



New England Fishery Management Council

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

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

DRAFT MEETING SUMMARY

Joint Scallop and Habitat Plan Development Team

March 14, 2023

Webinar Meeting

The Scallop PDT and Habitat PDT met jointly via webinar on March 14, 2023 to: 1) discuss relevant follow-up information from the Scallop PDT's last discussion on the Northern Edge; 2) review and provide input on the list of preliminary goals and objectives as part of a joint Habitat and Scallop action that will consider fishery access to the Northern Edge Habitat Management Area (HMA); and 3) discuss other business.

MEETING ATTENDANCE:

Scallop PDT: Jonathon Peros (Plan Coordinator), Sam Asci, Adam Delargy, Danielle Palmer, Dave Rudders, Bill DuPaul, Jessica Blaylock, Kelly Whitmore, Naresh Pradhan, Rachel Feeney, Chris Parkins, Shannah Jaburek, Dvora Hart, Tasha O'Hara, Carl Huntsberger.

Habitat PDT: Michelle Bachman (Plan Coordinator), Jennifer Couture, Peter Auster, Geret DePiper, Sabrina Pereira, Fiona Hogan, Jessica Coakley, David Packer, Shannah Jaburek, Julia Livermore

Council and Habitat Committee Chair Eric Reid and Scallop Committee Chair Melanie Griffin attended, along with several other Council members and approximately 31 members of the public listening in on the call.

The meeting began at 9:01 am. Council staff welcomed members of the Scallop and Habitat PDTs to the meeting and reviewed the meeting agenda. This meeting had previously been scheduled as an in-person meeting but was transitioned to a webinar due to the inclement weather conditions. The goal for the meeting was to review relevant information based on a past Scallop PDT discussion around the Northern Edge, and to provide input on the list of preliminary goals and objectives that will be discussed at the upcoming Scallop and Habitat Advisory Panel/Committee meetings, as well as by the Council in April.

Follow-up Discussion on Northern Edge

Council staff presented information on the size and spatial distribution of scallops in and around the Northern Edge, a comparison of the Habitat Management Area (HMA) relative to other rotational areas being used in the scallop fishery, information on bottom/substrate type with respect to scallop abundance and complex epifaunal coverage, and information on the contribution of scallops on the Northern Edge to recruitment elsewhere on Georges Bank. The following bullets summarize discussion on these items:

- There is substantial uncertainty around scallop recruitment, making this factor difficult to account for in assessment/projection models. Preliminary data suggest that recruitment on Georges Bank has

increased since the establishment of groundfish closures in 1994, though it may be difficult to argue that the increase is significant. More recent work, such as that led by Dr. Chen (UMass Dartmouth, School for Marine Science and Technology) suggests that scallop larvae travel halfway around Georges Bank before settling, meaning it is very likely that scallops on the Northern Edge could be the source of scallop sets observed in the southeast part of Georges Bank (i.e., Southern Flank Scallop Area Management Simulator (SAMS) area). This area has consistently had the strongest recruitment out of any part of the resource for the past several years.

- Observations from the 2022 NEFSC dredge survey of the Northern Edge suggested that some of the larger older scallops within the HMA had poor meat quality, while the younger scallops in the adjacent open area to the west (i.e., Northern Flank) had higher quality meats. Poor quality does not appear to be related to disease. Meat quality information isn't part of the formal NEFSC dredge data set, but pictures taken during sampling could be informative to meat quality on the Northern Edge.
- It is important to consider scallop distribution within the HMA, but it will also be important to consider the distribution of demersal fish that are managed by the Council. The Omnibus Habitat Amendment 2 (OHA2) characterized this information, which can be brought forward for discussion as this action is developed. Habitat models that have been developed for the Northeast Regional Habitat Assessment (NRHA) will also be important to consider moving forward.
- Seafloor habitat distribution including substrate types and epifauna will also be considered during development of this action, including data compiled for a before-after-control-impact study.
- There was some brief discussion between the differences in scallop management controls and related impacts. For example, when fishing under open area days-at-sea (DAS) (such as the Northern Flank, just outside the current closed area), vessels will target areas with economically viable catch rates and will move on if catch rates drop below a certain level because they are "on the clock" (i.e., have a limited number of DAS). In access areas, harvest is limited by a trip limit, meaning there is no time penalty associated with fishing.

Northern Edge Goals and Objectives

The Scallop and Habitat PDTs reviewed the draft list of goals and objectives for the joint action that will consider scallop access to the Northern Edge. It was clarified that preliminary goals and objectives will be discussed at the upcoming Scallop and Habitat Advisory Panels/Committees, and ideally will be approved by the Council at the April 2023 meeting. Both PDTs offered suggested edits to the preliminary list of goals and objectives that were captured during the meeting. Key points from discussion are summarized in the following bullets:

- The draft goal and objective 1 indicate rotational closures could be developed within or outside the existing habitat management area. A member of the Scallop PDT expressed concern with considering an access area boundary that overlaps with the HMA and part of the current open area that is accessible by the scallop fishery operating under days-at-sea. They felt that reducing the amount of available open area could have a negative effect on the fishery as a whole and could concentrate effort into other parts of the resource. Related to this idea, it was pointed out that the Council has incorporated parts of the open bottom areas into access areas in the past, such as Closed Area II Extension, which was formerly open bottom and is now part of the Area II Access Area. Other comments were generally supportive of leaving the door open for the Council to decide whether it will develop an alternative (or alternatives) that might combine some open bottom with the existing

HMA to create a viable access area. Staff explained that this point would be raised at the upcoming Habitat and Scallop meetings, and at the Council meeting, to ensure that the scope of the action is consistent with the Council's intent, since the Council did not discuss this issue in detail when approving this work priority. Following the meeting, staff verified that part of the Council's rationale provided in December 2022 when discussing the Northern Edge work priority was that "...an expanded area west of the HAPC that is currently open bottom could be encompassed in the rotational management areas, which could protect additional habitat".

- The PDTs agreed that it will be important to be specific about what is meant by the "Northern Edge" in terms of spatial extent as this work continues.
- A member of the Habitat PDT suggested that the goal and objective 1 language be adjusted to clarify that the Council would be considering allowing access to the HMA rather than committing to it. Staff clarified that this was implicit in the existing language because NEPA requires management measures to be evaluated relative to No Action, which ultimately would be an alternative the Council could choose. Others also felt it is important to be direct in the objective language, and to avoid qualifiers such as "consider". In general, for Council actions, consideration of a No Action alternative is implied and not explicitly stated.
- A member of the Habitat PDT inquired as to whether any management areas developed through this action would require a periodic review. Council staff noted that the habitat management areas developed through OHA2 were intended to be reviewed every ten years (first review intended to be in 2028), per the framework provision alternative in the amendment. It was also noted that scallop access areas are reviewed on an annual basis and often modified to account for shifts in recruitment and scallop biomass.
- There was some discussion around the idea of in-season or annual habitat monitoring as a way to adaptively modify (assume from one fishing year to the next, vs within a fishing year) where fishing could occur in the HMA based on observations of epifauna. The Council is not a research body, so there are limits as to how research and monitoring concepts, other than established fishery monitoring programs, can be incorporated into Council Fishery Management Plans. Several PDT members agreed with this concern. An alternative approach that the PDTs were supportive of was outlining research needs associated with the access area program and documenting them in an appendix to the joint action (i.e., not as a set of distinct alternatives that the Council will make decisions on). This approach is consistent with how the Council handled research needs in in past scallop and habitat actions, such as during the development of Amendment 21 which focused mostly on the data limited region of the Gulf of Maine, and during the Clam Dredge Exemption Framework for the Great South Channel HMA. Changes to long term management areas also present an opportunity in terms of study designs, for example setting aside reference areas. The Habitat PDT chair briefly raised this issue during the discussion; this idea was discussed extensively during development of OHA2.
- Several members of the Scallop AP provided input during the meeting, including an AP member who was involved with the before-after-control-impact (BACI) study conducted by Dr. Scott Gallagher on the Northern Edge. They noted that the high densities of scallops in the HMA tended to not overlap with more vulnerable areas with higher complexity and more epifaunal growth. They also felt it will be important for the Council to be strategic in how they manage access to this area based on its small size, and to improve enforcement and safety at sea for vessels fishing in close proximity. It was also suggested that education and outreach to the scallop fishery on best fishing practices (e.g., shorter tow times, not shucking directly over towing lanes, etc.) be part of this effort.

- With respect to enforcement and the relatively small size of the area, members of the PDT noted that the Council could consider tools that allow for management boundaries on a smaller scale, such as increased Vessel Monitoring System ping rates. The group also noted that the Council's Operations Handbook includes enforcement considerations for Regional Fishery Management Councils that was developed by NOAA Office for Law Enforcement, NOAA General Counsel for Enforcement and Litigation, and The U.S. Coast Guard. This document can be referenced in future discussions. The PDTs agreed to split the monitoring objective into one that was more focused on enforcement vs. bycatch monitoring and minimization.
- For objective #4 (scallop yield), it was suggested that fishing behavior be added as a consideration when managing scallops on the Northern Edge in the short and long term.
- A scallop PDT member noted that there is substantial lobster gear set in the closed area, and agreed with an objective that considers gear interaction issues.
- There was lengthy discussion around whether some objectives should be modified to be more vague, broader, combined with other objectives, or split into different objectives.
- Following the meeting, Council staff will combine suggested revisions and share the revised goal and objectives with both the Scallop and Habitat APs/Committees for their upcoming meetings.

An initial discussion of available data and information was planned for the in-person version of this agenda but shortened for the webinar. Staff suggested taking up this topic at a later meeting of the PDTs, sometime after the April Council meeting. Additional work planning will occur prior to this meeting as well. PDT members were encouraged to reach out with any sources of information that they thought would be valuable to consider as the action is developed, for example imagery from research cruises on the Northern Edge.

Other Business

No other business was discussed. The meeting adjourned at 11:54 AM.