

Scallop Report

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NEFMC
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Webinar



New England
Fishery Management Council

Today's Report:

- **Outline of Presentation:**

- Timeline & range of alternatives in Amendment 21
- Emergency Action request

Council action on Amendment 21 & EA request

- **Announcements:**

- Framework 32 – Implemented on April 1, 2020

Amendment 2 | Timelines

Short Term Outlook

- Officially started work in January of 2019. Issues discussed over several years and FW actions.
- **April 15, 2020 → Council votes on range of alternatives**
 - 8 weeks → develop EA and address other priorities (RSA).
 - Streamline the document further, if possible.
- **June Council → Council approve document and select preferred alternatives for public hearings.**

After June, typically begin to focus on FW development.
Uncertainty around the timing of 2020 scallop surveys.

Goal: Final vote by January 2021, then submit.

Amendment 2 I

Vision, Goals and Objectives

LAGC Vision: Relatively small vessels, possession limits to maintain the historical character, provide opportunities to various participants including vessels from smaller coastal communities.

Northern Gulf of Maine Management

1. Support a growing directed fishery in federal waters in NGOM.
2. Allow for orderly access to the scallop resource in this area by the LAGC and LA components.
3. Establishing mechanisms to set allowable catches and accurately monitor catch and bycatch from the NGOM.

LAGC IFQ Measures

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

Amendment 2 I

Current Range of Alternatives – 10 Actions

- **Northern Gulf of Maine Management**

- | | |
|---------------------|------------------------|
| 1. Catch Accounting | 2. Allocations |
| 3. Monitoring | 4. Supporting Research |
| 5. Fishing Season | 6. Gear |

- **LAGC IFQ Measures**

- | | |
|--------------------|--------------------------|
| 7. IFQ Trip Limits | 8. Observer Compensation |
| 9. Transfer of IFQ | |

- **General**

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|-----------------------|
| 10. Following Actions |
|-----------------------|

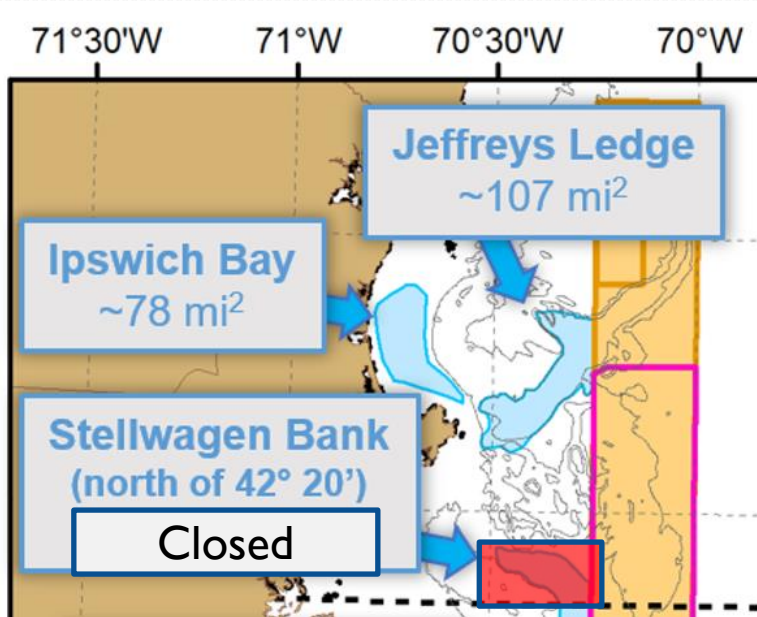
Northern Gulf of Maine: Actions 1 - 6

Underlying Assumptions

- Survey data is available for the NGOM management area.
- The southern boundary of NGOM remains at 42°20' N.
- Trip limits in the NGOM for GC vessels remain at 200 lbs.
- IFQ counts against the NGOM TAC and individual quotas.
- LAGC IFQ vessels would have the flexibility to fish allocations outside the NGOM (like access area allocations).
- Staff will update acronyms for consistency.

Fishery Allocations & Setting Legal Limits

Accounting for Scallops in the NGOM

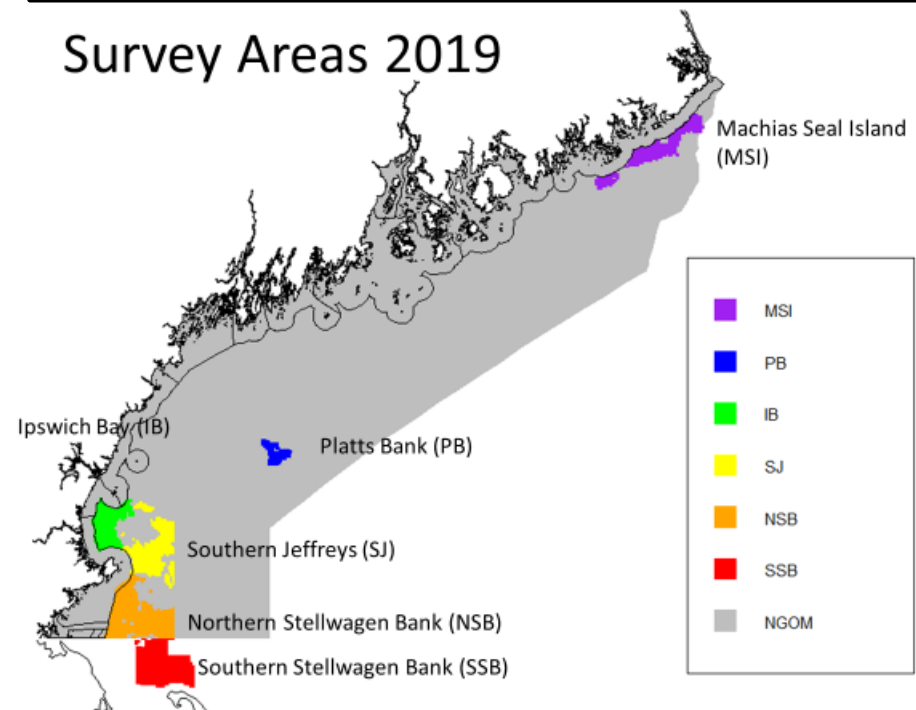


Allocations are based on a sub-set of surveyed areas, Ipswich Bay & Jeffreys Ledge.

This process won't change!

If the NGOM is included in ABC, and ACL, exploitable scallops from surveyed areas in NGOM would count toward fishery-wide legal limits.

Survey Areas 2019



Action 1: NGOM Catch Limits

- 4.1.1 – Alternative 1 – No Action
 - NGOM ACL specified as a TAC (NGOM allocation) that is added to the OFL.
- 4.1.2 – Alternative 2 – Account for the Northern Gulf of Maine as part of the Acceptable Biological Catch and Annual Catch Limits.
 - Exploitable biomass contributes to overall OFL & ABC
 - Legal limits scale with size of the NGOM allocation
 - Interacts with Action 3 – Monitoring NGOM fishery

Action 2: NGOM Allocations

Current approach; unique allocation situation in this area

- NGOM TAC currently supports research and a LAGC fishery.
- Current approach developed in FW29 does not add to LAGC IFQ or LA allocations.
- to three permit categories in this management area:
 - LAGC NGOM (no individual allocations, area TAC)
 - LAGC IFQ (vessel level allocations)
 - LA (vessel level allocations)
- Not a “simple” split between the GC and LA (FW29)
 - IFQ boats operate using quota and need quota to go fishing.

Action 2: Alternative 2 – NGOM Set-aside

Accommodating a unique allocation situation in this area

- **Set-aside** approach formalizes concepts that the Council has used in the last three FWs.
 - Initial portion of allocation available for LAGC fishing.
- A **set-aside** is one way to allocate to all user groups (vessel level allocations and management area allocation) that:
 - Allows the Council to consider a range of allocations (ex: 50/50);
 - And can maintain existing allocation splits for LA/LAGC IFQ.
- All options in 4.2.2 increase NGOM set-aside as biomass in the NGOM grows.

Action 2 – Northern Gulf of Maine Allocations

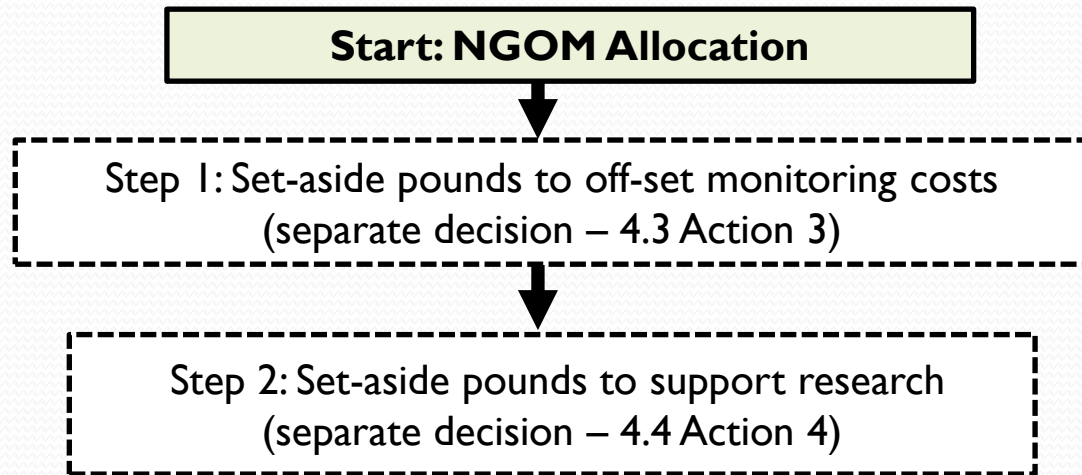
Structure of the Allocation Options

- 4.2.1 - Alternative 1 – No Action (Amendment 11 rules)
- 4.2.2 - Alternative 2 – Create a NGOM set-aside, share additional allocation between set-aside & NGOM APL
 - Six set-aside trigger options (1 million – 200k)
 - Two ways to distribute allocation over the trigger:
 - 5% to NGOM set-aside, 95% to NGOM APL (1 mil, 750k, 500k)
 - From trigger up to 3 million → split 25% NGOM set-aside, 75% NGOM APL. Over 3 million → 5% to NGOM set-aside, 95% to NGOM APL (600k, 300k, 200k)
- Rationale has been updated; comparison of options focuses on goals and objectives, vision, participation at different levels of biomass

Alternative 4.2.2. - NGOM Set-Aside Approach: *What are the steps?*

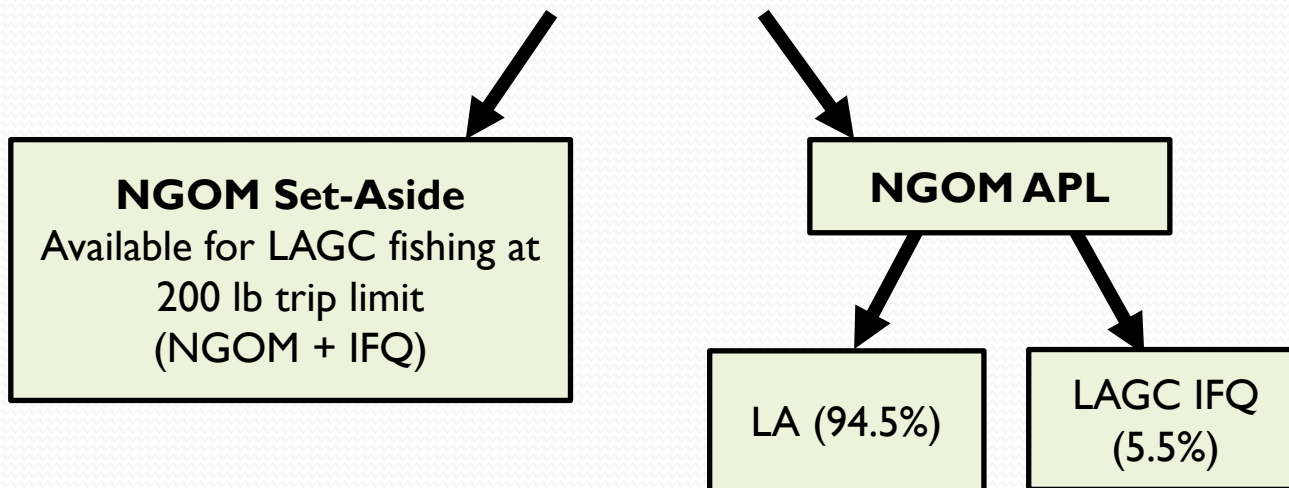
1. Determine a NGOM set-aside “**trigger**”
2. Set a target fishing mortality rate for the area.
3. *Survey the area, project biomass, set NGOM allocation.*
4. If exploitable biomass in **open areas** of NGOM is **less than** the set-aside trigger:
....Only GC fishing.
5. If exploitable biomass in **open areas** of NGOM is **more than** the set-aside trigger:
 1. Allocate full amount of set-aside for GC fishing
 2. Share the remaining allocation between the NGOM APL and NGOM set-aside.

NGOM Set-Aside Scenario: More than the Trigger



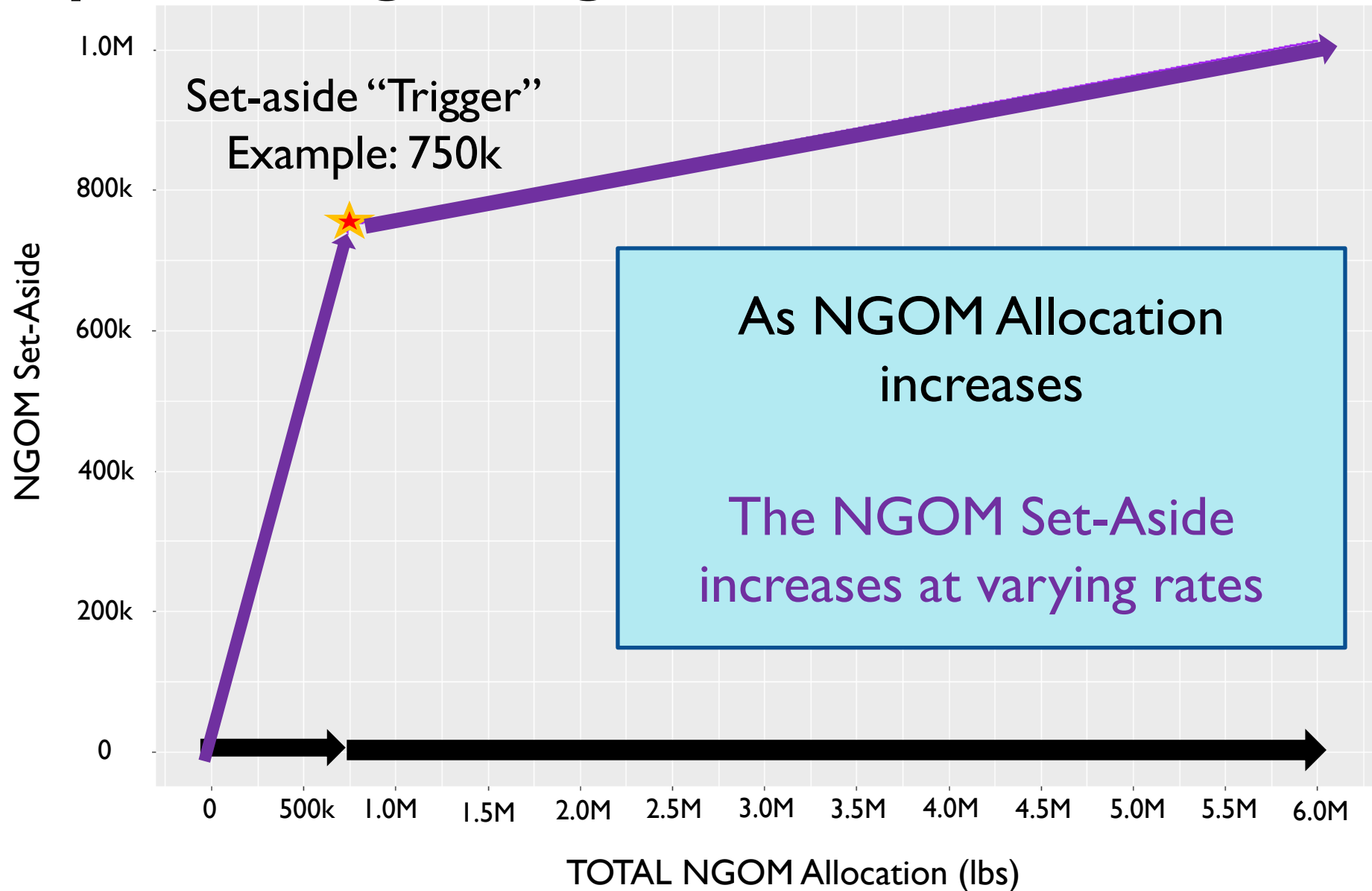
Step 3: Is the NGOM Allocation less than the NGOM set-aside trigger?

NO → Allocate pounds to NGOM Set-Aside up to the trigger, then allocate pounds above the trigger to the NGOM Set-Aside and the NGOM APL



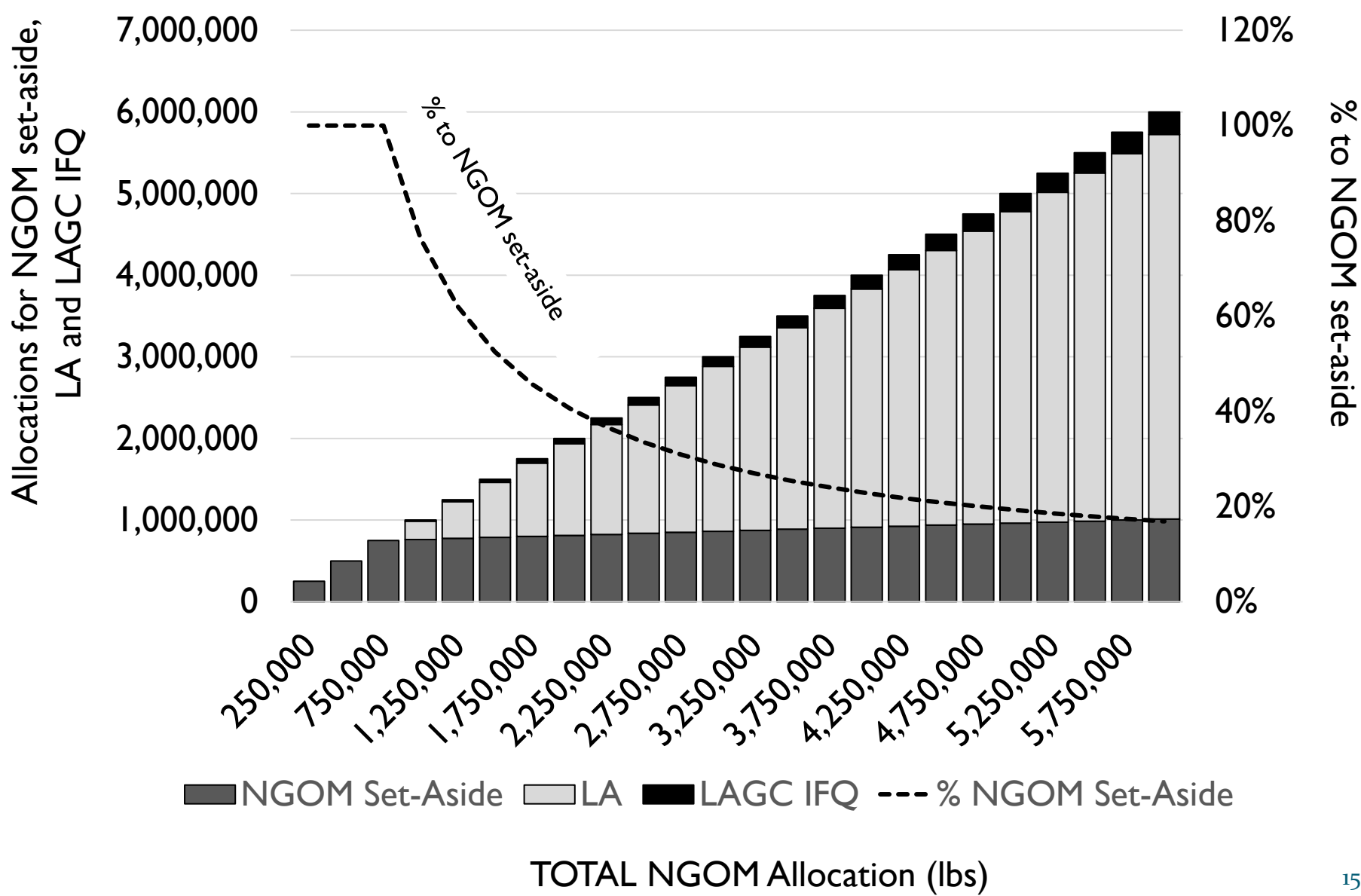
4.2.2 - Allocation Alternatives

Options for growing the NGOM Set-aside



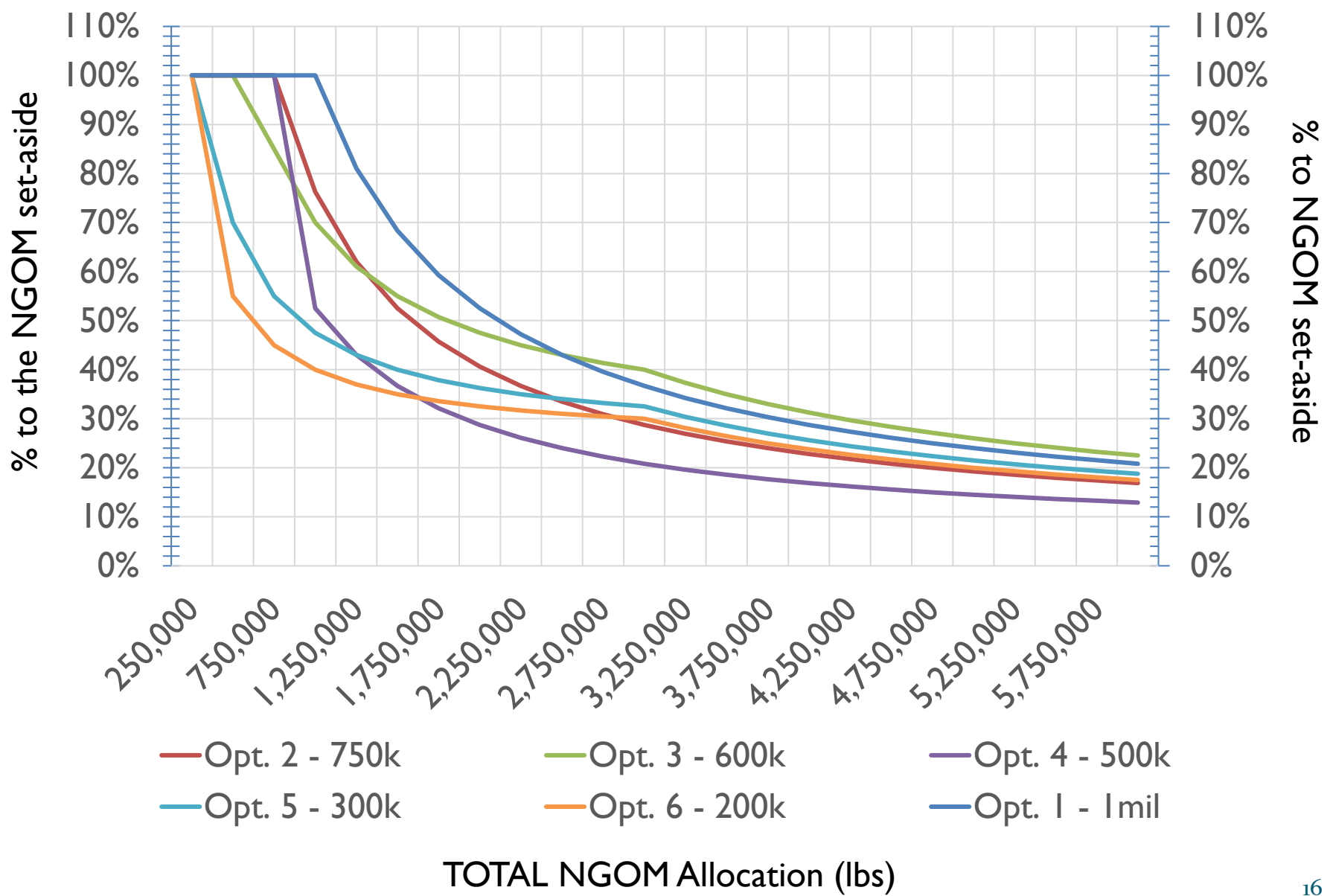
Example: Distribution of the NGOM allocation

Allocations for NGOM set-aside, LA, LAGC IFQ



Example: Distribution of the NGOM allocation

NGOM set-aside as percentage of the allocation



Action 3 – Monitoring NGOM fishery

Measures address lack of monitoring

- Observer call-in requirement for all directed scallop trips in the NGOM management area (all vessels/permit cat.)
- 4.3.2 – Alternative 2 – Expand IFO program
 - Expand current scallop industry funded observer program.
 - Process is linked to Action 1 (accounting in flowchart).
 - Higher trip limits to offset the cost of the observer.
- 4.3.3 – Alternative 3 – Use NEFOP program to monitor trips in the NGOM.
 - Existing observer program. No set-aside needed to offset the cost of observers in the NGOM area.

Action 4 – Support Scallop Research (RSA)

- Several similarities between Alternatives 2 & 3.
 - Opportunity to comp fish in the NGOM, up to set-aside.
 - Projects funded to do research in the NGOM would have preference to use these pounds.
 - Research TAC would not have to be fished (pounds not assigned to specific projects). Administered by NMFS.
- 4.4.2 – Alternative 2 – No additional pounds for RSA
- 4.4.3 – Alternative 3 – Adds pounds to RSA
- Four sub-options for alternatives 2 and 3.
- *This is an area of the document that could be streamlined.*
- RSA can be modified in a subsequent action.

Action 5: NGOM Fishing Season

Alternatives address how and when the area can be fished. Alternatives 2 & 3 apply to NGOM set-aside only. Seasons would apply to all components.

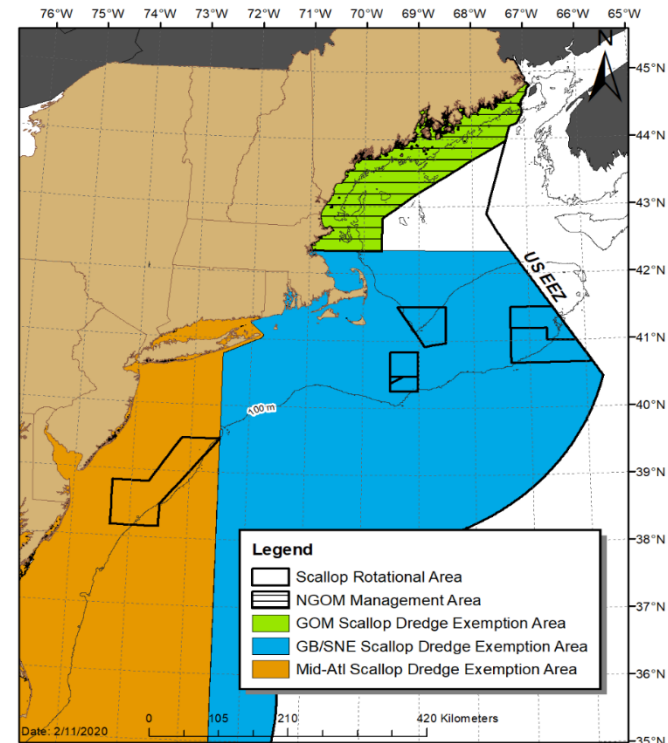
- 4.5.1 - No Action
- 4.5.2 - Limit the number of landings per week to 5
- 4.5.3 - Limit vessels to one sailing per day
- 4.5.4 - Establish a seasonal closure of the NGOM management area from September 1 – November 31 annually

Action 6 - NGOM Gear Restricted Area

Three Alternatives, focus max dredge width

- Three options in Amendment 21:
 - 4.6.1 - No Action
 - 4.6.2 - 10.5' cumulative max dredge width for all scallop vessels in NGOM management area
 - 4.6.3 - 15.5' cumulative max dredge width for all scallop vessels in NGOM management area
- Alternatives 2 and 3 would limit the FT LA component that can currently fish a combined maximum dredge width of 31'.
- Updated rationale focuses on slowing the rate of harvest.

Scallop Dredge Exemption Areas as of February 14, 2020. Gear restrictions would cover the entire green area, which is also the GOM Scallop Dredge Exemption Area.



Action 7: LAGC IFQ Possession Limit

- 4.7.1 – Alternative 1 - No Action (600 pounds)
- 4.7.2 – Alternative 2 - 800 pounds
- 4.7.3 – Alternative 3 - 1,000 pounds
- 4.7.4 – Alternative 4 - 1,200 pounds
- Sub-options for each alternative:
 - Increase for all trips (open and access areas)
 - Increase for access area trips only

Action 8: Increase the amount of observer compensation available for LAGC IFQ Vessels

- Current rules limit compensation to one day, regardless of trip length (daily rate for FY2019 = 250 pounds)
- If trip limits increase, trips may be longer. Changes to GRA.
- PDT: Behavior on observed trips could change, bias data.

- 4.8.1 - Alternative 1 - Compensation for one day (No Action)
- 4.8.2 – Alternative 2 - Prorate daily compensation rate in 12-hour increments
- 4.8.3 - Alternative 3 - Allow a second day of compensation
- Alt 2/Alt 3—total compensation capped at two days

Action 9 – One-Way Transfer of Quota from LA with IFQ to LAGC IFQ-Only

- 4.9.1 – Alternative 1 – No Action
- 4.9.2 – Alternative 2 – Allow temporary transfers only
- 4.9.3 – Alternative 3 – Allow permanent and temporary transfers
- Sub-options related to quota accumulation caps, and how much IFQ an entity can hold.
 - Sub-option 1 - No change (5%)
 - Sub-option 2 - apply caps to total IFQ allocation (5.5%)

Action 10 - Specifications and FW process

- List of measures that could be addressed in a future specifications package or a framework adjustment.
- Council and GARFO staff reviewed the current list (4.10.2), issues could be addressed using the existing rulemaking authority under Section 648.55(f) in Scallop regulations.
- Also true for future use of electronic monitoring, which is addressed at 648.11(g) of the IFM regulations and 648.55(f).
- 4.10.2 adds clarity to future Council discussions about what was envisioned for FWs and spec adjustments. Administrative in nature.

COVID-19 Pandemic

Emergency Action Request

COVID-19 National Emergency

Emergency Criteria & Justification

- Policy Guidelines for the Use of Emergency Rule (1997)
- Criteria:
 1. recent, unforeseen recently discovered circumstances
 2. presents serious conservation or management problems
 3. immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants vs. normal rulemaking process
- Justification:

1. Ecological	2. Economic
3. Social	4. Public Health

COVID-19 National Emergency

Committee Emergency request

- Committee motion has three requests:
 1. Allow all uncaught LA access area pounds to carryover beyond June 1 of FY 2020, NLS-West remains an access area.
 2. Allow all uncaught FY 2019 RSA compensation pounds to carryover beyond June 1 of FY 2020.
 3. Allow all unharvested FY 2019 LAGC IFQ quota to carry forward into FY 2020.

COVID-19 National Emergency

What rules would be modified through the EA?

- Current regulations:
 1. Uncaught LA access area allocations, and RSA compensation pounds from the previous fishing year can be harvested during the first 60 days of the subsequent fishing year (Expire May 31, 2020).
 2. LAGC IFQ vessels can carryover up to 15% of their quota from one fishing year to the next.
 3. NLS-West Access Area as defined in Framework 30 would remain an access area during FY 2020. Scheduled to revert to open bottom on June 1, 2020.

Emergency Action request

How many pounds? What is the ACL for 2020?

- FY 2020 ACL: ~99 million pounds
- FY 2020 APL: ~51.6 million pounds
- EA Carryover: ~5.15 million pounds
- As of April 8, 2020

Proposed Carryover	Pounds
Mid-Atlantic Access Area	~950,000
Nantucket Lightship West	~3,200,000
Closed Area I (Flex)	~525,000
LAGC IFQ (over 15%)	~315,000
RSA Compensation	~156,000
Total	~5.15 million