

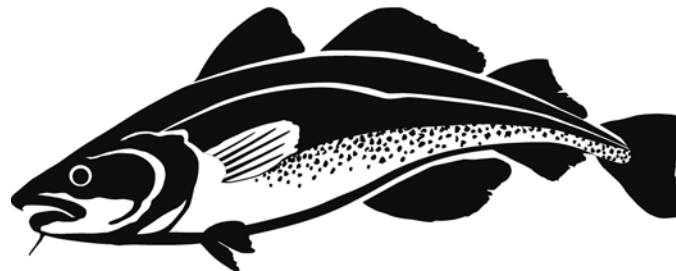
Task Force to Investigate Impacts of Cape Cod Bay Lobster Fishery Closure

Hanover Public Library

September 23, 2019

MarineFisheries

Commonwealth of Massachusetts



Final Version of Legislation (2018)

- *SECTION 64. There shall be a task force to study and develop recommendations on the impact of annual closures of Cape Cod bay to protect the right whale population on the Massachusetts fishing industry. The task force shall consist of the following members or their designees: the director of the division of marine fisheries, who shall serve as chair; the secretary of labor and workforce development; and 5 persons to be appointed by the governor 1 of whom shall be a representative from the Massachusetts Lobstermen's Association, 1 of whom shall be a representative from the Cape Cod Commercial Fishermen's Alliance, 1 of whom shall be a representative from the Massachusetts Fishermen's Partnership, 1 of whom shall be a representative from the South Shore Lobster Fishermen's Association and 1 of whom shall be a representative from the Gloucester fishermen's wives association.*
- *The task force shall: (i) research the financial impacts on individual fishermen and the fishing industry as a whole of the annual closure of Cape Cod bay to protect the right whale population; (ii) investigate additional impacts of emergency closures of Cape Cod bay in instances when the right whale population stays beyond May 1; and (iii) research existing programs to assist fishermen who are unable to earn a living based on external factors beyond their control.*



Task Force Make-up:

Industry:

Massachusetts Lobstermen's Association: Dave Casoni

Cape Cod Commercial Fishermen's Alliance: Rob Martin

Massachusetts Fishermen's Partnership: Lori Caron

South Shore Lobster Fishermen's Association: John Haviland

Gloucester Fishermen's Wives Association: Angela Sanfillipo

Government:

Chair: Dan McKiernan on behalf of David Pierce, DMF Director

Ken Messina, Executive Office of Labor and Workforce Development

DMF Support Staff:

Bob Glenn & Erin Burke, DMF Protected Species Project

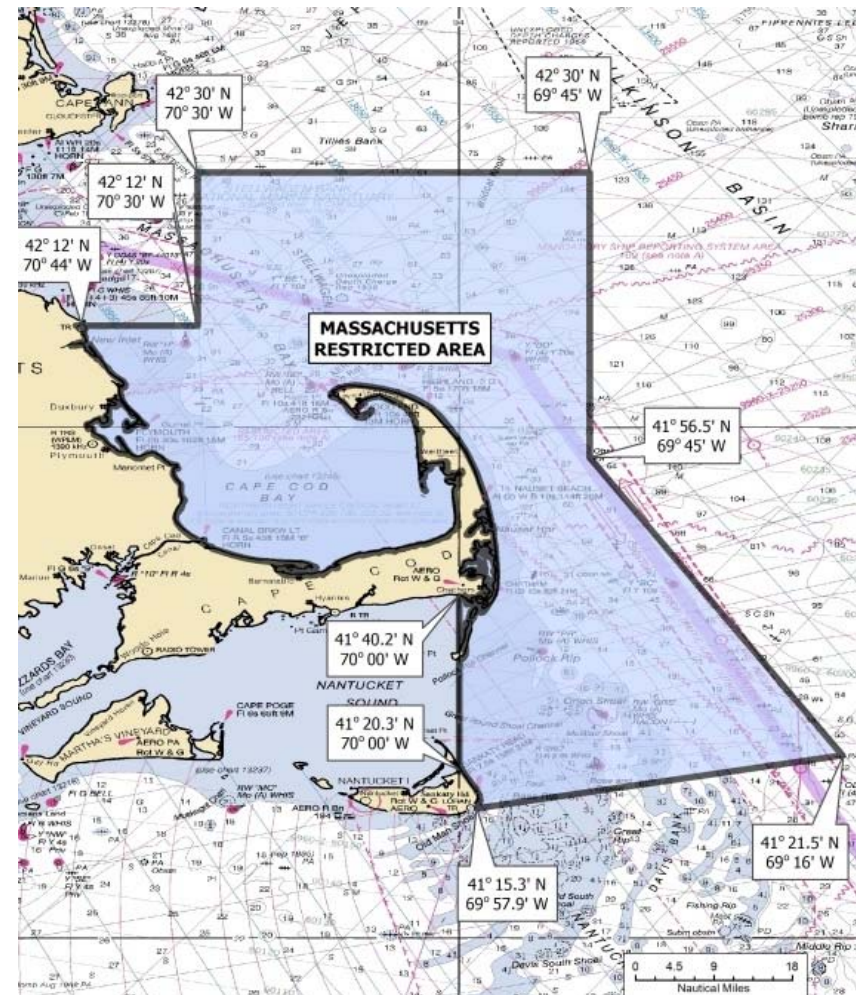
Anna Webb & Erik Druskat, DMF Statistics Project

Jared Silva, regulations specialist and support staff



Status and Authority of Closure

- Enacted in 2015 (Feb-April) includes Stellwagen and all of OCCLMA
- Federally enacted under MMPA - extends to the beach
- State regs redundant and includes recreational lobster
- In place for past 4 years



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Dynamic Closure Extension

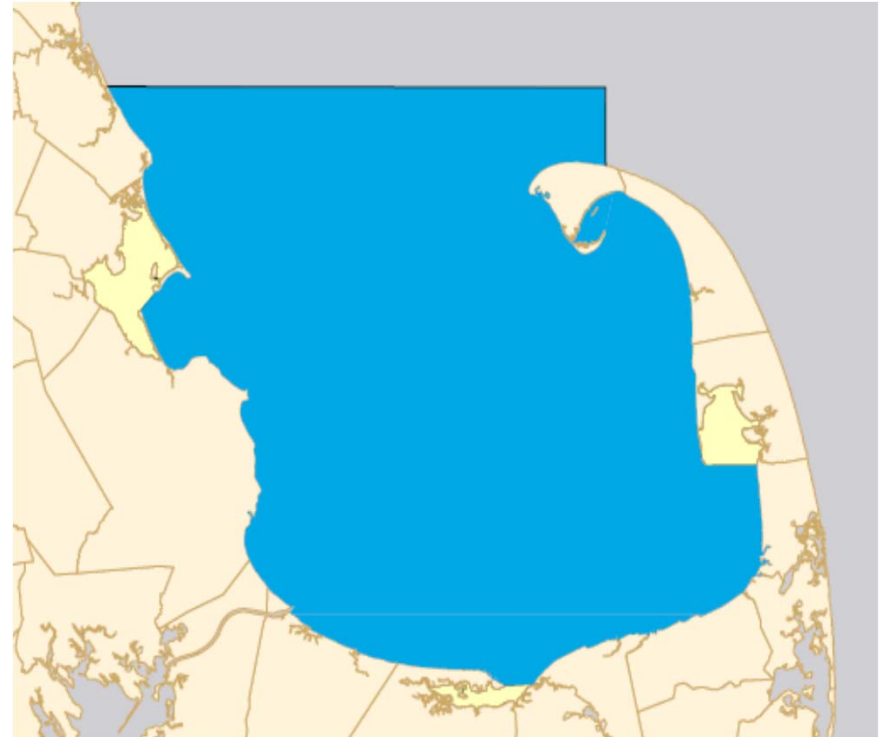
322 CMR 12.04

- Notice of Declaration to Amend Timing of Fixed Gear Seasonal Closures. The Director, through Notice of Declaration, may adjust the duration of the fixed gear seasonal closures at 322 CMR 12.04(1) and (2), as reasonably necessary to prevent the entanglements of the North Atlantic right whale in fixed fishing gear based on the Director's assessment of the documented presence of the North Atlantic right whale in Massachusetts waters. The Director shall amend the timing of these fixed gear seasonal closures by filing the Notice of Declaration with the Secretary of State for publication in the *Massachusetts Register*, publishing the Notice on the Division's Legal Notice webpage, and distributing it via the Division's e-mail list serve.



Dynamic Closure Extension (state only)

- DMF had used emergency regulations to extend trap closure for portions of CCB in 2017 and 2018 to protect lingering right whales.
- Effective 2019 new regulations allowing Director to declare extensions and lifting of closures.
 - In 2019, closure was extended through May 9th



Task Force Objectives

1. *Research the financial impacts on individual fishermen and the fishing industry as a whole of the annual closure of Cape Cod bay to protect the right whale population;*
2. *Investigate additional impacts of emergency closures of Cape Cod Bay in instances when the right whale population stays beyond May 1; and*
3. *Research existing programs to assist fishermen who are unable to earn a living based on external factors beyond their control.*



Financial Impacts to fishermen and industry

Factors to Consider:

1. *Area 1 Lobstermen affected by the closure could relocate to other ports and continue fishing in open areas but that is impractical*
2. *Many Area 1 lobstermen have not historically fished during the closure period. Some do fish during this late winter/early spring*
3. *Holders of OCC permits subject to closure as part of effort control plan.*
4. *Each lobsterman's fishing performance is unique and a function of many personal matters and business decisions*
5. *Changing stock conditions could mask effects of closure*
6. *SAFIS Trip-level data from harvesters depicting catch and effort and dealer data depicting sales and price can be analyzed to study impacts*
7. *Confidentiality rules prevent DMF from releasing catch, effort, and sales data that could reveal individual's performance*



Financial Impacts to fishermen and industry

Theoretical Impacts of 3-month Lobster Closure:

1. *Permit Holders leave the fishery and permit is transferred to another fishermen in the same geographical or to another area (Boston-north)*
2. *Permit holders in more northern ports (Cohasset – north) relocate their gear to open areas*
3. *CC Bay lobstermen unable to relocate gear and instead cease fishing due to distance to open fishing grounds*
4. *Costs are incurred by affected lobstermen to relocate traps (to shore) and resetting gear in spring*
5. *Forgone catch is lost:*
 1. *To other areas (lobstermen) where lobsters migrate*
 2. *To an uncaught part of the population*
6. *Forgone Catch is “reallocated” among existing fleet*
 1. *Uncaught lobsters in winter/spring available to be caught by affected fleet once area opens*
 2. *Summer-time lobstermen may be the beneficiaries of forgone catch*



Impacts to fishermen and industry due to closure extension when right whales linger

1. *Unpredictable extension means many lobstermen and crew are stuck in “limbo” unable to plan and/or take other work*
2. *Pent-up demand to set traps means piers and some boats are loaded with traps to be set but vessels tied up.*
3. *Lobstermen unable to set gear as normal due to derby style opening*



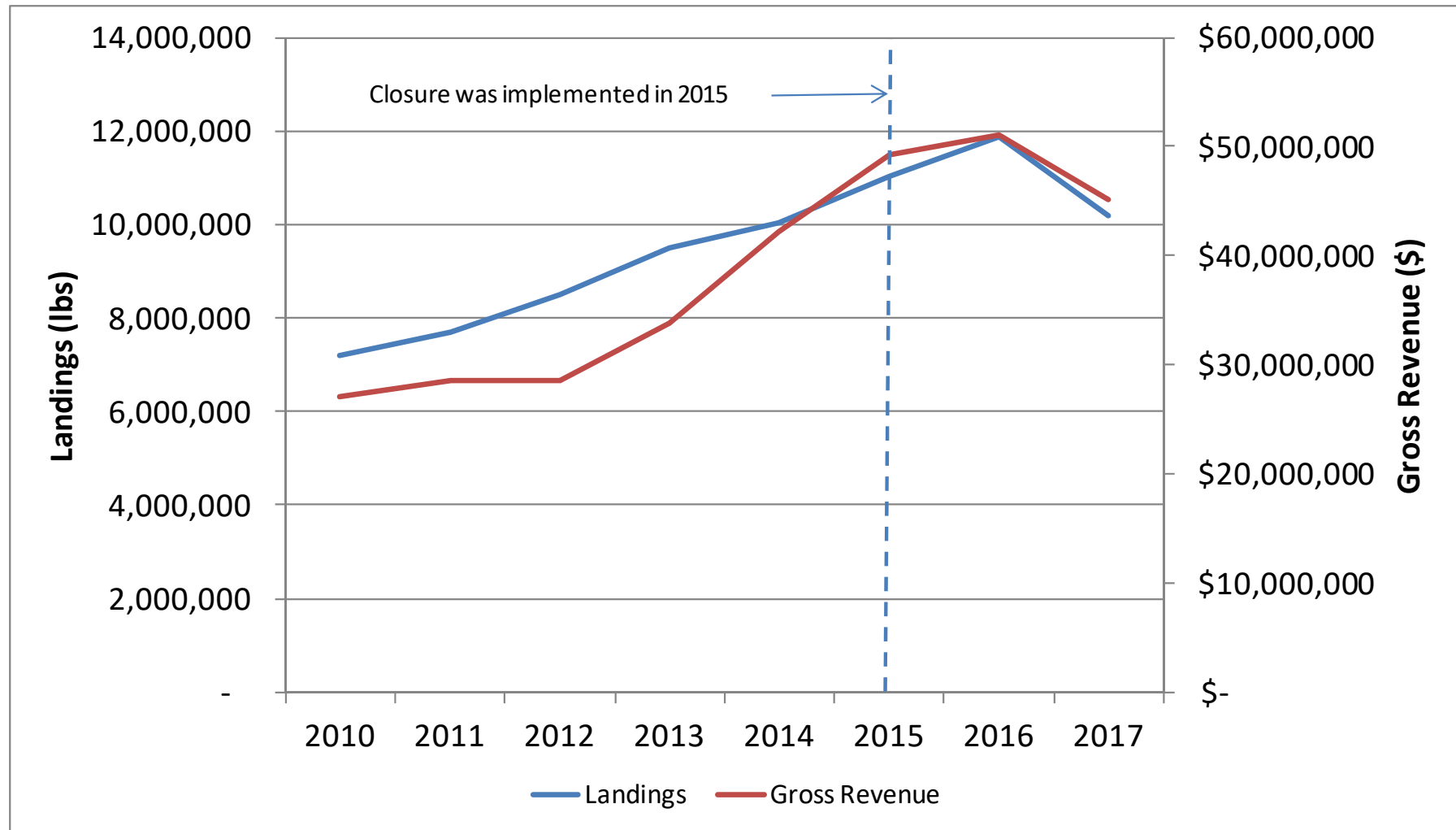
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LMA 1 Catch and Gross Revenue Trends



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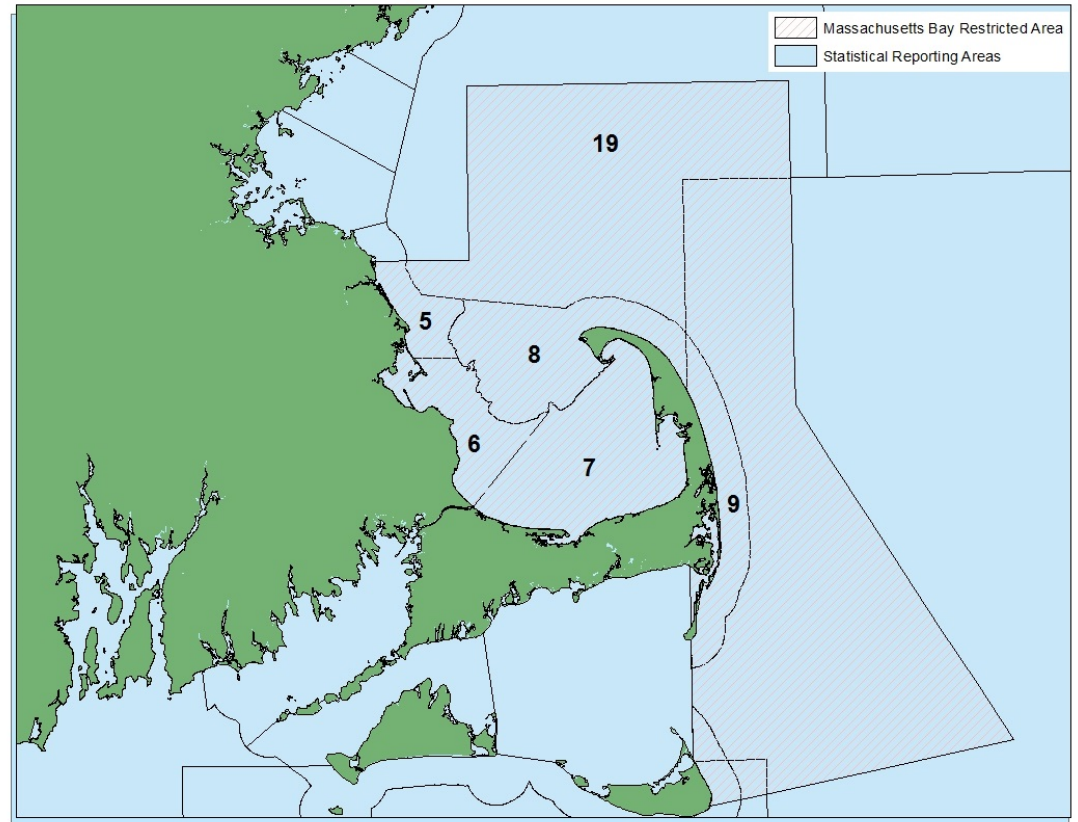
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Data Challenges

- Closure lines do not line up to DMF or NMFS Statistical Reporting Areas
- “Homeport” vs. “Port of Landing” not always reliable
- Ex-Vessel prices can vary, DMF often uses a statewide average
- Aggregate landings can mask individual’s impacts



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Discussion Regarding Analytical Approaches

- What are the criteria to define which fishermen were affected by the closure?
- What metrics are important?
 - Landings
 - Revenue
 - Cost
- How do we best characterize impacts?
 - Fleet
 - Port
 - Individuals

