



## **New England Fishery Management Council Scallop Committee Meeting**

November 14, 2013

Omni – Providence, RI

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Committee members in attendance: MaryBeth Tooley (Chair), Mark Alexander, David Pierce, Dave Preble, John Bullard, Rick Robins (vice-Chair), John Quinn, Laura Ramsden, Mike Sissenwine, and Peter Kendall.

*NEFMC Staff:* Deirdre Boelke, Demet Haksever, Pat Fiorelli and Tom Nies

There were about 30 people in the audience.

The main purpose of this meeting was to finalize alternatives under consideration in Framework 25. The Committee also considered potential work priorities for 2014 and several issues under Other Business.

### **FRAMEWORK 25 - SPECIFICATIONS**

Staff gave a presentation on the current range of specification alternatives in Framework 25. There are three overall alternatives: No Action, Alternative 2, and Alternative 3. The PDT and AP had several new measures to consider related to specifications. The Committee discussed how specifications are set in the scallop fishery and how the overall status and overfishing definition work for the part of the meeting. Following questions the Committee made a handful of motions related to adjustments to the specification alternatives.

The questions and discussion covered many aspects of how the fishery management system is set up and how it has been performing. First, how is this plan performing in terms of staying under OFL catch limits and how accurate is the model in terms of estimating fishing mortality. These are different; the plan has been below the OFL catch limits, but in some years the model has underestimated fishing mortality. The PDT has not adjusted for this in the runs for FW25, so the Committee should keep that in mind when selecting specification allocations. One issue that impacts the estimate of  $F$  is the uncertainty about biomass estimates. Even with all the survey information available there is still uncertainty and catch levels are set that have some chance of being exceeded even if estimates are correct. The other main issue that impacts  $F$  is the estimate of catch rates, which have been chronically underestimated for this fishery. LPUE has been increasing in this fishery every year for a variety of reasons.

Second, the Committee reviewed the different buffers in the system: scientific uncertainty between OFL and ABC, as well as the management uncertainty buffer between ABC and ACT. It was pointed out that the latter is larger than usual because a large proportion of scallop biomass is in MA access areas that are closed to the fishery. The limit for the ACT is capped at catch associated with 25% chance of exceeding ABC ( $F=0.28$  for the entire resource from all areas), but since a larger than usual proportion of the resource is *not* available to the fishery, the projected  $F$  associated with the target catch is actually much lower than 0.28 overall. Several questions also came up about how the estimate of discards and incidental mortality impact the overall flowchart for the fishery. It was explained that it works akin to a zero sum, meaning a separate estimate is added onto the model output of OFL and

ABC, and it then removed again before specifications are set. The estimate is based on the entire resource, all areas and all sizes.

After questions the Committee first considered AP Motion 1 from the previous day. The Committee is supportive of exploring an option that would increase open area fishing mortality and DAS to help stabilize catch in 2014, but the Committee wants to understand the impacts of that on 2015 and beyond. There are tradeoffs from fishing open areas above  $F_{msy}$  and those will need to be considered carefully. It was pointed out that the risk of fishing harder in open areas in 2014 may not be a major issue if most scallops are larger in open areas, thus could be fished at a higher  $F$  without long term impacts. Furthermore, there are strong signals that the future is brighter and there are very strong year classes ready to enter the fishery in 2015. One member added that adopting principles that help smooth out catch can and probably should be considered by the Council more in all FMPs, but ideally those decisions should be part of a more systematic program, and not done in an ad-hoc manner.

1. Preble/Ramsden

Add a specification alternative in FW25 to adopt AP Motion 1.

Vote: 9:0:0, carries

AP Motion 1: Gutowski/Enoksen

The Scallop AP recommends the Committee add an alternative to the Draft FW25 document that modifies, for the 2014 FY, the 0.38  $F$  limit for open area fishing included in the OFD approved in A15. The OFD for open area 2014 be set at a level that, according to a model run, will allow total projected catch for FY2014 to be similar to 2013 projected catch, not to exceed an overall  $F$  of 0.28.

Vote: 10:0:0, carries

***Rationale and discussion:*** One Committee member summarized the issue that fishing harder in open areas has risks, but given the circumstances that risk may be warranted in this case. The circumstances are that total catch is relatively low in 2014 and more catch would help smooth the fishery from 2012 to 2015, and there is good evidence that the resource is healthy. Projected catch is expected to return to high levels in 2015, the risk of overfishing in 2014 is relatively low since so much biomass in within closed areas not accessible to the fishery.

Several members commented about market share concerns as well as increased prices from reduced supplies having negative impacts on the US consumer. One Committee member asked if this approach should be reviewed by the SSC, and if adding it would have impacts on the timeline for approval and implementation. It was discussed that the PDT will need time to evaluate these new ideas, and that will either delay work that was planned for the EFH action, or final action for FW25 may need to be pushed back to January.

Later in the afternoon the Committee discussed how this motion could impact the timing of FW25. Staff expressed concern that adding a handful of new scallop specification alternatives at this stage will

take a substantial amount of PDT work. And currently the Scallop PDT is planning to focus on analyses for the EFH Amendment. Therefore, staff requested that the Committee prioritize what the Scallop PDT should focus on. The Committee discussed that the EFH action cannot be delayed and the Scallop PDT analyses is an important element of the overall practicability analyses. They clarified that EFH analyses is the priority, and the addition of Motion 1 would likely push final action of FW25 until January 2014, with implementation in June 2014. Therefore, the fishery would be under default measures in FY2014 for about a month longer than originally planned.

2. Pierce/Preble:

Remove Alternative 3 from FW25 for specifications.

2a. Motion to amend: Quinn/Kendall

Modify Alternative 3 so that it would include 23 DAS per FT vessel, one 12,000 pound trip in NL or CA2 and either: 1) one 12,000 pound trip in Delmarva; or 2) 5 DAS in open areas.

Vote: 9:0:0, carries

Main motion: 9:0:0, carries

***Rationale and discussion:*** The Committee expressed concern that Alternative 3 still required substantial development, and more time was needed to fully flesh out the details for this type of alternative that could adjustment how vessels fish in an access area. One Committee member noted that the previous motion would require substantial PDT work, and that was a higher priority than developing the details of how DAS could be used in an access area. Some concern was expressed that depending on what the final alternative looked like, conceptually it may not be frameworkable to fish DAS in access areas.

Several Committee members also expressed concern about accessing Delmarva at all in 2014, so unless the alternative could be modified to help prevent excess mortality in that area it was not an attractive alternative. Finally, members of the AP and public at the meeting explained that this Alternative was important to leave in the document in the event that Motion 1 does not get traction at the full Council. This alternative is almost like a backstop if Motion 1 does not get approved. The industry is also concerned about Delmarva, and if the area does not perform as hoped, then at least Alternative 3 would provide more opportunity in open areas if vessels preferred to fish there instead of Delmarva. Since there is no guarantee that Motion 1 will get adopted, this alternative does provide more potential access in open areas, potentially increasing catch compared to the 12,000 pound trip from Delmarva.

Ultimately the Committee recommended an adjustment to the alternative that would keep a possession limit per vessel to limit total catch from the area. In addition, the Committee adopted some of the measures suggested by the AP to further reduce mortality from the area in a separate motion below (Motion #5). In the end, the Committee was supportive of leaving this alternative in the document because it may help conserve the resource in Delmarva if vessels are given a choice to fish there or fish open area DAS instead. It was mentioned during the AP meeting that this modification may help self-

regulate the area; if catch rates are not sufficient to support the entire fleet, vessels can choose to fish in the open areas instead. But having some access areas available to vessels in the southern range of the fishery may be important for those vessels.

3. Robins/Bullard

Add a specific option in FW25 that includes closing Delmarva for FY2014 (in combination with higher open area F target).

Vote: 9:0:0, carries

***Rationale and discussion:*** Because the Committee expressed concerns about Delmarva, a suggestion was made to also consider an alternative that would increase open area fishing mortality but keep Delmarva closed in 2014. It was discussed that it would be helpful to evaluate the long-term impacts of keeping Delmarva closed in 2014 compared to opening it. Because a large proportion of the scallops in this access area are projected to be smaller than 4-inch rings in 2014 it may increase overall yield and reduce incidental mortality of small scallops if access is not granted until 2015. The SAMS projections would help show these kind of tradeoffs.

4. Robins/Ramsden

Include AP Motion 5 as well as PDT recommendation to prohibit RSA compensation fishing in NL and Delmarva.

Vote: 9:0:0, carries

AP Motion 5: Fletcher/Enoksen

AP recommends that the RSA related measures be modified so that if a vessel is conducting research and compensation on the same trip they would not be restricted by area, but if compensation fishing only, fishing would be excluded from NL and Delmarva.

Vote: 10:0:0, carries

***Rationale and discussion:*** After the Committee completed their discussion of overall specification alternatives they reviewed several suggestions from the AP and PDT. Specifically, both groups recommend that a temporary prohibition be in place to prohibit RSA compensation fishing in both NL and Delmarva during FY2014 to protect those areas from additional fishing. Both areas have smaller scallops, and because they are closer to shore they tend to be attractive areas for RSA compensation fishing. The AP felt that open area catch rates are currently sufficient to support RSA fishing and it would be more beneficial for the fishery overall if these areas were protected from additional effort. The AP did clarify in their Motion #5 that if a research project was actually conducting research and compensation fishing on the same trip that should be permitted, even though that is quite rare. In most cases research is usually conducted on separate trips from compensation fishing. The prohibition would only be for FY2014.

5. Robins/Kendall

Include 1) seasonal limitation on Delmarva access area trips from June 1- August 31, or three months after implementation of FW25, and 2) restrict crew limits to be consistent with open area limits

Vote: 9:0:0, carries

***Rationale and discussion:*** The Committee did express concern about Delmarva and the uncertainty about accessing that area in 2014. Both the AP and PDT recommended several measures to further limit mortality in Delmarva if the area were opened in this action. The AP suggested that fishing be limited to the season when meat weights were highest in Delmarva, typically the summer months. Based on discussions the Committee had about timing and probable delays for this action caused by motions made earlier in the day, the Committee extended the window through August 31, or three months after implementation of FW25. Comments were made that scallop meats really turn poor after September 1, and fishing after that time would have higher impacts on fishing mortality. The Committee also supported the AP and PDT suggestion to implement a crew limit for Delmarva to further limit mortality of smaller scallops in that area. LA vessels are no longer restricted by a crew limit in access areas, and while many vessels do not typically take more than one additional crew member in access areas, if the scallops are smaller there may be more incentive to bring additional crew to shuck smaller animals, having higher impacts on mortality.

6. Pierce/Robins

Include a new alternative 4 in FW25 that would allow unused CA1 trips to be used in expanded CA1 pending expansion in EFH action.

*Motion withdrawn (already in FW25)*

***Rationale and discussion:*** After the Committee discussed this issue for some time it was clarified that this option exists in the document already. The timing is uncertain since it is dependent on approval of another action. But there was general discussion by the Committee that keeping the trips in CA1 may have the least impact on the rest of the fishery. If the access area in Closed Area I is able to expand based on the EFH area being lifted in the Omnibus Action, then the associated catch from these unused trips could be accounted for before direct allocations are made to the fishery from that area in a future scallop action. The Committee did discuss a proposal developed by the PDT to find an area for this catch in 2014 – the deeper waters of ETA. But that potential was not supported by the AP and the Committee expressed concern that the future of the fishery for the next few years is in ETA, and accessing that area too early could be very risky.

2014 Priorities

7. Pierce/Quinn

The Scallop Committee supports the Executive Committee recommendations for 2014 work priorities.

Vote: 8:0:0, carries

***Rationale and discussion:*** The Committee reviewed the package of correspondence related to potential priorities for 2014. One member of the audience provided testimony regarding potential consideration of measures to modify how LA vessels fish in the NGOM. After a relatively brief discussion the Committee supported the recommendations of the Executive Committee, which met on priorities right before the Scallop Committee meeting. The recommendation is to work on one framework action in 2014 that will include fishery specifications for FY2015 as well as modifications to the scallop area rotation program based on potential changes of EFH and GF closed area boundaries. The latter would be worked on after the June Council meeting when the Council is scheduled to select final measures for the EFH Omnibus Amendment.

#### Other Business

Tom Nies briefed the Committee on one issue that came up at the last NRCC meeting. Specifically, the NEFSC is looking into conducting a GB YT assessment that will look at alternative ways to assess the stock more empirically, non-model based methods. However, in order to complete this review the Center will not be able to support the previously planned scallop survey method peer review, which was originally requested by the Council through the Scallop Committee. The NRCC requested that Tom Nies get input from the Scallop Committee before decisions were made. In general the Committee supports the NRCC plan and expressed that in light of the important GB YT work that needs to be done, postponing the scallop survey peer review was warranted. One member of the public agreed that the GB YT work is important to do, but questioned why the scallop survey peer review was the item that had to be dropped; why not delay something else?

The Committee then reviewed a handful of motions the AP made the previous day under Other Business.

8. Ramsden/Quinn

Support the AP motion #10 and recommend to the Council that they recommend the issue of discard and incidental mortality used in the scallop assessment and its implications on catch advice and landings be highlighted as a high priority for SARC59 including the list of issues described in AP motion #10.

Vote: 8:0:0, carries

***Rationale and discussion:*** The Scallop Committee did not review the draft TORs for the upcoming assessment at this meeting, but passed the motion above in response to an AP motion. The Committee is supportive of more work in this area. They commented that it would be very valuable to know the implications of the assumptions being used in the assessment. Some comments were made that changes in gear and behavior have probably reduced incidental mortality, but it has not been looked at in detail.

Finally the Committee drafted two consensus statements related to other issues raised by the AP. First, it was expressed at the AP meeting that scallop dredges are not all the same and it would be beneficial if vessels could report the type of dredge they are using. We know for example that turtle dredges have lower bycatch rates for some flatfish species. There is also another dredge style still under development, a low profile dredge, which may also be promising for reducing bycatch. If VTRs are modified to include a field for dredge type it may be possible in the future to evaluate bycatch more specifically, and even have different bycatch rates applied for different dredge types. This does not seem difficult to add to VTRs and would help provide more information on the issue. Therefore the Committee is requesting the Council consider sending NMFS a letter to see if this can be done.

*By consensus the Scallop Committee requests the Council draft a letter regarding AP Motion 12 – add dredge type to paper and electronic VTRs.*

Second, the AP raised the issue again about inconsistent boundaries for turtle measures in the scallop regulations. FW23 requires all LA vessels and all LAGC vessels with a dredge greater than 10.5 feet to use a turtle deflector dredge when fishing west of 71 W between May1-October31. In addition, all vessels are required to use turtle chains when fishing south of Long Island and the running east at about 40 N. The Council requested that these lines be made consistent when FW23 was implemented, but the latter boundary was implemented under ESA, so cannot be changed through a Council action. The AP requested and the Committee agreed that the Council send NMFS a letter to reconsider this issue again.

*By consensus the Scallop Committee requests that the Council consider drafting a letter to NMFS requesting they reconsider the ESA ruling on the chain mat line to be consistent with the turtle deflector dredge boundary.*