



## New England Fishery Management Council

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

### MEETING SUMMARY

#### Scallop Advisory Panel

December 1, 2022

Webinar

The Scallop Advisory Panel met via webinar on December 1, 2022 to: 1) review bycatch analyses and consider recommending the inclusion of measures in Framework 36 to mitigate impacts to northern windowpane flounder and GB yellowtail flounder; 2) review analyses and recommend final preferred alternatives in Framework 36; and 3) 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, Paul Vafides, Mike Marchetti, Jay Elsner, Brady Lybarger, Ben Martens, Wes Brighton, Charlie Quinn, Bob Maxwell, and Tom Coley.

There were approximately 35 members of the public attending the webinar.

The meeting began at 8:32 AM.

### Key Outcomes:

- The AP recommended final preferred alternatives for Framework 36.
- The AP recommended that the Committee advise the Council that it prioritize two work items for next year (i.e., “support action for access to Northern Edge HMA”, and “adjustments to DAS counting or demarcation to address transiting long distances on DAS trips”).

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 the range of alternatives being considered in Framework 36 and a summary of anticipated impacts. Following the staff presentation, there was some clarifying discussion around the reopening schedule for the Nantucket Lightship South, North, and Triangle based on the measures included in FW36. The AP also clarified that RSA compensation fishing would only be allowed in the open bottom, and up to 25,000 pounds in the Northern Gulf of Maine based on the alternatives being considered in FW36. The following sections summarize AP discussion and motions for preferred alternatives in FW36.

## Flatfish Bycatch

Council staff presented the Scallop PDT's bycatch estimates for the four groundfish stocks with a scallop sub-ACL (northern windowpane, southern windowpane, Georges Bank yellowtail flounder, and southern New England yellowtail flounder). Staff noted that estimates were roughly two-times higher than sub-ACL for GB yellowtail, and roughly three to four times higher for northern windowpane. There is substantial uncertainty associated with bycatch projections, and staff explained that estimates should not be taken as precise estimates.

Given the anticipated overage of the northern windowpane sub-ACL, the Scallop PDT discussed measures that could be used to help reduce bycatch from open area fishing. Council staff presented these options to the AP. Given input from NMFS staff suggesting there would not be issues with approving measures in FW36 based on projected bycatch, the AP was not supportive of pursuing additional proactive measures to reduce northern windowpane bycatch (see consensus statement below). Advisors also pointed out that the AM gear is being used now for the first time, and that the AM should be reviewed after several years of data are collected to see how effective it is before implementing additional restrictions. A member of the AP advised against requiring the 5-row apron gear modification for vessels fishing open area days at sea in the Great South Channel due to the rocky substrate in this area. They noted that the 1 to 1.5 maximum hanging ratio means that twine top meshes are spread out to a point where when the dredge bag fills, the meshes chafe and eventually separate. This results in additional gear work when fishing, which slows down productivity and has a negative effect on fishermen. Based on this, they suggested that if an open area gear restriction were to be considered, it should be limited to east of 68° 30' W to exclude the Great South Channel.

***By Consensus:*** It is the consensus of the AP that any additional gear restrictions are not warranted at this time. The current bycatch projections are comparable to recent projections and do not threaten to cause overfishing of any species.

***Rationale:*** Earlier projections, which contained numerous errors, had very high estimates for bycatch and were cause for concern. Now that the projections were corrected there is no cause for additional measures as the catch levels should be consistent with previous years. This is the first year that the AM is in place, and the NWP bycatch is at 40mt, 40% of the 2022 projection with 80% of DAS used and 75% of CAII fishing complete. Next steps should include an evaluation of the performance of the AM for NWP (after 2022).

## Action 1 – OFL and ABC

### **Motion 1: Fulcher/Lybarger**

Recommend that the Committee adopt in Section 4.1, Alternative 4.1.2, Updated OFL and ABC for FY 2023 and FY 2024, as the preferred alternative.

***Rationale:*** This option updates the OFL and ABC based upon the best available science and is the right thing to do.

*The motion carried by unanimous consent.*

Discussion: The AP recommended Alternative 4.1.2 Updated OFL and ABC as preferred by consensus (see Motion 1). There was no discussion on the motion.

## Action 2 – Northern Gulf of Maine TAL

### Motion 2: Martens/Fulcher

Recommend that the Committee adopt in Section 4.2, Alternative 2, Option 3, Set NGOM TAL, with set-asides to support research, monitoring, and a directed LAGC fishery, Set NGOM TAL at  $F=0.15$  Using Stellwagen, Ipswich, and Jeffreys Ledge, as the preferred alternative.

*Rationale:* With the goal of stable landings, a growing biomass, and preventing a recurrence of the booms and busts that characterized the Gulf of Maine in the past, we continue to support a conservative  $F$  rate in the NGOM. There are still significant gaps in our data collection and understanding of the growth rate of scallops in the GOM, so a low  $F$  rate for another year will provide a buffer as this fishery, data, and management matures.

The inclusion of other areas fished in the Gulf of Maine in both the setting of allowable landings and in the data collection process is important as access to Stellwagen may be reduced in the future. With the low  $F$  rate, the increase in allowable landings from the inclusion of these other areas, can be safely supported.

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

Discussion: The AP recommended Alternative 4.2.2.3 set the NGOM TAL at  $F=0.15$  based on biomass from Stellwagen, Jeffreys and Ipswich Bay (see Motion 2). There was some brief clarifying discussion on where fishing is expected to occur, which some advisors suggested would be spread out across the NGOM compared to recent years.

### Action 3 – Fishery Specifications

#### Motion 3: Fulcher/Mullis

Recommend that the Committee adopt in Section 4.3, Alternative 4, Option 2 (4.3.4.2), Two access area trips in Area II with 14,000-pound trip limit with 24 FT LA DAS, as preferred. This includes:

- 24 FT LA DAS (Open area  $F=0.51$ ).
- 14,000 pound trip limit for full-time Limited Access vessels.
- 2 Area II access area trips, total allocation of 28,000 pounds per FT LA vessel.

*Rationale:* This allocation effectively represents status quo fishing with this current year. It is important to keep fishing effort stable in order to maintain markets and boat prices for scallops. All of the options, including this one, have overall F rates that are well below the overfishing limit. This option has a projected bycatch rates that are comparable to recent estimates and are within reasonable limits. The projections on DAS usage show that there is very little difference, if any, on future fishing opportunities between 22 or 24 DAS, but there is a significant difference in projected landings in 2023. Two 14,000 pound trips are projected to leave enough scallops for a possible trip in 2024, if that is what the fleet wants to do given that a lot of other options should exist for 2024. Simply put, this option represents the best choice for the near term and the long term of the fishery.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Ben Martens				
Bob Maxwell	Yes			
Brady Lybarger	Yes			
Brent Fulcher	Yes			
Cassie Canastra	Yes			
Wes Brighton	Yes			
Charlie Quinn	Yes			
Chris Merl				
Ed Mullis	Yes			
Jay Elsner	Yes			
Kirk Larson	Yes			
Kristen Porter				
Michael Marchetti	Yes			
Paul Vafides			Abstain	
Ronnie Enoksen	Yes			
Tom Coley	Yes			
TOTAL VOTE	12	0	1	0

Discussion: The AP recommended Alternative 4.3.3.2, allocate two trips to Area II at 14,000 pounds each with 24 days at sea, as preferred. One advisor expressed some concern around the higher F rates associated with fishing in Area II with the hope that Area II will be available to fish in FY2024, but was

supportive of the motion. Several members of the public spoke to the motion, all expressing support for the AP's recommended specifications alternative for FY2023.

#### Action 4 – LAGC IFQ Access Area Trip Allocation

##### Motion 4: Elsner/Larson

Recommend that the Committee adopt in Section 4.4, Alternative 2 (4.4.2) Update LAGC IFQ Access Area Trip Allocations, Distribute Area II Access Area Allocation to the Nantucket Lightship North and Area II.

*Rationale:* This option provides an inshore rotational fishing area for the LAGC IFQ at 800 pounds per trip, and allows LA open bottom fishing later in the FY when yields are higher. Closed Area I should be closed for fishing in 2023 to allow the small scallops in the area to grow out, and should not be available for any default fishing if the FW implementation is delayed.

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

Discussion: For Action 4, the AP recommended Alternative 4.4.2 Allocate LAGC AA trips to NLS-North and Area II as preferred. There was some brief clarifying discussion on the mechanics of allocating trips to both areas and the opening schedule for the Nantucket Lightship North. It was also clarified that No Action would allocate default trips to Area I, but that this area would be closed to fishing as a result of the specifications alternatives in Section 4.3 (i.e., so trips could not be taken after the implementation of FW36 even if allocated under Alternative 1).

## Other Business

Under other business, the AP revisited the list of priorities recommended to the Council by the Executive Committee. Several advisors were frustrated that many of the priorities recommended by the AP and Committee were not picked up by the Executive Committee, particularly the items that focused on accessing the Northern Edge and adjustments to DAS counting/demarcation. The group forwarded a motion to the Committee that reiterated pursuing the northern edge priority, which was recommended by both the AP and Committee in October and dropping the long term planning (3-5 years) priority from the list (see Motion 5 below). The AP forwarded another motion reiterating that the DAS counting/demarcation item be prioritized for 2023, and that “modify RSA program as recommended by RSA program review and recommendations of Scallop Survey Working Group” be dropped from the list (see Motion 6 below).

### Motion 5: Fulcher/Maxwell

The AP recommends the Scallop Committee advise the Council that “Support action for access to Northern Edge HMA, including development of access area program for modified area” be upgraded to a priority in the coming year (2023) to allow harvest by 2025 and remove:

- “Develop long-term (3-5 year) strategic plan for managing scallop fishery; MSE may be suggested by strategic plan, but plan will not be tested with MSE before approval”

as a 2023 priority.

Rationale: The ExComm did not reach consensus on the Northern Edge priority at their meeting. The AP feels that the research results of Dr. Scott Gallagher’s BACI study support considering access to the area.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	Yes			
Ronnie Enoksen				
Jay Elsner	Yes			
Paul Vafides	Yes			
Michael Marchetti	Yes			
Kristen Porter				
Kirk Larson	Yes			
James Gutowski (Chair)				
Ed Mullis	Yes			
Chris Merl				
Charlie Quinn	Yes			
Cassie Canastra	Yes			
Wes Brighton	Yes			
Brent Fulcher	Yes			
Brady Lybarger	Yes			
Bob Maxwell	Yes			
Ben Martens				
TOTAL VOTE	12	0	0	0

### **Motion 6: Mullis/Fulcher**

The Scallop AP recommends that:

- “Adjustments to DAS counting or demarcation to address transiting long distances on DAS trips”

be a 2023 work priority, and remove:

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

from the 2023 work priority list.

*Rationale:* This measure could help vessels bring Georges Bank DAS trips back to Mid-Atlantic.

	Yes	No	Abstain	Recuse
Scallop AP				
Tom Coley	Yes			
Ronnie Enoksen				
Jay Elsner	Yes			
Paul Vafides	Yes			
Michael Marchetti	Yes			
Kristen Porter				
Kirk Larson	Yes			
James Gutowski (Chair)				
Ed Mullis	Yes			
Chris Merl				
Charlie Quinn	Yes			
Cassie Canastra	Yes			
Wes Brighton	Yes			
Brent Fulcher	Yes			
Brady Lybarger	Yes			
Bob Maxwell	Yes			
Ben Martens				
TOTAL VOTE	12	0	0	0

No other business was discussed. The meeting adjourned at 11:51 AM.