

**Testimony of Vicki Cornish  
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**Before the**

**Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard  
Senate Committee on Commerce, Science, and Transportation**

**On the**

**Impacts of the Atlantic Large Whale Take Reduction Plan on the Maine Lobster Industry**

**Brewer, Maine  
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Thank you, Senator Snowe, for inviting me to speak today. My name is Vicki Cornish, and I am the Vice President for Marine Wildlife Conservation for Ocean Conservancy. Ocean Conservancy is a science-based advocacy, research, and public education organization that informs and empowers people to conserve our oceans. I work in our Washington, D.C. office, and we also have offices in New England, Florida, Texas, the Pacific, and the Caribbean. With me today are Susan Farady, Director of our New England office in Portland, Maine, and John Williamson, Manager of Fish Conservation for New England, also from our Portland office.

Ocean Conservancy greatly appreciates the invitation to testify before the Subcommittee on an issue of great importance to the conservation of endangered large whales, as well as to the Maine lobster industry. We are here because we care about whales, healthy oceans, and sustainable fisheries, and we believe Maine fishermen share this strong conservation ethic. None of us wants to see whales entangled in lobster gear. We are actively engaged in working with the federal government, the State of Maine, and Maine lobstermen to help solve the problem of whale entanglements for the long term. It is our collective responsibility to find solutions that protect whales while maintaining a strong lobster fishery in Maine.

Whales are a symbol of New England's natural and cultural heritage. Hunted to near extinction by whalers, they have yet to recover after decades of protection. North Atlantic right whales, in particular, are extremely vulnerable to entanglements in fishing gear and ship strikes. I commend the Senator and several Maine lobstermen for their leadership in calling for the immediate implementation of measures to protect right whales from the threat of ship strikes, and thank you for the letters that have been written urging the government to move quickly on a comprehensive ship strike rule. Ship strike regulations have yet to be finalized, but when they are they will help address this major source of mortality of right whales.

However, with only about 350 North Atlantic right whales remaining, we must ensure that we reduce all known sources of mortality. Scientists at the New England Aquarium estimate that nearly 3 out of 4 right whales show signs of entanglement in fishing gear. The Marine Mammal Protection Act directs the National Marine Fisheries Service to reduce fishery-related mortalities and serious injuries of endangered large whales, including right whales, humpbacks, and fin whales, to levels that will allow them to recover to their optimum sustainable population size. The Act has established a process that

brings together fishermen, scientists, fishery managers, and conservation groups to form Take Reduction Teams to develop consensus-based Take Reduction Plans to guide the government's rulemaking process.

Ocean Conservancy has been a member of the Atlantic Large Whale Take Reduction Team since it was first convened in 1996. We believe that the collaborative, problem-solving approach outlined in the Marine Mammal Protection Act represents the best opportunity for protecting large whales from entanglement in fishing gear while minimizing economic impacts on affected fishermen. The Take Reduction Team is charged with finding solutions for whales throughout their range, from Maine to Florida. Lobstermen, gillnetters, and crab trap fishermen have all been involved in developing recommendations. Unfortunately, the regulations implemented to date have not reduced entanglements, and we have seen mortalities continue to rise.

The National Marine Fisheries Service was mandated by law to amend the regulations when a right whale was first found dead in compliant gear in 2002. We believe the agency's recent rule represents a positive step forward in addressing one of the biggest threats to large whales – entanglements in floating groundlines. Research shows that sinking lines greatly reduce the probability of whales becoming entangled in groundlines. Behavioral studies have shown that right whales routinely dive to the ocean bottom, and a high percentage of right whale mortalities are caused by fishing line that pulls through the mouth and/or wraps around the body.

We recognize that transition to sinking line may be difficult for lobster fishermen and represents a significant financial investment. We also understand concerns over whether such investment is justified when Maine lobstermen rarely see right whales. Nonetheless, recognizing the probability of individual lobstermen seeing a right whale in Maine may not be as high as for other areas of New England, encounters with fishing gear are a daily occurrence for whales in Maine waters. While additional survey effort and better data on fishing effort are critical to accurately characterizing risks to whales from fishing gear, even limited survey effort in Maine has shown that the threat of fishing lines to whales that traverse these waters is real.

Are there solutions we haven't explored that can reduce risks to whales while minimizing economic impacts on fishermen? Therein lies our greatest challenge and our greatest opportunity. We believe that Maine lobstermen are up to the challenge. Maine has a long history of adopting fishing practices that sustain a healthy lobster population. Maine has implemented minimum-maximum size requirements for harvested lobsters and banned the harvest of reproductive age female lobsters – both are forward looking initiatives. Maine has put in place a region-based lobster management zone system that gives individual lobstermen a voice in regulations that address local needs. Maine has even adopted statewide maximum trap limits. These measures were adopted by the state because the people of Maine realize that a healthy lobster fishery is vital to the cultural and economic well-being of all who live here.

We are confident that Maine lobstermen can build on this reputation for innovation and conservation by applying the same mindset to the challenge of protecting whales. We believe that lobstermen have not only the ability, but the responsibility to find long-term solutions to the threat of whale entanglement. Such innovation and leadership can make this the generation of lobstermen who saved the right whale from extinction. There is no time for further delay, we must work together proactively to find solutions. If there is a better way to save whales, let's put it out there for consideration.

As we consider alternatives, we must ensure that the process and statutory deadlines outlined in the Marine Mammal Protection Act are followed. We must also ensure that any solutions put forward are based on good science; are quantifiable and measurable; incorporate the best available information about whales and fishing practices; and are implemented as soon as possible. We cannot waste another day, or another whale, because we dawdled.

The Take Reduction Team process has not always been timely or effective in developing viable solutions for whales. But its future effectiveness depends on the active and consistent engagement of all interests, ourselves and Maine lobstermen included, combined with a firm commitment by the National Marine Fisheries Service to improve the process. Our success will require adequate funding for gear research, whale surveys, and behavioral studies, plus additional funding for plan development, implementation, monitoring, and enforcement. We would appreciate the Senator's leadership in helping to identify adequate funding for this process. We challenge the National Marine Fisheries Service to work with the Take Reduction Team to streamline the process and find ways to better address regional differences in fishing practices and gear use.

We are encouraged by what we have seen of the State's proposal as a first step, as it goes beyond identifying what can't be done to focus instead on ways to turn this problem around. We encourage the further development of ideas to address the greater challenge of entanglements in endlines. One example of a promising solution stems from experiments conducted by the State at Monhegan Island. These experiments have shown that reducing the number of lobster traps fished in an area has little or no impact on lobster catch rates. Fewer traps result in less gear in the water, which is definitely a step in the right direction for whales.

Lobsters and right whales are both an integral part of Maine's coastal heritage and a critical part of a balanced ecosystem in the Gulf of Maine. Ensuring adequate protections for all ocean species is vital to ensuring sustainable fisheries for future generations. We have heard Maine lobstermen call their fishery sustainable, but true sustainability is about more than just conserving lobsters. True sustainability cannot be achieved unless we figure out how to catch lobster without harming whales. And Ocean Conservancy is committed to working at all levels to make that happen.

Thank you for the opportunity to provide testimony today on this important issue.