



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Scallop Committee

December 1, 2022

Webinar

The Scallop Committee met via webinar on December 1, 2022 to: 1) review bycatch analyses and consider recommending the inclusion of measures in Framework 36 to mitigate impacts to northern windowpane flounder and GB yellowtail flounder; 2) review analyses and recommend final preferred alternatives in Framework 36; and 3) discuss other business.

MEETING ATTENDANCE:

Melanie Griffin (Scallop Committee Chair), Jonathon Peros (Council staff), Sam Asci (Council staff), Matt Gates, Mark Alexander, Emily Gilbert, Peter Hughes, Melissa Smith, Eric Hansen, Togue Brawn, Jon Pappalardo, Libby Etrie, Michelle Duval, and Eric Reid (Council Chair).

There were approximately 20 members of the public attending the webinar.

The meeting began at 1:00 PM.

Key Outcomes:

- The Committee recommended final preferred alternatives for Framework 36.

Meeting materials can be accessed at [this link](#). Audio recordings of the full meeting can be provided upon request.

Framework 36

The Committee received a presentation on range of alternatives being considered in Framework 36 and a summary of anticipated impacts. Council staff also presented the Scallop PDT's bycatch estimates for the four groundfish stocks with a scallop sub-ACL (northern windowpane, southern windowpane, Georges Bank yellowtail flounder, and southern New England yellowtail flounder). Staff noted that estimates were roughly two-times higher than sub-ACL for GB yellowtail, and roughly three to four times higher for northern windowpane. There is substantial uncertainty associated with bycatch projections, and staff explained that estimates should not be taken as precise estimates.

Given the anticipated overage of the northern windowpane sub-ACL, the Scallop PDT discussed measures that could be used to help reduce bycatch from open area fishing. Council staff presented these options to the Committee.

Related to the reopening schedule for area closures being considered in Framework 36, it was clarified that the New York Bight could be considered for access in FY2024, but that Area I and Elephant Trunk likely wouldn't be available until 2025 at the earliest. The following sections summarize motions and related discussion for Committee preferred alternatives in Framework 36.

Flatfish Bycatch

Related to flatfish bycatch and potentially adding measures to reduce northern windowpane bycatch through Framework 36, some Committee suggested that there is uncertainty around the northern windowpane stock assessment. Input from NMFS staff noted that NOAA guidance suggests that Council's should reevaluate accountability measures if catch exceeds the ACL for a stock for one of the last four years¹. NMFS staff also noted that the Council has provided strong rationale for why projected bycatch of northern windowpane will likely not exceed the ACL and that bycatch projections may be overestimated. A member of the Committee noted that FW36 specification alternatives with higher open area fishing mortality rates are associated with higher flatfish bycatch. A suggestion was made to down weight the PDTs bycatch projections based on estimates of in-season bycatch, which suggest total bycatch for FY2022 may be considerably lower than the projection for FY2022. Another Committee member was concerned that the scallop fishery continues to exceed flatfish sub-ACLs and that the current gear restriction area reactive accountability measures may not be effective. The Committee felt that adding additional measures to proactively reduce flatfish bycatch would be appropriate in advance recommending preferred specifications given that options with higher allocations would be expected to have greater bycatch. With regard to concerns around approvability of FW36 based on anticipated bycatch, NMFS staff noted that the Agency is not in a place to say what is approvable at present.

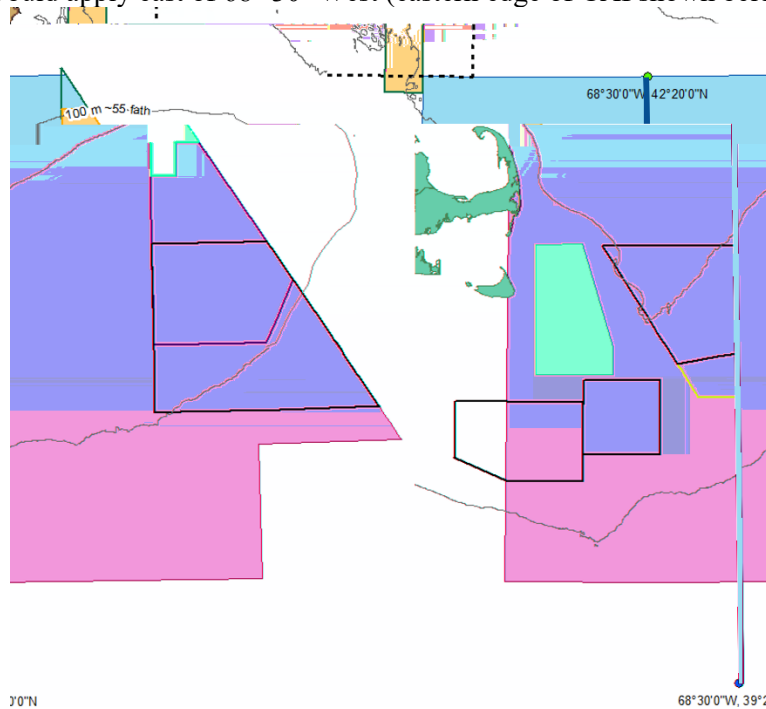
¹See § 600.310 National Standard 1 g7 "If catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be reevaluated, and modified if necessary, to improve its performance and effectiveness"

Motion 1: Smith/Etric

Move that the Committee add to Framework 36 in Section 4.5, Action 5, Measures to reduce NWP bycatch on GB. This would include the following alternatives and two options:

Section 4.5 – Action 5 – Additional Measures to Reduce Fishery Impacts Measures to reduce bycatch on Georges Bank <i>Choose one alternative. Choose one option.</i>	
Alternative 1 (Sec. 4.5.1)	<i>No Action</i>
Alternative 2 (Sec. 4.5.2)	<i>Create a gear restricted area in open areas of Georges Bank for FY 2023</i>
<i>Option 1</i> (4.5.2.1)	<i>Year-Round GRA in Georges Bank open areas</i>
<i>Option 2</i> (4.5.2.2)	<i>Seasonal GRA (February 1 – May 31) in Georges Bank open areas</i>

- The GRA would require the use of a 5-row apron and 1.5/1 hanging ratio (reactive AM gear).
- The GRA would apply east of 68° 30' West (eastern edge of CAI shown below).



Rationale: Adding these measures to the Framework 36 gives the Council options to reduce northern windowpane bycatch on Georges Bank.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Emily Gilbert, GARFO	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME	Yes			
Libby Etrie, MA	Yes			
Renee Zobel, NH				
Matt Gates, CT	Yes			
Togue Brawn, ME	Yes			
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC		No		
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Eric Hansen, MA		No		
TOTAL VOTE	8	2	0	0

Discussion: A friendly amendment was made to the Motion 1 to limit the open area GRA alternatives to fishing east of 68 30' W in response to input from the AP around the difficulty of fishing a 5-row apron dredge in rocky/bouldered areas like the Great South Channel. A Committee member in support of the motion felt that including GRA alternatives in FW36 will be important for discussion at the Council even if a preferred alternative is not selected by the Council. Some Committee members and several members of the public did not support the motion, noting that the initially high bycatch projections were corrected and that the projections have a high degree of variability. One person suggested that the 5-row apron gear modification had not been tested in open areas of Georges Bank and that making it a requirement could have negative consequences to the scallop resource and flatfish stocks. There was also a suggestion that using the modified gear in rocky areas could increase bottom time due to lower scallop selectivity. Ultimately the Committee moved to include measures to reduce flatfish bycatch in Framework 36.

Action 1 – OFL and ABC

Motion 2: Smith/Hughes

Recommend that the Council adopt in Section 4.1, Alternative 4.1.2, Updated OFL and ABC for FY 2023 and FY 2024, as the preferred alternative.

Rationale: This alternative contains the most recent and up to date information on the fishery and represents the best available science. Alternative 2 was supported by the PDT and the Scallop AP.

The motion carried without objection.

There was no discussion on Motion 2.

Action 2 – Northern Gulf of Maine Total Allowable Landings

Motion 3: Smith/Brawn

Recommend that the Council adopt in Section 4.2, Alternative 2, Option 3: Set NGOM TAL, with set-asides to support research, monitoring, and a directed LAGC fishery; Set NGOM TAL at $F=0.15$ Using Stellwagen, Ipswich, and Jeffreys Ledge as preferred.

Rationale: With the goal of stable landings, a growing biomass, and preventing a recurrence of the booms and busts that characterized the Gulf of Maine in the past, we continue to support a conservative F rate in the NGOM. There are still significant gaps in our data collection and understanding of the growth rate of scallops in the GOM, so a low F rate for another year will provide a buffer as this fishery, data, and management matures.

The inclusion of other areas fished in the Gulf of Maine in both the setting of allowable landings and in the data collection process is important as access to Stellwagen may be reduced in the future. With the low F rate, the increase in allowable landings from the inclusion of these other areas, can be safely supported.

The motion carried without objection.

There was no discussion on Motion 3.

Action 3 – Fishery Specifications

Motion 4: Hughes/Hansen

Recommend that the Council adopt in Section 4.3, Alternative 4, Option 2 (4.3.4.2), Two access area trips in Area II with 14,000-pound trip limit with 24 FT LA DAS, as preferred. This includes:

- 24 FT LA DAS (Open area $F=0.51$).
- 14,000 pound trip limit for full-time Limited Access vessels.
- 2 Area II access area trips, total allocation of 28,000 pounds per FT LA vessel.

Rationale: This allocation effectively represents status quo fishing with this current year. It is important to keep fishing effort stable in order to maintain markets and boat prices for scallops. All of the options, including this one, have overall F rates that are well below the overfishing limit. This option has projected bycatch rates that are comparable to recent estimates and are within reasonable limits. The projections on DAS usage show that there is very little difference, if any, on future fishing opportunities between 22 or 24 DAS, but there is a significant difference in projected landings in 2023. Two 14,000 pound trips are projected to leave enough scallops for a possible trip in 2024, if that is what the fleet wants to do given that a lot of other options should exist for 2024. Simply put, this option represents the best choice for the near term and the long term of the fishery.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Eric Hansen, MA	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME		No		
Libby Etrie, MA		No		
Renee Zobel, NH				
Matt Gates, CT		No		
Togue Brawn, ME		No		
Michelle Duval, MAFMC		No		
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)		No		
Eric Reid, RI (Chair)				
Emily Gilbert, GARFO	Yes			
TOTAL VOTE	4	6	0	0
	Yes	No	Abstain	Recuse

Discussion on Motion 4: Several members of the Committee noted they did not support Motion 4 given the PDT’s recommendations to not select the 14,000-pound trip option and 24 days at sea. They noted that this option diminishes the possibility for fishing in Area II in FY2024, which will be an important opportunity for the fishery. Others not in support of the motion were concerned it could negatively affect the longer term outlook for the fishery. A Committee member in support of Motion 4 felt that the alternative was conservative in that it would result in landings of less than half the roughly 50 million pound ABC for FY2023. Council staff noted that annual projected landings have been roughly half of the ABC for the past several years. Members of the public that supported the motion felt it is important to maintain stable landings year over year because dips in landings can have negative consequences on market share. Motion 4 failed 4-6-0.

Motion 5: Brawn/Alexander

Recommend that the Council adopt in Section 4.3, Alternative 3, Option 1 (4.3.3.1), Two access area trips in Area II with 12,000-pound trip limit, with 22 DAS as preferred. This includes:

- 22 FT LA DAS (Open area F=0.46).
- 12,000 pound trip limit for full-time Limited Access vessels.
- 2 Area II access area trips, total allocation of 24,000 pounds per FT LA vessel.

Motion to Amend Motion 5: Hughes/Hansen

Recommend that the Council adopt in Section 4.3, Alternative 3, Option 2 (4.3.3.2), Two access area trips in Area II with 12,000-pound trip limit, with 24 DAS as preferred. This includes:

- 24 FT LA DAS (Open area F=0.51).
- 12,000 pound trip limit for full-time Limited Access vessels.
- 2 Area II access area trips, total allocation of 24,000 pounds per FT LA vessel.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Eric Hansen, MA	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME		No		
Libby Etrie, MA	Yes			
Renee Zobel, NH				
Matt Gates, CT	Yes			
Togue Brawn, ME		No		
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)		No		
Eric Reid, RI (Chair)				
Emily Gilbert, GARFO	Yes			
TOTAL VOTE	7	3	0	0
	Yes	No	Abstain	Recuse

Main motion as amended:

Recommend that the Council adopt in Section 4.3, Alternative 3, Option 2 (4.3.3.2), Two access area trips in Area II with 12,000-pound trip limit, with 24 DAS as preferred. This includes:

- 24 FT LA DAS (Open area F=0.51).
- 12,000 pound trip limit for full-time Limited Access vessels.
- 2 Area II access area trips, total allocation of 24,000 pounds per FT LA vessel.

	Yes	No	Abstain	Recuse
Scallop Committee				
Melanie Griffin, MA (Chair)				
Eric Hansen, MA	Yes			
John Pappalardo, MA	Yes			
Melissa Smith, ME		No		
Libby Etrie, MA	Yes			
Renee Zobel, NH				
Matt Gates, CT	Yes			
Togue Brawn, ME		No		
Michelle Duval, MAFMC	Yes			
Peter Hughes, MAFMC	Yes			
Mark Alexander (VC)	Yes			
Eric Reid, RI (Chair)				
Emily Gilbert, GARFO	Yes			
TOTAL VOTE	8	2	0	0
	Yes	No	Abstain	Recuse

Discussion on Motion 5: Several Committee members voiced support for Motion 5 because the 12,000-pound option and 22 days at sea is inline with the PDT's input and that it represents a conservative option with lower flatfish bycatch. Motion 5 was amended to the 12,000- pound option with 24 days-at sea, and the Committee was generally supportive of this as a middle ground relative to the AP's recommendation, though some on the Committee felt that allocating 24 DAS was irresponsible. A member of the Committee voiced support for the 24 DAS option based on concerns raised at the AP of the longer steam times associated with fishing on eastern Georges Bank, and they felt that the higher DAS option could help offset some of those concerns. The motion to amend became the main motion, and the main motion passed 8-2-0.

Action 4 – LAGC IFQ Access Area Trip Allocations

Motion 6: Pappalardo/Hughes

Recommend that the Council adopt in Section 4.4, Alternative 2 (4.4.2) Update LAGC IFQ Access Area Trip Allocations, Distribute Area II Access Area Allocation to the Nantucket Lightship North and Area II.

Rationale: This option provides an inshore rotational fishing area for the LAGC IFQ at 800 pounds per trip, and allows LA open bottom fishing later in the FY when yields are higher. Allowing the use of access area trips in areas other than CAII/Area II keeps with the past several years of specifications.

The motion carried without objection.

There was no discussion on Motion 6.

Action 5 – Measures to Reduce Flatfish Bycatch

The Committee did not select a preferred alternative for the measures to reduce flatfish bycatch on Georges Bank that were added to Framework 36 earlier in the meeting. Discussion on this topic was brief. Council staff explained that the bycatch savings analysis would need to be updated to reflect using the modified gear in areas east of 68°30' West. The Committee discussed reserving judgement on a preferred alternative until the results of the updated analysis were available. A Committee member felt that these measures should be addressed through a dedicated work priority in 2023 and another Committee member noted they would abstain from voting if a motion was raised.

Other Business

No other business was discussed. The meeting adjourned at 4:36 PM.