

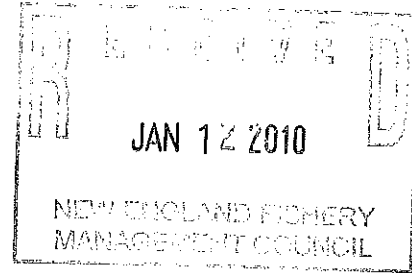


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Honorable Deval Patrick,  
Governor  
Commonwealth of Massachusetts  
100 Cambridge Street, Suite 900  
Boston, MA 02114

January 12, 2010

Governor Patrick:

The media has made it very clear that your office has joined other politicians in Massachusetts in taking an increased interest in the management of the Atlantic scallop fishery and attempting to change the decisions of the New England Fishery Management Council. As reported in the *Gloucester Times* on January 7, and in the regional media today, you have aggressively supported the Council reconsideration of the decisions made related to Framework 21 to the scallop Fishery Management Plan at the Council's November meeting. We believe that the reporting of this story in the Gloucester and New Bedford press in recent weeks is grossly inaccurate and may be leading you and your designee on the Council to make misinformed actions on this issue.

First and foremost, although the Council was quite tardy in issuing its white paper defending the November vote, the Council was well justified in its action related to Framework 21. The Council selected the alternative which combines an 'F20' catch level with no closure in the Great South Channel from a range of four options that were developed by the Council's Plan Development Team. These four options were analyzed under many lenses and in the end the F20 option provided the greatest benefit to the management of the region's oceans in many respects with the exception of projected short term landings in the 2010 fishing year.

Specifically the Council option called 'F20/No Closure', when compared with the F24/No Closure option supported by the scallop industry and evidently by you and other Massachusetts political figures, will reduce the total area affected by the scallop fishery in 2010 by more than 25%.<sup>1</sup> will reduce fishing effort in the Mid-Atlantic region where interactions with threatened and endangered sea turtles have plagued this fishery, and will ultimately *increase* long-term landings for the fishery by almost \$12 million per year from 2011 through 2016.

Combining long-term economic benefits with environmental stewardship should be the goal of all fisheries management and we encourage you to reconsider your support of the position advocated by the lobbyists for the scallop industry and confirm the integrity of conscientious work that resulted in the Council's decision instead of criticizing the good work of the council after the fact.

**F20 No Closure will Reduce Environmental Impacts of the Scallop Fishery-**

We were particularly surprised at the support not only of your office but at the support by your Secretary for the Environment. As you are certainly aware, the scallop fishery is one of the most

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<sup>1</sup> Framework 21 Environmental Assessment Document. Table 53. P. 144



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destructive fisheries in operation today. Dragging pairs of heavy steel dredges across the seafloor, scallop fishing alters marine habitats and has well-known bycatch and injury of both finfish and sea turtles which have been the subject of a string of fishery-specific actions under the Endangered Species Act since the 1990s.

Open area fishing on Days at Sea is often referred to as 'scratching bottom' because of its low efficiency in catching scallops and its high impacts on the seafloor and bycatch. The one proven method to reduce the habitat and bycatch effects of the scallop fishery is to limit fishing effort and direct this effort into times and areas with fewer environmental impacts. The F20 option selected by the Council would accomplish both of these tasks by decreasing the estimated overall 'area swept' by the fishery from 3,663 to 2,916 square nautical miles in 2010 when compared with the F24 approach. More specifically the Council option reduces effort in the Mid-Atlantic region where interactions with sea turtles and critically overfished Southern New England/Mid-Atlantic stocks of Yellowtail flounder are problematic.

All other things being equal management should reduce habitat impacts and bycatch. The F20 option clearly accomplishes this task.

However the two options are not similar in economic effects on the fishery, the root cause of the current controversy at the Council. It seems that in the well-funded and well orchestrated political effort of the fishing industry to undermine the Council process and achieve short-term gains in 2010, that the analysis of the effects on the fishery for 2011 through 2016 has been ignored. I believe that it is critical to your informed involvement in this process that you know the results of the projections for this fishery under these two catch strategies. While it is true that the scallop fishery will experience lost revenue in 2010 under the F20 approach, it is notable that the Council projections show increased landings for the 2011, 2012, 2013, 2014, 2015 and 2016 fishing years due to the maturation of an abundance of juvenile scallops that have been found in research survey but are not yet of marketable size.

The scallop industry heralds its stewardship of the scallop resource from depletion to abundance and the patience that the industry has shown to allow for recovery of this stock, yet curiously this industry and the \$600,000 war chest of its lobbying arm<sup>2</sup> is now supporting the option that has the lowest projected biomass, landings, and economic revenues for the fishery for the years beyond 2010.

Finally any effort to revisit the decisions made on Framework 21 should come with a full understanding that this action will not only affect the scallop fishery and likely delay the implementation of the 2010 fishing rules well past the March 1 beginning of the scallop season but will also likely have significant effects on the groundfish fishery and its fledgling sector management program.

In groundfish framework 44, which was also approved in November 2009 the scallop fishery was allocated a portion of the catch for both Georges Bank and SNE/MA yellowtail flounder quotas to provide for bycatch in the scallop fishery. In order to comply with the Magnuson Stevens Reauthorization Act and other related federal law, any changes to the catch strategy for scallop

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<sup>2</sup> Fisheries Survival Fund IRS form 990



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will require a reanalysis of the anticipated bycatch of yellowtail flounder, a recalculation of quotas for the directed groundfish fishery and likely require a delay in the approval of the groundfish fishing rules for 2010 including the initiation of sector fishing.

In light of the increasingly volatile rhetoric surrounding this exceptionally valuable fishery, we felt obliged to inform you of the facts about the scallop management options and the effects of any changes on the management of the scallop and groundfish fisheries. We hope that you will consider them and reverse your personal advocacy for changes to the scallop plan at the upcoming New England Fishery Management Council meeting and have your designees do the same.

We believe that any efforts to undermine the well reasoned and science based decisions of the Council in November are ill-informed.

We trust that you will look at the facts, look at the long term value of this important fishery, reverse your position and support a catch strategy for scallops that will improve the footprint of this fishery, increase its value and decrease its effects on threatened and endangered sea turtles.

Sincerely,

David L. Allison  
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Washington, DC

Cc:

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