

NOAA FISHERIES Atlantic Large Whale Take Reduction Plan Proposed Modifications 2021

Public Information Session RI, Southern MA, LMA3 January 2021

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Atlantic Large Whale Take Reduction Plan: Proposed Modifications, 2020

<u>Purpose:</u> Provide information to prepare stakeholders to comment on a proposed rule to modify the Atlantic Large Whale Take Reduction Plan and on the associated Draft Environmental Impact Statement

What to expect from this presentation:

- Quick tutorial on use of GoToWebinar features
- Presentation (~45 minutes) of Proposed Rule and Draft Environmental Impact Statement
- Q&A: Ground rules for participation
 - Clarifying Question and Answer (Q&A) session;
 -> Type "question" in the Question Box to get in queue
 - Separate brief Public Comment session, if time allows.
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 - ->Type "comment" in the question box to get in comment queue
 - The Q&A and Public comment portions of today's event are being recorded (including questions box text).

See <u>fisheries.noaa.gov/ALWTRP</u> for a list of public meetings and instructions on providing written comments.

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Get IN line for Q&A session	Question on slide # or Topic X
Get OUT of line for Q&A session	 I no longer have a question My question has been answered Take me off the questions list Or, just say "pass" when you are called on
Get IN line for public comment	Comment
Get OUT of line for public comment	 I no longer have a comment My comment has already been said Take me off the comment list Or, just say "pass" when you are called on



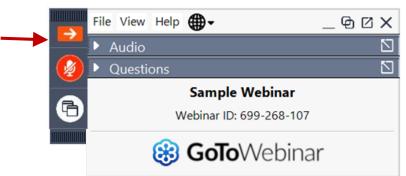
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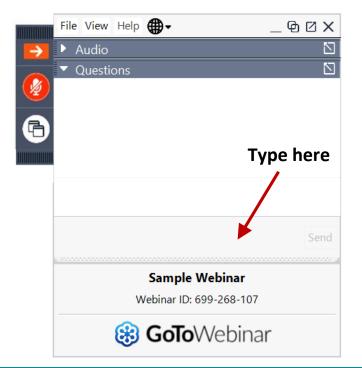
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Questions Box

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Get IN line for public comment	Comment
Get OUT of line for public comment	 I no longer have a comment My comment has already been said Take me off the comment list Or, just say "pass" when you are called on



Presentation Overview

Background

- Status of Right Whales
- Overview or MMPA Take Reduction Program and Large Whale Take Reduction Team (TRT)

Developing the Proposed Rule

- Recent Take Reduction Efforts
- Alternative Development

NEPA Analysis and Proposed Rule

- Preferred Alternative
- Non-Preferred Alternatives
- Comparison of Biological Impacts
- Comparison of Economic Impacts

Process for Providing Public Comments





Background





Take Reduction Charge: Commercial Fisheries Impacts Below PBR

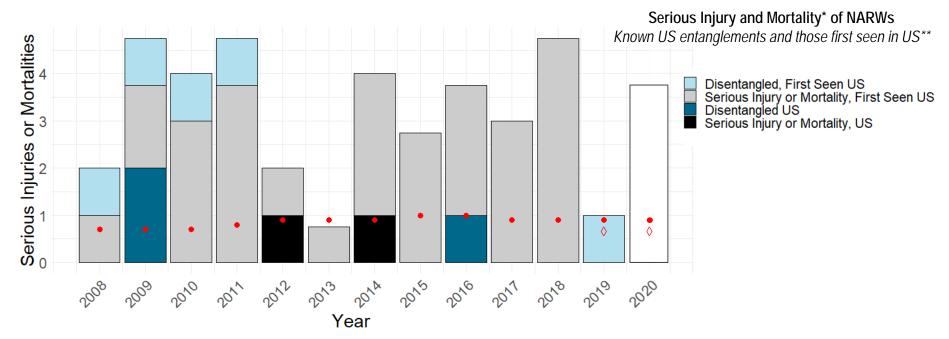






Serious Injuries and Mortalities Continue To Exceed PBR





- Five year rolling average.
- ** Graph does not include known Canadian entanglements or those first seen in Canada
- ♦ Anticipated PBR due to population decline





Proposed Rule Development





April 2019 Take Reduction Team Direction

- Develop recommendations to reduce mortalities and serious injuries of right whales in U.S. fisheries by 60% to 80% to below the potential biological removal level
- Start with northeast lobster and Jonah crab fisheries (93% of vertical lines where right whales occur)



April 2019 Take Reduction Team Results

Near-Consensus Framework Recommendation

• Approach:

- Achieve at least 60% risk reduction
- Spread risk reduction across jurisdictions

• <u>Results</u>:

- Framework of reduced line and weak rope targets
- Next step:
 - Summer 2019 Scoping meetings

State/Jurisdiction	Vertical Line Reduction	Gear Modification	Est. % Risk Reduction
Maine permitted vessels through LMA1	50% vertical line reduction through LMA1 (50% risk reduction)	LMA 1 - Weak rope outside of 3 miles on ¾ length of buoy line (toppers) (11.6% risk reduction)	61.6%
NH LMA1	30% vertical line reduction (30% risk reduction)	1700 lb breaking strength or sleeves (28.5 % risk reduction)	58.5%
Massachusetts LMA1 and Outer Cape	Mass Bay Restricted Area Closure (24% risk reduction)	Sleeves or 1700 lb breaking strength or equivalent	60%
	30% vertical line reduction, not including MBRA fishermen (-5%) (25% risk reduction)	(11% risk reduction)	
LMA 2 - Massachusetts and Rhode Island	18% (2018 - 2020) vertical line reduction (18% risk reduction)	1700 lb or equivalent (42% risk reduction)	60%
LMA 2 / 3 Overlap – Massachusetts, Rhode Island	Trawling up to 30 traps (from 20) (30% risk reduction for that area)		
LMA 3	Accelerate planned line reduction 18% by 2020	Rapid research on alternatives to introduce weak rope or weak link elements in to offshore line	18% + TBD Commitment to 60%



Rhode Island and Massachusetts Proposed Risk Reduction

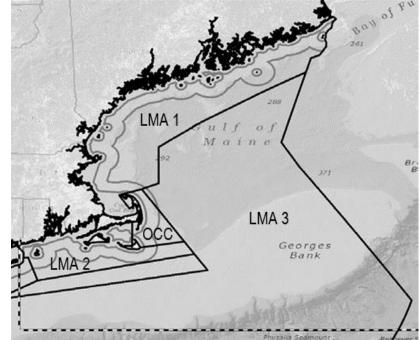
	Rhode Island	Massachusetts			
Measures	LMA2	LMA2	000	LMA1	
Weak Line	Both ends entirely weak for top 75% of line	 No line > 3/8ths No singles on vessels > 29 feet upon permit transfer Weak rope or insertions: 0-3: 1 at 50% 3-12: 2, at 25 and 50% 12 to LMA3: 1 at 35% 			
Line Reduction Ongoing	Anticipated 18% from ongoing fishery management reductions	Demonstrated ongoing fishery management reductions	N/A	N/A	
Line Reduction Other	N/A	3-12nm: 15 trap trawls 12+nm: 25 trap trawls	3 miles to LMA3: 15 trap trawls	3 to 6nm: 10 trap trawls 6 to 12nm: 15 trap trawls 12+ nm: 25 trap trawls	
Restricted Areas	None Proposed	Propose restricted area South of NantucketMRA credit and continued dynamic extension of st water MRA closure into May			

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Basic Principles for Alternative Development

- Demonstrate a risk reduction of 60% or greater (Decision Support Tool, DST)
- Apply April 2019 TRT Recommendations
 - Include broad application of reduced line and weak rope across jurisdictions
- State and Federal Scoping
- NMFS Approach
 - Jurisdictional approach: State proposals, American Offshore Lobster Association for LMA3
 - Direct the most protection to areas of predictable high seasonal aggregations
 - Substantial risk reduction across areas of co-occurrence
 - Precautionary measures everywhere





Proposed Rule and Draft Environmental Impact Statement

The National Environmental Policy Act (NEPA) requires an Environmental Impact Statement (EIS) for major actions. Requires alternatives and effects analyses.

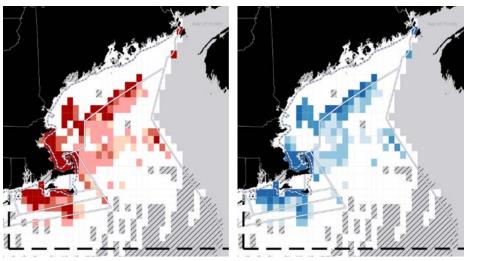


What tools were used: how and why

- To select measures and estimate risk reduction:
 - Decision Support Tool (spring 2020 version)
 - Whales + vertical lines + strength of gear
 - CIE Peer Review late 2019
- To assess the potential biological impacts:
 - Percent co-occurrence reduction
 - IEC/NMFS co-occurrence model
 - Whales + vertical lines
 - Percent line reduction
 - Percent total line weakened

Baseline Co-occurrence

Preferred Alternative- Change



Darker red cells represent areas of high co-occurrence Darker blue cells represent areas with greater decrease in co-occurrence White cells represent low to no co-occurrence Grey cells represent area where we have insufficient data for co-occurrence



The Alternatives and the Proposed Rule



- Preferred
 - We use terms "preferred alternative" and "proposed rule" interchangeably
 - Primarily derived from proposals and ideas from the states and AOLA
 - Additional measures included for sufficient risk reduction across area
- Non-Preferred
 - Contains proposed measures not included in the preferred alternative
 - Some measures contain Scenarios A and B, for example restricted area alternatives in southern New England



PREFERRED ALTERNATIVE / PROPOSED RULE

ALWTRP Measures

- Trawl up by LMA, distance from shore outside of ME exempt waters or 3 nmi
- Restricted areas changed from closure to ropeless (closed to buoy lines)
- Two new restricted areas:
 - South Island Restricted Area Feb -Apr
 - LMA 1 Restricted Area Oct Jan
 Analyzed proposal: restricted area Oct Jan
 Co-proposal 1-A: no restricted area

Co-proposal 1-B: restricted area Oct-Jan based on future

determinations

- Region-wide conversion to weaker line
 - Nearshore: a set number of insertions based on distance from shore
 - Offshore: full weak line or equivalent in the top of one line, full strength line on the other

Other Measures

- Ongoing and planned line reduction in LMAs 2 & 3
- No singles on MA vessels larger than 29 ft permitted
- Credit for the Massachusetts Restricted Area (MRA) from Feb Apr
- Delayed open of MRA state waters until surveys confirm whales have left

Reduction in right whale Co-Occurrence ~69%	
Proportion Line Weakened ~30 %	
First Year Cost ~\$6.9-\$15.4 million	



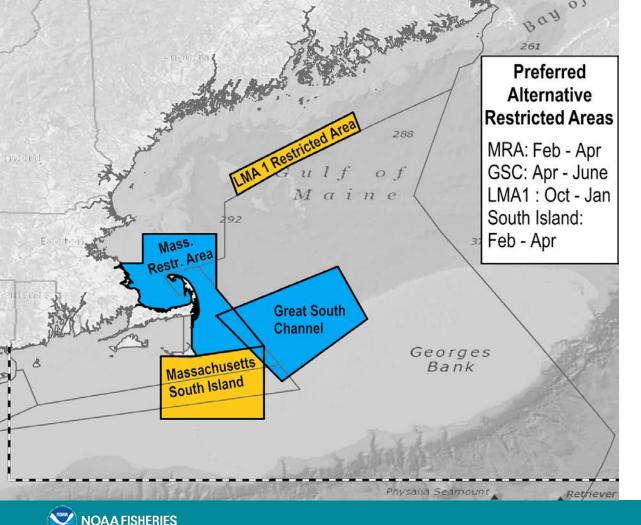
Preferred Alternative: Line Reduction Measures

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		Area	Current traps/trawl	Proposed traps/trawl
	egend	ME exempt area – 3 nm	2	3
	Regional Boundary No change in trawl	ME 3–6 nm	3	8
	length	MA LMA 1 3-6 nm	10	10
	3 traps per trawl 8 traps per trawl	LMA 1 6–12 nm	10	15
	15 traps per trawl	LMA 1/ LMA 2 beyond 12 nm	15-20	25
	25 traps per trawl	LMA 2/OCC 3–12 nm	10	15
	45 traps per trawl State regulating	LMA 2 beyond 12 nm	15	25
TIMA 2	singles by vessel size	OCC beyond 12 nm	20	20
		MA state waters	1 or 2	No singles on vessels longer than 29' permitted
		LMA3	20	45 & extend trawl length to



1.75 nm



Preferred Alternative: Seasonal Restricted Areas

- Existing restricted areas (in blue) modified to allow ropeless (with Exempted Fishing Permit)
- State waters of MRA would be closed by MA in May unless whales leave the area
- Up to two new seasonal ropeless areas proposed (in yellow)



Biological Impacts: Change in Vertical Line & Co-Occurrence

Preferred Alternative

	Lines Out	Relocation
% Reduction in Vertical Lir	nes	
Of all lines outside of Maine Exempt waters	19.2%	18.8 %
% Reduction in Co-Occurre	ence	
Right Whale	69.2%	69.1%
Humpback Whale	19.5%	19.4%
Fin Whale	27.9%	27.9%

Taken from Table 5.9 in DEIS



Preferred Alternative: Weak Line Measures

X risk reduction for full weak line

of inserts X 40ft

depth X scope ratio

Risk Reduction =

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Full weak line Insertion at equivalent 25% and 50% Weak _ Insertion 50% 40 ft

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Area	Insertion % from the top	Source
State waters	1 weak insertion at 50%	ME, MA
Maine state waters outside exemption area and all northeast 3 to 12 nm	2 weak insertions at 25% and 50%	ME, MA
12 nm to border (all northeast)	1 weak insertion at 33%	ME, MA
LMA3-weak line (75%)	One full weak line top 75%, standard line on the other end	AOLA

Biological Impacts: Proportion Converted to Weak Line

- Every line will have weaknesses introduced, some with full weak rope and some with weak inserts
- Inserts were compared to the full weak rope equivalent of inserts every 40 feet

Preferred Alternative

Lines Out Relocation

Proportion of line that is less than or equal to 1700 lbs (weak line) or the equivalent				
Maine Exempt Waters	31.7%	31.7%		
Outside Maine Exempt Waters	26.6%	26.5%		

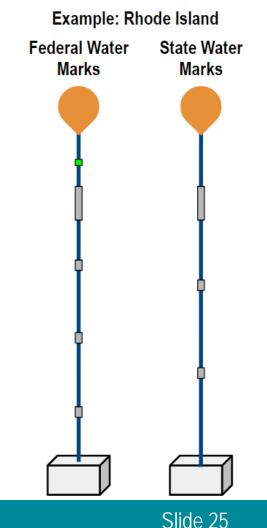
Taken from Table 5.8 in DEIS

Slide 24



Preferred Alternative: Gear Marking

- State specific colors (new and existing marks): Maine = Purple (already implemented through state regs) New Hampshire = Yellow Massachusetts = Red Rhode Island = Silver/gray LMA3 = Black
- New three-foot long mark within two fathoms of surface system
- State waters: two one-foot marks, top and bottom half of buoy line
- Federal waters: six-inch green mark within one foot of long mark





NON-PREFERRED ALTERNATIVES

ALWTRP Measures

- Line cap 50% of monthly average in federal waters
- Trawl up in LMA3 May Aug
- Restricted areas changed from closure to ropeless (closed to buoy lines)
- New restricted areas or seasons:
 - Extend the MRA closure, soft open
 - LMA1 Restricted Area, Oct Feb, soft open
 - LMA3 Restricted Area, May Aug
 - South Island restricted Area Feb Apr:

Scenario A: Large rectangular area Scenario B: L-shaped area

- Region-wide conversion to weaker line
 - Nearshore: full weak topper in all lines
 - Offshore options:

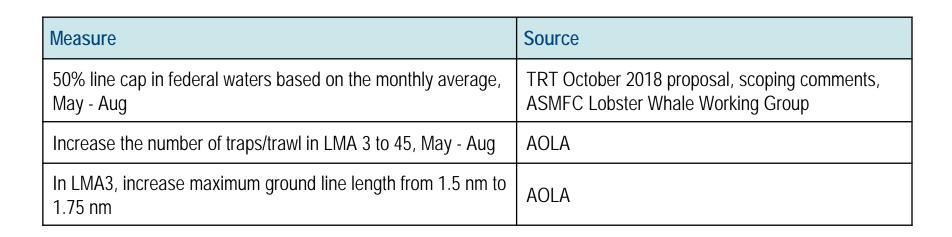
Option 1: One full weak line topper all year

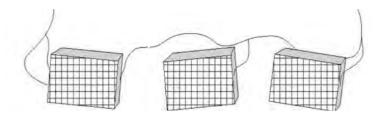
Option 2: Shorter weak section as topper with a longer weak topper on one end from May - Aug

Reduction in right whale Co-Occurrence	~83 - 88%
Proportion Line Weakened	~74%
First Year Cost	~\$28-\$46 million



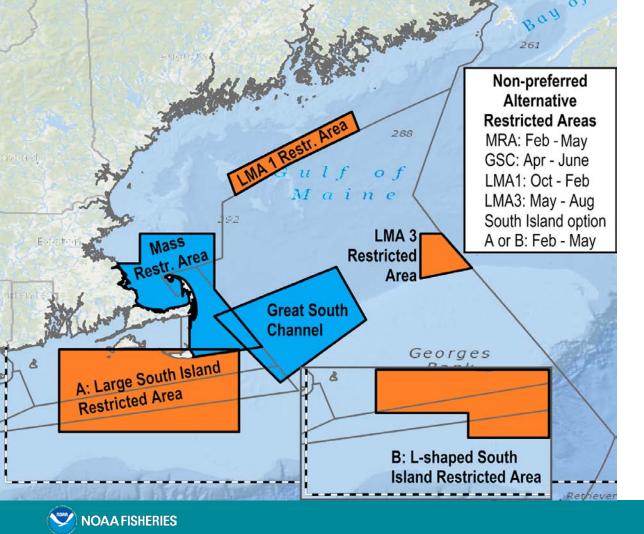












Non-Preferred Alternative: Seasonal Restricted Areas

- Existing restricted areas (in blue) modified to allow ropeless (with Exempted Fishing Permit)
- Three new seasonal ropeless areas proposed (in orange)
- Longer LMA1 Restricted Area than in preferred
- Extension of Mass Restricted Area into May unless right whales leave



Biological Impacts: Change in Vertical Line & Co-Occurrence

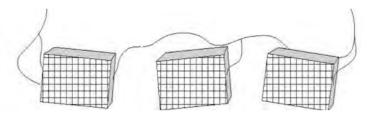
	Preferred	Alternative Non-Preferre				
	riciciica	Anternative	Scen	Scenario A		ario B
	Lines Out	Relocation	Lines Out	Relocation	Lines Out	Relocation
% Reduction in Vertical I	_ines					
Of all lines outside of	19.2%	18.8 %	50.6%	50.1%	50.5%	50.0%
Maine Exempt waters	17.270	10.0 70	50.070	50.170	50.570	50.070
% Reduction in Co-Occu	rrence					
Right Whale	69.2%	69.1%	88.4%	86.0%	86.4%	83.8%
Humpback Whale	19.5%	19.4%	57.4%	56.5%	57.2%	56.3%
Fin Whale	27.9%	27.9%	59.1%	58.3%	58.9%	58.1%

Taken from Table 5.9 in DEIS



Non-Preferred Alternative: Weak Line Measures

Area	Proportion of line weakened	Source
Everywhere outside of LMA 3	Full weak rope in the top 75% of all lines	Proposals, scoping comments
LMA 3 Option 1	Weak line in the top 75% of one line, standard line on the other end	AOLA
LMA 3 Option 2	One weak line in the top 75% of one line and 20% on other line (May - August), top 20% weak Sep-Apr	AOLA





Biological Impacts: Proportion Converted to Weak Line

- Every line will have weaknesses introduced, some with full weak rope and some with weak inserts
- Inserts were compared to the full weak rope equivalent of inserts every 40 feet

	Droforrod	Preferred Alternative		Non-Preferred Alternative					
	FIEIEIIEU			ario A	Scenario B				
	Lines Out	Relocation	Lines Out	Relocation	Lines Out	Relocation			
Proportion of line 1700 lbs (weak lin		•							
Maine Exempt Waters	31.7%	31.7%	75.0%	75.0%	75.0%	75.0%			
Outside Maine Exempt Waters	26.6%	26.5%	73.4 - 73.9%	73.3 - 73.8%	73.3 - 73.9%	73.3 - 73.8%			

Taken from Table 5.8 in DEIS

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Non-Preferred Alternative: Gear Marking

- State specific colors (new and existing marks): Maine = Purple (already implemented by state regs) New Hampshire = Yellow Massachusetts = Red Rhode Island = Silver/gray LMA3 = Black
- New three-foot long mark within two fathoms of the buoy
- Replace rope in buoy line with rope with **identification tape** that identifies home state and target species



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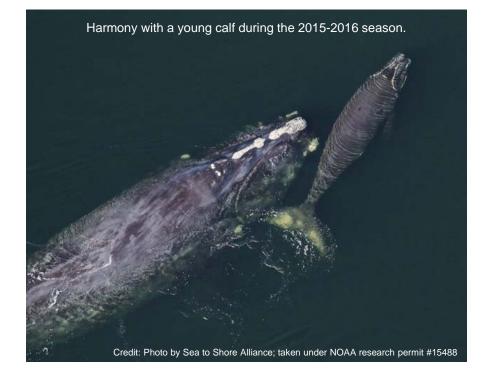
Economic Analyses





Economic Impacts: What Costs Impacts Are Analyzed

- Number of Affected Vessels
- Compliance costs for:
 - Restricted Areas
 - Lines out
 - Relocation
 - Gear Configuration
 - Trawling up
 - Weak rope
 - Gear Marking
 - Buoy Line Cap
- Comparison of cost efficiency between alternatives





Economic Impacts: Number of Vessels Analyzed in DEIS

	Measures								
State/Area	Weak Rope	Gear Marking	Trawling Up (Preferred)	Trawling Up (Non-preferred)	Line Cap (Non- preferred)				
ME (Non-exempt)	2,300	1,185	1,602	0	1,185				
NH	241	241	0	0	0				
MA	1,216	1,216	21	0	187				
RI	131	131	7	0	37				
LMA 3	82	82	82	74	82				
Total	3970	2855	1,712	74	1,491				

Data Source: IEc.2017 Model Vessel Database (pulled in 2020)





Economic Impacts: Summary of Affected Vessels and Annual Costs of Federally Managed Restricted Areas



		Preferred Alternative		Non-Preferred Alternative					
Restricted			Scenario A			Scenario B			
Area	Vessels Lines Out	Vessels Relocation	Cost Range (in thousands \$)	Vessels Lines Out	Vessels Relocation	Cost Range (in thousands \$)	Vessels Lines Out	Vessels Relocation	Cost Range (in thousands \$)
LMA1	0	45	\$106 - \$315	0	45	\$114 - \$340	0	45	\$114 - \$340
South Island	<2	<1	\$0	16	11	\$386 - \$414	3	7	\$219 - \$236
Mass Bay Area	-	-	-	138	21	\$431 - \$444	138	21	\$431 - \$444
Georges Basin	-	-	-	0	16	\$328 - \$656	0	16	\$328 - \$656
Total	2	46	\$106 - \$315	154	93	\$1,258 - \$1,854	141	89	\$1,092 - \$1,676

Adapted from Table 6.19 DEIS





Economic Impacts: Summary of Compliance Costs by Alternatives

Measures	Preferred Alternative (in millions \$)		Non-Preferred Alternative (in millions \$)				
modeuroe	,	····· · · ·	Sce	nario A	Scenario B		
	First Year	6 Years	First Year	6 Years	First Year	6 Years	
Gear marking	\$2.0	\$12.0	\$4.3	\$15.2	\$4.3	\$15.2	
Weak rope	\$2.2	\$2.2	\$10.2	\$10.2	\$10.2	\$10.2	
Trawling up	\$2.7 - \$11.0	\$13.2 - \$45.0	\$0.8 - \$1.8	\$2.7 - \$6.5	\$0.8 - \$1.8	\$2.7 - \$6.5	
Restricted Areas	\$0.1 - \$0.3	\$0.6 - \$1.9	\$1.3 - \$1.9	\$7.5 - \$11.0	\$1.1 - \$1.7	\$6.6 - \$10.0	
Line cap	-	-	\$11.4 - \$28.2	\$45.5 - \$114.0	\$11.4 - \$28.2	\$45.5 - \$114.0	
Total	\$6.9 - \$15.4	\$28.0 - \$61.0	\$27.9 - \$46.3	\$81.2 - \$157.3	\$27.8 - \$46.1	\$80.2 - \$156.0	

Adapted from Table 6.22 DEIS

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Economic Impacts: Summary of First Year Compliance Costs by Alternatives and Areas

Preferred Alternative First Year Costs			Non-Preferred Alternative First Year Costs (in \$1,000)						
Measures	(in \$1,000)			Scenario A			Scenario B		
	RI	MA	LMA3	RI	MA	LMA3	RI	MA	LMA3
Gear marking	82	1,673	39	131	2,799	950	131	2,799	950
Weak rope	35	436	449	62	1,076	412	62	1,076	412
Trawling up	16-31	43-92	922-1,959			829-1,772			829-1,772
Restricted Areas					816-858	328-656		650-680	328-656
Line cap				271-452	5,532-10,350	640-1,677	271-452	5,532-10,350	640-1,677
Total	133-148	2,152-2,201	1,410-2,447	464-645	10,223-15,083	3,159-5,467	464-645	10,057-14,905	3,159-5,467

See DEIS Chapter 6 for more information

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Comparison Estimated Risk Reduction and Costs*

Indiaca	Droforrod Altornativo	Non-Preferre	d Alternative
Indices	Preferred Alternative	Scenario A	Scenario B
Co-Occurrence Reduction	urrence Reduction 69%		83 - 86%
First Year Co-Occurrence Reduction Costs	\$2.8~\$11.3 million	\$13.5~\$31.7million	\$13.3~\$31.7 million
First Year Costs for Each Percent of Co-Occurrence Reduction\$41,000-\$164,000		\$155,000-\$364,000	\$157,000-\$375,000
Proportion of Line Weakened	26%	73%	73%
First Year Costs of Converting to Weak Rope	\$2.2 million	\$10.2 million	\$10.2 million
First Year Costs for Each Percent of Line Weakened\$81,000		\$139,000	\$139,000

*Costs of other measures that do not reduce risk, primarily gear marking, are included.

Taken from Tables 1.3, 1.4 and Table 6.22 DEIS









Comparison of the TRT Framework Agreement & the Proposed Rule

Measure	TRT Agreement	Proposed Rule
Line Reduction	18% - 50% line reduction	6% - 24% line reduction (average of 19%)
Weak Line	Full weak line or equivalent, full to partial length of the line	Insertions closer to shore, full weak toppers on one of two buoy lines in the offshore.
Closures	No additional closures proposed	Two new restricted areas that would be open to ropeless fishing with an EFP
MRA	Credit given	Credit given
Gear marking	State specific	State specific
Total Risk Reduction	60% risk reduction	Greater than 60% risk reduction



Input needed:

- Are there other equivalent risk reduction options that should be considered? For example, restricted areas not in TRT recommendation.
- Are estimates of time required for gear marking and gear conversion reasonable?
- Maine proposed trawling up or the use of a single buoy line on multi-trap trawls. Comments?
- Some LMA3 vessels may not have deck or rope storage capacity to fish 45 trap/trawls. Comments on consideration of using permit conditions to allow variety as long as the average is 45 traps/trawl in LMA3 would be appreciated. In other LMAs?
- Are weak links at the buoy or at surface system connection needed onces inserts are required within the buoy line?



Next Steps

- Collect comments, analyze, prepare responses
- Update analyses including new data, publications, information from public comments
- Complete and make available Final Environmental Impact Statement (FEIS)
- Complete and file Final Rule after FEIS 30-day cooling off period is completed
- Complete Endangered Species Act Section 7
 Consultation on fisheries
 - Issue Biological Opinion by May 31, 2021





Two-Part Public Meetings Plan

January Regional Informational Presentations:

- . Present overview of information in DEIS and Proposed Rule
- . Answer questions on DEIS and Proposed Rule

February Public Hearings:

- . Brief overview
- . Bulk of time for public input

Written comments

- . Attendance at a meeting is not necessary to provide comments.
- . Written comments due by midnight on March 1, 2020
- . Submit written comments at <u>regulations.gov</u> under identification number NOAA-NMFS-2020-0031.

Need more information?

Visit fisheries.noaa.gov/ALWTRP for:

- . Draft Environmental Impact Statement
- . Proposed Rule
- . Public Meeting Schedule
- . Recorded presentation of these slides
- . Instructions for submitting written comments

Questions?

Contact Colleen Coogan <u>colleen.coogan@noaa.gov</u> or 978-281-9181 OR Marisa Trego <u>marisa.trego@noaa.gov</u> or 978-282-8484

Thank you to our many collaborators, particularly the members of the ALWTRT

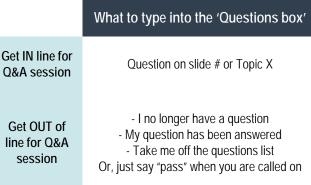


Clarifying Q&A Session

Reminders:

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- Type QUESTION in the 'questions box' to convey that you would like to get in line to ask a question. If possible, add the slide # or topic.
 - If you are joining by phone only, there will be time set aside to take questions for those unable to see the slides and get in the queue.
 - If you have already done this, you do not need to do it again.
 - You may change your mind at any time by saying pass when you are called on, or by typing "take me off the question list" into the questions box.
- When you are called on you might need to un-mute yourself after an organizer unmutes you.
- Please be respectful and direct questions to the presenters.





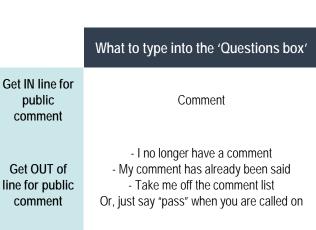
Slide 45

For more Information, see: Fisheries.noaa.gov/ALWTRP

Brief Public Comment Session

Reminders:

- Type COMMENT in the 'questions box' to convey that you would like to get in line to make a public comment.
 - If you are joining by phone only, there will be time set aside to take comments for those unable to see the slides and get in the queue.
 - If you have already done this, you do not need to do it again.
 - You may change your mind at any time by saying pass when you are called on, or by typing "take me off the comment list" into the questions box.
- When you are called on you might need to un-mute yourself after an organizer unmutes you.
- If you have already provided public comment but wish to give another, we reserve the right to put you at the end of the queue to give everyone an opportunity to speak.
- We may limit the length of comments depending on time.
- Be respectful and direct comments at the presenters.







For more Information, see: Fisheries.noaa.gov/ALWTRP

Two-Part Public Meetings Plan

January Regional Informational Presentations:

- . Present overview of information in DEIS and Proposed Rule
- . Answer questions on DEIS and Proposed Rule

February Public Hearings:

- . Brief overview
- . Bulk of time for public input

Written comments

- . Attendance at a meeting is not necessary to provide comments.
- . Written comments due by midnight on March 1, 2020
- . Submit written comments at <u>regulations.gov</u> under identification number NOAA-NMFS-2020-0031.

Need more information?

Visit fisheries.noaa.gov/ALWTRP for:

- . Draft Environmental Impact Statement
- . Proposed Rule
- . Public Meeting Schedule
- . Recorded presentation of these slides
- . Instructions for submitting written comments

Questions?

Contact Colleen Coogan <u>colleen.coogan@noaa.gov</u> or 978-281-9181 OR Marisa Trego <u>marisa.trego@noaa.gov</u> or 978-282-8484

Thank you to our many collaborators, particularly the members of the ALWTRT

