Massachusetts Lobstermen's Association

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September 8, 2026 Via: comments@nefmc.org

Dr. Kate O'Keefe, Executive Director
New England Fisheries Management Council
50 Water Street, Mill 2
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RE: Massachusetts Lobstermen's Association Comments Opposing the Opening of Closed Area II to Atlantic Sea Scallop Dredging

Dr. O'Keefe:

The Massachusetts Lobstermen's Association (MLA), representing commercial lobster fishermen and fishing-dependent businesses throughout Massachusetts and the Northeast, respectfully submits these comments in **strong opposition to any proposal to open Closed Area II to Atlantic Sea scallop dredging**.

The MLA recognizes the importance of a sustainable and economically viable Atlantic Sea scallop fishery. However, management decisions concerning Closed Area II must consider the impacts of mobile bottom-tending gear on **all fisheries, species, habitat, and ecological resources utilizing this area**, including the American lobster resource.

The MLA believes that opening Closed Area II to scallop dredging would create an **unnecessary and unacceptable risk to American lobster**, particularly large, mature and egg-bearing female lobsters that are critically important to the reproductive capacity of the stock.

This concern is especially significant given the current condition of the lobster resource. The **2025 American Lobster Benchmark Stock Assessment**, which was peer-reviewed by an independent panel and accepted by the ASMFC for management use, found contrasting but serious concerns for both U.S. lobster stocks. The Gulf of Maine/Georges Bank (GOM/GBK) stock has declined approximately **34 percent from its 2018 peak and is experiencing overfishing**, while the Southern New England (SNE) stock remains **significantly depleted, with record-low abundance for all life stages in recent years**. ASMFC also reports that SNE abundance and recruitment are at the lowest levels on record. ASMFC 2025 American Lobster Benchmark Stock Assessment and Peer Review Report ASMFC Current American Lobster Stock Status

At a time when fisheries managers should be taking every reasonable measure to protect lobster recruitment, reproductive capacity, and stock resilience, opening a currently protected area to additional mobile bottom-tending fishing effort would move management in the wrong direction.

I. Closed Area II Provides Important Protection from Mobile Bottom-Tending Gear

Closed Area II is an established federal management area that provides important protection from mobile fishing gear.

NOAA Fisheries identifies the **Closed Area II Habitat Closure Area as closed to mobile bottom-tending gear**. NOAA's habitat-management information specifically identifies Closed Area II as a regulated habitat management area. NOAA Fisheries — Essential Fish Habitat and Closed Area II

The current 2026 Atlantic sea scallop management measures also identify **Area II as closed for the 2026 fishing year**. NOAA Fisheries — 2026 Atlantic Sea Scallop Fishing Year Management

The existing closure therefore provides an important conservation benefit by limiting physical interaction between mobile bottom-tending gear and organisms occupying the seafloor.

Opening the area to scallop dredging would remove that protection and introduce a gear type capable of directly contacting, striking, crushing, injuring, burying, or killing non-target organisms encountered on the bottom.

The MLA believes such a change should not occur without compelling scientific evidence demonstrating that the additional mortality and habitat impacts would not adversely affect the lobster resource.

II. ASMFC Has Documented Lobster Damage Associated with Mobile Gear

The potential impact of scallop dredging on lobster is **not merely theoretical**.

The ASMFC Lobster Technical Committee has specifically evaluated the potential impacts of mobile gear on lobsters in and around Closed Area II.

ASMFC technical materials have documented significant physical damage to lobsters associated with scallop dredge interactions. Earlier Technical Committee work examining mobile-gear impacts found that lobster vulnerability to damage was associated with shell condition, with lobsters being more susceptible to damage and mortality when they were soft and had recently molted. ASMFC American Lobster Management Board Proceedings — Technical Committee Report on Bottom-Tending Gear Impacts on Lobster

This is particularly important because a lobster's vulnerability is not constant throughout the year.

A lobster that has recently molted and has a soft shell is physically more vulnerable to contact with heavy mobile fishing gear than a lobster with a fully hardened shell. The ASMFC Technical Committee specifically identified shell condition as a factor affecting damage and mortality. ASMFC Technical Committee / Lobster Proceedings

The MLA therefore believes that any authorization of scallop dredging within Closed Area II must account for **seasonal lobster distribution, molting periods, shell condition, lobster size, sex, and reproductive status**.

III. Closed Area II Contains an Exceptionally Important Concentration of Large and Egg-Bearing Female Lobsters

Perhaps the strongest reason to maintain the closure is the documented importance of Closed Area II to large female and egg-bearing lobsters.

The ASMFC Lobster Technical Committee previously reported that lobsters observed in this region are **primarily large females, many of them egg-bearing**, and that these lobsters are substantially more abundant in the closed area during the summer and fall. Federal survey information reviewed by the Technical Committee indicated that, in the fall, approximately **35 percent of the accessible egg-bearing lobster biomass** of the combined Gulf of Maine and Georges Bank stocks was located within the closed area, including approximately **45 percent of egg-bearing females greater than 120 mm carapace length**. ASMFC Technical Committee Report on Closed Area II Reopening

These are extraordinarily important numbers from a stock-rebuilding perspective.

The same ASMFC Technical Committee report noted that the lobster population in this region is characterized by **large lobsters and a higher proportion of egg-bearing females than is generally observed elsewhere on Georges Bank**. ASMFC Technical Committee Report on Closed Area II Reopening

This makes Closed Area II particularly important as a potential refuge for the reproductive component of the lobster population.

IV. Protecting Egg-Bearing Females Has Long Been an Explicit Management Objective

The importance of protecting egg-bearing females in Closed Area II is not a new argument being raised by the MLA.

In 2013, the ASMFC approved **Addendum XX to the American Lobster Interstate Fishery Management Plan**, specifically addressing lobster access and gear interactions in Closed Area II.

The stated purpose of Addendum XX was to formalize an agreement between the offshore lobster fishery and the groundfish sector **"to prevent gear conflicts and to protect large concentrations of egg-bearing females."** ASMFC American Lobster Addendum XX — LCMA 3 Closed Area II Season

The underlying Addendum further explains that Closed Area II was established originally with a purpose related to protecting spawning and that subsequent management actions continued to recognize the conservation importance of the area. ASMFC Addendum XX — Full Document

The MLA therefore believes it would be inconsistent with the historical management objectives for this area to now authorize additional mobile bottom-tending gear without first demonstrating that doing so would not undermine those conservation objectives.

V. The 2025 Lobster Assessment Makes This the Wrong Time to Increase Mortality Risk

The current stock assessment makes the issue even more urgent.

The ASMFC's 2025 benchmark assessment found:

- The **Gulf of Maine/Georges Bank stock has declined 34 percent since its 2018 peak**;
- The GOM/GBK stock is currently experiencing **overfishing**;
- The **Southern New England stock remains significantly depleted**;
- SNE has experienced **record-low abundance across life stages in recent years**; and
- **SNE abundance and recruitment are at the lowest levels on record.** ASMFC 2025 American Lobster Benchmark Stock Assessment Overview

ASMFC's current American lobster stock-status page continues to identify the GOM/GBK stock as subject to overfishing and the SNE stock as depleted, with SNE abundance and recruitment at the lowest levels on record. ASMFC Current American Lobster Stock Status

This is precisely the circumstance in which management should be exercising **greater precaution**, not creating additional sources of mortality.

VI. Protecting Reproductive Lobsters Is Essential to Rebuilding

The MLA is particularly concerned that opening Closed Area II could increase mortality on the very segment of the lobster population that is most important to future recruitment.

Large, mature, egg-bearing females can contribute substantial numbers of eggs to future year classes. The loss of these animals therefore has consequences beyond the immediate loss of an individual lobster.

The ASMFC Technical Committee previously expressed concern that increased interactions with mobile gear could affect egg-bearing female lobsters and specifically identified **egg loss associated with mechanical disturbance** as an area requiring additional study rather than simply assuming such losses were negligible. ASMFC Technical Committee Report on Closed Area II Reopening

This uncertainty is important.

Where the reproductive value of the animals occupying an area is exceptionally high, the absence of complete information regarding egg loss and sublethal impacts should be a reason for **greater protection**, not a reason to authorize additional mobile-gear fishing.

VII. The Potential for Soft-Shell Damage Must Be Considered

The MLA also urges managers to consider the relationship between lobster shell condition and vulnerability to mobile gear.

ASMFC's own technical record states that lobsters are more susceptible to damage and mortality when they are soft, particularly following molting. ASMFC Lobster Board Proceedings — Technical Committee Report on Bottom-Tending Gear Impacts

The MLA is **not asserting that all egg-bearing females are soft-shell**, because the scientific record does not support that blanket statement.

Rather, the point is that **when soft-shell lobsters are present in an area subject to mobile dredging, they are inherently more vulnerable to physical injury and mortality**, and management must account for that seasonal vulnerability.

Consequently, any proposal to open Closed Area II should include a detailed analysis of:

- seasonal lobster distribution;
- molting periods;
- shell condition;
- lobster size;
- female abundance;
- egg-bearing females;
- dredge contact rates;
- direct mortality;
- sublethal injury; and
- potential egg loss.

VIII. The Existing Scientific Uncertainty Favors Maintaining the Closure

The ASMFC Technical Committee has previously highlighted significant uncertainties regarding the impact of mobile gear on the large lobster population within Closed Area II.

The Committee specifically noted that the large lobsters occurring on Georges Bank may not respond to mobile gear interactions in the same manner as smaller lobsters studied elsewhere, and that the available evidence was insufficient to eliminate concerns regarding mortality and impacts to reproductive females. ASMFC Technical Committee Report on Closed Area II Reopening

The MLA believes these uncertainties remain relevant.

Uncertainty should not be interpreted as an absence of risk.

Where a management action could increase mortality on a highly valuable reproductive component of the lobster population, the precautionary approach is to maintain the existing protection until the biological consequences are adequately understood.

IX. The Scallop Fishery Already Has Significant Management Opportunities

The MLA recognizes that scallop fishermen depend upon access to productive fishing grounds.

However, the existence of an economically valuable scallop resource does not automatically justify opening every closed area.

NOAA's current 2026 scallop management information confirms that **Area II remains closed during the 2026 fishing year**, along with the Nantucket Lightship rotational areas, while other areas are managed under separate rotational rules. NOAA Fisheries — 2026 Atlantic Sea Scallop Fishery Management

Maintaining Closed Area II therefore represents a continuation of an existing management measure—not the creation of a new restriction on the scallop industry.

The MLA believes that maintaining this closure is justified by the biological importance of the area to lobster and the documented vulnerability of lobsters to mobile bottom-tending gear.

X. Ecosystem and Habitat Impacts Must Also Be Considered

The MLA urges managers to consider the broader ecosystem consequences of allowing mobile bottom-tending gear into an area currently protected from such gear.

NOAA identifies Closed Area II as a **Habitat Closure Area closed to mobile bottom-tending gear**. NOAA Fisheries — Essential Fish Habitat and Closure Areas

A scallop dredge does not selectively interact with scallops alone. It physically contacts the seafloor and organisms in its path.

Any decision to modify the closure should therefore evaluate impacts not simply on scallop production but on the full suite of ecological resources affected by mobile bottom-tending gear.

XI. Conclusion

The Massachusetts Lobstermen's Association respectfully and unequivocally urges NOAA Fisheries, the New England Fishery Management Council, the Atlantic States Marine Fisheries Commission, and all other responsible management authorities to **reject any proposal to open Closed Area II to Atlantic Sea scallop dredging**.

The scientific and management record provides substantial justification for maintaining the closure.

ASMFC has documented that Closed Area II contains an exceptionally important concentration of **large and egg-bearing female lobsters**, including a substantial portion of the accessible egg-bearing lobster biomass of the Gulf of Maine and Georges Bank stocks during the fall. ASMFC Technical Committee Report on Closed Area II Reopening

ASMFC has also explicitly recognized the need to **protect large concentrations of egg-bearing females** in its management actions concerning Closed Area II. ASMFC American Lobster Addendum XX

ASMFC technical work has demonstrated that lobster damage and mortality associated with mobile gear can vary with shell condition and that soft-shell lobsters are particularly vulnerable to physical damage. ASMFC Lobster Board Proceedings — Technical Committee Report on Bottom-Tending Gear Impacts

And the current 2025 benchmark assessment demonstrates that the lobster resource is facing significant challenges, with **SNE depleted and at record-low abundance and recruitment and GOM/GBK experiencing a 34 percent decline from its 2018 peak while experiencing overfishing**. ASMFC 2025 American Lobster Benchmark Stock Assessment

This is not the time to increase avoidable mortality on lobster.

This is the time to protect reproductive animals, protect recruitment, preserve habitat, and give the lobster resource every reasonable opportunity to rebuild.

The MLA therefore respectfully requests that:

1. **Closed Area II remains closed to Atlantic Sea scallop dredging;**
2. **No scallop access area be authorized within Closed Area II;**
3. Any proposal to reopen the area include a comprehensive analysis of direct and delayed lobster mortality associated with scallop dredging;
4. Such analysis specifically evaluates impacts on **large, mature, female, and egg-bearing lobsters**;
5. Managers evaluate the seasonal relationship between dredging activity, lobster molting, shell hardness, and lobster vulnerability;
6. Managers evaluate both lethal and sublethal injury resulting from dredge interactions;
7. The potential effects on lobster spawning-stock biomass, reproductive capacity, egg loss, settlement, and recruitment be fully evaluated;
8. The analysis account for the documented concentration of large and egg-bearing female lobsters in Closed Area II;
9. Any proposed opening be evaluated against the most recent **ASMFC American Lobster Benchmark Stock Assessment**; and
10. No reopening occurs unless and until there is compelling scientific evidence demonstrating that the action will not adversely affect lobster abundance, reproductive capacity, recruitment, essential habitat, or the long-term sustainability of the resource.

The Massachusetts Lobstermen's Association strongly believes that **the long-term health of the lobster resource must take precedence over the short-term expansion of fishing opportunity in a protected area**.

Protecting an egg-bearing female lobster protects far more than one animal. It protects the reproductive potential of the stock and the future of the fishery.

At a time when ASMFC's most recent assessment documents record low abundance and recruitment in Southern New England and declining abundance and overfishing in the Gulf of Maine/Georges Bank stock, managers should not knowingly introduce additional, avoidable mortality from mobile bottom-tending gear.

Closed Area II should remain closed.

Thank you for your consideration of the Massachusetts lobster industry's concerns and for your commitment to science-based, precautionary, and ecosystem-based fisheries management.

Respectfully submitted,
Beth Casoni
Executive Director

Exhibit A — 2025 American Lobster Benchmark Stock Assessment & Peer Review Report
Download/View ASMFC 2025 Benchmark Assessment

Exhibit B — 2025 ASMFC American Lobster Stock Assessment Overview
Download/View Assessment Overview

Exhibit C — ASMFC Technical Committee Report on Closed Area II Reopening
This is arguably the **most important supporting document** because it specifically addresses Closed Area II, large female lobsters, egg-bearing females, lobster biomass distribution, and uncertainties surrounding mobile gear.
Download/View Closed Area II Technical Committee Report

Exhibit D — ASMFC American Lobster Addendum XX
This documents that the management objective for Closed Area II included protecting **large concentrations of egg-bearing females**.
Download/View Addendum XX

Exhibit E — ASMFC Lobster Board Proceedings / Technical Committee Report on Bottom-Tending Gear Impacts
This contains the technical discussion regarding lobster vulnerability, shell condition, molting, and mobile gear.
Download/View ASMFC Technical Committee Materials

Exhibit F — NOAA Fisheries Closed Area II / Essential Fish Habitat Information
This establishes the existing federal protection from mobile bottom-tending gear.
NOAA Fisheries — Closed Area II and Essential Fish Habitat

Exhibit G — NOAA Fisheries 2026 Atlantic Sea Scallop Management Measures
This establishes the current 2026 status of Area II as closed to scallop fishing.
NOAA Fisheries — 2026 Atlantic Sea Scallop Fishery