

CAPE COD COMMERCIAL
**FISHERMEN'S
ALLIANCE**

Small Boats. Big Ideas.

March 28, 2022

Josh Madeira
Fisheries and Aquaculture Policy Director
Monterey Bay Aquarium
886 Cannery Row, Monterey, CA 93940

Dear Mr. Madeira:

The Cape Cod Commercial Fishermen's Alliance is a member-based, nonprofit organization that works to build lasting solutions to protect our ecosystem and the future of our fisheries. The Fishermen's Alliance represents 150 fishing businesses and more than 300 fishing families, making our organization the leading voice for commercial fishermen on Cape Cod. Our fishermen members have been at the forefront of testing and developing gear modifications to reduce risk of entanglement and potential harm to whales. We are deeply invested in the scientific assessments and public policies that impact our communities.

Our comments pertain to the following assessments:

- American lobster (U.S.)
- Atlantic rock and Jonah crab (U.S.)
- Black sea bass (U.S.)
- Bluefish (U.S.)
- Cod, haddock, and pollock (Atlantic, U.S.)
- Flatfish (Atlantic, U.S.)
- Goosefish (U.S.)
- Summer flounder (U.S.)
- White hake (U.S.)
- Winter skate (Atlantic, U.S.)

Seafood Watch is inaccurately characterizing many of our local and regional fisheries, and the associated effectiveness of the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce the impact of fisheries on North Atlantic right whales. In evaluating the effectiveness of the ALWTRP related to fisheries, the ALWTRP should not be held accountable for an inability to remedy circumstances outside of its control, such as high mortality in the Gulf of St. Lawrence starting in 2015, unusual mortality events in the Gulf of St. Lawrence, vessel strikes, and lack of or poor management plans in other regions.¹ Other factors that have impacted and/or continue to impact the population of right whales in the Northeast include climate change (warming waters, shift in spatial and temporal distribution of prey, etc.), and vessel strikes.

1. Pettis, H.M., R.M. Pace III, and P.K. Hamilton. (2021). North Atlantic Right Whale Consortium 2021 annual report card. North Atlantic Right Whale Consortium, Boston, MA. https://www.narwc.org/uploads/1/1/6/6/116623219/2021report_cardfinal.pdf

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Availability and abundance of right whales' main prey, *Calanus finmarchicus*, has been shown to be associated with calving rates.² For mitigation of fisheries impacts, Phase I of the plan directly addresses the lobster and Jonah crab fisheries, making significant changes and achieving wide scale risk reduction. ALWTRP's upcoming Phase II (gillnet focus) is being constructed with careful consideration after scoping on soak time, gear configurations, and general fishing practices in order to most effectively reduce risk. The Take Reduction Team continues to incorporate the latest science in its mitigation discussions and management decisions. The northeast U.S. is leading in conservation and regulatory actions to not only reduce entanglements, but even to reduce the risk of potential entanglements across all fisheries, including fisheries that have no history of entanglements.

For the assessments being discussed, Seafood Watch has taken a shallow dive into the nuances of gear types, region, distance from shore, and current regulations. This narrow approach also fails to account for the potential decline in these red/yellow listed species on the market, potentially resulting in an increase in already disproportionate amounts of imported seafood. Imported seafood may pose its own indirect threat to right whales through the risk of vessel strikes if imported via ship. In regulatory context, domestic seafood is subject to extremely stringent fisheries standards that are higher than most international standards for sustainably and ethically sourced seafood.

Consumers, conservationists, and fishing communities would more greatly benefit from Seafood Watch performing a finer scale analysis, at minimum to the regional level if not to the state or local level.

American lobster (U.S.) and Atlantic rock and Jonah crab (U.S.)

- These assessments undervalue the significance of regulations being implemented May 1, 2022 for lobster and Jonah crab fisheries (CFR 229.32)
- There are federal and state (MA) waters closures to avoid any interactions between fishing gear and right whales; closures are closely monitored and are extended if right whales are still present
- MA adopted pot/trap gear regulations to mirror new federal requirements and implemented these ahead of federal regulations

Black sea bass (U.S.)

- MA has state waters closures, and weak rope/gear requirements to reduce risk
- This seasonal fishery typically does not interact in time or space with right whales
- MA state waters has a pot fishery that occurs in areas that do not overlap with right whale distribution, and do not share any of the groundfish bycatch risk as in other areas

Bluefish (U.S.)

- Gillnet categorization of red/avoid does not account for the small-scale, inshore strike net fishery in MA state waters – this is tended gear that has negligible soak time and bycatch

Cod, haddock, and pollock (Atlantic, U.S.)

- Dogfish is listed among bycatch for several fisheries in this category, but it should be considered that many fishermen targeting groundfish also target dogfish

2. Meyer-Gutbrod, E. L., Greene, C. H., Davies, K. T. A., & Johns, D. G. (2021). OCEAN REGIME SHIFT IS DRIVING COLLAPSE OF THE NORTH ATLANTIC RIGHT WHALE POPULATION. *Oceanography*, 34(3), 22–31. <https://www.jstor.org/stable/27051387>.

Goosefish (U.S.)

- ALWTRP's upcoming Phase II (gillnet focus) is being constructed with careful consideration after scoping on soak time, gear configurations, and general fishing practices in order to most effectively reduce risk
- Bycatch concerns of yellowtail, halibut, sturgeon, dogfish, and blackbacks are dependent on fishing area – these geographical differences should be represented in the assessment and recommendations should be made for monkfish by area

Summer flounder (U.S.)

- Weir fisheries in shallow inshore MA waters have no spatial/temporal overlap with bottlenose dolphin distribution and should therefore not be grouped in a “yellow” recommendation due to the irrelevant concern over bottlenose dolphin interactions

White hake (U.S.)

- Bottom longline in the northeast should be a “green” rating given the ability of this gear type to be incredibly selective; while bycatch is a significant concern in other gear types, the assessment notes, “for the longline fishery, there are no poorly scoring species under Criterion 2” (page 5)

Winter skate (Atlantic, U.S.)

- In the MA region, the winter skate wing fishery makes up significant landings – the bulk of which is caught during summer months where distribution of right whales does not overlap with fishing
- Habitat impact is supposedly of “low concern” noting that winter skate is usually found on habitat that is “resilient to disturbance” (124); the assessment also says that “sink gillnets... have less impact than bottom trawls on the seafloor” (page 5) – despite extremely limited concerns and little to no need for mitigation, the gillnet habitat rating remains in the yellow category
- ALWTRP's upcoming Phase II (gillnet focus) is being constructed with careful consideration after scoping on soak time, gear configurations, and general fishing practices in order to most effectively reduce risk

Fishermen's Alliance recommends that assessments be revised on a more region and fishery specific scale to account for variance in fisheries along the east coast of the United States. The current Seafood Watch assessments group fisheries too broadly and do not consider nuances of fisheries management. Management measures, including and in addition to the ALWTRP, should be further reviewed for effectiveness. Thank you for the opportunity to comment.

Sincerely,



John Pappalardo, CEO