



New England Fishery Management Council Scallop Advisory Panel Meeting

November 13, 2013

Omni – Providence, RI

AP members in attendance: James Fletcher, Eddie Welch, James Gutowski (vice-Chair), Robert Maxwell, Kirk Larson, Michael Marchetti, Peter Hughes (Chair), Ron Enoksen, Charlie Quinn, Gary Hatch, Eric Hansen, and Paul Parker

NEFMC Staff present: Deirdre Boelke and Demet Haksever

There were about 25 members of the audience present for the meeting

The primary objective of this meeting was to clarify several outstanding issues related to Framework 25 alternatives. Nick Napoli from the Northeast Regional Ocean Council (NROC) summarized that program and took input on preliminary maps being developed to describe fishing effort in the Northeast. Finally, the AP provided input on potential 2014 work priorities for the Scallop FMP.

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. Staff highlighted that there are a handful of suggestions from the PDT to consider as well. The AP reviewed each section of FW25 and provided motions that either suggested new alternatives for FW25, or clarified several outstanding issues.

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 – The industry is very concerned about the substantial drop in landings, about 50% from 2012 to 2014. Total catch reduced by 25% from 2012 to 2013, and this action proposes another 18% reduction for 2014. In their opinion that is too large of a reduction in catch over a short period of time when the risk of overfishing is very low. There is a large amount of biomass within scallop access areas in the Mid-Atlantic that will not be accessible until 2015 and 2016, and to have total catch go from high levels, to low levels, and back to high levels again is very unstable for this international market.

The AP supports increasing fishing mortality in open areas on a temporary basis for 2014 to help bridge between years with higher catch levels. They argue that maintaining 2013 catch levels will help stabilize the fishery and reduce negative impacts on the market. There is about a 3,000 mt difference between 2014 and 2013 projected catches (14,500 mt in 2014 and 17,500 in 2013). Overall, the AP prefers the tradeoff of higher catch in 2014 for less open area catch in 2015. They argued that the plan needs to balance optimum yield better in years when so much of the resource is closed to the fishery.

The AP motion does include that final specifications should not go above an overall F of 0.28, the limit set under A15 associated with a 25% chance of exceeding the ABC. The current alternatives in FW25 have an overall F estimate of 0.17, so the industry requests the PDT evaluate an option with higher open area F that would increase the overall F to a level that would produce 2013 projected catch levels, but not to exceed 0.28. The AP clarified that this suggestion would not change anything else in the ACL flowchart (OFL, ABC, sub-ACL for LAGC fishery); it would only increase the LA sub-ACT to a level closer to the LA sub-ACL.

2. Hansen/Larson

Refine Alternative 3 so that each FT vessel is allocated 5 DAS in addition to the base allocation for FY2014 open areas. Each vessel is restricted to use up to 5 DAS in Delmarva and the area would only be open for fishing between June 1 – August 1. Vessel prohibited from leaving Delmarva access area with more than 50 bushels of uncut scallops.

Vote: 10:1:0, carries

Rationale and Discussion – The PDT had a long discussion about the best way to handle Delmarva in 2014. The model and survey results suggest that there could be some access in that area in 2014, but the risk of incidental mortality on smaller scallops still in that area may be high. Waiting until 2015 may potentially maximize yield in that area, but some access in 2014 may be warranted.

The AP recommended modifications to Alternative 3 to reduce mortality by restricting fishing to a relatively short season when scallop meat weights best, limit of 5 DAS per vessel so total effort per vessel could be controlled, and prevent shell stocking to reduce mortality. It is difficult to predict behavior in an area with uncertain catch rates, but the AP argued that in general fishing under DAS reduces incentive to highgrade. Also, if the DAS clock starts and stops when a vessel crosses the VMS demarcation line, and not the Delmarva access area boundary, vessels with longer steam times may be less inclined to fish there. Overall, if fishing in Delmarva is voluntary, it could help protect the area. If fishing is good and the area can support access people will go up to their 5 DAS limit, but if fishing is not good, vessels do not have to go, they can fish somewhere else with higher catch rates and lower impacts.

Ultimately the AP supported development of an alternative that would give vessels the choice to either fish in Delmarva, or fish 5 DAS in open areas. They included several measures to reduce mortality from trips in Delmarva: 1) a relatively short season to fish DAS in Delmarva (June 1 – July 31); 2) each vessel would have a 5 DAS maximum; and 3) vessels would be prohibited from leaving Delmarva with more than 50 bushels of uncut scallops – like access areas are managed. One AP member commented that scallop meats are still good quality in August and they do not really turn until September. Council and NMFS staff present at the meeting did comment that there may still be administrative issues with this alternative in terms of the status of the area – open or access area.

3. Parker/Maxwell

Refine Alt 3 so that there would be a fleetwide maximum number of LAGC trips for Delmarva, but the number of trips would be based on the maximum percent of effort being allowed for the LA fishery in Delmarva (# of Delmarva DAS / total # of open area DAS). LAGC trips would only be permitted in Delmarva between June 1 and August 1.

Vote: 9:1:0, carries

Rationale and Discussion – Several general category members on the AP were unclear if this alternative would impact the LAGC fishery in terms of total fleetwide trips. They commented that the same 5.5% level of access the LAGC fishery has for this area should be preserved, and should adjust if potential access for the LA fishery increases as a result of this change. For example, if LA vessels are allowed to use 5 DAS out of a total 28 DAS that is about 18% of their total open area allocation that could be used in Delmarva. That should be reflected in the ultimate allocation of LAGC fleetwide trips for that area. The AP included the same window of access for LAGC vessels to help reduce mortality in this area, June and July only.

FRAMEWORK 25 – OTHER MEASURES IN FW25

4. Enoksen/Quinn

AP does not support inclusion of a boundary within CA2 south for FY2014, due to concerns about YT bycatch.

Vote: 10:1:0, carries

Rationale and Discussion – The AP does not support closing part of the CA2 south access area in this action. There is a substantial amount of adult biomass within that area, and YT bycatch is not typically in deeper waters in CA2. The fishery may need flexibility to move within CA2 in 2014 to avoid YT so nothing should be taken away, especially areas that tend to have lower YT bycatch rates. It was also argued that CA2 will not likely be open in 2015, so small scallops in that area will be protected in 2015.

The AP also discussed the boundary option already in FW25 for NL to protect small scallops. They do not support adoption of this boundary arguing that the scallops in this area are very small and will go right through the gear. Instead the area should be surveyed this year to confirm they survived, and then they can be protected.

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 – In general the AP is supportive of prohibiting RSA compensation fishing in NL and Delmarva in 2014 only to reduce mortality in those areas. The level of access in NL in 2014 for the directed fishery is very limited, so access from RSA would be additional mortality in that area. Similarly, there are small scallops in Delmarva and limiting access in that area until 2015 would help maximize yield from that area. However, the AP supports that if a research team is conducting research and compensation fishing on the same trip in either Delmarva or NL, they should not be prohibited to do so. In recent years it is rare that compensation fishing is done on the same trip as research, but it is allowed. This motion would allow compensation fishing in these areas, but only if it is on the same trip as the research is being collected.

6. Hansen/Larson

AP supports use of the current open area maximum crew limit by permit category for any access area treated similar to DAS fishing in Alternative 3 in FW25.

Vote: 11:0:0, carries

Rationale and Discussion – The AP passed this motion to clarify that if any access area is treated like a “controlled open area”, similar to how Delmarva is being managed under Alternative 3 then vessels should be subject to the same crew limits they are subject to in open areas. Specifically, a full-time LA vessel is restricted to a maximum of seven crew members in open areas. If this motion is adopted, that restriction would apply in areas like Delmarva in Alternative 3 if vessels are permitted to use DAS within an access area. This motion was developed to reduce mortality from highgrading and efficiency. The AP supports that if vessels are on a DAS it is critical to have a crew limit to keep fishery within mortality targets.

7. Hansen/Larson

Add an alternative in FW25 for unused CA1 trips that allows a vessel to take its unused compensation trip in FY2014 in either the newly opened CA1 north area, when it reopens following implementation of the EFH action, or in a newly designated area in eastern ETA.

Motion perfected to read:

Add an alternative in FW25 for unused CA1 access that allows a vessel to either take its unused compensation in FY2014 in deeper water area of ETA, OR pending expansion of CA1 in the EFH action allow unused CA1 access to be fished in expanded CA1 area after that action is implemented (scheduled for late FY2014 or FY2015).

Vote: 8:0:2, carries

Rationale and Discussion – The AP had a long discussion about how to handle unused CA1 trips. In general they support allowing vessels some kind of access to the resource to get those trips. Ideally, that would be in 2014, but there may not be sufficient areas to send trips since catch overall is so limited in 2014. The AP motion would give each vessel a choice; if they want to fish unused access in FY2014 they could access the deeper portion of ETA; or 2) pending the EFH action access could be granted in a future action that may expand the access area in CA1 farther north. This would more likely be in FY2015.

8. Marchetti/Hatch

Motion perfected to modify Alternative 3 related to WP AMs for the LAGC fishery – If an AM is triggered a LAGC vessel can choose one of two gear modifications: 1) same as LA fishery (1.5:1 hanging ratio and maximum of 5 row apron) or 2) use turtle deflector dredge for the same season and area as Alternative 3.

Vote: 4:3:5, carries with Chair vote

Rationale and Discussion – In general, the AP is more supportive of gear modifications over closed areas for accountability measures. In addition, if there is more than one gear modification known to reduce bycatch the AP supports flexibility. For example, there may be one gear modification like reduced hanging ratio for twine tops and a shorter apron that would work for some vessels, but not as well for others based on the areas and methods they fish. The motion was developed to support the idea of flexibility. Specifically, LAGC vessels are not currently required to use a turtle dredge. There is evidence that a turtle dredge, (as well as another dredge still under development - a low profile turtle dredge), reduces flatfish bycatch.

This motion only carried because the Chair voted to break a tie. The rationale for his vote was primarily so the motion would carry so more detailed discussion could follow at the Committee level. Most AP members supported the idea of flexibility, but this motion was only for the LAGC fishery. Also, it was noted that many vessels in the LA fishery already fish with a turtle dredge, so if this was adopted as a choice for that fishery, there may not be additional benefits for

bycatch reduction if most of that fleet is already using the gear. A PDT member added that the results presented in FW23 from extensive tests of turtle dredges showed reductions of WP flounder, but the results were not statistically significant.

9. Hansen/Gutowski

Recommend that Alternative 2 – reactive AM seasonal closure AM be removed from FW25.

Vote: 10:0:1, carries

Rationale and Discussion – As mentioned above, the AP is more supportive of gear modifications over closed areas for accountability measures. Their preference would be to not even consider closed areas as AMs; they are a very blunt measure as an AM and have different impacts on different participants. The AP voiced again that modifications have been made already to reduce bycatch and the fishery does not get sufficient credit for those reductions.

PRIORITIES FOR 2014

10. Hatch/Marchetti

Recommend that an issue be added as a priority for action in 2014 to limit the NGOM fishing to only LAGC NGOM permitted vessels (no LA or LAGC IFQ vessels) until research provides corrected information that supports the area can support more fishing capacity.

Vote: 2:9:0, fails

Rationale and Discussion – The AP supports the same motion they made in September related to potential priorities for 2014. Specifications for 2015 will need to be developed, and the AP recommends an action be developed to provide access in EFH areas if they open under the Omnibus Amendment.

OTHER BUSINESS

11. Gutowski/Larson

AP is still very concerned about the current estimate of discards and incidental mortality used in the scallop assessment. AP requests the Committee recommend that this issue be elevated as a high priority for SARC59. Recognizing that science is outdated on this subject, the AP respectively requests the assessment consider other issues when reviewing the assumptions (i.e. use of larger rings, twine top, cookies in apron, turtle dredge, fewer DAS, elimination of meat count, etc.) .

Vote: 10:0:1, carries

Rationale and Discussion – Based on overall discussions the AP had about FW25 and the ACL flowchart they are still unclear on the estimate of discards and incidental mortality used in the assessment. They recognize that there is no new direct information available, but request that the

Center consider evaluating this issue other ways. They argued that scallop fishing gear is so different and there are no signals they are aware of that incidental mortality is as high as the estimates predict.

12. Marchetti/Hansen

Request that NMFS add to paper and electronic VTRs a field for “dredge type”. Options could be added such as: a) standard NB dredge, b) turtle style dredge, and c) low profile, and d) other.

Vote: 10:0:0, carries

Rationale and Discussion – One AP member explained that it may be possible to “get more credit” for gears that reduce bycatch if more information is available. He suggested that one simple step forward would be to allow vessels to specify the dredge type they are using. Right now there is only one code for scallop dredge gear and the same bycatch rate is applied to all trips. However, not all dredges are the same and likely have different bycatch rates. If the forms are changed to include several options it may be possible in the future to get more data on bycatch rates for different gear configurations. For example, many vessels are required to use turtle dredges, but there is no place on the paper or electronic VTR forms to include dredge type.

NORTHEAST REGIONAL OCEAN COMMISSION

Nick Napoli from the Northeast Regional Ocean Council (NROC) summarized the ocean planning effort to date and took input on preliminary fishing characterization maps being developed to describe fishing effort in the Northeast. The AP had several question and general comments. The paragraphs below summarize the discussion.

The ocean planning effort is focused on three major issues for potential citing offshore: energy, mining, and aquaculture. There is a report available on their website about progress made to date. One AP member asked about funding sources, and if this process had an overall goal or agenda in terms of zoning. Another wanted to emphasize that fishing locations and transiting are both important in terms of impacts on the fishing industry. Just because an area is not important for fishing does not mean it is not used by the fleet for transiting. Staff suggested that NROC may want to consider contacting Council PDTs or NMFS/NEFSC staff to seek input on how they currently summarize VMS data since there are various ways to filter it.

Another pointed out that there are regulations that prohibit fishing in certain areas and seasons and that needs to be taken into account. There are areas and seasons that are not currently accessible, but that does not mean they are not important for the future. For the Scallop FMP the years used are very important since it is such a spatial based fishery. The AP is curious to learn more about what projects and areas are currently under consideration in this process.