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Scallop Committee Meeting
March 27, 2013
Westin Waterfront – Boston, MA

Committee members in attendance: MaryBeth Tooley (Chair), David Pierce, Dave Preble, Peter Christopher (designee for John Bullard), Rick Robins (vice-Chair), John Quinn, Erling Berg, Laura Ramsden, and Tom Dempsey.

Rip Cunningham, Chair of the Council, was also in attendance and participated at the table.

NEFMC Staff: Deirdre Boelke

There were about 20 people in the audience.

Ms. MaryBeth Tooley began the meeting just after 9:30am. She reviewed the agenda and informed the Committee about new Scallop AP members. The purpose of this meeting was to identify what should be included in FW25; recommend research priorities for 2013; and review outline of LAGC IFQ Performance Report. In addition, the Committee heard two presentations from the NEFSC on the Scallop RSA Program given by Earl Meredith and Cheryl Corbett and a presentation on management action timelines by Peter Christopher with NMFS. Finally, staff briefly reviewed FY2012 data to date.

Framework 25

Staff gave a brief presentation on Framework 25 and reviewed input from both the PDT and AP on potential measures for inclusion. Staff summarized that the PDT identified three potential issues for consideration in FW25: 1) address FY2013 access area trips in Closed Area I; 2) address clarification of non-payment of observer service providers in scallop regulations; and 3) measures to improve the broken trip provision. The Committee first spent some time discussing how this action and future scallop actions will fit with the EFH Omnibus Amendment timeline. Several Committee members voiced that if EFH and/or GF mortality closed area boundaries change it would be important to get access in remaining areas for scallop vessels in 2014, even if it is late in the year. It was argued that survey results from last year suggest that overall catch in 2014 will be similar to 2013 at best, which is lower than recent years before 2013. A member of the audience argued that even if FW25 does not formally include measures to revise scallop access areas that should not preclude the PDT or industry from working on these issues. Ultimately, the Committee did not identify the “best” strategy, or make specific recommendations for the Council to consider regarding how to integrate implementation of closed areas and future scallop access areas.

The audience and Committee did discuss that if the EFH boundaries in CA1 change as a result of the EFH Omnibus Amendment and that change occurs some point in 2014, should CA1 trips fished later in 2014 be limited to the current boundaries or the expanded one? This was discussed in detail because catch rates have declined dramatically within the current CA1 access area, and if there is a possibility to expand the area that vessels can fish within CA1, that could mitigate some of the impacts (both economic and environmental impacts from lower catch rates within the access area).

This issue led to another discussion that came up at the PDT and AP meetings regarding FY2013 CA1 trips. Both the PDT and AP think it is reasonable to develop specific measures in FW25 to address FY2013 CA1 access area trips that were allocated in FW24 (about 1.5 million pounds or 118 trips). Catch rates are expected to be lower than typical access areas in FY2013 and developing measures to extend these trips in FY2014 is one way to minimize impacts. Members of the audience explained that

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CA1 likely had higher than expected mortality in 2012 due to the poor quality of some of the scallops in recently re-opened portions of CA1 that were closed for some time. Discarding at sea for scallop product quality and marketability (i.e. grey meats, diseases) may have been higher than usual. The Committee discussed several possible alternatives: 1) the deadline to use those trips could be extended; 2) the trips could be moved to another area; or 3) the boundaries of the CA1 access area could be expanded (if approved under the EFH Omnibus Action). There was not much support for moving the trips because that can cause problems for other areas. Several Committee members expressed concerns about adding risk to this system. Ultimately, the Committee did not identify the most effective strategy but agreed that this issue should be specifically added to FW25 for consideration.

1. Dempsey/Robins

Request the PDT include options in FW25 that would develop alternatives to address trips allocated in CA1 in FY2013 under FW24.

Vote: 8:0:1, carries

The Committee then discussed the second issue raised by the PDT - clarification of non-payment of observer service providers. The Committee reviewed this issue and since it is not currently a problem there seems to be less urgency to address it. Some Committee members agreed with the AP that government should not get involved in payment issues between two private businesses. However, several Committee members pointed out that the Council does have an obligation to ensure this is not a problem because vessels are receiving additional scallop catch to carry these observers, and that is a public resource. That catch is a public resource and if the Council expected to get observer coverage results from that additional poundage, the payment of observers needs to be ensured. In addition, the Council needs this program to be successful so that observer data can be used in decision making. In the end the Committee is supportive of NMFs looking into this issue and making administrative changes in the regulations to improve this issue, but would request that NMFS share draft regulatory changes with the Council before they are made.

2. Dempsey/Pierce

Committee recommends the Council support NMFS pursue administrative changes to address the potential issue of observer non-payment in the scallop fishery.

3. Robins/Berg

Table previous motion until a future meeting.

Vote: 8:0:1, carries

By Consensus: Scallop Committee supports that NMFS make administrative changes necessary to improve and clarify the regulations and definitions related to payment of observer service providers.

Finally, the Committee discussed the third issues raised by the PDT - measures to improve the broken trip provision. Staff explained that this was a very long discussion at the AP level. The Committee recognized that eliminating the requirement to break a trip in the last 60 days would help special circumstances when vessels are not able to break a trip in the last 60 days of the fishing year in order to complete that trip during the first 60 days that area is open the following fishing year. However, concerns were raised that the more flexible the system is more vessels may elect to carry catch to the

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following fishing year. The Committee had a discussion about the management buffer, and potential impacts this change could have on that buffer by potentially increasing uncertainty. However, eliminating the requirement to break a trip in the last 60 days does not actually change the current level of uncertainty – vessels can still carry all access area trip to the following fishing year if they choose to break them in the last 60 days. A suggestion was made from the audience that since breaking a trip in the last 60 days is not a large burden on the industry, and changing it could affect behavior, a possible alternative could be to include a special exception for vessels to call NMFS if their vessel is unable to break a trip (cross the VMS demarcation line) in the last 60 days of the fishing year. **Ultimately, the Committee did NOT make any motions related to this topic; therefore, the PDT will not develop specific alternatives to modify the current requirement to break a trip in the last 60 days of the fishing year.**

NEFSC Presentation on Scallop RSA

Earl Meredith and Cheryl Corbett of NEFSC gave summary presentations on the Scallop RSA program and review process. Dr. Meredith summarized all the projects funded in the last 13 years by topic and research investigator. He explained the relatively new Scallop RSA website and the various capabilities to search and summarize RSA projects. Ms. Corbett reviewed the steps included in reviewing and approving a Scallop RSA award and summarized where the 2012 applications are in the process. The Committee had several comments and concerns about the complexity involved in reviewing the large number of proposals each year, that are for the most part similar to each other and similar in scope from year to year. They were generally supportive of ideas raised about having all cooperative research projects under one “NEPA blanket” in terms of scientific research conducted at the Center, and in partnership with NMFS.

Research Priorities

The Committee briefly reviewed the draft research priorities developed by the PDT. They are supportive of the recommendations brought forward by the PDT and AP, and agree that RSA solicitations should include two years of possible funding, but announcements each year if funding is left over and priorities change. The Committee approved all the recommendations and only suggested that more examples be added to the priority related to environmental impacts on the scallop resource (ocean acidification).

4. Dempsey/Preble

Recommend the Council approve the FY2013 RSA priorities with the changes recommended by the PDT and in Motions 5, 6, and 7 from Scallop AP meeting on March 26, 2013.

Vote: 8:0:1, carries.

NMFS Presentation on Scallop Management Timelines

Peter Christopher from NMFS gave a presentation on scallop framework action development and implementation timelines. The presentation covered an explanation of what is involved in each step of the development and review process. Under the best case scenario, it takes two months to review a Council submission FW and one additional month to get that to final rule, three months total after final submission. There are only two places that NMFS can speed up the length of time it takes to implement an action: 1) reduce public comment period from 30 days to 15 days on the proposed rule;

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and 2) waive the delay of effectiveness from 30 days to 0. Mr. Christopher walked the Committee through a few scenarios that could speed up implementation. However, under the best case scenario the earliest would be April 9, still over 5 weeks after the fishing year begins.

The Committee brainstormed several ideas about how to address specifications in the scallop fishery differently in order to implement measures closer to the start of the fishing year. One possible suggestion was to create a new structure for setting specifications that is separate from typical framework action. Perhaps by eliminating extra measures in the action the specifications could be in place closer to March 1. Another suggestion was to do specifications more like the North Pacific, where the fishery starts on March 1 under default measures and final ones are implemented several months into the fishing year. That is similar to how the scallop process is now, but area specific allocations make it more complex. Another suggestion from the audience was to add an additional Council meeting in October to get implementation a month sooner, about April 1. Finally, the fishing year could be pushed back as well; perhaps April 1 is more amenable compared to previous attempts when May 1 was considered. No final recommendations were made and several Committee members thought this issue could be raised at a different meeting with other regions to potentially learn more about best practices used around the country (i.e. NRCC, Council Chairs Meeting).

Other Business

The Committee briefly raised an issue forwarded by the AP regarding scallop exemption areas (Motion 8 from AP meeting). It was discussed that this may have unintentionally been overlooked when the Council expanded the EFH Omnibus Amendment to address closed area restrictions overall. However, concerns were raised that this issue could spiral into something larger that will add complexity to the EFH Action, and there is interest in keeping that process as streamlined as possible. The Committee Chair recommended that rather than adding this to the EFH Amendment this could be added to the list of possible future priority items.

Finally a Committee member also raised the issue in Motion 10 from the AP meeting – weekly requirement to notify NMFS when a vessel is not fishing. The Committee agreed this may be excessive and wondered if Council action is needed to address this. NMFS is going to get back to the Committee about the best way to address this.