

## **APPENDIX VII**

### **Summary of Amendment 10 Scoping Comments**







## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
Thomas R. Hill, *Chairman* | Paul J. Howard, *Executive Director*

# Scallop Fishery Management Plan

## Amendment 10

Scoping hearing summary – Fairhaven MA  
February 15, 2000

Mr. Williamson and Mr. Applegate read an introduction to explain some of the problems, issues and potential management measures that could be considered in Amendment 10. Mr. Williamson pointed out that a comprehensive program for area management could ease the difficulty in developing Frameworks 11 and 13 to allow access to the groundfish closed areas. He explained that Amendment 10 could be either a very comprehensive amendment or it could be something very streamlined to specifically address area based management.

Mrs. Ellen Skaar, a fishing boat owner, said that with the a current limit seven man limit, there is no incentive to have shackers, i.e. less experience crew. Her youngest brother died at sea in Greenland this summer, she said. He was working with beginners – there was no reason for him to drown if there were capable seamen working with him. She wanted a training program for seamen, a training program for shackers.

Mr. Ron Smolowitz, Connamessett Farms, and a technical advisor to the Fisheries Survival Fund: Amendment 10 should not be viewed as the be all end all to scallop management, he advised. The scoping document indicates a broad purview, but he thought that Amendment 10 should focus on growing more scallops, rather than on allocation issues. The Council and the industry need better data and dockside compliance, he said. A framework that would allow us to enhance scallop populations and have predator control would be the most beneficial effort.

Mr. Richard Taylor, a part-time scallop vessel owner from Gloucester, MA thought that the document runs the gamut from A to Z. The real reason that any change is needed, he said, is to increase the yield from the fishery, that is the catch based on SFA requirements for how many scallops can be caught. To increase yield, we need to increase biomass by targeting larger scallops he asserted, one allowing the industry to plant scallops and protect them until they reach a harvestable size. He'd rather increase the size of the pie, rather than cut the pie thinner. How to decide what to close and protect what is out there until it should be harvested should be the main focus of Amendment 10.

Roy Starvish, Jr., a son of a scallop fisherman with several vessels, said that he is 100 percent in favor of transferable IFQs. Capacity reduction would be simplified through market forces. Gainful employment would be enhanced by allowing the fishery to provide predictable landings. Vessel safety could be improved. Older vessels require maintenance and predictable landings would provide revenues needed to maintain vessels at highest standards. He said that an IFQ system would guarantee compliance with the Amendment 10 Scoping Hearings

SFA. Transferable IFQ is a free market system, enhancing capitalism, using the same market forces that are evident in the majority of other US industries. It would allow a fishermen to manage his vessel in ways that are in the best interest of his family, he concluded.

Mr. Ronald Enockson, a scallop boat owner, was concerned about the time that area rotation would take to implement. At present, the day-at-sea tradeoff is not enough incentive to fish in the closed area he thought, possibly backfiring due to the high number of scallops in the open area. He recommended changing the day-at-sea tradeoff or changing the trip limits to induce a shift of fishing into the closed areas. It takes too long to implement new rules, and by the time it is implemented, things change. The long time frame also makes it difficult for the industry to plan the upcoming season. He said he was unsure what will happen if there is 100 percent area rotation, and fishermen lose the opportunity to fish in open areas. He thought that such a system would create tremendous derby-style fishing behavior. He was also concerned about what happens if a vessel has to compromise safety to use its automatic loss of 10 days-at-sea. He explained that the current access program in the groundfish closed areas force vessels to fish in compromising situations, which are made worse by the short season to access each area. He recommended finding ways to extend the season or allow them to occur to more favorable seasons.

Mr. Hans Davidson, a vessel owner and member of the FSF, agreed with Mr. Smolowitz that Amendment 10 should focus ways to grow scallop biomass, avoiding contentious issues such as ITQs, capacity, and allocating days-at-sea to gear sectors. These other issues would just bog down the process, when they may not be needed if we can increase productivity. He is fearful that the fleet will have a few owners and skippers will receive minimum pay under a system that allowed transferability.

Mr. Marty Manley, a New Bedford boat owner, feels that the Council is on the right track to focus on research and growing more scallops.

Mr. James Sicora, a mate of a fishing vessel Jupiter, was concerned that the effort in the closed areas need to be spread out, including the areas in the southern resource. There were many almost mishaps in the closed areas this year, he reported, giving him concern about safety of fishermen. Three more trips were given out during the biggest spawn in history. There was a lack of communications between vessels, he reported. Amendment 10 should take into account safety and that the closed areas are in a hurricane's path and the access to the areas should not occur during the hurricane season. He reported that some boats stayed out there in the hurricane to avoid the cost of losing days, when they should be coming in due to weather.

Mr. Malvin Kvilhaug, a fisherman from New Bedford, asked if the 120 days would last for 18 months when the fishing year changes to a new date, or whether there would be an allowance to bridge the period between the current fishing year and the new one. Mr. Williamson answered that the timing would change, but the allocation process would remain the same with an interim adjustment to account for the transition. Mr. Kvilhaug repeated his concern that the vessels would receive no more days during the transition.

Mr. Sicora thought that the year should start on January 1, so that vessels had fewer days in the hurricane season and the small scallops that are abundant in fall would not be vulnerable to fishing effort. He said the current fishing year made tax-planning harder.

Mr. Hans Davidson had no preference for when the fishing year starts, but it should minimize regulatory complexity and cost. It should be thought through and stay that way in the future, he advised.

Mrs. Deb Shrader, director of Shore Support, was glad that Amendment 10 might re-evaluating the overfishing definition reference points. She also noted the lack of socio-economic information in the Amendment 10 Scoping Hearings

Environmental Impact Statements for previous amendments. She recommended that the Council conduct a study to determine the current effects and develop ways to measure socio-economic changes. There needs to be sufficient time for gear manufacturers and suppliers to obtain new gear and use up the old, she added.

Mrs. Skaar said that the fleet has a quota, based on days-at-sea. She asked if a quota would layer on top of or replace the current system. She said the current system seems to be working. Please focus on area management to boost yield and leave the current system in place, but improved by area management, she implored.

Mrs. Shrader added that the closed area management is working to take pressure off the open areas. She said that enforcement was concerned about simultaneous access to more than one area, but the stock is being lost while the fleet is waiting for the access to the closed areas. She thought that the Coast Guard should deploy more resources if needed. It is the government's responsibility to ensure there are sufficient funds for adequate enforcement, she maintained. Mr. Williamson replied that one of the important considerations in Amendment 10 will be developing methods to simplify enforcement.

Mrs. Harriet Didrickson, a boat owner and a ship chandler, said that the Council should allow at least 30 days after the last scoping hearing to comment. She said the document is hard to understand. She sees a lot of double talk, many things that have been considered in the past, many broad statements. She thought it was hard to comment on that basis.

Mrs. Didrickson added that there were no people interviewed in New Bedford for the Monkfish FMP. She wants to see it fulfilled that there are interviews in the ports for the amendments and FMPs. She would like the Council to hold meetings closer to the ports, rather than in Boston and Warwick. Warwick is a lot more convenient for the fleet than Boston, however.

She doesn't know how small scallops are defined. The concentrated fishing in the open areas, which nature is providing very well now. Scalloping is now good, so there is a limited amount that management can do, she thought. The catch in New Bedford no longer sets the marketplace, she reported, since the determinant is an international market with imports from China, Canada, and other places. She recommended against consideration of consolidation, under any name or device. She doesn't know how much more needs to be done to the gear. More changes would reduce scallop catch.

On the fishing year, she thought that scientists were never on time with results. The vessels need to know where they will be able to fish and how many days they have, but the information is not available early enough. The government needs to be more timely. She said that the notification of the additional trip allocations for Closed Area II was back-dated and early information was not available. She wanted more research and try to get everyone fishing with as much product as possible. The MSY value was chosen, based on assumptions and uncertain numbers – these can be changed. Fishermen should have access to the raw data, she said. She added that the social data was lacking and needs to be improved.

Mrs. Shrader added that the social economic impact estimates were not provided in previous documents. Now the draggers and scallopers are carrying much fewer men now than in the past. No one has looked at what impact that has had on the community. New Bedford was not considered as important in the process. Many others are now no longer in the fishery, but this was not accounted for in the FMP.

Mr. Sicora added that scallops should not be loaded on deck and then picked through – the little ones should be discarded as soon as possible. Fishermen should not be allowed to dump tows on top of each other before picking through the pile. He recommended that the only thing that should remain on deck is product that will be landed, not later discarded after it is long dead. The area access forces too many

vessels in one spot, compromising safety, he repeated. He added that the Council should focus on the environmental cycles that control recruitment.

Mr. Enockson liked the day-at-sea system because there is no limit on what a vessel can land. He thought that a 100 percent area management system would effectively become a quota, because access would be based on the type a gear a vessels uses and other factors that determine how much it can land. He cannot see how everyone would have the exact same quota.

Mr. Mark Bruce, a vessel owner, said that the Council should focus on the optimism of the scallops showing up. The scoping document seems to have just more restrictions. The focus of Amendment 10 should be on what we are going to do with all of these scallops, he advised. He thought that measures would be obsolete next year, because the vessels would be making a killing in the open areas. The fishing effects on the bottom are much less than they used to be. He wanted to see fewer changes to rules, because they are not being given time to work. He doesn't want to fish in November and December in Closed Area I, but he is being forced to fish in that season to be able to fish in the channel.

Mr. Williamson said that the Council hopes to develop a more comprehensive scallop management program, where access dates are set to enhance scallop yield, instead of other considerations.

Mr. Erik Hansen, owner and operator of the FV Endeavor, reported that there is no impact on small scallops with the current dredges and a six or seven man crews. He didn't see why there was a focus on reducing mortality on small scallops; unless it was due to catches by trawl vessels. He added that the survey data should be analyzed in four or five months, there should not be more time for scientists to drag their feet.

Mr. Frank Weckessen, a boat owner from Fairhaven, the Council should eliminate consideration of meat count, the vessels should be able to bring in whatever they catch to provide the best available information. Trip reporting needs no changes, because the vessels are already reporting a lot.

Mr. Davidson added his hope that Amendment 10 will concentrate on increasing the biomass. There is enough scallops to maintain all the jobs and vessel owners that have permits. He concluded that it is crazy to be considering ITQs and consolidation. He said that the survey indicated a much higher biomass, yet the FMP was on schedule to go to 51 days. He likes the way things are going and the ongoing dialogue with the scientists is healthy. He said it was a complicated system to fish in the groundfish closed areas, but there should be more research about closed areas. The industry will have confidence in the findings if they are part of the research, he advised. The fisheries should support as many people as it can at a reasonable, human wage.

Mr. Kvilhaug added that Amendment 10 should promote the fleet to fish in areas where scallops are big. One such area is closed because there is habitat. He favored more dialogue to better define where the sensitive areas really are in the HAPC. He thought it was absurd that one claim and a small group are saying that it is environmentally sensitive, for such a valuable resource area and to take the entire amount of that area away from the fishery.

Mr. Sicora added another point that the closed areas in the southern portion should be opened. He said that all scallops don't get big, so the area closures may not help in those cases. He said that there was incredible variation in meat yield for the same size scallop, depending on where the scallop came from. There would be a lot less damage to the bottom if the fishing effort were spread out. The larger rings are doing a fabulous job of letting the small scallops escape. The fleet should catch as many scallops as possible in a short as tow as possible to do the least amount of damage to the bottom. He did not favor a larger ring in the closed areas, because it would increase the length of the tow.

Mrs. Didrickson also would not like to see any more gear changes – the current gear regulations are working well. Mrs. Skaar advised against consideration IFQs in Amendment 10, because it could concentrate the industry into few hands.

Mr. Williamson closed the meeting at 9:05, as there were no more comments from the audience.

# Scallop Fishery Management Plan

## Amendment 10

Scoping hearing summary – Virginia Beach, VA  
February 16, 2000

Mr. Wells gave an informal introduction, saying that the resource seems to be doing well and the management plan is on-track to reduce mortality and rebuild biomass. He explained that there many possible issues for Amendment 10 and asked for comments.

Mrs. Kathleen O'Neil, owns eight full-time scallop vessels, said that the vessels were not allowed to bring scallops back to home port from the closed areas on Georges Bank. NMFS know whether we were steaming or fishing from the hourly VMS reports, she said. The Mid-Atlantic vessels need to bring product back to home ports to keep processors and support system working. The steam time should not be counted, if dredges are properly stored on the vessels. She believes that the vessels should not be penalized for bringing product back to home ports.

She thought that it is extremely essential and important to develop a plan to avoid catching small scallops. This would allow more days-at-sea and increase landings. She said that Amendment 10 should address the scallop size selectivity with nets. Dredges do the same when they get full, but not as much as nets do, she explained. The FMP must reduce the catch of 50-60 and 60-70 scallops. Spawning happens when scallops reach 30-40 count, she explained, and spawning is needed to ensure a good resource.

She favors allowing more crew on scallop vessels. The seven-man crew is a safety problem. Vessels have to make an economic decision to carry six men when price is low, but generally the vessels cannot continue with seven men, she explained. With the current scallop abundance, fishing is turning into a derby fishery. She recommended that the FMP change to allow vessels to carry at least eight to nine men.

On area management or rotation, she said that the plan needs to allow fishermen to work at all times, not just 120 days per year. Management does not need more restrictions, so the industry is cautious about the new ideas, since it cannot be changed very easily once something is implemented. The resource is very variable, Mrs. O'Neil pointed out. She is interested about transferable quotas and curious about how it would work when there is a bumper crop. An ITQ system might allow the industry more flexibility to adapt to changing conditions, without waiting for the government to change the rules. She also thought that a transferable effort system could work well.

Dr. Trevor Ketchington, Gadus Associates and a consultant to the Fisheries Survival Fund, said he would comment on Amendment 10, but the tonight's remarks have not been approved, so what he offered isn't an official position of the Fund. The time frame for Amendment 10 is very fast, he said, so Amendment 10 should be used to grow more scallops, not to allocate the scallops to different people. Amendment 10 would get bogged down if allocations are reconsidered, he predicted. Regarding the change in the fishing year, it is a matter for the management process to decide, since it depends on the length of the framework process and the timing of surveys. But he asked that management consider that the end user is the fishing industry, who must plan for and adapt to changing management.

Dr. Ketchington predicted that the scoping document issue on essential scallop habitat would lead rapidly to consideration of HAPCs. This raises red flags with him, since the public is seeing HAPCs as a measure of ecologically sensitive areas, which translates into no fish areas. This can be acceptable for finfish fisheries, because they move, but he predicted that an HAPC for scallops wouldn't be helpful because the scallops do not move and later become available to the fishery.

A recent development is the Magnuson Stevens Act now requires rebuilding within a fixed period of time, Dr. Ketchington explained. There are now eight years left in the scallop-rebuilding program. If an area is permanently blocked off – it reduces the yield and a smaller open area is now required to rebuild. This is a serious risk since it increases management's target. Closures such as this could end up with a beautiful area management system, but it cannot be done because the conservation bar moves up under such a system. A rotating system of closures will increase the catch and increase the biomass of scallops – this is great. However the target to be reached is linked to the long-term biomass, which can be pushed up out of reach without closing all areas to fishing. The PDT should find some solution for managers to keep the targets at an achievable level.

The preliminary fisheries service calculation shows that closures can only substantially increase landings by only two ways. If overfished, the area rotation will increase yield. The only two choices for area rotation that could give a serious increase is to close most of the grounds for a long time with a short open period in a small part of the resource to wipe them out from the open area when they reach optimum size. This gives a 15 to 22 percent increase in catch, Dr. Ketchington predicted, but it would not be acceptable to industry. The environmental group and the public would also hate such a system. The only other way to substantially improve yield is to identify closures in very small areas where surveys and fishery data show there is seed, with a one to three year closure, and fish the open areas at a moderate rate. This also will give a 25 percent increase in catch. The problem with the second strategy is that the system will look complicated, since the areas would be small and the data needs will be high. Coast Guard will be very upset by the idea of having very small closed areas to protect seed piles, he said.

Dr. Ketchington explained that people are already concerned about enforceability of a rotational area management strategy. Some views are that small closures cannot be enforced and they will only work through compliance. There are two types of compliance: willing compliance and enforced compliance. The only one that will work is education and information to induce willing compliance. Either a strategy will fail, because Coast Guard will enforce it, or a strategy that can be enforced, but such a system of large closed areas will do little for the resource and the fishery.

Mr. William Mullis, a boat owner from Gloucester County, VA who also buys scallops for Atlantic Gem Seafoods: He wants the 20 percent back from Amendment 7 that was taken away due to uncertainty. He thinks that Amendment 4 has been tremendously successful. Amendment 4 caused many boats to leave the fishery and there is a tremendous amount of seed out there now. The additional 20 percent in Amendment 7 may have been in error and should be re-considered. This is a significant cut to the businesses. There is more scallop seed than people know about. He reported having a net recently blocked by a very large pile of scallops.

Mr. Mullis would like Amendment 10 to implement a more stable management strategy. Amendment 7 is a death warrant for the industry, he felt. He sees the framework process as giving the industry a reprieve, one year at a time. The Council was faulty in approving Amendment 7, he said. There was contradictory information in the Amendment 7 document. He felt the industry lost control over management in Amendment 7 and the Council was going to do what it wanted to. He hopes that Amendment 10 can improve the predictability of future management, so the industry knows where we are going. The industry needs different sizes scallops to sell, not just U10's or 10-20's. There is a huge processor demand for smaller scallops, he said.

Mr. Mullis didn't believe that the net boats are that big of a threat. There are few of these permits with full-time allocations and trawl allowances. Many trips were landing 30-40 and 40-50 count scallops. The Council does not need to take action to address the differences between dredge and trawl scallopers. The discard mortality on some net scallopers is more hurtful than what the net actually catches, he said. If the vessels deckload, it increases mortality and that is what the Council should address, he recommended. The Council should do something about the number of general category permits, because many of these boats will begin targeting scallops with a 400 pound trip limit. When the Virginia Beach area opens up, there will be many general category targeting scallops, he predicted. The only ones that should be able to fish day trips on 400 lbs are the ones that also have the limited access permits.

Mr. Mullis recommended that the Council should make allowances for steam time, without counting the days-at-sea while traveling to Georges Bank. There is not enough suppliers and processors if all the New Bedford boats are able to fish in the Mid-Atlantic closed areas. He would prefer that many of the New Bedford boats will be able to land the scallops in New Bedford. His boats are catching more than 1,000 pounds per day-at-sea now in the open areas – so the access to the closed areas must be competitive to attract fishing effort, he advised. An allowance for steaming time would reduce the cost for fishing in a closed area that is far from port. Not everyone is able to land scallops in New Bedford, so the system is not fair to all the fishing fleet.

Habitat issues are a concern to Mr. Mullis, and he is fearful of the outcome. A permanent closure may be counterproductive if good sets occur more often in fished areas that may contribute to better scallop productivity. He said that the gravel bottom on Georges Bank might get sanded over in the absence of fishing when the area is closed to fishing.

He is a little bit ambivalent about managing by quotas. Mr. Mullis thought that quotas might improve predictability, but with the day-at-sea system, some boats can do better than other boats, which is a preferable outcome.

He favors moving into something else and replace the death warrant caused by Amendment 7. Given Amendment 7, Mr. Mullis said he is very reluctant to trust the management of the resource to the Council. He is supportive of a buyback program for the scallop industry. Everyone else is getting help, why not the scallopers, he asked? The benefit will be in this country and is 110% behind a buyback program. If latent effort is a problem, it should be addressed in by a buyback program. He pointed out that the Council promised that the limited access permits would be good when the resource rebounds, but now there has been a warning (via a control date notice) that the history permits may be treated differently than active permits.

Mr. Mullis said he is supportive of anything that will give us better data. There is a tremendous amount of scallops out there and this speaks well for Amendment 4, he concluded.

Mr. Jim Fletcher, United National Fishermen's Association, said that there is another group that has been managing scallops since 1987 – the Japanese. They have been very successful in increasing scallop production. There is a potential to harvest 125 to 200 million pounds of scallops per year from our waters, he claimed.

He recognized that there is a problem with bycatch and habitat. It should be called regulatory discards. He recommended taking one half of the money of the bycatch and give half to the crew for processing and the other half should go to research. This would eliminate regulatory discards. There are other types of science that affect the availability of scallops, cyclical events that control scallop abundance.

The current science is not incorporating all the known science, such as sunspots and El Nino. The cyclicity should be taken into account by the management program.

Mr. Fletcher said that area based management to protect small scallops has merit, but it could give that market to the foreign import suppliers, reducing the benefits to the industry. He asked why we need a change in the fishing year? The Council could address this problem by getting better information more quickly, rather than changing the fishing year. Taking the cyclical events, like sunspots, would improve management, he said. The science needs to work outside the box.

Regarding gear restrictions, further tightening would stop the landings of smaller scallops that are valuable to the markets, Mr. Fletcher warned. The net scallop boats represent a small part of the scallop fleet. The problem comes from just a few vessels, their behavior increases discard mortality. The problem is not caused by different gear selectivity, he claimed.

Regarding size limits, it is an interesting question to consider when the Mid-Atlantic areas reopen to scallop fishing. Will the access program allow for shell stocking, he asked? Some consideration should be given to use latent effort, allow them to combine and use the permits. Mr. Fletcher recommended using the moratorium dates to the benefit of the resource. Most of the general category permit vessels are less than 50'.

Regarding possession limits, they would take away the incentive for fishermen to work harder, so Mr. Fletcher thought a scallop possession limit would be a bad idea. Regarding the amount of crew, a nine-man crew is safe, but a seven man crew is unsafe. Higher landings would mean that vessels will need more men on board to maintain safety, Mr. Fletcher advised. The industry doesn't need bag tags, because it will reduce product quality, because the fishermen will stuff the bags to avoid the regulations anyway.

If all the catch is landed, observers are not needed, because much of the information can be collected at the dock. There should be at least two vendors of the VMS systems to provide competition and better prices. The industry has problems with having a single vendor and prices are going up.

Mr. Fletcher said that there is science showing that one major storm will redistribute the bottom sediment in less than 100 fathoms more than that caused by a year's worth of fishing. Amendment 10 should allow 142 days in 2000, because the science that shows the rebound came from 142 days. The credibility of science should be reviewed in this regard. The assumption of the models is that the scallop gear removes all scallops from the area and it would take 3-4 years to recover. But, he said, this is not realistic, because the larger rings leave many scallops behind where it takes only 6-12 months to recover. Mr. Fletcher advised that Amendment 10 should address the ways that others use to improve the resource productivity, much more than 20-30 million pounds.

Mr. Dinny O'Neil, a boat owner from Seafood VA, said that the plan should first consider the safety of the crew and vessels. A seven-man crew is dangerous. The age at entry should be managed through larger ring and mesh size. Smaller nets to be equivalent to 30 foot dredge, such as a 45-foot net with a 30-foot spread. There should be closed areas, but no bottom should be closed permanently, he recommended. The current areas discriminate against the Mid-Atlantic boats. There should be some allowance for this to not count steam time against the day-at-sea clock. Some form of transferable effort should also be considered and he fully supports a buyback program.

Mr. Wells said that the top priorities identified by the committee in September were area management, reducing mortality on small scallops, and the open access general category permits. He thought people said that if areas close, they should be assured that the area would later reopen.

Mr. Tim Daniels, Old Point Packing, thought that habitat impacts with a dredge are much greater than the habitat impacts with a trawl. It is not an issue that the Council should consider right now, however. He thought that Amendment 10 effort should focus on ways to return the small scallops back to the bottom so they survive, possibly with sorting machines. This would help the resource much more than any other strategy. It would reduce mortality and save more scallops and increase landings while reducing mortality.

Mr. Wells asked about the effect of relaxing the crew size restriction. Mr. Applegate replied that it has an effect of limiting the number of scallops that can be harvested in both closed and open areas, so other restrictions would have to replace the effect of the crew size to meet the plan's mortality targets.

Mr. Greg Fulcher said that the Council needs to improve efficiency, by allowing sorting machines or other mechanization. There should be an individual quota, based on the amount of scallops that are in the ocean, he recommended. An individual quota would stop the incentive to take more men and work them as hard as a seven-man crew would work. He doesn't want his boats cutting 40-50 scallops. A 20-30 scallop can be caught and be less costly to fish, working his crew easier. General category permits should be discontinued, because 400 pounds per day could be very profitable, at \$5-6 per pound. When the VA/NC area opens, there will be many general category vessels fishing there. Some of his boats cannot pull 15-foot dredges; so larger rings would not be viable for his boats that use smaller dredges. He also recommended that the Council consider developing a buyback, and the net boats should be the first industry targeted.

Mr. Wells asked why net boats have not been required to increase the mesh size, when other industry sectors have been using larger rings. This would improve escapement. He also pointed out that a vessel upgrade could allow a permit that is allowed to use a net, could possibly pull a dredge. Mr. Fulcher thought that it was a non-issue. Dr. William DuPaul replied that a trawl boat would catch more small scallops than a dredge boat. Mr. Oswald Willaims thought that one change might be to increase the mesh size only in the top of the net to reduce bycatch.

Mr. Fulcher said that his boats didn't fish in the Georges Bank closed areas, because it was unfair to force his boats to use dredges. Mr. Tim Daniels asked if it wasn't fair that trawl boats could increase the horsepower by 20 percent, so that they can begin using dredges. He thought it would be fair to give a trawl vessel a greater day-at-sea allocation to compensate for forcing it to use a dredge, if the Council wants to ban scallop trawls.

Mr. Bill Mullis added that the trawl vessels had far less bycatch than a dredge boat. Most of the trawl vessels catch few monkfish. A trawl boat will lay up and stop towing, while a dredge vessel is working 24 hours a day.

Mr. Wells closed the hearing 9:30 pm., as there were no more comments from the audience.

# Scallop Fishery Management Plan

## Amendment 10

Scoping hearing summary – Cape May, NJ  
February 17, 2000

Mr. Daniel Cohen, representing Atlantic Cape Fisheries, said that he wanted the Council to consider an aggressive program of stock assessment with the help of industry to provide the basis for a quota-based system linked with a strong level of enforcement. This added research would identify areas with a quota and those quota would be divided among the fleet each year. If quotas are not possible in Amendment 10, however, it should include area management to improve yield per recruit, Mr. Cohen advised. He was also in favor of balancing fishing mortality created by different types of gears.

Mr. Cohen spoke in favor of a call in system, with a standardized bag or box, with a government tag to enforce the quota. Amendment 10 should also address the amount of scallops that can be landed with a general category permit, he said, since the current permit allowances promote targeting by part time vessels.

Dr. Trevor Ketchington, with the Fisheries Survival Fund (FSF), noted on behalf of the fund that members have turned out for all three meetings. The FSF has held its own meeting before the hearing and their intention was to have a prepared statement, but the ideas are still being gathered. The FSF will therefore have a formal and detailed proposal developed by the March 6 deadline, especially on the area management proposal.

Mr. Nils Stolpe, representing the FSF and Garden State Seafood Association, pointed out that the scallop fleet at Barnegat Light are all part of the FSF. One of his concerns is the concept of area licensing in the area allowances section. A critical part of a successful FMP is flexibility to fish, for resource, size and safety reasons. The fleet must be given the flexibility to fish in the maximum amount of area that is open to fishing, he advised. He is committed to working on a rotational management system, that will work for industry to provide an ongoing crop of scallops into the future.

Mr. Keith Laudeman from Cold Spring Fishermen Supply, asked why the Council is trying to change the system? Mr. Applegate replied that is was needed to rebalance the high mortality in the open areas and the low mortality in the closed areas where scallops are larger.

Mr. Cohen recommended doing a second survey in January and February to identify areas of small scallops before they become vulnerable to fishing. This would enable a different fishing year and collect data about recruitment before the scallops are caught by commercial vessels.

Mr. Nick English, who owns two scallop boats in Barnegat Light, offered his opinion of rotational area fishing: With half of the areas open, give those days to fish in the closed areas from June to October. The rest of the days can be used in the open areas. There are more scallops out there than have ever been observed, he said, due to days, gear, and the crew limit. He wants to allow small boats fish in the Mid-Atlantic in the fall, as opposed to go all the way to Georges Bank to fish.

Mr. English asked about the rational behind the access to the groundfish closed areas. Rick Savage replied that there are many interests, not just for scallop fishing, which required the Council to prevent Amendment 10 Scoping Hearings Meeting summary

scallop fishing in more than one area at a time. His main fear is that the plan will put the vessels in only a small part of the resource and all the remaining areas are closed.

Mr. Greg Fulcher, a manager of four net boats in NC, said that Amendment 4 has been very successful in reducing effort and it reduced crew from nine to seven men. It is going in the right direction, he thought, why are changes needed now? Amendment 10 should address a buyback to reduce effort and help the resource to achieve MSY, fairly compensating the industry that would leave, either through a government or industry supported buyback program.

There is a 20 percent error in Amendment 7 that was taken away from industry, he argued. This should be given back. He advised that the FMP cannot close an area for a long period of time, because scallops are non-mobile, so these areas must become available, not protected for very long periods of time to protect habitat. No more than one to three year closures on juvenile scallops is adequate, he said. Mr. Fulcher is opposed to a nine man crew, because it would increase fishing effort and that only benefits the boat owner, not benefiting the industry. There should be a per boat quota, to allow the industry to modernize and allow them to return the seed to the water and decrease discard mortality. A quota will allow those improvements, he said, a quota for limited access scallop vessels. The industry is in desperate need for upgrading and replacing vessels. Need to address the general category permit and the 400 pound limit. There are fast vessels that will target scallops with general category permits. There should be a fixed time to open the areas in the Mid-Atlantic. The net boats were unable to fish in New England because the boats were unable to pull dredges, which are much harder on the bottom.

There is a belief in the industry that net vessels target small scallops, but this is not true. The net boats target the largest scallops that they are able, because they can land more pounds at lower cost. Last year his oats caught 20-40 count scallops. Net boats area at a disadvantage, because the net boats cannot work in all bottom types, unlike dredges.

There are 250 boats in the industry, and only 30 are trawl vessels. The 40-60 count scallops are caught by both types of gear. Vessel owners cannot build an expensive boat if they cannot predict future landings or access to areas, Mr. Fulcher replied to a question from Mr. Savage.

Mr. Cohen said the purpose of Amendment 10 is to try to maximize the potential of the scallop fishery from 18-20 million to well beyond that, using a scheme to focus effort on large scallops. He thought that the Council could choose one of three methods to increase the size of scallops caught by the fleet: a size restriction, i.e. a minimum size, identify areas quickly enough and close them, or to modify gear to make it more size selective. If we focus on how to maximize yield, it could range from 20-40 million pounds. He recommended that the Council look at other ways to enhance the resource, possibly through predator control. Automatic sorters to separate small scallops and starfish from the large scallops might be a good choice, he said, possibly allowing the selective mortality on scallop predators, like starfish.

Mr. Cohen thought that allowing shucking machines on scallop vessels would by its nature produce a cooked rather than fresh product, so it wouldn't work for the current markets. A sorting machine could reduce discard mortality by reducing the time that small scallops are on deck. Quota management would allow vessels more time to do things that might in the end be more valuable to the resource. Right now, it is very costly to have the crew working in non-productive ways, because of the limits on days, he said.

Mr. Lauderman, pointed out that all 250 permits are not being used, so some inactive boats could get part of a quota, diluting the amount that would go to active vessels. He said that his vessel had a good year last year, but only because of access to the closed areas. Mr. Lauderman believes a buyback program is needed, but it doesn't now appear to be likely given the improvement in the resource.

Mr. Fulcher echoed this comment that the industry is still in critical need of a buyback program.

Regarding the issue of more crewmen, it seems to be an issue if the management is controlling effort or catch added Mr. Cohen. If the management focuses on the latter, then the crew size does not matter. If we have better estimates of the stock, then it would allow more flexibility for industry.

Mr. Savage closed the meeting at 8:35 p.m. as there were no more comments from the audience.

# Scallop Fishery Management Plan

## Amendment 10

Scoping hearing synopsis  
February 15-17, 2000

### Fairhaven, MA – February 15, 2000

1. Broad support for using rotational area management to boost yield, i.e. increase the size of the pie.
2. Support for increasing research to improve scallop productivity.
3. Broad support for increasing crew size to improve safety, possibly through a training program for the extra crewmember.
4. Support for reducing discard mortality by prohibiting deck-loading.
5. Majority opposed to new measure that would allocate the resource, since this would bog down Amendment 10 and possibly give fishermen a smaller piece of the pie.
6. All but one were opposed to developing an ITQ system for scallop management.

### Virginia Beach, VA – February 16, 2000

1. Support for area-based management to keep the industry from harvesting the seed piles, when and where they occur.
2. Some expressed concern that an area would not reopen to fishing once it was closed to rebuild scallop biomass or allow habitat to recover.
3. Strong support for a change allowing vessels to transit to fishing areas without counting days-at-sea, provided that fishing gear is properly stored.
4. Some spoke in favor of an ITQ system.
5. Support given for a buyback program.
6. 50/50 split about balancing mortality in for a day-at-sea used by a vessel using trawls vs. vessels using dredges. Some thought that bycatch amounts and habitat impacts were less for vessels using trawls, although the trawls caught small scallops better than dredges when the small scallops are abundant.

### Cape May, NJ – February 17, 2000

1. Amendment 4 is working, so large changes are unnecessary.
2. Should have access to the Mid-Atlantic closed areas when the scallops are at marketable size.
3. Support given for quota management, with additional research and improved enforcement and monitoring.
4. A buyback program is needed to remove inactive vessel capacity.
5. Support for sorting machines or other methods that would increase survival of discarded scallops.