



Large Whale Seasonal Trap Gear Closure Task Force Meeting Summary

September 23, 2019
Hanover Public Library ~ Hanover, MA

Attendance

Task Force Members: Daniel McKiernan, Chair (Division of Marine Fisheries); David Casoni (Massachusetts Lobstermen's Association); John Haviland (South Shore Lobstermen's Association); Lori Caron (Massachusetts Fishermen's Partnership); Robert Martin (Cape Cod Commercial Fisherman's Alliance); and Ken Messina (Department of Labor and Workforce Development). Absent: Angela Sanfilippo (Gloucester Fisherman's Wives Association).

DMF: Robert Glenn, Erin Burke, Anna Webb, and Jared Silva.

Public: Beth Casoni, Michael Walsh, and Michael Lane.

Call to Order

Chairman Dan McKiernan called the meeting to order and introduced the task force members, DMF support staff, and the members of the public. He informed the attendees that the purpose of this meeting was primarily to discuss the data available to the task force, the data's limitations, and to begin to develop some consensus regarding the potential analytical approaches to using the data.

Task Force Background

Chairman McKiernan stated the task force was established by the Massachusetts legislature pursuant to the 2018 Economic Bond Bill (Chapter 228 of the Acts of 2018). The task's force purpose is to study the economic impacts of the Large Whale Seasonal Trap Gear Closure (Closure). Specifically, the law requires they research and evaluate: (1) the financial impacts of the closure on individual fishermen; (2) the additional economic impacts of extending the closure beyond April 30; and (3) existing programs to assist fishermen whose ability to earn an income has been impacted by the Closure. Chairman McKiernan noted that this was the first meeting of the task force. While established 2018, they were unable to convene until now due to a variety of administrative issues, including but not limited to finalizing appointments.

Large Whale Seasonal Trap Gear Closure Background

Chairman McKiernan provided some preliminary background on the Closure. The North Atlantic right whale (right whale) is critically endangered with a current population of just over 400 individuals. This

number has been declining over the past decade due to continued mortality and low calf production. Entanglements in fixed fishing gear represent a major source of human induced mortality.

Cape Cod Bay (Bay) serves as an important seasonal habitat for right whales. A large proportion of the known population aggregate in the Bay during the winter and early spring to feed on zooplankton. To prevent potential future entanglements and reduce the risk of entanglement posed by trap gear, the Closure was enacted in 2015. The Closure prohibits the setting of trap gear in certain waters north and east of Cape Cod (Fig 1) from February 1- April 30.

The Closure was first implemented by the National Marine Fisheries Service as a component of the Atlantic Large Whale Take Reduction Plan. The federal rule was promulgated pursuant to the authority set forth in the Marine Mammal Protection Act. As a result, it applies to all commercial trap gear in waters under both state and federal jurisdiction. In the same year, DMF established a complementary state regulation in order to allow the Massachusetts Environmental Police to better enforce this conservation measure. The state regulation was amended to extend the Closure to recreational lobster and crab trap gear, and to provide DMF with the dynamic authority to extend the trap closure (or portion thereof) if a documented presence of right whales in Massachusetts' waters persist past April 30. DMF has extended the closure for a period of less than two weeks into May during 2017, 2018 and 2019.

Discussion Regarding Data Sources and Computational Methods

The task force reviewed the data sources and computational methods available to DMF to extrapolate economic impacts. DMF staff highlighted the limitations of this data, particularly as it pertains to confidentiality and spatial resolution. There was extensive discussion regarding:

- Disparate impacts related to geography, e.g., those who are able to relocate their gear to an adjacent open area as opposed to those who do not have the opportunity;
- Describing impacts at a fleet, port and individual level;
- Quantifying lost income potential due to closure, as well as impacts of having constraints placed on when gear needs to be hauled out and when gear can be reset;
- Addressing issues of forgone catch, particularly debating whether landings and revenues surrendered by affected fishermen are lost to industry or are re-allocated to different seasons, areas and/or fishermen;
- Viewing impacts of closure in broader context of concurrent increases in landings and ex-vessel value in Gulf of Maine due to relative strength of the overall Gulf of Maine lobster stock.

In general, there was consensus for DMF to analyze lobster fishing effort and lobster harvest from Statistical Reporting Areas 5, 6, 7, 8 and 19 during the months of December through May in 2010 – 2014 on a port-to-port basis. This can then be compared to lobster fishing effort and harvest by other Massachusetts fishermen in areas of the Gulf of Maine that remain unaffected in more recent years. Once this data is analyzed, the task force will reconvene to further discuss computational and analytical approaches.

Ken Messina highlighted that the final report should provide a broader view. He suggested that expansion factors be considered to estimate impacts on labor and revenue related to crew, shore-side infrastructure, and seafood dealers.