



## New England Fishery Management Council

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Eric Reid, *Acting Chairman* | Thomas A. Nies, *Executive Director*

### MEETING SUMMARY

#### Scallop Advisory Panel and Plan Development Team Meeting

September 21, 2021

Webinar Meeting

The Scallop Advisory Panel (AP) and Scallop Plan Development Team (PDT) met jointly via webinar on September 21, 2021 to: 1) review 2021 survey findings and projections and provide input on 2022 and 2023 (default) specifications; 2) discuss LAGC IFQ access area trip accounting options and determine if measures should be included in FW34; 3) provide input on the list of potential 2022 work priorities; and 4) discuss other business.

#### ***MEETING ATTENDANCE:***

Advisory Panel: Jim Gutowski (AP Chair), Kirk Larson, Ron Enoksen, Ed Mullis, Brent Fulcher, Kristan Porter, Ben Martens, Cassie Canastra, Chris Merl, Charlie Quinn, Paul Vafides, Tom Coley, Mike Marchetti, Brady Lybarger, Jay Elsner, Bob Maxwell, and Eric Hansen.

PDT: Jonathon Peros (Plan Coordinator), Sam Asci, Ben Galuardi, Sharon Benjamin, Jessica Blaylock, Bill DuPaul, Rachel Feeney, Travis Ford, Dvora Hart, Chris Parkins, Naresh Pradhan, Dave Rudders, and Kelly Whitmore.

Melanie Griffin (interim Scallop Committee Chair) was in attendance on the webinar along with approximately 42 members of the public and the 2021 scallop survey groups.

The meeting began at 9:05 AM. Advisory Panel Chair Jim Gutowski welcomed the AP, PDT, 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 Advisory Panel recommended a range of rotational management options, open area DAS options, and possible closures for FY2022 (Framework 34).
- The Advisory Panel recommended that no further action is needed on the development of LAGC IFQ access area trip accounting options.
- The Advisory Panel recommended two additions to the list of possible scallop priorities for 2022.

Meeting materials can be accessed at [this link](#). Audio recordings of the full meeting can be provided upon request.

## Review of 2021 Survey Results, Fishery Data, Observer Data

Council staff provided an overview of findings from the 2021 scallop surveys, PDT discussion to date on the outlook for the 2022 fishing year, and recent fishery data. Jessica Blaylock (NEFOP) presented data from recent observed scallop trips, including discard to kept ratios for access area and open area trips. Given the low number of observed trips in 2020 and 2021, a question was raised around the potential for a vessel effect biasing the observer data – NEFOP staff noted that they had not yet had the chance to examine this question, but that there is interest in doing so in the future. An advisor noted that observer coverage for LAGC IFQ trips has been low in the past two years – NEFOP staff explained that observer coverage was low to non-existent in 2020 as a result of waivers issued to vessels during the first part of the pandemic, and also that coverage continues to be low in 2021 due to the lack of certified at-sea observer available to take trips. Ms. Blaylock noted that a summer training session had recently been completed and that about 20 new observers are in the process of being certified. Continued effort to increase the number of certified observers available is expected to improve coverage rates in the near future.

## Review of Initial 2022 Projections

Dr. Dvora Hart (NEFSC) presented the initial length frequency (L-F) projections for 2022 by SAMS area (see [Doc.1c2](#)).

- There was some discussion around the assumptions used for recruitment in the SAMS model and a suggestion that they should be adjusted considering the below average recruitment that has been observed in recent years. This approach might make sense for southern areas like VIR and DMV where recruitment has consistently been low for several years, but it was suggested to continue using long term averages because of how variable recruitment has been over time.
- There were some comments that the growth projection for Stellwagen Bank in the Northern Gulf of Maine seemed high compared to estimates for other areas – Dr. Hart confirmed that the projection was based on a recently published paper that focused on scallop growth on Stellwagen Bank, which assigned a higher Linfinity and K value than what is assumed for Georges Bank.
- Projections for Acceptable Biological Catch (ABC) are based on an assumption that each SAMS area is fished at an F of 0.45. Members of the PDT noted that F=0.45 is far greater than what most areas have been fished in recent years and it should not be used as a target – fishing at F=0.45 would be very aggressive, especially in areas where biomass continues to trend downward.

## General Discussion on 2022 Specifications

The PDT and AP felt that the NLS-South and Closed Area II region were the only areas capable of supporting access area fishing in 2022 (see Motions 1 and 2). The allocation options recommended for analysis by the AP offer different approaches for fishing these areas. Some allocate to the CAII-Ext and CAII proper separately (Motion 1, Motion 2 Run 3)– the rationale for this is that there is enough biomass in each respective area to direct fishing separately, instead of in one larger combined area such as what was done in the current fishing year. Other options maintain the current configuration (CAII-SW and Extension combined as one area) and keep CAII-SE closed (Motion 2 Runs 1 and 2) – some felt that this option was preferable because it will allow more flexibility to vessels fishing in the larger continuous area. The AP was interested in options that reduce the trip limit to 15,000 pounds – the reasoning for this approach is to help reduce fishing pressure in access areas knowing that the fishery will be depending on

the same areas for fishing opportunities in FY2023 and beyond. Concern was expressed about the amount of mortality associated with winter fishing when yields can be poor – several members of the PDT and AP felt that seasonal closures should be considered to help match fishing to times when yields are highest.

In CAI, the AP moved forward options that would make the area open bottom (4), or keep as a rotational area what could be fished by the LAGC IFQ and as RSA compensation fishing (Motion 3). Motion 3 suggested the same approach used for FY2021 (FW33) which would allow LAGC vessels to fish CAII allocations in CAI on Georges Bank.

The AP was supportive of analyzing a new closure area of the New York Bight that would protect the small scallops and improve yield-per-recruit. The PDT and AP also noted that recent research published by Dr. Hart (and others) suggests that a closure in this area may help improve the odds of increasing recruitment in areas to the south of the closure (Elephant Trunk area) (Motion 5, Motion 6). Initially there was some hesitation about establishing a new closure without knowing the duration, but ultimately the AP supported analyzing the closure on a one-year time scale with the understanding that it would be revisited next year when new survey data are available. The AP also preferred the rectangular draft closure boundary in the NYB because it keeps some area west of it available to LAGC and LA boats from the Mid-Atlantic region for open trips. The AP was also supportive of including an option for closing the NLS-West and some open bottom farther west considering the small scallops that were observed there in the 2021 surveys (Motion 5, Motion 6).

For DAS, the AP recommended looking at three options: 24 days, an F of 0.36, and an F of 0.3 which will be analyzed in the status quo run (Motion 6). There was limited discussion on the level of days that should be allocated, but there was interest in getting a better idea of the effect of what a closure in the NYB region would have on open area F and DAS allocations.

Discussion on NGOM F rates was brief. The AP voted to recommend F=0.15, 0.18, and 0.2 as the range of fishing mortality rates to set the TAL, and only including Stellwagen Bank in the projection because this is the area that is expected to support all fishing in FY2022 (Motion 7). There was one suggestion to keep the area closed another year considering that the scallops on southern Stellwagen were mid-20 count this year.

## SAMS Run Motions

### **Motion 1: Fulcher/Mullis**

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration:

- Set FT LA trip limit at: 18,000
- Allocate access area trips to the following areas:
  - 18,000 pound allocation to CAII-EXT 1 trip
  - 18,000 pound allocation to CAII (SW & SE – Original CAII-S GF area) 1 trip
  - 18,000 pound allocation to the (NLS-S) 1 trip
  - Allow for trading in 9,000 pound increments

*Rationale:* Split CAII for two access area trips, with CAII-EXT and CAII SW+SE as different areas. Combining the SW and SE so there is a larger amount of exploitable biomass available for fishing. Trading in ½ trips continues to allow flexibility for the fishery.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	Yes			
Wes Brighton				
Cassie Canastra	Yes			
Tom Coley	Yes			
Jay Elsner	Yes			
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			
Kristen Porter	Yes			
Charlie Quinn	Yes			
Paul Vafides	Yes			
TOTAL VOTE	15	0	0	0

**Motion 2: Enoksen/Larson**

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration:

Run 1:

- Set FT LA trip limit at 18,000
- Allocate access area trip(s) to the following areas:
  - 27,000-pound allocation to CAII (SW & Ext combined) (1.5 trips)
  - 18,000-pound allocation to NL/South Deep (1 trip)
  - Access area trips can be traded in 9,000 pounds

Run 2:

- Set FT LA trip limit at 15,000
- Allocate access area trip(s) to the following areas:
  - 30,000-pound allocation to CAII (SW & Ext combined) (2 trips)
  - 15,000-pound allocation to NL/South Deep (1 trip)
  - Access area trips can be traded 15,000 pounds

Run 3:

- Set FT trip limit at 15,000
- Allocate access area trip(s) to the following areas:
  - 15,000-pound allocation to CAII SW (1 trip)
  - 15,000-pound allocation to CAII Ext. (1 trip)
  - 15,000-pound allocation to NL/South Deep (1 trip)

- Access area trips can be traded in 15,000 pounds
- No Flexing

*Rationale:* Give the PDT a range to analyze. Concerns of having allocation of 18,000-pound trip in NL/South is too much. Develop an option to shift one million pounds from NL/South to CAII (SW/Ext). Each 15,000-pound trip limit for the fleet is about 5 million pounds, five million in NL/South and ten million pounds in CAII(SW/Ext) for a total of 15 million pounds.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides	YES			
<b>TOTAL VOTE</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Motion 3: Merl/Fulcher**

Recommend that the Committee task the PDT to develop measures in FW34 that shift the LAGC IFQ share of CAII AA allocations to Closed Area I for LAGC IFQ fishing, and allow RSA compensation fishing to occur in the area.

*Rationale:* This is the same approach as FW33. Gives LAGC IFQ component to an access area that is inshore relative to CAII.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner		NO		
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides	YES			
TOTAL VOTE	14	1	0	0

**Motion 4: Hansen/Elsner**

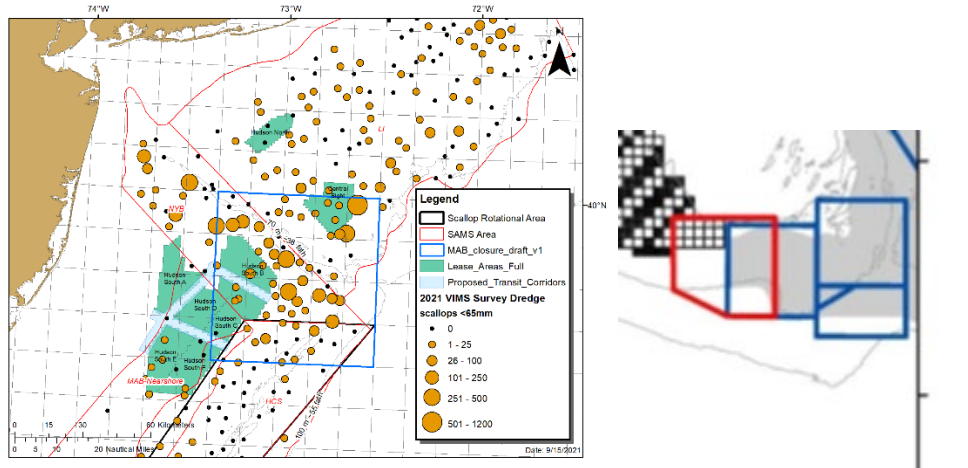
Recommend that the Committee to task the PDT to analyze reverting Closed Area I to open area, and how this would impact FT LA DAS.

*Rationale:* Want to see the affect of opening CAI will have on DAS allocations.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides	YES			
TOTAL VOTE	15	0	0	0

**Motion 5: Hansen/Fulcher**

Recommend that the Committee task the PDT to continue analyzing the rectangular area [shown below left] north of the current MAAA closure to protect the set of scallops observed in the surveys and also analyze a closure west of of the current NLSAA [option shown below right]. In conjunction with the analysis PDT should also analyze having MAAA revert to open bottom.



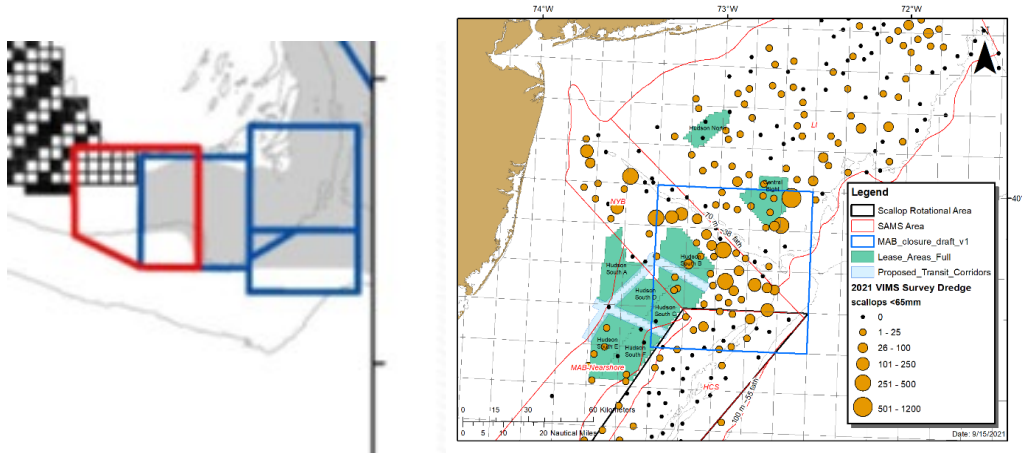
*Rationale: The rectangular area captures the bulk of the observed small scallops. These would be scallop closures and should be revisited.*

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides	YES			
<b>TOTAL VOTE</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Motion 6: Fulcher/Mullis**

The AP recommends that the Committee task the PDT to analyze open are DAS:

- Three options: F=0.36 and 24 DAS and F=0.3
- MAAA reverts to Open Bottom
- Two New Closed Areas:
  - MA/NYB (Sam A) Area (bottom right) – boundaries based on PDT analyses
  - NLW/NW (Ron S) Area (bottom left) – boundaries based on PDT analyses



	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides	YES			
<b>TOTAL VOTE</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>



**Motion 7: Porter/Martens**

Recommend that the Committee task the PDT to analyze a TAL for the NGOM of at F=0.15, F=0.18 and F=0.20 using only the Stellwagen Bank area of interest.

*Rationale:* To be cautious as the scallop biomass in the Stellwagen portion of the NGOM is made up of relatively young scallops. Most fishing will happen on Stellwagen Bank in 2022 if it is opened.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides		NO		
TOTAL VOTE	14	1	0	0

**LAGC IFQ Access Area Trip Counting**

Council staff provided a brief presentation on LAGC IFQ access area trip counting, which is a 2021 work priority for the Scallop FMP. There was limited discussion on this topic following the presentation, however, the AP was in agreement with the PDT’s recommendation to continue tracking LAGC IFQ access area fishing in terms of trips, and not transition to a pounds-based system (see Motion 8 below). A member of the AP suggested that this topic be raised again after the possession limit for LAGC IFQ access area trips is increased in FY2022 to see what effect the higher limit will have on access area utilization.

**Motion 8: Hansen/Fulcher**

Recommend that the Committee maintain the status quo for LAGC IFQ AA trip counting and not transition to using pounds to monitor the areas.

*Rationale:* The current system is working well. The LAGC IFQ does not lose pounds, they can fish the allocation in different areas or the open bottom.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley	YES			
Jay Elsner	YES			
Ronnie Enoksen	YES			
Brent Fulcher	YES			
Kirk Larson	YES			
Brady Lybarger	YES			
Michael Marchetti				
Ben Martens	YES			
Bob Maxwell	YES			
Chris Merl			Abstain	
Ed Mullis	YES			
Kristen Porter	YES			
Charlie Quinn	YES			
Paul Vafides		NO		
TOTAL VOTE	13	1	1	0

## 2022 Scallop Priorities Discussion

Council staff reviewed the current list of 2021 work priorities and initial list of potential 2022 work priorities, noting that input from the AP was needed to populate a full list of potential priorities to be considered by the Council over the next few months. There was a recommendation to add “predator management” to the existing priority “#28 Develop management and policy approaches for scallop seeding and grow out”; the AP moved this forward by unanimous consent (see Consensus statement #9 below). Another suggestion was to adjust the line where vessels can clock out of DAS when fishing an open area trip. With fishing happening farther and farther east, Mid-Atlantic vessels remain on the DAS clock during the extended transit home after open area trips end compared to landing in New Bedford. There was extended discussion on how DAS allocations work relative to demarcation lines, and ultimately the AP recommended considering looking into the subject as a 2022 priority (see Motion 10).

**#9 By consensus:** Recommend that the Committee move to add the following topic as a possible work item for 2022:

Add: “Predator management” to “#28. Develop management and policy approaches for scallop seeding and grow out.”

*Rationale:* This could include the development of other fisheries (moon snails) or just controlling larval predators.

Passed by unanimous consent.

**Motion #10: Larson/Fulcher**

Recommend that the Committee move to add the following topic as a possible work item for 2022:

Add: “Revisit the DAS clock counting system to address changes in resource distribution.”

Rationale: Scallop resource is to the east on Georges Bank. DAS clock system currently creates a disincentive for vessels to bring trips back to NJ to land their open area trips. Trying to make DAS usage more uniform for vessels fishing out of New Bedford and points in the Mid-Atlantic.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra	YES			
Tom Coley		NO		
Jay Elsner	YES			
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			
Kristen Porter	YES			
Charlie Quinn				
Paul Vafides	YES			
<b>TOTAL VOTE</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>0</b>

**Other Business**

Under other business, there were recommendations and a motion to increase the possession limit for LAGC vessels fishing the NGOM set-aside from 200 pounds to 400 pounds through FW34 (see Motion 11). Some members of the AP and public felt that the current 200 pound limit is prohibitive to LAGC IFQ vessels fishing in the area due to the cost of quota, and that a higher trip limit would make the NGOM a more viable fishing opportunity in the future. Members of the AP noted that the Council had considered NGOM trip limits in Amendment 21, and that the motion applied to all LAGC NGOM permitted vessels, which also includes Limited Access vessels that also hold NGOM permits. That motion failed.

Another motion was raised under other business urging the Council to set the GB YT ACL to zero (see Motion 12). The interest in this idea is to keep this stock from restraining the scallop fishery given the downward trend in biomass and little to no directed fishery on GB YT in recent years.

**Motion #11: Vafides/Merl**

Recommend that the Committee develop measures in FW34 that would allow all LAGC permitted vessels to land 400 pounds per trip against the NGOM Set-Aside, if Amendment 21 is approved by NMFS.

Rationale: The NGOM area is not profitable for LAGC IFQ vessels at 200 lbs per trip. IFQ vessels need to use quota when fishing in the NGOM, and may have to lease pounds.

	Yes	No	Abstain	Recuse
<b>Scallop AP</b>				
James Gutowski (Chair)				
Eric Hansen (VC)		NO		
Wes Brighton				
Cassie Canastra				
Tom Coley		NO		
Jay Elsner		NO		
Ronnie Enoksen		NO		
Brent Fulcher		NO		
Kirk Larson		NO		
Brady Lybarger		NO		
Michael Marchetti				
Ben Martens		NO		
Bob Maxwell		NO		
Chris Merl	YES			
Ed Mullis		NO		
Kristen Porter		NO		
Charlie Quinn				
Paul Vafides	YES			
TOTAL VOTE	2	11	0	0

**Motion #12: Hansen/Fulcher**

The AP recommends the Scallop committee makes a motion that urges the Groundfish committee and the Council to set the ACL for GBYT at 0.

Rationale: Catch and landings of GBYT are at historic lows and diminish, with only 14 mt caught last year. There is no longer a directed fishery for the species and there is nearly no income (\$15,000) generated from the catch of GBYT. However, GBYT acts as an unnecessary constraint under the current management regime to scalloping and ground fishing on Georges Bank. According to the surveys, there is currently 4 times the amount of scallop biomass on GB as there is in the Mid-Atlantic, making GB essential to the scallop fishery going forward. If the GBYT ACL is set at zero, all landings are banned and all incentive to catch the stock is removed. Given the limited status of the GBYT resource, it is in the best interest of the entire fishing industry to remove any incentive to catch GBYT. If the ACL is set at zero, then then under the national standard guidelines there is no need for the Council to enact additional accountability measures as long as the catch stays at its current low levels.

	Yes	No	Abstain	Recuse
Scallop AP				
James Gutowski (Chair)				
Eric Hansen (VC)	YES			
Wes Brighton				
Cassie Canastra				
Tom Coley	YES			
Jay Elsner	YES			
Ronnie Enoksen	YES			
Brent Fulcher	YES			
Kirk Larson	YES			
Brady Lybarger	YES			
Michael Marchetti				
Ben Martens			Abstain	
Bob Maxwell	YES			
Chris Merl				
Ed Mullis	YES			
Kristen Porter	YES			
Charlie Quinn				
Paul Vafides		NO		
TOTAL VOTE	10	1	1	0

No other business was discussed. The meeting adjourned at 5:16 PM.