



## New England Fishery Management Council

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# MEETING SUMMARY

## Scallop Committee

June 1, 2017

Courtyard by Marriot, Boston, MA

The Scallop Committee met at the Courtyard by Marriot in Boston, MA on June 1<sup>st</sup>, 2017 to: 1) receive updates on and review priorities and general workload for 2017; 2) receive PDT input on 2018/2019 Scallop RSA priorities and make recommendations for 2018/2019 Scallop RSA priorities ; 3) receive and update on follow-up to scallop survey peer-review (2017 priority); 4) review the FW29 Action plan and analyses on FW29 management measures (i.e. NGOM measures and flatfish accountability measures), and form recommendations for the Committee to consider; 5) review and discuss the Scallop Committee motion re: control date that would address the movement between LAGC NGOM and LAGC Incidental permit categories; and 6) discuss other business.

**MEETING ATTENDANCE:** Mary Beth Nickell-Tooley, (Scallop Committee Chair), Jonathon Peros (PDT Chair), Mark Alexander, Melanie Griffin, John Pappalardo, Cheri Patterson, Michael Sissenwine, Peter Kendall, Terry Stockwell, Peter Christopher, Peter Hughes, and Roger Mann. Sam Asci (NEFMC), Travis Ford (NMFS GARFO), and AP Chair Jim Gutowski were present in the audience, along with approximately 15 members of the public.

### **KEY OUTCOMES:**

- The Committee formed recommendations for 2018/2019 Scallop RSA priorities.
- The Committee tasked the PDT with developing options to splitting the NGOM TAC between LA and LAGC components of the fishery using a hybrid approach.
- The Committee endorsed a request from the industry for the NMFS to use its authority to expand or remove the gen category exemption area.

The meeting began at 9:35 with Committee Chair Mary Beth Tooley welcoming members of the Committee and public to the meeting. There were no comments on the meeting agenda.

Council staff provided an unofficial update on the status of a 2017 survey of the Northern Gulf of Maine management area (NGOM); areas identified by the PDT (portions of Stellwagen Bank and Jeffreys Ledge) will be surveyed through two projects already awarded by the 2017 RSA program. The AP was reminded that as Framework 29 to the Scallop FMP fills up with items, developing a simple approach to NGOM management measures will increase the chances of measures being in place for the beginning of FY2018.

Council staff reminded the Committee of the goals for the meeting:

1. Develop recommendations for 2018/2019 Scallop RSA research priorities
2. Review progress on potential management measures that may be included in FW29 (flatfish accountability measures, and NGOM management)

***2018/2019 SCALLOP RSA RECOMMENDATIONS:***

Council staff presented background information on the Scallop RSA program and reviewed progress to date on RSA priority development, including the recent joint AP/PDT RSA share day meeting and several PDT calls which formed recommendations for the 2018/2019 RSA research priorities. The Committee was informed of the timeline for the 2018/2019 RSA program, noting that recommendations from the day's meeting will be presented to the Council at the June meeting, where the Council will make research recommendations for the 2018/2019 FFO.

Staff noted that the RSA proposal technical review process has evolved over the past few years, and now includes members of NEFMC staff to document and better understand the process. A member of the Committee expressed interest in seeing the process evolve further by explicitly stating survey design criteria to be used in awarded projects as part of the FFO.

A Committee member directed discussion to the Common Scallop Price used to generate research funds for RSA projects through compensation fishing, noting that the current price (\$12 per lb.) is far below the market average. It was suggested that this discrepancy is negatively impacting research groups, especially those with 2-year awards, because funds generated from compensation fishing are as low as 1/3<sup>rd</sup> of the expected amount thus far in FY2017. Furthermore, this Committee member suggested that it may be worth opening a PDT discussion to determine if 2-year funding opportunities are a good idea moving forward. GARFO representative Travis Ford noted that there is no active mechanism in place to offer financial protection to researchers when the price goes this far below the expected average; however, the Committee was informed that in instances where a financial shortfall does occur, allocated scallop lbs. from the following year could potentially be used to offset low prices. Another Committee member who has been involved in RSA projects in the past noted that RSA awards are given in scallop lbs., not dollars, and that institutions receiving awards should understand that there will be fluctuation in funds generated for research using this process; it was further stated that research groups should be prepared for issues that may arise from fluctuating scallop market prices.

The Committee asked for clarification on the Scallop Advisory Panel motion which elevated scallop meat quality research to a HIGHEST RSA research priority. AP Chair Jim Gutowski explained that the AP had a thorough discussion regarding the increasingly concerning issue of nematode prevalence and its potentially detrimental impact on the scallop resource. The AP agreed that a strong push for research related to nematode transmission be critical in figuring out a solution to this issue. Staff also noted that discussion at the joint AP/PDT RSA share day suggested modifying turtle research priorities to be specific to researching the transmission nematodes from turtles to scallops. A member of the Committee suggested that it would be beneficial to expand the pool of RSA researchers for meat quality projects. Several members of the public commented that there is enough flexibility built into the RSA compensation process

that a brief (~ 1 year) drop in scallop price is not going to have a major impact on the ability to do research.

The 2017/2018 RSA research priorities were reviewed, as were the Scallop PDT's recommendations for 2018/2019 ( [Doc. 4](#), [Doc. 5](#)). Motions regarding AP recommendations from the previous day's meeting were also reviewed. Staff noted that the PDT reached consensus on all recommendations except for how to rank a Gulf of Maine/NGOM survey; there was general agreement among PDT members that surveying some areas in the NGOM should be elevated in priority ranking, but a firm recommendation was not agreed upon.

### **Motion 1: Griffin/Patterson**

The Committee recommends the following changes to the RSA priorities:

- Elevate *natural mortality* out of “non-harvest mortality” and included in scallop meat quality and include snails in list of predators.
- Move non-harvest mortality to “OTHER” priority.
- Rank high priorities in order of importance. Scallop meat quality ahead of bycatch.

*Rationale:* Surveys should remain as HIGHEST. This has no bearing on the survey language.

The motion carried on a show of hands: 10/0/0

### **Motion 2: Griffin/Hughes**

Move to adopt PDTs recommended changes 1a, 1b, and 1c, and recommends the following additional language. For the Gulf of Maine only, prioritize intensive industry based surveys of portions of the NGOM management area that have been recent or likely to be fished: for example, Stellwagen Bank, southern Jeffreys Ledge, Ipswich Bay, and Platts Bank (1b) over resource wide industry surveys of the Gulf of Maine.

*Rationale:* 1b is not exclusive to the areas listed above. The intent is to have Gulf of Maine broad scale as a lower priority than intensive (for surveys in the Gulf of Maine).

The motion carried on a show of hands: 10/0/0

Some Committee members expressed concern that the PDT recommendation for a NGOM survey in 1b and 1c may deter proposals for an intensive survey of the areas fished in FY2016 and FY2017 and that a broad scale survey of the NGOM will not look the same as a broad scale survey of Georges Bank and Mid-Atlantic. Overall, the Committee supported the PDT recommendation, which prioritizes surveying areas that hold scallops and have been recently fished in the short term, and then expanding that coverage to include areas that have been historically fished in the future.

### **Motion 3: Griffin/Pappalardo**

Move to adopt the PDT's recommendations for HIGH priorities for bycatch research and scallop meat quality (paragraphs 2 and 3).

The motion carried on a show of hands: 10/0/0

### **Motion 4: Patterson/Mann**

Move to adopt the PDT's recommendations for MEDIUM priorities for research (paragraphs 4,5,6).

The motion carried on a show of hands: 10/0/0

**#5 By consensus**, the Committee adopts the PDT's recommendations for OTHER research priorities.

There was no discussion amongst the Committee or members of the public regarding Motions 3 and 4.

Staff presented fishery data that was discussed on the most recent PDT call ([Doc. 1](#)) including:

- open-area LPUE (monthly scallop landings/DAS charged) for the LA fleet from FY2010 to May of FY2017 (noting that May data was incomplete) ([Doc. 1](#), slide 22).
- Cumulative landings by week and grade for the first three months of fishing FY2015 to FY2017 for access and open areas ([Doc. 1](#), slide 23).
- FY2017 ex-vessel prices by access area ([Doc. 1](#), slide 24).

Staff provided the Committee with key points from AP discussion at the previous day's meeting on the status of FY2017 to date, including:

- Open bottom LPUE was underestimated this year (2,227 lbs. per day), actual LPUE so far is between 2,500-4,000 lbs. per day
- There have been more 10/20 count scallops than expected by the industry
- Fishing in the Elephant Trunk Flex area has been very good; however, there is an obvious nematode issue which has shown to be more prevalent in some areas compared to others
- There are a lot of 20/30 count scallops in the Mid-Atlantic Access Area, which will likely mean a lot of 10/20 counts in this area next year.
- There is some evidence of nematodes in open bottom around Long Island
- Fishing in the Nantucket Lightship has been very good (typically over 20 bushel per tow)
- A small portion of scallops in the NLSA (less than 20 lbs. of 30,000 lbs. caught) have shown to be infected with large, orange, nodules.

A member of the public commented that these large, orange, nodules are a likely indicator of a virus, not a nematode.

- CAII fishing has been good, with daily catch rates between 3,000 and 4,000 lbs.

- Some AP members felt that there seems to be an 8 to 12 month delay between actual LPUE and the LPUE estimate calculated by the PDT.

#### ***UPDATE ON SCALLOP SURVEY PEER-REVIEW***

Council staff reminded the Committee that a PDT sub-group was established to address issues identified by the Scallop Survey Methods Peer-review, and to integrate findings into the upcoming 2018 benchmark assessment. This sub-group will provide additional analyses for the specifications process, including comparing paired tows between HabCam and dredge surveys, generating biomass estimates using geostatistical methods that incorporate data from all surveys, performing sensitivity analyses around dredge efficiency in high density areas, continuing to track growth parameters for scallops in the NLS, and documenting the PDT work process for the upcoming SSC and 2018 benchmark assessment meetings.

A member of the Committee supported using a geostatistical approach to incorporate data from all surveys, and noted that different efficiency/catchability coefficients must be employed for the varying survey designs. Staff confirmed that this has been discussed by the sub-group and will continue to be a point of discussion in the future.

#### ***UPDATE ON FRAMEWORK 29***

Staff reminded the Committee that the Council initiated Framework 29 to the Scallop FMP at the April meeting. The likely alternatives addressed through FW29 include a specifications package for FY2018, setting the Northern Gulf of Maine TAC and other management measures, development of flatfish accountability measures, and modifying the current Closed Area 1 access area boundaries to be consistent with Omnibus Habitat Amendment 2. The Committee was reminded that a simple approach to developing these alternatives will increase the likelihood that FW29 is in place for the beginning of FY2018 (April 1<sup>st</sup>).

#### ***FLATFISH AMS***

Staff then reviewed progress made to date on flatfish AM development, reminding the Committee that the projected catch of GB yellowtail and Northern windowpane by the scallop fishery is greater than the sub-ACL in FY2017. Fishery data relevant to AM development was presented including landings and bycatch data by statistical reporting area and figures which describe observed d/K ratios by ten minute square for GB yellowtail, Northern windowpane, and SNE yellowtail ([Doc. 10](#)). At the previous days meeting, the AP suggested a GRA or time-area closure could displace effort into other areas; Staff informed the Committee that the PDT is working to investigate how this displacement may impact bycatch reduction estimates.

#### **Motion 6: Hughes/Mann**

The Committee recommends that AMs be developed consistent for all flatfish with existing gear modifications for SNE windowpane AM (5 row-apron and 1.5:1 hanging ratio).

*Rationale:* This would create parity across flatfish AMs for the scallop fishery.

The motion carried on a show of hands: 10/0/0

### ***NORTHERN GULF OF MAINE MANAGEMENT***

Framework 29 was initiated at the April Council meeting which established a problem statement and prioritized the development of management measures for the Northern Gulf of Maine management area including setting a TAC for LA and LAGC components of the fleet. Council staff noted that the background information regarding the NGOM ([Doc. 9](#)) provided to the Committee should be used to develop discussion on how to split the TAC for FY2018, and that no final action would be taken at the day's meeting.

Staff presented potential approaches to splitting the TAC between components, including:

- 1) Historic TAC in the management area. For example, the TAC for the area was set at 70,000 lbs. for the LAGC component for nearly all years since the inception of the program.
- 2) Split based on historic removals from the NGOM management area by fishery component. For example, dealer data is available from 2008 – present for the LAGC component. LA landings from the area would need to be estimated.
- 3) Hybrid Approach of Historic TAC and historic removals from the area (combine a and b). For example, start with a baseline of pounds to a component of the fishery, and then consider how harvest over and above that value is distributed.
- 4) Sunset provision: For example, develop a short-term approach that would remain in place for a set number of years. The Council has identified work on the NGOM management as a potential priority for 2018.

A member of the Committee asked if the PDT has considered ways to address derby fishing in the NGOM when developing an approach to splitting the TAC. Staff noted that this had not been discussed thoroughly, but that the PDT acknowledges that splitting the TAC between components will alleviate the dependence of LA vessels on LAGC harvest controls in the area. Another Committee member suggested that offering LA access area trips into the NGOM could help avoid a derby fishery. Staff noted that this approach and many others have been discussed by the PDT; however, it was further noted that realistic solutions will likely depend on the biomass estimate from the area. A member of the Committee inferred that, in light of the limited amount of time available between when survey findings will be available and when the Council will need to have alternatives to consider, it will be difficult to avoid a derby fishery in the NGOM in FY2018.

The Committee expressed interest in seeing long term (1996 to present) VTR landings data for both LA and LAGC components fishing in the NGOM region. Staff and Committee chair informed the group that there are caveats associated with VTR data that make attributing landings to the NGOM management area difficult; however, it was agreed that this will still be useful information to see in the future.

**Motion 7: Stockwell/Kendall**

The Committee tasks the PDT with developing options for splitting the NGOM TAC using a hybrid approach to splitting the NGOM TAC between the LA and LAGC component.

*Rationale:* One concept is to use an initial “floor” of lbs, a percentage split between groups, and a maximum amount of pounds from the NGOM. It would be helpful to see tables of how this approach would work under a range of TAC options.

The motion carried on a show of hands: 10/0/0

***CONTROL DATE TO ADDRESS MOVEMENT OF LAGC PERMITS BETWEEN CATEGORIES***

The infrastructure of the LAGC IFQ program allows for LAGC NGOM and LAGC Incidental permit holders to switch between these two permit types on an annual basis. A motion from the Committee will be taken up at the June Council meeting which would establish a control date to potentially prohibit switching between LAGC NGOM and LAGC Incidental permits.

The motion from the March Committee meeting carried on a show of hands 9/0/1:

**Motion 2 from March 30, 2017 Committee Meeting: Hughes/Stockwell**

Move that the Committee recommends that the Council consider establishing a control date, with intent of freezing the footprint on NGOM permits by not allowing any future upgrades of incidental catch permits.

*Rationale:* Control date would address the movement between the NGOM and Incidental permit categories.

Staff briefly presented background information regarding this motion, and clarified that establishing a control date does not necessarily commit the Council to taking future action.

A Committee member expressed interest in seeing landings from LAGC Incidental permit holders and the number of permits that switched between NGOM and Incidental since the inception of the LAGC program. A representative of GARFO indicated that this information will be available via the year-end review, and will be provided to the Committee in the future.

***OTHER BUSINESS***

Discussion moved to an AP motion from previous day’s meeting which supported expanding LAGC dredge exemption areas east to Georges Bank so that LAGC IFQ may access this region in the future. This motion has been brought forward in the past, specifically by the Groundfish AP in their May 2017 meeting. Peter Christopher acknowledged that this request from the industry to NMFS to expand the dredge exemption areas is being discussed at the Regional Office, and that it is within the RA’s authority to grant the request as long as reliable data is available (which shows that bycatch is less than 5% of total catch and other criteria) to support

the decision. It was further noted that this request could be addressed by either the Council or NMFS.

**Motion 8: Pappalardo/Hughes**

The Committee recommends that the dredge exemption line be moved east on Georges Bank to accommodate LAGC fishery.

*Rationale:* The LAGC fishery is limited access, and there are flatfish sub-ACLs in place. Accountability is in place. This action would be taken NMFS. The intent is to be consistent with the GAP motion #20 from May 2017.

*Motion 8 was withdrawn without objection.*

**Motion 9: Pappalardo/Hughes**

The Committee endorses a request from the industry for the NMFS to use its authority to expand or remove the gen category exemption area, effective as soon as possible.

*Rationale:* The LAGC fishery is limited access, and there are flatfish sub-ACLs in place. Accountability is in place. This action would be taken by NMFS using the 5% bycatch criteria to modify an exemption area. The intent is to be consistent with the GAP motion #20 from May 2017.

The motion carried on a show of hands: 9/0/1

No other business was discussed.