



## New England Fishery Management Council

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### **MEETING SUMMARY** **Scallop Advisory Panel**

Hotel Providence, Providence, RI

March 21<sup>st</sup>, 2018

The Scallop Advisory Panel met in Providence, RI on March 21<sup>st</sup>, 2018 to: (1) review 2018 priorities and general workload for the Scallop FMP, (2) review information and Scallop PDT discussion around monitoring and catch accounting, (3) review information and Scallop PDT work on considering Limited Access General Category IFQ trips limits, (4) receive updates on other 2018 priorities (i.e. streamlining scallop specifications process, modify access areas to be consistent with OHA2, gear modifications to protect small scallops, Northern Gulf of Maine management measures), and (5) discuss other business.

#### *MEETING ATTENDANCE*

In person: James Gutowski (Advisory Panel Chair), Michael Bomster, Ronald Enoksen, Eric Hansen, Michael Marchetti, Kristan Porter, Tom Reilly, Charles Quinn, Paul Vifides, Jonathon Peros (PDT Chair), and Sam Ascii (Council staff).

On webinar: Brent Fulcher, Brady Lybarger, Ed Mullis, and Edward Welch.

Vincent Balzano, Chair of the Scallop Committee, was in attendance, along with approximately 8 members of the public and 10 members of the public listening via webinar.

*SUPPORTING DOCUMENTATION*: 1. [Staff Presentation](#); 2. [Meeting Memo from Scallop Committee Chair, Mr. Vincent Balzano](#); 3. [2018 Priorities for Scallop FMP](#); *Consideration of LAFC IFQ trip limits*—4a. [LAGC IFQ trip limit discussion document](#), 4b. [Staff presentation – Mr. Sam Ascii](#); 5. [Monitoring and catch Accounting discussion document](#); 6. [Streamlining scallop specifications discussion document](#); 7. [Modifying Access Areas to be consistent with OHA2 discussion document](#); 8. [February 28, 2018 Scallop PDT meeting summary](#); 9. [March 12, 2018 Scallop PDT draft meeting summary](#); 10. [Correspondence](#).

#### *KEY OUTCOMES:*

- The Scallop Advisory Panel recommends that the Council send a letter to NOAA Fisheries detailing several monitoring and catch accounting issues (see Motion #2).
- The Scallop Advisory Panel recommends modifications to the 2018 priority list, including removing gear modifications to protect small scallops and consideration of LAGC IFQ trip limits. The Advisory Panel also recommended adding a priority to develop standard default measures, and passed a motion ranking several priorities.

**NOTE:** Several members of the AP were unable to attend the meeting in person due to poor winter weather conditions which disrupted travel arrangements; therefore, the meeting was broadcasted via webinar to accommodate AP members who were unable to attend in person.

The meeting began at 9:03 am with AP Chair Jim Gutowski welcoming the AP and members of the public to the meeting. The main goal for the AP meeting was to review and begin work on the 2018 scallop work priorities, and potentially make recommendations to the Committee regarding the development of measures from the 2018 priority list that may be incorporated into future management actions.

Scallop PDT Chair Jonathon Peros presented an outline of agenda items for the meeting and the order in which background information on 2018 priorities will be presented to the AP. Council staff reiterated the anticipated outcomes of the meeting: 1) provide input on the scope of each work priority, 2) consider modifications to the 2018 priority list, and 3) consider ranking on priorities.

The AP received an update on FW29 to the Scallop FMP. The proposed rule for NGOM management measures was published by NMFS on February 20<sup>th</sup>, 2018; NGOM regulations are expected to be in place by the beginning of the 2018 fishing year (April 1<sup>st</sup>). On March 15<sup>th</sup>, 2018, the proposed rule for FW29 was published by NMFS and the Council completed final submission of FW29. Council staff noted that the timing of FW29 implementation is contingent on implementation of OHA2; however, FW29 is expected to be in place around mid-April.

Default measures (developed in FW28) will go into place on April 1<sup>st</sup>, which include 21.75 DAS and one 18,000-pound trip to the MAAA for full time limited access vessels. Under default measures, the LAGC IFQ component will receive 75% of their FY2017 allocation. Once FW29 is implemented, vessels will have 60 days from April 1<sup>st</sup> to complete access area trips that were allocated in FW28 for the 2017 fishing year.

The 2018 scallop benchmark assessment has been the center of attention for many Scallop PDT members, and there is substantial overlap in membership between the PDT and scallop stock assessment working group (SAW). Due to the time commitment of recent and upcoming SAW and SARC meetings (SARC scheduled for June 26-29), it is anticipated that fewer PDT meetings will be held in the first half of 2018 compared to previous years.

Council staff provided an update on the Scallop Research Set-Aside (RSA) program. The 2019/2020 RSA cycle will begin soon, and the AP will have an opportunity to provide input to the Committee regarding Scallop RSA research priorities at their meeting in late May. Much like previous years, the Council will approve RSA priorities at their June meeting, research groups will submit proposals in the fall, and awards will be announced in the spring of 2019.

Staff explained that there is no RSA Share Day planned for 2018 due to resource and time constraints with the benchmark assessment. It was noted that RSA projects had been presented in detail at the SAW meeting in early February 2018, many of which are being considered for integration into the assessment, including research on incidental mortality, discard mortality, growth, shell height meat weight assumptions, and LPUE modeling.

*Discussion:*

A member of the AP inquired how much notice the industry will receive before FW29 is implemented. Travis Ford (GARFO) noted that the process being planned is to implement FW29 the same day that the final rule is published, meaning NMFS could provide a few days' notice to the industry. He also explained that if the industry was interested in having more than a few days' notice, it could delay implementation of FW29 beyond what is anticipated at present. The AP member felt that a day or two of notice was enough and emphasized that vessels with a lot of Closed Area I pounds will likely want to get started as soon as possible.

Upon inquiry from the AP, Council staff explained that 2018/2019 RSA awards have not yet been announced but are anticipated to be announced before the April Council meeting.

Further AP discussion noted that coordinates of the new scallop access areas are detailed in the FW29 proposed rule, and that GARFO cannot formally notify the industry of said coordinates until the FW29 final rule is published. It was further noted that the new scallop areas will be effective immediately upon publication of the FW29 final rule.

A member of the AP felt that RSA Share Day was a valuable meeting and tool for industry members and suggested potentially combining future meetings to incorporate that.

***2018 Priorities***

Council staff briefly summarized each of the 2018 priorities and described the management vehicle(s) (i.e. specifications package, framework, amendment) in which the Council could address them (see Table 1). The AP was reminded of anticipated outcomes from the meeting, including 1) provide input on the scope of each work priority, 2) consider modifications to the 2018 priority list, and 3) consider ranking on priorities.

Table 1. 2018 scallop priorities relative to the vehicle in which each priority could be addressed.

Specs Package	Framework	Amendment	Other
Specifications and Modify AAs			Benchmark (SAW/SARC)
LAGC IFQ Trip Limits			RSA Support
Gear Mods to Protect Small Scallops			Tracking flatfish catch, coordinate with GF PDT
		NGOM Management Measures	
Monitoring and Catch Accounting Provisions			
HABITAT FW: Eastern GB?			Allocation Review Triggers?

**Motion #1:** Bomster/Hansen

The AP recommends removing gear modifications to protect small scallops from the priority list in 2018, but consider in future years.

*Rationale:* Not needed at this time. There are workload considerations for Council and PDT. Should be considered in future years. Concerns are about predation on small scallops.

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

*Discussion:*

AP members voiced strong support for Motion 1, noting that scallop abundance is higher now than ever seen before and that there is not a pressing need to develop gear modifications to protect small scallops at present. It was also noted that removing this priority for 2018 is in part due to PDT workload considerations. A member of the public supported Motion 1 and felt that more analysis should be done with observer data to better inform assumptions like discard mortality; he also felt that fishery data confidentiality requirements prohibit the industry from being able to take advantage of observer data in this application. Overall, the AP agreed that this priority should be removed from the list for 2018 but considered in the future.

AP discussion moved to the 2018 priority “specify allocation review triggers”; one panel member thought that this was a low priority unless the Council identifies it as a high priority and

tasks the PDT to move forward with it. A member of the public agreed with this point and felt that specifying allocation review triggers is not required or mandated per regulation in any way. It was noted that staff can work with Council leadership on this topic, and the AP agreed to revisit discussion around this priority at the end of the meeting.

A member of the public inquired as to why the 2018/2019 RSA award announcements were delayed, explaining that research groups need time following the announcement of awards to plan surveys and acquire experimental fishing permits. Council staff noted that the RSA award process is handled by the NEFSC and is not a PDT workload issue. Staff will correspond with NEFSC to check-in on progress and report back to the AP.

***Monitoring and Catch Accounting*** (presentation, Jonathon Peros)

The AP received a presentation detailing background information and PDT discussion to date regarding the “monitoring and catch accounting” 2018 work priority. The genesis of this priority was the LAGC IFQ 5-year program review which found low compliance with VMS hail requirements and a low number of monitored offloads. Following the Council vote on this priority in December 2017, several other related issues have emerged, including the civil suit against Carlos Rafael which details several counts of non-compliance in the scallop fishery. Another headline of note was the Dinah Jane (one of Carlos Rafael’s LAGC IFQ vessels) being cited by Massachusetts EP for being over the trip limit.

The PDT discussed using a ‘strawman’ approach to initiate discussion on this issue and identified 3 key issues: 1) hail requirements, 2) exceeding landing limits, and 3) exceeding quota. The details of why these problems exist, goals on how to solve them, and ultimate objectives, are described in Table 2.

Also presented were figures describing pre-land notification non-compliance by LAGC IFQ and LA vessels on open trips and access area trips in FY2012 to FY2017. Staff noted that FY2017 data was not yet complete. Across the board, the rate of pre-land notification non-compliance appears to have decreased between FY2012 to the most recent complete fishing year (FY2016).

The PDT is looking for guidance on how to proceed with this priority. Past PDT discussion noted that this issue also feels like an enforcement issue, and that there could be some benefit from engaging the Office of Law Enforcement (OLE) for input. The PDT has discussed how there are regulations already in place which prohibit IFQ quota overages, and that a letter from the Council to NMFS urging the regulations to be enforced may be more appropriate than having the Council develop additional measures. The PDT recommends that NMFS pursue technical solutions to assist with quota compliance (e.g., automatic notifications, updates on quota balance when vessels declare trips with the new PTNS system).

Table 2 - Strawman of Monitoring Problems, Goals, Objectives, and Measures FOR DISCUSSION PURPOSES ONLY.

<b>Problem (for discussion)</b>	<b>Why do we think this is a problem? (Supporting data/information)</b>	<b>Goal</b>	<b>Objective</b>	<b>Tactic/Measure</b>
Poor compliance with VMS hail requirements	LAGC IFQ Program Review, June 2017. Data from OLE re: VMS compliance	100% compliance with VMS hail requirements	Improve VMS hail compliance from 2015 levels	Council sends letter to NMFS recommending...
Lack of adherence to trip limits and allocations	NOAA civil penalties against Carlos Rafael, et al. Counts 21 – 35 January 10, 2018	100% compliance with landings limits. Equity among fishery participants.	Full compliance with scallop regulations.	
Unknown removals from fishery	MA Environmental Police report of F/V Dinah Jane overage.	Precise accounting of total removals from fishery. Dealer reports are a true census of landings.		
IFQ vessels participating in fishery with a negative quota balance.	OLE reminder to permit holders on 2/20/18: 50 CFR 648.14(i)(4) states that it is unlawful to possess or land scallops in excess of a vessel's IFQ, or fish for scallops without IFQ	Equity among fishery participants. 100% compliance with regulations.	Full compliance with scallop regulations.	

*Discussion:*

AP discussion focused on points that could be included in a letter from the Council to NMFS with suggestions on how to address monitoring and enforcement issues outside of a Council action. The below discussion related to Motion 2.

The AP acknowledged that there is a lag associated with transferring IFQ through NMFS and that the LAGC IFQ fishery would benefit from an online platform in which IFQ can be transferred in real time. Several members of the AP agreed that IFQ vessels purposely fishing with a negative balance and then correcting the negative balance when lease prices are lower creates an equity issue; however, some felt that because exceeding quota non-compliance seems to be improving, penalties should not be punitive to the point where vessels are unable to run business efficiently.

One AP member noted that there is already language in the regulations which requires quota pay-back for vessels with an overage at the end of the year and that Amendment 11 meant to keep the LAGC IFQ fishery business-friendly and should continue to do so. GARFO staff explained that the regulations are explicit and that vessels are not allowed to fish without quota. It was suggested that a business-friendly approach to existing regulations could limit the ability to enforce existing rules and non-compliance issues will continue.

GARFO staff also clarified that less than 10% of offloads are monitored by NMFS enforcement agents and that its unlikely this monitoring coverage will increase in the future. The AP was in agreement that exploring other routes, such as online platforms and technology solutions, could be the best way to address some of these issues. On the monitoring issue, a member of the public noted frequent interactions with EP officers last year while fishing out of Chatham and noted that the monitoring coverage rate seemed lower than what was happening in reality. GARFO staff explained that part of the issue may be in how monitoring efforts are documented and reported out.

An AP member suggested isolating where quota overages are occurring by looking at the amount of access area pounds allocated to the LA component relative to what is actually landed.

Further AP discussion suggested NMFS consider implementing an escalating monetary penalty schedule on vessel operators for pre-land non-compliance. Many panel members were in support of this idea while one vocalized support for NMFS to enforce regulations that already exist instead of creating more. Others who supported the escalating monetary penalty schedule also felt that suspension of an operator's permit could be an effective way to penalize captains who continually do not submit required pre-land hauls.

**Motion #2: Hansen/Bomster**

The AP recommends that Committee request that Council send a letter to NMFS that makes the following suggestions:

- NMFS should enforce regulations that are on the books.
- Gradually increasing penalty schedule for VMS pre-land non-compliance.

- Request that NMFS work with the Council on developing penalty schedules.
- Possible penalties:
  - Escalating scale of monetary penalty for vessel operator (warning, \$1,000, not to exceed \$10,000 for the operator)
  - Suspension of operator permit.
- Maintain the joint enforcement agreement (JEA) between States and Federal enforcement agencies.
- IFQ Specific Issues:
  - NMFS pursue technical solutions to assist with quota compliance (ex: automatic notifications, updates on quota balance when vessels go to declarations/new PTNS system).
  - Explore real-time online leasing for IFQ quota (transfers can take up to two weeks).
  - Address the issue of vessels fishing without quota at the start of the year, and trying to lease in at the end of the year.

The motion carried on a show of hand 12/0/0.

***Considering the LAGC IFQ possession limit*** (presentation, Sam Ascii)

Council staff described the genesis of the 2018 work priority “considering the LAGC IFQ possession limit”. The Council initially considered this concept during the FW29 process based on a request submitted to the Council by industry members requesting the current possession limit be increased from 600 pounds to 1,200 pounds for the 2018 fishing year. Ultimately the Council decided to address this as a work priority in 2018. Staff reviewed the history of the general category permit category in the fishery, noting that the IFQ program was established in Amendment 11 with a 400-pound trip limit. The Council considered a 1,000-pound trip limit in Amendment 15, but after scoping recommended that the trip limit be set at 600 pounds.

Staff reviewed the quota holding caps for the IFQ component, and provided a comparison of a LAGC IFQ vessel with a maximum holding of 2.5% with a LA PT and LA FT.

Staff explained that the LAGC IFQ activity seems to track with the level of allocation year to year. Overall, most LAGC IFQ vessels have taken approximately 50 trips or less per year since FY2010, however, trip activity seems to be increasing in recent years. The fishery is most active in the late spring and early summer. LAGC IFQ vessels fish year-round, but the number of trips and active vessels increases in the spring and summer when meat yields are highest.

Since FY2012 (the first full fishing year with the 600-pound trip limit in place), most vessels have landed roughly 600 pounds per trip. Most of trips landed in NJ and MA landed in the 600-pound range, while trips landed in ME, NH, and RI represented a broader range of trip sizes, the majority of which were 400 pounds or less.

Between FY2010 and FY2016, average trip length was approximately one day. Access area trips have typically been longer than open bottom trips, though there were some exceptions, such as



the NLS AA in 2016 where fishing conditions were better than other parts of the resource. Overall findings suggested that there is a tradeoff between the how far vessels will steam and the quality of fishing, and that the LAGC IFQ fishery will elect to travel farther to reach optimal fishing conditions.

The PDT looked at how doubling the trip limit could impact the length of time an access area is open, using the FY2017 NLS AA LAGC fishery as an example. The LAGC IFQ fleet fished all allocated NLS AA trips by May 31<sup>st</sup>, 2017 (roughly 2 months after area was opened); in theory, this already 'derby' fishery could be reduced to approximately one month if the possession limit were 1,200 pounds.

Staff explained that vessels with IFQ quota can harvest scallops while on a non-scallop trip. Between 22 and 36 permits have fished for scallops under other declarations, mostly in the groundfish and surfclam/ocean quahog fisheries. IFQ landings on non-scallop trips amounted to less than 4% of overall landings from FY2011 to FY2016.

Also presented were figures showing scallop landings and revenue from LAGC IFQ vessels compared to landings and revenue in other fisheries that active LAGC IFQ vessels participate in. Categorized landings suggest a sizable portion of total landings by LAGC IFQ vessels come from other fisheries; however, landings in other fisheries have decreased over time. Revenue generated from the scallop fishery was comparable to revenue from other fisheries in FY2010; however, since FY2010, revenue from scallop landings has increased substantially while revenue from other fisheries has steadily decreased. Participation of LAGC IFQ vessels in the scallop fishery compared to other fisheries was also shown in terms of average days fished by fishery. Generally, the amount of time spent scalloping has increased since FY2010, while time spent participating in other fisheries has decreased.

PDT discussion noted the potential for increased seasonal distortion of current fishing practices (i.e. fishing could ramp up in late spring/early summer months) if the possession limit were to be increased. The PDT also felt it will be important to consider possible impacts of increasing the trip limit on trip costs, lease prices, market prices, and crew wages. Furthermore, if trips get longer, the Council should consider adjusting the current observer compensation rates (i.e. currently one day, even for multi-day trips). The PDT also acknowledged that the threshold of what could be done in a FW vs. and amendment depends on the range of trip limits considered by the Council

*Discussion:*

Several AP members spoke strongly against increasing the LAGC IFQ trip limit because it further pushes this fishery away from what it was intended to be. Others who were against raising the trip limit noted there is no crew limit or vessel size restrictions on LAGC IFQ vessels. Members of the AP and public felt the lack of vessel restrictions was concerning in that increasing the trip limit would lend itself to larger vessels. Some AP members felt that increasing the trip limit would do nothing to increase safety at sea and would likely have negative impacts on crew wages because larger crews would be needed to process larger trips.

One AP member believed that increasing the trip limit would magnify derby fishing in access areas and would limit the ability of many vessels to fish before access areas are closed for the year; he suggested allocating LAGC IFQ access area trips in a similar way that vessels are allocated quota on an annual basis to avoid derby fisheries. Other AP members did not support a wholesale increase in the trip limit, but potentially could support an idea that increases just the access area trip limit.

An AP member expressed strong support for raising the trip limit, suggesting it would give vessels a chance to safely and economically operate as 'inshore depletion' forces them to fish farther offshore. He also believed that increasing the trip limit is important to consider if more access area fishing is going to occur in the future.

Another member of the AP believed increasing the trip limit would disadvantage smaller vessels because larger displaced groundfish vessels with scallop IFQ could start targeting areas typically fished by smaller vessels. He also believed that it would make it difficult for smaller vessels to lease quota, who are already having a hard time. Overall, he and many others believed increasing the trip limit would be a negative for the fishery, and that the group of vessels who submitted the initial request to raise the trip limit did not represent consensus of the entire fishery. In response to this, one AP member suggested that smaller vessels have been landing the majority of quota in recent years; furthermore, he suggested that vessels larger than 50 feet in length cannot access ports on eastern Cape Cod, where the majority of quota is held.

GARFO is currently considering the expansion and(or) removal of Scallop Dredge Exemption Areas, which delineate the open bottom where LAGC IFQ vessels are presently allowed to fish. One AP member expressed interest in maintaining the Mid-Atlantic Dredge Exemption Area gear regulations which allow vessels to fish a combined dredge width of 31'. Another AP member asked the group to consider maintaining the 72° 30' W line, which serves as the eastern boundary of where scallop trawl vessels may operate.

GARFO staff noted that it will not be an easy task for the PDT to determine how much of an IFQ trip limit increase could be handled in a FW vs. an amendment. If the Council wants the entire range of trip limits to be analyzed, it would likely have to be done in an amendment so that members of the public have an opportunity to provide input.

A member of the public expressed interest in including a 400-pound trip limit in any analysis done moving forward.

Overall, there was disagreement among the AP on this topic and disagreement among members of the AP who are actively involved in the LAGC IFQ fishery.

### **Motion #3: Reilly/Porter**

The AP recommends that Committee task the PDT to analyze a range of LAGC IFQ trip limits that could be implemented using a Framework Action.

*Rationale:* Would like to know what can be done in framework vs. an amendment.

The motion fails on a show of hands 5/6/1.

**Motion #4:** Bomster/Vafides

The AP recommends that the Committee recommend that the Council discontinue work on the priority of “consideration of LAGC IFQ trip limits” in 2018.

*Rationale:* Leave LAGC IFQ trip limits at 600 pounds. The intent is to remove this from the 2018 priority list.

The motion carried on a show of hands 8/2/2.

***Streamlining Scallop Specifications (Standard Default Measures)*** (presentation, Jonathon Peros)

Council staff explained that there are a number of decisions that the Council makes on an annual basis during specifications process. Some decisions have become fairly routine, and mostly consistent year to year. In light of this, there may be some opportunity to streamline the specifications process by developing standard default measures. Council staff identified potential areas of focus to streamline, including:

- Default measures for the following fishing year.
- LAGC IFQ allocations to access areas. Generally speaking, LAGC IFQ access area allocations have been 5.5% of the access area allocation to the LA component.
- Access area allocations for part time limited access vessels.

The expected benefits of developing standard default measures are to reduce the number of decisions made by the Council at Final Action and reduce the workload of PDT and staff to develop measures on an annual basis that have fairly predictable outcomes. The PDT supports adding this concept of streamlining scallop actions to the 2018 priorities list.

*Discussion:*

AP discussion clarified that the intent of streamlining scallop actions is not to standardize how the scallop resource is managed, but instead to address issues that come up every year that could help the Council process. It was noted that the Council could always elect to adjust “default” streamlined measures on a year to year basis if desired.

Some AP members were concerned that streamlining specifications, specifically the 60-day buffer time to carry over access area trips, could complicate how accessible trips are if access area boundaries change from year to year. GARFO staff explained that streamlined actions are meant for continuity and could be revisited at any time a concern comes up.

**Motion #5:** Enoksen/Quinn

The AP recommends that the Committee request that the Council add “standard default measures” to the 2018 scallop priorities list.

*Rationale:* This would reduce the number of decisions that the Council makes during specifications. These are for default measures, and the intent is to have specifications in place by April 1.

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

***Modify Access Areas to be Consistent with OHA2*** (presentation, Jonathon Peros)

The Council has expressed interest in revisiting access area boundaries as a follow-up to the approval of the Omnibus Habitat Amendment. Essential Fish Habitat portions of Closed Area I and the Nantucket Lightship have recently become available to the scallop fishery; however, NMFS did not approve measures for Eastern Georges Bank. The Council may wish to consider several other issues related to this priority; therefore, the appropriate vehicle (FW vs. amendment) will be determined by the scope of issues addressed in this priority. Council staff presented a list of potential areas of focus related to this priority:

- Modify existing access area boundaries.
- Address scallop access on Eastern Georges Bank (i.e. northern edge). This topic would be addressed through an action coordinated by the Habitat Committee.
- Revisit the rotational management principles of Amendment 10.
- Adapt management to environmental changes and other issues identified through the upcoming benchmark assessment (SAW/SARC 65).
- Exploring how access areas are allocated to in terms of exploitable biomass vs. effective biomass.

PDT discussion on this topic suggested that it will be important to review the performance of the FY2018 fishery before attempting any major changes to the management system. Also, based on the wide range of issues that could be addressed in this priority, the Council may want to take a holistic approach over several years. Council staff noted it is unlikely that substantial progress could be made on this topic in one year, and that considering the use of a “specifications package” for 2019/2020 may be appropriate. In the meantime, it was suggested that the PDT could develop a tool that would better identify areas where meat yield could improve year to year, and formulaically categorize candidate closures.

*Discussion:*

A member of the AP voiced support in revisiting the guidelines of rotational management due to changes in the scallop resource since Amendment 10 and supported taking another look at this priority after the 2018 fishing year is complete.

A member of the public noted that redefining access area boundaries can be done in a FW and also inquired whether or not the industry will be able to harvest scallops from the new habitat management areas if it can be proved that fishing can be done without damaging habitat.

GARFO staff explained that there are no access areas in the new habitat closures and that, while gaining access in these areas is not off the table, the OHA2 areas were identified as areas of concern with regard to habitat damage. The Scallop FMP does not have the authority to gain access to the new habitat areas; any scallop access would require action through the Habitat Committee.

***Northern Gulf of Maine Management Measures*** (presentation, Jonathon Peros)

Council staff reminded the AP that the NGOM management measures developed in FW29 were meant to be a short-term solution to allow controlled fishing in the NGOM management area until a future action can be developed to address NGOM management issues in a more holistic manner. The measures developed in FW29 were not intended to be permanent. The NMFS and Council recommended this topic remain a priority for 2018. Staff noted that the PDT is looking for input from the Council on what issues to focus on in this priority.

*Discussion:*

A member of the AP noted that, like many priorities on the 2018 list, the NGOM is likely a multi-year issue, and suggested that multi-year priorities be bundled together and worked on together in the same action.

Another AP member felt that interested parties were happy with how the NGOM is being managed now, and that there are other priorities on the list that are more pressing for the fishery such as modifying access areas, catch accounting, and developing standard default measures. There was general agreement around this statement and the AP moved to prioritize 2018 work items in this order (see Motion 6).

**Motion #6:** Fulcher/Enoksen

The AP recommends that 2018 priorities be ranked in the following order:

1. Action to modify access areas consistent with OHA2
2. Develop Standard default measures
3. Monitoring and catch accounting provisions
4. NGOM management measures

*Rationale:* The AP voted to remove IFQ trip limits and gear modifications to protect small scallops from the list. The PDT will be working on the benchmark assessment this year.

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

*No other business was discussed. The meeting adjourned at 3:48pm.*