

**Draft Motions
Scallop Committee Meeting
September 25, 2020
Webinar**

The meeting began at 8:38 a.m.

Amendment 21

Action 1: Northern Gulf of Maine Catch Limits

Motion 1: Pappalardo/Hughes

Move that the Committee select in Action 1 – Northern Gulf of Maine Catch Limits, Alternative 2 (4.1.2), Account for the Northern Gulf of Maine as part of the ABC and ACL, as preferred.

Rationale: As the AP indicated, with the NGOM scallop fishery maturing and consistent surveys of the area are being conducted now would be the time to incorporate the area into the legal limits of the FMP.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	0

The motion carried 11-0-0.

Action 2 – Northern Gulf of Maine Allocations

Motion 2: Smith/Patterson

Move that the Committee select in Action 2 – Northern Gulf of Maine Allocations, Alternative 2 Option 2 (4.2.2.2), Create a NGOM set-aside with a NGOM set-aside trigger of 600,000 pounds, as preferred. Pounds above the trigger would be split 25% to the NGOM set-aside and 75% for the NGOM APL up to 3 million pounds, then 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: This alternative best meets the collective goals and objectives as outlined in this Amendment; this set aside supports a growing LACG small boat fishery and ensures orderly access by the LA fleet when biomass reaches optimal levels for larger removals. This preferred alternative reinforces the original purpose for the creation of this management area as established in Amendment 11; preserving local access for the small boat scallop harvesters for whom this region was and continues to be an important part of their fishing portfolio. Considering that LACG NGOM permit holders are spatially restricted to only this area while other Federal scallop permit holders may harvest the entire extent of the scallop resource; it allows for a dedicated, annual opportunity to harvest scallops. The overwhelming support for this alternative expressed through the public comment period reiterates the importance of this fishery to the inshore scallop fleet from all ports along the coast that rely on continued access and stable growth of the scallop resource within NGOM.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)				
Matt Gates, CT				
Richard Bellavance, RI				
Cheri Patterson, NH				
Mark Godfroy, NH				
Melissa Smith, ME				
John Pappalardo, MA				
Emily Gilbert, GARFO				
Dr. Michael Sissenwine, MA				
Dr. John Quinn, MA				
Peter Hughes, MAFMC				
Peter deFur, MAFMC				
TOTAL VOTE				

Motion to Amend Motion 2: Griffin/Gates

Move that the Committee recommend that the Council select as final preferred in Section 4.2, Alternative 2 as modified – NGOM Set-Aside Trigger of 600,000-lb. Pounds over the trigger would be split 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: Greatly appreciate the compromise that came out of AP and I see this motion to amend is an outgrowth of that tough discussion. Increasing the trigger and adopting a two-tier split appears to be a step too far for meaningful compromise. A 95/5 split allows for shared access to the growing directed scallop fishery in federal waters by not just LAGC-NGOM through the NGOM set-aside but by both LAGC-IFQ and LA (FT and PT) vessels through meaningful allocation to the NGOM APL triggered at biomass levels previously seen in federal waters.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH		No		
Mark Godfroy, NH		No		
Melissa Smith, ME		No		
John Pappalardo, MA		No		
Emily Gilbert, GARFO			Abstain	
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	6	4	1	

The Main Motion 2 as Amended: Griffin/Gates

Move that the Committee recommend that the Council select as final preferred in Section 4.2, Alternative 2 as modified – NGOM Set-Aside Trigger of 600,000-lb. Pounds over the trigger would be split 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: Greatly appreciate the compromise that came out of AP and I see this motion to amend is an outgrowth of that tough discussion. Increasing the trigger and adopting a two-tier split appears to be a step too far for meaningful compromise. A 95/5 split allows for shared access to the growing directed scallop fishery in federal waters by not just LAGC-NGOM through the NGOM set-aside but by both LAGC-IFQ and LA (FT and PT) vessels through meaningful allocation to the NGOM APL triggered at biomass levels previously seen in federal waters.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)				
Matt Gates, CT				
Richard Bellavance, RI				
Cheri Patterson, NH				
Mark Godfroy, NH				
Melissa Smith, ME				
John Pappalardo, MA				
Emily Gilbert, GARFO				
Dr. Michael Sissenwine, MA				
Dr. John Quinn, MA				
Peter Hughes, MAFMC				
Peter deFur, MAFMC				
TOTAL VOTE				

Motion to Substitute Motion 2: Patterson/Smith

Move that the Committee select in Action 2 – Northern Gulf of Maine Allocations, Alternative 2 Option 2 (4.2.2.2) with a modified split trigger of 2 million pounds: Create a NGOM set-aside with a NGOM set-aside trigger of 600,000 pounds, as preferred. Pounds above the trigger would be split 25% to the NGOM set-aside and 75% for the NGOM APL up to 2 million pounds, then 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: This alternative best meets the collective goals and objectives as outlined in this Amendment; this set aside supports a growing LACG small boat fishery and ensures orderly access by the LA fleet when biomass reaches optimal levels for larger removals. This preferred alternative reinforces the original purpose for the creation of this management area as established in Amendment 11; preserving local access for the small boat scallop harvesters for whom this region was and continues to be an important part of their fishing portfolio. Considering that LACG NGOM permit holders are spatially restricted to only this area while other Federal scallop permit holders may harvest the entire extent of the scallop resource; it allows for a dedicated, annual opportunity to harvest scallops. The overwhelming support for this alternative expressed through the public comment period reiterates the importance of this fishery to the inshore scallop fleet from all ports along the coast that rely on continued access and stable growth of the scallop resource within NGOM.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)				
Matt Gates, CT				
Richard Bellavance, RI				
Cheri Patterson, NH				
Mark Godfroy, NH				
Melissa Smith, ME				
John Pappalardo, MA				
Emily Gilbert, GARFO				
Dr. Michael Sissenwine, MA				
Dr. John Quinn, MA				
Peter Hughes, MAFMC				
Peter deFur, MAFMC				
TOTAL VOTE				

The motion to substitute was withdrawn without objection.

Back to the main motion, as amended.

Main Motion 2 as Amended: Griffin/Gates

Move that the Committee recommend that the Council select as final preferred in Section 4.2, Alternative 2 as modified – NGOM Set-Aside Trigger of 600,000-lb. Pounds over the trigger would be split 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: Greatly appreciate the compromise that came out of AP and I see this motion to amend as an outcome of that tough discussion. Increasing the trigger and adopting a two-tier split appears to be a step too far for meaningful compromise. A 95/5 split allows for shared access to the growing directed scallop fishery in federal waters by not just LAGC-NGOM through the NGOM set-aside but by both LAGC-IFQ and LA (FT and PT) vessels through meaningful allocation to the NGOM APL triggered at biomass levels previously seen in federal waters.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME		No		
John Pappalardo, MA				
Emily Gilbert, GARFO			Abstain	
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	8	1	1	

The main motion as amended carried 8-1-1.

Action 3 – Monitoring Directed Scallop Fishing in the Northern Gulf of Maine

Motion 3: Smith/Hughes

Move that the Committee select in Action 3 – Monitoring Directed Scallop Fishing in the Northern Gulf Of Maine (NGOM) Management Area, Alternative 2 (4.3.2), Monitor directed scallop fishing in the NGOM by expanding the Scallop Industry Funded Observer program, use a portion of the NGOM Allocation to off-set monitoring costs, as preferred.

Rationale: This alternative will align monitoring expectations within the NGOM management area with the remainder of the federal scallop fishing areas. Additionally, this was also supported through public comment.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA				
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	10	0	0	0

The motion carried 10-0-0.

Action 4 – Support Scallop Research using Scallops from the Northern Gulf of Maine

Motion 4: Hughes/Smith

Move that the Committee select in Action 4 – Support Scallop Research using Scallops from the Northern Gulf of Maine, Alternative 2 Option 4 (4.4.2.4) Allocate a portion of the NGOM Allocation to increase the overall Scallop RSA and support Scallop RSA compensation fishing, allocate 25,000 pounds of NGOM Allocation to increase the overall RSA to 1.275 million pounds, as preferred.

Rationale: Currently the NGOM is a significant beneficiary of RSA research (a 170,000 pounds of RSA scallops this year alone), but does not contribute any pounds into the RSA fund. The NGOM needs to have some skin in the game and 25,000 pounds covers the cost of a single survey in the area, which is the minimum amount of research anticipated in the area. The 25,000 lb fixed limit can be modified in future framework and can be adjusted to meet needs in the area. Percentages for RSA allocations do not work well.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	0

The motion carried 11-0-0.

Action 5 – Northern Gulf of Maine Fishing Season

Motion 5: Hughes/Gates

Move that the Committee select in Action 5 – Northern Gulf of Maine Fishing Season, Alternative 1 (4.5.1) No Action, as preferred

Rationale: No additional restrictions are needed on the area at this time. This maintains the position of the Council and AP from their June motions.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	0

The motion carried 11-0-0.

Action 6 - Cumulative Maximum Dredge Width

Motion 6: Hughes/Godfroy

Move that the Committee select in Action 6 – Cumulative Maximum Dredge Width That Can Be Fished in The Northern Gulf of Maine Management Area, Alternative 1 (4.6.1) No Action, as preferred.

Rationale: There is no biological benefit to the resource in mandating smaller dredge sizes for the LA fleet in the NGOM. Other alternatives would increase costs because vessels would need to buy new dredges to fish in the area.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME		No		
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	10	1	0	0

The motion carried 10-1-0.

Action 7 – Increase the LAGC IFQ Possession Limit

Motion 7: Pappalardo/Smith

Move that the Committee select in Action 7 – Increase the LAGC IFQ Possession Limit, Alternative 2 Option 2 (4.7.2.2), Increase the LAGC IFQ possession limit to 800 pounds per trip for only access area trips, as preferred.

Rationale: Public comments were in support of this increase. Increase of 1/3 of the daily trip limit in access areas will give the Council an opportunity to monitor the economic impacts of this change. Given where the access areas are likely to be in the near future, this will reduce steaming time to fish further offshore, and improve safety.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	0

The motion carried 11-0-0.

Action 8 – Increase the Amount of Observer Compensation Available for LAGC IFQ vessels

Motion 8: Pappalardo/Griffin

Move that the Committee select in Action 8 – Increase the Amount of Observer Compensation Available for LAGC IFQ vessels, Alternative 2 (4.8.2), Prorate daily compensation rate in 12-hour increments for observed LAGC IFQ trips longer than one day (capped at 48 hours), as preferred.

Rationale: Allow for additional compensation to account for potentially longer trips. The cap on compensation is at two days.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA		No		
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	10	1	0	0

The motion carried 10-1-0.

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

Motion 9: Pappalardo/Hughes

Move that the Committee select in Action 9 – One-Way Transfer of Quota from LA with IFQ to LAGC IFQ-Only, Alternative 2 Option 1 (4.9.2.1), Allow temporary transfers of quota from LA vessels with IFQ to LAGC IFQ-only with no change to LAGC IFQ quota accumulation caps (5% of APL), as preferred.

Rationale: This will give needed flexibility to the fishery to move small amounts of IFQ and move pounds to the IFQ only fleet to increase their fishing opportunities.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	

The motion carried 11-0-0.

Action 10 – Specifications and Framework Adjustment Process

Motion 10: Hughes/Smith

Move that the Committee select in Action 10 – Specifications and Framework Adjustment Process, Alternative 2, Expand the list of measures that can be addressed through specifications and/or framework adjustments, as preferred.

Rationale: More flexibility in the management process is a good thing. Opportunity to move forward in a more expedient manner.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	11	0	0	

The motion carried 11-0-0.

Motion 11: Hughes/Gilbert

Move that the Committee recommend that the Council add “evaluate the harvest of uncaught 2019 NLS-West allocation in FY 2021 in NLS-S Access Area” as part of FW33 and work 2020 priorities.

Rationale: The science suggested that the NLS-West could support three trips in FY 2019. The biomass is not in NLS-West to support further harvest in the area. This will give all LA permit holders a chance to catch their 2019 allocations. In evaluating this concept, the PDT should consider how the NLS-S is fished in 2021 if it is an access area – consider the impacts of large number of vessels fishing a small area at the same time. There were 50 million pounds of scallops that were missing between the 2018 and 2019 surveys of the area.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME		No		
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA		No		
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	9	2		

The motion carried 9-2-0.

2021 Priorities

(Postponed from motion from May and June Committee meetings until September 2020)

Motion 12: Hughes/Godfroy

The Committee recommends that the Council refer the following actions to the Secretary of Commerce for the Department’s review in response to Section 4 of the President’s Executive Order to “reduce burdens on domestic fishing and increase production within sustainable fisheries...”

1. Facilitate access to the Northern Edge (HAPC area)
2. A leasing flexibility program for the LA Scallop fishery
3. Modify LAGC closure noticing
4. Pursue electronic (on-line) access area trip exchanges

Rationale:

1. Northern Edge has been on the Council’s priority list, but has not been made an official work priority.
2. There is additional flexibility needed for the LA component in light of the COVID-19 pandemic.
3. Modifying the LAGC closure notice would allow for a quicker notification to LAGC on closures.
4. It can take up to 14 days to exchange access area trips, streamlining this would help the LA fleet.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)				
Matt Gates, CT				
Richard Bellavance, RI				
Cheri Patterson, NH				
Mark Godfroy, NH				
Melissa Smith, ME				
John Pappalardo, MA				
Emily Gilbert, GARFO				
Dr. Michael Sissenwine, MA				
Dr. John Quinn, MA				
Peter Hughes, MAFMC				
Peter deFur, MAFMC				
TOTAL VOTE				

Motion 12a: Hughes/Griffin:

Move to Table the above motion until after the Priorities discussion.

Rationale: The Committee prefers to directly address 2021 priorities and consider other motions before taking up the postponed motion on President Trumps E.O. from May 28, 2020.

The motion to table carried without objection.

Motion 13: Pappalardo/Hughes

Move that the Scallop Committee recommend the following priorities, ranked in order of importance and in addition to the standing Staff/PDT requirements & ongoing work, to the Scallop Committee for 2021:

1. Prepare a specifications package to set FY 2022 (2023 Default) specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ allocations, etc.)
2. Complete ongoing actions (Amendment 21 & Framework 33)
3. Develop a LA AA program for access to the Northern Edge.
4. Conduct scoping on a LA DAS and AA trips leasing program to assess the need for a leasing program and whether to move forward with developing an amendment.

Rationale: This proposal adds the specific task of conducting scoping on a leasing program to the Council's 2021 priorities without committing the Council to developing an amendment. That decision can be made after scoping is conducted and all comments are considered. The term “outreach” in the AP motion is vague. The majority of the fleet wants to have this discussion and scoping is the most appropriate way to bring it into the Council process, which is where it belongs at this point. Scoping is the most appropriate process and will provide this Committee with a much better understanding of how best to proceed.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	Yes			
Matt Gates, CT	Yes			
Richard Bellavance, RI	Yes			
Cheri Patterson, NH	Yes			
Mark Godfroy, NH				
Melissa Smith, ME	Yes			
John Pappalardo, MA	Yes			
Emily Gilbert, GARFO	Yes			
Dr. Michael Sissenwine, MA	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	Yes			
Peter deFur, MAFMC	Yes			
TOTAL VOTE	10	0	0	0

The motion carried 10-0-0.

Previously tabled motion (12a), brought back without objection.

Motion 14: Hughes/Godfroy

The Committee recommends that the Council refer the following actions to the Secretary of Commerce for the Department’s review in response to Section 4 of the President’s Executive Order to “reduce burdens on domestic fishing and increase production within sustainable fisheries...”

1. Facilitate access to the Northern Edge (HAPC area)
2. A leasing flexibility program for the LA Scallop fishery
3. Modify LAGC closure noticing
4. Pursue electronic (on-line) access area trip exchanges

Rationale:

1. Northern Edge has been on the Council’s priority list, but has not been made an official work priority.
2. There is additional flexibility needed for the LA component in light of the COVID-19 pandemic.
3. Modifying the LAGC closure notice would allow for a quicker notification to LAGC on closures.
4. It can take up to 14 days to exchange access area trips, streamlining this would help the LA fleet.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)		No		
Matt Gates, CT		No		
Richard Bellavance, RI		No		
Cheri Patterson, NH		No		
Mark Godfroy, NH				
Melissa Smith, ME		No		
John Pappalardo, MA		No		
Emily Gilbert, GARFO			Abstain	
Dr. Michael Sissenwine, MA		No		
Dr. John Quinn, MA				
Peter Hughes, MAFMC		No		
Peter deFur, MAFMC		No		
TOTAL VOTE	0	9	0	0

The motion failed 0-9-0.

Other Business:

15. Consensus Statement:

Recommend that that Council send a letter to NMFS requesting that a bulletin be sent to all scallop permit holders (LA and LAGC IFQ) advising of fixed gear in the area of Lobster Area 4 and reminding vessels to avoid fixed gear, and including details about how fixed gear is likely to be set.

The meeting ended at 3:30 p.m.

DRAFT

**Draft Motions
Scallop Advisory Panel Meeting
September 23, 2020
Webinar**

The meeting began at 8:31 a.m.

Amendment 21

Action 1: Northern Gulf of Maine Catch Limits

Motion 1: Lybarger/Fulcher

Move that the AP select in Action 1 – Northern Gulf of Maine Catch Limits, Alternative 2 (4.1.2), Account for the Northern Gulf of Maine as part of the ABC and ACL, as preferred.

Rationale: As the NGOM fishery matures and we are receiving regular surveys of the area, it is time to incorporate the area into the fishery completely.

The motion carried by unanimous consent.

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

Action 2 – Northern Gulf of Maine Allocations

Motion 2: Hansen/Mullis

Move that the AP select in Action 2 – Northern Gulf of Maine Allocations, Alternative 2 Option 3 (4.2.2.3), Create a NGOM set-aside with a NGOM set-aside trigger of 500,000 pounds, as preferred. Pounds above the trigger would be split 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: This represents a compromise that the AP reached in June. The most important part is the 95/5 split. One of the foundations of any allocation decision is historic and recent landings. For instance, in setting the percentage allocated to the General Category scallop fishery the Council considered the 2.5% historic share of the fishery and the recent landings that were as high as 14%, and settled on 5% as a compromise between the historic and recent averages. Allowing a NGOM set aside of 500,000 pounds is more than 7 times the historical average of 70,000 pounds and is an increase from recent landings from the area. Since the set aside is not a hard cap, it allows for growth in the fishery if the biomass grows in the area. With the 95/5 split after 500,000 pounds, the LA fleet and the NGOM fleet will achieve parity at just over a million pounds of allocation, which represents a level of catch that has been documented in the area. Conversely, if the Council were to choose a 75/25 split, then the fleets would not achieve parity until 2 million pounds of catch, a level we have not seen in the NGOM area. To allocate higher than this level would violate the principals of the Magnuson Act by ignoring the history of the fishery and the capacity of the fleet. Climate change is real – and there has been a noticeable shift north in many species. If the total allocation goes down to 20 million pounds, this hard cap of 500k lbs is a good percentage of the overall allocation.

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

Motion to substitute: Martens/Porter

Move that the AP select in Action 2 – Northern Gulf of Maine Allocations, Alternative 2 Option 2 (4.2.2.2), Create a NGOM set-aside with a NGOM set-aside trigger of 600,000 pounds, as preferred. Pounds above the trigger would be split 25% to the NGOM set-aside and 75% for the NGOM APL up to 3 million pounds, then 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: The Council’s preferred alternative, and the majority of public comment on Amendment 21 came back in support of this option. This option has been discussed at length at the Council. No new information has come forward that changes thinking on this.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)		No		
Cassie Canastra		No		
Tom Coley		No		
Ronnie Enoksen		No		
Brent Fulcher		No		
Kirk Larson		No		
Brady Lybarger		No		
Michael Marchetti		No		
Ben Martens	Yes			
Bob Maxwell		No		
Chris Merl		No		
Ed Mullis		No		
Paul Parker		No		
Kristen Porter	Yes			
Charlie Quinn		No		
Paul Vafides		No		
TOTAL VOTE	2	14	0	0

Back to the Main Motion
Motion 2: Hansen/Mullis

Move that the AP select in Action 2 – Northern Gulf of Maine Allocations, Alternative 2 Option 3 (4.2.2.3), Create a NGOM set-aside with a NGOM set-aside trigger of 500,000 pounds, as preferred. Pounds above the trigger would be split 5% for the NGOM set-aside and 95% for the NGOM APL.

Rationale: This represents a compromise that the AP reached in June. The most important part is the 95/5 split. One of the foundations of any allocation decision is historic and recent landings. For instance, in setting the percentage allocated to the General Category scallop fishery the Council considered the 2.5% historic share of the fishery and the recent landings that were as high as 14%, and settled on 5% as a compromise between the historic and recent averages. Allowing a NGOM set aside of 500,000 pounds is more than 7 times the historical average of 70,000 pounds and is an increase from recent landings from the area. Since the set aside is not a hard cap, it allows for growth in the fishery if the biomass grows in the area. With the 95/5 split after 500,000 pounds, the LA fleet and the NGOM fleet will achieve parity at just over a million pounds of allocation, which represents a level of catch that has been documented in the area. Conversely, if the Council were to choose a 75/25 split, then the fleets would not achieve parity until 2 million pounds of catch, a level we have not seen in the NGOM area. To allocate higher than this level would violate the principals of the Magnuson Act by ignoring the history of the fishery and the capacity of the fleet. Climate change is real – and there has been a noticeable shift north in many species. If the total allocation goes down to 20 million pounds, this hard cap of 500k lbs is a good percentage of the overall allocation.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens		No		
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Paul Parker	Yes			
Kristen Porter		No		
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	14	2	0	0

Action 3 – Monitoring Directed Scallop Fishing in the Northern Gulf of Maine

Motion 3: Mullis/Fulcher

Move that the AP select in Action 3 – Monitoring Directed Scallop Fishing in the Northern Gulf Of Maine (NGOM) Management Area, Alternative 2 (4.3.2), Monitor directed scallop fishing in the NGOM by expanding the Scallop Industry Funded Observer program, use a portion of the NGOM Allocation to off-set monitoring costs, as preferred.

Rationale: Scalloping is a high value fishery, which means one, you need to have observers to monitor activity, and two, the fishery can fund the monitors thru a set aside of quota.

The motion carried on unanimous consent.

Action 4 – Support Scallop Research using Scallops from the Northern Gulf of Maine

Motion 4: Lybarger/Hansen

Move that the AP select in Action 4 – Support Scallop Research using Scallops from the Northern Gulf of Maine, Alternative 2 Option 4 (4.4.2.4) Allocate a portion of the NGOM Allocation to increase the overall Scallop RSA and support Scallop RSA compensation fishing, allocate 25,000 pounds of NGOM Allocation to increase the overall RSA to 1.275 million pounds, as preferred.

Rationale: Currently the NGOM is a significant beneficiary of RSA research (a 170,000 pounds of RSA scallops this year alone), but does not contribute any pounds into the RSA fund. The NGOM needs to have some skin in the game and 25,000 pounds covers the cost of a single survey in the area, which is the minimum amount of research anticipated in the area. The 25,000 lb fixed limit is frameworkable – could be adjusted to meet needs in the area. Percentages for RSA allocations do not work well.

The motion carried on unanimous consent.

Action 5 – Northern Gulf of Maine Fishing Season

Motion 5: Lybarger/Hansen

Move that the AP select in Action 5 – Northern Gulf of Maine Fishing Season, Alternative 1 (4.5.1) No Action, as preferred

Rationale: No additional restrictions are needed on the area at this time. This maintains the position of the Council and AP from their June motions.

The motion carried on unanimous consent.

Action 6 - Cumulative Maximum Dredge Width

Motion 6: Mullis/Hansen

Move that the AP select in Action 6 – Cumulative Maximum Dredge Width That Can Be Fished in The Northern Gulf of Maine Management Area, Alternative 1 (4.6.1) No Action, as preferred.

Rationale: There is no biological benefit to the resource in mandating smaller dredge sizes for the LA fleet in the NGOM. A mandate of this nature would not meet any of the Magnuson National Standards and is therefore unsupportable.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens		No		
Bob Maxwell	Yes			
Chris Merl	Yes			
Ed Mullis	Yes			
Paul Parker	Yes			
Kristen Porter	Yes			
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	15	1	0	0

Action 7 – Increase the LAGC IFQ Possession Limit

Motion 7: Hansen/Coley

Move that the AP select in Action 7 – Increase the LAGC IFQ Possession Limit, Alternative 1 (4.7.1), No Action, as preferred.

Rationale: Reinforces discussion from June 2020. We do not support an increase in the trip limit until more is done to increase enforcement of an individual vessel adhering to its quota. The vast majority of LAGC landings occur at small ports and offloading takes a matter of minutes. There are numerous reports of vessels under reporting their landings. An increase in the trip limit will only exacerbate this problem. Until there is an increase in dockside monitoring or a bag tag program or some other enforcement improvement, we cannot support an increase in the daily catch limit.

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

Motion to substitute Motion 7: Fulcher/Martens

Move that the AP select in Action 7 – Increase the LAGC IFQ Possession Limit, Alternative 2 Option 2 (4.7.2.2), Increase the LAGC IFQ possession limit to 800 pounds per trip for only access area trips, as preferred.

Rationale: Provides additional flexibility for the LAGC IFQ. Help offset increases in operating costs, while not requiring much additional time to catch the additional 200 pounds. Council’s preferred alternative.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)		No		
Cassie Canastra	Yes			
Tom Coley		No		
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson		No		
Brady Lybarger		No		
Michael Marchetti		No		
Ben Martens	Yes			
Bob Maxwell	Yes			
Chris Merl		No		
Ed Mullis	Yes			
Paul Parker	Yes			
Kristen Porter		No		
Charlie Quinn	Yes			
Paul Vafides		No		
TOTAL VOTE	8	8	0	0

The motion failed for a lack of majority.

Back to the Main Motion 7: Hansen/Coley

Move that the AP select in Action 7 – Increase the LAGC IFQ Possession Limit, Alternative 1 (4.7.1), No Action, as preferred.

Rationale: This motions reinforces the earlier AP discussion from June 2020. We do not support an increase in the trip limit until more is done to increase enforcement of an individual vessel adhering to its quota. The vast majority of LAGC landings occur at small ports and offloading takes a matter of minutes. There are numerous reports of vessels under reporting their landings. An increase in the trip limit will only exacerbate this problem. Until there is an increase in dockside monitoring or a bag tag program or some other enforcement improvement, we cannot support an increase in the daily catch limit. Increasing the trip limit may lead to increases in vessel and crew sizes, and increase the derby in the fishery. A higher trip limit would mean fewer total access area trips, and increase the incentive to catch the entire trip limit on each trip. The crew will not make more money, would need to increase the crew size to cut the scallops.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra		No		
Tom Coley	Yes			
Ronnie Enoksen	Yes			
Brent Fulcher		No		
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens		No		
Bob Maxwell		No		
Chris Merl	Yes			
Ed Mullis		No		
Paul Parker		No		
Kristen Porter	Yes			
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	10	6	0	0

Action 8 – Increase the Amount of Observer Compensation Available for LAGC IFQ vessels

Motion 8: Fulcher/Lybarger

Move that the AP select in Action 8 – Increase the Amount of Observer Compensation Available for LAGC IFQ vessels, Alternative 1 (4.8.1), No Action, as preferred.

Rationale: With no increase in the daily catch limit this provision is unwarranted. In addition, the regulations use to allow LAGC vessels extra compensation for trips over 24 hours. LAGC vessels routinely purposely used this loophole in the past and the Council appropriately closed the loophole. We should not reopen the loophole.

The motion carried by unanimous consent.

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

Motion 9: Lybarger/Larson

Move that the AP select in Action 9 – One-Way Transfer of Quota from LA with IFQ to LAGC IFQ-Only, Alternative 2 Option 1 (4.9.2.1), Allow temporary transfers of quota from LA vessels with IFQ to LAGC IFQ-only with no change to LAGC IFQ quota accumulation caps (5% of APL), as preferred.

Rationale: This will give needed flexibility to the fishery and allow for training opportunities.

The motion carried by unanimous consent.

Action 10 – Specifications and Framework Adjustment Process

Motion 10: Mullis/Lybarger

Move that the AP select in Action 10 – Specifications and Framework Adjustment Process, Alternative 2, Expand the list of measures that can be addressed through specifications and/or framework adjustments, as preferred.

Rationale: More flexibility in the management process is a good thing. Opportunity to move forward in a more expedient manner.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley		No		
Ronnie Enoksen	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti		No		
Ben Martens	Yes			
Bob Maxwell		No		
Chris Merl		No		
Ed Mullis	Yes			
Paul Parker	Yes			
Kristen Porter	Yes			
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	12	4	0	0

Motion 11: Fulcher/Quinn

Move that the AP requests that the Committee recommend that the Council add “evaluate the harvest of uncaught 2019 NLS-West allocation in FY 2021 in NLS-S Access Area” as part of FW33 and work 2020 priorities.

Rationale: The science suggested that the NLS-West could support three trips in FY 2019. The biomass is not in NLS-West to support further harvest in the area. This will give everyone a chance to catch their 2019 allocations. Consider how the NLS-S is fished in 2021 if it is an access area – look at impacts of large number of vessels fishing a small area at the same time.

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

2021 Priorities

Motion 12: Fulcher/Mullis

Move that the Scallop AP recommends that the Scallop Committee recommends to the Council that access to the Northern Edge, including development of an access area program, be prioritized for the Habitat Committee for 2021.

Rationale: AP has requested access to the Northern Edge in the past. With lean fishing years ahead, looking to access scallops that are likely to die of natural mortality if the area remains closed.

The motion carried by unanimous consent.

Motion 13: Fulcher/Enoksen

Move that the Scallop AP recommend the following priorities, ranked in order of importance and in addition to the standing Staff/PDT requirements & ongoing work, to the Scallop Committee for 2021:

1. Prepare a specifications package to set FY 2022 (2023 Default) specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ allocations, etc.)
2. Complete ongoing actions (Amendment 21 & Framework 33)
3. Develop an amendment to address limited access vessel DAS and access area trip leasing suggested by the Scallopers Campaign.

Rationale: This would add one new work priority for 2021, the other priorities are ongoing and part of general workload. The request is to develop an amendment to consider developing LA DAS and AA leasing pilot program.

Motion to substitute 13: Hansen/Mullis

Move that the Scallop AP recommend the following priorities, ranked in order of importance and in addition to the standing Staff/PDT requirements & ongoing work, to the Scallop Committee for 2021:

1. Prepare a specifications package to set FY 2022 (2023 Default) specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ allocations, etc.)
2. Complete ongoing actions (Amendment 21 & Framework 33)
3. Develop a LA AA program for access to the Northern Edge.
4. Conduct outreach to assess perspectives on LA DAS and AA leasing.

Rationale: The AP just requested additional work with evaluating Options for harvest of the NLS-West in the NLS-South area, this will take place in 2020 and 2021. The intent is to match workload with available time in 2021. Open to having a discussion about the LA DAS and AA leasing.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen		No		
Brent Fulcher		No		
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell (DNV)				
Chris Merl	Yes			
Ed Mullis	Yes			
Paul Parker (DNV)				
Kristen Porter	Yes			
Charlie Quinn		No		
Paul Vafides		No		
TOTAL VOTE	10	4	0	0

Main motion as substituted (13): Hansen/Mullis

Move that the Scallop AP recommend the following priorities, ranked in order of importance and in addition to the standing Staff/PDT requirements & ongoing work, to the Scallop Committee for 2021:

1. Prepare a specifications package to set FY 2022 (2023 Default) specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ allocations, etc.)
2. Complete ongoing actions (Amendment 21 & Framework 33)
3. Develop a LA AA program for access to the Northern Edge.
4. Conduct outreach to assess perspectives on LA DAS and AA leasing.

Rationale: The AP just requested additional work with evaluating Options for harvest of the NLS-West in the NLS-South area, this will take place in 2020 and 2021. The intent is to match workload with available time in 2021. Open to discussing the LA DAS and AA leasing.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Cassie Canastra	Yes			
Tom Coley	Yes			
Ronnie Enoksen		No		
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti	Yes			
Ben Martens	Yes			
Bob Maxwell				
Chris Merl	Yes			
Ed Mullis	Yes			
Paul Parker				
Kristen Porter	Yes			
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	13	1	0	0

Other Business:

Consensus Statement:

Recommend that the Committee recommends that that Council send a letter to NMFS requesting that a bulletin be sent to permit holders advising of fixed gear in the area of Lobster Area 4 and reminding vessels to avoid fixed gear.

The meeting ended at 4:03 p.m.

DRAFT