

July 18, 2025

VIA EMAIL ONLY

Rick Bellavance, Chair
Cate O’Keefe, PhD., Executive Director
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950
comments@nefmc.org

**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.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

CARL J. WILSON
COMMISSIONER

August 20, 2025

Dr. Cate O'Keefe
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Dr. O'Keefe,

The Maine Department of Marine Resources (ME DMR) held an informational meeting on August 19th for members of our Lobster Advisory Council as well as Lobster Zone Council Chairs and Vice-Chairs to learn about the Alternative Gear Marking Framework. ME DMR invited GARFO staff to give a presentation on the draft Framework and answer questions. ME DMR recorded questions and comments from industry members in attendance. ME DMR has summarized the comments given and is providing them to the New England Fishery Management Council ahead of their scheduled action.

This meeting was held by ME DMR to provide what we feel is a minimum level of outreach to leaders of Maine's lobster industry on the pending Framework. ME DMR reiterates the concern that this meeting should not be considered an adequate substitute for outreach to the largest fixed gear fishery on the East Coast. Maine alone has roughly 3,800 active lobster permit holders. Industry attendance on the webinar was fair but did not reach its full potential; 21 industry members were invited and 5 were able to participate due to the timing of the meeting in the busy summer season. There was diverse spatial representation across the Maine lobster zones. Members of the public were also in attendance. The categories below summarize the conversation.

Process:

- One industry member asked where this action originated; was this an industry request or agency led?
- There were several comments that the action is moving too quickly. An industry member commented that this action should wait until we have approved ropeless gears and he is not in favor of seeing these changes yet. Another fisherman commented it is difficult to go through the rulemaking process when you don't know what the product is that is being approved.

Gear Conflicts and Impacts

- Several questions focused on what an alternative gear marking means. There was a question on the functional equivalence criteria and why a mark which indicates bottom location, instead of a surface deployment mark, was not included in the criteria. Concern was expressed that, in the

absence of knowing the bottom location of ropeless gear, there would be increased gear conflict among fixed gears, and between fixed and mobile gears. Specific comments about the spatial overlap between Maine's lobster and scallop fisheries were mentioned. Another industry member expressed concern that the tide runs too hard in portions of Maine's coast for a surface mark to be effective.

- There were several comments acknowledging that adoption of ropeless gear puts a burden not only the lobster fishery but any adjacent fishery. There were questions as to whether mobile gear boats would be required to have a digital receiver to ensure they can see the alternative gear marks. There was also a question on how avoidance of digital gear marks would be enforced in overlapping fisheries. One industry member commented that they would rather see an investment in the data collected on right whales and other tools before ropeless gear.

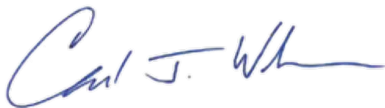
Application and Equity

- There was a specific question on how this Framework would apply in the grey zone, an area which is disputed territory between the US and Canada and in which both Maine and Canadian fishermen operate. The industry member noted the grey zone is not included in the figure describing Option 1B; is the grey zone not included in this action? If it is included, how would alternative gear marking work between US and Canadian fishermen?
- There was a question on how many ropeless fishing units are currently in the Maine and New England Fishery Science Center gear libraries. After hearing responses, this individual was concerned that providing access to a currently closed area via ropeless fishing creates winners and losers. They were concerned about a lack of equity in opportunity amongst fishermen.

Ultimately, five industry members expressed support for status quo (Option 1A).

ME DMR appreciates GARFO staff's willingness to provide information on this webinar. ME DMR continues to urge the New England Fishery Management Council and NOAA to provide additional outreach to the lobster fishery prior to proceeding with this action. While ME DMR is willing to support such outreach efforts, it should be NOAA's responsibility to lead this outreach given that it is NOAA's decision to apply the actions taken by the New England and Mid-Atlantic Fishery Management Councils to the lobster fishery.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carl J. Wilson".

Carl Wilson, Commissioner

Sent: Thursday, July 24, 2025 1:16 PM

To: NMFS ALWTRT - NOAA Service Account <nmfs.gar.alwtrt@noaa.gov>

Subject: NOAA Fisheries Releases Report on Large Whale Entanglements Confirmed in 2023

Today, NOAA Fisheries released the [National Report on Large Whale Entanglements Confirmed in the United States in 2023](#). The report documents 64 confirmed large whale entanglement cases nationally, and helps NOAA Fisheries meet its mandates under Section 402 of the Marine Mammal Protection Act.

Entanglement of large whales in fishing gear or marine debris is a serious animal welfare problem that affects the animals as well as fishing industries. The information we gain from confirmed entanglement cases helps inform our management measures and may reduce future entanglement threats. One of our core mission areas is the recovery and conservation of protected species under the Marine Mammal Protection Act and Endangered Species Act.

NOAA Fisheries' [Marine Mammal Health and Stranding Response Program](#) is proud to work with our partners in the [Large Whale Entanglement Response Network](#) who document and respond to as many entanglement incidents as possible.

For more information, please contact Steve Manley (stephen.manley@noaa.gov) or Sarah Wilkin (sarah.wilkin@noaa.gov).



MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.maine lobstermen.org

American Lobster Board
Atlantic States Marine Fisheries Commission
1050 N Highland St, Suite 200 A-N
Arlington, VA 22201

Transmitted via email to Caitlin Starks

July 31, 2025

Dear American Lobster Board:

The Maine Lobstermen's Association (MLA) is writing to provide comment on the Joint New England and Mid-Atlantic Fishery Management Council (NEFMC) *Alternative Gear Marking Framework*. The MLA has serious concerns about both the timing of this framework and the lack of meaningful outreach to the lobster industry.

The Maine lobster industry accounts for the majority of fixed gear deployed in the region. It is imperative that lobstermen are engaged in the process, understand what is proposed, and how it would impact the lobster fishery. Given the significance of this issue and the inadequate engagement to date, the MLA strongly recommends taking no action at this time (Alternative 1A).

This framework is a complex regulatory proposal affecting fixed gear fisheries managed by the Councils, Atlantic States Marine Fisheries Commission (ASMFC), and through Federal regulations. If adopted, this proposal has the potential to radically change how fixed gear is marked and it would impact a broad range of fishermen across gear types and species. This action should not move forward in the absence of robust outreach to all affected stakeholders.

Our primary concern is the near-total lack of outreach to the lobster industry throughout the development of this framework. The MLA only became aware of the proposal during ASMFC's May 2025 American Lobster Board meeting. The MLA was not invited to represent the Maine lobster fishery during the development of the framework despite our long history working on whale rules and serving on the Take Reduction Team (TRT). The only outreach MLA has received regarding the framework was a May 30 email from Allison Murphy alerting

us that this topic would be discussed at the Mid-Atlantic and New England council meetings in June. The MLA has listened to the NEFMC discussion and has since received information from the Maine Department of Marine Resources (DMR) and ASMFC on this matter.

In July, National Marine Fisheries Service (NMFS) announced that it would delay the TRT's deliberative meetings to develop risk reduction measures by one year, to the Fall of 2026. This revised timeline still meets the December 2028 Congressional deadline for implementing new whale rules. The added time also provides a much-needed opportunity to engage the lobster industry on the alternative gear marking framework before any final decisions are made.

The MLA understands that this framework does not mandate, but could allow, fishermen to use gear without persistent buoy lines by changing Council-managed fixed-gear fishery management plans and Federal lobster regulations to allow alternative, likely digital, gear marking. Ultimately, this could allow ropeless gear to be fished without obtaining an exempted fishing permit. However, deploying fixed gear without visual, physical markers could lead to significant gear conflict, safety, and enforcement issues. An indirect impact of the framework would be the significant, still unknown, costs to fishermen who deploy this gear.

The framework describes “essential elements” of a “functional equivalent” to current gear marking regulations. The essential elements include 1) detectability, 2) retrievability, 3) identification, and 4) enforceability. The MLA is unclear on how alternative gear marking would be deemed “functionally equivalent” to current gear marking requirements. Lobstermen may define each of these essential elements differently depending on how gear is rigged, where they fish, what other gear is present in the area, and other vessels they may interact with on the water.

Additionally, the action identifies “beneficial elements” of a “functional equivalent” including 1) viewing distance, 2) set direction, and 3) timing. As with the essential elements, lobstermen are likely to define these differently depending on how, when and where they fish.

There is also a proposal to require a person to demonstrate knowledge of an approved gear-marking alternative before it could be used. This raises additional questions about training, compliance, and feasibility. Certainly, lobstermen would need more information on what this means so they could offer constructive feedback.

The MLA is opposed to this proposal and therefore urges the selection of Alternative 1A. The majority of the lobster industry is not aware that this proposal exists and deserves the opportunity to weigh in. At a minimum, NMFS should bring this issue forward for review, discussion, and receive input from Maine's zone councils and fishing industry associations.

Again, the MLA strongly recommends taking no action at this time (Alternative 1A). Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, reading "Patrice McCarron". The signature is fluid and cursive, with the first name "Patrice" and last name "McCarron" clearly distinguishable.

Patrice McCarron
Executive Director

cc. Carl Wilson and Megan Ware, Maine DMR
Cate O'Keefe, NEFMC
Christopher Moore, MAFMC

From: Beth Casoni <beth.casoni@lobstermen.com>

Sent: Friday, August 1, 2025 9:33 AM

To: comments <comments@nefmc.org>

Cc: sooky55@aol.com; billylister1956@gmail.com; Dave Casoni <lobsterteacher@hotmail.com>; Jarrett Drake <jarrettcdrake@verizon.net>

Subject: NEFMC Alternative Gear-Marking Framework Adjustment Comments

Good morning, cate,

After reviewing the summaries of their discussions, the one thing that jumps out is the comment that Law Enforcement does not support grappling as an option.

This is very concerning as we were just awarded a 1 million dollars from NFMW to develop a geo-locator or pinger to be used along with grappling as a cost-effective solution. Lobstermen can grapple and all they need to do is have the location of their traps be identifiable and we are working on this cost-effective solution. The end price point per unit is going to land between \$300-\$500 dollars, a far cry from the thousands upon thousands of dollars for the version that are available now.

I would ask Law Enforcement how many of the other units have they hauled during the closure on their own and if they cannot grapple, we can train them as the locators will help them identify where the gear is on the bottom as it won't be in deep water.

This exclusion comment seems very discriminatory and unjust as the lobstermen are already outfitted with grapples, and the price point is more realistic for them.

Also, another item that we keep getting nowhere with is, gear conflicts between mobile gear and fixed gear and with these geo-locators, pingers or GPS locations now on the traps, mobile gear will be outfitted with the ability to "see" the fixed gear on the bottom.

In the event of a gear with this technology, would the mobile gear be liable for the cost of the fixed gear should they have a conflict with it? This new technology will leave a footprint of these two gear types as being in the same location and in the event of a conflict, the fixed gear being gone will be noticed once the lobsterman goes out to haul.

There needs to be something in this Framework that clearly states what happens when a conflict arises between mobile gear and fixed gear as this is not for enforcement it is for economics.

Kind regards,

Beth Casoni

Executive Director

[Massachusetts Lobstermen's Association](#)

8 Otis Place

Scituate, MA 02066

781.545.6984 xt.1

Comments on the Joint Alternative Gear-Marking Framework

From: Bart Chadwick

Sub Sea Sonics

Bart.chadwick@subseasonics.com

We reviewed the Meeting Summary from the Joint New England and Mid-Atlantic Council Omnibus Alternative Gear-Marking Framework Adjustment, Plan Development Team/Fishery Management Action Team (PDT/FMAT), Meeting 5 Summary, July 8, 2025 and the presentation materials from this meeting at the links below:

https://d23h0vhsm26o6d.cloudfront.net/Meeting-Summary_Alt-Gear-Marking-FW-PDT-FMAT-Meeting-5.pdf

https://d23h0vhsm26o6d.cloudfront.net/2_June-NE-Council-PP_Gear-Marking-FWA.pdf

Based on this review, we provide the following comments.

Alternative Set 1

1. The documents provide a summary of 4 possible options for this Alternative (1A-1D). However, there is no rationale provided for any of these options in terms of why they were selected and on what basis they should be considered. Every option that is being considered should provide a justification for its inclusion in the process.
2. As a starting point for the use of fixed gear without persistent buoy lines, Option 1C is the best option because
 - It addresses the areas that will be most impacted by closures and would allow fishermen to access these areas during times when they would otherwise be closed
 - It limits the use of alternative gear marking to the most important areas while the technology underlying these systems gains more experience
 - It would have the least impact on other fisheries and ocean users
 - It would have the least impact on enforcement agencies and management entities
 - It avoids the slippery slope argument that certain parties want to see this alternative gear imposed everywhere, all the time
3. Under 1C, future restricted areas should be accommodated by establishing a process by which they could be included. This process should establish the specific

conditions that need to be satisfied in order for a future area to be added. The meeting summary stated the idea that “The approval process for gear-marking alternatives. Approval could include the Regional Administrator considering where a gear-marking alternative should be allowed.” However, leaving the process undefined and at the discretion of a Regional Administrator will not promote adoption of the gear, but just lead to more uncertainty about when or if it can be adopted.

4. The meeting summary indicates consideration of “The possibility of including additional alternatives/sub alternatives/etc. that would include a period of time of more restricted geographical use of gear-marking alternatives and then, after consultation with the Councils, NOAA Fisheries could increase the areas where gear-marking alternatives could be allowed.” However, this is exactly what is being undertaken now under EFPs. Under these EFPs, alternative gear marking systems have now been undergoing testing for many years with thousands of gear sets over expanding areas, numbers of fishermen and types of gear. This should not be repeated again under this implantation plan.
5. The meeting summary states that “The next steps in the broader process of adopting gear with alternative gear marking should be clarified in the framework document.” However, as part of our review and development of comments, there is currently no access to a framework document. This document should be made available to the public and any interested stakeholders so it is not developed in a vacuum.

Alternative Set 2

1. The meeting summary states that “The purpose of Alternative Set 2 of this framework adjustment is to promote the accuracy of alternative gear-marking location information.” However, the only options listed are no action or education. While education will address the proper use of the system and may have some bearing indirectly on accuracy, it is really meant to address the reliability of the system. This purpose statement should be reworded to indicate reliability rather than accuracy.
2. We strongly recommend the selection of Alternative 2B and the requirement for manufacturers (or their qualified agents) to provide training prior to allowing access and use of the gear marking system.
3. We have already successfully developed and implemented these training curricula with our gear and would be happy to provide a model example including the key items that should be addressed and the typical training aspects that are included in our current process. This should not be left to a later date because the information

is already essentially available and the more clearly these requirements can be spelled out now the more successful the implementation will be.

4. We strongly disagree with the comment that “an educational requirement should not be burdensome or intensive.” The educational requirement needs to be determined not based on what is easy, but on what will lead to success. In training hundreds of fishermen, we have found that this training is one of the most critical aspects to successful and reliable use of the gear. While our training goes well beyond just the gear marking system, the gear marking system is one of the most critical aspects of the training and should not be minimized. Full training of a fisherman including gear marking and gear with classroom and on the water training can generally be completed in a day with a second day of on water practice by the fisherman completed without supervision. Follow-on support is also critical to success.
5. Along with education, it will be important for manufacturers to establish a consistent onboarding process for new fishermen. The onboarding process assures that
 - Only fishermen that should be accessing the system have access
 - Only fishermen that have completed required training are accessing the system
 - The necessary information for each fisherman is collected
 - The role of the user is established in the case where the user is not a fisherman from within the closed fishery but may be a mobile gear fisherman, enforcement entity, or other ocean user that has a legitimate need for access.
6. The Councils should receive presentations on how these systems are currently working in actual fisheries so that they can make educated decisions about how to build the framework in a way that does not reinvent the wheel.

Functional Equivalence

1. The potential elements include
 - Detectability: ocean users are able to locate the gear
 - Viewing distance: gear can be detected/located from a similar minimum distance as current surface markings
2. Viewing distance is just a subset of detectability and should be included as part of the detectability requirements
3. The meeting summary states “Whether the ability to detect digitally marked gear on an open access platform should be specified in the functional equivalence elements.” However, the document does not indicate what is meant by an open

access platform. In general, having open access to gear marking data does not seem like a good idea. There should be a need to know and access should be limited to those who have a need. Currently there is open access to our gear marking app on the app stores, but users cannot make use of the app without going through the onboarding process.

4. The meeting summary states “Ideally all digitally marked gear would be visible on one platform.” This is not clear at all. For example, all gear marking data are available currently through multiple platforms. Why would there only need to be one? Also, most current gear marking systems are not just used for viewing gear, but are used for
 - Marking your own gear
 - Controlling the acoustics of your own gear
 - Viewing your own gear
 - Viewing others gear
5. Having a single platform that works with all different manufacturers gear is neither necessary nor desirable.
6. The meeting summary states “The technological feasibility of highly accurate gear location as well as the cost of increased bottom position accuracy.” Given that this is a functional equivalence argument, what is the basis for requiring a higher degree of accuracy than is currently available? Currently for gear marked with a buoy line and buoy, the buoy is not a highly accurate estimate of the gear location on the bottom, so why would that now become a requirement. GPS surface marking of gear is going to be functionally equivalent to how fishermen currently mark their gear on their chart plotters, so this idea that we somehow suddenly need very sophisticated and expensive acoustic triangulation of gear is unjustified.
7. The meeting summary states “The Proposal for Functional Data Specifications of On-Demand Fishing Gear as a useful resource.” However, in its current form, that document also does not acknowledge the systems that are already in place and being used to meet these requirements.
8. The meeting summary states “Timing and real time marking was raised by a Team member as an essential element of a functionally equivalent system.” Current systems are working routinely with latencies of about 5 minutes which is completely sufficient for all foreseeable fishing operations.

Action Timeline

1. While not wanting to slow progress on this important work, the current schedule calls for NEFMC action in September 2025 and MAFMC action in October 2025. Currently there is not even a draft framework available to key stakeholders in this

process. It is unclear how the Councils can take action in a few weeks from now with any meaningful stakeholder input when they have not even produced a draft framework, or if they have then have not made it available for comment.