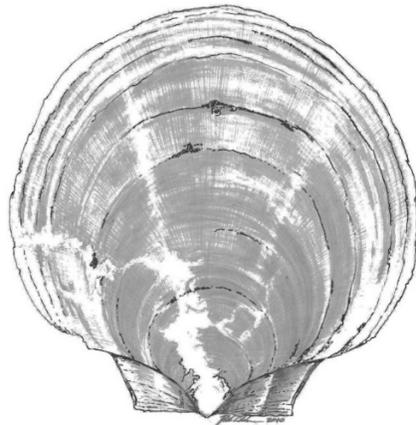


# **Atlantic Sea Scallop Fishery Management Plan**

## **SUMMARY OF SCOPING COMMENTS**

**for**

**Limited Access Leasing**



Prepared by

New England Fishery Management Council

**August 29, 2022**

## CONTENTS

1.0	Introduction.....	2
2.0	Description of Commenters .....	3
3.0	Overview of Comments .....	5
4.0	Rationale for Support or Opposition to Leasing .....	7
5.0	Specific Suggestions on Next Steps.....	12
6.0	Comment Synthesis Methods and Software .....	14
7.0	Additional Tables.....	15

## 1.0 INTRODUCTION

The New England Fishery Management Council (NEFMC) conducted scoping for a scallop fishery Limited Access (LA) days-at-sea (DAS) and access area leasing program to assess: 1) the need for a leasing program, and 2) what elements the leasing program should consider. The NEFMC gathered input from the public before deciding to initiate an action that would develop a leasing program. The scoping process was conducted by the NEFMC at the request of industry members. In September of 2022, the NEFMC will decide whether to initiate an amendment to the Atlantic Sea Scallop Fishery Management Plan (FMP) that may allow leasing.

The scoping period began on December 9, 2021, when the NEFMC set scoping on this issue as a work priority for 2022. Written and oral comments were accepted through July 5, 2022. This report summarizes the scoping comments on leasing in the Limited Access component of the scallop fishery received during that timeframe. The NEFMC hosted nine public meetings (seven in-person and two via webinar), moderated by the Atlantic Sea Scallop Committee Chair and supported by NEFMC staff. The scoping meeting summaries contain close (but not exact) transcriptions of the oral comments provided by stakeholders. Those meeting summaries and all written comments (i.e., letters and e-mails) were analyzed for this report. All written and oral comments (i.e., summaries and audio recordings) are available for review by the NEFMC and public.<sup>1</sup>

This report summarizes the demographics of commenters and the key themes of their statements. Excerpts from comments are included to help capture the flavor of the themes that have been identified. This report does not respond to the comments but is intended to serve as a guide for reviewing the comments. This summary is not intended to be a substitute for the comments received through scoping – interested parties should consult the full text of scoping meeting summaries and written comments, which

---

<sup>1</sup> The NEFMC had received multiple comments on this issue in the years leading up to December 9, 2021. In November 2021, the NEFMC received 46 comments in support of leasing signed by 56 people. These are not summarized here because they were received prior to the Council’s prioritization of scoping in 2022. However, 18 of these commenters submitted other comments during the scoping period, which are summarized here.

are available on the Council’s website at this link: <https://www.nefmc.org/library/scoping-for-limited-access-scallop-leasing-program-learn-more>.

## 2.0 DESCRIPTION OF COMMENTERS

**Written Commenters.** During the scoping period, there were **228** written comments received signed by **235** people. Altogether, there were 222 written comments from individuals or businesses (97%), two from fishing organizations (1%), and five from elected officials of local and state governments (2%). There were no anonymous commenters, but there were 10 comments (4%) signed with illegible signatures, and these were included in this summary.

**Oral Commenters.** The nine scoping meetings were attended by 397 people, including some people who attended more than one meeting and some individuals who provided oral comments at more than one meeting (Table 1). There were 77 different people who spoke at a meeting. Of the 77 commenters, 65 people represented themselves or their business (84%), seven represented fishing organizations (9%), four people were state or local elected officials (5%), and one represented their business and is a local elected official (1%). If a person spoke multiple times at a given meeting, that is considered to be one comment.

**Table 1. Scoping meeting attendance**

Date	Location	Attendees	Speakers
April 27	Gloucester, MA	13	7
May 11	New Bedford, MA	160	23
May 19	Manahawkin, NJ	30	7
May 25	New Bedford, MA	80	22
May 26	Point Judith, RI	14	5
June 1	New Bern, NC	24	15
June 2	Hampton, VA	17	10
June 17	webinar	32	5
June 24	webinar	27	5
	<b>Total</b>	<b>397<sup>a</sup></b>	<b>77<sup>b</sup></b>
<sup>a</sup> Includes duplicates.			
<sup>b</sup> Duplicates removed.			

**Oral and Written Commenters Combined.** Through the **305 comments** (i.e., 228 written and 77 oral), **286 people** gave input (duplicates removed). Of the 286 commenters, 51 people submitted only oral comments, 209 people submitted only written comments, and 26 people submitted both (Table 2). It was assumed that the 10 commenters with illegible signatures on their letter made no other comment during scoping. Thirty-three of the 286 people made more than one comment (e.g., spoke at more than one meeting or spoke and submitted a letter) during the scoping period.

Some comments were given by people who represent businesses or organizations, and the total number of people those businesses or organizations represent cannot be determined. Counts of individual people commenting does not consider who may own vessels in common, work in the same business, or represent the same organization. In all, 268 people commented on behalf of themselves or a business, seven

commented on behalf of an organization (Table 3), ten commented as state or local elected officials, and one commented on behalf of a business and as a local elected official (tallied from here on as commenting on behalf of a business).

The 286 commenters represent multiple stakeholder types, but primarily are actively involved in the LA scallop fishery (Table 2). The 229 people (80%) associated with the LA scallop fishery fell into five sub-categories: 1) vessel owners, managers of vessel fleets, 2) vessel captains or mates, 3) crew members, and 4) did not specify but indicated involvement with the LA scallop fishery. The other 57 (20%) commenters are from other fisheries (i.e., scallop<sup>2</sup> and non-scallop), shoreside support services (e.g., insurance, electricians), fishing organizations, state or local elected officials, other interested public, or their affiliation is unknown.

**Table 2. Primary stakeholder type of commenters**

Primary stakeholder type	Oral only	Oral & written	Written only	Total
Owner or manager, LA scallop fishery	22	13	20	55
Captain or mate, LA scallop fishery	4	6	28	38
Crew, LA scallop fishery	1	1	121	123
Unspecified, LA scallop fishery	3	0	10	13
Other scallop fishermen	2	0	5	7
Other fisheries (non-scallop)	0	1	1	2
Shoreside support services	5	1	10	16
Fishing organization representatives	6	1	0	7
Elected officials	1	3	6	10
Other interested public	6	0	1	7
Unknown affiliation	1	0	7	8
<b>Total</b>	<b>51</b>	<b>26</b>	<b>209</b>	<b>286</b>

**Table 3. Fishing organizations that commented**

Massachusetts Seafood Collaborative
North Carolina Fisheries Association
Scallopers Campaign
United National Fishermen’s Association

Commenters were from nine states and the District of Columbia (Table 4), primarily Massachusetts (42%). Home state could not be identified for 92 (34%) commenters.

---

<sup>2</sup> Other scallop fishermen include those involved with the Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) component, the LAGC Northern Gulf of Maine, and(or) state scallop fisheries.

**Table 4. Home state of commenters**

State	Number of commenters	% of Total Commenters
ME	12	4%
NH	1	0.4%
MA	120	42%
RI	4	1%
CT	4	1%
NY	3	1%
NJ	19	7%
DC	1	0.4%
VA	6	2%
NC	18	6%
FL	1	0.4%
Unknown	97	34%
<b>Total</b>	<b>286</b>	<b>100%</b>

### 3.0 OVERVIEW OF COMMENTS

Scoping comments were focused on whether a leasing program should be developed for the LA component of the scallop fishery. Overall, of the 286 commenters, 224 (78%) were opposed to the development of a scallop Limited Access leasing program, 56 (20%) supported leasing, and six (2%) were either uncertain or neutral on the issue (Table 5). Of the fishing organizations that commented (Table 3), four supported and one was opposed to leasing. Of the local and state elected officials, nine were opposed to and one supported leasing.

Commenters supporting leasing were from North Carolina (33%), Massachusetts (27%), and at least six other states and the District of Columbia. Those commenting against leasing were from at least nine states, primarily Massachusetts (48%), though the state was unknown for 42% of the commenters opposed to leasing (Table 6). People with uncertain or neutral comments were from Maine, New Jersey, and Virginia. During scoping, a variety of comments were heard throughout the geographic range of meetings. Comments against leasing were largely heard at scoping meetings in Massachusetts, whereas comments in support were more distributed, with the highest frequency heard at the scoping meeting in North Carolina (Table 7).

**Table 5. Overview of stakeholder comments on scallop leasing, all commenters**

Topic	Commenters			
	Individuals	Organizations <sup>a</sup>	Elected Officials	Total
<b>Against leasing</b>	214	1(1)	9	224
<b>Uncertain or neutral</b>	6	0	0	6
<b>Supports leasing</b>	49	6(3)	1	56
<b>Total</b>	<b>269</b>	<b>7(4)</b>	<b>10</b>	<b>286</b>

<sup>a</sup> (x) notes the number of organizations represented.

**Table 6. Stakeholder comments on scallop leasing by state of residence, all commenters**

State	Against leasing	Uncertain or neutral	Supports leasing	Total
ME	3	4	5	12
NH	1	0	0	1
MA	105	0	15	120
RI	2	0	2	4
CT	4	0	0	4
NY	2	0	1	3
NJ	10	1	8	19
DC	0	0	1	1
VA	1	1	4	6
NC	0	0	18	18
FL	1	0	0	1
Unknown	96	0	1	97
<b>Total</b>	<b>225</b>	<b>6</b>	<b>55</b>	<b>286</b>

**Table 7. Stakeholder comments on scallop leasing, oral commenters only**

Date	Location	Against leasing	Uncertain or neutral	Supports leasing	Total
April 27	Gloucester, MA	2	0	5	<b>7</b>
May 11	New Bedford, MA	18	0	5	<b>23</b>
May 19	Manahawkin, NJ	1	1	5	<b>7</b>
May 25	New Bedford, MA	16	0	6	<b>22</b>
May 26	Point Judith, RI	1	0	4	<b>5</b>
June 1	New Bern, NC	1	0	14	<b>15</b>
June 2	Hampton, VA	1	1	8	<b>10</b>
June 17	webinar	2	0	3	<b>5</b>
June 24	webinar	0	0	5	<b>5</b>

In terms of stakeholder type, commenters in support of leasing (n=56) were largely LA scallop vessel owners, fleet managers or other shoreside employees of businesses holding LA scallop permits (54%; Table 8), followed by commenters from shoreside support services (16%), and fishing organization representatives (11%). Commenters against leasing (n=225) were largely LA scallop fishery crew members (55%), followed by LA vessel captains or mates (16%), and vessel owners, fleet managers, or other shoreside employees of LA scallop businesses (11%). Those with uncertain or neutral comments (n=6) were other scallop fishermen (non-Limited Access, 67%). Note again that this table summarizes individuals who commented, without regard to whether they owned the same vessel, represented the same organization, etc. Section 7.0 includes additional tables on scallop LA leasing comments by stakeholder type and state.

**Table 8. Stakeholder comments on scallop leasing by stakeholder type, all commenters**

Primary stakeholder type	Against leasing	Uncertain or neutral	Supports leasing	Total
Owner or manager, LA scallop fishery	24	1	30	<b>55</b>
Captain or mate, LA scallop fishery	36	0	2	<b>38</b>
Crew, LA scallop fishery	123	0	0	<b>123</b>
Unspecified, LA scallop fishery	12	0	1	<b>13</b>
Other scallop fishermen	1	4	2	<b>7</b>
Other fisheries (non-scallop)	2	0	0	<b>2</b>
Shoreside support services	6	1	9	<b>16</b>
Fishing organization representatives	1	0	6	<b>7</b>
Elected Officials	9	0	1	<b>10</b>
Other interested public	3	0	4	<b>7</b>
Unknown affiliation	7	0	1	<b>8</b>
<b>Total commenters</b>	<b>224</b>	<b>6</b>	<b>56</b>	<b>286</b>

## 4.0 RATIONALE FOR SUPPORT OR OPPOSITION TO LEASING

The rationale provided in the comments either for or against leasing was diverse. Within each thematic area, people commented for and against leasing. The summaries in this section are not intended to be exhaustive and are not a substitute for the context of all comments received through scoping. Interested parties should consult the full text of scoping meeting summaries and written comments.

### 4.1 EFFICIENCY AND FLEXIBILITY

**Opposition.** Commenters against leasing indicated that there is time in the fishing year for fishermen to harvest allocations at recent levels (i.e., 24 DAS and a few closed area trips), and that vessel owners should already be investing in vessel maintenance. There was also a concern that maximizing vessel efficiency would be a detriment to the resource.

*“If an owner is stocking millions of dollars and is not able to keep their boats in good shape, that is their problem.” – vessel owner and captain*

*“I don’t see a reason to do this, other than to reduce operational expenses for owners, which isn’t a good enough reason.” – vessel captain*

**Support.** Supporters of leasing indicated that vessel and business operations would be more efficient and flexible. Comments indicated that many captains and crew are working on multiple vessels and it would be simpler to not have to switch between vessels during the fishing year. Leasing would allow businesses to retire older vessels, replacing them with more efficient and newer vessels. When a vessel needs to be in the boatyard and(or) suffers an unexpected catastrophic failure, the allocation could still be fished. There

were also comments that the fishery is overcapitalized, and this would be a measure to make the whole fishery more efficient.

*“We are a small family-owned business and we’re in favor of moving forward with development of the leasing program. The flexibility, like everyone is mentioning, is needed. We’ve seen insurance, fuel, steel, services, prices across the board in the industry have gone up, and the scallop prices this week are as low as they were in 2020. It is not sustainable from an economic standpoint. It will give boat owners, and especially small boat owners, flexibility, and it will be a positive thing for the industry.” – vessel owner*

*“...we’ve been working through insurance for a boat that was on the beach in January, and we left quota in the water, which is a living example of the need for more flexibility.” – vessel manager*

## 4.2 SAFETY

**Support.** Supporters of leasing indicated that it would help remove older, less seaworthy vessels from the fishery and allow for capital investments in newer, safer vessels. Reducing overcapitalization would also reduce the number of vessels that are docked together. Thus, crew members would not have to climb over multiple vessels. Any reductions in safety risk would lead to lower insurance costs.

*“...more vessels are operating out of northern ports such as New Bedford, where vessels are tied up six to seven deep at the dock. This creates a great hazard for crews as they move across vessels to get to shore.” – vessel owner*

*“Given the hazardous nature of being a crew member onboard a scallop vessel, any change in regulation that reduces the risk of injury or death should be supported. Under the current regulations, the vast majority of the vessels in the scallop fishery are tied up approximately 300 days a year. The underutilization of these vessels is costly and wasteful and provides its own unique set of risk management challenges, some of which can begin to be alleviated with this proposed change.” – insurance provider*

**Opposition.** Commenters against a leasing program indicated that it would lead to a loss of workplace safety. Fishing more allocation on fewer vessels would mean less time is available to maintain the active vessels, which may lead to more vessel problems at sea. Adding the cost of quota leasing would cut into funds available for vessel maintenance.

*“Our season currently allows for a healthy balance between fishing and non-fishing time that has allowed the vessel owners to keep their vessels up to date and a leasing program may introduce a new time constraint...less flexibility to schedule repairs.” – crew member*

*“The safety aboard fishing vessels has been sustained and bettered by the insurance companies and United States Coast Guard. Both of which, have been aggressive about safety protocols and inspection of safety equipment. The crews are taking safety courses provided by shore side support services, and mandated safety drills are taking place, making this point, effectively mute.” – vessel captain*

## 4.3 EMPLOYMENT, CREW AND CONSOLIDATION

**Opposition.** Commenters against leasing indicated that crew members would likely be paying for the leased quota, which would lead to a loss of wages. Allowing leasing was seen as a move towards vertical integration, making the fishery more corporate, and opening the door for private equity and(or) outside investment. There was a concern that leasing would lead towards consolidation, which would only benefit bigger businesses. Some commenters felt that there are ways to avoid the accumulation limits that were intended to limit consolidation by vessel owners. There were concerns that leasing would undermine the competitive nature of the scallop fishery, which currently enables the best captains/crews to work on the best boats with the best settlements.

*“We have seen fishermen be charged with lease fees or have had their lay changed. The scallop fishermen work hard for their pay and this would only create an unfair burden on them in the long run.” – crew member*

*“The leasing program creates an unequal playing field whereas the larger, well financed organizations are able to enjoy the economic benefits of the economy of scale the leasing program offers while the smaller fleet and individual boat owners are unable to participate in any economic savings. Over time, this inequality will force the family run scallop boats and businesses to sell out to the larger corporations and private equity firms.” – vessel owner*

**Support.** Supporters stated that crews would be fishing the same amount, but just on fewer vessels. Some commenters noted that their crews already work on multiple vessels and felt that fishing more allocation on one vessel would not lead to lost employment. Reducing the number of boats needed was seen as a reduction in operating costs which would benefit wages. Supporters of leasing felt that less time would be spent moving gear from vessel to vessel and more time could be spent with families. Some suggested that there would be no lease costs for leasing within a fleet. Some noted that the high cost of an LA vessel/permit is challenging for prospective owners and that having the ability to lease in allocation may help new entrants and smaller vessel owners be more active in the fishery. One commenter was supportive of owners being able to downsize their business by leasing out allocation while also maintaining ownership of their LA permits. Supporters of leasing suggested that there would not be negative impacts to crew and there was strong support for maintaining the accumulation limits.

*“We do not anticipate any change to our total crew size needed to prosecute the fishery under a leasing program, as currently they all work on two vessel allocations per year.” – shoreside employee of fishing company*

*“...we participate in many different fisheries, such as fluke, LAGC IFQ, and the LA fishery. Sometimes our boats get tied up in other fisheries and I think the ability to move allocation around would help me as a fisherman. I think it would benefit me and my family to have more flexibility.” – vessel captain*

## 4.4 SHORESIDE SUPPORT AND FISHING COMMUNITIES

**Support.** Supporters of leasing stated that fishing businesses would still need the same amount of fuel, ice, and repair work, just for fewer vessels. Space is at a premium at the docks, because of the number of vessels tied up. Supporters of leasing felt that there would not be negative impacts to shoreside support services or communities.

*“...basic consumables will stay the same. We also do not anticipate negative impacts to shoreside contractors, as there are not enough now to service our vessels due to the national labor shortage.” – scallop vessel owner*

*“...the same amount of supplies such as ice and fuel and food is going to be needed whether one crew is fishing two boats or one boat with two allocations.” – vessel owner*

**Opposition.** Commenters against leasing felt that more of the larger companies would become vertically integrated and have their own shoreside support services, harming small businesses that supply fishing gear, maintain vessels, and process scallops. Removing competition for business was seen as a detriment to innovation and excellence. There was concern that leasing would change the nature of the fishery, grow a few businesses larger, and take away a sense of community within the fishery. People were concerned that ownership of the fishery would be removed from fishing communities and shifted towards corporate interests. They also noted the importance of the scallop fishery as an economic driver (especially for the south coast of Massachusetts) and were concerned of the downstream effects that leasing might have on the local economy.

*“If it does move forward, it will take even further away from the family and community dynamic that fishing is. I don’t want to be a corporate Wal-Mart fisherman.” – vessel captain*

*“Consolidation will put the independent and small fleet owners out of business, but will benefit the large fleets. These fleets also typically have their own in-house shore support that would eliminate the need for the independently owned shore side businesses. Our local economies depend on the well-being of all stakeholders in the fishery and that requires a fair market that provides opportunities for everyone, not just the wealthy.” – crew member*

## 4.5 SCALLOP RESOURCE AND ENVIRONMENT

**Opposition.** Commenters against leasing felt that it would lead to increased fishing capacity, as newer, more efficient, and better designed platforms replace vessels with less fishing capacity. This was expected to lead to increased fishing mortality. Also, if lease fees are passed down to crew, there would be more incentive to high-grade to maximize revenue.

*“Leasing and stacking of trips or permits are not conservation measures and do nothing to benefit the resource. To the contrary they will probably cause overfishing.” – vessel captain*

*“...purposeful inefficiencies were built into the LA component to protect the resource. That was the whole point of the management system. If you consider leasing or permit stacking, we all know that you’d replace the older boats, or move a permit from a lesser fishing boat to a better one. I bought an old wooden boat and refitted it with the same horsepower and length with different gear and wheel. That boat catches four more times than it did before” – vessel owner*

**Support.** Supporters of leasing stated that fewer boats in the fleet might slow fishing down in some areas, which could benefit the resource. With retiring older vessels and(or) having fewer vessels idling, leasing supporters also saw environmental benefits, such as reduced air pollution and carbon footprint. Some felt that high-grading is a current problem but that it would not be exacerbated by leasing. Supporters of leasing felt that there would not be negative impacts to the scallop resource, as the same amount of DAS and access area trips would be fished, just on fewer vessels.

*“We are being managed into smaller and smaller sectors, and I think we need some flexibility so that we can slow down, have fewer boats operating in small areas, and lessen the impact.” – scallop vessel owner*

*“[a leasing program should] be conservation neutral in that leasing could not be used to increase harvest or ones share of the resource...” – industry organization representative*

## 4.6 EFFORT IN OTHER FISHERIES

**Support.** Supporters of leasing indicated that a leasing program should prevent the displacement of effort into other fisheries (i.e., both scallop and non-scallop). Due to the costs of switching gear relative to the revenue gained, commenters felt there would be little incentive for scallop fishermen to switch fisheries. Some commenters felt that there would be more incentive to shift effort without a scallop leasing program due to the lack of operational flexibility.

*“We have many permits on our vessels, but if you put them all together, there still isn’t enough quota or access for it to make sense economically. I personally don’t see how scallop vessels will go and fish in other fisheries, it is not economical.” – vessel manager*

*“Anyone who does try to get into these other fisheries will spend a week down south landing \$1 fluke and they will be put off pretty quickly. There might be a brunt hit [initial increase in effort] to other fisheries, but then people will come to their senses when they realize how involved it is, between maintenance and gear. An average scallop boat has about \$20,000 worth of gear, whereas if you lose a net that will cost you \$60,000.” – vessel owner*

**Opposition.** Commenters against leasing indicated that effort could be directed into other fisheries if LA scallop vessels lease out their allocations, because the vessels would still retain permits that authorize them to participate in other fisheries. There was concern that there is not much room in other fisheries, such as squid and fluke, to absorb an influx of effort. There was also concern that LA scallop vessels could lease out allocations and shift effort into other parts of the scallop fishery, such as the Northern Gulf of Maine Management area.

*“Allowing the leasing of scallop effort from a vessel with other limited access permits will have the effect of shifting that vessel’s effort into other limited access fisheries, most of which are already struggling under limited quotas and other restrictions. The management system will take years to react to this transfer of effort into other fisheries.” - shoreside employee of fishing company*

*“From what I understand the potential for the effort applied in the NGOM will be more than double what it was last year if Gen Cat boats can lease their quota off to other vessels and then move to fish in the NGOM area. The productive areas in that fishery are very small and the positive effects of the recent management efforts would most certainly be negated by the increase in effort allowing fleet fisheries to consolidate quota and then send the boats off to fish NGOM.” – Other scallop fisherman*

## 4.7 LEARNING FROM OTHER FISHERIES

**Opposition.** Commenters against leasing indicated that other fisheries with leasing have experienced consolidation and loss of jobs and wages, most notably in the northeast multispecies fishery (i.e., groundfish). There was concern that other fisheries charge crew for the lease fees and the same is likely to occur in the scallop fishery if leasing is allowed. They saw problems with the Limited Access General Category Individual Fishing Quota (LAGC IFQ) component of the scallop fishery (i.e., which allows leasing), such as reduced incomes due to leasing costs passed on to crew members, and with the groundfish fishery, which saw significant consolidation and additional costs to fish passed on to crew members. Other fisheries cited were surfclam, fluke, squid, and Alaskan crab, longline, pollock and salmon fisheries.

*“In my previous fishery, the management style changed to IFQ causing consolidation which put me out of a job. I believe a leasing program in this fishery will cause the same consolidation as the IFQ program and put a lot of smaller guys out of business.” – crew member*

*“Just as occurred in the Multispecies fishery following consolidation of the fleet after the creation of the sector program, we can predict that scallop allocation leasing will also lead to a loss of jobs in the scallop fishery in the region, with less opportunity for individual fishermen and with a significant reduction in the demand for shoreside services like the provision of ice, fuel and vessel and gear maintenance.” – vessel owner*

**Support.** Supporters of leasing indicated that the benefits of leasing can be seen in other fisheries. They see benefits to leasing in the LAGC IFQ component (e.g., flexibility to move allocation between boats) and want those benefits extended to the Limited Access component. Some suggested that the Scallop Research-Set-Aside acts somewhat like a leasing program already, in that owners/captains/crews are contributing part of their revenue for opportunity to land additional scallops. Regarding other fisheries, it was suggested that the downturn in the groundfish fishery was due to the resource, not leasing. Other fisheries with leasing programs cited were Area 3 lobster, groundfish, sea bass, and surfclam.

*“Many fisheries on the east coast already successfully participate in quota leasing and have for years, for example groundfish, general category sea scallop, sea bass, surf clam, and area 3 lobster permits.” – vessel owner*

*“Being able to swap trips has been great and it hasn’t seemed to affect the crew at all, and it works great in the General Category.” – shoreside employee of fishing company*

## 5.0 SPECIFIC SUGGESTIONS ON NEXT STEPS

### 5.1 ELEMENTS TO CONSIDER IN LEASING PROGRAM DESIGN

Commenters that supported leasing provided several specific ideas for how to design a LA scallop leasing program. These comments primarily were from people who supported the development of such a program. Some people offered ideas even though they oppose a leasing program or had more neutral comments on the issue. An asterisk (\*) in the list below indicates the ideas more frequently raised.

- Program goals to consider:
  - \*Be voluntary.

- \*Be fair and simple.
- \*Prevent effort shifting to other fisheries or to different components of the scallop fishery.
- \*Be conservation neutral.
- \*Increase flexibility to manage vessels and scallop businesses
- Be conservation positive.
- Encourage owner-operators to remain in the fishery and avoid making the fishery corporate.
- Measures to consider:
  - Allow transfers only between:
    - \*Vessels of the same range of horsepower, dredge size or vessel size (a few commenters noted that productivity of vessels can differ within a given range).
    - Permits of like categories.
    - The same ownership group.
  - Limit transfers to:
    - \*The current accumulation limits (5%).
    - \*Be temporary, on an annual basis (a few commenters wanted permanent transfers).
    - \*Allow a vessel to fish only two vessels' worth of DAS and access area trips.
  - Minimize effort shifts by putting an LA scallop permit that leases into confirmation of permit history (CPH) and disallowing other fishing permits associated with the scallop permit to be used for the rest of the year.
  - Avoid an excess of qualifying permits that are in CPH (i.e., permits that are solely leasing out and not fishing).
  - Do not allow transfer of carryover DAS
  - Allow fishing on one permit at a time.
  - Lose a percentage of allocation when transferred (i.e., conservation positive).
  - Start with a pilot leasing program for part-time vessels.

## 5.2 RATHER THAN LEASING, WHAT THE COUNCIL SHOULD FOCUS ON

Several commenters opposed to leasing offered ideas for what the Council should be focusing on instead to improve scallop management. There was concern that the development of a leasing program would consume a large amount of the Council's time, with little benefit to the resource or the entire fishery. Instead, here are some issues that commenters felt the Council should focus on. An asterisk (\*) in the list below indicates the ideas more frequently raised.

- \*Promote better scallop recruitment.
- \*Address concerns around fishing practices (e.g., high-grading, deck loading).
- Create a review process to consider transfers in the case of vessel breakdowns or other unforeseen circumstances.
- Improve rotational area management, including the boundary lines.
- Consider fishery access to the Northern Edge.
- Resolve discrepancies between survey results and fishery yield in certain areas.

- Eliminate DAS management and manage only through pounds of scallops.
- Allow rollover of unused trips (or partial trips) at the end of the year.

*Opposition: “Why are we going to spend those fifty to sixty meetings on something that we are going to argue about back and forth with no consensus. Why not spend that time to come up with a better way to promote our resource, because we all agree on that.” – LA scallop vessel manager*

## 6.0 COMMENT SYNTHESIS METHODS AND SOFTWARE

All comments were converted into text-searchable formats and imported into a [QSR NVivo 10](#) project for sorting and synthesis. Within the *NVivo* project, a “person node” was created for each person or organization who signed a letter or spoke at a hearing, and these nodes were organized by stakeholder type. Each person or organization was classified by demographic attributes such as home state, stakeholder type, comment type (oral and/or written), and number of comments (Section 2.0). The text of each comment was assigned (i.e., coded) to the appropriate “person node.” “Theme nodes” were then created for each of the main issues raised in the comments. As the comments were carefully read, text that stated support for a given issue was highlighted and coded to the appropriate theme node. After all the comments were coded to persons and themes, the software was used to identify how many comments and people commenting supported a specific issue and the stakeholder type of the commenters, as reported in Section 3.0. To identify the rationale for supporting a given issue, the text coded to its respective theme node was read carefully.

## 7.0 ADDITIONAL TABLES

**Table 9. Comments AGAINST scallop leasing by stakeholder type and state**

Primary stakeholder type	ME	NH	MA	RI	CT	NY	NJ	DC	VA	NC	FL	Unknown	Total
Owner or manager, LA scallop fishery	1	0	17	0	3	0	3	0	0	0	0	0	24
Captain or mate, LA scallop fishery	0	0	27	0	1	1	2	0	1	0	0	4	36
Crew, LA scallop fishery	1	1	38	0	0	1	4	0	0	0	1	77	123
Unspecified, LA scallop fishery	0	0	3	1	0	0	0	0	0	0	0	8	12
Other scallop fishermen	1	0	0	0	0	0	0	0	0	0	0	0	1
Other fisheries (non-scallop)	0	0	1	1	0	0	0	0	0	0	0	0	2
Shoreside support services	0	0	5	0	0	0	0	0	0	0	0	1	6
Fishing organization representative	0	0	1	0	0	0	0	0	0	0	0	0	1
Government	0	0	3	0	0	0	0	0	0	0	0	0	9
Other interested public	0	0	9	0	0	0	0	0	0	0	0	0	3
Unknown affiliation	0	0	1	0	0	0	0	0	0	0	0	6	7
<b>Total commenters</b>	<b>3</b>	<b>1</b>	<b>105</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>95</b>	<b>224</b>

**Table 10. UNCERTAIN or NEUTRAL comments on scallop leasing by stakeholder type and state**

Primary stakeholder type	ME	NH	MA	RI	CT	NY	NJ	DC	VA	NC	FL	Unknown	Total
Owner or manager, LA scallop fishery							1						1
Captain or mate, LA scallop fishery													
Crew, LA scallop fishery													
Unspecified, LA scallop fishery													
Other scallop fishermen	4												4
Other fisheries (non-scallop)													
Shoreside support services									1				1
Fishing organization representative													
Government													
Other interested public													
Unknown affiliation													
<b>Total commenters</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>

**Table 11. Comments SUPPORTING scallop leasing by stakeholder type and state**

Primary stakeholder type	ME	NH	MA	RI	CT	NY	NJ	DC	VA	NC	FL	Unknown	Total
Owner or manager, LA scallop fishery	2		10			1	7		4	6			30
Captain or mate, LA scallop fishery										2			2
Crew, LA scallop fishery													0
Unspecified, LA scallop fishery			1										1
Other scallop fishermen	1			1									2
Other fisheries (non-scallop)													0
Shoreside support services	1		2				2			4			9
Fishing organization representative	1			1				1		3			6
Government										1			1
Other interested public			2							2			4
Unknown affiliation												1	1
<b>Total commenters</b>	<b>5</b>	<b>0</b>	<b>15</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>4</b>	<b>18</b>	<b>0</b>	<b>1</b>	<b>56</b>