



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

March 10, 2021

Dr. John F. Quinn, Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, Massachusetts 01950

Dear John:

On January 15, 2021, the Scallopers Campaign submitted a letter asking the Secretary of Commerce to prepare an amendment to the Atlantic Sea Scallop Fishery Management Plan (FMP) that would authorize leasing in the limited access sea scallop fishery (see enclosure). As noted in the Scallopers Campaign's letter, the Council has considered addressing leasing in the limited access fleet, but the issue has not made it above the line because of other competing priorities. I am requesting that the Council carefully consider the letter, including the merits of this request. In its letter, the Scallopers Campaign asserts that the Council has failed to act in a reasonable period of time to submit an amendment to the Scallop FMP that achieves the goals of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and fails to comply with National Standards 5 and 10. The Scallopers Campaign suggests that the management measures in place prevent permit holders from efficiently operating their vessels, eliminating operational redundancies, and reducing overcapacity.

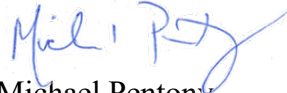
The Magnuson-Stevens Act authorizes regional fishery management councils to develop fishery management measures and specifically vests the Council with the authority to manage Atlantic sea scallops. It is appropriate to work through the Council process when we are considering this request and before we make a final determination on the petition for rulemaking. In its review of the letter, the Council should consider the merits of the request and how/if it intends to address the issues raised in the petition should it find merit in the request. If the Council decides to not take action, it should nevertheless consider the current limited access program and compare the benefits and drawbacks of developing a leasing program.

We intend to take into account the Council's input on addressing the Scallopers Campaign's request when we determine whether the request has merit and whether to proceed with rulemaking through Secretarial action. If we determine to proceed with a Secretarial action, we will request the consideration, comments, and recommendations of the Council, but development of alternatives, approval, and implementation would be the responsibility of NOAA's National Marine Fisheries Service.



I look forward to discussing this at upcoming Council meetings and working with the Council on this request. If you have any questions, please contact Travis Ford, Scallop Policy Analyst, at 978-281-9233.

Sincerely,



Michael Pentony
Regional Administrator

Cc: Tom Nies, Executive Director, New England Fishery Management Council
Dr. Jon Hare, Director, Northeast Fisheries Science Center

Enclosure