

Massachusetts Lobstermen's Association, Inc.

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April 24, 2012

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Ms. Swails,

As a member of the ALWTRT, I would like to submit the following comments on the recently held TRT conference call on the Northeast sub-group whale co-occurrence discussion.

I would like to make the following comments:

- Computer generated proposals will not save any whales if there is no buy-in by the fishing industry. Currently there is no buy-in to these proposals. We can propose any number of ideas but computer models won't work in the real world of fishing.
- Any proposal should not include Humpbacks since there are so many of them and skew the statistics. We are trying to basically help the survival of Right Whales and proposals to help them will automatically also help the Humpbacks. We should discard, or not include, the Humpback Whale statistics.
- Any proposal to close any areas simply moves any risk factor that may exist to areas around that closed area. Did anyone inform these whales that they must stay in their protected area? While the "risk" may be reduced in any "closed area", it would increase a risk in the surrounding area. Wouldn't it be better to reduce any potential risk by spacing out gear.
- There are territorial problems if areas are closed. Lobster fishermen work within lobster management areas and may be restricted from fishing in some adjacent areas by current state and federal rules. There are also non-written territorial restrictions. One area's lobster group will not allow some fishermen in an adjacent area to "move into" their area. Closing an area may force fishermen to move over into another area. The conflict can evoke a "trap war" which only results in gear conflicts, hard feelings, retaliatory actions and lost gear or even worse. We don't need any of this in our economic or human fishing world, particularly with the goal to protect a whale! This also breeds contempt for the government rules and even the whales.

- Requiring trawl lengths or the number of end lines to be allowed, will pose safety issues for fishermen that aren't able to accommodate a certain size trawl length. Buoy lines must be available to haul gear from one end or the other due to wind conditions. This is another safety factor. Of note here, a previously implemented trap length and the allowed buoy per trawl in the so called SAM area backfired on NMFS in that fishermen fished less traps using one buoy line than more traps with two buoy lines. This resulted in more buoy lines than would otherwise have been used.
- Less buoy lines on a trawl could mean more lost gear especially since floating groundlines between traps in a trawl have been eliminated. The loss of a buoy if only one is allowed, means fishermen must grapple gear up-no floating groundlines makes this more difficult if the one buoy line is lost. Will the federal government pay for lost gear due to their own rules that have caused this loss?
- Compliance, compliance, compliance-if the rules are unreasonable you won't get compliance. What good are rules if fishermen don't go along with the rules? Will he have to play catch me if you can? Fishermen don't agree with most of what is being proposed and enforcement is still very sparse.
- Who will pay fishermen if they lose gear or are restricted from any closed areas?

I would encourage the NMFS to consider these comments in your deliberations.

Respectfully yours,



William A. Adler
Executive Director