



# ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

54 Chatham Drive Bedford New Hampshire 03110  
office 603.206.5468; fax 603.666.5601; [offshorelobster.org](http://offshorelobster.org)

April 26, 2012

Mr. David Gouveia  
NOAA Fisheries  
New England Regional Office  
Office of Protected Species  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Dave,

I am submitting comments on behalf of the Atlantic Offshore Lobstermen's Association, relative to the most recent TRT process, and to the *Kraus, et al* proposal to close a portion of Jordan Basin from November 1 to January 31.

**Relative to the process:** I disagree with using the current process of accepting proposals during or after the Atlantic Large Whale Take Reduction Team Meeting (ALWTRT or TRT). Previous to the most recent meeting, the fisheries Service requested all proposals be made available prior to the TRT meeting taking place. The *Kraus, et al* proposal, for instance, was conceived, not even at the last minute prior to the meeting; but instead, in rudimentary form in the middle of the meeting; as seemingly, an inconsequential afterthought. Further, the purpose for requesting proposals prior to the meeting was to give TRT members a chance to review the documents and then discuss them among Team members during the course of the meeting. This most recent process did not allow for the proposal to be fully vetted. My recommendation for the future is the agency require all proposals be submitted prior to any TRT meeting (or sub-committee meeting), or be rejected until it is possible to have a proper TRT discussion relative to any such proposal.

**Comments relative to the *Kraus, et al* proposal regarding a closure on Jordan Basin:**

This proposal is based on a supposed whale "hot-spot." At an earlier TRT meeting, members voted unanimously (including *Kraus, et al*), to utilize a "co-occurrence model," indicating the simultaneous presence of both whales and fishing gear; thus, "co-occurrence" would act an indicator of areas which may be in need of additional protection. The *Kraus, et al* proposal is not an effective representation of that model, and it is inappropriate to pick the model apart and choose to identify either whales *or* fishing gear in any one area, or to effectively change the rules in the middle of the game. The entire Team voted unanimously to use the "co-occurrence model," the analysis of which, was provided by Industrial Engineering, the firm chosen by NMFS to draft the model. Therefore, I believe it would be improper to consider any process, or recommendation representing another model, other than that which was agreed upon by the entire team.

A very troubling provision of this entire TRT process is the inability to quantify very much of anything, due to the lack of data; this is one area in which *Kraus, et al* and the fishing industry agree. Thus, the U.S. fixed gear fishing industry, whether *or not* it is responsible for serious injury or mortality, is continuously asked by the environmental community to do more.

Suggested in the proposal, *Kraus, et al* suggest that a closure may not be required, should the lobster industry choose to fish without end lines within Jordan Basin, during the timeframe identified. However, it is important to remember that SAMs, *known* “hot spots,” of whale aggregations, along with a *high density* of fishing, permitted fishing to take place *with* endlines as long as sinking groundline was used. If whales are known to be in Jordan Basin, and if fishing is taking place, it is most definitely at a much lesser amount than that which was taking place in the SAMs. At the time, NMFS declared, and the environmental community agreed, when the industry changed groundlines from floating to sinking, SAMs, were no longer necessary, thereby, the absence of endlines should not be required to fish in *any* area, now that the industry has changed it’s groundlines to sinking line. This is again an example of not being allowed to change the rules in the “middle of the game.” It would be wrong to move forward with this proposal.

Finally as an endnote, the author(s) state, “Although the co-occurrence model and the NMFS proposal reduce the probability of overlap of endlines and whales, it is only the **first step** in reducing risk from entanglements.” It goes on, “...the proposed level of reduction in endlines is a positive **start** that will lead to some entanglement risk reduction,” and notes the “...lack of data .... mean that **it is impossible to translate it into a quantitative estimate of the likely reductions in entanglements....(and) provides no evidence that they will meet PBR.**” As a representative of the fishing industry who has served on the ALWTRT for fourteen years, working with others on the team and the fishing industry, it is extremely important to respond to these statements. Endline reduction should in no way be considered a “**first step**,” nor a “**start** that will lead to some entanglement risk reduction.” Quite frankly, comments such as those are insults to lobster fishermen who have been refining their gear configurations for years, in order to reduce the entanglement risk for whales; ignoring all others, lest we forget the **COSTLY** (in both time and money) change to sinking groundlines. That was no small undertaking; and the cost was not only an initial one, but was one that will affect fishermen on an annual basis. Also, if all that is being required of fishermen is incapable of being “translated into a quantitative estimate of the likely reductions in entanglements,” and provides no evidence that PBR will be met; how and when will there be any recognition by the environmental community of what IS being done?

I appreciate having the ability to respond to this proposal; should you have any questions, please do not hesitate to contact me.

Sincerely,

*Bonnie Spinazzola*

Bonnie Spinazzola  
Executive Director