

Patricia A. Kurkul
Regional Administrator
NMFS Northeast Region
55 Great Republic Drive
Gloucester, MA 01930

November 11, 2009

RE: GENERAL CATEGORY SCALLOP PETITION FOR EXPANDED ACCESS TO GREAT SOUTH CHANNEL SCALLOP DREDGE EXEMPTION AREA DURING YELLOWTAIL FLOUNDER SPAWNING CLOSURE

Dear Ms. Kurkul,

We write to you today asking that you grant the small-boat General Category Scallop fleet access to traditional fishing grounds in the Great South Channel (GSC) area during the months it is currently closed for protection of spawning yellowtail flounder (YTF). Specifically, we request that you use your authority to extend the current exemption to:

- Allow General Category vessels to harvest scallops in the part of the GSC area that lies within the SNE/GB YTF stock area (statistical areas 525 and 526) during the months of April, May and June.
- Allow General Category vessels to harvest scallops in the part of the GSC area that lies within the CC/GOM YTF stock area (statistical area 521) during the month of June.

This action will *not* undermine ongoing efforts to protect yellowtail flounder given the General Category's minimal bycatch of this species (well-documented by federal observer data) and fundamental changes in this fishery's composition.

Rationale

At the time that this rule was first published, it had been difficult to predict General Category effort and its impact on spawning yellowtail flounder; however this is no longer true. As you know, the General Category fishery has recently transitioned from an open-access program with large inter-annual fluctuations in fleet and vessel size to a tightly regulated limited-access fishery operating under a 'hard' total allowable catch. Subsequently, the high inter-annual variability in the size of this fleet has been greatly reduced along with the overall number of participating vessels. Therefore, it is now possible to accurately predict and carefully monitor the minimal impacts of this fishery on yellowtail flounder in the areas and during the months in question.

Additionally, General Category fishermen are required to use the same gear configuration used by the limited access DAS fleet (which is currently allowed to fish in the GSC Scallop Dredge Exemption Area during the spawning closure). The only difference in the fishing gear used by the General Category is that they use smaller, single dredges instead of large, paired dredges. Under current regulations, your decision to add General Category scallops to the list of exempted fisheries must be based on the determination that this action will not jeopardize fishing mortality objectives of the Northeast Multispecies FMP. Fortunately, there have been a large

number of observed General Category scallop trips that clearly show bycatch of yellowtail flounder to be extraordinarily low throughout the fishing year.

Conclusion

This petition to allow General Category scallop vessels access to the GSC Scallop Dredge Exemption Area during the YTF Spawning Closures is critically important to the survival of small boat scallop fishermen from Massachusetts to Maine. Our boats have traditionally fished in this area as well as east of Chatham, MA, because they are too small to fish safely further offshore. Without access to the Great South Channel during April, May and June, these vessels will continue to be unfairly forced to travel hundreds of miles from home to fish in the mid-Atlantic area for months on end. This annual relocation imposes a huge burden and hardship on our fishermen and their families.

Therefore, we ask the Regional Administrator to reconsider allowing General Category vessels harvest scallops in the GSC Scallop Dredge Exemption Area during the YTF Spawning Closures in light of the recent transition of this fishery. There is ample observer data documenting minimal yellowtail flounder bycatch for these vessels, which should allow you to confidently and appropriately fulfill this request. We would be pleased to meet with you and your staff to discuss any aspect of this issue.

Thank you very much for your attention to this critical issue.

On behalf of New England General Category Scallop fishermen we remain,

Sincerely yours,

M. Raymond

Maggie Raymond

Sue Nickerson

Sue Nickerson

cc: Mr. John Pappalardo, NEFMC Chair
Mr. Rip Cunningham, Groundfish Committee Chair