



New England Fishery Management Council

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John F. Quinn, J.D., Ph. D., *Chairman* | Thomas A. Nies, *Executive Director*

Amendment 21 to the Scallop FMP Public Hearing Summary

Webinar
September 2nd, 2020

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Council Staff: Jonathon Peros (Scallop Plan Coordinator), Sam Asci

Attendance: 30 on the webinar

The meeting began at approximately 4:00 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the public hearing and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the fourth and final public hearing being held and is the public's opportunity to provide comments on the preliminary preferred alternatives selected by the Council prior to final action. Jonathon Peros and Sam Asci provided an overview Amendment 21 including details on the Council's preferred alternatives. Following an opportunity for questions on the presentation, Mr. Balzano opened the meeting for public comment.

James Fletcher—North Carolina; United National Fishermen's Association: None of the actions in Amendment 21 address the recent Presidential Executive Order—there is nothing in Amendment 21 that addresses aquaculture. Action 9 certainly discriminates against my southern boats.

James West—Maine; LAGC NGOM fisherman, vessel owner: I want to thank the Council for Amendment [21] but I'm kind of bummed out in a way. I lost access south of 42° 20' [North] as a result of Amendment 11 because I did not have the qualifying landings during 2000-2004. There weren't any scallops to be caught in the Gulf of Maine during that time period. If you did use the real history of the NGOM we'd have the majority—my father, my uncles, my grandfather, all scalloped in the NGOM for generations along with many other small boats up and down the coast of Maine, Massachusetts, and New Hampshire. I'm glad Amendment 11 did come along otherwise I wouldn't have my NGOM permit and I wouldn't be able to fish in the area for 200 pounds a day. Now that the scallop resource in the NGOM is starting to rebuild it just seems like they want to cap us at a small amount and I'd like to get more than a 20 or 30 day season at 200 pounds a day so I can survive in that fishery. I've got a NGOM permit and I lobster in the state of Maine, and I have a scallop permit for the state of Maine. I start scalloping in December in Maine state waters and fish that until April. I'd like to fish in the NGOM after that outside my harbor but there are no scallops outside the three-mile line so I steam to Gloucester and fish out of there. I've been doing that since the 2016 and 2017 seasons when the big bang of scallops happened. When I first showed up in 2016, it was two small boats and one big red boat from New Bedford for a couple of days, then it opened up and there were 50-60 boats there. We got shut down early that season and ended up with 52,000 pounds out of the

70,000 pound TAC and the big boat fleet took more than 1.5 million pounds out of the NGOM in less than 20 days. I'm hoping and praying that we get to have a little more of a season than what we've been getting—one season I got 7 days of fishing, another one I got 15 days of fishing, another I got 20 days and I was grateful to get it. I support Action 2 Option 2, a 600,000-pound allocation to the NGOM set-aside with a 25/75 split over that trigger. I think it is fair for all of us. I support that we do need a lot more research in the NGOM. I don't want any action for the drag size or changes to the NGOM fishing season. I really think that the scallops are coming back in the NGOM and I'm grateful.

Alex Todd—Maine; LAGC NGOM fisherman, vessel owner: I'd like to support the Council's preferred alternative. Generations of my family have been fishing in the NGOM for other species. I'm the tenth generation of fishermen in my family and my son is at least the third generation of my family that has scalloped in the NGOM. The scallop resource is cyclical in the NGOM but it has always been an important part of our income and heritage. Thank you for attempting to keep it that way.

Tad Miller—Tenants Harbor, Maine; LAGC NGOM fisherman, vessel owner: I am in favor of the preferred alternative of a 600,000-pound NGOM set-aside and 95/5 split over the trigger. I think the allocation should really be more because there are more permits out there and it is important to our communities, our region, and to add to our economy. There are not a lot of fishing opportunities in Maine especially farther north in Maine. We have generations and hundreds of years of fishing in the Gulf of Maine. The NGOM scallop fishery started in the 1980's—myself and several family members were involved in the scallop fishery and fished all over the NGOM resource, including Fippennies Ledge which is outside the boundary now. We never saw a big boat out there. We fished Platts, Downeast and Mid-Coast region—I can think of at least 16 people from Port Clyde to Southwest Harbor that fished for scallops back then. We have history and a lot of history, but the qualifying history for Amendment 11 was a time when the resource was down in the Gulf of Maine. The Council recognized this in Amendment 11 and noted how important scallop fishing is to the small boat fleet in the Gulf of Maine which is why they created the NGOM. I support the preferred alternative for the NGOM research set-aside. I support No Action for changes to the NGOM fishing season. I think the Council should really think about dredge size limits—I'm not trying to limit people in how they fish, I say it because we've had some interactions with historic wreck sites and fishing large dredges is what contributed to that. With a 95/5 split and 600,000-pound trigger, if this fishery becomes what it could and should be, there could be up to 100 vessels out there. That is only 6,000 pounds per vessel which is why I think we should get even more. This is out back garden, and I think we should be able to hoe it.

James Fletcher—North Carolina; United National Fishermen's Association: In the past I had about 375 vessels in my association—because of the action of the NEFMC, I am down to less than 200 vessels. I do not believe Amendment 21 addresses the President's Executive Order and until someone can explain to me why that is I don't think this Amendment 21 should move forward. I have argued that the preferred alternative in Action 9—one-way transfer of quota from LA to LAGC IFQ-only—is illegal, and the Council and Council staff does not believe in following the law, they only believe in following what is going on in the Council process. I am totally opposed to Action 9 unless the transfer was allowed both ways. Amendment 21 doesn't mention aquaculture—just because Amendment 21 started before the Executive Order doesn't mean it shouldn't be refined to address aquaculture and meet the Executive Order. I served for

21 years as a Scallop Advisor. When I started North Carolina was not in the Mid-Atlantic Council, it was in the South Atlantic Council. We had absolutely no say in the Mid-Atlantic's process at that time and even less in New England. We made special actions through the AP to do everything we could to bring the NGOM into a fair amount of scallops, but no, they started at 70,000 pounds and now we're going up and up and up. I just don't understand why the Council has spent so much time on this issue—where does this end, and who benefits? I have boats down in the south that shell-stocked for years but now can't fish at all because we didn't have a vote at the Council or any say in the process at the right time. I'm just upset when I hear people talking about the economic impacts of Maine. Come to North Carolina, where 45 limited access boats have been sold to New Bedford. We used to have people living in trailers cutting shell-stocked scallops by hand, but guess what, we got cut out of the IFQ fishery because of the years that the NEFMC picked as qualifying years. I tried to do everything I could for my fishermen because I was the only one from the south. And now to say that we're going to bend over backwards for the Northern Gulf of Maine? Do something to help these boats in the south. I want to know why the Council has done nothing for scallop aquaculture and I've heard the Scallop PDT say over and over "we have to protect small scallops" and they have done absolutely nothing to reduce the starfish population. This amendment could have allowed them to land more scallops if they landed a certain amount of sea stars to offset mortality. In no way is this amendment fair to southern boats, the resource, or the nation because it does not increase the amount of small scallops to compete with the imports. I'll end with this asking you and the Council a question: if the management has been so good, why are we importing 92 to 93 percent of all seafood consumed in the United States? Thank you for allowing me to express my opinion.

Drew Minkiewicz—Fisheries Survival Fund: The Fishery Survival Fund supports the vast majority of preferred alternatives in Amendment 21. They do have concerns with the NGOM allocation trigger and sharing arrangement that is being proposed. The NGOM has been fished for years by boats from Maine but also by limited access vessels. The boats I represent have fished up there for decades as well. The NGOM exists because those permit holders did not qualify for the limited access fishery in 1994 and did not qualify for the LAGC IFQ fishery in 2008 when the NGOM established. The Northern Gulf of Maine is a misleading name because the majority of fishing in this area actually occurs off the coast of Massachusetts with the Boston skyline in the background. Overall, the allocation options in Amendment 21 are not reflective of the history of the fishery and there is no rational basis to support any of them. Why should 600,000 pounds go to the NGOM fleet as a trigger? Every other allocation decision made by the NEFMC has been done based on historic catch. Here, 600,000 pounds is well above historic catch by this group of vessels and its breaking the norm of how the Council usually sets allocations. One of the stated goals of Amendment 21 is to allow access to the limited access fishery in the NGOM. When you are setting a trigger higher than the level of fishing that has ever been seen, are you really supporting access to the limited access fleet? Regarding Table 13 in the public hearing document, the revenue from the Council's preferred allocation trigger and sharing arrangement does not even out between the LA and LAGC components until around 2 million pounds of allocation is available for harvest—we've never seen biomass levels this high in the NGOM. The option recommended by the Advisory Panel of a 500,000-pound trigger with a 95/5 split evens out at 1 million pounds of allocation—this seems like a more realistic balance. When it comes to dredge restriction alternatives—there is absolutely zero conservation rationale for limiting dredge size in the NGOM. If you don't have a conservation rationale basis for gear restrictions, you cannot legally mandate such restrictions according to the Magnuson Act. The

full-time limited access fleet earns 100% of its revenue from the scallop fishery unlike other fishermen in the LAGC fishery that partake in several different fisheries. The limited access component qualified to fish for scallops, and this is all they can do. We note that the movement between LAGC A and LAGC B/C permits means that there could be a possible explosion of activity in the NGOM in the future, creating more issues that the Council will have to deal with in a following action. We look forward to discussing these issues further.

Togue Brawn—Maine; Downeast Dayboat: I will be submitting written comments, but I hesitate to let misinformation be put out there on the open record without countering it. If you look at the Maine DMR landings records, in 1981, 3.8 million pounds of scallops were landed by Maine state fishermen alone, so this area certainly has supported a fishery in the past and a lot of the fishermen you've heard from or are going to hear from through written comments either participated in that fishery themselves or had family members that did so. The Gulf of Maine scallop resource booms and busts and it's been busted for a number of years but thankfully is coming back. We're thankful that the Council established the NGOM management area through Amendment 11 so that we would not use access for four years where our resource was in the toilet.

Tad Miller—Tenants Harbor, Maine; LAGC NGOM fisherman, vessel owner: Thank you for letting me speak again, When you're thinking about this, I want you to consider how you'd like your and your family's access in the future depending on an arbitrary timeline when the scallop resource was on its bottom. When Togue referenced the 3.8 million pounds landed in 1981, that was voluntary information that was given to port agents and at that time there might have been two port agents on the whole coast of Maine, not to mention Massachusetts and New Hampshire. That's only a small piece of that pie and there are a lot of small boats in Massachusetts and New Hampshire during that time, so its not just Maine. Ask yourself, do you want to rely on that arbitrary time frame? Now is the time to right that ship, this is a step in the right direction, and it is not a big piece of the pie. If the resource in the NGOM does take off, the limited access boats get the lion's share of it. This isn't a large gamble for the limited access fleet and you're not losing a lot here. For them, its fighting over scraps, but it means everything to us and our future generations. My son in law is in the process of building a new boat now in the hopes of participating in this fishery. He married my daughter and they have three children—this is brass tacks, where the rubber hits the road, when guys talk about not wanting to be stuck in one fishery. Keep this in mind when you're making this decision—it is very personal for us.

Jim Kendall—New Bedford, MA; New Bedford Seafood Consulting: From what I remember in my years of participation in the scallop fishery, there was some activity that happened in the Gulf of Maine and some of it on Georges Bank. When we started managing this fishery as the limited access fishery, all of those scallops taken from the Gulf of Maine were subtracted from the Georges Bank scallop resource. According to the NEFSC surveys, there were no scallops in the Gulf of Maine. Any scallops that were landed up north or anywhere for that matter were claimed to have come from the Georges Bank stock. So, while you guys may have limited history or a good history, as far as I know, those scallops were deducted from the Georges Bank stock. So when you make your argument for having history, base your comments on that fact—I don't want to argue against it, I just want to temper it a little bit.

The public hearing was closed by the Committee Chair at 7:37 pm.

Scallop Amendment 21

Public Hearing

Webinar

Audience List

Date	August 27, 2020
Start time	4:00 PM
End time	5:06 PM
Number of participants	30

Scallop Committee Chair: Vincent Balzano

Council Staff (4): Jonathon Peros, Sam Asci, Tom Nies, Janice Plante

Participants

	Name		Affiliation (if known)
1	Jason	Amaru	scallop fisherman
	Togue	Brawn	Downeast Dayboat
	Kaitlyn	Clark	Virginia Institute of Marine Science
	Ronald	Enoksen	Eastern Fisheries, Limited Access vessel owner, Scallop Advisor
	Libby	Etrie	NEFMC
	James	Fletcher	United National Fishermen's Association
	Travis	Ford	GARFO
	Mark	Godfroy	NEFMC
	James	Gutowski	Limited Access and LAGC IFQ vessel owner, Scallop Advisory Panel Chair
10	Phoebe	Jekielek	Hurricane Island Institute
	Jim	Kendall	New Bedford Seafood Consulting
	George	Lapointe	Blue Harvest Fisheries
	Glen	LeGeyt	scallop fisherman
	Amber	Lisi	Maine DMR
	Benjamin	Martens	Maine Coast Fishermen's Association; Scallop Advisor
	Ira	Miller	NGOM scallop fisherman
	Drew	Minkiewicz	Fisheries Survival Fund
	Scott	Olszewski	NEFMC/RI DEM
	Kristan	Porter	NGOM scallop fisherman
20	Eric	Reid	NEFMC
	Daniel	Salerno	NEFMC
	Mark	Smith	
	Melissa	Smith	NEFMC/ME DMR
	Cameron	Smith	
	Stephanie	Sykes	Cape Cod Fishermen's Alliance

	Alex	Todd	NGOM scallop fisherman
	Mary Beth	Tooley	O'Hara Fisheries
	Alan	Tracy	NEFMC
	Megan	Ware	NEFMC/ME DMR
30	James	West	NGOM scallop fisherman