



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

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GEORGE D. LAPOINTE
COMMISSIONER

October 26, 2010

Dr. David Pierce
Massachusetts Division of Marine Fisheries
251 Causeway Street
Boston, MA 02114

Dear Dr. Pierce:

I am writing to you on behalf of the Maine Scallop Advisory Council (SAC) and the Maine State Scallop Fishery to request that the Committee recommend to the Council a NGOM TAC of 73,000 pounds in FW 22. My justification for this request is as follows:

In section 2.6.2.1 the PDT recommends a TAC of 31,100 pounds *"if only landings from federal waters were applied to the TAC"*. The section also states that *"since landings from state waters by federally-permitted NGOM vessels are also applied to the quota, however, the Council could consider a higher number which would account for the landings that occur within state waters of the NGOM."* This section provides justification for increasing the NGOM TAC as well as a means of doing so. It notes that in the 2008 fishing year, 57.4% of the scallops taken by federally permitted harvesters in the NGOM came from ME state waters. Therefore, when state waters landings are considered, 73,000 pounds is a reasonable TAC for the entire NGOM (reached by dividing 31,100 pounds by .426).

Federally permitted fishermen's state waters landings are applied to the NGOM TAC, and fishing in state waters is prohibited once it's reached. At the time the management area was first established, the Maine Department of Marine Resources (DMR) noted that roughly 50% of NGOM landings were harvested in state waters. Since that time, the ratio of state to federal waters landings has continued to shift, with an even greater percentage of landings coming from inside three miles.

Maine's annual state water drag survey showed that in 2009 the harvestable biomass in Maine's Cobscook Bay alone was over 196,000 pounds. Consider this scenario: the daily limit in Cobscook Bay is 135 pounds. If the NGOM TAC is set at 31,100 pounds, 30 federally permitted fishermen fishing exclusively in Cobscook Bay could shut down the entire NGOM in fewer than 8 days. It is not reasonable to allow the entire NGOM to be closed as a result of fishing activity in an area that wasn't even considered in the development of the NGOM TAC.

The state water resource and the importance of the state water fishery must be considered when setting the NGOM TAC. Because most Maine scallop fishermen have chosen to drop their federal permits, the problem originally feared has not yet materialized. However it remains a great concern to the 48 Maine fishermen who've chosen to retain federal scallop permits. DMR, the SAC and industry have made dramatic changes to Maine's scallop fishery management in recent years (see attachment). Should these changes improve resource health as anticipated, the inequity caused by current TAC accounting will be exacerbated.

For the time being, a NGOM TAC of 73,000 pounds should prevent a premature closing of the NGOM due to state waters landings and should enable fishermen to continue to participate in the state waters fishery. However the ultimate solution is to change the way the NGOM TAC is established and managed so that state water landings and federal landings can be managed separately. It has been noted that this must be accomplished through an Amendment. Therefore, Maine's Scallop Advisory Council and Maine's scallop fishermen request that the committee recommend that this item be prioritized in the next appropriate management action.

I thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink that reads "Togue Brawn". The signature is written in a cursive style with a long horizontal stroke at the end.

Togue Brawn
Maine Department of Marine Resources
Resource Management Coordinator

Recent Changes to Maine's State Water Scallop Fishery Management
(as of October 2010)

- Mandatory harvester reporting implemented beginning December 2008
- Entry to the commercial fishery closed as of May, 2008
- Ring size increased to 4 inches
- Season reduced from 132 days to 70 days
- Large conservation closures established along the Maine coast
- Statewide commercial limit of 200 pounds established (135 pound limit in Cobscook Bay)
- License holders required to be on board the vessel while fishing for scallops
- Recreational limit reduced to 2 quarts
- Research surcharge added to recreational licenses (surcharge had already been present on commercial licenses)
- Fines for scallop violations increased to \$500 for first offense
- Mandatory \$1000 fine established for fishing in a closed area, license suspended and additional fine on second offense.

Scallops Landed in Maine 2005-2009 Federal Fishing Years		
FISHING YEAR	CATEGORY	meat lbs
2005	FED NON SCALLOP	8,874
	FED SCALLOP	37,443
2005 Total		46,317
2006	FED NON SCALLOP	8,084
	FED SCALLOP	42,841
2006 Total		50,925
2007	FED NON SCALLOP	6,508
	FED SCALLOP	38,972
2007 Total		45,480
2008*	FED NON SCALLOP	2,970
	FED SCALLOP	12,537
	STATECOMMERCIAL*	97,483
	STATENONCOMMERCIAL	101
2008 Total		113,091
2009*	FED NON SCALLOP	26,558
	FED SCALLOP	8,557
	STATECOMMERCIAL	199,561
	STATENONCOMMERCIAL	260
2009 Total		234,936
Grand Total		490,748

FED NON SCALLOP = Individuals with a federal permit but no federal scallop permit

FED SCALLOP = Individuals with a federal scallop permit

STATE COMMERCIAL = State commercial harvesters without a federal permit (may have federal lobster or ocean quahog/surflclam permit)

STATE NON COMMERCIAL = State recreational harvesters

* Harvester reporting in the state water fishery required beginning December 2008

* Calendar year 2009 and 2010 data preliminary and subject to change

