



## 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*

### MEETING SUMMARY

#### Scallop Committee

October 27, 2022

Hybrid Meeting

Hotel Providence

Providence, RI

The Scallop Committee met in Providence, RI on October 27, 2022 to: 1) discuss specification alternatives and make recommendations for the range of options to be included in Framework 36; 2) review progress toward 2022 priorities and provide 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:**

Melanie Griffin (Scallop Committee Chair), Jonathon Peros (Council staff), Sam Asci (Council staff), Matt Gates, Mark Alexander, Emily Gilbert, Peter Hughes, Melissa Smith, Eric Hansen, Togue Brawn, Jon Pappalardo, Libby Etrie, Michelle Duval, Renee Zobel, and Eric Reid (Council Chair).

There were approximately 6 members of the public in attendance and 27 attending the webinar.

The meeting began at 9:01 AM.

### Key Outcomes:

- The Committee recommended a range of specification alternatives to be included in FW36 for fishing year (FY) 2023 and FY2024 (default).
- The Committee 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 Committee recommended that the Council request the 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 Committee received a presentation on results from Committee tasking for 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. The Committee offered Motion 1 (see below), which was a combination of Advisory Panel (AP) Motions 1-3 that recommended three Closed Area II (CAII) access area trip options (i.e., two 10,000 lbs trips, two 12,000 pound trips, two 14,000 pound trips) and three days-at-sea (DAS) options (i.e., 22, 24, and 26). There was a comment from a Committee member who did not support analysis of the 26 DAS option given the downward trend in biomass observed over the past several years and lack of incoming recruitment. A motion to amend Motion 1 (see below) was offered, which kept everything the same from Motion 1 except for removing the 26 DAS option. The Committee deliberated the motion to amend at length. Several Committee members supported the motion to amend because they were uncomfortable with pushing open area fishing mortality higher than the range already analyzed (i.e.,  $F=0.52$ ) given the downward trend in biomass and lack of incoming recruitment. Some on the Committee felt that the 24 DAS option was too high. Those in support of the underlying motion felt that analyzing a 26 DAS option would allow for the Council to better understand a wider range of impacts when making a decision on final preferred alternatives in December. Several members of the public spoke against the motion to amend, suggesting that dropping 26 DAS from analysis would be premature. Ultimately the motion to amend passed, as did the main motion as amended.

The Committee recommended using the standard default measures for setting 2024 default allocations (Motion 3, see below). The Committee also developed an option for LAGC IFQ access area fishing outside of CAII (Motion 4, see below), consistent with recommendations from the AP the day before. There was limited discussion on both motions. Related to Motion 4, there was some clarifying discussion on how the opening schedule would work for LAGC IFQ access area fishing in the Nantucket Lightship North. There was one comment expressing concern that keeping the area closed to the LA fleet for the first 90 days of the fishing year means LA vessels cannot access it during the time of year with the highest yield.

The Committee also passed Motion 5 (see below), which included a range of NGOM Total Allowable Landings (TAL) options at 0.15 and 0.18, including projected biomass for Stellwagen only as well as options for assuming fishing in Stellwagen, Ipswich Bay, and Jeffreys Ledge. A member of the public noted that if the NGOM was fished at a similar fishing mortality rate as areas on Georges Bank 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  $F$ ).

The Committee 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 (Motion 6). Motion 6 passed after some brief clarifying discussion on the mechanics of LAGC IFQ vessels fishing RSA compensation in the NLS-North.

### Motion 1: Hughes/Hansen

Move that the Committee tasks the PDT to develop alternatives (3) in FW36 that would:

- Allocate access area trips to the FT LA component in the following manner; and
- Allocate FT LA DAS (3 options):

Run	1	2	3
DAS	22, 24, 26	22, 24, 26	22, 24, 26
Access Area	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)
FT LA possession limit	10,000	12,000	14,000
Trips	2 @ 10k	2 @ 12k	2 @ 14k
FT LA allocation	20,000 lbs	24,000 lbs	28,000 lbs
PT (40%) allocation and possession limit	1 trip at 8k lbs	1 trip at 9,600 lbs	1 trip at 11,200 lbs

- 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 would remain closed to open bottom fishing through May 30, 2023. The NLS-Triangle would re-open as open bottom with the NLS-South after the first 60 days of the FY.
- The NLS-North would be open bottom after opening.

*Rationale:* Closed Area 2 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 28,000 pounds a vessel looks at a reasonable range of alternatives based upon the available biomass.

This is the 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.

### Motion to amend: Alexander/Brawn

Move that the Committee tasks the PDT to develop alternatives (3) in FW36 that would:

- Allocate access area trips to the FT LA component in the following manner; and
- Allocate FT LA DAS (2 options):

Run	1	2	3
DAS	22, 24	22, 24	22, 24
Access Area	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)
FT LA possession limit	10,000	12,000	14,000
Trips	2 @ 10k	2 @ 12k	2 @ 14k
FT LA allocation	20,000 lbs	24,000 lbs	28,000 lbs
PT (40%) allocation and possession limit	1 trip at 8k lbs	1 trip at 9,600 lbs	1 trip at 11,200 lbs

- 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 would remain closed to open bottom fishing through May 30, 2023. The NLS-Triangle would re-open as open bottom with the NLS-South after the first 60 days of the FY.
- The NLS-North would be open bottom after opening.

*Rationale:* Closed Area 2 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 28,000 pounds a vessel looks at a reasonable range of alternatives based upon the available biomass. This is the 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 Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO			Abstain	
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT		No		
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC		No		
Peter Hughes, MAFMC		No		
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA		No		
TOTAL VOTE	6	4	1	0

**Main motion (1) as amended:**

Move that the Committee tasks the PDT to develop alternatives (3) in FW36 that would:

- Allocate access area trips to the FT LA component in the following manner; and
- Allocate FT LA DAS (2 options):

Run	1	2	3
DAS	22, 24	22, 24	22, 24
Access Area	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)	CAII (“Area 2”) (SE, SW, EXT)
FT LA possession limit	10,000	12,000	14,000
Trips	2 @ 10k	2 @ 12k	2 @ 14k
FT LA allocation	20,000 lbs	24,000 lbs	28,000 lbs
PT (40%) allocation and possession limit	1 trip at 8k lbs	1 trip at 9,600 lbs	1 trip at 11,200 lbs

- 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 would remain closed to open bottom fishing through May 30, 2023. The NLS-Triangle would re-open as open bottom with the NLS-South after the first 60 days of the FY.
- The NLS-North would be open bottom after opening.

*Rationale:* Closed Area 2 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 28,000 pounds a vessel looks at a reasonable range of alternatives based upon the available biomass. This is the 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 Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA	Yes			
TOTAL VOTE	11	0	0	0

**Motion 3: Hughes/Alexander**

Move 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:* This motion tasks the PDT to just use the current approach for default specifications. There is too much uncertainty to warrant allocating an access area trip for 2024 at this time.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA	Yes			
TOTAL VOTE	11	0	0	0

#### **Motion 4: Pappalardo/Alexander**

Move 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 LA 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.
- Both areas would close to LAGC IFQ access area fishing once the LAGC IFQ trips have been taken.
- The LAGC IFQ component could fish the NLS-N area at 600-lb possession limit after the area reverts to open bottom for LAGC IFQ.

*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 Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	YES			
John Pappalardo, MA	YES			
Melissa Smith, ME	YES			
Libby Etrie, MA	YES			
Renee Zobel, NH	YES			
Matt Gates, CT	YES			
Togue Brawn, ME	YES			
Michelle Duval, MAFMC	YES			
Peter Hughes, MAFMC	YES			
Mark Alexander (VC)	YES			
Eric Reid, RI (Chair)				
Eric Hansen, MA	YES			
TOTAL VOTE	11	0	0	0

### Motion 5: Smith/Brawn

Task the PDT to include alternatives in FW36 that would set the NGOM TAL at  $F=0.15$  and  $F=0.18$  using projections from Stellwagen ONLY, and Stellwagen Bank, Ipswich Bay, and Jeffreys Ledge. Additionally, 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: While the majority of harvest will be concentrated on Stellwagen Bank North, there will be interest for some vessels to move away from the bulk of the effort and concentrate on areas with lower activity. It would be logical to analyze these additional fishing grounds to be more representative to total effort within NGOM. The 75% approach keeps with the standard default approach used for the FT LA and LAGC IFQ components.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA	Yes			
TOTAL VOTE	11	0	0	0



## Motion 6: Hansen/Hughes

Move 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)
- NLS-N IFQ: If the NLS-N becomes available for LAGC IFQ AA fishing in 2023, RSA compensation could occur for LAGC IFQ starting on April 1, 2023.

*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 Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA	Yes			
TOTAL VOTE	11	0	0	0

## 2023 Work Priorities

The Committee received a presentation on progress to date on 2022 scallop priorities and an overview of the list of potential priorities for 2023. The Committee discussed the list of priorities recommended by the AP at length. There was clarifying discussion around the list of potential priorities and the amount of staff resources available to address them. The Committee discussed Motion 7 (see below), which was the AP's recommendation from the previous day, and a motion to amend (see below) that looked to narrow the focus of what items made it on the list to make the list more achievable in terms of available resources. After some discussion on ranking and what items are "above and below the line", the Committee clarified that items above the line are those that should be worked on in 2023, and those below the line are items of interest but with the understanding that it is unlikely that there will be resources allocated to them in the next year. Based on this discussion, the Committee did not support the motion to amend, and ultimately passed the underlying motion. Related to the priority "develop measures to address issues with vessel breakdown or catastrophic failure that cause a vessel to lose DAS or access area allocation", it was clarified that this work priority would not consider leasing as a potential tool.

## Motion 7: Hughes/Hansen

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 four 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?): Modify RSA program as recommended by RSA Program Review, which includes implementing recommendations from the Sea Scallop Survey Working Group
- -----
- 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

**Motion to amend: Etrie/Smith**

Move 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

The Committee recommends the following new work priorities for 2023 in addition to the supporting action for access to the Northern Edge:

- 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?): Modify RSA program as recommended by RSA Program Review, which includes implementing recommendations from the Sea Scallop Survey Working Group

*Rationale:* This motion attempts to identify scallop work priorities for 2023 that could be undertaken in 2023 by removing several items that were ranked as lower priority by the Committee.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO			Abstain	
John Pappalardo, MA		No		
Melissa Smith, ME		No		
Libby Etrie, MA	Yes			
Renee Zobel, NH		No		
Matt Gates, CT		No		
Togue Brawn, ME		No		
Michelle Duval, MAFMC				
Peter Hughes, MAFMC		No		
Mark Alexander (VC)		No		
Eric Reid, RI (Chair)				
Eric Hansen, MA		No		
TOTAL VOTE	1	8	1	0

## Back to the Main Motion. Motion 7: Hughes/Hansen

That the Scallop Committee recommends as the highest scallop work priority in 2023:

- New: 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 (listed below):

- 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

The Committee also recommends the following new items (unranked) for work in 2023:

- 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?): Modify RSA program as recommended by RSA Program Review, which includes implementing recommendations from the Sea Scallop Survey Working Group
- -----

The Committee does not recommend the following items (unranked) for work in 2023 at this time, but recommends their consideration as future work priorities over other items identified on the 2023 priority list.

- 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:* The Committee identified a total of five new work items for 2023, in addition to several staff and PDT work requirements. The Committee's top scallop work priority for 2023 is supporting an action for access to the Northern Edge. The other four new work priorities are not ranked. The Committee also identified items that it may want to work on in the future over other items on the 2023 priority list, but recognized that there is likely not enough time or resources to address them in 2023. Council staff was asked to identify the kind of action that could be used to address priorities. This advice is shown in the parenthesis for new work items (FW=framework, A=Amendment).

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO			Abstain	
John Pappalardo, MA			Abstain	
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH	Yes			
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC				
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA	Yes			
TOTAL VOTE	8	0	2	0

## NGOM Control Date

The Committee 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. Following the presentation, Motion 8 was offered, which recommended the Council request that NMFS establish a control date that could potentially be used to limit permit movement into the NGOM. Several members of the Committee spoke in opposition to the motion because they were not supportive of setting control dates that are not tied to specific actions. They also noted that a primary objective of Amendment 21 was to increase participation in the NGOM in the future. Another Committee member noted that with the lobster fishery under duress, there may be fishermen who would want to take part in the NGOM fishery in the future. Those in support of the motion felt that a control date is a necessary step to plan for the future in a situation where the Council does express interest in changing eligibility criteria in the NGOM. Others in support noted the increase in participation seen in 2022 and felt that there are no drawbacks to setting a control date now, even if the Council doesn't choose to use it in the future. The motion recommending that the Council request a control date for the NGOM passed 4-3-3.

## Motion 8: Brawn/Smith

Move 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:* NGOM was established with the intent of allowing the fishery to grow, and it has grown. Active participants doubled in the past year, and there was also a dramatic uptick in the switching of incidental permits to NGOM permits. There are currently over 700 permits capable of participating in the NGOM, 438 of which can switch back and forth between incidental and NGOM. This large amount of potential effort is something the Council should address. Establishing a Control Date would put people on notice that they may be treated differently if they acquire a permit or begin participating in the NGOM after that Control Date.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO			Abstain	
John Pappalardo, MA			Abstain	
Melissa Smith, ME	Yes			
Libby Etrie, MA		No		
Renee Zobel, NH	Yes			
Matt Gates, CT			Abstain	
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC				
Peter Hughes, MAFMC		No		
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA		No		
TOTAL VOTE	4	3	3	0

## Other Business

No other business was discussed. The meeting adjourned at 1:11 PM.



## 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 Canastra, 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 Canastra	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 Canastra	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 Canastra	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 Canastra	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 Canastra	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 Canastra	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 Canastra	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 Canastra	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 Canastra	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.