

July 18, 2025

VIA EMAIL ONLY

Rick Bellavance, Chair
Cate O’Keefe, PhD., Executive Director
New England Fishery Management Council
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**RE: On-Demand Fishing Gear Conflict Working Group Webinar (July 23, 2025)
Comment by New England Fishermen’s Stewardship Association**

Dear Chairman Bellavance and Executive Director O’Keefe:

Thank you for the opportunity to provide comments to the New England Fishery Management Council’s (“NEFMC”) On-Demand Fishing Gear Conflict Working Group (“Working Group”) ahead of its webinar scheduled on July 23, 2025.

For the reasons outlined below, the New England Fishermen’s Stewardship Association (“NEFSA”) urges the Working Group to exercise caution and use the Congressionally mandated pause on Atlantic Large Whale Take Reduction Plan (the “Take Reduction Plan”) regulations to fully evaluate the efficacy of sweeping on-demand gear mandates such as those contained in NEFMC, Mid-Atlantic Fishery Management Council, and the Fisheries Greater Atlantic Regional Fisheries Office’s Alternative Gear-Marking Framework (the “Framework”).

I. Background of New England Fishermen’s Stewardship Association.

Founded in the Spring of 2023, NEFSA represents thousands of harvesters, dealers, and members of our coastal communities across New England. NEFSA is dedicated to educating the public on how best to manage our seafood resources through sound science and best practices at conservation used by fishermen, with a view toward economic well-being, ecosystem sustainability, and U.S. food security.

II. On-Demand Gear Mandates Are Premature.

Racing toward implementing sweeping on-demand gear mandates is premature given that additional Take Reduction Plan regulations cannot be implemented until January 1, 2029, at the earliest, and on-demand gear technology is in its infancy and serious concerns regarding this technology have yet to be adequately tested or addressed.

In the Consolidated Appropriations Act of 2023, Congress commanded that the 2021 Take Reduction Plan would be sufficient for compliance with federal law until December 31, 2028:

- (a) IN GENERAL.—Notwithstanding any other provision of law except as provided in subsection (b), for the period beginning on the date of enactment of

this Act and ending on December 31, 2028, the Final Rule amending the regulations implementing the Atlantic Large Whale Take Reduction Plan (86 Fed. Reg. 51970) shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, 136 Stat. 4459, 6089–90.

The Atlantic Large Whale Take Reduction Team has accordingly postponed its upcoming meeting until February 2026 and does not expect to propose a final Take Reduction Plan rule until early 2028.

NEFSA urges the Working Group to take this time to sufficiently and carefully analyze the efficacy and various impacts of on-demand fishing gear. While the Appropriations Act directed the National Marine Fisheries Service to “promote the innovation and adoption of gear technologies” during the regulatory pause, 136 Stat. at 6090, the Framework, as currently envisioned, imposes burdensome on-demand gear mandates based simply on aspirational technology, rather than realistic, existing technology. This will place the regulatory burden squarely on local fishermen, who are guaranteed to incur increased costs and greater losses due to the mandated use of technology still in its infancy.

With the time gained by the regulatory pause and postponed rulemaking, the Working Group should take time to carefully consider the benefits and detriments of mandating on-demand gear. The Working Group’s current, arbitrarily expedited timeline is unnecessary and risks decimating local fishermen.

III. On-Demand Gear Mandates Put Lives and Livelihoods at Risk.

With the benefit of time, the Working Group has an opportunity to carefully evaluate the litany of risks associated with on-demand gear technologies in their current stage. Rushing into a dramatic change to gear-marking regulations is dangerous. There simply is not sufficient information about the reliability and safety of ropeless gear. One of many pressing safety concerns is the risk of crew members becoming entangled in gear. Standard rope gear can be quickly cut away if a crew member becomes entangled and pulled overboard. With ropeless gear, it is unclear how a similarly imperiled crew member would be rescued from a situation where seconds are of the essence.

This is not a trivial concern that can be ignored, but a matter of life and death for our members and their families. These and other safety concerns have yet to be answered and should be thoroughly evaluated before blindly implementing on-demand gear mandates.

Aside from the very real danger to human life, ropeless gear regulations pose a threat to the fishing industry and those who rely on it to make a living. Standard rope gear has a recovery rate of nearly ninety-five percent. However, current estimates place ropeless gear recovery rates

between sixty and ninety percent.¹ At its best, ropeless gear would double the amount of lost gear compared to standard rope gear. This reduction in gear recovery places an undue burden on fishermen who will be forced to replace their gear at much higher rates. And it contributes to greater ocean pollution as unrecovered gear is lost to the sea.

The Working Group must carefully evaluate these safety and financial burdens, as well as other burdens, such as the burden on trolling fishermen from ropeless gear detection requirements, before moving forward with on-demand gear mandates. The Working Group now has the benefit of time to consider these concerns; it just needs to do so.

Conclusion

These are just a few of the concerns that NEFSA has regarding on-demand gear, and we look forward to articulating these concerns on future comment letters. As such, NEFSA respectfully requests that the Working Group take the time afforded by Congress's regulatory pause and the postponed rulemaking to carefully evaluate the safety, reliability, effectiveness, and costs of on-demand gear. Racing forward with the implementation of emerging and inadequately tested technologies is more likely to cost lives and risk the livelihoods of our members than protect whales and fisheries.

Respectfully submitted,

/s/ Dustin W. Delano

Dustin W. Delano

Chief Operating Officer

New England Fishermen's Stewardship
Association

¹ However, these high-end estimates are disputed. For example, testing of certain on-demand gear often takes place in areas that would lead to an increased rate of recovery, rather than actual sea and harvesting conditions experienced by our members.