

DRAFT Motions and Rationale

Framework 27

Staff reviewed preliminary 2015 survey results, biomass estimates, and preliminary fishery projections for FY2016. The Committee asked several questions about the surveys and preliminary analyses. Staff and the Chair of the AP reviewed input from the advisors related to potential specification alternatives. Ultimately, the Committee directed the PDT to continue development of FW27 specifications alternatives including four specific alternatives to further protect small scallops.

The Committee decided not to recommend consideration of a gear modification in FW27, a consensus statement passed by the AP the day before. The Committee discussed that it was admirable that the industry wanted to explore additional gear modifications before directed research was conducted in that area, but the Committee did not support development of an alternative in FW27 primarily due to concerns about delaying the action. One Committee member explained that the Committee hears time and time again that fishery specifications get delayed because additional items are added for consideration and here we are again. In addition, there is no research available in the specific area under consideration (MA waters in high concentrations of small scallops). It was discussed that it may be possible for additional research to be conducted between now and the start of the fishing year and that work could be shared with the industry on an informal basis. The Committee is supportive of that effort and encourages the industry to proactively modify gear on a voluntary basis, but does not think it should be required as regulation until more research is completed and available for the process to consider.

By consensus, the Committee directs the PDT to explore several specific alternatives in Framework 27 to further protect small scallops: 1) extension of ETA closed area including AP suggestions for how to expand the area; 2) consider a closure of Hudson Canyon; 3) consider a closure south of CA2 – the same area considered in FW26; and 4) consider some limited level of access in NL in 2016.

Amendment 19

Staff reviewed the Draft EA for this action including a summary of alternatives and analyses. Staff highlighted several issues that need to be clarified about the alternatives developed to date, including input from the PDT and AP for each item.

By consensus, the Committee clarified all 4 items:

- 1) confirmed the list of items that can be modified by specification process;*
- 2) confirmed that specification process should be up to two years, and the Council will need to decide the length of time in the priority setting process;*
- 3) confirmed that NMFS has the same review authority as the framework process in terms of approval, disapproval, and partial approval; and*
- 4) confirmed that if the start of the fishing year changes to April 1, the first fishing year should be 13 months to get in sync with April 1 start (March 1 – March 31).*

Next the Committee considered preferred alternatives and ultimately supported the same measures identified by the AP the previous day. Several Committee members wanted to discuss the April 1 alternative in more detail based on the relatively close vote at the AP level (6:4:2). Several AP members still present at the Committee meeting provided some rationale for why the vote was relatively split. Briefly, it was explained that a start date of March 1 may be less of an issue now than it used to be when allocations were higher and the plan was less flexible in terms of carryover provisions. Some of the fleet is not supportive of moving the date because they are concerned that would increase the risk of later implementation; give NMFS until April and measures would not be in place until May. It was explained that there is some recognition that April 1 makes sense from an administrative standpoint, but any later would cause real problems for the fishery and that is why the industry never supported other dates when this issue came up in the past (May 1, August 1, etc).

The Committee considered waiting to identify preferred alternatives until more public input was collected at subsequent meetings. But in the end the Committee voiced that at this time they are supportive of moving the start date to April 1 and it would be helpful to inform the public now to help solicit more informed input before final action in December. One Committee member expressed concern that if the start date was not moved the action would not achieve one of the stated purposes of the action: to reduce overall administrative burden associated with late implementation of specifications.

Motion 1: Kendall/Pappalardo

Committee supports Alt 2.2 be selected as preferred for Amendment 19.

Vote: 6:0:0, carries

Motion 2: Alexander/Kaelin

Committee also supports Alt. 2.3 be selected as preferred for Amendment 19.

Vote: 6:0:0, carries

2016 Work Priorities

Staff reviewed a draft list of potential priorities for 2015. The Committee supports all items listed and if the Council is not able to include all four items in the work plan for 2016 the overall priority order should be: 1) fishery specifications; 2) Framework 28; 3) finish inshore workshop; and 4) required 5 year IFQ report. The Committee specified two issues for consideration in Framework 28 (modify GB access areas based on approval of EFH action and gear modifications to further protect small scallops). At this time the Committee did not specify if they recommend the fishery specifications developed next year should be for FY2017 or both FY2017 and 2018. The Council will have to clarify that at the final meeting in December.

By consensus, the Committee supports the four items on the draft priority list, and recommends that the general priority order be as listed 1 through 4. The Committee also supports item #5 as an important priority for the Groundfish Committee to consider. Item #2 should include consideration of gear modifications to further reduce impacts on small scallops.

DRAFT Motions and Rationale

Framework 27

Staff reviewed preliminary 2015 survey results, biomass estimates, and preliminary fishery projections for FY2016. The AP discussed these issues for several hours and developed a handful of recommendations for the Committee to consider in terms of specification alternatives. In general, the recommendations consider measures to further protect small scallops that are in high concentrations in both GB and the MA. Aside from the specific statements below the AP also discussed the potential for a closure in Hudson Canyon. The group did not ultimately draft a statement of support or opposition. Some commented that a seasonal closure of all MA access areas could help reduce discard mortality, especially in warm summer months (August and September). Some comments were made that a closure of HC would have different impacts on the LAGC fishery near that area. Some were not very supportive of a closure in that area due to uncertain impacts of a parasitic worm in Delmarva. If vessels avoid Delmarva again in 2016, HC is closed, and “ETA closed” is expanded, that would squeeze all 2016 MA AA effort in a relatively small area that also has small scallops to consider.

By consensus the Advisory Panel suggests the Committee direct the PDT to develop an alternative that would consider expanding the ETA closed area within that access area to further protect small scallops. The panel did not feel strongly about the date of effectiveness: i.e. when FW27 is effective or a delayed effectiveness of August 1. In terms of the new boundary, the advisors recommend an area be left in deeper waters as a corridor to access larger scallops and any extensions should not be limited to full ten minute squares.

Rationale and Discussion: Overall the AP is supportive of considering an alternative to expand ETA closed to further protect high concentrations of small scallops. Some advisors felt that most of the large scallops south and west along the closure have already been harvested and the fleet will fish in deeper waters regardless, but others felt that further justified closing the areas since impacts on the fishery would be minimal. Some argued that there are measures in place already that minimize impacts on small scallops (i.e. ring size and crew limits) but others supported expanding the closure to further reduce discard mortality of small scallops. It was noted that only about half of the 2015 allocation for MA AA has been harvested to date; there is a substantial amount of effort remaining that needs to be taken into consideration when 2016 allocations are set. The panel was not opposed to closing the area as soon as the action is implemented, suggesting that most of the larger scallops could be harvested between now and the spring from those areas. In summary, the panel is supportive of exploring an alternative to protect smaller scallops but the expansion should not be very large and a corridor should be left in deeper waters to facilitate a passage for vessels fishing north to south and south to north.

By consensus, the Advisory Panel suggests the Committee direct the PDT to explore potential access in all available access areas in 2016 to help spread effort out. Specifically, an alternative should be considered to include limited access in NL for FY2016 to see what potential removals could be.

Rationale and Discussion: The AP is supportive of looking at access in all potential access areas for 2016. While the level of removal may not be very high from NL (less than 1 million pounds), the AP is supportive of evaluating some removal to help spread the fishery out. It could help provide other options if additional measures are considered for MA AAs, particularly for LAGC vessels from the north. Overall MA AA trips may take longer in 2016 so spreading the fishery out is an important consideration.

By consensus, the Advisory Panel suggests the Committee direct the PDT to develop an alternative in FW27 that would close an area south of CA2 (the same area considered in FW26).

Rationale and Discussion: The AP did not have much discussion on this topic. In general the fleet felt that large scallops observed in this area in the 2015 surveys has already been harvested. Fishing pressure was relatively high in that area in 2015, and the advisors did not think as much effort would be in that area in 2016. Therefore, it was voiced that it should not “cost much” to the fishery to close the area if most of the exploitable scallops were already removed.

By consensus, the Advisory Panel suggests the Committee direct the PDT to develop a gear modification alternative to protect small scallops in FW27. The specific alternative could be the same gear requirement in effect as an AM for WP flounder, which would require all scallop vessels to fish in MA AA with a maximum hanging ratio of 1:1.5 and a maximum of five rows of rings in the dredge apron.

Rationale and Discussion: The AP discussed that closures are not the only tool in the toolbox for protecting small scallops. While there are several in place already there are other gear modifications that could help reduce capture of small scallops. One gear type that has demonstrated to be more selective of larger scallops is the reactive WP AM gear requirement that is in regulation. Specifically a maximum of 5 rows in the dredge apron and maximum of 1.5:1 hanging ratio for the twine top. This combined gear modification has been shown to improve escapement of flatfish and small scallops. It has only been tested in GB and SNE, and not in areas with such high densities of small scallops so there was concern expressed that the impacts may not be the same if required in the MA. There has been some investigation on the use of extended links as well (running both up and down as well as left to right on the dredge bag), which has promising results for escapement of flatfish and small scallops. However, that gear modification is still only experimental. The AP discussed that there are a handful of things vessels could do to voluntarily reduce these negative impacts, but requiring all vessels to modify gear may need a higher standard of research before put into regulations. Ultimately, while some of the research is preliminary the AP is supportive of exploring at least the reactive AM gear requirement as a potential alternative in FW27.

Presentation on parasitic nematode observed in 2015

Dr. David Rudders from VIMS, and member of the Scallop PDT, gave a presentation on what is known about the parasitic worm that was observed primarily in the Mid-Atlantic by the industry and resource surveys of the area. Very briefly, it is currently believed to be of the genus *Sulcascaris*, a parasite that lives exclusively in sea turtles and mollusks. The impacts of this parasite are uncertain, and it has only been observed one other time in this region in 2003. The AP did not have any specific action items related to this issue, but expressed serious concern and support for further research.

Amendment 19

Staff reviewed the Draft EA for this action including a summary of alternatives and analyses. The AP provided input on several details that needed clarification and identified preferred alternatives. Motion 1 and 2 are related to suggestions for clarifying alternatives, which support PDT input, and Motions 3 and 4 include recommendations for preferred alternatives.

Motion 1: Hansen/Gutowski

Clarify Alternative 2.2 (Implement a specification process) so that it is as streamlined as possible to avoid any delays; the list of measures should only include the bulleted list of items on page 13 of Draft Amendment 19.

Vote: 12:0:0, carries

Rationale and Discussion: The AP discussed that the specification process needs to be streamlined and timely. Other issues can be modified by framework; therefore, the AP supports keeping the list of items as narrow as possible for a specification process.

Motion2: Hansen/Welch

AP recommends Alternative 2.2 (Implement a specification process) be clarified so that specifications can be “set-up to 2 years”, but the AP recommends specifications continue to be set annually for now.

Vote: 11:0:1, carries

Rationale and Discussion: The AP voiced that scallop specifications are too important to do every other year and the industry wants to avoid managing by emergency action. Setting specifications annually seems to avoid the need for emergency actions. There was some support for setting specifications for two years with a required annual review before the start of the second year to confirm if modifications were needed, but the AP was not clear how automatic that process would be and if for example there would be AP involvement. In general the AP supports flexibility and feel more confident that specifications will get the attention they deserve if the Council is required to adjust them annually. Ultimately, the AP supports that specifications could be set up to two years, in the event that issues stabilize in the future, but for now the AP supports annual management.

Motion 3: Welch/Larsen

AP recommends Alternative 2.2 (Implement a specification process) be preferred for Amendment 19.

Vote: 10:0:2, carries

Rationale and Discussion: The AP is supportive of measures that will get specifications implemented earlier in the year. Therefore, if a specifications process will streamline things and reduce the overall length of time needed to develop, analyze, and review measures for approval the AP is supportive. There was some discussion that this would not be as flexible as a framework process because it would not be able to consider all issues, but hopefully most items could be identified early enough so there was time to prioritize both a specification process and framework if other items needed adjustment.

Motion 4: Lybarger/Bailey

AP recommends Alternative 2.3 (change the start of the FY to April 1) also be preferred for Amendment 19.

Vote: 6:4:2, carries

Rationale and Discussion: This discussion was rather lengthy. Staff and members from the PDT that work on implementation of specifications from the Regional Office reviewed the impacts of late implementation. While default measures are in place on March 1 to help keep the fishery operating until full allocations are in place there are burdens and impacts of late implementation that will remain with a March 1 start date. Specifically, IFQ allocations need to be sent out twice and if they change this can impact leasing and transfer of quota. It was explained that AP members may be up to speed on what to expect on March 1 compared to later when the new action is implemented, but the majority of the fishery is not and it adds a tremendous amount of uncertainty and confusion for the fleet, associated businesses, and the numerous levels of review fishing regulations go through in the region and headquarters.

A member of the audience spoke in favor of April 1 start date explaining that there is nothing magic about March 1, it was not identified by design. March 1 is simply the earliest the regulations could get in place when Amendment 4 was first implemented. He argued that it would be best for the fishery to have all allocations at the same time so individuals could make business decisions with the full fishing year in hand, and if March 1 is not realistic and April 1 is he would support that minor shift. He argued that having all allocations available at this same time would outweigh having some one month sooner, and if April 1 alleviates the administrative burdens that should be taken into consideration too. Some AP members explained that in general April 1 would be a reasonable start date from a resource and fishery perspective, but there is a level of paranoia and mistrust that if the industry supports April 1 then NMFS will still implement specifications late and that just moves the bar farther back. Several AP members spoke about all the flexibility that exists in this FMP already in terms of carryover provisions, which in effect enables a vessel to fish when it chooses regardless of the start date (i.e. DAS carryover, access area carryover and IFQ carry over provisions). While some expressed concern that an April 1 start date could increase risks of specifications being implemented even later, the group ultimately supported a shift in the start date as preferred.

2016 Work Priorities

Staff reviewed a draft list of potential priorities for 2015. The AP is supportive of all four items described and recommended an additional item for a future framework. Briefly, the AP is supportive of determining a way to improve data collection to better monitor the fishery.

By consensus, AP supportive of adding an item to 2017 work priorities that would consider developing a real time tow by tow vessel reporting system. There are several systems that could be considered, as well as different ways to fund them. These options should be considered in a future action to improve vessel reporting.