

Scallop PDT Meeting Summary

Falmouth, MA

January 4, 2007

The primary purpose of this meeting was to finalize the DEIS for Amendment 13 for the Scallop Committee to consider later this month (re-activate industry funded observer coverage) and brainstorm ideas for Framework 19 (management measures for FY2008 and FY2009). The PDT discussed the recent interim action filed by NMFS (as requested by the Scallop PDT and Council) and discussed issues with the research set-aside program.

Elephant Trunk Interim Action

The PDT briefly reviewed the federal register notice that recently came out regarding the interim action to reduce the number of trips in the Elephant Trunk Area (December 22). One PDT member asked if research set-aside (RSA) funds available for that area were going to be reduced as well. The notice explains that RSA set-aside for the Elephant Trunk would be reduced by a consistent amount. The PDT discussed that this would have an impact on research for that area, but one PDT member noted that TAC in that area was undersubscribed in the applications for 2007 research, so hopefully the impact will not be significant. In addition, the PDT discussed the possibility of linking research set-aside TAC to specific areas, rather than resource wide. The PDT discussed the possibility of linking the RSA amount to the exploitable biomass instead of the commercial TAC assigned to each area. The PDT then discussed when decisions were expected to be made regarding 2007 RSA proposals. The PDT member from the Regional Office expected announcements to be made soon (and at the drafting of this summary, the Regional Office was in the process of notifying applicants whether their projects were approved or rejected).

The PDT then discussed what could be done regarding the fact that the interim rule is expected to expire in December 2007 and Framework 19 will not be in place until March 2008 leaving the ETA open without restriction. Rather than speeding up Framework 19, the PDT may develop measures to reduce incentives for vessels to fish in the Elephant Trunk area before Framework 19 is implemented. Staff will continue to explore ways to address this issue.

Amendment 13

The PDT then reviewed an updated version of Amendment 13. Deirdre Boelke reviewed the measures and explained that the Council does not want to insert any measures that could require additional analyses and slow the process down. There is one alternative that would allow adjustments to the observer set-aside program through framework action and several examples are included. The PDT agrees that the first example that considers different compensation amounts for different permit types is reasonable and should be discussed as an option in a future action. As for the second example, developing a funding program that would require all vessels to pay a fee or tax on landings may be a desirable option, but NMFS does not have the authority to require payments, other than to recoup administrative costs (e.g., charging for permits etc.). One PDT member suggested that there is nothing currently in the regulations that would prevent a group of vessels from pooling resources to fund observers, but NMFS cannot require vessels to pay a tax on landings. A member of the audience commented that this approach is attractive to spread out observer costs among the fleet, but there are several problems. For example, the industry would have to know when a vessel made a trip and total trip length in order to enforce this type of fee system, so there are data confidentiality issues since this information is not currently public. The PDT discussed that interested vessels could possibly sign some sort of waiver to share confidential data. It became evident that there are numerous ways to improve the current system and the PDT discussed planning a future meeting with representatives from industry and the observer providers if this issue is identified as a priority.

Next the PDT discussed observer coverage in more general terms. In terms of a target level of coverage it was discussed that Framework 16 set a specific level of coverage that was recommended and that will carry over for Framework 19 unless the PDT recommends a different level of coverage per area on this action. One member of the audience asked if the PDT ever examines if the coefficient of variance is met and the level of observer coverage for a specific year, area, or gear type is met. A representative from the observer program explained that the level of coverage is reviewed at the end of the year and the PDT can consider that information for inclusion in Framework 19. The PDT then discussed what the SBRM Amendment is actually doing. While several PDT members were peripherally familiar with the action, no one could speak with authority about exactly what the SBRM action would do in terms of setting a suggested level of observer coverage per access area for the scallop fishery. So the PDT agreed that including a specific process for identifying recommended levels of coverage was important to include in Framework 19. Staff will try to determine how this can be integrated with the SBRM process.

One PDT member asked how NMFS calculates the compensation rate for vessels that are required to carry an observer. It was explained that factors like average price of scallops, cost of observers, catch rates and other costs are included. Council staff offered to work with NMFS to update how this compensation rate is calculated for Framework 19. Council staff will need the details in order to complete the regulatory flexibility analysis for Amendment 13. The PDT discussed that it may be most beneficial for this authority (of calculating the compensation rate) to remain with the Regional Administrator so that it can be flexible rather than embedded into the regulations. Since conditions change like scallop price and costs, the Regional Administrator should consider these fluctuations and adjust the compensation rate if necessary. One PDT member added that the observer funding set-aside program is awkward, and a different system may be more equitable and straight forward. A member of the audience suggested that some farming sectors use “market orders” to raise fees across the sector and the programs are acceptable under USDA laws.

Framework 19

Dr. Dvora Hart reviewed the updated assessment with survey info from 2006 to set the stage for what measures may be necessary to consider in Framework 19. She explained that catch per unit of effort is down in **open areas** and the survey caught less in these areas as well, suggesting that reductions in open area DAS are needed. Furthermore, the access areas in **Georges Bank** may not be able to support two trips in 2008. All three access areas are getting depleted and this is the consequence of poor recruitment on Georges Bank since 2001. The PDT discussed the possibility of gaining access in other portions of the closed areas to help prevent overfishing and optimize yield in the scallop fishery. For example, could the larger area within Closed Area I that used to be an access area and the area north of the cod HAPC in Closed Area II be reconsidered as access areas? And if so, when and what action would be the most appropriate vehicle? The PDT discussed this for sometime. As for the northern part of Closed Area II it was discussed that the small area above the HAPC would not be sufficient to support one trip, and resource within the cod HAPC would be necessary, thus a controversial suggestion. The PDT was also concerned about the limited scallop biomass in the Closed Area I “sliver” access area. The PDT discussed that an amendment would be necessary to consider this area based on the Framework 16 court order that both A10 and A13 EFH closures apply to the scallop fishery. The PDT expressed frustration in achieving optimum yield and preventing overfishing under area rotation when many areas seem to be permanently off the table. The PDT requested staff to forward this idea to reconsider the Scallops FMPs EFH closed areas in the next amendment the Council works on. Deirdre Boelke discussed this with other Council staff after the PDT meeting and while Amendment 16 to the Multispecies FMP is the next amendment the Council is working on, this subject is outside the range of issues identified in scoping and is most appropriate for consideration under Phase II of the EFH Omnibus Amendment.

As for the **Mid-Atlantic**, Dr. Hart reported that there was less growth in the Elephant Trunk Area than projected. In addition, concentrations of small scallops were found in the southern portion of Hudson

Canyon and the PDT discussed that Framework 19 may have to include measures to address that. She explained that overall we are in better shape than we have been, but landings in the short term are going to be lower than Framework 18 projected.

The PDT discussed what projections should be used for Framework 19. Projections from the 2006 survey are final and can be incorporated; however, results from the 2007 survey season would not be available in time. As in years past, the 2007 survey data will be raw and unedited, so not available in time for the Council to make final decisions in September 2007. In addition, the current assessment (using 2006 data) is going to be reviewed by the SARC in June and factors like growth and shell height: meat weight estimates are going to be discussed. The invertebrate subcommittee is going to review the assessment in the spring for the June 2007 SARC. Therefore, by mid-June the PDT will be able to use the updated assessment approved by the SARC, and those results can be integrated into Framework 19 before the Council selects final measures.

The PDT then reviewed a document prepared by staff that included a bullet list of potential issues to consider in Framework 19. The PDT went through the list one at a time and identified the issues that should be forwarded to the Committee for consideration. Staff took that original bulleted list and prepared an initial list of recommendations for the Committee to consider (*included in the Committee meeting materials*).

Other Business

Two issues were identified related to the current research set-aside program. First, because the access areas in Georges Bank can close prematurely when the yellowtail flounder TAC is projected to be caught there is an unintended risk for vessels to participate in research in that area. For example, if a vessel participates in research that is usually conducted in the summer (soon after the access areas open on June 15) that vessel may miss the opportunity to make its access area trips if the area closes prematurely due to the bycatch TAC being caught. Since access area trips are very valuable and we do not want to jeopardize research, is there a way vessels that participate in these projects can be compensated? In addition, if the TAC is caught before research is conducted, can the research trips be exempt, or have a bycatch TAC of their own?

The second issue was a general complaint about the RSA program related to the length of time it takes to select and announce approved proposals. If a proposal is accepted there is not always sufficient time to apply for and receive appropriate permits (if necessary) before the research needs to occur. Some studies are time sensitive and need to be done in the spring or summer and if announcements are not made until January for example, then there is insufficient time to get necessary permits and plan logistics involved in some of these projects. The PDT suggests that Council and NMFS staff revisit the RSA Streamlining meeting that was held several years ago and consider additional ways of streamlining the SRA program.