



## New England Fishery Management Council

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### MEETING SUMMARY

#### Scallop Advisory Panel

Waypoint Event Center, Fairfield by Marriott, New Bedford, MA

September 19, 2017

The Scallop AP met in New Bedford, MA on September 19, 2017 to: (1) review and discuss 2017 scallop survey results, preliminary biomass estimates, meat quality, and fishery data, (2) discuss potential fishery specification alternatives to be developed further in Framework 29, (3) review and discuss Northern Gulf of Maine survey results and management measures, (4) receive a presentation on the LAGC IFQ Program Review, (5) provide input to Committee for potential scallop work priorities for 2018, (6) discuss if there are regulations in the Scallop FMP that could be eliminated, improved, or streamlined based on recent Executive Orders, and (5) discuss other business.

**MEETING ATTENDANCE:** Michael Bomster, Ronald Enoksen, Brent Fulcher, James Gutowski (Advisory Panel Chair), Eric Hansen, Kirk Larson, Brady Lybarger, Michael Marchetti, Robert Maxwell, Ed Mullis, Paul Parker, Kristan Porter, Tom Reilly, and Jonathon Peros (PDT Chair). Mark Alexander, Chair of the Scallop Committee was in attendance, along with approximately 30 members of the public.

**SUPPORTING DOCUMENTATION:** (1) Meeting Memo from Scallop Committee Chair, Mr. Mark Alexander, (2) Scallop Framework 29—(a) Draft Framework 29 Action Plan, (b) FW29 Discussion Document, (c) Northern Gulf of Maine Management Measures Discussion Document, (d) Flatfish Accountability Measures Information, (e) Draft 2017 survey biomass estimates, (3) Scallop PDT meeting summaries—(a) June 27, 2017 Scallop PDT meeting summary, (b) July 21, 2017 Scallop PDT meeting summary, (c) August 29 & 30 Scallop PDT meeting summary, (d) September 12, 2017 Scallop PDT meeting summary, (4) Draft of list of Potential 2018 Priorities for Scallop FMP, (5) 2018/2019 Scallop RSA Federal Funding Opportunity, (6) Correspondence, and (7) LAGC IFQ Fishery Program Review.

#### **KEY OUTCOMES:**

- The Scallop AP reviewed 2017 survey information and recommended the Committee task the PDT with multiple SAMS runs and analyses relevant to FW29 specifications.
- The Scallop AP formed recommendations to the Committee that would task the PDT with the development of Northern Gulf of Maine management measures that address how the TAC may be split in 2018 and 2019, and the harvest strategy for the LA component's share.

The meeting began at 9:37 am. Jim Gutowski, AP Chair, welcomed members of the AP and public to the meeting. Following introductions of AP members and members of the public, Council staff reviewed the schedule of upcoming Scallop meetings:

- Scallop PDT meeting – Boston, MA on September 25<sup>th</sup>
- Council meeting September 26 – 28.
  - Scallop Report on Thursday at 9:30am.
- SSC meeting on October 12<sup>th</sup> (OFL/ABC)
- AP and Committee – Boston, MA on October 25<sup>th</sup>/26<sup>th</sup>
- November meetings have not been planned
  - Will be week before or after Thanksgiving.
- FW29 Final Action – December Council Meeting
  - December 5 – 7 in Newport, RI
- Target implementation date for FW29: April 1, 2018

The PDT will review the first SAMS runs for 2018 exploitable biomass at their September 25<sup>th</sup> in-person meeting in Boston, MA.

### ***2017 survey results, preliminary biomass estimates, meat quality, and fishery data***

#### **PART I—Summary of 2017 surveys:**

Five survey groups surveyed the entirety of the Georges Bank and Mid-Atlantic scallop resource in 2017. Additional RSA funding was put towards two surveys of the southern portion of the Northern Gulf of Maine management area (NGOM). Overall, survey findings did not detect strong signals of recruitment into the resource in 2017.

The VIMS dredge survey covered the Mid-Atlantic, Nantucket Lightship (NLS), and Closed Area II (CAII) access area and extension. Survey findings suggests scallops in ET-closed and NLS-AC-S continue to grow slower than expected, which is consistent with 2016 findings.

The SMAST drop camera survey completed a broad scale survey of Georges Bank and the Mid-Atlantic, with high-resolution surveys of the Elephant Trunk (ET), Closed Area I (CAI), and CAII access area and extension. The CAI ‘sliver’ is holding high densities of 7-year-old scallops. High densities were observed in ET-closed, NLS-AC-S, NLS-NA, and NLS-ext. Animals in these high-density areas seem to be growing slower than expected. Some recruitment (scallops < 75 mm) was observed along the western boundary of ET and DMV, as well as in CAII extension and Long Island (LI).

WHOI surveyed the northern portion of CAII including the Northern Edge HAPC using HabCam v5. The majority of exploitable scallops were observed in the Northern Edge portion of the survey. Survey findings suggest there to be several cohorts of scallops within the survey area.

CFF surveyed the NLS using HabCam v3. The highest densities and majority of biomass were observed in NLS-AC-S and NLS-NA. Animals in NLS-AC-N were mostly > 100 mm. Biomass

in NLS-ext seemed to be driven by a small, high-density aggregation; these findings were corroborated by findings from both the VIMS and SMAST surveys in this area.

The NEFSC survey covered Georges Bank and the Mid-Atlantic using a survey dredge and HabCam v4. Besides some along the northern edge, no recruitment was detected across the resource. High densities of 5-year-old scallops were observed in NLS, Hudson Canyon (HC), and ET. Survey findings suggest that slow growth in high density areas continues to be an issue.

## **PART II—Summary of PDT discussion to date:**

Analysis performed by the PDT has investigated LPUE, market grade, and ex-vessel prices in FY2017. Open-area LPUE in FY2017 was driven initially by NGOM landings and then sustained by fishing off Long Island; LPUE has been much higher this year than in FY2014-2016. Cumulative landings and market grade by week for access and open-area fishing shows predominantly 10/20 count scallops being landed in open areas, U10's in the NLS, and 20/30 counts in the MAAA. A linear model of FY2017 (through July) average ex-vessel market price shows a decreasing trend across access area and open area fishing.

Based on 2017 survey findings and fishery data, the PDT has identified the following issues and recommended solutions:

- Continuation of slow growth in high density areas, particularly in NLS-S, NLS-NA.
  - The PDT is recommending using SH/MW parameters from 2016/2017 VIMS data for the NLS-S and NLS-NA closure.
  - The PDT is recommending modifying growth parameters in NLS-S and ET-Flex based observations slow growth.
- The PDT is recommending using Hennen and Hart SH/MW for all other areas.
- Dredge efficiency in high density areas remains an issue.
  - Will be addressed at 2018 benchmark.
- 2017 survey biomass estimates reflect proposed changes to SH/MW estimates.
  - The net result of these changes are more conservative estimates of overall biomass.

Based on a review of preliminary biomass estimates, the PDT suggested that combining CAII AA and CAII extension could allow for a trip to this area in FY2018 (CAII extension could be reopened for FY2019). Because Georges Bank yellowtail flounder bycatch will continue to be an issue here, the PDT is working to consider different seasonal closures in CAII extension than in CAII AA.

The 7-year-old scallops observed in CAI 'sliver' seemed to be healthy and are ready to be harvested; however, this area is currently not available to the fishery (contingent on OHA2 final rule). The PDT supports access to CAI if the AA boundary is expanded to include the biomass that has been observed in the "sliver" area. It was noted that meat quality in CAI tends to decline in the fall.

The PDT is seeking input on potential management approaches for the NLS given the observed high-densities and slow growth of animals in the 2017 surveys. The PDT noted that biomass in the NLS-AC-N is not likely enough to support a full trip in FY2018, but would possibly be enough to support a full trip in FY2019. The PDT does not support combining biomass from other areas to justify higher overall landings that are expected to come from NLS-AC-N.

Biomass estimates from the MAAA suggest that this area could support multiple trips in FY2018. The PDT is seeking guidance from the AP and Committee on how to align access to the MAAA while keeping in mind the potential growth issues in high-density areas and observed recruitment along the western edge of ET and DMV.

Open area recruitment was unremarkable in 2017, suggesting that the large 4-year-old cohort in the resource now may be needed to sustain open area fishing for the next several years. In light of this, the PDT recommends that a lower target F rate be set for open area fishing in FY2018.

The PDT will review the first SAMS model run at their in-person meeting on September 25<sup>th</sup>. SAMS model runs will be presented to the AP and Committee at their October meetings, where input will be sought on FY2018 alternatives (i.e. ideas for access area trips, ideas on open area fishing, RSA compensation fishing). The SSC will meet on October 12<sup>th</sup> to recommend the OFL and ABC limits for Framework 29 specifications.

#### **AP discussion:**

Upon inquiry from the AP, Council staff noted that the high-density aggregations of scallops in HC are not experiencing the slower than expected growth as seen in the NLS and ET. Shell height data showed a new cohort was detected in the NLS-N, but that overall it was not a very large year class. A member of the AP noted that it would be helpful to review bycatch seasonality information in CAII vs. CAII extension at the October meeting.

#### **Public discussion:**

Discussion between a member of the public and the AP noted the low station coverage in NLS-ext resulted in high uncertainty around the biomass estimate in this area. Despite the uncertainty, it was noted that this high-density aggregation of scallops in NLS-ext was not targeted in FY2017, and that most fishing in the NLS was seen in NLS-AC-N.

*“Effective Biomass and Atypical Growth: Considerations for 2018 Fishery Specifications”— Dr. Dave Rudders (VIMS)*

Dr. Dave Rudders synthesized 2017 survey data relevant for the AP and Committee to consider as they begin to form Framework 29 specifications. Overall, it was noted that the resource is in good shape, but that there are some caveats to be aware of when contemplating the outlook for FY2018 (i.e. implications of nematode prevalence on directed effort and market quality, slow growth in high-density areas, lack of recruitment). Key points of the presentation were:

- The resource appears to be in good shape although limited recruitment was observed.
- Data suggests that nematode distribution did not appreciably expand in 2017 from levels observed in 2016.

- Scallop growth, while variable in the NL-S and ET-Flex, appeared to be below expectation. A large portion of the total resource wide biomass is contained in those areas.
- Both nematodes and slow growth in the NL-S and ET-Flex are issues to be considered for 2018 specifications.

#### **AP discussion:**

Following the presentation, AP discussion noted that nematode prevalence in smaller scallops is likely a function time; Dr. Rudders explained that nematode infection seems to be an accumulative process (i.e. more exposure time leads to a higher probability of infection). It was also noted that infected scallops do not recover from nematodes. Preliminary findings suggest that scallops infected with the nematode that are discarded at sea do not further spread the infection.

Cursory observations from the 2017 VIMS survey of NLS noted that scallops outside of the high-density aggregations were at the later stages of the spawning cycle, whereas animals inside high-density aggregations were not; this was likely a result of density dependence and should be acknowledged when the reproductive expectations of high-density scallops are considered. As density-dependent factors are likely contributing to anomalously slow growth of these animals, it was suggested that thinning out high-density areas may allow for growth to return to normal; to this point, Dr. Rudders noted that thinning would be very difficult to do from a harvesting standpoint due to the extreme magnitude of biomass observed. Transplanting animals from these high-density aggregations was suggested as a solution to improve growth; Dr. Rudders explained that he has not participated in transplantation work; however, he did note that if it was possible, these 6 year old animals likely would not grow much larger than they are based on typical growth-at-age expectations. Another issue with transplanting is that these scallops have paper thin shells and are very easily damaged when caught by a dredge.

A member of the AP suggested that, if OHA2 is implemented before next year, access to the CAI 'sliver' and western part of NLS (NLS-NA) could help relieve pressure in other areas of the resource. It was noted that the PDT is in support of this concept. Council staff has been working to figure out specifications in the scenario where OHA2 is implemented before FY2018, while also staying mindful of the timing of Framework 29 and addressing the rest of 2017 work priorities.

*Discuss potential fishery specification alternatives to be developed further in Framework 29*

#### **Motion 1: Parker/Larson**

The Advisory Panel suggests the Committee direct the PDT to add a run considering: 5 total AA trips. 1 trip in CA II (including the ext), 1 trip in Nantucket Lightship (include the N, S, ext, and NA), 1 trip in CAI (include CAI and CAI-N-NA), 1 trip in ET-Flex, 1 trip in MAAA.

*Rationale:* This will require implementation of OHA2 and focus industry, NMFS, and NEFMC on the importance of getting habitat implemented by the 2018 FY. The AP is looking for access

to NLS with or without access to the NLS-NA. Aim for a full trip in CAI for everyone. The PDT has recommended lowering F in open areas, and to make that palatable we are recommending more trips in access area.

The motion carried on a show of hands. 12-0-0.

All members of the AP strongly supported the intent of Motion 1, feeling that it would send a clear signal that there is a large benefit in having access to post-OHA2 areas compared to the current outlook of the FY2018 fishery. There was some AP discussion on which areas to include in the motion; some were concerned that being too specific would ultimately limit the fishing industry's options if OHA2 does not go through before FW29, while others believed being as specific as possible would provide the best alternatives to review in the coming months. Council staff reminded the AP that deciding where the fishery operates in FY2018 can be discussed at a later time once exploitable biomass is projected and the status of OHA2 is updated; at this point in the process, discussion should focus on the possible scenarios that are currently available, and how the current rotational management could impact available biomass.

Travis Ford (GARFO) explained to the AP that the most likely scenario is that final decision for OHA2 will be after the final decision for Framework 29, but before Framework 29 is implemented, making the inclusion of post-OHA2 fishery specifications difficult to include in Framework 29. It was also noted that the Georges Bank and Southern New England portions of OHA2 could be handled differently (for example, SNE could be approved but not GB, and vice versa), meaning it is possible that NLS-NA may become available to the scallop fishery while CAI-NA-N does not (and vice versa). In light of this, it was suggested that several alternatives be discussed in addition to Motion 1 that consider all potential scenarios with regard to the timing and outcome of OHA2.

Further discussion by the AP and public acknowledged that the normal process provides several model runs based on different access scenarios for the AP to consider; thus, this motion and other tasking motions to the PDT do not necessarily exclude other potential access scenarios (all of which will be reviewed and discussed at the October AP meeting). The AP was opposed to 4 trips to the MAAA and 1 trip to CAII (previously noted as a potential 2018 management scenario), citing that the MAAA would not be able to handle that much fishing.

## **Motion 2: Fulcher/Lybarger**

The Advisory Panel recommends that the Committee direct the PDT to develop an alternative to expand the NLS access area to the west, following the footprint of the NLS-NA area.

*Rationale:* Modifying AA boundaries is needed to facilitate access to areas that may open through OHA2. Modifications to the NLS Access Area boundary are contingent upon the final rule of Omnibus Habitat Amendment 2.

The motion carried on a show of hands. 12-0-0.

*Discussion:*

The intent of Motion 2 was to further specify the AP's interest in reviewing potential post-OHA2 management scenarios for FY2018. The AP noted that the PDT is not able to make a new access area until OHA2 is implemented into management. It was also suggested that, when OHA2 is implemented, the NLS-NA area could be managed as a separately from the current NLS access area.

**Motion 3: Lybarger/Larson**

The Advisory Panel suggests the Committee direct the PDT to add a run considering: 5 total AA trips. 1 trip in CA II, 1 trip in Nantucket Lightship, 3 trips in MAAA (with no Flex boundary). Make the NLS-ext, the CAII-ext, and Delmarva open bottom, and set DAS at  $F=.4$  and  $F=.48$ . Consider a seasonal closure of the current CAII-ext area to protect yellowtail founder.

*Rationale:* Lifting the flex boundary improves safety and allows transit across that area for both GC and LA.

The motion carried 12-0-0.

*Discussion:*

Motion 3 describes a potential 2018 management scenario based on the areas of the resource that are currently available to the fishery. The AP expressed interest in reviewing a range of DAS to better understand the outlook of fishing fewer DAS (recommended by the PDT) compared to DAS at maximum sustainable yield for FY2018. Members of the AP acknowledged that opening NLS-ext and CAII-ext will increase the amount of open-area biomass available, and consequently increase the DAS recommendation from the SAMS model. A member of the AP suggested the group not recommend a lower F rate than what was set when the fishery recovered, noted that it may be counterproductive to the overall goal of industry. Mark Alexander, Scallop Committee chair, suggested that, because the resource is experiencing low recruitment, opening extensions one at a time may help sustain open-bottom fishing for the foreseeable future.

**Motion 4: Hansen/Parker**

The Advisory Panel recommends that the Committee direct the PDT to develop an alternative that would allocate a trip with a fixed number of pounds to each FT LA vessel (with corresponding allocation to LAGC IFQ), which would have to come out of the NLS-S exclusively.

*Rationale:* Slow growth of the scallops in NLS-S, the very large biomass, and the age of the animals in the area. Financial and potentially biological benefits. This would be a one-year, finite allocation.

The motion carried on a show of hands. 12-0-0.

The maker of Motion 4 noted that the 5 year old scallops in NLS-AC-S have not, and likely will not, grow to optimal yield; despite the less-than-preferred scallop yield in NLS-AC-S, the purpose of Motion 4 was to help propagate the resource for the future.

### ***Northern Gulf of Maine survey results and management measures***

AP chair Jim Gutowski moved the group's focus towards PDT work to date and survey findings from the NGOM in 2017. The PDT is still developing an estimate of 2018 exploitable biomass in the area. It was further noted that AP input is needed on two main items with regard to the NGOM: (1) how to split the NGOM TAC between fishery components, and (2) developing a harvest strategy for Limited Access vessels operating in NGOM in FY2018.

Results from the SMAST drop cam survey of Stellwagen Bank noted a mean shell height of ~100 mm and total exploitable biomass of approximately 500,000 lbs. It was noted that SMAST did not observe any strong recruitment on Stellwagen.

Results from the CFF HabCam survey of southern Jeffreys Ledge estimated biomass to be roughly 335,000 lbs. On Stellwagen, total biomass was estimated at approximately 1 million lbs with observed shell heights mostly between 95 and 110 mm. Like SMAST, the CFF survey did not observe and strong recruitment on Stellwagen.

Projected exploitable biomass in the NGOM will be estimated using the same methods as in other areas of the resource (using SAMS model); however, NGOM projected exploitable biomass will not be considered in the SAMS model for the rest of the resource. Though exploitable biomass for FY2018 was not available for review, a conservative (with  $F = 0.3$ ) preliminary estimate suggests an overall TAC of a few hundred thousand lbs (as opposed to a few million lbs). As the majority of exploitable biomass is on Stellwagen Bank, the PDT expects the majority of FY2018 fishing effort to be directed there. The PDT recommended 3-year specifications be considered for this area (FY2018, 2019, default 2020), with the option to revisit them in 2019 if additional survey data becomes available. Also, the PDT recommended VMS declarations and trip limits be considered as harvest controls for all components operating in the NGOM.

### **Motion 5: Porter/Enoksen**

The Advisory Panel recommends that the Committee direct the PDT to develop an alternative that would allocate the first ("floor") 95,000 lbs to the GC component, with the remaining TAC split 25% to GC and 75% to LA.

*Rationale:* Need a short-term fix, use an amendment to fix permanently. The 25%/75% split would not be permanent, and the intent is that this would be revisited by the Council at a later date. No recent recruitment.

The motion carried on a show of hands. 11-0-1.

Discussion:



The maker of the motion noted that the hybrid approach to splitting the NGOM TAC was initiated at the previous meeting prior to when NGOM survey results were available. He further noted that, though the NGOM biomass is not as high as what the AP initially expected, the hybrid approach still offers a short-term fix which should be addressed permanently in a trailing Amendment in the coming years.

A few members of the public felt that this motion would overcomplicate how the NGOM resource will be split. Others voiced support for the motion, citing that it sets an appropriate precedent for how the TAC will be split (in the following years prior to an Amendment).

AP discussion then moved towards how the LA portion of the NGOM TAC will be distributed across the fleet. Initial suggestions for LA lbs that can be fished in the NGOM included (1) forming a lottery, (2) allowing for LA vessels to carry over lbs until enough lbs are built up to make a worthwhile trip, and (3) potentially requiring the LA portion of the FY2018 NGOM TAC to be fished exclusively as RSA compensation lbs. The AP showed interest in assigning the LA portion of the NGOM TAC as RSA compensation fishing. Council staff noted that this option will be reviewed by the PDT, and that final exploitable biomass estimate for the NGOM will be ready for the AP to review at their October meeting.

#### **6. By consensus:**

The Advisory Panel recommends that the Committee direct the PDT to develop an alternative that would require calling into the NGOM area, and requiring vessels to only fish in this area on a NGOM trip. Overage would be reduced from the following year's TAC.

*Rationale:* This would apply to LA fishing in the NGOM area.

#### ***2018 Work Priorities Discussion***

Council staff directed the AP towards initial discussion on potential work priorities for 2018, noting that final recommendations for 2018 work priorities will be formed at the October meeting. A draft list of potential work priorities for 2018 is shown in Table 1. Council staff noted that a recent proposal for an Amendment to the Scallop FMP which would create harvester associations is on the draft list.

The PDT's recommendations for potential work priorities in 2018 include:

1. (TOP PRIORITY) Work on modifying access areas after OHA2 is final.
  - a. Animals in CAI 'sliver' will be 8 years old and scallops in NLS-NA are ready to be fished. Increased mortality of scallops in CAII-N has been noted in recent surveys.
2. Investigate monitoring and catch accounting measures for LA and LAGC components (re: LAGC IFQ program review findings on compliance).

- Investigate how product/market quality issues could be addressed in management given 2017 fishery data.

Table 1. The draft list of potential work priorities for 2018.

<b>DRAFT List of Potential Priorities for 2018</b>
Specifications
Amendment - NGOM management
Amendment to create harvester associations
Gear modifications to protect small scallops
OHA2 follow-up: modify access areas
Measures to address DAS and IFQ carryover
Specify allocation review triggers (NMFS allocation review policy)
Adjustments to scallop IFM observer program
RSA program review and modifications
Monitoring and catch accounting provisions
ONGOING: Scallop RSA program support, in-season bycatch tracking
Scallop benchmark assessment in 2018

#### **Motion 7: Hansen/Bomster**

The Advisory Panel recommends that the Committee recommend that the proposal to consider harvest associations in its current form be removed from the 2018 priority list.

*Rationale:* Converting DAS to quota would allow for high grading and negative impact on resource, impact on crew and fishing communities, already have a successful fishery.

The motion carried on a show of hands. 6-1-4.

#### **Discussion:**

In addition to the rationale provided in Motion 7, the maker of the motion further described the negative economic and social impacts associated with consolidation and cited the scallop fishery's success as proof that the current management system is working well. Additionally, it was suggested that the proposal would promote vertically integrated companies which could

change the market as it currently exists. Several members of the AP and public were in support of the motion and the rationale. Many also agreed that the primary issue of consolidation (as outlined in the proposal) could be addressed without changing the rest of the fishery.

Other members of the AP and public were opposed to the motion. Those opposed to the motion that were supportive of the proposal to create harvest associations described the potential benefits gained by the industry, including improving bycatch avoidance, increasing at-sea safety by updating fishing vessels, allowing for more reasonable working hours for crew members, and reducing vessel operating costs via consolidation. Several AP members and members of the public opposed the motion because they felt that, due to the significant number of stakeholders interested in the proposal, it would be premature to remove this item from the list of potential 2018 work priorities without further investigating the pros and cons of developing harvester associations.

Attorney Stephen Ouellette (representative of harvester association proposal) noted that the proposal aimed to start an initial conversation about the issues faced by the industry, and suggested this item not be taken off the table before potential solutions can be fleshed out. It was also noted that the stakeholder scoping process (as part of Council Amendment development) would open-up the discussion to the industry and help define issues that would benefit the fishery as a whole.

### ***LAGC IFQ Program Review Presentation***

Council staff presented a summary of the LAGC IFQ program review, which was accepted as complete and final at their June 2017 meeting (see [program review report Executive Summary](#) for broad findings). The AP was asked to identify any recommended changes to the FMP based on this report which could be taken up as potential priorities in 2018.

#### ***Discussion:***

Members of the AP and public cited the lack of offload monitoring and trends of non-compliance in the LAGC IFQ component to be problematic, particularly considering that the lack of monitoring and enforcement was part of Amendment 11 rationale for establishing the LAGC IFQ program. Travis Ford (GARFO) explained that NMFS has increased the number of officers monitoring offloads since 2012 and will continue to improve accountability for compliance violations.

### **Motion 8: Reilly/Maxwell**

The AP recommends that the Committee recommend to the Council that measures to change the LAGC IFQ trip limit from 600 lbs to 1200 lbs be developed in Framework 29.

#### ***Rationale:***

1. Prosecute the fishery more economically.

2. Allow the Gen Cat fleet to fish profitably when ex-vessel prices drop lower (such as the 2017 FY).
3. Increase profit by reducing expenses like fuel and steaming time.
4. Improve safety at sea by allowing vessels to conduct their scallop fishing trips in less days and focus on the best weather.
5. Allow vessels to efficiently harvest their scallop quota while meat yields are optimal. Focus fishing on the months of the year when the meats are the largest and most valuable.
6. Allows vessels to fish farther offshore to target scallops throughout the range of the fishery.
7. Improve crew wages

The motion failed on a show of hands: 4-5-2

*Discussion:*

Several members of the AP and public were in support of the motion, and further described the direct benefits of raising the trip limit (i.e. promotes safety, raises crew shares, allows for fishing to be done economically). A letter that was not part of the correspondence package in support of this concept/Motion was handed out to AP members.

Many members of the AP and public did not support the motion with the rationale that the LAGC IFQ component is intended to be a small-boat fishery and that it should remain that way. One AP member, an active participant in the LAGC IFQ fleet, opposed the motion because they felt that it contradicts the Amendment 11 vision statement and could decrease at-sea safety due to longer trips and increased fatigue. This statement was supported by another AP member, who further suggested that an increased trip limit could disadvantage smaller boats that do not have the capacity to fish longer trips. It was also noted that raising the LAGC IFQ trip limit could change the way the fishery operates and potentially trigger an Amendment.

***Flatfish Accountability Measures***

The AP received a presentation of the PDT's work to date on flatfish AM development for N. windowpane, GB yellowtail, and SNE/MA yellowtail. A previous tasking motion directed the PDT to focus AM development on gear modifications consistent with the current S. windowpane AM (5-row apron and 1.5:1 hanging ratio), and allowed the PDT to potentially consider seasonal closures. Council staff noted that National Standard 1 guidelines do not specify a target bycatch savings threshold.

Staff presented the GB yellowtail and N. windowpane bycatch savings gained by using the 5-row apron GRA in a given month for open-area fishing on Georges Bank (see [Doc 2c, p.2-3](#)). GB yellowtail and N. windowpane bycatch savings gained by closing CAII AA in a given month were also presented (see [Doc 2c, p.4-5](#)). Open-area bycatch savings for SNE/MA yellowtail will be presented to the AP at the October meeting.

*Discussion:*

There was little AP discussion around flatfish AM development. A member of the public noted that CAII AA bycatch savings were calculated using fishery data from a time period when CAII AA had a different seasonal closure than it does presently (Aug 15<sup>th</sup>-Nov 15<sup>th</sup>), and suggested this discrepancy could provide false savings values.

***Discuss if there are regulations in the Scallop FMP that could be eliminated, improved, or streamlined based on recent Executive Orders***

The AP was asked to provide initial input on potential regulations in the Scallop FMP that could be eliminated, improved, or streamlined based on the recent “2 for 1 Executive Order”. The Council will keep track of potential ideas and may consider addressing them in future actions. It was noted that AP discussion should be focused on existing regulations in the Scallop FMP

**Motion 9: Parker/Bomster**

Identify the OHA2 as a regulatory burden that should be implemented.

*Rationale:* Passing OHA2 as recommended by the Council would create economic opportunity for scallop fishery. The OHA2 needs to be acted upon.

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

**Motion 10: Larson/Mullis**

The vessel safety act and the clean water act be reviewed for modification, and commercial fishing exemption.

*Rationale:* For example, these pieces of legislation require vessels to report how they are handling ice from a trip after it lands.

The motion carried on a show of hands. 8/0/3

*Discussion:*

Members of the AP suggested that, though the vessel safety act and clean water act are not part of the Scallop FMP, regulations within these acts may create notable burden on industry operations (i.e. documenting waste water on deck, preventing disposal of ice at-sea). It was noted that these acts are outside of the purview of regulations that the AP can comment on; however, Council staff will discuss the AP’s concerns in-house to figure out how these issues might be addressed.

***Other business***

The AP was informed that an industry request to expand or remove the current LAGC IFQ dredge exemption areas is being handled via correspondence between NEFMC and GARFO, and that GARFO will likely be taking action on the request at some point in the future.

No other business was discussed, the meeting concluded at 6:44 pm.

DRAFT