



## Atlantic States Marine Fisheries Commission

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### MEMORANDUM

**TO:** American Lobster Management Board  
**FROM:** American Lobster Advisory Panel  
**DATE:** March 17, 2017  
**SUBJECT:** Review of TC's Analysis on Proposed Coral Closures

The American Lobster Advisory Panel (AP) met via conference call on February 27, 2017 to discuss impacts of proposed coral closures on the lobster and Jonah crab fisheries. Currently, the New England Fishery Management Council is drafting an Omnibus Deep-Sea Coral Amendment which could implement area closures in Georges Bank and the Gulf of Maine. The intent of the conference call was to provide an opportunity for the AP to review and comment on the Technical Committee's (TC) analysis regarding potential fishery impacts as a result of the proposed coral closures. The AP also discussed recommendations concerning the Omnibus Deep-Sea Coral Amendment. The following is a summary of the conference call.

#### **AP Members in Attendance:**

David Cousens (Maine)

Bob Baines (Maine)

Grant Moore (Massachusetts, Chair)

Arthur Sawyer (Massachusetts)

Jack Fullmer (New Jersey)

\*John Whittaker (Connecticut) provided comments to ASMFC staff via phone prior to the AP call

#### **Other Attendees:**

Burton Shank (Lobster TC)

Kathleen Reardon (Lobster TC)

David Borden (Board Chair)

#### **AP Comments on the TC's Coral Analysis**

##### Georges Bank Canyons

- While results of ASMFC's lobster industry survey indicate that 4%-6% of lobster effort is found at depths greater than 400m, several AP members commented that this percentage seems low. They noted that the amount of gear at depths greater than 400m is not uniform across the canyons and some canyons may have a greater concentration of gear in deeper waters. Some AP members questioned if the survey results are representative of the entire fleet given roughly one-third of LCMA 3 permit holders responded.
- The AP highlighted that not all habitat at a given depth is equally valuable to the lobster fishery. While the tenuous nature of this assumption is discussed in the TC's report, members of the AP stated that bottom type, slope, and depth can all be important factors in determining lobster productivity.

- The AP noted that the estimate of total revenue from the offshore canyons is not adjusted to account for vessels which do not report with VTRs. Approximately 85% of lobster vessels in the offshore areas report with VTRs so the total revenue for the offshore fleet needs to be scaled up by 15%. This could impact the results of the TC's analysis as the estimate of total revenue from the offshore canyons is used to scale the results of the ASMFC industry survey to the entire fleet.

#### Mount Desert Rock and Outer Schoodic Ridge

- Several AP members commented that there has been a noticeable increase in lobster effort over the last 5 years in the Gulf of Maine. As a result, impacts to the Gulf of Maine fishery may be higher than what is estimated by the TC as the analysis uses harvester data from 2011-2014. Moreover, the TC's preferred estimate of \$4.2 million in impacts to the Gulf of Maine lobster fishery is likely a conservative estimate.
- The AP expressed concern regarding unintended consequences of the Gulf of Maine area closures to the right whale population. The AP commented that if an area closure is implemented, the density of traps along the border of the closure will increase, resulting in a higher probability of gear interactions with right whales. This will have negative consequences for the right whale population, which is one of the most endangered whale species in the Atlantic Ocean.
- AP members highlighted that, contrary to the assumption made in the TC's analysis, all habitat at a given depth is not equally valuable to the fishery. This means that closures to highly productive areas could have greater impacts to the lobster fishery.
- One AP member agreed with the estimate that there are approximately 50 boats fishing in the proposed Mount Desert Rock coral closure and another 50 boats fishing in the proposed Outer Schoodic Ridge coral closure. While roughly 15% of vessels fish year round in these areas, the majority fish in the proposed closures between 8 and 10 months out of the year. Roughly 25% of these vessels fish in the proposed closures 2 to 3 months of the year.

#### **AP Comments on the Omnibus Deep Sea Coral Amendment**

- The AP noted that there is limited knowledge regarding the location of deep-sea corals in New England. While the Council has used information on bathymetry and slope to predict deep-sea coral habitat, not all sites have been confirmed. Furthermore, not all areas have adequate bathymetry data which could lead to inaccurate predictions on the location and geographic extent of deep-sea coral habitat.
- Studies investigating the impact of fishing gear on deep-sea corals have found that passive gears, such as traps, have a much lower impact on coral populations as opposed to bottom trawls and dredges.<sup>1</sup> Moreover, trap gear has a smaller footprint compared to other gears. This information highlights why the trap fisheries should be exempt from any restrictions in the Coral Amendment.

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<sup>1</sup> Heifetz, J., R. P. Stone, et al. (2009). Damage and disturbance to coral and sponge habitat of the Aleutian Archipelago. *Marine Ecology Progress Series* 397: 295-303; Fosså, J. H., P. B. Mortensen, et al. (2002). The deep-water coral *Lophelia pertusa* in Norwegian waters: distribution and fishery impacts. *Hydrobiologia* 471: 1-12.

- The AP highlighted that area closures have far reaching impacts beyond the direct effects to those vessels which fish in the proposed closure. When fishermen are prohibited from setting traps on their historic fishing grounds, they move gear into adjacent regions. This results in cascading effects to lobstermen who have historically fished in areas adjacent to the closure as there is now a higher density of traps in the neighboring region. The displacement of gear to nearby regions can cause increased gear conflicts and reduced revenue for fishermen who historically fished in and around the closure. In the lobster fishery, these negative effects are intensified due to the territorial nature of the fishery. In fact, several AP members commented that the redistribution of effort in the lobster fishery is unrealistic given the territorial nature of the fishery. These cascading economic impacts needs to be considered in the Coral Amendment.
- The AP noted that the lobster fishery is currently the most valuable wild-caught fishery in the United States. As a result, great consideration and caution needs to be taken when considering regulations which may impact the fishery. The AP urges that more surveys be conducted to further investigate the interactions between trap gear and deep-sea corals before any decision is made by the Council.
- Several AP members expressed concern that the New England Fishery Management Council is making regulatory decisions which impact the lobster fishery. They noted that this is particularly troubling given there is limited representation from the lobster fishery on the Council.
- John Whittaker, over the phone, noted that even though some New England states do not have registered boats which are fishing in the offshore canyons, many New England states are home to crew members who are employed on these boats. As a result, closure of the offshore canyons would not only affect the coastal economy of states with large offshore fleets but also the local economy of states where crew members reside.

#### **AP Recommendations on Omnibus Deep Sea Coral Amendment**

- The AP proposed a 550m broad zone be added to the Coral Amendment and that all discrete coral closures be removed from consideration. With this option, they recommended an exemption for the red crab fishery.
- For other options, the AP recommended that an exemption in the Coral Amendment be given to all pot fisheries, including the lobster, Jonah crab, and red crab fisheries. Several members noted that a similar exemption was given in the Mid-Atlantic and it is troubling that an exemption has not been granted in New England.