



## New England Fishery Management Council

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## MEETING SUMMARY

### Scallop Committee

October 24, 2019

New Bedford Harbor Hotel, New Bedford, MA

The Scallop Committee met in New Bedford, MA on October 24, 2019 to: 1) review analyses and recommend specification alternatives to be considered by the Council for inclusion in Framework 32; 2) review and consider closure configurations on eastern Georges Bank and in the Gulf of Maine to protect small scallops, and potential measures to reduce fishery impacts. 3) Amendment 21: Review LAGC permit movement data and consider a tabled Scallop Committee motion on establishing a control date that could be used for establishing eligibility criteria; 4) provide input on scallop work priorities for 2020; and, 5) discuss other business.

#### **MEETING ATTENDANCE:**

Vincent Balzano (Committee Chair), Jonathon Peros (Plan Coordinator), John Quinn (Council Chair), Mike Sissenwine, Peter Hughes, Peter deFur, Melanie Griffin, Cheri Patterson, Melissa Smith, John Pappalardo, Sam Ascii (Council staff), and Travis Ford (GARFO staff).

Jim Gutowski, Chair of the Scallop AP, was in attendance along with approximately 15 members of the public.

**MEETING MATERIALS:** Doc.0. [Summary of 2019 Projection Outputs](#), Doc.0a. [Presentation: Dr. Hart](#), Doc.01. [Staff Presentation](#), Doc.1. [Meeting Agenda](#), Doc.2. [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.3. Framework 32 Documents: Doc.3a. [Framework 32 Decision Document](#), Doc.3b. Draft Framework 32, Doc.3c. [2019 Fishery Performance](#), Doc.3d. [Measures to reduce fishery impacts](#), Doc.4. [Background on control dates and LAGC permit movement information](#), Doc.4a. [Staff Presentation](#), Doc.5. Meeting summaries and memos: Doc.5a. [Scallop Committee Meeting Summary, Sept. 19, 2019](#), Doc.5b. [Scallop Advisory Panel Meeting Summary, Sept. 18, 2019](#), Doc.5c. [Scallop PDT Meeting Summaries: July – October](#), Doc.5d. [Scallop PDT memo to the SSC re: 2020 and 2021 \(default\) OFLs and ABCs](#), Doc.5e. [Scallop PDT memo to GF PDT re: Georges Bank yellowtail flounder](#), Doc.6. [2020 Priorities: 2019 work items and potential 2020 work priorities for the Scallop FMP](#), Doc.7. [Correspondence](#)

Note: this summary is limited to meeting motions and key points from Committee discussion. Audio recordings of the full meeting can be provided upon request.

## Key Outcomes:

- The Committee made recommendations for spatial management and DAS options (20, 22, 24 DAS) for FY2020. Some of these included year-round closures on eastern Georges Bank that are designed to protect small scallops and are expected to mitigate impacts on Georges Bank yellowtail flounder and other flatfish stocks. The Committee also provided input on other elements of specification setting, such as where RSA compensation fishing can occur, and LA part time access area allocations.
- The Committee recommended a closure of Stellwagen Bank in the NGOM management area, and tasked the PDT to develop FY2020 TAC options based on biomass estimates from Ipswich Bay and Jeffreys Ledge.
- The Committee recommended that a control date be established that could be used to determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.
- The Committee developed recommendations for 2020 scallop work priorities.

## FW32 Specifications

### **Motion 1: Griffin/Hughes**

Move to develop specification alternatives in FW32 that would:

- Set FT LA trip limit at: 18,000
- Allocate access area trips to the following areas:
  - 1/2 trip in CAI Flex to MAAA (9,000 lbs)
  - 1/2 trip in NLS-N with NLS-S-shallow (9,000 lbs)
  - 1 trip in the NLS-S-deep
  - 1 trip in CAII (Close CAII-West).
    - Expand CAII AA boundary east, with a southern boundary of 41N.
  - 2 trips in MAAA
- Set open bottom DAS at 20, 22 and 24 with open bottom fishing based on the following table.

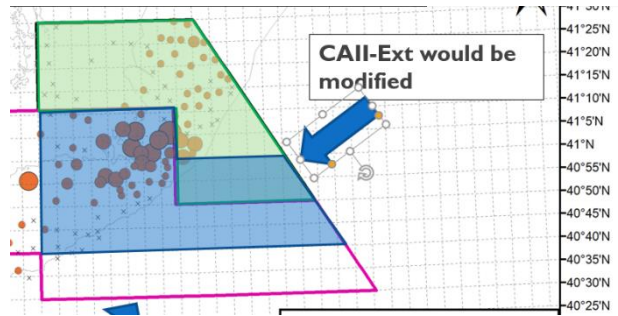
	BASE - “CAII ext CL”	BASE Run – (Open CAII Ext)	BASE Run – “SF and CAII ext CL”
Open Area DAS	20, 22, 24	20, 22, 24	20, 22, 24
FT LA trip limit	18,000	18,000	18,000
Closed Area I	1/2 FLEX Trip to MAAA	1/2 FLEX Trip to MAAA	1/2 FLEX Trip to MAAA
CL2-AA-WEST	CLOSED	CLOSED	CLOSED
CL2-AA-EAST	1 AA Trip	1 AA Trip	1 AA Trip
CL2-Ext	CLOSED	OPEN BOTTOM	CLOSED
Partial Southern Flank	OPEN BOTTOM	OPEN BOTTOM	CLOSED
NLS-North	1/2 AA trip	1/2 AA trip	½ AA Trip
NLS-South-Shallow			
NLS-Triangle	CLOSED	CLOSED	CLOSED
NLS-West	OPEN BOTTOM	OPEN BOTTOM	OPEN BOTTOM
NLS-South-Deep	1 AA Trip	1 AA Trip	1 AA Trip
MAAA	2 AA trips	2 AA trips	2 AA Trips

*Rationale:* The 20, 22, and 24 DAS is in consideration to recent recruitment. The Closed Area II Ext is closed in consideration of recruits, as is the partial Southern Flank closure. The closures of CAII-West, CAII-ext, and partial closure of the Southern Flank would help to mitigate impacts on GB YT.

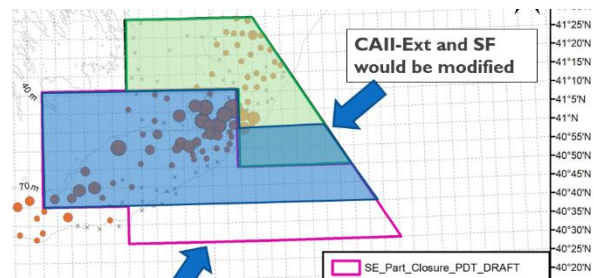
The closure of the Southern Flank focuses access in eastern peak of CAII, closes CAII-ext, and closes the portion of the SF with the highest concentration of recruits. Eastern part of CAII AA is extended south to include some larger scallops that do not overlap with recruits and provide more room for vessels that are fishing close to the boundary of the closure. Keeps some open bottom in SF accessible.

*NLS-Triangle Rationale:* The intent of this rotational closure is to allow for the consideration of an opportunity to move scallops in the future. The area could be used for research purposes in the short-term and addressed in a future Council action. This would modify the NLS-N boundary that the Committee recommended.

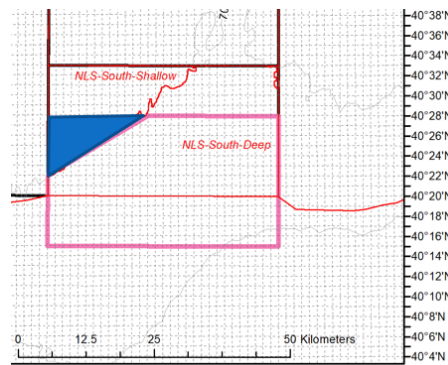
**CAII-Extension combined with the CAII-AA-West Closure.**



**CAII-Extension combined with the CAII-AA-West Closure, with additional SF closure.**



**NLS-Triangle would be defined as the area in blue.**



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

Discussion on Motion 1:

- The Committee highlighted that the spatial closures in CAII and surrounds are anticipated proactively mitigate impacts to GB yellowtail flounder. A member of the Committee felt that, considering this, proactively putting the AM GRA in place for FY2020 is unnecessary.
- The Committee added to range of alternatives proposed by the AP by recommending an alternative be developed that would close an area of the southern flank. The Committee also recommended a range of DAS at 20, 22, and 24. It was noted that this was a lower than the range recommended by the Scallop AP (22, 24, 26).

- A member of the audience was supportive of the range of specifications detailed in Motion 1 and felt that it captured the spirit of what the AP recommended.
- Related to the NLS-Triangle closure, GARFO staff noted that the focus of this closure should be on supporting research in the future—they felt it is unlikely that the NMFS would approve an Experimental Fishing Permit (EFP) that proposed transplanting millions of pounds of scallops to the closure area that could have otherwise been harvested by the fishery. It was further noted that the NMFS would probably be supportive of research around transplanting scallops, but would not be supportive of transplanting scallops with the objective of harvesting them commercially in the future—if it were the latter, it would mean the researcher is making decisions on how the scallop fishery is managed (i.e. which is not appealing to the NMFS until the Council says this is what it wants). If the NMFS feels that the scale of transplanting scallops is not appropriate for an EFP, it will refer the proposal back to the Council.

## LAGC Access Area Allocation, PT Allocations, Default Measures

### **Motion 2: Pappalardo/Griffin**

Recommend that the PDT include alternatives in FW32 that would distribute the LAGC IFQ access area allocation from Closed Area II:

- Evenly across the following access areas: MAAA, NLS-N, CAI
- Evenly across the following access areas: NLS-N, NLS-S-deep, CAI
- Evenly across Georges Bank access areas: NLS-N and CAI

*Rationale:* These options reflect how the Council has redistributed LAGC IFQ CAII allocations in the past.

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

There was no discussion on Motion 2.

### **Motion 3: Pappalardo/Patterson**

Move to set LA Part Time permit access area allocations for FW32 at:

- 2 trips to the MAAA at 12,000 lbs
- 1 trip to CAII at 12,000 lbs

*Rationale:* PT vessels are smaller, have fewer crew. The MAAA and CAII have highest level of exploitable biomass of four access areas.

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

There was no discussion on Motion 3.

### **Motion 4: Pappalardo/Hughes**

Move to include default measures for 2021 in FW32 that would allocate 1 access area trip in the MAAA at the trip limit specified for 2020 FY.

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

There was no discussion on Motion 4.

## Measures to Reduce Fishery Impacts

### **Motion 5: Hughes/Sissenwine**

Move to include an alternative in FW32 that would allow RSA compensation fishing in the following areas (all areas open to fishing):

- Open Bottom
- MAAA
- Closed Area I AA
- Closed Area II AA
- NLS-N AA
- NLS-S deep AA
- 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.

### **Motion to Amend (5a): Griffin/Patterson**

Move to include an alternative in FW32 that would allow RSA compensation fishing in the following areas (all areas open to fishing):

- Open Bottom
- MAAA
- Closed Area I AA
- NLS-N AA
- NLS-S deep AA
- NGOM management area (up to the LA TAC in this area)

*Rationale:* This would not allow RSA compensation fishing in CAII. It would allow vessels to spread out, and some research is done on compensation fishing.

The motion to amend failed (0-7-0).

The main motion failed on a show of hands (0-7-0).

### **Motion 6: Patterson/Griffin**

Move to include an alternative in FW32 that would allow RSA compensation fishing in the following areas (all areas open to fishing):

- Open Bottom
- MAAA
- NGOM management area (up to the LA TAC in this area)

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

Discussion on Motion 5, Motion 5a, and Motion 6:

- Members of the Committee were not supportive of carrying forward the AP recommendation for where RSA compensation fishing can occur (Motion 5) based on concerns raised in the staff presentation. They also highlighted concerns around allowing RSA compensation fishing in CAII based on on-going GB yellowtail bycatch issues, and offered to amend Motion 5 to reflect this.
- The Committee agreed with the intent of Motion 5a, but felt it would be best process-wise to vote down both Motion 5a and Motion 5, and offer Motion 6.

## NGOM Measures for FY2020 and FY2021 (Default)

### **Motion 7: Smith/Patterson**

Move to develop NGOM TAC options in FW32 using the following approach:

- Maintain the same approach to TAC setting in the NGOM in 2020 and 2021 for the LA and LAGC components that was developed and implemented through FW29.
- Develop TAC options based on fishing the following NGOM areas at  $F=0.18$ ,  $F=0.2$  and  $F=0.25$ 
  - Ipswich Bay
  - Jeffrey's Ledge

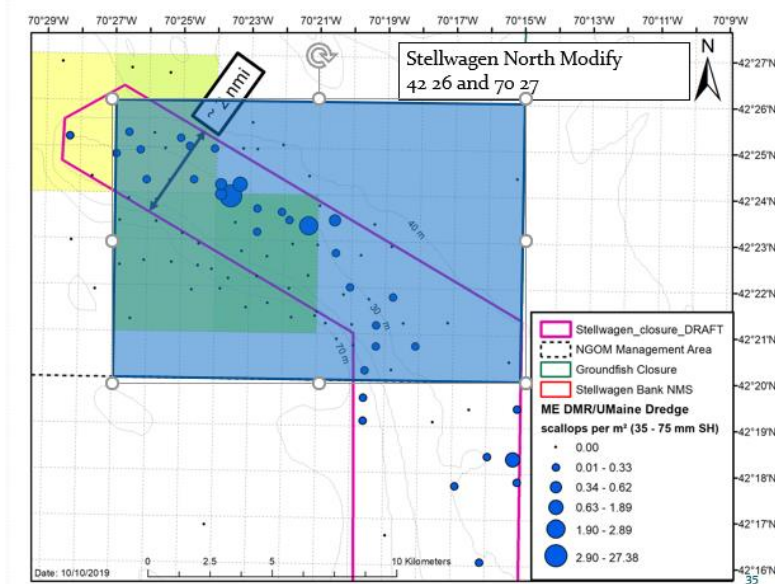
*Rationale:* These areas are the most likely to be fished in 2020. Survey results did indicate some recruitment within Jeffrey's, so the harvestable biomass may not be easily targeted. This range of F rates are consistent with previous analyses and maintain the conservative intent with setting the NGOM TAC.

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

There was no discussion on Motion 7.

### Motion 8: Smith/Patterson

Move to develop a closure option in FW32 in the Gulf of Maine that would close the following area shown in blue below:



*Rationale:* This protects small scallops while allowing some fishing in the area and is more enforceable than draft closures (pictured in pink). The southern boundary is 42 20N.

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

There was no discussion on Motion 8.

### A21: Control Date Discussion

*Tabled motion from September Committee meeting:*

#### Motion 9: Hughes/Reid

Recommend that the Council establish a control date that could be used to restrict movement between LAGC B (NGOM)/C (Incidental) permits.

*Rationale:* The LAGC B permit is the NGOM permit, the LAGC C permit is the incidental permit. If folks are considering getting into the NGOM fishery they should be notified that Council may change the rules in the future.

#### Motion 10: deFur/Quinn

Move to untable the tabled motion from the September Committee meeting.

*Motion 10 passed without objection*



### **Motion (11) to Substitute: Patterson/Smith**

The Committee recommends that the Council establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.

*Rationale:* The intent is to keep the language in the control date broad.

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

The Main motion as substituted:

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

There was limited discussion on Motion 9, Motion 10, and Motion 11. The Committee was supportive of moving forward a control discussion to the Council at the December 2019 meeting, and supported using broad language for the control date.

## **2020 Priorities Discussion**

Following a Council staff presentation on potential 2020 priorities, the Committee and members of the public offered some points for consideration:

- The Committee discussed the utility of combining some work priorities that are related as recommended by the Scallop PDT, for example, the “performance evaluation of the LA component”, “evaluation of rotational management”, and even “LA DAS and AA leasing pilot project”. It was suggested that “maximizing yield in dense aggregations” is related to the “evaluation of rotational management”, and that these could potentially be combined together. Further discussion acknowledged that combining priorities does not reduce the workload, but could be useful for priorities that might inform each other.
- A member of the Committee inquired about what priorities staff think they could realistically accomplish in 2020. Staff noted that it is not up to staff to say what is on the list, and that staff will work on whatever the Council prioritizes. They also noted that meeting preparation takes up a lot of staff time in addition to a full workload with FW32 and Amendment 21.
- A member of the Committee felt that several lower ranked items on list of priorities recommended by the AP were issues that come up in discussion continually and suggested their importance be reflected in a higher ranking (e.g. issues related to scallops in dense implementing the RSA program review recommendations, evaluating the LA component, etc.).

## Motion 12: Pappalardo/Sissenwine

Move to rank the 2020 scallop priorities in the following order:

Rank	Priority
1	Complete Amendment 21 (ongoing)
2	Northern Edge access (Habitat)
3	LA DAS & AA leasing pilot project, suggested by ECSHA
4	Investigate options to maximize yield in dense aggregations
5	Modify RSA Program based on program review recommendations
6	Evaluate performance of the LA component
	Evaluate Rotational Management (removed from list in June 2019)
7	Scallop Survey Recommendations – Implement 2015 recommendations
8	Adjustments to industry funded observer program

### *Rationale:*

2. Have been seeking access to the Northern Edge area for some time.
3. Add flexibility to the fleet.
4. Look at options to utilizing dense aggregations. Some opportunities have come and gone, need to make the most of these opportunities when they present themselves.
6. Combine performance of LA component with evaluation of rotational management.

### Discussion on Motion 12:

- Several Committee members voiced support for moving forward priorities as recommended by the AP—they felt this to be a comprehensive list for the Council to consider at the December 2019 meeting.
- A member of the Committee felt that the “LA DAS and AA leasing pilot project” and the “LA performance review” were very similar and could be taken up together. While very similar, staff noted that these priorities would likely be prosecuted very differently. Other Committee members were hesitant packaging like things together because it can over complicate the process and due to the risk of pairing a “good” priority with a “bad” one.

**Motion (13) to Amend: Quinn/Patterson**

Recommend that #3 “LA DAS & AA leasing pilot project” be moved to seventh on the list.

Rank	Priority
1	Complete Amendment 21 (ongoing)
2	Northern Edge access (Habitat)
3	Investigate options to maximize yield in dense aggregations
4	Modify RSA Program based on program review recommendations
5	Evaluate performance of the LA component
5	Evaluate Rotational Management (removed from list in June 2019)
6	LA DAS & AA leasing pilot project, suggested by ECSHA
7	Scallop Survey Recommendations – Implement 2015 recommendations
8	Adjustments to industry funded observer program

The motion to amend carried on a show of hands (4/3/0).

Motion 13(above) became the main motion, as amended.

Discussion on Motion 13:

- A member of the audience expressed support for the underlying motion. They also felt it is important to develop alternative ways to address some priorities that may not necessarily need to be done by the PDT. For example, an MSE conducted by an outside contractor could address the priority “investigate options to maximize yield in dense aggregations”. They also felt that the “modify RSA program based on review recommendations” and “implement scallop survey recommendations from 2015 review” should not be combined as one, but felt they could be handled consecutively.
- Two members of the audience representing the ECSHA supported the original prioritization of Motion 12. Related to the “LA DAS and AA leasing pilot project”, they felt that a well-developed leasing program would bring a level of operational flexibility during a time that the fishery is doing well. Representatives of the ECSHA acknowledged that on-going priorities will consume a lot of time in 2020, but that prioritizing this for 2020 would aim to just get a pilot leasing program started. They envisioned the pilot project would allow a maximum of two permits per one vessel, and that the Council could modify, monitor, or end that program at any time. Others in favor of this priority noted that management of the fishery has been successful, but management of the fleet itself has not—they noted that the

Council failed to meet its goal of reducing excessive fishing capacity in Amendment 15 and that this pilot program could help address that. They also noted that a FT LA vessel fishes about 80 days a year.

- Two members of the public, owners of LA vessels, spoke against prioritizing “LA DAS and AA leasing pilot project”. They felt that such a program would benefit seven or eight corporate entities, but would be disadvantageous to the other approximately 250 permit holders in the fishery. They noted that the Council has taken up leasing and permit stacking in the past but that those proposals have never been successful. They felt that things are going very well in the scallop fishery under current management measures and were very hesitant to make any changes that would impact the fishery’s success, or push the “small guy” owners out of the fishery.
- A member of the Committee did not support the motion to amend because they generally felt that priorities which improve flexibility in the fishery (e.g. “LA DAS and AA leasing pilot project”) are worth moving forward. They also noted that some of the priorities in Motion 12 could be science limited, and that these should be handled outside of the PDT (i.e. “options to maximize yield in dense aggregations”).
- The maker of the amended motion noted that they were not suggesting that overcapacity is not an issue, but felt strongly that issues that are being discussed at every meeting should be prioritized. In other words, do not take the overcapacity issue off the list, but don’t put it ahead of other more pressing issues that the fishery is facing.

**Motion 14: Sissenwine/deFur**

Recommend that #3 “Investigate options to maximize yield in dense aggregations” be moved to eighth on the list.

Rank	Priority
1	Complete Amendment 21 (ongoing)
2	Northern Edge access (Habitat)
3	Modify RSA Program based on program review recommendations
4	Evaluate performance of the LA component
4	Evaluate Rotational Management (removed from list in June 2019)
5	LA DAS & AA leasing pilot project, suggested by ECSHA
6	Scallop Survey Recommendations – Implement 2015 recommendations
7	Adjustments to industry funded observer program
8	Investigate options to maximize yield in dense aggregations

The motion failed on a show of hands (3/4/0).

Discussion on Motion 14:

- The maker of the motion felt that “investigate options to maximize yield in dense aggregations” may be a science limited priority and felt that ranking it high on the list would be a poor use of the Council process if information is not available to support decision making. Staff noted that this priority is a continuation of the 2019 “harvesting slow growing scallops in the NLS-S-deep” priority, and there is on-going science in this area that might support the decision-making process in the future.
- A member of the Committee and member of the audience opposed Motion 14 because they felt that managing around scallops in high-density areas is a primary issue for the fishery and needs to be moved forward. They cited the unanticipated loss of biomass in the NLS-West between 2018 and 2019, and felt that measures need to be developed to prevent this from happening again.
- Staff noted that this priority would also encompass ideas for harvesting the slow growing scallops in the NLS-S-deep that could not be accomplished in Framework 32, such as shell stocking, the use of shucking machines, and transplanting scallops. It was suggested that high grading could be another issue potentially addressed under this priority.

**Motion (15) to amend the main motion: Pappalardo/Sissenwine**

Recommend that #4 “Evaluate performance of the LA component” be moved to the bottom of the list.

Rank	Priority
1	Complete Amendment 21 (ongoing)
2	Northern Edge access (Habitat)
3	Investigate options to maximize yield in dense aggregations
4	Modify RSA Program based on program review recommendations
5	Evaluate Rotational Management (removed from list in June 2019)
6	LA DAS & AA leasing pilot project, suggested by ECSHA
7	Scallop Survey Recommendations – Implement 2015 recommendations
8	Adjustments to industry funded observer program
9	Evaluate performance of the LA component

The motion to amend carried on a show of hands (4/3/0).

Motion 15 became the main motion as amended.

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

Discussion on Motion 15:

- The maker of Motion 15 felt that “evaluate performance of the LA component” was a low priority, noting that these types of reports, similar to the 5-year LAGC review report, take a lot of time and resources but do not typically get used to direct management decisions once complete.
- A member of the audience noted that there were not amendments made to the list of AP recommended priorities at the previous days meeting. That being said, they supported the ranking of priorities in Motion 15, based on their feeling that only the top three or four priorities will actually be worked on in 2020.
- Another audience member supported the amendment in Motion 15, and also offered that there were several AP members not in attendance the day before who support the “LA DAS and AA leasing pilot project”. They reiterated that industry members support this priority because it is designed to be done on a pilot, trial basis, not a permanent change.

## Other Business

No other business was discussed. The meeting ended at 3:01 pm.