#5

WRITTEN COMMENTS ON AMENDMENT 11 DSEIS
(Deadline for comments June 11, 2007)

Comment #	Date Received	Name	City, ST
BATCH 1	**COMMENTS RECEIVED BEFORE COUNCIL MAIL DATE (FRIDAY, JUNE, 8)**		
1	4/30/07	B. Sachau	Florham Park, NJ
2	5/18/07	Donald A. Williams III	Owls Head. ME
3	5/21/07	Patricia Kurkul, NMFS	Gloucester, MA
4	5/26/07	Kenneth Ochse	
5	5/28/07	Maggie Raymond, AFM	S.Berwick, ME
6	5/30/07	G.C. Dean	Ocean City, MD
7	5/30/07	Edmund Blane	Seaville, NJ
8	6/3/07	Maine DMR public hearing notes	Portland, ME
9	6/3/07	Fisheries Survival Fund	Washington, DC
10	6/4/07	David Tedford	Chester, MD
11	6/4/07	James Gutowski	
12	6/5/07	Atlantic Capes Fisheries Inc.	Cape May, NJ
13	6/6/07	Scott Bailey	
14	6/6/07	Nordic Fisheries, Inc.	New Bedford, MA
15	6/6/07	Ray Trout	Lewes, DE
16	6/6/07	Stanley Pritchett	Cambridge, MD
17	6/6/07	James Fletcher	Manns Harbor, NC
18	6/6/07	William Anderson	Trescott, ME
19	6/6/07	Michael Welch	
20	6/7/07	Ralph Dennison	
21	6/8/07	Mike Skarimbas	Montauk, NY

Woneta M. Cloutier

#1

From: Deirdre Boelke
Sent: Thursday, May 24, 2007 10:09 AM
To: Woneta M. Cloutier
Subject: [Fwd: ublic comment on federal register of 4/30/07 vol 72 #82 pg 21226]

-------- Original Message --------
Subject: ublic comment on federal register of 4/30/07 vol 72 #82 pg 21226
Date: Mon, 30 Apr 2007 07:46:16 -0400 (EDT)
From: Bk1492@aol.com
To: Scallop.Eleven@noaa.gov, americanvoices@mail.house.gov, comments@whitehouse.gov, vicepresident@whitehouse.gov

doc noaa id 042507A - new england fishery mgt council

cut all quotas by 50% this year. cut them each year thereafter by l0%.
stop catering on ly to commercial fish profiteers, and relying on the fake information they provide to you (it is only done so they can continue raping the ocean).

the interests of our children are being severely compromised.
b. sachau
15 elm st
florham park nj 07932

****

#2

Donald A. Williams III
58 Granite Point Drive
Owls Head, ME 04854

Patricia Kurkul, Regional Administrator, National Marine Fisheries Service
Northeast Regional Office
1 Blackburn Drive
Gloucester, MA 01930

cc Maine Senator Olympia Snowe
cc Maine Senator Susan Collins
cc Maine Congressman Tom Allen
cc Maine Congressman Mike Michaud
cc Terry Stockwell, Maine Department of Marine Resources

Tuesday, May 15, 2007

Comments on Scallop Amendment 11

Dear Ms. Kurkul,

I am writing in response to pending action on the New England Fishery Management Council (NEFMC) concerning Scallop Amendment 11, specifically pending changes to the allocation of the General Category fishery.

I am a commercial fisherman from a small town in Maine. I have a state lobster license as well as a Federal Area 1 lobster permit and currently I also have a General Category 1B, 400lb VMS scallop permit. After fishing through high school in a small skiff, I went to college and after graduation, I financed my first full-time fishing boat to go lobstering. After three years, I was able to pay this boat off, and last spring I had a new boat built. My intent was to fish for lobsters, both inshore and offshore, and to go scalloping in the winter/spring. To this end, when I financed my new boat, I also included equipment to go scalloping- dredge, winches, etc. I applied for a 400lb permit and also invested in a Boatracs VMS unit. Since this time, I have not yet been scalloping with the permit, due to the uncertainty of its future. I have however, complied with all reporting requirements and have kept my VMS active while awaiting final ruling on the General Category issue. Recently I was just re-issued my permits for 2007.

My concerns currently are that implementation of new rules for the General Category fishery within Amendment 11 will shut me out of the fishery. I do not qualify under any of the proposals the council has put forth in the final draft, other than the no action alternative; I was issued a license after the control date of November 1, 2004. Therefore, depending on when the rules are finally enacted, a license I already possess will be taken from me due to an arbitrary date established by NEFMC.

I believe that this is completely unfair and these are my reasons. The scallop fishery has a long

history of small boats from Maine. Before there was ever limited access and general category fishing, boats and men from Maine sailed all over the East Coast in search of scallops to feed their families. My father did so when he was my age, and his father before him lost his life on a scallop boat when they towed up a mine from World War II and it exploded, killing nearly all on board. Regulations have changed the industry. It no longer is the traditional small boat fishery of my father's time. What has not changed however is the need for people such as me to have alternatives in the fishing industry. As more and more species come under federal regulation, it is nearly impossible to diversify and participate in other fisheries. It is hard for self-employed fisherman such as myself to not feel like the deck is stacked against us. We do not work for corporations or have multiple vessels to supplement our income. I have one boat and one very large payment that requires me to fish year round. I need this license to supplement the down time between lobstering seasons. My whole livelihood has been invested in the hopes of using this license, and now I am in fear of losing it.

I also take issue with some other comments and proposals being presented. There has been uproar within the limited access fishery over the total share that the general category fishery will receive each year. Proposals have ranged from 2-11% of the total allowable catch for a given year. Firstly, the amount of scallops that I am going to catch using this permit in a year will not even be close to what one boat on one trip in the limited access fishery can catch. They have a year-round focused effort in very large boats. I am trying to use this permit to scallop when I cannot go lobstering. These are two examples of completely different effort, and I believe this should be considered.

Secondly, in section 3.1.6 of Amendment 11 there are proposals to allow limited access boats to continue fishing under the general category license. It is unbelievable to me that the council is proposing to take my license and continue to allow boats who have already been issued limited access to also fish within the general category fishery. Once again, it seems on the surface that the council is more concerned with allowing limited access boat owners all they want at the expense of traditional small boat fisherman. How can the council take from the small boat fisherman and give to large boat limited access companies? Is there not a conflict if these boats can fish in the limited access fishery and as soon as their days are used up, switch to the 400lb general category fishery? Is this not an issue of allocation not conservation?

In conclusion, what I am asking of you is to allow me to keep a license that I already have. I am asking the New England Fishery Management Council to reconsider the criteria for eligibility. I am asking you to help preserve this traditional small boat fishery for me and others in my situation. While to the large scallop fleet owner in New Bedford, my wish to be included in this fishery may not seem important or even relevant, it is important to me. I have invested time, money, and my future in the hopes of participating in this fishery. I hope that this chance will not be taken from me. Thank you for your time.

Sincerely Yours,

Donald A. Williams III

Donald A. Williams III

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

#3

MAY 21 2007

John Pappalardo, Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear John:

Staff in the Regional Office and Northeast Fishery Science Center (NEFSC) have completed their review of Draft Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 11) and the Draft Environmental Impact Statement (DSEIS). Amendment 11 is a challenging undertaking to control capacity and mortality in the general category scallop fishery. Reviewers commended the New England Fishery Management Council (Council) and its staff for completing a very complex document that provides a comprehensive overview of the issues and impacts of Amendment 11.

I urge the Council, as it selects measures to be adopted for inclusion in Amendment 11, to make efforts to minimize the complexity of the amendment and to keep in mind that implementation of Amendment 11 will require effective and efficient monitoring and compliance measures. Also, as with any allocation, the Council must clearly articulate the rationale for its allocation decisions.

Limited access criteria

I urge the Council to consider the implications of adopting limited access qualification criteria that are overly liberal in qualifying vessels. There would be allocation implications of allowing a relatively large number of vessels to be active in the general category fishery. Liberal qualifications criteria penalize legitimate participants with a current dependence on the fishery. Historically, they have also led to the Council needing to take additional and often, more painful action in the future.

Accounting for incidental catch

Amendment 11 includes incidental catch alternatives allowing vessels to fish for scallops without qualifying for a scallop permit or allocation, or without any federal scallop permit (the "No Action" alternative). In addition, TAC alternatives allow vessels to continue to fish "under incidental rules" (i.e., for 40 lb of scallops) after the TAC is attained. However, there is no discussion in Amendment 11 of a mechanism to account for scallops that may be caught by such vessels. The Council must provide a description of how it will account for all scallop catch, and cannot leave any harvest unaccounted for in mortality estimates. Amendment 11 should specify that the Scallop Plan

cc: DR Council (5/23)

Development Team (PDT) would need to provide an estimate of incidental catch and resulting fishing mortality based on available information.

Gulf of Maine Management Area (GOM Area) Alternatives

The Council has chosen the GOM Area Limited Entry Program as a preferred alternative. As I noted during the Council discussion of Amendment 11 on April 12, 2007, the GOM Area alternatives are not sufficiently justified on the basis of conservation. The justification is largely based on the fact that the scallop resource in the area has been sporadic over time. However, one of the reasons that it has been sporadic is that it has been consistently overharvested. The proposed program essentially recommends perpetuating that trend by liberalizing the limited access qualification criteria and allowing a large number of vessels to fish on a small portion of the resource. Without the ability to monitor state waters fishing activity, the effectiveness of the federal management program in the Northern Gulf of Maine would be severely compromised. As my staff and I have repeated at numerous meetings, this measure must be consistent with conservation of the scallop resource. Currently, I do not believe that the justification and analysis of the measure support its inclusion in Amendment 11.

Measures to allow better and more timely integration of recent data

I strongly urge the Council to adopt a change in the fishing year for the scallop fishery. Without a change in the fishing year, the Council will need to continue to make decisions based on survey data that is not current. Moving the fishing year to May or August would provide timely scientific information for use in the Council's framework management process. The arguments against changing the fishing year have not been sufficiently articulated, even though the problem associated with the current fishing year and availability of survey information is clear. If the fishing year is not changed, the Council may have to use more caution than would otherwise be necessary in establishing management measures. It could also encourage complex and rigid adjustment mechanisms in frameworks (like the Elephant Trunk Access Area trip adjustment procedure included in Framework 18). Without a change in the fishing year, the Council and NOAA Fisheries Service can also expect repeated requests to modify measures every year. This fishery cannot be managed in a way that precludes deliberative consideration of annual measures and requires the Council and NOAA Fisheries Service to react to "urgent" situations.

Allocation in trips

Although the alternatives that allocate harvest in trips currently do not include broken trip provisions, I suspect that there will be support during public hearings for including a broken trip provision. A broken trip provision identical to that established for limited access vessels in access areas would result in a significant administration burden, and would be ineffective. As an example, the limited access broken trip provision occupies the majority of a full-time staff's time. In the 2007 fishing year alone, we have had 132 broken trip requests for the Elephant Trunk Access Area and 22 requests for the Hudson Canyon Access Area. The volume of broken trips increases substantially with bad weather. Each request requires verification of landings and manual entry of trip information. The volume of broken trips with general category trip allocations will be higher than access areas. While incentives for broken trips may be higher with the larger possession limits for limited access vessels in access

areas, we have been surprised that owners file broken trip forms for compensation trips that would allow less than 100 lb of scallops.

The Council could consider putting limitations on a general category broken trip provision. For example, under trip allocation alternatives, vessel owners could elect to fish under a 200-lb or 400-lb possession limit each fishing year, with the trip allocation specified accordingly.

Monitoring provisions

If the preferred alternative is adopted for allocating a portion of the overall scallop catch to the general category fleet, the general category fleet will only represent five percent of the total scallop fishery. A hard TAC may therefore be the best alternative in terms of ability to monitor and enforce the program. However, I recognize that an overall TAC presents management challenges including the potential for a derby fishery. This TAC could be divided by trimester to minimize the incentive to derby fish.

After further consideration of monitoring requirements, we do not believe that trip-by-trip reporting through the vessel monitoring system or interactive voice response system is necessary. NOAA Fisheries Service would be able to monitor the status of overall TACs using weekly dealer reports. Vessel owners and/or operators would be responsible for staying within their allocation under IFQ alternatives and would be subject to enforcement action if independent weekly dealer data showed that they landed more than their allocation.

Allocation of yellowtail flounder bycatch TAC in access areas

NOAA Fisheries Service cannot effectively monitor a yellowtail bycatch TAC specifically for the general category fleet because the yellowtail bycatch TAC for that portion of the fleet could be extremely small. For example, if the general category fleet is allocated 5 percent of the SNE yellowtail bycatch TAC, using 2007 TAC figures, it would be allocated roughly 2,300 lb of yellowtail (5 percent of the 20.8 mt yellowtail bycatch TAC). We could not administer such a TAC effectively. I therefore urge the Council to adopt 3.1.7.3.1 "No Action" for yellowtail flounder bycatch TACs.

Sectors and harvesting cooperatives

I urge the Council to adopt the sector and harvesting cooperatives alternative. It would enable industry groups to develop future proposals. This program is proving effective in the Northeast Multispecies FMP and adds a management mechanism to the Scallop FMP that could be very effective in the future.

Stacking of permits

The permit stacking discussion implies that only stacking of full permits is authorized, and only if the stacked permits will result in a total allocation less than the cap (i.e., 60,000 lb or 150 trips). The intent seems to be that stacking is permanent. The Council should clarify if this is their intent. If the Council intends to allow permanent stacking, it must specify whether or not limited access permit splitting rules apply to current limited access vessels that also qualify for a limited access general category scallop

permit.

Ownership Cap

The Council needs to specify how the 5 percent ownership cap is calculated. Is it the Council's intent that an individual can have an ownership interest in no more than 5 percent of permits or 5 percent of the allocation?

Measures to reduce incentive for limited entry qualifiers to fish for scallops with trawl gear

Alternative 3.1.2.6.4, which states "A limited access general category qualifier can fish with trawl gear, but scallops cannot be more than 5% of total regulated species onboard" is not enforceable. It is very difficult to assess the amount of fish and scallops as a percentage for at-sea or dock-side monitoring. The Office for Law Enforcement also noted that while it could enforce different possession limits (as proposed under Section 3.1.2.6.3) if vessels are issued a permit that specifies their allowance, different possession limits for different vessels would add to the enforcement burden. General category vessels that qualify to use trawl gear should be issued a permit for trawl gear, as is done for current limited access trawl vessels.

Also regarding qualifying to fish with trawl gear (Alternative 3.1.2.6.1), can a current owner who fishes with a trawl qualify for this permit if the scallop landings used for eligibility were harvested with a dredge by a prior owner? This needs to be clear.

Fleetwide Hard TACs

I am concerned about the proposal in several alternatives to use a five-year rolling average to calculate allocations for quarterly hard TACs given the nature of the fishery. It seems that unusual weather or other influences could affect landings (and therefore allocations) in subsequent years.

I hope that the Scallop Committee and Council will consider these comments at their meetings. Please do not hesitate to call me if you have any questions or concerns that you would like to discuss prior to further Committee and/or Council discussion on Amendment 11.

Sincerely,

Patricia A. Kurkul
Regional Administrator

cc: Paul Howard

Comment #4

Deirdre Boelke

From: Scallop Comments [Scallop.Eleven@noaa.gov]
Sent: Tuesday, May 29, 2007 8:08 AM
To: Deirdre Boelke
Subject: [Fwd: "comments on scallop amendment 11"]

-------- Original Message --------
Subject: "comments on scallop amendment 11"
Date: Sat, 26 May 2007 00:14:01 -0400 (EDT)
From: VOLCOMOXY22@aol.com
To: Scallop.Eleven@noaa.gov

My name is Kenneth Ochse I own and operate the Christian and Alexa. The official number is 937930. The Christian and Alexa has a fulltime limited access scallop permit. I own the vessel with my brother Arthur Ochse and it is the only vessel we own. We have both been scalloping fulltime since 1976. I have a few comments on amendment 11.

The question of should the general category be a limited entry? Yes it should ,because it has worked in the fulltime limited access fishery. Without all the regulations that came with limited access we would not be having this discussion because the scallop resource would not would have recovered where it could take the amount of effort we have seen in the past few years. The general category allocation should be set at the lowest possible percentage to insure that overfishing does not occur and the fishery becomes sustainable again. With reduced effort the resource would be rebuilt as it was before the big influx of boats. 2.5% of the tac would be a low enough number to achieve this.

To qualify for a general category permit the boats would have had to participate in the fishery before the control date and to have fished for scallops from March 1, 2003 to November 1, 2004 with at least 5000lbs of reported catch. These are the most restrictive dates and pounds but are needed to reduce effort and not greatly impact the boats that have historically targeted scallops in the general category. Also allocation should be kept to a maximum of 400 pounds per trip so as not to increase effort. By allowing more pounds this would keep the vessels on the grounds for longer periods of time which the fishery does not need..

Stacking of days or pounds on to one vessel would also increase effort and should never be allowed. One boat,one permit. It has worked for the limited access boats.

To answer the question of should the limited access vessels be allowed to possess a general category permit I will say without hesitation that they should as long as they meet the qualifications. I don't agree with the preferred alternative to qualify. I think the most restrictive measure would have the most positive effect on the overall fishery by greatly limiting the effort and insuring that the fishery remains sustainable for all that participate.

Comment #5

ASSOCIATED FISHERIES OF MAINE
PO Box 287, South Berwick, ME 03908 207-384-4854

May 28, 2007

Ms. Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930

Comments on Scallop Amendment 11

Dear Pat:

Members of Associated Fisheries of Maine (AFM) participate in the general category scallop fishery in three distinct ways: 1) a directed fishery that comprises 100% of vessel income, 2) seasonal directed fishery as an adjunct to other limited access fisheries, and 3) bycatch in the limited access groundfish fishery

3.1.7 - Allocation between limited access and general category fisheries
For the purposes of comment, AFM takes decision 3.1.7 "out of order" (in terms of its position in the SEIS) because this allocation decision is critically linked to so many other Amendment 11 decisions.

The public hearing document describes the importance of the allocation decision in this way: "Ideally this percentage would provide enough landings to be spread among various general category vessels that participate in this fishery at a variety of levels without having substantial impacts on the existing limited access fishery."

However, that "ideal" outcome is linked to several subsequent decisions, including:

- Whether or not current limited access permit holders may qualify for a new limited access general category scallop permit (3.1.6.1), and whether or not this allocation will include the future landings by these "dual" permit holders
- Whether or not this allocation will include future landings by vessels that qualify for a new limited access incidental catch permits (3.1.8)
- Number of vessels that ultimately qualify for a new general category limited access scallop permits (3.1.2.1)

If the percentage of harvest allocation includes all future landings in the general category scallop fishery by limited access general category permit holders (as defined by the Committee's preferred alternative), landings by current limited access permit holders who become dual permit holders, and landings from incidental catch permit holders, then 5% will undoubtedly be less than "ideal", and the percentage allocation should be increased to accommodate those decisions.

Comments on scallop amendment 11
May 28, 2007

3.1.2.1 Qualification criteria alternatives (for limited access general category permit)

The preferred alternative results in an estimated 459 initial qualifiers (Table 2, public hearing document), and history of limited access programs in New England suggests that this estimate will ultimately equal or exceed 500 actual qualifiers after all appeals have been exhausted.

It is clear from debate on this decision to date, that the eleven year qualifying time frame and the 1000 lb landings criteria are each supported by separate rationale, and further, the supporters of each will not be swayed, even though the combination of these two components will likely result in more qualifiers than can be ideally supported by a harvest allocation of 5%. *Therefore, if the preferred alternative is adopted, it is essential to increase the percentage of allocation harvest for qualifiers beyond the proposed 5%, so that those qualifiers most dependent on the resource are able to remain economically viable.*

3.1.2.4 Allocation of access for general category limited access qualifiers
*AFM supports 3.1.2.4.1 Individual allocation for all qualifiers (**Option A**) – allocation in pounds.*

AFM concurs with the statement in the public hearing document (page 9) that "individual allocation is the fairest strategy". AFM, however, supports allocation in pounds, rather than trips. Allocation in pounds will allow each permit holder to manage his allocation in the safest and most economical manner. Allocation in trips raises significant safety considerations. Allocation in trips, as will be explained later, also creates a dilemma for vessels that may qualify for a limited access incidental catch permit.

AFM strongly supports allocations made on an individual basis, as opposed to "equal" basis, whether in pounds or trips.

3.1.2.4.5 and 3.1.2.4.6
AFM strongly opposes a quarterly or fleet wide hard TAC for the general category harvest, without individual allocations or other restrictions to control the hard TAC.

3.1.2.5.4 Stacking of Permits
AFM supports 3.1.2.5.4.3 Allow stacking up to 60,000 pounds or 150 trips per vessel.

If, for whatever reason, none of the "permit stacking options" are forwarded with this Amendment, AFM requests that options to allow vessels to consolidate or lease allocations of pounds or trips be added to the list of items suitable for future framework action.

3.1.2.7 Sectors and Harvesting Cooperatives

AFM supports establishment of a process, in Amendment 11, to allow general category limited access permit holders to form sectors and/or harvesting cooperatives.

AFM does NOT support 3.1.2.7.2.9.1 - 20% maximum allocation per sector. A 20% limitation on allocation has no useful purpose and simply restricts the number of members within a sector.

Further the regulations that govern the formation of sectors in the multispecies plan, now allow for the Council to approve allocations in excess of 20% (see 648.87 (b)(ii) "A Sector shall be allocated no more than 20 percent of a stock's TAC, unless otherwise authorized by the Council.")

3.1.2.8 Interim measures for transition period to limited entry

AFM supports 3.1.2.8.2 Transition to limited entry alternative ***without*** *a hard-TAC.*

Imposition of a hard TAC on the general category fleet, without measures to control the harvest, will result in a derby-style fishery with consequent negative results in terms of safety and economic return.

3.1.3 - Establish a Northern Gulf of Maine Scallop Management Area (NGOM)

AFM supports 3.1.4.2, Option A- Amendment 11 would not apply to the Northern Gulf of Maine (the GOM exemption area north of 42°20N). Of the two options, option A more closely corresponds with the "historic" general category exemption area established in multispecies framework adjustment #21.

AFM strongly opposes Option B –the area north of 43° does not correspond well with the exemption area established in multispecies framework adjustment #21, nor does it correspond well with the historic availability of the scallop resource in the Gulf of Maine. Therefore, Option B is not worth efforts required to implement and monitor a separate management area.

3.1.6 Limited access fishing under general category rules

AFM supports 3.1.6.1.2 Permit limited access vessels that qualify under general category rules.

AFM supports 3.1.6.2.2 Landings from this component of the fishery would be deducted from a separate allocation added onto the general category allocation.

Comments on scallop amendment 11
May 28, 2007

3.1.8 Incidental catch
AFM supports 3.1.8.2 - Establish a new permit category for incidental catch.

This option will minimize discards by allowing a small amount of incidental catch in other fisheries to continue.

However, this section does not adequately address historic incidental catch in excess of 40 lbs/trip.

For example, some groundfish permit holders have historic incidental catch and landings of scallops in excess of 40 lbs, as current regulations allow up to 400 lbs per trip. Many of these permit holders will meet both the qualification time period and landings qualification defined by the Committee as preferred. However, they will not be able to continue landing in excess of 40 lbs/trip if the Council chooses 3.1.2.4.1, option B - allocation in trips, because these are groundfish vessels that would not be declaring scallop trips.

3.3.1 Trawl gear restriction
AFM supports option 3.3.1.2 Clarification of trawl gear restriction for vessels fishing under a multispecies or monkfish DAS.

3.3.2 Possession limit of 50 bushels
AFM supports 3.3.2.2 Possession limit of 50 bushels shoreward of the VMS demarcation line and up to100 bushels seaward of that line.

AFM suggests that the possession limit for bushels would be easiest to enforce if the possession limit in all areas were made consistent. By way of example, limited access and general category permit holders that today fish south of 42°20'N are restricted to the 50-bushel cap when the vessel is **shoreward** of the demarcation line [648.52 (d)]. Removing the reference to 42°20'N, would make this restriction consistent for all areas, and solve the problem identified, which is that 50 bushels of in-shell scallops is not always equivalent to 400 pounds of scallop meat.

As always, we appreciate your consideration of our views.

Sincerely,

M. Raymond

Maggie Raymond
Associated Fisheries of Maine

Comment #6

Deirdre Boelke

From: GilbertGCDEAN@aol.com
Sent: Wednesday, May 30, 2007 8:55 AM
To: Scallop.Eleven@noaa.gov
Cc: Deirdre Boelke
Subject: Comments on Scallop Amendment 11

My name is Gilbert C. Dean. I own and operate a general category scallop vessel "Gold Digger", federal permit #150158 out of Ocean City, MD. I fully understand what you are trying to do and why with Amendment 11. Believe me that "most all" of us want to protect the fishery and do the right things to preserve it for years to come. However, some of the things that are recommended within Amendment 11 are unnecessary, unfair and possibly illegal. Here are a couple of reasons why.

1. Control date of November 2006. In Feb/March of 2006, I wanted to get into the scallop business. Having heard all of the "rumors" about the possibility of the fishery being closed, I personally called the NMF with my concerns. I wanted to be assured that before I invested in excess of $350,000 for a new boat and gear that I was not going to be closed out anytime soon. I was given that assurance and told that they knew of nothing being considered that I should worry about and issued me a permit in May 2006.

I should have at least been advised of the proposals included in Amendment 11 and really should not have been issued a permit without such a warning to the effect. To my knowledge, you are still issuing permits to anyone who applies.

According to your records, there were 699 permits issued after the proposed control date. Out of the 699, only 119 are actually being used. Those 119 should be included into your proposed limited entry fishery. Those 119 general category boats are not going to have hardly any effect on the overall catch or adversely effect your overall plan.

This would satisfy all current permit holders with history and avoid any possible lawsuits that may arise based on this particular issue.

2. Proposed 5% share for general category vessels. The general category vessels caught between 12 and 14% in 2005 and 2006. That level should at least be maintained for the general category vessels in the future to be fair to all user groups.

3. Current Limited Entry Vessels should not be allowed to fish on general category permits. You have already proposed giving them 95% which is not only unfair but ridicules.

4. Board Members. If there are any members on the board from any one user group, there should be and equal number of board members from the other user group providing equal representation. If this cannot be done, then no one on the board should have any affiliation to any particular user group.

As stated above, I have invested in excess of $350,000 getting into this fishery not even 13 months ago based the information provided by you and the issuing of the permit. Scallop fishing is my sole source of income. How am I supposed to make a living now? How am I supposed to pay off the balance owed on the loans secured to get into this fishery? What am I supposed to do with a scallop boat will definitely decrease in value should Amendment 11 go through as proposed?

You should change it to a limited entry, protect the ones that you have already issued permits, base your TAC on those numbers , move your control date to say June 1, 2006 and stop issuing additional permits immediately.

Regards,

Captain G.C. Dean

6311 Suicide Bridge Road
Hurlock, MD 21643
410-943-1707
410-463-0049

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comment #7

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

MAY 18 2006

-handed out at public hearing 5/30/07-

Edmund Blaine
30 Foxborough Rd
Seaville, NJ 08230

Dear Mr. Blaine:

This letter is in response to the concerns you expressed in your letter regarding the requirements that are associated with the November 1, 2004, control date for the general category scallop permit. Currently the New England Fishery Management Council (Council) is working on Amendment 11 to Scallop Fishery Management Plan which proposes to make the open access general category fishery a limited access fishery. The proposed criteria to be used to qualify vessels for the limited access permit are still being developed by the Scallop Committee and the Council. I suggest you inform the Council of your special circumstances, as it further develops Amendment 11. It is important that the Council be aware of special circumstances as it develops new programs, so that there can be discussion and consideration of how they should be handled.

Sincerely,

George H. Darcy

George H. Darcy
Assistant Regional Administrator
for Sustainable Fisheries

July 31, 2006

To: New England Fishery Management Council
50 Water Street
Newburyport, Massachusetts 01950

Edmund Blaine
30 foxborough Road
Seaville, NJ 08230

Re: General Catagory Scallop Permit/ Special Circumstance

Before Amendment 11 is finalized, I would like to address the council with my special circumstances as follows: I began searching for a bigger and safer vessel in June, 2004 in Nova Scotia. This vessel was specifically puchased for scalloping. On Sept 14, 2004, I spoke with Peter Christopher regarding a general catagory scallop permit for this new boat. He told me there was no control date as of that date and there was no projected date in the near future. He sent me an application and advised me to send it in when I obtain all needed documentation after settlement on my new boat. It took a substantial amount of time to get the paper work from Canada. The sequence of events happened as follows:

PURCHASE DATE OF VESSEL----9/20/04

DATE OF ENTRY INTO THE U.S.----9/24/04

CERTIFICATE OF TITLE ISSUE DATE----10/22/04

FEDERAL FISHERIES PERMIT ISSUED GENERAL CATAGORY SCALLOP PERMIT---- 12/03/04

ALL DOCUMENTATION IS AVAILABLE IF NECESSARY.

Enclosed, you will find a copy of a letter I received from George Darcy. He is an Assistant Regional Administer for Sustainable Fisheries and has advised me to provide you this information so you can act accordingly when working on Amendment 11. I have invested a significant amount of money in the vessel, the gear and the Vessel Monitoring System and hope that you will take my situation into consideration when implementing the regulations of this fishery. Thank you very much for your time.

Sincerely,

Edmund Blaine
F/V Laura Marie

Comment #8

Draft Amendment 11
to the Scallop Fishery Management Plan
DMR Public Hearing
May 22, 2007
Casco Bay Lines
Portland, Me

Public Attendees: Rick Cullow, Bob Tetrault, Donald Williams and Gary Hatch. Terry Stockwell, Kohl Kanwit and Donna Hall from the Department of Marine Resources.

Terry Stockwell presented the Amendment 11 Public Hearing PowerPoint prepared by the NEFMC and explained the proposed measures that concern Maine General Category scallopers which include:

- a limited entry program with specific qualification criteria (permit in at least one year from March 1, 1994 – November 1, 2004 and at least 1000 pounds of scallop landings in any one of those years)
- individual allocation of access for qualifying vessels in number of trips with a maximum of 400 pounds per trip
- a separate limited entry program for vessels to fish at a reduced level in the Northern Gulf of Maine
- an overall allocation of 5 % of the total projected annual scallop catch for the general category fishery

Public Comments:

R. Cullow – I think anyone who had landings and had a permit should be able to have one, anyone with idle permits should not. I don't have a permit anymore, the boat is still there but I don't have the permit. Somehow there needs to be a way to be grandfathered if you were issued permit in 2007 they should be able to get a permit.

B. Tetrault – I never had bi-catch of 1000 lbs, it was always under, but I have landings but I cannot show 1000 lbs.

G. Hatch –We are not going to get any qualifying criteria, if were not going to look at the way the fishery should be managed. We are only left with being hard-nosed. We'll manage this but like a small boat fishery, we'll say no the big boats, they are not going to come back like they did 20 years ago and wipe this out. We're just taking the history and throwing it out.

B. Tetrault - This State had an active fishery and was managing it; this sounds like protection for certain group.

R. Cullow - Why are you still issuing licenses, the control date should be out the window, it should go on if you were issued a 2007 license you should be allowed to continue being issued a license, this doesn't add up, if you give the license, land the scallops, they shouldn't be allowed to take away.

D. Williams - Where did that date come from? What are the other alternatives? I built boat, invested all this money and I've asked questions for 2 years and no one could give me any answers. Some people say there is nothing we can do, where do I stand on this matter? They just issued me a federal permit, I can't believe they can just take it away, just because of a date, how can they do this? Have they worked out transfer of permits? This is part of my families' heritage, it's unbelievable that the feds can come in and take it all away. What I want is to have my 400 lb permit and not loose it, have they thought about the impact of what can happen down the road?

B. Tetrault -Why are they differentiating, don't the habitat people get to chime in on that? Why should you shut the door on certain people?

R. Cullow --We're loosing out on every permit that we've ever had, your taking that much away and it will keep another 100 families out, the big boats are not up around here anymore.

D. Williams – It doesn't look like conservation, it looks like allocation instead, what I'm going to catch in a year is a drop in the bucket as to what the big boats are catching. You have to know I have an interest in this, but what am I going to do, the State has to take in to consideration there are going to be more people, have they figured out the transfer or the buy out.

B. Tetrault - We need to add unique history to this document, I'm trying to help you at being successful at getting this thing. This looks like a political solution, didn't we just get rid of this small mesh line, we spent years getting rid of it, why do we want it back, why are we inviting it back?

G. Hatch - We have to fight for Gulf of Maine, this is like trying to outrun a steamroller-think about the majority voters on this council, this is no more than a majority of big fisherman that want to buy permits up…this is perfect of our government at it's best, every time it gets more and more, they are managing 5% of the industry, it's got so thick we can't manage it, we have to say NO, this has nothing to do about managing the fishery it's all about money.

D. Williams -It's hard not to see it that way, they just want to take away from the little guy, this is important to me, and this is nothing that I would prefer.

R. Cullow - I just invested 50K in a boat, there has to be something for people who had a 2007 permit.

B. Tetrault -I would work on that 1994 thing, we can't just walk in to the wall, and I have records that go back to 1983. Do you want us at the next meeting? There is too many Mainers' that will be eliminated and it shouldn't be that way. We're just looking for a bi-catch. 1994 cuts off too many people, it won't add anything to landings.

G. Hatch -That's what got the limited access guys going.

D. Williams – When you think of all other factors, the number of people that actually have permits to those that used them, if they are allocating 5% to general category or even a smaller amount going to the small guy, why is it us that has to take the sacrifice, there needs to be more enforcement out there.

B. Tetrault – If you go back to 1975 the boats came up for New Bedford to fish here. We are humble and weak.

G. Hatch -We are setting ourselves up the same way as the quahogs if you look at this chart. Gov. Brennen got it back for the downeast guys. The driving force to this is money; limited access is worth 2.5 million and they are saying they will spend the money to get what they want. This is the end of us, this is completely bull and we need to be brave or stupid. We publicly need to go and change the process, this is total failure of the process, what are you going to qualify, 14-15 people in this State, those are the real numbers. We need to get as many signatures as we can get.

Comment #9

KELLEY DRYE
COLLIER SHANNON

DIRECT LINE: (202) 342-8648
EMAIL: bfruia@kelleydrye.com

RECEIVED
JUN 06 2007
NEW ENGLAND FISHERY
MANAGEMENT COUNCIL

June 4, 2007

VIA ELECTRONIC MAIL

Mr. David G. Simpson, Chairman
Scallop Oversight Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Amendment 11 to the Sea Scallop Fishery Management Plan

Dear Mr. Simpson:

As you know, we represent the Fisheries Survival Fund ("FSF"). FSF's participants include the bulk of the full-time, Limited Access scallop fleet. FSF's participants have been involved in Amendment 11's development, while recognizing that General Category participants also have an interest in designing a limited access scheme that matches their diverse fishery.

FSF submits this letter for the Scallop Committee's consideration in advance of its June 6 meeting to select final Amendment 11 alternatives for the Council's consideration. FSF will also provide a fuller set of comments by the June 11 deadline. Now that the public hearing process is over, many of the issues confronting the Committee have come into better focus, based on the public hearings and the analyses in the Public Hearing Document ("PHD").

FSF participants attended four of the public hearings (Hyannis, Fairhaven, Newport News, and Manahawkin), and their attendance exceeded that of the General Category participants, at all but perhaps the Hyannis hearing (where the respective contingents were relatively equal). In summary, and as explained below, FSF submits that the Council should allocate no more than five percent of the overall resource to the General Category (a point with which certain General Category participants agreed), but the Scallop Committee and Council should take steps to more effectively distribute that share using Amendment 11 options. The episodic nature of the General Category also argues against a 10% allocation during the transition to the Amendment 11 limited access program, though some lower cap is necessary.

Executive Summary

The PHD Amendment 11 Vision Statement summary states, among others, "Amendment 11's overall intent is to ... maintain the diverse nature and flexibility within this component of the scallop fleet, and preserve the ability for vessels to participate at various levels. The Councils' vision for the general category fishery ... is a fleet made up of relatively small vessels, with possession limits to maintain the historical character of this fleet and provide opportunities to various participants including vessels from smaller coastal communities." PHD, at 1.

As is explained herein, the Vision Statement can be realized with a five percent allocation, and other long-term problems (such as latent effort and disproportionate shares) can be avoided. Such a five percent share may be most effectively divided among General Category qualifiers under the Vision Statement if: (1) the control date is maintained; (2) directed day boat scallopers landing over 5,000 pounds in their best year are provided with allocations of 400-pound trips; (3) a "contribution factor" should be used to recognize multi-year participation during the qualifying period (Alternative 3.1.2.3); (4) General Category fishery qualifiers landing between 1,000-4,999 pounds in their best year (most likely these are incidental catches) are provided with 200-pound trips under Alternative 3.1.2.4.2; (5) General Category qualifiers directing on scallops with a net should have a reduced possession limit of 250 or 300 pounds so as to equalize mortality in recognition that scallop trawls demonstrably catch smaller scallops (Alternatives 3.1.2.6.3.1; 3.1.2.6.3.2); (6) General Category dredge qualifiers should only be able to scallop with a dredge (Alternative 3.1.2.6.2); (7) the Consistency Amendment should be maintained and only one permit should qualify per vessel (Alternative 3.1.2.5.1.1); (8) illegal and unrecorded landings should not count toward qualifications or allocations; and (9) a Northern Gulf of Maine exemption area makes far more sense for that very episodic fishery than an additional overall allocation of scallops, especially in terms of not creating latent effort.

The Public Hearings

One surprising result was that many of the public hearings were lightly attended by General Category participants. In fact, at Durham, there were no General Category participants in the audience. In Newport News, about ten General Category fishermen attended, but their landings history uniformly post-dated the control date, and they argued for a forward extension of the qualifying period. By contrast, in Ellsworth, the large majority (if not virtually all) of the public hearing participants had not landed scallops during the qualifying period, but prior to it.

For its part, the final public hearing in Manahawkin was attended by over twenty participants of the FSF and only a few members of the General Category fishery. Notably, all the General Category fishermen who testified declared that a five percent allocation was sufficient. In general, the General Category fishermen at the Manahawkin hearing were more concerned with creating stricter qualification criteria for the Limited Access fleet.

The public hearings did reveal that there are some essentially full-time General Category participants from New England. About a dozen of them attended the Hyannis public hearing, and some of those present at Hyannis (along with a few others) also participated at Fairhaven. This contingent has been very active in Amendment 11's development.

An Episodic Fishery Should Not Receive a Disproportionate Overall Allocation

The public hearing materials show that the Scallop Committee and Council will need to be careful about acceding to a vocal minority's demand for individual allocations, coupled with an historically disproportionate share of the overall resource. FSF considers any more than the 5% share that the non-Limited Access General Category landed in the control date year of 2004, *see* PHD Table 1, to be disproportionate.[1]

As explained above, a handful of day boat scallopers that claim to operate essentially full-time were present at the Hyannis and Fairhaven public hearings. Notably, this contingent is not a large group overall: according to the Public Hearing Document, only 37 General Category participants landed over 20,000 pounds of scallops in 2004, the year of the control date. This number of "high liners" was 23 in 2003, only 9 in 2002, and 19 in 2001. (PHD Table 7.)

Nonetheless, certain participants in this modestly-sized directed day boat fishery contingent from New England have been steering the Amendment 11 process toward individual allocations, apparently so that they can maximize their personal shares.[2] These fishermen have made it clear they do not want to get grouped into tiers where their relative shares might be averaged with others having less history. Their approach may be understandable from their perspective (although some of their personal attacks on the Limited Access fleet aren't).

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[1] An allocation of even seven percent bears no relation whatsoever to the historic General Category fishery, and would be fundamentally unfair and wasteful (as the allocation would go unharvested in this demonstrably episodic fishery). Indeed, even a five percent allocation is generous. During the Council's preferred qualifying period, 1994-2004, General Category landings (by Amendment 11 qualifiers and non-qualifiers alike) averaged under two percent of overall harvest. (PHD Table 1.) The Council's preferred alternative of five percent thus represents a 255% increase over average landings in the qualifying period. An allocation above five percent represents an even greater windfall and would credit overfishing by the post-control date fleet to the historical General Category fleet. Such a result is not only unjustifiable as a matter of policy, but defeats the purpose of establishing the control date in the first place.

[2] In that vein, claims were made at the public hearing in Fairhaven that the General Category needs an average of 4.0 million pounds to be "satisfied." An allocation at that level would provide every qualifier with virtually his or her best year as a dedicated allocation, notwithstanding the episodic nature of most of the General Category fishery. (*See* PHD Table 11, which reports "total best year landings" for preferred option qualifiers as 4,187,916 pounds.)

In contrast to this handful of "full-time" day boat scallopers, the Public Hearing Document demonstrates that most General Category participants fish only episodically. In fact, of the 459 estimated qualifiers, only 234 (or roughly half) of the qualifiers had any recorded scallop landings at all in 2005, the year after the control date. (PHD Table 11.)

If the preferred alternative of individual allocations is chosen, then there is a strong likelihood that up to half of the general category quota could go unused. This would be a huge loss of sustainable scallop yield—yield that the Limited Access fleet would fish each year, because scallops are their fishery, and dependently so, ever since Amendment 4. In fact, the Scallop Committee and Council will need to be careful not to end up creating the same kind of latent effort that plagues the groundfish fishery, via significant, permanent, individualized allocations of scallops to vessels that will not regularly harvest them.

The potential for such latent effort from a disproportionate overall allocation is even more manifest when potential Maine qualifiers are considered. According to the Public Hearing Document, 130 Maine vessels would qualify under 11-year timeframe, but only about half that number, or 70, would qualify under a 5-year period. Put differently, 60 projected Maine qualifiers under the preferred alternatives have not landed even 1,000 pounds of scallops in any qualifying year since 1999, but they would get a dedicated, individual allocation of scallops under the Council's preferred alternatives. (PHD Table 13.)

In addition, Amendment 11 would already fundamentally reallocate the General Category fishery back to New England, to the benefit of these participants on the Cape and in Maine seeking a disproportionate overall allocation. In recent years, about 70% of General Category landings have come from the Mid-Atlantic (PHD Table 10), but only 149 of the estimated 459 qualifying permits (or about 32% overall) under the Council's preferred alternatives are from the Mid-Atlantic.[3] (PHD Table 13.) It is not clear whether Amendment 11 will result in a major increase in effort in inshore New England fishing grounds or a cash transfer program as/if allocations are sold or leased.

Gulf of Maine

The Ellsworth public hearing showed just how real that Amendment 11's potential to create latent effort really is. There, most attendees were self-described lobstermen who advocated for the no-action alternative. The rationale was that none would qualify under even the most lenient criteria because most (if not all) had not landed any scallops since the 1980s. However, they wished to retain an option to re-enter the fishery in the future, via a large dedicated allocation of scallops to the General Category. They did not (and cannot) explain why the Council's preferred alternative to create a Northern Gulf of Maine exemption area would not

[3] Of this number, 88 are from New York and New Jersey, and 61 are from other Mid-Atlantic states. (PHD Table 13.) Of the 310 projected New England qualifiers, 130 are from Maine, 168 are from Massachusetts and New Hampshire, and only 12 are from Connecticut and Rhode Island. (PHD Table 13.)

suit their episodic fishery better than their receipt, via Amendment 11, of a large dedicated allocation of the overall scallop harvest they would rarely take (but might sell or lease as a windfall).

Recognizing Incidental Catch By Qualifiers

Another contingent of General Category participants largely went unrepresented at the public hearings. According to the Public Hearing Document, about half of those recording General Category landings in the years when the statistics were available landed between 1,000 and 4,999 pounds of scallops in their best year. Indeed, a full 256 of the 459 projected qualifiers landed between 1,000 and 4,999 pounds of scallops in their best year. (PHD Table 2, derived by subtracting the number of 5,000 pound qualifiers from the number of 1,000 pound qualifiers). This proportion applies year over year, as well.[4] It appears that many of these General Category participants landed scallops incidentally, in other directed fishing operations. A non-transferable allocation, in line with Option 3.1.2.4.2, that enabled them to land 200 pounds of scallops per trip as incidental landings would make a better use of these qualifiers' allocable shares under Amendment 11 than directed 400 pound day boat trip allocations. Such an approach is also more in line with the Vision Statement.

* * *

We appreciate your taking the time to review our comments. FSF believes the Committee has the ability to lead the scallop fishery towards a successful future with Amendment 11.

Sincerely,

David E. Frulla
Shaun M. Gehan
Andrew Minkiewicz

Counsel for Fisheries Survival Fund

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[4] In 2004, 114 vessels landed over 5,000 pounds, and 109 vessels landed between 1,000 and 4,999 pounds. In 2003, 71 vessels landed over 5,000 pounds, while 58 landed between 1,000 and 4,999 pounds. In 2002, 55 vessels landed over 5,000 pounds, while 72 landed between 1,000 and 4,999 pounds. In 2001, 60 vessels landed over 5,000 pounds, while 45 landed between 1,000 and 4,999 pounds. (PHD Table 7.)

Comment #10

June 4, 2007

David Tedford
104 Bentons Pleasure Road
Chester, Md 21619
410-310-8767

U.S. Congressman Wayne Gilchrest

Dear Sir:

My name is David Tedford and I am 49 years old. For the last 30 years, I have worked on the water commercial fishing, oystering, crabbing, clamming, hard shell clamming, soft shell clamming, patent tonging for oysters, diving for oysters, and hand tonging for oysters. I am a fourth generation waterman; my great great grandfather worked on the water, my grandfather, my father, and now myself. I have primarily worked in the Chesapeake Bay and its surrounding waters, but due to the digression of the shellfish business and harsh restriction laws for Commercial Waterman in the Bay, I have recently begun to work in the Atlantic Ocean. Presently, and since November of 2005, I am catching scallops in the Atlantic. I have a General Category Permit granting me the right to catch 400 pounds of scallops per trip. I like this job, it's a lot of fun, and it is still a viable way of making a living working on the water, which I have always enjoyed.

It seems to be that my rights as far as working the water have been taken away. I used to hard shell clam in the Coastal Bays off the shores of Ocean City, and in the last year, a law to stop clamming in 2008 was legislated. My right as a permitted Commercial Clammer has been taken away with the inability to hard shell clam in the back bays, in Chincoteague Bay, and Isle of Right. This is just one way that our government has taken away my right to make an honest living. And as if this law was not enough, the New England Fisheries Management Council has now proposed Amendment 11 to the Scallop Fishery Management Plan (FMP) that, if passed, will refuse me the right to scallop simply because I was licensed after 2004- the "control date" for scalloping licensure. The Council may be denying me the right to renew my permit when it expires in March of 2008. The elementary fact that I have been working the water for my whole life is not considered relevant simply because I attained my scalloping license in 2005, not 2004.

What is being proposed is quite unfathomable. I will be able to work one day, and denied that function of survival the next. After having commercial fished for the last 30 years, not just as a job, but as a traditional way of life, it is an abomination that this governmental agency in this Land of Freedom and Opportunity is denying my family's income! I have income tax records to prove the fact that I have been in this profession for 30 years. I have been paying taxes on commercial fishing for the duration of that time and this law will restrict me from my family's way of life. The most ironic and disheartening fact about this bill, is that if some person who had never worked a day on the water in his life, bought a boat, obtained a permit, and went scalloping before the year

2004, worked for a couple of years, and left the industry would be eligible to reinstate their scalloping license because of their history- but not me, a life-long Commercial Waterman. When I obtained my permit from the National Marine Fisheries, no one from this department notified me in writing, or even verbally, that I may not be able to renew the permit In order to continue my career, I bought an ocean boat and built a scallop rig. To obtain the equipment to scallop in the ocean, I invested over two hundred thousand dollars. Now Marine Fisheries is telling me I may not be able to continue the endeavors in which I spent so much time and money to begin, due to problems with the fisheries. I obviously would not have started in this business and invested such a magnificent amount of time, energy, effort, and money to stick my neck out in this way had I known my permit was not to be renewed. It seems it would have saved, not just me, but many hardworking Commercial Fisherman a great amount of stress and anguish had Marine Fisheries denied permit requests after their proposed "control date" in the first place.

From day to day experience, there does not seem to be a lack of scallops. However, Marine Fisheries believes, due to statistics, that day boats are the prime cause of scallop numbers deteriorating in the Ocean and that day boats are responsible for immense disturbances of the ocean's floor. In actuality, Marine Fisheries should know (with all the information on which we file reports, such as: when we leave port, when we come in, how many each boat has caught, in what area they were caught, in what depth of water, etc.) that day boats are much less responsible for these disruptions than the trip boats their Council seems to be endorsing. It takes only a matter of simple logic to figure out that the small percentage of day scallopers is not damaging the ocean the way trip boats are. Day scallopers dredge for a few hours each day. Trip boats are continuously dredging for eight to ten days. These boats catch 18,000 pounds of scallops- obviously a multitude compared to a day scalloper's 400 pounds. According to Amendment 11 Draft Environmental Impact Statement (DSEIS) to the Scallop Fishery Management Plan "prepared by the New England Fishery Management Council" states in table 1 that General Category vessels only landed 12.18% of the scallops caught in 2006. We few General Category vessels are not even putting a dent into what is being caught. There must be an obvious correlation between those catching the scallops and those causing fishing mortalities. If General Category vessels are catching less, we are causing less fishing mortalities

Our product is certainly worlds fresher and therefore healthier. It seems consumers should much rather want to buy fresh day scallops than a form of seafood that is two weeks old by the time it gets to market. It makes me wonder what the bacteria count would be on these old products, if tested. I know how important age and temperature are when dealing with the shipping of seafood. I am vastly experienced when it comes to shipping soft-shell clams to the New England area. I can not understand why the New England Fishery Management Council would want to shut someone out of catching a fresher product for the consumer.

There are many things about the situation that do not make sense to me. Why would the National Marine Fisheries Services (NMFS) have issued a permit that I would not be able to renew? Why would they allow a Commercial Waterman to spend so much money in

order to scallop that he will not be able to make back without that renewed permit. How can the Council say that the miniscule number of scallop caught by day scallopers (compared to those caught on Limited Access vessels) is causing these environmental issues? How can the Council support trip boats if their best interests are in the preservation of natural resources and the seafood industry? The answer seems to be greed. It seems that the Council is hanging ethics in order to support trip boats which are quickly beginning to monopolize this industry by shoving out every little-man trying to make a living and delivering a older and inferior product at the same time. It can not be that with all the technology available and information available to the Fisheries that they truly believe denying hardworking family men the right to work as day scallopers can be the answer to saving the ocean's resources and preserving her natural gifts.

Thank you for your valuable time. Please also read the attached addendum concerning the public hearing I attended for Scallop Fisheries Management.

Sincerely,

David Tedford

June 4, 2007

David Tedford
104 Bentons Pleasure Road
Chester, Md 21619
410-310-8767

Addendum

On Tuesday, May 29, 2007 at 6:00 pm, I had the privilege of going to a public hearing for the Scallop Fisheries Management Plan in Newport News, Virginia. While a lot of things were discussed there, the main topic was the Scallop Fisheries Management Plan. I heard a lot of different opinions; but I was mostly appalled by the constituents of the management plan and the way in which the NMFS is handling its concerns.

National Marine Fisheries Services claimed to be concerned about the fishing mortality, but they have already implemented a plan to slow and stop the rate at which scallops are harvested. A major part of the East Coast's Ocean bottom has been closed up and deemed illegal ground for scallopers. From New Jersey to Ocean City Maryland, there is only a small strip of 8-10 miles that we are allowed to work in. From the 38'10 line south all the way to about the Chesapeake Bay the bottom is closed for scalloping- the NMFS has closed it; I can't see how something can be over fished if it's closed up-not even if there are 10,000 boats out there. Over fishing something is impossible if the bottom is closed. Certainly this is a good way of keeping over fishing from happening. Even rotating the bottom to give things a chance to reproduce and come back would be a legitimate way to regulate and reduce fishing mortality and over fishing.

When it comes to protecting our resources, the Council has not taken these bottom closures into consideration. Amendment 11 express the need to honor a General Category Permit control date of 2004 in order to further the protection of scallops. While denying anyone who obtained a day permit later than 2004 will undoubtedly cut down on the number of boats in the water, it will not create a drastic difference in the number of scallops being harvested, nor will it be a fair way to conduct business-especially from a government run agency such as NMFS. No such action needs to be taken.

The Council intends to deny the renewal of a General Category Permit to anyone who has not obtained their permit prior to 2004. At this meeting my friends and I spoke out against this unethical injustice. I expressed my concerns about my freedom as an American Citizen and my rights being taken away by these restrictions that seem to be undoubtedly going into affect. I even made a statement concerning the shamefulness of our men fighting for our freedoms in Iraq, and my freedoms being taken away right here in our own country.

Let me reiterate to you what statements I made during this meeting, and by doing so, further explain the consequences of the "implementations," the restrictions on the scallop fisheries concerning the General Category Permits:

What is going to happen to my colleagues and me if our permits are taken away because we came into the scallop fisheries after the control date in 2004?

I knew nothing about this control date when I applied for my permit. Of course, I was never told anything about it until I *after* I bought my boat, invested hundreds of thousands of dollars in the vessel itself and the equipment necessary to get my boat ready to go scalloping.

The National Marine Fisheries *FAILED* to protect American citizens by informing everyone about this control date prior to the date itself and by the issuing of permits post-2004. The Fisheries should have made everyone sign a statement to the effect that their permit "could be revoked" due to this control date. I live 100 miles away from the ocean, and am learning as I go as far as the ways of the wide waters. It was dishonest of the Fisheries when they chose not to alert me and others like me about this possibility when I filed for my permit. As I have previously stated in my first memo, I'm a 30 year fisherman, a *Commercial* Fisherman. I am not a wealthy entrepreneur who enjoys fishing while vacationing all summer with my buddies. I am devoted to the water business and I have been for my entire life.

I ask again: What is going to happen to me if my permit is revoked-after I have spent so much money to prepare to scallop? Who will pay off the boat? Who will pay off my mortgage, for that matter! I can guarantee it will not be NMFS!

What we have here, it seems, is a systematic extermination of the Commercial Waterman. It's just one more way to push Commercial Fisherman off the face of the earth. This is parallel to Ocean City, MD where the laws were recently legislated to stop hard shell clamming in the Coastal Bays. I used to do that. Clamming is only part of my livelihood that has been taken away. Parts of my rights are gone. Where I live, on Kent Island, and in the surrounding areas, our government has not controlled the sewer systems. Nothing grows in our waters anymore. Out oysters and clams! Out soft shell clams! They won't grow there anymore, or at least they won't grow enough to sustain a living on the water. It's a shame. And it was for this reason that I ventured into the scalloping world. And now- What happens? Thanks to government controlled changes and regulations, my livelihood is suffering permanently again.

NMFS claims to be an equal opportunity employer. That statement is on all NMFS letters. It needs to be removed. The little-man is being discriminated against. Marine Fisheries will not just be revoking my right to scallop, but my right to make a living to survive. And it seems to be for two reasons: I do not own a trip boat, nor do I know anyone on the National Marine Fisheries Council personally.
Certainly by knocking many of the General Category scalloppers out of business, trip boaters will be able to monopolize the scalloping industry. But what does this have to do with the Council's bias? At the meeting last week, I asked the Council how many of them owned, or knew personally individuals who owned trip boats. The Council chose not to honor my request for information. Their silence leads me to believe that if they had

answered truthfully, many of them would have in fact, been owners of trip boats or friends of trip boat owners. I stated that if they were owners or supporters, this conflict of interest could not possibly be legal. It is discriminatory to have these individuals sitting on the board and making decisions that cause self-employed day scallopers like me to lose their jobs and therefore their sole form of income. Even though I wasn't scallop fishing before 2004, I was a waterman just like all the owners of these trip boats. But once again, the little guy suffers.

***No action* in the General Category Fisheries should be taken. Allow any permitted fisher to renew their permit. How dare the Fisheries give out permits to scallop fishers and allow Commercial Fisherman to spend two or three hundred thousands dollars- only to revoke this permit in the future. This is despicable and unacceptable from our government- and especially from the NMFS- a group of individuals with enough data to know that the few hundred General Permit Scallopers with permits issued since 2004 are not the cause of fishery mortality. We submit hundreds of reports; there is no lack of information.**

With all of the records that the NMFS has at hand, they have definitely failed when it comes to giving out permits after their control date. The least they can do now is to honor these permits. **Leave any man licensed who is already licensed**, and simply give out no more permits at this time. The Fisheries should have done this whenever this concern first came about. If there was a problem long ago, NMFS should have known it, and it should have been taken care of before present times. Many of us would not be in this position right now if it was done years ago. And the Council would not be to blame for the devastating decisions that are getting ready to be made.

As for the description of the Council's preferred actions, it is to allocate 2.5 to 11% annual projected catch. General Permit scallopers can not be causing more than 5-10% of the damage of fishing mortality out there. The other 95% goes to the trip boats or Limited Access Permit holders. There are countless trip boat and Limited Access fishers that are pulling two dredges, two 15 footers, working around the clock, seven days a week. It doesn't take a rock scientist to figure out who is doing the most damage out there. The General Category fishery is doing considerably less damage compared to trip boats and Limited Access fishers making up nearly 95%.

Why now are we trying to squeeze out the little guy with such a high percentage due to fishing mortality? There doesn't seem to be a reason, other than greed. There is no logical reason to deny me, or any other General Category Permit Holder, a renewal of permit when we are only responsible for a miniscule amount of damage in comparison to trip boats. With such an insignificant annual projected catch and an insignificant amount of damage being caused by day boats, who can justify taking away a hard-working American citizen's livelihood? The answer is as simple as this: No one can.

Please consider carefully the things I have written, as it is my career and way of life, along with my family's survival, that is now in your hands.

Comment # 11

Ms. Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
1 Blackburn Drive
Gloucester, MA 01930

5/30/06
Re: "Comments on Scallop Amendment 11"

I appreciate the opportunity to submit these comments on General Category Amendment 11. My name is James Gutowski and I am a Full time limited access permit holder who has participated in both the General Category and Limited Access Sea Scallop Fisheries.

In line with Amendment 11"s vision statement I support a historical inshore General category fleet, with a limited access management plan set at no more than 400 pounds per day for a reasonable amount of days for those who qualify.

Overall Allocation

In the preferred alternative's qualifying period 1994-2004; General Category landings we 1.96% of the overall catch. In 2004 (control date year) the General Category landings were 5% of the overall catch. The Councils Preferred Alternative of 5% should be an upper end percentage.

Limited access vessels should be allowed to fish under the General Category if they meet the qualifying criteria. During the qualifying period (1994-2004) limited access vessels fishing under the General Category landed an average of 1.12% of the overall catch. This same percentage should carry through to Amendment 11

Reallocation

Since the implementation of Amendment 4 Full time limited access participants have made conservation sacrifices, engaged in cooperative research and participated in the management process. It would be fundamentally wrong to reallocate the scallop fishery based on post control date landings when the scallop resource was at very high levels.

Qualification Criteria

The November 1, 2004 control date should be used. I understand the council's preference to include a wide range of participants however; this choice will qualify to large number of participants.

Alternative 3.1.2.4.2 would be a good option providing lower landing limits for a tier of qualifiers between 1,000 and 5,000 pounds. This option can work well with allocations based on trips as well as pounds.

Any vessel qualifying for limited access under Amendment 11 with a dredge should only be able to fish under Amendment 11 with a dredge. In line with Amendment 10 to increase yield per recruit the council should set a lower possession limit for vessels not fishing with a dredge to protect juvenile scallops.. Unrecorded or illegal landings should not count toward qualifying.

.

Stacking and Consolidating

Again in keeping with Amendment 11's vision statement "projecting a fleet of relatively small vessels" it should not allow, stacking or other forms of consolidation for the purpose of grouping poundage on to larger vessels planning to fish offshore.

Northern Gulf of Maine Exemption Area
I support the creation of an NGOM exemption area north of 40'20 to accommodate certain historical interest. The mortality from this NGOM exemption area should not count against limits set in this FMP.

Yellowtail Access Allocation
The General Category should receive a dedicated allocation of yellowtail for their access trips. This allocation should match the scallop allocation for each access area. This should not be based on the overall allocation of the scallop resource fishery wide.
Interim Period
Amendment 11 should not take years to complete. During this transition period General Category effort needs to be capped. Participants with no long term interest could cause considerable damage to the resource during this period. A 10% cap is too high for this interim period and will lead to more effort in the short term.
Amendment 11 should maintain current access area caps during this transition period.
Fishing Year
The fishing year should not be changed. Business plans and operations have been based on this schedule for years. The current fishing year matches the best scallop yields thus maximizing yield per scallop recruit.

Thank you
James M Gutowski
F/V Elizabeth
F/V Kathy Ann

comment #12

TEL. (609) 884-3000 **P.O.BOX 555** **FAX (609) 884-3261**
985 OCEAN DRIVE
CAPE MAY, NEW JERSEY 08204

Ms. Patricia Kurkul, Regional Administrator
National Marine Fisheries Service

June 5, 2007

RE: Comments on Scallop Amendment 11
Via e-mail to: Scallop.eleven@noaa.gov

Dear Ms. Kurkul and NEFMC Members,

Whereas the NEFMC has chosen to utilize limited entry as a keystone of management to control mortality from General Category fishing effort, the single most important decision the NEFMC must make in Amendment 11 is the percentage of landings to allocate to the new General Category Limited Access qualifiers.

The NEFMC and NMFS should allocate no more than 2.5% of the total scallop landings to General Category effort and 0.5% to Limited Access Vessels while General Category Scalloping for a total allocation of 3%.

The NEFMC initiated Amendment 11 due to the 'Gold Rush' mentality of 'bubble' entrants that began in 2003 and peaked in 2005 (General Category effort is on the decline now due to their over harvests of the Open Area Beds). The NEFMC has already appropriately decided to utilize the November 2004 control date and to limit qualifiers to those vessels with sufficient landings before the control date.

With this in mind, it would be inappropriate to allocate to these qualifying 'historical' General Category participants more than had 'historically' harvested, especially in light of the fact that any allocation to these General Category participants in excess of their 'historical' catches must by definition 'reduce' the historical landings of the Limited Access Scallop vessels who have been the backbone of the scallop fishery. The existing Limited Access Scallop Vessel Owners' cooperative conservation efforts husbanded and rebuilt the Scallop resource to the point where catches were sufficiently good to attract opportunistic entrants by General Category fishermen. The NEFMC should not reward the General Category fishermen by taking from Limited Access Fishermen.

Referring to Table 1 in the Public Hearing Document – *Summary of scallop landings by general category vessels, limited access vessels under DAS and limited access effort for trips under 400 pounds* (copied on the next page) – the following analysis can easily be confirmed:

- The Average of General Category landings from 1994 to 2004 was 1.96%
- The Average of Limited Access effort under 400 pounds from 1994 to 2004 was 1.12%
- The sum of these (total General Category and Limited Access below 400 pounds historical landings 1994 to 2004) is 3.08% (3%).

The NEFMC current preferred alternatives for General Category effort is 5% and the NEFMC preferred alternative for Limited Access Scallop vessels when General Category fishing is 0.5%. This would total combined 5.5% for General Category effort if approved by the NEFMC. There is no logic or policy basis for these levels of allocation:

- None have articulated a credible, legitimate argument for why General Category should be allocated more than its historical average of 2%.
- None have articulated a credible policy basis should General Category landings be allowed to go up by 255% (from 1.96% to 5%)?

The historical average of both General Category and Limited Access landings combined was 3%. If Limited Access were allocated 0.5% of landings (a reduction of 64% of their historical landings) that would leave 2.5% for General Category landings (an increase of 27% of their historical landings).

Table 1 – Summary of scallop landings by general category vessels, limited access vessels under DAS and limited access effort for trips under 400 pounds.

Fish Year	Total scallop landings (LA and GC)	Total scallop landings by General Category vessels only		Total scallop landing by Limited Access vessels under DAS		Total scallop landings by limited access vessels outside DAS (on 400 lb trips)	
		LBS	%	LBS	%	LBS	%
1994	14,907,265	95,268	0.64%	14,713,046	98.70%	98,951	0.66%
1995	15,807,941	123,967	0.78%	15,603,104	98.70%	80,870	0.51%
1996	16,447,682	204,635	1.24%	16,175,248	98.34%	67,799	0.41%
1997	12,619,221	310,049	2.46%	12,122,375	96.06%	186,797	1.48%
1998	11,186,468	164,435	1.47%	10,528,707	94.12%	493,326	4.41%
1999	21,286,244	150,482	0.71%	20,713,733	97.31%	422,029	1.98%
2000	32,929,475	357,691	1.09%	32,259,404	97.97%	312,380	0.95%
2001	45,164,706	1,216,947	2.69%	43,659,686	96.67%	288,073	0.64%
2002	49,808,416	983,775	1.98%	48,641,573	97.66%	183,068	0.37%
2003	54,778,793	1,809,071	3.30%	52,781,614	96.35%	188,108	0.34%
2004	61,714,971	3,245,661	5.26%	58,106,020	94.15%	363,290	0.59%
2005	53,214,097	7,495,884	14.09%	44,917,224	84.41%	800,989	1.51%
2006	56,149,105	6,838,083	12.18%	48,886,653	87.07%	424,369	0.76%

I urge the NEFMC Scallop Committee and the full Council to fully look at the policy basis and implications of the allocation to the General Category fishery and to change their preferred alternative. I urge the NEFMC Scallop Committee and the full Council to adopt the following allocation of Scallop landings:

- 2.5% for General Category new limited access qualifiers
- 0.5% for Limited Access vessel which will qualify
- 3.0% total for the entire General Category fishery

Thank you for considering these comments.
Daniel Cohen, President

Comment #13

Subject: Amendment 11
From: BaileysOystersCo@aol.com
Date: Tue, 05 Jun 2007 14:36:22 -0400 (EDT)
To: Scallop.Eleven@noaa.gov

In reference to Amendment 11, Section 3.1.2.1.3, for the years 2000 – 2004, I support this proposal for a five year – five thousand pound minimum in order to qualify for permits. This would create a smaller number of permits with a more viable fishery for the participants who qualify. Giving a longer time frame for qualification means more permits with fewer trips per boats not making it feasible to maintain boat and make a living. General category should be set at 5% of the total quota of scallop stock and leave a quota cap at 10% for the interim in implementing limited entry. I also support possible future poundage limit as opposed to trip limits and support possible future permit stacking in order to remain active and economically feasible to remain in the fishery since it costs too much to maintain a boat if there is only 25 – 30 trips per permit.
As in this scenario of 3.1.2.1.3, I myself will forfeit a permit in order to maintain one permit of viable economic value and fishing days.

Thank you,
Scott R. Bailey
Bailey's Oysters, Crabs & Soft Crabs LLC

Comment #14

Nordic Fisheries, Inc

14 Hervey Tichon Ave.
New Bedford, MA 02740
508-993-6730

June 1, 2007

National Marine Fisheries Service
Northeast Regional Office
1 Blackburn Drive
Gloucester, MA 01930

Attention: Patricia Kurkul, Regional Administrator
Comments on Scallop Amendment 11

I would like to make a few comments on Amendment 11. First when the scallop management plan was formed to have limited access there was no thought of a general category fishery. The 400 lbs. was for by-catch thinking about draggers making a trip and getting a few scallops in their nets just the same as scallopers are allowed a little fish for by-catch. There is no legitimate reason to allocate more than 2 or 3 percent to general category. Historically they have only had very high landing the last couple of years. The limited access scallopers have developed this fishery and paid their dues over many years and deserve to have their fishery. It also seems to me that to allow general category 10% during the appeal process when the preferred alternative from the council is a very generous 5 %, 10% makes no sense at all.

Sincerely yours,

Roy Enoksen
President

RECEIVED
JUN - 5 2007
By

comment #15

Patricia Kurkul, Regional Administrator
NMFS
N.E. Regional Office
1 Blackburn Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

These are my personal comments on the proposed Amendment 11. Regarding the DRAFT LIST OF MANAGEMENT ALTERNATIVES for Amendment 11 as provided through NEFMC website, I wish you to consider the following thoughts.

Under the qualification criteria I believe anyone who possessed a General Scallop Permit before the CONTROL DATE should retain access to the proposed new General Scallop Permit (limited access) and should not be exposed to losing it due to limited participation. Everyone who has made a financial commitment to pursue scalloping, should be able to continue to do so.

Throughout the literature provided over NEFMC website for the past three years a recurrent theme persisted to justify curtailing the General Scallop Permit allocation. This theme purported that the category was initiated to be used as a part time limited basis fishery to fill gaps in fishing seasons for smaller vessels and not to be used as full time. However, under the alternatives presented, if one used the permit on a limited basis part time as intended, one would now be penalized for not abusing the original purpose of the category by working fulltime. Those who did work full time and abused the original intended concept of the general category are now to be rewarded with higher allocations than those who did not. This is oxymoronic logic.

To reward those who abused the original intention of the category and punish those of us who abided by the original concept seems less than fair. Everyone who had a license before the control date should be granted a limited access General Category Permit and should receive an equal allocation. Equal allocation is the only way to be fair among permit holders.

A low allocation to general category vessels would prove to be uneconomical for the fisherman. The cost of the ever rising three dollar per gallon diesel necessary to make a trip in the Mid-Atlantic to the scallops grounds fifty miles off shore preclude a profit to be made without generous poundage allotment. If any action should be taken to adjust poundage per trip it should be to up the poundage to six hundred pounds per trip or more to make it more economical for fishermen to make a living and not starve themselves burning diesel.

In addition, since this is a Federal resource all states having waters adjacent to the scallop grounds should have a minimum number of participants to promote parody among those states with active fisheries. My state, Delaware, would be extremely restricted in eligible participants while other states would field ten times our number of participants.

The last item I wish you to consider is the apparent lack of concern for the misappropriation of a Federal natural resource. When day boat General Category Scallopers are paid two dollars per pound more for their natural, fresh, sweet product than their ten day at sea, preservative washing, bitter tasting, limited access vessel product,

monetary waste becomes apparent. Why wouldn't the Federal Government want to allocate more scallops to those who bring the highest value for the resource and discourage those who command less money for an altered product?

Please increase the General Category allocation to an acceptable percentage between ten to fifteen percent. There are plenty of scallops for everyone. It seems economical nonsense to curtail the General category allocation when they maximize the revenue generated for the same natural resource and present it in a fresher condition to market.

Let's be fair and honest in distributing this federal resource between all participants and give the smaller boats a larger piece of the pie.

Thank you for considering my thoughts,

Ray G. Trout Jr. / Scalloper
President, Cape Henlopen Shellfish Inc.
F/V Emily Jayne
General Category Scallop Permit Holder

P.O. Box 637
Lewes, De 19958

Phone/Fax
(302)645-2318

Comment #16

Stanley(Buddy)Pritchett
100 Radcliffe Drive
Cambridge,MD. 21613
410-228-4725

Comments on Amendment 11 to the Scallop Fishery Management Plan

I attended the public meeting on May 29 at Newport News,VA. I listened to all the proposals being made and am very concerned because it sounds as though my livelihood as well as my sons is in grave danger. These proposals will surely end our scalloping careers.

I am a third generation commercial fisherman who has worked the last 40 years doing the job I love and my son has followed in my footsteps.I've worked the Chesapeake Bay and the Coastal Bays of Ocean City, but with the depletion of oysters, soft shell clams and the closure of the Coastal Bays in 2008, it led us to general catagory scalloping in the Atlantic.

I guess my main question is why did you keep issuing permits if there was already a control date on the table? We were issued permits and invested an extremely large amount of money, in excess of $250,000. I guess to some that may not seem like a lot , but to us that is a huge investment.

As of 2004, only 19 boats held day scallop permits in the state of MD.How muchharm can they do to the vast Atlantic Ocean?The bulk of the permit holders are from New Jersey northward. Don't take away permits just don't issue anymore, and let the fisheries continue for the current General Catagory Scallopers.

The smaller day scallop boats are ~~controlled~~ controlled more by the weather than the larger limited access boats. That in itself helps control the fishery. They have already closed a large area almost to the Chesapeake Bay Bridge Tunnel leaving only a very small area off the MD.and DE. Coast.This closure along with the opening and closing of areas such as the Elephant Trunk were implemented to solve the over fishing and fishing mortality problems.

Why allow the limited access vessels to have their trip permits plus the general catagory scallop permits? They get both and just because I didn't have my permit in 2004 mine will not be reissued.Is it so easy for you to deny us the right to use these permits to make a living? We are honest, hardworking watermen who value our resources as much as you do, but we don't want to be kicked out of an industry in which we have invested so much while others can continue to work. How much influence have the limited access permit owners had over these proposals? Sounds like they are in a win win position, losing nothing and gaining almost exclusive rights to the Atlantic Scallop Industry.According to Table1 the day boats caught 12.18% while the trip boats caught more than 87% and according to your records the day boats are responsible for all the problems with the fishery.

It would be a travesty if the NMFS allows this to happen. Continue to monitor, and the

opening and closuresof access areas, and allow the day scallopers with permits currently, to stay in the fishery.This fishery should stay open for all of us.

If I am shut out of this industry I feel I should be reimbursed by the government for my investments.The government should buy out all of the day scallopers who will no longer be able to count on making a living in this fishery. Hopefully, day scalloping will remain open to all permit holders but, if not I think this would be the only fair alternative.

For one minute put yourselves in our place and consider the investments and possible loss of income and let your conscience be your guide and let things remain the same.

Stanley Pritchett

Stanley Pritchett

comment #17

NMFS
One Blackburn drive
Gloucester MA 01930 Scallop Amendment 11 Comments

Dear Sir,

Draft Amendment 11 Scallop Fishery Management Plan. DO NOT CHANGE FISHING YEAR!

Yamaha Fishery Journal No. 34 October 1990 is scientific information presented to the Council first in 1995. Journal 34 was resubmitted in 2006 as management information. Scallops: Biology, Ecology and Aquaculture (Elsevier edited by S.E. Shumway) another scientific source of information have been ignored by the scallop Management PDT, along with the council. Amendment 11 does not protect small scallops. Since 1987 scallop production has increased in most producing nations by resource management & genetic selection. Amendment 4 to the present resource management has not occurred. Instead fishermen activities have been curtailed and ring size increased and closed areas randomly selected due to natural scallop settlement. Basically ring size increase results in target the fastest growing scallops of the year class thus creating reverse genetic selection over the long term.

Ring size increase created a market share for small imported scallops, eventually this will create market prices controlled by imports!

No effort was exerted to encourage aquaculture by the scallop industry, Sea Grant refused grants for scallop grant meetings with coast wide industry.

Scallops are not being managed by proposed amendment 11, (BEST SCIENCE,) Shumway page 864 references cyclicity in production associated with periodic tide phenomena. Journal 34 references a ten year cycle of production (solar cycles). Current utilized BEST SCIENCE; of amendment 11 does not mention cycles.

Predation from starfish referenced Shumway page 639 and Journal 34 has not been addressed in any scallop management. Scallop managers have not investigated how other countries have tripled scallop production. SCALLOP AQUACULTURE BEGAN AT THE MILFORD LAB, THE TECHLOGY WAS NOT UTILIZED IN MANAGEMENT ACTION! Science gained was not applied to sea scallops.

Amendment 4 should allow the day fishery to remain with the same number of current vessels as of the moratorium date Nov. 04.

BY REQUIREING GENERAL SCALLOP VESSELS TO LAND starfish as a portion of the 400# catch effort on small scallops can be eliminated (J34.) (In theory the number of small scallops consumed by starfish SHOULD be off set by the harvest by general scallop vessels. Moving day scallop vessels to Aquaculture would allow an increase in scallop production. Amendment 11 does not address any method to increase survival of small scallops except effort reduction.

The systematic rotation of harvest areas are supported in (Shumway) (journal34) but ignored in amendment 11. Science utilized by council in amendment 11 fails to address any method that allows for increased production or the harvest of smaller scallops to meet market demand.

OVERFISHED AND OVERFISHING ARE A RESULT of MANAGEMENT AND GEAR SELECTION WITHOUT REGARD TO KNOWN CYCLES.

AMENDMENT 11 REWARDS THOSE FISHERMEN THAT CREATED THE PROBLEM, (Made general category a sole source of income not a by-catch associated with other fisheries,) INCREASED DISCARDING OF SCALLOPS IN FLOUNDER AND RELATED FISHERIES, DOES NOT ADDRESS MORTALITY ON SMALL SCALLOPS FROM PREDATION OF STAR FISH.

Amendment 11 is not based on scientific information that can be replicated. The basis of Amendment 11, does not comply with the Manguson Fishery act. 101-627, 104-297 purpose (3) to assure that the national fishery conservation and management program utilizes, and is based upon, *the best scientific information available; involves and is responsive to the needs of, interested and affected States and CITIZENS; CONSIDERS EFFICENCY;* draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effect of fishing on immature fish and encourages development of practical measures that minimize by-catch and avoid unnecessary waste of fish; and is workable and effective;

The primary goal is to control capacity and mortality in the general category scallop fishery, The secondary goal is to allow for better and more timely integration of sea scallop assessment results in the management process.

Capacity control would not be necessary *IF* STARFISH WERE LANDES IN AN AMOUNT NECESSARY TO OFF SET HARVEST MORTALITY! Council need only implement requirements for starfish landing requirements for vessels targeting general category scallops as a sole source of income. Other General Category vessels would have a percentage of other catch plus additional pounds of star fish.

Assessment results not considering the above mention scientific cycles are not valid yearly, thus managing yearly can not be justified as best science.
Current management by ring size **GIVES AN IMPORT ADVANTAGE TO SMALLER SCALLOPS,** THUS UNDERMINDING future price of the scallop industry.

Amendment 11 should be scraped in favor of landing limits on general category vessels requiring a portion of starfish. The council could have implemented yearly landing limits.
Amendment 11 will forever eliminate the ability of Citizens who shuck shell stock scallops to have employment, in the four boom years of the 10-11 year cycles. This for North Carolina will have economic effect in the lowest per capita Counties.
The assessment results must include the cycles that are known to affect scallop production. **NO NEED FOR TIMELY INTERGRATION OF SEA SCALLOP ASSESSMENT IF THE LONG TERM BEST SCIENTIFIC CYCLES ARE NOT**

UNDERSTOOD OR ignored! SCIENTIFIC IGNORANCE CONNOT JUSTIFY AMENDMENT 11 not including starfish management to reduce mortality.

Answers to focus comments on amendment 11 public comment!

1. **Capacity should be limited to the Nov. 04 control date or VMS.**
2. **Require landing starfish as portion of GC targeting scallops with no other landings.**
3. **Having a permit prior to 04 all should be in**
4. **all qualifiers must have same access to resource. Why reward the cause of the perceived problem, with low prices and fewer scallops the GC fleet has decreased in 07.**
5. **no sectors should be allowed!**
6. **NO! The gulf of Maine should be the first introduced to aquaculture of scallops.**
7. **NO! limited access built the GC landings No vessel should be removed from GC fishing.**
8. **NO!**
9. **NO! ALL YELLOW TAIL CATCH SHOULD BE LANDED AND SOLD THUS AN ACCURATE AND HONEST BY-CATCH RECORD WOULD EXIST AND CATCH WOULD NOT BE WASTED! (*HOW DOES ESTIMATED BY-CATCH REDUCE BY CATCH?*** CONVERT YELLOW TAILS TO LANDINGS!
10. **INCENDITAL** CATCH MUST BE LANDED WITH APPROPATE AMOUNT OF TARGETED SPECIES OR STARFISH!
11. **NO! the data is flawed; an example graphs showing scalloping activity are not to scale giving a non-realistic impression of area scalloped; scientist have continued to distort the area scalloped by general category with charts that are not to scale. Showing the public and managers a distorted impression of area fished.**
12. **No to trawl sweep less than 144 ft, increased scallop possession east of line if forced out of closed area by yellow tail closure; load the vessel & leave attempting to reach 18000 #**
13. **Yes the GC fleet by landing starfish can be forced to eliminate the mortality GC vessels have on scallops. Limited Access vessels could increase production by landing starfish or installing dehydration equipment utilizing heat from engine, (GOOD SCIENCE)**
    Amendment 11 fails to mention the effects even in the open ocean of PESTICIDES, PHARMACEUTICALS, PERSONAL CARE PRODUCTS, THUS IGNORING CHEMICAL AFFECTING REPRODUCTION OF SCALLOPS. (ST. LAWERENCE SEA WAY)
14. Amendment 11 should only put the control date number of vessels in the general category; close the open access permit. Match the number of starfish landed; to a number necessary so scallop landing mortality is less than the harvest mortality.

Sincerely, James Fletcher 05-29 2007 123 Apple Rd Manns Harbor NC 27953

James Fletcher

Developments in Aquaculture and Fisheries Science, 21

SCALLOPS: BIOLOGY, ECOLOGY AND AQUACULTURE

Edited by

SANDRA. E. SHUMWAY

Department of Marine Resources and Bigelow Laboratory for Ocean Sciences, West Boothbay Harbor, ME 04575 (U.S.A.)

ELSEVIER Amsterdam — Oxford — New York — Tokyo 1991

SEA SCALLOP, *PLACOPECTEN MAGELLANICUS*

K. S. NAIDU

Science Branch, Department of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1 Canada

FISHERIES

From an economic viewpoint, the sea scallop, *Placopecten magellanicus* (also called giant scallop, smooth scallop, ocean scallop or Atlantic deep sea scallop) is by far the most important pectinid species in the world. Between 1976 and 1987, it alone accounted for some 30% of the mean annual global production of all scallop species combined (Table 1). In some years it contributed to more than half of global scallop production. Sporadic booms in natural production associated with temporal fluctuations in abundance in some species (*e.g.* calico scallop) and manipulated production through enhancement in some others, particularly the Japanese scallop, *Patinopecten yessoensis*, have in recent years relegated sea scallop landings to a seemingly secondary role. In 1986, for example, up to 60% (163,601 t out of 276,596 t, whole weight) of *Patinopecten* production was culture based, spuriously depressing the sea scallop contribution to world tonnage.

The Atlantic sea scallop is a relatively large mollusc commonly reaching sizes between 10–15 cm and frequently beyond. While large as contrasted with several other scallop species, the implied gigantism is not always characterized by unusual or disproportionate shell size. The largest sea scallop ever recorded measured 211 mm (shell height, tangential dorso–ventral measurement), a size a little larger than the previous recorded of 208 mm (Norton 1931) and had an adductor muscle (meat) weight of 231 g (0.51 lb.) (Naidu, unpubl.) Rock scallops, for example, are better endowed with shell heights approaching 250 mm (Hennick, cited in Kaiser 1986). Maximum age recorded for sea scallops is 29 years (Naidu, unpubl.). The shell of the sea scallop is almost circular in outline with symmetrical wings at the hinge (p. 875). Whereas the lower right valve is white, flat and smooth, the left valve is usually light to pale brown, convex and delicately ribbed. Occasionally, both shell valves are white. Concentric rings on the delicately ribbed surface of the left valve have been verified to be annual (Stevenson and Dickie, 1954; Posgay 1962; Naidu 1969)and are commonly used for age determinations. Oxygen isotope records have also confirmed that growth lines are in fact annual events, consistent with biological interpretation (Tan *et al.* 1988). Hurley *et al.* (1987) have shown that the number of growth lines in laboratory reared post–larval shells is related to the actual age in days. Growth rings are especially pronounced in northern shallow–water populations (Naidu 1975). Repeated encounters with fishing gear in heavily fished aggregations and the haphazard deposition of shock rings makes interpretation of annual growth rings sometimes difficult and frequently impossible. Under these circumstances it may be necessary to utilize growth bands on the resilium (Merrill *et al.* 1966).

Sea scallop beds of sufficient extent and density to support commercial fisheries occur from Virginia Capes (latitude 36°50'N) to Port au Port Bay, Newfoundland, Canada (latitude 48°40'N). Offshore, sea scallops have been exploited commercially on Georges Bank, the Mid-Atlantic Shelf, Browns Bank, German Bank, Larcher Shoals, Grand Manan, around Sable Island, Middle Ground, Banquereau Bank, and on St. Pierre Bank (Fig.2). The Bay of Fundy (especially off Digby) and Gulf of Maine also have had a long history of production. A full 44 percent of the Canadian catch in 1989 (4,000 t meats), approximately equivalent to the total Canadian removals from Georges Bank in that year, came from the Bay of Fundy (Table 2). In the center of its range (Georges Bank and Middle Atlantic Shelf), scallops have been quite successful and have withstood moderate to heavy exploitation. The Mid-Atlantic area off Long Island and New Jersey (New York Bight) and Delmarva and Virginia-North Carolina regions has become more important in recent years, sometimes contributing to more than half of the USA total scallop production (Table 2). In the Gulf of Maine, the majority of catches come from inshore U.S. territorial waters. Georges Bank, where most of the offshore effort is directed, constitutes the world's largest, single natural scallop resource (Caddy 1989). Scallop production on Georges Bank has been attributed to the presence of a large gyre which forms during the summer and later helps to retain planktonic scallop larvae within the area until they are ready to metamorphose and settle to the sea bottom (Larsen and Lee 1978). Towards the extremes of their range, sea scallops generally have been less successful and have not withstood continued, heavy exploitation (Dickie and Medcof 1963). Fisheries in fringe areas such as the northeast coast of the United States (Serchuck *et al.* 1979) and St. Pierre Bank (Naidu *et al.* 1983b) typically are characterized by a disproportionate dependence on sporadic recruitment of a single or a few intermittent and, sometimes, well-spaced year-classes. Consequently, in fringe areas, fisheries must cope with wide and, sometimes, catastrophic temporal fluctuations. As in most scallop fisheries, sea scallop recruitment, even in the center of its rangem frequently is irregular and poses undue problems to an industry that is typically overcapitalized. In some other areas such as the Bay of Fundy (Caddy 1979; Dadswell *et al.* 1984; Robert *et al.* 1984) there is evidence of cyclicity in production which appears to be associated with periodic tidal phenomena. These departures from 'steady-state' have wide-ranging implications for the orderly development and judicious management of scallop fisheries.

not fully understood, but may include shading of *Zostera* beds (that might inhibit their growth), an incomplete food supply, or liberation of toxic metabolites.

Predation. The most widespread scallop predators are perhaps starfishes, as documented for *Pecten maximus* (Lecomte, 1952), *P. fumata* (Olsen, 1955), *Argopecten irradians* (Belding, 1910; Marshall, 1960), *A. gibbus* (Schwartz and Porter, 1977), *Placopecten magellanicus* (Dickie and Medcof, 1963; Medcof and Bourne, 1964; Caddy, 1968, 1973), *Patinopecten yessoensis* (Imai, 1971; Golikov and Scarlato, 1970), *Chlamys islandica* (Brun, 1968), *C. tehuelcha* (Orensanz, 1986), etc. Other invertebrate predators include sea anemones (den Hartog, 1986), gastropods (Belding, 1910; Davis, 1981; Dickie and Medcof, 1963; Marshall, 1960; Olsen, 1955; Orensanz, 1986), octopi (Orensanz, 1986), and crabs and lobsters (Elner and Jamieson, 1979; Jamieson *et al.*, 1982; Marshall, 1960; Pollack, 1988; Tettelbach, 1985). Populations inhabiting continental shelf areas are exposed to heavy fish predation (Caddy, 1968, 1973; Medcof and Bourne, 1964; Naidu and Meron, 1986; Posgay, 1953; Schwartz and Porter, 1977).

There are some known cases of scallop mass mortalities caused by starfish population outbreaks. Decline of *Argopecten irradians* in Buzzards Bay (Massachusetts) at the beginning of the century has been attributed to a starfish population outbreak (Belding, 1910: p. 68). Brun (1968) documented the complete kill of a *Chlamys islandica* bed by *Asterias rubens*.

Mortality due to predation is likely to be size dependent in most cases. Jamieson *et al.* (1982) found that the rate of predation of sea scallops by crabs and lobsters was significantly higher on small size categories than on large ones; size preferences were found to depend on the size of the predators (Elner and Jamieson, 1979).

Epibionts. Scallop shells are often colonized by a variety of epibionts, including algae, barnacles, tubicolous polychaetes, sponges, hydrozoans, bryozoans, other molluscs, etc. It has been postulated that epibiotic suspension feeders (frequently constituting a large fraction of the epibiotic load) compete with the colonized scallops for food resources (Belding, 1910: p. 71; Broom, 1976: p. 14, 16; Motet, 1979: p. 27; Sinderman, 1971; Allen and Costello, 1972; Wells *et al.*, 1964; Yamamoto in Imai, 1971: p. 320). This has never been experimentally demonstrated. Indeed, demonstrated effects of epibionts are in some cases advantageous to scallops, as discussed below. Demonstrated deleterious effects of fouling include entrapment (Leibovitz *et al.*, 1984), increased exposure to stranding (Orensanz, 1986), and deterioration of the shell and meats.

Shell borers. Spionid polychaetes of the genus *Polydora*, which are common borers of scallop shells (Blake and Evans, 1973), have been reported as causing the death of *Argopecten irradians* in Massachusetts (Turner and Hanks, 1959) and of *Patinopecten yessoensis* in Japan (Imai, 1971).

Stranding, usually caused by strong winds or storms, has been reported for *Argopecten irradians* (Belding, 1910), *Patinopecten yessoensis* (Kalashnikov, 1984) and *Chlamys tehuelcha* (Orensanz, 1986). The action of waves has been considered a main source of mortality of *Pecten maximus* in some areas of the Bay of Saint-Brieuc (Thouzeau and Lehay, 1988).

B. *CPUE as an Index of Abundance*. CPUE has been used to assess trends in population size in long-term ("between fishing seasons") and short-term studies, including seasonal trends (del Norte *et al.*, 1988) and within-season declines (see Section 1.1.2:C, below). The data needed are generally obtained through a "log program" (Fairbridge, 1953).

CPUE has severe limitations as an abundance index of scallop and other shellfish stocks. Bivalves and other shellfish –unlike fish– are sedentary. Individuals do not mix after each fishing operation (Baird, 1966: p. 43). The spatial structure of a shellfish stock is persistent, and fishermen do not fish at random over the fishing ground. Rather, once they locate a patch they fish it until density drops to some threshold level, and then move to another patch (Section 1.4.3:B). Given this sequential pattern of patch depletion, stock size is not reflected by CPUE.

C. *Fishing Success Methods*. Catch and effort data can be utilized to estimate initial abundance (ie, at the beginning of the fishing season or removal experiment), provided that the quantity of animals removed over the season (or experiment) is large enough to produce a detectable decline in abundance. CPUE is used as an index of abundance. An estimate of catchability, a coefficient that relates the CPUE index to actual abundance (see Section 1.4.3:B, below) is also obtained. These methods, known as "fishing success methods," are treated in detail by Ricker (1975: chapter 6) and Seber (1982: chapters 7 and 8). Two main families are of common use in fishery research: regression of CPUE on cumulative catch ("Leslie method") and of log(CPUE) on cumulative effort ("DeLury method"). Dickie (1955), in the best known scallop application, obtained yearly estimates of the size of the Digby stock of *Placopecten magellanicus* over 10 years (1941–1951), using a modified version of the Leslie method. The DeLury method has been utilized to estimate stock size at the beginning of the season in several grounds of *Patinopecten* along the Japanese coast of the Okhotsk Sea (Ito, 1964).

Standard fishing success methods assume closed populations (no migration, recruitment or natural mortality), no competition between effort units, and constant catchability (q). Models, however, can be modified in a number of ways for specific purposes, as is well illustrated by Dickie's (1955) pioneering study. The basic Leslie model was modified to: (1) incorporate an independent estimate of natural mortality, (2) utilize only catch data from days defined as "fine" from meteorological records in order to satisfy the assumption of constant catchability, and (3) use effort information decomposed by segments of the fishing fleet (Ricker, 1975: p. 159-161). Natural mortality was incorporated by assuming that the ratio of catches and natural deaths remained constant over the whole experiment, and that effort level was known. Other, more flexible approaches exist that allow for variable fishing intensity (see Seber, 1982; Coomb, 1979; Sanders, 1988), and may or may not require effort information. Wolff (1987a,b) also modified the Leslie technique in an attempt to incorporate an independent estimate of natural mortality. He applied his method to estimate catchability and virgin biomass of the Peruvian scallop, *Argopecten purpuratus*. He assumed that total cumulative catch taken prior to each unit time period t was all taken at the middle of the time interval $[0,t]$. Wolff (1987b) contrasted the population trajectories predicted by his model against those obtained using the (better) approximation of Pope (1972), and found that errors introduced by his approximation

Comment #18

W. William Anderson
702 Dixie Road
Moose River Cove
Trescott, Maine 04652
United States of America
207-733-2179

June 01, 2007

Patricia A. Kurkul
Regional Administrator
United States Department of Commerce
National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Pat:

I attended your public hearing on Amendment 11 to the Scallop Fisheries Management Plan. I hold a General Category Scallop Permit and I have a VMS on my boat. I would like to provide further comment on Amendment 11.

The focus of my attention has been lobsters in recent years though I have fished for Scallops in the winter and early spring in the distant past. I still own all my equipment and I could easily move into the scallop fishery. The reason I have an interest in scallops is if the lobster resource should fail to provide me with an income I would have something else to turn to.

I was informed that by a certain date I had to install a VMS on my vessel in order to maintain my ability to land 400# of scallops per trip. Those who met your demands by the given dates should be in the General Category 400# permit class whether they have landings or not.

I do agree that you have to manage the effort in all fisheries or we will have no fish, scallops, lobsters, etc.

One of my biggest concerns is the consolidation or ownership of permits you are allowing in the permits that hold significant ability to land product (limited access permits). In scallops you have a little over 300 permits with rights to land the majority of the resource. Then if you start to look at actual ownership of permits the number of persons who actually own or control these permits. Your numbers will shrink to a smaller number of people holding most of the landings rights to this resource. Then if you were to look at this and then who own groundfish permits with any landings ability and herring I wonder what the picture would look like. I believe from what I have read consolidation has been occurring and it will continue. My concern is that in time you could end up with a few or one large corporation holding all the limited access permits. I believe in the latest authorization of Magnuson-Stevens Fishery Conservation and Management Act, National Stand 4 of Mangnuson-Stevens states that if it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, it should be carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. While it does not actually spell out what an excessive share is it does address the consolidation and indicates that we should be sharing rights to our publicly managed marine resources.

With the conflict of interest laws in this country and other anti trust laws and I wonder whether people or corporations who hold such a majority share of the permit should be allowed to hold a voting seat on the New England Fisheries Management Council because of possible conflict of interest issues. While it would be all right for one of these large corporations to hold a voting seat if you have several of these large corporations on the council this could possibly represent some conflict of interest problems.

It is the shaping of and distribution of effort and landing abilities that makes me wonder about conflict of interest at the council level in the past. It is what was done in the past that has gotten us to where we are today.

I was appalled to learn that when a limited access vessel had used up his days as a limited access vessel he can then join the general category fleet and fish the rest of the year as a general category vessel. This allows even further consolidation of landings ability by multiple permit holders. This is one of the areas where I start to think about possible conflict of interest in past council decisions. There are other areas in fishers issues where I wonder

about conflict of interest and if it played a role. Conflict of interest may be or have been helping shape fisheries management decisions and be aiding the depletion and hindering the rebuilding of our nation valuable marine resources. I raise these issues because I see the general direction of management measures in place and new measures being proposed and it all leads to further consolidation for the big players while making it more difficult for others to continue to hold the right to fish.

General category was set up for the small boat fleet like myself who needs to have access to other fisheries to make it through the year. Weather alone will limit our days at sea. While most of those holding limited access have vessels that can stay at sea and fish in most any weather. It is my opinion that if you already have a limited access permit you should not be allowed to also hold a general category permit. Pick one not both. This should especially be the case if your corporation hold 7 limited access permits. If you hold one limited access permit and no groundfish or other limited access permits then this indicated that scallops are your business and you own one boat and you possibly could be allowed to participate in general category under general category rules but your participation could be limited in some way different than a person holding only a general category permit. You could give these boats a General Category C class permit to separate them from the rest so you know how many there are and what their landings are.

When I learned of the limited access boats using general category as well it has occurred to me that this could have a significant impact on the increased landings/effort by general category permits. This should be separated out and then we could be talking about the small boat general category fleet for New England using a 10 foot dredge or smaller and allowed to land 400# per day, which should be separate from the Mid Atlantic.

When you have addressed the issues listed above then I suggest you look at what is needed to manage effort in the General Category Scallop Fishery for New England.

I will make no further comments on Amendment 11 until these issues are addressed. When these issues are addressed then I think it could be appropriate to develop a new amendment to deal with effort in the General Category Fishery. You could look at separating A and B permit holders and closing access to the B category of the General Category permits after you have separated out those who also hold Limited Access Permits. Then The B category would represent what General Category was created for. The small boat fleet with 10ft. dredges. Possibly creating a C category permit with limited days, 400#s per day, etc. For single boat owners with single limited access permits.

There were many others at the hearing I attended in Ellsworth, Maine who said take no action and raised some of my concerns. I have gone further after listening to testimony.

Effort in the Lobster fishery has been growing and landings have been declining. This is not a good situation and there has been talk of the need to reduce effort in the lobster fishery though no action has been taken. Some of the growth in effort in the lobster fishery has come from effort reductions in other fisheries as they are being rebuilt. These fishermen have moved into the lobster fishery but they are going to be locked out of what was their primary fishery, after it is rebuilt. This is why I am bringing up this consolidation issue and the importance that resources be shared after they are rebuilt while realizing that effort needs to be managed to keep a fishery sustainable. Effort also needs to be shared in a fair and reasonable way.

Sincerely,

Bill

W. William Anderson

comment #19

Subject: Scallop FMP comments
From: mwelch@jerseyshoreclammingcorp.com
Date: Wed, 30 May 2007 21:31:49 -0400
To: Scallop.Eleven@noaa.gov

My name is Michael Welch. I have been a commercial fisherman since shortly after I graduated high school in 1973. It was always my dream to own my own boat and fish for scallops. Even though I was aware of the talk of the Amendment 11 changes, I decided to take the only opportunity I could ever afford and purchased my own boat a couple of months ago. I realize that I will be out of business once the decisions are passed; however, I would like to say that I wish NMFS would have limited the access to boats from this area and not allowed boats from the south to come here to New Jersey and fish our waters. I presently am docked in Point Pleasant and it amazes me that in a situation where NMFS is realizing our waters are being over-fished that over 50% of the boats tied up at the dock are from the south -- the Carolina's to Alabama. I feel that if NMFS would not have allowed these boats to come into our waters, since they had over-fished the shrimp in their area, a person like myself may have stood a chance to continue to fish for scallops in the general category. I realize that it is probably too late after attending the meeting this evening in Manahawkin, but I wish to express my hopes that NMFS would look at removing these boats from our waters and allowing the local boats to retain their permits and continue fishing.

Thank you for your time and courtesies.

Michael D. Welch, President
Jersey Shore Clamming Corp.
F/V Annie Wilder

Comment #20

Deirdre Boelke

From: Scallop Comments [Scallop.Eleven@noaa.gov]
Sent: Thursday, June 07, 2007 11:24 AM
To: Deirdre Boelke
Subject: [Fwd: Super Ridiculous Bureaucracy]

-------- Original Message --------
Subject: Super Ridiculous Bureaucracy
Date: Wed, 06 Jun 2007 19:46:41 -0400 (EDT)
From: CLevites@aol.com
To: Scallop.Eleven@noaa.gov

To amendment 11 council members,

I just downloaded 42 pages of unbelievable nonsense that somebody paid a lot of people to compile, complete with charts and diagrams, (Luckily no pictures) aimed solely at forcing small fishermen out of business and ending a traditional way of life for anyone who would hope to live life with a little bit more freedom than Manhattan stock broker. I mean really, were talking about a industry of General category fishermen with TAC of less that %5 on average during a control period of technological miracles. Why should big corporate boats that can fish in almost any weather condition be allowed to force people to alter their life styles and lead less romantic lives so that they can have all the catch. GREED! It's the only answer that makes sense to me. Should I, as a person that was born in one of Maine poorest regions, not be allowed to make in a year what those boats make in a trip? They should be giving some of their allotment to potential young fishermen who are from rural coastal areas that would like to follow traditional pursuits. I for one believe there should be no changes in the general category permits.

Ralph Dennison

Comment #21

Michael Skarimbas
145 Ames Avenue
Leonia, NJ 07605

May 31, 2007

Patricia Kurkul
Regional Administrator
NMFS
1 Blackburn Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

I would like to give my comments concerning Section 6.0 "Questions to help focus public comment on Amendment 11".

1. YES I believe capacity and mortality should be controlled.
2. I am in favor of limited entry.
3. I do not support the preferred alternatives. 1,000 lbs. over eleven years will water down the pool of permit holders so that vessels that are making 100% of their living in the general category TODAY and qualify for a permit will NOT be able to survive. 5,000 lbs over 11 years is ok, but over 5 years is more realistic.
4. A tier system is the only equitable solution.
5. Dredge only 10.6 for everyone everywhere.
6. Undecided.
7. Limited access boats fishing under a general day should come out of the limited access TAC.
8. 5% of the TAC is an unreasonably small amount. We are people with mortgages and families to feed. If a limited access fishery is to be created at the expense of many, it should be a viable one, not one that leaves us unable to sustain our families and with worthless boats and equipment.
9. See answer #8.
10. 40 lbs.
11. We all have V.M.S. Let's use them.
12. No.
13. No comment.
14. Additional comments: Speaking for myself and my crew I would like to say that the notion that this is some sort of "fill-in" or part time fishery is totally incorrect. Since giving up my groundfish permit, my vessel has made 100% of its income scalloping for the last seven years. You have the power to create a viable category with a healthy future and your abilities should not be swayed by owners of fleets of limited access vessels counting up small percentages of increase (due to our impending demise) that translates to big money for them.

Sincerely,

Capt. Mike Skarimbas
F/V Endangered Species
Montauk, NY