



## New England Fishery Management Council

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### MEETING SUMMARY

#### Scallop Advisory Panel

Hotel Providence, Providence, RI

May 23<sup>rd</sup>, 2018

The Scallop Advisory Panel met in Providence, RI on May 23<sup>rd</sup>, 2018 to: (1) continue work on 2018 work priorities and provide input on next steps regarding the monitoring and catch accounting and standard default measures priorities, (2) consider approaches for completing 2018 work priorities, (3) develop research recommendations for the 2019/2020 Scallop RSA program, (4) provide feedback on the RSA Program Review, and (5) discuss other business.

#### *MEETING ATTENDANCE*

James Gutowski (Advisory Panel Chair), Ronald Enoksen, Eric Hansen, Michael Marchetti, Kristan Porter, Tom Reilly, Paul Vifides, Brady Lybarger, Ed Mullis, Edward Welch, Paul Parker, Robert Maxwell, Jonathon Peros (PDT Chair), and Sam Asci (Council staff).

Vincent Balzano, Chair of the Scallop Committee, was in attendance, along with approximately 8 members of the public.

*SUPPORTING DOCUMENTATION:* 1. [Staff Presentation](#); 2. [Meeting Memo from Scallop Committee Chair, Mr. Vincent Balzano](#); 3. [Monitoring and Catch Accounting discussion document \(with letters to NOAA\)](#); 4. *Standard Default Measures:* a. [Staff Presentation \(Mr. Sam Asci\)](#), b. [Discussion document](#); 5. *RSA Documents:* a. [2018/2019 RSA Award Announcement](#), b. [Summary of Recent RSA Awards](#), c. [Scallop PDT recommendations for 2019/2020 RSA Research Priorities](#), d. [Draft Outline – Review of NEFMC’s RSA Programs](#); 6. [April 26, 2018 Scallop PDT meeting summary](#); 7. [May 8, 2018 Scallop PDT meeting summary](#); 8. [Draft Action Plan – 2019/2020 Specifications](#); 9. [Explanation of Scallop Observer Coverage Rates: Assigned vs. Carried](#); 10. [Correspondence](#).

#### *KEY OUTCOMES:*

- The AP recommended preferred alternatives to the Committee for two issues addressed through Standard Default Measures.
- The AP recommended that the Council consider addressing carryover as a 2019 priority.
- The AP made 2019/2020 RSA research recommendations to the Committee.

The meeting began at 9:12 am with AP Chair Jim Gutowski welcoming the AP and members of the public to the meeting. The main goal for the AP meeting was to continue work on 2018 scallop work priorities, specifically the monitoring and catch accounting and standard default

measures priorities, consider approaches for completing 2018 work priorities, develop research recommendations for the 2019/2020 Scallop RSA program, and provide feedback on the RSA Program Review being coordinated by the Council, Science Center, and Regional Office.

Scallop PDT Chair Jonathon Peros provided the AP with updates on:

Upcoming meetings

- May 30 – 4<sup>th</sup> Scallop SAW workgroup meeting (Conference Call)
- June 13 – Council meeting (Portland, ME)
- June 26 – June 29 – Scallop and Herring SARC 65 (Woods Hole, MA)
- July 25, 2018 – In-person PDT meeting at Mariners House (Boston, MA – Mariners House)
- August 28 & 29, 2018 – In-person PDT meeting (Falmouth, MA - TBD)
- October 10 – SSC Meeting (Location TBD)

Ongoing Scallop Benchmark Assessment

The Stock Assessment Working group (SAW) completed three meetings between February and May of 2018 and have a planned conference call on May 30<sup>th</sup>, 2018 to finalize items before the Stock Assessment Review Committee (SARC) meeting convenes on June 26<sup>th</sup> to 29<sup>th</sup> in Woods Hole. Results from the SARC will be presented to the AP and Committee in September 2018.

2018 NGOM Fishery

The NGOM management area was closed May 2<sup>nd</sup> when GARFO estimated the TAC had been filled. Landings were attributed to 44 distinct permits and were estimated to be  $\pm$  4% of the 135,000 lb TAC.

AP report on FY2018 to date

Members of the AP offered general input on how the 2018 fishing year is shaping up; key points from this discussion were:

- Most fishing to date has been focused in access areas where vessels are finding quality meats except in parts of the Mid-Atlantic Access Area where nematodes are prevalent.
- Catch rates in Elephant Trunk Flex, Hudson Canyon, and Nantucket Lightship-West have been between 3,000 to 4,000 lbs per day.
- Open bottom in the Southeast Parts has been productive with quality meats and high catch rates. ~50% of meats have been U10s with the rest being 10/20 count.
- Nantucket Lightship Extension has produced high volumes of 18/19 count scallops; however, vessels have generally moved on after fishing there to find larger meats.
- NLS-S has been producing larger scallops; however, some AP members suspected that U10s will not be as abundant in the near future and the fleet will move on to 10/20 count.
- Nematodes are still being found in ET and DMV (which is now open-bottom).

## *Monitoring and Catch Accounting*

Council staff recapped background information and provided updates relevant to the monitoring and catch accounting 2018 work priority (see [Doc.3](#)).

Since their April 2018 meeting, the Council sent two letters to NOAA regarding 1) the current penalty schedule for VMS pre-land violations and 2) implementing a real-time quota transfer platform to help address the issue of LAGC IFQ vessels fishing without quota.

Representatives from NOAA Fisheries Office of Law Enforcement (OLE) met with the Scallop PDT at their May 8<sup>th</sup> meeting. A full accounting of discussion is detailed in Doc.7- [May 8, 2018 Scallop PDT meeting summary](#) , including OLE input on how the Joint Enforcement Agreement with participating states is structured, enforceability of scallop regulations, and how actual compliance lines up with recent scallop violations documented on social media. PDT discussion also noted that for LA vessels, VMP pre-land notifications are only required for access area trips (i.e. not open-area trips). Two key outcomes from discussion with OLE are:

- 1) The PDT concluded that the actual number of monitored offloads is higher than what was reported in the LAGC IFQ 5-year program review.
- 2) A concept to address unknown removals from possession limit overages is to develop a self-reporting program where vessels and dealers would report an overage and forfeit the surplus landings. The goal of such a program is to account for overages that would have otherwise gone unreported. This idea has only been preliminarily discussed by OLE for use in the scallop fishery, though similar programs have been successful in other US fisheries on the west coast.

### *Discussion:*

A member of the AP felt that the current penalty schedule for VMS pre-land violations does not need to be changed, but urged that it be enforced. Many AP members felt that there was not much to gain by requiring a pre-land notification for open area trips because vessels are already required to submit daily catch reports and because DAS fishing is controlled by time, not a possession limit.

Public input and AP discussion suggested that utilizing VMS pre-land reports, dealer reports, and daily catch reports to verify actual access area landings vs. reported access area landings could be useful for enforcement efforts by OLE. Both GARFO and Council staff noted that working with OLE on this priority has improved the understanding of what existing fishery data is available and how it may be used to assess compliance across the fishery.

GARFO staff clarified reporting requirements: For LAGC IFQ trips, daily catch reports are required unless the trip is less than 24-hours, in which case just a pre-land report is required. Daily catch reports are required for all permits types on trips longer than 24 hours. For LA access area trips VMS pre-land notifications are required 6 hours before landing, or if less than 6 hours from the dock, immediately after the vessels stops fishing. Limited access vessels on open-area trips are only required to submit daily catch reports (i.e. no pre-land). The purpose of consistent reporting requirements is to hold vessels accountable for what is being landed.

A member of the public (owner/captain of an LAGC IFQ vessel) offered an example of why the time-window for submitting a VMS pre-land notification time window can be problematic: Fishing out of Provincetown means a vessel could be fishing only 10 minutes over the demarcation line, and only an hour and twenty-five minutes from the dock. If a vessel is cutting out on the steam home, it is possible that a vessel may not finish fishing until it is 25 minutes from the dock. It was suggested that sending a pre-land 25 minutes from the dock can be a red flag in the eyes of enforcement even if a vessel is following the regulations. It was also noted that pre-land hails should allow for shell-stock landings to be counted in hundred-pound increments (currently counted in bushels) so that reporting is consistent with meats landed.

A recommendation from OLE on this work priority is to keep reporting requirements consistent, specifically pre-land notifications. AP members acknowledged that consistency in pre-land requirements could be helpful for compliance in the LA component (i.e. same requirement for access area trips and open-area trips), however, the overall feeling was that pre-lands should only apply to trips that have a possession limit. GARFO staff described that an open-area trip pre-land could be used to validate VTRs and dealer reports, ultimately to identify any “shuffling of pounds at the dock” on the dealer end (i.e. vessel under-declaring access area landings and the dealer attributing the unreported pounds to an open-area trip).

### ***Standard Default Measures***

Council staff presented background information and draft alternatives relative to the standard default measures work priority. The Council added this as a new 2018 work priority at their April 2018 meeting with the goal of streamlining the specifications process by reducing the number of decisions made at final action that have fairly predictable outcomes. The PDT discussed candidate measures at their May 8<sup>th</sup> meeting, including: default specifications, LAGC IFQ allocations to access areas, part-time access area allocations, and clarifying the LA access area timeline. A full accounting of progress to date on this work priority is detailed in Doc.4b [Standard default measures discussion document](#).

### **Default Specifications**

Default specifications are allocated annually to ensure the fishery can continue operating at a conservative level if implementation of updated specifications is delayed after the start of the next fishing year. In addition to Alternative 1 (No Action), the AP considered a draft alternative that would standardize default open-area DAS for the LA component and LAGC IFQ quota allocation at 75% of the preferred alternative for the previous Fishing Year allocation (Alternative 2, see Section 3.1.2 of Doc.4b).

### **Motion 1: Enoksen/Porter**

The AP recommends that the Committee adopt 3.1.2, set the default specifications at 75% of the DAS for the LA component, and 75% of the quota for the LAGC IFQ component, as a preferred.

*Rationale:* This practice has been in place for several years. The 75% would be based on the previous year's preferred alternative.

The motion carried on a show of hands. (10/0/0)

### LAGC IFQ access area allocations

The LAGC IFQ fishery is allocated a fleetwide number of AA trips through the specifications process. The overall LAGC IFQ AA allocation is based on total expected harvest from AAs (i.e. the trip equivalent of 5.5% of the total expected AA harvest that year). Typically, the Council considers LAGC access area allocations in two stand-alone alternatives: 1) the total number of LAGC access area trips, and 2) where LAGC access area trips are allocated to. In addition to Alternative 1 (No Action), the AP considered two new draft alternatives: Alternative 2 (Section 3.2.2 in Doc.4b), which would standardize the overall access area allocation as the trip equivalent to 5.5% of total projected access area harvest, and Alternative 3 (Section 3.2.3 in Doc.4b), which standardizes the overall access area allocation and also standardizes the proportional distribution of trips to available access areas. Both Alternative 2 and 3 follow the approach already used by the Council when setting specifications in recent years.

### **Motion 2: Parker/Reilly**

The AP recommends that the Committee adopt Section 3.2.2, Alternative 3 - Standardize LAGC IFQ access area allocation as 5.5% of the total expected access area harvest and allocate LAGC IFQ share proportionally to access areas west of 68° 30' W (eastern boundary of Closed Area I Access Area), as a preferred.

The motion was withdrawn without objection.

### **Motion 3: Parker/Reilly**

The AP recommends that the Committee adopt Section 3.2.2, Alternative 2 – Standardize LAGC IFQ access area allocations as 5.5% of the total expected access area harvest, as a preferred.

*Rationale:* This is the process that has been used in recent years and provides a new starting place for the process.

The motion carried on a show of hands. (11/0/0)

*Discussion:* Support was initially shown for Alternative 3 because it follows the process already used by the Council to allocate the total number of LAGC IFQ access area trips and the areas that trips are allocated to (i.e. available areas except for CAII). However, some AP members felt that standardizing where trips are allocated to may not be a good idea because access area boundaries are always subject to change in the future. In light of this, Motion 2 was withdrawn

and the AP showed unanimous support for standardizing just the overall access area allocation to the LAGC IFQ fleet (Alternative 2, Motion 3).

#### Part-time access area allocations

Part-time limited access vessels are allocated 40% of full-time limited access DAS and access area pounds. Though part-time vessels are allocated at a fixed rate, the Council must specify where access area trips are allocated to and an associated possession limit. PDT discussion on this topic suggested that standardizing where part-time trips go and a possession limit may be difficult due to the nature of rotational management (i.e. variation from year to year in overall access area allocation and available areas). In light of this, it was suggested that a tasking statement from the Committee on a range of trip limits and number of trips may help to streamline the specifications process. For example, the Committee could note a preference of higher trip limits and fewer trips, or lower trip limits and more trips.

*Discussion:* A member of the AP suggested that a good point of reference would be allocating part-time trips to available areas that are closest to home and have the highest expected LPUE. To this point, another AP member noted that if one access area consistently produces better fishing than other areas, it will always be subject to increased fishing from the part-time permit type. Overall, it was acknowledged that part-time vessels make up a small portion of the limited access component (i.e. roughly 50 vessels).

#### Clarifying the LA access area timeline

LA vessels have a 60-day window at end of FY to harvest any outstanding access area pounds (14-month timeline from April 1st to complete AA trips). This carry-forward provision was established in FW18 as part of the broken trip exemption program with the rationale that it would reduce safety and business risks for trips taken at end of fishing year. Originally, carry-forward fishing was only permitted in access areas that were open in following fishing year; however, the regulations now allow fishing in 60-day carry forward period in all areas regardless of what is available in the follow year (unless otherwise specified by the Council).

Managing fishing in the carry-forward period has become increasingly difficult to manage, especially in recent actions (i.e. FW28, FW29) that modify area boundaries before end of 14-month timeline (i.e. if one area is split into several, area is absorbed into a larger area, area is turned into open bottom, etc.). Key points from PDT discussion on this topic include:

- The recent change to the start of FY means the 60-day carry-forward window has shifted from March/April (when meat yield is improving) to April/May (when fishing is approaching best of year).
  - This could lead to possible unintended consequences of the carry-forward period (i.e. vessels shifting access area fishing to next FY) which could impact management uncertainty and have neg. biological impacts on resource.
- This concern could be magnified by the recent trend in how the Council allocates to the scallop fishery (i.e. increasing access area landings and allocating fewer DAS).

- The PDT also expressed similar concerns for the DAS carryover provision.

***By consensus (#4):***

The AP recommends that the Council consider addressing the level of carryover for 1) DAS per-year and 2) LA AA pounds that can be fished in the 60-day carry forward period as a 2019 priority.

*Discussion:* The AP noted the 60-day carry forward provision is useful for vessels that have a relatively small number of outstanding pounds from the previous year that would otherwise be left unfished (i.e. trip costs would outweigh revenue gained from harvesting the small amount of outstanding pounds). Overall, the AP was in agreement that reducing the number of pounds that can be fished in the 60-day window would reduce management uncertainty and still allow for some flexibility. One suggestion was to consider limiting access area pounds that can be fished in the carry-forward period to 10% of total access area allocation. Many AP members also felt it was appropriate to consider reducing the DAS carryover allowance (currently 10 DAS). The AP felt that addressing both the 60-day carry forward provision and DAS carry over allowance should be handled as a stand-alone work priority in 2019.

***Follow-up on PDT tasking regarding observer coverage (NEFSC – Observer Program)***

Council staff explained that the Scallop Committee had tasked the PDT to investigate the discrepancy between the number of trips assigned an observer and actual observer coverage between the LA and LAGC IFQ components.

Ms. Lacey Bluemel from the Northeast Fishery Observer Program explained that there could be several reasons for differences in the number of trips assigned an observer and the actual observer coverage rate. First, she explained that LAGC vessels use a weekly notification system, while LA vessels call in for each trip. Another key issue that can create differences between the percent assigned and percent covered is the logistics of observer providers setting up trips with LAGC vessels. She also noted that target observer coverage rates differ between Limited Access and Limited Access General Category. Ms. Bluemel addressed several questions from AP members.

***2019/2020 RSA Research Priorities***

Council staff presented background information on the Scallop RSA program, details on the management and technical review process, updates on awarded projects for 2018/2019, and PDT recommendations for 2019/2020 RSA priorities (see Doc.5a-5d). The goal for the meeting was to recommend a list of 2019/2020 research priorities for the Committee to consider the next day.

**Motion 5: Hansen/Porter**

Scallop RSA Priority Setting:

Add to “Medium” Priorities – “Larval settlement and dispersal disruptions from offshore wind energy development.”

*Rationale:* Wind turbine development may impact scallop production. Priority could also include the impacts of low frequency noise, vibrations. This would be #2 on the list.

The motion carried on a show of hands. (11/0/0)

*Discussion:* The AP acknowledged that the offshore wind development process is in full swing and that several of the New York Bight wind energy areas being considered by BOEM overlap with productive scallop grounds. It was noted that BOEM relies on the best available science to assess potential impacts of wind development and that the Scallop RSA is an avenue to provide the best available science. One of many concerns with this overlap is the possible impact of underwater structures on scallop larval settlement and dispersal. The AP was in agreement that adding this as a research priority for 2019/2020 may help inform the public of potential biological impacts of offshore wind.

**Motion 6: Mullis/Welch**

Scallop RSA Priority Setting:

Move Turtles from #5 in MEDIUM to #3 in MEDIUM (below #2 offshore wind energy development in MEDIUM).

*Rationale:* Turtle research continues to be a high priority for this fishery.

The AP lost a quorum during the discussion on the motion. The above motion and following consensus statements were approved as a recommendation *by consensus* by the remaining members of AP.

**By Consensus (#7):** Scallop RSA Priority Setting:

Modify “dredge efficiency language” to: Investigation of variability in dredging efficiency across habitats, times, areas, scallop densities, and gear designs to improve dredge ~~survey estimates~~ **performance**. Research may focus on analyses of existing data sets.

*Rationale:* Expand this priority to cover dredge performance in commercial fishery.

**By Consensus (#8):** Scallop RSA Priority Setting:

Add the southern flank of Georges Bank to 1b. intensive industry-based survey areas of importance.

*Rationale:* This has been an important area to the fishery in recent years.



*Discussion:* Relative to Motion 6, the AP was in agreement that turtle research is important to the fishery and should continue to be a high priority.

Input from the public and AP suggested adding the southern flank of Georges Bank to priority 1b—intensive survey of areas of importance to the fishery—because this part of the resource has been very productive so far in FY2018 (see consensus statement #8).

With regard to consensus statement #7, the remaining members of the AP felt that research related to understanding efficiency of the survey dredge in high density areas was important to the stock assessment process, but also felt it was important to fund research related to increasing the efficiency of a commercial dredge.

### ***RSA Program Review (Dr. Michael Sissenwine and Deirdre Boelke)***

Deirdre Boelke (Council staff) and Dr. Michael Sissenwine (Council member, Scallop Committee member) are leading a programmatic review of the three RSA programs currently used in New England (Scallops, Monkfish, and Herring). These programs have been viewed as successful, however, the Council wants to review each program to identify potential ways to improve them.

The review TORs include:

#### 1. Program Administration

*What are the roles, what is the review and selection process, conflict of interest issues, is there financial accountability, what improvements could be made?*

#### 2. Program Structure

*What projects are getting funded, awards as grants, is funding sufficient, how are these programs supported administratively, are there ways to increase participation and value of RSA fishing?*

#### 3. Results

*How are completed projects evaluated, are most used in management, are the projects cost effective?*

The goal for the day's meeting was for the AP to provide general input on the RSA program that could be incorporated into the program review report and potentially identify avenues of improving the RSA program overall. Key points of AP input on this topic include:

- The RSA common price assumption has been higher than reality in recent years which can make participating in cooperative research burdensome. Dr. Sissenwine noted that this point will be one of the major elements of the RSA review, and was hopeful that the report will have suggestions on better ways to compensate vessels participating in cooperative research.
- The AP felt that the overall priority setting process was acceptable, but that there have been cases where issues come up in the fishery after priorities for the next cycle had

already been finalized. It was also suggested that the priority ranking process could be simplified by possibly splitting priorities into two categories (i.e. one list of surveys, another list for non-survey related research).

- Some AP members noted that the RSA program is an opportunity to benefit the resource and for compensation, but felt it was difficult to get involved in cooperative research that is funded. Another AP member suggested this issue could be avoided by capping the number of compensation pounds one vessel can fish.
- A member of the public suggested increasing the current RSA Set-Aside by 300,000-500,000 pounds to ensure all high priority research is funded in the future to offset any difference between the RSA common price and actual market prices.

### ***Draft Action Plan for 2018 Work Items***

Council staff reviewed a draft action plan and possible vehicles to address 2018 work priorities (Doc.8-[Draft Action Plan – 2019/2020 Specifications](#)). There are a wide range of items being addressed in 2018 and therefore there are a range of actions that could be required to address them (i.e. Specifications package, FW, Amendment). To ensure meeting April 1<sup>st</sup>, it was suggested that a specifications action to set FY2019 and FY2020 (default measures) and implement standard default measures be developed parallel to another action that addresses the other work 2018 work priorities. The remaining members of the AP were in agreement with this course of action, noting that a standalone specifications action is the simplest type of action available and will likely streamline the process.

### ***By Consensus (#9):***

The AP supports using a streamlined specifications package to set 2019 and 2020 (default) allocations.

### ***Other business***

No other business was discussed. The meeting adjourned at 4:27pm.