

CORRESPONDENCE

From: Dylan Shrader <shraderfisheriesllc@gmail.com>

Sent: Sunday, November 16, 2025 6:42 PM

To: Cate O'Keefe <cokeefe@nefmc.org>

Subject: Re: Request for Clarification and Possible Relief on State-Waters Scallop Trips for IFQ Vessels

Dear Dr. O'Keefe,

Thank you for taking the time to respond to my earlier message. I appreciate you acknowledging the issue and giving it consideration. I know the Council has a full plate, and I'm grateful you took the time to look into my concerns.

Since hearing back, I've been thinking carefully about realistic ways this situation might be addressed without creating unintended openings in the state-waters fishery. I understand the worry that some vessels might try to use state waters to stretch their federal allocation, and I agree that sensible limits would be important.

One idea that could help strike a balanced approach would be to restrict state-waters scallop access for IFQ vessels that have already harvested 75 percent or more of their annual federal allocation. This seems like a fair threshold that would:

1. Prevent fishermen who are near the end of their IFQ from using state waters as an extension of the federal program; and
2. Still allow responsible operators, who participate in multiple Massachusetts state-managed fisheries, to access the state-waters scallop season as intended.

A system like this would allow the state and federal management programs to function alongside one another without undermining either one. Enforcement would also remain straightforward since federal quota usage is already closely tracked.

I also want to express the urgency of this situation from my perspective. With the limited IFQ I have left, and the timing of the Massachusetts state-waters scallop season approaching, the current interpretation leaves me with almost no viable path to keep the business operating. I'm not asking for special treatment—just for the ability to participate legally in a state-managed fishery that I'm already permitted for. Without some timely form of relief or clarification, the scarcity of quota may put my operation in a position where it cannot stay afloat.

I'm fully willing to work with the Council, NOAA GARFO, and DMF in any way needed—whether that means attending a meeting via Zoom, providing additional details, or discussing other solutions that would protect both programs.

Thank you again for your time and correspondence. I truly appreciate your willingness to consider the concerns of small operators like myself, and I hope we can find a path forward that supports both state and federal management goals.

Sincerely,
Dylan Shrader
F/V Rolex
508-863-3403

On Sun, Nov 16, 2025 at 6:10 PM Cate O'Keefe <cokeefe@nefmc.org> wrote:

Hi Dylan,

Thank you for sharing comments and questions – confirming receipt.

Your message will be shared with the Scallop Committee and full Council.

Thanks,

Cate

Cate O'Keefe, PhD

Executive Director

New England Fishery Management Council

978-465-0492 ext. 113

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From: Dylan Shrader <shraderfisheriesllc@gmail.com>

Sent: Friday, November 14, 2025 6:20 PM

To: Cate O'Keefe <cokeefe@nefmc.org>

Cc: tford@nefmc.org; Alli Murphy <allison.murphy@noaa.gov>; marine.fish@mass.gov

Subject: Request for Clarification and Possible Relief on State-Waters Scallop Trips for IFQ Vessels

Hello,

My name is Dylan Shrader, and I run the F/V Rolex. I hold a Massachusetts Coastal Access Permit for mobile gear along with a federal LAGC IFQ scallop permit. I'm reaching out for clarification and hopefully some relief regarding the rule that requires IFQ vessels to deduct all scallop landings from their federal quota, even when the trip is fully inside Massachusetts state waters under a state permit.

Earlier this season, I spent a good amount of time fishing in the Massachusetts State waters Fluke and Squid fisheries, which I'm permitted for. Those are separate, well-managed state programs, and I was operating within that framework during the part of the year when those fisheries are most productive.

Because of that shift in effort, I have less IFQ remaining now. Under the current interpretation of the rules, that means I can't make use of the Massachusetts State Scallop fishery, even if I stay strictly inside state waters and follow the state program.

The federal IFQ program and the Massachusetts state-waters scallop program are intended to be separate. Right now, the interpretation that all scallop pounds must be deducted from IFQ makes the state program effectively inaccessible to IFQ vessels who have limited quota left — even if they're fishing legally under a state permit and not entering federal waters.

I'm hoping the Council and NOAA might consider the following:

1. Allowing IFQ vessels to declare a state waters only trip that doesn't use IFQ, as long as the vessel stays inside state waters under a valid Massachusetts permit.
2. Exploring whether a temporary exemption letter or similar option is possible while a longer-term fix is evaluated.
3. Bringing this issue forward at a Scallop Committee meeting or during a future Framework Adjustment process so it can be discussed in full.

I'm more than willing to provide details about my operation or to follow any additional reporting or monitoring needed to make a state-waters-only option workable. My goal is simply to participate in the fisheries I'm legally permitted for, during the appropriate parts of the season.

Thank you for your time and consideration. I appreciate the work your agencies do, and I hope there's a path we can find that supports both state and federal management goals.

Best regards,

Dylan Shrader

F/V Rolex Permit #185810 state #149517 Federal

508-863-3403



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Cate O'Keefe
Executive Director, NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Excessive Offshore Lobster Gear

Dear Cate:

I am writing on behalf of the Sustainable Scalping Fund (SSF), a nonprofit organization dedicated to promoting responsible and sustainable practices within the Atlantic sea scallop fishery. Our membership includes a majority of the full-time limited access scallop vessels, with members ranging from Massachusetts to North Carolina. We are committed to the long-term health of marine ecosystems and the economic viability of the scalloping industry. We appreciate the Council's ongoing efforts to manage fisheries in a balanced manner and wish to bring to your attention several pressing concerns regarding the excessive accumulation of lobster gear in scallop access areas, which is severely impacting scallop fishing operations, specifically Closed Area 2 and Closed Area 1.

Reports from our members indicate that the density of lobster traps and associated gear has reached levels that effectively block scallop vessels from accessing productive fishing grounds. This not only disrupts efficient harvesting but also increases the risk of gear conflicts, including entanglements between scallop dredges and lobster traps. Such interactions lead to equipment damage, lost fishing time, and unnecessary economic losses for scallop fishermen. We urge the Council to investigate these reports and

consider measures to mitigate the overcrowding of lobster gear in these areas to ensure equitable access for all permitted fisheries.

Additionally, we express significant concern regarding the ongoing expansion of ropeless (on-demand) lobster gear with no universal marking system in place, which is creating adverse impacts. While SSF is not oblivious to the reasons for the implementation of ropeless gear, in the absence of standardized marking protocols it is creating new challenges. Without a reliable, universal system to identify gear ownership, location, and compliance, there is a heightened risk of ghost gear, illegal deployments, and difficulties in resolving disputes over submerged equipment. This is further complicating interactions in multi-use areas and undermining the sustainability goals we all share. Given that the Council has overwhelmingly voted to delay the development of a gear marking action, we argue that the deployment of ropeless gear should likewise be delayed until an appropriate marking system is established.

The Sustainable Scalloping Fund stands ready to collaborate with the Council, lobster industry representatives, and other stakeholders to address these issues through data-driven solutions and adaptive management. We believe that proactive steps now will help preserve the productivity of these vital access areas and support the coexistence of scallop and lobster fisheries. Please do not hesitate to contact us to discuss these matters further or to provide additional information from our members' experiences.

Thank you for your attention to these critical concerns. We look forward to your response and to continued dialogue on sustainable fishery management.

Sincerely,

Drew Minkiewicz

Attorney for the Sustainable Scalloping Fund

Timothy P. Eilertsen
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FSF Member
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November 23, 2025

Dear Council Chair, Daniel Salerno,

Thank you for the opportunity to submit written comment regarding the FY26 scallop specifications. The purpose of this letter is to ensure the Council's final decision reflects both the best available science and the socioeconomic requirements mandated under the Magnuson-Stevens Act — particularly National Standards 1 and 8.

The 38 DAS alternative was not only initiated and supported by industry, but it also passed the Advisory Panel as its preferred alternative. Together, these actions demonstrate broad alignment between industry input and the Council's advisory process.

Through the modeling process, it became clear that both the industry-proposed 38 DAS and the Committee-supported 34 DAS alternatives fall well within the bounds of biological safety. The most relevant regulatory comparison point is the National Standard 1 fishing mortality reference value of $F = 0.36$. The Committee's analysis and subsequent communication confirmed that this benchmark is based on total fishing mortality, not just mortality from open areas — meaning the correct value to compare against is the total model output.

Based on those outputs, a 38-day fishing period corresponds to approximately $F = 0.269$, which is not only within compliance, but substantially below the regulatory threshold. The science indicates that this level of effort is fully sustainable and poses no biological risk. Unlike standard science-based management practice — where a target fishing mortality level guides effort decisions — this year the Committee advanced days-at-sea alternatives first and only afterward reviewed the associated F-rates. This procedural inversion effectively shifted the F-rate from a guiding reference point to a post-hoc outcome, and in doing so reduced transparency, analytical discipline, and confidence in the decision-making process.

Both alternatives are well below the modeled fishing mortality level where biological concern begins to increase, meaning they provide a meaningful buffer rather than operating near the biological limit. If the stock is not biologically constrained at these effort levels, then further

reductions shift from a science-based necessity to a policy decision — and such decisions must be justified on socioeconomic rather than biological grounds. The model demonstrates that 38 DAS remains a precautionary and biologically responsible effort level; therefore, reducing access further would require justification beyond conservation need.

The Council's responsibility is not only to avoid exceeding F, but to balance sustainability with the economic health and stability of the fleet and the coastal communities that depend on it. When two options provide equivalent biological safety, the Magnuson–Stevens Act requires the option that minimizes unnecessary socioeconomic harm. For FY26, that option is clear.

REQUEST:

We respectfully request that the Council:

- Reject the 34-day alternative, as it lacks analytical justification and does not meet the requirements of National Standard 8.
- Adopt the industry-submitted Addendum 9 proposal of 38 DAS, which is supported by the biological model, consistent with the F-rate guidance, and vital to the socioeconomic stability of the fleet and dependent coastal communities.

This level maintains a conservative buffer below the reference F limit while preventing avoidable and unnecessary economic damage to the scallop fleet, the processing sector, and the coastal communities intrinsically tied to them.

Thank you for your consideration, and for the work you do on behalf of this fishery and the communities that rely on it.

A certified hard copy to follow.

Sincerely,

Timothy P. Eilertsen