



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. “Terry” Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

DRAFT MEETING SUMMARY

Scallop Advisory Panel Meeting

Radisson – Warwick, RI

May 14, 2015

The Scallop AP met on May 14 in Warwick, RI to make recommendations for the Scallop Committee to consider on May 28 on four issues: 1) review and provide input on Amendment 19 alternatives developed to date; 2) develop final recommendations for research priorities for 2015 RSA announcement; 3) review and provide input on draft action plan for Framework 27; and 4) discuss and provide input for future workshop on inshore scallop fishing issue.

MEETING ATTENDANCE: Peter Hughes (Chairman); James Gutowski (Vice Chair); Ron Enoksen, Eric Hansen, Gary Hatch, Bob Keese, Michael Marchetti, Robert Maxwell, Charles Quinn, and Edward Welch.

AP members absent: Scott Bailey, James Fletcher, Kirk Larson, Brady Lybarger, and Paul Parker MaryBeth Tooley the Scallop Committee Chair; Deirdre Boelke (NEFMC staff); Emily Gilbert and Travis Ford (NMFS GARFO staff).

In addition, approximately 10 members of the public attended.

KEY OUTCOMES:

- Reviewed A19 alternatives and had nothing to add at this time.
- Provided over a dozen recommendations for modifying the research priorities.
- Reviewed draft action plan for FW27 with no additions.
- Provided some feedback about future workshop on inshore scallop fishing issues.

AGENDA ITEM #1: REVIEW AND DISCUSS AMENDMENT 19

Staff summarized the alternatives developed to date for Amendment 19 including an updated timeline moving final action to the December Council meeting, which pushes target implementation to August 2016. Therefore, all of the measures developed would still not be in place until the 2017 fishing year.

A member of the audience raised the possibility of using a portion of the current observer set-aside to help fund real-time data from an electronic monitoring system that was developed through the RSA program. This was presented as a way to better inform management with real time data from the fleet to assist in setting future specifications. It was not clear how this would directly address the primary need for the action, to get specifications in place closer to March 1.

Ms. Emily Gilbert from NMFS explained that NMFS does have concerns about the option in the document that includes publishing the proposed rule before the Council has made final decision (Option B). Currently there are concerns from General Counsel about whether this approach would be legally defensible and may not really save time in the long run. NMFS is supportive of developing a specifications process and believes that there will be time savings from switching to that process, but currently they are uncomfortable with setting up a process that requires the proposed rule to be published before final Council action. It was clarified that in Alaska the proposed rule that is published before final Council action is not a range of new measures under consideration; instead it includes the default measures that were specified in the action from the previous year. Therefore, if default measures in the scallop process were potentially increased to be closer to what final measures are expected to be compared to relatively precautionary measures that are currently used as default measures, the scallop process could become very similar to the process used for setting groundfish specifications in Alaska. AP and audience members voiced concerns about the Agency's stand on this issue. It was voiced that in this region there are many more meetings and opportunity for direct public comment; therefore, it is justified to push the proposed rule process sooner.

AGENDA ITEM #2: DEVELOP FINAL RECOMMENDATIONS FOR RESEARCH PRIORITIES

Staff summarized several documents the AP used to discuss research priorities: 1) a table with all Scallop RSA awards between 2010 and 2015; 2) list of priorities that were advertised last year; 3) findings from the recent scallop survey methods peer review; and 4) research priorities from the last benchmark assessment. The AP picked up from conversations the previous day and one by one went through about a dozen suggested modifications to the existing priorities. The recommendations were all approved by consensus and are described in the bullets below (1-16).

Several AP members explained that their recommendations on surveys was hampered because they are not sure if and how NMFS may adjust the federal survey in 2016 based on findings from the peer review. For example, will the federal survey include one survey with just Habcam from one platform, and a separate dredge survey potentially from commercial vessels? It was argued that this change could be more efficient and there may be potential to add more dredge tows if the entire federal dredge survey was decoupled from the federal Habcam survey. In general the AP is supportive of two broadscale surveys and supports that finding from the peer review. The motion below was passed to show that support. The question was asked about what the next steps are for the peer review findings, will NMFS and other survey organizations be asked to respond directly?

1. Gutowski/Maxwell

The AP supports the finding from the scallop survey peer review that there is no compelling advantage in using both dredge and HabCam gears on the same vessel for the federal survey. A joint integrated federal survey using two vessels could result in a better survey with improved coverage. The AP recommends the Scallop Committee forward this suggestion to the full Council, and the Center be asked to consider conducting the federal dredge survey on commercial vessels.

Vote: 8:0:1, carries

RSA Research Priority Recommendations – By Consensus

1. Clarify that announcement is for up to two years (2016 and 2017) including scallop survey research.
2. Identify the priority access areas for each year and include a note that GB access area boundaries may change based on EFH decisions; therefore, surveys may need to be adjusted to cover potential modifications to those access areas (NL, CA1, CA2 and potentially an access area on the northern edge of GB)
3. Add language that priority areas may change after the announcement based on survey results from 2015, feedback from the industry between when the announcement is published and when awards are made.
4. Elevate idea of seasonally monitoring scallop recruitment areas. General agreement to move this higher, integrate with Priority 1B.
5. Move research on scallop disease/parasites higher on the list – move from #5 and maybe integrate under #3.
6. Add Lobster bycatch to #2, and add in last sentence “to avoid conflicts”.
7. Leave discard and incidental mortality issues on the list and keep under “other” until results from currently funded projects are available. Add in specific reference to highgrading and highlight that these studies should cover different habitats, seasons, and gears, etc.. (Staff should confirm with the Center if the current projects are going to cover a diversity of conditions, or if they are only focused on one area or one season).
8. AP supports leaving enhancement issue under high. AP noted that this subject is very expensive to monitor so need to also look at outreach within the industry to potentially look into this separate from the RSA program. How can monitoring and permitting of enhancement projects best proceed?
9. Modify # 3 to remove predation and last two items - leaving just seeding and enhancement as #3 (as well as addition of disease from consensus statement 5 above). Move predation to “medium” and add reference to crab. Remove the last two items in #3 from the list.
10. After disease is moved higher from #5 including all diseases remove the rest of #5 (quality and discards at sea). By consensus the AP recommends that the observer program collect more specific information on the reasons scallops are discarded at sea to help understand the reasons why scallops are discarded at sea. [This needs to be forwarded to the Committee first].
11. AP recommends that turtles remain on the list under medium.
12. Add language in FFO that all RSA awards should try to add basic ocean data collection equipment on all projects that have field work. This information can be combined somehow later to inform overall ecosystem research.
13. Add selectivity of dredge gear issue under “other”.
14. AP recommends that the Scallop Committee forward the items below as research priorities to be added to an overall list of research priorities (not Scallop RSA). For example,
 - Assess where juvenile cod hot spots are
 - Project to focus on WP assessment
 - Identify winter flounder spawning areas
 - Use commercial vessels to collect basic ocean data (temperature, salinity, pH etc.)
15. For Habitat priority (#6) the text should be modified to be clearer, and moved under “other”.
16. Modify #8 to be clearer and stay under “other”.

AGENDA ITEM #3: REVIEW AND PROVIDE INPUT ON FRAMEWORK 27 DEVELOPMENT

Staff summarized the draft action plan for Framework 27. It was noted that fully developing new scallop access areas on GB based on potential modifications in the EFH action is more problematic now that the timeline has shifted back. The proposed rule will not be published before the Council needs to take final action on FW27. Some commenters did not see this as an issue and felt the modifications should be considered anyway. Based on discussions earlier about timing, the importance of developing default measures was mentioned.

AGENDA ITEM #4: DISCUSS AND PROVIDE INPUT ON FUTURE WORKSHOP ON INSHORE ISSUE

Staff summarized the draft white paper on scallop fishing trends inshore. The discussion went back and forth at first about whether there is a problem or not, some AP members arguing that there have always been fluctuations of LA effort inshore, and others arguing that measures can be taken to make this situation better so it does not cause such negative consequences for LAGC vessels. One AP member argued that a safe area inshore needs to be identified where smaller vessels can have a productive, stable fishery, maybe it can be an experimental fishery at first. It was clear from the conversation that this is not going to be one size fits all in terms of potential solutions; the LAGC fleet is very diverse and individuals have very different ideas about what the future of the fishery should look like.

For example, there are some members of the LAGC fishery that see the possession limit as a major hurdle preventing them from flexibly fishing in areas farther offshore. And there are others that support reducing the possession limit to help preserve the small boat nature of the fishery. Some commenters voiced that the LA fishery comes inshore and wipes the resource out, and others voiced that the LAGC fishery has the capacity to wipe the nearshore areas out on their own with increased possession limits, concentrated quota in fewer areas from leasing and consolidation, and nearshore areas may not be able to support higher levels of LAGC effort. Ultimately, the group seemed to agree to disagree on some of the fundamental needs for the workshop, and came back to providing input on the draft white paper.

The AP first discussed the draft problem statement and draft goals for the workshop (Section 2.0). One AP member did not agree that there is an incentive for all vessels to fish inshore, the first sentence of the draft problem statement. Another AP member commented that during this process people should try to focus on the beneficial impacts that could result from reduced fishing pressure inshore on the entire fleet, and not just the LAGC fishery. The AP reviewed the data provided, mostly VTR data by area and permit, and requested that catch per unit effort information is needed by area to really show how high fishing mortality inshore negatively impacts the LAGC fishery. A member of the audience suggested that there are constraints on how the data are organized and how it can be presented to preserve confidentiality, so efforts should be more qualitative. Several suggested that this issue exists in other fisheries around the world so it may be possible to learn valuable lessons from case studies around the world.

The AP briefly discussed some of the draft measures in Section 4.0. The AP felt that the format of this document should be modified so that it does not give the impression that the Council is moving forward with these measures in an action. A few AP members and public speakers spoke in favor of one or another measure outlined in the document. One member of the audience identified two measures that he felt were non-starters from the LA perspective, but the group

decided to leave everything in for now and allow those comments to be further discussed at the workshop.

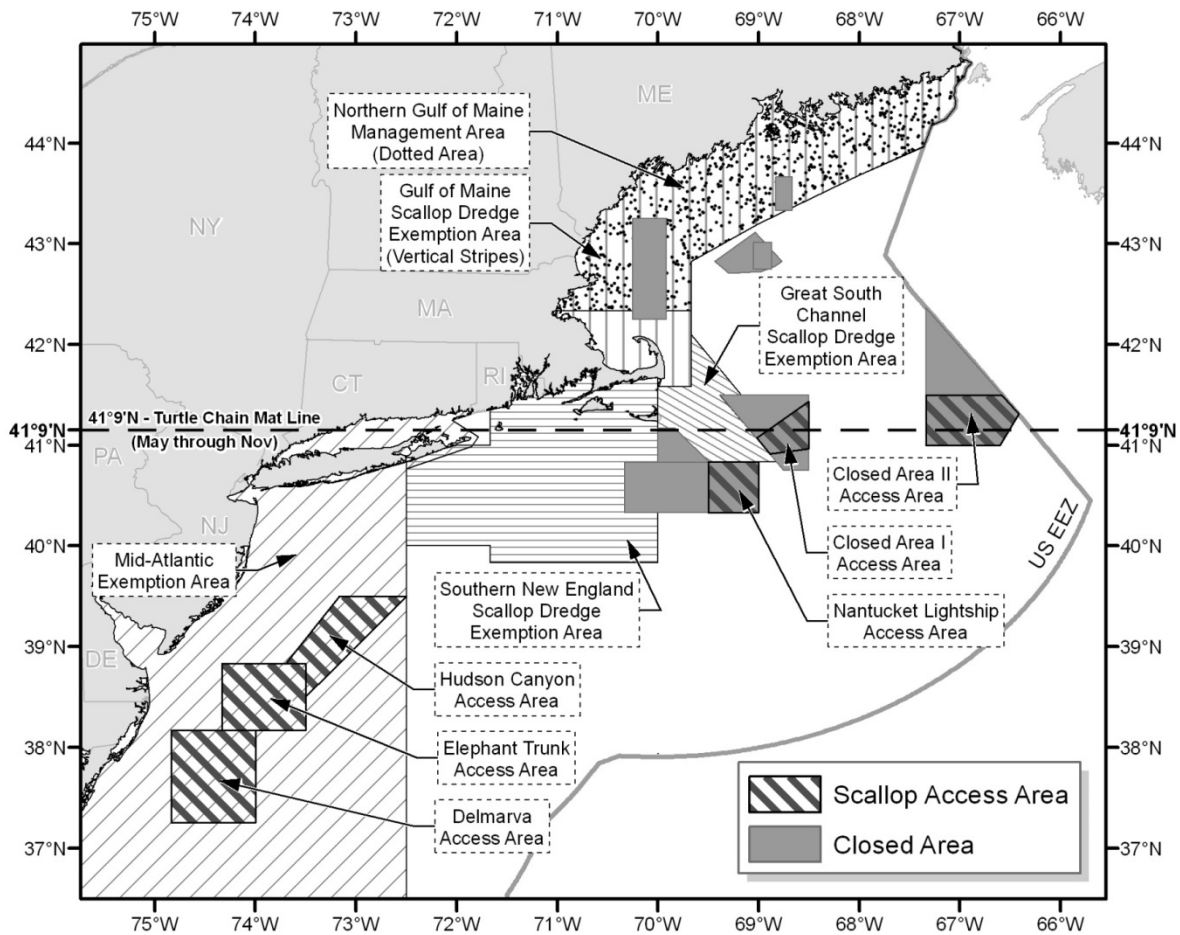
Finally, the AP provided some input on the workshop logistics. The panel discussed that it may be difficult to get through everything in one day. Points were also made on both sides about whether to have the meeting in one location, or one in New England and one in the Mid-Atlantic. Different areas probably have different ideas, but there are also benefits from sharing ideas at one larger meeting. There was support to have the meeting, or meetings, professionally facilitated. It was suggested that this would reduce burdens on staff since A19 and FW27 are also being developed, and several speakers have had positive experiences with facilitated meetings of this nature. Ultimately, it was discussed that staff should get a better handle on what resources are budgeted for this workshop in terms of how many days and whether it can be facilitated.

A member of the audience asked what the next step for this document is. The AP discussed that it was not necessary to draft a motion to approve the white paper, but agreed that the draft problem statement and draft goals for the workshop basically cover the issues that have been raised and should be forwarded to the Committee. Details about the size and scope of the workshop will likely be driven by available resources, hopefully taking some of this input into consideration. Staff may try to restructure the document to better reflect ideas discussed at the meeting and change the format so it does not look so much like a Council action.

OTHER BUSINESS

One AP member brought up an issue that has been discussed several times over the years, what to do about the current dredge exemption areas in the Multispecies FMP after the EFH action (Figure 1). LAGC vessels are currently not allowed to fish with dredge gear outside of these areas, and based on decisions in the EFH action, there may be a few places that open to scallop fishing that are east of these exemption areas. ***By consensus, the AP wants to forward this issue to the Committee so that the Council can discuss this at the appropriate time (i.e. an action that follows the EFH action or a GF framework).*** Now that the LAGC fishery is limited access and controlled by an ITQ these areas may not be as relevant as when they were adopted.

Figure 1 – Scallop exemption areas implemented under the Groundfish FMP



- **Gulf of Maine Scallop Dredge Exemption Area (SDEA)**– Groundfish FW 21 (Feb 1997). Rationale for only possessing scallops: Eliminates any incentive not to minimize the catch of regulated multispecies
- **Great South Channel Scallop Dredge Exemption Area** – RA Authority (August 2006), based on industry request (requested October 2005). Same rationale as other SDEAs
- **Southern New England Scallop Dredge Exemption Area** – Groundfish Amendment 13 (April 2004). Same rationale as other SDEAs
- **Mid-Atlantic Exemption Area** – Fisheries that occur in the Mid-Atlantic Regulated Mesh Area (West of 72°30') are exempted from needing to establish an exempted fishery (i.e., you can fish in this area with a trawl and not be on a multispecies trip or on a DAS, etc).

The Scallop AP meeting adjourned at approximately 5:00 p.m.