



## New England Fishery Management Council

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# MEETING SUMMARY

## Scallop PDT Meeting

Parker River Refuge, Newburyport, MA

August 6, 2014

The Scallop PDT met on August 6, 2014 in Newburyport, MA to: begin development of alternatives and analyses for Framework 26 and review results from recent benchmark assessment.

**MEETING ATTENDANCE:** Deirdre Boelke (Chair), Lt. Josh Boyle, Matthew Camisa, Trish DeGraaf, Dr. Bill DuPaul, Travis Ford, Emily Gilbert, Ben Galuardi, Dr. Demet Haksever, Dr. Dvora Hart, Brian Hooper, Chad Keith, Emily Keiley, Kevin Kelly, Kimberly Murray, and Dr. David Rudders. Scallop Committee chair MaryBeth Tooley also attended the meeting. In addition, approximately a dozen members of the public attended.

### **KEY OUTCOMES:**

- The PDT discussed draft alternatives to present to the Scallop AP and Committee for all four of the "other" issues included in Framework 26 (NGOM, turtles, AMs and VMS corridor).
- The PDT identified how each alternative will be analyzed and who will work on the analyses.
- The PDT reviewed results from benchmark assessment (SARC59).
- The PDT recommends that the Scallop Committee consider measures for three additional issues in Framework 26:
  - 1) update reference points based on results from recent scallop assessment;
  - 2) consider additional compensation for LAGC vessels with an observer if a trip is over 24 hours; and
  - 3) revise regulations related to "flaring bar" of turtle deflector dredge.

### **AGENDA ITEM #1: REVIEW DRAFT FRAMEWORK 26 ALTERNATIVES AND DISCUSS APPROACHES FOR ANALYSIS**

Staff reviewed draft alternatives and background analyses for all four topics.

#### 1. VMS corridor alternative.

Dr. Hart explained that currently DAS are not calculated based on trip level data. Instead the total landings are summed up for the fishing year and simply divided by the total DAS used or DAS charged for the fleet overall. The DAS used comes from the time a vessel crosses the VMS demarcation line on the way out and on the return. Therefore, currently the time vessels spend steaming to the fishing grounds while inside of demarcation, time a vessel may spend inside of demarcation during a trip, as

well as time a vessel steams back to port with product onboard within the VMS line are not included in the estimate of total DAS used.

One PDT member commented that one issue driving this concern for vessels from the south is that most open area fishing grounds in that region have been converted to access areas; therefore, there is more limited areas to fish open area DAS in that region than farther north off New Jersey and GB. In addition, some concerns were voiced about potentially negative consequences of fiddling with the DAS system. To date it has been an effective tool and is relatively easy to monitor. Vessels already have flexibility to steam closer to and from fishing grounds, potential concerns were raised recently about flexibility to cross demarcation during a trip; therefore added flexibility could have unintended consequences.

Several staff members from NMFS Office of Law Enforcement attended the PDT meeting and explained some concerns they have with the VMS alternative. Section 4.3 of the document the PDT reviewed with background information includes a summary of their comments. In general, if a corridor is pursued it would require significant programming changes, it would add another area that would need to be enforced, there could be increased safety concerns, and one corridor will not fit all needs. It was noted that many vessels are already shaving DAS charges off before, during, and at the end of a trip once inside demarcation. Overall NMFS OLE present at the meeting as well as the Coast Guard representative on the PDT did not support development of a VMS corridor. Instead, individuals were more supportive of allowing vessels to end their scallop trip once they cross the VMS line and declare out of the fishery. This would require a new DOF code to identify that a vessel is transiting with product on board. NMFS OLE recommended a handful of initial requirements that could be included with this alternative: vessels must travel directly to port and offload scallops immediately; pre-land notification requirements; no shell stock (or a very small allowance); and gear must be stowed. NMFS OLS does not support increased VMS polling because the current monitoring system does not have an automatic polling capability.

In addition to the potential alternative described above, which would create a new DOF code, the PDT also discussed ways to explore the corridor idea further. One suggestion is to create an area east of the VMS line in waters south of Long Island where vessels could travel DOF to improve safety. A vessel would need to cross the existing VMS line to begin a new declaration, but once DOF the vessel could return to port within the “extended area” and not be confined to just west of the VMS line, maybe 5-7 miles east of the VMS line to improve safety, but inshore of major shipping lanes and scallop fishing grounds. Ultimately the PDT decided to explore two alternatives for this topic for now: 1) VMS corridor that would run 5-7 miles or so east of the VMS line; and 2) develop a new DOF code for vessels to return to port off the clock.

The PDT also discussed how these alternatives will be analyzed, primarily in terms of impacts on DAS allocations. For now the PDT is going to explore two approaches: a simple matrix of steaming time and estimated scenarios for vessel activity; and 2) using VMS data to calculate steaming times and estimate magnitude of vessels that will use these measures. Overall it was discussed that the first option may benefit vessels in the south more, but would likely have lower impacts on DAS since fewer vessels would likely use that extended area. The DOF option would potentially be used by more vessels throughout the range of the fishery, thus the potential impacts on DAS allocations may be greater.

## 2. NGOM

The PDT reviewed two draft alternatives for this topic. Staff needs to develop them a bit further, especially how the state water exemption program alternative would work. Several PDT members are providing additional background information for this topic including a summary of the permits, landings, revenues, and state water resource information. The PDT is unsure if vessels with NGOM permits are using the provision that allows them to declare a state only trip. If possible the PDT will look into this issue in more detail; if vessels are fishing mostly in state waters but not declaring their trips that way the federal NGOM catch may be harvested faster than necessary.

## 3. Turtle measures

FW26 includes two alternatives for this issue: No Action and to make the boundaries consistent. PDT member Kimberly Murray from the NEFSC summarized updated information on turtles since the PDT worked on FW23, the action that required turtle deflector dredges west of 71 W between May 1 and October 31. FW26 will include updated information about loggerhead distribution using more recent observed take data, satellite data, strandings data, and potentially updated fishery information. There have been about five additional takes since FW23. Overall the majority of takes from all years have been west of 71 W, but a handful of takes have occurred in waters east of that boundary; but only one has been in the month of November. Satellite data has been updated to include data from additional turtles tagged since FW23. Between 2009-2013 about 100 turtles have been tagged and their locations have been plotted by month. Based on updated data there is evidence that some turtles are in waters that overlap the scallop fishery in November. Most are off the coast of North Carolina and farther south, but a fraction of the tagged turtles were found in the southern part of the fishery.

The PDT discussed that this action should include some sort of conservation benefit analysis to compare the impacts on changing the boundary and seasons to be consistent. Dr. Kimberly Murray presented a potential way to assess these changes and their potential impacts in terms of increased turtle survival. The PDT will estimate the level of scallop effort in the area east of the TDD and in the turtle chain area in May-Nov, and compare that to the level of effort in the TDD in November. Different levels of take rates will be applied based on the area and season, and ultimately a comparison can be made. In the end this “quantified approach” may have too much uncertainty and a more qualitative approach will be used, but a subset of PDT members are going to work on this issue further and report back to the PDT at a later date. In the end these encounters may be a very rare event, and making these regulations consistent is more of a regulatory issue, and may not have any measurable differences in terms of conservation benefit.

## 4. Accountability Measures

The PDT plans to develop similar gear modified area AMs for northern WP and potentially replace the seasonal area closure AMs for GB and SNE/MA YT with seasonal gear modified areas. Various areas and seasons will likely be considered. Analyses from FW25 will be updated with more years of information from observer data, as well as RSA funded projects comparing this modified gear to other gears used in the fishery. For example, the PDT hopes to: summarize the gear configurations currently used in the fishery from observer data; summarize results from two RSA projects that evaluated bycatch from modified gear compared to more standard gear; evaluate d/k for northern WP and YT by depth from observer data; identify potential alternatives from a model that estimates d/k ratios by TMS from observer and VMS data; and calculate the “savings” of WP and YT from various gear modified AM alternatives. A subset of PDT members will continue working on this topic as well and report back at a future meeting.

## ***AGENDA ITEM #2: REVIEW HIGHLIGHTS FROM SARC59: SCALLOP BENCHMARK ASSESSMENT***

Dr. Dvora Hart gave a presentation of the major issues reviewed and approved at the recent assessment held in Woods Hole in mid-July. The major highlights include:

- several changes to the dredge index;
- use of a separate Habcam index;
- splitting out GB open and GB closed subareas;
- several model parameter adjustments (1. increased estimates for natural mortality; 2. increased natural mortality for larger scallops; and 3. new growth estimates for three different time periods); and
- new reference points based on these modifications.

Several changes were reviewed and approved related to the dredge survey index: 1) VIMS survey data was integrated for all areas from 2005-2013; 2) tows were standardized to one nautical mile in length instead of using a vessel correlation factor that was used in the last assessment; and 3) marginal areas on GB were dropped from the survey index. Adding the VIMS survey data had modest effects on the index, but improved the overall CV.

Habcam data used as a separate survey index for the first time in this assessment (GB 2011-2013 and MA 2012 and 2013). Previously simple kriging was completed with Habcam data to estimate access area biomass in scallop actions. But this assessment used a more complex a three step model (GAM plus ordinary kriging) to obtain biomass and abundance estimates. A stratified mean was also used as a backup estimate or “sanity check”. Paired habcam/dredge tows were used to obtain survey dredge efficiency estimates.

The GB model results were unstable; therefore the region was divided into two sub-regions: GB open and GB closed. Model for GB open performed very well, no retrospective patterns. For GB closed, the model does not believe the large survey years, so underestimates biomass for those years. The assessment panel discussed that density dependence juvenile mortality could be causing this, but that issue was not fully tested in this assessment.

Three model parameters were adjusted: 1) natural mortality increased in all areas; 2) natural mortality for the plus group was assumed to be 1.5 times that of other size classes; and 3) different growth estimates used for different time periods. Analyses were completed to support all of these adjustments.

Based on all these changes the assessment approved new reference points for status determination. Currently the stock is considered overfished if  $F$  is above  $F_{msy}$ , estimated to be 0.38, and overfishing is occurring if biomass is less than  $\frac{1}{2} B_{msy}$ .  $B_{msy}$  estimate is 125K mt, so overfishing if less than 62K mt. SARC59 suggests these reference points be adjusted to  $F_{msy} = 0.48$  and  $B_{msy} = 96,480$  mt and  $\frac{1}{2} B_{msy} = 48,240$  mt. The updated estimates for 2013 are:  $F=0.32$  and  $B=132K$ , so the stock is not overfished and overfishing is not occurring, under both the old and new reference points. The main driver for the increase in  $F_{msy}$  is due to increases in natural mortality and weakening of MA stock recruit relationships. In general  $F_{msy}$  is uncertain because the  $F_{msy}$  curve for MA is very flat, uncertain where  $F_{max}$  is for that region.

The PDT had several questions and comments about various aspects of the assessment results. Overall some concerns were raised about the higher  $F_{msy}$  estimate, and how different the  $F$  rates are per sub-area (GB  $F_{msy} = 0.3$  and 0.7 for MA). Since these were approved it makes sense for updated

reference points to be considered by the SSC and Council. Therefore, the PDT recommends the Committee consider including updated reference points in Framework 26 based on the recent benchmark assessment, including updated values for ABC, ACL and ACT based on a higher estimate of Fmsy (OFL).

***AGENDA ITEM #3: OTHER BUSINESS***

After the PDT discussed that FW26 should consider an additional issue to update reference points based on the results of the assessment two other issues were discussed as potential alternatives. First, a PDT member raised the issue that the one day max on observer compensation for LAGC vessels may be an issue if vessels need to fish more than 24 hours to get 600 pounds per trip. So far this does not seem to be a major issue, but there have been some calls from the industry that catch rates inshore are lower and it can take more than 24 hours to catch 600 pounds. The PDT would not want the max to cause a vessel to change behavior and end a trip early if one day of compensation was not going to cover the costs of an observer beyond one day of fishing. Currently a LAGC vessel is awarded 150 pounds compensation per trip if required to carry an observer. Depending on the price that may not be sufficient if the trip lasts more than 24 hours and the vessel needs to pay an observer for two days. One suggestion was to consider a higher compensation rate if a trip is more than 24 hours, perhaps 75 additional pounds. The PDT discussed that any additional compensation would need to be minimal so it not abused and undue why a maximum was implemented in the first place.

Second, the agency has received one call about the “flaring bar” description in the turtle deflector dredge regulations. The regulations state that, “*for the purpose of flaring and safe handling of the dredge, a minor appendage not to exceed 12 inches (30.5 cm) in length may be attached to each of the outer bale bars. Only one side of the flaring bar may be attached to the dredge frame. The appendage should at no point be closer than 12 inches (30.5 cm) to the cutting bar.*”

The restriction to only allow the flaring bar to be attached in one place was intended to help prevent the creation of more spaces that could trap a turtle or reduce the effectiveness of the “bump out”. The Agency has been contacted by one individual that is interested in constructing a “flaring U”, rather than a single bar, and it would be attached closer to the gooseneck; not near the bump out down by the cutting bar. Currently this would be prohibited because it would be attached to the dredge frame in more than one place. There would not necessarily be concerns in terms of impacts on turtles as long as the flaring U did not create more space for a turtle to get caught, but to change the regulations for this measure, it would need to be added to a framework action.

***The meeting adjourned at approximately 4:00 p.m.***