

FINAL

FRAMEWORK ADJUSTMENT #21

to the

NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

**To allow the landing of scallops
by vessels fishing with small scallop dredges**

Prepared by

New England Fishery Management Council

in consultation with the

National Marine Fisheries Service

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Action by NMFS:	

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APPENDIX I Public Comments

**FRAMEWORK ADJUSTMENT 21
TO THE MULTISPECIES FMP**

**To establish an exempted fishery for small
scallop dredges in the Gulf of Maine**

1.0 INTRODUCTION

Before implementation of Amendment #5 to the Northeast Multispecies (Groundfish) Fishery Management Plan (FMP), a number of different regulations applied to vessels fishing with mesh smaller than the minimum regulated size depending on where a vessel fished. In the Gulf of Maine, vessels were required to enroll in the Exempted Fisheries Program (EFP) to target small-mesh species such as northern shrimp, dogfish or whiting. The EFP rules specified the area and season in which a vessel could use mesh smaller than the regulated minimum size, and limited the groundfish bycatch to a percentage of the total landings (25% of the trip and 10% for the reporting period). Scallop dredges were not restricted.

In southern New England, with the exception of the Southern New England Yellowtail Area, the area, season and groundfish bycatch on vessels fishing with small mesh were not limited. Vessels in this area traditionally fished for a variety of species depending on availability and market conditions, and they often used different mesh sizes on the same trip depending on the target species.

With Amendment #5, the Council attempted to unify the rules for vessels fishing with mesh smaller than the regulated minimum size while preserving some of the regional characteristics and requirements of the different fisheries. The Council eliminated the Exempted Fishery Program in the Gulf of Maine and adopted a region-wide groundfish possession limit of 500 pounds for scallop dredges and vessels fishing with mesh smaller than the regulated minimum size for groundfish. The area in which vessels fished with small mesh, at that time, was limited to those areas where vessels could fish with small mesh prior to the amendment (i.e. the EFP area and southern New England). In the Gulf of Maine/Georges Bank Regulated Mesh Area, vessels which have more than 500 pounds of groundfish may not have mesh smaller than the regulated minimum size on board. In southern New England, vessels may have the "fine twine" on board provided it is properly stowed when the vessel has more than 500 pounds of groundfish.

The Council included the 500-pound possession limit for regulated groundfish species for two reasons. First, it recognized the need to provide a limited level of bycatch for groundfish routinely caught in other fisheries such as the scallop fishery or in small mesh fisheries for whiting, squid, butterfish, scup etc. This provision recognizes these fish may be caught unintentionally and that most would die if returned to the sea.

Requiring fishermen to discard their bycatch of groundfish without good reason would cause needless economic waste.

Second, the possession limit allowed a relatively small and limited amount of groundfish to be landed by fishermen who did not qualify to fish in the groundfish program under the moratorium, or who could find no alternative to fishing for groundfish when not fishing under the groundfish effort reduction program. The Council did not intend for fishermen in either of these categories to target groundfish species with small mesh nets or scallop dredges.

Amendment #7, implemented on July 1, 1996, changed the 500 pound possession limit to a gear exemption program. Under this program, scallop dredges were not considered exempted gear. An exempted fishery may be established if there is sufficient data or information to determine that the percentage of regulated species caught as bycatch is, or can be reduced to, less than 5 percent by weight of the total catch [see attached regulations; section (7) Addition or deletion of exemption]. Such an exemption will not jeopardize groundfish fishing mortality objectives.

2.0 PURPOSE AND NEED

2.1 Need for Adjustment

Since Amendment #7 to the multispecies plan was implemented on July 1, 1996, vessels not fishing under either the multispecies or scallop days-at-sea reduction were prohibited from using a dredge to fish for scallops east of 72°30' W. longitude because scallop dredges were not classified as an exempted gear (a gear not capable of catching groundfish). Scallop fishermen, particularly those who fish in the Gulf of Maine with small dredges, requested that an exempted fishery be established in the Gulf of Maine because the dredges had very little or no bycatch of regulated species.

After reviewing the information submitted to NMFS, the Regional Administrator determined that it was insufficient for him to determine whether the incidental catch of regulated species was low enough to meet the standard established under Amendment 7 (less than 5% of the total catch). He, therefore, was not able to establish an exempted fishery for scallop dredges in this area but indicated that the Council might have sufficient authority to do so under the framework adjustment procedure.

Based on the best available information, which includes anecdotal information and affidavits, the Council believes the bycatch of regulated species by these dredges does not exceed 5% of the total weight of the catch and, therefore, the proposed exemption would meet the standard created by Amendment 7 to the Northeast Multispecies FMP.

2.2 Need for final rule

The Council has considered the following factors and recommends that NMFS publish

the proposed adjustment as a final rule.

2.2.1 Timing of the rule

The timing of the rule does not depend on the availability of time-critical data, and the Council did not consider data availability in its decision to recommend publishing the adjusted measure as a final rule.

Many scallop fishermen have both a federal general category scallop permit and a Maine scallop permit and fish for scallops both in Maine state waters and in the EEZ during the Maine scallop season, November to April, or have limited access scallop permits and are under the small dredge exemption of the scallop FMP. Maine state waters open in stages starting on November 1. All fishable state waters in Maine open by December 1.

2.2.2 Opportunity for public comment

Since the implementation of Amendment #7 on July 1, 1996, fishermen or their association representatives have asked the Council to address the issue of fishing for scallops with small dredges in the Gulf of Maine. The state directors of marine fisheries agencies in Maine, Massachusetts and New Hampshire made a formal request to the Regional administrator for an exempted fishery in August 1996. The Council received both written and oral comments on this issue at the following public meetings:

October 2-3	Initial Council meeting under the framework process;
November 6-7	Final Council meeting under the framework process.

The Council publishes a notice for all its meetings in the *Federal Register* and mails the agenda to approximately 1,900 interested parties including local and trade publications and industry associations. Public comments received by the Council during this framework process are in Appendix I.

2.2.3 Need for immediate resource protection

Restricting the ability for fishermen to target sea scallops with small dredges is not necessary. The traditional small dredge fisheries in the Gulf of Maine can be allowed to continue without compromising the groundfish effort reduction program. Fishermen's ability to target scallops with small dredges with almost no bycatch of regulated species is well documented. Historic bycatch levels in the GOM are 1.5%.

2.2.4 Continuing evaluation

The Council will continue to monitor and evaluate the catch of vessels in the small dredge fishery and it may make further adjustments as needed through the framework system.

The states of Maine and Massachusetts have offered to monitor the exempted fishery for compliance with the 5% bycatch level and the prohibition possessing regulated species.

3.0 PROPOSED ACTION AND ALTERNATIVES

3.1 Proposed action

The Council proposes to add a scallop dredge exemption within the Gulf of Maine Northern Shrimp Small Mesh Exemption Area (Figure 1) defined in the Multispecies FMP.

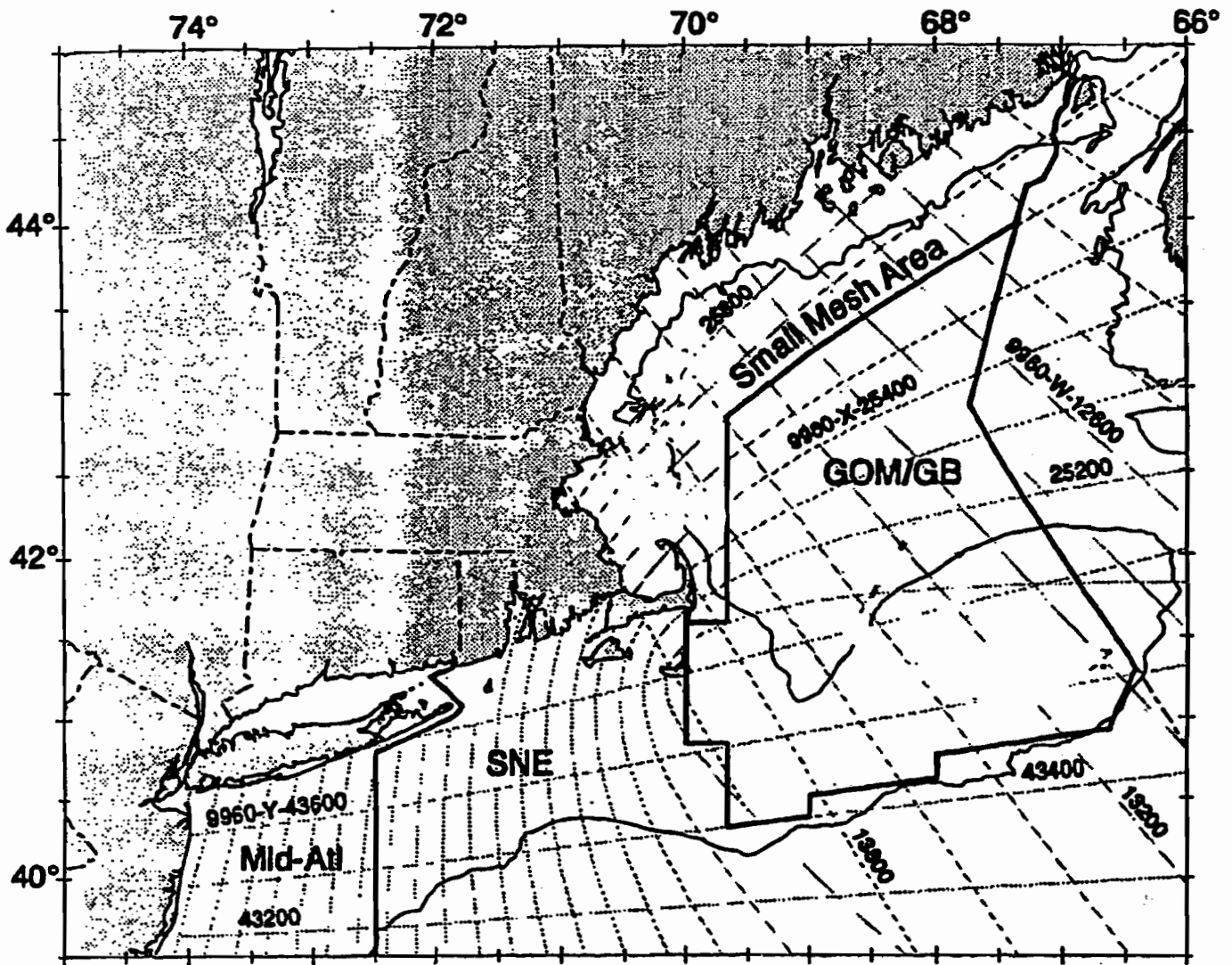
- Exempted gear is one scallop dredge or combination of dredges with a total width no more than 10 feet six inches.
- The exemption would cover the entire year.
- The exemption would not apply to areas closed to meet the Mid-coast closure fishery mortality reduction targets.
- Additionally, these vessels may not land or possess any species other than sea scallops.
- The participating vessels must have general category scallop permits.

The states of Maine and Massachusetts have offered observer coverage during the initial implementation of this gear exemption to assure that the bycatch of regulated species is within the 5% level.

In addition to the overall rationale for the proposed action described above, the reasons for the different provisions within the proposed action are:

1. **Maximum total dredge width of 10.5 feet** - The Council based its decision on what it believes to be the level of bycatch in the traditional small dredge fishery. It has restricted the size of the dredges to prevent the evolution of the fishery beyond traditional practices, and therefore from causing unanticipated impacts on regulated species or their habitat.
2. **The exemption would cover the entire year** - The Council is unaware of any seasonal bycatch problem with respect to the catch of regulated species.
3. **The exemption would not apply to closed areas designed to meet Mid-coast fishing mortality reduction targets** - The Council is concerned with reducing the enforceability of the Mid-coast closure by increasing the number of vessels that might fish in the area, and with any possible activity in an area closure chosen because of high aggregations of codfish.
4. **The vessels may not land or possess any species other than sea scallops** - This prohibition eliminates, to the greatest extent possible, any incentive not to minimize the catch of regulated multispecies.

FIGURE 1



**SMALL MESH NORTHERN SHRIMP
FISHERY EXEMPTION AREA**

N. Lat.	W. Long.
41°35'	70°00'
41°35'	69°40'
42°49.5'	69°40'
43°12'	69°00'
43°41'	68°00'
43°58'	67°22'; (the U.S.- Canada maritime Boundary).

5. **General category scallop permit** - required of all vessels that land sea scallops outside of the days-at-sea program.

3.2 Alternatives to the proposed action

3.2.1 No action

As discussed in Section 2.0, Purpose and Need, the no-action alternative will result in scallop dredge vessels being unable to fish for scallops. Taking no action is not an acceptable alternative because it unnecessarily imposes costs on the GOM small-dredge fishery.

3.2.2 Extend the area southward

The area could have been extended south of the original GOM small mesh area to 41° 30'. Chatham, MA fishermen use small dredges in this area as well as the proposed area. This option was not chosen because it would require delaying action to provide additional public notice.

4.0 ANALYSIS OF IMPACTS

4.1 Biological impacts

The Council does not think that the proposed measure will have any adverse biological impacts. NEFSC Sea scallop assessments since 1978 have not reported any fish bycatch (SAW 14, 9, and Lab. Ref. Doc. nos. 88-03, 86-15, 84-34, 83-37, 83-07, 83-05, 82-06, 78-52, 78-45). The Fisherman's Report (NEFSC annually 1985-1996) of the sea scallop survey indicates trash bycatch including shells, stones, and other invertebrates. One cruise report dated August 5, 1988 did indicate fish caught for study on Georges Bank. In addition to the 37,900 sea scallops and 7,900 Iceland scallops, these fish were 48 cod, 121 haddock, 128 yellowtail, and 183 goosfish (monkfish). This same cruise report showed the following bycatch:

- Delmarva: 11,000 sea scallops and 6 windowpane flounder;
- New York bight: 34,504 sea scallops and 42 windowpane flounder;
- Georges Bank: 37,900 sea scallops and 158 windowpane flounder.

Reports by three state biologists from Maine and Massachusetts (letters attached) also indicate minimal or no bycatch during at-sea observations.

Small scallop dredges traditionally obtain both federal general category scallop permits and Maine scallop permits in order to fish in both Maine state waters and the EEZ during the Maine scallop season, November to April. They are also limited

access scallop permit holders who are in the small dredge exception program. The purpose of this framework adjustment is to preserve the Council's intent to allow the continuation of a small dredge scallop fishery that has an insignificant impact on groundfish in the Gulf of Maine. Table 1 indicates in the Gulf of Maine (statistical areas 511-515) the average by-catch of regulated species is 1.5% over the six year period. The adjacent part of Georges Bank (statistical area 521) shows an average by-catch of 1.6%. Based on available information, the Council has concluded that the bycatch of regulated species by small scallop dredges in the Gulf of Maine Small Mesh Exemption Area does not exceed 5% of the live weight of scallop landings.

4.2 Economic impacts

The economic impacts are expected to be positive because more than 500 small dredge vessels will be able to land scallops without adverse impacts on either the scallop or groundfish resources.

A review of data from fishing trips on which scallop dredges were used (see Table 1 and map of statistical areas below) suggests that there would be little or no regulated species bycatch from the scallop dredge exemption. These data are from more than 12,000 interviewed trips during six years, 1988 to 1993. In the Gulf of Maine the average landings of regulated species on interviewed, scallop dredge trips was about 1.5% of total landings. The 78,000 pounds of regulated species caught in the Gulf of Maine, mostly statistical area 514, on 324 scallop dredge trips is not more than a few trips' landings by trawls during this period.

On Georges Bank, scallop dredge trips occur in two major resource areas. The average landings of regulated species on interviewed trips was about 1.9% of total landings in the South Channel (Statistical areas 521, 522, 525 and 526 on Table 1), and 1.6% of total landings in the U.S. Side of the Northern Edge and Peak (Statistical areas 561 and 562). In southern New England (Statistical areas 537, 538 and 539) the percentage of regulated species landed by vessels using scallop dredges was 1.6%. From 1988 to 1993, based on trips about which the captain was interviewed, landings of regulated groundfish species ranged from 0.0% to about 2.6% in waters adjacent to the New England states (3-digit statistical areas 511-515, 521-526, 561-562, and 537-539). Based on the available data, landings of regulated species in the small fisheries farther to the west and south were insignificant. Regulated species landings averaged 0.2% in New York bight (areas 611-616), and 0.0% in both Delmarva waters and off of Virginia-North Carolina (areas 621-626 and 631-636).

Had the elimination of scallop dredging been in place during 1988-1993, economic losses would have been enormous. In the Gulf of Maine, general permit scallop vessels would have forgone \$2.9 million in scallop revenue over the six year period, but only \$80,000 in revenue from all ten regulated species combined. The other resource areas show similar results:

·South Channel, \$155.8 million of scallops and \$5.8 million regulated species

- Northern Edge & Peak, \$87.4 million and \$1.8 million
- Southern New England, \$3.3 million and \$92 thousand.

Additionally, over the six year period, scallop dredges landed:

- New York Bight, \$89.4 million of scallops and \$288 thousand of regulated species
- Delmarva, \$57.3 million and \$6 thousand
- Virginia-North Carolina, \$7.3 million and \$55.

Finally, the number of vessels affected by the proposed scallop dredge gear exemption may be large. During 1994, only 18 scallop dredges participated in the small dredge exemption program of the sea scallop FMP. Numbers of vessels in subsequent years are 11 and 13 in 1995 and 1996 respectively. However, during the November 1995 - April 1996 Maine scallop season, 787 Maine dredge licenses were issued of which 567 also had general category federal permits.

5.0 APPLICABLE LAW

5.1 Magnuson Act- Consistency with National Standards

See pages 47-51 of Amendment #7 to the Northeast Multispecies FMP, Volume I, for a summary of the Council's determination of consistency with the national standards. This framework action is an adjustment to the rules promulgated under that amendment, and the Council does not find cause to reconsider that earlier determination. The proposed action will allow the landings of sea scallops which are expected to occur under the sea scallop FMP.

5.2 National Environmental Policy Act (NEPA)

The Final Supplemental Environmental Impact Statement (FSEIS) for Amendment #7 contains an assessment of the impacts on other fisheries (Section E.7.1.1.2, pp. 204-212). The impact on the scallop fishery, however, was not analyzed. The Council has determined, based on the analysis in Section 4.0 of this document, that the impacts of the adjustment under this framework action will not be materially different on multispecies fisheries than any impact already addressed in the FSEIS. The Council expects that proposed adjustment will limit small dredges to scallop catches only.

Section 301 of the FCMA requires that any regulation promulgated to implement any FMP or amendment shall be consistent with the seven national standards listed below.

1. *Conservation and management measures shall prevent over-fishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.*

The proposed action is expected to maintain fishing mortality on the Gulf of Maine scallop stocks at levels expected under Amendment 4. The proposed action is also expected to have no effect on the fishing mortality reductions for multispecies stocks

under Amendment 7.

2. Conservation and management measures shall be based upon the best scientific information available.

Information on the bycatch is described above from NEFSC survey, assessment, and sea sampling data (1978-1996), and commercial weighout records (1988-1993). The number of vessels participating (section 4.2) and the revenue impacts expected are based on the most recent Maine and NMFS permit records (1994-1995-1996) and the weighout files (NMFS) from 1988 through 1993. The Council is relying on its Scallop Advisory Committee, state marine fishery biologists, and its public meeting process to receive expert input regarding the bycatch levels and traditional gear configurations involving the proposed small dredge exemption (see attached letters).

3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The proposed action does not change the definition of management units.

4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The proposed small dredge exemption has no implications for the allocation of fishing privileges. Fishermen from all states may obtain federal general category (type 1) scallop permits.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

The proposed action is expected to maintain the traditional catch by small dredges in the scallop fleet in the Gulf of Maine.

6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The Council is making this adjustment to the regulations using the framework abbreviated rulemaking procedure established by Amendment 5 to the Multispecies FMP. The small dredge fleet in the Gulf of Maine is much different from the large offshore scallop dredge fleet which lands the great majority of scallops. By proposing this exemption, the Council is acting in a manner which is fully consistent with the guidelines for this national standard.

7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The proposed action is expected to have little impact on the cost of fishing, and should not entail any additional administrative costs.

5.2.1. Environmental Assessment

The proposed action is an adjustment to a rule promulgated under Amendment #7 to the Northeast Multispecies Fishery Management Plan. The Council completed an Supplemental Environmental Impact Statement for the amendment. The Council has determined that the proposed action will not have a significant impact on the environment.

Section 2.0 of the framework document contains a description of the purpose and need for the action. Section 3.0 contains a description of the proposed action and alternatives that the Council considered. The Council has conducted an analysis of the impacts of the proposed action which is summarized in Section 4.0.

Finding of no significant environmental impact (FONSI)

NOAA Administrative Order 216-6 provides guidance for the determination of significance of the impacts of fishery management plans and amendments. The five criteria to be considered are addressed below:

1) *Can the proposed action be reasonably expected to jeopardize the long-term productive capability of any stocks that may be affected by the action?*

The proposed action is not expected to jeopardize the long-term productivity of the multispecies stocks. It will protect against the impact of vessels directing their effort on groundfish with scallop dredges by not allowing the vessels to keep regulated groundfish species. Scallop catches by small dredges in the Gulf of Maine were anticipated in Amendment 4 of the Atlantic sea scallop FMP.

2) *Can the proposed action be reasonably expected to allow substantial damage to the ocean and coastal habitats?*

The proposed action is not expected to impact coastal or ocean habitat.

3) *Can the proposed action be reasonably expected to have an adverse impact on public health or safety?*

The measure is not expected to have any impact on public health or safety.

4) *Can the proposed action be reasonably expected to have an adverse effect on endangered, threatened species or a marine mammal population?*

The NMFS Biological Opinion for Amendment #7, issued under authority of Section 7 (a) (2) of the Endangered Species Act indicated that the "existing fishing activities and related management measures proposed ... are not likely to jeopardize the continued existence of any threatened or endangered species under (NMFS) jurisdiction." The proposed measure does not change that finding.

5) *Can the proposed action be reasonably expected to result in the cumulative adverse effects that could have a substantial effect on the target resource species or any related stocks that may be affected?*

The proposed action is not expected to adversely affect scallop stocks. Scallop catches by small dredges in the Gulf of Maine were anticipated in Amendment 4 of the Atlantic sea scallop FMP. The proposed action is intended to be a part of the overall groundfish management program implemented through Amendment #7. There is no cumulative effect expected on the Multispecies stocks.

The guidelines on the determination of significance also identify two other factors to be considered: degree of controversy and socio-economic effects. The socio-economic impacts of the proposed action are not considered significant, in fact they are positive, because it allows the continuance of existing small scallop dredge fisheries. The Council also has determined that the proposal is not controversial since there has been no substantial dispute on the environmental effects of the proposed action. Based on this guidance and the evaluation of the preceding criteria, the Council proposes a finding of no significant impact.

FONSI statement: In view of the analysis presented in this document and in the DSEIS for Amendment #7 to the Northeast multispecies Fishery Management Plan, it is hereby determined that the proposed action would not significantly affect the quality of the natural or the human environment with specific reference to the criteria contained in NAO 216-6 implementing the National Environmental Policy Act. Accordingly, the preparation of a Supplemental Environmental Impact Statement for this proposed is not necessary.

Assistant Administrator
for Fisheries, NOAA

Date

5.3 Regulatory Impact Review (Regulatory Flexibility Act and Executive Order 12866)

This section provides the information necessary for the Secretary of Commerce to address the requirements of Executive Order 12866 and the Regulatory Flexibility Act. The purpose and need for management (statement of the problem) is described in Section 2.0 of this document. The alternative management measures of the proposed regulatory action are described in Section 3.0. The economic impact analysis is in Section 4.2 and is summarized below. Other elements of the Regulatory Impact Review are included below.

5.3.1 Executive Order 12866

The proposed action does not constitute a significant regulatory action under Executive Order 12866.

- (1) It will not have an annual effect on the economy of more than \$100 million (section 4.2).
- (2) It will not adversely affect in a material way the economy, productivity, competition and jobs. The estimated increase in landings of scallops averages about 802,000 pounds (Table 1, subtotal of 511-515) worth about \$500,000 in ex-vessel revenues.
- (3) The proposed action will not affect competition, jobs, the environment, public health or safety, or state, local or tribal governments and communities. Instead it is expected to help improve the overall condition of the commercial and recreational fisheries which is essential to improving competition, job opportunities, the environment and public health.
- (4) The proposed action also will not create an inconsistency or otherwise interfere with an action taken or planned by another agency - no other agency has indicated that it plans an action that will affect these fisheries.
- (5) The proposed action will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of their recipients.
- (6) The proposed action does not raise novel legal or policy issues. These types of limits have been successfully employed in the exempted fisheries program for groundfish in the Gulf of Maine for many years.

5.3.2 Regulatory Flexibility Act

The multispecies (groundfish) and scallop fisheries in the northeast consists of all small business entities operating primarily in New England and, for scallops, in the Mid-Atlantic. A great number of vessels were issued both federal and Maine scallop permits during the November 1995 - April 1996 scallop season in Maine state waters, as follows:

TYPE OF PERMIT	MAINE (DREDGE)	FEDERAL (SCALLOP)
GENERAL	787	567
Full-time		5
Part-time		1
Occasional		0
Small dredge, Full-time		3
Small dredge, Part-time		3

It is not possible to calculate the percentage *increase* in annual revenues for these vessels because data are not available.

The proposed action will therefore, not affect negatively a significant number of small business entities (defined as more than 20% of the population) and will not increase annual compliance costs for small entities by more than five percent. The proposed action will, in fact, reverse a significant, negative economic impact on almost all of the small dredges in the Gulf of Maine. For the vessels that are affected by the regulation, compliance costs would be less than 5% of their revenues from dredge fishing. These vessels also may participate in alternative fisheries such as trap or fixed gear fisheries for other species (lobster) so that these impacts may be a smaller percentage of their total revenues. For most vessels with scallop permits, the proposed action would not change compliance costs at all.

The proposed action therefore will not have a significant economic impact on a substantial number of small business entities and a Regulatory Flexibility Analysis is not required.

5.4 Endangered Species Act

See Section 8.4, Volume IV of Amendment #7 to the Northeast Multispecies FMP.

5.5 Coastal Zone Management Act (CZMA)

See Section 8.5 Volume IV of Amendment #7 to the Northeast Multispecies FMP.

5.6 Paperwork Reduction Act (PRA)

See Section 8.6 Volume IV of Amendment #7 to the Northeast Multispecies FMP. Copies of the PRA analysis for Amendment #7 to the Northeast Multispecies FMP are available from NMFS Regional Office. The burden-hour estimates are detailed in the

Classification section of the *Federal Register* notice of the final rule implementing the amendment (*Federal Register*, vol. 61, no. 129, p. 34967, July 3, 1996).

5.7 Marine Mammal Protection Act (MMPA)

See Section 8.7 Volume IV of Amendment #7 to the Northeast Multispecies FMP.

SUPPORTING STATEMENT

Federal Fisheries Permits Northeast Region

PERMIT FAMILY OF FORMS OMB NUMBER 0648-0202

INTRODUCTION

This submission requests renewal of Office of Management and Budget (OMB) approval for Northeast Region Permits (OMB Control No. 0648-0202) as it pertains to permit requirements.

The New England Fishery Management Council (Council) is proposing Framework Action 18 to the Multispecies FMP to allow pelagic mid-water trawling for herring and mackerel in Multispecies Closed Areas 1 and 2 and in the Nantucket Lightship Area. In order to prevent any increase in the fishing mortality of the target (herring and mackerel) and non-target species (groundfish) with this action, the activity of the participating vessels will be closely monitored by NMFS and the U.S. Coast Guard with the use of vessel tracking system (VTS), call-in requirements and exemption certificates.

A. Justification

1. Why is the information necessary?

A comprehensive information system which identifies the participants and which monitors their activity levels and landings is necessary to enforce the management measures and prevent overfishing. An information system is also needed to measure the consequences of management controls. The U.S. Coast guard has commented that vessel tracking systems are needed to monitor the activity of the joint venture participants.

Specifically, it is necessary to monitor the bycatch of regulated species and the catch levels of the target species:

- to ensure that the conservation objectives of the Northeast Multispecies Fishery Management Plan (FMP) are met
- catch levels of herring and mackerel do not exceed quota.

Under the Magnuson Fishery Conservation and Management Act (MFCMA), the

Secretary of Commerce is authorized to adopt regulations as necessary to carry out the conservation and management objectives of FMPs.

Information requirements for an effective monitoring and enforcement system include:

- identification of the participating vessels
- gear types
- expected activity levels.

Permit issuance and related certificates constitute the principal means for identifying the participants in the fishery. The vessels seeking to fish in the closed areas under Framework 18 must obtain an "exemption certificate" from NMFS. These certificates will be issued to the vessel owners who call-in for participation and supply the following information on their vessels:

- 1) permit number
- 2) Coast Guard document number
- 3) name of the vessel.

Fishing effort in the fishery will be monitored by Vessel Tracking System (VTS) and a call-in telephone system. U.S vessels participating in the pelagic mid-water trawl fishery must have and use a vessel tracking system as soon as NMFS to use VTS for these vessels (complete the development of the system)???. In the meantime, these vessels will be required to report the dates and times of sailing and of returning to port via call-in system. This reporting is required in order to monitor the activity of the pelagic mid-water trawls in areas I, II and the Nantucket Lightship Areas. These areas are closed to fishing under Amendment 7 of the Northeast Multispecies FMP with the exception of the exempted fisheries.

2. How, and by whom, will the information be used?

The information obtained through the VTS and the vessel exemption programs will be used by several offices of NMFS, and the U.S. Coast Guard.

The data collected through these programs will be incorporated into the NMFS's databases. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals. Individual permit information will be required, however, for law enforcement or for notification programs.

For further information on the use of permit application, mailing lists, Coast Guard documentation number, landings and effort data and other related fishery and vessel information see Paperback Reduction Analysis (PRA) submitted with

Amedment 7 to the Northeast Multispecies FMP. The collections included in this request have received previous approval when requested for the implementation and enforcement of Northeast Multispecies FMP.

3. Can improved technology reduce the burden?

To obtain an exemption certificate the vessel owners will be required to call the Regional Office of NMFS and provide the owner's name and the caller's name and address, vessel name and permit number.

This reporting will be automated in the near future when VTS system is implemented. All U.S. Vessels qualifying for the exempted fishery will use VTS, one of the most advanced technologies available.

4. Describe any duplication of effort.

Other than information such as the owner's name and caller's name and address, vessel name and permit number needed to initially identify participants no information will be collected that is already collected through another means.

5. Could existing information be modified to meet these needs?

See response to item 4, above.

6. How are the impacts on small businesses minimized?

Since most of the respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the mininum data to meet the exemption objectives are requested from all respondents.

7. Could the collection be conducted less frequently?

No, the information will only be collected when a vessel enters the exemption program.

8. Explain if request is not consistent with 5 CFR 1320.6 guidelines.

The data collection is consistent with 5 CFR 1320.6 guidelines.

9. Describe efforts to get comments from outside the agency.

Experience with the various programs, some of which have been operating since 1981, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. There are no major problems that have not been resolved. The NE Fishery Management Council held six Council and at least two committee meetings at which it held a public discussion of the monitoring requirements.

10. Describe any assurances of confidentiality.

All data will be kept confidential as required by NOAA Directive 88-30, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form without identification as to its source.

11. Provide justification for any questions of a sensitive nature.

There are no questions of a sensitive nature. The application for the vessel operator permit does request social security number, but furnishing this number is optional.

12. Provide estimates of annualized costs to the Federal Government and respondents.

The estimates of the administrative and enforcement costs to the Federal Government and to the public with the implementation of Framework 18 are summarized below in Table A.

These costs are estimated on the basis of figures provided in the PRA, dated August 3, 1994, for the 1994 renewal for the Northeast Federal Fisheries Permit family of forms (OMB# 0648-02092). The cost calculations for the permit family of forms assume an average respondent wage and overhead of \$15/hour. Based on the most recent Northeast Region cost analysis (includes labor, printing, distribution, computer time and handling), the average cost to the government for permit issuance is assumed to be \$33/permit.

The 4 joint-venture vessels that operate the mid-water pelagic fishery should already have a Federal permit in accordance with the requirements regarding joint-venture operations. The remaining 8 herring and mackerel vessels, on the other hand, may not have a Federal permit unless they operate in the Multispecies fishery and have multispecies permit. In that case, they may need to obtain a permit to fish under the mid-water pelagic exemption requirements. The cost calculations shown in Table A assume that none the eight herring mid-water trawls have a Federal permit, thus showing the maximum costs to the public and government under this scenario.

Since VTS monitoring is automated, the hourly reporting burden estimate reflects only the requirement for those vessel owners to provide proof of VTS installation.

The cost to the public is estimated at \$15/hour for wages and overhead. There is no cost to the government associated with the submission of this proof, as it is provided along with the vessel permit application. The cost to the government is included in the vessel permit cost.

Since VTS operation is automated as well, there is no reporting burden associated with it. However, there are costs to both the public and government. The cost to the public is approximately \$3,135 per year based on a leasing cost of a system that fully meet NMFS's specifications.

Annualized costs to the government include development and installation, with these costs amortized over five years. Annual, recurring costs are then added and include staff costs and system operation. The cost to the government averages out to \$77/vessel.

Until the VTS system is available to the vessels in this fishery, however, vessels will call in to notify NMFS of start and end dates and times of directed fishing trips. The costs for the call-in system are estimated at \$15/hour to the public and \$25/hour to the government.

The exemption program is estimated to cost \$15/hour to the public and \$25/hour to the government. The calculation of burden reflects the time associated with filing an entry and exit notice.

13. Provide estimates of the burden of the collection on the public.

The cost estimates of the permit, VTS, call-in system, and the exemption certificate on the public are shown in Table A. The estimates for the vessel permit requirement is based on the assumption that 4 joint-venture vessels already have a permit, but the remaining 8 domestic vessels need to obtain permits to benefit from mid-water pelagic exemption under Framework 18.

The burden of the vessel monitoring is estimated at 2 minutes for submission of proof of VTS installation. Once this requirement is fulfilled, no further burden on the public remains. As the VTS operation is automated, there is no reporting burden associated with this requirement.

The estimated number of vessels which will be monitored under the call-in system is 12. This includes 4 joint venture and 8 vessels that either process herring and mackerel at sea or land it ashore. It assumed that these vessels make half a dozen trips in a year. Since they are required to notify NMFS of the start date and end date, total number of notifications amount to 12 notifications/vessel.

It is difficult to estimate the burden associated with the exemption programs. The frequency of participation will be determined entirely by the individual vessel owner. The effort needed to enter and exit the programs is more than offset by the flexibility they offer. The burden calculation is based on the assumption that 12 vessels will enroll in the exemption program two times a year, amounting to 4 notifications/vessel.

Vessels seeking to participate in the exemption programs will be required to notify NMFS as to the beginning and end of their participation in the exemption program. These notifications are estimated at 2 minutes per notification.

14. Explain potential changes in burden.

This request is for an extension of OMB approval for this family of forms collection. In the past three years, the collection has been revised several times as part of the FMP amendment process and the revisions approved. All burden figures are based on the estimated number of individuals affected. The actual number of dealers, vessel operators, and appeals may differ from these estimates.

15. Describe any plans for any statistical use of the information.

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are mandatory for all participants in the indicated fisheries.

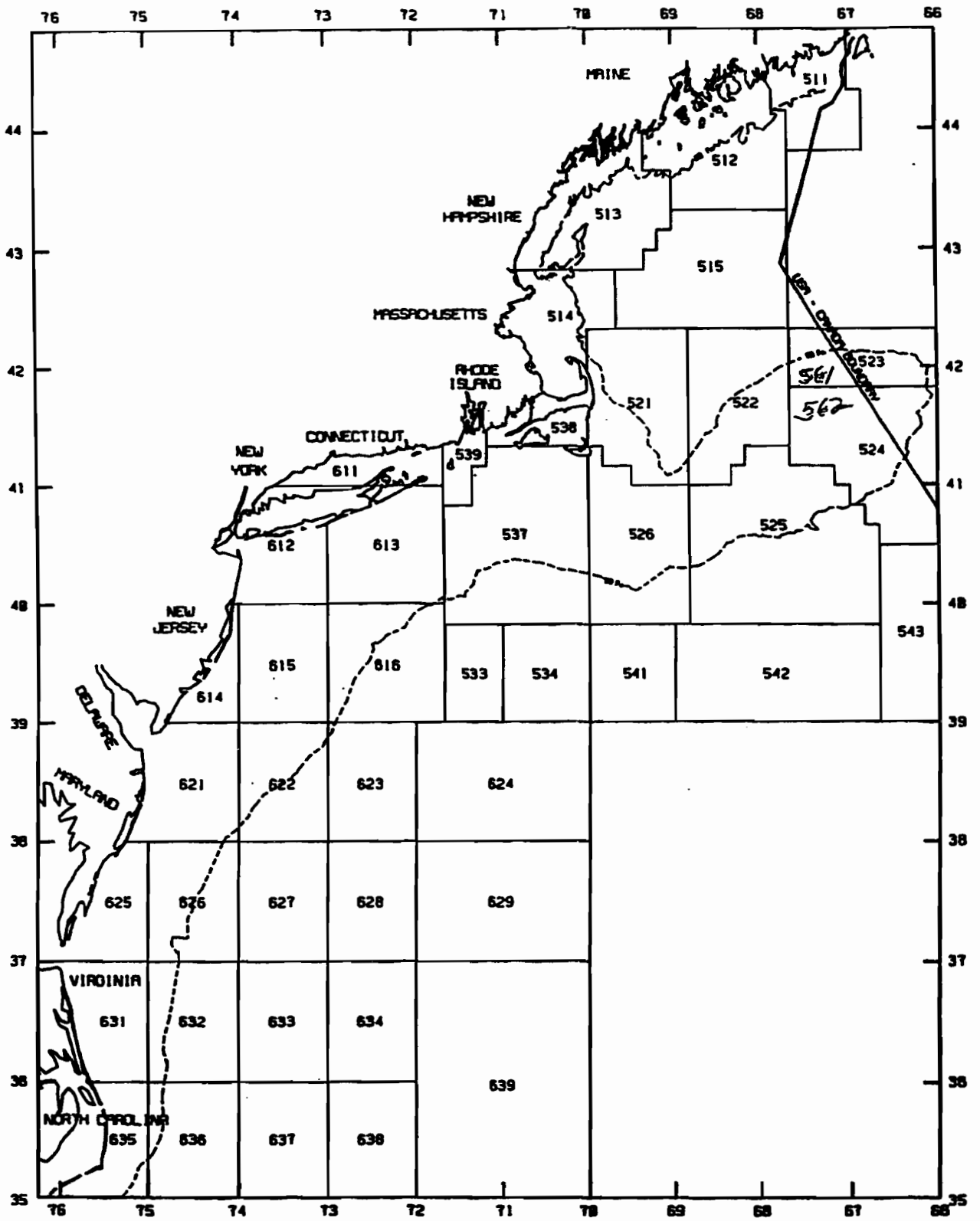


Table 1. Landings of regulated species on scallop dredge trips.

1988-1993 SCALLOP DREDGE INTERVIEWS BY AREA					
3-DIGIT STATISTICAL AREA	NUMBER OF TRIPS	LANDINGS OF REGULATE SPECIES	LANDINGS OF SEA SCALLOPS (Pounds)	LANDINGS OF ALL SPECIES (Pounds)	REGULATED SPECIES LANDINGS PERCENTAGE
511	24	754	259,329	260,084	0.3%
512	80	28	361,072	361,216	0.0%
513	81	4380	340,213	423,274	1.0%
514	129	72,917	3,723,485	4,132,490	1.8%
515	10	501	128,148	183,364	0.3%
SUBTOTAL	324	78,580	4,812,249	5,360,428	1.5%
521	1309	1,584,149	73,305,282	98,128,326	1.6%
522	973	1,234,001	54,164,550	61,961,750	2.0%
525	942	756,224	57,456,183	63,714,888	1.2%
526	1462	2,740,173	96,152,856	106,369,429	2.6%
SUBTOTAL	4686	6,314,547	281,078,873	330,174,393	1.9%
561	862	897,652	56,498,983	59,315,606	1.5%
562	1482	1,112,353	115,955,166	122,305,702	0.9%
SUBTOTAL	2344	2,010,005	172,454,149	181,621,308	1.1%
537	94	70,255	3,064,173	3,608,848	1.9%
539	110	46,327	2,835,606	3,473,978	1.3%
SUBTOTAL	206	116,582	5,901,521	7,088,910	1.6%
612	121	14,839	3,395,374	3,629,143	0.4%
613	763	203,058	41,091,498	44,196,005	0.5%
614	18	532	453,176	474,292	0.1%
615	1203	54,775	74,619,531	77,129,461	0.1%
616	805	55,157	65,065,080	66,921,608	0.1%
SUBTOTAL	2911	329,026	184,629,594	192,358,773	0.2%

621	730	1985	49,339,689	50,701,290	0.0%
622	562	5652	39,325,363	40,238,943	0.0%
625	16	0	782,053	805,348	0.0%
626	482	646	27,236,809	28,087,896	0.0%
SUBTOTAL	1790	8313	116,683,916	119,833,477	0.0%
631	13	0	551,196	580,793	0.0%
632	228	153	12,520,406	12,862,741	0.0%
SUBTOTAL	243	153	13,077,933	13,449,864	0.0%

1. /F3_smallmeshpossession_mtg2

APPENDIX I

Public comments on Framework #21

Northeast Multispecies (Groundfish) FMP

Public Comments

The following are verbatim excerpts from the November 6, 1996 Council meeting containing public comment on the groundfish possession limit for vessels fishing with scallop dredges. Where commenters raised questions or issues, the response is included. Written comments submitted on this framework action are also attached, as follows:

Letter from RR Taylor	September 23, 1996
Letter from Phil Coates, Robin Alden, and John Nelson	October 2, 1996
Letter from Chris Finlayson	November 8, 1996
Fax from Phil Coates	November 8, 1996
e-mail from Dan Schick	November 13, 1996

0001

1 NEW ENGLAND FISHERY MANAGEMENT COUNCIL
2 5 Broadway, Saugus, Massachusetts 01906-1097
3 COUNCIL MEETING
4 NOVEMBER 6-7, 1996
5 at
6 Radisson Eastland Hotel
7 157 High Street
8 Portland, Maine
9 WEDNESDAY, NOVEMBER 6, 1996

DRAFT

10	TOPIC	PAGE
11	Introductions, Announcements, Correspondence	2
12	Sea Scallop Committee Report	3
13	Monkfish Committee Report	144

- (1) so many things.
- (2) DR. ANDY ROSENBERG: Yes.
- (3) HARRIET DIEDRICKSON: Okay. Thank you.
- (4) CHAIRMAN BRANCALEONE: Other comments?
- (5) Framework 21. Okay, Jim. Back to you.
- (6) JIM O'MALLEY: Okay. This is also the
- (7) final meeting, Mr. Chairman, for Framework 21, which
- (8) specified the gear which can be used to scallop in the
- (9) small mesh area in the Gulf of Maine. This is a
- (10) groundfish measure and the restrictions were on the
- (11) size of dredges. I believe it's 10 feet 6 inches.
- (12) I'm not sure whether this should go forward now or on
- (13) the Groundfish Committee, but now is as good a time as
- (14) any.
- (15) Just as a footnote, I do have those
- (16) other two items, both on large mesh monkfish gill nets
- (17) and muscle dredges, but those should probably wait for
- (18) the Groundfish Committee. We'll keep this nice and
- (19) tidy.
- (20) CHAIRMAN BRANCALEONE: Okay. So, this
- (21) is --
- (22) JIM O'MALLEY: As far as I know, there
- (23) is no new information that I've been presented with
- (24) that affects this issue.

- (1) CHAIRMAN BRANCALEONE: Okay. Phil
- (2) Coates?
- (3) PHIL COATES: Thank you, Mr. Chairman.
- (4) Just for the record, is there a response from the
- (5) National Marine Fisheries Service to the request for
- (6) an exemption fishery for this fishery? Has that been
- (7) forthcoming yet? I don't recall seeing it.
- (8) DR. ANDY ROSENBERG: No. Because the
- (9) analysis is not completed.
- (10) PHIL COATES: All right. I was just --
- (11) DR. ANDY ROSENBERG: The reason for
- (12) that is I believe there is at least 15 exemption
- (13) programs that have been requested --
- (14) PHIL COATES: Totally understand, Andy.
- (15) DR. ANDY ROSENBERG: -- or at least
- (16) that we're currently trying to review.
- (17) CHAIRMAN BRANCALEONE: Eric Smith?
- (18) ERIC SMITH: At the risk of
- (19) embarrassing myself, I want to make sure the record is
- (20) real clear on what we just discussed. Prior to Phil
- (21) Coates's question of Andy, all of that scallop
- (22) discussion, while it wove in and out of the two
- (23) frameworks, it was largely based on Framework 9, the
- (24) 400 pound issue, which this is meeting number one, and

- (1) meeting number two is coming up; is that correct?
- (2) Because now we're embarking on a discussion of
- (3) Framework 21 and the status sheet says this is a final
- (4) meeting for this one.
- (5) JIM O'MALLEY: That's right and it's a
- (6) groundfish Framework.
- (7) ERIC SMITH: I understand that. Okay.
- (8) So, but we've been talking interchangeably about these
- (9) things for half an hour and I wanted to be sure
- (10) Framework 9 in the status sheet, which says to
- (11) eliminate the 400-pound possession limit from the
- (12) state waters exemption program, that was the principal
- (13) issue that we were dealing with for the last half
- (14) hour. And now we're going to deal with the exempted
- (15) fishery for small scallop dredges.
- (16) JIM O'MALLEY: Absolutely right.
- (17) ERIC SMITH: Thank you.
- (18) JIM O'MALLEY: Any references to the
- (19) exempted fishery for small scallop dredges didn't
- (20) belong in the last half hour's discussion.
- (21) CHAIRMAN BRANCALEONE: All right.
- (22) Discussion on Framework 21? Bill Amaru.
- (23) BILL AMARU: Thank you, Mr. Chairman.
- (24) I think this is the place for me to bring up the point

- (1) of the area that it encompasses. On the -- under 3.0
- (2) of the document we were mailed several days ago, the
- (3) document Framework Adjustment Number 21 of the
- (4) Northeast Multispecies Fishery Management Plan to
- (5) allow the landings of scallops or vessels fishing with
- (6) small scallop dredges, the bottom of the page under
- (7) 3.0 there is -- the very, very bottom: There are some
- (8) important options to the above specifications. The
- (9) area may be alternatively north of 41 degrees 30
- (10) minutes, and for vessels that fish in the southern
- (11) range of this area, the line originally drawn was
- (12) based, I think -- and this is what I had said earlier,
- (13) Andy, was based on the old small mesh exemption area.
- (14) What we're asking for vessels that fish
- (15) in the southern area is to extent the area southward
- (16) to that 41 degrees 30 minutes line. And extend it out
- (17) to the east to a line that would intersect with the
- (18) eastern boundary, if the boundary were to be brought
- (19) down to that same level. It tacks on a few miles to
- (20) the south in an area that has been traditionally
- (21) fairly productive for scallops, and it will allow a
- (22) general category permit holder to fish in an area that
- (23) otherwise wouldn't be able to.
- (24) CHAIRMAN BRANCALEONE: Andy Rosenberg.

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- (1) DR. ANDY ROSENBERG: Two comments about
 (2) one -- about this. One, to Bill's point, I don't
 (3) think that the document currently describes what you
 (4) just described. I believe the document currently
 (5) extends the exemption to 41-30, but there is no
 (6) eastern boundary, which is not what you just said.
 (7) So, it would essentially open the whole Gulf of Maine
 (8) to this exemption, which I take it is not your intent.
 (9) So, that needs to be clarified. And certainly I would
 (10) not support opening the entire Gulf of Maine as
 (11) opposed to the small mesh exemption area.
 (12) Secondly, I have some general comments
 (13) on the document, but we can get to that after you get
 (14) specific details.
 (15) CHAIRMAN BRANCALEONE: Bill?
 (16) BILL AMARU: Yeah. My point was that
 (17) we know pretty much what happens in that relatively
 (18) small area if we stay west of the existing line. If
 (19) you open it up to the Gulf of Maine and everything out
 (20) to the east of it, we're in another region totally.
 (21) So, that's the reason, and I was aware that that
 (22) wasn't in there. That's why I offered it.
 (23) If you would choose to bring that line
 (24) even further to the west, it would be fine with me.

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- (1) I'm just trying to go along with existing lines. No
 (2) one scallops out there. That gets to be very deep
 (3) water when you get out to there, to the east. But
 (4) when you're talking about out to 40 fathoms, it's a
 (5) good area and an area that will definitely attract
 (6) some activity from vessels that would otherwise be
 (7) groundfishing if they weren't scalloping. And I've
 (8) talked to Phil -- talked to Phil about it and as far
 (9) as -- we didn't talk about the east/west line, but the
 (10) north/south sounded like it was a good idea. So, I'm
 (11) open for suggestions as to where you want to draw the
 (12) east/west boundary.
 (13) CHAIRMAN BRANCALEONE: How about you
 (14) making a motion incorporating your suggestion, the
 (15) lines, and then we can go from there?
 (16) BILL AMARU: Okay. I would move that
 (17) the southern line for the boundary of the area would
 (18) be 41 degrees 30 minutes, north latitude, and the
 (19) eastern boundary would be the extension of the
 (20) existing eastern boundary.
 (21) UNIDENTIFIED SPEAKER: The extension?
 (22) BILL AMARU: Yeah, the extension of the
 (23) eastern boundary; in other words, extending it down to
 (24) intersect with 41 degrees 30 minutes.

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- (1) CHAIRMAN BRANCALEONE: Okay. Is there
 (2) a second?
 (3) UNIDENTIFIED SPEAKER: Second.
 (4) PHIL COATES: Second.
 (5) CHAIRMAN BRANCALEONE: Motion and made
 (6) by seconded by Phil Coates. Discussion on the motion?
 (7) Andy Rosenberg?
 (8) DR. ANDY ROSENBERG: Gene may need to
 (9) expand on this. I'm a little concerned about timing
 (10) here. I appreciate what Bill is suggesting, however,
 (11) this is the final Framework meeting and this is a
 (12) change in the area that the Framework covers. It was
 (13) included as an option, but unanalyzed and the option
 (14) that was included was not this option.
 (15) My general comment about the document
 (16) was it's very marginal anyway and would need to be
 (17) substantially beefed up before submission, but in the
 (18) case of this motion, my concern is that this is the
 (19) final Framework meeting and making this change may
 (20) mean that you have to have either another Framework
 (21) meeting or at the very least that we'd have to go
 (22) proposed and then final rule. It depends on how
 (23) substantial a change is it. So, I want everybody to
 (24) be aware of that. I'm not disputing the idea, but

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- (1) there is that potential problem.
 (2) CHAIRMAN BRANCALEONE: Jim O'Malley.
 (3) JIM O'MALLEY: While supporting the
 (4) motion, I would actually vote against it, simply
 (5) because I think it endangers the original one and
 (6) that's always bad when a rider on a bill kills a good
 (7) bill. And so my suggestion would be we can start a
 (8) first Framework action to cover that other territory
 (9) right now and that way they don't live and die
 (10) together.
 (11) CHAIRMAN BRANCALEONE: Eric Smith.
 (12) ERIC SMITH: Well, the other danger
 (13) here is to have competing -- not competing, but
 (14) coincident Frameworks that keep the process bogged
 (15) down. You know, have one that deals with what we
 (16) started last time and another one that starts today
 (17) and that gets confusing, and it's probably a real
 (18) burden on the staff at the regional office. Let me
 (19) ask a question. The effect of this motion would be to
 (20) extend an opportunity for small dredge fishers into
 (21) areas where they -- under the original document they
 (22) didn't have an opportunity to fish. In effect, it's
 (23) broadening an opportunity. The argument may be that
 (24) that undercuts conservation and I guess if we don't --

- (1) I mean, when I looked at the bycatch limits in the
- (2) impact analysis, they're very low. In every case,
- (3) they're less than five percent in the area that was
- (4) looked at.
- (5) You could argue that those impacts are
- (6) probably the same in the new area bounded by Bill's
- (7) proposal and the effect of it is to extend some more
- (8) opportunity to some people who otherwise wouldn't have
- (9) it under the -- without the amendment. We could
- (10) benefit from another meeting and have some public
- (11) comment in between, but we probably won't get any. I
- (12) can't anticipate how we would get negative comment on
- (13) this motion to hurt us in sending it forward now with
- (14) one exception, if we think that the conservation issue
- (15) is different in this extended area than it is in the
- (16) original area.
- (17) CHAIRMAN BRANCALEONE: Barbara
- (18) Stevenson.
- (19) BARBARA STEVENSON: Is there a map or a
- (20) chart or anything you can show us what area you're
- (21) talking about?
- (22) CHAIRMAN BRANCALEONE: I think it's on
- (23) page seven of the document that was mailed out. Bill
- (24) Amaru?

- (1) BILL AMARU: I think something that
- (2) might help understand what we're talking about, we're
- (3) talking about a difference of five miles, five miles
- (4) further south from -- right now it's 35 minutes and
- (5) we're asking to go down to 30 minutes, and because I'm
- (6) familiar with the area and I know that the edges are
- (7) fairly distinct in that zone, these five miles can
- (8) make a big difference. And I don't think that that
- (9) five miles should hang up the plan for an area that's
- (10) hundred and hundreds of square miles.
- (11) And the other issue as far as Andy's
- (12) analysis is concerned in the feeling of the east/west
- (13) boundary perhaps being a problem, I'd be very happy if
- (14) I did have a chart to revise the motion to bring it in
- (15) and it would literally be about a five square mile
- (16) area is all it would be. And I wish I did, I would
- (17) make that motion and in that way I would be open to
- (18) anyone who would like to make a friendly amendment.
- (19) CHAIRMAN BRANCALEONE: Andy Rosenberg.
- (20) DR. ANDY ROSENBERG: Bill, the issue is
- (21) not that I have a -- well, in the way that it's
- (22) written as an alternative in the document, it's
- (23) presented as an alternative in the document
- (24) unanalyzed, there is no eastern boundary, I believe,

- (1) for the alternative. Not for the original state
- (2) waters exemption line.
- (3) The difficulty I have is that
- (4) procedurally, for the final Framework meeting, you
- (5) should be discussing the final action you're taking,
- (6) which is now changing with no notice. I guess it's a
- (7) question for Gene of whether he can deal with that
- (8) going through proposed and final rule. It's not a
- (9) matter of the size of the area, it's that it's a
- (10) different one.
- (11) Just a related issue while I have the
- (12) mike, so I don't have to ask for it again is it's also
- (13) not clear whether this applies to general category
- (14) permit holders only or applies to all -- any vessel.
- (15) I suspect that we probably could not restrict it to
- (16) general category permit holders only because the
- (17) exemption programs are by gear, area and time. But
- (18) you should realize when you're discussing this that
- (19) that opens it to any vessel that can fish for
- (20) scallops.
- (21) They're still limited by dredge size
- (22) and I understand that larger vessels with a 10-foot
- (23) dredge aren't going to make their fuel bill and all
- (24) those things, but I'm just raising the point that it

- (1) does apply to any vessel, I believe.
- (2) CHAIRMAN BRANCALEONE: Gene Martin.
- (3) GENE MARTIN: Yeah. Just to follow up
- (4) on Andy's concern about the procedure here. The
- (5) problem is the Framework regs require that the final
- (6) action at the final meeting be analysed from
- (7) biological economic perspectives so that the public as
- (8) well as the Council has the benefit of that analysis
- (9) before voting to submit it to the Service. It's like
- (10) a mini-amendment, if you will. You don't want to take
- (11) or you shouldn't take votes on actions that haven't
- (12) been sufficiently analyzed. Now, if this one is very
- (13) -- just a sort of a tweaking of the boundaries such
- (14) that the analysis is clearly on its face probably not
- (15) going to change, then that is something we probably
- (16) can handle through a proposed -- by going out proposed
- (17) rule making. I don't think we can do anything less
- (18) than that.
- (19) I'm not -- I don't know, I don't have
- (20) enough information to know if it falls into this
- (21) category, sort of an insignificant or minor change
- (22) that really doesn't change the overall analysis of
- (23) this, but that's -- just to give more detail and
- (24) rationale for Andy's concern, that's what it is.

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- (1) CHAIRMAN BRANCALEONE: Eric Smith.
 (2) ERIC SMITH: I guess my first question
 (3) is is this one time critical that we really have to
 (4) get something out today? In other words, is it more
 (5) important to put the Framework to bed today without
 (6) Bill's motion because of time limits of the impacts
 (7) that will happen if we don't pass the thing, or is it
 (8) something that we can afford to wait till December on
 (9) and clean this one up? I mean, that's my first
 (10) question.
 (11) JIM O'MALLEY: I actually don't know,
 (12) Mr. Chairman. I don't know who are the prime
 (13) advocates of this.
 (14) BILL AMARU: Eric, in my opinion, it's
 (15) more important to have a completed document so fellows
 (16) could get fishing after the first of the year on
 (17) scallops that want to fish on shore than it is to add
 (18) it. And I'm aware of the difficulties incumbent on --
 (19) although I don't agree with them, I'm aware that they
 (20) could create a problem and I don't want to jeopardize,
 (21) you know, a good package that's going to allow
 (22) fishermen to fish in the areas. It's just going to
 (23) cut off a substantial portion of it. So, but I would
 (24) opt to move things along that if it's necessary to

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- (1) have further analysis and to discuss this, we could do
 (2) it at a later date after this particular amendment is
 (3) taken care of.
 (4) ERIC SMITH: Well, except that part, as
 (5) I said before, concerns me to pass the unamended
 (6) Framework today and then go back in, as you say, for
 (7) five square miles. I don't want to do another
 (8) Framework and I don't want to impose that on Andy. It
 (9) adds time.
 (10) CHAIRMAN BRANCALEONE: Phil.
 (11) PHIL COATES: Just briefly for your
 (12) reference. Barbara, you asked about the location.
 (13) The north/south line on that exempted area is 69-40,
 (14) if you want to -- you can pencil it in on that chart;
 (15) and the southern boundary is currently 41-35, and it's
 (16) proposed to go down to 41-30.
 (17) CHAIRMAN BRANCALEONE: Chris Kellogg.
 (18) CHRIS KELLOGG: This would be a
 (19) question for Andy. How much delay would it be to go
 (20) to proposed rather than final rule? Could we --
 (21) Would it be just the 15-day comment period at this
 (22) point?
 (23) KATHI RODRIGUES: You almost double
 (24) your review time because you're developing two

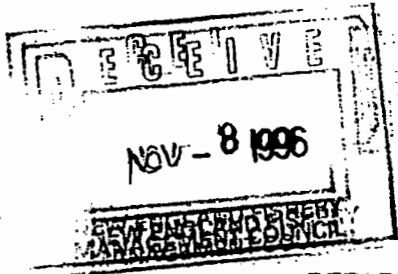
Page 44

- (1) packages that have to go through the process. So, you
 (2) can add -- certainly add the 15-day comment period,
 (3) but there's also maybe a few weeks added for review
 (4) and processing the paperwork.
 (5) CHAIRMAN BRANCALEONE: Chris Finlayson.
 (6) CHRIS FINLAYSON: Thank you. Two
 (7) points. Andy, you expressed concern that there is no
 (8) -- currently no eastern boundary in this exemption,
 (9) but --
 (10) DR. ANDY ROSENBERG: In the
 (11) alternative.
 (12) CHRIS FINLAYSON: The alternative,
 (13) okay. Yes, because the original proposal was for the
 (14) small mesh exemption area. The second point is that I
 (15) would -- on the question of timeliness and how
 (16) important this is, we have the real experts here and
 (17) I'd like to hear from them, the people in the scallop
 (18) industry who've taken the time to come down here.
 (19) CHAIRMAN BRANCALEONE: Lou Goudreau?
 (20) LOU GOUDREAU: Yeah, just a couple of
 (21) points. One is that currently scallop vessels under
 (22) Days-at-sea can continue to fish in the EEZ while
 (23) they're under that program, so they're covered. Once
 (24) they're out of Days-at-sea, they're considered general

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- (1) permits. So, this program does apply specifically to
 (2) general scallop permits only.
 (3) The other item on the analysis, this
 (4) went public, I guess, last week with this 41-30 line
 (5) included in that paragraph as an alternative. It
 (6) wasn't specifically analyzed, neither was the area --
 (7) the original area, because that bisects several three-
 (8) digit areas. What we have analyzed is the information
 (9) we've got from '88 to the '93, which is three-digit
 (10) areas.
 (11) The original 41-30 line that just cuts
 (12) right across George's Bank would bisect several three-
 (13) digit areas as well. This particular area, by
 (14) narrowing that down to this little square over here,
 (15) really just adds in a part of the area 5-21 on the
 (16) chart. So, you know, the original area pretty much is
 (17) covered by the Gulf of Maine, although a lot of the 5-
 (18) 15 area shouldn't be in there, but it's hard to say
 (19) where that is, and there's not a lot of scallop
 (20) fishing in those deep waters anyway. And by including
 (21) this small box here, we would include a little -- a
 (22) portion of that 5-21 area. But, again, it's difficult
 (23) to say how much goes in or out of those areas, because
 (24) the weigh-out data from that time just has three-digit

Angus S. King, Jr.
Governor



Rubin Alden
Commissioner

DEPARTMENT OF MARINE RESOURCES

Telephone (207) 624-6550
FAX (207) 624-6024

November 5, 1996

Andy
Dear Dr. Andrew Rosenberg,

I offer the following in support of the request by Maine, New Hampshire and Massachusetts for an exemption for the General Access Category scallop fishery under the "5 percent rule."

I spent opening day (November 1) of the Maine scallop season as an unofficial observer aboard a 45' combination scalloper/shrimper gillnetter. We fished the area off Bass Harbor on Mt. Desert Island. The dredge was 5' 6" with 3" rings, considerably modified with chaffing gear, etc. (legal in Maine) so that the dredge retained effectively everything it encountered. We made 26 tows of approximately 20 minutes each and I carefully examined the results of each one.

By weight, the catch was in excess of 90% rocks. The dominant non-target species was sea cucumbers with hundreds in each tow. Crabs (various species) were next followed by starfish (ditto), mussels and a small amount of seaweed.

A total of three fish were caught all day. The first tow of the day contained a small skate about 10" across which swam off when tossed back with no apparent ill effects. A 12" ocean pout later in the day was not so fortunate. Towards the end of the day a small sculpin was caught and discarded alive and in good shape. Scallops were scarcer than expected but showed good size/age structure. The trip landed 55 lbs. of meats.

I know that this account, by itself, cannot be taken as necessarily typical of regulated species by-catch in the inshore/nearshore scallop industry. But it does add one more data point to the evidence available to you for your decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris".

Chris Finlayson
Asst. to the Commissioner

cc: Chris Kellogg/NEFMC

cc: CBK (11/12)



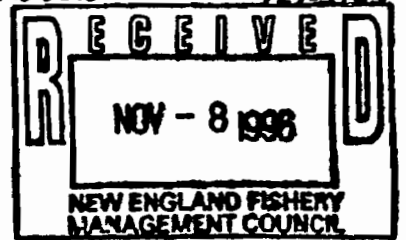
PHILIP G. COATES
DIRECTOR

The Commonwealth of Massachusetts

Division of Marine Fisheries
Leverett Fallons Hall State Office Building
100 Cambridge Street
Boston, Massachusetts 02202

727-3193

FAX TRANSMITTAL



TO: Lou Goodreau Scallop Coordinator NEMC
FROM: Phil Coates
DATE: 11/8/96

NUMBER OF PAGES INCLUDING THIS: 2

COMMENTS: Lou - One of our biologists Paul Caruso out of
Samborombon - recalled making a small dredge scallop trap back in '89
and dug out the trap and saw it - Note the 6" water levels with
an 11' dredge - May be useful for the frame work

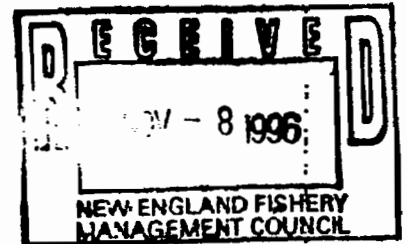
Phil

For additional information I can be reached at: (617) 727-3193

Extension: _____

FAX: (617) 727-7988

TRIP REPORT
SEA SCALLOPING/ CAPE COD BAY



DATE: January 18, 1989
 TIME: 0715 to 1710 hours
 LOCATION: Cape Cod Bay, Northeast corner of the "Dumping Grounds",
 3.5 to 4 miles NE of Cape Cod Canal East Entrance
 DEPTH FISHED: 60 to 70 feet
 VESSEL: F/V Betsy Gals
 VESSEL OWNER: Gilbert Borjeson
 VESSEL DESCRIPTION: 51' wood hulled groundfish dragger, 8-71 G.M.
 Diesel engine, customary electronics.
 FISHING GEAR: 1-11' typical sea scallop dredge on wire rope.
 TOWING SPEEDS: average of 4.4 knots.
 TOWS RECORDED: 13 tows of 30 minutes duration each.
 METHODS: Total tow contents were estimated by volume and translated to
 estimated poundage at the ratio of 1 tote = 50 lbs. A 1 tote
 random subsample was obtained from each tow. Each subsample
 was sorted by trash, bycatch, and scallops. Weights of each were
 estimated and length frequencies were obtained for the scallop
 subsample. Additional notes were made on trash composition,
 bycatch, and total scallop catch per tow.
 CATCH DATA: Trash- Mean weight of trash per tow was 680 lbs. or 86%
 of tow weight.

Trash composition- 41% quahog and mixed shell and crabs.
 59% "monkey dung" (Sulfur sponge)

Catch-Mean weight of scallops per tow was 104 lbs per
 tow or 14% of tow weight.

Mean length frequency of scallop shell heights
 for the 163 scallops measured was 111 mm. (legal
 length = 87.5mm) Range was from 30 mm to 150 mm.

Relative frequency of sublegal scallops in the catch
 was .07.

Bycatch- Approximately 75 pounds of small skates were
 captured during Tow #1.

A total of 4 legal sized flounders were obtained
 from all 13 tows.

A total of ten undersized black back flounder
 and one undersized yellowtail flounder were
 captured during the 13 tows.

Subj: No Subject
Date: Wed, Nov 13, 1996 2:08 PM EDT
From: mrdschi@state.me.us
X-From: mrdschi@state.me.us (Daniel Schick)
To: ljg517@aol.com (Lou Goodreau)

File: CHRISFIN.MEM (5804 bytes)

Dear Lou;

Enclosed please find a memo addressed to Mr. Chris Finlayson of MEDMR that outlines what information I have concerning bycatch of finfish in the Maine nearshore sea scallop fishery.

The date of my memo to Chris was 9/3/96, not 11/13/96. I have a blank memo file and after I type a memo and save it, the file automatically updates the date of the memo when I open it. Handy at times, annoying at others.

I seem to recall you asking for what days would, or would not be good for me to attend a PDT meeting in December. Conflict days are: Dec. 4, 11, 12, 18, 23-27.

Hope this information fills the bill for you. Let me know if you need something different.

Sincerely yours,

Daniel F. Schick

State of Maine
Department of Marine Resources

MEMORANDUM

Date: September 3, 1996

To: Chris Finlayson
From: Dan Schick
Re: Scallops: Nearshore bycatch information

=====

This memo is in response to your request for information concerning the bycatch of finfish in the nearshore sea scallop fishery. My background for reply is that I have been actively involved in sea scallop research for the ME Dept. Marine Resources for the last 20 years. I have attached my Curriculum Vitae as documentation.

I know of no information on paper that documents the bycatch, or lack thereof, in the nearshore scallop fishery. I have been aboard several scallopers in the nearshore area (6 miles or less) and can count on one hand the number of fish I have seen in the catch, but nothing was ever recorded.

DMR conducted an offshore, but nearshore scallop survey in 1974. Frank Spencer, a marine extension agent with DMR, contracted with Hartwell Prince of South Harpswell to use his vessel, the Princess, to conduct the survey. The survey went from Cape Ann, MA to the Canadian border, made 203 tows, and found only a few areas of scallop concentration. No records were kept of the finfish bycatch, but Hartwell is still fishing. I tried contacting him today without luck and left my name with his wife. I will talk with him soon. I don't know much about Frank Spencer other than he retired many years ago and lives(d?) in Sabattus.

Ammendment #7 should have listed the general permit, essentially small vessel scallop fishery as one of the exempted fisheries. In light of this oversight, I believe that an exempted fishery status should be requested for the general category scallop permits. At least for those that are fishing the nearshore federal waters. How you separate out that group from those that might fish farther offshore, I don't know. Also, my observations of low bycatch pertains to scallop drags only, not nets.

Documenting the low bycatch may have to be done before the Regional Office will listen to a proposal for exempted fishery status. I called Manomet Observatory to see if they ever covered the general permit scallopers and they have not. They have gone on the offshore limited access scallopers only. Manomet expressed interest in doing some general permit work and I would expect that sea sample days would cost us in the neighborhood of \$500/day, give or take \$100. A dozen trips, or \$6K, would probably give us everything we need to go to the Regional Office with a request for exempted fishery status for Maine vessels. Perhaps a cooperative effort with MA and even NH would cover the southern Gulf of Maine contingent. MA has its own sea samplers, has done no sampling of the general permit scallopers, but might be convinced to participate in an effort to generate some data.

The bycatch sea sampling should mirror the fishing practices of the fleet. The nearshore fleet of scallopers will venture offshore a bit on good days. We would want to cover trips to Jeffrey's Ledge, or possibly even Fippennies Ledge as well as the more inshore Great Duck Island and Libby Island fisheries. While there are a handful of scallopers that do fish year round, the most common practice is to extend the Maine inshore scallop season by fishing outside the state line for a couple of months during the spring and then go gillnetting. They will start again in the early fall outside the line to extend the November 1 startup of the inshore fishery. Thus the sea sampling should cover the spring and fall fisheries to completely answer the bycatch question.

One species of finfish is commonly taken in the sea scallop fishery, especially during the winter. Young red hake, *Urophycis chuss*, have a commensal relationship with the scallop such that they will reside inside the mantle cavity of larger scallops during the winter. Many of these small fish, usually no more than 15cm in length are taken in the inshore,

winter scallop fishery. The commensal relationship does not seem to continue into the late spring, so this would probably not be a source of any sizeable bycatch during the late spring, early summer fishery outside state waters.

New England Fishery Management Council

5 Broadway · Saugus, Massachusetts 01906-1097

TEL (617) 231-0422 · FTS 565-8457

FAX (617) 565-8937 · FTS 565-8937

Chairman

Joseph M. Brancaleone

TO BE PUBLISHED IMMEDIATELY IN THE FEDERAL REGISTER

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

Northeast Multispecies Fishery

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

ACTION: Final Rule

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment #21 to the Northeast Multispecies Fishery Management Plan (FMP). These regulations allow vessels with general category scallop permits to fish for scallops with small dredges (combined width not to exceed 10.5 feet) in the Gulf of Maine small mesh exempted area if the amount of regulated species bycatch is less than 5% of the total weight on board, and that such exemption will not jeopardize fishing mortality objectives.

The Council adopted the 5% catch standard to allow small-mesh fisheries to continue without negatively impacting the groundfish stock rebuilding program. The

adjustment made by this rule will allow small scallop dredges to catch scallops in the Gulf of Maine Small Mesh Exemption Area.

EFFECTIVE DATE: [].

ADDRESSES: Copies of Amendment 7, its regulatory impact review (RIR) and the initial regulatory flexibility analysis (IRFA) contained within the RIR, its final supplemental environmental impact statement (FSEIS), and the Framework Adjustment 21 document are available upon request from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION:

Background

Amendment #7 to the FMP, effective on July 1, 1996 [61 FR 27710, May 31, 1996], implemented comprehensive measures to rebuild key stocks in the important multispecies fishery. Among the measures implemented was the elimination of the open access possession limit permit category for groundfish and the prohibition of any fishing resulting in a catch of regulated species exceeding 5% of the total catch unless a vessel fishes under either a multispecies or scallop DAS program.

An unintended consequence of this provision was its prohibition of the use of small

scallop dredges in the Gulf of Maine by vessels not fishing under the scallop DAS requirements. The Council did not immediately recognize the need for an exception to this provision and recently indicated that it never intended to prohibit small dredges from fishing for scallops. These small scallop dredges traditionally obtain both federal general category scallop permits and Maine scallop permits in order to fish in both Maine state waters and the EEZ during the Maine scallop season, November to April, or are limited access scallop permit holders who are in the small dredge exception program. Continuing the prohibition would reduce the economic value of the landings at a time when the fishing industry needs to capitalize on the landings to the largest extent possible.

Based on available information, the Council has concluded that the bycatch of regulated species by small scallop dredges in the Gulf of Maine Small Mesh Exemption Area does not exceed 5% of the live weight of scallop landings.

Classification

The NOAA Assistant Administrator for Fisheries (AA) finds there is good cause to waive prior notice and opportunity for comment under 5 U.S.C. 553(b)(B). Public meetings held by the Council to discuss this management measure, as well as consultation with the Council on the request for an exemption during a public Council meeting, provided full prior notice and opportunity for public comment to be made and considered, making additional opportunity for public comment unnecessary.

Because this rule relieves a restriction under 5 U.S.C. 553(d)(1), it is not subject to a delay in effective date.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated:

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be revised to read as follows:

PART 648-FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Section 648.80 is amended by revising paragraph (a)(2)(iii) and adding paragraph (a)(10) as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(2) * * *

(iii) *Other gear and mesh exemptions.* The minimum mesh size for any trawl net, sink gillnet, Scottish seine, midwater trawl, or purse seine on a vessel or used by a vessel when fishing in the GOM/GB Regulated Mesh Area while not under the NE

multispecies DAS program, but when under one of the exemptions specified in paragraphs (a)(3), (a)(4), (a)(6), (a)(8), (a)(9), (d), (e), (h), and (i) of this section, is set forth in the respective paragraph specifying the exemption. Vessels that are not fishing under one of these exemptions, under the small dredge exemption specified in (a)(10) of this section, under the scallop state waters exemption specified in section 648.54, or under a NE multispecies DAS, are prohibited from fishing in the GOM/GB regulated mesh area.

* * * * *

(10) *Gulf of Maine (GOM) Scallop Dredge Fishery Exemption Area.* Any vessel issued a general scallop permit described in section 648.5 may fish in the GOM Small Mesh Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(10)(i) of this section. The GOM Small Mesh Exemption Area is defined as the same area defined in section (a)(3), the Small Mesh Northern Shrimp Fishery Exemption Area.

(i) *Requirements.* (A) A vessel fishing in the GOM Scallop Dredge Fishery Exemption Area under this exemption, when not fishing under a NE multispecies DAS, may not fish for, possess on board, or land any species of fish other than Atlantic sea scallops.

(B) The combined dredge width in use by or in possession on board such vessels shall not exceed 10.5 feet measured at the widest point in the bail of the dredge.

(C) The exemption would not apply to areas closed to meet the Mid-coast closure fishery mortality reduction targets as specified in section 648.81 (g).

- (1) information.
- (2) CHAIRMAN BRANCALEONE: Other comments?
- (3) Barbara Stevenson.
- (4) BARBARA STEVENSON: I have a question,
- (5) then a comment. In Bill's motion that moves it down
- (6) five degrees, where is the western boundary?
- (7) BILL AMARU: To the shore line. I
- (8) believe that's the -- see, this changed because I
- (9) didn't realize that the original small mesh area was
- (10) no longer the operative area range -- I guess it is,
- (11) but it isn't. But in the old way we fished, I believe
- (12) it went to the shore.
- (13) BARBARA STEVENSON: Well, see, at least
- (14) on this if it goes down and then to the shore, you're
- (15) somewhere in Rhode Island.
- (16) BILL AMARU: You run out of the bottom
- (17) that you would fish for scallops, pretty much what it
- (18) amounts to. I don't think anybody is going to draw a
- (19) scallop dredge in there for black --
- (20) BARBARA STEVENSON: I don't mind the
- (21) five degrees if it went back up when the line to --
- (22) BILL AMARU: 70 degrees.
- (23) BARBARA STEVENSON: -- to the hook of
- (24) the Cape.

- (1) BILL AMARU: Sure, right.
- (2) BARBARA STEVENSON: My comment is that
- (3) just because one of the alternatives didn't have a
- (4) boundary, we can take part of that alternative and add
- (5) it to the preferred alternative. It's not whole cloth
- (6) one or the other. So, if we said, okay, fine, yeah,
- (7) we want to go down here, that doesn't mean that the
- (8) eastern boundary is eliminated. It just means that
- (9) we're changing this little boundary down here. And if
- (10) you want it, I see no reason not to do it. I don't
- (11) think it changes the substance of that.
- (12) BILL AMARU: I didn't either, and
- (13) that's what I thought we were doing. I had no idea
- (14) that it would end up having these legal implications.
- (15) CHAIRMAN BRANCALEONE: Eric Smith.
- (16) ERIC SMITH: Two points. On that one
- (17) first, the Framework process assumes that you get
- (18) comment and you have discussion between meeting one
- (19) and meeting two, and that's why I'm a little bit
- (20) chagrined, you know, that nothing we changed in
- (21) between one and two can't be passed without going back
- (22) through -- having another meeting; and I understand
- (23) there's a difference with proposed rule and final
- (24) rule, but that is troubling, and particularly with

- (1) what Barbara and Bill have both said, it's very minor.
- (2) The other point I would offer is a
- (3) proposal to see if we can't find a way out of this.
- (4) Let me suggest this, that we pass Bill's motion and
- (5) submit the amended Framework to the Fishery Service as
- (6) a final rule or a request that it be a final rule with
- (7) the caveat on paper that if the adjusted line can't be
- (8) accommodated, then that issue alone be put to proposed
- (9) rule and the rest of it go final rule, and then you'd
- (10) simply have two parts in the Federal Register where
- (11) you're asking for different types of comments.
- (12) One expedites and gets us to January
- (13) 1st in time for these fisheries that need to start,
- (14) and the adjustment is simply a regulatory change that
- (15) you're asking for more comment on that one, but once
- (16) you get that comment, arguably you'll just go ahead
- (17) and you'll imbed it in the whole regulation dealing
- (18) with the subject.
- (19) To me, I would rather have the
- (20) regulatory part of the process have a duality and get
- (21) different levels of comments and have our intent be
- (22) clear of what we want to do and have that intent clear
- (23) in the document that goes to Andy. Now, I don't know
- (24) if legally that can be done. Procedurally, it makes

- (1) sense to me to do it that way
- (2) CHAIRMAN BRANCALEONE: Andy Rosenberg.
- (3) DR. ANDY ROSENBERG: To the first
- (4) point, Eric, it's not a matter of making changes
- (5) between the first meeting and the second meeting.
- (6) This is making changes at the second meeting that are
- (7) unanalyzed. So, I appreciate your chagrin that you
- (8) can't make changes, but that's not what's happening
- (9) here.
- (10) To Barbara's point, yes, there were two
- (11) alternatives in the Framework document, one of them
- (12) analyzed and one of unanalyzed, and this is part of
- (13) the analyzed version but -- and sort of a little bit
- (14) related to the unanalyzed version. That's the
- (15) difficulty. It is quite a minimal document as is and
- (16) if it was submitted in this form, I probably would not
- (17) be able to accept it.
- (18) That was my general comment before.
- (19) The analysis is not -- although I think all the pieces
- (20) are there, which is why I'm not telling you -- this is
- (21) not an appropriate final meeting. It's not anything
- (22) like in a state that would allow full review.
- (23) So, the difficulty is we have not
- (24) analyzed any change and the proposal is being made at

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- (1) the final Framework meeting as opposed to in the
- (2) document that went out in between the two meetings.
- (3) I think Gene has described why those
- (4) rules are like they are. Everybody wants them --
- (5) everything to happen quickly except when they don't,
- (6) and then they want the opportunity to comment. That's
- (7) why the process is set up this way, the Framework is
- (8) expedited rule making, but it does have to allow for
- (9) public comment.
- (10) I think you could go with the change
- (11) that Bill has suggested but go proposed rule/final
- (12) rule. It does require us to do more work. I am not
- (13) in favor of us having to do additional work on this
- (14) thing, but I also understand that the timeliness is
- (15) rather critical, given the amount of discussion that
- (16) I've heard from the three states and from fishermen at
- (17) the last two meetings.
- (18) It seems there's two options, either go
- (19) with the change that Bill is suggesting and go
- (20) proposed rule/final rule, which will add several weeks
- (21) to the process, or go with the original proposal,
- (22) clean up the document and then submit it to us, which
- (23) will be a little bit quicker.
- (24) ERIC SMITH: There's actually a third

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- (1) option, and I appreciate what you just said. I was
- (2) prepared to say let's just wait till the December
- (3) meeting, because if the regional administrator says
- (4) the document is insufficient to go forward, I take
- (5) that as good advice that we should take the time and
- (6) clean the document up. But the third option that you
- (7) really didn't address, if we can -- is it better to do
- (8) the work now, approve it with Bill's change at the
- (9) December meeting and then go final rule? Is that more
- (10) expeditious? Because then you get a better document
- (11) that is more defensible for what you need and the
- (12) proposed rule -- I'm sorry, going final rule shaves
- (13) that extra time off. So, that might be the most
- (14) expeditious way to do it.
- (15) DR. ANDY ROSENBERG: While that is
- (16) better for us, it's not necessarily -- I can't tell
- (17) you conclusively that it would be faster as far as
- (18) getting the fishermen back out fishing, which I
- (19) imagine is more concern as to whether -- my staff
- (20) problems. Yes, I would prefer that from a project
- (21) management perspective, but that might not meet the
- (22) needs of getting these boats back out there. I just
- (23) don't know which would be quicker. It's less work for
- (24) us the way that you've described it.

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- (1) To clarify my comments about the
- (2) document, there is staff work that needs to be done,
- (3) so it's not going to come in like this after this
- (4) meeting. It's going to take somebody some time to fix
- (5) it. I'm not telling you that the document is
- (6) insufficient to vote on it today. I considered that
- (7) and decided that at least the data is there so people
- (8) could comment on the original proposal.
- (9) If the Council decides to wait till the
- (10) December meeting, yes, that is better for us, but I'm
- (11) sure that there's a number of people in the audience
- (12) who are not all that concerned about that and it might
- (13) not be better for them. I can't guarantee it would go
- (14) through quicker that way. It might, but I can't
- (15) guarantee it.
- (16) CHAIRMAN BRANCALEONE: Eric.
- (17) ERIC SMITH: Only that I think we're
- (18) getting to agreement here. If it's going to take a
- (19) couple of weeks of work on the document and have to
- (20) work on the way the rules will be written and all of
- (21) those types of things, and you have to do that before
- (22) you can start the proposed comment -- the proposed
- (23) rule comment period, it would seem that -- I mean, I'd
- (24) like to do it as expeditiously as possible, but I'm

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- (1) hearing that it's probably better to do all this and
- (2) approve it at the December meeting and then go final
- (3) rule, as long as we're assured we won't have another
- (4) one of these issues pop up that delay us again.
- (5) DR. ANDY ROSENBERG: It probably would
- (6) be quicker. I just don't want to --
- (7) ERIC SMITH: Yeah, I understand.
- (8) CHAIRMAN BRANCALEONE: Phil Coates.
- (9) PHIL COATES: Yes. Thank you, Mr.
- (10) Chairman. The western extension of that boundary runs
- (11) right into state waters, so people need not be
- (12) concerned about the west extension. Secondly, I do
- (13) recall that -- I can't recall actually where we had
- (14) the discussion about this extension, whether it was in
- (15) the Groundfish Committee or the Full Council, but
- (16) there is a little bit of a record on this somewhere in
- (17) -- deep within the discussions of one of those two
- (18) meetings. In terms of this extension, I --
- (19) BILL AMARU: It's in the document.
- (20) PHIL COATES: Yeah, I know -- it's
- (21) identified here, but I mean to add any substance that
- (22) we might need for purposes of --
- (23) BILL AMARU: The analysis.
- (24) PHIL COATES: I know the analysis -- I

- (1) just wanted to get that on the record.
- (2) CHRIS KELLOGG: I'm going to repeat I
- (3) think what Lou said, the analysis -- the information
- (4) we have is not area specific. We probably will have
- (5) to add language discussing the area at issue. There's
- (6) not a lot of data that says what happens on one side
- (7) of the line as opposed to the other side of the line.
- (8) The analysis will consist of qualitative statements
- (9) and you know, I understand the service having problems
- (10) determining from their point of view whether to grant
- (11) an exemption. We don't have a whole lot more to go
- (12) on.
- (13) CHAIRMAN BRANCALEONE: Bill Amaru.
- (14) BILL AMARU: Yeah. I'm just going to
- (15) ask the Chairman of the Scallop Committee if he would
- (16) support -- I heard Andy say that a couple of
- (17) additional weeks, if we had a proposed rule/final
- (18) rule, Jim? I'm sorry. I know you were talking to
- (19) Andy. If you would support a change in the motion to
- (20) have the proposed rule/final rule format which would
- (21) add several weeks, perhaps three weeks -- I believe I
- (22) heard you say that, Andy, to the analysis. It still
- (23) may not come out but it won't --
- (24) DR. ANDY ROSENBERG: It's going to be a

- (1) two-week comment period plus additional processing
- (2) time because it's doing all the work twice. So, at
- (3) least a month.
- (4) BILL AMARU: All right. At least an
- (5) additional month, if you would then support this area,
- (6) otherwise I'm going to withdraw it. And the other
- (7) thing, I want to apologize for not being able to bring
- (8) this up at the previous meeting. I had it as planned,
- (9) and as you recall, I was called away on a medical
- (10) emergency for my wife and it was prior to the area --
- (11) you know, the discussion and I wasn't able to bring it
- (12) up.
- (13) So, it's my fault that it didn't make
- (14) it in in time and we did talk with -- I talked to
- (15) staff and to several people on the Council about that
- (16) and I believe why it's in here, so it just is
- (17) unfortunate timing error on my part. But I would ask
- (18) that and if you feel that you would stand behind a
- (19) proposed and final rule making as Andy has described,
- (20) I will remain, we can vote on it, otherwise, I'll
- (21) withdraw it and I'll bring it up at a future time.
- (22) JIM O'MALLEY: I have no objection
- (23) whatsoever. I'd support that as is. First of all,
- (24) it's a smaller area than I had imagined and I don't

- (1) think it necessarily needs to torpedo the whole thing.
- (2) CHAIRMAN BRANCALEONE: Okay. Does the
- (3) seconder agree? Phil Coates?
- (4) PHIL COATES: (Nods head up and down.)
- (5) CHAIRMAN BRANCALEONE: So you're going
- (6) to add into the motion the language which Andy
- (7) described.
- (8) BILL AMARU: Well, I don't know, how
- (9) did you describe it? I heard proposed and final rule
- (10) making process.
- (11) DR. ANDY ROSENBERG: You've decided not
- (12) to do what Eric said which is just wait till the
- (13) December meeting.
- (14) ERIC SMITH: It sounded to me like you
- (15) were getting to a point of agreement with Jim that you
- (16) would simply withdraw the motion. Am I incorrect?
- (17) BILL AMARU: Jim has just stated that
- (18) he would stand behind it, even --
- (19) ERIC SMITH: Proposed rule/final rule.
- (20) BILL AMARU: Yeah, because it had
- (21) turned out to be a much smaller area than he thought.
- (22) He didn't think it would torpedo.
- (23) ERIC SMITH: Okay. If that's the
- (24) preferred approach, then I think waiting to the

- (1) December meeting and going final rule we've just heard
- (2) probably is quicker.
- (3) BILL AMARU: Then no change. Vote on
- (4) the motion.
- (5) ERIC SMITH: You would vote on your
- (6) motion. The document would be cleaned up. The
- (7) regulation would be drafted. We would receive more
- (8) public comment, that's the reason for this, we would
- (9) get it by the December meeting, and then we would vote
- (10) in December to send this to Andy as a final rule. Now
- (11) --
- (12) CHAIRMAN BRANCALEONE: Did you hear the
- (13) comment, Lou.
- (14) UNIDENTIFIED SPEAKER: Which comment?
- (15) JIM O'MALLEY: There's been a little
- (16) bit of stereo going here, Mr. Chairman. I'll go along
- (17) with whatever works for people the most effective way.
- (18) I mean, I didn't mean to throw a road block into
- (19) anything.
- (20) ERIC SMITH: If I may. The only thing
- (21) that would be better than that I can think of is
- (22) withdraw the motion, sacrifice that small area, and
- (23) then you're assured you can go final rule, because
- (24) then we have the document as it was in the binder with

- (1) a little bit of cleaning up, submission far before
- (2) December, and he can clearly do that as a final rule
- (3) and get it in place in time.
- (4) The danger here is you might edge into
- (5) January a little bit, because you can't go through the
- (6) whole process, and if you leave out that area, you can
- (7) probably get it done by late December. How important
- (8) are those three weeks versus that five square miles?
- (9) BILL AMARU: The area is more important
- (10) to have it than it is to have the time.
- (11) ERIC SMITH: Then I would suggest we do
- (12) it final action December meeting, final rule document
- (13) to Andy right away and they'll go as fast as they can.
- (14) BILL AMARU: That's okay with me.
- (15) CHAIRMAN BRANCALEONE: Okay. Further
- (16) discussion on the motion? Gene Martin.
- (17) GENE MARTIN: Yeah, I was just going to
- (18) ask for clarification. Maybe Andy was going to ask
- (19) this, too, and I haven't perhaps been paying as much
- (20) attention as I should. Based on what Lou said a few
- (21) minutes ago, would this exemption be available to
- (22) limited access scallop permit holders that are not
- (23) fishing under a Day-at-sea and in fact are fishing as
- (24) a general permit holder? Okay. So, it's available to

- (1) them as well when they're not under the -- not fishing
- (2) as a limited access Days-at-sea vessel?
- (3) LOU GOUDREAU: Right.
- (4) GENE MARTIN: Okay.
- (5) CHAIRMAN BRANCALEONE: Barbara?
- (6) BARBARA STEVENSON: I'm a little
- (7) concerned about the analysis issue and if it's that
- (8) the document isn't beefy enough and needs to justify
- (9) things a little more, I don't have any problem. The
- (10) reason that we're doing this this way is because we
- (11) didn't get the exempted fishery. So -- and it was
- (12) substituting the general knowledge of the Council for
- (13) specific data to do analysis. So, I'm concerned if
- (14) Andy is saying there's not enough analysis in this
- (15) document, because the whole reason we're doing this is
- (16) because there's nothing to analyze.
- (17) CHAIRMAN BRANCALEONE: Go ahead, Andy.
- (18) DR. ANDY ROSENBERG: What I'm saying is
- (19) that there's no analysis of the additional area, not
- (20) that there's not enough. There's nothing. There's
- (21) not even mention of it. And I understand that you're
- (22) doing this because I do not have sufficient data to
- (23) allow an exemption is why I believe that even though
- (24) the document does need to be improved in terms of

- (1) describing the data that it does contain, describing
- (2) the comments that were made in the hearings and so on,
- (3) it just needs to be a stronger document to go through
- (4) the review process. I think most of the pieces are
- (5) contained in there except for this little addition on
- (6) the bottom.
- (7) CHAIRMAN BRANCALEONE: Chris Kellogg.
- (8) CHRIS KELLOGG: I think what I'm
- (9) hearing from Andy is that -- you know, there are some
- (10) concerns from the regional office in terms of the
- (11) discussion of these issues that we can work out staff
- (12) to staff. And that it is doable.
- (13) CHAIRMAN BRANCALEONE: Okay. I think
- (14) the motion needs to be cleaned up a little bit. Bill?
- (15) BILL AMARU: The latter portion where
- (16) you've got the eastern boundary would be the same as
- (17) it current exists, it would read that the eastern
- (18) boundary would be the extension of the existing small
- (19) mesh regulated area. That might take a little hunting
- (20) around to find, but it is on documents and on charts.
- (21) PHIL COATES: 69-40.
- (22) BILL AMARU: Okay. 69-40. Put it in
- (23) as a longitude. Thanks, Phil.
- (24) CHAIRMAN BRANCALEONE: Go ahead,

- (1) Barbara.
- (2) BARBARA STEVENSON: Yes. To Bill
- (3) Amaru's comment that the area was more important than
- (4) the time. I'm sure it is to you, but I'm not at all
- (5) sure that that would be the trade-off for the people
- (6) that requested this.
- (7) CHAIRMAN BRANCALEONE: Okay. Further
- (8) discussion on the motion?
- (9) BILL AMARU: Yeah, I can't speak for
- (10) those people.
- (11) CHAIRMAN BRANCALEONE: I'm going to go
- (12) to them now. Go ahead, Jim.
- (13) JAMES MCCAULEY: I thought there was
- (14) some mention of a western boundary. I thought you
- (15) were talking about 70 degrees. Wasn't that brought up
- (16) by Barbara at one point?
- (17) UNIDENTIFIED SPEAKER: (Inaudible.)
- (18) JAMES MCCAULEY: You don't need it.
- (19) Okay.
- (20) CHAIRMAN BRANCALEONE: Okay.
- (21) Discussion on the motion from the audience? Yes, sir.
- (22) CRISTIN PORTER: My name is Cristin
- (23) Porter, again, from the Down East Druggers
- (24) Association. This is the only chart I have here, but

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(1) we're way up in here and this is not a big concern to
 (2) us, although it probably is for fishermen down there,
 (3) and I'd like to hear a comment from them if they're
 (4) here on this, how big an impact this would be. But to
 (5) us, it's a big impact to get this as soon as we can.
 (6) I mean, we were down August 13th all the way to
 (7) Peabody and we missed a day's fishing. We come
 (8) October 2nd, missed a day's fishing. Come today,
 (9) today's the sixth day of scallop season in the State
 (10) of Maine, pretty good fishing, and we're here to try
 (11) to get this straightened out. And now you want to
 (12) tell us to come back in December to do this all again
 (13) and I think that if we come back in December, I'm
 (14) worried that we're going to have another one of these
 (15) problems and you're going to push us back to January
 (16) and then somebody along the way is going to say, well,
 (17) there is a problem because this little area will open
 (18) they may catch a few groundfish there or something
 (19) like that and then it's going to throw the whole works
 (20) in the trash basket and we're going to have to start
 (21) all over again, when we've got a pretty good plan
 (22) right here.
 (23) The other thing that I'm worried about
 (24) is the fact that these are small boat fishing and

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(1) that's what we should be concerned is the small boat
 (2) fishing and not the big guys. Who's toes are we going
 (3) to be stepping on even if this area is opened and why
 (4) can't we do it here if -- you know, is there that big
 (5) a deal? Are we going to be stepping on somebody's
 (6) toes in this area? And I hope not. But anyways, I
 (7) just wanted to beg and plead to do this as soon as we
 (8) can, because we want to get back fishing. We've been
 (9) out since July 1st and we want to get back. Thank
 (10) you.
 (11) CHAIRMAN BRANCALEONE: We know how
 (12) frustrating is it for you. It's just as frustrating
 (13) for us. We're trying to do this as quickly as
 (14) possible, and if you're happy with the lines now then
 (15) I would suggest you might not have to come back,
 (16) although something else might slip in, but I don't see
 (17) that happening. Yes, sir?
 (18) STANLEY SARGENT: My name is Stanley
 (19) Sargent, President of Maine Scallop Association. If
 (20) this did have to wait for this extra five miles until
 (21) December, how long after that would we basically get
 (22) the red light to go fishing? Is it going to be a 65-
 (23) day waiting period or whatever it normally is or do we
 (24) have to then take observers, then compile the

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(1) information, come back to you, Andy, and then -- you
 (2) know, what are you talking about for a time frame?
 (3) The time frames that I was dealing with back in March
 (4) were like you'd be fishing again by August.
 (5) DR. ANDY ROSENBERG: This is not a
 (6) regular amendment, which is the 65-day thing that
 (7) you're referring to.
 (8) STANLEY SARGENT: Arbitrary number.
 (9) DR. ANDY ROSENBERG: So, if it's
 (10) submitted to me, we try to have a final rule published
 (11) within a month. Sometimes it's a little longer than
 (12) that.
 (13) STANLEY SARGENT: 30, 40 days.
 (14) DR. ANDY ROSENBERG: That's the kind of
 (15) time frame we're trying for. It just depends on, you
 (16) know, how many other things have been submitted, not
 (17) only from this Council but from the other seven at the
 (18) same time, but that's what we're shooting for. And so
 (19) that would be a good ball park to look to. It's not a
 (20) 65-day clock or any of that.
 (21) STANLEY SARGENT: Or whatever. That
 (22) was just a number I just -- so, if this meeting went
 (23) off in December, basically this line would drop down
 (24) and you'd go -- because all I've got is this here and

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(1) I'm kind of lost as far as figuring out what you guys
 (2) are talking about, down almost you say Rhode Island.
 (3) I mean, that's all I've got to go by. It would run
 (4) right straight across into the area, number one.
 (5) DR. ANDY ROSENBERG: It's cut off by
 (6) Massachusetts State waters, but this is one of the
 (7) things that --
 (8) STANLEY SARGENT: Yeah, but you go
 (9) around the state waters --
 (10) DR. ANDY ROSENBERG: -- chart that
 (11) people can read.
 (12) STANLEY SARGENT: But you go around the
 (13) state waters, start at some point and go right
 (14) straight off or --
 (15) DR. ANDY ROSENBERG: No. Because it's
 (16) a southern boundary, you don't go further south.
 (17) STANLEY SARGENT: Okay. And in this
 (18) plan, okay, I've got to shift over because I need a
 (19) little clarification. I'm just still confused. With
 (20) the original plan here, on the small mesh area, if I'm
 (21) understanding right, we wouldn't -- because you have a
 (22) general category permit, you're going to be
 (23) constricted to 400 pounds and you're only going to be
 (24) able to tow a 10 foot 6 drag, you can't keep any

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- (1) groundfish and then this one right here, you wouldn't
- (2) also be allowed to fish like down in the lower end of
- (3) the Great South Channel fishing rip, places like that,
- (4) you wouldn't be allowed to fish No Man's, Block
- (5) Island, any of that; it would just be from this line
- (6) up?
- (7) DR. ANDY ROSENBERG: Right. I think
- (8) the way you described it is correct. I mean, fishing
- (9) under those general category provisions within that
- (10) area. I realize you made a comment in an earlier
- (11) meeting that before you weren't restricted to that
- (12) area, so it is a substantial change and sacrifice on
- (13) the part --
- (14) STANLEY SARGENT: Yeah.
- (15) DR. ANDY ROSENBERG: -- of those
- (16) vessels, because you used to fish for a much wider
- (17) area.
- (18) STANLEY SARGENT: Yeah. We just went
- (19) wherever -- as long as we had the federal gear, we
- (20) just went wherever we had to go to -- you know,
- (21) sometimes in like the summertime we went down in the
- (22) channel. We've been to No Man's, Block Island,
- (23) wherever we had to go. Didn't want to go, but we had
- (24) to go. You know, it was just -- that was just

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- (1) survival and that was it. It wasn't the two weeks in
- (2) Bermuda we were shooting for. It was the payments or
- (3) the interest, you know? Thank you very much.
- (4) CHAIRMAN BRANCALEONE: Maggie Raymond?
- (5) MAGGIE RAYMOND: Maggie Raymond. I
- (6) have a question about the process. If this -- the
- (7) analysis of this extended area comes out that it's not
- (8) as clean as you would like it to be as far as the
- (9) bycatch of groundfish, does the original area then
- (10) become the default or do you have to start over again?
- (11) DR. ANDY ROSENBERG: I guess if the
- (12) Council staff looked at it and could not make a
- (13) justification for that area or could not make a
- (14) reasonable justification for that area, then they'd
- (15) have to come back to the Council in December and say
- (16) you can't do it, and that should be reflected in the
- (17) document that comes out.
- (18) If it's submitted to us and the
- (19) analysis submitted in there clearly says, well, it
- (20) would be a high bycatch in that area, but we're giving
- (21) it to you anyway, I'd have to turn it down as a whole.
- (22) I couldn't go back to the original area, I don't
- (23) think. I would doubt that you'd make a justification
- (24) that says, you know, do it anyway, even though there's

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- (1) high bycatch there, because that's not under the
- (2) exemption rules.
- (3) So, assuming the analysis goes along
- (4) with what's already -- the data that's already in
- (5) there, there's nothing starting in anything
- (6) additional comment or analysis that can be added, then
- (7) there shouldn't be a problem.
- (8) MAGGIE RAYMOND: Does the analysis look
- (9) at just the scallop -- the small scallop boats or do
- (10) you include -- do you look at anything that came from
- (11) the larger boats?
- (12) DR. ANDY ROSENBERG: Well, it should be
- (13) considering anything that somebody fishing with that
- (14) gear type in that area during -- well, this is all --
- (15) MAGGIE RAYMOND: So, it doesn't matter
- (16) what size it is. You're not looking at just what the
- (17) bycatch was from these small boats, or are you looking
- (18) what the bycatch was from all scallop boats in that
- (19) area?
- (20) DR. ANDY ROSENBERG: Well, it's a
- (21) little bit of both. I mean, because there is a
- (22) restriction on gear type, the most relevant data is
- (23) with that gear type, because a small dredge fish is
- (24) different from a big dredge, I'm assuming. That's the

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- (1) reason for putting in the dredge restriction. If
- (2) there was some evidence that would indicate the
- (3) contrary, then -- you know, that any other scallop
- (4) boat would have a high bycatch, that would be a
- (5) problem.
- (6) I haven't seen any such evidence yet,
- (7) but I suppose -- you know, we'll look at whatever's --
- (8) I'm assuming the Council staff will look at whatever's
- (9) available.
- (10) In this case, there's not very much
- (11) data in those waters, and so you're doing a Framework,
- (12) as Barbara said, because I don't have sufficient data
- (13) to allow an exemption under the multispecies rules.
- (14) MAGGIE RAYMOND: I guess I just want to
- (15) make sure that if you look at the data, I mean, you
- (16) have, you know, like a 90-foot scallop boat and they
- (17) might have some groundfish bycatch and you say, well,
- (18) you know, then you can't open this area because the
- (19) bycatch would probably not be the same with the 10
- (20) foot scallop dredge as it would with a much larger
- (21) dredge. I just want -- I'm trying to support these
- (22) guys who have been out of work for a long time and I
- (23) just hope that you can get something through here as
- (24) quickly as possible and put them back to work.

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- (1) CHAIRMAN BRANCALEONE: Bill Amaru.
- (2) BILL AMARU: Mr. Chairman, this issue
- (3) is becoming increasing contentious. It was never my
- (4) intention to jeopardize even one hour of fishing time
- (5) for fishermen who need to go into this fishery. So,
- (6) because of the complexities and the review process and
- (7) the information that's necessary, I'm going to
- (8) withdraw the motion with the consent of the seconder;
- (9) but I would hope that we can start a process that will
- (10) accommodate all the needs according to the rules and
- (11) move forward with it at a future date.
- (12) CHAIRMAN BRANCALEONE: Okay. Motion is
- (13) withdrawn if the seconder agrees. Harriet?
- (14) HARRIET DIEDRICKSON: I have a question
- (15) as to how quickly, like Maggie says, on the process.
- (16) I'm sure the most urgent thing of these fishing
- (17) people, like all of us, is to get the money today and
- (18) pay the bills and we're talking small boats, I'm sure
- (19) they're looking at the weather and it's getting more
- (20) difficult for them. If you were to accept the first
- (21) language they had and then the second set of language
- (22) with the wider area was considered a first hearing
- (23) today, then perhaps they could go fishing with the
- (24) first language, the second language could be in motion

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- (1) with the first hearing today and they'd save time. At
- (2) least they'd be able to fish. Some fishing is better
- (3) than none, I would think, as a fishing person; and the
- (4) other could be in the works and if that materialized,
- (5) of course, more ground is better. And if it didn't,
- (6) at least they could get out and have some production.
- (7) Is that acceptable to the National Marine Fisheries
- (8) that today could be a first hearing on revised
- (9) language as a new proposal so that they could save as
- (10) much time and move along?
- (11) DR. ANDY ROSENBERG: Well, this
- (12) wouldn't be the first -- this would be initiating a
- (13) Framework action. I can't say I support it, just
- (14) because you're doubling the amount of work to do this
- (15) and that's the discussion we just had.
- (16) HARRIET DIEDRICKSON: I realize that.
- (17) DR. ANDY ROSENBERG: But if the Council
- (18) chooses to initiate a Framework, the Council can
- (19) choose to initiate a Framework at this meeting,
- (20) discuss it as two subsequent meetings. It has to be
- (21) announced at two meetings. So that means the December
- (22) meeting -- if you did that, the December meeting would
- (23) be the first and -- do you have a January meeting?
- (24) The January meeting would be the second. The staff

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- (1) would have to do the same work again to -- for the
- (2) additional area and then we'd have to go through the
- (3) same review. So, I think the answer to your question
- (4) is can they do that, yes. Do I -- you didn't ask me,
- (5) but do I encourage it, no.
- (6) HARRIET DIEDRICKSON: Right. I
- (7) understand what you're saying because I'm -- like
- (8) Maggie, trying to support -- months can mean the
- (9) difference if a person keeps their boat, now it's
- (10) Christmas and -- thank you.
- (11) CHAIRMAN BRANCALEONE: Eric Smith.
- (12) ERIC SMITH: Just as an end to that, I
- (13) think Bill's intent -- his comment and intent as
- (14) Harriet was coming up was that we look at this issue
- (15) for the future to reconcile the area, but the document
- (16) -- to be clear now, the document Framework Adjustment
- (17) Number 21, I will move that the Council approve that
- (18) for submission to the National Marine Fisheries
- (19) Service and to be considered as a final rule.
- (20) UNIDENTIFIED SPEAKER: Seconded.
- (21) CHAIRMAN BRANCALEONE: Discussion on
- (22) the motion? Barbara Stevenson?
- (23) BARBARA STEVENSON: Well, I had this
- (24) question before. What areas -- if we pass this

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- (1) motion, what areas can a general category scallop
- (2) vessel then not be able to fish in?
- (3) DR. ANDY ROSENBERG: Anywhere outside
- (4) that small mesh exemption area, which I believe Kathi
- (5) gave you a copy of a chart.
- (6) BARBARA STEVENSON: But, no, my
- (7) question is is there a Mid-Atlantic exemption?
- (8) DR. ANDY ROSENBERG: West of 72-30,
- (9) yes. Southern New England, no, I don't believe so.
- (10) BARBARA STEVENSON: Okay. So, they
- (11) couldn't fish outside and they couldn't fish in
- (12) southern New England and maybe -- okay, that clarifies
- (13) to me where they can't fish and maybe in some future
- (14) action we should look at coordinating the whole thing.
- (15) CHAIRMAN BRANCALEONE: Further
- (16) discussion on the motion? Rodney? No? Jim? John
- (17) Williamson.
- (18) JOHN WILLIAMSON: I was just talking to
- (19) a couple fellows out in the audience to try to get a
- (20) better sense of this. It is -- apparently it is
- (21) critical to some of these scallopers in Maine that
- (22) this -- opportunities be opened up to them by the
- (23) month of February. So, if adding Bill Amaru's motion
- (24) to this process is going to slow things down, then we

- (1) shouldn't be doing it.
- (2) BILL AMARU: I withdrew it.
- (3) JOHN WILLIAMSON: Hum?
- (4) BILL AMARU: I withdrew it.
- (5) JOHN WILLIAMSON: You did? Oh, I
- (6) missed that. I was out there talking. Sorry.
- (7) ERIC SMITH: The unfortunate thing is
- (8) he withdrew it with the understanding that it needed
- (9) to be done as soon as possible, like in December, and
- (10) if we had had that motion in there, it probably could
- (11) have been done by mid-January, which is within your
- (12) February date. Now, if we can save Andy's staff the
- (13) burden of two very similar Frameworks and at the
- (14) expense of taking another half-hour of our time, if
- (15) what John has said comports with what the people in
- (16) the audience feel, that they really need the
- (17) opportunity in February, we should try and solve that
- (18) one, too, because it's economical to do it. But I
- (19) heard those guys saying, you know, I got to get out
- (20) there in December. So, I'm getting mixed signals now.
- (21) DR. ANDY ROSENBERG: I'm going to go by
- (22) what I heard the fishermen said. He started in March,
- (23) thought he was going to be fishing in August, and he's
- (24) still waiting. So --

- (1) ERIC SMITH: Okay.
- (2) CHAIRMAN BRANCALEONE: The motion is on
- (3) the floor. Discussion on the motion?
- (4) (No response audible.)
- (5) CHAIRMAN BRANCALEONE: Ready for the
- (6) question? All those in favor, signify by saying aye.
- (7) (Response.)
- (8) CHAIRMAN BRANCALEONE: Opposed?
- (9) (No response audible.)
- (10) CHAIRMAN BRANCALEONE: Abstentions?
- (11) UNIDENTIFIED SPEAKER: Abstain.
- (12) CHAIRMAN BRANCALEONE: Motion carries
- (13) with one abstention. Your show.
- (14) JIM O'MALLEY: Take a deep breath, Mr.
- (15) Chairman, now that we've gotten those minor technical
- (16) rubber stamp quick discussions out of the way. Let me
- (17) tell you what my perception is of the scallop
- (18) discussions that have gone forward so far, Mr.
- (19) Chairman. And I'm doing this in hopes that the
- (20) Scallop Committee can carry out its work as quickly as
- (21) possible and come back to the Council with a document
- (22) that they will find readily acceptable.
- (23) One of the things that's going on in
- (24) the committee right now -- in my perception, I've been

- (1) a member of the committee and in the audience before
- (2) that -- is that there are raging policy disputes going
- (3) on and I'm not sure that the committee has as its job
- (4) setting policy. I would prefer to view the committee
- (5) as a technical group whose job is to find ways to
- (6) carry out Council policy.
- (7) The reason that I bring this up is that
- (8) in all of the issues surrounding the next amendment,
- (9) which will have to do with consolidation, there are a
- (10) number of doors which are still open on the extremes
- (11) which may be legally possible, but which this Council
- (12) in fact may not ultimately wish to consider, and if
- (13) the Council could give some sense of its policy, then
- (14) the committee could go ahead in preparing a public
- (15) hearing document which would be realistic and would in
- (16) fact reflect some of the things that are likely to
- (17) happen.
- (18) Let me give you an example, if I may.
- (19) Let's say for example that we go out to public hearing
- (20) with a proposal for consolidation. The Council has
- (21) talked about that for a long time. I believe it's
- (22) incumbent upon this Council to say at the very
- (23) beginning what would then happen to vessels which are
- (24) rendered surplus in that fishery through

- (1) consolidation, because someone going to a public
- (2) hearing or now going through these discussions in
- (3) committee might be a supporter of consolidation until
- (4) you told him that he could or could not go mackerel
- (5) fishing with the now surplus vessel.
- (6) So, I have a couple of things and I'm
- (7) not asking for Council policy to be decided, but I am
- (8) asking for an indication perhaps of what the Council
- (9) will not consider. And if we could trim off the
- (10) extremes of the debate and do it by noontime, then I
- (11) believe that the committee will be able to do its work
- (12) much more effectively.
- (13) In terms of consolidation, I see three
- (14) issues. Not at all is one extreme and freely
- (15) transferrable individuals transferrable days is the
- (16) other extreme. Right now, that discussion is raging
- (17) at the committee level and will be carried into public
- (18) hearings. If the Council has no intention of
- (19) permitting consolidation, or if the Council has no
- (20) intention of going all the way to transferrable days,
- (21) it would be of tremendous help to hear that now.
- (22) The second group of questions, and I've
- (23) prepared this a little bit with General Counsel, has
- (24) to do with the notion of surplus vessels. They might

23 September 1996

Ms. Patricia Fiorelli
New England Fishery Management Council
5 Broadway
Saugus, Mass 01906-1097

Subject: Landing and bycatch statistics to be used toward assessment of current restriction on General Category sea scallop permits

Hells!

Dear Pat,

Enclosed is a compilation of dredge landings from F/V My Marie, fishing permit #320011, for the years 1992 through the middle part of this summer. These landings were obtained using a combination of both New Bedford and Provincetown style dredges, 8 feet and 10 feet in width, with the regulated ring size necessary at the time, and include a fairly wide range of specific areas within the Gulf of Maine including those on and near Stellwagen Bank, Jeffreys Ledge, and Fippennies. I have not annotated these landings as to dredge width used during particular trips or years or to area. Some other (older) data was just not in my files. Missing specific data (totalling < 10% for 92,93) was reconstructed from trips on either side of these data "holes". For instance my records might show combined yellowtail and monktail amounts and the reporting slip was not on file, yet a dollar amount remained on the settlement for total fish sold. Prices and relative catches during that time were known, so a reasonable estimate could be made.

The enclosed sheet is perhaps somewhat dense and the information unclear. It was for my own use and is sent "as is" but will, I trust, suffice for this exercise. I will call next week and walk you through the rows and columns as necessary and can modify to suit.

Regards,

Richard Taylor

RRTaylor
F/V My Marie
Box 7002
Gloucester, Mass 01930
508.281.3146

cc: Pitt
CBK
Council (9/30)

Summary of Landings Records

Yr	# Scallop Meats	# Scallop Live	#Equiv Scallop Total @ 400# = 50 bu	# MSP By	# Monk Tails	# Monk Live (x3)	# As Landed	# as if Scallop Meats only	# Equiv Whole	# Equiv includ. Discard
32	27,476 <u>1,069</u> 28,545	6,683	178,406 178,406	1,651 3,302	5,435	16,305 32,610	41,245	35,631	196,362	214,318
						Multispecies % Monkfish %	4.00% 13.18%	4.63% 15.25%	.84% 8.30%	1.54% 15.22%
33	6,167 <u>1,899</u> 8,066	11,868	50,412 50,412	922 1,844	1,045	3,135 6,270	20,002	10,033	54,459	58,526
						Multispecies % Monkfish %	4.61% 5.22%	9.19% 18.38%	1.69% 15.67%	3.15% 21.63%
34	No landings									
35	3,763 <u>157</u> 3,920	984	24,503 24,503	156 312	1,814	5,442 10,884	6,717	5,890	30,101	35,699
						Multispecies % Monkfish %	2.32% 6.03%	2.65% 3.12%	.52% 18.08%	.87% 30.49%
36	1,124 <u>32</u> 1,156	200	7,225 7,225	48 96	156	468 936	1,528	1,360	7,741	8,157
						Multispecies % Monkfish %	3.14% 10.21%	3.53% 11.47%	.62% 6.05%	1.18% 11.47%
Totals	38,530 <u>3,157</u> 41,687 (1,042 bags)	19,735	260,544 260,544	2,777 5,554	8,430	25,440 51,320	69,472	52,894	288,863	317,418
						Multispecies % Monkfish %	3.99% 12.13%	1.45% 15.94%	.96% 8.81%	1.75% 16.16%

@ 16#/tray=2,605 trays=260,544 # = 100%

@ 10#/tray=4,169 trays=416,870 # = 160% =>Total catch 472,744#

@ 12#/tray=3,474 trays=347,392 # = 144% =>Total catch 378,386#

1.17%
1.37%

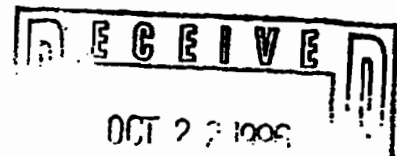
Central Issues

1. Definitions, terminology, and assumptions
 - A. 400#=50 bushels, how many #/bushel? see pages xx, secs xx, new CFR 648, for tote = 100# = 70liter, and 5 bu = 176.2liter and, thus 1 bu = 35.24 l = ~1/2 tray = ~50#
 - B. Multi regs "total catch" vs. Scallop regs "catch landed"
 - C. Total catch to include rocks, seaweeds, starfish, cucumbers, sanddollars, shells, crabs etc?
2. Area of Operations and gear configuration
3. Reason for request
4. Applicability of this request and determination to other vessels fishing activity



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Southwest, MA 01986

October 18, 1996



MEMORANDUM FOR: Chris Kellogg, Acting Executive Director
New England Fishery Management Council

Peter Colosi
FROM: Peter Colosi, Division Chief
Fishery Analysis Division

SUBJECT: Scallop Exemption Request

Per your request, I am forwarding a copy of the subject Scallop Exemption request we received from Phil Coates, Robin Alden, and John Nelson. Please call if you have questions.

cc. Stanley Wang





PHILIP G. COATES
DIRECTOR

The Commonwealth of Massachusetts

*Division of Marine Fisheries
Leverett Saltonstall State Office Building
100 Cambridge Street
Boston, Massachusetts 02202*

727-3193

October 2, 1996

Dr. Andrew Rosenberg, Regional Director
National Marine Fisheries Service
1 Blackburn Drive
Gloucester, MA 01930

Dear Dr. Rosenberg:

In August we formally requested that you certify the Type 1 General Access permit Gulf of Maine scallop fishery as an Amendment 7-exempted fishery because the fishery has a regulated species by-catch of less than five percent. We noted that the boundaries of the area should be the same as the Gulf of Maine Small Mesh Exemption Area, possession of multispecies finfish should be prohibited, and exempted gear should be scallop dredges no wider than 10'6" (single or combination).

To further support our request, we have attached signed statements by State of Maine fishermen that they have never had a by-catch of regulated species greater than 5% (more statements are expected). These fishermen's experiences are supported by observations of Maine DMR biologists of fish taken by scallopers fishing with dredges in nearshore areas (6 miles or less). By-catch, if any, is extremely low. We also provide a list of general category scallopers with a Massachusetts Coastal Access permit to fish in state waters. It is our understanding that Gloucester fishermen already have sent you information about their lack of or very small, less than 5% by-catch.

Unfortunately, the NMFS sea sampling efforts don't provide any information regarding by-catch on these small scallopers in state waters or nearby federal waters. For Area 514, including Massachusetts and Cape Cod Bays, only large, trip vessels using 15' wide New Bedford style dredges have been sampled, although very infrequently. Manomet has never sampled the general permit scallopers.

In conclusion, although there isn't much sea sampling information to document less than 5% by-catch of regulated species, relying primarily on fishermen's experience and some state biologists' observations, we are confident that the exemption is justified. We therefore urge you to grant the exempt status. We ask that this approach be used in lieu of an experimental fishery approach that is not timely, e.g., 60 day application lead time.

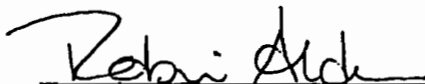
We prefer to rely on the aforementioned experience and observations. Nevertheless, we will commit to some sea sampling effort on exempted vessels. This will demonstrate our willingness to assist NMFS improve its understanding of this small vessel fishery for scallops.

Thank you for timely consideration of this request.

Sincerely,



Philip G. Coates, Director
Mass. Division of Marine Fisheries.



Robin Alden, Commissioner
Maine Dept. of Marine Resources



John Nelson, Chief
Marine Division, N.H. Fish and Game Dept.

3+1	263181	SANDWICH BASIN	LUNEDI MICHAEL M
AEPOMARI	558760	SCITUATE HARBOR	AERO MARINE
ALISON MARIE	228091	WELLFLEET HARBOR	STORER TOBIN A
ALOSA	558858	PLYMOUTH	GOOD JOHN J
ALWA	248540	FAIRHAVEN	EGGLESTON HARRY R
ALYSSA & ZAC	566708	NEW BEDFORD	ALYSSA & ZACKERY (A. ANTONIO)
ANCORA PRAIA	292750	PROVINCETOWN HBR	LOMBA FERNANDO S
ANDREA J	656114	BOSTON HARBOR	F/V EXACT
ANGELINE	228279	NEW BEDFORD	FREITAS, JR FRANK D
ANN MARIE	604396	SANDWICH BASIN	POLCHLOPEK GENE W
ANTONIOJORGE	534684	PROVINCETOWN HBR	DIAS MANUEL F
ARIANNA	608201	GREEN HARBOR	HEBERT JR DONALD
ASHLEY MARIE	253380	WELLFLEET HARBOR	BRUNDAGE ROBERT L.
BANTRY BAY	MS4555AZ	GLOUCESTER HBR	MURPHY WILLIAM P
BETSYGALS II	599707	SANDWICH BASIN	BORJESON GILBERT J
BETTY B	244430	SANDWICH BASIN	FRANCIS PAUL F
BIG FOOT	566898	WELLFLEET HARBOR	DAVIS ERNEST R
BLUE SKIES	273326	PROVINCETOWN HBR	CHAO JOSE J
BOAT ST MARY	261417	GLOUCESTER HBR	SPINOLA EMILIO S
BOBCAT	556714	NEWBURYPORT	SHEEHAN ROBERT F
BRENDA L	610005	NEW BEDFORD	F/V BRENDA LOUISE
BYEPROD	247024	BOSTON HARBOR	VERRISSIMO JOHN D
CAPER	534097	GREEN HARBOR	TOPHAM RICHARD S
CAPT CRUZ	507384	NEW BEDFORD	CRUZ FISHING CORP.
CAPT LEO	635378	GLOUCESTER HBR	MIONE LEONARD F
CAPT DUTCH	532494	BOSTON HARBOR	SHERMAN RUSSELL A
CAPT'S MISTR	240097	SALISBURY	EARLEY RICHARD P
CARLA BEE	246616	PROVINCETOWN HBR	RODRIGUES CARLOS M
CAROL R II	602299	LEWIS BAY/HYNNIS	ROSS JR. RAOUL D
CAROL&SHERRY	254064	WELLFLEET HARBOR	BERRIO JR. EDWIN C
CD	962530	SESUIT HARBOR	MANNING JAMES L.
CHARLIE III	MS9458AB	SCITUATE HARBOR	BEAN JR. CHARLES A
CHARLOTT	263672	PROVINCETOWN HBR	SOUZA HENRY J
CHEROKEE	MS1185HT	MATTAPOISETT	ELEN PETER
CHERYL ANN	610571	SCITUATE HARBOR	GUSTAFSON RONALD P
CHICO JESS	225070	PROVINCETOWN HBR	VICENTE FRANCISCO A.
CHRISTA LEE	274272	PLYMOUTH	BEAN, JR CHARLES A
CHRISTOPHER	576190	SCITUATE HARBOR	BOAT KATHLEEN A. MIRARCHI INC.
CONDESTAVEL	507708	NEW BEDFORD	TAMANO FISHING CORP.
CONNIE F	243698	NEW BEDFORD	LUAL INC.
CRISTEN	536589	CHATHAM HARBOR	TOLLEY, JR WALTER
DANMULLINS	223558	NEW BEDFORD	FERGUSON DANIEL E
DEBBIE ROSE	240368	NEW BEDFORD	SWEENEY JOHN B
DEBORAH JEAN	MS2098D	OUT OF STATE	BLAKE MERRILL H
DEBRA ANN II	652947	SALISBURY	METIVIER PAUL R
DESPERADO	MS6167KH	GREEN HARBOR	KRYZEWSKI PAUL T
DESTINY	691669	GREEN HARBOR	UNANGST PAUL S
DIXIE II	686029	PROVINCETOWN HBR	WOODS JOHN R
DORADO	660604	WAREHAM	MOSES ALAN W
DRAGON	507619	NEW BEDFORD	ARNIE'S FISHERIES INC.
DREAM WEAVER	600332	GREEN HARBOR	BRAZAO PHILIP C
EARLY TI	689215	NEWBURYPORT	CONNORS DANIEL E
ELIZABETH	528321	NEW BEDFORD	F/V ELIZABETH
ELIZABETH	246192	WELLFLEET HARBOR	PIERCE JR GEORGE G
EMILY ROSE	955822	GREEN HARBOR	HAVILAND JOHN D
EQUINOX	MS2011KA	WOODS HOLE	DOWD THOMAS H
ERMINATOR	606127	PIGEON COVE	THERIAULT PAUL A
EXPLORER II	621654	GLOUCESTER HBR	ALL TRAWL, INC.
FIRST LITE	MS6512HT	PROVINCETOWN HBR	STEFANI NICIO A

NAVIATOR	293217	WELLFLEET HARBOR	MERRILL RICHARD J
NET PROFIT	575937	BOSTON HARBOR	CIARAMITARO JOSEPH
NORMAN SCOTT	250202	BOSTON HARBOR	SCOTT KEITH R
NORTH ST	508746	GLOUCESTER HBR	NOTO SALVATORE
OCEAN BIRD	229294	WELLFLEET HARBOR	F/V OCEAN BIRD
OCEAN HUNTER	675834	WESTPORT	MELLO KEVIN M
ODESSA	554354	GLOUCESTER HBR	CROSSEN WILLIAM P
OVERDRAFT	565882	CHATHAM HARBOR	ARMSTRONG CHRISTOPHER E
PAT SEA	253299	BOSTON HARBOR	FORTUNE CHRIS K
PATCHES	MS9535KH	GLOUCESTER HBR	YOUNG KRISTOPHER M
PAULI GI	583663	NEWBURYPORT	GRAF ANTON D
PEDLAR	248028	FAIRHAVEN	DIXON WALTER H
PHOENIX	648427	BOSTON HARBOR	J.M. PHOENIX CORP. (J. CORREIA)
PHOENIX	605288	GREEN HARBOR	BARRETT EDWARD J
PILGRIM MAID	295844	FAIRHAVEN	POWER TIMOTHY J
PLAYTIME	596829	NEW BEDFORD	AVILLA FRANK
POP EYE	910562	SANDWICH BASIN	PHILLIP MICHAUD INC.
POTPOURRI	542005	NEW BEDFORD	BETTY ANN INC.
PRETTY G	602979	SWAMPSCOTT HBR	WILLIAMS LOUIS D
QUITSA STRID	594444	MENEMSHA	MAYHEW JONATHAN
RESOLUTE	264876	FAIRHAVEN	PEASE SANDRA J
RHUMBOOGIE	572573	PIGEON COVE	POLISSON JASON
RIPPER	251218	BOSTON HARBOR	PHANEUF JOHN R
ROBYN ANN	973012	NEWBURYPORT	DIBLASIO RICHARD V
ROCHELLEMARI	688789	NEWBURYPORT	OUELLETTE ROBERT A
ROSE MAR	523182	GLOUCESTER HBR	ROSE MARIE INC
RUTH D	MS2912YY	GLOUCESTER HBR	DELTORCHIO, III JOHN
SAILORS CHOI	294030	GLOUCESTER HBR	LOIACANO ANTHONY P
SANDRA JEAN	276859	SCITUATE HARBOR	CROWELL PETER F
SAO JACINTO	584867	NEW BEDFORD	KAREN MARIA TRAWLING CO.
SEA LION	242014	NEW BEDFORD	J & H FISHING CORP (H. CASTRO)
SEA FARMER	619934	BOSTON HARBOR	BAY STAR FISHRIES INC
SEAROVER	275299	WOODS HOLE	KLIMM JR HENRY W
SEAWIFE	942451	SANDWICH BASIN	LAMBORGHINI WAYNE A
SECONDEFFORT	507347	PROVINCETOWN HBR	KING CHRISTOPHER W
SHELLI ROSE	261572	PLYMOUTH	PINTO PAUL J.
SHINOBI	588723	FAIRHAVEN	NORTH FLEET FISHING, INC.
SISSEL B	515618	GLOUCESTER HBR	BOYNTON EDWARD D
SKIMMER	592487	GLOUCESTER HBR	RANDAZZO ANTONIO
SPARROWII	908625	UNKNOWN	SPARROW STEPHEN J
SPECIAL K	560182	PIGEON COVE	KETCHOPULOS JOHN A
SPRAY	273544	GLOUCESTER HBR	F/V SPRAY INC. (J. SAPUTO)
STORM-N-NORM	MS1721LW	NEWBURYPORT	LECOURT NORMAN D
SUNDANCE	649786	SESUIT HARBOR	SULLIVAN JOHN F
SURVIVAL	600104	GREEN HARBOR	SCOLA KEVIN M.
TAFFY	985374	PROVINCETOWN HBR	SILVA, JR. EDMUND M
TANYA LYNNE	257633	GLOUCESTER HBR	PARISI PETER
TT GILLI	509563	NEW BEDFORD	AVILA GILBERT
TWIN OBSESSI	627955	GREEN HARBOR	LYNCH STEPHEN A.
TWO SONS SALS	511465	PROVINCETOWN HBR	F/V MARIA ISABEL CORP (J LOMBA)
UNICORN	509574	MENEMSHA	MAYHEW GREGORY
UNICORN	MS4283AG	GREEN HARBOR	TOWER RICHARD E
VERI AMICI	505205	FAIRHAVEN	BRUNO ROBERT
WEB	617749	GLOUCESTER HBR	MINEO ALFONSO
WHITE LADY	520736	NORTH RIVER	ROZEN RICHARD J.
WIND & SPIRIT	654942	GLOUCESTER HBR	PARCO JOSEPH S
YANKEE ROSE	269889	SCITUATE HARBOR	CROWELL PETER F.

FOUR C'S	MS8075TT	SALISBURY	COPPOLA RICHARD
FOUR KIDS	573996	FAIRHAVEN	ELENIEFSKY ROBERT A
FRANCES	246270	PLYMOUTH	ARNOLD DAVID A
FRANKIE JOE	617334	BOSTON HARBOR	PHANEUF JOHN A
GAILWIND	MS3506AE	SALISBURY	AMODIO JAMES P
GALE	265460	PROVINCETOWN HBR	VASQUES JOHN T
GERTRUDE Z	563999	BEVERLY HARBOR	ZDANOWICZ MICHAEL W
GIOVANNA	653209	GLOUCESTER HBR	SANFILIPPO JOHN
HALF FAST	562353	SCITUATE HARBOR	ROZEN RICHARD R.
HEATHER DAWN	279826	UNKNOWN	ROCHE BRIAN M
HEIDI-ROSE	605062	SCITUATE HARBOR	ZUCKER DENNIS N
HELEN S III	532240	GLOUCESTER HBR	F/V HELEN S III
HONI DO III	MS3258HC	CHATHAM HARBOR	FARNHAM G.M.
HUNTER	283543	GLOUCESTER HBR	BALBO ACCURSIO
I'M ALONE	577051	CHATHAM HARBOR	TALLMAN BRADFORD L
INTREPID	226067	SANDWICH BASIN	ANDERSON ARNE O
INTRUDER	MS4226AG	GLOUCESTER HBR	GALLAGHER ALTON
IWO JIMA	MS7313HD	UNKNOWN	EDIC THEODORE C
JACK BLACK	669058	EAST BOSTON HBR	VIDIANOS ARISTIDIS
JAMES BAY	573593	SANDWICH BASIN	TAYLOR JAMES S
JENASARA	528041	BOSTON FISH PIER	ST. MARTIN RENE J
JESSICA	577360	LEWIS BAY/HYNNIS	ROSS RAOUL D
JIMMY BOY	251370	PLYMOUTH	ST. MICHAEL FISHERIES (JLISBON)
JOAN & TOM	255494	PROVINCETOWN HBR	SILVA ALFRED J
JOANNE A	655451	CHATHAM HARBOR	AMARU WILLIAM H
JOSEPHINE G	269257	PROVINCETOWN HBR	JACKETT ANTHONY R
JUST A GIRL	255203	NEW BEDFORD	THORPE JAMES E
KAREN ANNE	MS8070AM	NEWBURYPORT	ATHERTON PETER A.
KELLY MARIE	509430	NEW BEDFORD	F/V KELLY MARIE
KID-N-ME	647841	FAIRHAVEN	INGHAM WAYNE S
KIM ANN	550665	BOSTON HARBOR	KIELB STANLEY R
KIMBANDA	253421	NEW BEDFORD	KIMBANDA FISHING CORP.
KIMBERLEEN	264490	NEW BEDFORD	FIGUENICK MICHAEL
KRISLYN	504120	BOSTON FISH PIER	STEVERMAN PAUL J
LADY ELAINE	MS4732AB	PIGEON COVE	O'CONNELL DENNIS C
LIBERTY	620799	UNKNOWN	LOGRANDE MATTEO
LIBERTY	239648	PROVINCETOWN HBR	MACARA JACQUES R
LIBERTY II	246248	BOSTON HARBOR	WECKESSER JOHN J
LINDA B	259018	GLOUCESTER HBR	TESTAVERDE JOHN S
LITTLE INFAN	500909	PROVINCETOWN HBR	COSTA GERALD J
LITTLE NATAL	239614	PROVINCETOWN HBR	LOMBA ISSAC DA
LITTLE S	250185	GLOUCESTER HBR	LO GRANDE MICHAEL J
LITTLE DREAM	612560	FAIRHAVEN	T & W FISHING, INC.
LUSSIN	237287	SANDWICH BASIN	LYNAM FISHERIES (G. LYNAM)
MARINA ROSE	MS7175	PIGEON COVE	FISHER ROBERT F
MARK & BRUCE	274782	DARTMOUTH	FRYER SCOTT E
MARY ALICE	554592	GLOUCESTER HBR	HILSHEY, JR RAYMOND H
MARY W	520204	WESTPORT	DAVOLL CURTIS A
MARY VER	519489	MENEMSHA	MORGAN JAMES D
MARYANN7	264141	SANDWICH BASIN	GRASSER JOAN
MAUREEN	249742	GLOUCESTER HBR	MILITELLO SANTO
MILL POINT	272808	BOSTON HARBOR	DECONINCK MICHAEL
MISS AMANDA	547085	GLOUCESTER HBR	SCOLA HEIDI A
MISS KIM	283707	SCITUATE HARBOR	ADAMS GEORGE V
MISS LIZ	517865	SCITUATE HARBOR	SMITH FISHERIES INC
MS SANDY	554149	GLOUCESTER HBR	TAORMINA FISHING CORP
NANCY CHRIST	594179	FAIRHAVEN	INGHAM BRUCE W.
NANCYCHRISTI	656088	BOSTON HARBOR	INGHAM BRUCE W.
NAUSET	666529	PROVINCETOWN HBR	FRANCIS, JR JOSEPH W

SIGNED STATEMENTS AVAILABLE AT COUNCIL OFFICE