



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 Committee Meeting

June 19, 2020

Webinar Meeting

The Scallop Committee met via webinar on June 19, 2020 to: 1) review Amendment 21 Draft Environmental Assessment (EA), approve the EA for public hearings, and select preliminary preferred alternatives, 2) discuss the impact the COVID-19 pandemic will have on the timing of 2021/2022 Scallop fishery specifications, RSA projects, other 2020 work priorities, 3) continue discussions around President Trump's Executive Order on Promoting Seafood Competitiveness and Economic Growth, and 4) discuss other business.

MEETING ATTENDANCE:

Vincent Balzano (Scallop Committee Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Melissa Smith, Melanie Griffin, Matt Gates, John Pappalardo, Terry Stockwell, Mike Sissenwine, John Quinn, Emily Gilbert, Peter Hughes, Rick Bellavance, and Mark Godfroy.

James Gutowski (AP Chair) was in attendance on the webinar along with approximately 27 members of the public.

MEETING MATERIALS: Meeting Information: Doc.1a) [Meeting Agenda](#), Doc.1b) [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c) [Staff presentation](#), Doc.1d) [Remote Participation Guide](#); 2021/2022 Scallop RSA Research Priorities: Doc.2a) [Summary of Recent RSA Awards](#), Doc.2b) [Scallop Committee's Research Recommendations with Staff input re: COVID-19](#); Amendment 21: Doc.3a) [Amendment 21 Decision Document for Preliminary Preferred Alternatives](#), Doc.3b) [Draft Amendment 21 Environmental Assessment \(EA\)](#), Doc.3c) [Draft Appendix – LAGC IFQ Lease Cost Model and Scenario Analyses](#) – Updated, Doc.3d) [Amendment 21 Action Plan](#); Executive Order on Promoting Seafood Competitiveness and Economic Growth: Doc.4a) [Staff presentation](#), Doc.4b) [Executive Order on Promoting Seafood Competitiveness and Economic Growth](#); Relevant Meeting Summaries: Doc.5a) [May 12, 2020 Scallop PDT meeting summary](#), Doc.5b) [May 19, 2020 RSA Share Day meeting summary](#), Doc.5c) [May 21, 2020 Scallop PDT meeting summary](#), Doc.5d) [May 26, 2020 Scallop AP meeting summary](#) – Updated, Doc.5e) [May 28, 2020 Scallop Committee meeting summary](#); Doc.6) [Correspondence](#).

The meeting began at 9:08 AM. Committee Chair Vincent Balzano welcomed the Committee 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 Committee made recommendations to the Council on preliminary preferred alternatives for Amendment 21.
- The Committee recommended that the Council proceed with A21 public hearings by webinar.
- The Committee recommended that delayed 2020 surveys as a result of COVID-19 be considered when proposals for the 2021/2022 RSA program are being reviewed.

Amendment 21 Alternatives and Discussion

The primary goal for the meeting was to review the range of alternatives and impact analyses in Amendment 21, and to provide recommendations to the Council on preliminary preferred alternatives. Council staff presented on the range of alternatives in A21 and provided an overview of impacts for each action. Following some clarifying questions on the presentation, the Committee discussed each action in Amendment 21 and made recommendations to the Council on preliminary preferred alternatives. The following sections describe motions and Committee discussion for each action.

Action 1: NGOM Catch Limits

Motion 1: Stockwell/Patterson

Recommend to the Council that in Action 1, Alternative 2 (4.1.2) be the preliminary preferred alternative.

Rationale: By including the NGOM as part of the flow chart, it simplifies the management of scallops with RSA and Observer set asides, will allow for consistency within the specification setting processes and creates real and important reasons for NGOM to be properly surveyed going forward.

The motion carried by unanimous consent.

- There was limited discussion on Motion 1, the Committee was supportive of including the NGOM in the ACL-flow chart.

Action 2: NGOM Allocations

Motion 2: Stockwell/Patterson

Recommend to the Council that in Action 2, Alternative 4.2.2.1 – Option 1 (1 million lb trigger, and 95/5 split) be the preferred alternative as modified by adding the verbiage “any unused NGOM quota will be available to the LA and IFQ fisheries for harvest after a (undetermined at this time) date certain. The rollover date and the process that enables the LA and IFQ fisheries access the to the NGOM in an orderly and accountable way will be determined in a future Framework action.”

Rationale: The rollover date at a date certain would allow the for transfer of allocation to LA and LAGC IFQ, similar to what is done in the herring fishery.

2b. Motion to substitute: Griffin/Sissenwine

Move that the Committee recommend that the Council selects in Action 2, Alternative 2 Option 3 (4.2.2.3) as preferred alternative: 500,000 pounds set-aside trigger of with a 95/5 split after the trigger.

Rationale: The NGOM Set-Aside approach promotes conservation in the management unit by setting a landings limit for all components of the fishery. Sub-Option 3 facilitates NGOM access and growth for all permit categories starting at a trigger level greater than twice the largest allocation for the NGOM management area since 2008. Recent growth in the LAGC-NGOM fishery is preserved while balancing the Amendment’s purpose to support access to a growing federal waters resource by all permit holders.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	YES			
Matt Gates, CT		NO		
Richard Bellavance, RI		NO		
Cheri Patterson, NH		NO		
Mark Godfroy, NH		NO		
Melissa Smith, ME		NO		
John Pappalardo, MA			ABSTAIN	
Emily Gilbert, GARFO			ABSTAIN	
Dr. Michael Sissenwine, MA	YES			
Terry Stockwell, ME		NO		
Dr. John Quinn, MA				
Peter Hughes, MAFMC	YES			
Peter deFur, MAFMC				
TOTAL VOTE	3	6	2	

The motion to substitute failed 3-6-2.

**Motion to substitute fails.
Back to the main motion.**

Motion 2: Stockwell/Patterson

Recommend to the Council that in Action 2, Alternative 4.2.2.1 – Option 1 (1 million lb trigger, and 95/5 split) be the preferred alternative as modified by adding the verbiage “any unused NGOM quota will be available to the LA and IFQ fisheries for harvest after a (undetermined at this time) date certain. The rollover date and the process that enables the LA and IFQ fisheries access the to the NGOM in an orderly and accountable way will be determined in a future Framework action.”

Rationale: The rollover date at a date certain would allow the for transfer of allocation to LA and LAGC IFQ, similar to what is done in the herring fishery.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)		No		
Matt Gates, CT	Yes			
Richard Bellavance, RI		No		
Cheri Patterson, NH	Yes			
Mark Godfroy, NH	Yes			
Melissa Smith, ME	Yes			
John Pappalardo, MA		No		
Emily Gilbert, GARFO			Abstain	
Dr. Michael Sissenwine, MA		No		
Terry Stockwell, ME	Yes			
Dr. John Quinn, MA				
Peter Hughes, MAFMC		No		
Peter deFur, MAFMC				
TOTAL VOTE	5	5	1	

The motion fails for a lack of a majority 5 -5 -1.

Motion 3: Pappalardo/Hughes

Move that the Committee not recommend a preliminary preferred alternative for Action 2, and postpone further discussion on this action until the Council meeting (June 24, 2020).

The motion carries on unanimous consent.

- There were several points of view expressed by the Committee around Action 2 (NGOM allocations). Those in favor of Motion 2 felt that the modified Alternative 2 Option 1 gave the most opportunity for growth in the directed NGOM fishery, whereas those opposed were not comfortable with recommending such a high trigger point (i.e. 1 million lbs). Discussion noted that the alternative recommended in Motion 2 would be a new alternative (i.e. adding in the quota transfer mechanism)

and would likely delay development of A21. Several Committee members noted that the Advisory Panel had deliberated Action 2 thoroughly the day before, and were supportive of the compromise that they ultimately recommended to the Committee (i.e. Alternative 2 Option 3, see Motion 2a). Some opposed the amended Motion 2 feeling that a higher trigger point would be needed to support research and monitoring in the NGOM. Several in the audience, including members of the AP, spoke both for and against the amended Motion 2 (i.e. 500,000 pound trigger, 95/5 split), echoing similar rationale that was previously discussed by the Committee. Ultimately, neither the main motion or motion to amend was voted forward, and the Committee unanimously agreed to push further discussion on Action 2 until the June Council meeting (Motion 3).

Action 3: NGOM Monitoring

Motion 4: Stockwell/Godfroy

Recommend to the Council select in Action 3, Alternative 2 (4.3.2) as the preliminary preferred alternative. This alternative will expand the Scallop Industry Funded Observer program, and use a portion of the NGOM Allocation to off-set monitoring costs.

The motion carries on unanimous consent.

- There was limited discussion on Action 3—the Committee unanimously supported Alternative 2—monitor the NGOM fishery by expanding the scallop IFO program and use a portion of the NGOM set-aside to offset monitoring costs.

Action 4: Supporting Research in the NGOM

Motion 5: Stockwell/Hughes

Recommend to the Council that for Action 4, a modified version of Alternative 2, Option 4 (4.4.2.4) be the preliminary preferred alternative by allocating 25,000 pounds of NGOM Allocation to increase the overall RSA to 1.275 million pounds.

Rationale: At the current fishing levels (~200,000 lbs), 25,000 lbs is a good level. 50,000 would be a lot to take out of 200,000. We need a survey in this area, and the NGOM should contribute to this. This could be addressed in a FW in the future if needed.

The motion carries on unanimous consent.

- The Committee was supportive of recommending a modified Alternative 2 Option 4 for Action 4. The modification reduced the portion of the NGOM Set-Aside for supporting RSA compensation from 50,000 pounds (original Option 4) to 25,000 pounds (recommended Option 4); the Committee felt that 25,000 pounds would be enough to support research moving forward. It was clarified that this modification would not require additional analyses in the A21 Environmental Assessment.

Action 5: NGOM Fishing Season

Motion 6: Stockwell/Hughes

Recommend to the Council that for Action 5, Alternative 1 (4.5.1) - No action, be the preliminary preferred alternative. Add the concepts in Alt's 2-4 (Action 5) to be added into Alternative 4.10.2 Alt 2.

Rationale: Keep things consistent with LAGC IFQ and the LAGC fishing in the NGOM, and add concepts to things that can be frameworkable.

The motion carries on unanimous consent.

- There was some brief clarifying discussion around the AP's recommendations on Action 5 from the day before; otherwise, the Committee supported No Action.

Action 6: NGOM Gear Restrictions

Motion 7: Stockwell/Hughes

Recommend to the Council that in Action 6, Alternative 1 (4.6.1) – No action, be the preliminary preferred alternative.

Rationale: There is no biological benefit to the resource in mandating smaller dredge sizes for the LA fleet in the NGOM.

The motion carries on unanimous consent.

- The Committee agreed with the AP's rationale from the day before and unanimously supported No Action for Action 6 (restrictions on cumulative dredge width).

Motion 8: Hughes/Stockwell

Move to add to Action 10, Alt 2 (4.10.2) limiting transfers between General Category permit types as frameworkable.

Rationale: The intent is to be able to limit number of participants in the NGOM fishery in a future action.

	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			ABSTAIN	
Dr. Michael Sissenwine, MA	YES			
Terry Stockwell, ME	YES			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	YES			
Peter deFur, MAFMC				
TOTAL VOTE	9	1	1	

The motion carried 9 – 1 – 1.

- Not related to the NGOM gear restriction alternatives, the Committee acknowledged the AP’s discussion around alternatives to limit permit movement in the NGOM and felt that such a provision would be better addressed in a future action due to potential delays in A21 if added as a set of alternatives. GARFO staff noted that scallop regulations already consider permit restrictions as a frameworkable item, and that the Council could pursue this issue in a future framework under existing provisions. One Committee member noted that NGOM control dates had already been discussed at the Council level several times without support, and suggested it could be premature to raise for discussion again at this point.

Action 7: LAGC IFQ Trip Limits

Motion 9: Hughes/Gates

Move that the Committee selects in Action 7, Alternative 1 (4.7.1) No Action, as the preferred alternative 4.7.1.

Rationale: This issue has been discussed by the Committee in the past and it was not supported then. The crew will not make more money, would need to increase the crew size to cut the scallops.

9b. Motion to substitute: Stockwell/Godfroy

Move that the Committee selects in Action 7, Alternative 2, Option 2 (4.7.3.2) - Increase the LAGC IFQ possession limit to 800 pounds per trip for only access area trips as the preliminary preferred.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	YES			
Matt Gates, CT		NO		
Richard Bellavance, RI	YES			
Cheri Patterson, NH	YES			
Mark Godfroy, NH	YES			
Melissa Smith, ME	YES			
John Pappalardo, MA	YES			
Emily Gilbert, GARFO			ABSTAIN	
Dr. Michael Sissenwine, MA	YES			
Terry Stockwell, ME	YES			
Dr. John Quinn, MA				
Peter Hughes, MAFMC		NO		
Peter deFur, MAFMC				
TOTAL VOTE	8	2	1	

9b. Motion to substitute is now the main motion:

Move that the Committee selects in Action 7, 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 the preliminary preferred.

	Yes	No	Abstain	Recuse
Scallop Committee				
Vincent Balzano, CT (Chair)				
Melanie Griffin, MA (VC)	YES			
Matt Gates, CT		NO		
Richard Bellavance, RI	YES			
Cheri Patterson, NH	YES			
Mark Godfroy, NH	YES			
Melissa Smith, ME	YES			
John Pappalardo, MA	YES			
Emily Gilbert, GARFO			ABSTAIN	
Dr. Michael Sissenwine, MA	YES			
Terry Stockwell, ME	YES			
Dr. John Quinn, MA				
Peter Hughes, MAFMC	YES			
Peter deFur, MAFMC				
TOTAL VOTE	9	1	1	

The main motion (10b) carried 9 – 1 – 1.

- The Committee considered a motion and substitute motion related to the LAGC IFQ possession limit. Those in support of the original Motion 9 echoed the AP’s viewpoint on maintaining the current 600-pound possession limit (No Action). Others felt that an increased possession limit of 1,200 pounds should be considered, and the Committee ultimately settled on a compromise of Alternative 2 Option 2—increase the access area possession limit to 800 pounds, (Motion 9a). A Committee member and member of the public felt that if the LAGC IFQ possession limit is increased, the Council should consider bag tags and increased VMS reporting requirements to increase accountability in this component of the fishery.

Action 8: LAGC IFQ Observer Compensation

Motion 10: Pappalardo/Stockwell

The Committee recommends as the preliminary preferred alternative in Action 8, Alternative 2, Prorate daily compensation rate in 12-hour increments for observed LAGC IFQ trips longer than one day (capped at 48 hours).

Rationale: Trip lengths are likely to increase with a possession limit increase, and are already over one day.

The motion carries on unanimous consent.

- The Committee recommended Alternative 2 for Action 8 (LAGC IFQ observer compensation) unanimously with limited discussion. One members of the Committee voiced support for Alternative 2. A member of the public felt that this provision would lead to LAGC IFQ vessels taking advantage of the observer compensation system by fishing longer trips for the purpose of receiving additional compensation, similar to what happened in the past before the compensation rate was capped at one day. GARFO staff explained the differences between that issue in the past, and what could be expected as a result of Alternative 2 (i.e. daily compensation rate estimated more accurately than in past, higher trip limit, etc.).

Action 9: One-Way Quota Transfers from LA with IFQ to LAGC IFQ-only

Motion 11: Hughes/Gates

Move that the Committee selects in Action 9, Alternative 2 Option 1, 4.9.2.1, Allow temporary transfers of quota from LA vessels with IFQ to LAGC IFQ-only with, as the preferred alternative.

Rationale: This would not change to pool of quota that is used to calculate accumulation limits. This will give needed flexibility to the fishery and allow for training opportunities. The intent is to allow for additional utilization of the 0.5% of the IFQ that is allocated to LA boats with these permits.

The motion carries on unanimous consent.

- There was no discussion around Motion 11, the Committee supported the AP’s recommendation for Action 9.

Action 10: Expand List of Frameworkable Measures

Motion 13: Hughes/Griffin

Move that the Committee select as preferred in Action 10, Alternative 2 (4.10.2). Include the list of measures that can be addressed through specifications and/or framework adjustments, as modified today in Motion 6 and Motion 8.

Rationale: It is easier to do tweaking the FMP with FW rather than go through amendment process. More flexibility in the management process is a good thing.

The motion carries on unanimous consent.

- There was limited discussion around Action 10. There was a question of adding one-way quota transfer provisions to the list of frameworkable items; it was noted that these provisions are considered allocation issues, which the Council has typically addressed through Amendments in the past.

Amendment 21 Public Hearings

Motion 14: Hughes/Stockwell

Move that the Committee supports the draft A21 going out to public hearings, via webinar.

Rationale: With respect to meetings, its all or nothing for having in-person meetings vs. webinars. Don't support having in-person meetings in some states, and not in others. In-person meetings can be intimidating, and webinars can give more people an opportunity to speak to the Amendment.

Every state is different is opening at different rates. Could devote a lot of resources into planning in-person meeting that don't happen. If this is important to folks, they will be participate.

The motion carries on unanimous consent.

- The Committee supported taking A21 to public hearings via webinar. The Committee echoed the AP's rationale for handling A21 public hearings via webinar, and felt it important to do this to keep with the September 2020 final action timeline. One member of the public felt that public hearings via webinar will be problematic due to technical difficulties experienced by some members of the public when participating in webinars.

2021/2022 Scallop RSA Research Priorities re: COVID-19

15. Motion to amend something previously adopted: Hughes/Griffin

(Requires a 2/3 vote of members present)

Move to add the following text to its recommended 2021/2022 RSA Priority List in Priority 1 (surveys), before 1a:

“Due to the COVID-19 pandemic, some survey projects that were funded for the 2020 field season may be delayed for a year. Delays in previously funded 2020 survey work should be considered in the evaluation of proposed surveys for 2021.”

Rationale: Apply common sense to the decision-making process for RSA awards.

The motion carries on unanimous consent.

- At the suggestion of Council staff, the Committee recommended that the 2021/2022 Scallop RSA Priority language be updated to account for situations when surveys that were funded for 2020 are pushed to 2021 (as a result of covid-19) (Motion 15).

Executive Order on Promoting Seafood Growth and Competitiveness

Motion 16: Hughes/Griffin

Move to postpone the postponed motion from May 28, 2020 back for discussion at the September 2020 Scallop Committee meeting (TBD).

Rationale: Discussion of the EO in June that can help decisions going forward.

The motion carries on unanimous consent.

(Postponed motion until September 2020)

Motion: 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.
- With regard to President Trump’s E.O. on promoting growth and competitiveness in the U.S. seafood industry, the CTE reconsidered the tabled motion on this matter from May 2020 and supported revisiting discussion in September 2020 prior to the September Council meeting.

Other Business

- A member of the Committee noted that NMFS recently announced the waiver to carry observers on board will expire on July 1st and expressed concern around the safety of fishermen in light of this. They plan to raise these concerns at the June Council meeting.
- It was clarified that the scallop quota monitoring page uses dealer landings for catch reports, whereas projections of when the NGOM TAC will be caught are based on VMS declarations and pre-landing report information. Considering the lag in dealer reports, the quota monitoring page is expected to have an updated estimate of NGOM catch in the near future.

The meeting adjourned at 3:40 p.m.