



New England Fishery Management Council

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MEETING SUMMARY

Scallop Committee Meeting

February 27, 2020

Hilton Garden Inn, Boston, MA

The Scallop Committee met in Boston, MA on February 27, 2020 to: 1) Recap the 2020 scallop work priorities, and meeting outlook for 2020; 2) Amendment 21: Review goals, objectives, and status of this action, Provide input on the range of alternatives to include in this action, and additional tasking if necessary; 3) Discuss 2019 fishery performance, and outlook for 2020, with a focus on NLS-West; 4) Receive updates on modifications to scallop dredge exemption areas and LA DAS reporting requirements, and status of type-approved VMS units; 5) NLS-S-Deep Access Area Trips: Overview of the NEFOP policy on life raft capacity requirement when carrying an observer on board; and, 6) Other Business.

MEETING ATTENDANCE:

Vincent Balzano (Committee Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Terry Stockwell, Kevin Collins (NOAA GC), Emily Gilbert, Peter Hughes, Melissa Smith, Melanie Griffin, Cheri Patterson, Matt Gates, and Peter deFur.

Jim Gutowski (AP Chair) and Travis Ford (NOAA SFD) were in attendance along with approximately 7 members of the public in the audience.

MEETING MATERIALS: Doc.1a [Meeting Agenda](#), Doc.1b [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c [Staff presentation](#); 2019 Fishery Performance and Outlook for 2020: Doc.2a [Updated Landings and LPUE data for FY 2019](#), Doc.2b [Landings, price, and revenue from NLS-West \(2018 & 2019\)](#); Scallop Amendment 21: Doc.3a [Draft A21 Alternatives \(in development\)](#), Doc.3b [Draft A21 Affected Environment \(background data\)](#), Doc.3c [SARC 65 Appendix 3 – Gulf of Maine](#), Doc.3d [A21 Action Plan](#); Relevant Meeting Summaries: Doc.4a [May 23, 2019 Scallop Committee Meeting Summary \(A21 tasking motions\)](#), Doc.4b [July 24, 2019 Scallop PDT Meeting Summary](#), Doc.4c [September 19, 2019 Scallop Committee Meeting Summary \(A21 tasking motions\)](#), Doc.4d [February 10, 2020 Scallop PDT Meeting Summary](#); Doc.5 [Correspondence](#)

Key Outcomes:

- The Committee received updates on a wide range of issues, including notice the NMFS plans to reinstate a biological opinion for loggerhead sea turtles.
- The Committee made several motions related to alternative development for Amendment 21.

The meeting began at 8:39 AM. Committee Chair Vincent Balzano welcomed the Committee and members of the audience. Following introductions, Council staff provided an overview of updates from the previous days AP meeting, including information on VMS units, NEFOP life raft capacity policy, and shipwreck avoidance in the Stellwagen Bank National Marine Sanctuary.

Staff provided other updates related to FW32 and other ongoing work. FW32 is on track for target implementation on April 1st. The NGOM overage that occurred in FY2018 (3,718 lbs) will be deducted from the FY2020 TAC. The new NGOM TAC for LAGC vessels will be 206,282 lbs for FY 2020. Staff gave a brief overview of a recent Agency rule that expanded scallop dredge exemption areas to include all of Georges Bank and implemented a requirement for LA vessels to submit pre-landing notifications for open area trips.

Turtle Biological Opinion

GARFO staff provided an overview of a recent letter to the Council regarding reinitiation of the Biological Opinion on protected/endangered species of sea turtle. Since the 2012 Biological Opinion, scallop fishery dredge hours have been used as a surrogate of effort in the Mid-Atlantic during times of the year when the fishery and sea turtles overlap to assess potential impacts. The two-year average for both the 2015-2016 and 2016-2017 periods exceeded the ITS trigger of a two-year average of 359,797 dredge hours, meaning NMFS is required to reinitiate the Biological Opinion. Discussion on this item was brief but several suggestions were made by the Committee and public related to better, more accurate, ways to gauge scallop fishery effort in the Mid-Atlantic and potential impact to sea turtles (i.e. using VMS data, considering dredge hours in SAMS projections, etc.).

Amendment 21

Staff provided an overview of progress to date on Amendment 21 including alternatives that the Committee tasked the PDT to develop (see [Doc.1c](#) for presentation and [Doc.3a](#) and [Doc.3b](#) for additional information). There were some clarifying questions related to how the original 70,000-pound NGOM TAC was established—FW19 set the 70,000 NGOM TAC which was based on federal scallop landings from the NGOM between 2000 and 2006, using VTR reports. A member of the public felt that length frequency information for scallops in the NGOM would be useful to help determine how economically viable fishing may be in this area moving forward. It was clarified that the draft allocation approaches presented to the Committee would not change how LAGC IFQ vessels can access the NGOM—for example, LAGC IFQ vessels would continue being able to fish in the NGOM while using quota and with landings counting against the NGOM TAC. Staff explained that including the NGOM in the ACL flowchart would not have an immediate impact on stock determination until this region is folded into the stock assessment; including the NGOM in the ACL flowchart means it would be part of the OFL and ABC values which have been far greater than the level of harvest projected for the fishery in recent history.

Motion 1: Griffin/Stockwell

Move that Alternative 3, 4.1.2.3, Use a tiered approach to distribute the NGOM TAC between the LAGC and LA components, be considered but rejected.

Rationale: This is the least developed option in Section 4.1.2 of Document 3a, and is a more complex and different approach than how the Council has been managing the area through recent framework actions.

The motion carried on a show of hands (8/0/0).

Discussion on Motion 1 was brief. A member of the Committee noted that the Council could always revisit this type of management approach at some point in the future if resource conditions radically changed.

Motion 2: Stockwell/Patterson

Task the PDT to develop alternatives using a range of a 300,000 pound – 600,000 pound maximum NGOM set-aside with two additional tiers:

1. Tier 1: 300,001-600,001 up to 3,000,000 lbs,
 - a. In Tier 1, split the TAC 75% for APL and 25% for the NGOM set-aside.
2. Tier 2: 3,000,001 and over
 - a. In Tier 2, split the TAC 95% for the APL, and 5% for the NGOM set-aside.

Rationale: This would add a range of options that are simple, fair, equitable, that allows for growth for all permit categories. The NGOM set-aside (common pool TAC) would be available for LAGC B and LAGC A permits. This would move the NGOM inside the ACL flowchart. The pounds in each Tier are additive. For the APL, the split between LA/LAGC IFQ would be 94.5% to LA and 5.5% to LAGC IFQ.

The motion carried on a show of hands (8/0/0).

Work plan for Motion 2: The PDT will develop a range of sub-options between 300,000 lbs and 600,000 lbs in a table in the alternatives document for Committee review in March 2020. This would be to further develop options under Alternative 2, 4.1.2.2 in Doc. 3a in the February 27, 2020 meeting materials.

Discussion on Motion 2:

- A member of the public opposed the motion because the starting point for the LAGC portion of the TAC (i.e. 300K pounds) would be several times more than the recent LAGC landings from this area. They felt the numbers for the Tier 1 and Tier 2 split in Motion 1 were unreasonably high and that alternatives should be considered that are based on lower numbers.
- Staff noted that the attributing landings from NGOM before the area was established is difficult because VTR data is reported by statistical reporting area. Thus, prior to the NGOM being established and declarations into the area were required, landings in statistical area 514 could either have been from within the NGOM or south of the area.

- Jim Gutowski (AP Chair) provided a brief overview of motions from the AP related to allocation share approaches in the NGOM.
- The maker of the motion considered several friendly modifications to Motion 2: 1) including LAGC IFQ in access to the LAGC share of the NGOM TAC, and 2) rounding the tier 2 split to 95/5 to avoid any confusion with the APL split used in the rest of the fishery (i.e. 94.5/5.5).
- There was some additional clarification regarding the number of LAGC IFQ vessels that have been active in the NGOM since the area was established in 2008.

Motion 3: Stockwell/Patterson

Task the PDT to develop alternatives with a NGOM set-aside maximum of 500k, 750k, and 1 million pounds, with any allocation over those maximum amounts split as NGOM set-aside and APL. Anything over the set-aside maximum would be split 5% for the NGOM set-aside and 95% for the APL.

Rationale: Add a range of options that are simple, fair, equitable, that allows for growth for all permit categories. The NGOM set-aside (common pool TAC) would be available for LAGC B and LAGC A permits. This would move the NGOM inside the ACL flowchart. The pounds over the maximum set-aside are additive.

The motion carried on a show of hands (8/0/0).

Work plan for Motion 3: The PDT will develop these as sub-options, and add a table in the alternatives document for Committee review in March 2020. This would be to further develop options under Alternative 2, 4.1.2.2 in Doc. 3a in the February 27, 2020 meeting materials.

Discussion on Motion 3:

- The maker of the motion accepted a friendly modification to include a range of set-aside maximums as opposed to only analyzing a 1 million pound option.
- A member of the audience was opposed to the motion and felt that a wider range of lower numbers should be considered (i.e. lower than 300,000 pounds). They suggested that not analyzing a wider range of alternatives could have legal implications related to NEPA. Kevin Collins (NOAA GC) suggested that the Council was only in the development phase of the amendment and that NEPA issues would be considered later—tasking the PDT with analyzing options at this meeting would not have a direct legal ramification.

Motion 4: Stockwell/Smith

Task the PDT to develop alternatives for a NGOM RSA program, with up to a 10% of the NGOM TAC set-aside to support research.

Rationale: This motion is intended to create alternatives in Amendment 21 that can help to support scallop research in the Northern Gulf of Maine. This research set-aside would come out of the NGOM set-aside.

The motion carried on a show of hands (8/0/0).

Work Plan Request from Committee: In addition to developing alternatives, the PDT should review past RSA award cycles, and share the range of pounds that were awarded to complete past work. Consider what the funding needs are to conduct surveys.

Discussion on Motion 4 was brief—a member of the public was supportive of tasking the PDT with research set-aside cost analyses for survey coverage, but felt it should be done for resource-wide survey coverage, not just for the NGOM.

Motion 5: Stockwell/Hughes

Task the PDT to develop alternatives for short- and long-term approaches monitoring the NGOM to address current lack of observer coverage, and to support data needs for managing the NGOM.

Rationale: There is a lack of observer coverage in this area.

The motion carried on a show of hands (8/0/0).

Discussion on Motion 5: A member of the Committee noted that long-term approaches to monitoring in the NGOM would need to be aligned with the SBRM.

Motion 6: Stockwell/Smith

Move that section 4.2.2 Alternative 4, partition the NGOM into multiple areas with separate TACs, be moved to a list of alternatives that could developed in a future framework action.

Rationale: Partitioning the NGOM into multiple areas with separate TACs is something that can be addressed as more data is collected. This would allow the Council to use future frameworks to refine NGOM management.

The motion carried on a show of hands (8/0/0).

Motion 7: Stockwell/Gilbert

Move that the PDT discontinue work on the exemption from the requirement for state licensed IFQ vessels to use IFQ when fishing in the NGOM during the state season.

Rationale: This does not meet the objectives of Amendment 21.

The motion carried on a show of hands (7/0/1).

There were no substantive discussion points around Motion 6 and Motion 7—the Committee agreed with the rationale for both motions.

Motion 8: Smith/Patterson

Move to include an option in Amendment 21 that would create a closure for the period of September, October, November within the NGOM management area.

Rationale: The landing over these three months has been low when the fishery is open. This may also help to support a winter fishery in the NGOM. This closure period is also a time when scallops may be spawning. A closure during September - November could protect spawning scallops and reduce removals from the area during a time when meat yields are low. This intent is that closures in the NGOM could be adjusted through a future framework action.

The motion carried on a show of hands (8/0/0).

Discussion on Motion 8:

- The Committee noted that a fall closure in the NGOM would be focused on reducing impacts to scallops during times of low yield, though other fish stocks may also benefit.
- A Committee member noted that protecting spawning scallops was not part of the scoping for Amendment 21 and felt that a fall closure in the NGOM would be more appropriate in revitalizing the winter fishery (as opposed to protecting spawning scallops).
- It was noted that the timing of the closure in Motion 8 (i.e. September through November) aligns with an existing closure of the Maine state scallop fishery.

Motion 9: Smith/Patterson

Move to apply a range of F rates for setting the NGOM TAC in allocation alternatives being considered in Amendment 21 as $F=0.15$ to $F=0.25$.

Rationale: Recent FW actions have analyzed F rates from $F=0.15$ up to $F=0.25$. This could be a way to grow the biomass in the NGOM management area and support sustainable annual harvest. Modifying the F rate used to set the NGOM TAC could be adjusted in a future Framework.

The motion carried on a show of hands (7/0/0).

Discussion on Motion 9 was brief. The Committee agreed that being able to adjust fishing mortality rates in a future action will be important, especially if methods to setting harvest levels in the NGOM evolve/improve over time. A member of the Committee noted that establishing fishing mortality rates will inform what the TAC can be under certain stock sizes, but will not necessarily inform the effects of a given fishing mortality rate on the NGOM resource.

Motion 10: Smith/Griffin

The Committee defines the vessels able to access the LAGC TAC allocated as part of the NGOM set-aside as LAGC A and LAGC B permits.

Rationale: This is to maintain the current approach to managing the LAGC NGOM TAC by allowing both LAGC A and LAGC B vessels to access the TAC in the area.

The motion carried on a show of hands (7/0/0).

Discussion on Motion 10: The Committee alluded to the definition in Motion 10 several times throughout discussion on NGOM measures and felt it was worth being clear that all alternatives would maintain NGOM access for both LAGC IFQ and LAGC NGOM permits.

Motion 11: Smith/Patterson

Move that Alternative 3, 4.2.3, limit vessels to one sailing per day, to considered but rejected.

Rationale: There are other measures that could be used to slow the rate of harvest in the NGOM. Other options may provide for safety (safety at sea).

The motion was withdrawn without objection.

Discussion on Motion 11:

- Several members of the Committee and audience were opposed to Motion 11, feeling that removing this alternative would be premature. It was suggested that the range of alternatives discussed throughout the meeting could lead to more vessels participating in the NGOM fishery in the future and could increase the potential for derby fishing; therefore, it will be important to analyze all options designed to reduce derby fishing.
- The maker of the motion offered other approaches to reduce derby fishing, such as limiting the number of days vessels can land or the number of days vessels can fish.

LAGC IFQ Possession Limit and One-Way Quota Transfers to LAGC IFQ-Only

Motion 12: Griffin/Patterson

Recommend that the Council adopt the following goals for LAGC IFQ trip limit and One-Way transfer of IFQ from LA to LAGC IFQ as:

1. Improve overall economic performance of the LAGC IFQ component.
2. Allow for continued participation in the General Category fishery at varying levels.

Rationale: These goals are intended to support the Council's vision for the LAGC IFQ component, and were identified in the Council's scoping document, that was approved in January of 2019.

The motion carried on a show of hands (7/0/0).

Discussion on Motion 12 was brief. The Committee agreed that the goals and objectives for the LAGC IFQ related items of Amendment 21 be stated clearly on the record.

Staff provided the Committee with an update on the other items being addressed through Amendment 21: 1) the LAGC IFQ possession limit and 2) allowing one-way quota transfers from LA vessels with IFQ to LAGC IFQ-only vessels.

Motion 13: Patterson/Griffin

The Committee tasks the PDT to add an option to A21 that would apply the LAGC IFQ quota accumulation cap to 5.5% of the APL.

Rationale: This would change the pool of quota used to calculate the accumulation cap, is a simple approach. There would be no change to the existing accumulation cap percentages. This would only apply if the Council recommends an option in A21 that allows for permanent transfer of IFQ.

The motion carried on a show of hands (7/0/0).

There was no Committee discussion on Motion 13 beyond the details provided as rationale. It was clarified that this option would apply to all accumulation caps in the LAGC IFQ fishery (i.e. per permit, per owner, per sector).

FY2019 Fishery Performance and Discussion on the NLS-West

Council staff provided an overview of fishery data and observer records to date in FY2019. The focus of the presentation was on fishing activities in the NLS-West to support discussion around the unaccounted loss of biomass seen in this area between the 2018 and 2019 surveys. Fishery data, observer data, and comments from the AP at their meeting the day before, noted that catch rates in the NLS-West dropped dramatically from the start of FY2019 to present. Several theories of what drove the loss in biomass were discussed, including high discard rates, increased incidental mortality, and potentially inaccurate surveys estimates/projections for this area. Staff relayed the previous day's discussion and motion on this topic, noting the AP's concern that vessels will not be able to harvest the remaining ~4.2 million pounds of allocation before the NLS-West turns into open bottom with the implementation of FW32.

Discussion noted that it will be highly unlikely to close the NLS-West by June 1st; it will be too late to include such a measure in FW32 while still meeting the April 1st implementation target deadline and such a closure would not meet the criteria for an Emergency Action. GARFO staff noted that Council direction would be needed before the NMFS could move forward with additional rulemaking on this matter (i.e. at the next Council meeting in April). A member of the audience noted that fishing will continue in the NLS-West and that the amount of unharvested allocation will likely be much less than 4.2 million pounds when the area turns into open bottom on June 1st. Overall, the Committee felt that fishery performance in the NLS-West should continue to be monitored and suggested discussion this topic at a future meeting when more information is available.

Other Business

Related to 2020 scallop priority discussion from the previous day's AP meeting, a member of the public commented on the East Coast Scallop Harvesters Association proposal to initiate a pilot project for leasing in the LA component. They acknowledged that the Council did not prioritize this for 2020, but that the ECSHA will be moving forward with developing the concept of a leasing program and would like to provide a brief update to on their progress at a future meeting.

Motion 14: Hughes/

The AP requests that the Committee request the Council to add a 2020 priority to explore options to allow moving (transplanting) scallops out of the NLS-S-deep area into the NLS-Triangle, and to keep the NLS-triangle closed for one year.

Rationale: The NLS-Triangle is scheduled to remain closed in FY2020. The area is adjacent to the NLS-S-deep. Conduct a transplant operation to see if these older scallops that have not grown normally will be able to grow. Opportunity to learn from large set of scallops in the NLS-S-deep.

The motion was withdrawn without objection.

Discussion on Motion 14 was brief. The Committee was not supportive of prioritizing work on transplanting scallops due to concerns of how this would impact the progress of other priorities, especially Amendment 21. It was suggested that the Committee could discuss this topic again later in the year if progress on 2020 priorities is ahead of schedule

No other business was discussed. The meeting ended at 2:49 PM.