



New England Fishery Management Council

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MEETING SUMMARY

Scallop Committee

November 20, 2019

Hilton Hotel Providence, RI

The Scallop Committee met in Providence, RI on November 20, 2019 to: 1) review Framework 32 alternatives and analyses; 2) review PDT progress on tasking from the October Committee meeting; 3) identify final preferred alternative recommendations for consideration by the Council for Framework 32; and, 4) discuss other business.

MEETING ATTENDANCE:

Vincent Balzano (Committee Chair), Jonathon Peros (PDT Chair), Sam Asci (Council Staff), Mark Godfroy, Rick Bellavance, Peter Hughes, Peter deFur, Matt Gates, Melanie Griffin, Melissa Smith, Terry Stockwell, Cheri Patterson, Mike Sissenwine, John Pappalardo, Moira Kelly (GARFO), Travis Ford (GARFO), and Kevin Collins (NOAA GC).

Jim Gutowski, Chair of the Scallop Advisory Panel, was in attendance along with approximately 10 members of the public.

MEETING MATERIALS: Doc.1. [Meeting Agenda](#), Doc.1a. [Staff Presentation](#), Doc.2. [Meeting Memo from Committee Chair, Mr. Vincent Balzano](#), Doc.3. [Framework 32](#), Doc.3a. [Framework 32 Decision Document](#), Doc.3b. [Draft Economic Impact Analyses](#), Doc.3c. [FW32 Specifications Options with Preliminary Impact Tables](#), Doc.3d. [NGOM TAC Options for Framework 32](#), Doc.3e. [Trip Trading Considerations](#), Doc.4. [Memo from Scallop PDT to SSC re: OFL and ABC values for FY2020 and FY2021](#), Doc.5. Meeting summaries and memos: Doc.5a. [Scallop PDT meeting summaries](#), Doc.5b. [October 23, 2019 Joint Scallop AP/PDT Meeting Summary](#), Doc.5c. [October 24, 2019 Scallop Committee Meeting Summary](#), Doc.6. [Scallop PDT memo to Groundfish PDT re: Scallop Fishery Bycatch Projections for FY2020](#), Doc.7. [Correspondence](#)

Note: this summary is limited to meeting motions and key points from Committee discussion. Audio recordings of the full meeting can be provided upon request.

Key Outcomes:

- The Committee made recommendations for final specification alternatives in Framework 32.

FW32 Preferred Alternative Recommendations

Following a staff presentation reviewing FW32 alternatives and AP motions from the day before, the Committee briefly discussed the following topics:

- Regarding the Stellwagen Bank closure alternative, a member of the Committee inquired if this area would be surveyed in 2020. Staff noted that Stellwagen Bank is outside of the federal survey domain and that there is no guarantee that the RSA will support survey work there in 2020.
- A member of the Committee noted that the proposed Stellwagen closure does not extend south of the NGOM management area. Staff explained the AP's interest in taking up the closure within the NGOM because the majority of recruitment was seen on this portion of Stellwagen Bank. Part of the AP's rationale was to avoid displacing the small number of LAGC IFQ vessels out of Provincetown that fish on southern Stellwagen.

Motion 1: Stockwell/Griffin

Recommend that the Council adopt in Section 4.1, Alternative 4.1.2, Updated OFL and ABC for FY 2020 and FY 2021, as the preferred alternative.

Rationale: This is the most up to date information on the status of the stock and should be used for management. Utilizes the latest available science, and is supported by the PDT and AP.

The motion carried on a show of hands: 12-0-0

There was no discussion on Motion 1.

Motion 2: Patterson/Smith

Recommend that the Council adopt in Section 4.2.1, Alternative 2, Partial Closure of Stellwagen Bank to directed scallop fishing, within the Northern Gulf of Maine Management Area (2 year closure).

Rationale: There is a large set of juvenile scallops on Stellwagen bank, a closure of the area is a prudent step to protect the recruitment event. This closure should be re-assessed after one year to confirm that the closure is in fact protecting small scallops and improving YPR.

Motion 3: Hughes/Godfroy: Move to table until after the morning break.

The motion to table carried on a show of hands: 12-0-0.

Discussion on Motion 2 and Motion 3: A NGOM fisherman in the audience felt that the proposed Stellwagen closure boundary should be modified to allow access to some of the old, larger scallops on the western edge of the Bank. The Committee considered this suggestion, but ultimately felt the proposed boundary was appropriate as drawn. The Committee modified a subsequent motion (Motion 6) to request that the closure be evaluated again in 2020.

Motion 4: Stockwell/Patterson

Recommend that the Committee adopt in Section 4.2.2, Alternative 2 sub-Option 2, Set 2020 and 2021 NGOM TAC at F=0.20, with first 70,000 lbs to LAGC, then 50/50 split between LA and LAGC.

- 2020 Overall TAC: 350,000
- 2021 Overall TAC: 265,000

Rationale: Fishing the NGOM at F=0.2 is a conservative approach, most fishing will occur on Jeffreys Ledge and Ipswich Bay if Stellwagen Bank is closed.

The motion carried on a show of hands: 12-0-0

There was no discussion on Motion 4.

Motion 5: Hughes/Godfroy

The Committee recommends that the Council add that access area trips can be exchanged in 9,000 pound increments in Framework 32. “Option 4”: That the 1/2 trips be allocated as 9,000 pound trips to CA1 and NLSN, and that vessels can trade all access area trips in 9,000 pound increments.

Rationale: This approach avoids a lottery, which can create winners and losers and allows the fleet the flexibility to best prosecute its own fishing year. In future years, this establishes a process for allowing trip trading at different allocation levels to access areas. Council staff would add this approach to the FW32 document as an alternative in Section 4.3, along with no action and the lottery approach.

Note: Option 4 is described in Document 3e, and can be accessed here:

<https://s3.amazonaws.com/nefmc.org/Doc.3e-Trip-Trading-Discussion-Document.pdf>

The motion carried on a show of hands: 12-0-0

There was no discussion on Motion 5.

By consensus, the Committee moved to un-table the previously tabled motion.

Motion 6: Patterson/Smith

Recommend that the Council adopt in Section 4.2.1, Alternative 2, Partial Closure of Stellwagen Bank to directed scallop fishing, within the Northern Gulf of Maine Management Area (2 year closure). This closure should be re-assessed after one year to confirm that the closure is in fact protecting small scallops and improving YPR.

Rationale: There is a large set of juvenile scallops on Stellwagen bank, a closure of the area is a prudent step to protect the recruitment event. A reassessment should be conducted to evaluate the closure boundaries.

The motion carried on a show of hands: 12/0/0.

There was no discussion on Motion 6.

Motion 7: Hughes/Stockwell

Recommend that the Council adopt in Section 4.3, Alternative 3 Sub-Option 3 (4.3.3.3) as preferred. This alternative would allocate:

- 24 FT LA DAS (Open area F=0.33) with CAII-ext Closed and NLS-Hatchet and NLS-West as open bottom. The NLS-West would switch to open bottom on June 1, 2020.
- 6 access area trips with the following allocations:
 - One CAII trip at 18,000 pounds
 - One CAI-FLEX trip at 9,000 pounds
 - One NLS-North trip at 9,000 pounds
 - One NLS-S-Deep trip at 18,000 pounds
 - Two MAAA trips at 18,000 pounds
- 2021 Default measures include One trip to the MAAA at 18,000 pounds.
- NLS-West payback: If FW32 implementation is delayed, if a vessel fishes any of its default trip in the NLS-West they would lose their Closed Area II AA trip.

Rationale: The NLS-West payback addresses issue if specs are late. There are some areas outside of the SAMS areas that are being fished with DAS, which would result in a lower F across the SAMS areas. Fishing at half of the upper bound of the F for setting open areas DAS (F=0.64). This option is expected to mitigate impacts on flatfish by closed CAII-ext.

The motion carried on a show of hands: 11-0-1

Discussion on Motion 7: It was clarified that the NLS-North allocation was not developed as a “flex” allocation because there was less uncertainty around the resource in the NLS-North compared to CAI. The reason that CAI was designed as a flex allocation was that it has been

open for several years in a row and there were questions around the ability of this area to achieve a partial trip in FY2019 as well as for FY2020.

GARFO staff expressed hesitation in voting in favor of Motion 7 considering the bycatch projections for GB yellowtail and Northern windowpane associated with this specifications option are expected to exceed the scallop fishery sub-ACLs for FY2020. They were particularly hesitant in light of the Northern windowpane projection being roughly double the sub-ACL for FY2020. Staff explained the progression of Committee tasked analyses for reducing flatfish bycatch throughout the development of FW32 and that options to mitigate impacts were focused on both GB yellowtail and Northern windowpane.

Motion 8: Pappalardo/Griffin

Recommend that the Council adopt in Section 4.4, Alternative 2 sub-Option 2 (4.4.2.2), Distribute Closed Area II Access Area Allocation to CAI and NLS-N Access Areas.

Rationale: This option distributes CAII trips proportionally across two Georges Bank access areas. Does not send trips to NLS-S-deep where they are not likely to be used. The trip allocations are split between the Mid-Atlantic and Georges Bank.

The motion carried on a show of hands: 11-1-0.

Discussion on Motion 8: A member of the Committee did not support Motion 8 because they felt that CAII LAGC trips should be distributed evenly to CAI, the NLS-North, and the MAAA. Others on the Committee and in the audience supported Motion 8 because it makes trips that would be have been allocated to CAII available in other access areas on Georges Bank. A member of the public did not support Motion 8 because it allocates a disproportionately high number of LAGC trips to the NLS-North and CAI, which are only being considered for partial access by the LA fleet.

Motion 9: Hughes/Smith

Recommend that the Council adopt in Section 4.5.1, Alternative 2 (4.5.1.2), as the preferred alternative. (Allow RSA compensation fishing in the Mid-Atlantic Access Area, with limited RSA compensation fishing in the NGOM Management Area, and open bottom in FY2020)

Rationale: This allows for RSA fishing in the areas that are best able to handle the effort. The RSA common price should be set using the price from areas that are available to the RSA.

The motion carried on a show of hands: 12-0-0

Discussion on Motion 9: A member of the public supported the motion, but also suggested that the common price be set based on the areas where compensation fishing can occur, or that more pounds be allocated to the RSA to offset discrepancies in ex-vessel price and the common price.

Motion 10: Stockwell/Griffin

The Committee supports adding 2 weeks to the existing Closed Area II seasonal closure, making the area closed from Aug. 15 until Nov. 30, as a means to further reduce bycatch of Georges Bank Yellowtail Flounder and Northern Windowpane.

Rationale: The closure is expected to reduce GBYT bycatch by ~11% in previous analyses. The Closed Area II-ext closure in Alternative 3 is a conservation measure, and there is one access area trip to the area and high catch rates are expected. The CAII-SW inside Closed Area II is expected to protect GBYT.

The motion carried on a show of hands: 10-0-1

Discussion on Motion 10:

- GARFO staff suggested that the rationale for how the range of measures in FW32 will reduce bycatch of Northern windowpane be further fleshed out ahead of the Council meeting in December. The ABC for Northern windowpane has continued to decline and the stock recently went into a rebuilding plan. They noted that it is important to ensure that the Northern windowpane ABC is adhered to by all FMPs managed by the Council.
- A member of the Committee was glad to see the AP's recommendation for additional measures to reduce flatfish bycatch in FY2020. They noted that the concerns raised by GARFO staff are part of a larger issue that has been dealt with continually between the Scallop and Groundfish Committees—data poor stocks under ACL management. Though these stocks and issues continue to be managed by individual Committees, they felt the underlying approach to managing this way is a larger issue that should be addressed at the full Council.
- A member of the public noted that flatfish bycatch projections have been overestimated in the past and that several specifications actions have been implemented by GARFO without comment. They further suggested that the ABC for Northern windowpane is highly uncertain which makes the sub-ACL for the scallop fishery also highly uncertain. They noted that if the scallop fishery exceeds the sub-ACL for any flatfish stock, a reactive AM will be triggered, and felt that any additional proactive restrictions to avoid an overage are unnecessary.
- A member of the Committee felt that it is not rationale to have management of the most valuable fishery in the country directed by the potential catch levels of flatfish that do not have a directed fishery or commercial value, particularly considering that the data-poor flatfish assessments are what is driving the decision-making process.
- Jim Gutowski (AP Chair) explained that the AP did discuss extending the CAII seasonal closure through December but ultimately felt that extending it through the end of November, in addition to other measures in FW32, would more than suffice for industry efforts to reduce

impacts to GB yellowtail and Northern windowpane. He further noted that it is important for fishermen to take a “Christmas” trip, and that the AP wanted to be able to take that trip in CAII in FY2020.

Motion 11: Patterson/Hughes

The Committee move the following sections of FW32 to be considered and rejected (as AP recommended):

1. Alternative 4 and all sub-options in Alternative 4.3.4
2. All 20 DAS options in Section 4.3
3. In Section 4.2.2, Gulf of Maine TAC, the F=0.25 option (sub-option 3)
4. In Section 4.4.2, Access Area Trip Allocations to the LAGC IFQ component, sub-option 1 (4.4.2.1) and sub-option 3 (4.4.2.3) to be considered and rejected.

Rationale 1: This alternative results in the highest F rates in the action. The Southern Flank closure would redirect effort to areas with northern windowpane bycatch. The scallops in this area are not expected to be captured by the 4” ring. There was little bycatch savings projected for two keys stocks when the area was closed. The PDT did not support this area based on the trade-offs of open area F, bycatch savings, area swept, and landings.

Rationale 2: The F rate associated with the preferred is well below the upper limit, and close to what has been recommended in recent years. The Committee considered a range of DAS and did not recommend setting them this low.

Rationale 3: Highest F option for the NGOM area in the document, the Committee retained more conservative harvest levels in this area.

Rationale 4: The Committee preferred redistributing trips to Closed Area I and the NLS-N.

The motion carried on a show of hands: 12-0-0

There was no discussion on Motion 11.

Other Business

Motion 12: Smith/Stockwell

I move to Amend the Motion Previously Adopted at the October 24, 2019 Scallop Oversight Committee meeting, to read “The Committee recommends that the Council should not establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.”

The motion was withdrawn without objection.

Motion 13: Patterson/Stockwell

I move to rescind Previously Adopted at the October 24, 2019 Scallop Oversight Committee meeting, to read “The Committee recommends that the Council should establish a control date that could determine eligibility criteria for switching between LAGC permit categories and access to the Northern Gulf of Maine fishery.”

Rationale: The original control date motion was broad, therefore we would like to wait until there is further development to need a control date.

NOAA General Council explained that the motion requires a 2/3rd majority to pass.

Motion 14: Pappalardo/Stockwell

Move to table the motion until the Scallop Report at the December Council meeting.

Rationale: This would postpone the discussion until December 5, 2019, when this topic is scheduled to come up at the full Council meeting.

The motion carried on a show of hands: 12-0-0.

Discussion on Motion 12, Motion 13, and Motion 14: The maker and seconder of the motion to rescind felt that the original control date motion was broad and did not support establishing a control date until a time when, as they described, there was a clearer need to do so. Others in support of the motion to rescind felt that the NGOM should continue to be an inclusive fishing opportunity for small boat fishermen and that establishing a control date could be unnecessarily restrictive to fishermen that may wish to participate in the NGOM at some point in the future.

Several Committee members did not support the motion to rescind. They noted that the control date discussion was held over a series of Committee meetings, at which many fishermen voiced support for establishing a control date. Other Committee members were uncomfortable with rescinding the unanimous recommendation around establishing a control date considering that this discussion had been noticed for the December Council meeting, whereas the public was not aware of this discussion coming back up at the November 20th Committee meeting. Ultimately the Committee agreed to table the motion to rescind until the Scallop Report at the December 2019 Council meeting in Newport, RI.

Unrelated to the control date, a member of the Committee raised a topic discussed under other business at the AP meeting the date before—the East Coast Scallop Harvesters Association proposal. A member of the audience representing the East Coast Scallop Harvesters Association commented on the industry support to move forward with a leasing pilot project in the LA component despite the low ranking of this priority by the Committee in October 2019. They noted the AP’s motion which reaffirmed support for this project and were hopeful that the Council will endorse prioritizing this pilot project for 2020. A member of the Committee voiced support for this project and highlighted the issue of an aging scallop fleet. Another Committee member felt this topic was worth discussing as a full Council, and that refining the issues being addressed could help with how it is handled in prioritization moving forward.

No other business was discussed. The meeting adjourned at 12:04 pm.