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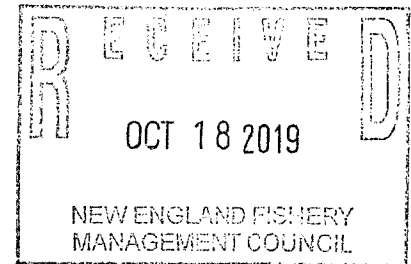
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MUMBAI, INDIA

October 18, 2019

BY EMAIL

Dr. John F. Quinn
Chairman
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950



Re: **Fisheries Survival Fund's Request for Control Date in the Northern Gulf of Maine**

Dear Chairman Quinn:

As you know, we represent the Fisheries Survival Fund ("FSF"), a group whose participants include the significant majority of Limited Access scallop permit holders home-ported along the Atlantic Coast from Massachusetts through North Carolina. FSF writes to express its strong support for the New England Fishery Management Council ("Council") proceeding with immediate implementation of a control date for the Northern Gulf of Maine ("NGOM") scallop management area. The Scallop Advisory Panel overwhelmingly supported imposition of an NGOM control date at its last meeting.

It is imperative the Council take such action as soon as feasible to ensure the NGOM is managed in a manner consistent with the intent of the Atlantic Sea Scallop Fishery Management Plan ("FMP"), including but limited to, FMP Amendment 11. Immediate implementation of a control date will also allow the Council's development and consideration of Amendment 21 (in part, relating to the NGOM) to be more informed and, ultimately, effective in conserving and managing that part of the unitary federal scallop stock in the NGOM.

History of the General Category Limited Access Program:

During its development and implementation of Amendment 11, the Council recognized that the former General Category ("GC") fishery had changed since its creation in 1994 via Amendment 4. Prior to Amendment 11, the GC scallop fishery was an open access fishery

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intended to allow small-scale, “dayboat” vessels to continue fishing outside the effort control programs that applied to the Limited Access scallop fishery, as well to allow non-scallop fishing vessels to catch scallops as incidental catch. However, between the GC’s inception via Amendment 4 in 1994 and 2005 during Amendment 11’s development, the number of GC permits increased by 48%, and the number of LAGC vessels actively landing scallops increased by 230%. As a result, the share of overall scallop landings harvested by the LAGC ballooned from often less than 1% of the scallop fishery’s total landings from 1994 through 1999, to over 14% by 2005.¹

Recognizing that the GC scallop fishery was exploding—and in effect, changing from its original purpose—the Council developed Amendment 11 to “implement more effective management measures to control fishing mortality by the general category component of the scallop fishery.”² In doing so, Amendment 11 created three new categories of scallop permits: Category A permits for vessels qualifying for and operating under a Limited Access General Category (“LAGC”) individual transferable quota (“ITQ”), Category B permits for vessels that did not qualify for LAGC ITQ but would be allowed to fish strictly within the NGOM on a separate NGOM quota, and Category C permits for non-scallop fishing vessels to accommodate their truly incidental catch of scallops. Categories B and C were designed at the eleventh hour in Amendment 11’s development process to accommodate NGOM fishermen who could not qualify for LAGC ITQ but insisted on remaining able to target episodic scallop sets in the NGOM.

In establishing the criteria for obtaining a Category A permit, the Council utilized a control date of November 1, 2004. A standard fishery management tool, a control date is a calendar date after which new entrants to a fishery will not be guaranteed future access under a new or revised limited entry system. That date is, moreover, used to counteract the practice of late entrants’ obtaining fishing permits on speculation prior to managers’ implementing a new or revised limited entry system.³ From there, the Council assessed the fishing effort of all GC scallop vessels between March 1, 2000, and the control date. Any vessel which landed at least 1,000 pounds of scallop meats in any fishing year during that time period was granted a Category A permit. This Category A permit maintained the GC’s 400 pound daily limit for those newly-categorized LAGC ITQ vessels. Vessels not meeting Category A permit criteria were then given the option of fishing under a Category B permit, which conferred a 200 pound daily limit in the NGOM (subject to an NGOM quota), or a Category C permit, which conferred a 40 pound daily limit. The result of this change was not only a reduction in fishing mortality, but an added element of management for the fishery as a whole.

¹ Atlantic Sea Scallop Fishery Management Plan, *Final Amendment 11*, New England Fishery Management Council, p. 49 (Table 5).

² *Id.* at p. 7.

³ Richard Wallace, et al., *Understanding Fisheries Management* (2nd edition), p. 42.

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Northern Gulf of Maine Management Area:

As explained above, the Council established the NGOM management area through Amendment 11 in 2008. The area was developed to “enable continued fishing and address concerns related to conservation, administrative burden, and enforceability of scallop fishing within the Gulf of Maine.”⁴ Notably, the Council envisioned a reconsideration of NGOM management if scallop populations and the NGOM fishery were to grow in the future. During the period of 2009 to 2015, the NGOM’s LAGC TAC of 70,000 pounds was not caught, and the fishery remained open for the entire year.⁵ However, over the past four years, participation in the NGOM has increased dramatically, and the LAGC share of the TAC has been caught in six weeks or less in each of the last three years. The fishing rates for this area were especially noteworthy in 2019, with the LAGC season closing after only 23 days because of concerns the derby would quickly surpass the TAC of 137,500 pounds.⁶

We know the Council is well aware of the growing concerns over increased NGOM fishing activity. In 2017, Framework Adjustment 29 developed measures to address the concerns over growing NGOM participation and unknown biomass for fishing year 2018. These measures included increased surveys of the area to establish accurate population estimates, as well as a 50/50 split of the NGOM TAC between the Limited Access scallop fishery and Category B vessels (beyond the pre-established Category B TAC of 70,000 pounds). The Council recommended a carry-over of these measures via Framework 30 for the 2019 and 2020 fishing years, and this past May, Amendment 21 was proposed, in part, to “consider measures that would prevent unrestrained removals from the NGOM management area and allow for orderly access to the scallop resource in this area.”⁷ Amendment 21 attempts to rectify the problem of increased effort in the NGOM through several alternatives, which include setting new TACs and adjusting catch and bycatch monitoring. But Amendment 21 lacks one element that may prove constructive, if not necessary, to managing future NGOM dayboat scallop effort: a control date which would enable rational implementation of any further limited access measures.

A control date is needed to ensure that the Council has the option in Amendment 21 to limit NGOM scallop fishing rights to vessels that have fished beyond an incidental level in the decade-plus since Amendment 11’s implementation. Very little restraint exists on Category B entry at the moment. Amendment 11 allows for the conversion of Category A permits to Category B and C permits, as well as the conversion of Category C permits to B permits (and vice-versa). Currently, there are 107 Category B permits, 43 of which are actively participating in the NGOM fishery. In the past decade, there have been 30 permits which have converted from either Category A or C to

⁴ Atlantic Sea Scallop Fishery Management Plan, *Scoping Document for Amendment 21*, New England Fishery Management Council, p. 5.

⁵ *Id.*

⁶ https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/ScallopProgram/CURRENT_REPORTS/ngom.html

⁷ *See supra* n. 4, p. 1.

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Category B permits. However, based on the additional existing permits capable of converting, the NGOM scallop fishery could have as many as 400 active participants in the fishery in the near future. With no control date in place to restrain the conversion of these permits—especially as it becomes evident that the Council in Amendment 21 might choose to further restrict access to that portion of the unitary federal scallop resource in the NGOM—dayboat effort in this area could grow *solely* based on the speculation of new fishing opportunities.

Therefore, we are requesting that the Council consider the implementation of a control date effective as soon as feasible to prevent new, unrestrained access to the NGOM by participants who have not historically relied upon this resource or contributed to its management. Utilization of a control date by the Council in this instance is consistent with past precedent, as well as an important management predicate for the Council's continuing to fulfil the intent of Amendment 11 and the other management actions pertaining to the NGOM described above. Accordingly, if the Council might want to maintain the option of utilizing any form of limited access approach to the growing directed NGOM scallop fishery in Amendment 21, the Scallop Committee should recommend to the Council at its December meeting in Newport that the Council give public notice that it will consider implementation of a control date for the NGOM scallop fishery at the Council's January meeting in Portsmouth.

* * *

Thank you for your consideration of this request. Please do not hesitate to contact us at any time if you have any questions or require additional information.

Respectfully submitted,



David E. Frulla
Andrew E. Minkiewicz
Bret A. Sparks
Counsel for Fisheries Survival Fund



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*

October 16, 2019

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

Dear Mike:

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

On behalf of the Council, I would like to thank you for your service to the management process. We appreciate your support, specifically your contribution to Framework 32 and Amendment 21. Maine DMR is an important partner in scallop fishery management.

We wish you the best in your future endeavors.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Nies". The signature is written in a cursive style.

Thomas A. Nies
Executive Director

cc: Meredith Mendelson



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

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

October 15, 2019

Mr. Carl Wilson
Maine Dept. of Marine Resources
194 McKown Point Rd.
Boothbay Harbor, ME 04575

Dear Carl:

Meredith Mendelson has recommended you to represent the Maine Department of Marine Resources on the Council's Scallop Plan Development Team (PDT). The PDT is currently supporting the Council's work on several management priorities, including the development of fishery specifications for 2020 and 2021 (default) in Framework 32. The Council is also in the process of developing Amendment 21 to the Scallop FMP. Your expertise and experience in the scientific and management process will be very valuable to the PDT.

PDT members are expected to contribute to discussion, analysis, and document preparation, often under difficult timelines. I appreciate your willingness to assist in these tasks. Further, PDTs are tasked with providing objective analyses to the Council. For this reason, PDT members are not allowed to address the Committee or Council in order to advocate for any specific Council decisions unless they are presenting a PDT position. This task is normally the responsibility of the PDT Chair.

Jonathon Peros, Scallop PDT Chair, will be contacting you shortly with more information. Feel free to contact him at your convenience by email (jperos@nefmc.org) or telephone: 978-465-0492, ext. 117.

I am pleased to appoint you to the Scallop PDT. Welcome back! Please contact me if you have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Nies". The signature is written in a cursive style.

Thomas A. Nies
Executive Director

cc: Meredith Mendelson, ME DMR

Sherie Goutier

From: Jonathon Peros
Sent: Monday, October 14, 2019 12:11 PM
To: James Fletcher
Cc: Chris Kellogg; comments; Sherie Goutier
Subject: Re: Proposal for NEFMC on small scallop in Nantucket Light Dep



Thanks Jim. We will include this in correspondence for the upcoming AP and Committee meeting.

Jonathon

Sent from my iPhone

> On Oct 14, 2019, at 8:56 AM, James Fletcher <unfa34@gmail.com> wrote:

>

> Will you see this proposal makes it into Council Discussion for Nantucket Area? At next Council meeting . IF NECESSARY TO EXPLAIN I COULD ATTEND COUNCIL MEETING.

> The shucking Vessel needs a time frame IF & when this would be allowed.

> Vessel needs enough volume to turn a profit. Vessel Needs Notice to go to ship Yard & make plans for crewing.

> Vessel can purchase scallops but will need NMFS / Council to allow a dealer at sea license.

>

> --

> James Fletcher

> United National Fisherman's Association

> 123 Apple Rd.

> Manns Harbor, NC 27953

> 252-473-3287

>

> <Scan0613.pdf>

*DRAFT FOR CONSIDERATION / DISCUSSION
NEW ENGLAND FISHERY MANAGEMENT COUNCIL
MID ATLANTIC FISHERY MANAGEMENT COUNCIL*

Dear Sir,

PROBLEM STATEMENT: Converting research set aside quota from pounds of scallops / fish to dollars, approved for research projects!

Proposed method for converting research set aside quota to dollars; benefiting fishermen is being offered by United National Fisherman's Association.

1. Allows fishermen to land total trip limit poundage; without fear of overage thus enforcement action!
2. Allows utilization of by-catch while preventing discarding of overage of target species.
3. Provides law enforcement two methods of verification concerning landing of research set aside.
4. Allows researchers access to dollars at any stage of the project approved by council.

United National Fisherman's Association offers the following services. Converting research set aside quota to dollars from limited access fisheries, and State Limited Landing Quotas to dollars.

Every vessel holding a limited access permit or every dealer with permits to buy limited access fish; could apply for an overage exemption letter from United National Fisherman's Association.

Conditional upon notifying National Marine Fisheries through Vessel Tracking System that an overage of landing poundage would occur with an good faith estimate of the poundage of overage.

The vessel would then off load the catch, the vessel would receive payment for the allowable poundage. The dealer would sell the overage and send a check for the overage to an account in a specified bank Under United National Fisherman's account. The Vessel Trip Report in the kept discard (19) would enter species # *RSA*.

The Dealer would note on dealer Report species # *RSA*

Three checks in the system exist,

1. Vessel Tracking System notification of overage prior to landing.
2. Overage listed (19) on Vessel Trip Report
3. Overage listed on Dealer Report.

A forth verification could exist; provided a method existed to notify United National Fisherman's Association of any announcement from the Vessel Tracking System. (Email Etc.) United National Fisherman's Association would have incentive to verify a deposit

had been made from the dealer with the vessel name / or identification (permit I.D.) into the research set aside account in the dealer name & vessel name for the date in question. If and when the research set aside poundage was to be reached. As recorded from Vessel Trip Report (19) or Dealer Report then a message could be sent Via Vessel Tracking vendors THE OVERAGE ALLOWANCE FOR X SPECIES WOULD END 00/00/00.

United National Fisherman's Research Set Aside Account would be in a separate Bank and totally Separate Account. Every deposit & withdrawal would be accounted for & traceable. Upon notification from the Council OR Marine Fisheries a check for the designated / negotiated amount could be sent to whomever. PROVIDED SUFFICIENT FUNDS EXISTED.

POSSIBLE ADVANTAGES!!!

The possibility exist, to remove Marine Fisheries & Councils from Research Set Aside Grants dollars. A process where Councils & Marine Fisheries approve projects but not the dollars to be paid. Council proposes a possible range of dollars, the grantee could receive, the grantee would then negotiate within the range provided by Council; with United National Fisherman's Association for the final amount within the possible range. Thus the Councils and National Marine Fisheries are not giving grants in dollars. (PROVIDED THE COUNCIL WANTED TO BE REMOVED FROM THE DOLLARS)

Fishermen would not be worried concerning citations for slight overages of quota limited landings. Vessels could receive allowed dollar amount for catch.

Regulatory discards would be eliminated.

All vessels could participate in the process.

All Dealers could participate in the process.

Fishermen could have slight say in process. (We think it is a good project give the Researcher, the maximum amount).

United National Fisherman's Association is compensated for it's participation in the process by the interest the money generates while in the account. Plus the economic benefit all fishermen who chose to participate gain for their personal accounts.

Every dollar paid into the Research Set Aside account will be available for pay out.

THIS PROPOSAL IS NOT A RESEARCH PROJECT: It is an offer to covert research set aside pounds to dollars while benefiting all fishermen whom chose to participate.

James Fletcher Director

United national Fisherman's Association
123 Apple Rd Manns Harbor NC 27953
5/27 2008

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RESEARCH SET ASIDE DOLLARS REPLY TO JOHN HOEY & HARRY MEARS:

In response research set aside \$.

United National Fishermen's proposal is intended to convert all research set aside pounds into dollars. Main point: fishermen landing on state or Federal (scallop) quotas will land total allowable quota without fear of fines or loss of trip for being as little as one pound in excess of quota. Vessels landing scallops from closed area can land 18,000 # exactly without fear of loss of trip. A vessel which catches a species for which it does not have a permit can land the species if a research set aside exist (by catch reduction).

FISHERMEN WILL BE ALLOWED GREATEST DOLLAR AMOUNT POSSIBLE WITHOUT FEAR OF FINES OR LOSS OF TRIP. LAW ENFORCEMENT WILL KNOW: TRIP WILL HAVE AN OVERAGE ON TRIP REPORT & DEALER REPORT FROM NOTIFICATION!

The proposal: Allows for species of fish to be in the market year around even if the season is closed; thus the greatest price for resource at no benefit to fishermen, The dealer research set aside science & consumer benefit; presently the species is discarded at no benefit to anyone with the consumer buying imports.

Answer to Harry Mears: 1-8

1. The proposal is nothing like NFI; it reduces by catch discarding, it reduces stress on vessel masters, it allows Captains & crews the maximum dollar return per trip on quota landed species. it informs law enforcement that a research set aside landing will occur with VTS or phone in notification. Research set aside comes from all fishermen so all fishermen can participate. Recreational research only need to apply for dollars, they would not need a method to convert pounds to dollars. Even with a closed season the dealer & public would have legal access to a limited supply of fish species.
2. A petition for federal rulemaking will be initiated BUT frame working could allow the process as it; reduces by catch; increases benefit to fishermen; allows product for consumers all year; reduces regulatory discarding. I do not see the need for public comment or comment from NMFS or council staff Research set aside is already an approved fact. The problem is converting POUNDS TO DOLLARS! This proposal converts pounds to dollars while benefiting the vessels crews dealers & consumers. The proposal ask that council & NMFS propose a range of dollars for the research. Thus the fishermen can have some say in amount allowed the research. {fishermen now have no say in research or funding) Funding could not be less than council & NMFS proposed but it could be more.
3. Tracking RSA would be accomplished by the bank. Every dollar received will be paid back out for research. Council & NMFS only propose a range for each {approved} research project. Recreational and water quality groups would have a vehicle to research dollars. The council & NMFS would only need to approve sufficient research to match RSA dollars in bank. The bank does all accounting. Dollars in against dollars out simple math. Council & NMFS approve a range of dollars for each project, Fishermen review range, decide on amount inform council, bank sends check to researcher for 90%, council is informed by bank &

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- UNFA check has been written and 90% of amount. Council then ask researcher when written report will be made. IF researcher does not perform services, Council & NMFS are responsible for verifying work is completed or final 10% dollars are not paid. United National Fishermen's converted pounds to dollars & paid researchers within the range of dollars approved by council & NMFS.
4. Removing NMFS & COUNCIL from awarding an exact dollar amount or exact poundage removes the process from being grants. Provided the Council provides a range of dollars (between \$5,000.00 to \$15,000.00 then the fishermen who participated in collecting the RSA would say the amount. **THIS PROPOSAL SHIFTS THE "RSA" OUT OF GRANTS** into fishermen approved research funding. Proposal allows all fishermen to benefit from RSA. Currently only a limited number of fishermen benefit and no by-catch reduction or regulatory discarding is eliminated.
 5. United National Fisherman's Association issues letters of participation in the research set aside poundage collection system. The fisherman by notifying law enforcement that he will land an overage under the exemption is requesting the exemption in theory. If RSA still exist for the species then all is exempted and landing and sale is permitted.
 6. **LAW ENFORCEMENT:** Would be informed prior to the vessel coming into port by VTS or phone, two way radio or approved means. Provided UNFA is informed by these agencies we are going to be checking for a check in the bank for that vessel & that dealer on the date. If the check does not show in the bank UNFA will investigate and if "apparent" illegal sales have occurred, inform law enforcement to check the vessel next trip they call in an overage. On that next trip if an overage and RSA payment {is not} made to the bank **LAW ENFORCEMENT "COULD"** consider enforcement of false reporting by the vessel & Captain. {Why would one cheat a system that allows full economic dollar retention with no fear of fines or trip seizure?} knowing he was calling law enforcement and UNFA with means to check two different ways. If law enforcement does not see a RSA note on the trip report and a Check to the bank in the dealer record for the day the call is received then false reporting occurred by the vessel.
 7. Trip limits as quota management basically require the fisherman to land less than the quota limit or face fines and loss of trip. (regulatory discarding) This approach allows the fisherman to land the allowed quota without fear of fines or loss of trip **PROVIDED** he call in an overage through approved means and contributes to the research set aside for the species being landed. Once the quota is landed & RSA still exist the process allows for the species to legally be sold by the dealer & retailer usually for more money [due to limited supply in market] thus research set aside would gain from price increase.
 8. Quality research would as now be NMFS & Council responsibility. Should researchers not provide sufficient quality work NMFS & Council should not approve further research by investigators or cut the range of funds for researchers that did not complete past research. Additional 10% withheld till approved by Council. {fool me once shame on you fool me twice shame on me} UNFA would not be fooled a second time by researchers except at the least amount possible if

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an amount was approved a second time by Council & NMFS. The Council & NMFS would receive and review the research. UNFA converts RSA from pounds to dollars and reviews the range of dollars the researchers receives. Good research will be funded to the maximum, poor research would be funded to the minimum. UNFA would assist law enforcement when vessels or dealers appeared to be miss-using the overage exemption.

9. Every dollar & penny coming to the bank will be accounted for by the bank. UNFA will have the account set up so all principal will be available for Council & NMFS approved research.
10. United National Fishermen Association will ONLY receive the interest from the bank on the principal. The interest IS NOT part of the dollars acquired from RSA being converted to dollars. Every dollar collected will be available for research and all fishermen who chose to participate can benefit from no fear of enforcement on quota limited trips. By Catch can be reduced. Regulatory discards will be reduced. Consumers and retailers should have product for sale entire year as long as RSA is not exceeded.

Thank You,

James Fletcher 123 Apple Rd Manns Harbor NC 27953. 252-473-3287
07-02-09



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*

October 7, 2019

Mr. Christopher Parkins
Principal Biologist
RI Division of Marine Fisheries
Three Fort Wetherill Road
Jamestown, RI 02835

Dear Chris:

Deputy Chief, Scott Olszewski has recommended you represent Rhode Island Division of Marine Fisheries on the Council's Scallop Plan Development Team (PDT). The PDT is currently involved in supporting the Scallop Committee with respect to commercial management issues. Your knowledge of the State of Rhode Island's fisheries and management will be very valuable to the PDT.

PDT members are expected to contribute to discussion, analysis, and document preparation, often under difficult timelines. I appreciate your willingness to assist in these tasks. Further, PDTs are tasked with providing objective analyses to the Council. For this reason, PDT members are not allowed to address the Committee or Council in order to advocate for any specific Council decisions unless they are presenting a PDT position. This task is normally the responsibility of the PDT Chair.

Jonathon Peros, Scallop PDT Chair, will be contacting you shortly with more information. Feel free to contact her at your convenience by email (jperos@nefmc.org) or telephone: 978-465-0492, Ext. 117.

I am pleased to appoint you to the Scallop PDT. We appreciate your assistance and technical support for the Scallop Fishery Management Plan. Please contact me if you have any additional questions or concerns.

Sincerely,

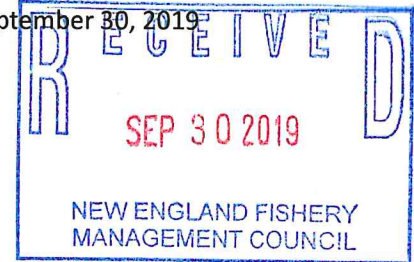
Thomas A. Nies
Executive Director

cc: Scott Olszewski, Deputy Chief, RI DMF



Dr. John F. Quinn
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

September 30, 2019



Dear Chairman Quinn,

I am writing to ask for your support in ranking the voluntary Scallop Leasing Demonstration Project third on the NEFMC 2020 Priority Task List for the Scallop Committee. Our request is that this project be prioritized to follow the 2021 specifications framework and Amendment 21 (A21).

Ten years ago, I was involved in a stacking and leasing effort during Council consideration of Amendment 15 (A15). At that time, the Council identified fishing capacity reduction as a major goal of the Amendment. The Scallop Committee, the PDT, and Council staff put a significant amount of work and resources into that proposal, following normal Committee and Council procedures. However, due to lingering concerns, the proposal ultimately failed on final passage by the slimmest of margins.

From that experience, we learned that industry and Council members were highly concerned about the permanent nature of the proposal, the fear of creating “super boats” with large allocations of DAS that could be used in any manner, and the unknown impacts of the proposal on non-participants. Now, a decade later, permit holders still do not have any mechanisms to match their fishing capacity with their resource allocations.

Based on these lessons and others we have learned from over a decade of experience, today we are asking the Council to develop a multi-year leasing demonstration project for the limited access scallop fishery. We think this is a logical next step, as the Council has already authorized leasing in one segment of the fishery. Additionally, the temporary nature of this project will provide the Council opportunities to evaluate, modify, and even end the program.

While the details and outcomes of the demonstration project would be determined through the Council process, the vessel owners we represent have agreed to support a set of core principles, including:

1. The project should be conservation neutral;
2. It should increase resiliency in the fishery;
3. It should provide operational flexibility and economic benefits broadly to the industry;
4. It should increase job security and safety for crew; and
5. Most importantly, it should fully protect non-participants (vessels that do not elect to participate in the leasing demonstration project).

Using these core principles, we have developed an initial “four corners” draft proposal, but expect and respect that this would be more fully developed through the standard Council process of industry and public participation, as well as Council development and deliberation.

In making our request to initiate development of the program, we offer several recommendations to promote conservation neutrality and address efficiency concerns, including:

1. No vessel would be allowed to lease and add more than one permit allocation of DAS and access trips to an existing permitted vessel;
2. Permits would retain their unique, individual identities; and
3. DAS from different permits would be fished on separate trips, rather than on the same trip.

Lastly, I want to emphasize that we are not seeking to displace or delay the important work the Council must do next year regarding 2021 specifications framework action and A21. Rather, based on our discussions with staff, we understand the leasing demonstration project would be addressed as Committee and staff time allow. Nevertheless, we believe solid progress on this project can be made in 2020, and we ask you to support our request.

Our group already includes approximately 100 limited access permits, and we are hopeful that if the Council includes this issue in its ranking for 2020 priorities, even more will engage. To help us with the challenges ahead, we've put together a small team to work with the Council and staff. I am particularly pleased that Rick Robins has agreed to be a key member of the team. Rick's knowledge of the issues and the Council process will be invaluable as we move forward. Please contact Rick (757-876-3778) or me if you have any questions or if we can provide any additional information.

With kind regards,

A handwritten signature in black ink, appearing to read "Jeffrey Pike". The signature is stylized and cursive.

Jeffrey Pike



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Fisheries Science Center
Woods Hole Laboratory
166 Water Street
Woods Hole, MA 02543

16 September 2019



Mr. Thomas Nies
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950
tnies@nefmc.org

Dear Mr. Nies,

At the last New England Fishery Management Council meeting the Northeast Fisheries Science Center (NEFSC) stated that we would review the [Summary Report of the Review of Sea Scallop Survey Methodologies and Their Integration for Stock Assessment and Fishery Management](#). A Table is included here with the recommendations from the review and the actions taken in response.

This is a NEFSC perspective and we want the Council to be aware that partners in the Scallop Research Set Aside Program have also been responsive to the recommendations. Thus, the attached table is not comprehensive for the region and represents actions taken by the NEFSC or that the NEFSC has been involved in. We would be happy to provide additional detail on any of the actions taken or underway by NEFSC.

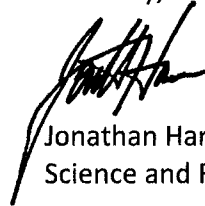
From our perspective, there are three big takeaways.

- 1) Most of the review recommendations have been addressed. Some research is ongoing, but in general the recommendations were used to improve scallop surveys. The one exception is the recommendation to *“devise an optimal and integrated statistical survey design”*.
- 2) The Research Set Aside program for Scallops has been critical in addressing elements of the survey program review. This reiterates the RSA Review conclusion that *“Research Set Aside programs [are] performing well, and generally regarded as highly successful, especially the Scallop RSA program.”*
- 3) Both the Survey Program Review and the RSA Program Review called for development of an integrated scallop survey design.

Thus, as we address the RSA Program review, we should also work to address this remaining recommendation from the Scallop Survey Review: *“devise an optimal and integrated statistical survey design”*.

The NEFSC is interested and willing to work with the NEFMC on developing an integrated statistical survey design.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Hare", written in a cursive style.

Jonathan Hare
Science and Research Director

Summary recommendations taken from both summary report and overview presentation

[Link to Summary Report](#)

Recommendation Number	Location	section	sub-topic	Recommendation	Text	Responses	References
1	Page 7, Paragraph 2	2	measurement error	Continued development of HABCAM 4.	The review panel considers that the HABCAM 4 imaging processing procedures are more advanced and encourages further research in this area.	NEFSC is continuing to develop its image calibration and processing procedures (see recommendation 2).	
2	Page 7, Paragraph 6	3	Bio Sampling aspects	Further develop automatic image processing.	The review panel encourages further development of automatic image processing capabilities. The review panel concludes that HabCam V4 with side scan sonar system is the only sampling procedure reviewed that could be used to detect the physical impacts of fishing gear and use this to study the effects of fishing at a very fine scale.	NEFSC is actively working on this as part of the NOAA-wide AIAS/IVME initiative (Chang et al. 2016). Two RSA projects developing automated image analysis were funded as part of the 2019 Scallop RSA awards. A scallop RSA funded study evaluating the effects of dredging on scallop incidental mortality using an AUV was also recently published (Ferraro et al. 2017).	Chang et al. 2016 Richards et al. 2019 Ferraro et al. 2017
3	Page 7, Paragraph 8	3	Bio Sampling aspects	Further investigation to reduce the "statistical noise" of optical surveys	While the optical surveys have higher detectability of scallops < 20 mm than the dredge surveys, and therefore provide better information on recruitment, they provide less accurate information on the exploitable (i.e. 40mm+) size composition because the optical sampling and analytical procedures introduce statistical noise.	This is taken into account by modeling the measurement error in the CASA stock assessment model.	
4	Page 7, Paragraph 9	3	Bio Sampling aspects	Develop a statistical design for subsampling meat weights	Subsampling for meat weights is currently done by selecting 5 meats per NEFSC dredge survey station. A statistical sampling design should be developed and applied.	At random dredge stations, the NEFSC now takes meat weights from 0-6 scallops, depending on the number of scallops caught at the station. For example, if catch is 10-25 scallops, 2 meat weights are taken; if catch is 200+ scallops, 6 meat weights are taken. By including "station" as a random effect, we believe our procedures are statistically sound.	
5	Page 8, Paragraph 1	3	Bio Sampling aspects	Recording more of available data.	The review panel recommends that the total number of baskets and fraction sampled be recorded on dredge surveys, and that the between basket variation in scallop counts (for subsamples) be recorded. This could provide useful information on this source of variation.	With the implementation of FSCS 2.0, the NEFSC records how many baskets were caught, how many baskets were subsampled, and how many scallops (with lengths) were in each subsampled basket.	
6	Page 8, Paragraph 7	4	Surv data to estimate abundance	Further investigation to improve procedures for simulating methodology (model or design based)	The review panel concludes that the geostatistical modelling approach seems reasonable but that biomass variance estimates are likely underestimated because degrees of freedom were not adjusted for and model uncertainty is an unaccounted source of variation in the biomass and abundance estimates. The review panel encourages further research to improve these procedures.	A study evaluating a number of different geostatistical methods has been completed (Chang et al. 2017). We are currently working with partners developing Bayesian geostatistical methods which may give more fair variance estimates.	Chang et al. 2017

7	Page 10, Paragraph 3	evaluate methods for using surveys outside of Stock Assessment and	Utilize complimentary survey methods.	Complementary surveys methods provide enhanced capabilities to use data for management purposes, particularly, since no survey method has provided complete coverage of the entire stock area on a regular basis.	Complementary survey methods are supported through the NEFSC and RSA Program, and data from these surveys are combined in the stock assessment.			
8	Page 9, Paragraph 8	potential contribution of each survey	Develop more broad scale coverage.	Broad scale coverage is particularly useful when contributing information to ecosystem studies including changes to community composition over time. The review panel encourages further research in these areas.	There is currently an ongoing collaboration between NEFSC and Rutgers examining the effects of changes in bottom temperatures on sea scallops using the long dredge survey time series. Other recently published works of ecosystem effects using scallop survey data are Kaplan et al. (2018) and Shank et al. (2012).		Shank et al. 2012	Kaplan et al. 2018
9	Page 10, Paragraph 6	optimal frequency	Complete annual surveys	The review panel agrees that annual surveys are required to support the management process with fishery specification adjusted every year in addition to spatial management procedures. Yearly surveys also make it possible to detect and protect recruitment events, and avoid under- and over-harvesting of stock components.	Annual surveys continue to be supported both through NEFSC Priorities and the RSA Program, as well as by the NEFSC.			
10	Page 10, Paragraph 7	optimal frequency	Integrate methods to provide a standard monitoring survey.	The review panel recommends that all available information be used to devise an optimal and integrated statistical survey design (involving the use of complementary survey methods) and estimation procedure for stock size, spatial distribution, and other primary objectives. This may require simulation studies.	An integrated survey design has not been completed. Resources for simulation studies related to survey design should be sought. However, simulation studies to optimize the Habcam towed camera have been performed, and a re-stratification of the dredge survey is being planned. If an integrated survey design is pursued, the re-stratification of the NEFSC dredge survey would be consider as part of the regional plan.			
11	Page 10, Paragraph 7	optimal frequency	Secure the continuity of survey time-series.	The review panel recommends that survey efforts should be further integrated to provide a standard monitoring survey of the entire stock distribution; however, the optical and dredge surveys are complementary and both should be maintained and integrated. The continuity of time-series should be also be maintained to the fullest extent possible.	Emphasis has been given to continuity of the time series and operation of both the optical and dredge surveys. An integrated survey design across all surveys should be pursued. This was a proposed ToR for the 2018 Benchmark Assessment, but was not included because of concerns over workload.			
12	Page 10, Paragraph 8	optimal frequency	Integrate methods to provide a standard monitoring survey.	The review panel recommends that all available information be used to devise an optimal and integrated statistical survey design (involving the use of complementary survey methods) and estimation procedure for stock size, spatial distribution, and other primary objectives.	The current assessment models include data from the dredge, drop camera and habcam surveys. A next-generation spatially-explicit assessment model ("geosams") is being developed that would more closely integrate data from the various surveys.			
13	Page 10, Paragraph 11	identify future research	Analysis of all available information	To devise an optimal and integrated statistical survey design and estimation procedure for stock size, spatial distribution, and other primary objectives, the review panel recommends that all available information from all surveys be thoroughly analyzed, including an evaluation of the efficiency of using shorter tow durations.	An RSA-funded study that compared 10 to 15 minute tows was presented at the 2018 benchmark sea scallop assessment, and the results were equivocal. Dredge efficiency studies using paired tow experiments are ongoing (Miller et al. 2019).		Miller et al. 2019	

			<p>However, statistically-designed dredge sampling that includes a portion of samples that overlap with the HabCam track is still required. The designer of HabCam felt that the best usage of this technology is continuous sampling and the review panel agreed with this. A joint integrated survey using two vessels (one for HABCAM and one for dredge) could result in a better survey with improved coverage.</p>	<p>A joint integrated survey using two vessels (one for HABCAM and one for dredge) could result in a better survey with improved coverage.</p>	<p>identify future research</p>

The NEFSC has maintained the coupled optical / dredge survey.



Mr. Tom Nies
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

September 12, 2019

RE: 2020 Priority List

Dear Tom,

As we discussed on the phone, the East Coast Scallop Harvesters Association (ECSHA) has asked Pike Associates to assist in securing a place above the line on the 2020 Council Priorities.

Over the past several months, we have been working with members of the ECSHA on an initial design of a multi-year leasing demonstration project for the limited access scallop fishery. As you know, the Council previously approved leasing in a segment of the fishery. Our proposed demonstration project would make leasing available to the largest segment of the fishery on a trial basis.

Attached is a brief overview of what we have developed so far. We intend to discuss this issue at the upcoming Scallop Advisory Panel and Scallop Committee meetings next week. Over the coming months, we expect to work with the PDT, council staff and industry members in further refining the demonstration project.

Finally, ECSHA wants to clarify that we are not seeking to preempt or displace the ongoing work on Amendment 21. Rather, we ask that this be considered as a priority follow-on to A 21. Recognizing your staff's expertise, we believe some good progress can be made on this project during 2020.

We thank you and the Council members for considering our request.

Sincerely,

Jeffrey Pike

Attachment: Scallop Leasing Demonstration Project Outline

Scallop Leasing Demonstration Project

September 12, 2019

The East Coast Scallop Harvesters Association (ECSHA), a collection of limited-access scallop permit holders, seeks approval from the New England Fishery Management Council (Council) to develop and implement a voluntary, multi-year leasing demonstration project. This innovative project is intended to demonstrate the benefits of leasing scallop allocations for Days at Sea (DAS) and Access Trips, with a commitment to remain conservation neutral. Leasing has already been authorized by the Council in a segment of the scallop fishery; this demonstration project would make leasing available to the largest segment of the fishery on a trial basis.

The design of the proposed demonstration project has been informed by previous efforts to allow leasing and stacking and, most recently, through a series of port meetings sponsored by the ECSHA. The core principles of the demonstration project include:

1. Ensuring a conservation-neutral project by maintaining individual permit identity and ensuring that permits are not used simultaneously.
2. Increasing the resiliency of the scallop fishery by reducing excess fishing capacity and aligning fishing capacity more closely with resource abundance.
3. Delivering operational flexibility and economic benefits broadly to the industry through leasing.
4. Increasing job security and safety for crew members.

Below is an initial outline of a proposed multi-year (using three years as a starting point for discussion) leasing demonstration project that would be available to limited-access scallop permit holders on a voluntary basis, with no vessel allowed to lease or add more than one permit allocation of DAS and access trips to an existing permitted vessel. Permits would retain their unique, individual identity. While the demonstration project would be refined through the Council process, the ECSHA proposes that it contain the following components:

➤ **Conservation Neutral**

The project would keep fishing mortality constant for participating vessels.

➤ **Protects Non-Participants**

The project would include specific provisions to ensure that efficiencies associated with DAS leasing do not harm non-participants, specifically in subsequent DAS allocation.

➤ **DAS Power Adjustment**

To ensure that leased DAS from a smaller vessel to a larger vessel does not result in increased harvest, a power adjustment would be required. There would be no power adjustment for leasing DAS among vessels of the same upgrade restriction category; there would also be no power adjustment for leasing access trips.

- **Framework Action**
Performance of the demonstration project would be followed closely, and changes to the DAS power adjustment could be adjusted by the Council through a framework action.
- **Sideboards**
The demonstration project would take into consideration the diverse characteristics and needs of the fleet, so that scallop vessels that lease DAS or Access Trips do not increase effort in other fisheries. For scallop vessels that also participate in other fisheries, sideboards would be needed to allow those vessels to continue—but not increase—their participation in those fisheries.
- **Confirmation Permit History (CPH)**
Vessel owners would be allowed to place their permits in CPH and lease the allocation associated with those permits.
- **Valid Permit Holders**
Only valid permit/vessel owners would be eligible to lease in or lease out in the demonstration project.

These elements should help guide the development of a full project proposal. Vessel owners intend to work with other industry members, the PDT, Council staff and the Scallop Committees to craft a mature proposal in 2020.

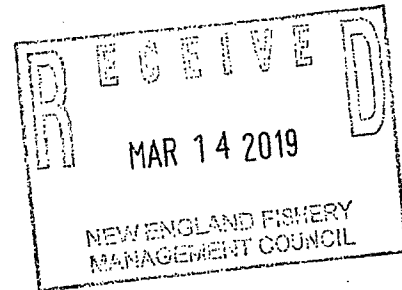
The ECSHA will ask the Council to add the demonstration project to its priority list for 2020 as a follow-on action to Amendment 21 (A21). The members of the association believe some good progress on this project can be done in 2020, once A21 is near completion.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

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

MAR 12 2019



Re: Exempted Fishing Permit Proposal

Dear Tom:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward copies of Exempted Fishing Permit (EFP) applications to the Regional Fishery Management Council(s), the U.S. Coast Guard, and the appropriate fishery management agencies of affected states, accompanied by the following information: (A) The effect of the proposed EFP on the target and incidental species, including the effect on any Total Allowable Catch; (B) a citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity; and (C) biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species. Therefore, we have attached the *Federal Register* notice that describes the activities proposed by the applicant.

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

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

Please refer to the attached *Federal Register* notice for more detailed information about the project. Please respond to the following contact person with any comments you have on the exempted fishing proposal on or before March 27, 2019.

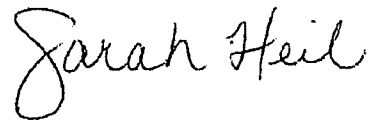


CONTACT

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

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Heil".

Sarah Heil
Acting Assistant Regional Administrator
for Sustainable Fisheries

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

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

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

Special Accommodations

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

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

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

Dated: March 7, 2019.

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

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

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG790

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt seven commercial fishing vessels from limited access sea scallop regulations in support of a study on the feasibility of transplanting and monitoring scallops transplanted from one offshore area to another.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before March 27, 2019.

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

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

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

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

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

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

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

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

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

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

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

CFF needs these exemptions to allow them to deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF will accompany each trip taken under the EFP.

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

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 6, 2019.

Karen H. Abrams,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2019-04413 Filed 3-11-19; 8:45 am]
BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

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

Atmospheric Administration, U.S. Department of Commerce.

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

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

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

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

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

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

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

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

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

Authority: 15 CFR 921.33.

Dated: March 4, 2019.

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

[FR Doc. 2019-04419 Filed 3-11-19; 8:45 am]
BILLING CODE 3510-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

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

Submission for OMB Review;
Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: 30-Day information collection notice.

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

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



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

March 19, 2019

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

Dear Mike:

Thank you for your March 12, 2019 letter, and the opportunity to comment on the Coonamessett Farm Foundation's (CFF) request for an Exempted Fishing Permit (EFP) to transplant scallops in the Nantucket Lightship region.

The New England Fishery Management Council (Council) has identified research to address the potential implications of spat collection, seeding and relocation of scallops for enhancement purposes as a strategic research priority¹, and included research related to spat and seeding projects as a 2019/2020 Scallop RSA priority.² However, the scallops in the deep water portion of the Nantucket Lightship South (NLS-S) region (Figure 1) that the EFP proposes to move are not seed or spat – they are slow-growing animals in marginal habitat that will be seven years old in 2019. While the Council supports the utilization of the Atlantic Sea Scallop resource, my staff have identified some elements of the proposed research that may require additional consideration.

Areas of No Objection

For the purposes of the proposed work, proposed exemptions that would waive crew size restrictions to accommodate science personnel and allow CFF to deploy gear in areas that are closed to scallop fishing seem reasonable. The estimated catch of managed species (described in Table 1 of FR notice) would not be expected to have a negative impact on these species/stocks.

Comments on Council Plans to Recommend Harvest Scallops in the Nantucket Lightship

The Nantucket Lightship region (NLS) has been extensively surveyed in recent years and has been partitioned into several smaller management areas so that the Council can better account for differences in scallop growth observed through annual surveys (see Figure 1). The results from the 2018 surveys were used by the Council to project exploitable biomass in these areas for FY 2019 and FY 2020 during the development of Framework 30. The Council did not allocate fishery access to the NLS-N or NLS-S in FY 2019; however, based on available projections of exploitable biomass for FY 2020 (Table 2) and rotational allocations in recent years, it is likely that the Council may consider some combination of the NLS-N and NLS-S for rotational harvest

¹ NEFMC Research Priorities and Data Needs, 2017-2021: <https://s3.amazonaws.com/nefmc.org/2017-21-NEFMC-research-priorities.pdf>

² NEFMC 2019-2020 Scallop RSA Research Priorities: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=307817>

in FY 2020. This is important because it is likely that the fishery may be operating in or near the collection site/transplant site while the transplant research is underway.

One consideration is the ability of scallop vessels to successfully harvest and process these scallops under current fishery regulations. The animals in the NLS-S-deep were roughly 80 mm in 2018, with an average meat size of 8 grams (i.e. over 50 meats per pound). At this size (80 mm), a standard 4” ring would be expected to select fewer than 20% of the scallops encountered.³ The project researchers may want to consider gear modifications that would more effectively capture these scallops during the collection phase of the research.

Since these animals are not efficiently captured by the minimum ring size, increasing the probability of their capture in the directed scallop fishery would require modifications to the gear through the Scallop FMP. The Council has discussed – but has not yet recommended – measures to facilitate the capture and utilization of these small slow-growing scallops in their current location. The Council did not identify changes to management to facilitate the harvest of these slow growing animals as a 2019 work priority, and there are currently no plans to do so.

Funded Research in the Study Area

The 2018 Scallop Research Set-Aside (RSA) Program funded two studies that will take place in the proposed research areas (NLS), and the 2019 Scallop RSA is likely to support additional survey work and research in 2019. Funded projects include: (1) An assessment of sea scallop abundance and distribution in the Nantucket Lightship closed area and essential fish habitat area (Scallop-RSA NA18NMF4540015); (2) The effect of density on growth, yield and reproduction of the sea scallop, *Placopecten magellanicus* (Scallop-RSA NA18NMF4540009). If NMFS awards the requested EFP to study the feasibility of transplanting scallops in offshore areas, it is imperative that the applicant works to ensure that the transplanting research does not compromise the results of existing research being supported through the Scallop RSA program.

Impact on 2019 Surveys and Future Projections

The detection of transplanted scallops in 2019 surveys could bias results high, leading to potentially overly optimistic projections of exploitable biomass in these areas. The Council uses this data to recommend openings, closures, and allocations in this region for FY 2020 and beyond. Moving scallops could impact the perception of the scallop resource in the NLS-N region. One possible way to address this is to transplant the scallops after the completion of 2019 scallop surveys.

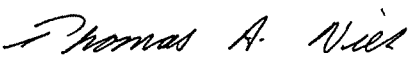
Biological Considerations

The 2018 surveys of the scallop resource suggested that there were around 4.5 billion scallops in the NLS-South area (Table 1), of which, roughly 93% were in the deep portion of the area (i.e. NLS-S-deep SAMS area). Assuming that the collection area is in the NLS-S-deep, removing 500,000 animals represents 0.01% of the estimated population in that area and therefore would not be expected to result in a negative biological impact on the scallop resource in the collection area. The “NLS South” areas (Figure 1) identified in the EFP as a collection area were open to fishing in 2018, but are scheduled to close to FY 2019. The “NLS North” area was last open for fishing in FY 2017, was closed to fishing in FY 2018, and is scheduled to remain closed in FY 2019. As noted above, parts of both areas may re-open in FY 2020.

³ Yochum, N. and DuPaul, W.D. Size-selectivity of the northwest Atlantic sea scallop (*Placopecten magellanicus*) dredge. *Journal of Shellfish Research*, Vol. 27, No.2, 265-271. 2008.

Thank you for the opportunity to comment on this EFP. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Nies". The signature is written in a cursive style with a prominent initial 'T'.

Thomas A. Nies
Executive Director

Table 1 - Combined 2018 Survey Estimates (dredge, DropCam, HabCam) for three Nantucket Lightship areas.

Sub-area	Number (millions)	2018 Survey biomass (mt)	SE
NLS-North	115.6	3,682	211
NLS-S-Shallow	300.1	3,732	722
NLS-S-Deep	4,290.6	34,487	2,612

Table 2 - 2019/2020 Projected Exploitable Biomass in three Nantucket Lightship areas, including ACL estimates for each area.

Sub-area	2019 Exploitable biomass estimate	2019 ACL (Fishing at F=0.51)	2020 ACL (Fishing at F=0.51)
NLS-North	2,995 mt	1,094 mt (Closed in 2019)	857 mt
NLS-S-Shallow	1,137 mt	646 mt (Closed in 2019)	611 mt
NLS-S-Deep	10,435 mt	5,044 mt (Closed in 2019)	5,697 mt

Figure 1 - (Top) Nantucket Lightship region, with SAMS areas; (Bottom) 2018 HabCam biomass estimates for Nantucket Lightship region (mt per km2).

