



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Scallop Advisory Panel

October 26, 2022

Hybrid Meeting
Hotel Providence
Providence, RI

The Scallop Advisory Panel met in Providence, RI on October 26, 2022 to: 1) discuss specification alternatives and make recommendations for the range of options to be included in Framework 36 (FW36); 2) review progress toward 2022 priorities and provide input on priority recommendations for 2023; 3) consider recommending a control date that could be used to limit the movement of Limited Access General Category (LAGC) permits into the Northern Gulf of Maine (NGOM) scallop fishery; and 4) discuss other business.

MEETING ATTENDANCE:

Jim Gutowski (AP Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Kirk Larson, Ron Enoksen, Ed Mullis, Brent Fulcher, Cassie Canastrra, Chris Merl, Paul Vafides, Mike Marchetti, Jay Elsner, Eric Hansen, Kristan Porter, Brady Lybarger, Ben Martens, Wes Brighton, Charlie Quinn, Bob Maxwell, and Tom Coley.

There were approximately 12 members of the public in attendance and 28 attending the webinar.

The meeting began at 9:09 AM.

Key Outcomes:

- The AP recommended a range of specification alternatives to be included in FW36 for fishing year (FY) 2023 and FY2024 (default).
- The AP recommended priorities for work next year, with “Support action for access to Northern Edge HMA, including development of access area program for modified area” as the top priority for 2023.
- The AP recommended that the Committee request that the Council request National Marine Fisheries Service (NMFS) to establish a control date that could be used to determine eligibility criteria for the NGOM.

Meeting materials can be accessed at [this link](#). Audio recordings of the full meeting can be provided upon request.

Framework 36

The AP received a presentation on results from Committee tasking for 2023 specifications alternatives, a brief review of projection model performance, the outlook for the scallop resource, and a summary of Scallop Plan Development Team (PDT) discussion on these topics. Discussion and motions related to Framework 36 specifications are summarized below:

- The Advisory Panel discussed recent discrepancies between biomass projections from the Scallop Area Management Simulator (SAMS) model and observed biomass. While the model outputs are not biased (e.g. all overestimating or all underestimating), overestimation has been occurring in both open and access areas, with the most variation in access areas that are being fished. A member of the AP noted that access areas that are being fished are typically surveyed while fishing is happening. They also noted that in areas with high densities of small scallops, fishing practices may be contributing to unaccounted for mortality.
- There was some brief discussion around whether the LAGC IFQ open area possession limit could be increased given the limited access area fishing options for this component in FY2023. Another suggestion was made to look at a weekly trip limit that could make fishing in CAII more viable for LAGC IFQ vessels. Staff noted that increasing/changing the possession limit would need to be addressed through a Council priority (i.e., cannot be done in FW36).
- Related to seasonal closure measures to improve scallop yield, the AP was generally supportive of delaying fishing in CAII but felt strongly that the start of the seasonal bycatch closure (August 15) should be pushed to early September. There were some concerns that truncating the time period that vessel can fish earlier in the fishing year could lead to higher effort in the fall when yield is low and bycatch is high. Staff clarified that revisiting the GB yellowtail seasonal closure is on the list of potential priorities for 2023.
- The AP recommended a series of specifications alternatives through several motions (see Motion 1 – Motion 7 below). The group supported options with two trips to CAII with lower trip limits – two 10,000 pound trips (Motion 1), two 12,000 pound trips (Motion 1), and two 14K trips (Motion 2). The rationale for lower trip limits was that it would allow landings and fishing effort to be spread out, which hopefully will have a positive effect to the scallop market and resource. The AP recommended adding the two 14,000 pound trip option as a way to analyze if CAII can support this level of harvest in FY2023. One AP member felt that the two 14,000 pound trips option could impact whether there will be an opportunity to fish in CAII in FY2024.
- For the range of days-at-sea (DAS) options, the AP recommended alternatives for 22, 24, and 26 DAS (Motion 3). The group also recommended closing CAI, the Elephant Trunk (ET), the NYB closure, and NLS-West, which is consistent with the PDT recommendation to protect recruitment. The AP also recommended that the New York Bight closure be made a no transit area to help enforce the closure to scallop fishing. Through Motion 3, the AP also recommended reverting the NLS-South (including the NLS-Triangle) and the NLS-North to open bottom. For the NLS-South/Triangle, the recommendation was to revert to open bottom after the first 60 days of FY2023 to allow vessels to fish remaining FY2022 allocation in the NLS-South only (NLS-Triangle stays closed). The group supported reverting the NLS-North to open bottom after the first 90 days of FY2023 (see next bullet).
- The AP recommended that FY2024 default specifications be limited to 75% of FY2023 DAS and IFQ allocations (i.e., no default access area trips) given uncertainty around viable access area opportunities in FY2024 (see Motion 4).

- The AP discussed where LAGC IFQ trips should be fished at length given that CAII is likely to be the only access area that FT LA trips are allocated to. Ultimately the group took a creative approach that allows CAII AA trips to be either fished in CAII or the Nantucket Lightship North (Motion 5). For trips to the Nantucket Lightship North, the area would be reserved as an access area for the LAGC IFQ component for the first 90 days of FY2023, and then would become available to all vessels as part of the open bottom. In this scenario, LAGC IFQ vessels would continue to be able to fish access area trips in the NLS-North for the entire fishing year (or until all LAGC IFQ trips have been taken), and LA vessels could fish open bottom trips there starting 90 days after the start of the fishing year. LAGC IFQ vessels would also be able to fish RSA compensation in the NLS-North if they choose to do so.
- The AP recommended that RSA compensation fishing be limited to open bottom, the NGOM (up to 25,000 lbs), and in the NLS-North if this area becomes available for the LAGC IFQ component to fishing access area trips (see Motion 6). There was no discussion on Motion 6.
- For the NGOM, the AP recommended a range of fishing mortality rates to be included in FW36 of F=0.15, F=0.18, and F=0.20, based on biomass from Stellwagen Bank only and also based on biomass from Stellwagen Bank, Ipswich Bay, and Jeffreys Ledge (Motion 7), with the default FY2024 measures based on 75% of the FY2023 preferred catch limit. A member of the AP pointed out the difference between biomass projections for the current year compared to observed biomass through the 2022 surveys. Staff noted that this was likely a result of growth assumptions being faster than reality, which likely resulted in an overestimation of biomass in the 2022 projection. A member of the public noted that if the NGOM was fished at a similar fishing mortality rate as areas on GB and the Mid-Atlantic (e.g., around F=0.45), the NGOM TAL would be around 1 million lbs (compared to current options at a lower F).

Motion 1: Fulcher/Larson

Recommend that the Committee tasks the PDT to develop alternatives (4) in FW36 that would:

- Allocate access area trips to the FT LA component in the following manner:

Run	AP 1	AP 2
Access Area	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)
FT LA possession limit	10,000	12,000
Trips	2 @ 10k	2 @ 12k
FT LA allocation	20,000 lbs	24,000 lbs
PT (40%) allocation and possession limit	1 trip at 8k lbs	1 trip at 9,600 lbs

Rationale: CA2 is the only viable access area available to scallop fishery at this time. According to surveys, there is enough exploitable biomass to harvest more than a traditional 18,000 trip. The range of 20,000 to 24,000 pounds a vessel looks at a reasonable range of alternatives based upon the available biomass.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens			Abstain	
Bob Maxwell	Yes			
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastrra	Yes			
Wes Brighton	Yes			
Charlie Quinn	Yes			
Chris Merl			Abstain	
Ed Mullis	Yes			
Jay Elsner	Yes			
Kirk Larson	Yes			
Kristen Porter			Abstain	
Michael Marchetti	Yes			
Paul Vafides			Abstain	
Ronnie Enoksen	Yes			
Tom Coley	Yes			
TOTAL VOTE	11	0	4	0

Motion 2: Coley/Fulcher

Recommend that the Committee tasks the PDT to develop an alternative in FW36 that would:

- Set FT LA possession limit at 14,000 pounds in all access areas.
- 2 Total FT LA AA trips:
 - 2 in CAII (SE, SW and EXT as one area)
- 28,000 allocation per FT LA vessel
 - PT vessels would have 1 trip with a possession limit of 11,200 pounds.

Rationale: 2023 will be a slow year. Looking to increase landings from rotation and see what the F rate is needed to achieve these trips.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	x			
Ronnie Enoksen		x		
Paul Vafides		x		
Michael Marchetti	x			
Kristen Porter			x	
Kirk Larson	x			
James Gutowski (Chair)				
Ed Mullis	x			
Chris Merl			x	
Charlie Quinn	x			
Cassie Canastrra	x			
Brent Fulcher	x			
Brady Lybarger	x			
Bob Maxwell	x			
Ben Martens			x	
Jay Elsner			x	
Wes	X			
TOTAL VOTE	10	2	4	0

Motion 3: Lybarger/Fulcher

Recommend that the Committee task the PDT to develop specification alternatives in FW36 that set FT LA DAS at:

- 22 DAS
 - 24 DAS
 - 26 DAS
- The following areas closed to open bottom fishing:
 - Closed Area I
 - Elephant Trunk
 - New York Bight rotational closure (no transit)
 - Nantucket Lightship West
- The NLS-South and NLS-North would remain closed to open bottom fishing through May 31, 2023. The NLS-Triangle would re-open as open bottom with the NLS-South after the first 60 days of the FY.

Rationale: BASE run for open bottom. Given the lack of access area trips, the incoming recruitment, and the relative stability of the biomass in the open bottom, it makes sense to keep overall harvest as relatively stable as possible as a part of a bridging strategy. To keep harvest levels relatively stable year over year, it is imperative to fish a little harder on the open bottom, until the other access areas are ready for harvest. The fishery has deliberately taken a cautious approach with DAS when there were plentiful opportunities in the access areas in order to preserve the open bottom as much as possible for when it was needed. Now is that time that we need to use as much of the open bottom as we can. Delaying the NLS-N would help improve YPR.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens			X	
Bob Maxwell	X			
Brady Lybarger	X			
Brent Fulcher	X			
Cassie Canastrra	X			
Wes Brighton	X			
Charlie Quinn	X			
Chris Merl	X			
Ed Mullis	X			
Jay Elsner	X			
Kirk Larson	X			
Kristen Porter	X			
Michael Marchetti	X			
Paul Vafides	X			
Ronnie Enoksen				
Tom Coley	X			
TOTAL VOTE	14	0	1	0

Motion 4: Coley/Elsner

Recommend that the Committee task the PDT to include default measures for FY 2024 in FW36 at 75% of DAS with no access area trips. LAGC IFQ allocations would be set at 75% of their FY 2023 allocation.

Rationale: Sticking with 75% and the current default approach. Too much uncertainty to warrant allocating a trip for 2024 at this time.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	X			
Ronnie Enoksen				
Paul Vafides	X			
Michael Marchetti	X			
Kristen Porter	X			
Kirk Larson	X			
James Gutowski (Chair)				
Ed Mullis	X			
Chris Merl	X			
Charlie Quinn	X			
Cassie Canastrra	X			
Brent Fulcher	X			
Brady Lybarger	X			
Bob Maxwell	X			
Ben Martens	X			
Jay Elsner	X			
Wes	X			
TOTAL VOTE	15	0	0	

Motion 5: Merl/Porter

Recommend that the Committee task the PDT to develop an alternative in FW36 that would:

- Allow LAGC IFQ component to access the NLS-N starting on April 1, 2023 at the 800 pound possession limit prior to the area reverting to open bottom. The area would be available to only the LAGC IFQ for the first 90 days of the FY (No DAS fishing).
- Develop options that would allow the share of the CAII allocation (800 lb trips) to be taken in either NLS-N and/or CAII.
- Areas would close to LAGC fishing once the LAGC IFQ trips have been taken.

Rationale: This approach creates opportunities for the LAGC IFQ to fish their rotational allocation in an inshore area before it becomes open bottom.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley		X		
Ronnie Enoksen				
Paul Vafides	X			
Michael Marchetti	X			
Kristen Porter	X			
Kirk Larson	X			
James Gutowski (Chair)				
Ed Mullis	X			
Chris Merl	X			
Charlie Quinn	X			
Cassie Canastrra	X			
Brent Fulcher	X			
Brady Lybarger		X		
Bob Maxwell	X			
Ben Martens	X			
Jay Elsner	X			
Wes	X			
TOTAL VOTE	13	2	0	0

Motion 6: Fulcher/Coley

Recommend that the Committee include an alternative in FW36 that would allow RSA compensation fishing in the following areas:

- Open Bottom
- NGOM management area (up to 25,000 in this area)
- If the NLS-N becomes available for LAGC IFQ AA fishing in 2023, allow RSA compensation fishing to occur in this area beginning on April 1.

Rationale: Focus compensation fishing primarily in the open bottom in 2023 because CAII may not be able to support a FT LA trip in 2024 with additional fishing pressure.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	X			
Ronnie Enoksen				
Paul Vafides		X		
Michael Marchetti	X			
Kristen Porter	X			
Kirk Larson	X			
James Gutowski (Chair)				
Ed Mullis	X			
Chris Merl	X			
Charlie Quinn	X			
Cassie Canastrra	X			
Brent Fulcher	X			
Brady Lybarger	X			
Bob Maxwell	X			
Ben Martens	X			
Jay Elsner	X			
Wes	X			
TOTAL VOTE	14	1	0	0

Motion 7: Porter/Fulcher

Recommend that the Committee task the PDT to include alternatives in FW36 that would set the NGOM TAL at F=0.15 and F=0.18, and F=0.2 using projections from Stellwagen ONLY, and Stellwagen Bank, Ipswich Bay, and Jeffreys Ledge.

	F=0.15	F=0.18	F=0.2
Stellwagen Only			
Stellwagen + Ipswich and Jeffreys			

Develop default measures for the NGOM for FY 2024 in FW36 that would set the NGOM TAL at 75% of NGOM set-aside specified for 2023 FY.

Rationale: The 75% approach keeps with the standard default approach used for the FT LA and LAGC IFQ components.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens	X			
Bob Maxwell	X			
Brady Lybarger			X	
Brent Fulcher				
Cassie Canastrra	X			
Wes Brighton	X			
Charlie Quinn			X	
Chris Merl	X			
Ed Mullis			X	
Jay Elsner	X			
Kirk Larson	X			
Kristen Porter	X			
Michael Marchetti			X	
Paul Vafides	X			
Ronnie Enoksen				
Tom Coley	X			
TOTAL VOTE	10	0	4	0

2023 Work Priorities

The AP received a presentation on progress to date on 2022 scallop priorities and an overview of the list of potential priorities for 2023. The AP discussed priorities at length and offered Motion 8 (see below), which identified a list of priorities that should be pursued in 2023. The top priority for the group was developing an access program to the northern edge, in addition to other required items such as 2024 specifications. Other items that made it above the line (i.e., higher ranked) were related to adjusting the DAS demarcation regulations to reduce the number of days used by southern boats when transiting home after fishing in the northeast, 2) revisiting the Georges Bank yellowtail seasonal closure timing in Closed Area II, and 3) addressing lost allocations due to catastrophic failures.

Motion 8: Fulcher/Larson

Move that the Scallop AP recommends that the Scallop Committee recommends as the highest scallop work priority in 2023:

- support action for access to Northern Edge HMA, including development of access area program for modified area.

This work would be in addition to the standing Staff/PDT requirements and ongoing work, and NEW work in 2023:

- Prepare a specifications package to set FY 2024 (2025 default) specifications
- Complete ongoing actions (Framework 36)
- Support annual scallop RSA process, including priority setting, and technical and management reviews.
- Research track assessment (working group participation)
- 5-7 Year LAGC IFQ program review (2016 to 2022)
- NMFS and staff have annual responsibilities estimating scallop catch and bycatch

NEW Items for work in 2023: higher priority for the three items that are above the line.

- NEW (FW): Revisit management of GBYT, including timing and spatial scale of the existing yellowtail flounder seasonal closure on eastern GB
- NEW (FW): Adjustments to DAS counting or demarcation to address transiting long distances on DAS trips
- NEW: (Analysis first, FW/A) Develop measures to address issues with vessel breakdown or catastrophic failure that cause a vessel to lose DAS or access area allocation
- -----
- NEW (FW/A): Consider increasing the LAGC IFQ possession limit for IFQ vessels fishing in the NGOM set-aside
- NEW: (FW/A) Address movements between LAGC permit categories and increasing number of permits in the NGOM fishery
- NEW: (FW) Consider increasing the LAGC IFQ possession limit for IFQ vessels (not limited to NGOM)
- NEW: (Goals, objectives, vision - FW/A) Develop management and policy approaches for scallop seeding and grow out

Rationale: There is now irrefutable scientific evidence that scallop fishing does not cause irreparable harm to the habitat in the HAPC and that it recovers quickly after fishing. There is therefore no scientific rationale to keep the ban on scallop fishing in place. The number one objective of the scallop management plan is to obtain Optimum Yield from the scallop resource for the benefit of the country. Access to the Northern Edge is critical for achieving Optimum Yield as it is a highly productive area that has a high abundance of scallop biomass.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson	X			
Kristen Porter	X			
Michael Marchetti	X			
Paul Vafides	X			
Ronnie Enoksen				
Jay Elsner	X			
Tom Coley	X			
Ben Martens	X			
Bob Maxwell	X			
Brady Lybarger	X			
Wes Brighton	X			
Brent Fulcher	X			
Cassie Canastrra	X			
Charlie Quinn	X			
Chris Merl	X			
Ed Mullis	X			
TOTAL VOTE	15	0	0	0

NGOM Control Date

The AP reviewed information related to control dates, LAGC permit structure including the ability of permits to convert between LAGC IFQ and LAGC NGOM/Incidental, and recent fishery performance/activity in the Northern Gulf of Maine. There was some brief discussion around the idea of setting a control date for the NGOM that could potentially limit eligibility in this area in the future. Some voiced concerns are limiting future entry into this area, but ultimately the AP recommended that the Committee recommend the Council set a control date that could potentially be used to limit permit movement into the NGOM. Ultimately the AP recommended that the Committee recommend that the Council request NMFS to establish a control date that could be used to determine eligibility criteria for switching between permit categories in the NGOM (see Motion 9 below).

Motion 9: Porter/Fulcher

The AP recommends that the Committee request that the Council request that the NMFS establish a control date that could be used to determine eligibility criteria for switching between LAGC permit categories in the NGOM area.

Rationale: Establishing a control date now would put people on notice that they may be treated differently if they acquire a permit or begin participating in the NGOM fishery after the control date notice is published. Participation in the NGOM fishery increased the first year that the A21 measures were in place. There was also an uptick in permit switches in 2022.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Kirk Larson		X		
Kristen Porter	X			
Michael Marchetti		X		
Paul Vafides				
Ronnie Enoksen				
Jay Elsner	X			
Tom Coley	X			
Ben Martens	X			
Bob Maxwell		X		
Brady Lybarger	X			
Wes Brighton	X			
Brent Fulcher	X			
Cassie Canastrra	X			
Charlie Quinn	X			
Chris Merl		X		
Ed Mullis	X			
TOTAL VOTE	10	4	0	0

Other Business

No other business was discussed. The meeting adjourned at 5:05 PM.