



New England Fishery Management Council
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MEETING SUMMARY

DRAFT Scallop Committee Meeting

March 27, 2020

Webinar Meeting

The Scallop Committee met via webinar on March 27, 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:

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

Jim Gutowski (Scallop AP Chair) was in attendance on the webinar along with approximately 38 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 9:05 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. Following that, AP Jim Gutowski provided a brief overview of motions and discussion from the AP at the previous day's meeting.

Key Outcomes:

- The Committee provided input on the range of alternatives to be included in Amendment 21 to the Scallop FMP.
- The Committee considered 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.

Amendment 21

LAGC IFQ Issues

After receiving a presentation from Council staff, the Committee's work on LAGC issues focused on new alternatives developed by the PDT. The Committee recommended adding options to the document that would allow LAGC IFQ vessels to receive additional observer compensation if their trips exceeded 24 hours.

Motion 1: Pappalardo/Smith

I move to include options 4.7.2 and 4.7.3 as developed by the PDT (doc 2a) be moved into Amendment 21.

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.

The motion was approved by unanimous consent.

Discussion on Motion 1: A member of the Committee noted that adjusting observer compensation in the LAGC IFQ fishery should be done in a way that does not create an incentive for vessels to fish longer trips for the purpose of receiving additional compensation, such as Alternative 2 in section 4.7. Unrelated to section 4.7, a member of the public questioned whether developing alternatives for one-way transfers from LA with IFQ to LAGC IFQ-only and not allowing transfers of quota between LA vessels with IFQ would be consistent with National Standard 4. GARFO staff noted that Amendment 11 didn't allow this provision due to concerns of excess shares for LA vessels with IFQ because these vessels are not held to the same quota accumulation caps as the LAGC IFQ-only fishery.

NGOM Measures

Staff provided an overview of the draft alternatives in Amendment 21 related to the NGOM and highlighted areas that the Committee may wish to provide input. It was noted that rationale for allocation share options should be tied back into the goals and objectives of the action, not limited to which part of the fishery would benefit under the various allocation share options.

There was some general discussion on the structure of the scallop RSA program and how best to incorporate the NGOM to ensure there are resources to survey this area in the future (i.e. through a contribution from the NGOM to the existing RSA program).

A member of the public commented that the NGOM should be treated like every other inshore scallop fishing area up and down the coast and felt that developing measures for this special area was a waste of time.

Motion 2 – Stockwell/Gates

Task the PDT to include an alternative in Amendment 21 that includes the NGOM inside the ABC/ACL flowchart.

Rationale: This is consistent with past motions made by the Committee.

The motion was approved by unanimous consent.

Discussion on Motion 2: It was noted that A11 did not include the NGOM in the ACL flowchart because the GOM was not considered in the scallop stock assessment. This part of the resource is still not in the stock assessment, so incorporating the NGOM into the ACL flow chart could either be done when there is more data available through a research track stock assessment (i.e. next one in 2024), or it could be done through A21 based on the current structure of management and data limitations that exist for this part of the resource now.

Motion 3 – Smith/Stockwell

Move to confirm for the PDT that alternative 4.1.3 "Create a NGOM set-aside, with all pounds over the set-aside trigger allocated as NGOM APL for LAGC IFQ and LA" should not be included in A21.

Rationale: This PDT option does not allow the NGOM set aside to continually grow as the NGOM TAC increases. As a result, above the trigger, NGOM permit holders will cease to benefit from a growing scallop resource which they help to sustainably manage. I can't support an option which doesn't provide benefits to all harvesters from an enhanced NGOM stock, particularly small-scale boats. Additionally, this goes against the goals and objectives outlined in the document.

	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			Abstain	
Dr. Michael Sissenwine, MA		NO		
Terry Stockwell, ME	YES			
Dr. John Quinn, MA				DNV
Peter Hughes, MAFMC		NO		
Peter deFur, MAFMC	YES			
TOTAL VOTE	9	2	1	

Discussion on Motion 3: A member of the public representing the LA component did not support Motion 3. They felt this option is part of the suite of alternatives that the public should be able to consider and provide input on during public hearings.

Motion 4: Smith/Patterson

Move to task the PDT to develop concepts for how the LA and IFQ fisheries will access their portion of the NGOM APL (e.g. is NGOM an access area trip with an associated trip limit? Does this quota have to be harvested within NGOM?). These concepts should focus on ensuring each permit category stays within its portion of the NGOM APL. With the goal of providing initial ideas for discussion but more thorough analyses completed in a future Framework or specifications action.

Rationale: The initial impetus for discussing the NGOM fishery was that LA access to the NGOM region was not tied to the NGOM TAC. We created a Band-Aid for this problem via recent frameworks but this issue is not yet addressed in Amendment 21. Given this has been the crux of the issue since A11, it would be remiss of this Committee to not explore and discuss how the LA fishery can access the NGOM quota. I also have serious concerns about addressing this issue in a specifications framework given the existing burden on staff time and resources in the Fall.

The motion was approved by unanimous consent.

Discussion on Motion 4: Several members of the Committee were concerned around staff workload and how developing alternatives to address Motion 4 at this time would be difficult to accomplish while still meeting the April Council meeting deadline. The Committee ultimately agreed that the concepts outlined in Motion 4 are worth discussing at the Council meeting in April, but that fully developed alternatives would not be necessary to include in the document. Several members of the public felt that the AP should have a chance to weigh in on approaches to harvesting the LA and LAGC IFQ portion of the NGOM APL. Council staff explained that the PDT could work on this issue as the action progresses, but not before the April Council meeting. Staff suggested that concepts for how the LA and LAGC IFQ components can be documented as an appendix to Amendment 21.

Motion 5: Griffin/Godfroy

Add to A21 an option for a set-aside trigger of 200,000 pounds. Pounds over trigger would be split 25% for 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: Allows for growth for all components starting at a lower trigger. The intent is to not include 4.1.2.6 Alternative 2 Option 6 – One Tier Sharing Approach (trigger of 70K pounds, 50/50 split over that) as part of Amendment 21.

The motion was approved by unanimous consent.

Discussion on Motion 5: The maker of Motion 5 provided additional rationale—a 200K trigger with 25/75 split would be reflective of recent and historical TACS and landings from the NGOM in recent years, while allowing for growth for all components of the fishery at increasing biomass. Two members of the Committee were not supportive of the initial range of triggers proposed (70,000 pounds, 160,000 pounds, 250,000 pounds), feeling that this would be a step backwards in the NGOM TAC compared to

recent years. Friendly modifications were made to the motion to specify a trigger of 200,000 pounds—some still thought it was too low, but the Committee ultimately moved in favor of the motion.

Monitoring Directed Scallop Fishing in NGOM and NGOM Research Set-Aside

Motion 6: Smith/Griffin

Add alternatives in Amendment 21, move to deduct both the NGOM monitoring costs and the NGOM research set-aside from the overall NGOM TAC.

Rationale: In the APL, both the observer set-aside and the RSA are deducted from the ABC. Adopting a similar format for NGOM makes sense as it allows the RSA and observer set-asides to be higher. It also means that all participants in the NGOM fishery (NGOM permits, IFQ permits, LA permits) contribute to these two set-asides which are critical to our knowledge and management of the resource.

The motion was approved by unanimous consent.

Discussion on Motion 6: A member of the public felt that deducting monitoring and RSA from the overall NGOM TAC would disproportionately affect the LA and LAGC IFQ components—these user groups already contribute to the RSA and OSA, and deducting these items again from the overall NGOM TAC would act to reduce the amount of NGOM allocation that would otherwise go to the LA/LAGC IFQ components. Another member of the public felt this option should be considered in the document as it could help balance the NGOM TAC between pounds for the RSA and OSA and a directed fishery.

Motion 7: Smith/Patterson

Move to task the PDT to expand RSA set aside options to include an option for a 5% set aside and a 15% set aside that is taken off the NGOM TAC.

Rationale: Recruitment is highly variable in this management unit. However, there is a need to continue annual surveys, if possible, to determine exploitable biomass using the best available science. It would appear that basic annual surveys could be completed and maintained using 50,000 lbs of scallops. However, there are additional survey and research needs recommended for this area to meet future goals. During occasions of high biomass, it would greatly benefit the overall resource to allocate more pounds to research. Using a percentage allows for this flexibility.

The motion was approved by unanimous consent.

Discussion on Motion 7: A member of the public was unsure of the rationale for the 5% and 15% options for determining the RSA contribution from the NGOM TAC. They noted that the 2020 RSA awards for NGOM surveys amounted to roughly 170,000 pounds and that achieving this through a 5-15% deduction for the TAC would require significant levels of biomass to be in the NGOM. It was noted that the RSA program moved away from using percentages because the amount available for awards varied year to year and made the priority/review/award cycle difficult to administer.

Motion 8: Smith/Patterson

Move to task the PDT to develop an alternative in which observer rates in NGOM, at a minimum, meet the standards of SBRM and include all potential permits into an observer program. This would be frame-workable.

Rationale: This is a starting point for setting coverage in the NGOM.

The motion was approved by unanimous consent.

Motion 9: Smith/Sissenwine

Move to keep 4.2.3.3 NEFOP observer coverage in the document.

Rationale: Maintain this option as a stop gap measure, to ensure that a monitoring option is available during the implementation of the document should IFO program not be fully developed in time.

The motion was approved by unanimous consent.

Discussion on Motion 8 and Motion 9 was brief. It was noted that NMFS has been supportive of moving away from federally funded observer programs (i.e. NEFOP) and that having this option in A21 (Motion 9) will likely lead to some higher level discussion around monitoring at the April Council meeting.

NGOM Fishing Season

The Committee did not offer any motions around additional measures that would extend the NGOM fishing season.

NGOM Gear Restricted Area Measures

Discussion:

Council staff noted that it would be helpful to get Committee rationale for measures relating to the cumulative maximum dredge width that can be fished in the NGOM management area by FT LA vessels. The Committee discussed the following as potential rationale for Alternatives in Action 4.5. Staff will work to develop language for the Council to review.

- NGOM is a unique management unit.
- Use gear restrictions for all vessels at the maximum for LAGC (10.5).
- Use the size of gear that matches the harvest that is allowed.
- Gear restrictions could lead to conservation for the resource.
- Size of gear that spreads out the harvest.
- Consider additional cost of buying a dredge.

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.

Motion 10: Smith/Pappalardo

Additional items that should be frame-workable:

- RSA percentage and /or assigned pounds.
- Observer set-aside percentage
- Harvest method of the NGOM APL by the IFQ and LA boats

Council and SFD staff will review the list and provide feedback for the Council meeting.

The motion was approved by unanimous consent.

There was no further discussion on framework-able items to include in A21.

Other A21 Issues

Motion 11: Smith/Patterson

Move to rescind that the PDT discontinue work on the exemption from the requirement for state licensed IFQ vessels to use IFQ when fishing in the NGOM during the state season.

Rationale:

1) A single trip by IFQ vessels in state waters counts against two tallies (IFQ quota and state waters landings). As a result, landings are being double counted, impacting participation in the state waters fishery. 2) The issue falls under the goals and objectives of A21 as the Amendment seeks to "allow for orderly access to the NGOM scallop resource by the LAGC and LA components". A part of determining access and the associated management program in NGOM is consideration for the concurrently existing state waters fishery in Maine. 2) While the issue was not part of the A21 scoping document, it was a part of the public comment record at the scoping meetings. There is precedent in other FMPs for including issues in Amendments that were not part of the scoping document (i.e. localized depletion in herring). 3) There is already a state waters exemption for federally permitted vessels in the NGOM fishery, such that NGOM permit holders can continue to fish in state waters after the NGOM TAC has been reached. As a result, the regulations already allow federally permitted vessels to fish in state waters without using federal quota. 4) While initial IFQ allocations were based on state and federal landings, it is the health of the federal scallop resource which determines annual landing limits. As a result, state waters catch for an IFQ vessel is being limited by a quota that is based on the health of the federal resource.

Since this topic was not noticed in an agenda before the meeting, rescinding a past Committee motion requires a 2/3 vote of the members present and voting.

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

Motion 11 failed and the Committee did not discuss the topic further.

2020 – 2024 Council Research Priorities

The Committee did not offer any modifications to the 2020 – 2024 priority list and agreed to address any modifications through correspondence following the meeting. A member of the public felt that research on controlling starfish to increase scallop abundance should be pursued, as well as a project that would vaccinate sea turtles to address the transmission of nematodes to scallops.

COVID-19 and Emergency Action Discussion

The Committee discussed input from the AP and AP motions related to the impacts of the Covid-19 pandemic on the scallop fishery. There have been negative impacts to the scallop market and vessels have had trouble finding provisions for trips and have been unable to sail in some cases. The Committee felt strongly that the current situation warrants an Emergency Action to extend the fishing year 2019 allocations that may go unfished as a result of the pandemic. Overall, the Committee supported moving forward a request to NOAA Fisheries to use an Emergency Action to address the impacts of the pandemic on the scallop fishery (see Motion 12 below).

Motion 12: Hughes/Gates

Committee asks the Council to request to NOAA Fisheries, that the following emergency action due to the Covid-19 national emergency allow for:

- All 2019 access area carryover pounds and unharvested RSA compensation pounds from FY 2019 will be available for harvest during FY 2020. The NLS-West would remain an access area during FY 2020.
- All LAGC IFQ vessels would be able to roll forward all FY 2019 unharvested quota into FY2020.

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 May 30, 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 otherwise would have.

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.

The motion was approved by unanimous consent.

Other Business

The Committee requested a comparison of the 2020/2021 Scallop RSA priorities and the projects that were ultimately awarded.

No other business was discussed. The meeting ended at 4:01 PM.