



Massachusetts Shellfish Officers Association

100 Route 6A · Sandwich, MA · 02563

January 31, 2024
Seafood Watch
886 Cannery Row
Monterey, CA 93940

RE: Draft Assessment for Review: Bay Scallops (Massachusetts and New York) *Argopecten irradians*

In response to Seafood Watch Draft Assessment on bay scallops (*Argopecten irradians*), the Massachusetts Shellfish Officers Association (MSOA) is submitting comments expressing concern to the recommended “Yellow” rating. The MSOA is a nonprofit educational and professional organization dedicated to promoting and enhancing the welfare of shellfisheries for the Commonwealth of Massachusetts. Massachusetts is unique as each coastal community manages its own shellfish resources under state statute and guidelines. The city or town designates a Shellfish Constable who is responsible for managing and protecting the shellfish resources of the town. The Shellfish Constable is responsible for propagation programs to enhance existing shellfish resources and delegates personnel for oversight to ensure compliance with state and local regulations.

As Shellfish Constables, we are on the front lines and see no reason for Seafood Watch’s proposed “Yellow” rating for wild harvested bay scallops from Massachusetts for the following reasons:

- There is a high degree of local oversight, enforcement and management.
- Bay scallops are short lived, and spawning is protected.
- Local oversight includes allowing harvest only if the scallop has a well-defined raised annual growth ring indicating that the animal has already spawned.
- It is a winter fishery which ensures that their once-in-a-lifetime spawning event DOES take place.
- This wintertime fishery excludes bycatch except other mollusks that are landed and sold.

- Eel grass is dormant and hibernating in the winter. The small dredges that are used do not penetrate the sediment.
- Dredges used in Massachusetts are of light-weight construction and size is determined by each town dependent on environment.
- Year class success is what determines the overall fishing pressure (if the numbers aren't there, fishing effort is reduced).
- Findings of compatibility for the use of light-weight bay scallop dredges within Monomoy National Wildlife Refuge due to minimal impacts after stringent review during the development of the 2015 Conservation Management Plan.

Only a handful of Massachusetts towns currently have an annual bay scallop harvest. Those communities invest resources towards propagation programs and management oversight to ensure a sustainable harvest. These coastal communities are highly dependent on this fishery and any discouragement within the marketplace will negatively impact the viability of an increasingly vulnerable population of shellfishermen. Aside from the monetary impact, this over-arching assigned rating could also be the impetus for harming the overall culture and tradition surrounding the recreational and commercial bay scallop fishery that is a large part of the history that makes up these towns. In addition, bay scallops are already very expensive for consumers, and any additional price increase would likely put them out of reach as an accessible seafood for consumers and restaurants.

In conclusion, we respectfully disagree with the rationale for the proposed "Yellow" designation for Massachusetts bay scallops. Regulations and oversight are in place to protect the species. Local oversight is strong, fishing methods do not harm dormant eel grass beds or the benthic environment, and the fishery is confined to the winter so that spawning is not affected. We reference a few studies in addenda that prove the points we make above. We would be happy to send you the complete studies if you are interested.

Thank you for the opportunity to comment, and we hope you take the time to reassess and redesignate Massachusetts' bay scallops with a "Green" rating.

Sincerely,



David J. DeConto
MSOA President

Addenda:

- Belding, D. L. 1930. *The scallop fisheries of Massachusetts: Including an account of the natural history of the common scallop*. Commonwealth of Massachusetts Commission on

Fisheries and Game, Marine Series No. 3, Boston, MA. The Works of David L. Belding, M.D., Biologist Republished by Cape Cod Cooperative Extension with permission and cooperation of the Massachusetts Division of Marine Fisheries.

- Macfarlane, S.L. 1991. *Managing Scallops Argopecten Irradians Irradians* (Lamarck, 1819) In Pleasant Bay, Massachusetts: Large is not Always Legal. in: An International Compendium of Scallop Biology and Culture, Sandra E. Shuimway and Paul A. Sandifer, Eds. PP. 264-272.
- U.S Fish and Wildlife, October 2015, Monomoy National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement, Vol. 2 – Appendixes, pg. K-13. Non-hand Harvest of Scallops Response
- Mass. General Law, Chapter 130, Section 71: Close season on scallops:
Except as provided in sections seventy and seventy-three, no person shall take scallops between April first and the following October first from the flats or coastal waters of the commonwealth, or buy or sell or have in possession scallops so taken.