CORRESPONDENCE

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

October 13, 2021

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

Dear Tom:

As requested at the October 2021 New England Fishery Management Council meeting, the following tables and figures represent a "report" on the 2021 NEFSC Sea Scallop Survey. The information was discussed at the Plan Development Team meetings prior to the Council meeting. Going forward, we will develop a post cruise report similar to the Bottom Trawl Survey and Ecosystem Monitoring Survey.

The information provided included the number of planned dredge tows per stratum and the number of completed dredge tows (Table 1). We provide notes for strata with a 0% completion rate. We also plot this information (Figure 1) using the following color code: >70% completion rate (green), 1%-70% completion rate (yellow), and 0% completion rate (red).

We also report the amount of planned HabCam track that was completed. The tracks are often modified at sea based on actual survey progress. The final HabCam track created at sea represents a realistic track that will provide the coverage needed for assessment purposes. In this summary, the "% completion" for HabCam operations is in relation to the last track created aboard the vessel. We also show this graphically along with the Coonamessett Farm Foundation HabCam track.

It is important to note that each year the NEFSC plots more dredge stations and HabCam track than can be realistically completed. This is to ensure that allotted ship time is maximized. The objective is to never run out of "planned work" while at sea, even when conditions are optimal. Completing 100% of all plotted dredge stations/HabCam track is not expected.

I want to acknowledge the effort of NEFSC staff and RV Hugh Sharp crew that prepared and conducted the survey. Working under the COVID protocols was difficult and I commend their success.

Sincerely,

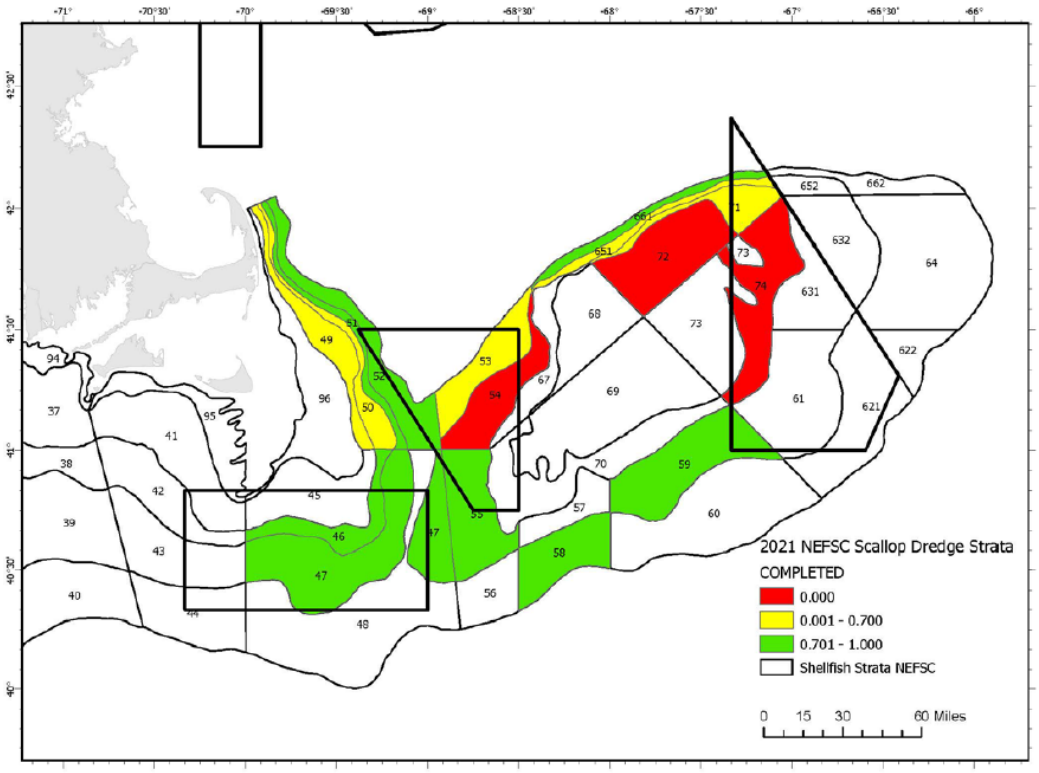
Jonathan A. Hare, Ph.D.
Science and Research Director

cc: M. Pentony
P. Chase
K. Ford
D. Minkiewicz
M. MacDonald

2021 DREDGE:

The dredge portion of the 2021 survey was generally productive, however the lowest priority strata had to be dropped due to bad weather and a loss of 1 week of ship time (vessel crew staffing issue).

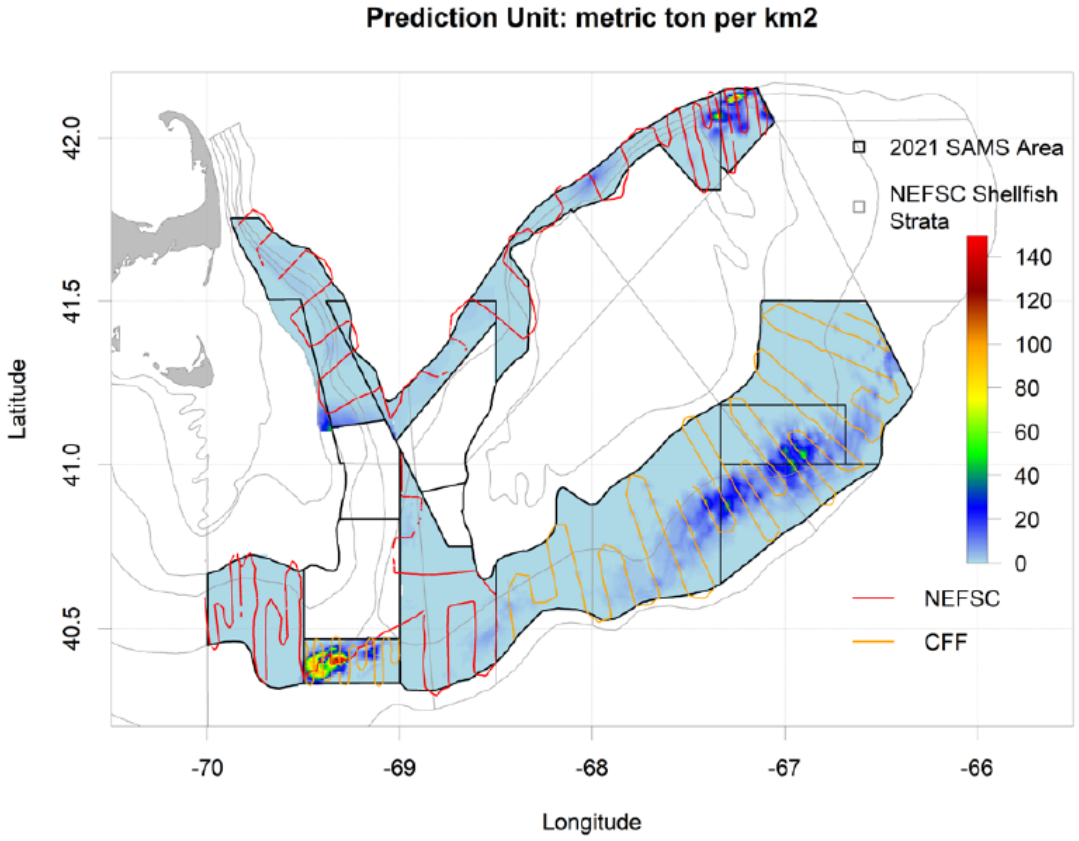
STRATUM	PLANNED	FIXED	COMPLETED	PERCENT_COMPLETE	NOTES
6460	2	0	2	100	
6470	13	1	10	77	
6490	7	0	4	57	
6500	15	0	9	60	
6510	6	0	5	83	
6520	8	0	7	88	
6530	5	1	2	40	
6540	8	2	0	0	Low priority area, dropped due to weather and lost ship time
6550	8	0	7	88	
6580	7	0	6	86	
6590	10	0	9	90	
6651	12	2	5	42	
6661	7	1	5	71	
6710	20	0	7	35	
6720	2	0	0	0	Low priority area, dropped due to weather and lost ship time
6740	2	0	0	0	Low priority area, dropped due to weather and lost ship time



2021 HABCAM

708nm of the 894nm planned track (79%) was completed. The area in the South Channel that was not sampled using HabCam was sampled by NEFSC dredge and SMAST dropcam.

With 1.5 days of HabCam track remaining in 2021, it was noticed that the outer strands of wire on a section of the fiber-optic cable were starting to unravel.. After consulting with multiple engineers, it was decided that it would be unsafe to re-deploy HabCam without conducting a re-termination. Given time constraints, the decision was made to switch to dredge operations.



New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chairman* | Thomas A. Nies, *Executive Director*

October 12, 2021

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

On April 1, 2021, I expressed serious concerns with the proposed SeaWatch Surfclam EFP. The following comments are in addition to the feedback we provided in our initial letter and take into account the response letter you sent to SeaWatch on September 9, 2021.

The Council has been deliberate in its management decisions over the past several years to conserve the scallop resource within and just outside Closed Area II (CAII), closing some or all of the area to scallop fishing to optimize yield. We are concerned about the potential impact that exploratory surfclam fishing in CAII would have on the robust scallop resource in this area. The CAII rotational areas on eastern Georges Bank held ~30%[1] of the total scallop biomass in 2021. This region is, and will continue to be, the most important area for the scallop fishery for the foreseeable future. The Council appreciates the concerns that you raised in your recent letter to SeaWatch. We agree with your assertion that 60 full trips (32 bu/cage, 134 cages) is an appropriate level of effort and sampling to address the stated purpose of the project compared to the 416 trips that was originally proposed.

As we noted in our April 1, 2021, letter, without a clear understanding of where the fishing would occur, it is extremely difficult to provide meaningful comments on this EFP request. Your recent letter to SeaWatch recommended "that any closed area access for surfclam vessels should correspond to the rotational access area(s) and schedule of the scallop fishery." We generally agree that the EFP should bear scallop management issues in mind but think this guidance to SeaWatch could be clearer and more specific. We do not believe fishing under the surfclam EFP should take place at the same time and in the same areas as scallop vessels are accessing the area.

CAII is a large, diverse management unit, and surveys show that scallops do not occur uniformly throughout the area. Three surveys were conducted in this area in 2021: a drop camera survey (University of Massachusetts Dartmouth School for Marine Science and Technology), a HabCam survey (Coonamessett Farm Foundation), and a dredge survey (Virginia Institute of Marine Science). The results of these surveys are similar in terms of scallop biomass estimates and the distribution of scallops throughout eastern Georges Bank. Scallop distribution observed by the drop camera, dredge, and HabCam surveys are shown in Figure 1, Figure 2, and Figure 3,

[1] 2021 Combined survey biomass of Closed Area II SW, SE, and EXT shown in https://s3.amazonaws.com/nefmc.org/3b.-210908_Surveytable_FINAL.pdf

respectively. Stations with low or no scallop catch are shown in black, and larger circles indicate areas of higher density. HabCam data of scallops 35mm-75mm shows recruits in the eastern portion of the CAII region, and higher densities of biomass to the west and south (Figure 4).

The recent re-stratification of the surfclam dredge survey, which concentrated survey strata to the area that encompassed 99% of the historical stock density (NEFSC 2017[2]), provides guidance as to where surfclams are likely to occur. We are assuming that fishable densities of clams are most likely to be found within these strata. We believe there is an opportunity to successfully harvest and test surfclams for PSP within CAII without adversely impacting the scallop resource in this region by focusing surfclam fishing in and around the surfclam strata.

If SeaWatch decides to move forward with the EFP, we recommend that it be modified to focus on areas in and around the surfclam strata inside CAII, and avoid areas where dense aggregations of scallops were observed during the 2021 scallop surveys (Figure 1, Figure 2, Figure 3, Figure 4). The Council recommends restricting exploratory fishing and PSP testing for surfclams in the hatched 'recommended avoidance area' shown in Figure 5. Approximate coordinates of the recommended avoidance area are provided in Table 1. The Council notes that there are areas in CAII to the east of the surfclam strata where the 2021 scallop surveys did not detect scallops. These areas are outside the surfclam survey strata but are not recommended for avoidance.

Based on these concerns, we recommend that the SeaWatch EFP be modified to clearly define the time and area that is being proposed for fishing so that the Council and public can better understand the scope of this research and potential impacts on resources within the CAII management unit.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

[2] NEFSC (2017) "61st Northeast Regional Stock Assessment Workshop (61st SAW) assessment report." http://doi.org/10.7289/V5/RD-NEFSC-17-05

Figure 1 - Scallop rotational areas (black), 2021 School for Marine Science and Technology (SMAST) scallop density per station (blue dots), groundfish/habitat closures (red/orange), and surfclam survey strata (purple).

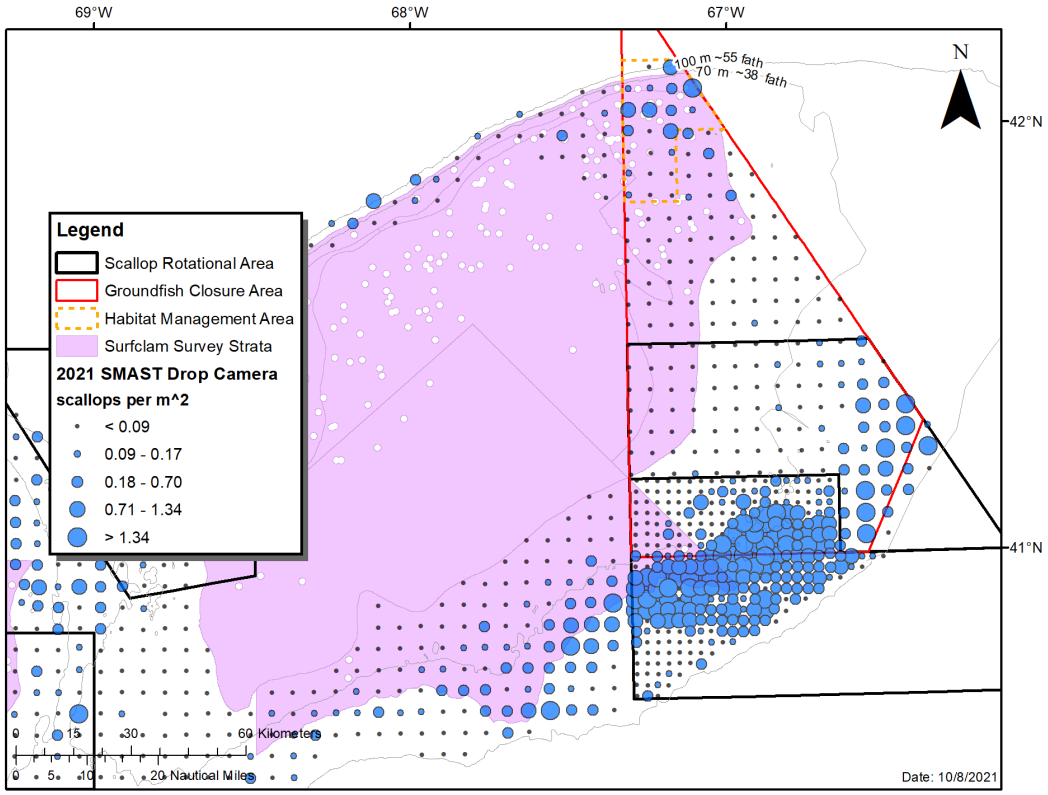


Figure 2 - Scallop rotational areas (black), 2021 Virginia Institute for Marine Science (VIMS) scallops per station (orange dots), groundfish/habitat closures (red/orange), and surfclam survey strata (purple).

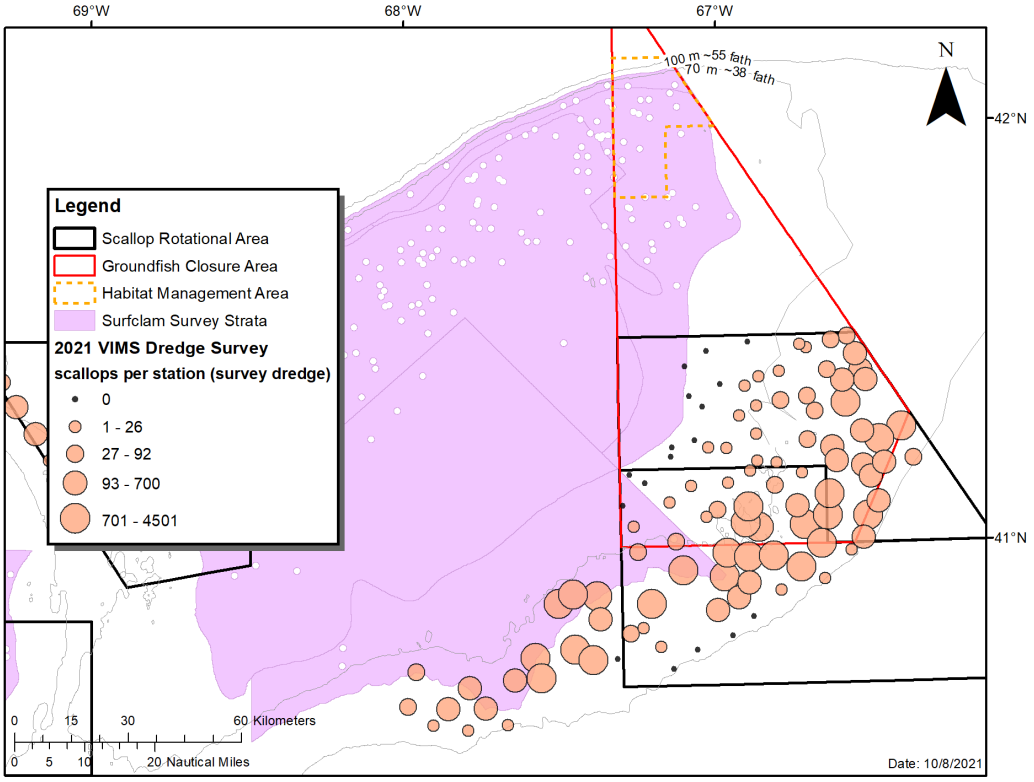


Figure 3 – Scallop rotational areas (black), 2021 HabCam predicted scallop biomass per km², groundfish/habitat closures (red/orange), and surfclam survey strata (purple).

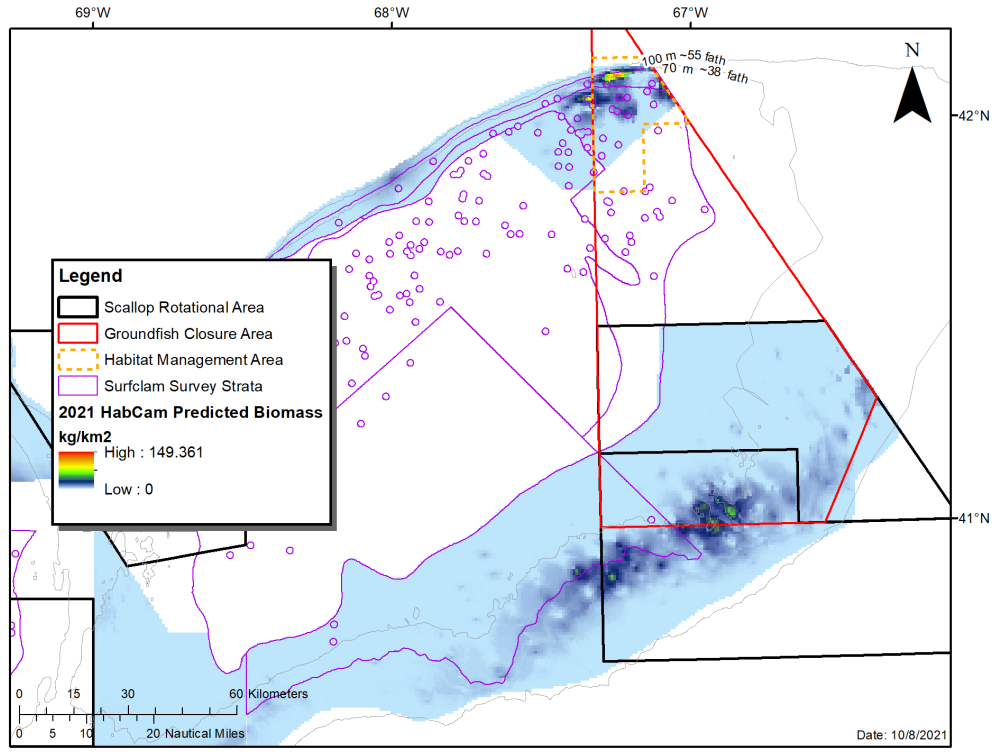


Figure 4 – Predicted biomass (mt per km2) of scallops between 35-75 mm shell height from the 2021 HabCam survey of eastern Georges Bank .

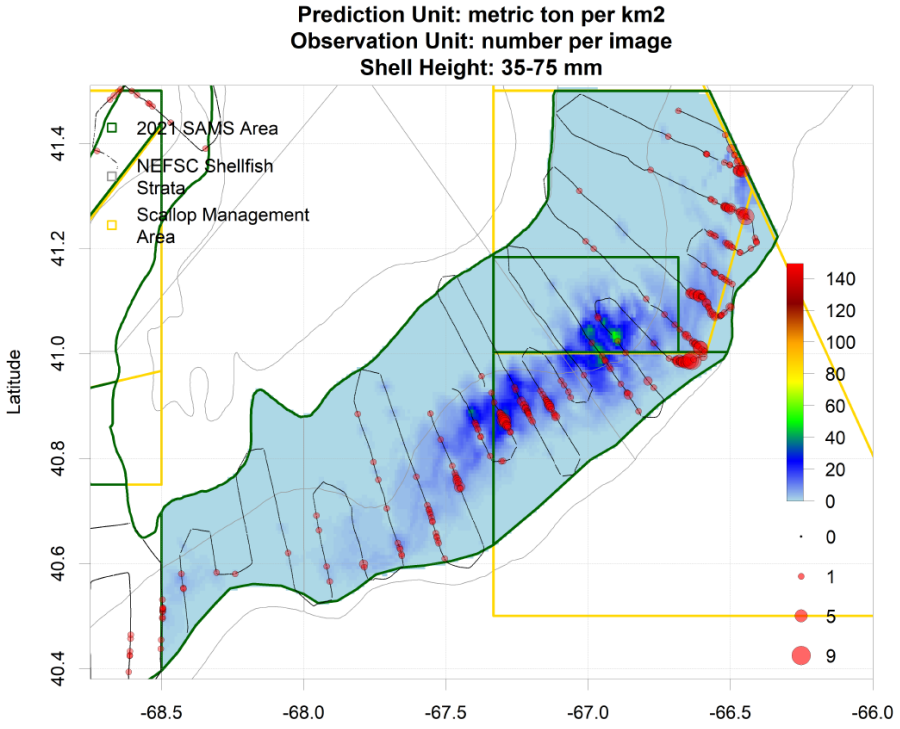


Figure 5 – The recommended area of avoidance for any potential surfclam PSP testing (hatched blue) relative to scallop rotational areas (black), groundfish/habitat closures (red/orange), and surfclam survey strata (purple).

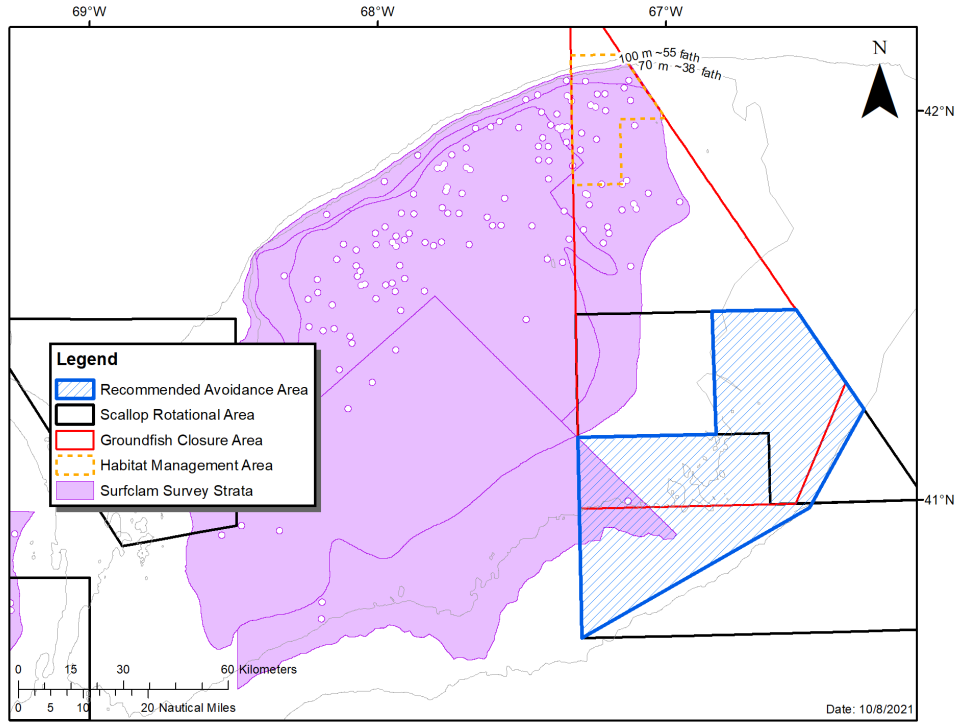


Table 1 – Approximate coordinates (decimal degrees) of the recommended area of avoidance for any potential surfclam PSP testing referenced in Figure 5.

Point	Latitude	Longitude
1	41.5000	-66.8655
2	41.5000	-66.5788
3	41.2371	-66.3550
4	41.0000	-66.5005
5	40.6667	-67.3333
6	41.1833	-67.3333
7	41.1833	-66.8655
8	41.5000	-66.8655

The SCALLOPERS CAMPAIGN

FLEXIBILITY • SAFETY • FAIRNESS

Chairman Eric Reid
New England Fishery Management Council
315 Hamilton-Allenton Road
North Kingstown, RI 02852

October 4, 2021

Dear Chairman Reid:

More than two-thirds of the limited access (LA) sea scallop fleet agree they need the operational flexibility a leasing program can provide, and that this need will only become more critical in the future. To demonstrate this clearly, owners or owning entities representing 232 LA scallop vessels have signed public letters that ask the New England Fishery Management Council to prioritize the discussion and development of a leasing program by conducting scoping sessions as soon as possible. As we contact more vessel owners, we expect this number to continue to grow. Already, it is the most significant indication of support within the scallop fishery for the Council to proceed with the development of a leasing program.

The LA scallop fleet understands both the benefits and the increasing need for flexibility in the fishery that a leasing program can provide. The benefits of a leasing program are not limited to the improved conservation of economic inputs and safety at sea in the fishery; they also include significant fuel and emissions savings across the fleet. The Scallop AP and Committee have advanced this option for more than two years. It's time for action.

In coming days, you will be asked to rank your priorities for the 2022 work program for the Council. ***We are asking you to rank scallop priority #26, the creation of "a multi-year priority to develop limited access vessel DAS and access area trip leasing suggested by the Scallopers Campaign," as your number one priority for the scallop fishery in 2022***. Selecting this priority will bring the leasing issue into the Council process, where it belongs, with all the protections and off-ramps that this process provides. After years of discussion, it's time to move this issue forward, particularly recognizing how much the scallop fishery has changed in the last decade and the challenges that the fishery will face in the future.

We realize there is another priority listed related to leasing, scallop priority #25, that states the Council will create "an annual work priority to conduct scoping or listening sessions on a LA DAS and access area trip leasing program to assess the need for a leasing program and whether to move forward with developing an amendment." ***In our view, this option does not advance the issue and will only delay putting leasing into the Council process for at least another year and potentially years to come.***

A significant majority of the fleet has asked the Council to prioritize the discussion *and* development of a leasing program. Scallop priority #26 appropriately recognizes that the development of a leasing program will be a multi-year process, as the AP and Committee work to evaluate all of the issues that would need to be addressed with management alternatives in the development of a successful leasing program.

Scallop priority #26 would also include scoping meetings, which would clearly satisfy the Council's NEPA requirements. As it's not clear #25 would satisfy NEPA, if the Council chooses that priority and then decides to move forward with an amendment, the Council may need to repeat the scoping process after holding listening sessions, wasting valuable time and resources. However, as has happened with other proposed FMP amendments, under #26 the Council can decide at any point not to proceed.

Due to the strong and growing industry support for developing a leasing program and the Council's delayed response to this issue, the Scallopers Campaign petitioned the Secretary of Commerce in January 2021 to implement a leasing program. However, our preference has always been for the Council to take this on. We have therefore asked the Secretary to withhold taking action on our request in order to provide the New England Council with the opportunity to identify development of a leasing program as a high priority for 2022. The Scallopers Campaign looks forward to working closely with the Council, the AP, and the Committee as this issue moves forward through the Council's priority-setting process.

Sincerely,

Jeff Pike George LaPointe

The SCALLOPERS CAMPAIGN

FLEXIBILITY • SAFETY • FAIRNESS

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

September 23, 2021

Dear Mr. Nies,

As the Council begins considering its work priorities for 2022, we wanted to update you on some of the activities of the Scallopers Campaign. During last year's Council discussion on the development of a leasing program for the Limited Access scallop fleet, we reported that a "supermajority" of LA vessels supported the Council developing a leasing program through the normal amendment process. At that time, some Council members dismissed that support, and in your June 2021 letter to Regional Administrator Pentony, you stated that our "claim (level of support) is difficult to corroborate".

At the beginning of 2021, the Campaign decided to renew and strengthen the industry support we had earned over 2019 and 2020. This work is ongoing, but to date, we can report that we have secured **written, signed letters** from owners representing 66 percent of the LA scallop fleet, with more expected in coming weeks. Those letters "call upon the New England Fishery Management Council to prioritize the discussion and development of a leasing program by conducting scoping sessions as soon as possible." We can also report that 64 percent of leasing supporters own four or fewer vessels. As we talk with vessel owners it is becoming clearer that a leasing option is very important for small operators. We are providing you with copies of the letters we have received to date, as well as the list of supporting vessels. We will provide updated documents as more letters come in.

The Campaign has also engaged Northern Economics Inc. to conduct an external assessment of the "Potential Impacts of the Proposal to Allow Leasing in the Limited Access Scallop Fishery." We expect to receive the final report later this month and will share its findings with the Council. The assessment examines the leasing concept, as proposed by the Campaign, and how it would allow the fishery to conserve economic inputs and reduce cost redundancies in fishing operations. One aspect we underestimated was the significant climate benefits of a leasing program. According to the analysis, reducing the excess fishing capacity in the fishery will create a significant reduction in CO2 emissions (approx. 11,500 MT annually). The reduction in CO2 is largely the result of fewer boats running generators and keeping systems operational while idle in port.

We hope this information is helpful to you and the Council as you consider making leasing a priority for this valuable fishery.

Sincerely,

Jeff Pike