



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*

Amendment 21 to the Scallop FMP

Scoping Meeting Summary

Samoset Hotel, Rockland, ME

February 28th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Other Council Members: Terry Stockwell

Council Staff: Jonathon Peros (Scallop Plan Coordinator), Sam Asci, Rachel Feeney, Tom Nies, Janice Plante

Attendance: Approximately 45 in the audience

The meeting began at approximately 1:09 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this is the first of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action. Following two clarifying questions on the presentation, scoping comments were taken from the audience regarding the scope of issues to be addressed in Amendment 21.

Ira "Tad" Miller—Tenants Harbor, ME; F/V Julie Ann and F/V Mallory Sky; NGOM scallop fisherman: I am glad the Council is developing an amendment and hope that it works towards protecting and building a healthy fishery in the Northern Gulf of Maine. The Northern Gulf of Maine is a unique fishery, different from the rest of the fishery, in part due to the limited amounts of science available there compared to other parts of the scallop fishery. Hopefully this action will improve science in the Northern Gulf of Maine.

I am concerned about permit shifting, and think it is important for the Council to consider how many permits are eligible to enter the NGOM fishery. This is a rebounding fishery and it could be detrimental to the NGOM resource if a large increase in participants were to happen. I support consistent gear restrictions because I believe it is fair and would provide equal access to all vessels that fish in the Northern Gulf of Maine. I support better science, through surveys and any other means possible. I do not think we currently have a good enough handle on the resource in

the Northern Gulf of Maine and that improving science will improve management approaches in the future. For example, developing rotational management in the NGOM might be possible in the future if the science were to improve; however, the science we currently have is not enough to support something like rotational management at this time. I am not averse to a workable monitoring plan, like electric monitoring, as long as it is not overburdensome. On my boat, having another person on board (i.e. human observer) would not be acceptable because there would not be enough room and it would be dangerous. I do not think the LAGC and LA components should be operating in the NGOM at the same time due to safety concerns. I think the LAGC component should be able to harvest its share of the TAC before the LA component. These are two different sized fleets and very dangerous situations can arise when they are operating in close proximity. I am in favor of maintaining the current TAC split between the LAGC and LA components. I am against creating a system that would split the TAC into different area opening dates. I like the current opening date of April 1st and think that a later opening date would create gear conflicts, especially on Middle Bank. It is also important to consider that bycatch may increase if the NGOM opening date were shifted to later in the season when the water is warmer and fish are typically found in shallower depths.

Alex Todd—Maine; NGOM scallop fisherman: I am happy with the current structure of the NGOM TAC split between the LAGC and LA components because it gives the small boat fleet a spring fishery to work on (i.e. we lost the spring shrimp fishery a few years ago). Like others in the small boat fleet, I rotate through many fisheries during the year and each one is as important as the rest; it is very important that the NGOM continues as a spring fishery because otherwise I would not be able to participate in it.

I think the current approach used for splitting the TAC is good and should carry forward. I think that trimesters or splitting up the season throughout the year is a bad idea due to the potential for gear and user conflicts. Take Stellwagen for example: if the season were much later or if there were different opening dates, there would be overlap with the tuna fishery and whale watching boats. Similar issues could be expected in other parts of the NGOM due to overlap with lobster gear. I think there should be a research set-aside from the NGOM TAC to support research needs and survey the entire management area. I think that all vessels fishing in the NGOM should have the same gear requirements (i.e. maximum dredge width of 10 ft 6 inches).

Bill Anderson—Trescott, ME; F/V Eleanor Kathrine III; NGOM scallop fisherman: I am a long-time scallop fisherman who participated in the general category fishery when it was open access and the possession limit was 400 pounds. At the current 200-pound trip limit, I see a lot of guys burning more and more fuel. I think it is worth increasing the NGOM possession limit from 200 pounds to 400 pounds, and potentially limiting the number of times you can land in a week; this would allow boats to land the same amount of product in the same time frame, but would reduce fuel costs. When it comes to changing the boundary, unless you intend to make the area larger, I think the boundary is fine where it is.

I think everyone fishing in the NGOM should be limited to a 10 ft drag, no matter what size the boat is or what category permit they have. I am concerned with permit shifting and the potential for larger boats entering the NGOM fishery. I used to be able to fish on Georges Bank but now am limited to the Northern Gulf of Maine; I do not think that the small boat fleet should have to compete with larger vessels in the Northern Gulf of Maine because the larger vessels have access to other parts of the resource.

Jim Wotton—Friendship, ME; F/V Overkill; NGOM scallop fisherman: I've held a Northern Gulf of Maine permit since the area was created. I want to thank the Council for the work you've done over the past few years to protect and conserve the Northern Gulf of Maine fishery; however, the work is not complete and we need to plan for the future. The easiest way to make management decisions is when you have accurate and timely scientific data. That is something we've been missing. Good science could have provided answers to many of the questions in the scoping document. For that reason, I support a research set aside and monitoring program to preserve and protect our fishery. I also think the current measures in place now should stay in place. The TAC split is not perfect, but it is working. The lines defining the Northern Gulf of Maine have been in place since Amendment 11 and should remain as is. I also think we should have consistent rules across the fleets in regard to gear configurations within the Northern Gulf of Maine and that permit shifting from category to category should not be allowed. Some tools we may need in the future include managing through sub-areas or trimesters. I know these aren't popular ideas, but will be important to consider if the NGOM resource were to increase significantly in the future.

Josh Trundy—Sorento, ME; F/V Miss Rebecca; NGOM scallop fisherman: I want to thank the Council for listening and hearing what we have to say. I am fairly new to the NGOM fishery and hope that it suffices for a lot longer. I support the views described earlier by Tad Miller and Jim Wotton, and think it's important to take a good look at the current fishery and develop measures that will benefit everybody in the future, both big boats and small boats.

Mike Murphy—F/V Murphy's Law; NGOM scallop fisherman: I support continuing the majority of NGOM measures already in place. I don't think the boundary should change. I don't like the idea of trimester fishing due to the potential for gear conflicts. I would like to see a research set-aside for the NGOM because a large portion of the area has not been surveyed.

Arnold "Joe" Nickerson—Kennebunkport, ME; F/V Hayley Ann: I am in favor of keeping the current measures in place for splitting the NGOM TAC. I think that the gear restrictions should be made consistent with what is in place now. I don't know how I feel about the movement of permits, but I don't think a large number of permits should be activated in the NGOM fishery because of the uncertainty around how large the resource is there. I don't think we should develop trimesters at this time until we improve science in the area and because of gear conflicts. I support starting a research monitoring and research set aside to improve our understanding of the area and to survey it entirely. I do not support changing the Northern Gulf of Maine boundary line. I think we should take the time to fully survey the area so we know how much biomass is there, and to make sure the management structure is sound before opening the NGOM up to a larger fishery.

Jeff Mills—South Thomaston, ME; F/V Featherlight; LAGC IFQ fisherman: Distinguished members of the Committee, my name is Jeff Mills. I live in South Thomaston and I have been a fisherman for over 52 years. In 2012 I set out on a project to become an LAGC IFQ scalloper. With great care, careful research, and a lot of help from many of the staff at NMFS, I began. With a qualifier permit and 24,000 pounds of lease at \$3.00/pound I set out for Stage Harbor. After finishing the quota, I returned home and set my lobster traps offshore until late fall when I brought my traps ashore and prepared for state waters scalloping. With the help and instruction of NMFS staff, I put my federal permits into CPH. I was warned specifically that I could only execute "one cycle" of removing and replacing my permit per year. I was advised to plan my fisheries carefully.

In 2014 I wrote a letter to the Council to request a waiver to be able to fish for scallops in state waters without quota and keep my federal permit on the boat. I got no response.

In November 2017 I received the October 25th bulletin concerning IFQ boats being waived to fish in state waters during the state waters season. I called enforcement to see what if anything I needed to do before the start of the season on December 2nd. I was instructed about VMS requirements. I fished two days. I got an email on VMS to call. The BOATRACS macros had changed and I made the adjustment. I asked if I was doing everything else correctly. They said I was fine.

You see, I had not taken my permit off my boat as I had been doing for the past 5 seasons because of the bulletin.

Almost three months later, an enforcement agent visits my home to tell me my quota was in the negative. I jumped into my truck and headed to Gloucester. I met with Travis Ford. I said, "I read the bulletin and talked with fisheries twice. It seemed clear." He pulled up the bulletin and read it. He said he could see how I misunderstood it, but the best way to fix it is lease quota. Since I had not put my permit into CPH because of the information relayed on the bulletin, I was not expected to lease every pound I caught that year, which would cost in the neighborhood of \$30,000 to \$40,000 to purchase quota.

The bottom line is that a Maine fishermen with a federal permit and zero quota cannot afford to go scalloping in his state fishery. Four to five dollar lease and market, prices as low as \$8.75 with a 135 pound daily limit would mean going behind.

I have been scalloping since 1976 and I feel I am being pushed into a corner and treated unjustly for trying to comply and I feel I am being punished for having a federal permit that prevents me from making a living. I have already lost an entire season because Mr. Ford told me, and I paraphrase, "I wasn't supposed to take my permit off for that reason," even though taking my permit off to fish in state waters had been recommended and sanctioned by NMFS over the past 6 years.

So here I stand with my hands tied behind my back. If the law was different or I was alerted of I was instructed differently, I would not be in this unnecessary mess now. The law needs to change so that I and other in my situation may fish for scallops in Maine without a crippling financial burden.

I have been working with Senator Susan Collins' office for nearly a year and they support my view of being unjustly treated over the ambiguous bulletin. Senator Collins' office also believes that Maine fishermen should be able to fish unencumbered by federal laws that discriminate. The Maine Department of Marine Resources also supports my position. They are drafting a letter to the Council in support of lifting the requirement for federal quota for Maine licensed scallopers with IFQ permits and fishing in Maine waters during the state season.

The scoping meeting was closed by the Committee Chair at 2:05pm.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Thursday, February 28, 2019

LOCATION: Samoset Resort, Rockland, ME

CERTIFIED BY:

IMPORTANT... Any information provided on this form is subject to Freedom of Information Act (FOIA) disclosure and may be made available to anyone requesting such.

<u>Name</u>	<u>Affiliation</u>
Don Frei	NMFS OLE
CATE O'KEEFE	MA DMP
Jason Berthiaume	NMFS OLE
Togue Brawn	Downeast Dayboat
Matt Ganci	USCG
Alb Todd	Fishermen (maine)
John 2	Fishermen
PAT Fehily	Fisherman
TOM REILLY	Fishermen (AP)
TIM HOLMES	Fisherman
Kristian Poirer	Fisherman
Jim Wotton	Fisherman
B. Chy	Fisherman
Larry Blumel	NMFS obs. Program - Scallop VCIL
Carl Wilson	Maine DMR (PDT)
John MORAN	Athearn Marine
Joe Allen	Fisherman
Dy 2nd	Athearn Marine

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Amendment 21 to the Scallop FMP Scoping Meeting Summary

Hotel Indigo, Riverhead, NY

March 7th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

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

Attendance: 4 in the audience

The meeting began at approximately 6:10 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the second of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Michael Bauhs—New York; F/V Windsong; LAGC IFQ fisherman: Mr. Bauhs asked a series of clarifying questions following the presentation and during the open public comment period of the meeting. During the question and answer exchange between Committee Chair Balzano/Council staff and Mr. Bauhs, Mr. Bauhs provided the following comments:

- With regard to preliminary analyses that suggested increasing the LAGC IFQ possession limit would lead to higher lease prices, Mr. Bauhs stated the current lease price is already pretty high. He later expressed that the current lease price of over \$4 per pound is higher than it's ever been, and makes it very difficult to be profitable considering the ex-vessel price is only between \$9 and \$10 per pound.
- Following clarifying questions around the current observer compensation rate for LAGC IFQ trips (i.e. compensation covers one day) and the observer set-aside (i.e. 1% of APL), Mr. Bauhs commented that the overall observer set-aside should increase proportionally with any increase in the LAGC IFQ possession limit.

The scoping meeting was closed by the Committee Chair at 7:00 pm.

DATE: Thursday, March 7, 2019 LOCATION: Hotel Indigo, Riverhead, NY

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Amendment 21 to the Scallop FMP Scoping Meeting Summary

Corless Auditorium, University of Rhode Island, Narragansett, RI
March 8th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

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

Attendance: 12 in the audience

The meeting began at approximately 3:06 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the third of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Jesse Rose—Chatham, MA; F/V Midnight Our; LAGC IFQ fisherman: I support the transfer of quota from LA vessels with IFQ to LAGC IFQ vessels because it would make more quota available to LAGC IFQ vessels and maybe decrease lease prices. Having more quota available for purchase would benefit fishermen who are trying to build their business. I believe increasing the LAGC IFQ trip limit is a must for access area trips and I also support an increase for open area trips. I put emphasis on increasing the access area trip limit because we are being forced to fish farther offshore due to inshore depletion, and increasing the trip limit would make fishing farther offshore more profitable. With regard to what the trip limit should be changed to, my personal opinion is that an aggregate weekly limit should be considered.

Beau Gribbin—Provincetown, MA; F/V Kahuna, F/V Glutton; LAGC IFQ fisherman: I am in favor of the trip limit increase and think it will be a positive thing in the near future. This would make access area fishing more profitable considering how the meat counts seem to be getting smaller. An increased profit margin and viability in access areas would take some effort away from inshore areas and address the inshore depletion issues. Several years ago, I was part of a group of Cape Cod fishermen that spoke with NMFS about doing an aggregate trip limit for access area fishing; a lot of the emphasis we had on this was that we would be bringing landings back into Massachusetts, which is my home port. I think if we increased the trip limit, it could

potentially be worthwhile to fish access areas to the south and still bring landings back to New Bedford. This is important for many of us on the Cape because many of us have contracts with local buyers and need to land in Massachusetts. As far as LA vessels with IFQ transferring quota down to LAGC IFQ vessels, I only see this as a benefit for LAGC fishermen—both for those who are trying to build up their quota base, and also because it may keep the lease price at bay which is obviously a large concern.

Sam Hopkins—Martha's Vineyard (MA); F/V Endurance, Martha's Vineyard

Fisherman's Preservation Trust; LAGC IFQ fisherman: I am a General Category fisherman and am also representing Martha's Vineyard Fisherman's Preservation Trust, which is a non-profit on Martha's Vineyard that supports small boat fisheries. I support the possession limit increase and think the largest increase you can give us would be the best. I fish out of Martha's Vineyard and part of my contract requires me to land part of my quota on Martha's Vineyard. It's an awfully long steam, especially when fishing areas like the NLS-West that are far away and have smaller meats. Whether its an increase to a 1,200-pound daily limit or an aggregate weekly limit, I support either. Doing so would help support the LAGC fishery in that it would remain profitable—just because it's a day boat fishery doesn't mean it should have to be a marginal fishery. There is also the inshore depletion issue and safety concerns to consider. Increasing the limit would provide the flexibility to prosecute the fishery in a way that makes the most sense to us as operators. Also, increasing the trip limit would cut enforcement efforts in half for the same level of coverage. I also support the transfer of quota down from LA vessels to the LAGC IFQ fleet, whether its lease down or sell down to LAGC IFQ vessels. This helps both fisheries because some LA vessels don't fish their quota allocations; this provision would allow them to monetize an asset that they already have and would provide more opportunity to LAGC fishermen.

Cam Smith—Harwich, MA; F/V Three Sons; LAGC IFQ fisherman: I am in favor of increasing the trip limit, especially in access areas, for all the reasons we've already heard. I am also in support of the transfer of quota from LA to LAGC IFQ vessels because it would keep lease prices down.

Tom Reilly—Chatham, MA; F/V Three Graces; LAGC IFQ fisherman, Scallop AP

member: I am in favor of increasing the trip limit for a few reasons. I take a hard look at the numbers of running an LAGC operation—when IFQ is trading or selling per pound close to the price of LA vessels, you have to be profitable. We're travelling farther and farther offshore and the steam time makes it very difficult to catch 50 or 60 thousand pounds a year and maintain your boat. The price of repairing your boat over 5-6 years has gone up 200-300%, but our scallop prices have not. Regarding dayboat integrity—it is my opinion that the transition of this fishery to an IFQ fishery needs to be considered when discussing how this fishery has changed over time. As a small boat fisherman, flexibility is very important and increasing the trip limit would help that. There is also the safety consideration; there were lots of close calls last year due to captains falling asleep at the wheel during long steams. In my opinion, lease prices are driven more by the ex-vessel prices at the auction than any other factor. Regarding the potential expansion of scallop dredge exemption areas—I used to tuna fish out by the Hague line and it's a long steam. I'd like to go out there during the summer months if there are scallops there, but I can't go that far for 600 pounds. It just doesn't make sense at the current ex-vessel prices we're getting. This is running a business now—it's no longer the case of shifting to 8 different fisheries like when we were younger—we need to make it profitable.

Seth Rolbein—Director of Cape Cod Fisheries Trust (part of Cape Cod Commercial Fishermen’s Alliance): The Cape Cod Fisheries Trust has taken several positions that we want to communicate related to the issues in Amendment 21. We have not taken a position on NGOM management alternatives at this time but look forward to continuing participation in scoping efforts. We are unanimous in favor of a provision that would allow LA vessels to lease down quota to the LAGC IFQ fleet. As far as the trip limit goes, the last formal vote we took was 9-2 in favor of calling for an increase in the trip limit. This vote did not include a specific number. We anticipate that a proposal will be brought forward for a modest increase to the trip limit—which we will support—based on analyses already available. We strongly believe that a modest increase to the trip limit will not change the basic nature of our LAGC fleet. We believe it will strengthen our fleet and improve monitoring because current observer efforts would capture much more fishing activity. Due to inshore depletion, our fleet is being forced to fish farther and farther offshore for the same return. This is not economically feasible to continue doing, and there are safety concerns of small boat fishery operating so far offshore for only 600 pounds.

Andrew Keese—Massachusetts; F/V Miss Rockville; LAGC IFQ fisherman: LA vessels leasing down the LAGC IFQ fleet seems like common sense. As far as the trip limit increase, I am absolutely against it. The reason I am opposed is described in analyses that the scoping document references, which suggests that increasing the trip limit will decrease profits for the top leasing groups, which comprise most of the active fishery. This is saying that a trip limit increase would affect more of the fleet negatively and a smaller portion of the fleet positively.

Mike Marchetti—Rhode Island; F/V Mister G; LAGC IFQ fisherman: I don’t have much of a comment on the NGOM other than knowing there are issues with management in that area that should be addressed. NGOM fishermen should be afforded the same level of protections as the rest of us. Regarding the lease down provision from LA vessels with IFQ to LAGC IFQ vessels, I think this would provide some opportunity for the small boat fleet. I also wonder if its possible that, if the trip limit were increased, maybe LA vessels would want to fish their quota instead of leasing it down to us. Through Amendment 11 we created a very good and stable fishery that I believe in. In Amendment 15, some of us wanted to reduce the trip limit to 300 pounds because we were concerned about hyper-consolidation. Considering the reduction in active LAGC IFQ permits between Amendment 11 and now it seems that consolidation has been occurring, and we believe that this will continue even more in the future if the trip limit is increased. At a higher trip limit, this fishery will focus itself more towards the larger vessels that can support larger crews and afford to pay more for quota. Increasing the trip limit is going to negatively affect the smaller boats who only have a little bit of quota and rely on leasing. I think there will be safety concerns if the trip limit is increased due to vessels fishing longer trips and needing larger crews. The few fishermen I represent are dead set against increasing the trip limit. That being said, personally, I think there is some purpose for increasing the access area trip limit due to the long steam time to those areas. I am personally dead set against increasing the trip limit in the open area because it will aggravate the inshore depletion issues mentioned in previous comments. I think keeping the 600-pound limit in near shore areas is a wise thing to do to protect the resource closer to shore. That being said I am open to discussion on increasing the trip limit in access areas because I see the need; however, this could potentially increase derby fishing in access areas by those larger vessels that will be fishing more quota, which will be taken away from smaller boats and smaller ports. Taking away opportunity from small boats and small ports would be harmful to the fishery and would possibly go against our vision of this fishery in Amendment 11. My overarching concern is that continuing to increase the trip limit will make

this fishery viable for those in the big boat fleet and take away the opportunity for small boat fishermen like myself to participate. I think that aggregate limits are worth discussing although I do think there may be enforcement concerns with going down that path. I think we need a full economic study around changing the trip limit. I think that vessel capacity restrictions should be seriously considered in the trip limit discussion because not having them could really change this fishery limit were increased. Maybe we could also consider an option to annually upgrade your permit to a secondary level if you want to fish in access areas and have a higher trip limit in a given year. I have strong concerns on how increasing the trip limit will impact scientific uncertainty and management, particularly juvenile mortality and bycatch. It has been my experience that when you change things in the fishery, a whole suite of meetings has to happen to deal with uncertainty; I fear what this might do to our fishery, and, typically, it means less quota for everybody. I am on the Scallop AP and just recently finished dealing with Vineyard Wind—my experience with Vineyard Wind tells me that we need to be extremely concerned with the viability of our fishery as offshore wind development moves forward. Many of those concerns we need to focus on are the impact of offshore wind on juvenile scallops, settlement, predator-prey relationships, habitat changes, the effects of low-frequency noise on settlement as well as our fish bycatch issues. If there are negative impacts to the scallop resource from offshore wind development, it will be attributed to natural mortality to account for uncertainty and ultimately will constrict fishery allocations. I am all for expanding the dredge exemption areas and see the need for doing so, especially off of Cape Cod, but I am against changing the 10.5' maximum dredge width regulation east of 72° 30'. I think this gear restriction is a good thing and protects our small boat fishery in New England.

Tom Reilly—Chatham, MA; F/V Three Graces; LAGC IFQ fisherman: I think that the LAGC IFQ program helped reduce the derby nature of the day boat fishery relative to when it was it was open access general category. The IFQ program reduced fleet capacity to a manageable size. It was difficult to run a business when the general category fishery was still open access and had 3,000 permits; this fishery has become a business since that time. I'd be happy staying at the 600-pound trip limit if it had a profitable future but I do not think that this is the case.

Sam Hopkins—Martha's Vineyard (MA); F/V Endurance, Martha's Vineyard Fisherman's Preservation Trust; LAGC IFQ fisherman: Regarding the concerns of how increasing the trip limit would change vessel size—in the '70s we were scallop fishing east of the Hague line in 50 ft boats. I don't think the trip limit change or expansion of dredge exemption areas would really change anything. I think the fleet characteristics would really only change if the trip limit were unlimited. My experience is that the 10.5 ft dredge is somewhat limiting for vessel size and horsepower as long as there is some limit on catch. There really aren't that many people that can produce big numbers consistently with a 10.5 ft drag, so there is a degree of self-limitation on how large a boat can be while captains and crews remain profitable. A trip limit change from 600-pounds to 1,200-pounds isn't going to lead to any substantial changes in the fishery. When it comes to safety concerns, I am in support of anything that will reduce steaming time. I am in support of the dredge exemption areas being expanded and I will travel farther to fish on high densities of scallops; being able to reduce tow times when fishing in high density areas is a good thing for this fishery.

Beau Gribbin—Provincetown, MA; F/V Kahuna, F/V Glutton; LAGC IFQ fisherman: I started in the scallop fishery as an owner/operator in 2008. I had a few other fisheries that I was

involved with and by all accounts I was flat broke—I get what it means to start out as a young guy and work your way up the ranks. A lot has changed since that time and it is important to acknowledge this when discussing the trip limit. Cape Cod fishermen have generally always had access to quota but this is not the case for everyone who relies on the lease market in the LAGC IFQ fishery. For younger fishermen starting out who are leasing in most of their quota, they have to come up with the money in the beginning of the year to secure quota—for up and coming fishermen that do not have guaranteed access to quota, you need to be that much more profitable on each trip to be successful. When it comes to operating expenses the biggest concern is always about accessing quota. For the fishermen who are depending on leased quota, which is the majority of the fleet, it is necessary to be as profitable as possible on every trip taken to stay ahead. The business plan for this fishery hasn't changed since I started, but the margins have become smaller due to increased operating costs; this is why it is important to be as profitable as you can on every trip.

John Fish—Point Judith, RI; F/V Harvest Moon; LAGC IFQ fisherman: I second everything Beau Gribbin's just said. I started in this business around the time it was transitioning to the LAGC IFQ program and I didn't have the qualifying history, so I bought a permit and some quota to go on my permit. Then after a while I realized I didn't have enough quota so I bought a little more. I'm now at a point where this fishery isn't profitable for me anymore because there is so much overhead and I am selling my business. I'm selling off the little quota I do have and hope that whoever buys it isn't a new guy who is biting off more than he can handle. We've got other problems in our area, mostly in that we don't have many scallops close to shore like other parts of the fishery. For example, for dayboats from our area fishing within 30 miles of shore, the big boats come in and catch all the scallops in our range and we have to wait until next spring to fish the same areas. Once the spring rolls around and everyone starts fishing again, the price drops way down. It wasn't always like this, prices were much higher for a while and you could afford paying \$4 per pound lease prices. But these days it makes it very difficult to be profitable I don't think the person I sell my business to will be able to make it if it keeps going this way. Some young guy with a bigger boat who is able to fish five or six days a week and lease in quota might be able to make it, but for someone with my size boat, you would only get two days of fishing a week and have to pay \$4 per pound lease prices to land a \$7 or \$8 per pound scallop. You can't make any money at that rate. Personally, I thought the limit was better at 400 pounds, but some guys with bigger boats can scratch out a little better with a higher trip limit. That being said, the bigger boats needed to take more crew to catch the extra 200 pounds, so they're really not coming in that far ahead of things compared to the 400-pound limit.

The scoping meeting was closed by the Committee Chair at 4:18 pm.

DATE: Friday, March 8, 2019 LOCATION: ~~URL~~ Narragansett, RI

~~LOCATION: URI, Narragansett, RI~~

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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*

Amendment 21 to the Scallop FMP Scoping Meeting Summary

Waypoint Event Center, New Bedford, MA

March 20th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Other Council Members: Dr. John F. Quinn (Council Chairman)

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

Attendance: 24 in the audience

The meeting began at approximately 6:06 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the fourth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Beau Gribbin—Provincetown, MA; F/V Kahuna, F/V Glutton; LAGC IFQ fisherman: I am in favor of the trip limit increase and I am also in favor of LA boats being able to lease down to LAGC IFQ-only vessels.

Tom Reilly—Chatham, MA; F/V Three Graces; LAGC IFQ fisherman, Scallop AP member: With regard to LA vessels with IFQ being able lease down quota to LAGC IFQ-only vessels, the people I have talked to are not so much interested in leasing down to all LAGC IFQ vessels, just to their own LAGC IFQ vessels. I'm all for that because it helps them out and hope that some of the quota will go to independent LAGC IFQ vessels, but keep in mind that many LA vessel owners also have LAGC IFQ vessels and may want to only lease down quota to their own vessels.

Jim Elliot—Point Pleasant, NJ; F/V Maizey James, F/V St. James, F/V Vengeance, F/V Nautilus II; LAGC IFQ fisherman, part-time LA fisherman, groundfish fisherman: Some of us have a problem with the trip limit increase. We feel that it will add too much product on the market at a given time, especially during the summertime when prices are lower to begin with. The other concern we have is that a higher trip limit will allow larger vessels to harvest their

quota a lot faster, and that those vessels will turn to other fisheries in our area that may not be able to support the additional effort, such as the squid and summer flounder fisheries. Increasing the trip limit might allow LAGC IFQ vessels to harvest their quota in fewer trips, but it does not mean that those boats will be tied up to the dock for the rest of the year, it means that more boats will have time to eat up quota in other fisheries.

Seth Rolbein—Director of Cape Cod Fisheries Trust (part of Cape Cod Commercial Fishermen’s Alliance): The Cape Cod Fisheries Trust represents a dozen or more LAGC IFQ scallopers as well as many groundfish fishermen on the Cape. We have taken several positions that we want to communicate related to the issues in Amendment 21. We have not taken a position on NGOM management alternatives at this time but look forward to continuing participation in scoping efforts and learning more about the issues in that area. We are by consensus in favor of a provision that would allow LA vessels to lease down quota to the LAGC IFQ fleet. As far as the trip limit goes, the last formal vote we took was 9-2 in favor of increasing the trip limit. This vote did not include a specific number. We believe a modest increase to the trip limit is appropriate and strongly believe that it won’t change the current nature of this dayboat fishery. We also believe that 600 pounds today is not the same 600 pounds as when the limit was set years ago, and we believe that number should be reevaluated in order to keep this fishery viable, profitable, and safe.

Tom Reilly—Chatham, MA; F/V Three Graces; LAGC IFQ fisherman: There are several LAGC IFQ fishermen in the room that have not spoken yet. Most of us are here because we only participate in the scallop fishery and we want to protect it, make it as profitable as we can, and improve safety, just like anyone else would in their fishery. It bothers me when people that are involved in other fisheries get up and knock down the fishermen who just rely on one.

Chairman Balzano reiterated that scoping meetings are an opportunity for all voices to be heard, not a forum to debate the issues being considered in A21.

Scott Rorro—F/V Sea Hunter; LAGC IFQ fisherman: I am in favor of the trip limit increase.

Paul Vafides—Chatham, MA; LAGC IFQ fisherman: I’m not really sure where I stand on the trip limit increase issue; initially I was against it but now I’m leaning more towards being in favor depending on how much of an increase. I do not have enough information to know how the NGOM management issues should be addressed.

Lou Martins—New Bedford, MA; F/V Leonardo; LAGC IFQ fisherman: I agree that we should increase the LAGC IFQ trip limit. Some of these vessels are having a tough time due to the long steam times from New Bedford relative to vessels in other ports. The long steam time puts a lot of wear and tear on the boats and consumes a lot of fuel. Since we do not make a lot of money it is difficult to retain good crews, so usually you see boats with a good skipper and mediocre crews. This is a big strain on captains and can be very dangerous. We are consuming a lot of fuel to catch 600 pounds—if we were able to catch a little bit more on every trip, we could save on fuel and wear and tear on the boat and have a little more to pay the crew.

Jim Spalt: My sons have an LAGC IFQ permit but not a boat yet. I am aware of how the fishery works and the economics behind it. I think an increase to the trip limit would benefit most LAGC IFQ fishermen. My sons don’t have any quota so they have to lease, which means after lease costs they are landing 600 pounds of \$5 per pound scallops. This is not very attractive to young fishermen so maybe an increase to the trip limit would help this issue. Everyone needs more

money and this is harder to do as operating costs continue to rise—so I think an increase to the trip limit would be beneficial to the vast majority of LAGC IFQ participants.

Katie Almeida—The Town Dock: We have a couple of LAGC IFQ permits—the leading concern raised by people within my company regarding a trip limit increase is how this might negatively impact the market and product quality.

Ron Enoksen—New Bedford, MA; owner of several full-time LA vessels: Has anyone considered having separate trip limits between open area and access areas? It may be worth analyzing a higher trip limit in access areas considering the long distance some vessels need to travel to fish there.

Paul Vafides—Chatham, MA; LAGC IFQ fisherman: I'm highlighting some information presented to the AP which shows how access area fishing by the LAGC IFQ fleet might look at a 1,200-pound trip limit. The example shows the rate of harvest in the Nantucket Lightship in 2017 and suggests that the area would have been closed in three weeks at a 1,200-pound limit. This is my problem with increasing the trip limit because it gives advantage to larger boats who can fish in poor weather and want to fish as many trips as possible to access areas. Its fine with me if you want to increase the trip limit in open area, but not access areas.

Bill Rocha—Fairhaven, MA; Athearn Marine Agency, Inc.: We are brokers of boats, permits, and scallop quota. I am here with an open mind and do not own a scallop permit or boat. Like every year around this time, I have received a lot of calls from LAGC IFQ fishermen asking what the price of leased quota will be. Personally, I feel the way this fishery is profitable is when the spread between what your making at the auction versus the costs of fishing allows the crew to get paid, the owner to make some money, and keeps the vessel fishing. The people that own the quota took the risk at some point to buy the quota, but I feel that as long as everyone can make some money at it, that's where this fishery needs to be. There have been cases in the past when the ex-vessel price dropped to a point that it wasn't worth it for many fishermen to lease-in quota to fish. It has also gone the other way, when the ex-vessel price was far higher than the lease price. I think there needs to be a general consensus that when you're leasing, you need to have a game plan on how much you're going to get for the scallops you land—but, there is never a guarantee on what the ex-vessel price is so there is always some risk involved with leasing quota. As a broker, we make anywhere between 15 and 25 cents per pound when leasing out, 15 cents per pound when the lease price is around \$3 per pound and 25 cents per pound when the lease price is close to or above \$5 per pound. We have some pretty good fishermen who lease out quota they don't fish at a reasonable price because at one point they were in the shoes of the fisherman leasing in the quota. I am making a point to attend more meetings so that I can be as informed as possible when the fishermen we have built relationships with ask us for guidance on leasing quota.

The scoping meeting was closed by the Committee Chair at 7:01 pm.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Wednesday, March 20, 2019 LOCATION: Waypoint Event Center, New Bedford, MA

CERTIFIED BY:

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Jim Spelt	CS	
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DATE: Wednesday, March 20, 2019 LOCATION: Waypoint Event Center, New Bedford, MA

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

Amendment 21 to the Scallop FMP Scoping Meeting Summary

Chatham Community Center, Chatham, MA

March 21st, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Other Council Members: Dr. John F. Quinn (Council Chairman), John Pappalardo

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

Attendance: 18 in the audience

The meeting began at approximately 6:09 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the audience to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the fifth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Seth Rolbein—Director of Cape Cod Fisheries Trust (part of Cape Cod Commercial Fishermen's Alliance): The Cape Cod Fisheries Trust has taken several positions that we want to communicate related to the issues in Amendment 21. We have not taken a position on NGOM management alternatives at this time but look forward to continuing participation in scoping efforts. We are unanimous in favor of a provision that would allow LA vessels to lease down quota to the LAGC IFQ fleet as it would create more opportunity for LAGC IFQ fishermen; that being said, we do have some concern that quota would only be leased down to LAGC IFQ vessels within the same ownership entity and not be available to the rest of the fleet. As far as the trip limit goes, the last formal vote we took was 9-2 in favor of calling for an increase in the trip limit. This vote did not include a specific number. We anticipate that a proposal will be brought forward for a modest increase to the trip limit—which we will support—based on analyses already available. We strongly believe that a modest increase to the trip limit will not change the basic nature of our LAGC fleet. We believe it will strengthen our fleet and improve monitoring because current observer efforts would capture much more fishing activity. Due to inshore depletion, our fleet is being forced to fish farther and farther offshore for the same return. This is

not economically feasible to continue doing, and there are safety concerns of small boat fishery operating so far offshore for only 600 pounds.

Tye Vecchione—Chatham, MA; F/V Bada Bing; LAGC IFQ fisherman: I am in favor of increasing the LAGC IFQ trip limit. I don't see any reason why you would be against increasing the trip limit. A lot of the problems with our boats are due to the long commutes back and forth to these areas offshore. Increasing the trip limit will reduce the wear and tear on our boats and we'll burn less fuel. We are steaming our lives away.

Jason Amaru—Chatham, MA; F/V Joanne A III; LAGC IFQ fisherman: I don't have anything against increasing the LAGC IFQ trip limit. Under the current accounting system for LAGC access area fishing, a trip is charged to an access area regardless of whether the vessel harvested the entire trip limit—this could be problematic at a higher trip limit because the number of access area trips available to the fleet would be reduced. One thing that should be considered if the trip limit is increased is a mechanism that accounts for LAGC access area harvest in pounds instead of trips.

Glen LeGeyt—Chatham, MA; F/V Tricia Lynn; LAGC IFQ fisherman: I am fairly neutral on the trip limit issue but I am in favor of allowing LA vessels with IFQ to transfer quota down to LAGC IFQ-only vessels.

The scoping meeting was closed by the Committee Chair at 6:57 pm.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Thursday, March 21, 2019 LOCATION: Chatham Community Center, Chatham, MA

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New England Fishery Management Council

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

Amendment 21 to the Scallop FMP Scoping Meeting Summary

Webinar

March 22nd, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Council Staff: Jonathon Peros (Scallop Plan Coordinator), Sam Asci, Rachel Feeney, Naresh Pradhan

Attendance: 8 in attendance

The meeting began at approximately 10:00 am. Council staff explained that the meeting had been noticed for 10:00 am and 10:30 am on the Council's website, and that the hearing would open at 10:30am. At 10:30am Mr. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the public to the scoping meeting webinar and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the sixth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action. Mr. Sam Asci explained how audience members could participate using the webinar.

Damian Parkington—Provincetown, MA; F/V Roen Keil; LAGC IFQ fisherman: I am a participant in the LAGC IFQ fishery and also work on deck on Limited Access vessels. My primary concern around increasing the LAGC IFQ trip limit is the economic impact to small scale fishermen that were not grandfathered in to the fishery. The expected increase of lease prices at a higher trip limit would directly affect my bottom line. I think increasing the trip limit would create an artificial inflation of quota value and cause some prospect purchasing of quota by non-fishing entities—this acquisition of quota by non-fishing entities has created a new kind of stakeholder in the general category fleet, that is, an investment group or quota management firm. My concern is that the projected increase in lease price resulting from the proposed trip limit increase would bolster involvement and opportunity for this new stakeholder group, the "shareholder". Although I understand the many concerns of the fishermen who are in favor of the trip limit increase, I ask that the Council consider implementation of management techniques that could help control or offset lease costs moving forward.

The scoping meeting was closed by the Committee Chair at 11:00 am.



New England Fishery Management Council

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

Amendment 21 to the Scallop FMP Scoping Meeting Summary Embassy Suites, Hampton, VA March 25th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

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

Attendance: 18 in attendance

The meeting began at approximately 6:05 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the public to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the seventh of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Bill Mullis—Newport News, VA; B & C Seafood; owner of six full-time LA boats and LAGC IFQ quota: Considering that most of the recent fishing in the NGOM has been occurring on Stellwagen Bank off the coast of Massachusetts and New Hampshire, geographically, it doesn't make sense that this area is called the Northern Gulf of Maine. I know there has been some talk about moving that line north. I've been following the NGOM issue—when you talk about treating an area like the NGOM differently than the rest of the fishery, I like to take a step back and ask “why, and who are you doing it for?” I know it's a lot of lobsterman who fish the 200-pound trip limits and want to make this their own area—I can understand this but I don't know if I'm for or against it. Considering how the NGOM is treated differently than allocations in the rest of the fishery—I remember when we were developing Amendment 4 and our perspective was that there was no separate ocean, it was all one. It needs to be better explained why we are treating this area differently than the rest of the ocean and for who, and I can't say I'm for or against anything until I better understand the validity of having a separate management area. Just as an example, we've had a lot of general category fishing off of New Jersey but we haven't created a separate management area off of New Jersey. I also don't understand how the NGOM got outside the 5% allocation to the LAGC component. With regard to changing the LAGC IFQ possession limit, I think it should go up to 1,200 pounds for both

open and access area trips. We've talked about issues with near shore fishing and how these areas get beaten up; a higher trip limit could help this. We need to remember that the LAGC IFQ fleet already has 5% of the fishery, increasing the trip limit isn't going to give them anything they don't already have. I'm not sure what is right but I know the efficiency of the fishery is wrong—when you steam 9 to 11 hours to the Nantucket Lightship from the Cape to fish for 2 hours and then steam 9 to 11 hours back, it's just not efficient. I think the LAGC IFQ trip limit should go up and maybe we need to look at increasing the access area trip limit to 1,200 pounds and see what that would do. I don't think there really needs to be a weekly limit, but I do think something needs to be done to help efficiency and safety in this fishery. If we doubled the limit, the steam time and fuel expenses would be cut in half, while safety would increase and enforcement costs would be cut in half. If they could catch a little more on every trip maybe they'd fish farther offshore and give the near shore areas a break. If the ex-vessel price is really high, they will pay more for leasing; however, if the ex-vessel price is too low, they can't afford to pay too much for leasing. I think that quota on LA vessels should be transferable to LAGC IFQ-only vessels and that the Council should consider both temporary and permanent transfers. I think this would improve the performance of the LAGC IFQ fishery. Thank you all for coming down to Virginia.

Bill Wells—Seaford, VA; Wells Scallop Company, Inc.; owner of full-time LA vessels:

Regarding NGOM management, I think it's important to consider where fishing in this area has occurred in the past few years—off the coast of Massachusetts. I think this is really about LA vessels having access to the southern part of what now is called the Gulf of Maine. LA vessels caught a lot of scallops there in 2017 and, as part of the LA community, we're wondering if we'll have access to these grounds again. I probably would not be in favor of this if I were a small boat in the Gulf of Maine; that being said, these are United States waters we're talking about that are managed by the New England Fishery Management Council, and therefore, I think we should have access to those waters. Bill Mullis made a great point in that it would be very easy for small boat fishermen in New Jersey to say they want their own area; in my opinion, this is not a good way to manage our fishery. Regarding the ability of LA vessels with IFQ to transfer quota down to LAGC IFQ-only vessels, I think this makes a lot of sense and I know some people that would be really helped by this. I think having more scallops available to the LAGC fleet is a good thing. We're talking about quota that already exists, and making it available to others makes sense. If I had quota on an LA boat, instead of having to fish it on a big boat, I'd want to be able to lease it to someone that would benefit from fishing it. With regard to the LAGC IFQ trip limit—I don't think you can make a better argument for increasing the limit than what Bill Mullis did; however, I don't happen to agree with his conclusion, but he's right in that a higher limit would make things more efficient and safe. That being said, it is important to remember that management of our fishery is based upon mutual inefficiency. That's why we have restrictions on crew size and days-at-sea and access area trip limits, instead of allowing all of these things to be unlimited. These built-in inefficiencies are a big part of the reason why this fishery is so successful. When the open access general category permit was established, it was to provide access to a small fleet of boats from Maine that were going to be excluded from the fishery in Amendment 4. We set the trip limit at 400 pounds because we never thought that they'd be able to catch that much in a day based on the poor condition of the resource at that time. Now we have 300 permits in the LAGC fishery, and the original 400-pound trip limit was increased to 600 pounds, and now they want it to be 1,200 pounds; no matter what trip limit number is chosen, there will always be a push to increase it again in the future and these arguments will be

valid then too. I do not think that increasing the trip limit is good for the overall fishery or the LAGC IFQ fishery. This is a day boat fishery that is mostly made up of smaller boats, although not all of them are small. In the beginning, these boats didn't just focus on the scallop fishery, they participated in many other fisheries. Now, they have 5% of the fishery when they really should have gotten 1 to 2%. I don't have a problem with them having 5%, but I do have a problem with this component trying to be more efficient. Increasing the LAGC trip limit does not benefit the overall fishery because that is not what this component was intended to be. LAGC IFQ vessels are not full-time LA scallopers, but every time we make a significant change to this part of the fishery, they get closer to being just that. Thank for coming down and listening to what we have to say here in Virginia.

Rick Robins—Newport News, VA; Chesapeake Bay Packing Company: I want to thank you all for coming down here today. You mentioned earlier that this is southern most scoping meeting on the schedule—you could have caught a later flight than you did today and arrived here in time to hold the meeting, but that's not what you did. You caught the earliest flight you could get, you put on your boots, and you came down to the docks and walked through our plants. You met owners and operators. That's not required of you, but that's how it should be in my opinion—to meet face to face with people in the fishery and learn what's going on the industry away from the management table as you did. I just want to let you all know that we really appreciate you doing that and that it meant a lot to me today. Thank you.

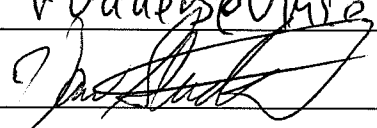
James Fletcher—United National Fisherman's Association: I was a Scallop Advisor for 20 years representing the Mid-Atlantic. Most of the LA vessels that have IFQ are smaller boats in the southern range of the scallop fishery. These 40 LA vessels with IFQ should be allowed to land any portion of their LAGC quota out of access areas, up to the trip limit that applies to full-time LA vessels, provided that they land in Carolina or Virginia. This would bring more money back into Carolina and Virginia, money that has been taken away from this part of the LAGC fishery over time due to actions by the Council. Over the last 20 years, the Council through its actions, such as restricting shell stocking, has moved the general category fishery north—whether it was intentional or not, it's what happened. I am absolutely opposed to any provision that would allow the transfer of quota from LA vessels with IFQ down to LAGC IFQ-only vessels. If anything, I'd want to see it go the other way. My question earlier was “who owns this resource?” and the response I got was “the general public”—if this is true, then why isn't the Council doing everything they can to get prices back down to where the general public can afford them.

The scoping meeting was closed by the Committee Chair at 7:01 pm.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Monday, March 25, 2019 LOCATION: Embassy Suites, Hampton, VA

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New England Fishery Management Council

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

Amendment 21 to the Scallop FMP Scoping Meeting Summary

Grand Hotel of Cape May, Cape May, NJ

March 26th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

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

Attendance: 6 in attendance

The meeting began at approximately 6:08 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the public to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the eighth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Wayne Reichle—Cape May, NJ; Lund's Fisheries: We are not in support of raising the LAGC IFQ trip limit from the current 600-pounds to anything higher. One of the big concerns we have—and something that the Council should analyze—is how increasing the trip limit might shift effort into other fisheries that do not have the capacity to support additional effort.

Jim Elliot—Point Pleasant, NJ; F/V Maizey James, F/V St. James, F/V Vengeance, F/V Nautilus II; LAGC IFQ fisherman, part-time LA fisherman, groundfish fisherman: I do not agree with increasing the trip limit. One reason I am opposed was just described by Wayne Reichle, in that effort may shift to other fisheries that won't be able to support it. I also think that increasing the trip limit will put more product on the market than it can bear. I have a larger boat, so I would have no problem safely loading more shell stock on deck if the trip limit were increased to 1,200 pounds; however, this could cause safety issues for smaller boats that would be travelling farther to fish without having the capacity handle 1,200 pounds of in-shell scallops on deck. If anyone should want a higher trip limit, it should be me, but I don't. I think that increasing the trip limit would cause a derby-style fishery in access areas and result in boats fishing for two or three days at a time with more crew to deck load as fast as possible. Deck loading will create problems with product quality and discards, especially in summer months, because a crew can only cut so fast. Being able to land an extra bag would help pay for fuel on

trips with really long steam times, but I don't think there should be a huge increase to the trip limit. We lease in a lot of quota. In speaking with some of my crew members about increased lease prices, some didn't mind the impact while others really didn't like it because it really cuts into their bottom line. I did a cost analysis for someone who leases in all of their quota—if there is a true increase in the lease price at a higher trip limit, they could expect a substantial loss in boat shares as well as crew shares. I think its very important that the safety issues around increasing the trip limit be addressed.

Keith Laudeman—Cape May, NJ; Cold Spring Fish & Supply Co.; owner of LA vessels and LAGC IFQ quota: I am in the dayboat fishery but I lease out all of my quota. I want to keep the LAGC IFQ trip limit at 600 pounds rather than increase it. The reason I got into the LAGC IFQ fishery is so that my company could have a steady supply of product all year long—this is really necessary for my business to maintain, otherwise there is a risk of losing the dayboat market. If the LAGC IFQ trip limit were increased, the fishery would transition to larger vessels that catch scallops as fast as possible and land less frequently—this is what we do in the LA fishery. The best part about the LAGC IFQ fishery is that you can expect consistent landings all year long. As far as the transfer of quota from LA vessels down to LAGC IFQ-only vessels—I would like to see a provision that allows temporary transfers, not just permanent transfers. Those of us in the Cape May area that have IFQ on their LA vessels do not have a lot. I think the LAGC IFQ fishery was always structured around small boats. If the trip limit were raised to 1,000 pounds, the LAGC IFQ fishery will mirror the LA fleet in that vessels will increase in size and race to catch their quota as fast a possible.

Rick Hoff—Wildwood, NJ; Dock Street Seafood, Inc.; owner of LA vessels: I agree with everything the past three people have said. The only other thing I would add is related to the NGOM; maybe it's worth considering moving the boundary line up farther north so that this area really does represent the Gulf of Maine.

The scoping meeting was closed by the Committee Chair at 6:42 pm.

DATE: Tuesday, March 26, 2019 LOCATION: Grand Hotel, Cape May, NJ

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New England Fishery Management Council

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

Amendment 21 to the Scallop FMP Scoping Meeting Summary

Holiday Inn, Manahawkin, NJ

March 27th, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

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

Attendance: 25 in attendance

The meeting began at approximately 10:07 am. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the public to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the ninth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

Kirk Larson—Barnegat Light, NJ; owner of LA vessels and LAGC IFQ vessels; member of Scallop AP: Regarding the NGOM, I have heard many full-time LA fishermen from New Bedford talk about fishing in the Gulf of Maine for years, long before Amendment 4. They've always worked their way around the Gulf of Maine and do not want to lose access to fishing grounds in that area. If there is global warming and the resource is moving farther north, the full-time LA fleet does not want to be kicked out of the NGOM.

Jim Lovgren—Point Pleasant, NJ; F/V Shadowfax; LAGC IFQ fisherman: I am an LAGC IFQ fisherman with a minimal amount quota. I don't have a comment on the NGOM aside from agreeing with what Kirk Larson just said, in that LA vessels had fished in the Gulf of Maine for years and should not be kicked out of that area. I'm in favor of the ability of LA vessels with IFQ to transfer quota to LAGC IFQ-only vessels. I am not in favor of any increase to the LAGC IFQ possession limit. You did an evaluation of the impact of increasing the trip limit on the LAGC IFQ fishery, but you never analyzed the impacts of Amendment 11 on other fisheries. I'll now read from my written comment. There should be no increase in the trip limit even considered before there is an economic evaluation of the effects of the GC limited access amendment. That amendment is one of the 5 most important amendments ever passed in the North east region and has had more wide ranging economic impacts than any other plan. There were certainly winners,

some became millionaires overnight, but many more were simply pushed out of business, or into other fisheries, or forced to buy quota from the lucky new generation of armchair plantation owners. There are now two types of fishermen in the NE, those with scallop quota, and those without. Doesn't matter how long you fished, as long as you fished for scallops in those 5 qualifying years you're now on easy street. The GC was created as a small day fishery for those who didn't qualify for DAS in the original scallop plan. The AP carefully selected those 5 qualifying years so as to keep a few hundred fishermen who would have qualified for full time DAS if they went back an extra year, out of the fishery. Instead they got 400 pounds a day, and the major mistake was the fact that the council did not make GC a limited access permit from the start. That resulted in the number of permits more than tripling over the years as new fishermen entered the fishery as the price increased and the stock rebounded. The growing catch rate of the GC fishermen alarmed the DAS holders and they forced NMFS into addressing the problem, which plainly stated was too many people are making too much money. Oh my god we can't let that happen. Lets put thousands of them out of work because we [DAS holders] want total control of the fishery. No sooner was the GC limited access plan passed then the same people were demanding that stacking be allowed and the trip limit be increased to 800 pounds, and the vessel upgrade restrictions lifted, or just simply allow the GC quota to be caught all at once if the newly minted millionaire wanted to do so. They got much of what they wanted. Vessel upgrade restriction were removed for the only time in any fishery, meaning that quota caught by a weather restricted 35 foot boat could be put onto a fish anytime, anywhere 90 footer. Another step in the consolidation of the industry into just a few major players. The trip limit was increased to 600 pounds to make it more financially profitable since the price of fuel was so high, despite legitimate arguments from the fishermen who got screwed out of the scallop fishery that an increase in quota would simply cause them even more economic harm than taking away their scallop permit in the first place. The increase in the trip limit now allowed the chosen few to catch their quota in much less time than at 400 pounds, and they then engaged in the few fisheries left to the fishermen who got screwed out of the GC fishery. These fisheries, primarily Fluke, Black Sea Bass and squid, are all on tightly regulated quota's with short seasons. New entrants in these fisheries can close the seasons down early and result in real economic harm to those who depend on them. There is unquestionably a major economic shift in the fisheries due to the GC limited access plan that has not been documented and should be before any increase in quota is allowed. I personally find it laughable that this increase is even coming up as an amendment. Have the Scallop quota holders no end to their greed? How much do they need, that they are willing to put the few remaining industry survivors out of business? An increase of the trip limit to 1000 or 1200 pounds simply means that these scallopers will now catch their quota in a third of the time that they were previously allowed and will turn their sights onto the other fisheries I mentioned. If a boat had enough quota for 50 days fishing at 600 pounds, he will only have to fish 25 days if the trip limit is increased to 1200 pounds. They will not tie up the boat during those extra 25 days. They will turn to fluke, squid and sea bass. They can only buy so many solid gold toilet seats for their boats. They have been making more money than they ever believed possible in the industry, yet it is not enough. They have bought up every state fluke and black sea bass permit they can find, many of them latent permits, and have forced early closures on the fishermen dependent on those fisheries for survival. NMFS and the NEFMC needs to abide by the law, that all fishery management plans should be fair and equitable to all, and they need to do a real economic analysis of what impact the GC plan has had on other fisheries. The DAS Scallop industry has set up a planned step by step process to slowly strangle every other

competing fisherman on the coast out of business so that they can buy them out cheap, leaving just a handful of very rich arm chair quota holders, while the fishermen themselves become share croppers, having to buy quota from some wall street investor duped into the "deal of a lifetime" by an integrity compromised green Mafia member hiding as a conservationist. NMFS and the NEFMC has totally ignored the economic effects of the GC plan on other fisheries. It has been enormous and will only get worse if the trip limit is increased. It seems that the people pushing this plan claim that increasing the limit will make their trip economically more feasible. That is what they claimed as a reason for the first trip limit increase when fuel was over 4 dollars a gallon. Well fuel is 2.50 now so that argument doesn't hold water. If economic efficiency is the main reason for the trip limit increase then there is a simple solution, increase the trip limit but require an hour for hour layover before another trip can be made. If a vessel fishes for 30 hours then he cannot leave the dock for 30 hours after packing. That way there is not another huge detrimental impact on other fisheries that NMFS and the NEFMC has ignored. Lets call a spade a spade here. A certain group has been manipulating the council for 20 years now and getting special treatment because they claim to be conservation minded. That simply means that they sold out to some NGO's who want to end all fishing unless they can profit from it. They have promised their wall Street investors X amount of money in return for their investment in their permit bank or whatever else they want to call their scam. The NGO money has allowed their purchase of huge amounts of scallop quota which they then sell for major profit to the very people who had their fishing ability stolen from them by the GC limited access plan. They, with their political connections are driving this plan so that they can keep their wall street investors happy with an economic return that is worth investing in. There is no conservation involved here. The scallop fishery is the type of fishery that these phony enviro's have railed against since the first PEW dollar found its way into their back pocket, but now they are so heavily invested in it, that they have taken to audience intimidation and threatening to never lease quota to anyone who dares to not support the trip limit increase. They have become the Green Mafia, and it is time to put them out of business or in jail where mobsters belong.

Keith Larson—Barnegat Light, NJ; F/V Miss May, F/V Captain John, F/V Karen L, F/V Lori L, F/V Elizabeth, F/V Provider; LA vessel owner, LAGC IFQ owner: We have five LA boats that have IFQ and also own several LAGC IFQ vessels. We train our fishermen on our LAGC IFQ vessels, so being able to transfer quota from our LA vessel to LAGC IFQ-only vessels would be a good thing for us. Another reason we support this is because of a recent incident—there was a fire on one of our small-dredge LA boats that also has IFQ. It took us a lot of time and money to repair the boat, but we couldn't fish the IFQ because the year ended before the repairs were complete. Having a transfer-down mechanism in place would have made it possible to fish the quota instead of losing it. In my opinion, I do not think the LAGC IFQ trip limit should be increased from 600 pounds to 1,200 pounds right away. I think it would make sense to increase the trip limit to 800 or 900 pounds first, and see what happens to lease prices. If the lease price goes too high, it could mean that operating costs become too high for LAGC IFQ boats to keep fishing. That is assuming that the goal is to keep the average LAGC IFQ boat fishing. In my experience, one of the biggest safety concerns with fishing is transiting in and out of the [Barnegat Light] inlet—if increasing the trip limit reduces the number of times you need to transit in and out of the inlet, it will lessen the potential for disaster on a boat. I don't have much to say on the NGOM except that I know LA boats have fished up there in the past that shouldn't be pushed out.

Jim Gutowski—Barnegat Light, NJ; F/V Kathy Ann, F/V Provider, F/V Elizabeth; LA vessel owner, LAGC IFQ owner; Chairman of Scallop AP: With regard to the NGOM, the recent bump in biomass in that area and fishing effort that followed is really driving the permanent management measures that are being considered in this action. There are lots of different ideas on how improve management in the NGOM—for example, managing the area at different levels of biomass. I think that moving the NGOM boundary line should be included in the discussion and scope of this amendment. Regardless of how we approach it, LA fishermen do not want to be on the outside looking in if there were to be an increase in biomass in the NGOM in the future or if resource shifts north. We have federal scallop permits that have fished in the Gulf of Maine in the past and we do not want to lose our right to fish there in the future. With regard to the LAGC IFQ possession limit, I am torn between whether it should be increased or not. I personally would benefit from a higher trip limit due to the reduced steam time; however, I don't think a higher trip limit would be good for the LAGC IFQ fishery. A higher trip limit would completely go against the vision statement for the general category fishery that was established in Amendment 11. There could be safety concerns associated with a higher trip limit because vessels would be staying out longer with just a few crew members. I think a higher trip limit would disadvantage smaller vessels. The alternatives in this action should look at a range of trip limits and this should also include an option to lower the current trip limit. If the trip limit were to be increased, we need to make sure there is no incentive or mechanism for LAGC IFQ vessels to manipulate the observer compensation system. I think LA vessels with IFQ should be able to transfer quota to LAGC IFQ-only vessels. I am co-owner of an LA vessel with IFQ that is in the same company as a few LAGC IFQ vessels—this provision would allow us to move quota down within the same business at no cost. It would also allow the captains and crews working on those day boats to make a living and would be a good way to bring new participants into the scallop fishery.

Peter Dolan—Barnegat Light, NJ; F/V Ms. Manya; LA with IFQ fisherman: I agree with what's already been said about the NGOM—LA vessels should have access to that part of the fishery. If the LAGC IFQ trip limit is increased, I think the observer compensation should be adjusted to reflect actual trip length.

Kirk Larson—Barnegat Light, NJ; LA vessel owner, LAGC IFQ vessel owner; member of Scallop AP: I do not think the LAGC IFQ trip limit should be increased from 600 pounds to 1,200 pounds. I want to comment on how we got to this discussion at the Scallop Advisory Panel for those in the room that don't know. The guys on the Cape wanted to be able to access areas that are more than 24 hours away, mostly closed areas that are full of scallops, but it wasn't feasible for them to go for 24 hours to catch only 600 pounds. They have boats that are capable of fishing in Closed Area II and Closed Area I—this is one of the reasons why increasing the trip limit is being discussed. I agree with Jim Lovgren's comments on how a higher trip limit will displace effort into other fisheries, like squid and flounder, that can't support additional effort. I support the ability of LA vessels with IFQ to transfer quota to LAGC IFQ-only vessels. We have a few LA boats in Barnegat Light with IFQ and a lot of dayboats, so I think this provision is a good idea.

Ken Roma—Barnegat Light, NJ; LA with LAGC IFQ owner, LAGC IFQ vessel owner: Regarding the LAGC IFQ trip limit, I'm alright with the 600 pounds but would take more. We have bigger boats and always take a crew of four; however, there would be safety issues at a higher trip limit for smaller boats that only take three crew members because the trips will be a

lot longer. I'm generally happy with the current 600-pound trip limit. I support the ability of LA vessels with IFQ to transfer quota to LAGC IFQ vessels. Personally, I also think this transfer should be allowed between LA vessels that have IFQ. Our LA boat with IFQ and our LAGC IFQ boat are about the same size and horsepower, so I don't think this would change the fishery at all. We had a situation recently similar to what Keith Larson described—our LAGC IFQ boat broke down nearing the end of last season and we lost a lot of our quota, which could have instead been harvested by our LA/LAGC IFQ boat that was just sitting at the dock. Regarding the NGOM, we do not want to be kicked out of an area where there are scallops.

Dennis Lovgren—Point Pleasant, NJ; F/V Kailey Ann; LAGC IFQ fisherman: I am in favor of the quota transfer from LA vessels with IFQ to LAGC IFQ-only vessels. I am opposed to increasing the LAGC IFQ trip limit and that's why I am here today. We've seen a lot more pressure in other fisheries—like the fluke, sea bass, and squid fisheries—since the trip limit was increased from 400 pounds to 600 pounds. I am concerned that the inshore fishing issues already being dealt with in these fisheries around Nantucket will get worse with a higher trip limit. I think increasing the trip limit will change this fishery so that it is no longer a dayboat fishery. Scallops landed by LAGC IFQ vessels are usually marketed as 'day boat scallops'; I don't see how you could continue doing this if the trip limit were increased. The push for increasing the trip limit is coming from the quota leasers; considering that increasing the trip limit will raise lease prices, it seems that increasing the trip limit will only benefit the quota brokers, but not the fishermen. The action that established the LAGC IFQ fishery was one of the most shady actions passed by the Council—it made millionaires overnight out of a few, and losers out of most of us. I hope the Council does not pick the same winners again.

Charles Burke—Point Pleasant, NJ; F/V Jamie-Mae; LAGC IFQ fisherman: I am a 20-year veteran of the dayboat scallop fishery and own my own quota. I am against increasing the LAGC IFQ trip limit past the current 600 pounds because of the reasons described by others today on negative impacts to other fisheries. We are making enough money under the 600-pound trip limit and I think we should leave things the way they are.

Dane Knutson—Barnegat Light, NJ; LA fisherman, LAGC IFQ fisherman: I am not opposed to increasing the LAGC IFQ trip limit but I think it needs to be handled carefully. I think a tiered system would work for those that want to fish a higher trip limit while avoiding adverse effects to other fisheries. For example, if you step back to a 400-pound limit you can land as many trips in a week as you want, if you want to land 800-pounds per trip you can only fish one or two trips a week, if you want to land 1,200 pounds per trip you can only fish one trip per week. Under this system, LAGC IFQ boats won't be able to harvest their quota in a shorter amount of time than they do now, meaning they won't shift effort into other fisheries that can't support additional effort. A tier system would probably work best for the people that do want an increased trip limit and would be acceptable for the people that don't want a higher trip limit to negatively impact other fisheries. I agree that LA boats should not be kicked out of the NGOM. We are all aware that the ocean changes and we don't not want to lose access to a part of the fishery that could hold biomass in the future.

Ken Roma—Barnegat Light, NJ; LA with LAGC IFQ owner, LAGC IFQ vessel owner: Regarding the LAGC IFQ possession limit, I think that a weekly aggregate limit might help keep impacts to other fisheries down.

The scoping meeting was closed by the Committee Chair at 11:05 am.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Wednesday, March 27, 2019 LOCATION: Holiday Inn, Manahawkin, NJ

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DATE: Wednesday, March 27, 2019 LOCATION: Holiday Inn, Manahawkin, NJ

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Amendment 21 to the Scallop FMP Scoping Meeting Summary

MA DMF Annisquam Field Station, Gloucester, MA

April 3rd, 2019

Hearing Officer: Vincent Balzano, Scallop Committee Chair

Other Council Members: Melanie Griffin (for David Peirce)

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

Attendance: 28 in attendance

The meeting began at approximately 6:10 pm. Vincent Balzano, Chair of the Scallop Committee, welcomed members of the public to the scoping meeting and provided opening comments about Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan (FMP). He explained that this was the tenth of ten scoping meetings being held, and is the public's opportunity to provide comments to the Council on ideas related to management of the scallop fishery, primarily the issues being considered in Amendment 21. Amendment 21 will focus on measures related to the Northern Gulf of Maine (NGOM) Management Area, Limited Access General category (LAGC) individual fishing quota (IFQ) possession limits, and the ability of Limited Access (LA) vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Mr. Balzano stated that Jonathon Peros, Scallop FMP Coordinator, would provide an overview of the issues being considered in Amendment 21 and that clarifying questions will be addressed before the public comment period. Mr. Peros briefed the audience on the Amendment 21 scoping document as well as the process and timeline for developing this action.

David Horner—Mt. Desert Island, ME; F/V Luke and Grace; NGOM fisherman, LAGC IFQ permit holder: I am here in Gloucester while fishing in the NGOM. I also have an LAGC IFQ permit in CPH and have been acquiring quota over time that my son can fish in the future. We rely heavily on the lobster fishery in Maine, and we are trying to diversify the fisheries we are involved to make sure we have options in the future. We NGOM fishermen are not a bunch of rich lobstermen on vacation—the NGOM fishery is one of the last opportunities that the next generation of fishermen have not been cut out of. I think it would be great if the NGOM became a consistent three- or four-month fishery that we can rely on. The NGOM represents a small-boat New England fishery and I think we should keep it this way.

Joe Jurek—Gloucester, MA; F/V Mystique Lady; NGOM fisherman: I fish in the NGOM but am also involved with a lot of other fisheries. As the ocean changes, fishermen like me adapt and we become dependent on fisheries like the NGOM scallop fishery. It is very important that this fishery is kept alive, so we need to be extremely cautious when it comes to additional fishing pressure in the NGOM or changing the boundary lines. We see a lot of biomass on Stellwagen and people want to go fish it, but it is important to be conservative in the NGOM because otherwise the scallop population may not come back. This happened with the shrimp and cod

fishery and I don't want to see this happen to the NGOM scallop fishery. Us small-boat fishermen are dependent on this fishery and I don't want to see big boats come into the NGOM and catch all the scallops.

James West—Sorrento, ME; F/V First Impression Two; NGOM fisherman: I support keeping the current NGOM TAC split between LAGC and LA boats. I've been fishing the NGOM out of Gloucester for the last four years. Typically, I lobster from July through October, fish in the Maine state scallop fishery from December through March, and then come down to Gloucester and fish the NGOM as much as I can. The NGOM was shut down early a few years in the past which wasn't great, but I understand why—1.6 million pounds were taken out of the NGOM in 2017 and that should not have happened. I'm glad Framework 29 changed this. I want to keep the NGOM boundary the same. The NGOM is a lot different than other parts of the resource, like Georges Bank. It takes a long time for species to come back in the NGOM, especially if they are thinned out too much. We need better research, a research set-aside, and electronic monitoring on our boats to make sure this fishery continues moving forward. Every time I turn around, NMFS is taking away permits, so we are running out of fisheries to participate in. I am not in favor of trimesters at this time because we do not have the science to support this kind of management. We also do not currently have a large enough TAC to support trimester management. Currently we're fishing 30 days before the NGOM closes when we should be getting 60 to 80 days.

Wallace Grey—Stonington, ME; F/V Lost Generation; LAGC IFQ fisherman: I see pros and cons to increasing the trip limit, but it won't change the way I fish very much except when the weather is bad. I tend to go along with the increased trip limit because you have the quota you have—it doesn't matter how many trips it takes to catch it. Regarding the NGOM, I've fished in this area since the 1970's. We lost our scallop grounds on Jeffreys Ledge and Fippennies Ledge a long time ago due to groundfish closures. These areas continue to be full of scallops and I think we need to develop options to get access in these areas again. Doing so would double the scallop bottom we can fish in the NGOM and provide more opportunity for the small-boat fishery. If we could fish these areas, maybe being able to land a few more pounds per trip would make the long steam time worth it. I do not have an issue with LA vessels with IFQ transferring quota down to LAGC-IFQ only vessels, as long as the quota is being transferred to small boats.

Alex Todd—Maine; F/V Jacob and Joshua; NGOM fisherman: I support keeping the current NGOM TAC split. I do not want the NGOM boundary line to move. I think we should develop a research set-aside program in the NGOM so that we can survey more of the area and get a better idea of what is out there. I do not support the trimester TAC idea due to potential gear issues that could arise and because the current TAC is not large enough to support trimester management. I agree with everything James West just said.

Rob Odlin—Portland, ME; F/V Maria and Dorothy; NGOM fisherman: I agree with everything that was said by the last three commenters. I think the current NGOM TAC split should remain in place, the NGOM boundary should stay the same, and I support a research set-aside for the NGOM. When the big boats were fishing on Stellwagen a few years ago, there were over 1 million pounds of meats landed in three weeks, but our limit was set at 70,000 pounds. It seems like Stellwagen could have supported a lot more there than 70,000 pounds per year since then. I don't think the NGOM TAC is currently large enough to support trimester management. I don't think any more boats should be able to fish in the NGOM until the TAC goes up. I think

the TAC should go to a million pounds from the southern NGOM boundary all the way to the Canadian border.

Dana Hammond—Portland, ME; F/V Nicole Leigh; NGOM fisherman: I am a full-time dragger as well as a NGOM scallop fisherman. I support keeping the NGOM boundary line where it is. I support development of a research set-aside program for the NGOM. I have no problem with electronic monitoring—I have cameras on my boat right now and think it's the best way to monitor what is out there. With the way the groundfish fishery is going, many of us are relying on the NGOM scallop fishery more. For this to work in the future, in my opinion, the current NGOM TAC should be at least double what it is now.

Damian Parkington—Provincetown, MA; F/V Roen Keil; LAGC IFQ fisherman: Although I understand the reasoning of the fishermen who want to increase the LAGC IFQ possession limit, my direct concern is that increasing the trip limit would have severe negative impacts on businesses like my own—that is, small-scale fishermen in the 40 foot vessel size class who were not grandfathered into the fishery and are reliant on leasing in quota to harvest. Although I have over 15 years of experience working on deck in the scallop fishery and am the owner operator in the Massachusetts state scallop fishery, it has been only 9 months since I entered in the LAGC IFQ fishery. Originally, the reasoning that my wife and I followed when deciding to join the LAGC IFQ fishery was that access to better fishing grounds and a higher trip limit would offset additional permit costs and the cost of leasing quota, allowing us to better manage our business and to spend more time with the family. I see very similar reasoning by those who want to increase the LAGC IFQ trip limit now; however, my big concern is in the economic analysis done in 2018 which shows that a higher trip limit will increase lease prices and vessels like my own will suffer. It is hard to understand how a small, start-up scallop business could support itself and pay their crew if lease prices increased 10-15%, or more. My greater concern is that, coincidental to an increase to the trip limit, there would also be an accelerated round of brokerage that would further consolidate ownership of IFQ on the prospect of an expected climb in lease values. This kind of prospecting has led to a sincere effort towards consolidation in the fishery and I think this behavior would escalate if the trip limit were increased—this concern is grave for a lot of people in the fishery. If the Council does consider increasing the trip limit to address the valid concerns of fishermen that support it, I think they should consider measures to control and offset the potential flood of interest in accumulating quota.

Eric Grove—Portland, ME; F/V Old Speck; NGOM fisherman: I agree with developing a research set-aside in the NGOM. To the point made earlier about scallops inside closures on Jeffreys and Fippennies—I think these areas need to be added into our fishery. They did that for Closed Area II and Closed Area I for the southern fishery, so I think they should do it for our fishery. I do not think we should use trimester management in the NGOM due to potential gear conflicts and because there isn't good enough science or a big enough TAC to support it. I do not have a comment on the one-way transfer of quota from LA vessels with IFQ to LAGC IFQ vessels. An RSA program in the NGOM would hopefully lead to better research and provide more fishing opportunities in the future for NGOM fishermen.

Ben Martens—Maine; Maine Coast Fisherman's Association: We've been working with some of our members who are NGOM fishermen and would like comment on a few of the issues. We want to support status quo when it comes to the TAC split that was established last year. We are interested in seeing alternatives that would require a consistent gear restriction for all vessels fishing in the NGOM because this area has unique habitat and we want to ensure that it is

protected. Regarding movement between NGOM and Incidental permit types—we expect the Council to look into this. We don't want to be forced out of a fishery, but right now, the fishery can only support so much pressure. We do not support moving towards a trimester TAC at this point in time, but we do think it will be valuable for the Council to explore trimester management at higher biomass thresholds. We support developing a research set-aside and monitoring program for the NGOM. We do not support changing the NGOM boundary—the lines are there for a reason and shouldn't change when the biomass shows up. With regard to some of the comments about sub-area management in the NGOM—this is a data poor region and we can't allocate accurately if we don't know how many scallops are there. That being said, it will be worthwhile for the Council to explore alternatives for doing this at higher biomass thresholds.

Drew Minkiewicz—Fisheries Survival Fund: One of the reasons I wanted to come to this scoping meeting was to hear directly from the people fishing in the NGOM right now—it's been good to hear all the comments tonight. We've been thinking about the NGOM a lot and have talked about it with our membership—we'd like to throw out another possible approach to managing the NGOM fishery. The approach would be to switch it to a days-at-sea fishery with a 200-pound per day trip limit in which days-at-sea would be allocated to individual vessels. There wouldn't necessarily be a boundary associated with this idea, for example, vessels could fish south of the current NGOM boundary or wherever it makes sense for vessels to go. Looking back two years ago, the average NGOM vessel was fishing 20 days-at-sea and last year was fishing an average of roughly 30 days-at-sea. By these numbers, if each permit were allocated 30 days-at-sea at a daily trip limit of 200 pounds, that's a 6,000-pound allocation. Across the 100 permits, that would be a 600,000-pound allocation to the NGOM fleet, which could be harvested from anywhere. This is just a rough idea, but the point is that you could take the trips when it makes sense for you and for your business plan and you wouldn't be in the derby that is going on now. I've heard the comments about gear conflicts and think that that is worth considering within the larger discussion around this idea. This plan would allow flexibility and diversity for NGOM fishermen and would allow the LA fleet to continue fishing in federal waters as well. The people I represent qualified for LA permits in 1994 to fish for scallops in federal waters and want to keep the opportunity to do that, while also allowing the NGOM fishery to keep moving forward.

Rob Odlin—Portland, ME; F/V Maria and Dorothy; NGOM fisherman: With regard to how higher lease prices will negatively impact the bottom line for LAGC IFQ fishermen, I am curious if the National Marine Fisheries Service has ever estimated the average lease price for the year and put a cap on how much people could charge for leasing. Granted, lease price is always based on the market, but it would be helpful for those leasing in to have a ceiling in place based on what we know for an average ex-vessel price.

Luke Horner—Mt. Desert Island, ME; F/V Luke and Grace; NGOM fisherman: One of the most important things for the NGOM is improving research in the area. This is an important fishery for us to do after winter scalloping and before spring fishing, but there is so much bottom we can't fish because the area gets shut down too quick. If the NGOM was open longer we could cover more bottom—this would be better for the resource because effort would be spread out and scallops wouldn't be stacking up on top of each other and dying. We need better research to ensure that this fishery doesn't get shut down.

James West—Sorrento, ME; F/V First Impression Two; NGOM fisherman: I don't think that the NGOM is a derby fishery. I have a 200-pound limit that I can get and I never reach the limit because I'm afraid of going over it. When the NGOM fishery was established it was throwing us a bone to fish 70,000 pounds per year because we made it clear that we are fishermen and we need this fishery. I've depended on scalloping my whole life and I want to see my boy be able to fish the NGOM someday. I don't see this fishery as a derby. We have a TAC in place and get penalized every year we go over it. The area has also been shut down early without us reaching the TAC—I understand why this happened but it would have been nice for us to get five or ten more days of fishing in. We try to fish as many days as possible as the weather allows. To have enough of a TAC to really make this fishery work, we'd need 500,000 pounds, and we need more research to make that happen. I'd much rather be fishing in my backyard, but I can't because the scallops are too small and the Canadians catch them all before they're able to grow. So, we come down here to fish Stellwagen, and now you're talking about moving the 42° 20' boundary line north past Jeffreys so we lose Stellwagen and Thatchers and part of Jeffreys. I am not in support of that. I am a small boat fishermen—I want to be able to continue being a small boat fishermen and don't want to see anything more taken away from us.

David Horner—Mt. Desert Island, ME; F/V Luke and Grace; NGOM fisherman, LAGC IFQ permit holder: For starters, it seems ridiculous that Fippennies Ledge isn't included in the NGOM. Looking back, we used to fish Fippennies, Platts, Jeffreys, and Ipswich Bay for years. None of these areas are being fished now because the TAC is caught so quickly and easily on Stellwagen. Considering how quickly the TAC has been caught on Stellwagen, my thought is that the TAC could certainly be more. The most important thing we should do moving forward is developing sectional TACs within sub-areas of the NGOM. For example, once the TAC on Stellwagen is reached, another TAC would apply to Ipswich Bay and Jeffreys, and then maybe another TAC would apply for Platts. If we increased the TAC to 400,000 pounds it would all come from Stellwagen, which is why it should be broken up into specific areas. The market demand is for larger meats which is why we're all fishing on Stellwagen. If boats could fish Platts Bank all summer, they could be landing in Portland instead of New Bedford, which would reduce the carbon footprint and provide opportunity for those of us that don't lobster during the summer. For the long-term benefit of this fishery, I would really like to see the development of area-specific TACs.

Damian Parkington—Provincetown, MA; F/V Roen Keil; LAGC IFQ fisherman: Based on some quick math, with 350 boats in the LA fishery at an average of 7 crew members per boat equates to roughly 2,500 fishermen. With roughly 150 boats between the LAGC IFQ and NGOM fleets at an average of 3 crew members per boat, we're talking about roughly 450 fishermen. This math says that the LAGC component makes up roughly 30% of the boats in the scallop fishery and employs 20% of the fishermen. It's important to maintain the LAGC component as a vibrant, small-boat fishery that supports many coastal communities.

Alex Todd—Maine; F/V Jacob and Joshua; NGOM fisherman: I've never been in a derby fishery that has a daily catch limit, especially not one so low as ours in the NGOM. Globally the term 'derby fishery' has a negative tone to it and I do not think the NGOM is a derby fishery. For the small boat fleet, having the low catch limit and stretching out the fishery as long as we can is the best thing to do. It would be nice if the NGOM fishery was open longer but I do not think it is a derby.

Ben Martens—Maine; Maine Coast Fisherman’s Association: I don’t think that referring to the NGOM as a derby fishery is intended to have negative or positive tones. That being said, it might be good to analyze how a derby fishery would impact habitat or create an unsafe fishing environment. I think that it would be helpful to define the problem if there is one with regard to a derby, which would help clarify things for people who think it is a negative thing.

Togue Brawn—Maine; Downeast Dayboat: You said you wanted to hear from us if we like how things are going—I like how the NGOM fishery is going as of this year. This fishery is a derby in that the area gets shut down after the catch limit is reached. Usually, derby fisheries have a negative connotation, such as the halibut fishery in Alaska that have issues with market quality, safety, and negative economic outcomes. That being said, when you have a fishery that is landing less than 1% of the overall take, such as the NGOM fishery, you aren’t going to get those negative impacts that are seen in the Alaskan halibut fishery. I like how the NGOM is going.

James West—Sorrento, ME; F/V First Impression Two; NGOM fisherman: I try to be careful with the weather when I pick and choose the days that I want to fish. For example, about 15 us fished a double yesterday due to the poor weather forecast for today. To me, this doesn’t make the NGOM a derby fishery, its common sense so that you don’t lose the trip to bad weather the next day. This isn’t a derby—the crab fishery in Alaska years ago was a derby and we’re really far away from being anything like that.

The scoping meeting was closed by the Committee Chair at 7:33 pm.

ATTENDANCE AT: Scallop Scoping Meeting Amendment 21

DATE: Wednesday, April 3, 2019 LOCATION: MA DMF, Gloucester, MA

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