



New England Fishery Management Council

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MEETING SUMMARY

Scallop Advisory Panel and Plan Development Team Meeting

October 23, 2019

New Bedford Harbor Hotel, New Bedford, MA

The Scallop Advisory Panel (AP) and Scallop Plan Development Team (PDT) met in New Bedford, MA on October 23, 2019 to: 1) review analyses and recommend specification alternatives to be considered by the Scallop Committee for inclusion in Framework 32; 2) review and consider closure configurations on eastern Georges Bank and in the Gulf of Maine to protect small scallops, and potential measures to reduce fishery impacts. 3) Amendment 21: Review LAGC permit movement data and consider a tabled Scallop Committee motion on establishing a control date that could be used for establishing eligibility criteria; 4) provide input on potential scallop work priorities for 2020 (AP only); and, 5) discuss other business.

MEETING ATTENDANCE:

Advisory Panel: James Gutowski (AP Chair), Kirk Larson, Ron Enoksen, Paul Vafides, Bob Maxwell, Brady Lybarger, Ed Mullis, Eddie Welch, Brent Fulcher, Mike Marchetti, Kristan Porter, Charlie Quinn, and Eric Hansen.

PDT: Jonathon Peros (Plan Coordinator), Sam Asci (Council staff), Dave Bethoney, Naresh Pradhan, Bill DuPaul, Cate O'Keefe, Chris Parkins, Ben Galuardi, Rachel Feeney, Tim Cardiasmenos, Travis Ford, Dave Rudders, and Dvora Hart.

Vincent Balzano, Chair of the Scallop Committee, was in attendance along with approximately 20 members of the public.

MEETING MATERIALS: Doc.0. [Summary of 2019 Projection Outputs](#), Doc.0a. [Presentation: Dr. Hart](#), Doc.01. [Staff Presentation](#), Doc.1. [Meeting Agenda](#), Doc.2. [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.3. Framework 32 Documents: Doc.3a. [Framework 32 Decision Document](#), Doc.3b. Draft Framework 32, Doc.3c. [2019 Fishery Performance](#), Doc.3d. [Measures to reduce fishery impacts](#), Doc.4. [Background on control dates and LAGC permit movement information](#), Doc.4a. [Staff Presentation](#), Doc.5. Meeting summaries and memos: Doc.5a. [Scallop Committee Meeting Summary, Sept. 19, 2019](#), Doc.5b. [Scallop Advisory Panel Meeting Summary, Sept. 18, 2019](#), Doc.5c. [Scallop PDT Meeting Summaries: July – October](#), Doc.5d. [Scallop PDT memo to the SSC re: 2020 and 2021 \(default\) OFLs and ABCs](#), Doc.5e. [Scallop PDT memo to GF PDT re: Georges Bank yellowtail flounder](#), Doc.6. [2020 Priorities: 2019 work items and potential 2020 work priorities for the Scallop FMP](#), Doc.7. [Correspondence](#)

Note: this summary is limited to meeting motions and key points from AP and PDT discussion. Audio recordings of the full meeting can be provided upon request.

Key Outcomes:

- The Advisory Panel made recommendations for spatial management and DAS options (22, 24, 26 DAS) for FY2020. Some of these included year-round closures on eastern Georges Bank that are designed to protect small scallops and are expected to mitigate impacts on Georges Bank yellowtail flounder and other flatfish stocks. The AP also provided input on other elements of specification setting, such as where RSA compensation fishing can occur, and LA part time access area allocations.
- The Advisory Panel recommended a closure of Stellwagen Bank in the NGOM management area, and suggested that the Committee direct the PDT to develop FY2020 TAC options based on biomass estimates from Ipswich Bay and Jeffreys Ledge.
- The Advisory Panel recommended that a control date be established that could be used to restrict future access to the NGOM by capping the number of LAGC NGOM (B) permits.
- The Advisory Panel developed recommendations for 2020 scallop work priorities.

FW32 Specifications

Motion 1: Lybarger/Mullis

Recommend that the Committee develop a specifications alternative in FW32 that would:

- Set FT LA trip limit at: 18,000
- Allocate access area trips to the following areas:
 - 1/2 trip in CAI Flex to MAAA (9,000 lbs)
 - 1/2 trip in NLS-N with NLS-S-shallow (9,000 lbs)
 - 1 trip in the NLS-S-deep
 - 1 trip in CAII (Close CAII-West).
 - Expand CAII boundary east, with a southern boundary of 41N.
 - 2 trips in MAAA
- Set open bottom DAS at 24.
 - Open NLS-W as open bottom.
 - Close the CAII-EXT.

Closed Area II AA would follow the yellow area shown below.



The motion carried on a show of hands (12/0/0) on a show of hands.

Discussion on Motion 1:

- Regarding a rotational closure within CAII AA and in CAII-extension, some members of the AP felt it important to maintain consistent closure boundaries for CAII-ext to avoid confusion with captains.
- Should the NLS-West be turned to open bottom in FY2020, it was clarified that unfished FY2019 allocations to NLS-West would still be available in the 60-day window following the end of FY2019. A member of the AP felt that delaying any open bottom fishing in the NLS-West to June 1st 2020 to avoid a situation where access area trips are being fished alongside open area trips.
- The AP revisited discussion around allocating partial trips (i.e. 9,000-pound trips) in CAI and NLS-North as opposed to using a lottery system. It was noted that the AP was not supportive of using a lottery system at the September 2019 meeting because it can be advantageous for some and disadvantageous for others. Allocating partial trips (i.e. 9,000 pounds) and allowing trip trading at this increment would allow vessels flexibility in trading for a “complete” trip to the area they prefer fishing in (i.e. CAI or NLS-North). There was some discussion on the mechanics of trading partial trips, and some expressed concern in reducing the increment that could be traded as it does not align with how access area allocations have been managed in the past. Council staff and GARFO staff will provide more information to the AP on partial trip trading at the November 2019 meeting.
- Regarding modifying rotational management boundaries in CAII, a member of the audience suggested CAII AA should extend to the Hague Line and be expanded ten minutes south—they felt that there are a lot of issues in this part of the resource, like bycatch and small scallops, and that a more encompassing boundary would make it easier to manage them.
- Some AP members were hesitant around opening NLS-West as open bottom, noting that the resulting increase of DAS would probably not be fished there. A member of the PDT noted that opening or closing NLS-West is not really determinant of DAS allocations, just open area F.

The group discussed and recommended opening the NLS-Hatchet, a rotational closure in the Nantucket Lightship region that remained closed following the partial approval of OHA2. This area is outside of scallop surveys, and there are no SAMS model projections for this area.

Motion 2: Lybarger/Mullis

Recommend that the Committee develop a specifications alternative in FW32 that would:

- Set FT LA trip limit at: 18,000
- Allocate access area trips to the following areas:
 - 1/2 trip in CAI Flex to MAAA (9,000 lbs)
 - 1/2 trip in NLS-N with NLS-S-shallow (9,000 lbs)
 - 1 trip in the NLS-S-deep
 - 1 trip in CAII (Close CAII-West).
 - Expand CAII boundary east, with a southern boundary of 41N.
 - 2 trips in MAAA
- Set open bottom DAS at 24 .
 - Open NLS-W as open bottom
 - Open the CAII-EXT as open bottom

The motion carried on a show of hands (10/1/1).

Note: This is the same spatial management configuration as Motion 1. The only change from Motion 1 is in the open bottom, with CAII-EXT remaining open bottom.

Discussion on Motion 2:

- Some on the AP did not support this motion because it opens CAII-ext and could lead to GB yellowtail bycatch. They cited the need the need to mitigate impacts to GB yellowtail based on Council tasking for 2019.
- Continued discussion suggested that CAII-ext is a candidate for rotational management based on the set of young scallops that settled there. The AP acknowledged this, but voted in favor of Motion 2 because they wanted to see the alternative analyzed in FW32.

Motion 3: Vafides/Marchetti

Recommend that the Committee develop a specifications alternative in FW32 that would:

- Set FT LA trip limit at: 18,000
- Allocate access area trips to the following areas:
 - 1/2 trip in CAI Flex to MAAA (9,000 lbs)
 - 1/2 trip in NLS-N with NLS-S-shallow (9,000 lbs)
 - 1 trip in the NLS-S-deep
 - 1 trip in CAII (Close CAII-West).
 - Expand CAII boundary east, with a southern boundary of 41N.
 - 2 trips in MAAA
- Set open bottom DAS at 24.
 - *NLS-W as a closure.*

- Open the CAII-EXT as open bottom.

The motion failed on a show of hands (1/7/4).

Discussion on Motion 3 was brief. The AP did not support Motion 3 because they did not feel that closing the NLS-West was a viable option for FY2020. The AP felt that the NLS-West should be reverted to open bottom.

There was some general discussion around DAS allocations for FY2020 and how it might impact DAS in FY2021. Dr. Hart noted that a pro forma run could be conducted to assess this question; however, she felt that a 24 DAS option in FY2020 would likely result in similar open area catch rates for FY2021. It was also noted that the access area fishing outlook for FY2021 appears to be the MAAA and NLS-S-deep, but rather limited beyond that—based on this, it was suggested that open area fishing continue being conservative until access area fishing options become more limited.

Motion 4: Maxwell/Marchetti

Use the same spatial management option in Alternatives 1 and 2 (5 access area trips), with the following open bottom options:

- Set open bottom DAS at 22.
 - NLS-W as an open bottom.
 - With CAII-EXT as open bottom.
- Set open bottom DAS at 22.
 - NLS-W as an open bottom.
 - Close the CAII-EXT.

The motion carried on a show of hands (7/4/1).

Discussion on Motion 4:

- Some members of the AP supported Motion 4 because it adds a conservative DAS option to the range of alternatives analyzed.
- A member of the audience felt that the AP shouldn't add options that they do not feel are realistic. For example, if the AP likes 24 DAS options, it should stick to 24 DAS options instead of tasking a wider range.

Motion 5: Hansen/Maxwell

Use the same spatial management option in Alternatives 1 and 2, with the following open bottom options:

- Set open bottom DAS at 26.
 - NLS-W as an open bottom.
 - With CAII-EXT as open bottom.
- Set open bottom DAS at 26.
 - NLS-W as an open bottom.
 - Close the CAII-EXT

The motion carried on a show of hands (8-1-1).

Discussion on Motion 5: Those in support of Motion 5 were interested in seeing a wider range of DAS options. The maker of the motion suggested that the largest sets of recruits have been observed when the fishery was fishing the open area harder—they felt that stressed scallops can be more productive. A member of the PDT noted there is no scientific evidence that supports this theory.

Summary of the AP motions on specifications:

	BASE Run - 5 AA trips, CAII ext Closed	BASE Run – 5 AA trips, Open CAII Ext
Open Area DAS	22, 24, 26	22, 24, 26
FT LA trip limit	18,000	18,000
Closed Area I	1/2 FLEX Trip to MAAA	1/2 FLEX Trip to MAAA
CL2-AA-WEST	CLOSED	CLOSED
CL2-AA-EAST	1 AA Trip	1 AA Trip
CL2-Ext	CLOSED	OPEN BOTTOM
NLS-North	1/2 AA trip	1/2 AA trip
NLS-South-Shallow		
NLS-Triangle	CLOSED	CLOSED
NLS-West	OPEN BOTTOM	OPEN BOTTOM
NLS-South-Deep	1 AA Trip	1 AA Trip
MAAA	2 AA trips	2 AA trips

FY2021 Default Measures

Consensus (#6)

Recommend that the Committee include default measures for 2021 in FW32 that would allocate 1 access area trip in the MAAA at the trip limit specified for 2020 FY.

There was no discussion on consensus statement (#6).

Motion 7: Maxwell/Fulcher

Recommend that the Committee include alternatives in FW32 that would allocate distribute the LAGC IFQ access area allocation from Closed Area II:

- Evenly across the following access areas: MAAA, NLS-N, CAI The motion carried on a show of hands (8/2/2).

Notes: This will result in 190 additional access area trips to the LAGC IFQ in each of these areas.

Discussion on Motion 7: Several members of the audience were opposed to Motion 7—they felt that any access area trips that would have been allocated to CAII AA should be distributed to access areas on Georges Bank (i.e. not to the MAAA).

Part-Time LA Allocations

Motion 8: Enoksen/Hansen

Allocate LA PT vessels 36,000 lbs (40% of FT LA), with trip limits at 18,000 lbs to all available access areas.

The motion was withdrawn without objection.

Motion 9: Fulcher/Enoksen

Recommend that the Committee set LA Part Time permit access area allocations for FW32 at:

- 2 trips to the MAAA at 12,000 lbs
- 1 trip to CAII at 12,000 lbs

Rationale: PT vessels are smaller, have fewer crew. The motion carried on a show of hands (12-0-0).

Discussion on Motion 8 and Motion 9:

- The AP was supportive of maintaining flexibility for access area fishing for part time LA vessels, but also felt it important to avoid a situation where additional effort is pushed into access areas with lower biomass (i.e. CAI, NLS-North).
- A member of the AP noted that the spatial management alternative in Motion 9 would mean that PT vessels are allocated to areas with the least concern in terms of available biomass.
- It was noted that a 12,000-pound trip limit is pretty low for CAII considering how far offshore it is. A member of the AP acknowledged this, but also suggested that the PT fleet is accustomed to this and that most PT vessels cannot hold more than 12,000 to 14,000 pounds anyways.

Measures to Reduce Fishery Impacts

Motion 10: Hansen/Fulcher

Recommend that the Committee include an alternative in FW32 that would allow RSA compensation fishing in the following areas (all areas open to fishing):

- Open Bottom
- MAAA
- Closed Area I AA
- Closed Area II AA
- NLS-N AA
- NLS-S deep AA
- NGOM management area (up to the LA TAC in this area)

Rationale: This would allow vessels to spread out, and some research is done on compensation fishing.

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

Discussion on Motion 10:

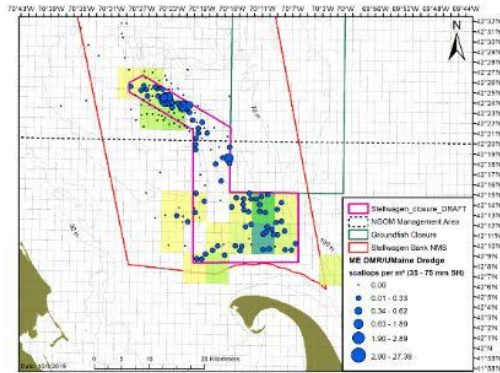
- A member of the audience voiced concern around prohibiting compensation fishing from access areas, considering that larger, more valuable scallops are often found in access areas and that the RSA common price is based on average price across the whole fishery.
- A member of the PDT suggested that the price model could be used when setting the RSA common price for the following year.
- A member of the AP felt that the fishery was pigeonholed into compensation fishing only in the MAAA and open bottom the past several years. They and others felt that RSA compensation fishing should be allowed in any access area that the Council is confident in allocating effort to.

- With regard to compensation fishing in areas with lower biomass, it was noted that this is not a real concern because vessels will not fish in areas that do not have high catch rates.
- A member of the audience noted that restricting compensation fishing in some access areas can be prohibitive of research efforts for trips that conduct RSA research and RSA compensation fishing at the same time.

NGOM Measures for FY2020 and FY2021 (Default)

Motion 11: Porter/XXX

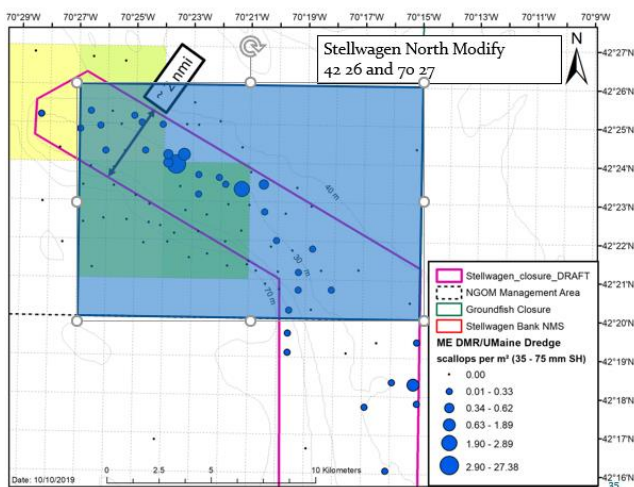
Recommend that the Committee develop closure options in FW32 in the Gulf of Maine that would close the following areas: “Stellwagen Recruit Option”



The motion was withdrawn without objection.

Motion 12: Porter/Welch

Recommend that the Committee develop closure options in FW32 in the Gulf of Maine that would close the following area shown in blue below:



Rationale: This protects small scallops while allowing some fishing in the area, and is more enforceable than draft closures (pictured in pink).

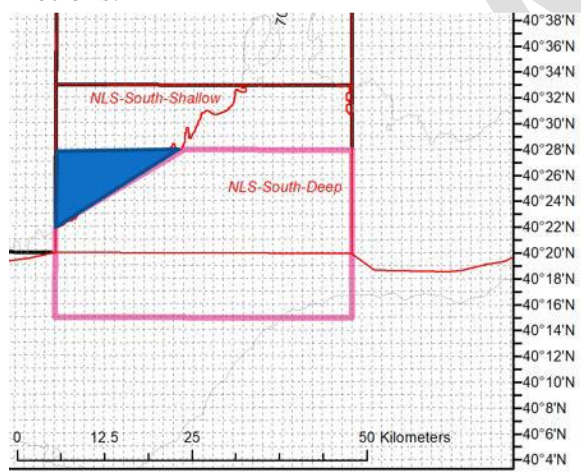
The motion carried on a show of hands (12-0-0).

Discussion on Motion 11 and Motion 12: The rationale for the closure specified in Motion 11 was to conserve the small scallops observed on Stellwagen, but to also allow some access to the larger scallops in deeper water; however, Motion 11 was withdrawn following concerns raised of the boundary's enforceability and the need for a higher VMS ping rate to make it enforceable, as well as the potential that small scallops move outside of the closure by FY2020. The AP and PDT were in support of Motion 12 because it encompasses all the recruits observed in the part of Stellwagen within the NGOM management area and provides a conservative buffer should their distribution shift in the future.

Motion 13: Welch/Enoksen

Recommend that the area shown in blue within the NLS-S-shallow be closed to scallop fishing in Framework 32. The area could be used as part of future research projects, such as experiments to transplant or move scallops.

Rationale: The intent of this rotational closure is to create an opportunity to move scallops in the future. The area could be used for research purposes in the short-term, and addressed in a future Council action. This would modify the NLS-N boundary that the AP recommended in earlier motions.



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

Discussion on Motion 13:

- Staff noted that establishing the closure outlined in Motion 13 would not impact the timing of FW32, but that developing measures to address the other parts of the plan would delay implementation. A member of the AP supported establishing the closure, but felt strongly that implementing specifications by April 1st is the priority.
- GARFO staff noted that the focus of this closure should be on supporting research in the future—they felt it is unlikely that the NMFS would approve an Experimental Fishing Permit (EFP) that proposed transplanting millions of pounds of scallops to the closure area that could have otherwise been harvested by the fishery. It was further noted that the NMFS

would probably be supportive of research around transplanting scallops, but would not be supportive of transplanting scallops with the objective of harvesting them commercially in the future—if it were the latter, it would mean the researcher is making decisions on how the scallop fishery is managed (i.e. which is not appealing to the NMFS until the Council says this is what it wants).

- In addition to the closure, a member of the audience felt that FW32 should include measures that exempt mesh size requirements, require two observers for any trips that are transplanting scallops, and to modify the observer set-aside to compensate vessels participating in transplanting efforts for the proposed two observer requirement.

Motion 14: Porter/Maxwell

Recommend that the Committee develop NGOM TAC options in FW32 using the following approach:

- Maintain the same approach to TAC setting in the NGOM in 2020 and 2021 for the LA and LAGC components that was developed and implemented through FW29.
- Develop TAC options based on fishing the following NGOM areas at F=0.2:
 - Ipswich Bay
 - Jeffrey's Ledge

Rationale: These areas are likely to be fished in 2020. Trying to stay conservative in setting the NGOM TAC.

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

There was not discussion on Motion 14.

A21: Control Date Discussion

Motion 15: Fulcher/Enoksen

The AP recommends that the Committee recommend that the Council establish a control date that could be used to cap the number of NGOM permits (LAGC Category B) at the current level.

Rationale: The LAGC A permit is an IFQ permit, The LAGC B permit is the NGOM permit, the LAGC C permit is the incidental permit. If people are considering getting into the NGOM fishery they should be notified that Council may changes the rules in the future. The qualification for B and C permits were the same. LAGC A permits can move to B/C one time only. The AP discussed restricting the number of participants in the NGOM.

The motion carried on a show of hands (9-0-0).

Discussion on Motion 15:

- In general, the AP was supportive of reaffirming its position from the September 2019 meeting in establishing a control date to limit permit movement into the NGOM fishery.
- There was some clarifying discussion around the LAGC permit structure and how movement is currently allowed among/across LAGC permit types.
- A member of the AP expressed interest in seeing how many zero allocation LAGC IFQ permits are active versus in CPH.

2020 Priorities Discussion

Following a Council staff presentation on potential 2020 priorities, the AP and members of the public offered some points for consideration:

- A member of the audience felt that the Scallop PDT should be more involved with work done by the Groundfish PDT on flatfish issues, specifically on flatfish bycatch estimates by the scallop fishery. They felt that existing data sets, such as the CFF seasonal bycatch survey, should be part of this process.
- Committee Chair Vincent Balzano noted that a joint action with the Habitat Committee would be necessary to assess scallop fishery access to the Northern Edge in the future.
- With regard to a joint effort with the Habitat Committee to develop access to the Northern Edge, a member of the audience suggested that this would probably involve more than just the scallop fishery and would likely be a slow process. They also noted that there was not a strong consensus coming out of the Scallop AP about making major changes to the Scallop RSA program (i.e. following the RSA program review).
- A member of the AP felt that the “harvest slow growing scallops in the NLS-S-deep” priority should be reworded to “optimizing utilization of small scallops in dense aggregations”. They felt that management failed to optimize scallops in the NLS-S-deep, but that it will be important to work on this in 2020 so that a similar situation could be managed better should it arise again in the future.

Motion 16: Fulcher/Larson

Move to rank the 2020 priorities in the following order.

Rank	Priority
1	Complete Amendment 21 (ongoing)
2	Northern Edge access (Habitat)
3	LA DAS & AA leasing pilot project, suggested by ECSHA
4	Investigate options to maximize yield in dense aggregations
5	Modify RSA Program based on program review recommendations
6	Evaluate performance of the LA component
	Evaluate Rotational Management (removed from list in June 2019)
7	Scallop Survey Recommendations – Implement 2015 recommendations
8	Adjustments to industry funded observer program

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

Rationale:

2. Have been seeking access to the Northern Edge area for some time.
3. Add flexibility to the fleet.
4. Look at options to utilizing dense aggregations. Some opportunities have come and gone, need to make the most of these opportunities when they present themselves.
5. Combine performance of LA component with evaluation of rotational management.

Discussion on Motion 16:

- Several AP members were hesitant or opposed to prioritizing the “LA DAS and AA leasing pilot project”. They noted that the LAGC IFQ component already serves as a pilot project and that those in support of this priority could just review that. Another AP member opposed to Motion 16 expressed concern with consolidation in the LA fishery and of outside entities (i.e. investment groups) coming in and taking over the scallop fishery. They further suggested that leasing leads to quick profits, but does nothing to continue the good stewardship of the scallop industry as has been the case for many years.

- Several AP members in support of Motion 16 felt that the “LA DAS and AA leasing pilot project” should be prioritized for 2020. They noted that leasing is going on other fisheries and in part of the scallop fishery, and felt that it is the right time to see if it will work for the LA fishery. Others recognized that the term “leasing” can scare some people, but felt that those familiar with it realize it can be a good tool to let one manage their business according to vessel size, type, captain, and crews. They noted how difficult it is to get new blood in the fishery because you can’t buy in at the ground level anymore—they suggested that leasing would allow a captain to save up to buy a boat, and then eventually buy shares of a permit over time from another owner.
- Several audience members spoke in favor of Motion 16, specifically in support of prioritizing a “LA DAS and AA leasing pilot project”. They felt that a well-developed leasing program would bring a level of operational flexibility during a time that the fishery is doing well. Representatives of the ECSHA acknowledged that on-going priorities will consume a lot of time in 2020, but that prioritizing this for 2020 would aim to just get a pilot leasing program started. They envisioned the pilot project would allow a maximum of two permits per one vessel, and that the Council could modify, monitor, or end that program at any time. Others in favor of this priority noted that management of the fishery has been successful, but management of the fleet itself has not—they noted that the Council failed to meet its goal of reducing excessive fishing capacity in Amendment 15 and that this pilot program could help address that. They also noted that a FT LA vessel fishes about 80 days a year.
- A member of the audience felt that several items on the list, such as evaluation of rotational management and an LA program review, could be removed from the priorities list and added as research priorities for the Scallop RSA program instead.

Other Business

A member of the AP felt that an exemption should be developed so that vessels home ported in New Jersey are able to clock out when transiting back from open area fishing on Georges Bank to conserve DAS. They felt that the DAS used transiting from GB to NJ disincentivizes vessels from returning to home, and instead landing in New Bedford. They further noted that this type of exemption already exists for vessels transiting to and from VA (i.e. Southern Port Transit Declaration Line). Several other AP members acknowledged that this has been an problem in the fishery for a long time, but were hesitant to develop such an exemption for the following reasons: Transiting time is already factored in the LPUE model. Should such an exemption be developed, it is likely that DAS allocations would be reduced across the board. Also, this would be difficult from an enforcement perspective because it would mean that vessels are steaming over productive scallop grounds while “off the clock”.

No other business was discussed. The meeting ended at 4:43 pm.