



**New England Fishery Management Council**  
**Joint General Category and Scallop Advisory Panel Meeting Summary**  
Monday, March 19, 2007 – Radisson, Warwick, RI

The meeting began around 8:15 AM and Phil Michaud the Chair of the general category advisory panel welcomed the panel members and audience. Deirdre Boelke reviewed the Amendment 11 timeline for approval and summarized the different meeting materials. In the morning the general category advisors met individually to discuss preferred alternatives for limited entry and qualification alternatives. After lunch both panels met together to review and identify preferred alternatives for the rest of the measures in Amendment 11. In the morning Ms. Boelke concentrated on reviewing updated descriptive information about the general category fishery as well as both the biological and economic impacts of the different qualification alternatives.

Staff prepared a decision document and the first item under discussion was the percent allocation the general category fishery should be allocated. The document includes a range of 2.5 to 11% and by consensus the panel agreed that the general category advisors should show support for the highest percentage available. It was argued that the resource is in relatively good shape and the level of landings (over 10%) by general category vessels in recent years has not had substantial impacts on the limited access fishery. Another commented that depending on what qualification alternatives are selected affects the appropriate allocation of TAC; for example, if more restrictive alternatives are selected for qualification then a lower TAC may be more appropriate since fewer vessels would qualify. **Therefore, the panel agreed by consensus that the general category share of the TAC should be as high as possible (11%).**

**Next the general category advisors agreed by consensus that limited entry should be the preferred strategy to address capacity and mortality.** They discussed the negative consequences of both No Action and the fleetwide hard-TAC alternative. Since the panel was supportive of limited entry they next discussed who should qualify and what qualification alternatives would be the most appropriate.

**By consensus they recommended that the 5,000 pound landings criteria be identified as the preferred alternative for qualification.** The main rationale was that this action should focus on the people that depend on this fishery the most. It was pointed out that 5,000 pounds is low enough that even vessels that do not direct on scallops under general category should qualify. Later in the meeting it was asked if 5,000 did not get selected would 1,000 be the second option and the panel agreed to identify that as a second preferred alternative if 5,000 was not selected. A minority opinion was added later (since two advisors came to the meeting late and missed the discussion on this topic) that the 5,000 pound alternative is too restrictive and the 100 pound alternative is more inclusive and in line with keeping this fishery available to a diverse fleet.

**Next the panel discussed a recommended qualification time period alternative, and they identified the 5-year time frame as preferred (FY2000-Nov 1, 2004). The motion passed**

**5:0:1.** This time period was selected as a “fair” length of time that would be long enough for vessels that may have had a personal crisis or issue with their vessel, or in the event that scallops were not abundant in all areas in recent years. It was argued that going back five years would capture more historical effort without qualifying too many vessels. One commenter voiced that the Committee may want to be cautious of going back too far because if a vessel has not fished since the mid-1990s, the likelihood of them fishing in the future is reduced, and they are likely to sell their permit. Some comments suggested that the combination of the 5-year and 5,000 pound alternative may not address all concerns raised in the vision statement for Amendment 11.

**As for a contribution alternative the advisors discussed both options and a motion was made to identify the “best year indexed by years active in the fishery” as the preferred option. The vote was 3:3, but the Chair voted to break the tie so it passed 4:3.** The panel was split on this issue; some felt that best year was the most “fair” alternative, while others supported giving some weight to vessels that have been in the fishery for more than one year. Staff pointed out several tables that show the impacts of this alternative on potential allocation; on an average basis there is very little difference between the alternatives, but on an individual basis the impacts are greater depending on how many years those vessels fished during the qualification time period.

**As for access, the advisors identified the IFQ alternative as preferred coupled with Option A – allocation in pounds.** Since allocation in pounds received some negative feedback at the Council meeting last year the advisors discussed the possibility of allocation in trips as well. While many advisors voiced support of allocation in pounds, there was recognition that allocation in trips may be more acceptable to the full Council, but the preference among the advisors was in pounds. The main reason stated was that there are vessels that do not land up to 400 pounds per trip and if allocation was in trips that would be disadvantageous for those vessels. **The motion to identify IFQ with option A passed 5:1:2.** A minority statement was included that based on recommendations made earlier concerning limited entry qualification (5-year and 5,000 pound alternatives) that may go far enough in terms of addressing capacity and mortality in the general category fishery. It was suggested that one option could be to limit the potential pool of participants and then select No Action for allocation. Therefore, only vessels that qualify could fish under general category, but they would not be limited in the number of trips/pounds they could harvest individually, they would only be limited by the current regulations – 400 pounds per trip. The argument was that Amendment 11 would reduce the number of participants and the cyclical nature of the inshore beds would take care of the rest, as well as changes in price, trends in other fisheries, etc.

**A second motion was made that if the Committee rejects Option A, the next best option is IFQ with Option B rather than the other allocation alternatives. And to address concerns of vessels who do not want to land up to 400 pounds per trip perhaps the trips could be allocated in 200 pound increments with a maximum of 400 pounds per trip.** Trips would be allocated in 200 pound increments instead (i.e. a vessel would be charged 2 “trips” if they landed over 200 pounds per trip). **This motion failed 3:4:1.** Some advisors did not want to support this alternative because they believe allocation in pounds is the most fair way to allocate access in a fishery and provides the most flexibility.

Before the panel broke for lunch the general category advisors discussed that an alternative should be added to the document that would **allocate the same percent that is allocated to the general category fishery to carry over to the access areas as well (i.e. if 5% is selected overall, the general category would also be allocated 5% of access in access areas combined)**. The main rationale was that this would give the general category fishery the same benefits the limited access fishery has from access areas. It could also give near shore areas a break, which are currently depleted. One advisor stated that the need to include this measure in Amendment 11 in his opinion was fear; by not including it may lead some to believe that the access areas are not important to the general category fishery. Staff pointed out that a similar alternative was considered but rejected earlier in the process because the Council felt these decisions were more appropriately made in future frameworks that address access in access areas for both fisheries. Furthermore, including it in the document at this time would require substantial analyses. **The final vote was 8:0:0, motion passed.**

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After lunch the panels met together and both the general category and scallop advisors tried to identify preferred alternatives for the rest of the measures in the document. **The next topic discussed was limited access permit provisions. A motion to allow an individual that sold its vessel but retained general category fishing history to qualify for a permit under that history was approved as preferred – Alternative 3.1.2.5.1.2. (Vote 8:2:2, motion passed).** A member of the audience argued that this approach may have been preferred for herring because there was more TAC available, but for this fishery the TAC is limited and the more vessels that are awarded a permit will take access away from other vessels that qualify. Another suggested that the advisors should be cautious how many vessels qualify and this could be an opportunity for individuals to get a permit that do not really deserve one and will build in overcapacity right from the start. One advisor did comment that this is an issue for vessels that upgraded their own vessel and “lost” their history because an open access permit cannot be transferred to a new boat even when the owner remains the same. Last, a member of the audience raised concern that there is no way to know how many vessels are going to qualify under this alternative so the potential impacts are unknown.

Next the panel discussed **stacking**. The majority of group voiced support for stacking of permits, but not trip possession limits. There was concern that any changes to the possession limit could change the nature of the general category fishery. ***Motion read: advisors are in favor of stacking of permits (both alternatives) but not stacking of possession limit per trip (noting that the current possession limit is 400 pounds per trip, so a vessel could not land more than 400 pounds on one trip). Motion passed 8:2:2, motion passed.***

**Related to upgrade restrictions, a motion was made to identify the 10:10:20 alternative as preferred but it failed 1:6:1.** The maker of this motion argued that upgrade restrictions for this fishery should be consistent with other limited entry programs in the region. One member of the audience asked whether the upgrade restriction implemented by the Consistency Amendment would automatically apply to any new limited entry program. Other advisors argued that so long as this fishery is under output controls and the trip possession limit remains, why should an individual be restricted to upgrade their vessel?

In an effort to show support for prevention of **excess consolidation** the language of Alternative 3.1.2.5.9.1 was modified to read: no one individual or corporation can own more than 1-5% of the general category **access** (rather than permits). **Motion passed by consensus**. It was pointed out that the range should remain at 1-5% for now because depending on how many vessels end up qualifying will affect what that value should be.

A new alternative was developed and identified as preferred for the **measures to reduce incentive to fish for scallops with trawl gear**. **The recommendation was to modify 3.1.2.6.4 to read: a qualifying vessel can fish and retain scallops with trawl gear if fishing in a northeast region limited access managed fishery (i.e. groundfish, fluke, scup, etc.). Motion passed 11:1:1**. The advisors felt that the language in the document would not attain the goal of the alternative to reduce directed scalloping with trawl gear unless that vessel is fishing under another limited access fishery with regulated gear. One advisor requested that a minority statement be included that there is worldwide science that supports harvesting smaller scallops, even though the Scallop PDT does not currently support it.

**A motion was made to identify the alternative that allows a mechanism for sectors for the general category fishery as preferred, but the motion was later withdrawn**. Some advisors voiced support for allowing a mechanism to allow sectors, but some voiced concern about the potential unintended consequences of sectors and the potential for allowing a backdoor for consolidation and stacking of effort.

As the panel moved from limited entry to the **fleetwide hard TAC** alternative, a motion was made to make it clear that the advisors do not support derby fisheries. **The motion read: the advisors are not in favor of any of the hard-TAC options (with or without limited entry). Motion passed 10:1:2**. The maker of the motion cited that derby fisheries lead to unsafe fishing practices, over supply of product, favors large boats over small ones, and has negative consequences on the historic character of the general category fishery.

The advisors then discussed the **No Action alternative**. In general the philosophy of the panel is that limited entry is preferred, but it does depend on what decisions are made about allocations and qualification. **By consensus the panels agreed that they do not support No Action**. They discussed that capacity and mortality of the general category fishery should be addressed by limited entry to prevent overfishing and help stabilize the fishery overall. One advisor commented that No Action could allow this explosion of general category effort to repeat itself, and if No action is taken then vessels would likely make investment in the fishery during “boom cycles”, followed by negative consequences when the resource declines.

The panels then moved onto the **NGOM alternatives**. **It was first discussed that a third boundary option be considered (Option C that would include the exemption area down to 41 35). This was discussed for sometime but ultimately failed 3:8:0**. Several commenters argued that the boundary should be farther to the north so that the TAC lasts longer and the entire area does not close to all scallop fishing. **The panels did pass a motion by consensus that the advisors support the creation of a NGOM exemption area** (a preferred boundary was not identified).

Next the advisors discussed **limited access vessels fishing under general category**. **A motion was made that any limited access vessel that can qualify under the same criteria should be considered for a limited entry general category permit. Vote was 8:1:3. In terms of where those landings should be removed, a motion was made that a separate allocation should be made for these vessels that is based on historical landings and is separate from general category landings. The motion passed 6:0:6.**

**Incidental catch** options were discussed next. It was noted that the document currently only has the No Action alternative in it (40 pounds). **However, a motion was made: recognizing that the general category advisors selected the most restrictive landings criteria alternative for qualification (5,000 pounds), the Committee should be open to consideration of an increase to the incidental catch level to 100 pounds. (If a vessel wants to land over 40 pounds they should be required to have VMS). Motion passed 5:3:4.**

Another related motion was made: **permit incidental catch of 40 pounds per day not to exceed 200 pounds per trip exclusively for vessels that are in a limited access Northeast region managed fishery with historical bycatch of scallops (fishery list includes: loligo squid, butterfish, scup, sea bass, multispecies, monkfish, surf clam, quahog, and summer flounder). Vessels must be using regulated gear, not have a scallop dredge on board, VMS, and be fishing 48 hours for 80 pounds, 72 hours for 120 pounds, etc. up to a 200 pound max. Motion passed 6:1:4.**

The advisory panels ran out of time and were not able to discuss preferred alternatives for the other measures in Amendment 11 including monitoring, changing the fishing year, and measures not directly related to the goal of Amendment 11. With the remaining time the advisors discussed the topic the Scallop Committee tasked them with related to potential alternatives to improve the observer set-aside program.

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#### FRAMEWORK 19 – specific to observer set-aside alternatives

Advisors discussed the issue and kicked a few ideas around. Overall, the majority of advisors did not support that the scallop fishery should be responsible for funding 100% of observers. Many voiced concern about what was approved in Amendment 13. But that aside a few specific ideas were to: 1) find a way to fund observers in the fishery overall from the access areas only, 2) increase lobbying efforts to get funding increased for the observer program so that scallops trips can be funded the same way as other fisheries, 3) find ways to reduce the costs of the program or look into some sort of cost sharing program where the government could match part of the costs, and 4) approve the use of sectors for observer coverage only. A separate request was made that the Regional Office request that observer funding specifically for turtles should be used to fund scallop trips from May to November when potential interaction is greater and the 1% set-aside under the Scallop FMP could be used to fund trips for the remainder of the year. All of these options need more work and staff will work with advisors, PDT members and staff from the observer program to bring further developed alternatives to the Committee at a future meeting.

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## OTHER BUSINESS

### Turtle research

A member of the audience summarized an issue that he felt the advisors and Committee should be aware of. In general, there is discussion within NMFS that all research related to protected resources be carried out by the Southeast Science Center. He argued that would have negative consequences on future research in this area and affect the good working relationship that exists between researchers and industry members in this area.

**The advisors suggest that the Council request that the NEFSC remain the lead on ecosystem research including research on protected resources in this ecosystem, rather than those issues being tasked to another science center (i.e. the Southeast Science Center).**

### Future access in Closed Area I

Dr. William DuPaul from VIMS and a member of the Scallop PDT wanted to inform the advisors that future access in Closed Area I is very limited by the reduced area available within the closed areas outside the habitat closed areas. Based on recent surveys he believes that the access trips in 2007 will be the last time the fishery will have access in that area under the current boundaries. There is not sufficient biomass in the reduced area to support additional trips in the coming years. The advisors discussed that it was unfortunate that both habitat areas (implemented under Amendment 10 and Amendment 13) now apply to the scallop fishery based on the FW16 lawsuit. They agree that the boundaries in Closed Area I should be revisited as soon as possible to reduce fishing mortality in other areas.

**By consensus - The current rotational program is adversely impacted by the habitat closed areas and the system needs to be more flexible. The Committee needs to think about how to revisit the habitat closed areas as soon as possible.**

*Meeting adjourned around 7:15 PM*