



## **DRAFT Scallop PDT Meeting Summary**

October 15, 2009

Newburyport, MA

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Members in attendance: Dvora Hart, Cate O'Keefe, Demet Haksever, Pete Christopher, Erin Kupcha, Deirdre Boelke, Jess Melgey, Emily Bryant, Kimberly Murray, Rula Deisher, Bill DuPaul, and Carrie Upite.

Audience: Ron Smolowitz, Harriet Didrikson, Gib Brogan, Mark Buron.

### **PURPOSE OF MEETING**

Discuss final projections for FW21 and management scenarios, including preliminary analyses of turtle alternatives and preliminary analyses for YT sub-ACL allocation alternatives and identification of sub-area closures for AM alternatives. Discuss follow-up issues from September Council meeting related to A15 including LA management buffers, formulas for AMs, and other issues.

### **PDT UPDATES**

An Oversight Committee meeting has been scheduled for Tuesday, November 3<sup>rd</sup> in Providence. There are no plans for a next PDT meeting as of today.

### **EXPLOITABLE BIOMASS ESTIMATES**

The estimates of scallop biomass by area for 2010 were submitted by Dr. Hart. There's more biomass in Long Island than expected – people were confused about where this area and the New York Bight are located, and she responded that they are divided by strata. LI is north of the tower, and NYB is west of HC and South. These areas should be clearly defined in FW21 because there have been many questions about them.

### **RPM DISCUSSION**

Much analysis has been done since the last meeting to assess the impacts of the sea turtle reasonable and prudent measures from the recent biological opinion. Several combinations of time periods and areas make up the alternatives, and these closures have formed the basis for economic impact analysis.

- *Option A for Area: in the entire area defined by the RPM*  
The restriction on DAS used would apply to all statistical areas south of the northern boundaries of statistical areas 612, 613, 533, 534, 541, 542, and 543.
- *Option B for Area: in a subset of the area where turtle interactions are more likely to occur based on sea surface temperature data*  
The PDT is analyzing sea surface temperature data to determine if the area defined by the RPM can be refined at all to maximize benefits for turtles and minimize impacts on the fishery. For example, the PDT is considering an option that would refine the line for the month of June by two criteria: 1) waters where mean sea surface temperature is greater than 17.9°C, the minimum temperature loggerhead turtles have been observed, and 2) waters that do not overlap any observed takes in the fishery. So far it looks like this

approach could allow fishing in the statistical areas that are just south of the boundary for the month of June, but would revert back to the original RPM line in July-October.

- *Option A for time window: June 16-October 14*  
This time period is consistent with the full range of dates for all observed turtle takes in the scallop fishery. From 2003-2008 a total of 59 turtles have been observed between these dates for both gear types on both on and off watches.
- *Option B for time window: June 15 – October 31*  
This time period is slightly longer than Option A to recognize that turtle migration patterns change over time and space and turtles may be in this area earlier and later than have been observed to date. It has also been noted that one turtle was observed on a research trip in late October 2002 in waters west of the Elephant Trunk Area.

There are also the options of reducing the number of open area days a vessel can use during time periods of known turtle interactions, and reducing the number of access area trips that can be made during the two time windows.

It was determined that the Framework needs to be updated to state that catch is being reduced instead of effort, while explaining that effort is accounted for through catch via the meat weight conversions used.

Council Staff presented the five assumptions for the model used to assess more than minor change seeking feedback/approval from the PDT. These assumptions are:

**1) The seasonal composition of effort**

Analyses were completed that look at the percentage of open area catch coming from the Mid-Atlantic during the time periods being considered for closure/catch reduction. For June 1 to October 31, based on the data from 2004-2008, 38.6% of open area Mid-Atlantic catch was harvested. The June 16-October 14 alternative corresponds with 28.6% of catch. Percentages are lowest in the most recent years. These values will be used as the historical trend of open area effort in the Mid-Atlantic. The PDT agreed to use these values as inputs.

**2) Effort Displacement for Open and Access Areas: 100%**

It is assumed that any effort restrictions imposed by the RPM would be used outside the window or in other areas. It was noted that effort is expected to shift to Georges based on recruitment; but this is dependent on the S. Channel closure.

**3) Fishing patterns in MA access areas**

Regarding closed areas, it was noted that 2004 data was more representative for HC, and the data from 2005 and 2006 should be ignored. It was made clear that the case must be made for why October is a good choice for closing Delmarva because it is currently not stated in the document. Kimberly Murray provided the percentage of DAS absent used in Delmarva for the months of September and October; 19% and 8%, respectively, in regards to the 33% total percent in DM. The PDT agreed to use these values as assumptions for now but recognized that patterns may be very different now that DMV is an access area. It may be possible to include updated values for FY2009 (first year Delmarva has been open), but to date those values are not available.

#### **4) The reduction in meat weight**

Shifting effort from June-October to November-May will result in an 8% loss in the meat-weight. The PDT identified that more detailed values would need to be used for the various time periods in the RPM alternatives.

#### **5) Meat weight assumptions**

The economic model uses the LPUE estimates for open and access area trips from the biological model results.

It was asked how many vessels are using the modified dredge setup based on observer data. The observer program responded that the information will not officially be on logs until 2010 but now observers are making comments on the current logs. They did not have a feeling for the numbers at the meeting.

The PDT believes that Alternative 1 appears to create a derby (if implemented fleet-wide) or a complete closure since the average DAS used is far less than one trip per vessel. So any reduction would only make several DAS available per vessel. Since several DAS is less than a trip, this essentially could be a 100% reduction from the historical amount of effort used in that area and season. Several PDT members felt that this approach was not favorable compared to the RPM restrictions focused on access area effort. However, several other PDT members felt that a DAS option should remain in the document but could be approached differently. One idea the PDT will explore before the Committee meeting is to identify the vessels that did use DAS in that area and season and evaluate how many DAS were used per vessel. A comparable amount of DAS reduction could be applied and the result would be a maximum DAS that could be used that would only impact vessels that fished in that area above that maximum in the past. The PDT did express concern that this option will likely have high distributional impacts since vessels from the north do not use open area DAS in the MA, while vessels from the south do. The PDT agreed to explore this option and present it to the Committee.

Alternative 2 (limit number of MA access area trips during turtle season) has similar issues to Alternative 1 because the historical average of effort is less than one trip per vessel, so any reduction would be closer to half a trip. Half a trip is not economically viable for many vessels due to long steam time, so any limit from the historical average could also be the equivalent of a 100% reduction, which would have higher impacts on the fishery. The PDT also discussed the impacts of Alternative 4 in this regard. Alternative 4 (reduce MA AA possession limit during turtle season) has the highest economic impacts because as written it does not allow a vessel to harvest the remaining pounds outside the turtle window. The PDT discussed that combining Alternative 2 and Alternative 4 may be a more workable solution if the Council wanted to consider an RPM alternative that limits MA AA effort. For example, if a vessel wanted to fish in a MA AA during the turtle season it would be restricted to about 8 or 9,000 pounds. The PDT discussed that if that vessel was able to catch the remaining pounds (10 or 9,000 pounds) on a subsequent trip outside the turtle season, economic costs of this alternative would be reduced and impacts would not be as great. The PDT discussed that this approach should be explored more and presented to the Committee. The combined alternative should be modified to have the same two seasons, keeping the Sept-Oct closure in ET, but if people decided to go into ET from mid-June to Sept 1<sup>st</sup> they would have a lower trip limit. The definition of a viable trip needs to be determined if possession limits are decreased.

Alternative 3 closes Delmarva for either Sept and Oct or just October. There are three MA trips being allocated in 2010, but only one in the Delmarva area. Since the PDT is going to use different assumptions for historical effort in Delmarva than the one available at the meeting the PDT was not able to review the final results for this alternative. However, it is assumed that economic impacts will be low for this alternative because it is assumed that 100% of all catch is assumed to be taken outside the window and the change in meat weight from these short seasons is low, so impacts on F will also be low. The PDT did discuss that effort levels in Sept and Oct will likely be even higher than the updated assumptions made today (19% and 11%) because ETA is already closed these months, GB AA are usually completed by this time of year, open area catch rates are lower this time of year, and weather has gotten cooler so incidental mortality is lower in October. Therefore effort levels in Delmarva this fishing year are expected to be higher than these assumptions. The PDT also discussed that in terms of expected impacts on turtles this measure is expected to shift effort in Delmarva that would have taken place in Sept and Oct to Aug and Nov and Dec, potentially similar to patterns seen in ETA in 2007 and 2008.

**Overall, the PDT is not recommending one RPM alternative over another to the Committee.**

The PDT then discussed several unfinished issues related to Amendment 15.

- **YELLOWTAIL FLOUNDER AMs**

Dr. Hart created a spreadsheet of how much yellowtail flounder would be needed in order to harvest the scallop ACL by YT stock area. Council Staff used D/K ratios provided by the observer program to come up with statistical areas of particular concern for yellowtail bycatch. The top two stat areas by ratio for each yellowtail flounder stock area were identified as potential closures. These were 514 and 521 in the CC/GOM area, 525 and 562 on GB, and 526 and 539 in SNEMA.

THE PDT discussed that instead of just identifying the stat areas with the highest d/k ratios, a better approach would be to link back how much is gained by closing an area, so incorporation of projected scallop catch by stock area would be necessary.  $D/K * \text{scallop catch}$  (total by stat area) will be the next step. Using scallop catch from 2006-2008, for all gear types, including LAGC, we can add stat areas up until it reaches the 10% allocation (or a different amount if the Council identifies a different allocation). We can then identify the areas that capture the top 20% of bycatch (if the area is going to close at 80% of catch). In identifying when the areas should close (what % of the total YT ACL) the PDT needs to think about how precautionary we want to be, and how quickly the reaction time will be to catch the 80<sup>th</sup> percentile. Staff from RO is going to consider this more and recommend a percentage. It was also pointed out that this alternative is not acting as a quota or absolute cap; it will just shift effort outside those areas. The question was asked whether AMs have to be pound for pound. In this case it would be an AM designed to reduce the chance of exceeding an ACL by closing high bycatch areas, but the ACL could still be exceeded if catch of YT remains high in areas outside these stat areas.

The Council also recommended that the PDT needs to identify the formula and data that would be used for scallop and YT AMs if they are exceeded. This information will be included in Amendment 15 and the specific values would be included in future frameworks. Dr. Hart presented a procedure for projecting bycatch of yellowtail that involves adjusting D/K by

projected changes in exploitable scallops and yellowtail to determine an adjusted D/K ratio ( $D/K_{adj}$ ). This ratio is multiplied by the projected scallop catch to determine the projected bycatch of yellowtail. For example, if in a given year, the bycatch needs to be reduced by  $x$  pounds, then scallop landings will need to be reduced by  $x/(D/K_{adj})$ . This method will be used for further analysis of yellowtail AMs.

- **ESTIMATE OF UNCERTAINTY IN OPEN AREA LPUE**

There are two sources of error making up management uncertainty – error in the model, and from the estimate of exploitable biomass for open areas. The CV for LPUE model is ~5%. CV for exploitable biomass is 6.7%. Assuming independence, the CV of open area LPUE is 8.3%, but it is probably a little higher (10% maybe – alternative 2). To include spatial concerns, and additional 15-30% reduction should be considered. Overall, the PDT discussed that a specific response to the Committee request for a second management buffer alternative for the LA fleet could be 10%. However, it needs to be recognized with all the buffers (LA and LAGC) that the highly spatial nature of this fishery is a major source of uncertainty that has not adequately been addressed and should be considered. It is difficult to quantify, but should be part of the decision for setting the ACT.

- **OTHER BUSINESS**

The ACL flowchart was revisited and Staff will add discards box.

RO staff raised several issues related to the observer program. In addition to non-payment issues, there have also been instances of vessels calling in and receiving a waiver but taking an observer anyway. The PDT needs to get a feeling for the frequency of this and determine if it needs further action. There was also discussion of allowing providers to pro-rate for partial days. This may be a change that can be done outside the Council process. This would allow more set-aside to be available if providers could pro-rate. Lastly, the RO mentioned that the set-asides for 2010 may not be very large based on the range of allocations under consideration. Increasing the set-aside amount is one strategy to help provide compensation for all trips.