



New England Fishery Management Council

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MEETING SUMMARY

Scallop Advisory Panel Meeting

January 21, 2021

Webinar Meeting

The Scallop Advisory Panel met via webinar on January 21, 2021 to: 1) review analyses and recommend preferred alternatives in Framework 33, 2) receive and update on 2021 work priorities and consider a request to change 2021 priorities, 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 43 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 final preferred alternatives in FW33.
- The AP made a recommendation to the Committee to revisit the list of 2021 priorities and consider adding listening sessions for leasing in the Limited Access fishery.

Meeting materials can be accessed at [this link](#). Audio recordings of the full meeting can be provided upon request.

Framework 33

Following a presentation from Council staff around the range of measures being considered in Framework 33, there was some general discussion around the following topics:

- Several Advisors disagreed that Closed Area I should be reserved for LAGC access area and RSA compensation fishing only in FY2021. There was discussion around the biomass estimates for Closed Area I from the 2020 surveys, and several AP members felt that the projections could be underestimates despite the projections being based on the most recent data available. Others noted that CAI has been a productive area in the past and were concerned that LAGC access to CAI in FY2021 will impact the full-time limited access fleet's ability to fish there in the future. At the onset of the meeting and during the specifications discussion (see Action 3 below), several members of the AP expressed concern around designating CAI as an LAGC access area only, feeling that it would set an undesirable precedent for access areas that do not have enough biomass to support effort from the full time LA fleet in the future.
- Following a question from a member of the public, there was some discussion around the differences between NEPA analyses performed in FW33 relative to analyses conducted by NMFS to estimate annual sea turtle takes. NEPA analyses performed in annual scallop specifications actions compares the potential impacts of a range of measures relative to one another, which is separate from the analyses conducted by NMFS to estimate the number of turtle takes in the scallop fishery based on a dredge hour threshold. Through a court order following the reinitiation of the Biological Opinion for the scallop fishery in 2019, NMFS is in the process of developing a new surrogate for turtle takes in the scallop fishery (i.e., not the dredge hour surrogate).
- There was some clarifying discussion on the default NGOM TAC for FY2021 and how payback measures are administered in a situation that the NGOM TAC is exceeded (i.e., there is a pound for pound pay back that is applied two years following an overage).

Action 1 – Overfishing Limit and Acceptable Biological Catch

For Action 1, the AP recommended Alternative 2 – updated OFL and ABC values for FY2021 and FY2022 (default) with no discussion (see Motion 1 below).

Motion 1: Hansen/Fulcher

Recommend that the Committee adopt in Section 4.1, Alternative 4.1.2, Updated OFL and ABC for FY 2021 and FY 2022, as the preferred alternative.

Rationale: This alternative contains the most recent and up to date information on the fishery and represents the best available science. Alternative 2 supported by the PDT.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	YES			
Ronnie Enoksen	YES			
Paul Vafides	YES			
Michael Marchetti				
Kristen Porter	YES			
Kirk Larson	YES			
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Ed Mullis	YES			
Chris Merl	YES			
Charlie Quinn	YES			
Cassie Canastra				
Brent Fulcher	YES			
Brady Lybarger	YES			
Bob Maxwell				
Ben Martens	YES			
TOTAL VOTE	12	0	0	0

Action 2 – Northern Gulf of Maine TAC

For Action 2, the AP recommended setting the 2021 and 2022 (default) NGOM TAC at an F of 0.2 and recommended that Stellwagen Bank remain closed by default for FY2022 (see Motion 2 below). Another motion (Motion 3) was raised related to the methods used by NMFS to monitor harvest and project when the NGOM will close, but this motion was withdrawn after some brief discussion on the challenges of tracking harvest during the derby-style fishery with the data that are available to NMFS staff.

Motion 2: Martens/Porter

The Scallop AP Recommends that the Committee adopt in Section 4.2.2, Alternative 2, first 70,000 lbs of NGOM TAC to LAGC, then 50/50 split between LA and LAGC, as preferred alternative, with option 2 Section 4.2.2.1.2- Set NGOM TAC for 2021 at F=0.20 TAC 175,000 pounds LAGC share 122,500 pounds. And sub-option 1 Section 4.2.2.2.1 set the NGOM TAC for 2022: F=0.20 TAC 74,000 pounds, LAGC Share 72,000 pounds.

Rationale: Fishing the NGOM at F=0.2 is a conservative approach, which has been a stated goal of this area and fleet as we strive to rebuild the NGOM scallop area.

The motion carried on unanimous consent.

Motion 3: Martens/Porter

The Scallop AP Recommend that the Committee request that GARFO change how they determine the date to close the NGOM area. Currently, trips are used as an indicator of landings which is not as precise as needed. More precise landings data should be used to establish a closing date moving forward.

Rationale: According to current regulations it states that “landings” are tracked, not trips, and it is clear that with a lower catch rate fewer trips will be landing their full 200 pound limit.

The motion was withdrawn without objection.

Action 3 – FY2021 Fishery Specifications

The AP deliberated specifications options over several motions. One of the primary topics driving the AP's recommendation for Action 3 was the importance of access to Closed Area I in an equitable manner. This comes through the specification recommendation in Motion 5, which incorporates the use of a 9,000-pound flex allocation to the NLS-South that could be fished in either the NLS-South or CAI.

Another central part of the AP's discussion around specifications was focused on the Mid-Atlantic Access Area outlook for FY2021 and FY2022. Several advisors were hesitant to direct more than one trip in the MAAA in FY2021 noting the importance of having access there in FY2022. Others felt that the probability was high that access could be supported in 2022 if 1.5 trips were allocated in 2021. Ultimately, the AP recommended allocating 1 trip to the MAAA (see Motion 5).

The AP addressed open area DAS and default specifications through separate motions. The AP recommended 26 open area DAS for FT LA vessels by unanimous consent with very limited discussion (see Motion 6 below). For default measures, there was some discussion around the difficulty of allocating default access area trips as biomass continues to decline in most rotational areas. The AP discussed the merits of a default trip in CAII instead of the MAAA, but due to concerns of seasonal meat yield, bycatch issues, and uncertainty in the timing of FW34, the AP was in support of 1 default trip to the MAAA in FY2022 (see Motion 7 below). The AP recommended reducing the default allocations from 2 access area trips (originally recommended at the December 2020 meeting) because there was some uncertainty about the ability of NLS-South to be able to support a full trip in FY2022.

Motion 4: Lybarger/Mullis

Recommend that the Committee add a new option in Section 4.3, and select as preferred. This alternative would allocate:

- 26 FT LA DAS (Open area F=0.33).
- 18,000 pound trip limit for full-time Limited Access vessels.
- 4 access area trips with the following allocations:
 - Closed Area I: 9,000 pound FLEX to NLS-South
 - Closed Area II: 27,000 pounds (1.5 trips)
 - NLS-South trip at 9,000 pounds (1/2 trip)
 - MAAA at 27,000 pounds (1.5 trips)

Rationale: Allowing access to entire fleet LA, Gen Cat, and RSA is how our industry has been and should be managed. Access should be allowed with data collected through surveys and science. (Lack of surveys should not limit portions of the fleet) Access to all or to None. Default trips for 2020 discussed in a later motion.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson		No		
Kristen Porter		No		
Michael Marchetti		No		
Paul Vafides		No		
Ronnie Enoksen		No		
Tom Coley		No		
Ben Martens		No		
Bob Maxwell				
Brady Lybarger	Yes			
Brent Fulcher			Abstain	
Cassie Canastra		No		
Charlie Quinn		No		
Chris Merl		No		
Ed Mullis	Yes			
Eric Hansen (VC)		No		
TOTAL VOTE	2	11	1	0

Motion 5: Hansen/Canastra

Recommend that the Committee adopt in Section 4.3, a modified Alternative 5 (4.3.5) as preferred, with the addition of the ability to FLEX from NLS-S Deep to CAI. This alternative would allocate:

- 18,000 pound trip limit for full-time Limited Access vessels.
- 4 access area trips with the following allocations:
 - Closed Area II (SW and EXT): 27,000 pounds (1.5 trips)
 - NLS-South: 27,000 pounds (1.5 trip) – 9,000 would be FLEX to CAI.
 - MAAA: 18,000 pounds (1 trip)

	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			Abstain	
Bob Maxwell				
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Charlie Quinn	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Eric Hansen (VC)	Yes			
TOTAL VOTE	13	0	1	0

Motion 6: Fulcher/Mullis

Recommend that the Committee adopt in Action 3, 26 DAS for FT LA DAS (Option 2 for DAS).

Rationale: Open bottom trips will be on eastern Georges Bank, this will allow for additional time to transit to offshore areas.

The motion carried on unanimous consent.

Motion 7: Hansen/Lybarger

Recommend that the Committee adopt in Action 3, one 18,000 pound trip to the MAAA as the 2022 default access area trip.

Rationale: This is in addition to the standard default measures. Ideally, the new specifications and allocations will be in place on April 1, 2022.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens			Abstain	
Bob Maxwell				
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	Yes			
Michael Marchetti	Yes			
Paul Vafides	Yes			
Ronnie Enoksen	Yes			
Tom Coley	Yes			
TOTAL VOTE	13	0	1	0

Action 4 – LAGC IFQ Access Area Trips

For Action 4, the AP recommended Alternative 2, which would redistribute all LAGC AA trips from CAII to CAI (see Motion 8 below). Those in support felt it is important to keep trips that would have been designated to CAII on Georges Bank. Representatives of both the LA and LAGC component agreed that support for Alternative 2 is contingent on the specifications option recommended in Motion 5 – in other words, the AP did not support allocating any LAGC AA trips to CAI unless the FT LA fleet has the option to fish there via a flex allocation.

Motion 8: Merl/Marchetti

Recommend that the Committee adopt in Section 4.4, Alternative 2 (4.4.2), Update LAGC IFQ Access Area Trip Allocations, Distribute Closed Area II Access Area Allocation to CAI Only, as the preferred alternative if the Committee adopts AP motion 5 (2021 specifications). When combined with AP motion 5, the access area trips would be:

- 571 in the MAAA
- 856 in the NLS-S
- 856 in CAI

Rationale: Move Georges Bank trips to an inshore area for access by the LAGC. This is important during COVID so vessels don't have to become transient to fish in access areas. These trip levels correspond with Alternative 5 in Action 3.

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

Action 5 – Measures to Reduce Fishery Impacts

For Action 5, the AP recommended allowing RSA compensation fishing in all available access areas and the open bottom with no discussion (see Motion 9 below). The AP also recommended extending the CAII seasonal closure by two-weeks and including CAII-extension in the closure area (see Motion 10 below). There were a few brief comments in support of extending the seasonal closure given the low sub-ACLs for Georges Bank yellowtail and northern windowpane and acknowledgement that the delayed start to FY2021 will most likely have some benefit to these flatfish stocks as well.

Motion 9: Fulcher/Enoksen

Recommend that the Committee adopt in Section 4.5.1, Alternative 2 (4.5.1.2), allow RSA compensation fishing in open areas and the Mid-Atlantic Access Area, NLS-South, Closed Area II, and Closed Area I, with limited RSA compensation fishing in the NGOM Management Area, as the preferred alternative.

Rationale: Allows flexibility to use RSA compensation pounds in all open rotational areas. Diversity of where you can fish the RSA trips.

The motion carried on unanimous consent.

Motion 10: Enoksen/Mullis

Recommend that the Committee adopt in Section 4.5.2, Alternative 2 (4.5.1.2), Extend Seasonal Closures of Closed Area II Access Area through November 30th in FY 2021, Include CAII-Ext in Seasonal Closure, as the preferred alternative.

Rationale: Sub-ACLs for Georges Bank yellowtail and Northern windowpane are low, and the fishery should be proactive in working to reducing bycatch.

The motion carried on unanimous consent.

2021 Work Priorities Discussion

Under the 2021 Priorities agenda topic, the AP deliberated recent correspondence from the Scallopers Campaign requesting that the Council reconsider the list of 2021 priorities to include listening sessions for leasing in the LA fishery. Those in favor felt that developing a leasing program could benefit the LA fishery and improve operational flexibility, and suggested that the “evaluation of rotational management” priority could be addressed through additional resources, such as a contractor, instead of by Council staff. Those opposed to prioritizing listening sessions around leasing felt that consolidation could have negative downstream impacts to fishermen and shoreside operations and suggested that there are other priorities that need more attention at this time. Other comments noted that the leasing issue will require substantial time and resources to address adequately, and that it may be best to hold off until the 2022 Council work priorities discussion to revisit this topic. Ultimately, the AP recommended that the Council revisit the list of 2021 priorities and consider adding LA leasing listening sessions (see Motion 11 below).

Motion 11: Fulcher/Enoksen

Recommend that the Committee recommend that the Council add LA leasing listening sessions to the 2021 work priorities. Recommend that Evaluation of Rotational Management be pursued using additional resources to free-up staff time to work on the listening sessions.

Rationale: The AP has recommended this before. There is a majority of the permit holders that would like to discuss this. We should have a discussion to make a decision about whether or not to pursue this further. Keeping this in the Council process would allow for fair and equitable participation in the process.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens	YES			
Bob Maxwell				
Brady Lybarger	YES			
Brent Fulcher	YES			
Cassie Canastra	YES			
Charlie Quinn				
Chris Merl		NO		
Ed Mullis	YES			
Eric Hansen (VC)		NO		
Kirk Larson	YES			
Kristen Porter	YES			
Michael Marchetti		NO		
Paul Vafides	YES			
Ronnie Enoksen	YES			
Tom Coley		NO		
TOTAL VOTE	9	4	0	0

Other Business

Under other business, there was some brief discussion around how the change from the Trump administration to the Biden administration might affect the fishing industry. There was also a brief comment from the member of the public around management strategies that would focus on scallop production, and how scallop production might be affected by the development of offshore wind.

No other business was discussed. The meeting adjourned at 2:07 PM.