



## CORRESPONDENCE



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Thomas A. Nies  
Executive Director  
New England Fishery Management Council  
50 Water Street  
Newburyport, MA 01950

JUN - 2 2017





Dear Tom:

Please find the enclosed *2016 Annual Report of the Scallop Individual Fishing Quota (IFQ) Cost Recovery Program*. The 2016 fee period (October 1, 2015, through September 30, 2016) was the sixth year that we collected fees from scallop IFQ vessels. This report details the recoverable costs, fishery value, fee percentage, and individual fee calculations for scallop IFQ vessels during the 2016 fee period. The scallop IFQ cost recovery fee is based on expenses and landings made during the October through September fee period.

Recoverable costs in 2016 were higher than in 2015 and prior years because of the costs associated with the five-year review of the scallop IFQ program. As you know, the Magnuson-Stevens Fishery Conservation and Management Act requires that all Limited Access Privilege Programs, such as the scallop IFQ program, must undergo a review every five years. The five-year review is directly related to the management of the scallop IFQ program. While higher, the resulting cost recovery fee percentage of 0.6058 percent remains well below the 3-percent maximum allowed under the Magnuson-Stevens Act. Additional details are explained in the report.

If you have questions, please contact Michael Pentony at 978-281-9283.

Sincerely,

  
  
John K. Bullard  
Regional Administrator

Enclosure  
cc: Moore; Luisi; Quinn



JP; SA 6/6/17



# 2016 Annual Report of the Atlantic Sea Scallop Individual Fishing Quota Cost Recovery Program

June 2017

Prepared by:  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930



## **Background**

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires NOAA's National Marine Fisheries Service (NMFS) to collect fees to recover the "actual costs directly related to the management, data collection, and enforcement" of an individual fishing quota (IFQ) program (16 U.S.C. 1854(d)(2)). The law provides that IFQ allocation holders pay a fee based on the ex-vessel value of fish landed under the program. The fee may be as high as, but cannot exceed, 3 percent of the ex-vessel value of the fish harvested under the IFQ program. For the Limited Access General Category (LAGC) scallop IFQ program, the ex-vessel value is calculated as the average price paid per pound of scallops during the fee period multiplied by the total weight landed.

Although the 2016 scallop fishing year ran from March 1 through the last day of February, the cost recovery fee is based on expenses and landings made during the fee period, which runs from October 1 through September 30 each year. The 2016 fee period (October 1, 2015, through September 30, 2016) was the sixth year that NMFS collected fees from scallop IFQ vessels.

## **Use of Funds**

Payments received as a result of the scallop IFQ cost recovery program are deposited in the Limited Access System Administrative Fund as required by the Magnuson-Stevens Act. Funds deposited in this account are available only to the Secretary of Commerce and may only be used to defray the costs of management, data collection, and enforcement of the fishery for which the fees were collected. Therefore, fees collected as part of this cost recovery program will be used for management, data collection, and enforcement of the scallop IFQ program.

## **Determining the Value of the Fishery**

As required in the Atlantic Sea Scallop Fishery Management Plan (FMP), NMFS determines the value of the scallop IFQ fishery by multiplying the total landings of IFQ scallops by the average price paid by dealers to IFQ scallop vessels for IFQ scallops. While ex-vessel prices for scallops vary over the course of the fee period, the Scallop FMP requires that the price of all IFQ scallops landed during the entire fee period be the basis of the average price (as opposed to the average price per vessel, per month, or some other unit of scallop landings). Federally permitted scallop dealers must report the weight and price paid for all scallops purchased. From these data, we calculated an average price of \$13.26 per lb paid to vessels participating in the scallop IFQ fishery during the 2016 fee period. The total of all LAGC IFQ landings during the 2016 fee period was 3,370,899 lb (shucked meats). Using this average price, we determined that the total value of LAGC IFQ landings was \$44,698,121 for the 2016 fee period. NMFS used this value to determine the overall fee percentage and the individual fees for vessel owners. We describe these determinations on page 4 of this report.

## **Cost of Management, Data Collection, and Enforcement**

The Magnuson-Stevens Act requires the collection of the IFQ fee to recover the actual costs of the program. We have determined that the recoverable costs associated with the management, data collection, and enforcement for the scallop IFQ program include only the incremental costs



of the IFQ program, and not the costs that would still have been incurred regardless of the fishery's status as an IFQ.

The Magnuson-Stevens Act requires that the Councils and NMFS conduct a formal and detailed review five years after the implementation of an IFQ program to review the operations of the program. Most of the work to conduct this review and write the report took place during the 2016 fee period and resulted in additional staff time for both the Regional Office and the Northeast Fisheries Science Center, which was recoverable under this program. This additional work resulted in a significant increase in recoverable costs in the 2016 fee period.

We calculated personnel costs by multiplying hours spent by staff on tasks directly related to the IFQ program, with the hourly salary rates for those individuals. Salary rates included the Government's share of benefits, prorated. We calculated contract expenses as the cost of contract employees prorated for the percentage of time the contract employees spent on tasks directly related to the IFQ program. In the 2016 fee period, the bulk of the recoverable expenses was comprised of costs related to developing the five-year review of the scallop IFQ program. This includes a combined cost of \$179,794 from the Northeast Fisheries Science Center and their contractors to provide data analysis and prepare reports for this review. Additional recoverable expenses consisted of time spent by personnel working on tasks related to the administration of the IFQ program. The following is a breakdown of the tasks by division:

#### Sustainable Fisheries Division (SFD)

SFD is primarily responsible for the management and implementation of the Atlantic Sea Scallop FMP, which includes the LAGC IFQ program. SFD staff provides oversight to the IFQ program and associated allocation monitoring and cost recovery requirements.

#### Analysis and Program Support Division (APSD)

APSD is responsible for most of the LAGC IFQ implementation tasks. These include issuing annual IFQ allocations and processing and tracking temporary leases and permanent allocation transfers. APSD is also responsible for generating individual fees, mailing bills, tracking payments, and following up on late payments under the cost recovery program. APSD is responsible for data collection and analysis, including extensive quality control of incoming data sources and tracking of landings against IFQ allocations. In addition, quality control is a critical function of APSD and of any IFQ program because it ensures that the landings data NMFS uses to calculate IFQ landings and, ultimately, the individual fee is correct and consistent with owners' records. APSD staff therefore committed time to working with vessel owners, dealers, and other NMFS offices to correct landings data.

#### Information Resource Management (IRM)

IRM is responsible for development and maintenance of the information systems to support the scallop IFQ program. These systems include the internal databases and computer systems for handling allocations, the Fish Online website, and the new web interface to the U.S. Department of the Treasury's Pay.gov service. These databases are critical to monitoring the IFQ program because they track individual landings, IFQ leasing, and permanent allocation transfers that take place in the LAGC IFQ fishery.

#### Operations and Budget Division (OBD)

OBD ensures the calculations of personnel costs and other costs are correct and meet required standards, as well as tracking the use of collected receipts.

The Office of Law Enforcement (OLE)

OLE determined there were no increased enforcement activities as a result of the scallop IFQ program for the 2016 fee period, and, therefore, there were no recoverable expenses for enforcement.

Stakeholder Engagement Division (SED)

This division contains our port agents in the Region, as well as our communications team. SED determined there were no recoverable expenses associated with the scallop IFQ program during the 2016 fee period.

NOAA General Counsel (GC)

The Northeast Section of the NOAA Office of General Counsel provides legal advice to NMFS and the Councils and reviews management actions for consistency with applicable legal requirements. GC determined that there were no recoverable expenses associated with the scallop IFQ program during the 2016 fee period.

Northeast Fisheries Science Center (NEFSC)

NEFSC staff incurred recoverable costs during the 2016 fee period for the first time since the start of the scallop IFQ program. Staff from both the Social Science Branch, Population Dynamics Branch, and their contractors contributed significant work to the five-year review of the IFQ program. Tasks include assembly and synthesis of data from prior surveys of crew, captains and secondary sources, providing data analysis, and preparing reports to review the operations of the program.

Table 1 provides details of the recoverable costs by division within the Greater Atlantic Regional Fisheries Office and the Northeast Fisheries Science Center.

**Table 1: Recoverable costs associated with management and enforcement of the scallop IFQ program, 2016 fee period**

	APSD	SFD	IRM	OBD	NEFSC	Total
Personnel <sup>†</sup>	\$48,401	\$2,381	\$7,839	\$7,678	\$31,641	\$97,940
Travel	\$-	\$-	\$-	\$-	\$-	\$0
Postage	\$751	\$-	\$-	\$-	\$-	\$751
Supplies	\$144	\$-	\$-	\$-	\$-	\$144
Equipment	\$-	\$-	\$-	\$-	\$-	\$0
Other	\$-	\$19,950	\$3,500	\$384	\$148,153	\$171,987
Total	\$49,297	\$22,331	\$11,340	\$8,062	\$179,794	\$270,823

SFD (Sustainable Fisheries); APSD (Analysis and Program Support); IRM (Information Resource Management); OBD (Operations and Budget); NEFSC (Northeast Fisheries Science Center).

\* Includes contractor costs to assist with data collection and analyses and collection fees

<sup>†</sup> Personnel costs include all benefits

### **Calculating the Fee as a Percentage of Total Fishery Value**

We calculated that the recoverable costs for the scallop IFQ program for the 2016 fee period represent 0.6058 percent of the value of the scallop IFQ fishery. We calculated the fee percentage with the total fishery value of \$44,698,121 and total recoverable program costs of \$271,056 using the following formula:

$$\frac{\$270,823}{\$44,698,121} \times 100 = 0.6058 \text{ percent}$$

This value of 0.6058 percent is less than the possible upper limit fee percentage of 3.0 percent (see background section, above). Thus, we were able to assess permit holders the total recoverable costs of fee period 2016.

### **Calculating Fees Assessed to Individual Permit Holders**

Under the scallop IFQ program regulations, an LAGC IFQ permit holder is responsible for the IFQ fee based on the value of the landings of scallops attributed to his/her LAGC scallop IFQ permit, including landings made from an allocation that he/she transferred in (permanent or temporary (lease)) from another IFQ holder. The allocation tracking program that we have developed is able to identify all scallop IFQ transfers and attribute landings to the vessel that landed the scallops. To determine the appropriate IFQ fee for each LAGC IFQ permit holder, we multiply the permit holder's landings by the average price per lb and then by the fee percentage. This is represented by the following formula:

$$(\text{Vessel's IFQ landings by lb}) \times (\$13.26) \times (0.6058 \text{ percent}) = 2016 \text{ cost recovery fee}$$

Based on this calculation, fees ranged from \$18.71 to \$6,886.04 per vessel.

We mailed bills for the scallop IFQ 2016 fee period to 160 LAGC IFQ permit holders on April 11, 2017. Permit holders have until June 1, 2017, to pay the balance due through the Pay.gov section of the Greater Atlantic Region's Fish Online website.

### **Changes from Previous Years**

Total recoverable costs can fluctuate from year to year. Some management tasks may need to be done every year, and some tasks may require more time and effort in some years. As shown in Table 2, the scallop IFQ recoverable costs in 2016 were higher than previous years. The bulk of this increase was due to increased staff time to conduct analysis required for the five-year review of the IFQ program.



**Table 1. Scallop IFQ recoverable costs, fishery value, and fee percentage by year**

<b>Fee Year</b>	<b>Recoverable Costs</b>	<b>Total Fishery Value</b>	<b>Fee Percentage</b>
2011	\$82,557	\$28,004,530	0.2948%
2012	\$106,745	\$33,684,037	0.3169%
2013	\$118,509	\$31,863,299	0.3719%
2014	\$123,743	\$29,249,990	0.4230%
2015	\$131,361	\$35,453,100	0.3705%
2016	\$270,823	\$44,698,121	0.6058%

Woneta Cloutier

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**From:** Hatchet <ghatch2002@roadrunner.com>  
**Sent:** Tuesday, May 30, 2017 8:16 PM  
**To:** comments  
**Subject:** northern gulf of Me.



NMFS Council, A firm decision on the path that you will take would be a good start !! After the very poor decisions made for the beginning of this ?? Season I hope you can see that we need to change our mind set to advance the NGOM Fishery into what history points out what needs to change !! To continue to allow a portion of our Fishery destroy what Could , Should be managed into a near shore fisheries for the community's that the licensed fishermen support!! It astounds me that we would let one of the richest fishery's in our country Denny over one hundred vessels the opportunity to rebuild their Fishery clearly shows your lack of Sound Judgement !! X Advisor Gary Hatch in

*JP, JR 6/2/17*

**Sherie Goutier**

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**From:** west9451@roadrunner.com  
**Sent:** Friday, May 26, 2017 10:02 AM  
**To:** comments  
**Subject:** NGOM



Chairman John Quinn:

Hi, My name is James West. I have been fishing since 1982. I have fished for lobsters, scallops, shrimp, quohogs, sea urchins and have been gillnetting. I use to make a living at just scalloping. The NGOM was developed so smaller boats from northern New England would have access to the scallop resource. This was suppose to protect our small business to be able to have a sustainable fisheries. We have an opportunity to make this successful with our resource recovering. I believe the NGOM was created for this purpose and with the understanding that vessels from outside the area would not fish there. We have not had enough quota in the NGOM to make a living year round nor have we had the abundance of scallops until the 2016 season. We have been waiting for years and years for the NGOM to rebuild and it finally has. We only get 7-15 days of 200 pound limit a day fishing... then shut us out. So how can we make a living on just scalloping alone the way it has been run? Families from the NGOM got their hopes up of having a fisheries again and we feel like it is getting yanked away. HELP US PLEASE!!!! Thank You!





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543-1026

June 2, 2017

Mr. Tom Nies  
Executive Director  
New England Fishery Management Council  
50 Water Street  
Newburyport, Mass 01950



Dear Tom:

I am responding to your letter of April 25<sup>th</sup>, in which you describe recent Council discussions on the status of the Northern Gulf of Maine scallop management area. You indicated that "The Council supports survey work in portions of this area, performed either by the Center and/or researchers already funded through the scallop research set-aside program." The Council passed the following motion:

"The Council requests that the Center explore inclusion of the southern portion of the Northern Gulf of Maine scallop management area where scallop fishing effort has been concentrated in FY2016 and FY2017 (e.g. off Cape Ann and northeastern section of Stellwagen Bank) in upcoming 2017 scallop surveys."

We are in the final stages of supplementing existing RSA survey awards to provide the requested coverage. The Coonamessett Farm Foundation will survey portions of Stellwagen Bank and Jeffreys Ledge with the Habcam optical imaging system, complemented by the deployment of a scallop survey dredge to collect biological samples. The University of Massachusetts, Dartmouth, School for Marine Science and Technology will conduct a high-resolution drop-camera survey of a portion of Stellwagen Bank. The Center's technical staff will continue to work with external partners and Council staff to support the surveys and the analyses of the subsequent data for PDT and Council consideration.

I hope this is sufficient to address the Council's comments and request. Thank you.

Jonathan Hare, PhD  
Science and Research Director



SP 6/6/17



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

April 25, 2017

Dr. Jonathan Hare  
Science and Research Director  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543

Dear Dr. Hare:

The Council discussed fishing activity in the Northern Gulf of Maine scallop management area at its April meeting. As a result of this discussion, the Council initiated a framework adjustment to modify the measures for this fishery. Effective management will be easier with an understanding of the scallop resource in the Gulf of Maine.

A 2016 survey of the area indicated that biomass had increased substantially since the last time the area was surveyed in 2012. This increase in biomass coincided with a notable increase in landings from the area in 2016. Removals in 2017 are estimated to have exceeded 1 million pounds. At this time, no federally supported survey work is scheduled within the boundary of the Northern Gulf of Maine Management Area. The Council supports survey work in portions of this area, performed either by the Center and/or researchers already funded through the scallop research set-aside program. The following motion was passed at the April meeting (17-0-0):

**Motion:** the Council requests that the Center explore inclusion of the southern portion of the Northern Gulf of Maine scallop management area where scallop fishing effort has been concentrated in FY2016 and FY2017 (e.g. off Cape Ann and northeastern section of Stellwagen Bank) in upcoming 2017 scallop surveys.

Thank you for considering this input. Please contact me if you have questions.

Sincerely,

Thomas A. Nies  
Executive Director

cc: John Bullard, GARFO



# Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:  
Sustainable Fisheries Division  
(978) 281 – 9315

<http://www.greateratlantic.fisheries.noaa.gov/>  
Date Issued: 5/25/2017

## ATLANTIC SEA SCALLOP FISHERY

Closure of the Nantucket Lightship Scallop Access Area for the Limited Access General  
Category Individual Fishing Quota Fleet  
*Effective Date: May 30, 2017*

The Nantucket Lightship Scallop Access Area is closed to limited access general category (LAGC) individual fishing quota (IFQ) scallop vessels effective 0001 hours, on May 30, 2017.

As of May 30, 2017, no scallop vessel fishing under LAGC IFQ regulations may fish for, possess, or land scallops in or from the Nantucket Lightship Access Area. The scallop regulations require that we close this area once we project that the LAGC fleet has fished all of the 837 trips allocated to them in this area.

Vessels that have complied with the observer notification requirements, have declared a trip into the Nantucket Lightship Scallop Access Area using the correct Vessel Monitoring System (VMS) code, **and** have crossed the VMS demarcation line before 0001 hr, May 30, 2017, may complete their trip and retain and land scallops caught from the Nantucket Lightship Scallop Access Area.



*For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.*





New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

June 1, 2017

Dr. Jonathan Hare  
Science and Research Director  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543-1026

Dear Dr. Hare:

I would like to thank you and your staff for the Standardized Bycatch Reporting Methodology (SBRM) report presented at our April Council meeting. The Council appreciates the detailed explanation of that we received. I want to follow-up on several questions raised at the meeting.

As noted in my letter of February 8, 2017, in recent years the number of observer days allocated to the scallop fishery exceeded the number needed to meet SBRM requirements. According to this year's sea day allocation schedule, in observer year 2017 there will be 2,741 sea days assigned to the scallop fishery, while only 1,236 are needed to meet SBRM requirements. The allocation schedule does not detail how the need for the additional 1,505 sea days was determined. There is only a qualitative explanation: "As a result, NMFS evaluates the coverage level that is needed for additional catch and bycatch information that will improve evaluation of the scallop fishery, using the Council's recommendations as a guide."

This document refers to standards set in Framework Adjustment 16 to the Scallop Fishery Management Plan, but does not refer to more recent actions. In your letter of March 6, 2017, you stated that the increased observer coverage was needed to collect biological information needed to manage the fishery. None of the Council actions that adopted the sea scallop industry funded monitoring program cite that as a purpose of the program. For example, Amendment 10 extended the program to open areas. The rationale in the document is specific to the need for increased bycatch information. Amendment 13 modified the program to reflect changes made by an emergency action due to administrative complications. Once again, however, the rationale for observer coverage was explained as "Observer coverage is necessary in the scallop fishery to monitor bycatch of finfish and to monitor interactions with endangered and threatened species." There does not seem to be a record showing that the Council planned the program to collect biological samples, so it is not clear how or when this requirement was added to the program's objectives.

Additional information provided in the April presentation raises questions about implementation of the planned coverage. The 2016 sea day allocation schedule called for 2,850 observer sea days for the period April 1, 2016, through March 31, 2017. The presentation to the Council in April reported that 3,782 sea days were completed through February 28, 2017. In other words, actual sea days were 33 percent higher than planned, and were 2.8 times the number needed to meet SBRM requirements.

Clearly, the Council does not want to disrupt the successful management of the scallop fishery, but it wants to understand how the sea scallop observer sea days are determined and assigned. To that end, I request the following information:

- What authority justifies each criteria used to determine the observer coverage levels for the scallop fishery?
- What process is used to allocate observer sea days that exceed the SBRM requirements to the scallop fishery? Can the NEFSC provide the documentation that supports these decisions?
- How does NMFS fund the processing of sea scallop observer sea days in excess of SBRM requirements?
- Does the processing of sea scallop observer sea days in excess of SBRM requirements inhibit the ability of the NEFSC to process data from other industry-funded monitoring programs – either those recently approved, or that may be adopted in the future?
- What is the standard used to determine the number of biological samples needed for the scallop fishery?
- When sea days are assigned to collect biological samples, how are other sources of this information (e.g. sea scallop surveys, other research set-aside experiments) taken into account?
- What standard is used to determine the number of observer sea days needed for accurate scallop fishery bycatch estimates? How has actual coverage performed compared to those standards?
- Are other factors (that is, other than bycatch or biological sampling) considered when assigning sea days, and if so, how are these determined and applied?
- How are observer sea days assigned to the various categories of the General Category scallop fishery, including the LAGC IFQ program and the Northern Gulf of Maine?
- The regulations require NMFS to provide scallop observer providers written notice of pre-determined coverage levels by permit category and area (50 CFR 648.11(3)(g)). Can you provide the Council these documents for observer years 2013 through 2017?
- What was the actual number of Atlantic sea scallop observer days assigned in observer years 2013 through 2016? How does this compare to the targeted number of days?
- What measures are in place to ensure that actual observer coverage is reasonably close to the assigned coverage? Are there measures that could be adopted to improve the assignment of observers?

It would be helpful if the answers to these questions can be provided by mid-August. That would give the Sea Scallop Committee and the Council time to determine if changes to the program should be developed as part of 2018 priorities. Please contact me with your questions.

Sincerely,



Thomas A. Nies  
Executive Director

cc: Mr. John Bullard

## Woneta Cloutier

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**From:** Alex Todd <alextodd207@gmail.com>  
**Sent:** Tuesday, May 30, 2017 8:00 PM  
**To:** comments  
**Cc:** Jonathon Peros  
**Subject:** NGOM area scallops



Dear Chairman Quinn, Executive Director Nies and members of the Scallop AP and Committee:

The last time the Gulf of Maine scallop resource really bloomed was over 20 years ago. I fished for scallops back then, along with a lot of other Maine fishermen. And when the scallops petered out, we did what Maine fishermen do: we worked on something else. I am a 10th generation fisherman from Chebeague Island, and no generation fished for one species their whole lives. Swordfish, red fish, herring, scallops and ground fish and shrimp all have taken their turn at supporting the family and community. Diversity is important to Maine fishermen's survival, and unfortunately as conditions have changed (both environmental and management), our opportunities to switch between species have largely disappeared. Currently lobster is good in much of the state but cycles will change. I am a fisherman not a shrimper, a lobsterman or any other one species man.

I understand why so many Gulf of Maine fishermen didn't get an individual scallop allocation back when Amendment 11 went through: we didn't have history from 2001 to 2004. Those were some of the *worst* years the Gulf of Maine had ever seen, even in state waters. But we'd held on to our permits because scallops had been important to us and we knew they would be in the future. So the NGOM was created so we'd be able to fish for them when they returned.

Now that they appear to be returning, I hope you'll keep in mind that the NGOM was created for the benefit of fishing communities in Maine, New Hampshire and Massachusetts.

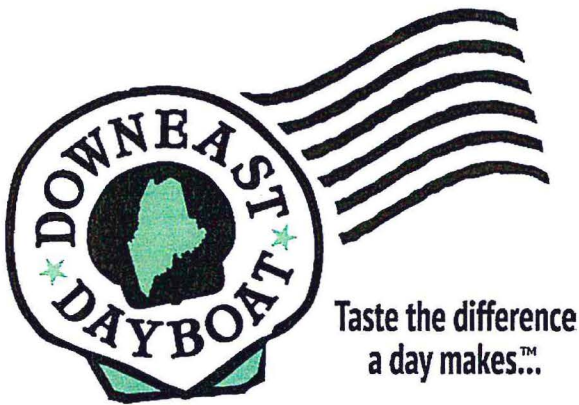
I understand one of the things you're looking at is splitting the allocation up between fleets based on history. Well, I don't see how you can do that. The NGOM was created so a thriving, diverse fishery could recover along with the resource. I don't think anyone would say the last few years were something we want to base our futures on. And I also don't see how you can possibly look at 2016 or 2017 landings data as anything other than an embarrassment.

I appreciate the fact that you're working on making the NGOM a better fishery. I just hope you'll keep in mind why it was created in the first place as you do that. For it to be beneficial to the communities of New England it must have a decent and reasonable quota set aside for boats that will migrate from fishery to fishery and not pursue scallops every year. When the fisheries up more people



will try to get them. And when it's down less will. We have a chance here to improve fishing communities access that isn't based on a use it or lose it policy. I think all categories of the fishery can benefit from this recruitment of scallops.

- Alex Todd, F/V Jacob and Joshua, permit #242848



May 25, 2017

Dear Chairman Quinn, Executive Director Nies and members of the Scallop Advisory Panel, Scallop Committee and Plan Development Team:

As you work to correct Northern Gulf of Maine (NGOM) management problems, please remember the NGOM was created for a specific purpose. That purpose was to allow vessels that had traditionally fished the Gulf of Maine to continue to do so if and when the resource recovered.

In its May 22 meeting, the PDT discussed the possibility of using landings history as a means to divide a TAC amongst various components of the fleet. This would be difficult in the Gulf of Maine because the last time the area was truly productive was prior to 1996, which is the year reliable landings data begin. Also, if landings history must be used, 2017 should be excluded. In 2017 the Gen Cat fleet was shut down 20,000 pounds shy of their TAC while the LA Fleet was allowed to remove over a million pounds from the NGOM. In the coming months the Council will be working to correct the mismatch of regulations that allowed this to happen. It seems unwise to extend the results of a management oversight into the future by considering 2017 landings data: that's certainly not something we should use as a model for the future of the NGOM.

I would also like to comment on the idea of establishing a control date to prevent switching between permit categories. The NGOM has only just begun to recover, and that recovery was dealt a serious blow in 2017. The Council's vision was that the NGOM would eventually support a diverse fleet of primarily local boats, which would in turn support fishing communities in Maine, New Hampshire and Massachusetts. While economic efficiency might be a primary goal in the rest of the fishery, the Gulf of Maine is different. I'm interested in hearing the proponents of a control date provide rationale for their suggestion, but at first glance their suggestion would seem to run counter to the very purpose for which the NGOM was created.

Thank you for your work to address NGOM management problems.

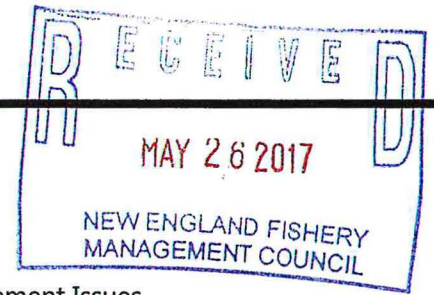
Yours truly,

Togue Brawn

**Sherie Goutier**

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**From:** Julie Miller <jamiller54@roadrunner.com>  
**Sent:** Friday, May 26, 2017 7:49 AM  
**To:** comments  
**Cc:** togue@downeastdayboat.com; Ben Martens  
**Subject:** Regarding Northern Gulf of Maine Scallop Management Issues



Dear Chairman Dr. Quinn, Vice Chairman Stockwell and members of the New England Fisheries Management Council:

Hello my name is Ira Miller and I am writing to you to remind you how critically important the issues surrounding the proper management of the Northern Gulf of Maine scallop grounds for myself, my community and many other NGOM permit holders and their respective communities as well. This was in fact recognized by the Council at the time that this unique area was created, which was acknowledged by the fact that this area should be created for the fishermen and their communities along the abutting coastline whom were known to historically participate in the scallop fishery within area even though participation was low at that time due to a lack of resource. The participation by this segment of the fleet during previous years was reflected by the rise and fall of the resource available to a fleet that was made up of boats that were typically smaller in size and more dependent on close shore side services than their offshore counterparts. These vessels participated much more consistently and I'm sure given what I recollect (as I was personally involved in this fishery at the time) landed the lions share of the catch at the time when there was an abundant stock there that could be exploited. During that time of the boom years and previous to that these permits that exist now as a NGOM permits were of the same classification as what exists today as a Limited Access Permit. We could fish any where we so choose, like all other permits of the time. Everyone is familiar with how things have played out since that time, leaving the NGOM fleet with access to a much smaller area. This area is all that the NGOM fleet has left to pin its hopes on for the future. We were recognized as a fleet that was not only deserving of this area through historical participation, but that this area could also be accessed as it had in the past offering boats a chance to diversify which has always been an important cornerstone of how this portion of the fleet has historically operated for close to seventy five years. The fair and just management of this area should in fact benefit the group that this area was designed for, allowing a brighter future for all. Especially given the fact that the resource finally after years of being in poor condition shows signs of rising up again which gives us the opportunity to do a better job making sure that this time it is sustainable. I believe that most of the NGOM fishermen that weighed in on the "TAC" for this current fishing year for the NGOM area supported a "TAC" which was lower than what had been suggested was available because we believed it is prudent to protect this resource into the future. I would point this out as proof of how we feel as a group to hopefully promote a more promising future for the NGOM. Thank you for your consideration of my comments on this issue.

Sincerely, Ira Miller

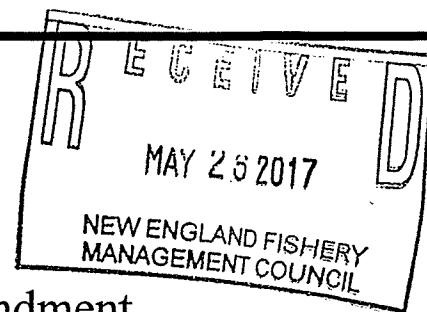
F/V Julie Ann



**Sherie Goutier**

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**From:** bryan mills <bmillz57588@gmail.com>  
**Sent:** Friday, May 26, 2017 6:33 AM  
**To:** comments  
**Subject:** Comments on Deep-Sea Coral Amendment



**Comments on Deep-sea Coral Amendment**  
**Bryan Mills**  
**(Stern man F/V Outnumbered Millbridge,ME)**  
**May 26 2017**

I'd like to start these comments by saying that I attended the meeting in Ellsworth, Maine on the 25th along with the Captain and other crew of the vessel that I work on. I sat and listened to the comments from the council as well as fellow fishermen and other entities that are involved in the matter. The shutting down of this area will have a devastating impact on the community and the lobster industry in Down east Maine. In all reality the lobster industry is what keeps many of these small towns and the businesses that operate in them going strong. These closures will cause a domino effect of revenue loss for local fishing communities and in turn small business will be greatly effected and possibly forced to close or adjust their labor force. This causes even more unemployment in an already struggling area. The fishing industry has spent countless time and money adjusting gear to accommodate the steady flow of regulations that seem to change all the time. I understand these are put in place to protect certain species of sea life but when will it stop? It seems that it is one thing after another until the industry completely dies because of the high cost of fishing or in this case, the shutting down of fishing areas. The areas in question have been fished long before the initial discovery of these coral in 2002. That being said, if they are thriving with lobster fishing going on there then why is it all of a sudden essential to close this area and others like it? I have been working for the last 5 years in these areas and have never once seen anything that resembles coral. I am not denying the existence of it but I think it is being made into something it is not. Coral, like anything else in nature adapts and overcomes and considering that there are vast gardens of these Coral they are doing just that. My biggest fear is the backlash that this will cause in the communities. This closure is essentially forcing fishermen to go into another mans home and take food of his plate. I truly do not think that the counsel understands how bad this is going to be for the entire effected area. Another example is the fact that if this area is closed to lobstering then you have a dense area surrounding it with gear on top of gear. This causes a "wall" of rope which is dangerous to the whale population that we already spent thousands of dollars on to adjust to the new regulations for whale lines. The only benefit to this is piece of mind for people who don't care about the backlash and are only concerned with the Coral that is and has been fine living in harmony with the fishing gear that has been fished there for generations.

This is more then just an issue of Coral for me and many other fishermen in the community. I served 5 years in the US Army with a 1 year tour to Afghanistan. When I decided to get out and come back to my home I had a very hard time adapting to the civilian side again. I couldn't find a



sense of purpose. There was nothing I did that felt like the brotherhood that I left behind. I worked a few jobs here and there with one in New Hampshire at a lobster pound. I delivered lobsters to a chain called Market Basket. The company went on strike and I was forced to find other work. I decided to come back to Maine and live with my family which was my only option at the time. I will admit that I was about as depressed as a person could get. Nothing I did seemed to compare to the thrill of the fight I got in the military. I received a call from a close friend of mine that needed a hand on the boat. The first day I went I felt like I had found the missing piece I had been looking for since my departure from the Army. It is not just a job to me it is a way to keep living with purpose. The fishing industry was my second chance at finding my way. This job is not just another day at the office it is a passion just like being a soldier. I understand that you are not shutting down the fishing industry but if this closure goes through you may as well be. It is literally going to tear people from a life they have spent their entire life building. It is not as easy as moving to another area because that is not how it works.

In closing, I want to say that I hope you seriously consider how much of an impact that this is going to have on the community and base your decision on actual facts and not just assumed information. I understand you are professionals in your field and that goes the same for us as fishermen. We know the impact this will have on our community and families. It is not going to have any positive effect on people. If anything this is going to ruin the very foundation that these fishing towns were built on.

**COONAMESSETT FARM**  
277 Hatchville Road  
East Falmouth, Massachusetts, USA 02536  
508-563-2560 FAX 508-564-5073  
[cfarm@capecod.net](mailto:cfarm@capecod.net)



To: Scallop AP  
From: Ronald Smolowitz  
Subject: Loggerhead Turtle Research

Data are mounting indicating that there is likely a strong ecological relationship between loggerhead sea turtles and the dense beds of sea scallops in the mid-Atlantic. Since loggerhead turtles are a protected species, it is a good insurance policy for the scallop industry to keep monitoring this relationship. We are currently spending about 7% of scallop RSA funds for this monitoring. This work must be continued under the RPMs section of the scallop Biological Opinion.

The nematode issue has now added a new dimension to the importance of understanding loggerhead interactions with scallops. This is no small issue; visible meat damage impacts marketability and could economically destroy the scallop industry. I think I have underestimated this situation. I think a new research priority needs to focus on food technology; how to get live nematodes to leave scallop meat and how to process scallop meat to minimize the issues related to appearance.

There is a need to understand the life cycle of the nematode. For example, if scallop viscera is contaminated with nematodes in a way that can get back to turtles, we should not be discarding the viscera, or bad meats, overboard without treatment to kill the nematodes.

The turtle research needs to expand to include understanding the relationships between turtles, scallops, other turtle prey species, and nematodes. I think this can be done with only a slight increase in expenditures. I would like to put forward some research hypotheses for discussion.

1. My first hypothesis is the turtle and scallop overlap is not coincidental; the turtles are there because of the scallops and the scallop predators (crabs, gastropods, etc.). Effective scallop management, which increased scallop density, shifted the turtles from foraging inshore and/or the water column to the scallop beds hence the sudden jump in dredge interactions in 2000. We can test this hypothesis through data mining of turtle tag data and bottom video surveys. The question is do we see more turtles over dense scallop beds and do these areas contain more scallop predators/turtle prey species. And are there demographic differences between turtles overlapping scallop grounds and those that do not?
2. The second hypothesis is that the turtles are coming up earlier and staying later due to climate change. This is not strictly related to SST; it is related to climate

conditions including air temperature, wind direction, solar radiation, etc. that impact the ability of turtles to warm up after foraging in the cool bottom waters of the MAB. As a result, this will not be an easy correlation. We have started to examine tag data to determine if turtles are in fact shifting phenology and thus arriving earlier and departing later from these northern foraging grounds. To then find the environmental correlations would require data mining.

Without detailed explanation, here is a possible mechanism to explain these hypotheses. Based on the lifecycle of the nematode as described by Berry and Cannon (1981), the cycle of turtle to scallop infection may be a two year process. Berry and Cannon (1981) determined that the nematodes require a minimum of 5 months to mature in the turtle and approximately 6 -12 months to grow from egg to the moult stage within a scallop that is infective to turtles. As a result, an uninfected turtle may acquire the nematode during the summer months of year 1. The nematode grows in the turtle to reproductively mature over the winter, and the turtle deposits eggs during its return migration to the MAB during year 2. Since turtles are arriving earlier, they are reaching more northern habitats sooner than previously established. Thus they may be depositing eggs further north each year, which may explain the northward trend of the nematode presence.

Additionally, with turtles remaining in the MAB longer, those that arrived the earliest (April) could become infected immediately, and still be foraging in the MAB five months later (Sept) when the nematodes have reached reproductive maturity. Thus these turtles would also be depositing eggs further north and throughout their southward migration. Although this may explain the current trends, the literature on this topic are dated and regionally distant. As a result, a much more thorough investigation of this epidemic needs to be undertaken from the perspective of the turtles, scallops and consumers.

CFF and the NEFSC will be increasing cloacal lavage sampling for nematode eggs this year during the foraging period. We will also be testing a less expensive tag (ARGOS only) to supplement our archival tags. We plan to do some additional ROV work to see what the turtles are eating. We believe these efforts should be given a high RSA priority.

Sincerely,

Ronald Smolowitz

**Sherie Goutier**

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**From:** Mike Murphy <bigbuggen@yahoo.com>  
**Sent:** Thursday, May 25, 2017 9:55 PM  
**To:** comments  
**Subject:** NGOM public comment



My name is Mike Murphy II, my vessel has a Northern Gulf of Maine permit, my vessel is family owned and operated. It is my understanding that the NGOM was made for the small communities of New England. I don't feel that it's right that because the scallops are coming back in this area that the LAC permit holders can now just drive us out. The NGOM fence is a one way fence, it only keeps us in. For the LAC boats to ask for more water just makes me wonder where it might end if you don't stop them now. I recommend that the NGOM remains as it was intended, to be a sustainable fishery for New England fishing communities. Thank you for your time.

Mike Murphy II  
F/V Murphy Law

Sent from my iPad



## Sherie Goutier

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**From:** russell parmenter <patriciaann324@gmail.com>  
**Sent:** Thursday, May 25, 2017 6:02 PM  
**To:** comments  
**Subject:** NGOM



Dear Chairman Quinn, Executive Director Nies and members of the AP and Council:

I'm writing to ask you to remember the reason the NGOM was created: it was created because the qualifying years for Amendment 11 were some of the absolute worst the Gulf of Maine has ever seen. As the Council has already noted, the Gulf of Maine is different : there are times when scallops are present, and times when they're not. And between 2001 and 2004, they weren't here. So the Council created the NGOM so that when they returned, fishermen from Maine, New Hampshire and Massachusetts would be able to harvest them.

I've fished for scallops, lobster, tuna, for 20 years. We don't have a lot of opportunities in Maine: we've lost the shrimp fishery and we lost most groundfish opportunities. We've worked to restore our scallop fishery, and that work may be what's led to the recovery of scallops in Federal waters. I don't expect NGOM fishermen to have exclusive rights to the NGOM. But I do think it's only fair that we get a damn good share of them. Limited Access and Gen Cat IFQ boats can fish wherever they want. Us NGOM fishermen have only one option, and that option was created specifically for us.

I know any solution you come up with is going to involve give and take. I hope when you decide what to do in the NGOM, you'll remember that the NGOM was created to support small boat fishermen and fishing communities in Maine, New Hampshire and Massachusetts. I understand that if environmental conditions change and the Gulf of Maine ends up being a large component of the overall fishery, then LA boats will need a good chunk of it. But that's not where we are right now. Where we are right now is a point where the NGOM was starting to recover, and a management oversight allowed the removal of more than 10 times the recommended amount from the area.

We need to develop a plan to help the NGOM reach its full potential. And while we do that, we need to remember that the reason it was created was to allow small boats from Maine, New Hampshire and Massachusetts to continue to fish for scallops in the Gulf of Maine. I'm a fisherman. That's what I do. You guys are managers. It's time to start managing responsibly. Thank you for agreeing that the NGOM should be a priority, and thank you for tackling this important issue in the months or maybe even years ahead.

Yours truly,

Rusty Parmenter  
F/V Patricia Ann  
Permit #149915

**Sherie Goutier**

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**From:** jim wotton <cranberryislandlobster@yahoo.com>  
**Sent:** Thursday, May 25, 2017 9:33 PM  
**To:** comments  
**Cc:** Togue Brawn  
**Subject:** NGOM



To: [comments@nefmc.org](mailto:comments@nefmc.org)

Dear Chairman Quinn, Executive Director Nies and members of the Scallop AP and Committee:

I'm writing because the Council is finally going to take action in the Northern Gulf of Maine (NGOM), and I want to make sure it's done right.

The NGOM was created for a specific purpose: it was created so boats like mine would be able to fish for scallops in the Gulf of Maine if and when the resource came back. I've fished for scallops for over thirty years. I've seen the ups and the downs of the resource in the GOM.

In the years that determined whether I'd qualify for an IFQ, the scallop resource in the Gulf of Maine (state and Federal waters) was doing poorly. So I did what any fisherman would do. I worked the fisheries that would feed my family; lobster, state water scallop, urchin, shrimp, and herring. Now that NGOM scallops are coming back, my NGOM permit guarantees my right to fish them. And since the NGOM is the only area I can fish, it should guarantee permits like mine get a decent share of them.

At the last Scallop Committee meeting a lot of comments were made about the lobster fishery. Folks were seeming to suggest that because Maine fishermen have lobster, they don't need scallops. That's BS. The fact that I don't own a multi-million dollar scallop permit doesn't make me any less of a fisherman. In the past three decades, Maine fishermen have lost a lot of opportunities thanks to both Mother Nature and fisheries management decisions. I held on to (at not a small expense) my NGOM permit because I'm a scallop fisherman. And I intend to use it.

The NGOM was created for guys like me. Please keep that in mind when you're discussing splits between permit categories. Thank you.

Yours truly,

James Wotton

F/V Overkill, Permit# 151564





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Thomas A. Nies  
Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Re: Exempted Fishing Permit (EFP) Proposal

Dear Tom:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward copies of EFP applications to the Regional Fishery Management Council(s), the U.S. Coast Guard, and the appropriate fishery management agencies of affected states, accompanied by the following information: (A) The effect of the proposed EFP on the target and incidental species, including the effect on any Total Allowable Catch; (B) a citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity; and (C) biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species. Therefore, we have attached the *Federal Register* notice that describes the activities proposed by the applicant.

Coonamesett Farm Foundation submitted a complete application for an EFP on March 29, 2017, for a 2017 Scallop Research Set-Aside (RSA) project titled "Optimizing the Georges Bank Scallop Fishery by Maximizing Meat Yield and Minimizing Bycatch". The project is a continuation of their 2016 RSA project and would look primarily at seasonal distribution of bycatch on Georges Bank in relation to sea scallop meat weight yield while minimizing impacts to other stocks. Additional objectives include continued testing of a modified dredge bag design to reduce flatfish bycatch, collecting biological samples to examine scallop meat quality and yellowtail flounder liver disease, and tagging female lobsters as part of a joint project with New Hampshire Fish and Game and the Atlantic Offshore Lobstermen's Association.

Please refer to the attached *Federal Register* notice for more detailed information about the project. Please respond to the following contact person with any comments you have on the exempted fishing proposal on or before May 31, 2017.

CONTACT

Alyson Pitts  
Sustainable Fisheries Division  
Greater Atlantic Regional Office, NMFS  
55 Great Republic Drive  
Gloucester, MA 01930  
Email: alyson.pitts@noaa.gov  
Phone: (978) 281-9352



JP 5/19/17



Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Pentony". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Pentony".

Michael Pentony  
Assistant Regional Administrator  
for Sustainable Fisheries

and dart and suction cup tagging/telemetry studies. Please see the take table for numbers of animals requested by species.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 11, 2017.

**Julia Harrison,**

*Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 2017-09865 Filed 5-15-17; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XF383

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would allow eight commercial fishing vessels to be exempt from limited access sea scallop regulations in support of a study on seasonal bycatch distribution and optimal scallop meat yield on Georges Bank.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

**DATES:** Comments must be received on or before May 31, 2017.

**ADDRESSES:** You may submit written comments by any of the following methods:

- **Email:** [nmfs.gar.eff@noaa.gov](mailto:nmfs.gar.eff@noaa.gov).

Include in the subject line "DA17-032 CFF Georges Bank Optimization Study EFP."

- **Mail:** John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "DA17-032 CFF Georges Bank Optimization Study EFP."

**FOR FURTHER INFORMATION CONTACT:** Alyson Pitts, Fishery Management Specialist, 978-281-9352.

#### SUPPLEMENTARY INFORMATION:

Coonamisset Farm Foundation (CFF) has submitted an exempted fishing permit (EFP) application in support of a project titled "Optimizing the Georges Bank Scallop Fishery by Maximizing Meat Yield and Minimizing Bycatch," that has been funded under the 2017 Atlantic Sea Scallop Research Set-Aside (RSA) Program. The project will look primarily at seasonal distribution of bycatch on the eastern part of Georges Bank in relation to sea scallop meat weight yield. Additional objectives include continued testing of a modified scallop dredge bag design to reduce flatfish bycatch and collecting biological samples to examine scallop meat quality and yellowtail flounder liver disease. Project investigators working on this project would also work with New Hampshire Fish and Game (NHFG) and the Atlantic Offshore Lobstermen's Association (AOLA) to tag female lobsters.

To enable this research, CFF is requesting exemptions for eight commercial fishing vessels from the Atlantic sea scallop days-at-sea (DAS) allocations at 50 CFR 648.53(b); crew size restrictions at § 648.51(c); observer program requirements at § 648.11(g); Closed Area II (CAII) scallop gear restrictions specified at § 648.81(b); and access area program requirements at § 648.59(a)(1)-(3), (b)(2), (b)(4); Closed Area II Scallop Access Area Seasonal Closure at § 648.60(d)(2), and Closed Area II Extension Scallop Rotational Area at § 648.60(e). CFF has also requested that vessels be exempt from possession limits and minimum size requirements specified in 50 CFR part 648, subsections B and D through O for biological sampling, and § 697.20 for lobster sampling and tagging purposes only.

Participating vessels would conduct scallop dredging in a year-round seasonal study, from August, 2017 through June, 2018. Vessels will

conduct a total of eight 7-day trips, for a total of 56 DAS. Closed Area II Access Area tows would take place in the central portion situated below the Closed Area II Habitat Closure Area, including the northern portion of Atlantic Sea Closed Area II Scallop Access Area Seasonal Closure and the northern part of Closed Area II Extension Scallop Rotational Area. Open area tows would be conducted on the northern half of Georges Bank, west of the boundary of Closed Area II Access Area. The applicant also requested to conduct tows inside the Closed Area II Habitat Closure Area. NMFS does not support access to the Habitat Closure Area for this project until a final measures from the Omnibus Habitat Amendment II have been proposed and implemented by NMFS. This project is designed to "optimize" the harvest of scallops by the scallop fishery. Because this area remains closed to bottom-tending mobile gear to protect sensitive benthic habitat, it is premature to grant access at this time. If the scallop fishery is authorized to fish in this area through a future rule making, it may be appropriate to amend this EFP to allow research in this area, as the information could be useful to supporting scallop harvest decisions.

There is a potential for gear conflict with lobster gear in the central portion of Closed Area II. In an effort to help mitigate gear interactions, CFF would distribute the time and location of stations to the lobster industry, work only during daylight hours, post an extra lookout to avoid gear, and actively avoid tangling in stationary gear. We do not expect the DAS, crew size, possession limits, or minimum size exemptions to generate any controversy or concern about the potential catch of egg-bearing female lobsters in this area during the months of August-June. The project would work in cooperation in with NHFG and AOLA to tag lobsters with the primary goal of documenting their movement on and off Georges Bank. Data from the tagging project could also help answer questions of lobster discard mortality in the scallop fishery.

All tows would be conducted with two tandem 15-foot (4.6-m) turtle deflector dredges for a duration of 30 minutes using an average tow speed of 4.8 knots. One dredge would be rigged with a 7-row apron and twine top hanging ratio of 2:1, while the other dredge would be rigged with a 5-row apron and 1.5:1 twine top hanging ratio. Both dredge frames would be rigged with identical rock and tickler chain configurations, 10-inch (25.4-cm) twine top, and 4-inch (10.2-cm) ring bag. Gear

comparison data will help improve efforts to reduce scallop dredge bycatch.

For all tows the entire sea scallop catch would be counted into baskets and weighed. One basket from each dredge would be randomly selected and the scallops would be measured in 5-millimeter increments to determine size

selectivity. All finfish catch would be sorted by species and then counted and measured. Weight, sex, and reproductive state would be determined for a random subsample (n=10) of yellowtail, winter, and windowpane flounders. Lobsters would be measured,

sexed, and evaluated for damage and shell disease. No catch would be retained for longer than needed to conduct sampling and no finfish or lobsters would be landed for sale. All catch estimates for the project are listed in Table 1, below.

TABLE 1—COONAMESSETT FARM FOUNDATION GEORGES BANK SCALLOP RESEARCH PROJECT

Common name	Scientific name	Estimated weight (lbs) *	Estimated weight (kg)
Sea Scallop .....	<i>Placopecten magellanicus</i> .....	19,300	8,754
Yellowtail Flounder .....	<i>Limanda ferruginea</i> .....	1,200	544
Winter Flounder .....	<i>Pseudopleuronectes americanus</i> .....	1,500	680
Windowpane Flounder .....	<i>Scophthalmus aquosus</i> .....	4,000	1,814
Summer Flounder .....	<i>Paralichthys dentatus</i> .....	900	408
Fourspot Flounder .....	<i>Paralichthys oblongus</i> .....	130	58
American Plaice .....	<i>Hippoglossoides platessoides</i> .....	50	22
Grey Sole .....	<i>Glyptocephalus cynoglossus</i> .....	30	13
Haddock .....	<i>Melanogrammus aeglefinus</i> .....	70	31
Atlantic Cod .....	<i>Gadus morhua</i> .....	150	68
Monkfish .....	<i>Lophius americanus</i> .....	6,000	2,721
Spiny Dogfish .....	<i>Squalus acanthias</i> .....	130	58
Barndoor Skates .....	<i>Dipturus laevis</i> .....	870	394
NE Skate Complex (excluding barndoor skate) .....	<i>Leucoraja erinacea</i> , <i>Leucoraja ocellata</i> .....	80,000	36,287
American lobster .....	<i>Homarus americanus</i> .....	3,000	1,360

\* Weights estimated using catch from a similar 2015 project.

CFF needs these exemptions to allow them to conduct experimental dredge towing without being charged DAS, as well as to deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. Possession waivers would enable researchers to sample finfish and lobster catch that exceeds possession limits or prohibitions. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. The goal of the proposed work is to provide information on spatial and temporal patterns in bycatch rates in the scallop fishery, with the objective of identifying mechanisms to mitigate bycatch. The data collected would enhance understanding of groundfish bycatch and scallop yield as they relate to access and open area management.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the

scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

**Dated:** May 11, 2017.

**Karen H. Abrams,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09876 Filed 5-15-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF361**

### Endangered Species; File No. 21318

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application.

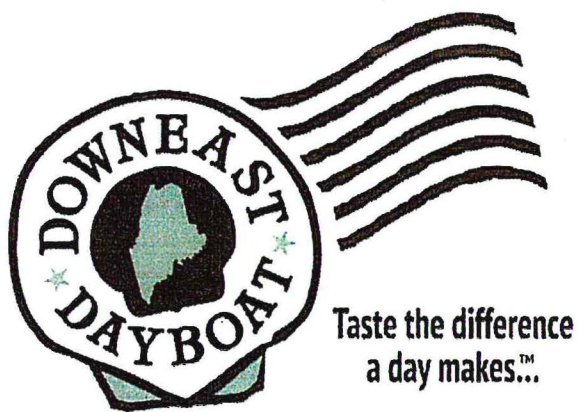
**SUMMARY:** Notice is hereby given that NMFS has received an application from Mr. Mark F. Strickland, Public Service Enterprise Group Inc. (PSEG) for an incidental take permit (permit), pursuant to the Endangered Species Act (ESA) of 1973, as amended, for activities associated with the operation and decommissioning of Mercer Generating Station in Trenton, NJ. As required by the ESA, PSEG's application includes a conservation plan designed to minimize

and mitigate the impacts of any take of endangered or threatened species. The permit application is for the incidental take of ESA-listed Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) associated with the withdrawal of cooling water from the Delaware River Estuary, the discharge of heat and other pollutants to the River associated with the operations of the facility, the transport of goods and materials to the station via barge or dredging necessary to support the Station's coal/natural gas fired units' operations, and the decommissioning of the coal/natural gas fired units.

NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on this document. All comments received will become part of the public record and will be available for review.

**DATES:** Written comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before June 15, 2017.

**ADDRESSES:** The application is available for download and review at [http://www.nmfs.noaa.gov/pr/permits/esa\\_review.htm](http://www.nmfs.noaa.gov/pr/permits/esa_review.htm) under the section heading ESA Section 10(a)(1)(B) Permits and Applications. The application is also available upon written request or by appointment in the following office: Endangered Species Conservation



May 1, 2017

New England Fisheries Management Council  
50 Water Street  
Newburyport, MA 01950

Dear Council Chairman John Quinn, Executive Director Tom Nies, members of the Scallop PDT and Advisory Panel:

I am thankful that the Council is poised to address the inconsistencies that threaten the viability of the Northern Gulf of Maine (NGOM) scallop fishery.

I am writing to urge all those involved in the upcoming discussions to remember the reason for which the NGOM was created: it was created because *"this fishery was fished, to a very large extent, by small boats that were engaged in other fisheries such as the lobster or groundfish fisheries during different seasons and that fish only seasonally for scallops. As a result, the Council considered local access to the scallop resource by small vessels important to the continuation of fishing communities in Maine New Hampshire and Massachusetts."* (Amendment 11 FSEIS page viii).

The Northern Gulf of Maine has the capability of supporting a diverse scallop fishery if it is managed properly. As the resource grows, there will be opportunities for all General Category and Limited Access vessels to fish within it. But as we work to develop appropriate management, we should never forget the reason for which the NGOM was created.

Thank you

Togue Brawn  
Maine Dayboat Scallops/Downeast Dayboat

JP, SA 5/4/17





# Greater Atlantic Region Bulletin

NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:  
Sustainable Fisheries Division  
(978) 281 – 9315

[www.greateratlantic.fisheries.noaa.gov/](http://www.greateratlantic.fisheries.noaa.gov/)

Date Issued: 4/11/2017

## Atlantic Sea Scallop Fishery

Fishing Year 2017 Observer Set-Aside Compensation Rates

*Effective Date: March 1, 2017*

APR 14 2017

NEW ENGLAND FISHERY  
MANAGEMENT COUNCIL

The Greater Atlantic Regional Fisheries Office and the Northeast Fisheries Science Center staff have worked together to calculate the initial observer set-aside compensation rate for fishing year 2017. These compensation rates are expected to provide sufficient compensation to offset the observer fee, while also providing sufficient observer coverage based on anticipated coverage levels needed for the start of fishing year 2017. We will retroactively apply the new observer compensation rates to any days fished with an observer on board as of March 1, 2017.

The fishing year 2017 initial compensation rates for Limited Access (LA) vessels are:

- **0.12** per DAS fished (the vessel is charged 0.88 DAS for each DAS fished with an observer onboard); and
- **200 lb** per day or part of a day for access area trips in addition to the vessel's possession limit for the trip when carrying an observer.

The fishing year 2017 initial compensation rate for Limited Access General Category (LAGC) individual fishing quota (IFQ) vessels is:

- **200 lb** per trip (open and access areas) in addition to the daily possession limit when carrying an observer.

We calculated all observer compensation rates assuming a daily rate of \$700 for the observer, and used an average scallop price of \$11.74 per pound for open area trips and \$12.14 per pound for access area and LAGC trips. We estimate the compensation rates provide the following average buffer over the daily cost of the observer:

- **\$2,400** per LA DAS fished; and
- **\$1,725** per access area day for LA vessels and per trip for LAGC IFQ vessels assuming trips last a single day.

These excess funds are intended to account for variations in the fishery, such as lower scallop price and landings per day fished (also called landings per unit effort), without creating financial incentive to extend an observed trip.

*For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Greater Atlantic Region.*

For details on how we have calculated these compensation rates in the past, and our expectation of how it will impact compensation and observer coverage rates, please go to:  
<https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/quotas/fy17obscomrat calculation.html>

PLEASE NOTE: These are initial rates and we may consider changing the compensation rate as we gather fishery information throughout the 2017 fishing year, such as scallop price, length of trips, scallop landings per day fished, and overall rate of observer set-aside usage. If we adjust the initial observer compensation rates mid-year, we will send another permit holder letter announcing the new rates.

If you have any questions about a DAS Credit request, or the observer compensation rates, please contact the Sustainable Fisheries Division at (978) 281-9315.