



Atlantic Surfclam and Ocean Quahog Committee and Advisory Panel Meeting Summary February 5, 2024

The Mid-Atlantic Fishery Management Council's (Council) Atlantic Surfclam and Ocean Quahog (SCOQ) Committee and Advisory Panel met jointly via webinar on February 5, 2024, to review the Species Separation Requirements Amendment Public Hearing Document and provide input. The Committee made a recommendation (see motion below) about the Public Hearing Document (PHD) to the Council for the February Council meeting.

Committee members present: Peter Hughes (Committee Chair), Maureen Davidson (Committee Vice-chair), Joe Cimino, Sonny Gwin, Jay Hermsen, Richard Wong, Mike Luisi (Council vice-chair), and Wes Townsend (Council Chair).

Advisory Panel members present: Peter Himchak, Joseph Myers, David O'Neill, Jeffrey Pike, Monte Rome, and David Wallace.

Others present: Jessica Coakley, José Montañez, Doug Potts, Dave Wallace, Guy Simmons, James Fletcher, John Almeida, Salvatore LaMonica, Daniel LaVecchia, Joe Meyers, Tom Alspach, Adam Nowalsky, and Daniel Hennen.

Discussion Overview

The Committee Chair made introductory remarks and reviewed the agenda. Staff made a presentation and reviewed 5 alternatives and other sections included in the draft PHD.

The Committee and Advisory Panel members spent most of the meeting discussing a redraft of an alternative provided by the industry to staff via email on February 2, 2024. This industry proposal redrafted some of the summary language for alternative 4 in the PHD (i.e., provided in Box. 1 of the Executive Summary) and presented this as a substitute for alternative 4 in the current document. The modified industry alternative language is provided at the end of this summary.

Some industry members felt that their modifications to alternative 4, to have a combined trip declaration and to have a NOAA contracted monitor in the dealer/processing facility, would make this alternative more enforceable, provide high quality catch data, and would be less costly, and safer than having observers and monitors at-sea. They noted that their contemplated approach would require a third type of tag for combined trips. Some industry members noted that they have an open-door policy at their facilities to any inspectors and enforcement and they can come in any time to confirm landings. These 3rd party monitors would need to come in on a regular basis when offloading occurs.

Staff noted that this redrafted alternative did not discuss full retention of catch on the vessel, so it was asked how this would address discarding at-sea given the incentive to partially sort at-sea is

high. Industry noted that they think the incentive to throw back clams back of undesired species would be lower if mixed catches were allowed. Some industry members noted they would like to see some of those cages of non-targets be transferred for processing at facilities nearby, but it was noted by others that can be problematic to transport them somewhere else. Some processing facilities are long distances from others, and it is not feasible to truck just a few cages long distances. It was also noted that live clams cannot be donated to food banks or anywhere else because of public health requirements.

Staff were asked to clarify that full retention on board in the PHD is after the material goes through the shaker. An advisor noted that the shakers retain surfclam and quahog that are similar sizes, so shakers do not separate them. An advisor noted that full retention could help with monitoring and that if discarding is a concern that an EM technology (camera) could be used onboard to ensure catch is retained for sorting at the dealer. The Chair asked questions about the 100% mortality rate for surfclam and ocean quahog discarded at-sea. It was also asked whether tagging studies had been conducted. Dr. Hennen noted that his experience handling the clams indicated that the dredge gear is very hard on clams and their shells and even very small cracks cause clam mortality. That 100% reflects his experience with working on the research vessels and with these clams. One of the Committee members from NY (Maureen Davidson) also indicated that her experience with clam research in NY showed that the mortality was about 90% and that even an undetectable hairline crack can be fatal to the clam. The Chair noted that might be an area for further research. An industry member noted that right now they are discarding at-sea and that the clams in their cages survive a few days in the plant, so they think they would have a better chance discarded at-sea. Dr. Hennen was asked about determining the patchiness of these clam species on the sea floor. He noted it is highly variable and attempts to estimate this in the past have been problematic. An optical array of the bottom could help (but would be very expensive to conduct); estimating patchiness from survey data is not possible.

There was additional discussion by advisors and industry members about the costs associated with conducting at-sea monitoring and that they thought it was extremely expensive and cost prohibitive. They felt the industry proposal could bring costs down from \$1.7 million (at-sea) to \$400K if done in the dealer/processing facilities. It was noted by an industry member that they thought the proposal to have at-sea monitors would add 10% to their costs for producing clams.

A Committee member asked if under the industry drafted alternative 4, would 100% of the reporting be under the dealer report or would the burden for the reporting be on the monitors? It was discussed in more detail and suggested that it would probably be both – where the monitor produces their own report of catch composition and the dealer reports purchases. A Committee member posed a question about what happens if a monitor misses a day if they are the source of reporting. It was noted that reports and information would need to be crosschecked.

Staff asked if all the plants operate all year (365 days) and in shifts. It was noted that each plant is a little different with some having 5 or 6 days a week, with some having day/night shifts or 12 hr. shifts. They operate most of the year weather dependent. It was noted that multiple vessels go out at the same time and arrive with their landings which can be at various times including very early

am. An industry member noted they thought there was some efficiency for the monitor in having multiple boats catches arriving at the processors at the same time.

The Chair asked if the clam processing facilities have FDA inspectors in them like scallop facilities do, and if you could have an FDA inspector in to monitor (recognizing they are with another agency)? It was noted that they are not present in most clam processing facilities. Staff were asked by a committee member if a monitoring system is already in place or would one need to be developed. Staff noted that for either on-vessel or in processing facilities, species protocols would need to be developed by NOAA Fisheries – each vessel and facility configuration is different. The Chair noted that a lot of the protocols will depends on the size of the plant, the amount of mixing that is being brought into the facility – it was noted that those details will need to be worked out and will probably need to be different for each group. Whatever the protocol, it will need to report bushels and tag numbers. A Committee member also asked if a, if you are reporting dead clams, do you need a tag for the animals discarded?

The GARFO representative to the Committee noted that under this approach it is not clear how the ITQ tag and ITQ quota accounting would be handled. If there were to be the monitoring a third tag, such a mixed tag, this is something that the FMAT would need to work out. An industry member noted that with a mixed tag, there would need to be an administrative program to account for ownership, leasing, and tracking allocation to ensure the tag tracking is accurate and industry members do not lose out because of allocation tagging [e.g., over tagging for surfclam when a portion of landings in cages are quahog, etc.].

An industry member noted that they did reject the old proposed alternative 3, but under this proposal the monitoring will be at the plant. They felt this approach will give accurate accounting of landings. This industry member felt enforcement could check tags when they go on the trucks and then at the plant animals would be separated and correct tags applied.

A Committee member asked Staff what would be involved in getting the FMAT to review this industry drafted alternative. Staff noted the FMAT would have to be convened. They will probably need to talk to advisors to gather more specifics and get details/clarity on the concepts behind this approach proposed by industry. Staff noted they would again need to pull in additional experts from GARFO and NOAA OLE.

Staff were asked to provide the Committee with its options. Staff noted those options were no Committee motions and just provide the meeting summary to the Council, or the Committee provides a motion to take the PHD document out as is, with modifications, or to not take it out for public comment. Staff were asked to include the industry drafted summary text as part of the summary to the Council.

Committee Motion

Move that the Committee recommend the Council delay the draft going out to public comment until the FMAT can review [industry revised] alternative 4 as presented by industry.

Cimino/Gwin

Motion passes by consent

INDUSTRY DRAFTED SUBSTITUTE TEXT FOR ALTERNATIVE 4

Industry Developed Substitute Alternative for Alternative 4 in the January 2024
Public Hearing Document

Alternatives	Brief Description of Alternatives	Catch Monitoring (H, M, L)	Allocation Tracking (H, M, L)	Enforceability (H, M, L)	Cost (\$ to \$\$\$)	Practicability
<p>Alternative 4 (Allow Combined Trip Declaration, Mixing of Clam Species within Cages (on a Declared Combined Trip), and require Manual Processing Plant Monitoring of Combined Declared Combined Trips to be performed by a monitor contracted by the NMFS.</p>	<p>Current regulations would be modified to create a new combined trip category that would allow for both species (surfclam and ocean quahog) to be landed on the same trip. On a declared combined trip (i.e. a fishing trip that is allowed to land both surfclam and ocean quahog) the mixing of both clam species would be permitted with the implementation of a new NOAA Fisheries sampling program to assess catch composition at the processing plant by an independent monitor designated by the NMFS.</p>	<p align="center">High</p>	<p align="center">High</p>	<p align="center">High</p>	<p align="center">\$\$</p>	<p>Industry has stated that sorting at the processing plant is the most practicable. The requirement of a NMFS contracted monitor at the plant makes this Alternative enforceable.</p>

NOTE: Substitute language is in boldface.