Scallop Advisory Panel
Meeting Summary
July 8, 2002
Warwick, RI

Advisors in attendance: Kirk Larson (chair), William Wells (vice-chair), Barbara Bragdon, Daniel Cohen, Ron Enocksen, Frank McLaughlin, Frank Peabody, Herman Bruce, Christopher Zeman, Raymond Starvish, and Richard Taylor. Also in attendance were James Kendall (Council member), Andrew Applegate (Council staff), David Frulla, Ron Smolowitz, and Trevor Kenchington (representing the Fisheries Survival Fund), and John Larson (scallop fisherman)

Mr. Larson began the meeting by reviewing the revised focus of the meeting, to make recommendations to the Scallop Oversight Committee on the scope and strategy that should be followed for the annual framework adjustment. Mr. Applegate followed that up with an out line of four procedural alternatives, associated timelines for the framework adjustment and Amendment 10, and a staff recommendation on the best way to proceed. He also presented relevant estimates of fishing mortality and day-at-sea allocations based on existing Amendment 10 analyses. The fishing mortality target used for the Ftarget (F=0.2) analysis excludes the groundfish closed areas.

Mr. Wells reported that the participants in a recent Survival Fund conference hoped to get 120 DAS in 2003. Mr. Frulla didn’t want double whammy of expediting Framework 15 and then get hit with not getting 120 days by being excluded from the groundfish closed areas. Access to Georges Bank is a major issue, he added, because of the strong desire to maintain 120 days.

Mr. Zeman objected to the strategy recommended by the staff because it would be a quick and dirty way to avoid protracted litigation. Reducing the number of analyzed alternatives doesn’t mean that it would only require an Environmental Assessment (EA) by continuing status quo management. He thought is was wrong view of things to think that continuing status quo does not relieve the preparation of an Environmental Impact Statement (EIS). He recommended following no action for the interim period next year until Amendment 10 is implemented. Using Amendment 7 as a buffer, with an interim action until A10 can go into place, he recommended. He also recommended considering AOC/CLF recommendations in the framework or amendment, issues that had never been addressed. There were numerous opportunities to address the issues in a timely manner, he asserted, therefore there are no arguments that more time is needed to prepare A10.

Mr. Kendall advised that the Council did not have the resources for dealing with a complicated Framework 15, due to requirements for developing groundfish Amendment 13. He said that there are no biological or habitat reason not to ask for 120 day-at-sea allocations in this framework adjustment. Mr. Smolowitz recommended fighting for doing the right thing under a framework, even if it requires and EIS, based on biological and economic analysis alone.

Mr. Cohen suggested that the advisors adopt a motion that said: Framework action with access to groundfish closed areas, recognizing that it might delay A10 and delaying habitat benefits with undue fishing pressure in the Mid-Atlantic. Focusing on Amendment 10 only would allocate an untenable 45 days for the 2003 fishing year. Mr. Wells added that given the timeline analysis, the industry doesn’t want Framework 15 and wants an Amendment 10 action as quickly as possible, because it addresses all the issues.

Mr. Smolowitz replied that Amendment 10 addresses all the issues, including bycatch and habitat problems, both key issues that should be addressed in the groundfish management process. He thought that the
scallop fleet will have to be given an allocation in the groundfish process. All the issues mean that Amendment 10 will take a long time. He recommended continuing to improve the strategy through the framework process, using the best approach – fishing where it is appropriate to fish and reducing bottom contact time, reducing bycatch and habitat effects. He thought legal challenges are inevitable. Mr. Stavish feared that continuing overexploitation of the open areas would reduce catches, then we are in big trouble in future years.

Replying to Mr. Cohen, Mr. Zeman thought that access to groundfish closed areas would be supportable if it were very limited and highly monitored. Most of the days used were actually used to fish in the open areas. But the Council would also need to consider closures based on available data, closures to protect recruitment and areas with hard bottom habitats. Measures would be needed to address habitat concerns, he claimed.

Mr. Kendall thought that there was no reason that would prevent the Council from adjusting DAS allocations by framework action and that buffer zones were found to be ineffective and therefore dropped in Framework Adjustment 13. Mr. Zeman said that he could document that enforcement problems arose because the need for visual observations with vessels in the area, making multiple area access unenforceable. Observer coverage in Closed Area II has not been analyzed yet, he pointed out.

DC appropriate to stay at 120 das allocation, because of the high biomass levels that are present, even if it overfishes the Mid-Atlantic and localized declines in biomass occurs. He suggested that access to HCA should continue with adjustments to reduce the risk of loosing days for shortened trips.

The Advisory Panel believes that in 2003, the Scallop FMP should allow controlled harvest of Closed Area I, Closed Area II, and Nantucket Lightship Area. Controlled harvest of Georges Bank closed areas would reduce bottom tow time (reduce impacts to habitat and bycatch), harvest the largest scallops (reduce mortality), harvest old scallops before they die, and maximize benefits to the public (including reduced fishing costs). The advisors make the following recommendations for Framework 15 (including not recommending access to the Georges Bank closed areas at this time) based on staff recommendations that the best way to facilitate access to the Georges Bank closed areas is through the completion of Amendment 10 which can only happen in a timely basis with a simplified Framework Adjustment 15 action. The advisors hope that the willingness to forgo taking action to allow fishing in the Georges Bank closed areas in the framework action is taken as a step to address all related scallop management issues through the appropriate amendment process as quickly as possible.

During the meeting, the Advisory Panel passed the following motions:

1. Mr. Wells/Mr. Cohen moved to recommend that the Council simplify Framework 15 (Alternative 1 to 1) allow work on Amendment 10 to proceed as rapidly as possible, and 2) to allow the industry to avoid the implications of Amendment 7 (scheduled das reduction to 45 full-time days) while Amendment 10 is under development. Passed unanimously.

Rationale: Other alternatives for Framework Adjustment 15 would delay Amendment 10 and the implementation of management measures that create a formal area rotation system, minimize habitat impacts, minimize bycatch impacts, and have other desirable effects.

2. Mr. Wells/Mr. Cohen moved to recommend consideration of a 120 full-time day-at-sea (and pro rata part-time and occasional day-at-sea) allocations, because Amendment 10 projections indicated that a 120 day-at-sea allocation could meet the overfishing definition mortality target, but allocations of more days would be unwise at this time. Passed unanimously.

Rationale: This allocation is based on the existing overfishing definition, which uses a mortality estimate that applies to the entire scallop resource including scallops in the groundfish closed areas.
3. Mr. Cohen/Mr. Wells moved to recommend that the advisors see no reason to continue the controlled access program in the VA/NC area. Passed unanimously.

Rationale: The VNA has different characteristics than the HCA and creates a continuing enforcement burden to continue in its present management status.

4. Mr. Cohen/Mr. Wells moved to recommend that the Hudson Canyon Area should be managed as it was in Framework Adjustment 14, but with an initial allocation of three 10-day trips and a 21,000 pound possession limit. The TAC would be determined by analysis and reduce or increase the number of trips, if necessary. Passed unanimously.

Rationale: The conditions in the Hudson Canyon Area are similar to a re-opened rotation area and a controlled harvest program should continue. A higher possession limit is needed because of the increasing catch rates expected in the open areas that would make fishing in the Hudson Canyon Area under a tradeoff and lower possession limit less attractive. The TAC and number of trips would be determined with the 2002 survey data if available, if it does not delay the implementation of the framework action past March 1, 2003