

# **New England Fishery Management Council Joint Groundfish and Scallop Oversight Committee Meeting**

Meeting Summary  
June 18, 2012

The Joint Groundfish and Scallop Oversight Committee (Committee) met in Portland, ME to continue work on several options developed by the Georges Bank Yellowtail Flounder Working Group to most effectively distribute the US allocation of yellowtail flounder between the Groundfish and Scallop fleets. Short and long term recommendations were also discussed. Committee members present were Mr. Terry Stockwell (Groundfish Chair), Ms. Mary Beth Tooley (Scallop Chair), Mr. Tom Dempsey (Groundfish Vice Chair), Mr. Richard Robins (Scallop Vice Chair), Mr. Rodney Avila, Mr. Mark Alexander, Mr. Frank Blount, Mr. Peter Christopher, Mr. Rip Cunningham, Mr. David Goethel, Mr. Glen Libby, Ms. Sally McGee, Ms. Sue Murphy, Mr. James Odlin, Dr. David Pierce and Mr. David Preble. They were supported by staff members Ms. Deirdre Boelke, Ms. Fiona Hogan and Mr. Tom Nies (NEFMC), Mr. Travis Ford, Mr. Mark Grant, Mr. Brian Hooper and Mr. Mike Ruccio (NMFS NERO) and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by a presentation on the Georges Bank Yellowtail Flounder Working Group (Working Group) work dated June 12, 2012, a summary of Potential Management Options Related to Georges Bank Yellowtail Flounder, the Groundfish Oversight Committee Meeting Summary of May 30, 2012, the Georges Bank Yellowtail Flounder TRAC Status Report from 2011, a presentation on Estimation of 2012 Georges Bank Yellowtail Flounder Bycatch in the Scallop Fishery dated June 15, 2012 and one letter of correspondence received by the New England Fishery Management Council.

## **Georges Bank Yellowtail Flounder Working Group Overview**

Council Staff provided a presentation covering the background on the United States and Canadian Resource Sharing Understanding, TRAC catch advice, Framework 44 projections, key management components and the options developed by the Working Group. The formula used to distribute the resource between the US and Canada is based on resource distribution. There is a retrospective pattern in the stock assessment and the fishing mortality tends to be underestimated. Unlike the case of other sub-ACLs, Amendment 16 didn't specify ACLs for scallops because flexibility was needed to account for the rotational management system. The Council was presented with two updates to the sub-ACL in 2010 and 2011, but chose to stay with the original Framework 44 allocations. The committee members asked questions about the potential management measures developed by the Working Group. One committee member noted that there has been unused US catch in recent years and wanted to know if any unused catch could be carried over into the next year but there are no provisions in the Understanding for this and any carryover would violate the agreement. Another requested clarification on whether the scallop sub-ACL indemnity option would require further development with the agency. The idea behind the indemnity option is to exempt the scallop fishery from AMs in 2013 if they exceed their 2012 sub-ACL; any decreases in the scallop sub-ACL increases the

probability of exceeding it. The management uncertainty for yellowtail flounder is 3% for both the groundfish and scallop plans.

Some of the public comments included:

- Maggie Raymond, Associated Fisheries of Maine: These measures to extend the season, these were generated by the Working Group? I'm curious why there were no measures to impact the scallop fishery like increasing the twine top or put the cap back on the access areas.

### **Estimation of 2012 Georges Bank Yellowtail Flounder Bycatch in the Scallop Fishery**

Council staff presented data from the NEFSC staff on the updated projection of 2012 Georges Bank yellowtail flounder catch in the scallop fishery that included background information on the formulas and data used. The update was recently completed and therefore the Scallop PDT had not had time to fully review the new data used and different methods used to assess variance before the Committee Meeting. The projection calculation is done in two steps: 1. Predict the discard to kept ratio of yellowtail flounder and 2. Multiply the ratio by the amount of scallop catch that is projected to occur in that area from the models used by the Scallop PDT for setting specifications. Both steps have a number of sources of uncertainty associated with them. For Step 1, the yellowtail flounder and scallop projections can be inaccurate; the estimated discard to kept ratio can be variable also. In the past the projected biomass for Georges Bank yellowtail flounder has been higher than observed resulting in an overestimation of the discard to kept ratio. The uncertainty in Step 2 is primarily driven by the difficulty in predicting human behavior in terms of fishing trends in open areas. Vessels are permitted to use their days in any open area that they choose. In recent years the majority of open area effort has been in the Mid Atlantic (about 90%). Any increase in fishing effort to Georges Bank will not change scallop catch overall, but it has the potential to greatly increase Georges Bank yellowtail flounder catch.

Overall, the variance analysis presented included a range of estimates making different assumptions about YT biomass, scallop biomass, d:k ratios, and finally estimates for open area scallop catch for GB. All three of the forecast projections for yellowtail biomass used by the TRAC predict a decrease in biomass from 2011 to 2012. In summary, the three projections of yellowtail flounder bycatch in the scallop fishery for 2012 were: a low of 47.6 MT, a median of 105.2 MT and a high of 174.3 MT. It was noted that these estimates used the most recent data available, including YT biomass estimates from the 2011 TRAC, which only includes survey and fishery data through 2010. The 2012 TRAC is being held from June 26-29, 2012 in Woods Hole which will use data through 2011, but those results were not available for this meeting.

The committee discussed the sources of uncertainty and variability in the projections. The low, median and high forecasts were thought to be broad enough to capture potential variability from sources other than distribution of effort, which seemed to be accounted for. The yellowtail biomass was a significant source of uncertainty and confidence in observed bycatch rates was queried given its impacts. The 2011 coverage rates for Georges Bank were reasonable for Closed Area I, Closed Area II, and open areas on GB. The coefficient of variance for the d:k ratio from observer data for each area was about 0.30; which is in line with SBRM standards. One

committee member calculated the difference between the scallop fleet yellowtail flounder allocation from Framework 44 (307 MT) and the updated high projection of yellowtail bycatch presented (174.3 MT) that represented a buffer of 132.7 MT that could be used for the groundfish fleet. Council staff noted that the decision to select the low, median or high projection should be based on the acceptance of the assumptions made in each projection and an awareness of the associated risks for both fisheries in 2012 and 2013. It was clarified that any transfer or modification to the allocation based on new projections etc. becomes the new sub-ACL. The Council may set the allocation as a percentage of the projection estimate; recent allocations have ranged from 90 to more than 100 percent.

Some of the public comments included:

- Ron Smolowitz, Fishery Survival Fund: Have you guys looked at the VMS data for 2012 or 2011 to see how many open area days have been used by the scallopers to date? You would have to compare the two years and compare how many were used and how many taken in open areas on Georges Bank in 2012. It seems to me there should have been a major effort to know right now, up to yesterday how many open area trips were taken. If we're going to be talking about a system of transferring we can't be six months behind. You have open areas that have no bycatch estimates and you have others with horrendous discard rates. There are a lot of open days taking place in some areas that is going on right now. The one thing that I asked for at the Working Group meeting was to get the VMS data. I don't understand how we can transfer fish from scallop to groundfish without the VMS data. I'm asking why that data isn't here. A second question is: how is the May groundfish survey data (AKA the spring survey) used in determining the current estimate of the yellowtail flounder stock biomass on Georges Bank? How important is that data point?
- Drew Minkiewicz, Fishery Survival Fund: There's been a Working Group that had the meeting in New Bedford and conference calls and I'm not sure if everyone at the table has been involved. The participants views on these calls are heading towards they can do this and there has been a lot of support for removing the AM for the scallopers for one year. How much fish, no one has a definite number in mind but Sam Rauch seemed interested in looking at the high end and reassessing in a few months' time and see where we are. There has been general support for that and moving forward, I think that's what we're looking at.
- Eddie Welch, New Bedford: It seems ridiculous that we don't know how many days have been used this year already. If I want to know how my miles per gallon are in my pickup I can press a button and know. It seems ridiculous for all I pay for VMS that no one can tell how many days were used up until noontime today.

Staff responded that VMS data are not available for the 2012 fishing year and it was explained that the projections used the results from the 2011 TRAC, which only includes survey data up to 2010. The 2011 survey data were not included in these projections and will not be incorporated until the 2012 TRAC.

**Motion:** Recommend that the Council request NMFS utilize existing authority provided in Groundfish Framework 47 to immediately transfer all but 156.9 MT (90% of the 174.3

MT) of Georges Bank yellowtail flounder from the scallop sub-ACL to the groundfish sub-ACL based on the revised high projection of 2012 Georges Bank yellowtail flounder bycatch by the scallop fleet. Any additional unused Georges Bank yellowtail flounder should be transferred to the groundfish fleet by January 15, as outlined in the existing regulations and based on actual scallop fleet Georges Bank yellowtail flounder catch data from FY 2012. (Mr. Dempsey/Dr. Pierce).

*Rationale: We had the opportunity to revise these projections and it was an oversight not to do so. This motion allows the use of the new projections, which are the best available science. This would balance the needs of scallop and groundfish vessels; the higher projection would not short the scallop group. Rolling transfers would be too unstable for the groundfish fleet and any transfers should be done in two phases. To encourage the continued efforts to reduce yellowtail bycatch, the existing AM should remain in place for both fleets.*

Some issues were raised on behalf of the scallop industry over this motion. The initial large cut in ACL and the lack of indemnity from AMs did not seem to support the two industries working together; the motion was thought to need work to have the support of both industries. The potential for the AM to be triggered because the sub-ACL was lowered by such a large amount after the fishing year has started was a concern considering the time area closures the scallop industry would have if the new lower sub-ACL was exceeded. It was generally felt that indemnity from AMs in 2013 should be considered further if the allocation was going to be much lower than the current 307mt.

**Motion to amend:** To request an emergency action to temporarily recuse the scallop fishery from any AM that under the current scallop regulations would be required if the sub-ACL is exceeded in 2012. Instead the pound for pound repayment provisions of the US/CA agreement could be utilized should the TAC be exceeded for FY 2012. (Mr. Odlin/Mr. Preble).

*Rationale: This would be a two part process with the Regional Administrator instituting an immediate transfer under its authority and then an emergency action to recuse the AM temporarily. This is a one year situation and the AM that would still be in place is the pound for pound reduction for 2013 imposed by the Understanding. We have to find a solution that prevents it from happened every year. The groundfish fleet has taken an 80 percent reduction this year and the scallopers get 90 percent of what they needed; it just doesn't make sense.*

There are some potential implications to this strategy; if there is an overage this year then the groundfish allocation would be reduced next year with no penalty for the scallop industry. The elimination of any AM whatsoever might also eliminate any impetus to try to minimize discards; a backstop should be put in place to prevent large amounts of discarding, e.g. have an AM be triggered if bycatch reaches the original Framework projection of 307 MT. The legality of AM indemnity would have to be looked at but there is still an AM for the stock as a whole. The timing of an emergency action for indemnity was considered to be problematic as it can only last for one year and may expire before the AM time area closure schedule for 2013. It was discussed that the emergency action could be delayed to account for this, but it was also argued that a delay could leave enough time to develop these measures through a normal Council action.

Some of the public comments included:

- Drew Minkiewicz, Fishery Survival Fund: We strongly support the motion to amend and would oppose this without the motion to amend. Without the motion to amend it betrays the partnership that we developed in the Working Group. The scallop industry put a lot of effort into that Working Group and the measures developed should not be so quickly jettisoned. We're talking about the 2012 fishing year and they started the year with 307 MT. If one of these goes forward they're looking at a 50% reduction in the middle of the fishing year. We're not opposed to helping out the groundfish vessels but we have a very limited pie. We don't even know where we are in relation to the 2012 307 MT sub-ACL and we don't want to oversubscribe the fishery. Putting in the indemnity is important and it is legal because you already have the AM in the Understanding. There's many ways to do this you just move the sub-ACL into the groundfish sector. It's needed because of this unprecedented mid-season transfer based on no data. The scallop fleet has an unregulated fishery in the Gen Cat in terms of yellowtail flounder bycatch from that segment of the fishery. As far as incentives staying within the yellowtail flounder catch, this isn't a directed fishery; they don't want to catch them. They're putting up their own money to fund the bycatch avoidance program and that's proven to be successful. We're putting our money where our mouth is. If you don't approve the motion to amend it would violate all the work that was put into the Working Group.
- Vito Giacalone, Northeast Seafood Coalition: The concept of setting aside the AMs was to acknowledge that the fishing year started for the scallop fleet with a number of fish that was an oversight with a sub-ACL of 307 MT. They're deep into it so the idea to set it aside and have a fishery that started with one number and end with another. The sub-ACL trigger for AM remained as 307 MT and the emergency action transferred an immediate amount, the AM would still be in place and the scallopers could complete their FY with the same allocation as the trigger. It comes down to whether the groundfish fishermen want to see as payback the next year. I thought it was a real good suggestion. Is it possible to have the 307 MT be the limit for the trigger but still allow the transfer?
- Ron Smolowitz, Fishery Survival Fund: The 174 MT is not the high estimate; it's not the upper bound of the 95 percent confidence limit. It's a crude estimate with all the uncertainty in the data so there is a high probability that we will exceed it. The other thing, you know my opinion on projections, it doesn't offer an incentive nor does 90 percent of it. The whole concept of projections does not provide incentives. With 90 percent it has an even higher probability of exceeding it. The 174 is not the high estimate; there were no confidence limits around it. We still have a high chance of exceeding it.
- Gib Brogan, Oceana: We oppose this motion. Magnuson-Stevenson Act states clearly that you need AMs. This is not responsibility; this is getting relief and getting rid of the cap that's been in place for ten years in the access areas. With the scallop fishery we have access to Closed Area II with no caps at all. Since the cap went away in a previous management action it seems that we're less accountable than we were two years ago; we need a backstop. I also have an issue with a pound for pound repayment with such low numbers of yellowtail flounder. What happens if we go over by more than what's available in future years and there's nothing left to repay? We need to balance the books

and make sure we don't overdraw. I hope you withdraw this and go forward with the original motion.

- Bill Wells, Scallop advisor and Scallop boat owner: I agree with Rip regarding having the AM remain in place at the 307 MT level. I believe that is a reasonable request; it does put more fish in front of the scallop group but I support it. I want to back up what Vito said about this being an in-season adjustment. Most people in the scallop fishery, our season is over except for a few trips to the Closed Area. We have 12 months to fish but a lot of us have traded trips and have already caught it. We have a few boats that still have Georges Bank trips left and they're catching there now but this is coming at the end of most peoples' fishing season. We have a poor history of precision with bycatch projections. I don't understand the models and I'm not here to have a technical debate with people. I can look at the history and see we've done a poor job. The effort is heretofore unknown on Georges Bank but it's actually known, we just don't have the data. I can tell you that there has been more effort on Georges Bank this year than it was last year and when we get numbers it will reflect that. The numbers will be higher because of the Delmarva situation; there were no yellowtail flounder in Delmarva. There were no scallops in Delmarva and the Council was right to get us out of there. Any time Closed Area II is open we are subject to the projection. We have over 200 vessels signed up out of over 300 vessels in the fishery for the SMAST bycatch avoidance program. We do have a poor history of projections and it may be worse this year because of the 3 things that I mentioned that would cause us to be higher and less accurate than before.
- Ritchie Canastra, New Bedford: I'm having a hard time understanding this. 1. The stock assessment came back poorly; all we got was 500 MT for two fisheries and the motion up on the board is a remedy and a way to get through this season without financial difficulties for both fisheries. I hope this has no precedence for next year. Hopefully we'll have better or new projections. This is to get us through that year and the mess that we're in because of the Bigelow. Let's get down to common sense; no one's going to lose anything. The scallops will be allowed to go out there and the groundfish fleet can finish their season. I don't understand the arguments. It's to get through this fishing year only.
- David Frulla, Fishery Survival Fund: If you go back to Framework 47, it talks about making a re-estimation based on information available. NMFS should re-estimate for current fishing year by January 15. If you do these re-estimates you need to get them correct; the wild card is doing this without any data from this fishing year (2012). It's really important to get some bycatch information for the scallop fishery about the current bycatch levels. The observer data lags by five months. I don't know why we can't get the VMS data.
- Cate O'Keefe, SMAST: The fishery in Closed Area II opened on Friday (June 15) with the assumption of 307 MT. SMAST makes assumptions for low, medium and high bycatch levels in that area when they send out their advisories and any changes done today will revise those estimates. We already have advisories out to the fleet based on a lower sub-ACL, but not as low as the proposed motion. There's 237 boats currently signed up. We only do this for the Closed Areas and not in the open areas. If there's not going to be any information on what the bycatch will be it's hard to change behavior. If there is a transfer of allocation there needs to be updated observer information.
- Peter Hughes, Atlantic Cape Fisheries: I am also part of the Working Group and a scallop advisor. We held a number of meetings or calls with the Working Group and out of these

calls came this 4 page document that I don't know why isn't it part of the documents that you're using and referencing. The document lists all sorts of ideas that people have spent time developing. Part 1 of this motion isn't in the document but part 2 is.

**Motion as perfected:** To request an emergency action to temporarily recuse the scallop fishery from any AM up to 307 MT of yellowtail flounder catch by the scallop fishery that under the current scallop regulations would be required if the sub-ACL is exceeded in 2012. Instead the pound for pound repayment provisions of the US/CA agreement could be utilized should the TAC be exceeded for FY 2012. (Mr. Odlin/Mr. Preble).

The majority of the Committee felt this was a suitable compromise that was in line with the Working Group discussions between groundfish fishermen and scallopers. It allowed fishing to continue for both fleets and maintains an AM but with a high enough trigger that doesn't punish fishermen for a situation that isn't their fault. A minority disagreed and considered this strategy to greatly increase the probability of exceeding the overall ACL this year in addition to the continued decline of the yellowtail flounder biomass and our allocation of the biomass. One committee member considered the motion as perfected to allocate the same fish twice. Another thought the numbers in the motion as perfected were not right and thought it was extremely difficult to do this without any indication of current scallop yellowtail flounder catch.

The motion to amend **carried** on a show of hands (8-3-2).

**Motion as amended:** Recommend that the Council request NMFS utilize existing authority provided in Groundfish Framework 47 to immediately transfer all but 156.9 MT (90% of the 174.3 MT) of Georges Bank yellowtail flounder from the scallop sub-ACL to the groundfish sub-ACL based on the revised high projection of 2012 Georges Bank yellowtail flounder bycatch by the scallop fleet. Any additional unused Georges Bank yellowtail flounder should be transferred to the groundfish fleet by January 15, as outlined in the existing regulations and based on actual scallop fleet Georges Bank yellowtail flounder catch data from FY 2012. To request an emergency action to temporarily relieve the scallop fishery from any AM triggered by catch less than 307 MT of yellowtail flounder catch by the scallop fishery that under the current scallop regulations would be required if the sub-ACL is exceeded in 2012. Instead the pound for pound repayment provisions of the US/CA agreement could be utilized should the TAC be exceeded for FY 2012.

The motion **carried** on a show of hands (8-3-2).

The Committee moved on to discuss other options from the list of potential management options developed by the Working Group. Option 1a was thought to not be possible in this fishing year and any discussion on it would have to be framed in terms of future years. An effort is being made to contact the Canadians to discuss the possibility of transferring any unused yellowtail flounder quota to the US.

**The Committee agreed by consensus to encourage the Service to continue to pursue negotiations with Canadians to transfer any unused yellowtail flounder quota to the US.**

Option 3a was discussed to determine any value to the groundfish fleet from receiving advisories from the SMAST bycatch avoidance program sent to participating scallop vessels. The SMAST program only covers the scallop access areas and currently doesn't cover areas where groundfish fishermen fish.

**Motion:** That the Committee recommend that the Council look into redrawing the Georges Bank yellowtail flounder area in the sector framework (Mr. Odlin/Mr. Pierce).

*Rationale: There is a significant area that has no yellowtail flounder in there so if we could redraw it, it would lighten the load for groundfish. There's information saying there's no yellowtail flounder in there so why should the fleet be penalized.*

This motion was considered to also be a potential additional AM. The area that fishermen would be excluded from would have lots of yellowtail flounder in it but you would still be allowed to go into areas with low abundance. It could also be used when vessels are short or out of yellowtail flounder quota. Ms. Murphy noted that sectors had the ability to implement these changes through their operations plans.

Some of the public comments on the motion included:

- Maggie Raymond, Associated Fisheries of Maine: We support the motion but just wonder if there was some way we could get the coordinates included now and have this included in the emergency action now. That if they do reach their allocation that they would still be able to fish in this area that Mr. Odlin is describing where there are no yellowtail flounder.

It was thought best to allow the Groundfish Oversight Committee to make recommendations on the coordinates.

**Motion:** The Committee requests the Council send a letter to the NMFS that the SAPs in Closed Area II for haddock be open May 1 to trawl vessels using restrictive gear. (Mr. Odlin/Mr. Dempsey).

*Rationale: There are two areas that have a higher haddock catch but in order to access them you have to use the Ruhle trawl. They're presently open August 1 because in previous actions related to DAS there was a high bycatch of Georges Bank cod in eastern Georges Bank. Once catch shares were implemented this was no longer needed and there's no reason to have it. The Service has said that it's part of a closed area and that they need clarification by the Council to do this. The area is open eight months a year. Permanently closed areas should be closed year round and those open for part of the year should not be considered permanently closed.*

Under the current regulations, sectors are not allowed to request certain exemptions, including exemptions from the year-round closed areas. The NERO would look for Council input on this issue. Council staff suggested that the review of SAPs and sectors in Amendment 16 indicated Council intent.

The motion **carried** on a show of hands (9-1-3).

**Motion:** The Committee recommends the Council fast track the omnibus habitat amendment so that areas of higher concentration of haddock and scallops can be accessed in order to alleviate the yellowtail flounder bycatch problem as soon as possible. (Mr. Odlin/Mr. Preble).

The omnibus habitat amendment is a high priority because it is our long-term strategy that has been lost. The omnibus amendment has been worked on for a number of years already and the ability to complete it is considered a resource issue.

Some of the public comments on the motion included:

- Drew Minkiewicz, Fishery Survival Fund: The last bit of comment doesn't seem to matter whether we support this motion or not but I do want to lay out the long term strategies for yellowtail flounder. If you look at the map of yellowtail flounder and at the red areas but if you look towards the northern edge and Closed Area II you have some of the highest abundances of scallops and incredibly low yellowtail flounder abundance it makes more sense in a habitat point of view to fish these areas because you have a short time on the bottom. It's also a good area to fish for haddock there. We are limiting ourselves by not putting this forward. We should try to do everything we can to do this and it's a win-win situation.
- Ron Smolowitz, Fishery Survival Fund: Going back ten years, I was against the habitat omnibus amendment. I thought it should be dealt with like bycatch. It's too big a document to go forward. I think the Council should break up the document. Why the Gulf of Maine has to be dealt with coral in the same document has made it a slow process. I think you could treat eastern Georges Bank and get it done instead of having it sit for another ten years and get it done Basically, omnibus amendment part 1 and 2, whatever, but take out the parts that can stand alone and take care of this eastern Georges Bank situation. We could get some partial habitat benefits instead of having to deal with this huge habitat amendment. Have the habitat committee reexamine that amendment and redistribute it up so we could start looking at some of these immediate issues.

The Agency supports the omnibus amendment being completed quickly.

The motion **carried** on a show of hands (11-0-1).

A committee member wanted to discuss a zero possession yellowtail flounder fishery. It was suggested that discussion of options for FY 2013 be delayed until after the TRAC at the end of June 2012 so numbers would be available to identify an appropriate strategy. A committee member requested more information on the SMAST bycatch avoidance program to determine how the performances of enrolled boats differed to non-enrolled boats. The Committee requested more information from Cate O'Keefe with regards to expanding the program to groundfish areas. The difficulties associated with expanding it include the difference between fishing strategy

between the fleets. The current program is based on scallops. The multispecies fleet has boats that target different species. The red/green light strategy might be more difficult.

- Cate O'Keefe, SMAST: In terms of sharing information between fleets, the hotspots are posted online daily. The data is kept confidential but the hotspots are online. We have a RSA to work on expanding the program. We've been working with Gen Cat boats mainly in SNE, e.g. Point Judith and Long Island. We've been trying to work on gridding because it's a larger area. The Gen Cat is limited to 600 lbs. a day and it was easier to start with that. Obviously funding and staffing is a problem and we have to look to see what's involved to try to apply it year round and in all areas. The overall concept could be applied but it would look different for the groundfish fishery; yellowtail flounder is bycatch in scallop fishery and only targeted by some segments of the groundfish fishery.

Some of the public comments included:

- Eddie Welch, New Bedford: It helps the Groundfish guys if we're avoiding yellowtail. Maybe if the enviros stepped up and threw some money in the pot they could get that done (expand the bycatch avoidance program to the Groundfish fishery).
- Ron Smolowitz, Fishery Survival Fund: 1. The concept of projections needs to be replaced by a baseline so the scallop fleet has a target. 2. Bycatch reduction measures have to lie within the scallop FMP and the groundfish FMP set the sub-ACL but the scallop FMP decides how to achieve it. We're working backwards. Once we have a baseline we can decide what seasons, what gear, a whole host of measures to stay under the baseline level of bycatch. 3. Redraw scallop access areas in Georges Bank to achieve objective of bycatch avoidance and habitat protection. Trying to move forward with the seasonal shifts, the June 15 date is wrong. I've been saying that for ten years but we're getting some data now so hopefully it will change too. We're working on projections and if we had our baseline we would have real incentive to decrease bycatch if we had a zero allocation. 4. The current time area closure AMs are all wrong. The reactive AMs can be changed to gear. The data problem is significant. In 2012, I think \$6 million of RSA money are dedicated to finfish bycatch reduction. We know we have to improve the flatfish assessments. We know we have to identify hotspots and we're working on that.

The need for real time data on the numbers of trips in the open and closed areas was emphasized as extremely important to help improve our management objectives. It would allow the possibility to restrict fishing at certain times of the year if bycatch can't be reduced sufficiently.

The ability to respond to a potentially poor assessment from the TRAC may be difficult because of time restraints. The Scallop PDT will be meeting twice in August and the scallop committee will meet in September. Depending on what comes out of the Council on this issue it may be necessary to meet sooner to work on this topic.

The revision of the Understanding between the US and Canada was discussed. It is under the authority of the Regional Administrator to examine revisions to the Understanding. The Council could request the steering committee to reexamine this.

**Motion:** The Joint Groundfish and Scallop Committee recommends the Council ask the US/CA Steering Committee to readdress the US/CA Resource Sharing Understanding. (Mr. Pierce/Mr. Odlin).

The motion was amended as a friendly because they didn't want to initiate a process before fully analyzing the options.

**Motion (friendly amendment):** The Joint Groundfish and Scallop Committee recommends the Council task the US TMGC members to work with NERO to develop pros and cons of readdressing the US/CA Resource Sharing Understanding. (Mr. Pierce/Mr. Odlin).

One committee member considered the problem to be with the US law instead of the Understanding.

Some of the public comments on the motion included:

- Drew Minkiewicz, Fishery Survival Fund: To the comments on what the objective is, the current agreement that we have that's based upon where the fish show up in the surveys and it isn't working for us. We're going from 90% of the allocation to less than 50%. We can have a discussion on the Bigelow but the formula changed and the Canadians magically started catching nothing on the US side. It's an arbitrary thing; they're two snapshots that don't show where the fish are year round because the scientists tell us they're moving all over the shelf. For the Canadians it used to be a bycatch fishery and we've been allocating it. Why are we getting less than 50%? I'd love to go back and renegotiate the Hague line but that's not realistic but we should go back and discuss how the resource is being allocated. I'd love to see more industry representatives on the TMGC especially a scalloper going forward.
- Maggie Raymond, Associated Fisheries of Maine: I was think that when people were discussing Mr. Odlin's long and valuable experience on the TMGC we really just can't let him go; we really need to keep him on the TMGC. I hope there will be some recommendation to change the representatives to include industry members with Mr. Odlin especially in mind. He would be a valuable asset on the TMGC.

There may be a problem with FACA if there are industry representatives on the TMGC that are not Council appointees but it is being discussed.

The motion **carried** on a show of hands (10-0-2).

