Atlantic Surfclam and Ocean Quahog Committee Meeting Summary
October 2021

The Mid-Atlantic Fishery Management Council's (Council) Atlantic Surfclam and Ocean Quahog (SCOQ) Committee met via webinar on October 15, 2021 to review the Fishery Management Action Team (FMAT) draft document entitled, "Approaches to Address the Current Species Separation Requirements in the Atlantic Surfclam and Ocean Quahog Fisheries."

Committee members present: Peter Hughes (chair), Maureen Davidson (vice-chair), LCDR Matt Kahley, David Stormer, Kate Wilke, Jay Hermsen (GARFO)

Others present: Jessica Coakley and José Montañez (Council staff), Doug Potts, Sharon Benjamin (GARFO), Brett Alger (NOAA Fisheries, Office of Science and Technology), Peter Himchak, Dave Wallace.

Peter Hughes (chair) made introductory remarks. He noted that this seems like an easy issue, but it is in fact a very issue complex to address. The advisors meet a few days ago and had a constructive meeting. The summary of that meeting was provided to the Committee along with the draft document on the species separation regulation issue being prepared by the Fishery Management Action Team (FMAT). It was noted that the FMAT intended to improve the current version of the white paper incorporating by incorporating the advisors and Committee ideas/comments.

Staff provided a quick summary of how we got here. This was an issue raised by Industry. In 2020 an FMAT was formed. They started working on this issue recently due to other staff workloads, which slowed progress. The draft white paper was developed from an FMAT meeting (in 2020) and via correspondence. The draft document was taken to the advisory panel (AP) and to the Committee for early input. The Council will be looking at this draft white paper in December.

With the input from advisors and Committee, the FMAT will have another meeting in a couple of weeks to enhance the document. Then it makes sense to have another Committee meeting before the Council meeting in December to explore directions for the Council to take in December. The Council will decide if this can be addressed as just a NMFS regulatory action, whether to let the industry work this out with GARFO, or to work through an amendment process. Perhaps having the Committee meet the week of November 29 or on the front end of the Council meeting makes sense. December is a busy month due to Council activities.

Staff briefed the committee on the input received from the advisors. The advisors provided input on the different ways the industry operates. The solutions to problem vary according to industry needs. Some advisors indicated that sorting and separating surfclams and quahogs onboard the boats is not feasible; other have noted it is and they are already sorting. Others have indicated that allowing mix cages on a trip may be a solution.

In the 1990s, law enforcement sorted through cages - they would dump 1 cage per vessel and subsample a few of the bushels (i.e., subsample a few of the 32 bushels per cage). But this was a difficult process. Some advisors noted that enforcement and monitoring at the plant may be fine. But others indicated that it would not be possible to monitor at the plant. Some plants only process surfclam or quahog, while other plants process both species. Mixed cages are not desirable in many of these plants and are treated as trash.

A Committee member asked about the scale and scope of the mixing issue. Staff explained that we do have some information on the extent of the mixing from the clam surveys. Surfclam are found in deeper areas now where ocean quahog are also found. SCEMFIS is also working on a project to look at the extent of mixing in some of these beds.

Another Committee member asked about the exempted fishing permit (EFP). Is reviewing an application an administrative burden? How many boats do we think would be willing to apply for an EFP to do research on this? Staff noted that another idea put forward by the FMAT was to potentially suspend the requirements temporarily in order to assess level of mixing, using an intensive short term sampling program. Another approach could be to use an EFP on mixed trips with onboard research/sorting to assess the extent of the issue, so we could better assess how the regulations could be changed.

A committee member asked what processors do when they get mixed cages? How would they handle this? In most cases, right now, ocean quahog are treated as trash in surfclam-only facilities. One of the challenges is what to do with the non-target clams cage if the processor does not want it?

There also may be a tagging issue for mixed trips. Even if split off and trashed, if they are tagged, they are counted as landings. They really aren't landings if there is no intention to use them and they are trashed. So, for monitoring this seems important.

The Committee asked: Are annual surveys able to identify where the animals are? Where are they moving to? From the stock assessment we have seen a shift of the range, moving to deeper waters. But we are not able to ascertain the extent of change for individual clam beds. The survey is not using same stations [fixed stations] over time. They use a random sampling design in the same strata.

Jessica reviewed all potential solutions currently included in the document and highlighted some of the ideas proposed by the advisors.

The staff anticipates adding the suggestions from industry for mixed trips with cages for both species allowed on board in the document. The specific approaches to implement something like this could potentially be done through an EFP. The industry provided additional input on how the quahog beds that are now depleted and have surfclam setting there now.

The input from the AP will be used to further address advantages/disadvantages described in the document. A committee member noted that the strategy to let GARFO and industry figure it out; (i.e., No Council involvement) is not feasible since industry requested the Council address this issue, because industry will be out of compliance if nothing is done. It was suggested that allowing for some mixing until we find a consensus to this problem may be beneficial.

There were questions about whether this is one or two species of clam. Staff discussed genetic work pending on surfclam, and that quahog are understood to be one stock. A Committee member noted that there are North/South differences in this issue. They wondered if there was a way for the percentage of mixed clams to be spread across all vessels or all spatial temporal area. Since ACL is not fully utilized, this is not an ACL issue. Stock is not overfished and overfishing is not occurring. It is more of a data quality issue; the mixing creates data issue b/c we don't not what the mixing is. It is an accounting issue.

Another Committee member noted that the reason the accounting issue is a problem is because it creates uncertainty in the stock assessment and tracking system.

A Committee member asked if mixing is significant or ranges from significant to insignificant? Is there a level of mixing that is significant to the population? The significance of the mixing to the stock assessment is uncertain at this point. It is work that needs to be done. However, some ocean quahog beds are being depleted and surfclam are setting, there but we do not know what those amounts are. Fisheries landings/CPUE help scale the stock assessment, so having accurate accounting for each species is important.

A member of the public commented that this is not a biological problem. We fish for dollars and not for clams, however because of changing water temperature and some clam bed depletions, we now have to go offshore and are fishing in areas where ocean quahog are also present. This individual noted that a % of ocean quahog that are landed with surfclam as a percentage of the total quota or biomass is insignificant. It is probably less than 1% on both species from their perspective.

Adjourned 11:07 am.

After the meeting, an additional approach was emailed to staff:

From: Peter Hughes <PHughes@atlanticcapes.com>
Sent: Friday, October 15, 2021 11:37 AM
To: Coakley, Jessica <jcoakley@mafmc.org>; Montanez, Jose <jmontanez@mafmc.org>
Subject: FW: SC/OQ

SC/OQ
Some of my very raw thoughts:

Some sort of tolerance (2-5%) should be built into the action.

A window of 2-3 years should be on the table to refine and finalize any action.

An overall industry EFP of some sort should be developed with input from the FMAT, AP, Committee and other stakeholders…

At the end of the year, the percentage of mixed clams should be spread spacially [spatially] over all areas so as not to putatively hurt vessels who are faced with having to fish mixed clam beds. This could also provide industry the opportunity to exert peer pressure or accountability on vessels who are out of compliance but could also trigger a tiered penalty system from enforcement on individual vessels who are out of compliance such as:

1) First non-compliance violation the vessel would receive a written warning?

2) Second non-compliance on same vessel would receive a monitory fine?

3) Third non-compliant trip off of the same vessel would lose their trip?

Seeing very little mixing of clam species North of LI, but South of LI we see mixing of species. Its impractical for vessels fishing in the South and processors in the South to move their businesses and processing businesses into the Northern regions.

These are single species with no subspecies yet identified that have a range from Virginia up to Maine and so should be regulated as a single spacial [spatial] and temporal stock. I would recommend the percentage of mixing should be calculated broadly throughout the species range while also understanding where infractions take place.