



Massachusetts Lobstermen's Association

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Submitted: <https://www.regulations.gov/document/NOAA-NMFS-2025-0041-0001>

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: NOAA-NMFS-2025-0041

To Whom It May Concern:

On behalf of the approximately 1,800 members of the Massachusetts Lobstermen's Association (MLA), we urge the National Oceanic Atmospheric Administration (NOAA) and the Atlantic Large Whale Take Reduction Team to fully account for the substantial risk reduction already achieved by Massachusetts lobstermen before imposing additional requirements under the Atlantic Large Whale Take Reduction Plan (ALWTRP).

The fundamental question is straightforward: **How much more can Massachusetts lobstermen reasonably be expected to do?**

Massachusetts lobstermen have been at the forefront of North Atlantic right whale conservation for decades. Fishermen have repeatedly changed where, when, and how they fish in response to measures intended to reduce entanglement risk. These measures include seasonal closures, sinking groundline, reductions in vertical lines, minimum traps-per-trawl requirements, weak links and reduced-breaking-strength rope, enhanced gear marking, and significant changes in gear configuration.

These measures have produced real conservation benefits, but they have also imposed substantial operational and economic costs on fishermen, shoreside businesses, working waterfronts, and coastal communities.

NOAA itself recognizes this history. Since 1997, the ALWTRP has repeatedly been amended to increase protections for large whales. Most significantly, NOAA's 2021 final rule was designed to reduce mortality and serious-injury risk to North Atlantic right whales from the Northeast American lobster and Jonah crab trap/pot fishery by approximately **60 percent**. Massachusetts has gone considerably further.

Founded in 1963, the Massachusetts Lobstermen's Association is a member-driven organization representing approximately 1,800 fishermen and industry supporters throughout the Northeast, with members and stakeholders extending from Cape May to Atlantic Canada. Our membership represents a broad range of commercial fishing interests and includes commercial lobstermen, charter and tuna fishermen, groundfishermen, aquaculture participants, and shoreside businesses.

In its 2021 Record of Decision, NOAA evaluated risk reduction both with and without credit for the Massachusetts Restricted Area. NOAA estimated approximately 60 percent risk reduction without that credit

and approximately 69–73 percent when the Massachusetts Restricted Area was included. Massachusetts subsequently adopted additional protections, and the Massachusetts Division of Marine Fisheries reported that trap fisheries in Massachusetts state waters had already achieved an estimated **85.8 percent risk reduction** going into the next phase of ALWTRP deliberations.

That 85.8 percent figure must be central to NOAA’s analysis of any future measures affecting Massachusetts state waters.

Massachusetts fishermen are not operating from the original risk baseline. They are operating under a regulatory system that has already removed substantial risk from the fishery. NOAA should therefore evaluate the **remaining risk after existing measures are credited**, rather than repeatedly requiring additional reductions from fishermen who have already implemented some of the most restrictive whale-protection measures in the country.

Otherwise, Massachusetts fishermen risk being required to provide the same conservation benefit twice—first through measures already implemented by the Commonwealth and its fishermen, and again through new federal requirements that fail to adequately credit those reductions.

A coastwide risk-reduction target does not establish that every state, management area, or fishery contributes equally to the remaining risk. Nor does it demonstrate that imposing additional restrictions uniformly across fisheries will produce equivalent conservation benefits.

Before imposing additional requirements on Massachusetts state-water fishermen, NOAA should identify:

1. **The current entanglement risk attributable specifically to Massachusetts state-water lobster gear after accounting for all existing measures;**
2. **The cumulative risk reduction already achieved by Massachusetts, including the 85.8 percent estimate reported by Massachusetts DMF;**
3. **The incremental conservation benefit expected from any additional proposed measure;**
4. **The scientific evidence demonstrating that the proposed measure addresses an identifiable source of remaining risk; and**
5. **The economic, operational, and safety consequences of obtaining that additional reduction from Massachusetts fishermen.**

This analysis is particularly important because NOAA has acknowledged uncertainty surrounding many entanglement events, including cases in which the responsible gear, fishery, or location cannot be conclusively identified. Regulatory decisions with potentially severe consequences for family-owned fishing businesses must therefore be based on the best available science and a clear understanding of where mortality and serious injuries are actually occurring.

The cumulative impact of decades of regulation cannot be treated as secondary.

Every additional closure, vertical-line reduction, gear modification, trawling requirement, restricted area, or new technology mandate carries a cost. For Massachusetts fishermen, those costs translate directly into fuel, bait, insurance, vessel payments, crew wages, additional labor, lost fishing opportunities, reduced access to traditional fishing grounds, and increased operational and safety concerns.

They also affect the shoreside businesses, working waterfronts, seafood infrastructure, and coastal communities that depend upon a viable commercial lobster fishery.

Massachusetts lobstermen have accepted significant restrictions in the interest of right whale conservation. They have changed their gear, reduced vertical lines, accepted seasonal closures, lost access to productive fishing grounds, and invested substantial time and money complying with increasingly complex requirements.

Before asking them to do more, NOAA must demonstrate that additional restrictions directed at this fishery are actually necessary and will produce meaningful additional conservation benefits.

The question before NOAA should not simply be:

How much additional coastwide risk reduction is required?

It should be: **Where does the remaining risk occur, which fisheries or activities contribute to that risk, and what measures will most effectively address it?**

If Massachusetts state-water trap fisheries have already achieved an estimated 85.8 percent risk reduction, NOAA should identify and quantify the remaining risk attributable to those fisheries before requiring additional sacrifices.

Future ALWTRP measures should target documented sources of remaining mortality and serious injury rather than repeatedly returning to fisheries that have already achieved substantial reductions simply because additional restrictions may be administratively easier to impose.

The MLA supports the recovery of the North Atlantic right whale and believes that whale conservation and a sustainable commercial lobster fishery can coexist. Massachusetts lobstermen have demonstrated that commitment for decades.

But conservation cannot mean continuously placing additional regulatory burdens on the same fishermen without first determining whether previous measures have worked and where meaningful remaining risk actually exists.

Massachusetts lobstermen have stepped up. They have changed how they fish, reduced vertical lines, modified their gear, accepted closures, and sacrificed access to productive fishing grounds. The answer to what comes next cannot simply be “more.”

Before imposing additional restrictions, NOAA should fully credit the conservation measures already implemented in Massachusetts state waters and demonstrate, through transparent and best-available science, that any new measure directed at Massachusetts lobstermen is necessary, appropriately targeted, technologically and operationally feasible, economically practicable, and capable of producing a measurable benefit to North Atlantic right whales.

The Massachusetts Lobstermen’s Association and its members remain committed to responsible fishing and the recovery of the North Atlantic right whale. We ask NOAA to bring the same commitment to preserving the fishermen, families, businesses, working waterfronts, and coastal communities that have already contributed substantially to that shared conservation objective.

Respectfully,
Beth Casoni
Executive Director