



## New England Fishery Management Council Scallop Committee Meeting Summary

September 24, 2014

Providence, RI

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### **Development of Framework 26 Alternatives**

- **Motion 1: Quinn/Kaelin**

The Committee recommends inclusion of an alternative in Framework 26 that would extend the boundary of the scallop access area in Closed Area II, as shown in Document 3a for Option 1. The Committee recommends inclusion of one option only for this area; the one that extends all the way to the Hague Line. But clarify that the area should be closed until the next specification action that will set allocations for FY2016.

Vote: 7:0:0, motion carries

#### ***Rationale:***

*The PDT developed two potential options to extend the access area in CA2 to encompass small scallops observed in open areas adjacent to the access area. The AP supported consideration of either option for one year. While there is some exploitable biomass in the potential closed area, overall yield from the area is expected to increase if the area is closed for one year. The Committee recommends that only one area be included for analysis, and it should be the one that is more enforceable. It was discussed at the meeting that the Option that extends to the Hague Line would be easier to enforce and likely improve compliance.*

- **Motion 2: Kaelin/Quinn**

The Committee recommends inclusion of an alternative in Framework 26 that would close an area to the east of NL that would extend to 68° 30 W as the eastern boundary, and use the same northern boundary as the small extension alternative (about 40° 40 N). This area would remain closed until the next framework action specifies what to do with the area.

#### **Motion to substitute: Pierce/Kendall**

The Committee recommends AP Motion #2 (To consider in FW26 an extension of NL to the east as a scallop access area, small extension only (option 2). The area should remain closed until the next framework action that will set allocations.

Vote to substitute: 6:0:0

Vote: 6:0:0, motion carries

#### ***Rationale:***

*The PDT also developed two potential options to extend the NL access area to encompass small scallops observed in open areas adjacent to the access area. One option is a small extension, about one ten minute square, and the other option is a larger L-shaped area that would extend*

*along the southern flank of GB until about 68° 10 W. The PDT included the larger area to include a very large tow of 28,000 small scallops that was observed in the 2014 federal dredge survey. The AP was not supportive of the larger area. While it would include more area with small scallops and did not overlap with major fishing areas, the shape of it was described as problematic because it extends over an area that some vessels fish through, and a large amount of the small scallops observed in the area would be contained in the small extension, the current access area, and the EFH closed area in the middle of NL. If the area did not extend as far north there may be more support, and the initial Committee motion attempted to extend the area farther east, but that motion was substituted with the small extension alternative.*

*The AP was not comfortable with the level of data available for the area overall, and did not want to close a larger area based primarily on limited habcam coverage of the area. Instead it was suggested this area be a high priority area for more detailed surveys in 2015. Ultimately the Committee agreed and only included the small area, but one member noted that the analysis is legitimate and would be sufficient to use to support a closure. Overall, the level of fishing in the area is estimated to be relatively low, so impacts on small scallops are expected to be limited even if the area remains open.*

- **Motion 3: Kendall/Pierce:**

Recommend the PDT analyze the 7 ten minute square alternative for a potential closure within the northwest corner of the Elephant Trunk access area for further analysis in Framework 26.

Vote: 7:0:0, carries

***Rationale:***

*The PDT developed two potential options to close subareas within Elephant Trunk that had high concentrations of small scallops observed in the northwest corner of the area. Based on the high growth rates estimated for the areas and the relatively low level of exploitable biomass within the closures the AP was supportive of considering both options. The seven ten minute square option does include more exploitable biomass, but the additional ten minute square has the highest estimated growth rate for the entire area. Therefore, the Committee requests that the PDT analyze the larger area fully, and if possible also include some more basic analysis to compare the two options to each other.*

- **Motion 4: Kendall/Kaelin**

Recommend the PDT no longer develop the two potential closure alternatives within the Hudson Canyon access area for further analysis in Framework 26.

Vote: 6:1:0, carries

***Rationale:***

*The PDT also developed two potential options to close subareas within Hudson Canyon. One had some small scallops in the area and was in shallow waters, so overall growth potential higher for that area. The second area in the north was identified as a potential aggregation area that may improve future spawning and recruitment downstream next year. The AP did not support consideration of either alternative, referencing that growth rates are not very high for the areas, and there is not enough information available yet to support that this area is unique and would increase future recruitment. While there is empirical information to suggest it may be*

*the case, closing an area for that purpose is beyond the original vision of area rotation; the cornerstone instead is to protect aggregations of small scallops, not as a spawning closure. One Committee member explained why he voted against the motion. First, the wording of the motion almost implies the PDT should discontinue exploring the hypothesis and identification of areas that may be important spawning areas. Second and more importantly, he does not agree that the lack of scientific proof being described as the reason to leave this option out should completely outweigh considering this as an alternative when it does not seem that it would be costly proposal for the industry to test this “experiment” that may have very high returns.*

- **Motion 5: Quinn/Sissenwine**

The Committee supports Advisory Panel Motion 6 and Motion 7 to be included in Framework 26. These motions would develop a measure that would provide maximum flexibility for allocating Mid-Atlantic access area trips, but maintain a possession limit.

Vote: 7:0:0, carries

***Rationale:***

*The PDT developed a potential alternative that would modify how access area trips are allocated in the Mid-Atlantic in 2015. Since all three areas are expected to be open and subareas may be closed it may be warranted to consider allocating trips to all three areas together and let vessels chose where to fish within the areas. This method may have fewer unintended consequences compared to the lottery allocation method. This method would be more flexible, but more development is needed to see how this approach would be administered, and there may be new reporting requirements to improve monitoring under this system, i.e. prelanding requirement.*

- **Motion 6: Kaelin/Kendall**

The Committee recommends the PDT only develop crew limit restrictions as a potential measure to reduce mortality on small scallops in Framework 26. The other alternatives described in Section 2.2 in Document #3 should not be developed further (prohibit RSA compensation fishing in Mid-Atlantic access areas or seasonal restrictions), or gear modifications to reduce impacts on small scallops.

Vote: 5:0:2, carries

***Rationale:***

*The PDT drafted a list of potential measures that could reduce impacts on small scallops, in addition to, or instead of temporary closures. For example, crew limits, prohibiting RSA compensation fishing, and seasonal restrictions to prohibit fishing during poor meat weight months. These strategies have been used in the past to reduce impacts on small scallops. The AP also discussed the possibility of gear modifications (reduced number of rows in the apron and/or reduced hanging ratios), but gear was not included as an option at this time. Furthermore, the Committee reduced the list for this action to just crew limits.*

- **Motion 7: Kendall/Alexander**

Committee supports inclusion of Section 2.8 in Framework 26 (in Document #4); to consider modifying regulations related to the flaring bar provision for the turtle deflector dredge.

Vote: 7:0:0, carries

***Rationale:***

*During the deeming process for Framework 23 when the turtle deflector dredge (TDD) was implemented, the Council requested NMFS allow for a “flaring bar”. A flaring bar is a minor appendage attached to the bale bar of the dredge that is needed to help the crew safely handle the gear as the dredge is brought on and off the vessel during fishing. The TDD regulations intended to clarify that a flaring bar could be used, but it needed to be a certain distance from the “bump out” of the dredge. The regulations state that it can only be up to 12 inches in length, no closer than 12 inches from the cutting bar, and to prevent a vessel from closing up the bump out with a flaring bar the regulations added that the flaring bar could only be attached to one side of the dredge frame. However, some vessels use a “flaring U” shaped appendage, which does attach to the dredge frame in more than one place, so inadvertently the new regulations prevent that shape. Addressing this small change is a safety issue and allowing a flaring u should not have any impact on how the dredge fishes or potential impacts on turtles, so long as it is still more than 12 inches from the bump out and not more than 12 inches in length.*

At the end of the Framework 26 agenda item the Committee discussed with the new additional recommendations it may be necessary to prioritize items since the workload for the action may be expanded substantially.

***By consensus the Committee prioritized work items in Framework 26 if the PDT is not able to complete all the analyses for November.***

- 1. Specifications including modifications to scallop access areas***
- 2. Revise TDD regulations related to flaring bar***
- 3. NGOM and state water fishery issue***
- 4. Making turtle regulations consistent***
- 5. Measures to allow LA FT DAS off the clock on the way home***
- 6. Develop AMs for northern WP and revise YT AMs for GB and SNE/MA***

***Rationale:***

*The Committee discussed that any measure related to specifications should take precedence over everything else. Therefore, the new recommendations to consider modifications to both GB and MA access areas should be worked on first. Designing new areas and assessing the impacts of those changes should be the top priority for the action. The other new suggestion to adjust the flaring bar regulation is administrative, may have indirect safety issues, and is not a huge task for the PDT to develop and analyze, so that should be second overall. Staff reviewed the status of the original four other measures the Council included in Framework 26 at the June Council meeting. Work on NGOM and turtle measures are very far along and the potential need to address the NGOM issue is heightened since catches in that area are approaching the hard TAC. Based on feedback from staff the Committee felt comfortable that all the items described above could be completed by the November Council meeting.*

*The last two items still need substantial development and analysis. If it becomes necessary for the PDT to prioritize resources, the Committee recommends the corridor issue have a higher priority than AMs for several reasons. First, there are AMs in place for both YT stocks, they*

*may not be as desirable in terms of potential impacts on the scallop fishery, but they are in place and are expected to reduce impacts on YT if implemented. The Council has not yet set a sub-ACL for northern windowpane; it is under consideration in Framework 53. If adopted the earliest it would be effective is FY2015. If the scallop fishery exceeded their sub-ACL in 2015 the earliest AMs would trigger is FY2016, but more likely in 2017 after final catch data are typically available. Therefore, the scallop framework that will set specifications for FY2016 could include AM modifications that would be in place as early as May 2016, if the work cannot get complete in Scallop FW26. Finally, the majority of the scallop fishery is expected to be concentrated in the Mid-Atlantic region in 2015. Therefore, catches of northern WP and GB YT should be lower next year compared to recent years.*

### **2015 Priority Recommendations**

- **Motion 8: Kaelin/Quinn**

Recommend the Council consider two items for 2015 priorities: potential modifications to GB scallop access areas based on EFH Action and specifications for 2016 only (2017 default).

Vote: 6:1:0, carries

***Rationale:***

*The Committee discussed that working on specifications and potentially modifying access areas on GB after final action on EFH areas would be a full plate for the scallop action next year. Particularly if something falls out of FW26 and needs to be addressed next year instead. Furthermore, there are a handful of other work issues the Scallop PDT and Committee will be involved in next year; i.e. the scallop survey peer review. The Committee was not specific about whether these items should be included in one action or two separate frameworks next year. It was discussed that over the next few months the Council will have a better sense of the EFH Omnibus timeline; therefore the Council can hopefully be more specific about whether to work on one or two scallop actions in 2015 at the November Council meeting. The Committee did not ultimately include other ideas discussed by the AP the day prior to the Committee meeting.*