Motion 5, which are the same as Motion 3 but allows pounds from only one area (i.e., the MAAA in Motion 4, CAII in Motion 5) to be flexed to CAI. Those in favor of Motion 5 also voiced support for including an option in FW33 that reduces effort in the MAAA to 1 trip.

**Motion 6: Hansen/Fulcher**

Recommend that the Committee task the PDT to develop specification alternatives in FW33 that set FT LA DAS at:

- o 24 DAS (F=0.3)
- o 26 DAS (F=0.33)
- o 28 DAS (F=0.36)

Rationale: These DAS options are well below the allowed F to set DAS at (F=0.61). These runs have been completed and provide a range for analysis.

Motion 6	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Kristen Porter				
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	14	0	0	0

## 2022 Default Measures

### Motion 7: Fulcher/Larson

Recommend that the Committee task the PDT to include default measures for FY 2022 in FW33 that would allocate 1 access area trip (18,000 pounds for FT LA) in the MAAA and 1 access area trip (18,000 pounds for FT LA) in the NLS-South at the trip limit specified for 2021 FY.

- The NLS-South trip would not be available until May 1, 2022.
- The MAAA trip would be available on April 1, 2022.

*Rationale:* The default measures are needed to address the uncertainty associated with COVID-19, and the impacts this can have on the fishery and implementing specifications.

Motion 7	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Kristen Porter			Abstain	
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	14	0	1	0

Discussion on Motion 7 was brief – in addition to the standard default measures for open area DAS, the AP recommended including a trip to the MAAA and a trip to the NLS-South as default specifications for 2022. The rationale for allocating two trips for 2022 is the delays in the Framework process experienced this year and the uncertainty around how the pandemic might affect next year’s process. The AP discussed the timing of fishing under default specifications relative to meat yield, and included a recommendation for the NLS-South default trip going into place in May is to ensure that effort aligns with the time of year when yields are higher.



## Part Time Limited Access Allocations

### Motion 8: Fulcher/Mullis

Recommend that the Committee task the PDT to develop measures in FW33 that would allocate Limited Access Part Time vessels two access area trips:

- 1 trip to MAAA at 14,400 lbs
- 1 trip in CAII (whichever configuration in selected) or the NLS-S at 14,400 lbs

*Rationale:* The PT vessels are smaller, have fewer crew. The MAAA and CAII have highest level of exploitable biomass of access areas. There are default trips on the books on April 1, 2020, and boats are likely to fish that before the FW33 specs go into place later in the summer. This gives vessels a chance to fish in the MAAA, and the option to fish inshore or offshore on Georges Bank (NLS or CAII).

Motion 8	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson		No		
Kristen Porter	Yes			
Michael Marchetti	Yes			
Paul Vafides	Yes			
Ronnie Enoksen			Abstain	
Tom Coley	Yes			
Ben Martens			Abstain	
Bob Maxwell	Yes			
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Charlie Quinn	Yes			
Chris Merl			Abstain	
Ed Mullis	Yes			
Eric Hansen (VC)			Abstain	
TOTAL VOTE	10	1	4	0

Discussion on Motion 8 was limited – the AP was supportive of recommending two 14,400-pound trips for part time limited access vessels in FY2021, corresponding with 40% of the full time limited access allocation to access areas. One member of the AP did not support the motion because they felt that PT allocations should be consistent with FT allocations; for example, FT allocations do not allow for an NLS-S trip to be fished in CAII, whereas the recommendation in Motion 8 would allow this flexibility to PT vessels.

## LAGC IFQ Access Area Trips

### Motion 9: Enoksen/Fulcher

Recommend that the Committee task the PDT to include alternatives in FW33 that would distribute the LAGC IFQ access area allocation from Closed Area II to other access areas (example of 856 trips):

- Evenly across all open access areas.
  - MAAA (285 trips)
  - NLS-S (285 trips)
  - CA-I (285 trips)
- All in Closed Area I (856 trips)

*Rationale:* This formula would be for allocations to CAII – the numbers specified in the motion may change if fewer trips are allocated to CAI. These options reflect how the Council has redistributed LAGC IFQ CAII allocations in the past. This creates two options.

Motion 9	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens	YES			
Bob Maxwell		No		
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Charlie Quinn	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Eric Hansen (VC)	Yes			
Kirk Larson		No		
Kristen Porter	Yes			
Michael Marchetti	Yes			
Paul Vafides	Yes			
Ronnie Enoksen	Yes			
Tom Coley	Yes			
TOTAL VOTE	13	2	0	0

Discussion on Motion 9: The AP recommended two options for how to redistribute LAGC trips that are allocated to Closed Area II. The first option distributes the trips evenly between all other access areas, and the second option moves all CAII trips into CAI. One Advisor did not support the idea of redistributing all CAII trips to CAI, though all other AP members that spoke to Motion 9 were in support of the two options recommended.

## Reduce Fishery Impacts

### Motion 10: Larson/Mullis

Recommend that the Committee include an alternative in FW33 that would allow RSA compensation fishing in the following areas:

- Open Bottom
- MAAA
- Closed Area II with seasonal restrictions
- NLS-S
- NGOM management area (up to the LA TAC in this area)

*Rationale:* This would allow vessels to spread out, and some research is done on compensation fishing. The RSA is important and should be supported with good options for catching the compensation pounds. The RSA has had issues in the past when fishery has not been able to operate in areas where it can catch scallops that receive a price to adequately support research.

Motion 10	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson	Yes			
Kristen Porter	Yes			
Michael Marchetti	Yes			
Paul Vafides	Yes			
Ronnie Enoksen	Yes			
Tom Coley	Yes			
Ben Martens	Yes			
Bob Maxwell	Yes			
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Charlie Quinn	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Eric Hansen (VC)	Yes			
TOTAL VOTE	15	0	0	0

Discussion on Motion 10: The AP recommended allowing RSA compensation fishing in the open area, as well as all rotational areas that will be accessible to the fishery in 2021. As stated in the rationale for Motion 10, the AP highlighted the importance of the RSA program to the fishery and felt that the compensation fishing that supports this program should be allowed in areas that fetch an adequate price.

### **Motion 11: Fulcher/Hansen**

The AP recommends that the Committee task the PDT to develop measures in FW33 to mitigate impacts on flatfish based on estimated bycatch of GB Yellowtail in FY2021. The PDT should focus on using seasonal closures, and the benefits of a seasonal closure from Aug. 15 – Nov. 30.

*Rationale:* The sub-ACL for GB yellowtail will be ~12 mt for FY2021. There are options for 1.5 trips to CAII. This would include examining the benefits of continuing the two-week closure at the end of November (Nov. 16 – Nov. 30). The delayed opening to June 1 is likely to mitigate impacts on flatfish on its own.

*The motion carried by unanimous consent.*

Discussion on Motion 11: Also related to reducing fishery impacts, the AP discussed ways to help mitigate impacts to Georges Bank yellowtail and northern windowpane, considering the likelihood that the fishery will be in eastern Georges Bank for the next several years. The group agreed that the delayed start to 2021 will benefit these two flatfish stocks because bycatch rates tend to be the highest across the entire year during the month of April in Closed Area II. The AP also recommended developing measures in FW33 to mitigate impacts on Georges Bank yellowtail flounder, such as extending the Closed Area II seasonal closure by two weeks (i.e., Aug. 15<sup>th</sup> to Nov. 30<sup>th</sup>, the same timing as the closure in FY2020). One AP member suggested that the start of the seasonal closure be shifted to September 1<sup>st</sup>; however, several others on the AP noted that August is typically when yellowtail catch swings up in Closed Area II and suggested the start of the closure not be modified.

### **2020 Survey of the Gulf of Maine, NGOM Specifications**

The AP reviewed findings from the 2020 drop camera survey of the Gulf of Maine and moved forward a recommendation to continue the closure of the portion of Stellwagen Bank in the NGOM through FY2021 (see Motion 12, below). The group also recommended developing a range of NGOM TACs based on the assumption that fishing will occur in all areas that were surveyed in 2020, plus Machias Seal Island. An AP member noted that four boats did fish around Machias Seal Island in the 2020 NGOM season and suggested that effort is likely to continue there in 2021.

### **Motion 12: Porter/Martens**

The AP recommends that Stellwagen Bank remain closed for FY 2021.

The AP recommends that the Committee task the PDT to develop NGOM TAC options using F rates of F=0.18, F=0.2, F=0.25 in the following that areas:

- Ipswich Bay
- Jeffreys Ledge
- Platts Bank
- Machias Seal Island

*Rationale:* The fishery is likely to spread out in 2021. Some vessels are likely to fish in the Machias Seal Island area, along with the other areas that were fished in FY 2020.

*The motion carried by unanimous consent.*

## Other Business

Under other business, the AP noted vacancies on the panel, and asked if the Council had plans to fill those seats. Staff explained the process and suggested that the Committee may wish to weigh in on this. There was also some very brief discussion around developing safeguards in the allocation process that would make uncaught access area allocations available to vessels if an area is unable to support the level of fishing allocated to it.

No other business was discussed. The meeting adjourned at 3:58 PM.