

#7

CORRESPONDENCE

POSSIBLE SOLUTION TO NANTUCKET SMALL SEA SCALLOP HARVEST DELIMA!

Allow a calico shucker vessels with machines to OPERATOR AS A DEALER & purchase shell stock from any vessel with a sea scallop permit, Limited access or General Category at sea on the scallop grounds.

As a licensed NMFS dealer a dealer shucker vessel can legally purchase from vessels, wherever located, thus the prohibition on transfer at sea should not apply as it will be a legal purchase from permitted vessel to permitted dealer rerecorded in vessel log books & dealer purchase forms electronically reported.

At present no regulations exist how a dealer handles scallops after purchase except GMP.

The NEFMC would need to allow greater than 50 bushel of shell stock on a permitted sea scallop vessel.

Would need to allow blockage of 4 inch rings with material to allow small scallops to be retained by existing dredges.

OR ALLOW CALICO NETS TO BE UTILIZED BY VESSELS HARVESTING SCALLOPS FOR SALE TO THE DEALER SHUCKER.

NEFMC Could allow vessels to hand shuck scallops in area with an increased number of crew 10-15 men BUT HIGH GRADING TO THE LARGEST SCALLOPS WOULD HAPPEN.
Not targeting the abundance of genetically small scallops.

An alternative would be to allow shell stocking to shore based plants not currently in existence. Problems. Shell disposal, treatment of waste water, smell in local area, public perception [not in my back yard] Transport time from grounds to shore side facility. Lack of skilled shore side labor.

This proposal would allow catcher vessels to hand shuck any scallop less than 30 count, as the machines do not handle large scallops. Scallops sold to the dealer would be graded & washed prior to introduction into containers.

A increase in pounds allotted to Sea Scallop vessels to match dealer facility could be discussed By NEFMC

Two companies currently have machines that are not in operation thus they can copy the operation as dealer should the council allow this proposal or put in shore side shucking.

For Companies wanting scallops from "Their " vessel a cost plus discussion could be between shucker & seller BUT THIS SHOULD NOT INVOLVE NEFMC!

ANY CONCERNS; may be addressed by knowledgeable persons at advisor or committee meeting. Those without first hand knowledge of calico vessels should gain knowledge prior to commenting!



Sherie Goutier

From: Jonathon Peros
Sent: Thursday, May 16, 2019 9:03 AM
To: Sherie Goutier
Subject: FW: Options for Nantucket Small scallops to be discussed by advisors
Attachments: Scan0577.pdf

Here is the attachment.

From: James Fletcher <unfa34@gmail.com>
Sent: Thursday, May 16, 2019 8:52 AM
To: Jonathon Peros <jperos@nefmc.org>; Chris Kellogg <ckellogg@nefmc.org>
Subject: Options for Nantucket Small scallops to be discussed by advisors

Following are out of box options for advisors, committee & council to discuss
I hope if it is to late for the package these will be in back of room.

NO ONE HAS DISCUSSED STARFISH DESTROYING THIS BED BEFORE COUNCIL TAKES ACTION.

POSSIBILITY OF STARFISH INFESTATION SHOULD BE DISCUSSED!

--

James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287



Responsible Offshore Science Alliance

May 8, 2019

New England Fishery Management Council
Attn: Dr. John Quinn, Chairman
219 Smith Neck Road
Dartmouth, MA 02748

Dear Dr. Quinn,

Thank you for the recent opportunity to introduce the Responsible Offshore Science Alliance (ROSA) to the New England Fishery Management Council. ROSA is a newly incorporated 501(c)(3) with the vision to improve understanding of ocean ecosystems that allows for informed compatibility of renewable energy and sustainable fisheries. ROSA will take a regional approach to advancing research and monitoring of fisheries and offshore wind interactions. As a result, the organization will collaborate with state and federal agencies, energy developers, and fishery management councils to achieve a holistic approach to improving the understanding of and policies affecting ocean ecosystems.

The ROSA working group, currently supported by the Responsible Offshore Development Alliance (RODA), several wind-energy leaseholders, NMFS and BOEM representatives, is making strides to put into practice the mission of ROSA. Current steps are being taken to set up the governance and structure of the organization to ensure that once operational, ROSA will be able to hit the ground running with addressing some of the science questions around offshore wind and fisheries.

We expect ROSA to have a close working relationship the New England Fishery Management Council in the near future and would like to request Council personnel involvement during this early stage. The scientific and management expertise of the Council staff will be fundamental in informing the needs of regional fisheries monitoring and research. In addition, ROSA would appreciate any additional scientific resources and available financial support that the Council is able to give ROSA as the organization grows.

We are happy to answer any additional questions you or the Council have about the organization and ROSA's mission. Attached is the draft ROSA framework with more specifics about the objectives and initial governance structure. Please contact me at annie@rodafisheries.org for more information and suggestions about the best ways for ROSA to work with the Council.

ROSA and its member organizations thank you for your consideration of this request.

Sincerely,

Annie Hawkins, Executive Director

Lane Johnston, Policy Fellow
Responsible Offshore Development Alliance



Responsible Offshore Science Alliance

This document outlines the initial framework for the Responsible Offshore Science Alliance (ROSA); it is likely to be further refined based upon input from the Executive Council and other participants.

Vision: An improved understanding of ocean ecosystems that allows for informed compatibility of renewable energy and sustainable fisheries.

Mission and Goals:

- To provide for and advance regional research and monitoring of fisheries and offshore wind interactions in federal waters through collaboration and cooperation in order to:
 - Increase salient and credible data on fisheries and wind development; and,
 - Increase the understanding of the effects of wind energy development on fisheries and the ocean ecosystems on which they depend.

Organizational Objectives:

ROSA will seek to address broader aspects of the ocean environment that offshore fisheries and wind energy activities occupy including pre-facility baseline activity, ecosystem-based fishery management, socio-economic effects, cumulative impacts, and other relevant issues. ROSA will not supplant site-specific BOEM or other regulatory agency work required of offshore wind developers in the federal permitting process or on-going fisheries management activities. ROSA's specific objectives will include:

- Identify essential regional research and monitoring needs regarding fisheries and offshore wind development and operations
- Increase efficiencies, reduce redundancies, aggregate resources, and improve access to information for the numerous actors involved in fisheries and wind development
- Facilitate access to data, analysis, ensure consistent use of existing data and research protocols, and increase compatibility of data collected from numerous sources
- Undertake and support specific research and monitoring activities to inform public dialogues and business practices
- Provide a nexus for existing research monitoring programs on fisheries, protected resources, habitats, and ecosystem components as they relate to offshore wind energy development and fisheries
- Advance technologies that advance co-existence of fishing, fisheries, and offshore wind development

- Inform practices that advance co-existence of fisheries and offshore wind development, and consider the larger aspects of the ocean environment that offshore fisheries and wind energy facilities occupy, including ecosystem-based fishery management, socio-economic effects, cumulative impacts, and other relevant issues
- Inform regulatory decision-making and adaptive management by making the latest research available to decision-making bodies and affected stakeholders
- Advance regional understanding through collaboration, partnerships, and cooperative research to the greatest extent possible, and joint learning

Geographic Scope:

While ROSA's initial geographic focus will be on offshore wind development and fisheries from the Gulf of Maine to North Carolina, it is structured to accommodate additional regions as wind energy development advances. The Executive Council may determine relevant modifications to accommodate other regions should the need arise.

Form:

ROSA is organized as a not-for-profit 501(c)3 – a mission-driven research organization intended to serve the public interest in a cooperative and collaborative manner across sectors engaged in these issues. It is expected that monies will be raised from a variety of sources (see funding section below) for both general operations and the funding of specific research and monitoring projects.

Governance:

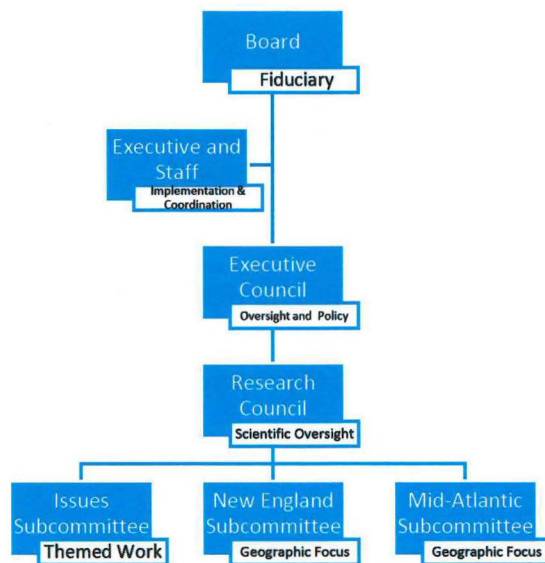
ROSA will have a governance structure as follows:¹

1. *Board:* As a non-profit, ROSA will have a small and balanced Board whose primary purpose is fiduciary oversight, including reviewing annual budgets, income streams, oversight of any required audits, and selection and review of the Executive Director.
2. *Executive Council.* An Executive Council of approximately eleven (11) members will provide leadership and strategic guidance for the alliance. This will include formalizing administration and organization of the work, creating protocols and procedures, conflict of interest policies, raising money, appointing Research Council members, approving overall annual work plans, regional research/monitoring needs, and other activities as necessary. It may be comprised of: 1) one BOEM lease-holding developer from the New England lease areas and one from the Mid-Atlantic lease areas; 2) four fishing industry

¹ Nothing in the governance or operation of ROSA should be construed to commit any participating federal agency to obligate agency funds, property, or services; enter into any contract or binding obligation; spend funds on any particular project or purpose; or limit or affect in any way the authority or legal responsibilities of the federal parties.

members, with at least one each from New England and the Mid-Atlantic representing a breadth of fisheries and/or gear types; 3) one representative each from NMFS and BOEM; 4) a state representative from one of the New England states and one from the Mid-Atlantic states; and, 5) a staff member from one of the Fishery Management Councils. Certain seats may be rotating biannually to allow maximum possible participation. Members would be expected to have collaborative, technical and cooperative research experience. The role of ports on the Executive Council or elsewhere in the framework should be determined as soon as feasible.

3. *Research Council.* A Research Council of up to twenty (20) members will identify regional research needs; develop specific science, monitoring, and peer-review protocols and other procedures for credible science and technical work, form, engage with, and integrate work across work groups; review and assist subcommittees with Request for Proposal (RFP) development; develop strategic approaches for longer-term needs and objectives, select Area Subcommittee chairs or co-chairs; and host public meetings, forums, workshops, and other activities as needed. Disputes may be taken to the Executive Council for resolution, if necessary. The Research Council would likely be comprised of: 1) wind energy industry scientists or technology experts; 2) fishing industry members and advisors; 3) state marine fisheries scientists; 4) academics or consulting scientists; 5) federal scientists; 6) other federal agencies such as the Coast Guard, DoD and DOE; and, 6) and experts from regional fishery management councils. It will be important to ensure that the Research Council includes numerous fishermen and/or their representatives.
4. *Subcommittees.* The detailed, core work of ROSA will be done by area- or topic-specific subcommittees, depending on the needs identified by the RSC. The subcommittees will be comprised of persons selected by the Research Council from among eligible applicants. Participants may include any stakeholder with an interest or expertise in the relevant topical area. To begin, two area subcommittees will be formed for New England and for the Mid-Atlantic. It is expected fishermen, federal scientists, state division of marine fisheries, academics, and consulting scientists will be active in these subcommittees. The subcommittees will explore research needs, issues, and gaps, identify potential priority needs for research for RSC consideration, develop draft RFPs for specific projects or research, and review and consider new data, studies, and results as they develop. The Research Council will create or dissolve subcommittees as needs evolve. Chairs may be selected by the RSC or upon the participants in the subcommittee.



Staffing:

ROSA will begin with an Executive Director and staff out as the organization grows and matures. The Executive Director will be hired and reviewed by the Board. The Board review will occur in close consultation with the Executive Council. For formal reasons, the Executive Director as noted above reports to the Board but in practice, the Executive Director will be accountable and serve at the direction of the Executive Council regarding the execution of process, procedures, and research.

Funding:

ROSA's initial expected budget would need to cover a part or full-time Executive Director and other necessary staff such as a Chief Scientist and grants administrator, as well as basic costs such as phone, office (if needed), administration, travel, and so forth. The intent is to secure stable core funding for multiple years for operations and staffing as well as variable funding for specific research and monitoring projects and activities that may vary in scope and scale from year to year. ROSA will be funded by the following income streams.

- Annual contributor funding, expected primarily from wind energy lease holders
- Federal funding and assistance from federal partners
- State funding and assistance from state partners
- Other contributors who have an interest in advancing ROSA's mission, from individuals to companies to philanthropic organizations, particularly those companies in the wind energy sector generally (suppliers, consultants, etc.)
- A modest overhead (10 to 15%) on specific research projects managed by ROSA will support organizational administration as needed

Initial Next Steps and Milestones:

- February: Incorporate; form and hold a Board meeting; solicit for Executive Director
- March/April: Secure initial funding; form Executive Council and plan initial meeting; hire Executive Director if qualified applicants received
- April: Hold an Executive Council meeting; form Research Council; continue to develop funding
- May: Hold a Research Council meeting, form initial subcommittees
- June/July: Hold Area Subcommittee meetings
- August/September: Create the first regional research plan and priorities



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

APR 15 2019

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

Dear Tom:

In recent years we have received several permit applications to replace a limited access scallop vessel with another limited access scallop vessel after at least one of the vessels has already fished some or all of its scallop fishery allocation for that year. This has required us to take a hard look at our vessel replacement policy in light of the Atlantic Sea Scallop Fishery Management Plan's (FMP) prohibition on combining or consolidating permits, days-at-sea (DAS), and trip allocations. This is something we are seeing mostly with scallop permits, but it can also be an issue for Northeast multispecies and monkfish permits because those fishery management plans have the same prohibition. I would like the Council to be aware of this activity and how we are handling it.

The prohibitions on consolidating or combining limited access permits and DAS allocations on a single vessel were part of the implementing regulations for Amendment 4 to the Atlantic Sea Scallop FMP and Amendment 5 to the Northeast Multispecies FMP. See 50 CFR 648.4(a)(2)(i)(G), and cross-references to the Northeast multispecies regulations at § 648.4(a)(1)(i)(G). The same prohibition exists for monkfish permits at § 648.4(a)(9)(i)(G) with the same cross-reference to the Northeast multispecies regulations. These prohibitions arose out of our attempt to uphold the Council's intent in these amendments to prevent vessels from circumventing effort limitations that were designed to maintain the level of effective fishing power of vessels that existed prior to the amendments. For example, to allow fishing activities that were historically done by two vessels to now be done by one vessel would undermine this intent by increasing the effective fishing power of the remaining fishing vessels.

Upon implementation of the limited access programs for the Atlantic sea scallop and Northeast multispecies fisheries, several vessel owners asked whether a limited access vessel that has used some or all of its DAS in a given fishing year could replace another limited access vessel that has not used all of its DAS. They asked whether the replacement vessel may then fish additional DAS based on the allocation of DAS to which the vessel being replaced was entitled, all in the same fishing year. In other words, owners were asking if there was any way, under the current regulations, for one vessel to fish two allocations of DAS in one fishing year.

To address this question, in 1994 we developed, in consultation with the NOAA Office of General Counsel, an application processing policy for this issue to prevent combining or

fh, jc, jp 4/22/19



consolidating effort allocations that would be inconsistent with the scallop and multispecies amendments. In developing this policy, it was understood that the prohibitions on combining or consolidating these effort allocations were not intended to, and did not, prevent one-time vessel replacements that were allowed by the fishery to address legitimate needs to replace inoperable or unseaworthy vessels arising in the normal course of fishing during a fishing year. Thus, the policy recognized that an owner with a legitimate need may replace an inoperable vessel with another vessel that had fished for scallops or groundfish earlier in the same year because the replacement would not undermine the intent of the FMPs to maintain historic levels of fishing effort. The policy extends to monkfish limited access permits which were implemented after the policy was completed. My staff have strived to adhere to this policy since its development in 1994.

In these fisheries, the policy recommends disapproving the replacement of a vessel that has not fished all of its allocation during a fishing year by another vessel that has fished in the same fishing year, if the same owner owns both vessels; or the vessel owner entities have common ownership or a common interest in the vessels involved. To disapprove these types of replacements involving overlapping ownership interests helps assure that vessel owners do not consolidate fishing activities that were previously conducted on multiple vessels onto one vessel; thereby undermining the purpose of the prohibitions on consolidating or combining fishing allocations. Determining which applications involve these types of vessel replacements, however, is challenging and often involves complicated situations with multiple vessels and owners. Our decision to deny or discourage these types of applications can be confusing to, and very contentious with, the owners involved.¹ For this reason, we have decided to clarify our policy so that we can help ensure that our decisions are consistent and understandable. To that end, we will allow vessel replacements of scallop, multispecies, and monkfish vessels, resulting in the combining or consolidating of fishing allocations of two or more vessels onto one vessel in a fishing year, if we can make the following findings:

- 1) That the vessel being replaced is not operable due to unforeseen circumstances at the time of the replacement request and cannot be fished the remainder of the current fishing year. This includes vessels whose allocations have been put into Confirmation of Permit History due to documented inoperability for the rest of the fishing year;
- 2) That the purchase and sale of the vessel to be used as a replacement (new vessel) is an arm's length transaction at fair market value; and
- 3) That the two business entities involved in the purchase and sale have no common owners or directors and have no mutually beneficial financial interests arising out of the transfer of fishing allocations to the replacement vessel.

In addition, any time we allow a vessel replacement based on these findings, we will send a letter with the issued permit stating that the permit transfer is null and void if the seller or buyer disagree with our findings or they conclude that our findings are not true and correct. We will also inform the vessel owner that if the ownership of the replacement vessel reverts to its original owner, we may not issue a scallop permit to such vessel in the fishing year after the replacement

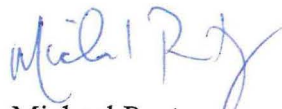
¹ Indeed, a lawsuit against NMFS was recently filed challenging our denial of a scallop vessel replacement based on this policy.

if such vessel has already fished in such year (other than carryover allocations from the previous fishing year) under a different scallop permit.

These clarifications help preserve the intent of the permit consolidation prohibition and provide more objective guidance to vessel owners who, due to unforeseen operational circumstances of their vessel, may have to replace that vessel with a vessel that has already fished a limited access scallop, multispecies or monkfish permit within the same fishing year.

My staff is available should follow-up information be requested by you or your staff. If you have any questions, please contact me or David Gouveia at (978) 281-9280 or David.Gouveia@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael R. J.", is positioned above the printed name.

Michael Pentony
Regional Administrator

cc: Christopher Moore, PhD



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 12, 2019

Mr. Michael Kersula
Maine DMR
PO Box 8
Boothbay Harbor, ME 04333

Dear Mike:

Meredith Mendelson has recommended you serve on the Council's Scallop Plan Development Team (PDT). I agree with Meredith that you would be an asset to the PDT, and I am pleased to appoint you to the team.

Currently, the Scallop PDT is engaged in the development of Amendment 21, an action that is considering modifications to Northern Gulf of Maine management, changes to LAGC IFQ possession limits, and a one-way transfer of quota from Limited Access vessels with IFQ to LAGC IFQ only vessels. Later this year, the PDT will support the development of scallop fishery allocations for FY 2020 and FY 2021 (default).

As you know, PDTs are tasked with providing objective analyses to the Council. For this reason, PDT members should not advocate for specific policies at the PDT and are not allowed to address the Committee or Council in order to advocate for any specific Council decisions unless they are presenting a PDT position. This task is normally the responsibility of the PDT Chair.

Mr. Jonathon Peros is the Council's Scallop Plan Coordinator and PDT Chair. Jonathon will contact you with additional information about PDT policies and procedures. Feel free to contact either of us with any questions or concerns. I want to thank you in advance for your assistance and technical support for the Council's scallop-related initiatives.

Sincerely,

Thomas A. Nies
Executive Director

cc: Meredith Mendelson



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 12, 2019

Mr. Carl Wilson
Maine DMR
PO Box 8
Boothbay Harbor, ME 04333

Dear Carl:

This letter is to acknowledge receipt of correspondence to our office that you will no longer be providing technical assistance to our Scallop Plan Development Team.

On behalf of the Council, I would like to thank you for your service to the management process. We appreciate your support, specifically your contribution to Frameworks 29 and 30. Maine DMR is an important partner in scallop fishery management.

We wish you the best in your future endeavors and look forward to working with you again.

Sincerely,

Thomas A. Nies
Executive Director

cc: Patrick Keliher

From: Brady Lybarger <jettyhunter@mac.com>

Sent: Friday, April 05, 2019 3:22 PM

To: Jonathon Peros <jperos@nefmc.org>

Subject: 2019 Safety, Sustainability and Swill



Afternoon to All,

Opening Day NLS West 35 boats @ 18,000lbs only 630,000 lbs of [10/20s](#) and some 20/30s will be landed [between 4/9-4/11/19](#). And I think this will continue for At least 2 months.

With talk of not wanting to cut 30/40s this winter we have created a derby fishery once again by pushing a Closed Area to the max.

I made one 15min tow before having a hydraulic issue but hauled back a twine top full of old nasty guts on opening day... I know this is going to get worse all season and the area will shrink and the fleet will tighten up.

I hope this is the last time that a greedy decision doesn't overlook common sense and safety in the near future of scallop management. All fisheries should be managed with science, but economics and safety MUST be considered in making a correct sustainable fishery.

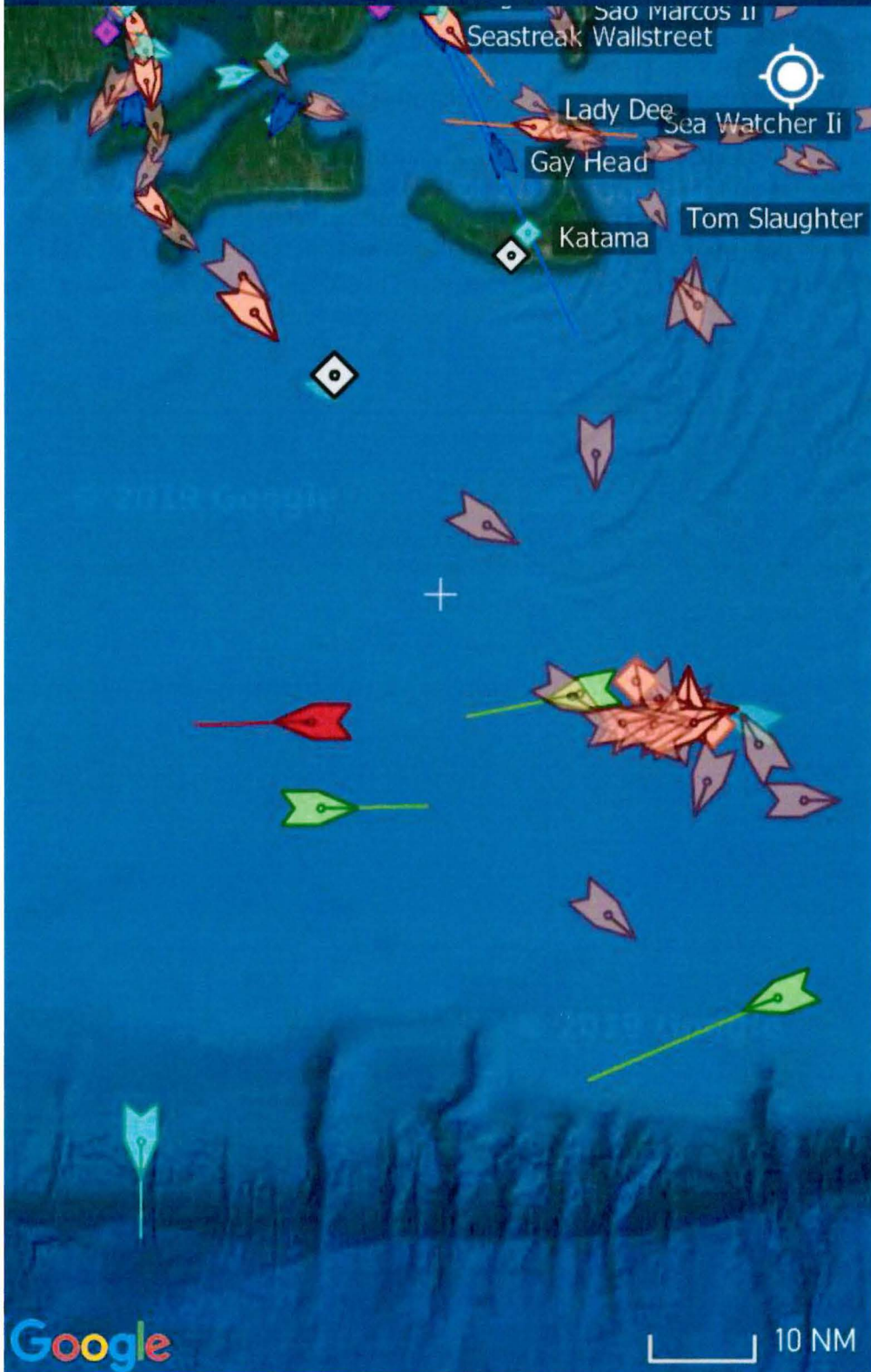
Capt Brady Lybarger

JP 4/9/19

Verizon LTE

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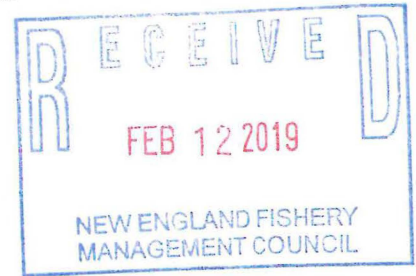
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

February 12, 2019



Tom Nies
Executive Director, New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Tom,

Thank you for your letter conveying the New England Fishery Management Council's concerns regarding the timely awards of 2019/2020 Scallop Research Set-Aside (RSA) program.

I am happy to inform you that despite the five week partial Federal government shutdown, we are on track to make awards in a timely manner that will allow industry-based surveys to move forward successfully and have data available for the Scallop Plan Development Team in August. This was made possible by the cooperation between the Council and NOAA Fisheries to adopt an award process that begins earlier and by the recent Council decision to extend the timeline for the RSA Program Review, which allows NOAA Fisheries to focus their time in the very near term on the Scallop program.

It is challenging to prioritize when we have many important activities are important and we appreciate the Council's efforts to communicate priorities and make decisions that allow us to plan and adjust as needed. Please contact me if you have any questions or additional concerns.

Sincerely,

Jon Hare,
Science and Research Director



JP 2/19/19



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

MAR 25 2019

John F. Quinn, PhD
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

MAR 27 2019

Dear John:

On behalf of the Secretary of Commerce, we have approved Framework Adjustment 30 to the Atlantic Sea Scallop Fishery Management Plan. The final rule implementing Framework 30 will publish on March 27, 2019, and all measures will be effective on April 1, 2019.

This action represents the first time that we have had specifications in place at the April 1 start of the fishing year, which was made possible by strong collaboration between our staff, as well as members of the scallop industry. Thank you and your staff for the hard work you put into this action. Please contact me if you have any questions.

Sincerely,

Michael Pentony
Regional Administrator

Cc: Thomas A. Nies

JP 3/28/19





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

MAR 12 2019



Re: Exempted Fishing Permit Proposal

Dear Tom:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward copies of Exempted Fishing Permit (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.

Coonamessett Farm Foundation submitted a complete application for an EFP on November 30, 2018, for a project titled "Dispersal and Growth of Recently Transplanted Sea Scallops (*Placopecten magellanicus*) in an Offshore Grow-Out Area." This project has also been submitted for consideration as part of the 2019 Atlantic Sea Scallop Research Set-Aside (RSA) Program. This project would look primarily at the feasibility of transplanting/seeding scallops from one offshore area to another. The project would also demonstrate the feasibility of tracking the scallops once they have been transplanted/seeded over a nine month period.

We have recently been made aware that at the last Scallop Committee meeting there were discussions on how to allocate the scallops located in the study area, possibly through a specifications action. We are particularly interested in your comments on how this EFP might intersect with this strategy.

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 March 27, 2019.

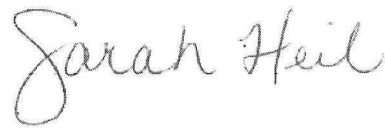


CONTACT

Shannah Jaburek
Sustainable Fisheries Division
Greater Atlantic Regional Office, NMFS
55 Great Republic Drive
Gloucester, MA 01930
Email: Shannah.jaburek@noaa.gov
Phone: (978) 282-8456

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Heil". The signature is written in dark ink and is positioned below the word "Sincerely,".

Sarah Heil
Acting Assistant Regional Administrator
for Sustainable Fisheries

assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data/Assessment Scoping webinar are as follows: Participants will discuss data issues, as necessary, including the potential use of otolith count versus calendar ages in the assessment and discuss initial modeling issues, as needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 7, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019-04485 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG790

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 Acting 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 exempt seven commercial fishing vessels from limited access sea scallop regulations in support of a study on the feasibility of transplanting and monitoring scallops transplanted from one offshore area to another.

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 March 27, 2019.

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

- **Email:** nmfs.gar.efp@noaa.gov. Include in the subject line "DA19-005 CFF Reseeding EFP."
- **Mail:** Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "DA19-005 CFF Reseeding EFP."

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, 978-282-8456.

SUPPLEMENTARY INFORMATION: Coonamisset Farm Foundation (CFF) submitted an exempted fishing permit (EFP) application in support of a project titled "Dispersal and Growth of Recently Transplanted Sea Scallops (*Placopecten magellanicus*) in an Offshore Grow-Out Area." The project would look primarily at the feasibility of transplanting/seeding scallops from one offshore area to another. The project would also demonstrate the feasibility of tracking the scallops once they have

been transplanted/seeded over a nine-month period. Researchers propose that information gained from this project on scallop growth and survival could be broadly applicable to future stock dynamic studies as well as a possible mitigation technique to help deal with global climate change.

To enable this research, CFF is requesting exemptions for seven commercial fishing vessels from the Atlantic sea scallop crew size restrictions at § 648.60(c); observer program requirements at § 648.11(g); Nantucket Lightship South and North Rotational Areas at § 648.60(e) and 648.60(g); and access area program requirements at § 648.59(a)(1)-(3), (b)(2), (b)(4).

This project would be conducted in three phases. An initial trip would harvest approximately 60 scallops to conduct a health assessment to ensure that disease transmission between areas will not occur. The second phase would have 1 vessel conducting dredging operations to harvest between 100,000-500,000 scallops on a single trip from Nantucket Lightship South and transplant them in Nantucket Lightship North. This trip would also include camera surveys when the scallops are transplanted and then at 12-, 24-, and 48-hour intervals. The third phase of the project would consist of five trips to the transplant area. The first four would only consist of camera surveys of the transplant area. The fifth and final trip would consist of a camera survey of the area and harvest activities of both natural set and transplant scallops for final size composition comparisons.

All tows to harvest scallops for transplanting would be conducted with one 15-foot (4.57 m) dredge for a duration of 10 minutes using an average tow speed of 4.5 knots. All dredge gear would conform to scallop gear regulations. A subset of approximately 10,000 scallops would be tagged with a unique identifier to both the top and bottom of the shell. An additional 25 scallops would be tagged with acoustic telemetry tags to help relocate transplanted scallop piles. All scallops, both tagged and untagged, would be lowered to the ocean bottom in covered baskets. Following transplant operations, CFF would use a stationary camera array tied on to the vessel to photographically document the drift of the transplanted scallops.

No catch sampling beyond tagging scallops would occur, therefore any non-scallop catch would not be retained for longer than needed to sort catch, and no catch would be landed for sale. All catch estimates for the project are listed in the table below.

TABLE 1—ESTIMATED CATCH, BY SPECIES, FOR CFF EFP REQUEST

Common name	Estimated weight (lb)	Estimated weight (kg)
Sea Scallop	12,000	5,443
Yellowtail Flounder	20	9
Winter Flounder	20	9
Windowpane Flounder	60	27
Monkfish	100	45
Other Fish	120	54
Bardoor Skates	20	9
Northeast Skate Complex	500	227

CFF needs these exemptions to allow them to deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. 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. Researchers from CFF will accompany each trip taken under the EFP.

The New England Fishery Management Council is currently devising a management strategy for these scallops in the 2020 fishing year and there is talk of allocating them through a specifications action. NMFS is particularly interested in receiving comment on how this EFP would intersect with the Council's developing management strategy.

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: March 6, 2019.

Karen H. Abrams,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019-04413 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and

Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval for the San Francisco Bay National Estuarine Research Reserve Management Plan revision.

SUMMARY: Under applicable Federal regulations, notice is hereby given that the Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce approves the revised Management Plan for San Francisco Bay, California National Estuarine Research Reserve Management Plan. In accordance with applicable Federal regulations, the San Francisco Bay Reserve revised its Management Plan, which will replace the plan previously approved in 2011.

FOR FURTHER INFORMATION CONTACT: Bree Turner (Phone: 206-526-4641, Email: Bree.Turner@noaa.gov) or Erica Seiden (Phone: 240-533-0781) of NOAA's National Ocean Service, Stewardship Division, Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: The revised Management Plan outlines the administrative structure; the research/monitoring, stewardship, education, and training programs of the Reserve; and the plans for future land acquisition and facility development to support Reserve operations.

The San Francisco Bay Reserve takes an integrated approach to management, linking research, education, coastal training, and stewardship functions. The Reserve has outlined how it will manage administration and its core program providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last Management Plan, the Reserve has built out its core programs and monitoring infrastructure; conducted an educational market analysis and needs assessment to better meet teacher needs and underserved audiences; developed resource management and restoration management plans; and expanded the coastal training program through development of a five year strategy and partnership with the on-site wetland science program.

On December 21, 2017, NOAA issued a notice of a thirty day public comment period for the San Francisco Bay Reserve revised plan (82 FR 60588). Responses to the written and oral comments received, and an explanation of how comments were incorporated

into the final revised plan, are available in Appendix G of the revised plan.

The revised Management Plan will serve as the guiding document for the 3,710 acre San Francisco Bay Reserve. View the San Francisco Bay, California Reserve Management Plan at <http://www.sfbaynerr.org/resource-library/reserve-plans-reports/sf-bay-final-management-plan-2018-2023/>.

The revised management plan does not make substantial changes that are relevant to environmental concerns and does not raise significant new circumstances or information that may lead to new or different environmental impacts. It does not propose new construction, land acquisition, or changes in allowable or restricted uses. As such, the initial Environmental Impact Statement (EIS) prepared at the time of designation is still valid and supplementation of the EIS is not required. NOAA has made the determination that the revision of the management plan will not have a significant effect on the human environment and qualifies for a categorical exclusion under NOAA Administrative Order 216-6A and the NOAA NEPA Companion Manual. An environmental assessment will not be prepared. Any specific actions that NOAA may fund or carry out in the future pursuant to this management plan will be subject to future NEPA and environmental review, as applicable.

Authority: 15 CFR 921.33.

Dated: March 4, 2019.

Keelin Kuipers,
Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2019-04419 Filed 3-11-19; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2018-HQ-0018]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 11, 2019.



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*

March 7, 2019

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

Today, my staff electronically sent the final submission of Framework 30 to the Scallop Fishery Management Plan (FMP), including the Environmental Assessment (EA), and associated appendices. Earlier versions of this document were also sent to your staff, including a decision draft on December 20, 2018 and a pre-submission draft on February 8, 2019.

We received your letter dated March 5, 2019 with several issues identified for us to address to ensure the document is consistent with applicable law. My staff completed analyses for this action consistent with previous guidance and prior scallop actions. We have revised this final submission document to reflect your requested revisions.

The measures proposed in Framework 30 adjust 2019 and 2020 (default) scallop fishery specifications, modify Northern Gulf of Maine management measures, and develop standard default measures.

Please contact me if you have any questions. Since the 2019 scallop fishing year begins April 1, 2019, the Council requests the measures proposed in this framework adjustment be implemented as soon as possible.

Sincerely,

Thomas A. Nies
Executive Director



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

MAR - 5 2019

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

RE: Comments on Framework Adjustment 30 to the Atlantic Sea Scallop Fishery Management Plan

Dear Tom:

The Council submitted a preliminary draft of Framework 30 on February 8, 2019. We completed a review of the draft document and found the document to be very well written. We have some additional issues that must be addressed to ensure the document is consistent with applicable law.

1. Please revise Section 5 to briefly explain why no measures were considered and rejected.
2. Where lacking, please revise no action alternative impact discussions in Section 7 to better describe what the impact of not taking action are on resource conditions and not only in comparison to other options.
3. Under the no action alternative in the Northern Gulf of Maine (NGOM) section of the Essential Fish Habitat (EFH) impacts section (section 7.2.2.1), please state that although Alternative 1 continues fishing effort and degradation of habitat leading to low negative impacts on EFH, it would be expected to have a low positive impact on EFH in the NGOM relative to Alternative 2.
4. Please revise the Cumulative Impacts section (section 7.6) to include information on how wind energy may impact the scallop fishery.
5. The Protected Resources section of the Cumulative Effects Analysis (section 7.6.1), references the Omnibus Habitat Amendment 2 that may have neutral effects on protected resources. However, this was not the determination made for the preferred alternatives in that amendment. Please change this determination to "mixed effects."
6. In the Protected Resources portion of the Past, Present, and Reasonably Foreseeable Future Actions section (section 7.6.3):
 - a. Please update the reference to Atlantic sturgeon interactions from the past 26 years to 28 years and add the updated references from the Fishery Sampling Branch to the Literature Cited;
 - b. Please update the reference to other non-scallop fishery actions that have been implemented over "the last decade" to "the last 10 or more years."




- c. Finally, in the last paragraph of this section, please change the description of “low-negative impacts for non-target species” to “low-negative impacts for sea turtle species.”

My staff will be discussing these revisions with your staff this week. If you have additional questions on the comments provided, or on the review of Framework 30, please contact Travis Ford at (978) 281-9233. We appreciate your quick turnaround of this document, given the compressed timeline for this action.

Sincerely,

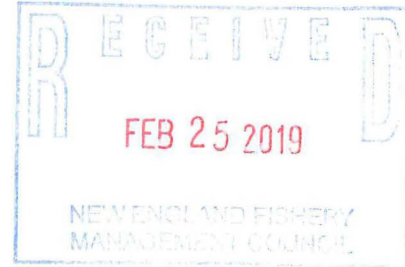


 Michael Pentony
Regional Administrator



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

February 21, 2019



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

Dear Tom:

Thank you for your letter conveying the New England Fishery Management Council's concerns regarding the timely awards of 2019/2020 Scallop Research Set-Aside (RSA) program.

I am happy to inform you that despite the five-week partial Federal government shutdown, we are on track to make awards in a timely manner that will allow industry-based surveys to move forward successfully and have data available for the Scallop Plan Development Team in August. This was made possible by the cooperation between the Council and NOAA Fisheries to adopt an award process that begins earlier and by the recent Council decision to extend the timeline for the RSA Program Review, which allows NOAA Fisheries to focus their time in the very near term on the Scallop program.

It is challenging to prioritize when we have many important activities, and we appreciate the Council's efforts to communicate priorities and make decisions that allow us to plan and adjust as needed. Please contact me if you have any questions or additional concerns.

Sincerely,

Jonathan A. Hare
Jonathan A. Hare, Ph.D.
Science and Research Director

cc: R. Beal
C. Moore
M. Pentony





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*

February 8, 2019

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

Today, my staff electronically sent a pre-submission draft of Framework 30 to the Scallop Fishery Management Plan (FMP), including the Environmental Assessment (EA), and associated appendices. An earlier version of this document, a decision draft, was also sent to your staff in December to enable earlier publication of the proposed rule. As you know, we are continuing to use a more expedited process to help streamline rulemaking so that scallop fishery specifications can be in place closer to the start of the fishing year. We still plan to use the same pre-submission and final submission process that we use for other Council documents.

The measures proposed in Framework 30 adjust 2019 and 2020 (default) scallop fishery specifications, adjust the TAC and management measures in the Northern Gulf of Maine, and establish standard default measures.

Upon review of the Framework 30 pre-submission document, please communicate any comments and/or need for further revisions directly to me in writing. To help expedite the review process, my staff would appreciate if requested changes could be listed and categorized as 'required' or 'suggested.' Please contact me if you have any questions.

Sincerely,

Thomas A. Nies
Executive Director



New England Fishery Management Council

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

February 1, 2019

Admiral Karl L. Schultz
Commandant of the United States Coast Guard
US Coast Guard Stop 7907
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593-7907

Dear Admiral Schultz:

On January 29, 2019 the New England Fishery Management Council discussed the potential impact of the recent government shutdown on the fisheries managed by the New England Council. Of concern to the Council is the timely and orderly start of these fisheries later this year.

As you know, vessels must renew their permits prior to the start of the fishing year in order to participate in a federally managed fishery. Per NOAA Fisheries requirement, a vessel must possess a current United States Coast Guard certificate of documentation in order to renew a permit for the 2019 fishing year. Without a current vessel documentation certificate, vessels will not be able to renew federal fishing permits and will be forced to remain tied at the dock. To help alleviate any delays in permit renewals, the Council requests that the United States Coast Guard expedite the processing of vessel documentation for federally permitted vessels.

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

Sincerely,

Thomas A. Nies, CDR, USCG (ret.)
Executive Director

cc: Michael Pentony, GARFO



New England Fishery Management Council

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

February 1, 2019

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

Dear Jon:

On January 29, 2019 the Council discussed the potential impact of the government shutdown on the Atlantic sea scallop fishery. Of particular concern to the Council are the timely awards of the 2019/2020 Scallop Research Set-Aside (RSA) program. For many years the RSA program has supported a wide range of research tracks that directly inform the management of the scallop resource. Industry-based surveys of the resource continue to be the highest priority for the Scallop RSA program.

Last year, industry-based surveys were on the water by May 4, 2018 and continued into the month of July. The Council's Scallop Plan Development Team begins working with survey data in early August. A delay in RSA award-making could impact the timely delivery of key data sets that are expected to support the 2019 management track stock assessment and 2020/2021 scallop fishery specifications this fall.

The Council requests that NOAA Fisheries expedite the 2019/2020 scallop RSA award making process.

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

Sincerely,

Thomas A. Nies
Executive Director

cc: Michael Pentony, GARFO



New England Fishery Management Council

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

February 1, 2019

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

On January 29, 2019 the New England Fishery Management Council discussed the potential impact of the recent government shutdown on fisheries managed by the New England Council. Of concern to the Council is the timely and orderly start of these fisheries later this year.

The recent shutdown prevented vessels from renewing federal fishing permits and impeded the ability of fishing businesses to complete quota transfers. Another impact was that research institutions were not been able apply for Letters of Acknowledgement (LOA) or exempted fishing permits (EFP), which are required to participate in at-sea research and(or) research compensation fishing. The Council requests that GARFO expedite the processing of vessel permits, scallop IFQ transfers, and LOA/EFP applications for the following reasons:

- Permit renewals: Federally permitted vessels will not be able to operate if they are unable to renew their permits prior to the start of their fishing year. Without a valid permit, vessels will be tied to the dock. To renew a permit for the 2019 fishing season, NOAA Fisheries requires that the vessel must have a current United States Coast Guard certificate of documentation. The processing period for permit renewal applications is 30-days. To raise awareness about the permit renewal process, I have sent a letter to Admiral Schultz requesting that the United States Coast Guard expedite the processing of vessel documentation for federally permitted vessels.
- Scallop LAGC IFQ Transfers: Scallop regulations at 50 CFR 648.14(i)(4) state that it is unlawful to possess or land scallops in excess of a vessel's IFQ, or fish for scallops without IFQ. In a May 14, 2018 letter to you and Mr. Timothy Donovan, I explained that the Council believes that the successful management of the Atlantic sea scallop fishery is enabled by fishery participants abiding by rules and regulations, and that managing quota balances is the responsibility of each LAGC IFQ permit holder. The Council also recognizes that NOAA Fisheries has 30 days to complete requested quota transfers. The recent shutdown and the time lag between when a transfer is initiated and completed can leave LAGC IFQ vessels tied to dock for an extended period of time.
- EFP and LOA: The Council's research set-aside programs annually support industry-based surveys and research. Vessels participating in research and(or) compensation

fishing that supports research, must hold either a Letter of Acknowledgement (LOA) or exempted fishing permit (EFP). Researchers typically work closely with your staff to obtain the necessary documentation to complete at-sea components of their work.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Nies". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas A. Nies,
Executive Director

cc: Timothy Donovan, NOAA OLE