



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

May 4, 2021

Dear Mr. Nies,

On January 15, 2021, the Scallopers Campaign requested that the Secretary of Commerce prepare an amendment to the Atlantic Sea Scallop Fishery Management Plan (FMP) that would authorize leasing in the limited access (LA) sea scallop fishery. On March 10, 2021, GARFO Regional Administrator Michael Pentony wrote to the New England Fishery Management Council asking for its review and comments on the Scallopers Campaign request. Specifically, Mr. Pentony's letter asked the Council to respond to the assertion that the current FMP fails to comply with National Standards 5 and 10 of the *Magnuson Stevens Fishery Conservation and Management Act* (MSA) and, therefore, prevents permit holders from efficiently operating their vessels; eliminating operational redundancies; and reducing overcapacity.

Mr. Pentony made clear in his letter that it is appropriate to work through the Council process when considering changes to an FMP. He also asked the Council how it intends to address the issues raised in the petition. Most importantly, Mr. Pentony stated that, "if the Council decides to not take action, it should nevertheless consider the current limited access program and compare the benefits and drawbacks of developing a leasing program."

We agree with Mr. Pentony's approach to the Council. While it will always be a challenge to conduct an analysis of a program that has yet to be developed, it is important to begin this process when it comes to leasing in the scallop fishery. Over the last few years, the Campaign has identified and articulated shortcomings of the current FMP and its lack of operational flexibility, and we've developed and publicized principles and objectives to address those shortcomings. We are aware the Council has included this issue on its June meeting agenda, so we've included these below to assist Council and staff in responding to Mr. Pentony's request.

Proposed Principles for a Voluntary Leasing Program:

- Promote flexibility and fairness for the benefit of the sea scallop fleet;
- Improve the economic performance and resiliency of the fishery;
- Improve crew safety in the scallop fishery;
- Ensure conservation neutrality;
- Maintain the individual identity of each LA scallop permit;

- Include a commitment and measures to ensure “No Harm” to non-participating scallop vessels;
- Recognize and address the diversity and characteristics of the LA scallop fleet, including multi-fishery vessels;
- Include a commitment and measures (e.g. sideboards) to protect other fisheries from negative impacts of any approved program;
- Reflect and include the existing caps on ownership and control; and
- Limit the amount of leasing to a maximum of one additional full allocation per vessel, so that no vessel may fish more than two allocations.

For more detail on our objectives, you can visit the Scallopers Campaign website at www.scalloperscampaign.org.

After extensive discussions within the industry, we believe an effective leasing program would bring the LA sea scallop fleet a necessary degree of operational flexibility and would strengthen the fishery’s economic resilience. Leasing would allow the fishery to conserve economic inputs and reduce the cost redundancies in their fishing operations as mandated under the current FMP. Eliminating these inefficiencies and improving the economic performance of the fishery would substantially improve the FMP’s compliance with MSA National Standard 5, and would position the fleet for a sustainable future.

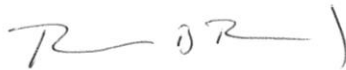
As the Scallopers Campaign recommended last year for the 2021 prioritization cycle, the Council’s scoping process would have allowed the Council to engage the industry on the subject of leasing in order to understand the need for an effective leasing program in this critical fishery. Scoping would also allow the Council to identify key elements of a leasing program that would require additional focus within the Council process.

We support the Council taking up Mr. Pentony’s challenge of comparing the benefits and limitations of a potential leasing program within the LA fishery. This work would be of immediate value in informing the Sea Scallop Advisory Panel and Committee as they shape their priorities for 2022, and it would at long last provide a sense of direction to the scallop fishery. It would also allow Council members to have a more complete picture when they weigh in on Committee recommendations this fall. In support of this work, the Scallopers Campaign offers you and your staff whatever assistance we can provide.

Sincerely,



Jeffrey R. Pike



Rick Robins