



## New England Fishery Management Council

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# MEETING SUMMARY

## Scallop Committee Meeting

September 19, 2019

Boston Logan Courtyard Marriott, Boston, MA

The Scallop Committee met in Boston, MA on September 19, 2019 to: 1) Framework 32: review 2019 survey results and develop options for harvest in 2020 (SAMS runs), provide input on potential harvest of small scallops in the NLS-S-deep, and provide input on approaches to mitigate impacts on yellowtail flounder; 2) review Amendment 21 draft alternatives and progress on recent tasking; 3) review the list of potential scallop work priorities for 2020, and add any other potential scallop priorities for 2020; 4) receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework; and, 5) discuss other business.

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

Vincent Balzano (Committee Chair), Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), John Quinn (Council Chair), Peter Christopher (GARFO), Rick Bellavance, Dr. Mike Sissenwine, Matt Gates, Melissa Smith, Jon Pappalardo, Eric Reid, Peter Hughes, Cheri Patterson, and Melanie Griffin.

James Gutowski (AP Chair) was in attendance, along with approximately 10 members of the public.

***MEETING MATERIALS:*** Doc.1) [Meeting Agenda](#), Staff presentations: Doc.1a) [Framework 32 and Survey Results](#), [Amendment 21 and 2020 Priorities](#), Doc.1b) [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.1c) [Staff Presentation: Mitigating Impacts to GB Yellowtail](#); 2020 Scallop Work Priorities: Doc.2a) [Initial list for all FMPs \(September 5, 2019\)](#); Framework 32: Doc.3a) [2019 Scallop Survey Biomass Estimates \(Sept. 10, 2019\)](#), Doc.3b) [Draft SAMS run of exploitable biomass](#), Doc.3c) [Nantucket Lightship S-deep discussion document](#), Doc.3d) [Options for mitigating impacts on Georges Bank yellowtail flounder](#); Amendment 21: Doc.4a) [Amendment 21 – Draft alternatives in development](#), Doc.4b) [Amendment 21 Action Plan](#); PDT Meeting Summaries: Doc.5a) [June 27, 2019 Conference Call](#), Doc.5b) [July 24, 2019 Meeting, Boston, MA](#), Doc.5c) [August 27 & 28, 2019 Meeting, Falmouth, MA](#); eVTR Framework: Doc.6a) [Discussion Document](#), Doc.6b) [Frequently asked questions related to eVTR](#), Doc.6c) [Staff presentation on eVTR Omnibus Framework](#); Doc.7) [Correspondence](#)

Note: this summary is limited to meeting motions and key points from Committee discussion. Audio recordings of the full meeting can be provided to those interested.

## Key Outcomes:

- The Scallop Committee developed several options for 2020 specifications that the PDT will analyze for their October meeting. This included ideas for rotational management and fishing mortality rates for open bottom DAS.
- The Committee tasked the PDT with developing options for harvesting the small slow growing scallops in the NLS-S-deep using a standard access area trip with higher crew limits.
- The Committee discussed progress on Amendment 21 and developed a tasking motion that would broaden the range of alternatives that the Council will consider.

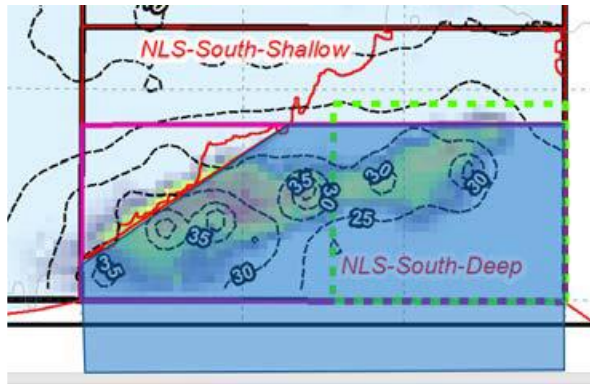
## FW32 Projection Run Tasking Motions

### Motion 1: Griffin/Pappalardo

Task the PDT with the following projection (SAMS) runs for consideration in FW32 and modify the NLS-S SAMS area boundaries.

	Run 1	Run 2	Run 3	Run 4
Total trips	5	4	5	4
Trip limit	18,000	18,000	15,000	18,000
Trip Allocations by Area (combined cells indicate a single trip coming from multiple SAMS areas)				
MAAA	2	2	2	2
CAII	1	1 + 1/3	1	1
CAI	1/2	1/3	1/2	½ w/ FLEX option to MAAA
NLS-N	1/2	1/3	1/2	½ trip
NLS-S-shallow	1 trip	Closed	1 trip (combined areas)	
NLS-W		Closed		Closed
CAII-EXT	Open bottom	Closed	Open bottom	Open bottom
Partial CAII closure to protect YT, small scallops	NO	YES	NO	NO

Modifications to the NLS-S SAMS areas. The NLS-S-deep boundary would be roughly defined using as the dark blue area. The area outside of the dark blue area would be the South Shallow. The southern boundary of the NLS-S-deep area would be expanded.



*Rationale:* This advances AP motions 1 – 4 for access area fishing and drops the lottery approach. This range should help the Council consider how to develop harvest options for the next two specification cycles. There are questions and concerns in the NLS-West. Expanding the NLS-S-deep area allows vessels more space to operate when fishing in the area.

*The motion carried on a show of hands 11/0/0.*

Discussion on Motion 1: The Committee was supportive of moving forward the range of specifications runs identified by the AP, excluding the lottery aspect. Instead of using a lottery system, the Committee supported exploring alternative ways to handle access area allocations that may provide more flexibility (i.e. allocating partial trips which could potentially be traded). The Committee expressed interest in seeing potential closure boundaries to protect small scallops before specifications alternatives get too much farther in development. The Committee and members of the public were supportive of establishing a boundary for the NLS-S-deep and allocating a conservative level of effort there in FY2020. A member of the public suggested that unused observer set-aside compensation should be used to transplant scallops from the NLS-S-deep to the NLS-S-shallow using net boats, with the hopes that it will improve yield. A member of the Committee suggested letting vessels lay up and cut in the NLS-S-shallow so that discarded scallops would settle in better habitat.

**Motion 2: Patterson/Gates**

The Committee tasks the PDT to calculate open area DAS when fishing at:

- F=0.23
- F=0.295
- F=0.4
- Open bottom configurations with and without:
  - NLS-W as part of open bottom
  - CAII-EXT as part of open bottom
- NLS-Hatchet as open bottom (this is not a SAMS area, will not change, just re-open).
- The PDT may apply these F rates to various runs from Motion 1.

*The motion carried on a show of hands (11/0/0).*

Discussion on Motion 2: A member of the Committee supported AP Motion 2 from the day before, excluding the Southern Flank closure option. A member of the public was ambivalent

about whether the NLS-West was maintained as an access area or reverted to open bottom, noting that turning it to open bottom would likely not change overall DAS calculations for FY2020. Council staff explained that they would work to identify combinations of Motions 1 and 2 that would represent the range of rotational management options that the Committee would like to consider.

## Nantucket Lightship South Deep Motions

### **Motion 3: Hughes/Reid**

Task the PDT to develop the following option for harvesting scallops in the NLS-S-deep area in 2020 in Framework 32:

- This would be a standard access area trip.
- Limited Access Full Time trip limit of 18,000 (~6 million lb harvest).
- The LAGC allocation would be 5.5% of the total harvest from for the access area. LAGC would be allocated a total number of trips. Maintain 600 lb trip limit.
- Vessels would have 14 months to harvest (April 1, 2020 – May 31, 2021).
- Crew limits for LA could be increased by 2 from maximum crew limit in regulation.

*Rationale:* There are over three billion scallops in this area. Focus is on using a simple approach this year and continue to track scallop health and fishery performance in this area.

*Notes:* Crew limits vary by permit type. The AA trip would be taken in the modified NLS-S-deep area. Staff explained that this trip would be combined with the runs in Motion 1. There was interest in evaluating a 15,000 lb trip limit for this area (which will be done). The intent is that these trips would be tradable with other access area trips of the same denomination.

*The motion carried on a show of hands (11/0/0).*

Discussion on Motion 3: There was some discussion on whether the crew limit should be increased for vessels fishing in the NLS-S-deep. Some felt that increasing the crew limit would create a high grading/discard issue; however, overall, the Committee agreed that increasing the limit by two would offer vessels flexibility should they elect to take additional crew. Discussion highlighted the importance of accounting for removals from the NLS-S-deep in the ACL flow chart—GARFO staff noted that treating the NLS-S-deep as a “unique” allocation (i.e. different than typical access area trips) may complicate implementation of FW32. The Committee supported moving forward options for harvesting the small scallops in the NLS-S-deep in FY2020 and urged the importance of this area being considered a multi-year fishing opportunity.

## Mitigating Impacts on Georges Bank Yellowtail Flounder

There were no Committee motions related to mitigating impacts on GB yellowtail flounder. Several members of the Committee were hesitant to move mitigations options forward before gaining a better understanding of what level of GB yellowtail bycatch could be expected for FY2020 specifications runs (i.e. projected bycatch estimates). Several members of the public spoke against developing additional restrictions on the scallop fishery aimed at reducing GB yellowtail bycatch—they felt the scallop fishery is already doing enough and that the risk of

exceeding the sub-ACL has been low in recent years. A member of the Committee suggested that implementing a gear modification that potentially increases bottom time (e.g. reduced apron and(or) maximum hanging ratio) would ultimately result in higher bycatch. Staff noted that the mitigation option for a sub-area closure in CAII could be revisited in October and that the PDT can look deeper into hanging ratio estimates.

## Closure to Protect Small Scallops

### **Motion 4: Smith/Patterson**

Task the PDT to develop a targeted closed areas for Stellwagen Bank corresponding to survey data for North Stellwagen and South Stellwagen Bank to protect small scallops. Closed area to remain for 2 years with possible adjustments made after year 1 to account for scallop movement.

*Rationale:* Closure is expected to improve YPR. Consider separate closures for these areas (north and south of 42° 20') that focus on protecting the small scallops. Focused closure would be intended retain some access on Stellwagen Bank to larger scallops.

*The motion carried on a show of hands (11/0/0).*

There was no discussion on Motion 4.

## Amendment 21 NGOM Alternatives

### **Motion 5: Smith/Reid**

Task the PDT to analyze and delineate sub-areas in the NGOM with high levels of scallop biomass.

*Rationale:* This would provide a basis to evaluate options for managing sub-areas within the NGOM management area.

*Notes:* This would be to further develop concepts in 2.2.4 Option 4 in Document 4a (for this Committee meeting). See the rationale when completing tasking on this.

*Process:* The PDT would evaluate existing survey and fishery data to delineate sub-areas that hold scallops in the NGOM.

*The motion carried on a show of hands (10/0/0).*

Discussion on Motion 5: There was some discussion on the allocation share strawman detailed in Doc.4a—several Committee members appreciated the worked example and suggested the approach be developed further. A member of the public supported Motion 5 because it would provide opportunity for NGOM permit holders that have not been able to utilize the fishery due to the timing and location of the NGOM season in the past several years (i.e. Stellwagen Bank in April). It was noted that several comments received in scoping supported the early spring timing of the NGOM fishery because it doesn't conflict with other fisheries that NGOM participants are involved with.

### **Motion 6: Smith/Patterson**

- Task the PDT to develop a range of alternatives in Amendment 21 which maintain a separate NGOM TAC from the rest of the scallop fishery (outside of ACL flowchart). This can include:
  - The current allocation method in which the 70,000-pound baseline allocated to the NGOM fleet and the remaining quota is split 50/50 between the GC and LA fleets.
  - Alternatives which scale the NGOM allocation to the size of the resource, with the remaining quota being split 50/50 between the General Category and LA boats.

*Rationale:* Amendment 11 established the NGOM area as distinctively different and separate from the rest of the scallop fishery. This separation recognized that, due to the small-scale nature of the fishery and the episodic nature of recruitment, a different management scheme would be necessary to ensure the success of the Gulf of Maine scallop fishery. This motion would maintain the intention of Amendment 11 to manage NGOM separately while still achieving this Amendment’s goals of allowing orderly access to the GC and LA fleets.

*The motion carried on a show of hands (8/2/0).*

Discussion on Motion 6: There was some discussion on what NGOM management structure should be considered a baseline (Status Quo)—some felt that the measures developed in FW29 should be considered the “baseline”, whereas others felt that Amendment 11 management measures were more appropriate. GARFO staff recommended that FW29 management measures not be considered the baseline, because this action was very explicit in being a temporary fix. The measures originally developed in Amendment 11 would likely be No Action. A member of the Committee felt the allocation share strawman needed to be fleshed out more before a range of alternatives are developed around it. Some felt that alternatives based on a 50/50 split between LAGC and LA boats in the NGOM would not reflect historic participation for each component. It was noted that developing an allocation share approach is difficult without first knowing the universe of permits that could participate in the NGOM fishery. The Committee felt that the allocation share approaches should continue to be developed and recognized that “decision” points (i.e. how much goes to each component, threshold for LA access, etc.) can be discussed at a later date.

**Motion 7: Reid/**

Recommend that the Council establish a control date for the Northern Gulf of Maine portion of the scallop fishery.

*Rationale:* To address future expansion of the NGOM fishery.

*The motion was withdrawn without objection.*

**Motion 8: Hughes/Reid**

Recommend that the Council establish a control date that could be used to restrict movement between LAGC B (NGOM)/C (Incidental) permits.

*Rationale:* The LAGC B permit is the NGOM permit, the LAGC C permit is the incidental permit. If individuals are considering getting into the NGOM fishery they should be notified that Council may change the rules in the future.

### **Motion 9: Pappalardo/Bellavance**

Move to table Motion 8 until the October Scallop Committee meeting.

*The motion carried on a show of hands (10/0/0).*

Discussion on Motion 7, Motion 8, and Motion 9: After some discussion on how specific a control date motion should be, Motion 7 was withdrawn and replaced with more specific language on the control date focusing on movement between NGOM and Incidental permits. There was some more discussion on the process of control dates—it was noted that control date discussions at the Council need to be noticed ahead of time. Acknowledging that the control date discussion could be continued at the October AP and CTE meetings and noticed in time for the December Council meeting, the Committee tabled Motion 8.

## 2020 Council Priorities

### **Motion 10: Patterson/Hughes**

Add to the Council's Research Priorities:

- Investigation of poor scallop recruitment recent years.

*Notes:* This occurred while scallop fishery during years of high landings. What was special about/drove the 2012 and 2013 recruitment events? Consider as part of the RSA discussion in 2020.

*The motion carried on a show of hands (8/1/0).*

Discussion on Motion 10: The Committee supported moving forward the AP recommendation as an addition to the list of Council Research Priorities (i.e. not as a 2020 Council work priority). One Committee member did not agree with the process of adding a research priority under discussion of 2020 scallop work items and suggested that research topics should be considered through a separate process.

## Other Business

No other business was discussed. The meeting adjourned at 4:10 pm and the Committee went into a closed-door session to discuss advisory panel applications.