

DRAFT – not reviewed by Cmte members

#5



Scallop Committee Meeting
September 18, 2012
Fairfield Inn – New Bedford, MA

Committee members in attendance: MaryBeth Tooley (Chair), David Pierce, Mark Alexander, Dave Preble, Erling Berg, Peter Christopher (designee for John Bullard), Rick Robins, Laura Ramsden and Tom Dempsey.

NEFMC Staff: Deirdre Boelke and Demet Haksever

There were about 30 people in the audience.

Staff reviewed updated survey information, status of the fishery, and possible specifications for Framework 24. Committee members and members of the public asked several questions following the presentation including. For example, did the SSC discuss that the buffer between OFL and ABC could be reduced since this is a very data rich stock assessment and surveys are very close in agreement. Staff responded that the issue did not come up specifically at the recent SSC meeting, but there are still uncertainties in the assessment such as estimates of discard mortality.

The Committee next reviewed the AP motions from the day before relative to FW24 recommendations. In terms of the specification alternatives overall the Committee agreed with the AP that Alternative 2 was not necessary to pursue in this action based on the already reduced catch estimates. Alternative 2 would only reduce total projected catch further by about 1.8 million pounds. Instead, the Committee wants the PDT to investigate spreading 2013 access area effort out to reduce impacts in all the areas. Specifically, the survey results suggest high recruitment in HC so less fishing pressure in that area in 2013 was viewed as positive, lower incidental mortality on smaller scallops. Others commented that there are older scallops in NL that should probably be harvested and the estimates of exploitable biomass are the same for the two areas (HC and NL). Since exploitable biomass is down in all access areas this alternative may help “share the burden”; total catch will be the same as Alternative 1, just spread over four areas instead of three. The Committee would like to see the tradeoffs of harvesting scallops in NL in 2013 compared to 2014. The areas that would be open under this proposal would be CA1, CA2, HC and NL. The Committee requests that the PDT spread the trips out in the most effective way possible and the possession limit may or may not be the same as under Alternative 1.

1. Dempsey/Robins

Adopt amended Motion #2 from AP meeting (Eliminate Alternative 2 and develop a new alternative that would open 4 access areas in 2013 (HC, CA2, CA1, and NL). The number of trips could vary by area. The possession limit can vary from Alternative 1.)

Vote: 7:0:1, motion carries

The Committee discussed two more specific motions about the specifications – how many fleetwide trips should be allocated to the general category fishery and how should the lottery work for allocating limited access trips. It was discussed that the number of LAGC trips should be based on 5.5% of the total access area TAC but that total be prorated in near shore areas only (excluding CA2). General category fishermen have raised concerns that it is not predictable where the most profitable place to fish will be so that fishery would like to benefit from access area fishing if open areas get fished out in coming years. One member of the audience spoke against this motion explaining that there are smaller limited access vessels that would rather not go to CA2 either, but shifting effort to different areas is not how the system

works. As far as the limited access lottery process the Committee agrees it should be random and limiting one trip per area limits the risk of some vessels getting trips in better areas than others. The goal is to make the lottery as fair as possible for the fleet overall. If the PDT can construct the lottery to incorporate this limit, that is the preference of the Committee.

Finally, the Committee discussed what default measures should be. It is the intent that an action replace default measures but most likely those measures would not be in place until May under the current timeline of November final Council action. In the past default measures have included area allocations that sometimes need to be modified through Emergency Action. Therefore, the PDT recommended that default measures should only include DAS, and set at 75% of the projected level. The industry at the meeting explained that many vessels do not fish open area DAS in March and April, and instead prefer to fish Mid-Atlantic access areas in the cooler months before turtles and meat weights decline in the summer. While the Committee understood this concern, allocating trips in areas under default measures has been problematic and creates a risk for Emergency Action in order to react to new survey information. The Committee discussed that this strategy for DAS only default measures would be used regardless of how many years the action ultimately was.

2. Dempsey/Ramsden

Adopt amended Motion #3 from AP meeting (Allocate the GC 5.5% of the total available access area TAC per year and prorate the trips proportionally among remaining areas open that year excluding Closed Area II).

Vote: 8:0:0, motion carries

3. Dempsey/Preble

Adopt Motion 13 from the AM meeting as amended today (Confine the allocation lottery process for AA trips so that it is random, but one vessel cannot get more than one trip per area).

Vote: 8:0:0, motion carries

By consensus – Committee approves PDT recommendation for default measures under FW24 (Default would only include 75% of open area DAS allocations and 75% of LAGC IFQ allocations. Default measure would not include any specific measures for access areas.)

Since Framework 24 will not be implemented until May 2013, two months after the start of the fishing year, the fishery will be under default measures for March and April 2014 until FW24 can replace those measures. Default measures for 2013 include: 26 open area DAS (75% of the total projected for that year) and 4 access area trips per full-time vessel for a total of 1.5 trips in HC, 1 in CA2, 0.5 in CA1, 0.5 in Delmarva and 0.5 in NL. Concerns were raised by the PDT, AP and Committee about the trips in HC in particular. That area has high recruitment and too much effort in that area will have high incidental mortality impacts. The AP discussed that voluntarily asking vessels to stay out of the area was not enough. The area could potentially be closed by Emergency Action due to the unforeseen high levels of recruitment, but the industry explained that it would probably be better for the resource to allow fishing in March and April in HC because that is the ideal time to fish in that area, but not at the default level of 1.5 trips at 18,000 pounds. Therefore, the AP developed an alternative that would allow vessels to fish in HC under FW24 levels, but if a vessel chose to fish in there under FW22 default 2013 levels there would be a cost. They developed a payback measures that would be a large disincentive: both 2014 access area trips and 10 DAS.

Excess fishing in HC is one problem with the default measures, the other is that ETA is an open area until FW24 can close it (May 2013). The high level of recruitment was unforeseen until surveys conducted in the area in 2012. The amount of recruitment could be the second highest on record so should be protected

as soon as possible. There has not been much activity in that area since it became an open area in 2011, but the industry reported at these meetings that more vessels are fishing in there in recent months. There are pockets of larger scallops in areas between the high concentrations of scallop scallops. The PDT recommends closing this area in 2013 based on the high recruitment, but that will not be effective until May 2013. A similar issue came up with Delmarva several years ago and some reported that had the area been closed sooner it would have generated higher yields. One Committee member asked if it would be possible to set all FW24 specifications through Emergency Action rather than only addressing part of the issue by Emergency. NMFS is going to look into this issue further but that may be harder in terms of meeting the threshold for an emergency action. Therefore, they recommended that an emergency action be taken as soon as possible to protect the recruitment in Elephant Trunk.

4. Dempsey/Pierce

Adopt Motion 6 from the AP meeting (Vessels that take 2013 access area trips authorized by FW22 will give up all access area trips authorized to that vessel under FW24 plus 10 open area DAS. Vessels that take trips into HC (at a reduced possession limit) that are ultimately authorized by FW24 and allocated to that vessel will not be penalized if the trips are made before implementation of FW24).

Vote: 7:0:1, motion carries

5. Dempsey/Alexander

Adopt Motion 9 from the AP meeting (Request NMFS implement an emergency action to close ETA using the previous boundaries until FW24 is implemented).

Vote: 7:0:1, motion carries

Before lunch staff summarized the 2012 Biological Opinion for the scallop fishery. It revised the estimate of incidental take of loggerhead sea turtles as well as sturgeon based on new information. The RPMS have been revised and there is no longer one that requires a limitation on effort in the Mid-Atlantic during the season when turtles are present. The revised RPMs are more research and monitoring based. Mr. William Barnhill from NMFS PRD was available for questions and one Committee member asked if there was an “acceptable” number of takes for this fishery. Mr. Barnhill explained that there is not a target number,; instead the Agency is required to minimize interactions to the extent practicable. The Committee also asked if staff resources would be shifted within the Agency now that interactions with turtles for the scallop fishery has declined. Finally, one Committee member asked about the link between the current RPMs and the RSA program. Some public comments supported continuation of turtle research through RSA to potentially de-list loggerhead turtles, and others voiced that compared to other topics this should be a lower priority.

The Committee reviewed other aspects of Framework 24 and passed a handful of motions to clarify several alternatives and remove several others. Based on an AP recommendation, the Committee revised one of the GB seasonal closure alternatives so that only CA2 would be closed from Aug15-Nov15 and no closures for CA1 and NL. The main rationale provided from the AP meeting was that overall bycatch is low in CA1 and there does not seem to be a strong seasonal difference. For NL the bycatch rates of SNE/MA YT are not as high in the access area compared to other areas farther west (south of Long Island). Therefore, imposing a seasonal restriction may not do much and could actually shift effort into higher bycatch areas if vessels fish in open areas when NL is closed. Based on input from the monthly bycatch program in CA2 it was explained that there are areas outside of CA2 (to the south and west) that have high bycatch of YT in June and July, but then fish seem to move on the bank in late summer and fall (in Closed Area 2). It should be noted that WP flounder bycatch is highest in CA2 between Jan-March. Therefore, overall for CA2, the Aug15-Nov15 season is a combination of the lowest meat weights and highest YT bycatch.

The Committee decided to remove the alternative that would separate the YT sub-ACL since input from NMFS and PDT is that this alternative would be very problematic to monitor and it is not clear what the division should be based on. The PDT updated language for two alternatives and the Committee agreed with the updates. Finally, the Committee also removed an alternative that would allow LA vessels with LAGC IFQ to lease quota. NERO initial input on this alternative is that it would likely require an amendment due to the controversy and LA vessels are not currently permitted to lease at all.

6. Dempsey/Ramsden

Remove Option 3 to CNR and develop an alternative to adopt Motion #7 from AP meeting (Add an alternative to FW24 that would implement a seasonal closure in CA2 only from August 15 – November 15 (3 month closure). CA1 and NL would not have a seasonal restriction.)

Vote: 6:0:1, motion carries

7. Dempsey/Ramsden

Remove Section 2.2.2.2 (sub-divide the SNE/MA and GB YT flounder sub-ACLs) to considered and rejected section.

Vote: 7:0:0, carries

By consensus – Committee approves PDT input on Alternative 2.3.3 (timing of AMs for the scallop fishery YT flounder sub-ACL)

By consensus - Committee approves PDT input on Alternative 2.3 9measures to improve flexibility and efficient use of LAGC IFQ by Allowing transfer of quota mid-year)

8. Preble/Berg

Eliminate Alternative 2.3.3 from FW24 (allow transfer of IFQ for LA vessels with LAGC quota) and consider in a future action.

Vote: 7:0:0, carries

The Committee considered several motions from the AP about potential priorities for 2013 as well as the list from last year. Staff explained that about 75% of the LAGC IFQ Performance Project from 2012 was complete and could be ready for the Council in April. Based on earlier discussions in the day the Committee identified two major issues for the Council to consider related to the Scallop FMP for next year: 1) annual management; and 2) develop scallop access in and around current EFH closures in the Habitat Omnibus Amendment.

Since the Committee earlier recommended another Emergency Action to close an area due to unforeseen recruitment in Elephant Trunk this lead to a discussion of annual management. One Committee member summarized the main rationale for annual management. Primarily, the current system is unable to react to updated survey information. This is a complex fishery that is very area specific; therefore using update survey info is critical. Because there are many surveys this plan is in a good position to adapt to new survey information each year. In addition, it is a very high revenue fishery in this region so it is important to get the allocations correct and as close to optimal levels to help generate revenue in the region overall. Also, there is variation from year to year, and in this instance even more because it is unknown what will happen to the high levels of recruitment in the MA: will they grow faster from warmer weather or will mortality be higher than expected? Furthermore, the status of the EFH closed areas is uncertain. If those areas are available for scallop fishing in 2014, the Council may want to include specific allocations in FW25. More will be known about that process next summer than now in terms of what realistic management alternatives could be. The Committee discussed that measures may not have to be set every

year, but in this case it makes sense to set 2013 now, and wait to set 2014 until after survey results (particularly in MA) and the Habitat Omnibus process is farther along.

9. Dempsey/Berg

Recommend Motion 15 by the AP for Council consideration for 2013 priorities (Initiate scallop framework in 2013 to set specifications for FY2014 (i.e. setting DAS, access area trips, NGOM TAC, IFQ, potential modification of scallop access area boundaries, etc.).

Vote: 6:0:1

One Committee member explained that scallops are a natural resource so there is variability in the abundance and fishery. Based on the survey results it appears we are facing a few years of reduced catches. One way to mitigate these impacts would be to fish in EFH areas since there is a very high percent of exploitable biomass in those areas (about 30%). Fishing in EFH areas cannot be accomplished in a framework – it has to be an Amendment. The Omnibus is already looking at opening the areas but will not specify the access/allocation strategy for scallop fishing. Adding it the Omnibus may be the most expeditious way since they would be implemented simultaneously. The Committee discussed a hopeful implementation of the Omnibus for around January 2014, so there would be a little time for the scallop fishery to harvest from those areas within FY2013. However, the full Council will have to discuss what timelines are the most practical; the Scallop Committee did not have all the possible implications this addition could have on the overall timeline and other Committees etc. It was discussed that if this is not possible, a trailing scallop action could develop the access as well. The Committee recognized that the AP identified more specific recommendations in terms of what future access areas could look like in and around Closed Area I and II, but the PDT would need to develop these further.

10. Robins/Ramsden

Recommend that the Council include development of scallop access areas and allocations in and around current EFH closures in the Habitat Omnibus Amendment, and recommend expediting submission of that action to the extent practicable.

Vote: 6:0:1, carries

NMFS reported that none of the Scallop FMP ACLs were exceeded in 2011, which includes several scallop sub-ACLs (LA sub-ACL, LAGC sub-ACL and LA with LAGC IFQ sub-ACL) as well as the sub-ACLs for GB and SNE/MA YT. Therefore, no AMs were triggered. NMFS will publish a final report soon; it may or may not be ready for the September Council meeting.

