



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D, *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Scallop Advisory Panel Meeting

March 26, 2020

Webinar Meeting

The Scallop Advisory Panel met via webinar on March 26, 2020 to: 1), Amendment 21: review goals, objectives, and status of the action—provide input on the range of alternatives to include in this action and additional tasking if necessary; 2) discuss the impact of the COVID-19 pandemic on the scallop fishery; 3) discuss updates to the scallop-related 2020-2024 Council research priorities; and 4) discuss other business.

MEETING ATTENDANCE:

James Gutowski (AP Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Kirk Larson, Ron Enoksen, Paul Vafides, Bob Maxwell, Brady Lybarger, Ed Mullis, Brent Fulcher, Mike Marchetti, Paul Parker, Kristan Porter, Ben Martens, Cassie Canastra, Chris Merl, Charlie Quinn, and Eric Hansen.

Vincent Balzano (Scallop Committee Chair) was in attendance on the webinar along with approximately 63 members of the public.

MEETING MATERIALS: Meeting Information: Doc.1a [Meeting Agenda](#), Doc.1b [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c1 [Staff Presentation: S. Asci](#)
Doc.1c2. [Staff Presentation: J. Peros](#), Doc.1d [Webinar Instructions](#); Scallop Amendment 21: Doc.2a [Draft A21 Alternatives \(in development\)](#), Doc.2b [Draft A21 Affected Environment \(background information\)](#), Doc.2c [SARC 65 Appendix 3 – Gulf of Maine](#), Doc.2d [A21 Action Plan](#), Doc.2e [A21 Draft Decision Alternatives Decision Document](#); Recent Meeting Summaries: Doc.3a [February 27, 2020 Scallop Committee Meeting Summary \(A21 tasking motions\)](#), Doc.3b [February 26, 2020 Scallop Advisory Panel Meeting Summary](#); Doc.4 [Memo from Council Staff on 2020 – 2024 Council Research Priorities](#); Doc.5 [2020 Scallop RSA Awards](#); Doc.6 [Correspondence](#)

The meeting began at 9:01 AM. Advisory Panel Chair Jim Gutowski welcomed the AP and members of the audience to the webinar. Due to the COVID-19 pandemic, all Council related meetings have been transitioned to webinars including the Scallop AP and Committee meetings. Staff reviewed instructions for participating in the webinar and gave an overview of the goals and objectives for the day's meeting.

Key Outcomes:

- The AP described impacts of COVID-19 on the scallop fishery and recommended that the Council request NMFS to initiate an Emergency Action to offer flexibility in how outstanding allocations may be fished (see Motion 1 through Motion 3, Motion 11).

- The AP provided input on the range of alternatives to be included in Amendment 21 to the Scallop FMP (see Motion 4 through Motion 10).

COVID-19 and Emergency Action Discussion

Council and NMFS staff explained that staff supporting the scallop FMP were currently working remotely and could be reached by phone or e-mail. The AP received a market report from Cassie Canastra. She explained that the fresh market for scallops is gone with restaurants closing, but that product is still being purchased to be frozen. She explained that the price has come down for larger market grades, but that the price has stabilized some for 10-20s. She expressed some concern about what a large volume of scallops at the start of the FY might do to the price.

Motion 1: Hansen/Fulcher

AP recommends that the Committee ask the Council to request to the regional administrator and NOAA administration, that the following action is requested in response to the Covid-19 national emergency; All 2019 access area carryover pounds and unharvested RSA compensation pounds from FY 2019 will be available for harvest during the entire 20/21 fishing year. The NLS-West would remain an access area for the duration of the emergency.

Rationale: Recent escalation of COVID-19 infections may make the health and safety of trained fishermen at risk. Current regulations require vessels to start any AA carryover trips by June 1, it is unknown if it will be safe or economically feasible to do this. (Some west coast tuna vessels have found their markets nonexistent upon return). All vessels have had the option to utilize carryover lbs. Many have, to avoid harsh penalties for landing excess pounds. This action should have little to no impact on future fishing year allocations. This action allows flexibility and does not restrict anyone from fishing. RSA pounds that will be forced to land in the near future will likely get a price lower than

Roll call vote:

Canastra – YES, Coley – N/A, Enoksen – Did not vote, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – YES, Martens - YES, Maxwell – YES, Merl – YES, Mullis – YES, Parker – YES, Porter – YES, Quinn – YES, Vafides – YES

The motion carried 14/0/0.

Motion 2: Marchetti/Maxwell

AP recommends that the Committee ask the Council to request to the regional administrator and NOAA administration, that the following action is requested in response to the Covid-19 national emergency; All LACG IFQ vessels would be able to roll forward the all FY 2019 unharvested quota into FY2020.

Rationale: COVID-19 is having an impact on the ability of LAGC IFQ vessel to catch their quota. Vessels can carry over up to 15% of their quota. This action allows flexibility, and does not restrict anyone from fishing.

Vote: There were no objections, the motion carried by unanimous consent.

Motion 3: Marchetti/Merl

AP recommends that the Committee ask the Council to request to the regional administrator and NOAA fisheries to consider waiving fees and penalties for vessels that do not have a compliant VMS unit by April 1, 2020.

Rationale: This would apply to vessels that have not done a power down, and do not have a type-approved unit on their vessel. Some vessels have purchased units and have not been able to get them installed. This would only apply to vessels that have not done a powerdown. It would not apply to vessels fishing with a non-compliant VMS unit.

Vote: There were no objections, the motion carried by unanimous consent.

Regarding Motion 1-3, and 11 (see other business discussion), the AP recommended that an emergency action be used to offset issues related to COVID-19 with being able to fish allocations before they would expire. Boats are having a hard time getting out to fish and there are concerns around the market taking a dive. Motions 1 and 2, and 11 recommend giving LA and LAGC IFQ vessels more flexibility by extending the time they have to catch allocations, and Motion 3 was moved forward based on concerns of vessels being in compliance with operating VMS units by April 1st.

There was discussion at the AP about what the biological impact of allowing additional carryover could be on the resource. It was noted that the fishery operates well below the ACL so the concern of exceeding this limit through extended carryover fishing is minimal.

Amendment 21

LAGC IFQ Issues

The AP's work on LAGC issues focused on new alternatives developed by the PDT. The AP recommended adding options to the document that would allow LAGC IFQ vessels to receive additional observer compensation if their trips exceeded 24 hours (Motion 4).

Motion 4: Maxwell/Fulcher

AP recommends that the Committee add alternatives developed by the Scallop PDT in Section 4.7 -Action 7 to Amendment 21 that would allow LAGC IFQ vessels to receive more than one day of observer compensation.

Rationale: If the Council increases trip limits for the LAGC IFQ, trips may be longer than one day. However, vessels are limited to one day of compensation. Increasing the amount of compensation pounds would help offset the additional costs associated with longer trips when an observer is on board.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – Audio issue, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – YES, Martens – YES, Maxwell – YES, Merl – YES, Mullis – YES, Parker – YES, Porter – YES, Quinn – YES, Vafides – NO

The motion carried 13-1-0.

Discussion on Motion 4: The AP noted that measures to increase the amount of observer compensation available to LAGC IFQ vessels should only be considered if the Council does elect to increase the LAGC IFQ possession limit.

The AP did not have any comments on the range of alternatives for the LAGC IFQ trip limits or the one-way transfer of IFQ from LA vessels with IFQ to LAGC IFQ only vessels. There was one public comment about not allowing IFQ transfers to LA vessels that have IFQ permits, questioning if this measure was in compliance with National Standard guidelines

NGOM Allocation Measures

The AP made several motions aimed at addressing allocation options for the NGOM management area (Motions 5 – 7). Motion 5 recommended that the Committee add additional triggers to the document (70,000 lbs, 130,000 lbs, 190,000 lbs, 250,000 lbs). Motions 6 and 7 addressed how the NGOM TAC in excess of the triggers would be shared.

Motion 5: Fulcher/Mullis

The AP recommends the Scallop committee adds to every alternative in 4.1 – Northern Gulf of Maine Allocations and Catch Limits, that include a set aside for the NGOM Fleet be a range of alternatives that reflect the historical landings of the NGOM fleet, which is 70,000 to 250,000 pounds of landings. This would add additional trigger options to the document from 70,000 pounds to 250,000 pounds (increments of 60,000 lbs.).

Rationale: Currently all of the alternatives in the document contain set asides for the NGOM that are larger than the historic landings of the NGOM fleet. Not including a range of alternatives that include historic landings violates the law and sets an entirely new precedent for the Council. Every previous allocation decision by the Council was based upon historical landings. The Magnuson Act requires the Council to consider historic landings in an allocation decision. The Council has never allocated to a fishery more than what it has caught in some part of its history. There is no reason to break that precedent here. Also, an amendment must have a full range of alternatives for analysis and not having alternatives within a historic range cannot possibly represent a full range of alternatives.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – did not vote, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – YES, Martens - NO, Maxwell – YES, Merl – YES, Mullis – YES, Parker – did not vote, Porter – NO, Quinn – YES, Vafides – NO

The motion carried 10-3-0 (2 did not vote).

Discussion on Motion 5: Most of the AP was in support of limiting the range of allocation options for the NGOM set-aside to reflect recent landings from this area since the NGOM was established. A member of the AP strongly opposed to the motion felt that the range of allocation share triggers was too low and not viable in supporting an increase in effort and biomass in the area in the future.

Motion 6: Fulcher/Hansen

In Action 1 – 4.1, the AP recommends that the Committee add sub-options to A21 that would split the NGOM TAC over the trigger as: 5% to the NGOM set-aside and 95% to the NGOM APL. This would apply to all options in Alternative 2.

Rationale: This is an option that the Committee recommended for some TAC sharing options at their Feb. 26, 2020 meeting.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – (did not vote) – he did e-mail a YES after the vote was called, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – NO, Martens - NO, Maxwell – YES, Merl – NO, Mullis – YES, Parker – (did not vote), Porter – NO, Quinn – YES, Vafides – NO

The motion carried 8-5 (two did not vote).

Discussion on Motion 6: Those in support of Motion 6 felt that a 95/5 split has precedence in the fishery and that it is worth specifying a preference for allocation shares above the NGOM set-aside trigger for the limited access component. Those opposed to Motion 6 felt that the split should align more with the 50/50 split between LAGC and LA as specified by the Council for FY2018, FY2019, and FY2020.

Motion 7: Martens/Porter

Move, that the AP recommends to the Committee to add sub-options to A21 that would split the NGOM TAC over the trigger at a 50/50 split between the NGOM APL and NGOM set-aside. This would be an option to apply to all trigger options in Alternative 2.

Rationale: The LA and LAGC components have been sharing the NGOM at 50/50 over the trigger in recent FW actions. This is how we are currently managing the NGOM area.

Roll call vote: Canastra – NO, Coley – N/A, Enoksen – NO, Fulcher – NO, Gutowski – (Chair), Hansen – NO, Larson – NO, Lybarger – NO, Marchetti – YES, Martens - YES, Maxwell – NO, Merl – YES, Mullis – NO, Parker – (did not answer), Porter – YES, Quinn – NO, Vafides – YES

The motion failed 5-9-0 with 1 person not voting.

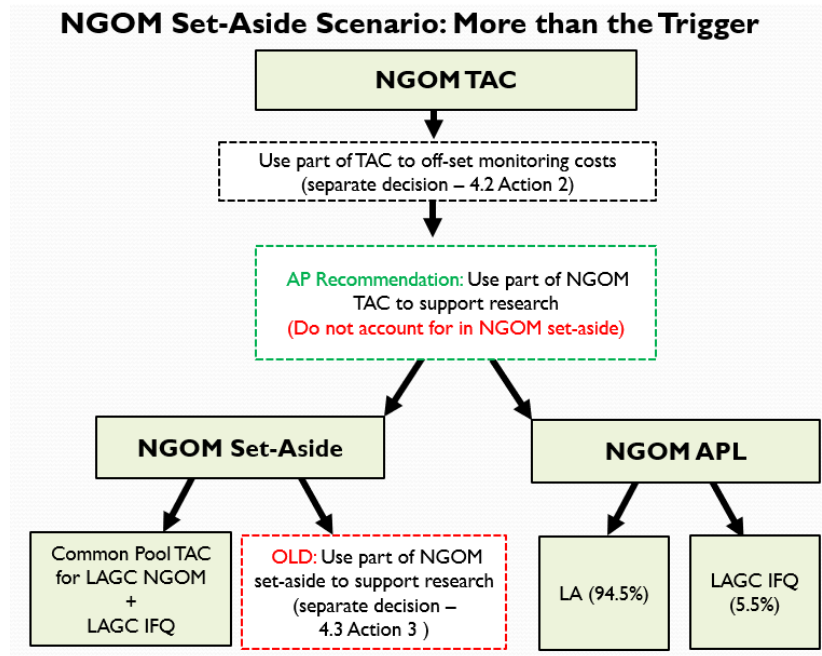
Discussion on Motion 7: The majority of the AP did not feel that a 50/50 split between LA and LAGC components over the NGOM set-aside trigger was reasonable considering historic catches of each component in the NGOM, including landings from this part of the resource during the qualifying time period for the LA component. An AP member noted that the 50/50 split used by the Council in FW29 was purposed as a “quick fix” to reconcile the NGOM fishery in FY2017 and that they would not have been agreeable to said measures at that time if they had known it would be the basis for longer term measures being developed in Amendment 21.

Monitoring Directed Scallop Fishing in NGOM

There was no input from the AP or public regarding the monitoring alternatives outlined in Section 4.2 of Doc.2a DRAFT A21 Alternatives.

NGOM Research Set-Aside

The AP discussed options for supporting research using scallops in the NGOM. A key development was that the AP supported setting aside a portion of the NGOM TAC to support research vs. having the RSA pounds come out of the NGOM set-aside. (see figure below)



Motion 8: Fulcher/Lybarger

The AP recommends the Committee adds a range of sub-options to Section 4.3.3 that creates an RSA set aside of a fixed annual amount from the NGOM TAC that would be added to the 1.25 million pounds set aside. The range for the amount of pounds of the set aside for consideration should be 20,000 to 170,000. This would add additional sub-options to the document from 20,000 pounds to 170,000 pounds.

Rationale: The NGOM fleet should contribute additional pounds to the RSA because it benefits from directed surveys in the NGOM and from the general research conducted on scallops. 20,000 pounds represents what a survey of the NGOM costs in pounds. 170,000 pounds represents the amount of pounds awarded to study the NGOM specifically in this year's RSA projects, so that should represent the upper limit of the set aside. Whatever amount is chosen would get added to the RSA total, so if 100,000 were chosen, then the RSA would be 1.35 million. There would be no new restrictions on how the RSA pounds are awarded or harvested.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – YES, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – YES, Martens - NO, Maxwell – YES, Merl – YES, Mullis – YES, Parker – (did not vote), Porter – NO, Quinn – YES, Vafides – YES

The motion carried 12-2-0 (1 did not vote).

Motion 9: Porter/Martens

The AP recommends the Committee adds a sub-option to Section 4.3.3 that creates an RSA set aside of 10% from the NGOM TAC that would be added to the 1.25 million pound set aside. This additional research TAC for the RSA would be capped at 50,000 pounds.

Rationale: This would account for the research TAC before allocating to the NGOM set-aside and the NGOM APL. 50,000 pounds has been sufficient to fund surveys in the past, though poundage has varied. At times of low biomass in the area, using the percentage would allow a lower amount of pounds to be available for the RSA and compensation fishing.

Roll call vote: Canastra – NO, Coley – N/A, Enoksen – NO, Fulcher – NO, Gutowski – (Chair), Hansen – NO, Larson – NO, Lybarger – NO, Marchetti – NO, Martens – YES, Maxwell – NO, Merl – NO, Mullis – NO, Parker – NO, Porter – YES, Quinn – NO, Vafides – NO

The motion failed 2-13-0.

Discussion on Motion 8 and Motion 9:

Motions 8 and 9 were focusing on how much of the NGOM TAC would be available to support the RSA. Both AP motions focused on adding pounds to the RSA (Alternative 3), versus just allowing compensation fishing. Motion 8 and Motion 9—the AP was in agreement that the NGOM should contribute to the existing RSA program to support research in this part of the resource in the future. Those opposed to Motion 8 felt that the set amounts described in the motion were too high (20,000 lbs to 170,000 pounds). Those who voted against Motion 9 were opposed to using a percentage approach, citing past examples when the RSA was based on a percentage of the ACL and how difficult this made the RSA priority/review/award process (i.e. because the amount of RSA available varied year to year).

NGOM Fishing Season

With respect to the NGOM fishing season, the AP did not offer any motions, but one member floated the idea of distributing the allocation across the year. During the season GARFO tracks trips to project when the NGOM TAC will be harvested—the suggestion was that GARFO could target a closure when 90% of the TAC is projected to be caught, then after the numbers are verified during the following months, the NGOM could be re-opened in February or March to harvest the remaining TAC before the next fishing year starts.

NGOM Gear Restricted Area Measures

Motion 10: Hansen/Fulcher

At this point in time, the AP supports in Section 4.5 Action 5 – Northern Gulf of Maine Gear Restricted Area, Alternative 1 – No Action. This would continue to allow LA vessels to fish a maximum combined dredge width of 31 feet.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – YES, Fulcher – YES, Gutowski – (Chair), Hansen – YES, Larson – YES, Lybarger – YES, Marchetti – YES, Martens – NO, Maxwell – YES, Merl – NO, Mullis – YES, Parker – Abstain, Porter – NO, Quinn – YES, Vafides – NO

The motion carried 10-4-1.

Discussion on Motion 10: Several members of the AP and a member of the public were unsure of the rationale for limiting dredge width as described in Alternative 2 and Alternative 3. Initially there was a suggestion to recommend moving them to considered but rejected; however, the prevailing motion did not recommend removing these alternatives, but instead highlighted support for No Action. Opposition to the motion came from members of the AP that felt the GRA alternatives should be considered in A21. Council staff explained that they have had discussions about how to assess the impacts of these alternatives with other staff members, but that the current plan is to do analysis after the range of alternatives is set.

Measures To Be Handled in Specifications or Framework Action

The group briefly talked about the list of measures that would be addressed later in a framework or a specifications package. Council staff explained that they plan to work with GARFO to review the list of existing measures that can be changed in a framework before the Council meeting.

2020 – 2024 Council Research Priorities

The AP discussion mostly focused on the impacts offshore wind could have on the fishery. There were questions about what research has been done on the impact transmission cables have on fish and scallops. The AP agreed to provide input on the 2020 – 2024 priority list through correspondence.

Other Business

Motion 11: Quinn/Merl

AP recommends that the Committee ask the Council to request to the regional administrator and NOAA administration, that the following action is requested in response to the Covid-19 national emergency; Allow LA vessels to carry over up to 15 DAS from FY2019 to FY 2020. These DAS would be available for all of FY 2020. The NLS-West would remain an access area for the duration of the emergency.

Rationale: Recent escalation of covid-19 infections may make the health and safety of trained fishermen at risk. Vessels have more than the 10 DAS carryover and have not been able to fish them. This would add flexibility for fishing businesses. COVID-19 has had a negative impact on the scallop market, particularly the fresh market. Prices have declined in recent weeks.

Roll call vote: Canastra – YES, Coley – N/A, Enoksen – Abstain, Fulcher – YES, Gutowski – (Chair), Hansen – Abstain, Larson – Abstain, Lybarger – n/a went fishing, Marchetti – YES, Martens - YES, Maxwell – YES, Merl – YES, Mullis – Abstain, Parker – Abstain, Porter – YES, Quinn – YES, Vafides – YES

The motion carried 9-0-5.

Discussion on Motion 11: Several members of the AP were hesitant in supporting Motion 11, suggesting that COVID19 has had only minor impacts to LA vessel's ability to fish DAS balances under the 10 DAS carryover threshold. It was noted that some vessels had trouble finding provisions for trips several weeks ago, but that these vessels appear to be have been able to get out and fish open trips since then. Those in

support of Motion 11 felt that COVID19 could be causing different issues for different owners and that more flexibility is warranted under the current circumstances.

No other business was discussed. The meeting ended at 4:12 PM.