



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Director

April 1, 2022

Lori Caron, Administrator
Pioneers for a Thoughtful Coexistence, Inc.
392 Route 6A
Sandwich, MA 02537

RE: Denial of Application for Letter of Authorization

Dear Ms. Caron,

Thank you for your submission of a request for a Letter of Authorization (LOA) (“proposal”) on behalf of the “Pioneers for a Thoughtful Co-existence.” Your proposal sought to fish with—and test the efficacy of—on-demand access trap fishing gear (“ropeless”) between February 1, 2022 and May 15, 2022 in certain waters under the jurisdiction of the Commonwealth seasonally closed to all trap gear fishing to protect right whales. As you know, DMF held a virtual informational public meeting on January 12th on the proposal and accepted written comments on it as well. The public comment was widely disparate making this decision a challenging one. Ultimately, my decision considered the thoughtful input the agency received and my own perspective on best approaches to managing lobster fisheries and fixed gear in state waters while continuing to minimize risk of entanglements of protected species.

I am denying your proposal and the issuance of the requested Letter of Authorization at this time and for the following reasons:

- A. The proposal lacks a study design that will contribute meaningfully to further understanding the efficacy of ropeless fishing technology and addressing the key research questions necessary to determining the commercial viability and broader development of this gear.**

The Ropeless Consortium¹ has recently identified six key research questions for the development and application of ropeless gear in the New England lobster fishery. These questions include: (1) can on-demand systems meet the efficiency of current fishing operations; (2) can electronic gear marking be used to avoid gear conflicts within and between fisheries; (3) can on-demand systems meet and/or exceed safety of current practices; (4) can scalability result in affordability; (5) can on-demand systems reduce

¹ https://ropeless.org/wp-content/uploads/sites/112/2022/01/01_14_22-On-Demand-status-report-1.pdf

gear loss; and (6) can through hull transducers improve the time of retrieval. These key research questions clearly identify and enumerate the various longstanding complexities fisheries managers have grappled with when addressing this emerging technology.

Research proposals into the efficacy of ropeless fishing technologies must attempt to meaningfully contribute to the knowledge base regarding one or more of these critical areas (or other well defined questions critical questions regarding the efficacy of this gear). Your research proposal fails to do this with any specificity. Rather, the objectives of your proposal focus principally on the efficacy of the gear in terms of deployment, location, and retrieval. This would only serve to reinforce what we already know—the gear can be successfully deployed, located, and retrieved. Such research goals can be readily achieved through testing this gear in times and spaces currently open to commercial lobster trap fishing in Massachusetts. Further, by testing this gear in times and in spaces where other fishing activity is occurring (both fixed and mobile gear) research projects would be able to collect data that would help answer key questions regarding gear efficiency, electronic gear marking and gear conflicts, safety, and gear loss.

B. Given the proposed research areas are closed to all lobster fishing, this proposal does not contribute to further risk reduction of entanglement and improve right whale conservation.

Through time/area closures and gear modifications, Massachusetts has reduced right whale entanglement risk by more than 90% compared to levels in 2014. Accordingly, with regards to risk reduction, the state's right whale conservation program is ahead of all other jurisdictions, including the requirements of the federal Atlantic Large Whale Take Reduction Plan. If additional right whale conservation is needed, DMF will scope the options available to the state to achieve the requisite risk reduction, as we have done over the past 25-years. Because your proposed work is planned for the winter/early spring period, when the Massachusetts trap gear closure to protect right whales is in effect, allowing this proposed research will not provide any additional or immediate conservation benefit to right whales.

C. There is no significant lobster fishery management issue this proposal would solve concerning the state waters lobster trap fishery.

Overall lobster landings and revenues have not suffered from the 7-year closure of the Massachusetts Restricted Area. In fact, 2021 was the best year on record for the commercial lobster industry in Massachusetts in terms of value. Additionally, as established by testimony at public hearing and in written public comment, commercial lobster fishers either generally support the state's current right whale conservation management program or prefer it to other potential risk mitigation strategies. Plainly, outside of a small number of fishers, there is very little interest among the broader industry within state waters in adopting new risk mitigation strategies to accommodate year-round fishing opportunities. As such, I cannot identify an emerging lobster fishery management issue this proposal seeks to address.

In summary, deploying this gear in a highly controlled setting may advance advocacy for this technology. However, such activities do not necessarily constitute a viable research project. A viable research project would meaningfully advance research into the development and application of ropeless gear in the New England lobster fishery or addresses specific critical questions related to lobster trap fishery management in Massachusetts state waters. For the reasons described above, your proposal does not accomplish these goals and I am denying your requested Letter of Authorization.

I am in favor of research and development of ropeless fishing technologies. I welcome organized gear trials wherever (state or federal waters) it would be conducive to successful testing—even if the gear testing locations may not be the locations where the gear would be fished in the future. If gear trials are to be conducted in state waters (presumably for geographic convenience), I urge the principal investigators to collaborate closely with gear technologists and professional researchers to develop sufficiently robust study designs that will provide data necessary to answering key questions regarding the development and application of ropeless gear in the New England lobster fishery or as a means of addressing specific critical questions related to lobster trap fishery management in Massachusetts' state waters.

Finally, DMF has just released the report “Assessing the Feasibility of On-Demand Gear in New England Lobster Fisheries.” This report will be invaluable to guide future research for all involved in the development of this new technology.

I will reach out to our federal partners to assure them that we strongly support research designed to resolve some of the critical questions warranted to determine appropriate times and places for on-demand fishing gear. DMF has issued Letters of Authorization to the Northeast Fisheries Science Center in the past to test on-demand gear in state waters and I will gladly continue to issue them in the future with an expectation that the work is coordinated by the federal gear technologists with a well-crafted study design.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Daniel J. McKiernan, Director

CC: Michael Pentony and Colleen Coogan, NMFS GARFO
Massachusetts Marine Fisheries Advisory Commission
Commissioner Ronald Amidon, Department of Fish and Game
Secretary Kathleen Theoharides, Executive Office of Energy and the Environment