

# Final Scallop PDT Meeting Summary

## Falmouth, MA

### October 25, 2006

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The primary purpose of this meeting was to finalize the updated estimate of exploitable scallop biomass in the Elephant Trunk Area. The PDT also reviewed preliminary projections for the 2007. In the afternoon the PDT discussed what analyses will be completed for the Amendment 11 DSEIS. Under other business several additional issues were discussed including the need for an action to reactivate the industry funded observer program, research to reduce finfish bycatch, predators of scallops, and expanding PDT membership.

#### **Elephant Trunk Area (ETA)**

The PDT reviewed a memo that was drafted based on the discussion of the updated biomass estimate for ETA from the previous PDT meeting (September 6, 2006). In addition, the primary researchers involved in surveying the Elephant Trunk Area had a small meeting in early October and the work completed at that meeting was included in the draft memo. The PDT approved the draft memo to be submitted to the Regional Administrator as the final updated estimate of exploitable biomass in ETA. Included in the memo is an updated estimate which does not trigger a reduction in trips and several specific comments related to why the Regional Administrator and the Council should be precautionary with access measures in the ETA. The PDT reviewed that list and discussed several more additions. Specifically to add that the assumption of 20% discard mortality is reasonable in general, but a higher rate may be more realistic for the ETA because of the high summer temperatures. It was also suggested by one PDT member that a paragraph should be added to the memo that describes the methods used and explains that these data are valid to use for management purposes.

A member of the public asked the PDT what was specifically in the regulations for this Notice Action because even if the biomass threshold is not triggered based on the updated estimate there is still language in the framework document related to overfishing of the entire resource as being a factor that would warrant fewer trips. While the framework document does include language to that affect, the regulations had to define specific thresholds in order to ensure that an abbreviated regulatory action was possible under the Notice Action procedure. Several industry members were in attendance and suggested other factors that will increase mortality that are not included in the discussion of the memo. For example, deckloading; vessels are now allowed to leave an area with an unlimited amount of in-shell scallops. In addition, one individual pointed out that delaying the opening date of ETA from January to March would reduce mortality because scallops will grow during those two months, and he added that any safety issues for smaller vessels would be reduced if the area did not open until March. Some PDT members did voice that while the triggers are not met for the Notice Action, there is evidence that mortality may be higher than projected and there are numerous uncertainties that warrant serious precaution. The PDT decided to wait until after the presentation on 2007 projections before deciding what should be added to the memo if anything. One PDT member did express concern that the memo stay focused because the Notice Action is very specific and adding other factors that could be improved with the program or to reduce mortality on the overall resource; the PDT discussed that a second memo could be drafted that would include details about potential measures in 2007 to prevent overfishing.

#### **2007 Preliminary Projections**

Dr. Hart presented preliminary projections for 2007, which incorporated survey and fishery data through 2006. She first reviewed a chart with data from the 2006 survey stations; the plots show that the southern part of CAII and NL access areas were hit relatively hard from the access program in 2006. Largest

concentration of biomass on GB is on the northern edge within CAII as well as part of the original access area in CAI, which is now closed for habitat. The only area with good recruitment on GB was a small area in the southern part of the channel. The primary concentration of biomass for the Mid-Atlantic is within ETA and some in Delmarva. Small scallops were found in Hudson Canyon, something the PDT needs to keep in mind for future years. In fact in 2007 this area is open for some trips and there is concern that there are small scallops in this area; therefore, the impact on mortality will be higher.

Dr. DuPaul then added a summary of information from their August 2006 survey in NL after the area was closed as well as data from CAI. The biomass estimates from his survey suggest that there is sufficient biomass in those two areas to support one trip for full time limited access vessels. The PDT then discussed that the access program in CAI is not going to be as effective as a result of both habitat closures in CAI being closed. There is a substantial amount of biomass outside the “sliver” that is no longer part of the access area in CAI. It was discussed that this may be the case for several years since Phase 2 of the EFH Amendment is not expected to be complete for several years.

Dr. Hart then reviewed the simulation projections for 2007 using these new data from the 2006 survey. Basically the projections suggest that overfishing is not occurring in 2006, but fishing mortality will be above the overfishing threshold in 2007. She also presented several scenarios that could be implemented in 2007 to reduce fishing mortality below 0.24. The PDT decided that she should run these scenarios several years into the future to see where we would be as compared to status quo measures under FW18 for 2007 and what the consequences would be if no action is taken. The PDT discussed at length if a separate memo should be drafted to clarify issues for the Council and increase awareness that overfishing is likely to occur in 2007 under status quo management. Some felt it was necessary to suggest that the Council recommend interim action, and others were uncomfortable with recommending a specific action. Ultimately the PDT decided to write a memo explaining that if no action is taken in 2007 there will likely be overfishing. The PDT would also include several alternatives that could prevent overfishing, primarily including reduction in ETA trips and open area DAS.

Other measures to reduce mortality were discussed but they are not as direct and could be more complex to analyze and implement. For example, prevention of deckloading and potentially reducing the number of trips in January and February or waiting to open the area until March. One member of the audience suggested that this approach to reduce effort in 2007 may be an affect of an over allocation under FW18, and was supportive of a strong statement from the PDT that interim action should be considered to be precautionary and prevent overfishing. A PDT member cautioned that a drawback of addressing this under Emergency/Interim Action versus the Council process is that there is no guarantee you get what you ask for. An Emergency Action process does not include public input the way the Council process is, so while the PDT may recommend X, Y and Z to reduce effort in 2007, the Regional Administrator may end up implementing different measures.

### **Amendment 11**

Ms. Boelke summarized the measures approved at the September Council meeting for consideration in Amendment 11. She went through an updated timeline with the PDT and highlighted when certain analyses would need to be completed. The Statistics Office plans on completing the final data set of general category landings from the dealer database in the next week or so. The bulk of the social and economic data cannot be started until that dataset is complete. The PDT discussed that the timeline is quite compressed for this action and if several members have to be pulled off for any reason it is not likely that the DSEIS can be complete before the end of the year. Once all the analyses are complete then staff must draft a cumulative effects analysis, before the document can be presented to the Council for selection of preferred alternatives (originally planned for February 2007 Council meeting). Staff will again consider workloads after the Council selects priorities at the November Council meeting, but it is

possible that three scallop actions will be occurring in late 2006, and Amendment 11 analyses may need to be delayed. The PDT then reviewed an outline of what specific analyses would need to be completed for the DSEIS, and who was responsible for each section. For example, the PDT will have to specify how a TAC will be defined for the NGOM. The PDT discussed several ideas and Ms. Boelke, Dr. Hart and Mr. Kelley will continue working on that subject.

## **Other Business**

- **Industry funded observer program**

David Potter from the NMFS Observer Program summarized the need to initiate an action under the Scallop FMP to reactivate the industry funded observer program. He explained that the arrangement was not renewed because it was determined that NMFS could not require a vessel to pay for an observer when NMFS also had a contract with the observer provider. Therefore, a system using non-contracted vendors would have to be developed to reactivate the industry funded observer program, because there is not going to be sufficient funds to observe the level of trips necessary to monitor the scallop fishery. This was done through emergency action and implemented in June 2006. A method was developed that would be open to any vendor if approved by NMFS.

Mr. Potter explained that the system has been working relatively well considering how quickly the new system was developed. Smaller vessels have complained that the compensation for carrying an observer is not sufficient. Smaller vessels catch fewer scallops per day so that the system is not equitable across the fleet. Mr. Potter suggested that some alternatives should be considered to make the system more equitable, provided they do not take too long to develop or analyze, because it is critical that this action gets implemented before or near the start of the Georges Bank access area program in 2007. The PDT briefly discussed that it may be possible to develop different possession limits and DAS accrual rates for different permit categories. For example a higher possession limit could be considered for limited access small dredge permits to allow these vessels to land the amount of scallops that would be necessary to cover the cost of the observer. The PDT can work on more specific ideas to improve the equity of this program if the Council decides to initiate an action at the November Council meeting and these measures are not expected to delay the timeline for this action.

It was discussed that the Council action could just cover the mechanism for the program, and the actual administration and determination of what would be reimbursed could be determined by the Regional Administrator later in the process. In fact, it would be most ideal if the reimbursement could be changed during the year as the market changes. One PDT member suggested that a different value per permit category probably varies from the current system too much and would have to be considered and analyzed in the Council action. However, no one at the meeting was certain if considering a different calculation for each permit category would cause the document not to be ready for the February Council meeting. It may be possible that at least the overall reimbursement could be adjusted more than annually and not cause extra analysis. Mr. Potter explained that the current system is not working for smaller vessels, and they are beginning to change their fishing behavior thus potentially biasing data collected. For example, trips may be shorter so vessels do not have to pay for an observer as long.

One PDT member suggested that there was a clause in one of the Magnuson reauthorization bills that would have permitted this type of system, but Mr. Potter later explained that clause had later been dropped. One member of the audience questioned why an action under Magnuson was necessary if it was only related to fixing a NMFS contract issue. It was explained that NMFS could not reactivate the system under the Scallop FMP unless it is a non-contractual system. One PDT member explained that NMFS already tried several different administrative approaches to address this issue outside of Magnuson, but none were sufficient. There are problems with NMFS not having a contract with the vendor in terms of

maintaining data quality, but the system implemented under the Emergency Rule NMFS can decertify a vendor if there is a data issue. Mr. Potter explained that NMFS still pays for the training program.

- **Monkfish possession limit in scallop access area**

Since implementation of Framework 18 access areas are allocated by number of trips, rather than DAS. Since monkfish possession limits are linked to pounds per DAS, the amount a vessel can harvest from the access areas is lower than under previous programs. The industry has requested the Monkfish Committee to consider this issue under Framework 4. Staff has received observer data from trips observed in June and July 2006, as well as previous years to get a better sense of average catch per day/trip. Initial findings from these data are going to be reviewed at the Monkfish Committee meeting on November 1.

- **Research on finfish bycatch in the scallop fishery**

The Executive Committee discussed one solution to reducing finfish bycatch would be through gear. They asked what research has been done on scallop gear in addition to what is required already. Ten inch twine top is required now and research has been done on 12-inch gear as well. The results showed that 12-inch gear did reduce bycatch but it also reduced scallops catch substantially so bottom contact time increased as a result and the overall benefits of larger mesh were reduced because the gear fished longer. One PDT member explained that ongoing research in looking into different mesh configurations to reduce bycatch. Preliminary results may be available during development of the Framework 19. The PDT discussed that one area that could be researched in more detail is fishing behavior. For example, tow time may be one topic that could be explored in more detail.

- **PDT membership**

Since there are numerous scallop actions under development it would be beneficial to increase the size and perspective of the current Scallop PDT. The PDT is supportive of the Executive Director sending out letters to state agencies requesting staff to participate on the Scallop PDT. The PDT was invited to think of other individuals outside of state agencies, and if there is funding the Council can contact others as well.

- **Predators in the scallop fishery**

The Scallop Committee met on September 13, 2006 and a member of the audience suggested that the Committee consider measures to reduce scallop predators. It was suggested that vessels could harvest starfish rather than release them as bycatch. The Committee requested the PDT to evaluate available research on scallop predators when feasible. The PDT agreed to include a section on scallop predators in the next SAFE report (within Framework 19). One PDT member noted that substantially reducing predators in the scallop fishery (i.e. harvesting starfish caught incidentally), would not be enough to have a significant impact, it would have to be a more directed effort.