



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*

MEETING SUMMARY

Scallop Advisory Panel Meeting

May 26, 2020

Webinar Meeting

The Scallop Advisory Panel met via webinar on May 26, 2020 to: 1) develop recommendations for 2021/2022 Scallop RSA research priorities; 2) discuss the impact the COVID-19 pandemic will have on the development of 2021/2022 Scallop Fishery specifications and other 2020 work priorities; 3) begin discussions around President Trump's Executive Order on Promoting Seafood Competitiveness and Economic Growth; and 4) discuss other business.

MEETING ATTENDANCE:

James Gutowski (AP Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Kirk Larson, Ron Enoksen, Bob Maxwell, Brady Lybarger, Ed Mullis, Brent Fulcher, Kristan Porter, Ben Martens, Cassie Canastra, Chris Merl, Charlie Quinn, and Eric Hansen.

Vincent Balzano (Scallop Committee Chair) was in attendance on the webinar along with approximately 28 members of the public.

MEETING MATERIALS: Meeting Information: Doc.1a) [Meeting Agenda](#), Doc.1b [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c [Staff presentation on RSA and 2021/2022 Specifications Process](#), Doc.1d [Remote Participation Guide](#); 2021/2022 Scallop RSA Research Priorities: Doc.2a [Summary of Recent RSA Awards](#), Doc.2b [Scallop PDT research recommendations](#); Outlook for 2021/2022 Specifications Process, timing of 2020 scallop surveys: Doc.3a [Draft Guiding Principles for completing work on 2021/2022 Specifications](#), Doc.3b [Summary of May 8, 2020 Survey Group Call](#); Doc.4 [Executive Order on Promoting Seafood Competitiveness and Economic Growth](#), Doc.4a [Staff Presentation](#); Relevant Meeting Summaries: Doc.5a [May 12, 2020 Scallop PDT meeting summary](#), Doc.5b [May 19, 2020 RSA Share Day meeting summary](#), Doc.5c [May 21, 2020 Scallop PDT meeting summary](#); Doc.6 [Updating Commercial Fisheries Data on the Northeast and Mid-Atlantic Ocean Data Portals](#); Doc.7 [Correspondence](#)

The meeting began at 9:01 AM. Advisory Panel Chair Jim Gutowski welcomed the AP and members of the audience to the webinar. Due to the COVID-19 pandemic, all Council related meetings have been transitioned to webinars including the Scallop AP and Committee meetings. Staff reviewed instructions for participating in the webinar and gave an overview of the goals and objectives for the day's meeting.

Key Outcomes:

- The AP made recommendations to the Committee on 2021/2022 Scallop Research Set-Aside research priorities (see Motion 1).
- The AP discussed the outlook for 2020 in light of anticipated survey data delays and provided input to the Committee on potentially using 2019 survey data to set 2021 specifications, and highlighted areas of interest that could be prioritized if not all awarded survey coverage is completed in 2020 (Motion 2 and Motion 3).
- The AP provided the Committee with a list of recommended actions that could address Section 4 of the Executive Order on Promoting Seafood Competitiveness and Economic Growth (see Motion 4, Motion 5, and Motion 6).

2021/2022 Scallop RSA Research Priority Discussion

The primary goal for the meeting was to develop recommendations to the Committee related to 2021/2022 Scallop Research Set-Aside research priorities. Council staff presented background information on the Scallop RSA Program, highlighting recently awarded projects, expected RSA survey coverage for 2020 and 2021, and PDT input on research priorities for 2021/2022.

Motion 1: Hansen/Fulcher

The AP recommends the committee adopt the following list of Scallop RSA research priorities for 2021/2022:

SURVEYS (Highest Priority)

1. Survey Related Research

Survey results must be available by early August of the year in which the survey is conducted (e.g., survey results that would inform 2022 fishing effort decisions must be available by mid-August 2021). The survey or surveys do not need to be carried out by a single grant recipient. Survey data will be used to develop estimates of total and exploitable biomass to be used for setting fishery catch limits and allocations. Successful projects may be asked to provide data in a standardized format. The primary objective of these surveys would be to provide additional biomass estimates in addition to the federal survey to improve the overall precision of the scallop biomass estimate produced by the Scallop Plan Development Team.

1a. An intensive industry-based survey of each of the relevant scallop rotational areas (Closed Area II, Closed Area I, Nantucket Lightship, Elephant Trunk and Hudson Canyon) that will provide estimates of total and exploitable biomass to be used for setting fishery catch limits under the rotational area management program.

1b. an intensive industry-based survey of areas of importance (i.e., open areas with high scallop recruitment or areas of importance to the fishery). For 2021, the priority areas are where scallop recruitment was observed during 2020 surveys, and areas of the Gulf of Maine that have recently been or are likely to be fished (Stellwagen Bank).

1c. a resource wide industry-based survey of scallops within Georges Bank and/or Mid-Atlantic resource areas.

High Priority Non-survey research

2. Turtles: Research to support the investigation of turtle behavior in the Mid-Atlantic and Georges Bank (via satellite tagging or other means). This could include, but is not limited to, research to understand their seasonal movements, vertical habitat utilization, and the status and range of the population in response to climate change. This research could assist in the collection of data that may be required by current or future biological opinions.

3. Scallop Biology: Research on scallop biology, including studies aimed at understanding recruitment processes (reproduction, timing of spawning, larval and early post-settlement stages, age and growth, and yield), examination of environmental stressors on reproduction and growth, and mass mortality event, i.e. the disappearance of 50 million pounds of scallops in NLS-W. This priority also includes research on natural mortality, such as scallop predation (e.g., starfish, crab, snails, and dogfish), discard mortality, and juvenile mortality events.

General Research Needs (not in rank order)

4. Scallop Recruitment Supplementation: Research to develop the tools, such as spat collection, grow out of juvenile scallops, predator control, and offshore seeding, to supplement natural recruitment of scallops.

5. Bycatch: Identification and evaluation of methods to reduce the impacts of the scallop fishery with respect to bycatch of small scallops and non-target species. This would include projects that determine seasonal bycatch rates of non-target species, characterize spatial and temporal distribution patterns, collect and analyze catch and bycatch data on a near-real time basis, as well as the associated discard mortality rates of key bycatch species. Research efforts focusing on non-target bycatch should provide results that would help the scallop industry avoid pending or potential implementation of accountability measures. Projects should consider the enforceability and feasibility of regulations in the commercial fishery.

6. Gear: Commercial dredge research to improve scallop catch efficiency, improve scallop size selectivity, reduce scallop damage, reduce non-target species bycatch, and to reduce fuel consumption.

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

Discussion on Motion 1: The AP’s discussion on recommendations for the 2021/2022 RSA research priorities was relatively brief. One motion was offered with a list of priorities that passed unanimously. The list modified the PDT’s recommendation by highlighting turtle research as a non-survey high priority—this is in response to the Biological Opinion being reopened this year and the importance of informing turtle distribution, seasonal overlap with the scallop fishery, and the response of loggerhead turtle population to climate change. The AP also recommended that scallop biology, including but not limited to the missing 50 million pounds in the NLS-West, be identified as a non-survey research high priority. The AP did not support the PDT’s recommendation to add “evaluation of rotational management” under general research—they felt that this is work that the Council should support (i.e. similar to the 5-year LAGC IFQ performance report), not the RSA. The AP also recommended adding “scallop recruitment supplementation” to the list of general research priorities, which would support research on spat collection, grow out of juvenile scallops, predator control, and offshore seeding efforts.

Impact of COVID-19 on Surveys and 2021/2022 Specifications

The AP discussed potential timelines for development of 2021/2022 specifications in light of survey data delays as a result of the pandemic. AP members expressed some skepticism that survey work could be completed by late September in time for a January 2021 final action. The AP noted that a delayed opening in May on Georges Bank would allow scallop yields to improve, and could help with price. They also discussed the 2021 default specifications, which are 18 DAS and one 18,000 pound access area trip in the Mid-Atlantic Access Area for FT LA vessels. It was suggested that specifications could be based on 2019 data and follow the normal timing of development, but that any survey data that is available in the fall could be considered when making a final recommendation to the Committee. The AP supported a motion (see Motion 2 below) that identified a potential base run for 2021 that would be analyzed using 2019 data. The argument was that the run in Motion 2 provides general guidance on the areas that the AP thinks may support fishing in 2021, and these areas that should have priority for survey coverage if not all of the awarded coverage can be completed this year. The AP supported Motion 3 (see below) unanimously, feeling that having projections of exploitable biomass from the 2019 surveys would serve as a good starting point for developing 2021 specifications. An AP member felt that the Council should continue to

advance Amendment 21 if there is time to do so, so long as it does not interfere with setting specifications.

Motion 2: Fulcher/Mullis

The AP recommends that the Committee task the PDT to develop specifications options for the 2021/2022 using the 2019 survey data. This would include a run with:

- 3 (18,000 lb) AA trips in the MAAA
- 1 (18,000 lb) AA trip in CAII and CAII-SW
- ½ trip (9,000 lb) in NLS-S-deep

Rationale: Need a starting point for the specifications process. These are areas of interest if/when 2020 surveys can be completed.

The motion was approved by unanimous consent.

Motion 3: Hansen/Lybarger

The AP recommends that the Committee task the PDT to produce an exploitable biomass table for all areas for 2021 using 2019 data so that the AP and Committee can evaluate how much effort can be directed to each access area.

Rationale: The AP wants to know what the ceiling is for 2021 harvest based on the 2019 survey data.

The motion was approved by unanimous consent.

Executive Order on Promoting Seafood Competitiveness and Economic Growth

Staff provided an overview of the Executive Order (E.O.) recently signed by the President related to promoting seafood competitiveness and economic growth. Input from the AP on recommended actions to address Section 4 of the E.O. would be communicated to the Committee at their meeting later in the week and to the Council at their June meeting. The AP discussed several actions that could be recommended to the Committee in addressing the presidential E.O. Overall, there was agreement in recommending the points highlighted in the staff presentation, such as streamlining the LAGC closure noticing process and transitioning LA trip exchanges to an online platform, as well as recommending an action to facilitate access to the Northern Edge. The only point of disagreement was on recommending a DAS/AA leasing program in the limited access fishery. Those that disagreed with this recommendation and Motions, including the failed Motion 4 (below), did not necessarily oppose discussing this issue, but were concerned that the issue may not be fully debated if handled outside of the typical Council process.

Motion 4: Enoksen/Fulcher

That the AP recommends that the Committee include LAGC IFQ AA Closure Noticing, electronic access area trip exchanges, and LA Leasing (DAS and access area trips) as part of a list in response to the President's Executive Order.

Rationale: Items on this list would eliminate the regulatory burden of economic and operational inflexibility in the LA scallop fishery.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)		No		
Cassie Canastra		No		
Tom Coley				
Ronnie Enoksen,	Yes			
Brent Fulcher		No		
Kirk Larson	Yes			
Brady Lybarger		No		
Michael Marchetti				
Ben Martens			Abstain	
Bob Maxwell	Yes			
Chris Merl				Did not vote
Ed Mullis		No		
Paul Parker				
Kristen Porter			Abstain	
Charlie Quinn		No		
Paul Vafides				
TOTAL VOTE	3	6	2	

Motion 5: Fulcher/Mullis

The AP recommends that the Committee recommend that the Council request that the Secretary of Commerce initiate a leasing flexibility program for the LA Scallop fishery. If this program is recommended by the Secretary, it should be vetted through the Scallop AP prior to being implemented.

Rationale – The LA fishery needs flexibility right now. Other parts of this fishery already have additional flexibility. This request is in response to Section 4 of the President’s Executive Order: “reduce burdens on domestic fishing and increase production within sustainable fisheries...”

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)		No		
Cassie Canastra	Yes			
Tom Coley				
Ronnie Enoksen,	Yes			
Brent Fulcher	Yes			
Kirk Larson	Yes			
Brady Lybarger	Yes			
Michael Marchetti				
Ben Martens			Abstain	
Bob Maxwell	Yes			
Chris Merl		No		
Ed Mullis	Yes			
Paul Parker				
Kristen Porter			Abstain	
Charlie Quinn	Yes			
Paul Vafides				
TOTAL VOTE	8	2	2	

Motion 6: Fulcher/Quinn

The AP recommends including the Northern Edge as an action in response to the President’s Executive Order.

Rationale: With delays in 2020 surveys and COVID impacts on businesses, access to this area is important. Access to the Northern Edge can keep F rates are recent levels while allowing the fleet to harvest additional scallops that will die if the area remains closed. Access to this area would allow the fishery to protect scallops in other parts of the resource and maintain harvest levels.

The motion carried by unanimous consent.

Motion 7: Hansen/Larson

That the AP recommends that the Committee include LAGC Closure Noticing and electronic access area trip exchanges as part of a list of actions in response to the President's Executive Order.

Rationale: The LAGC closure noticing would satisfy requirement of noticing the public, but would significantly reduce the time needed to publish a notice closures relative to FR timelines. Streamlined noticing means that LAGC area closures would be more accurate and economically benefit the fleet (i.e. areas won't close early).

The motion carried by unanimous consent.

Updating Commercial Fisheries Data on the Northeast and Mid-Atlantic Ocean Data Portals—Dr. Fiona Hogan

There were no motions on this agenda topic. AP discussion was limited, but highlighted the importance of using historical data when characterizing the spatial extent of scallop fishing due to how effort has shifted over time.

Other Business

The AP briefly discussed experiences with new VMS units that replaced the McMurdo units which went offline at the start of the fishing year. The meeting ended at 2:22 PM.