



New England Fishery Management Council

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

John F. Quinn, J.D., Ph.D, *Chairman* | Thomas A. Nies, *Executive Director*

Draft MEETING SUMMARY

Scallop Advisory Panel

May 31, 2017

Courtyard by Marriott, Boston, MA

The Scallop Advisory Panel met at the Courtyard by Marriot in Boston, MA on May 31st, 2017 to: 1) receive updates on and review priorities and general workload for 2017; 2) receive PDT input on 2018/2019 Scallop RSA priorities and make recommendations for 2018/2019 Scallop RSA priorities ; 3) receive and update on follow-up to scallop survey peer-review (2017 priority); 4) review the FW29 Action plan and analyses on FW29 management measures (i.e. NGOM measures and flatfish accountability measures), and form recommendations for the Committee to consider; 5) review and discuss the Scallop Committee motion re: control date that would address the movement between LAGC NGOM and LAGC Incidental permit categories; and 6) discuss other business.

MEETING ATTENDANCE: James Gutowski (AP Chair), Jonathon Peros (PDT Chair), Ronald Enoksen, Brent Fulcher, Eric Hansen, Kirk Larson, Brady Lybarger, Michael Marchetti, Robert Maxwell, Paul Parker, Kristan Porter, Tom Reilly, and Edward Welch. Mary Beth Nickell-Tooley, Scallop Committee Chair, was present in the audience along with approximately 15 members of the public.

KEY OUTCOMES:

- The AP formed recommendations for 2018/2019 Scallop RSA priorities.
- The AP provided updates on the performance of the fishery in FY 2017 (FW28).
- The AP recommended that the Committee task the PDT with developing options to splitting the NGOM TAC between LA and LAGC components of the fishery using a hybrid approach.
- The AP recommended modifying dredge exemption areas.

The meeting began at 9:35 with AP Chair Jim Gutowski welcoming members of the AP and public to the meeting. Following introductions from AP members and members of the public, Jim Gutowski reported the recent passing of AP member Peter Benya of Barnegat Light, NJ, and offered condolences on behalf of the AP. Peter Benya was “the fisherman’s fisherman”, and will be missed dearly by his friends, family, and members of the fishing community.

Council staff provided an unofficial update on the status of a 2017 survey of the Northern Gulf of Maine management area (NGOM); areas identified by the PDT (portions of Stellwagen Bank

and Jeffreys Ledge) will be surveyed through two projects already awarded by the 2017 RSA program. The AP was reminded that as Framework 29 to the Scallop FMP fills up with items, developing a simple approach to NGOM management measures will increase the chances of measures being in place for the beginning of FY2018.

Council staff reminded the AP of the goals for the RSA portion of the meeting:

1. Develop recommendations for 2018/2019 Scallop RSA research priorities
2. Discuss FY2017 fishery data

2018/2019 SCALLOP RSA RECOMMENDATIONS:

Council staff presented background information on the Scallop RSA program and reviewed progress to date on RSA priority development, including the recent joint AP/PDT RSA share day meeting and several PDT calls which formed recommendations for the 2018/2019 RSA research priorities. The AP was informed of the timeline for the 2018/2019 RSA program, noting that recommendations from the day's meeting will be presented to the Council at the June meeting, where the Council will make research recommendations for the 2018/2019 FFO.

The 2017/2018 RSA research priorities were reviewed, as were the Scallop PDT's recommendations for 2018/2019 ([Doc. 4](#), [Doc. 5](#)). Staff noted that the PDT reached consensus on all recommendations except for how to rank a Gulf of Maine/NGOM survey; there was general agreement among PDT members that surveying some areas in the NGOM should be elevated in priority ranking, but a firm recommendation was not agreed upon.

A member of the AP inquired as to whether persistent aggregations of scallops in the NGOM have been identified, suggesting that surveying the NGOM in its entirety would be a waste of time because only a portion of the area supports scallops. It was noted that the PDT has identified areas that have typically held scallops in the past and that the Maine DMR/UMaine dredge survey could be used to identify areas that have held scallops recently.

Staff presented fishery data that was discussed on the most recent PDT call ([Doc. 1](#)) including:

- open-area LPUE (monthly scallop landings/DAS charged) for the LA fleet from FY2010 to May of FY2017 (noting that May data was incomplete) ([Doc. 1](#), slide 22).
- Cumulative landings by week and grade for the first three months of fishing FY2015 to FY2017 for access and open areas ([Doc. 1](#), slide 23).
- FY2017 ex-vessel prices by access area ([Doc. 1](#), slide 24).

A member of the AP inquired about the process in which the RSA Common Scallop Price (\$12 per lb. in 2017) is determined, noting that the average price of scallops has been far below \$12 and is impacting industry members who are involved with RSA research. Additionally, it was suggested that RSA compensation fishing is not allowed in the areas that likely bring the average scallop price up to \$12 per lb. (i.e. NLSA, CA II AA).

Members of the AP focused discussion on 2018/2019 RSA research priority recommendations, particularly research regarding scallop disease and parasitism (i.e. nematode, grey meat); AP members strongly supported research which could help form a solution to the recent upswing of

nematodes in Mid-Atlantic scallops. It was noted that this parasite affects the overall health of the resource and it affects meat quality and market price. The AP acknowledged that managing the host of this parasite would be unfeasible, but that preventing the further spread of the parasite and learning how to manage the fishery around it should be a top priority.

Further to the point of scallop disease/meat quality research, a member of the AP suggested separating “natural mortality” out of “non-harvest mortality” and including it with meat quality research because grey meats are essentially dying scallops.

Motion 1: Hansen/Maxwell

The AP recommends the following changes to the RSA priorities:

- Elevate *natural mortality* out of “non-harvest mortality” and included in scallop meat quality and include snails in list of predators.
- Move non-harvest mortality to “OTHER” priority.
- Move “scallop meat quality” as modified to HIGHEST priority.

Rationale: Changes to meat quality may have significant impacts on the scallop fishery. The AP wishes to elevate the rank of the scallop meat quality research. For non-harvest mortality, research has been funded and may be used in upcoming benchmark assessment.

The motion carried on a show of hands 11/0/0

The AP’s discussion moved to future survey work of the Northern Gulf of Maine (NGOM) management area in 2018/2019. As stated earlier, it was suggested that a broad scale survey of the NGOM may not be a good use of resources because scallops typically inhabit a small portion of area. It was also noted that historical scallop grounds in the Gulf of Maine do not consistently hold scallops from year to year, and that future survey work should focus on areas where scalloping has occurred recently.

Motion 2: Porter/Welch

The AP supports surveys in the Gulf of Maine. The HIGHEST priority should be on areas that have supported persistent aggregations of scallops.

Rationale: Resources should be focused on surveying areas where there are scallops.

The motion carried on a show of hands 11/0/0.

INDUSTRY UPDATE: FY2017 TO DATE

AP Chair Jim Gutowski opened the conversation to the AP in regards to the status of FY2017 to date, urging members to provide any information that could help inform management for next year. Brady Lybarger, LA captain from Cape May, NJ, reported:

- Open bottom LPUE was underestimated this year (2,227 lbs. per day), actual LPUE so far is between 2,500-4,000 lbs. per day

- There have been more 10/20 count scallops than expected by the industry
- Fishing in the Elephant Trunk Flex area has been very good; however, there is an obvious nematode issue which has shown to be more prevalent in some areas compared to others
- There are a lot of 20/30 count scallops in the Mid-Atlantic Access Area, which will likely mean a lot of 10/20 counts in this area next year.
- There is some evidence of nematodes in open bottom around Long Island

Tom Reilly, LAGC IFQ captain from Chatham, MA, reported:

- Fishing in the Nantucket Lightship has been very good (typically over 20 bushel per tow)
- A small portion of scallops in the NLSA (less than 20 lbs. of 30,000 lbs. caught) have shown to be infected with large, orange, nodules.

A member of the public commented that these large, orange, nodules are a likely indicator of a virus, not a nematode.

Another AP member reported that CAII fishing has been good, with daily catch rates between 3,000 and 4,000 lbs.

A member of the AP felt that there seems to be an 8 to 12 month delay between actual LPUE and the LPUE estimate calculated by the PDT.

RSA COMMON SCALLOP PRICE DISCUSSION

Members of the AP inquired about the process used to set the common scallop price for RSA compensation trips, noting that there has been a notable discrepancy between the common scallop price (\$12 per lb.) and the actual market price in FY2017. Members of the AP suggested that this difference in actual price vs. common scallop price is impacting researchers who are working on a fixed percentage of RSA compensation lbs., and could be deterring industry members from being involved with RSA research. Travis Ford of GARFO informed the AP that the common scallop price for FY2017 was a conservative estimate of the average price of RSA compensation lbs. in FY2016. It was noted that RSA open-area fishing is not like typical open-area fishing because vessels are not using days-at-sea, which makes modeling fishing behavior difficult to do. Further, it was stated that it is up to individual PI's to determine how their research funds are generated from compensation fishing (i.e. fixed percentage, dollar amount per lb.), and that both research groups and industry participants are aware that the RSA program awards scallop lbs. for research as opposed to dollars. The AP was in general agreement that the current RSA awards/compensation fishing process has worked in the past.

UPDATE ON SCALLOP SURVEY PEER-REVIEW

Council staff reminded the AP that a PDT sub-group was established to address issues identified by the Scallop Survey Methods Peer-review, and to integrate findings into the upcoming 2018 benchmark assessment. This sub-group plans to provide additional analyses for the specifications process, including comparing paired tows between HabCam and dredge surveys, generating biomass estimates using geostatistical methods that incorporate data from all surveys, performing sensitivity analyses around dredge efficiency in high density areas, continuing to track growth parameters for scallops in the NLS, and documenting PDT work process for the upcoming SSC and 2018 benchmark assessment meetings.

A member of the AP raised concern in using geostatistical methods to combine biomass estimates from each survey because each survey has its own method to estimate mean biomass. Staff clarified that the intention of this analyses will be to increase precision in the model by incorporating more data points, as opposed to combining the actual area-specific biomass estimates from the different surveys. Further it was noted that this approach will be something for the group to consider in the future, and that any changes to estimating biomass will likely not happen this year.

UPDATE ON FRAMEWORK 29

Staff reminded the AP that the Council initiated Framework 29 to the Scallop FMP at the April meeting. The likely alternatives addressed through FW29 include a specifications package for FY2018, setting the Northern Gulf of Maine TAC and other management measures, development of flatfish accountability measures, and modifying the current Closed Area 1 access area boundaries to be consistent with Omnibus Habitat Amendment 2. AP Chair Jim Gutowski reminded the AP that a simple approach to developing these alternatives will increase the likelihood that FW29 is in place for the beginning of FY2018 (April 1st).

FLATFISH AMS

Staff then reviewed progress made to date on flatfish AM development, including landings and bycatch data by statistical reporting area and figures which describe observed d/K ratios by ten minute square for GB yellowtail Northern windowpane and SNE yellowtail ([Doc. 10](#)). In light of the Committee's motion that tasked the PDT to focus AM development on gear modifications (i.e. 5-row apron), Staff asked the AP for input on how the size of gear restricted area AM may impact fishing behavior (i.e. how would fishing effort be redistributed?, how should a trawl AM be decided?).

Motion 3: Hansen/Marchetti

The AP recommends that AMs be developed consistent for all flatfish with existing gear modifications for SNE windowpane AM (5 row-apron and 1.5:1 hanging ratio).

Rationale: This would create parity across flatfish AMs for the scallop fishery.

The motion carried on a show of hands 11-0-0.

Members of the AP were in agreement that all time-area gear restrictions should be consistent across the fishery. An AP member explained that the trawl component of the fishery is not allowed to fish east of 71° W, and that there is very little overlap in when trawl vessels fish Southern New England and when SNE yellowtail bycatch ramps up (March).

The AP expressed that there are several components of dredge design to consider when developing a gear modification (i.e. apron length and hanging ratio), and that it may be useful to investigate the effect of varying apron lengths with a 1.5:1 hanging ratio on flatfish bycatch reduction. It was also suggested that an AM which requires fishing a 5-row apron in Channel would not be accepted openly by the industry, as the nature of fishing in the Channel calls for longer apron length. Staff informed the AP that the PDT will bring forward a conservation approach for flatfish AMs for the group to consider at the September meeting.

NORTHERN GULF OF MAINE MANAGEMENT

Framework 29 was initiated at the April Council meeting which prioritized the development of management measures for the Northern Gulf of Maine management area including setting a TAC for LA and LAGC components of the fleet. Council staff noted that the background information regarding the NGOM ([Doc. 9](#)) provided to the AP should be used to develop discussion on how to split the TAC for FY2018, and that no final action would be taken at the day's meeting. Staff presented potential approaches to splitting the TAC between components, including:

- 1) Historic TAC in the management area. For example, the TAC for the area was set at 70,000 lbs. for the LAGC component for nearly all years since the inception of the program.
- 2) Split based on historic removals from the NGOM management area by fishery component. For example, dealer data is available from 2008 – present for the LAGC component. LA landings from the area would need to be estimated.
- 3) Hybrid Approach of Historic TAC and historic removals from the area (combine a and b). For example, start with a baseline of pounds to a component of the fishery, and then consider how harvest over and above that value is distributed.
- 4) Sunset provision: For example, develop a short-term approach that would remain in place for a set number of years. The Council has identified work on the NGOM management as a potential priority for 2018.

It was noted that the scallops being considered in the NGOM are outside the bounds of the current assessment model and that it would likely take some time to see how these scallops fit into the ACL flow chart. Travis Ford (GARFO) clarified that FW29 will implement a split TAC for FY2018; the Council will be considering whether or not to prioritize additional work on NGOM management measures during 2018 priorities discussion this fall.

Some discussion developed surrounding the intent of a split TAC between fishery components fishing in the NGOM; however, the AP was reminded that the Council put forth this item and that this was a chance for the group to provide input on the best approach to take.

Motion 4: Parker/Marchetti

1. The AP recommends that the Council is mindful of a durable solution for NGOM management for a 50,000 lbs or 5 million lbs TAC.
2. Interim period, consider a minimum of 70,000 lbs be available to LAGC in the NGOM.
3. Annual review of the TAC as part of the specifications process.

The motion carried on a show of hands: 9/1/0

Several AP members suggested possible ways to approach splitting the NGOM TAC between components; however, many agreed that it was a difficult task without having a biomass estimate as a reference point.

Motion 5: Porter/Parker

The AP recommends that the Committee Task the PDT with developing options for splitting the NGOM TAC using a hybrid approach to splitting the NGOM TAC between the LA and LAGC component.

Rationale: One concept is to use an initial “floor” of lbs, a percentage split between groups, and a maximum amount of pounds from the NGOM. It would be helpful to see tables of how this approach would work under a range of TAC options.

The motion carries on a show of hands 7/1/1.

CONTROL DATE TO ADDRESS MOVEMENT OF LAGC PERMITS BETWEEN CATEGORIES

The infrastructure of the LAGC IFQ program allows for LAGC NGOM and LAGC Incidental permit holders to switch between these two permit types on an annual basis. A motion from the Scallop Committee will be taken up at the June Council meeting which would establish a control date to potentially prohibit switching between LAGC NGOM and LAGC Incidental permits. Staff briefly presented background information regarding this motion, and clarified that establishing a control date does not necessarily commit the Council to taking future action.

OTHER BUSINESS

An AP member had inquired earlier in the meeting about the possibility of observer coverage increasing in FY2018, and asked if it was necessary for the scallop industry to have more observer coverage than it does at the present time. Staff noted that, unlike other fisheries, observer data is used in the scallop stock assessment process. The AP was also informed that Council leadership has sent a letter to NEFSC in regards to the allocation of observer sea-days in the scallop fishery, and to expect a response in the near future with a further explanation of the SBRM sea-day allocation process.

A member of the AP expressed support in a motion from the May 2017 groundfish advisory panel meeting, which requested for the NMFS to use its authority to expand or remove the gen category exemption area.

Motion 6: Parker/Porter

The AP recommends that the dredge exemption line be moved east on Georges Bank to accommodate LAGC fishery.

Rationale: The LAGC fishery is limited access, and there are flatfish sub-ACLs in place. Accountability is in place. This action would be taken NMFS. The intent is to be consistent with the GAP motion #20 from May 2017.

The motion carried on a show of hands: 9/0/0

In reference to Motion 6, the AP discussed how far east the dredge exemption line would be moved. A member of the AP informed the group that NMFS is currently reviewing where the dredge exemption line could be moved to, and highlighted interest in it at least expanding to CA

I. Scallop Committee chair, Mary Beth Tooley, noted that this is an issue that has been brought up in the past (including the previous year), but has never made it on to the groundfish priority list.

The AP inquired to the ongoing work item which would make the boundaries of CA I AA consistent with OHA2 (following the implementation of OHA2), and asked for this work to include opening the Nantucket Lightship HMA and the Northern Edge HAPC. Staff noted that adjusting the bounds of NLS HMA and the Northern Edge HAPC will require a different process than what was done for CA I AA, and that PDT resources will be focused on the current work priorities until there is formal notification of when OHA2 will be implemented. Several AP members agreed that getting access to the available biomass in NLS HMA in a timely manner is important, citing that the opportunity to fish in the Northern Edge has come and gone because access was not granted to that area before the observed biomass decreased substantially.

Motion 7: Parker/Welch

The AP recommends that the Committee/Council consider including the NLS HMA and the Northern Edge area in the FW29 specifications package if it opens through the OHA2.

Rationale: The NLS HMA would be prioritized over the development of access to the Northern Edge. The intent is to keep shaping access simple.

The motion carried on a show of hands: 9/0/0

No other business was discussed.