

New England Fishery Management Council Joint Groundfish/Scallops Advisory Panel

Meeting Summary

July 14, 2010

The Joint Groundfish/Scallops Advisory Panel (AP) met in Peabody, MA to develop recommendations for a joint management action with two objectives: (1) to develop measures for the Northeast multispecies and scallop fisheries that facilitates the harvest of optimum yield from the two fisheries by addressing the potential constraints of the groundfish stock allocations; and (2) to develop measures to reduce catch of groundfish in the scallop fishery by adopting measures that would allow benefits for the fishery from reduction in groundfish catch. AP members present were Mr. Bill Gerencer (Chair), Mr. Jim Gutowski (co-chair), Mr. Ron Enoksen, Mr. Richard Canastra, Mr. Peter Hughes, Ms. Maggie Raymond, and Mr. Ed Welch. Mr. Rip Cunningham, Joint Committee Chair, also participated in the meeting. The Committee was supported by Council staff members Mr. Tom Nies and Ms. Deirdre Boelke. Documents used by the AP included a meeting summary from a previous meeting, two draft proposals prepared by the Fisheries Survival Fund (FSF), and correspondence from the Associated Fisheries of Maine (AFM). The AP met to consider two issues deferred from an earlier meeting: the adjustment of closed area/access area boundaries and adjustments to the timing of access area openings. They also received a briefing on the 2010 UMASS/SMAST Yellowtail Bycatch Avoidance Program.

Adjustment of Closed Area Boundaries

The AP considered a FSF suggestion to allow the scallop fishery access to all of the areas currently restricted by the year-round groundfish closed areas (CAI, CAII, and the NLCA). Scallop access areas would be designed based on scallop CPUE rather than restricted to part of the closed areas, and might extend beyond the current closed area boundaries. An AP member suggested that the concept should not be limited to the scallop fishery, but should support allowing groundfish vessels participating in sectors the same access. The AP briefly discussed issues related to this concept, such as impacts that would need to be addressed, whether the two fisheries should have access at different times, whether the recommendation would need to be adjusted based on the present or possible future existence of areas closed to minimize the adverse effects of fishing on essential fish habitat, etc. The AP, however, decided that while these issues would need to be addressed before changes could be made to the areas, they did not want to spend time on them until certain the Joint Committee and Council supported the concept.

Public comment on the issue included:

- Mr. Ron Smolowitz: The AP might want to just say the existing boundary line should be eliminated and a new suite of measures adopted to maximize CPUE and address other issues as well. The current areas were designed for effort reduction and yet somehow they are being interpreted as spawning closures. We should start from a clean slate and identify the best areas to serve as scallop access areas.

Motion: The Joint Groundfish-Scallop Advisory Panel recommends that the Georges Bank Groundfish Closed Areas be revised for groundfish sectors and the scallop fishery. Instead of being partially eligible for inclusion in scallop fishery rotational access areas, the entirety of the three Groundfish Closed Areas (Closed Areas I and II, and the Nantucket Lightship Closed Area) should be eligible to be included in scallop fishery rotational access areas. These access areas may either be completely located within the Georges Bank Groundfish Closed Areas (as the access areas on Georges Bank currently are), or else the access area may also include scallop “open area” adjacent to the relevant portion(s) of the Groundfish Closed Area(s). Scallop resource conditions should be used in determining access area boundaries and rotational schedules. Certain areas within the Georges Bank Groundfish Closed Areas could be included in a more regularized rotation, such as is now occurring with the existing scallop access areas in each of Closed Areas I, II and the Nantucket Lightship Area. Extending an access area into a generally open area should not, however, result in converting that portion of the open area into a permanent access area. (Ms. Raymond/Mr. Welch)

The motion carried on a show of hands (6-0).

Timing of Access Area Openings

Next the AP considered the issue of the timing of access area openings. They considered an FSF suggestion that additional research is needed before changes are made, and discussed a specific research proposal that was presented. AP members expressed the opinion that the current June 15 opening date for the three access areas was not appropriate, but were skeptical that changes would be adopted unless a research project identified preferred opening dates. While all AP members supported additional research, one was hesitant to endorse a specific project. As a result, the discussion focused on making such research a high priority for the various cooperative research programs.

Ms. Boelke advised the AP that this concept has been identified as a high priority for the next round of scallop fishery research set-aside funding. These priorities are set in scallop management actions and any changes would have to be made the same way – such as in Scallop Framework 22.

The AP discussed writing into a management action a research program. The concept was that a framework would describe the research and provide a limited number of dedicated trips into the access areas in order to get the data needed to adjust openings in subsequent years. Some interest was expressed in including such a program in FW 22. The AP made it clear that the research would not only address such issues as the availability in scallop meat weights over the course of the year, but also issues such as the timing of yellowtail flounder spawning and when bycatch would be lower.

Motion: The Joint AP recommends to the Joint Committee to support in FW 22 a program that provides multi-year year-round access for a commercial study fleet (for example, four observed trips per month into CAII) for the purpose of identifying maximum meat yield and minimizing bycatch. Trips allocated through some type of lottery. (Mr. Gutowski/Mr. Canastra)

Ms. Boelke cautioned that such an approach must be carefully designed and might be difficult to accomplish quickly. A member of the audience added that providing any access in CAII outside of the approved fishery period (June 15-January 31) would most likely trigger the action to be a joint framework.

Motion as perfected: The Joint AP recommends to the Joint Committee to support a program that provides multi-year year-round access for a commercial study fleet (for example, four observed trips per month into CAII) for the purpose of identifying maximum meat yield and minimizing bycatch. Trips allocated through some type of lottery.

The motion carried on a show of hands (6-0).

Other Business

The AP considered a letter from AFM asking the panel to support a change to the multispecies FMP so that industry would not bear the full costs of at-sea monitoring. Ms. Raymond explained that it was not clear that NMFS would continue to fund the at-sea monitoring program past FY 2011, in spite of Council and industry requests that the agency do so.

Motion: The Joint Groundfish/Scallop Advisory Committee requests the NEFMC, through the most expedient regulatory action, reverse its Amendment 16 recommendation to require groundfish sectors to bear the costs of at-sea monitoring, and instead recommend that those costs be borne by the National Marine Fisheries Service. (Ms. Raymond/Mr. Canastra)

AP members spoke in favor of the motion. Mr. Cunningham, Joint Committee Chair, cautioned that this motion was likely to be referred to the Groundfish Committee as it was not in the purview of the Joint Committee to address groundfish-specific issues. After discussion, the AP modified the motion to accept that the industry could be responsible for some of the costs, such as up to the limit of costs that would be borne under an ITQ program.

Motion as perfected: The Joint Groundfish/Scallop Advisory Committee requests the NEFMC, through the most expedient regulatory action, reverse its Amendment 16 recommendation to require groundfish sectors to bear majority of the costs of at-sea monitoring, and instead recommend that those costs be borne by the National Marine Fisheries Service.

Public comment included:

- Mr. Jeff Kaelin: The AP might want to consider modifying the motion to mention the SBRM Program and the allocation of resources through that program.

- Mr. Ron Smolowitz: Industry should not bear the majority of the cost. But the lesson here is that bycatch solutions must be low cost to be feasible.

The motion carried on a show of hands (6-0).

Scallop industry AP members raised the concern that if the industry is successful in reducing groundfish bycatch in the future, over time they will be allocated smaller amounts. They viewed this as being penalized for successfully reducing bycatch, and were concerned that at some point the amount allocated would be too small and would limit scallop catches. This might happen due to variability in catches, unreliable estimates of future bycatch, or other unforeseen changes. Low allocations of yellowtail flounder will only exacerbate derby conditions in the fishery. Ideas were suggested such as using different periods for calculating expected discards, establishing a baseline catch (based on a baseline discard rate) for the fishery, developing a mechanism to transfer uncaught yellowtail flounder back to the groundfish fishery after the scallop fishing year ends, and other ideas. Council staff suggested that perhaps the estimates of future scallop fishery catches of yellowtail flounder needed to address variability in a better way to reduce the likelihood that the fishery would be affected. The Joint AP did not make a specific recommendation.

UMASS SMAST Yellowtail Bycatch Avoidance Program

Ms. Cate O'Keefe, SMAST, provided the AP a summary of this year's project to monitor yellowtail flounder bycatch in the NLCA access area. SMAST collated daily catch reports, identified areas of high yellowtail flounder bycatch, and distributed that information back to the fleet. The program appears to have reduced discards of yellowtail flounder and allowed the harvest of most of the available scallops from the area. AP members thanked Ms. O'Keefe for the presentation and were appreciative of the efforts to help the fleet reduce bycatch and access the scallop yield.