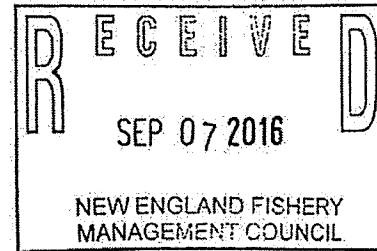


#12

Mr. John Bullard, Regional Administrator  
NOAA Fisheries Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276



September 6, 2016

Dear Mr. Bullard:

We are writing to request that you use your authority under 50 CFR 648.80(a)(8) and (50 CFR 648.80(a)(17) to expand the existing Gulf of Maine scallop dredge exemption area and the Great South Channel scallop dredge exemption areas to encompass the entire Gulf of Maine and Georges Bank regulated mesh areas, not including habitat closed areas, or year round closed areas except when allowed under the Scallop Access Areas Program.

The original rationale behind restricting General Category access to these areas is no longer relevant. At the time, "the harvesting and discarding of groundfish [was] potentially significant...[and t]he Council believe[d], and NMFS concur[red], that without any limitations on this practice, it will escalate."<sup>1</sup> Since that time, the General Category scallop fleet has transitioned from an open access fishery to a limited access ITQ fishery, which has resulted in a significant reduction in participants.

Furthermore, observer collected data and studies conducted by UMass Dartmouth's School for Marine Science & Technology and the Gulf of Maine Research Institute have repeatedly shown that General Category gear results in minimal bycatch levels. In GMRI's 2008 study of the Great South Channel Scallop Dredge Exemption Area, researchers found "consistent bycatch rates of less than 3% of the total catch" for monkfish and individual flounder species.<sup>2</sup> SMAST's 2013 project with the Cape Cod Fisheries Trust, which studied bycatch in the General Category fleet off the outer Cape, found D:K ratios averaging between 0.003 and 0.015, depending on the time of year.<sup>3</sup> And as recently as 2016, General Category scallopers participating in an SMAST study in Nantucket Lightship averaged a D:K ratio of 0.0002 for yellowtail and 0.002 for windowpane.<sup>4</sup>

We understand that it may not be feasible for the Council to overturn these closures wholesale at the moment. However, it is within your power to extend the scallop dredge exemption areas that have provided some much-needed opportunities to General Category boats in the past. Under current regulations, your decision to modify existing exemption areas for the General Category fleet must be based on the

<sup>1</sup> Northeast Multispecies Fishery; Framework 9, 60 Fed. Reg. 19366 (April 18, 1995).

<sup>2</sup> Daniel J. Salerno, An Evaluation of Finfish Bycatch Rates Inside the Great South Channel Scallop Dredge Exemption Area for the General Category Scallop Fishery (May 29, 2008), available at [http://archive.nefmc.org/research/cte\\_mtg\\_docs/090806/report%208%20An%20evaluation%20of%20finfish%20bycatch.pdf](http://archive.nefmc.org/research/cte_mtg_docs/090806/report%208%20An%20evaluation%20of%20finfish%20bycatch.pdf).

<sup>3</sup> Steve Cadrin and Cate O'Keefe, Cape Cod Fisheries Trust Scallop Research Project (April 30, 2013), available upon request.

<sup>4</sup> Steve Cadrin and Brooke Wright, final results forthcoming.

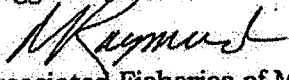
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determination that the by-catch of regulated species is less than 5%, by weight, of total catch.

Typically, information to support that determination would be based on by-catch data collected on experimental fishing trips. However, based on the studies cited above, we contend that there is sufficient data to support a determination that the mandated small dredge used by this fleet meets the 5% bycatch standard. Observer collected bycatch of regulated species by the limited access fleet, which enjoys access to the entire Gulf of Maine and Georges Bank regulated mesh areas (when fishing under open area days at sea), should be conclusive regarding the bycatch of regulated species in general by (albeit larger) scallop dredges.

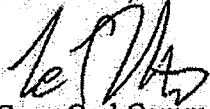
Please contact us should you require additional information.

Maggie Raymond



Associated Fisheries of Maine

Nick Muto, Chairman



Cape Cod Commercial Fishermen's Association

CC: Tom Nies