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November 29, 2021

MAMFC Executive Director, Chris Moore
NEFMC Executive Director Tom Nies

Re: Great South Channel Habitat Management Area (GSCHMA)/ Surf Clam Harvest

Dear Sirs,

We hope this letter finds the council safe and well.

This letter is addressed to both the MAMFC and the NEFMC regarding Surf Clam harvest capabilities for our businesses on Nantucket Shoals. Surf Clams are managed by the MAFMC, and Habitat is managed by the NEFMC, hence this letter is addressed to both councils as we will need the support of both for our community to be sustained in the future.

In April of 2018, the Surf Clam/Ocean Quahog Advisory Panel identified in the FPR a critical issue that we are now seeing come true that is negatively impacting our ability to continue in business.

When the HMA was closed April 8th, 2018, to all mobile bottom tending gear, permitted Surf Clam vessels were allowed a one-year exemption to continue operating in the GSCHMA from April 9th, 2018, through April 8th, 2019. The exemption was granted for the industry to prove that it did not have adverse effects on complex habitat and thus should be permanently exempt from the closure. The industry basis is that clam harvest vessels can only work in areas of high energy sandy environment, due to the nature of the gear as well as the habitat in which surf clam lives, thus should be allowed a permanent exemption from the closure.

The critical issue identified in the FPR was this, **“If the clam dredge exemption is not continued after April 8, 2019, this action has the potential to have large negative impacts from a biological, social, and economic prospective. If the exemption is not granted it will negatively impact the Mid-Atlantic Council's ability to manage its jurisdictional responsibilities for the surf clam fishery.”**

To mitigate known potential negative impacts of the closure, as far back as October 2015, the NEFMC set out to identify areas that surf clam vessels could work within the HMA through a Habitat Clam Dredge Exemption Framework Adjustment as a trailing action to OHA2. In the final measures of the action, 3 areas were identified, 2 of which are open year-round, one is seasonal from May 1 through Oct 31 each year.

The 3 areas chosen are not viable areas to sustain our business. McBlair area has never had a significant biomass of clams, Fishing Rip Area is open year-round, but gear gets destroyed due to hard bottom, so we cannot financially afford to work there. Old South is viable but only open part of the year. Rose and Crown area (not chosen) is closed to fishing except for an EFP (#19066) that is allowing harvest in that portion of the HMA under certain monitoring conditions. This is the historic area that allowed the fishery to be robust in the past decades. Current data gathered thus far suggests that vessels can work the Rose and Crown or any other area on Nantucket Shoals without adversely effecting complex habitat.

The ability to harvest surf clams from Nantucket Shoals is critical to our business existence. The hand shuck fresh clam business relies on a larger clam size to be profitable. The ability to harvest larger clams has a direct relation to the labor that we can find to accomplish the work. No other areas have been seen to be as sustainably resilient as Nantucket Shoals for large surf clams. We have been 2 years working different areas outside the closure to provide clams to our plant in New England. We have not been able to maintain consistent catch to stay financially viable and are at risk of losing our ability to do business.

Another reason noted in the Federal Register for closing the Shoals was to avoid disturbing cod spawning aggregation that *may* occur there. There is no current evidence that cod spawning occurs there or if cod are found in the area at all.

The closure took place as a part of the OHA2 amendment process. Facts were presented to prove that clam harvest does not have an adverse effect on complex habitat. The exemption was provided for a year for scientific data to be presented to prove those

facts. The data was presented and not given its due attention. Solutions were presented to discover discreet areas that could easily be monitored, but not listened to. We need the data to be re-examined immediately.

The simple fact is that the clam industry lost out on one of the most valuable areas for the harvest of surf clams to other fishing sectors that do not even work in the area. Those sectors (Scallops and Groundfish) needed other areas to stay open and since they do not work on Nantucket Shoals, the clam industry became an easy target to trade the surf clam bottom for their needs. That of which indicated to the Councils that those fisheries were giving up productive (habitat) bottom for other (habitat) bottom. In effect the trade for that bottom was a net win for those fisheries and a net (if not total) loss for the clam industry which does not find or catch clams in the same bottom as draggers and scallopers.

We need to re-open the case in asking both councils to take part in sustaining a clam community that has been established for almost a half a century but is at the brink of extinction. We are asking that the scientific data be reviewed and examined to find areas of flexibility.

Will we adjust the areas within the HMA so we can have workable areas to harvest? Will we look at the scientific data and identify several more discreet areas within the HMA that do not have complex habitat? Will we look at rotational management of discreet areas within the HMA? Or will we get creative and not just draw a big box that puts 150 jobs out of employment and withdraws millions of dollars out of commerce?

We have climate change occurring and can no longer think that there will always be other places fish. Global climate change is causing a significant surge in offshore wind energy initiatives to build large scale wind farms over historical clam grounds in the Mid-Atlantic and New York Bight.

We have had major changes in our businesses over the past 2 years with the pandemic. We are trying to survive and keep jobs viable and communities strong. We are trying to support local businesses that are part of the essential food chain in New England, who also support and sustain jobs and communities.

This is a serious issue that we implore the councils to take up immediately and move with expediency. The data is available with scientific studies occurring and ongoing to increase the availability of clam harvest within the HMA.

There is a solution, but first we need the councils to be the champions in finding the solution. The MAMFC has the charge of management of the Surf Clam harvest in any area. We ask the MAFMC to stand up on behalf of the community they represent and help create a sustainable pathway within OHA2 for this community to survive. We ask the NEFMC who has the charge of management of Habitat to look for ways that co-existence can take place when science-based advice proves it can be possible without negative impacts.

We need this to be given serious and immediate attention. The question is, will you allow a community to fall by the wayside in a sustainable fishery due to lack of focus and granular attention to the facts?

There are many details that could not be presented within that can be provided if given the platform to do so. The question is, will you provide a platform to do so?

We hope so.

Sincerely,

Sam Martin

Sam Martin, COO
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Galilean Seafood Inc
Atlantic Harvesters LLC

Monte Rome

Monte Rome, President
Intershell Seafood Corp

Cc: Jessica Coakley, Surf Clam Coordinator MAFMC
Cc: Michelle Bachman, Habitat Coordinator NEFMC