

CORRESPONDENCE

Related to Mussel Fishery



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

AUG 23 2018

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

Dear Tom,

I received an exempted fishing permit (EFP) application from an individual proposing to document blue mussel bed density and distribution throughout the Great South Channel Habitat Management Area (GSC HMA). The applicant proposes to provide information collected under the EFP to the Council for consideration of a potential mussel dredge exemption in the GSC HMA. We typically solicit Council input on EFP applications at the public comment phase of the EFP process. However, due to the direct relevance of this request with ongoing Council deliberations regarding GSC HMA exemptions, I am seeking initial feedback from the Council before we further consider the request and prepare to solicit public comment.

The proposed study currently lacks definition, and a more refined study design would need to be fleshed out if the proposed exemptions are warranted. In the initial EFP application, the applicant proposes to identify and ground truth mussel beds throughout the entire GSC HMA using side-scan sonar and a mussel dredge during 12 single-day trips. Once a potential mussel bed is located with sonar, dredge tows would be conducted to determine the extent and density of the bed. The application does not currently include an estimate on the number of sites that would be sampled using a dredge, but notes that 5- to 6-minute tows would be conducted once possible mussel beds are located, followed by short 30- to 90-second tows to gauge mussel bed density. The applicant anticipates catching 400 bushels of mussels per day, and proposes to sell this catch to offset the cost of conducting the study.

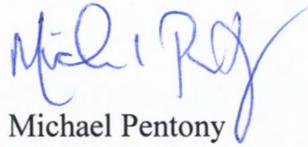
One of my principal considerations when reviewing an EFP application is whether the request is consistent with the management program on which the regulations are based. If I determine it is contrary to our management objectives I may deny the request. Because mussel beds are well documented to provide habitat value and were a factor in designating the GSC HMA, I have concern that granting the requested exemption would be counter to the management objectives of the GSC HMA. However, an EFP may be beneficial to collect mussel bed location and density information, should the Council be receptive to considering an exemption to allow some limited mussel harvest by mussel dredge gear. Feedback from the Council on the proposed EFP and underlying objectives of an exempted fishery would greatly assist in the consideration of this EFP proposal. Beyond input on whether the proposed EFP is consistent with the GSC HMA



objectives, should the Council support the exempted work, input on the scope or scale of the exempted mussel fishing in the area would be helpful.

We look forward to the Council's input on this EFP application. If you have any questions about this request, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Michael Pentony". The signature is fluid and cursive, with the first name "Michael" and last name "Pentony" clearly legible.

Michael Pentony
Regional Administrator

CHATHAM LIGHT SEAFOOD

August 21, 2018

Tom Nies
Executive Director NEFMC

I am writing today in support of a mussel fishery exemption in the GSC HMA. I believe any potential mussel fishery exemption should be in the form of an LOA or EFP from NMFS and should include both VMS and trip reporting components. Any vessel given an LOA or EFP to harvest mussels in the HMA should be equipped with a mussel declumper so that any undersized mussels and sediments are returned overboard. I applied for an limited trip EFP earlier this summer with the hope that this limited trip EFP would allow me to provide the council with very detailed information about where marketable mussel beds exist within the HMA and potential areas where a fishery could exist avoiding complex habitat.

Marketable mussel beds of only a few square miles can yield millions of pounds of mussels, the cc bay bed is less then four square miles. The cc bay bed has produced over 500,000 bushels of mussels in the last seven years providing jobs on boats for 12-15 people yearly, and numerous shoreside jobs. Mussels are one of the lowest cost seafood available to the American public averaging around \$2.50 per pound retail.

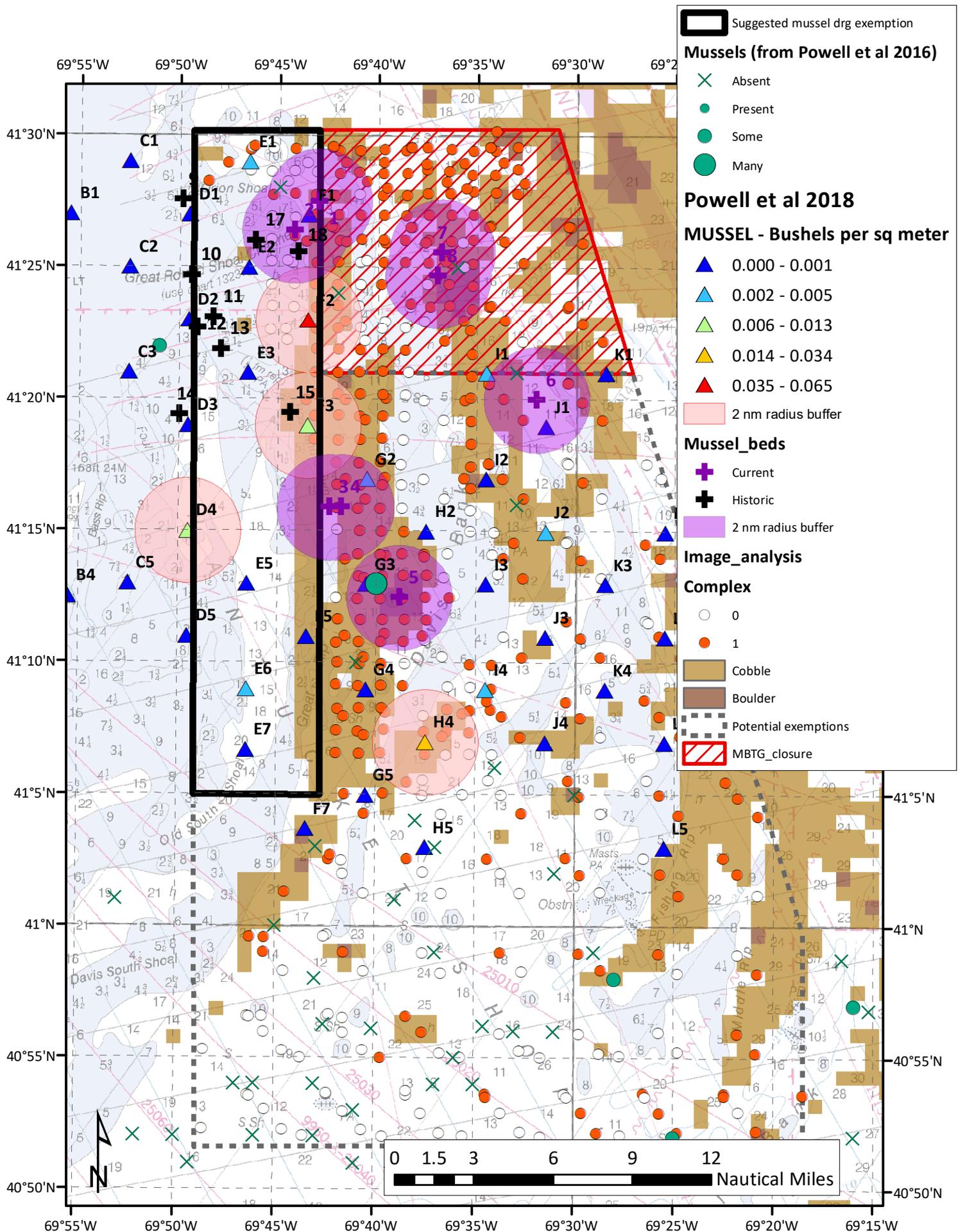
Unfortunately my EFP is still under review, so I have worked closely with Michelle Bachman to develop areas for possible mussel fishery exemption based on; historically fished areas, information from other fishermen, and first hand knowledge. The map attached shows a potential mussel exemption in the northwest edge of the HMA. Thanks to captain Mark Rynasiewicz we were able to establish This is an area historically fished for mussels. I know there is some mussels there today based on information from fixed gear fishermen.

There are pink and purple areas on the chart with a 2 mi radius circle around them. Several of these areas are reported to have very high density, high quality mussels beds. I Feel if I was able to access the HMA under the limited trip EFP I applied for, I could isolate areas that would be both productive and avoid complex habitat. My vessel is equipped with side vu sonar which enables me to see both mussels and cobble/boulder bottom and distinguish the two.

Towing for mussels in bottom that is rocky or full of cobbles is not feasible, this is not the scallop fishery where picking through a rock pile for lucrative scallops may be acceptable. Mussel tows must be clean to be fishable. I have submitted video of my mussel boat in operation. Notice please the extremely short tow time and the clean piles of mussels the tows yield.

The mussel fishery is an opportunity for industry and fisheries managers to work together from the beginning to use ecosystem-based management approach to manage a fishery that; provides an affordable food source, provides opportunity to support coastal communities and finds the balance for the ecosystem and the fishery.

Domenic Santoro
Chatham Light Seafood
202 Commerce park
South Chatham Ma 02659
508 738 0189





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August 23, 2018

Dr. Thomas Nies
Executive Director
NEFMC
50 Water St
Newburyport, Ma.01950

Dear Doctor Nies,

I am writing in support of Captain Domenic Santoro's request for a mussel fishery exemption in the GRC HMA.

I am asking the committee and council to consider the following:

1. The attached letter from Captain Mark Rynasiewicz describing the gear used and the nature of the mussel fishery on the Nantucket shoals. Mark fished this area in the 1980s and 1990s. The multiple areas he fished are indicative of the dynamic nature of the shoals and the shifting silting bottom in the area.
2. My partner, Captain Tom Ryshavy, ran the Melissa and Vanessa and fished mussels for several years on the Nantucket Shoals. In early December 1992 several weeks after the "Perfect Storm" an unnamed northeaster blew for about 5 days. There were steady gale winds with hurricane force gusts. When Tom finally got out he called me at 6am and said "there are boulders the size of Volkswagens where I fished last week. Can you imagine the depth and quantity of the sediment that covered these boulders?"
3. A better understanding of storm driven sedimentation and patterns of epifaunal growth and recruitment is needed before conclusions can be drawn about the presence of long lived epifauna being indicative of "stable bottom".
4. In January 2017 Doug Potts of the NMFS advised Domenic Santoro that he could fish in the entire dredge exemption area. In January 2018 at the council meeting there is recorded testimony from Domenic stating that he wanted to make sure he could fish mussels in the HMA. After the January 2018 meeting Mr. Pentony told Domenic he was aware of his situation and

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was looking into his options. No one had the common courtesy to advise Domenic that there was a pending action in the federal register to prohibit mussel fishing in the HMA. That prohibition became effective in April 2018

5. Excluding mussel fishing in the HMA effectively reduced the existing mussel fishing exemption area by over 50%.
6. I would like the council and committee members to consider the following question..." if mussels were a regulated species and commercial quantities were found in the HMA would they be considered a fishery or habitat?"

Thank you,

A handwritten signature in blue ink that reads "Bill Silkes, Pres".

Bill Silkes, President

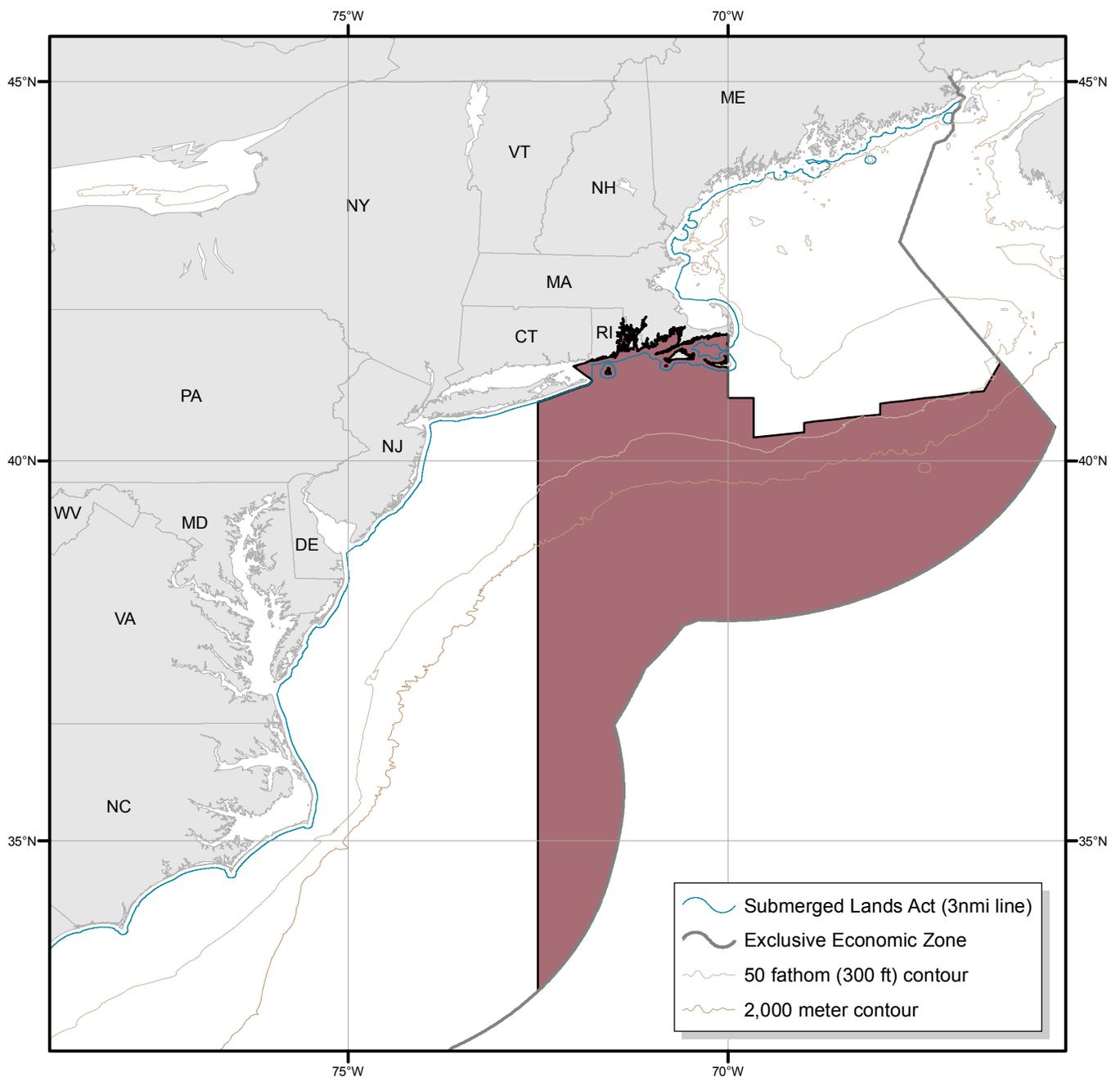
CC: Michelle Bachman
Domenic Santoro

Shapefile: SNE_Exemption_Area.shp

Posted to Website: 3/15/2015

This shapefile includes the NMFS Regulated Areas in Northeast and Mid-Atlantic Waters depicted below. The dataset can be downloaded from the GARFO GIS website at <http://www.greateratlantic.fisheries.noaa.gov/gis>.

 SNE Exemption Area

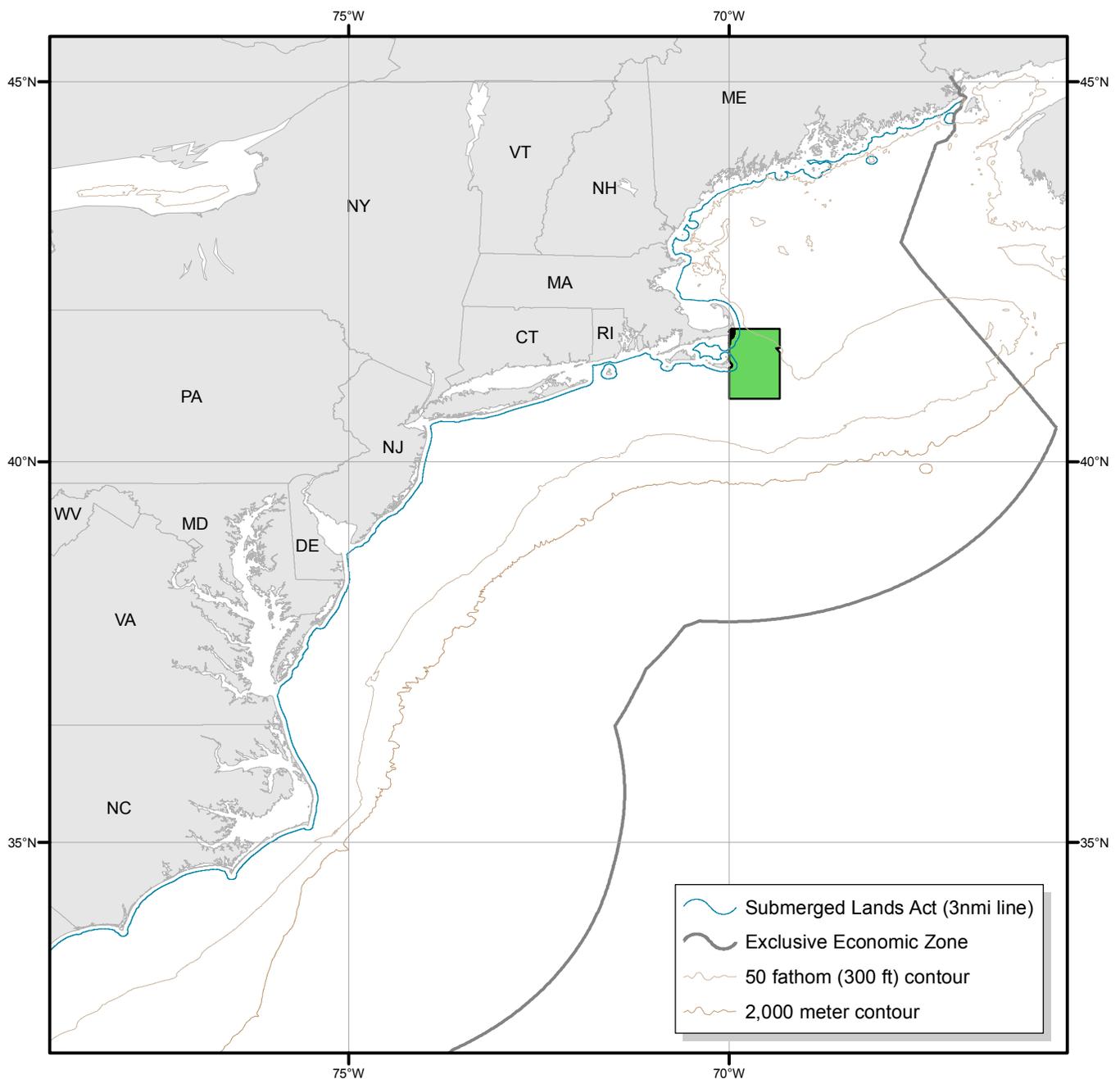


Shapefile: Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area.shp

Posted to Website: 3/15/2015

This shapefile includes the NMFS Regulated Areas in Northeast and Mid-Atlantic Waters depicted below. The dataset can be downloaded from the GARFO GIS website at <http://www.greateratlantic.fisheries.noaa.gov/gis>.

 Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area



Begin forwarded message:

From: Michael Fowler <fowlerfishingcharters@gmail.com>

Date: July 11, 2018 at 12:22:21 PM EDT

To: juddmich@icloud.com

To who it may concern at NEFMC (New England Fisheries Management Council) regarding musseling in the bay. I am Captain Michael Fowler owner and operator of the Charter Fishing vessel the Bad Dog located in sesuit harbor. I have been fishing cape cod bay for many years and take out multiples trip a week charter fishing in the bay. Have noticed throughout the past few years a very steady incline of marine life close by the mussel boat including flounder, seabass ,and striped bass. The mussel beds have always held fish but due to the recent exposure of mud, worms and plentiful mussels through the dragging i have seen a steady incline in flounder and seabass fishing which i now offer to clients and makes for a great experience, happier customers and a better business for me overall. I hope they continue to create a great fishery for us charter guys who rely on making people have a good time and catching fish.

Thanks

Captain Michael Fowler

Begin forwarded message:

From: Tyler Daley <tdlobster@yahoo.com>

Date: July 11, 2018 at 12:37:53 PM EDT

To: juddmich@icloud.com

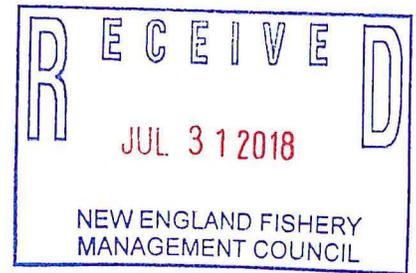
Subject: Sweet Caroline

To whom it may concern,

The mussel fishing activity south of Billingsgate Shoal off Brewster by the f/v Sweet Caroline has had a positive impact on the area. An abundance of food stirred up off the bottom has continued to improve the recreational and commercial fishing in the area. The numbers of flounder and bass in the area has increased greatly since the fishing began. Also, the area has been producing more crabs and lobsters than before and the area is more suitable to setting traps because the mussels have been thinned out. Overall, the mussel fishing activity in the area has been beneficial in creating more food and a better habitat for many fish and lobsters to pass through.

-Tyler Daley

F/V Dorothea Isabel



From: Domenic Santoro [<mailto:dsantoro3@icloud.com>]
Sent: Tuesday, July 31, 2018 8:16 AM
To: Ryan Silva; Michelle Bachman; Michael Pentony; Tom Nies; Michael Ruccio
Cc: Bill Silkes
Subject: Fwd: Follow on conversation about mussel fishery in federal waters

I am forwarding an email from (Ret) Captain Peter J Hanlon Massachusetts Environmental Police 1976-2009. I believe mr. Hanlon's email corroborates that there was a large scale mussel fishery in the federal waters of Nantucket shoals. Mr. Hanlon refers to the mussel fishery as a clean fishery with no by catch or enforcement issues! Previous letters from Bill Silkes and Mark Rynasiewicz have identified the scale of the fishery. Since the time of this fishery foreign imports have risen dramatically, imported mussels have contributed largely to that. Fresh mussels are imported from Canada and frozen mussel products from Chile. Having access to fish the areas mussels exist is vital to the domestic fishery. Over the last month I have continued to search for mussels outside of the HMA. I have logged over 100 hrs on the water fishing alone in the past two weeks. It has become increasingly frustrating knowing that there are large marketable mussel beds only a few miles away while I continue to catch nothing outside of the HMA.

Domenic Santoro
Santoro fishing Corp.
Chatham Light Seafood

Begin forwarded message:

From: "P.J. Cranberries" <capecodberries@yahoo.com>
Date: July 25, 2018 at 8:12:50 AM EDT
To: Domenic Santoro <dsantoro3@icloud.com>
Subject: Re: Follow on conversation about mussel fishery in federal waters

As a Lieutenant with the Mass. Environmental Police working the New Bedford waterfront from 1987 until my promotion to Captain in 2006, and my prior service as an E P O, I am familiar with all the fisheries of our coast. During my career I witnessed the build up and then the falling apart of the federal waters fisheries for mussels based out the North Terminal in New Bedford harbor. The company who purchased the mussels was "Blue Gold Mussels". They sold mussels and also processed them with marinades and by smoking them.

I remember seizing a tractor trailer truck of sea clams which were illegal and we needed them tested for PSP before they could be sold and the value libeled to the Commonwealth. I had an officer bring a sample to them for an immediate test which they offered to complete. The Division of Marine Fisheries official that I worked with had a great working relation with "Blue Gold"! His name is Michael Hickey and he is still working for them out of their New Bedford office.

"Blue Gold" ran about three boats out of New Bedford fishing east of Chatham during those years. We boarded them during this time and it was a pleasure because it was a complete mussel fishery without by catch. The crew and the dealer were completely professional with no issues. The vessel which comes to mind first was the Mellisa Vanessa, a black hulled steel vessel about 75'. I last saw the vessel on Pier #3 where it sat in disrepair.

mb 8/7/18

From my recollection, after a discussion with someone on the waterfront years ago, I was told that "Blue Gold" closed after a violent storm which dislodged the mussel bed and may have covered it with sand. I don't recall the storm. The mussels when located after that had a high percentage of live crab inside, thus non-marketable.

This was a clean fishery that experienced no law enforcement issues. I wish you luck in your quest and I can be reached at my cell (508-367-9951). I will testify if needed on these issues.

(Ret) Captain Peter J Hanlon
MEP 1976-2009

On Jul 24, 2018, at 4:15 PM, Domenic Santoro <dsantoro3@icloud.com> wrote:

Domenic Santoro
508-738-0189

Begin forwarded message:

From: Domenic Santoro <dsantoro3@icloud.com>
Date: July 11, 2018 at 12:55:33 PM EDT
To: capecodcranberries@yahoo.com
Subject: Follow on conversation about mussel fishery in federal waters

Peter

Thank you for taking the time to speak with me the other day. Your knowledge of the mussel fishery that existing in previously in the federal waters east of Nantucket sound is invaluable to me as I fight to keep this fishery open.

Any Information about the years of the fishery, what boats where involved and approximate location of the fishery.

Any observations about the fishery you would like to include would also be helpful.

I can send you the names and email addresses of the people who I think should receive the letter or I can forward it to them.

Domenic Santoro
Santoro fishing Corp
Chatham Light Seafood

Mark A. Rynasiewicz

189 Linden Drive; Kingston RI 02881

Ph 401.789.4921

July 20, 2018

RECEIVED

Dr. Michael Pentony and Dr. Thomas Nies
c/o NEFMC
50 Water Street
Newburyport MA 01950

JUL 23 2018

**NEW ENGLAND
FISHERY
MANAGEMENT COUNCIL**

RE: Support for Experimental Fishery Permit for Blue Mussels for Domenic Santoro

Dear Dr Pentony, Dr. Nies and Committee Members:

I was contacted by Bill Silkes of American Mussel Harvesters and asked to provide some historical information on the blue mussel fishery in the Great South Channel HMA during the 1980's and early 1990's. I had worked with Bill in the early 1980's and later our companies were competitors in the mussel business. I held various positions at Blue Gold Sea Farms of Middletown, RI and later New Bedford, MA including production and operations manager (inclusive of vessel scheduling), and general manager. I also fished in the area for 3 years. The information provided is based on my old charts and notes and recollections from 30+ years ago.

Blue Gold originally farmed blue mussels in Narragansett Bay and supplemented sales with product obtained from Maine. In 1984 the company acquired the F/V Isle of Shoals (IOS), a 78 foot wooden hulled vessel. She was outfitted to haul a single 8 foot standard scallop drag with 2" rings. The vessel originally fished a mussel bed on Cultivator Shoal but the logistics of fishing this area (weather and steaming time) made the effort economically not viable. She next fished an inshore bed in the Little Round Shoal area. The IOS had a hold capacity of approximately 600 bushel bags @ 50 pounds per bag.

In 1985 the F/V Mary D, a 95 foot steel hulled vessel was acquired by Blue Gold and outfitted with Dutch designed mussel cleaning machinery (declumper and washer/grader). She fished a standard 8 foot drag with 2" rings. The Mary D had a hold capacity of approximately 900 bushels. The IOS was later outfitted with similar processing equipment.

The Mary D and the IOS fished mussel beds in Great Round Shoal Channel: reference NOAA Chart 13237, October 1986; These were: several areas just east of the #4 buoy; several areas just east of the #3 buoy; west by sou'west of the #3 buoy at 41°24.7'N, 69°49.4'W; beds south of McBlair Shoal at 41°23.1'N, 69°48.3'W; 41°19.4'N, 69°49'W; 41°22.7'N, 69°49.1'W; 41°21.9'N, 69°47.9'W; the eastern edge of Rose and Crown at 41°19.5', 69°44.4'W. There were beds on the west side of Orion Shoal and a bed in Pollock Rip. I regret that I have lost the top half of my chart 13237 or I would have more specific information on the location of these areas.

mb 7/26/18

Dr. Michael Pentony and Dr. Thomas Nies
July 20, 2018
Page 2

In 1986 the F/V Melissa and Vanessa, a 78 foot steel hulled vessel owned by American Mussel Harvesters joined the area fishery. In 1989 a fourth vessel whose name I can't recall joined the fishery for a time until she ran aground in Buzzards Bay on returning from a trip. Both vessels were equipped with processing machinery.

As noted, all the vessels were equipped with washer/graders to remove shell, weed, pebbles, and byssal material separated by the declumper. The washer/graders on my vessels were set to allow mussels less than 2 1/16" long to fall through the grader rings and back to the water (as a general guide using 3 x thickness the grader rings were spaced at 11/16"). The wholesale and retail market at that time preferred a mussel between 2 1/8" and 3". There were value added processors (half shell market) that required 3" to 4" mussels but we found as mussels approached 4" they would be covered in barnacles and not saleable. These beds were not fished. I would like to speculate that these older beds were responsible for recruitments elsewhere in the area.

The typical fishing method by our vessels was to use a 2 to 1 scope, tow with the tide/current for about 2 minutes at a speed of about 1.5 kts. Typically this meant maintaining low rpm or even shifting the boat in and out of gear when the current was strong and increasing rpm at slack tide. Adjustments would be made for wind and sea conditions. Tows were made on the edges of a bed to avoid creating "channels" in the interior of the bed where current and tide could disperse the mussels. Mussels shed their byssal connections in the warmer months and as individuals can be moved around by strong currents. "Good" tows yielded 25 to 40 bushels. After dumping the bag, the vessel steamed back to the start numbers to begin another tow. When tows fell below 20 bushels or so, the vessels would move to other areas. The Mary D and the IOS generally fished twice a week dependent upon market demand for fresh mussels, inventory of frozen product, and most importantly, weather and sea conditions. Towing precision and vessel speed were critical to productive tows.

In 1989 the IOS was refitted to "tank" mussels on board (pump seawater through the hold to enable the mussels to remove sand and grit). Hold capacity was reduced to approximately 400 bushels per trip with 2 to 3 trips per week weather and sea conditions permitting. I captained the IOS from March 1989 to March 1992. I fished beds primarily in Great Round Shoal Channel. In addition to the beds I've noted, the captains would search and identify seed beds or beds close to desirable harvest size. When some of these were checked at a later date they were "gone". They were either eaten by eider ducks, starfish (or both) or dispersed or sanded over by strong storms. One of our captains described a bed on the eastern side of Great Round Shoal as buried under softball-sized cobble, "nothing but rocks".

In summation I emphasize some basic observations and experiences which I proffer in support of allowing a mussel fishery in the HMA:

Dr. Michael Pentony and Dr. Thomas Nies
July 20, 2018
Page 3

- Processing and grading equipment returned small mussels and cultch to the fishing area creating "new" beds in the area. Due to the current and depth a discard would not sink directly back on to the bed where it was fished. In hindsight I am amazed at the longevity of the beds in Great Round Shoal Channel.

- Large mussels are older mussels and subject to repeated barnacle sets. These beds were not fished. I would hope that these beds provide the "broodstock" for other settlements.

- Mussel fishing is a "gentle", precise fishery. It is not a "drop the drag and tow" fishing method.

- Eider duck and starfish predation can wipe out a mussel bed. Fishing should be allowed before the bed is devoured.

- When tow yields diminished, vessels would move to other areas. Sometimes there were spat settlements in previously fished areas where the remaining mussels provided a substrate for byssal attachment.

- In thousands of tows the IOS caught 1 codfish ~24" and 0 monkfish as bycatch.

- In one 24 hour period the Mary D, the Melissa and Vanessa, and the Isle of Shoals caught a combined 2,000 bushels of mussels. That is 50 tons. This was repeated sometimes twice a week and over the course of years. I believe that might be considered a fishery worth preserving and promoting.

I understand that there is a mussel bed on Davis Bank that has potential for a viable fishery which would provide direct income for captain and crew and downstream income where additional processing, handling, packaging, and transportation occurs. I hope any of the information I've provided contributes to a favorable decision to issue a permit to Domenic Santoro.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Rynasiewicz". The signature is written in a cursive style with a large, sweeping "M" and "R".

Mark A. Rynasiewicz



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July 2, 2018

Dr. Thomas Nies
Executive Director
NEFMC
50 Water St
Newburyport, Ma.01950

Dear Doctor Nies,

Thank you for taking the time to write and explain the clam dredge framework and the mussel dredge exemption process to date. I realize I need to get a quick education on the processes of the fishery service and the council and the people involved.

Chatham Light Seafood is a key supplier of mussels to American Mussel. Domenic Santoro and I are working together to try and carve out a mussel fishery exemption for the GRC HMA. We are encouraged by recent communications with you, Dr. Pentony, Dr. Silva, Dr. Bachman and others that there seems to be a desire to consider proposals for a mussel fishery exemption. In these communications it has been suggested that we provide the habitat committee information on the location of the mussel beds within the HMA that we would like a fishery exemption for. This information needs to be submitted to the committee in early August. Domenic applied for an experimental fishery permit last Friday 6-29-18 to Dr. Pentony. A quick decision is needed on this application to give Domenic time in the next few weeks to survey the areas he believes has commercial quantities of mussels.

We recognize that fast tracking this decision is a break from protocol. If we cannot do the survey work in the next few weeks we lose a year in the process to obtain an exemption. This will call into question the viability of our business models.

Another conundrum we find ourselves in is the belief for some that mussels are the habitat for juvenile cod fish consequently they should not be removed. Juxtapose this with the position of some (including prior council members who granted a mussel fishery exemption) who view mussels as a fishery offering economic opportunity that will not adversely impact cod or other regulated species.

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www.americanmussel.com

mb - 7/6/18



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We appreciate your consideration of the situation we find ourselves in. We are hopeful the experimental fishery permit can be issued quickly.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Silkes", is written over the word "Sincerely,".

Bill Silkes, President

CC:

Dr. Pentony

Dr. Bachman

Dr. Silva

Domenic Santoro

Domenic Santoro Chatham Light Seafood
202 Commerce Park South Chatham, Ma 02659
508-738-0189 dsantoro3@icloud.com



June 29, 2018

Mr. Michael Pentony
Regional Administrator NOAA
55 Republic Drive Gloucester, MA 01930



Dear Mr. Michael Pentony,

Please consider this my formal application for an EFP for the mussels in the GSC HMA. As we discussed after the NEFMC meeting in Portland, gathering data on mussel bed locations is important to developing a possible mussel dredge exemption for the area. In this letter I am providing the information necessary for an EFP application as outlined in the Research Documentation Guidance document I received from Ryan Silva.

The Funding will come from Chatham Light seafood. I Domenic Santoro will be the contact person and project coordinator. I have over twenty years experience in the harvest of wild mussels. The vessel used will be the F/V Redemption MS 6095 BG currently rigged to fish mussels and homeport of Harwich, MA. The short-term goal of the EFP is to identify mussel beds within the GSC HMA and to identify which of those beds may be suitable for a possible mussel dredge exemption. I would like to submit the information to the Habitat committee in early August for consideration of a mussel fishery exemption at their meeting August 27th. I recognize this will require a very quick decision on your part. I am concerned if the information is not gathered this summer my business will not be able to remain viable. Currently no bottom tending mobile gear is allowed within the GSC HMA other than hydraulic surf clam dredges. An EFP would allow the use of traditional mussel harvesting drag to sample the mussel beds. The target species is blue mussels, incidental catch may be horse mussels and sea urchins. I expect to be able to harvest up to 400 bushels per trip. Blue mussels will be sold to Chatham Light Seafood to cover the cost of the trips. No interactions or impacts are expected with mammals or endangered species. In over



mb 7/2/18

twenty years of experience harvesting wild mussels I have had no interaction with mammals or endangered species.

The harvest gear used will be a traditional mussel drag no greater than eight ft. in width that is allowed under the current mussel dredge exemption. Initial tows will be 5 to 7 min in duration. Once the mussel beds are located tows will be 30 to 90 seconds to determine density and extent of the mussel beds. Tow speed will be 1.2 to 2 knots. Twelve fishing days will be sufficient to identify the mussel beds.

The long-term objective would be to establish a mussel dredge exemption within the HMA. The mussel industry would like access to the areas that where historically fished for mussels. The mussels of Nantucket shoals are historically high quality marketable mussels. Mussel beds of great enough density and quality for harvesting do not occur everywhere but they do exist within the GSC HMA. The EFP would provide the necessary information to make an informed decision regarding a possible mussel dredge exemption.

Sincerely,

Domenic Santoro

CHATHAM LIGHT SEAFOOD
202 COMMERCE PARK
SOUTH CHATHAM MA 02659
508-738-0189



June 26, 2018

Mr. Thomas A. Nies
Executive Director NEFMC

Dear Mr. Nies

Thankyou for your letter. I understand the Habitat Committee needs more information from myself regarding possible areas of mussel drag exemption. I am requesting that either under the existing clam dredge framework or an EFP I be allowed to access the GSC HMA this summer in order to provide this information. In January 2017 when I called NMFS about harvesting mussels I was not told of any impending closures. As I looked for mussels I began to network with both surf clam fishermen and fixed gear fisherman in the area. A good deal of my information about mussel bed locations was obtained in the late fall of 2017. In order to provide the best information, I feel I should tow these areas myself to see the extent of the mussel beds. I was not aware until April 2018 that I would not be allowed into the area under the one-year dredge exemption. I would submit that if I was allowed 12 trips into the area this summer I could provide very detailed information as to where the mussel fishery would like to harvest. I believe at least two of the mussel beds are located in the northwest quadrant. Limited trip access to the entire HMA would provide a great deal of information for future possible mussel fishery management.

I know much of the success of the scallop fishery is based on industry surveys. The mussel fishery is an opportunity to model the success of the scallop industry management model to create another sustainable fishery, contributing to viable working waterfront communities. To meet the early August deadline, we would have to make these exploratory trips in July 2018. I have a boat rigged and ready to go, please advise as soon as possible if we can take these exploratory trips in July.

Sincerely,

Domenic Santoro

mb 7/2/18



New England Fishery Management Council

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

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

June 28, 2018

Mr. Domenic Santoro
Chatham Light Seafood
202 Commerce Park
South Chatham, MA 02659

Dear Mr. Santoro,

Thank you for your June 26 response to my letter regarding development of mussel dredge exemption alternatives in our clam dredge framework. Unfortunately, the Council does not have the authority to grant an exempted fishing permit (EFP) allowing you to do test tows within the habitat management area. Such permits are granted by the National Marine Fisheries Service. I understand you have made this request of the Greater Atlantic Regional Office staff and encourage you to follow up directly with them. My staff will continue to track the progress of your request as well.

After NMFS publishes a notice recommending that a particular EFP be granted, the proposal is reviewed by the Council, at which point we can endorse or express concerns with specific permits under consideration. While I cannot commit to a specific response on behalf of the Council without first seeing this EFP proposal, I agree that it would be very helpful to have additional data on where mussel beds occur in the Great South Channel Habitat Management Area to be able to design management alternatives for potential exemption areas.

Please contact me or Michelle Bachman (978-465-0492 x 120) if there is anything further we can assist with at this time.

Sincerely,

Thomas A. Nies
Executive Director

cc: Michael Pentony, Regional Administrator, GARFO



New England Fishery Management Council

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

June 25, 2018

Mr. William Silkes, President
American Mussel Harvesters, Inc.
165 Tidal Drive
No. Kingstown, RI 02852

Dear Bill:

I wanted to be certain that you are aware of a recent Council decision on the framework action that may designate exemption areas for clam dredge vessels in the recently implemented Great South Channel Habitat Management Area (April 2018). At the June Council meeting the National Marine Fisheries Service (NMFS, NOAA Fisheries) Regional Administrator expressed concern that all of the alternatives proposed to date in the Clam Dredge Framework appeared to include a fair amount of "sensitive habitat" and may not meet the framework's "purpose and need for action." The Council responded to this comment with the following motion:

To remand the draft Framework back to the Habitat Committee for further development, with a request to the clam industry to propose additional alternatives for analysis at the next Habitat Committee meeting.

The motion carried unanimously on a show of hands (17/0/0).

The Council indicated in April that it would support the Habitat Committee developing exemptions alternatives for mussel dredges in addition to clam dredges. While this issue was not discussed at the June Council meeting, remanding the framework to the Committee provides an opportunity for the mussel industry to provide additional alternatives for consideration. I hope that you will participate in the development of these alternatives. The intent of this letter is to provide some guidance as to what these alternatives should look like, and to let you know how best to communicate with Council staff regarding their development.

Based on recent discussions, and on the problem statement for the action, an important point is that the Council is thinking of the exemption areas as a relatively small subset of the Great South Channel HMA, such that the bulk of the area should remain closed to mobile bottom-tending gears to protect the habitats within it. The alternatives developed by the Committee during May reflect this view. The Committee's recommendation related to mussel dredging was to allow the activity in the northwestern quadrant of the management area only. In terms of which areas to focus on for closure vs. exemption, the Committee and Council have discussed that exemption areas should minimize the exposure of complex benthic habitats to clam dredging. The Habitat Plan Development Team has developed various data products to identify areas of the HMA with complex habitat which you may find useful. For more information see the April 24 and May 16 memos from the Habitat Plan Development Team to the Habitat Committee, which are available on our website at <http://s3.amazonaws.com/nefmc.org/3.-180423-Hab-PDT-memo-to-CTTE-re>

[clam-fwk-alts.pdf](#) and <http://s3.amazonaws.com/nefmc.org/3b-180516-Hab-PDT-memo-to-CTTE-re-clam-fwk-alts-CORRECTED.pdf>.

We understand that you are already discussing possible options for an exempted fishing permit with NMFS staff. If you wish to submit any exemption area proposals to the Council, please send them to me, including a description, rationale, and maps and/or coordinates, and I will forward them on to the Habitat Committee for review. Michelle Bachman on my staff (mbachman@nefmc.org, 978-465-0492 x 120) is available to work with you directly on mapping these proposals and understanding how they relate to data sets being used by the Habitat Plan Development Team. Please contact her directly to discuss this.

The Committee will meet next on August 28, 2018, and we will update our website with the meeting location once it is determined. I encourage you to attend the Committee meeting and present your proposal to members. Working back from this date, it is important for staff and the Plan Development Team to have final versions of any industry proposals by early August so that they can be initially evaluated prior to the meeting. This will position us to have an updated range of alternatives coming out of the Committee meeting, allowing us to put proposals in front of the Council at their September meeting in Plymouth. The Council should take final action on the framework in early December. If mussel dredge exemptions are approved as part of the framework, the gear could be used again within the designated areas upon publication of the final rule. Framework actions are typically implemented by NMFS within 5-7 months of Council submission.

Thank you for the work you have already put into helping the Council develop this framework. Please do not hesitate to contact me or Ms. Bachman with questions.

Sincerely,



Thomas A. Nies
Executive Director

cc Michael Pentony, RA, NMFS GARFO



New England Fishery Management Council

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

June 25, 2018

Mr. Domenic Santoro
Chatham Light Seafood
202 Commerce Park
So. Chatham, MA 02659

Dear Domenic:

I wanted to be certain that you are aware of a recent Council decision on the framework action that may designate exemption areas for clam dredge vessels in the recently implemented Great South Channel Habitat Management Area (April 2018). At the June Council meeting the National Marine Fisheries Service (NMFS, NOAA Fisheries) Regional Administrator expressed concern that all of the alternatives proposed to date in the Clam Dredge Framework appeared to include a fair amount of “sensitive habitat” and may not meet the framework’s “purpose and need for action.”. The Council responded to this comment with the following motion:

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[clam-fwk-alts.pdf](#) and <http://s3.amazonaws.com/nefmc.org/3b-180516-Hab-PDT-memo-to-CTTE-re-clam-fwk-alts-CORRECTED.pdf>.

We understand that you are already discussing possible options for an exempted fishing permit with NMFS staff. If you wish to submit any exemption area proposals to the Council, please send them to me, including a description, rationale, and maps and/or coordinates, and I will forward them on to the Habitat Committee for review. Michelle Bachman on my staff (mbachman@nefmc.org, 978-465-0492 x 120) is available to work with you directly on mapping these proposals and understanding how they relate to data sets being used by the Habitat Plan Development Team. Please contact her directly to discuss this.

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Thank you for the work you have already put into helping the Council develop this framework. Please do not hesitate to contact me or Ms. Bachman with questions.

Sincerely,



Thomas A. Nies
Executive Director

cc Michael Pentony, RA, NMFS GARFO



RESTAURANT READY® Mussels, Oysters and Clams shipped daily

June 6, 2018

Dr. John Quinn
New England Fisheries Management Council
219 Smith Neck Rd
Dartmouth, Ma 02748

I am requesting that the mussel and urchin fishing exemption instituted under 50 CFR 648.80(a)(12) and 50 CFR 648.80(b)(8) continue to apply in the area of the Great South Channel HMA. In a world where cod is king I am asking the Council, as it pursues the goal of sustainable fisheries, to step outside the box of regulated species and consider the voice of the lowly blue mussel.

The policy objectives of the Habitat committee speak to the need to maintain, enhance, restore, rehabilitate, create, and develop habitats supporting harvested species. There are some people who believe that mussels are the habitat. There are others who believe that mussels are a fisheries resource unto themselves. I believe they are both.

At the Habitat committee meeting of May 18, 2018 images of mussels on the bottom, as seen by drop cameras, were presented. These densities would not support a fishery and these mussels would remain in the habitat. Commercial quantities do occur in the HMA and they can comprise several square miles. Annual settlements of mussels occur on these beds and in some instances the mussel beds can be a few feet thick with multiple age classes.

Objective four of the Habitat committee imagines a world where incentives have created "modified fishing methods to harvest fishery resources that reduce the impacts on habitat". I would argue that the fishery imagined in this objective is the mussel fishery. A skillful mussel Captain has modified a shellfish dredge to be smaller, lighter and designed to skim the top of the mussel bed removing the younger, better quality mussels on the top of the bed. This minimizes the impact to the bottom. The 7-foot-wide mussel dredge is towed at 1 to 2 knots for 30 to 90 seconds covering an area the length of a football field. The Captains move off the area when the tows become less productive leaving most of the mussels on the bed.

Captain Santoro of Chatham Light Seafood in a letter dated May 17, 2018 to the Habitat committee pointed out that two boats working a mussel bed in Cape Cod Bay over the last seven years have worked an area less than 4 square miles producing 500,000 bushels per year. If I have done my math correctly 4 square miles would be .004% of the area of the Great Round Shoal HMA. Even if this area were fished a majority of the mussels would remain in the habitat.
165 Tidal Drive, North Kingstown, RI 02852 tel: (401)294-8999 ~ fax: (401)294-0449

www.americannussel.com



RESTAURANT READY® Mussels, Oysters and Clams shipped daily

Objective 3 of the Habitat committee goals speaks to “fisheries resources that will benefit society”. If one measures “societal benefit” as dollars landed with minimal environmental impact it is important to hold up the mussel fishery in Cape Cod Bay. The Habitat committee report presented at the May 18th meeting pointed out that the MADMF reported that mussel landings between 2013 and 2015 were \$5.9, \$10.3 and \$11.6 million dollars respectively. Most of these landings came from two boats working in Cape Cod Bay. The report also valued the 40 permitted clam boats working in the HMA had an average annual value of \$6.5 million dollars.

If your yardstick for measuring “societal value” is tasty, wholesome seafood protein then consider the average retail price of fresh mussels is about a dollar a pound. It is important to point out that people in think tanks who contemplate the environmental impacts of feeding the world in 2050 put mussels at the top of the list of candidate species for affordable animal protein. It should also be noted that the Marine Stewardship Council has certified a mussel fishery in Ireland as “sustainable” and the Monterey Bay Aquarium has designated mussel dredging as a “good” choice.

In a world where Cod is King I am asking the council to keep the mussel fishing exemption in place for the Great Round Shoal HMA. The Council could require that the vessels make their ship’s log available to researchers, report landings and have tracking devices onboard. The knowledge gained will better inform the Council when making future decisions regarding the mussel fishery.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Silkes, Inc.", is written over the typed name.

Bill Silkes, President
American Mussel Harvesters, Inc.

CC:

Janice Plante
Michelle Bachman
Domenic Santoro

CHATHAM LIGHT SEAFOOD

June 6,2018

Dr. John F. Quinn
Chairmen NEFMC



I am writing today in support of a mussel dredge exemption within the Great South Channel HMA. In the last six months I have come to appreciate how much time and effort was put into the Omnibus Habitat Amendment and The Great South Channel HMA. Unfortunately throughout this entire process no consideration was given to the mussel resource which lies within the boundaries of GSC HMA. Although the mussel fishery is not managed by the NEFMC the restriction of no bottom tending mobile gear in effect prevents harvest of mussels by traditional methods. In 2017 I was able to identify several large beds of harvestable mussels within the GSC HMA. Some of these beds I identified with my own vessel, others were identified in cooperation with other fishermen both fixed gear and mobile gear. Over the last few weeks I have made several trips just outside the GSC HMA along the northern and western borders. As of today I have not been able to find any harvestable mussel beds. In my continued discussions with fixed gear fisherman all have pointed to areas within the GSC HMA as the areas where they have come across mussels beds as opposed to a few clumps of mussels.

The domestic mussel fishery supplies live fresh mussels to the consumer. To grow and continue to support the market we have built in the last seven years we need a steady supply of mussels. Our success inshore has enabled us to once again fish the area of Nantucket shoals which supported a healthy domestic mussel fishery in the 1990's. If we are not able fish these areas, the forward momentum of this fishery will be lost!

Domenic Santoro
Chatham Light Seafood
202 Commerce park
South Chatham Ma 02659
508 738 0189

