

# **Scallop Plan Team Meeting**

**March 3, 2005**

**Clarion Suites, Anchorage, AK**

Plan Team members present:

Jeff Barnhart, Chair (ADF&G Kodiak), Gregg Rosenkranz (ADF&G Kodiak), Herman Savikko (ADF&G Juneau), Gretchen Harrington (NMFS), Scott Miller (NMFS), Diana Stram (NPFMC)

Public and agency personnel present:

Nick Sagalkin (ADF&G), Max Hulse (vessel owner/operator), Scott Hulse (vessel owner/operator), John Lemar (vessel owner/operator)

Telephone participation: Teressa Kandianis, Earl Krieger (ADF&G), Lauren Smoker (NOAA GC)

The Scallop Plan Team meeting convened on March 3<sup>rd</sup>, 2005 at the Clarion Suites Hotel in Anchorage, Alaska. The following agenda was agreed upon for the meeting. It was agreed that the discussion of FCMA cooperatives would occur at a time certain, immediately following lunch.

## **Agenda:**

- 1. Introduction and approval of agenda**
- 2. Review and revise Plan Team terms of reference**
- 3. Status of Statewide Scallop Stocks: compile SAFE Report**
- 4. Discussion of research needs (section to add to revised FMP)**
- 5. Review of Revised FMP: comments, revisions necessary, updates etc**
- 6. Observer Program Overview**
- 7. Update on Council action with respect to approval of Amendment 10 (revised LLP gear endorsement)**
- 8. Discussion of FCMA cooperatives and the scallop fishery**
- 9. New and other business**

## **Review and revise Plan Team terms of reference:**

The team moved to revise their terms of reference such that officers are elected every two years rather than annually.

## **Status of Statewide Scallop Stocks: compile SAFE Report**

The team reviewed and discussed the SSC minutes from February 2004 regarding suggestions for improving upon the previous Scallop SAFE Report. The team discussed changing the format of the SAFE Report such that it is more clear and streamlined. The team decided that there was no need to include reports that had not been updated since the previous year's SAFE Report.

The team discussed the use of grey literature, summary information and unpublished data in the SAFE Report. It was noted that most information could be included by summarizing it in the

SAFE sections depending upon the confidentiality restrictions for reporting (notably a problem when individual vessel data is included). The team discussed the waiver of confidentiality by the fleet participants and noted that in the SAFE report. Jeff Barnhart noted that it was a credit to the fleet for waiving confidentiality in order to get fishing effort data. Jeff gave an overview of how the confidentiality waivers were originally conceived, and how the data is utilized in management. He noted that every operator in the fleet has always signed off on the waiver forms, therefore in this fishery there are no issues with data and confidentiality because the fleet have voluntarily waived rights.

In order to address some of the SSC's comments on information to be included it was decided that ADF&G staff would use unpublished data (used for managing the fishery) and summarize as much information in the SAFE Report as is possible within confidentiality restrictions. Some information likely to be included is catch, effort and shell height, discarded and retained catch. It was noted that the trend in data collection is becoming more explicit each year and progressing towards bed-by-bed data.

The team agreed that it would be useful to annually update a map showing the general areas fished. Specific areas cannot be shown but general overview of areas fished could be included.

The team discussed the problem with addressing the SSC's comments requesting age composition information, noting that age data is available for Cook Inlet and Prince William Sound only while size information is available for the remainder of the state. Current work is focusing upon aging. It may be possible to include abundance estimates from Bill Bechtol's draft work noting the time lag in finalizing reports and assessments. Additional information from research work from a camera survey may also be included in draft form.

The team discussed the difficulty in designing surveys that serve as an index of area biomass and there are no plans for this in the immediate future. Team members noted that scallops occur over wide areas that are closed to commercial scallop fishing, noting that catch data of scallops is available from the trawl survey in areas and personal communication with commercial fishermen has also shown the presence of scallops in many areas. Due to economic constraints it is not possible to survey the entire Shelikof, for instance, nor feasible from a survey design standpoint. Some of the scallop areas have been closed for over 30 years to protect king and Tanner crabs and crab habitat.

Gregg Rosenkranz noted that future research plans in 2006 include a video survey stock assessment; however this is not intended to provide an area-wide abundance estimate and will logistically focus upon that portion of the area that is fished commercially.

The team reviewed the rationale as listed in the EA for amendment 6 to the Scallop FMP for discussion of why the overfishing definitions are defined on the statewide stock when a statewide biomass estimate is not possible. Amendment 6 noted that biomass estimates for scallops are lacking such that numerical estimation of MSY for weathervane and other scallop species is not possible at that time. The team discussed that this remains the case for scallops in Alaska. An OY range (0-1.24 million pounds of shucked meats) was established for scallops based upon the average landings from 1990-1997 (excluding 1995). It was pointed out in discussion that actual harvests of scallops by registration area are much lower than the upper end of the OY range. Under state regulations, harvests by region are capped, and the sum of all of the harvests caps is lower than the upper end of the OY range. Areas are managed conservatively, well below the upper end of OY.

The SSC had suggested that index areas should be established for scallop beds which are not surveyed, and suggested coordination with other trawl surveys for abundance estimation. Some fishermen present noted that some draggers in the BSAI area have noticed scallops in some areas (where abundance estimates are lacking). The team discussed the utility of requesting information from NMFS and other surveys. It was discussed that additional information (ie from AFSC trawl surveys) would not provide a true index of abundance but could provide similar information as is utilized for crab index of abundance. There was discussion of the potential utility of obtaining additional information from these surveys in order to start to build upon these data for future abundance index but concerns were expressed regarding the possibility that only location data would be obtained.

Some of the reasons noted for lack of statewide biomass estimates include the cost prohibitive nature of attempting to survey all areas for scallop abundance estimates, and that the proportion of areas closed to fishing is much larger than the areas fished.

Teressa Kandianis commented on some GIS work done by a graduate student on the proportion of closed areas in the state. This work was done as the fishermen were trying to get the BOF to open an area around Chirikof where there are known scallop concentrations in the area but it remains closed to fishing. She noted that there are probably a considerable amount of scallops taken in groundfish fishery in this region. The team noted that checking observer records from the groundfish fishery would be useful to verify this.

Discussion focused on to what extent the overfishing definitions should be revised to be area-specific given the apparent disconnect between discrete scallop beds and fishing areas and a statewide overfishing definition. However, while area-specific overfishing definitions might represent a better match between the management and prosecution of the fishery, the team noted that in the absence of surveys and better abundance estimates this is not feasible at this time.

The team discussed the problems noted with the Central region's reported low estimates of meat recovery. The team was still unclear as to what the reason is behind this. Central region has not provided an explanation; however there does not appear to be any indication of a conservation problem. It was noted that there is confusion with reporting pounds per nautical miles in the assessment while other reports use meat per dredge hour. The team discussed the fact that the assessment author (Bill Bechtol) has retired from ADF&G and the position is not yet filled. The plan team agrees with the SSC comments and fully supports age structured modeling in Kamishak Bay. The team notes that the age-structured analysis was a preliminary analysis only and some problems were noted, particularly with some aging error (possible 2 year error when ages in the model as assumed to be exact). The model was not used to manage the fishery. The assessment is unlikely to be updated until a new assessment author is hired.

Research on weathervane scallop genetics is being conducted by Jim Seeb at the ADF&G genetics lab in Anchorage. There are no current plans to evaluate oceanographic transport of larvae but this might be something to note under research needs. Gregg Rosenkranz noted that in Shelikof the currents are unidirectional but there is observed consistent recruitment to beds. Jeff noted that same for all GOA scallop beds.

The team would still benefit from the inclusion of a stock assessment author as a team member. The team also discussed the possibility of a fishery manager but no personnel were specifically recommended. The team also discussed the possibility of collaborative efforts with east coast scientists, specifically encouraging Dvora Hart (NEFSC) to possibly attend the plan team meeting next year to share assessment ideas and increase scientific collaboration. Issues of differences

between the east coast scallop management and Alaska scallop management could be highlighted. It was noted that the east coast has the reverse of Alaska in that good assessment data is available but the fishery-dependant data are poor.

The Team discussed ideas for improving upon the structure of the SAFE report. The team strives to improve upon the SAFE report each year and is attempting to increase the clarity of the document and include any updated information annually. This year the document is much shorter given the lack of updated management reports from the previous year. The team notes that the breadth of the SAFE Report will vary from year to year depending upon updated reports.

The team discussed the mechanism for comparison of bycatch information from Sea State and how bycatch is monitored within the co-op. It was noted that in the BSAI the crab bycatch rate was elevated during the 2004/05 season. Cooperative members indicated that they try to stay within reasonable rates but if rates are high then they try to get out of that area. They noted that with variable rates it's possible to runaway on bycatch numbers within a week. The methodology for monitoring by Sea State was discussed. Sea State has to be notified prior to fishing. The agency looks once a week at bycatch while the coop and Sea State look at varying intervals, some vessels report every 24 hours, others every 7 days. Teresa Kandianis provided an overview of the how the cooperative manages bycatch and the relative expectations of the captains and responsibilities. There was a discussion of a specific incident of high bycatch where the captain grossly exceeded bycatch allowed him by the cooperative.

The team noted that economic information would be useful to include in the SAFE report. The team notes that with the inclusion of economist on the SPT economic information should be possible for inclusion in future SAFE Reports.

### **Discussion of FCMA cooperatives and the scallop fishery**

Lauren Smoker provided the team an overview of the FCMA. She noted that it is a statute that provides for the formation of fishery cooperatives and provides limited anti-trust protection for cooperatives formed in accordance with the statute. There was some confusion regarding the description of the set-aside in the EA for amendment 10, thus the purpose of the discussion was centered on clarifying this. The cooperative of their own accord sets aside a portion of the quota, but there is nothing in federal regulations or in the FCMA that prescribes this activity.

The team discussed the nature of the cooperative management and clarified that the set-aside is solely a cooperative internal management feature and is not an allocation. Teresa Kandianis clarified that it is an FCMA cooperative and not a Council cooperative. It was the cooperative's intention that they did not want to preclude anyone else's ability to fish as well as the intent to avoid exceeding the GHR. The cooperative manages internally with a set-aside in an area where they thought someone would fish. If it is not fished, then the coop goes back and reallocates that amount amongst coop members if not taken. She reiterated that the cooperative is a voluntary association and has no allocation of harvest.

Lauren also clarified that the FMP is an LLP not a harvest control. Currently, fishery participants are able to agree to form a cooperative. If co-op members choose to leave the co-op but continue to fish in the scallop fishery, either the cooperative would have to take this into consideration in determining the set-aside or cooperative members may reconsider the viability of a cooperative. Nothing in the cooperative structure, the FMP, or implementing regulations prohibits non-cooperative boats from fishing.

The team discussed the language in Amendment 10 and Gretchen Harrington agreed to revise the description of the cooperative such that it would be explicitly clear that the cooperative is voluntary in nature and does not receive a harvest allocation nor precludes fishing from any non coop boats. The cooperative is one member in the race for fish and cannot preclude other vessels from participating. The cooperative description is a necessary aspect to the EA for amendment 10 given the need to understand the economic aspects of the fishery and the potential impacts of the amendment.

The team discussed the issue of Crab Bycatch Limits. Diana and Jeff noted that this issue was raised at the Council meeting in Sitka when debating the potential impacts of the gear restriction modification. Teresa explained how the cooperative manages crab bycatch and the problems with expanding effort and the learning curve involved for new vessel operators in the industry (in understanding different management practices in Alaska as compared with other regions).

The team discussed the nature of cooperatives in general and the wide range of cooperatives currently in Alaska. Lauren explained that the definition of a cooperative and how it functions under the law varies greatly depending upon the type of cooperative and the fishery in which it participates. Not all co-ops have to be FCMA coops. Crab harvesting co-ops are an example of non-FCMA co-op. Activities that they may engage in as co-op will thus be limited by anti-trust laws. If a cooperative is not an FCMA co-op, they are not afforded exemption from anti-trust laws.

It was noted that there is currently a permit for sale in the scallop fishery for a maximum of an 80 ft boat, using two 15ft dredges. The team had a brief discussion of potential impact on the fishery if this permit is sold and then fished.

### **Research Needs:**

The team discussed overall research needs for scallop biology and management. Jeff provided a list of research questions based upon a workshop that was held in Kodiak in 2000. The team agreed that these research questions provided a comprehensive overview of the research needs for scallop. This document will be used in the updated SAFE Report for the section on research needs.

### **FMP update**

Diana Stram provided the team with an overview of the updated FMP and the changes from the previous FMP. It was explained that the FMP update will be a housekeeping amendment to the FMP and final action is anticipated by the Council at the April meeting. The team discussed the state agreement to abide by the federal FMP for scallop. Gregg Rosenkranz raised the issue of what to do with the state water fishery and federally permitted vessels. It was explained that a vessel can surrender their federal permit and fish in state waters without compliance with federal regulations.

The team discussed the socio-economic sections (table 13) and the importance of looking at the impact of cooperatives on coastal communities. It was noted that in the discussion of table 13 there are many communities which historically had substantial landings and now have very limited scallop landings. There has been no analysis of the economic impact on communities of reduced fleet size. Herman Savikko noted that given the regulation for mandatory economic information collection via crab rationalization, substantial information will be available and could

be analyzed (by someone if interest lies) at some time in future to look at these impacts. At this point no analysis of this has been done.

There was further discussion of economic and social impacts on communities. The team recommended the development and presentation of a discussion paper on the social and economic impacts of limited access fishery and the voluntary cooperative within the scallop fishery. Scott Miller, the team's new economist, offered to work on this paper for presentation to the team next year.

### **Observer Program Overview**

The team discussed the importance of the observer program to the scallop fishery. The Scallop Plan Team endorses the use of the observer collected data in overall management of the fishery noting that for some areas there would be no information on scallops at all if not for these data. Jeff Barnhart provided an overview of the use of observer data and importance of observer data in managing the fishery. Not only are information on scallops collected, but observer data is used to monitor crab bycatch limits.

The plan team strongly supports the continuation of 100% observer coverage. Recent Council analyses for EFH and HAPC specifically depended upon observer data to augment existing information on smaller scales than statistical areas. Observer data was particularly useful in showing that the proposed HAPC would have minimal impact where in the absence of that data, the impact analysis might have led to a different analytical conclusion. For analyzing spatial impacts, particularly on a fine scale, the observer data is critical.

*The Scallop Plan Team had the following motion (approved unanimously):*

**The Scallop Plan Team feels that the observer program is a vital component of management under the FMP and the team strongly endorses the continuation of 100% onboard coverage in this fishery.**

### **7: Update on Council Action on Amendment 10**

Gretchen Harrington and Diana Stram updated the team on the Council action with respect to Amendment 10 to the FMP. The Council took final action on this amendment in October 2004, selecting as their preferred alternative the alternative to approve both gear restricted licenses for the use of 2 dredges with a combined width of no more than 20 feet. The EA for amendment 10 is currently undergoing internal review at NMFS. The timing of the regulations is such that it may be 6 months before the regulations are promulgated. Until this time the Hulses must continue to use only a single six foot dredge in federal waters. The team expressed concerns regarding the time lag for implementation of this amendment, noting the corresponding difficulty of anticipating appropriate observer coverage and observer training. Jeff Barnhart indicated that he would work with the Hulses to problem solve the mechanics of working with independent observer contractors.

### **9: New and other business**

Gretchen Harrington updated the team on EFH and the Council action requiring VMS in the AI area. NMFS is in the process of figuring out how to implement this requirement for scallop vessels fishing in the Aleutians. NMFS estimates that the regulations will be in place by late August therefore this would not be a consideration for the 2005 scallop fishery. However, for vessels choosing to fish in the AI area, this would be a consideration in 2006.

The team discussed the relative timing for the meeting the following year. The team will plan to hold its annual meeting in March with the update to the Council at the April meeting. The exact dates and location for next year's meeting are yet to be determined.

The meeting was adjourned at 4:50pm.