

Scallop AP and Committee

Jonathon Peros, Sam Asci

Scallop AP & Committee
January 26, 2022 & January 28, 2022
Webinar



New England
Fishery Management Council

Today's Meeting:

- **Updates – Recent Actions**
- **Scallop Work Priorities – Outlook for 2022**
- **Scoping for Limited Access leasing**

AP and Committee action:

- *LA leasing: Provide input on the scoping document and planned process.*

2024 Scallop Research Track Assessment

- Interested? Link to questionnaire here:
- <https://docs.google.com/forms/d/e/1FAIpQLSeG9ND-4JxrNfgknFW942FYAzbnDunwbP0UshZHtnogDhqOhA/viewform>



Maine Fishermen's Forum:

- **Scallop Seminar on Northern Gulf of Maine**
 - Implementation of Amendment 21 – new management program
 - Incoming specifications for NGOM in FW34
 - New monitoring requirements for all vessels fishing in the NGOM
- **Thursday, February 17, 2022 at 3pm**
 - Additional details to follow
- <https://mainefishermensforum.org/>



Amendment 21

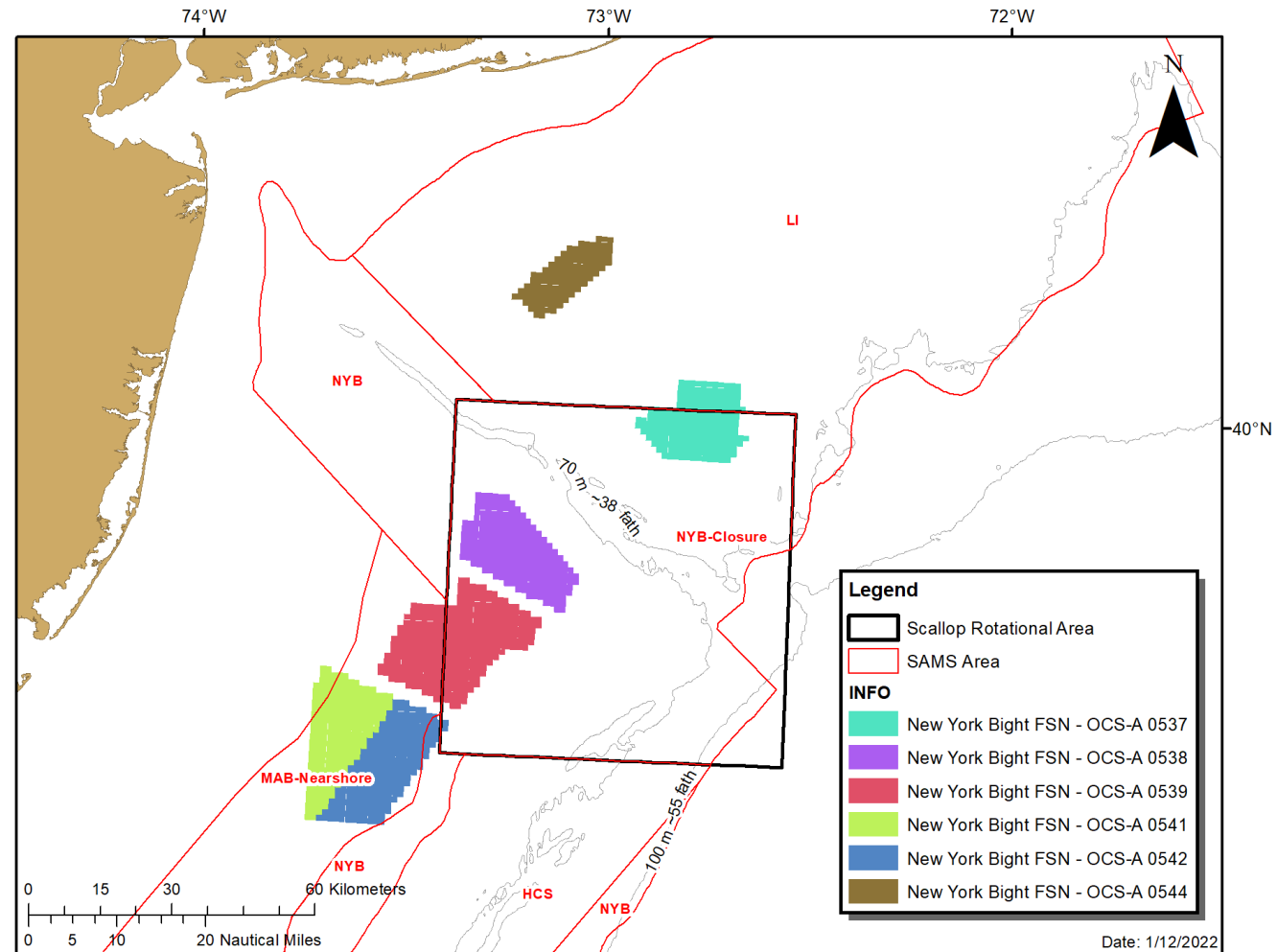
- **Final rule published on January 12, 2022**
- **Action will become effective on March 31, 2022**
- <https://www.federalregister.gov/documents/2022/01/12/2022-00367/fisheries-of-the-northeastern-united-states-atlantic-sea-scallop-fishery-amendment-21>

Scallop Framework 34

- **Final Action on December 9, 2021**
- **Council submitted the decision draft on January 3, 2022**
- **Deemed the regulation changes on January 12, 2022**
- **NMFS preparing the proposed rule**
- **Next steps:**
 - **Preliminary submission – early February**
 - **Final submission – early March**
 - **Final rule and implementation – before April 1.**

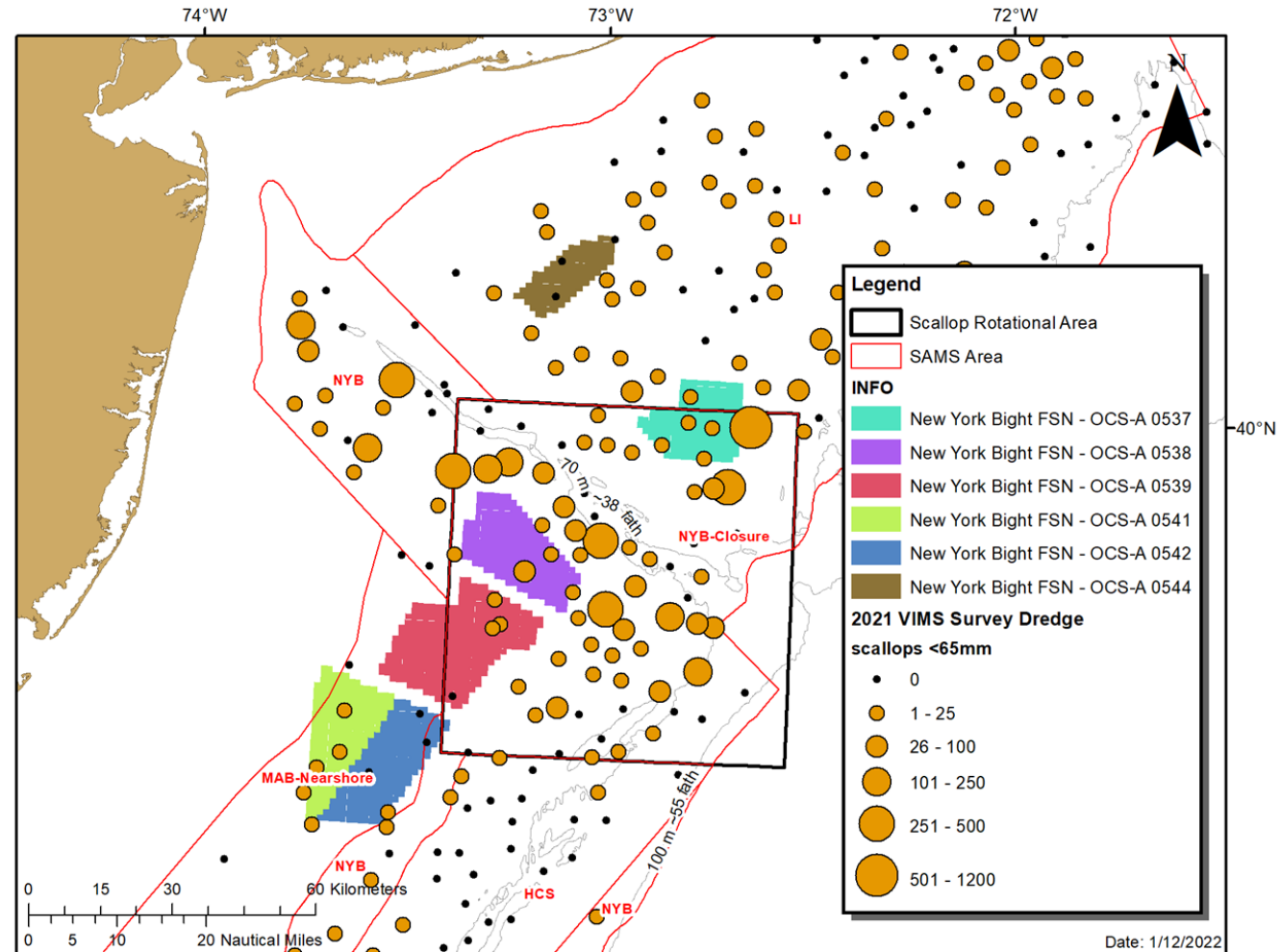
New York Bight Wind Update

- BOEM published final sale notice for wind lease areas on Jan 12, 2022
 - Note FSN areas in map to right relative to rotational/SAMS areas
- BOEM to hold wind energy auction on Feb 23, 2022
- More details on announcement here:
<https://www.boem.gov/renewable-energy/state-activities/new-york-bight>



New York Bight Wind Update (cont'd)

- 2021 VIMS survey dredge density estimates for scallops <65mm relative to final lease areas
- Note overlap in wind areas and scallops both outside and within New York Bight closure area.



Evaluation of Rotational Management

- Updated report in your meeting materials (January 12, 2022)
- PDT recommendations being incorporated
- Final report presented to the Council in February, with discussion on results and possible follow-up in March.



- Consider the performance of flexibility measures for future scallop management actions.
 - Flex trip options should include an assessment of area-specific LPUE projections, characterization of market categories of landings, and scallop price per pound information to inform potential fishery utilization within flex area options.
 - A description of scallop catch accounting methods for all allocations should be documented and areas of uncertainty or potential improvement should be identified.
 - An evaluation of the DAS carry over provisions, similar to the one provided for access area carry over in this report, should be conducted to determine if there are potential improvements to current regulations.
- Consider seasonal measures to improve scallop yield and minimize mortality in access areas.
 - Establishing area-specific seasonal restrictions could limit fishing and associated mortality during:
 - peak scallop spawning when meat yields are low;
 - summer months when surface water and deck temperatures may exceed lethal limits;
 - periods of overlap with bycatch species of concern.
 - An evaluation of potential seasonal restrictions should be conducted to assess the positive and negative impacts to the scallop fishery, resource, and bycatch species of concern.
- Consider appropriate spatial scale of future access area configurations.
 - The optimal size and boundary configuration for rotational management areas were assessed during the development of Amendment 10, but ultimately the fully adaptive rotational scheme was adopted.
 - Based on this evaluation and recent performance of specific access areas, review of the Amendment 10 guidance for optimal access area size and configuration is warranted to consider Best Management Practices for the rotational management program.
- Assess options for streamlining the Council process to facilitate annual scallop specification actions.
 - Conclusions from this evaluation indicate that maintaining annual scallop specifications based on annual scallop survey information provides benefits to the resource and fishery.
 - Amendment 19 to the Scallop FMP includes approved methods to update annual scallop specifications in a streamlined manner that is consistent with federal laws and regulations but reduces required analyses and regulatory burden.
 - Supplemental Information Reports (SIR) provide a mechanism to update existing approved management measures, such as annual specifications, without extensive NEPA analysis requirements.
 - The Scallop Survey Working Group recommendations can streamline and potentially reduce the timeline to incorporate annual survey information into management actions.

List of 2022 Scallop Priorities

- Finish work on FWV34 (ongoing)
- Specs for FY 2023 and FY 2024 (default)
- Evaluate rotational management program
- Support the Scallop RSA program (share days, priorities, reviews, etc.)
- Continue work of the scallop survey working group (SSWVG)
- Conduct scoping for a LA DAS and AA trips leasing program to assess: 1) the need for a leasing program; and 2) what should the leasing program consider, then decide on whether to move forward with developing an amendment (multi-step approach).
- Annual responsibilities related to estimating catch and bycatch (handled largely by GARFO/APSD)
- Council staff participate in the 2023 management track review of the scallop projection model.

Scallop outlook by quarter in 2022. How might we spend our time this year? Major Projects

Key:

Scallop led project

Center led project, with Staff involvement

Possible follow-up and/or implementation

Calendar Year	Jan – Mar	Apr - Jun	July - Sept	Oct - Dec
Scallop Survey Working Group	Sub-Group work and Third SSWG Meeting	Fourth/Fifth SSWG Meetings Project Wrap-Up		
Evaluation of Rotational Management	Final Report Complete Discuss results with Scallop Committee			
Framework 34	Preliminary and Final Submission			
LA Leasing	Draft and Finalize Scoping Document	Public Process – Scoping Meetings	Summarize Comments Step Two: Decide to move ahead or stop work	
Framework 35 (just specs?)		2022 Field Season	2023/2024 (default) Specifications	
SAMS Model Review	Agree to TORS, format		Staff Support	
Scallop RSA	Share Day and Set Priorities		Support RSA Program	

Planned Work and Multi-year Scallop FMP outlook

Key:									
Scallop led project		Habitat led project		Groundfish led project		Center led project, with Staff involvement		Possible follow-up and/or implementation	
Calendar Year	2021	2022		2023		2024		2025	
Surveys, Projections, Assessments	SSWG (Contractor Support, Joint with Center)		Implement recs of SSWG: Surveys, Wind, Modeling Approaches		Review of Projection Model (SAMS & GeoSAMS)	Implement recs of the projection review		Implement recommendations of the research track assessment	
Evaluation of Rotational Management	Eval. Rotational Management (Contractor Support)		Implement recommendations		MSE?				
Frameworks (Assuming Annual Specs)	FW34 (Implementing A21)		2023/2024 (default) Specifications		2024/2025 (default) Specifications		2025/2026 (default) Specifications Implement Assessment Results		
LA Leasing	Scoping for Leasing		Determine if Council will take action						
LAGC IFQ Program Review					Start in <u>early 2023</u> , focusing on FY2016-2021. Complete and present report in 2024.				
Northern Edge* (Habitat Led)	Complete White Paper		Determine if Council priority		Development of rotational fishing.	2024/2025 (default) Specifications			
Scallop RSA	Support RSA Program	Share Day, Set Priorities	Support RSA Program	Share Day, Set Priorities	Support RSA Program	Share Day, Set Priorities	Support RSA Program	Share Day, Set Priorities	Support RSA Program

*Not a 2022 work priority – hypothetical timeline

Limited Access Leasing Scoping Process

Petition for Rulemaking Process:

Scallopers Campaign Request for LA Leasing

DOC/NMFS has been asked to prepare an amendment to the Scallop FMP on LA leasing outside of the Council process.

Process so far:

- Request to the Secretary of Commerce on January 15, 2021
- NMFS letter to the Council on March 10, 2021
- **Council reply to NMFS on July 19, 2021**
- Scallopers Campaign letter to NMFS on July 29, 2021
 - Ask the agency to delay response to the Campaign's petition until after the Council's vote on 2022 scallop work priorities in December
- **New: Council voted to conduct scoping for Limited Access leasing as a 2022 work priority**

Next Steps:

- NMFS response to Campaign's petition

Proposed Approach for LA leasing priority

January - April

May - June

July - August

Council Approves
Scoping Document

8am July 5th:
Comment period closes

Develop Scoping
Document

Scoping Meetings

Scoping Summary
Report

September
2022:
Decision

Council accepting public comment on LA leasing

- Approve scoping document in April 2022.
- Public comment April 2022 – July 5th, 2022
- **Goal:** Decision on moving forward with a leasing amendment (yes/no) in September 2022.

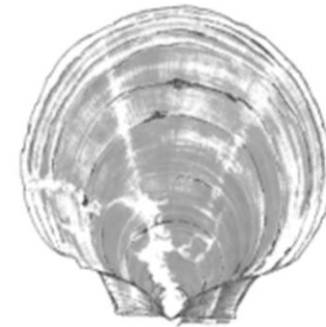
Draft Scoping Document:

- <https://s3.amazonaws.com/nefmc.org/Doc.-3-Draft-Scoping-for-LA-Leasing.pdf>
- **Limited Access Leasing Scoping Document (pp. 1-9)**
- Letter from NMFS on vessel replacements (pp. 11-13)
- Scallop Amendment 21 Scoping Document (pp. 14-30)
- Skate Amendment 5 Supplemental Scoping Document (pp. 31-40)

“The Council is conducting scoping for a scallop fishery Limited Access days-at-sea (DAS) and access area leasing program to assess: 1) the need for a leasing program, and 2) what elements the leasing program should consider. In September of 2022, the Council will decide whether to initiate an amendment to the Atlantic Sea Scallop Fishery Management Plan (FMP) that may allow the leasing of access area allocations and DAS in the Limited Access component of the fishery.” (page 1)

Atlantic Sea Scallop Fishery Management Plan

SCOPING DOCUMENT for Limited Access Leasing



Prepared by the
New England Fishery Management Council

Scoping Comments on Limited Access Leasing

- When: Now through 8am on July 5, 2022
- How: Oral comments at scoping meetings and written comments
 - Under new NEPA regs, planning to include and consider correspondence on the Limited Access leasing topic that arrives prior to the publishing of the scoping document.
 - Examples: See Correspondence for this meeting.



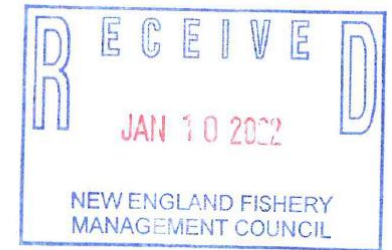
Mr. Thomas A. Nies
Executive Director
New England Fishery Management Council
50 Water St., Mill 2
Newburyport, MA 01950

January 4, 2021

Dear Mr. Nies,

The Scallop Plan Development Team (PDT) is scheduled to meet on January 18, 2022, and the agenda includes, "Scoping for Limited Access leasing: review a draft scoping document and discuss the process that the Council plans to use to gather public input on this topic". The Scallopers Campaign looks forward to working with Council staff and the PDT to provide you with any information we have gathered over the past three years on the leasing issue.

Chairman Eric Reid
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

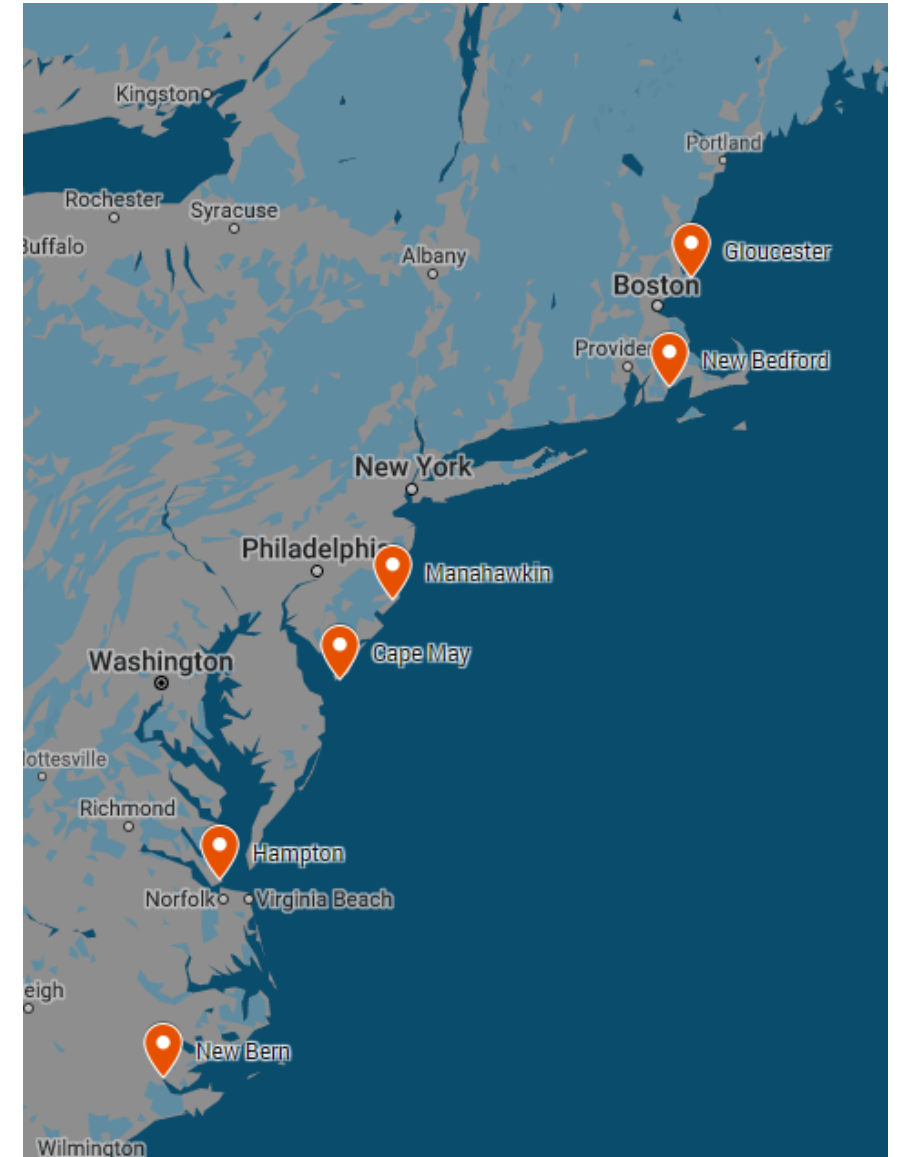


Dear Mr. Reid,

I am an owner of a shoreside business supporting the limited access (LA) fleet of the Atlantic Sea Scallop fishery. I would like to voice my opposition to the development of an amendment for leasing within this fishery. This particular fishery has remained one of the most prosperous fisheries in the world, mostly due to the current management structure. Changing the management of this fishery could not only harm independent owners, but also the shore support industry that rely on them. Most limited access permit holders in favor of leasing own vertically integrated companies and are primarily self-sufficient and have little necessity for outside shore support businesses.

Possible Scoping Meeting

- **Timing:** May and June, after scoping document is finalized in April.
- **Possible Locations:**
 - Gloucester, MA
 - New Bedford, MA (2 meetings?)
 - Manahawkin, NJ
 - Cape May, NJ
 - Hampton, VA
 - New Bern, NC
 - Webinars (multiple)
- **Input from AP/CTE:**
 - Timing – FY in full swing May/June
 - Geographic gaps?
 - Consolidate NJ to one site?
 - Other input?



Feedback from AP and Committee:

- Comments on the proposed process?
- Feedback on locations and number of scoping meetings?
- Input on the questions being used to gather feedback? What the Council scopes for informs what can be considered in a possible amendment (without additional scoping):
 - Temporary (1-year) leasing only vs. temporary and permanent transfers, as is done in the LAGC IFQ
 - PDT noted vessel replacement rules should be discussed
- Feedback on the data and information that may help stakeholders respond to these questions.

Why should I comment?

The scoping process is a way for the Council to collect information from the public. Your feedback will be considered by the Council as it considers whether to move forward with the development of an amendment. If the Council decides to initiate an amendment, this scoping process is needed to comply with aspects of the National Environmental Protection Act. This is the first and best opportunity for members of the public to share their perspective on Limited Access leasing.

What should my comments address?

During this scoping process, the Council is seeking comments regarding 1) the need for a Limited Access leasing program, and 2) what should a leasing program consider. While your comments may address any aspect of the specific issues identified during scoping, the Council is seeking your input on the following:

- If the Council were to recommend initiating an amendment, what should the goals and objectives of the action be? What problem(s) could the action address? Why is an action needed?
- What do you perceive the impacts of leasing to be? For example, how might leasing allocations impact the scallop resource, the environment, vessel owners, captains and crews, shoreside operations, etc.?
- What specific issues are most important when evaluating the tradeoffs of developing a DAS and access area leasing program for the Limited Access component?
- If the Council were to recommend initiating an amendment, what types of measures should a leasing program include? Should leasing rules be the same for open area DAS and access area trips? Should there be limits on the amount of DAS or access area allocations that can be leased? Should transfers of DAS or access area allocations be temporary and/or permanent?
- Are there other aspects of management that should be considered if a leasing program is developed? For example, vessel replacements, vessel baseline restrictions, monitoring, crew limits, access area trip limits, etc.?
- **AP and Committee feedback needed in this section.**

Feedback from AP and Committee:

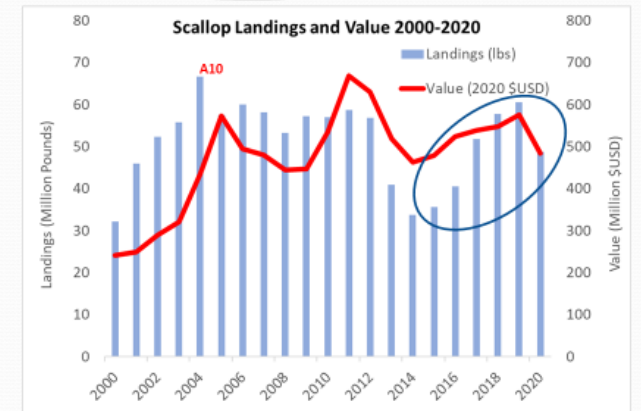
- Feedback on the data and information that may help stakeholders respond to these questions.
- ***Other topics to cover under background information:***
 - Permit activity
 - Landings
 - Information on ownership entities
 - Vessel age
 - Number of vessels per captain/crew (could look at the number of distinct operator permits in landings data)
 - Vessel replacement information
 - DAS and access area performance (see ERM report)

Table 1 – The distribution of Limited Access vessels by homeport state (source: 2021 GARFO permit data).

Homeport State	No. of LA Vessels
MA	150
NJ	98
VA	52
NC	38
CT	4
FL	3
RI	2
PA	2
ME	1

2015-2021 Landings and Value

- Average landings
 - ~50 million pounds
- Average value
 - ~\$525 million
- Average price per pound
 - ~\$11.00/lb
- Average trip cost per day (FT-LA)
 - ~\$1,800/day



Year	Landings (lbs)	Value (2020 \$USD)	Average Price/Lb	Trip Cost per Day (FT-LA)
2015	35,545,382	\$478,495,131	\$13.46	\$1,889
2016	40,537,301	\$524,387,354	\$12.94	\$1,669
2017	51,737,962	\$538,080,071	\$10.40	\$1,774
2018	57,811,101	\$547,744,143	\$9.47	\$2,019
2019	60,520,858	\$575,596,700	\$9.51	\$1,925
2020	48,704,540	\$484,040,669	\$9.94	\$1,756

Example of Data From ERM report:

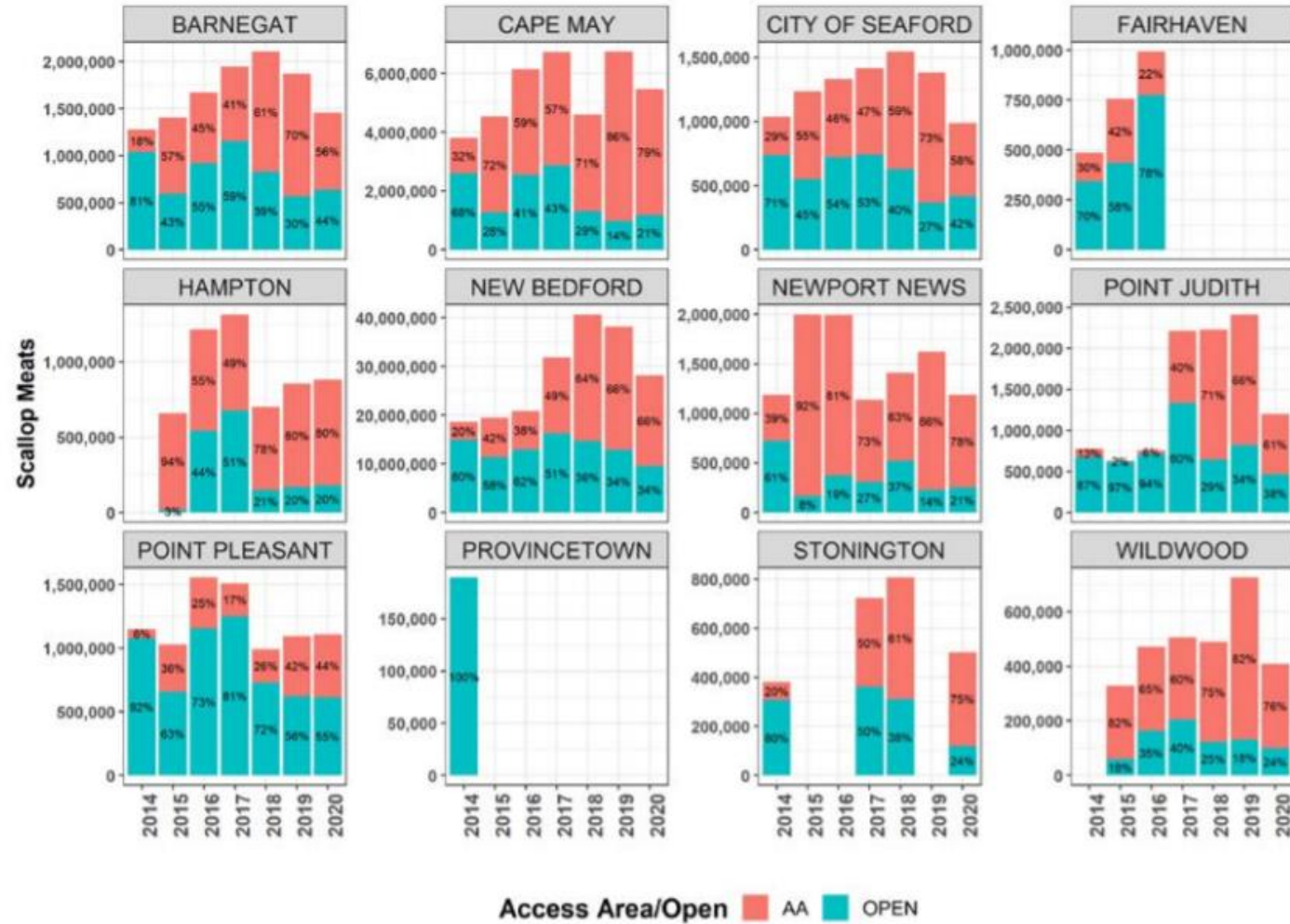
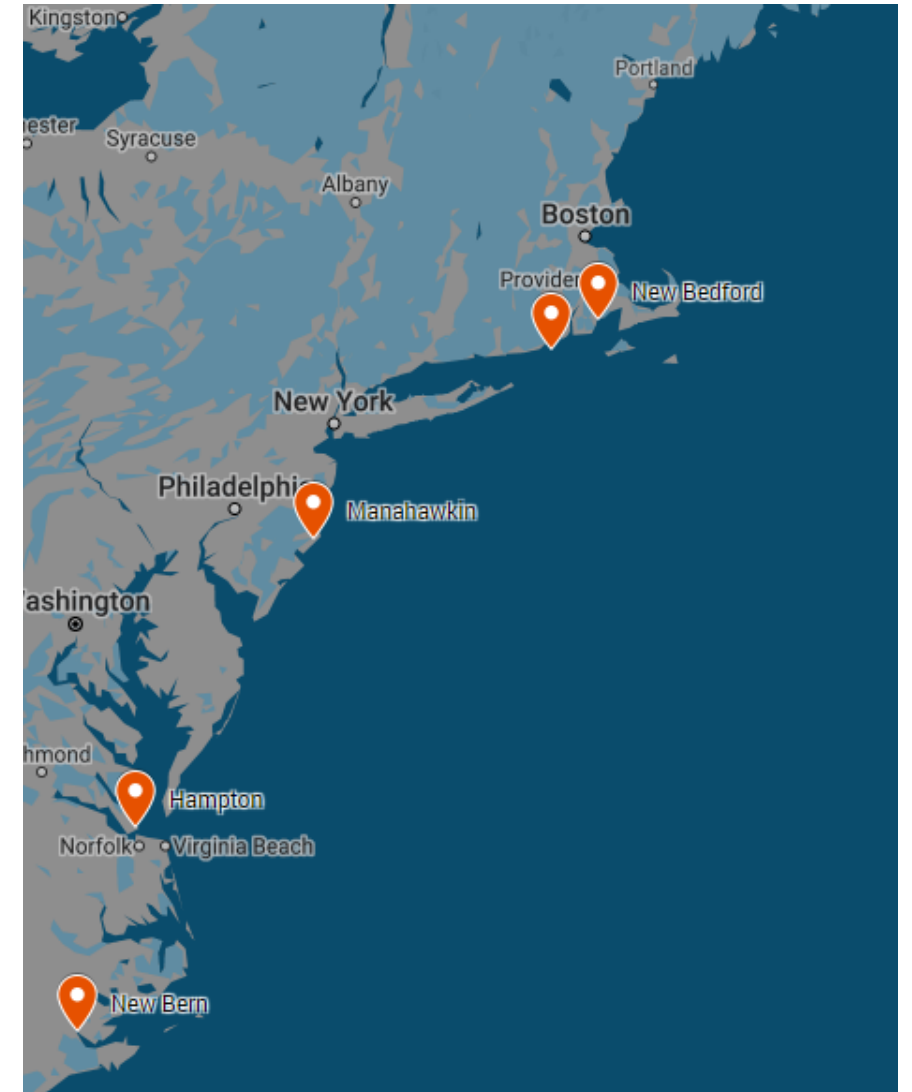


Figure 33. Landed scallop meat weight by port from access areas (red bars) and open areas (blue bars) from 2014 to 2021.

Updated: Possible Scoping Meeting

- **Timing:** May and June, after scoping document is finalized in April.
- **Possible Locations:**
 - ~~Gloucester, MA~~
 - New Bedford, MA (2 meetings?)
 - Rhode Island (URI, Point Judith?)
 - Manahawkin, NJ
 - ~~Cape May, NJ~~
 - Hampton, VA
 - New Bern, NC
 - Webinars (multiple? No more than 2)

- **Input from AP/CTE:**
 - Timing – FY in full swing May/June
 - Geographic gaps?
 - Consolidate NJ to one site?
 - Other input?



AP Input, Staff Comments

- Need to ensure there are enough meetings – May and June are busy months.
 - Consider RI – NJ boats port out of Point Judith. This would help CT fishermen.
- The majority of LA activity in New Bedford – strong support for 2 meetings in the city, spaced 2 weeks apart [stagger the meetings].
- Outreach is very important – work on new ways to get word out.
 - Circle back with Council Communications Officer and NMFS about outreach. **Talked to Janice.**
- Table 1 in the scoping document is reporting “home port state” vs. “principal port” state.
 - Look at the distribution by principal port state from the database. The 3 boats from FL operate out of VA.
- Comments on how the scoping summary is compiled. Are public comments weighted? How do you account for people who speak multiple times?
 - <https://s3.amazonaws.com/nefmc.org/190515-Scallop-A21-Scoping-Summary-Report.pdf>
 - **Public comments not weighted. 6 comments from the same person are summarized as comments from 1 person.**
- Utilize the input provided by the Scallopers Campaign in the scoping document so folks can respond to what that group is looking for.
 - **Scoping document is a Council product. Frame input as questions for stakeholders to respond to.**

AP Input, Staff Comments

- There is a lot of capacity of in the LA component.
- There should be a vision statement for the future of the entire scallop fishery. What is this fishery working towards?
 - Strategic planning was on the list of possible 2022 work priorities.
- How is leasing different than stacking?
 - Depends on what a leasing program might include, and how you define stacking.
- Comment that the scoping should focus on what has been proposed, and not be expanded to include other concepts like stacking.
- Streamline the scoping document – stick to leasing. There is no penalty to speaking to other issues, but the document should focus on what was asked.
 - Council vote was to scope for leasing. Suggest that any changes in what a possible amendment would consider be voted on.

Seeking Committee Input

- Process and Scoping Plan
 - Timing
 - Geographic Range of Scoping Meetings, Number of Meetings

Questions in Current Scoping Document

During this scoping process, the Council is seeking comments regarding 1) the need for a Limited Access leasing program, and 2) what should a leasing program consider. While your comments may address any aspect of the specific issues identified during scoping, the Council is seeking your input on the following:

1. If the Council were to recommend initiating an amendment, what should the goals and objectives of the action be? What problem(s) could the action address? Why is an action needed?
2. What do you perceive the impacts of leasing to be? For example, how might leasing allocations impact the scallop resource, the environment, vessel owners, captains and crews, shoreside operations, etc.?
3. What specific issues are most important when evaluating the tradeoffs of developing a DAS and access area leasing program for the Limited Access component?
4. If the Council were to recommend initiating an amendment, what types of measures should a leasing program include? Should leasing rules be the same for open area DAS and access area trips? Should there be limits on the amount of DAS or access area allocations that can be leased? Should transfers of DAS or access area allocations be temporary and/or permanent?
5. Are there other aspects of management that should be considered if a leasing program is developed? For example, vessel replacements, vessel baseline restrictions, monitoring, crew limits, access area trip limits, etc.?

AP Input, Seeking Committee Input

- Proposal: Use AP input as starting point for updating, **Green for agreement to add. (QX references questions in the scoping document, slide 26)**
- *From Chairman's Report:*
 - How might a leasing program affect the scallop resource? (Q2)
 - Should a leasing program have conservation benefits? What are the possible business and economic impacts? How might leasing effect your participation in the scallop fishery? (Q2 & Q3)
 - Should leasing of DAS and access area allocations be allowed, or limited to one or the other? (Document assumes both up for consideration)
 - Should vessel power adjustments be considered when leasing days-at-sea? (Q5)
 - Should temporary and permanent leasing be allowed? (Q4)
 - Should caps be considered on the amount of days-at-sea and(or) access area allocations that a vessel can lease in? (Q4)
 - Should the existing 5% ownership cap apply to allocations that are leased in? (Q4)

AP Input, Seeking Committee Input (Continued)

- Proposal: Use AP input as starting point for updating, **Green for agreement to add. (QX references questions in the scoping document, slide 26)**
- *From Chairman's Report:*
 - If permanent leasing is allowed, how might displaced scallop vessels impact other fisheries? **(Not specifically asked)**
 - If leasing program is developed, how should permit identities (i.e., landing history, vessel characteristics, permit type, etc.) be maintained and tracked? **(Not specifically asked)**
 - How might a leasing program impact shoreside businesses? **(Q2)**
 - How might a leasing program impact captains and crew **(Q2)** – for example, would captains and crew need to pay for lease costs to go fishing? **(Not specifically asked)**
 - How might a leasing program affect fleet capacity? **(Not specifically asked)** How might a leasing program reduce carbon emissions? **(Q3)**
 - How might a leasing program affect the seasonality of fishing, and if so, how could that impact the scallop resource? **(Q2)**



Questions?

Other Business