

CAPE COD COMMERCIAL
**FISHERMEN'S
ALLIANCE**
Small Boats. Big Ideas.

December 4, 2017

John K. Bullard, Regional Administrator
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: Comments on the Proposed Rule for OA2

Dear Mr. Bullard,

Thank you for the opportunity to offer comments regarding the proposed rule for Omnibus Essential Fish Habitat Amendment 2. The Cape Cod Commercial Fishermen's Alliance is a member-based non-profit organization which works to build lasting solutions to protect our ecosystem and the future of our fisheries. The Fishermen's Alliance represents 150 fishing businesses and over 300 fishing families, making our organization the leading voice for commercial fishermen on Cape Cod. As such, we have a vested interest in proposed revisions to the habitat designations and adjustments to management in waters off of Cape Cod and throughout the Northeast.

In light of research indicating that the total size of closed areas is not necessarily indicative of their potential positive impacts on fisheries and the ecosystem¹, we would like start off by reiterating our appreciation for the years of hard work that council staff completed on the development of the Swept Area Seabed Impact (SASI) approach. The SASI approach consists of five components: a vulnerability assessment, SASI Model, Local Indicators of Spatial Association (LISA) analysis, cost-efficiency analysis, and area closure analysis.. The model component, highlighted certain areas based on their vulnerabilities to anthropogenic impacts. By coupling habitat vulnerability scores with economic analyses of regional fisheries, this modeling framework quantifies the net benefits of different area closure / opening scenarios for both the ecosystem and fisheries. Such a detailed analysis allowed the Habitat Committee and the Council to make well-informed decisions when recommending preferred alternatives. Among these areas approved by the council are several that have a large socioeconomic impact on the livelihoods of our fishermen and also have significant conservation impacts: the Great South Channel, the Nantucket Lightship, and Closed Area I.

Great South Channel

The Great South Channel is one of five active spawning sites for Atlantic Cod off the coast of New England² and has long been recognized for its unique habitat and importance for juvenile and spawning fish. Perhaps unsurprisingly, the SASI model clearly identified the Great South Channel as an area where habitat management measures should be enacted. With this in mind, we support the Council's full recommendation to create a new Habitat Management Area (HMA) to protect this valuable ground, including closing 12.5% of

¹ J Hiddink et al., "Predicting the Effects of Area Closures and Fishing Effort Restrictions on the Production, Biomass, and Species Richness of Benthic Invertebrate Communities," *ICES Journal of Marine Science* 63, no. 5 (June 2006): 822-30, <https://doi.org/10.1016/j.icesjms.2006.02.006>.

² Douglas R. Zemeckis, Micah J. Dean, and Steven X. Cadrin, "Spawning Dynamics and Associated Management Implications for Atlantic Cod," *North American Journal of Fisheries Management* 34, no. 2 (March 4, 2014): 424-42, <https://doi.org/10.1080/02755947.2014.882456>.

the northeast HMA to all mobile bottom tending gears. Additionally, prohibitions in the remaining area for dredging are warranted, particularly given opening of nearby regions to scalloping that pose less impacts to the benthic environment. We also strongly support the Council's decision to designate The Great South Channel Juvenile Cod Habitat Area of Particular Concern. These actions would reduce fishing impacts on habitat, and (coupled with the Georges Bank Seasonal Closure Area) protect valuable spawning and rearing habitat for Atlantic Cod. Considerable overlap in essential fish habitat for (particularly pre-recruit) cod and haddock has been documented by the Council³, commercial harvesters⁴, and independent scientists⁵. Therefore, we believe that these protective measures will preserve habitat and provide vital protections for multiple species of commercially valuable groundfish, enhancing both the stability of the ecosystem and the economic viability of the fishery.

Nantucket Lightship

Located approximately 80 nautical miles south of Cape Cod, Nantucket Lightship is one of several rotational access areas utilized by both Limited Access and Limited Access General Category scallop fishermen. Its location and abundance of scallops make it an ideal location for both fleets, but in particular, small day-boat fishermen are able to quickly and safely execute trips to this area. Between March and May 2017, the LAGC fleet took 875 trips into the area, harvesting approximately 525,000 pounds of premium quality scallop.

Under the proposed rule, the Nantucket Lightship Habitat Closure Area and the Nantucket Lightship Closed area would be removed, allowing those areas to be incorporated into the scallop fisheries management plan. We support the implementation of the Council's recommendation to adjust these closure areas. Both areas were historically important to southern New England's scallop fleet⁶. Current closed areas protect less vulnerable habitat than the proposed Great South Channel HMA does (Figure 1). Additionally, the habitat encompassed by the current closed areas is less important for valuable species such as Atlantic Cod⁷ than the habitat that would be protected under the new Great South Channel HMA.

Closed Area I

Like the Nantucket Lightship area, Closed Area I is relatively close to the shores of Cape Cod and easily accessible to much of the general category scallop fleet, as well as many groundfishermen. Also like the Nantucket Lightship area, Closed Area I protects less vulnerable (Figure 1) and less valuable⁸ habitat than the new proposed areas do. Closed Area I has been closed to scallop dredging for nearly two decades. In that time, multiple year classes of scallops have been recruited, grown, and died. Presently, the Closed Area I scallops are in the final years of life, and are at peak meat weight and quality for market value. In particular, the majority of the scallop biomass is located in a dense aggregation in the northern portion of the closed area. It is our belief, and echoed by many others, that this highly productive area can support several years of valuable scallop fishing if placed into the scallop fisheries management plan as a rotational access area. Such a system

³ New England Fishery Management Council, "Omnibus Essential Fish Habitat (EFH) Amendment 2 Final Environmental Impact Statement. Appendix C: EFH Designation Map Representations as Approved in June 2007, Wich Corrections." (Newburyport, MA: New England Fishery Management Council, 2007).

⁴ E.P Ames, "Cod and Haddock Spawning Grounds in the Gulf of Maine from Grand Manan Channel to Ipswich Bay" (Stonington, Maine: Island Institute, Island Foundation, and Maine Gillnetters Association, 1997), <https://coastalfisheries.org/wp-content/uploads/1CodandHaddockSpawningGroundsintheGOM1997.pdf>.

⁵ G. Ottersen and H. Loeng, "Covariability in Early Growth and Year-Class Strength of Barents Sea Cod, Haddock, and Herring: The Environmental Link," *ICES Journal of Marine Science* 57 (2000): 339–48, <https://doi.org/10.1006/jmsc.1999.052>.

⁶ S.A. Murawski et al., "Large-Scale Closed Areas as a Fishery-Management Tool in Temperate Marine Systems: The Georges Bank Experience," *Bulletin of Marine Science* 66, no. 3 (2000): 775–98.

⁷ New England Fishery Management Council, "Omnibus Essential Fish Habitat (EFH) Amendment 2 Final Environmental Impact Statement. Appendix C: EFH Designation Map Representations as Approved in June 2007, Wich Corrections."

⁸ New England Fishery Management Council.

of opening and closing access areas has been shown to assist in maximizing the yield for the fishery⁹ by allowing benthic communities time to recover and allowing scallops to grow to peak weight.

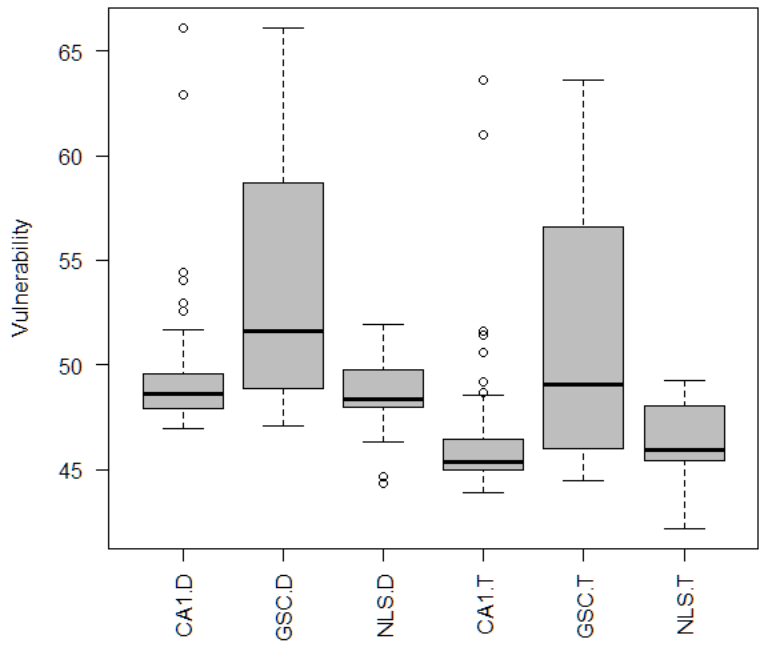


Figure 1 – Vulnerability scores of 100 km² habitat cells to impacts from different fishing gears (D = Scallop Dredge, T = Otter Trawl) protected by different closed areas (CA1 = Closed Area I, GSC = Great South Channel HMA, NLS = Nantucket Lightship Closed Area). Higher vulnerability scores indicate habitat that is more vulnerable to fishing impacts.

Overall Impacts

Current landings estimates from the NEFMC’s Scallop PDT show that 60 million pounds could be harvested if Nantucket Lightship and Closed Area I are opened (Table 1¹⁰). This amount would be allocated between the limited access and general category fleets for the benefit of both. Although exact economic benefits will vary based on market value, these total landings represent \$158 - \$181 million in revenue, an increase from \$74-\$114 million should the habitat amendment not be implemented with Nantucket Lightship West and Closed Area I as approved by the Council. The final amount to be harvested in each area may vary slightly, but it is important to recognize that access to scallops from areas close to shore represents an increased net revenue for the general category fleet.

As evidenced by the percent change in Z_{net} (total adverse impact) presented in the SASI Approach¹¹, opening Closed Area I and Nantucket Lightship are expected to represent a net gain to the coupled human-natural system of fisheries off of Southern New England. There are many positive fisheries impacts contained in the habitat amendment that will benefit scallop fishermen, one of our region’s most profitable fisheries. Additionally, the changes made through the Omnibus Habitat amendment in the Great South Channel,

⁹ Murawski et al., “Large-Scale Closed Areas as a Fishery-Management Tool in Temperate Marine Systems: The Georges Bank Experience.”

¹⁰ NEFMC, “Decision Document for Framework Adjustment 29 to the Atlantic Sea Scallop FMP” (New England Fishery Management Council, 2017).

¹¹ Michelle Bachman et al., “Omnibus Essential Fish Habitat (EFH) Amendment 2 Final Environmental Impact Statement. Appendix D: The Swept Area Seabed Impact (SASI) Approach: A Tool for Analyzing the Effects of Fishing on Essential Fish Habitat.” (New England Fishery Management Council, 2011),

http://s3.amazonaws.com/nefmc.org/Appendix_D_Swept_Area_Seabed_Impact_approach_171011_091330.pdf.

Nantucket Lightship, and Closed Area I will provide benefits to groundfish populations due to increased protections for larval and juvenile Cod.

FW 29 Measure	Section in FW29	Open Area F	Landings w/ CAI carryover	APL after set-asides	FT LA DAS	FT Access Area Allocation, AA trips ()	LAGC IFQ Only (5%) Quota
Status Quo FW 28 preferred	4.4.7	F=0.44	n/a	41.7 mil	25	72,000 (4)	2.08 mil
Alternative 1 No Action (FW 28 Def.)	4.4.1	F=0.39	n/a	22.3 mil	21.75	18,000 (1)	1.1 mil
Alternative 2 Base Runs	4.4.2.1	F=0.36	n/a	49.6 mil	23	90,000 (5)	2.48 mil
	4.4.2.2	F=0.4	n/a	51.5 mil	26	90,000 (5)	2.57 mil
Alternative 3 Both CAI and NLS-W open, 5 trip option	4.4.3.1	F=0.36	57.7 mil	53.8 mil	28	90,000 (5)	2.69 mil
	4.4.3.2	F=0.4	59.9 mil	57.6 mil	31	90,000 (5)	2.8 mil
Alternative 4 Both CAI and NLS-W open, 6 trip option	4.4.4.1	F=0.26	57.9 mil	53.9 mil	21	108,000 (6)	2.7 mil
	4.4.4.2	F=0.295	60 mil	56.1 mil	24	108,000 (6)	2.8 mil
Alternative 5 Only NLS West opens	4.4.5.1	F=0.36	57.8 mil	53.9 mil	28	90,000 (5)	2.7 mil
	4.4.5.2	F=0.4	59.9 mil	55.9 mil	31	90,000 (5)	2.8 mil
Alternative 6 Only CAI Opens	4.4.6	F=0.36	53.0 mil	49.0 mil	23	90,000 (5)	2.45 mil

Table 1 – OHA2 scenario calculations in which Nantucket Lightship West and Closed Area I are available. The Advisory Panel and Committee identified alternative 4 (F= 0.295) as their preferred

Between these ecosystem protections and increased access to Closed Area I, as noted in the draft environmental impact statement, groundfishermen would also benefit. This proposed rule includes both provisions for increased profitability of the region’s fisheries as well as increased protections for the most vulnerable and valuable habitat. These two outcomes (revenue and a healthy ecosystem) are what will enable our coastal communities to keep fishing into the future. With that, we appreciate the opportunity to comment on the proposed rule and look forward to continuing to support the work of the Council and the National Marine Fisheries Service on habitat and other important matters. Thank you for your consideration.

Sincerely,



Nick Muto
Chairman, CCCFA Board of Directors

