

Massachusetts

Request for LIMITED Exemption from Ban on Single Pots

Daniel McKiernan, Robert Glenn & Erin Burke

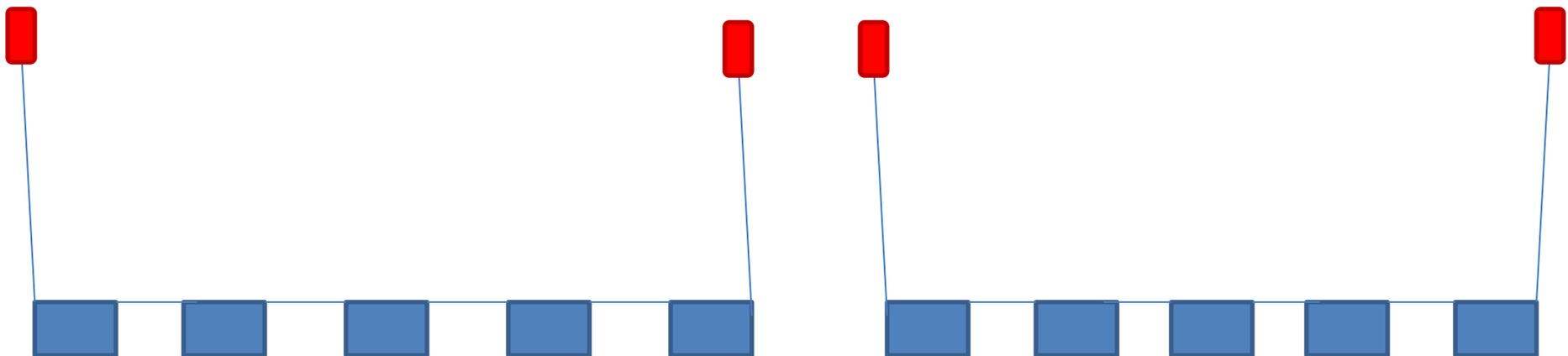
Division of Marine Fisheries

Modification Needed for Trawl Minimum

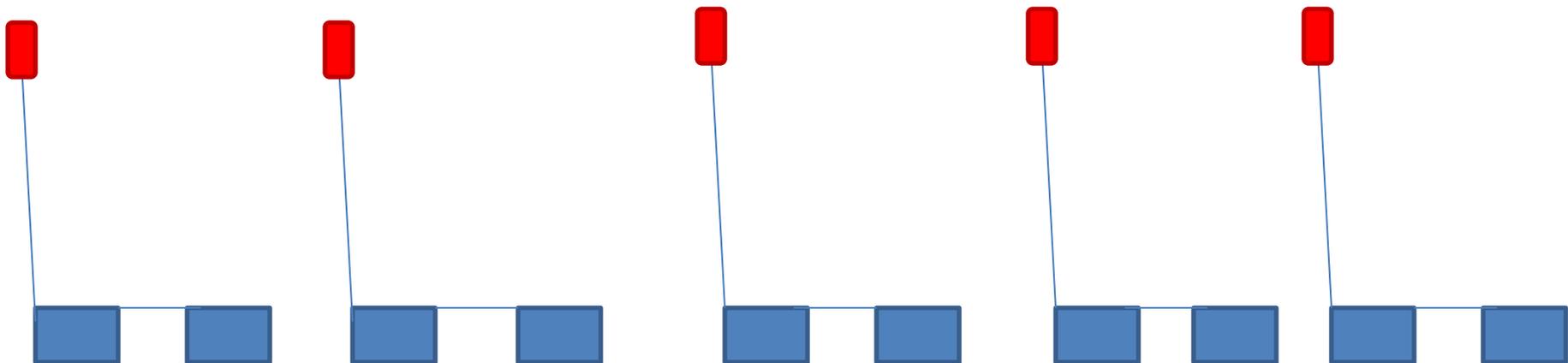
- Final Rule requires trawls of five traps or less to deploy only single buoy line.
 - Conflicts with state regulations: Longstanding State regulations mandate multiple pot trawls be marked with a buoy line at each end of string.
- Only in Cape Cod Bay Critical Habitat during winter/spring were “doubles” allowed or encouraged.
- MA industry has provided consistent opposition to the removing of a buoy line.
 - Concerns about gear loss
 - Conflicts with other users
 - Cross-overs with other lobster trawls,
 - mobile gear unable to detect presence of gear.

Modification Needed for Trawl Minimum

- Based on comments received at public meeting, lobstermen who are fishing 4 or 5 pot trawls so not intend to eliminate one buoy line. They will fish “doubles” or add traps to reach 6-pot minimum.
- Problem with logic and math of NMFS Final Rule re: minimum number of traps allowed per buoy line.
- Change from previously proposed “triples” to “doubles” in Final Rule should have changed minimum trawl size (traps) for two buoy lines
- Counter-intuitive to allow “double” with 1 end line but NOT allow four-trap trawl with 2 end lines
- **Proposal: allow 4 trap trawl minimums (with two buoy lines) in state waters** – or **exempt MA state waters** from any requirement to fish a single buoy line on a trawl.



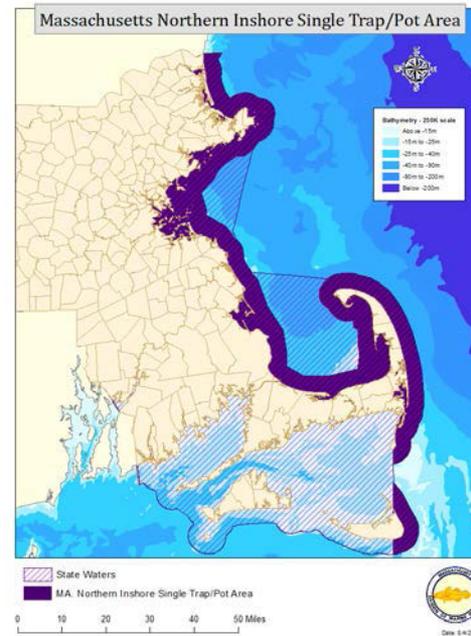
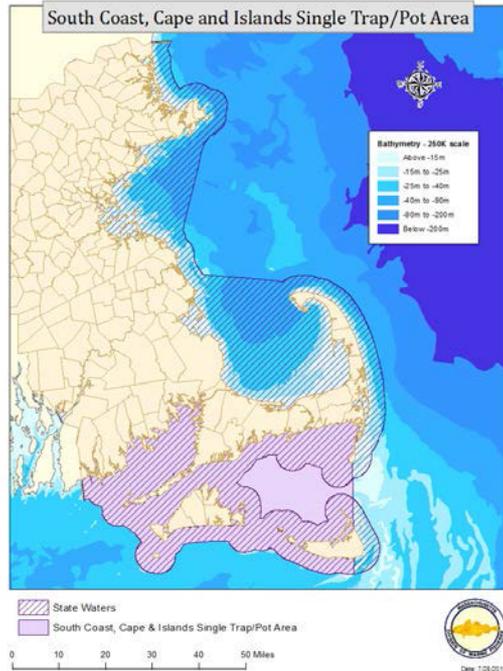
4 end lines for 10 traps



5 end lines for 10 traps

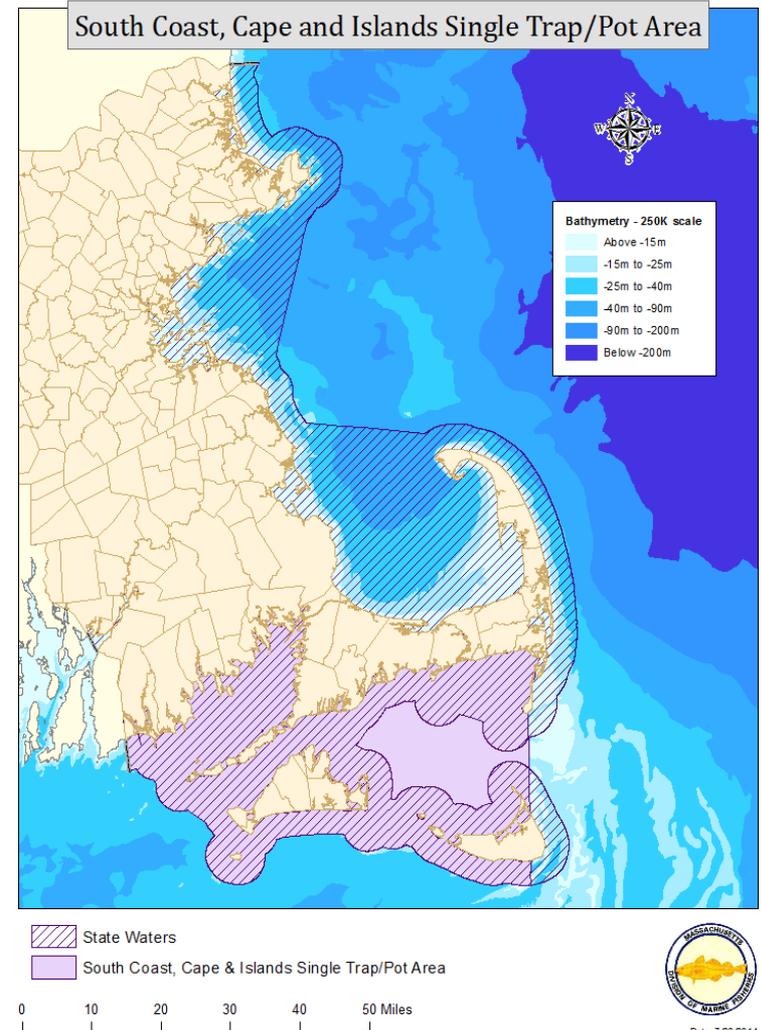
MA Exemption Proposals

- Request exemption from single pot ban:
 - Southern MA State Waters
 - Northern MA State Waters



Southern MA State Waters

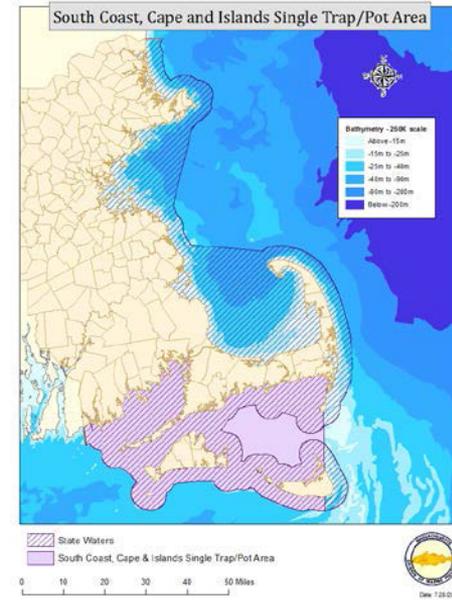
- Includes Nantucket Sound, Buzzards Bay and Vineyard Sound
- Large whales rare in these habitats.
- Co-occurrence scores are extremely low year-round
- Fisheries already regulated with limited entry & low trap limits - buoy line densities are low.
- Seasons: late spring thru fall
- Predominately single traps, esp. in Bay & Sounds



Southern MA State Waters

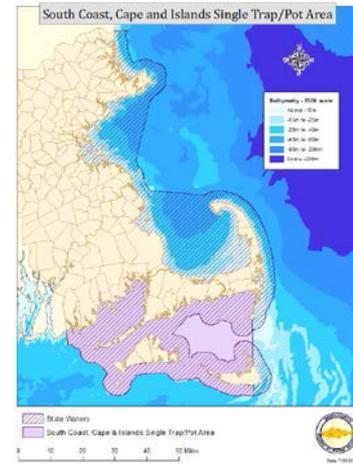
Who fishes singles and why?

- **~100 active fish/conch pot fishermen**
 - Most common gear is conch traps
 - Limited entry; low trap limit (200)
 - About 100 active permits
 - in shallow, warm waters of BBay & Sounds.
 - Open top traps less amenable to trawling
 - Fish Pots for sea bass or Scup
 - 200 sea bass pots (Aug. only)
 - 50 scup pots June – Sept.
- Low trap limits, catch limits (e.g. BSB) encourages small scale operations
- Predominately single traps, esp. in Bay & Sounds



Southern MA State Waters

Who fishes singles and why?



- **109 Coastal lobster trap fishermen**
- Most permit holders do not fish state waters due to ocean warming and decline of lobster inshore. Traps shifted to federal waters.
- Trap allocations per permit holder to be reduced by about 50% over next 6 years. Total allocation (among all MA fishermen – state & federal) to be reduced from 41,000 to about 23,000
- Most traps fished in federal waters due to ocean warming and decline of lobster nearshore.
- Low trap limits will further encourage small scale operations
- State law mandates single traps in county of Gosnold.
- Student lobster permit holders limited to just 25 traps by state law
 - “Teenagers” hand hauling traps.

Reasons for So. MA exemption

1. Minimal Co-occurrence

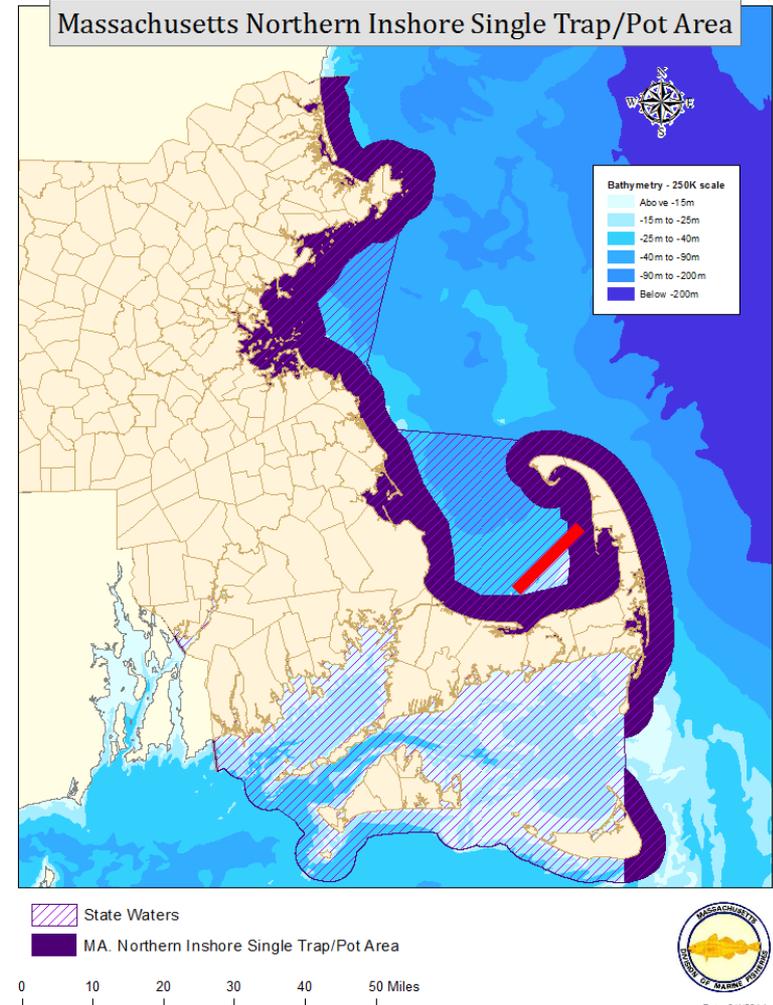
Lack of sightings of endangered whales where
Single trap fishery occurs in Sounds and Bays

2. Fishermen's Safety
3. Low state-imposed trap limits
4. Aggressive limited entry has effort constrained and future declines expected

Questions?

Northern MA State Waters

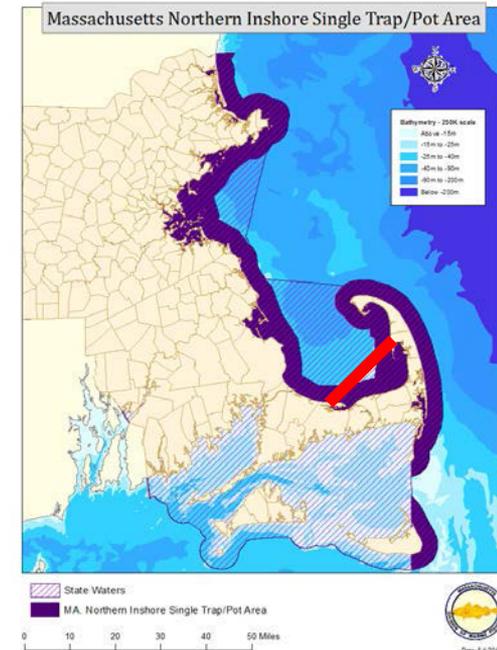
- 0-3 mile zone (town waters)
- Industry requests an additional “wedge” from Barnstable to Wellfleet
 - (60 ft. contour)
- Single pot fishing occurs mostly in:
 - extreme inshore areas
 - interior CCB (alongshore)
 - OCC



Final EIS unable to fully assess impacts on MA of singles ban and 5-pot trawl, 1 buoy line rule

Without adequate data on niche local (MA) fisheries, unable to accurately forecast impact. (FEIS Chapter 6)

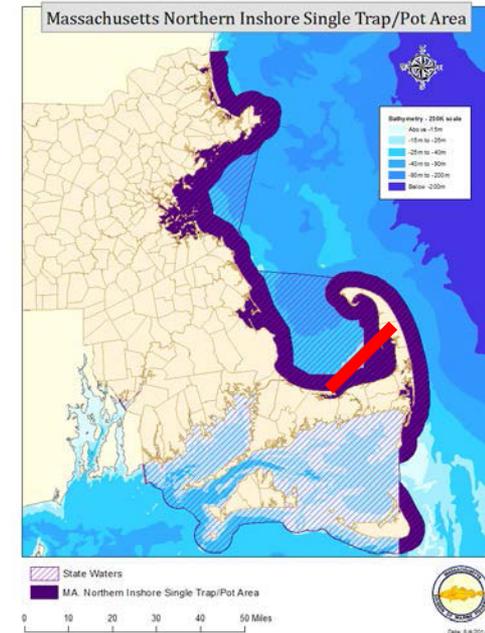
- *“The net effect of trawling in the context of all these variables is difficult to characterize or quantify. Hence, the cost estimates discussed in this chapter do not explicitly incorporate the impact of gear loss changes.”*
- *“Nonetheless, the physical demands of hauling trawls may prove to be a challenge to some lone operators. In Maine, these vessels may have the option of relocating to exempt waters.”*
- *“.....about 30 percent of all (MA) vessel operators report that they fish alone. This practice is especially predominant in inshore areas. Unlike Maine, however, most of these inshore areas are subject to ALWTRP requirements.”*
- *“In Maine, where many affected vessels operate, data suggest that a large share of lobstermen fishing alone operate in waters that would be exempt from the trawling requirements.”*



Northern MA State Waters

Who fishes singles?

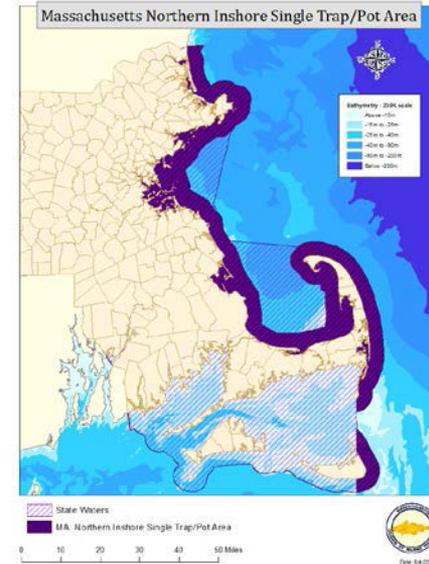
- Median size of a vessel fishing singles: 24 ft.
- About 2/3 fish single-handed (no sternman)
- Vast majority fish only 3- 6 months
- In LCMA 1, single trap fishermen choose this scale and method, and forgo the opportunity to fish trawls and scale up.



Northern MA State Waters

Why 0-3 miles?

- Recreational fishing (10 trap limit) unaffected by LWTRP rules, and this occurs mostly 0-3 miles.
- Reg. Consistency needed for lobstermen who fish on similar scales and methods (Rec. & Comm.)
- Most rec. lobstering within 1 mi. from shore; but some beyond 1 mi. out to 3+ miles
 - Area chosen are mostly “**municipal waters**” -
 - Given safety issues, DMF does not intend to require trawls for the rec. sector, nor student lobstermen. (Most rec & students hand-haul traps.)



Rationale for exemption in No. MA Waters

- Banning of single pots is not supported by co-occurrence model in most of the area
 - Single pot fishing a late spring –fall activity when co-occurrence low in most GOM inshore waters.
- Parity with federal treatment of other states' inshore fisheries
 - NH waters exempted from singles ban.
 - ME petitioned and received substantial inshore area exempted through the ALWTRP Exemption line.
 - RI's Narragansett Bay exempted
 - CT / NY: LI Sound exempted

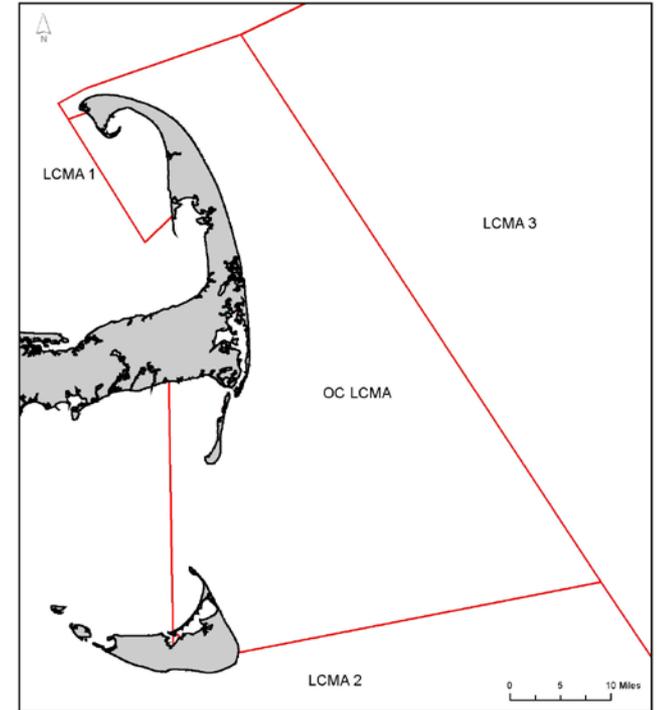
Reasons for No. MA exemption

1. Actual Co-occurrence with singles likely much lower than projected:
Most single trap fishing VERY close to shore.
2. Fishermen's Safety

Questions?

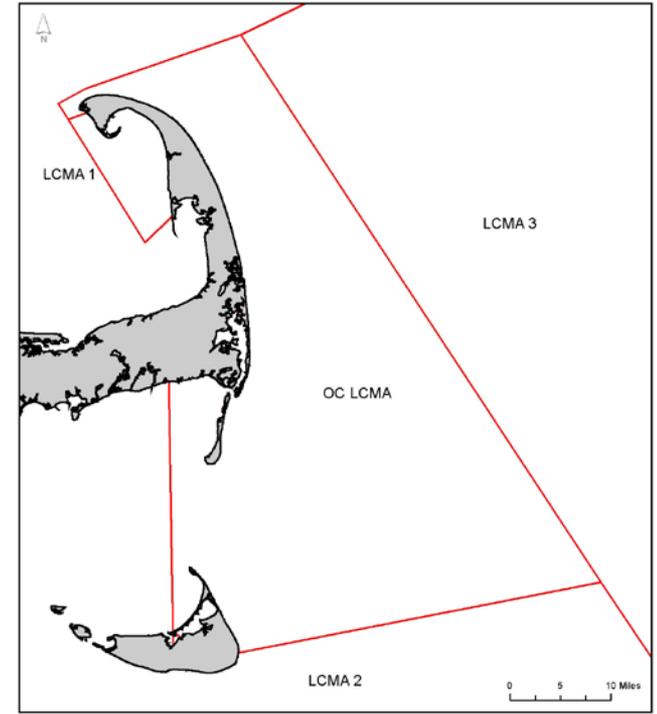
Outer Cape Cod Lobster Fishing

- In OCC, trap limits severely limiting
- Aggressive permit-specific trap limits and cuts since '04:
- 16% decline in trap allocation since 2004. Nearly all allocations now fully fished.
- 66 permit holders, average allocation 416



Outer Cape Cod Lobster Fishing

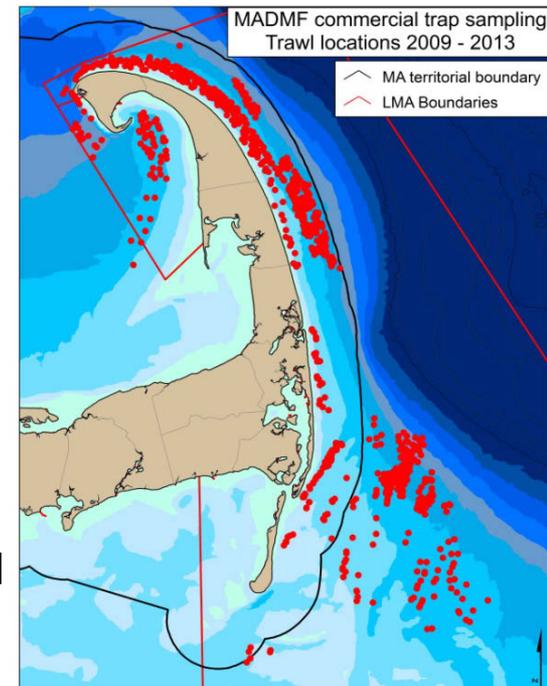
- Three discrete homeports: P'town, Nauset, Chatham
- Differences between fleets
 - Only Chatham is predominately state/federal....most others state-only.
 - Nauset has smallest vessels (median 30 ft. vs. 35 & 36) and lowest trap allocations



Homeport	Count	Federal permits	Median Traps
P'town	20	4	600
Nauset	25	5	396
Chatham	21	16	552

Rationale for exemption in Outer Cape Cod

- Fishermen's Safety
 - Area has some of strongest ocean currents of any inshore area in northeast US.
 - Area exposed to the most severe wave and storm surge
 - Gear entangled with other gear will be especially difficult to handle for vessels without sternmen and smaller vessels w/ inadequate hauling power
 - Due to narrow band of fishable area, co-existence with other users is currently challenging but maintained. Will deteriorate if trawls are required.
 - Gear conflicts with draggers and scallopers will be exacerbated.
- Co-occurrence of whales & gear less than it appears
 - Nearly all OCC traps north of Nauset Inlet in state waters and close to shore – much of OCC gear-free (EEZ)
- Humpback whales predominate when gear present, not right whales.



Gear Questions

by Bob Glenn & Erin Burke

- What does entanglement record say about entanglements in single pots?
- What do we know about outcome of entanglements in this area?
- What proportion of recent entangling gear from can be classified to gear type?
- What proportion of those classified entanglements can be attributed to gear other than single pots?
- What proportion are possible single pots?
- What proportion were definitively singles?

Our Gear Analysis

- 2008-2012 NMFS Entanglement Reports – summary sheets and gear analysis
- 2013-2014 Disentanglement Network website
- Only looked at right whale and humpback events
- TOTAL of 160 cases
- NMFS gear determination or DMF gear determination
- Used NMFS gear determination if available.
- Otherwise DMF determination through photos and NMFS gear description where possible.

DMF Gear Determinations

- From 2008-2012, there were 34 cases where DMF added a gear determination based on photos or NMFS gear description. 21 of those (64%) were trap/pot, 10 (30%) were gillnet, 1 was trawl, 1 was monofilament and 1 was a mooring line.

DMF Gear Determination

- Just as important to eliminate potential gear types as to identify them.
- We used gear characteristics to help identify or eliminate gear types. For example:
 - Presence of gangion
 - Presence of highflyer
 - Presence of polyball
 - Composition of bullet buoys (e.g. flags)
 - Rope diameter (> than ½ inch rope)
 - Presence of monofilament or gillnet mesh/floats

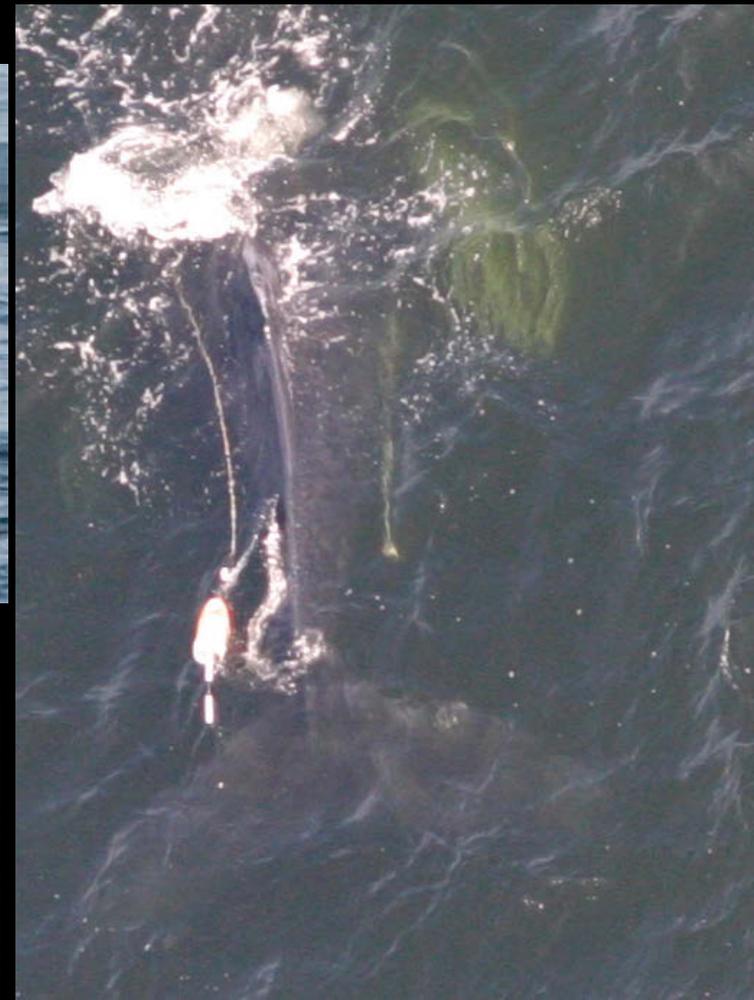
Photo: PCCS June 27, 2008

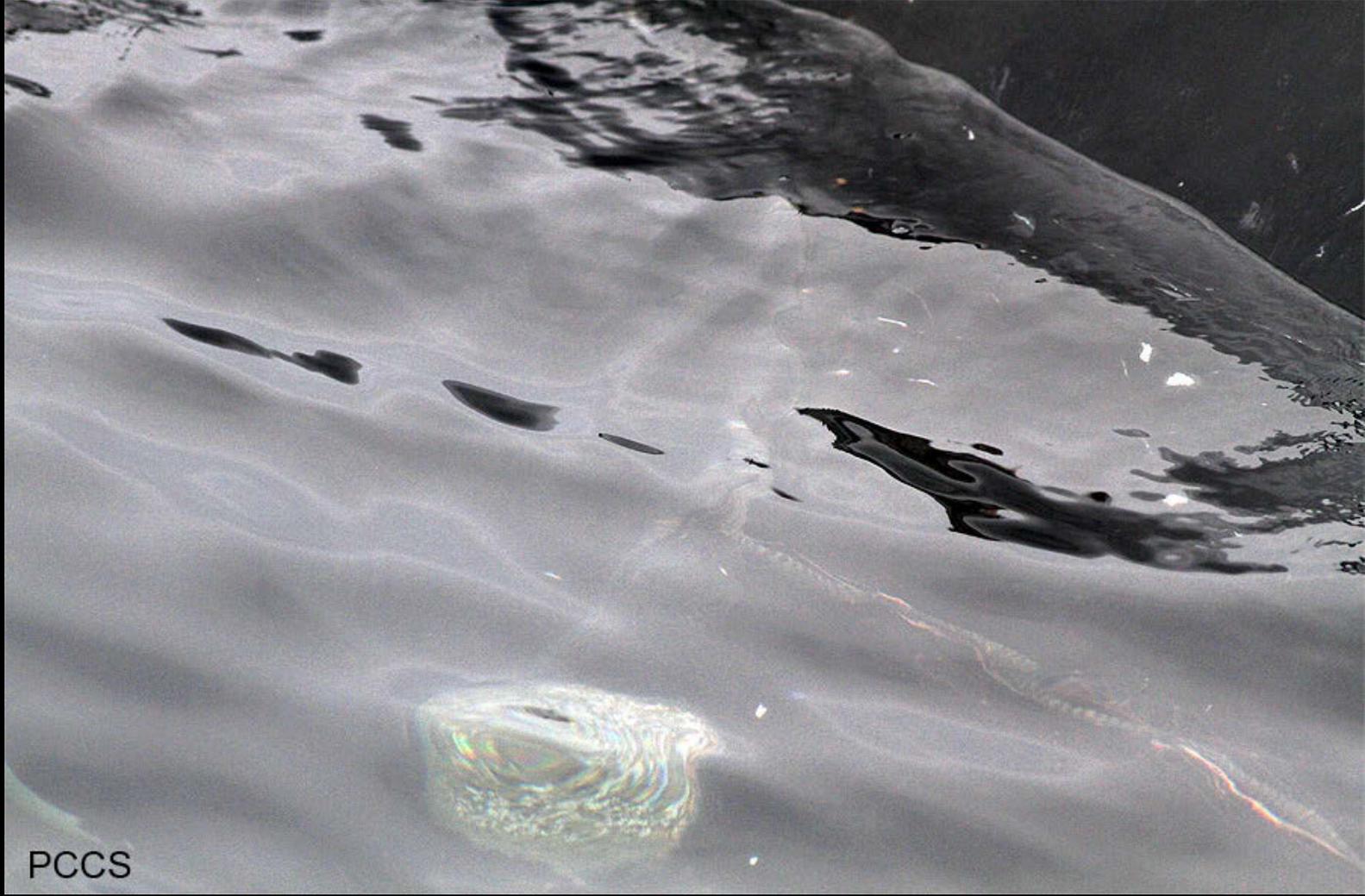


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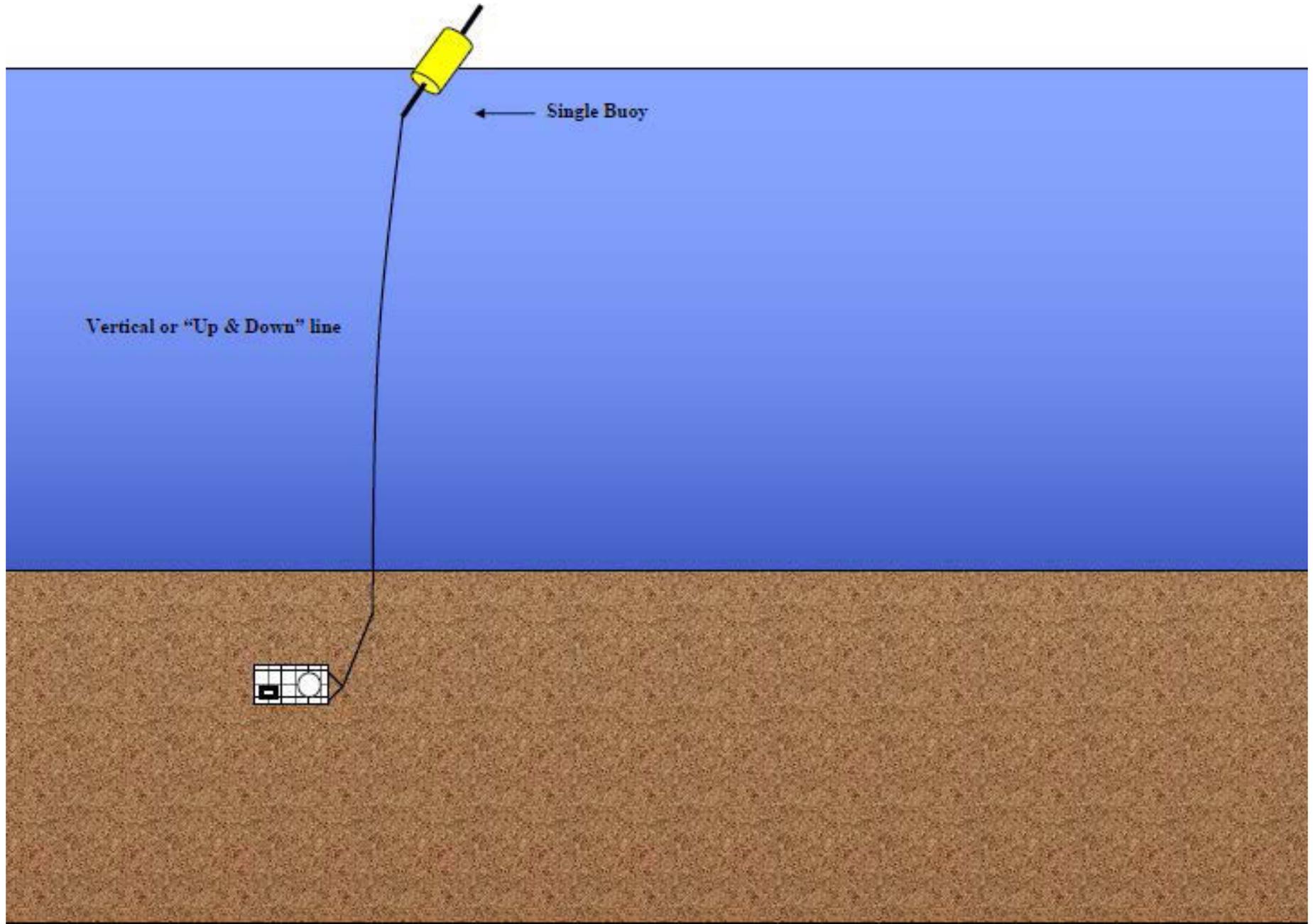


FWC

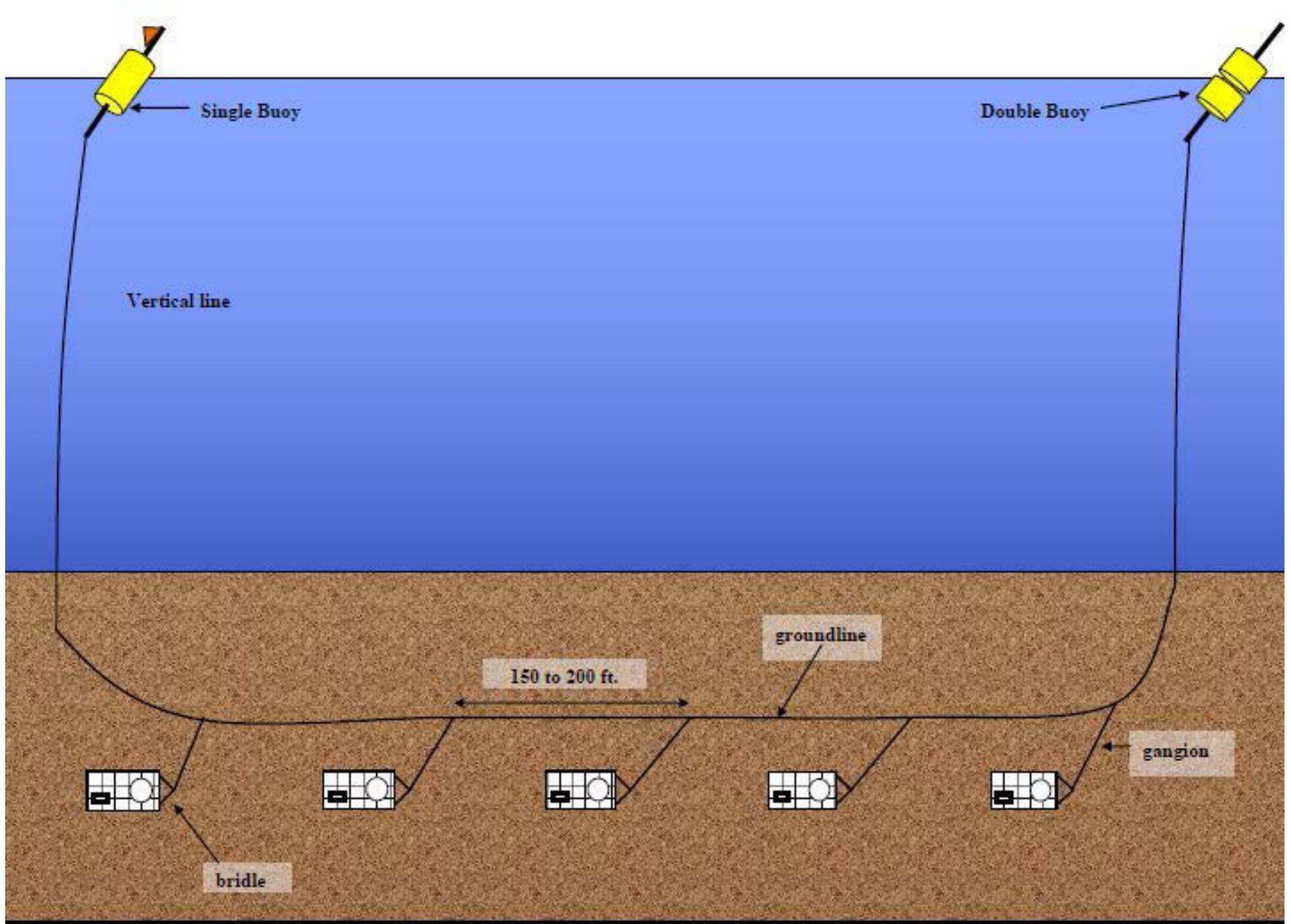


GA DNR

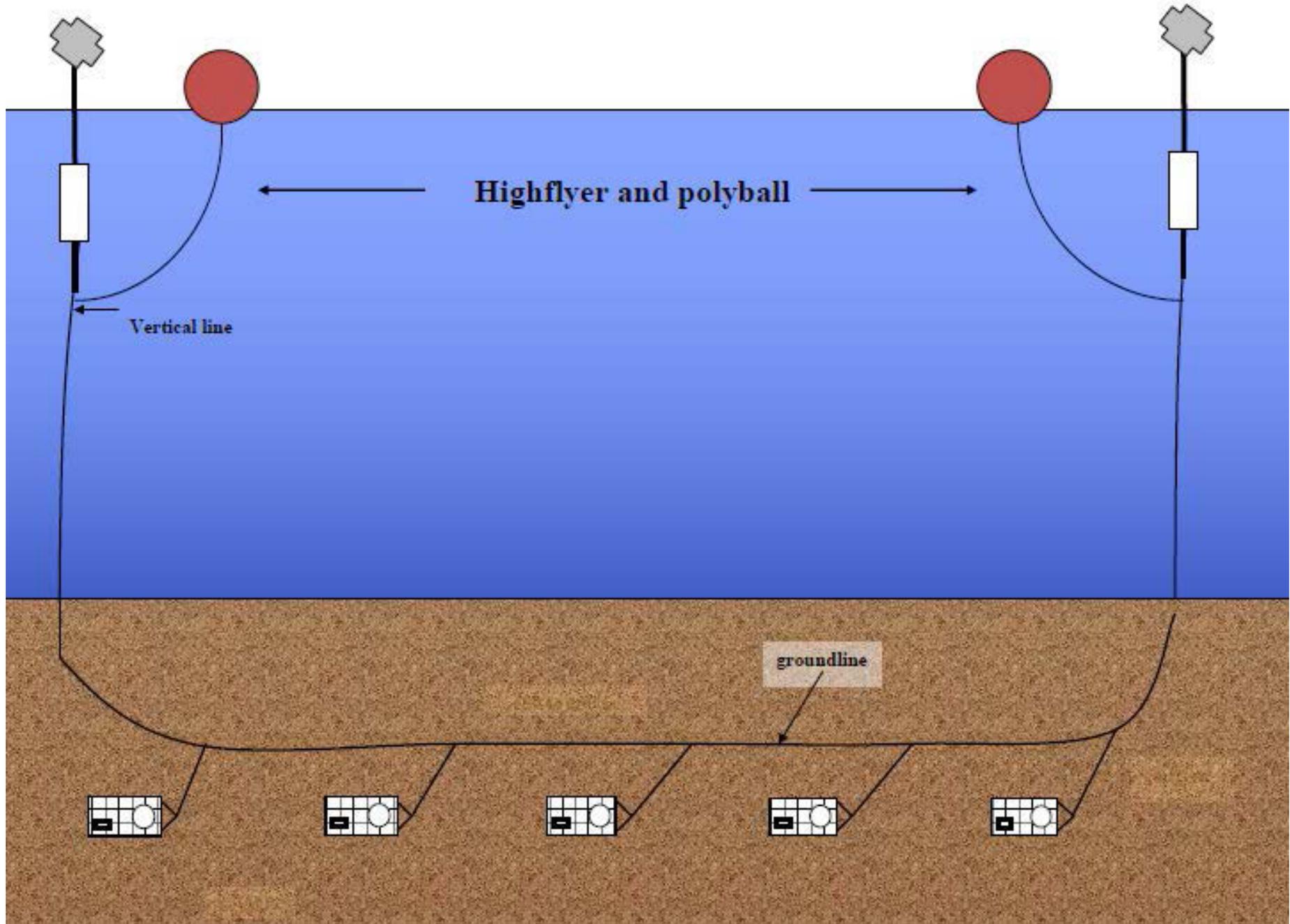
SINGLE POTS



INSHORE TRAWL



OFFSHORE TRAWL



Gear Type Identified

- 103 of the 160 cases (64%) could be NMFS or DMF classified to gear type. Of those cases...
 - 46% were trap/pot
 - 26% were gillnet
 - 22% were hook and line
- Good sample size of known gear to make inferences

What proportion of entangling gear is single pot?

- 133 of the 160 cases (83%) could be classified as single or not based on gear characteristics. Of those....
 - 82% had gear characteristics NOT consistent with single (e.i. trap/pot trawl, gillnet or monofilament)
 - 15% were possible singles
 - 2% were positively identified as a single

Single Pots and SIM

- 138 cases of the 160 were assigned an SIM determination by NMFS (does not include 2013 and 2014)
 - 41 cases were determined to be SIM
 - 25 (61%) of those had attributes NOT consistent with singles
 - 14 (34%) were unidentified rope
 - 2 (5%) cases it was possibly a single pot
 - There are no SIM cases that can definitively be attributed to single pot gear.

Single Pot Entanglements

- All three cases where singles were definitively the cause of the entanglement were non-SIM cases.
 - All occurred in the OCCLMA (close to CCS Disentanglement Team)
 - Two were humpback whales, one was right whale
 - All were successfully disentangled
 - All cases occurred in Sept and Oct (when lobster gear is most abundant)
 - Observed and disentangled close in space and time to where entanglement occurred

Co-occurrence and Single Pots in Mass State Water

- Outside of Mass Bay Restricted Bay closed season, high co-occurrence almost exclusively in the OCCLMA in summer and fall
 - Where single pots a common gear convention
 - Humpback whales main species present
- Low to zero co-occurrence in LMA 2 and inside CCB where some single pots also fished

Relative Risk of Single Pots in OCCLMA

- Co-occurrence in OCC in summer and fall when humpbacks present
- Close to CCS Disentanglement Network
- Early detection of entanglements due to whale watch industry and recreational fishing community

Humpback whales and Entanglement

- Gear displacement is low
- Entangled for less time than right whales
- Gear type determination is high
 - Less time for gear to degrade so ID possible
- Observed entanglement not a disproportionate source of mortality

Risk to Large Whales from Single Trap/Pots

- Entanglement data DO NOT indicate that single pots pose a serious risk to whales
 - Data show
 - Lower rate of entanglement than other fixed gear
 - NO SIM cases observed from single trap/pot configuration
 - Entanglements in singles not complex – extremely high rate of successful disentanglement

Risk to Large Whales from Single Trap/Pots

- Lower risk from the trawling up strategy is NOT plausible.
 - The vast majority of entanglements not from singles
 - Only 3 definitive cases out of 160
 - The empirical data suggest that removing all singles will have disproportionately low affect on the entanglement rate
 - Seems to be a “disconnect” – large # of surface lines from singles have not resulted in high entanglement rates
 - Lower co-occurrence ≠ lower risk
 - Higher rate of entanglement and SIM from all other gear types/conventions

Massachusetts Financial Support of Disentanglement

- Over 6 years 2011-2017 Massachusetts will have contributed \$750,000 to support disentanglement.
- Commitment through 2017.
- Current level: \$150K/yr
- MA Environmental Trust provided funds when NMFS funding was reduced
- Coastal Studies' funded thru federal, state, and private contributions



DMF Request for TRT Consideration

- 5-year data collection exercise and exemption from TRP trawl-up mandate in certain MA waters (GOM & OCC)
- Exempt Gulf of Maine MA municipal waters (0-3 miles) **and the 60 ft. contour in SE CC Bay** from the trawl-up mandate in LCMA Area 1 (NH to Cape Cod) and in OCC
 - Require two new dual-color buoy line gear marking scheme for single traps fished in each area. (Separate scheme for each)
- Exempt state waters from “one buoy line for five traps” rule or reduce the trawl length to three

- DMF will regulate (thru state authority) single trap buoy line configuration to distinguish single trap buoy lines from all others
- maximum line width (3/8” or less)
 - Prohibition on using surface marking system common to trawls
 - No double buoy or stick with flag

Questions?

END

Gear Marking Trap/Pot

Gear Marking Color	Applicable Trap/Pot Management Area
RED	<ul style="list-style-type: none"> • Massachusetts Restricted Area • Northern Nearshore Trap/Pot Waters • Northern Inshore State Trap/Pot Waters • Stellwagen Bank Jeffreys Ledge Restricted Area • Great South Channel Restricted Area overlapping Lobster Management Area (LMA) 2 and/or the Outer Cape (OC) LMA.
ORANGE:	<ul style="list-style-type: none"> • Southern Nearshore Trap/Pot Waters.
BLACK	<ul style="list-style-type: none"> • Offshore Trap/Pot Waters; Great South Channel Restricted Area overlapping with the LMA 2/3 Overlap and/or LMA 3
BLUE & ORANGE	<ul style="list-style-type: none"> • Southeast Restricted Area North (state waters)
GREEN & ORANGE	<ul style="list-style-type: none"> • Southeast Restricted Area North (Federal waters)



Gear Marking Gillnet

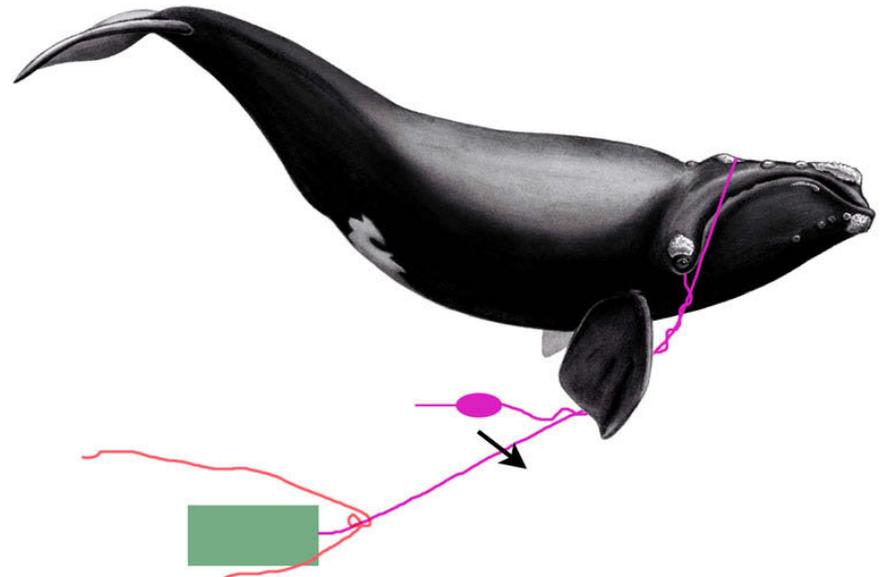
Gear Marking Color	Applicable Gillnet Management Area
GREEN	<ul style="list-style-type: none"> • Cape Cod Bay Restricted Area • Great South Channel Restricted Gillnet Area • Great South Channel Sliver Restricted Gillnet Area • Stellwagen Bank/Jeffreys Ledge Restricted Area • Other Northeast Gillnet Waters (Northeast & Mid-Atlantic)
BLUE	<ul style="list-style-type: none"> • Mid/South Atlantic Gillnet Waters
YELLOW	<p><u>Excluding Shark Gillnet:</u></p> <ul style="list-style-type: none"> • Southeast US Restricted Area South* • Other Southeast Gillnet Waters*
GREEN & BLUE	<p><u>Shark Gillnet (with webbing of 5" or greater)</u></p> <ul style="list-style-type: none"> • Southeast US Monitoring Area* • Southeast US Restricted Area South* • Other Southeast Gillnet Waters*

Case #1

Right whale off Truro (bay-side) – September 26, 2009. Gear set as single pot according to owner interview.



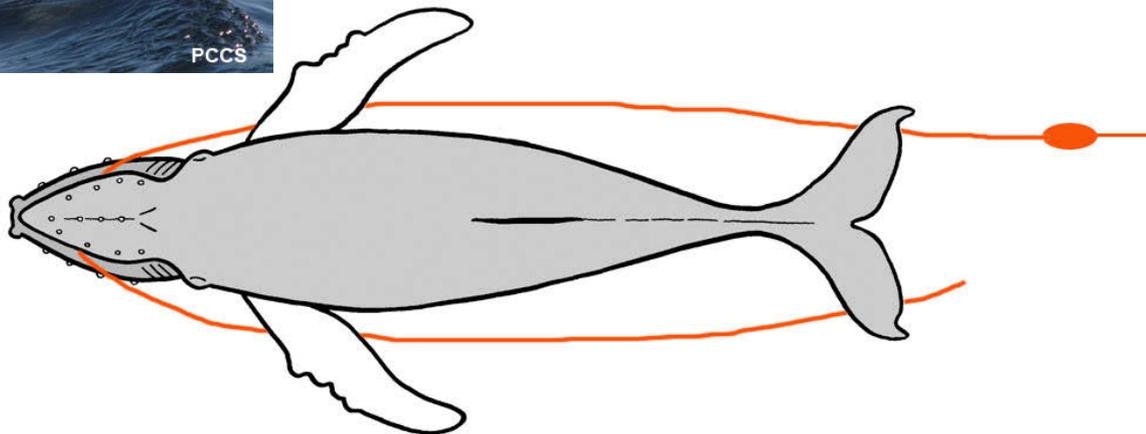
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Case #2

Humpback whale on southern Stellwagen Bank – October 21, 2009. Gear set as single either inside Cape Cod Bay or on backside



Case #3

Humpback whale off Race Point – September 17, 2012. Gear set as single pot according to owner interview.



PCCS

