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Greater Atlantic
Regional Fisheries
Office

August 2019 Scoping Meetings Developing Modifications to the Atlantic Large Whale Take Reduction Plan Narragansett, Rhode Island August 8, 2019

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NOAA FISHERIES

2019 SCOPING MEETINGS, LARGE WHALE TAKE REDUCTION PLAN MODIFICATIONS

Agenda:

- Purpose of scoping meetings
- North Atlantic right whale status
- Marine Mammal Protection Act
 - Take Reduction Team Process
 - April 2019 Take Reduction Team recommendations
- Next Steps
- Ground rules for Public Comment

Images collected under MMPA Research permit number 17355.
Photo Credit: NOAA/NEFSC/Christin Khan



2019 SCOPING MEETINGS, PURPOSE, TOPICS

PURPOSE: Get public input on scope of analysis needed to evaluate the environmental impacts of modifications to the Atlantic Large Whale Take reduction Plan to reduce risk of serious injury and mortality to North Atlantic right whales to less than 1/year

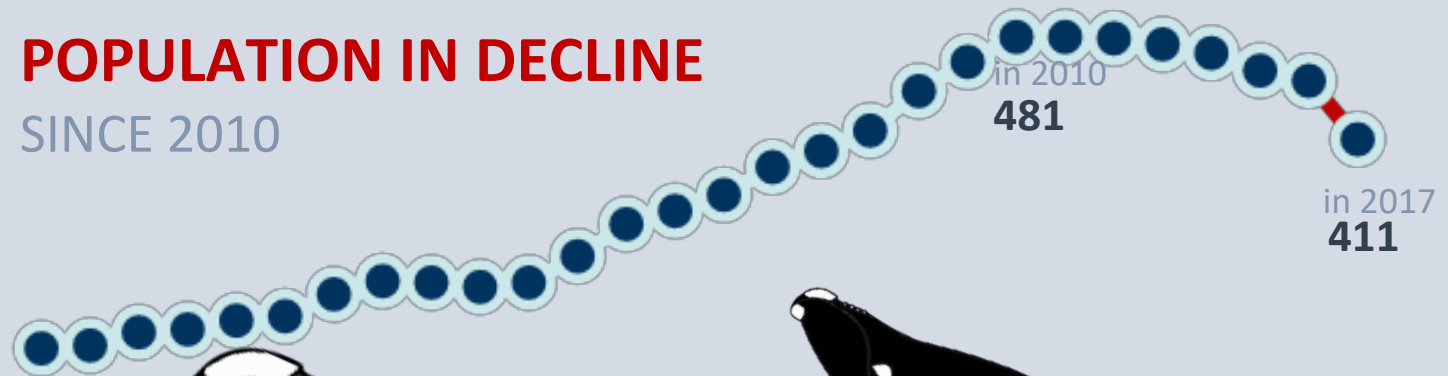
- Scoping is different from public comments on a proposed rule – it is an opportunity to provide input on what we analyze and propose
- We are seeking input on how to reach target risk reduction, considering Take Reduction Team recommendations which include
 - Reducing the number of buoy lines
 - Requiring weak line or weaknesses along the buoy line
 - Modifying buoy line marking requirements
- In partnership with states, prioritizing compatible federal water measures

- Geographic focus: Take Reduction Team recommendations are focused on New England waters, north of approximately 40°30'N, and primarily trap/pot fisheries, with an understanding that Mid Atlantic and gillnets will be considered during future Team meetings
- Scope of environmental impacts:
 - Human environment: cost of measures in materials, time, impacts on fishing, interaction with other actions such as lobster management measures, energy development
 - Right whales and other large whales
 - Other valuable ecosystem components (other fish species, protected species)

NORTH ATLANTIC RIGHT WHALES ARE DECLINING



POPULATION IN DECLINE SINCE 2010



in 1990
268

in 2010
481

in 2017
411



85% HAVE BEEN
ENTANGLED
AT LEAST ONCE

411
WHALES
ESTIMATED
August 2019,
Likely fewer than 400

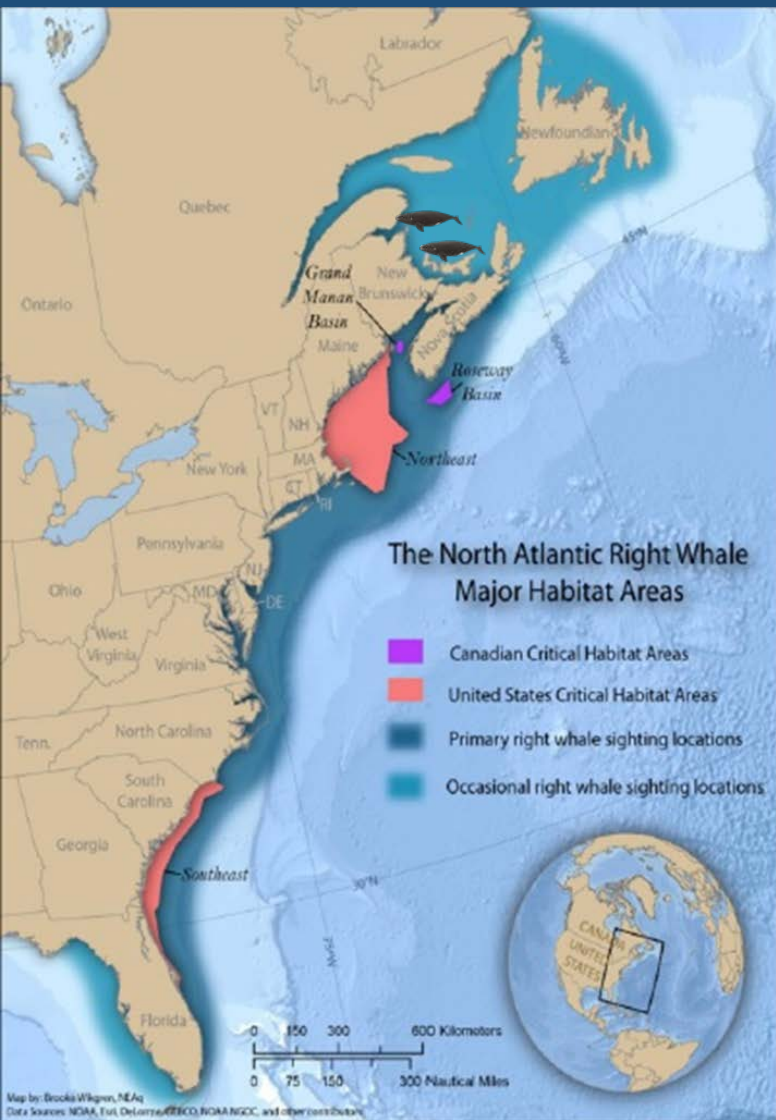
95
POTENTIAL
MOTHERS
ESTIMATED
ADULT FEMALES

28
KNOWN
DEAD
JAN 2017 – AUG 2019

12
CALVES
BORN OVER
LAST 3 SEASONS

Images collected under MMPA
Research permit number 17355
Photo Credit: NOAA/NEFSC/Christin Khan

RIGHT WHALE USE OF NORTHERN RANGE HAS INCREASED



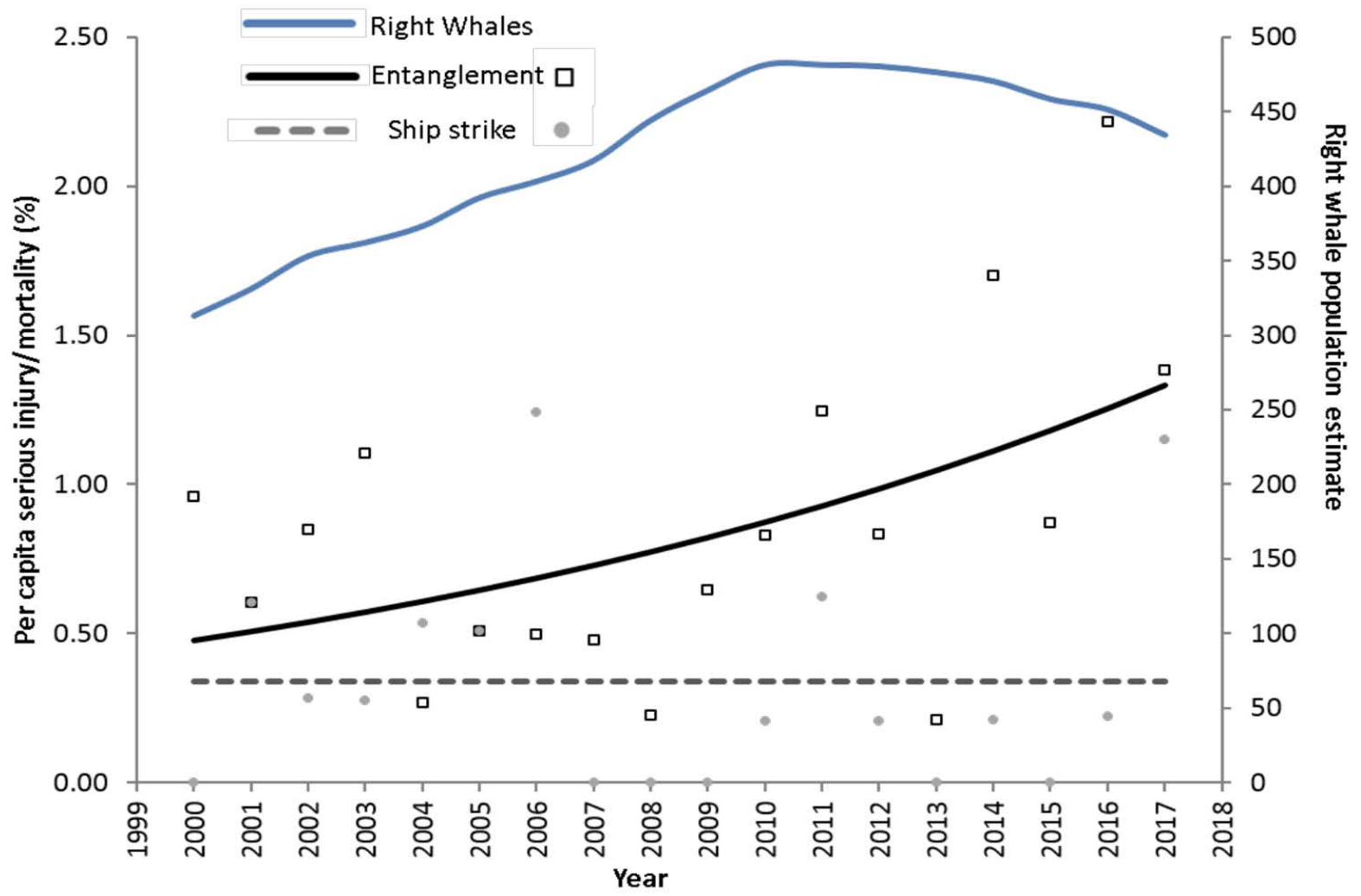
Increased energetic costs of extended migration

Continued human impacts throughout range

Increased exposure to Canadian fisheries and vessel traffic

- Evidence of snow crab entanglement from 2013 fishing year.
- Substantial increase in right whale presence in Gulf of St. Lawrence since 2015 (Canadian Science Advisory Secretariat; Science Advisory Report 2019/028)
- High mortalities in Gulf of St. Lawrence: 2015 (3), 2017 (12), 2019 (8), including ship strikes and entanglements

TRENDS RELATED TO ENTANGLEMENT ARE INCREASING



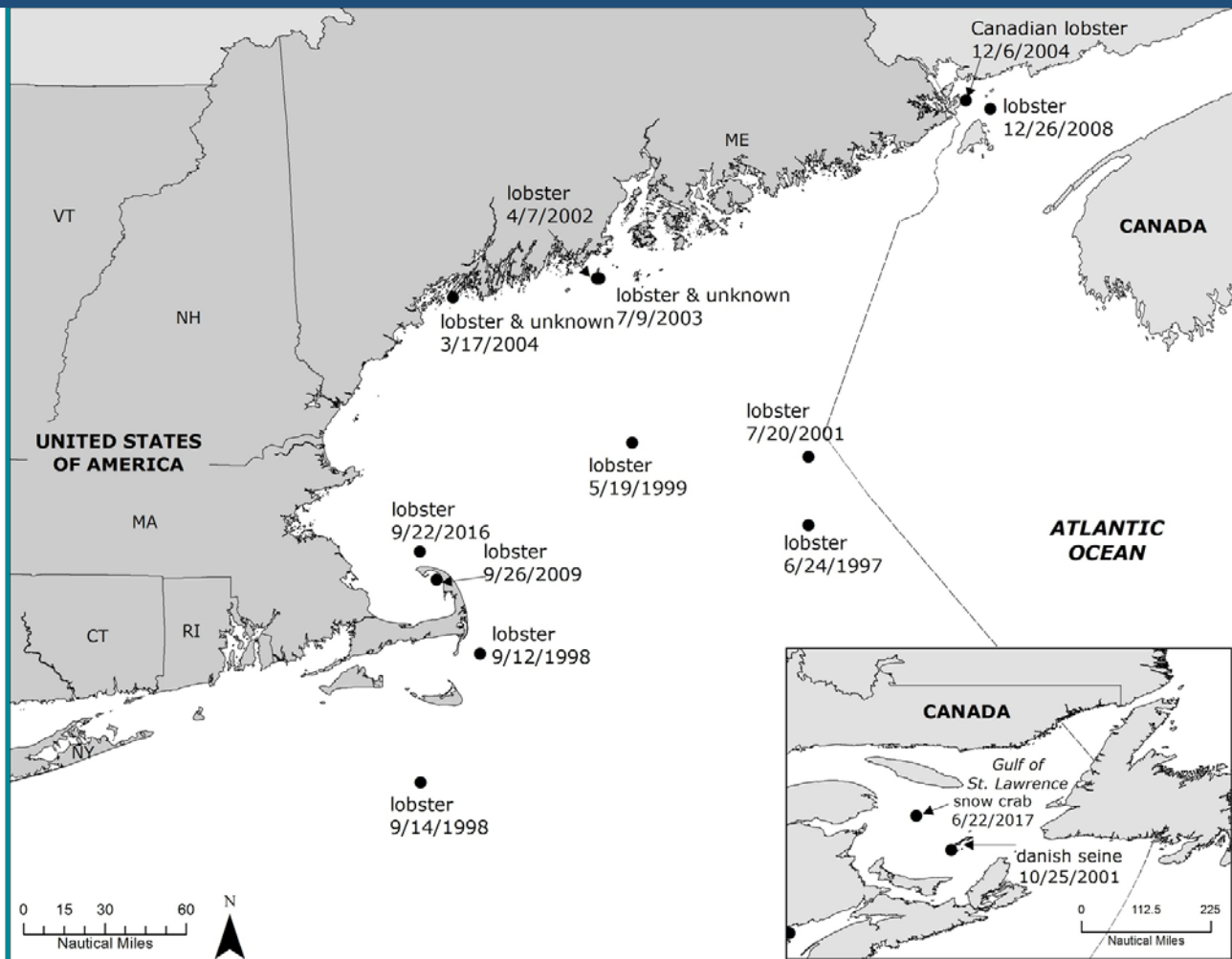
UNCERTAINTY ABOUT ORIGINAL SITE OF ENTANGLEMENTS

For example, in 2018, three right whale mortalities were documented, all showing signs of entanglement, all first seen in U.S. waters

- Gear retrieved from January mortality in Virginia – Canadian snow crab
- No retrieved gear but clear indicators of pre-mortem entanglement in
 - August (Martha's Vineyard) or
 - October (> 100 miles east of Cape Cod)



UP TO 100 RIGHT WHALES/YEAR ENCOUNTER GEAR, THROUGH 2017, WE ONLY KNOW ORIGINAL SITE OF 13 INCIDENTS



Right whale entanglements from 1997 through 2017 for which the set location and type of gear are known, and gear was recovered from a whale. (Source: [Hayes et al. 2018](#))

Throughout waters offshore of Northeast U.S. Atlantic, Bay of Fundy, and Gulf of St. Lawrence

MARINE MAMMAL PROTECTION ACT

The MMPA prohibits take of marine mammals - but provides conditional exception for incidental take in commercial fisheries

TAKE REDUCTION TEAM PROCESS:

- **Required** if incidental mortality and serious injury exceeds Potential Biological Removal (less than one right whale)
- Take Reduction Planning:
develop and recommend take reduction measures, consensus-based
- NMFS has the ultimate responsibility to take action



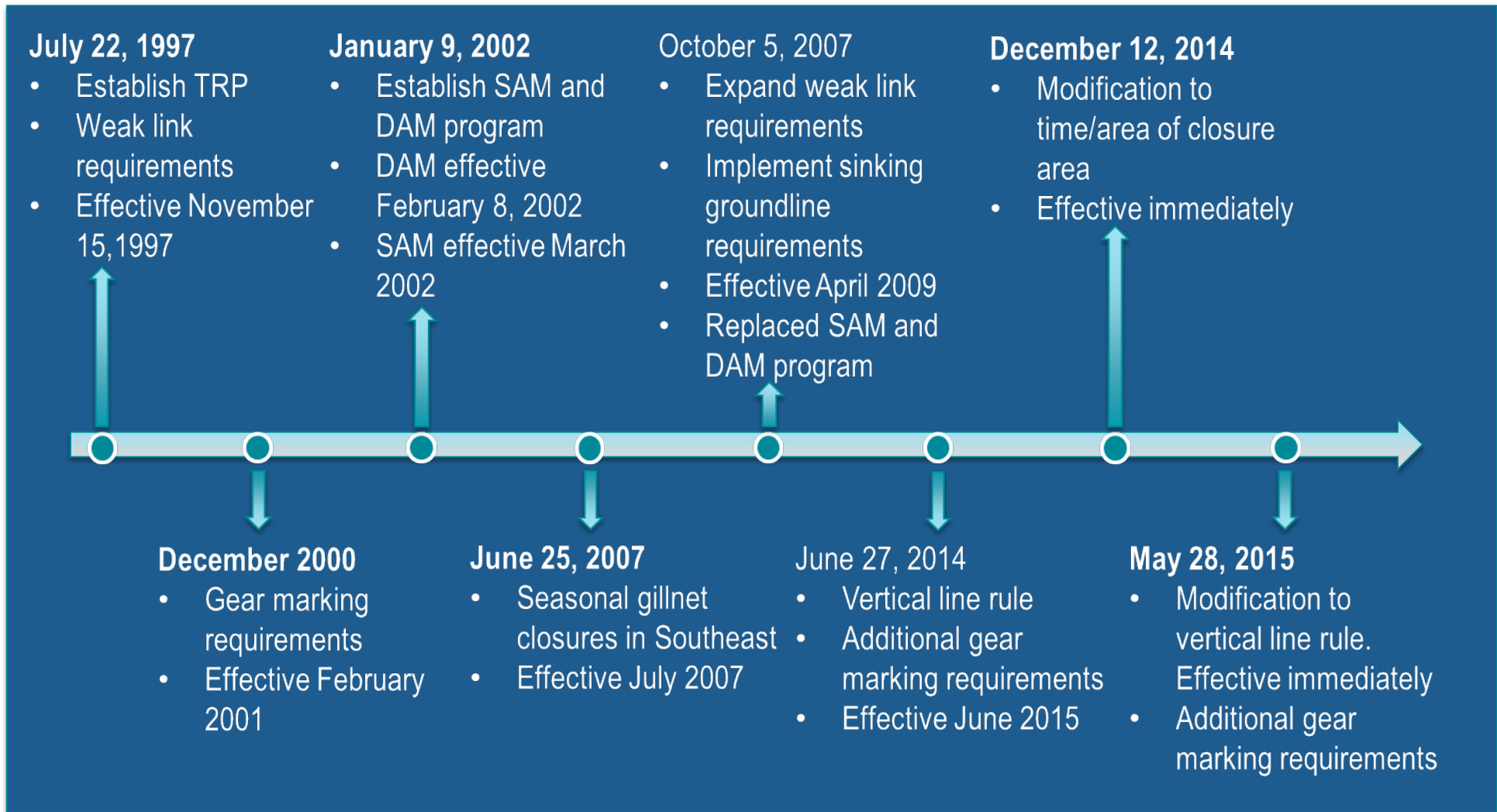
ATLANTIC LARGE WHALE TAKE REDUCTION TEAM



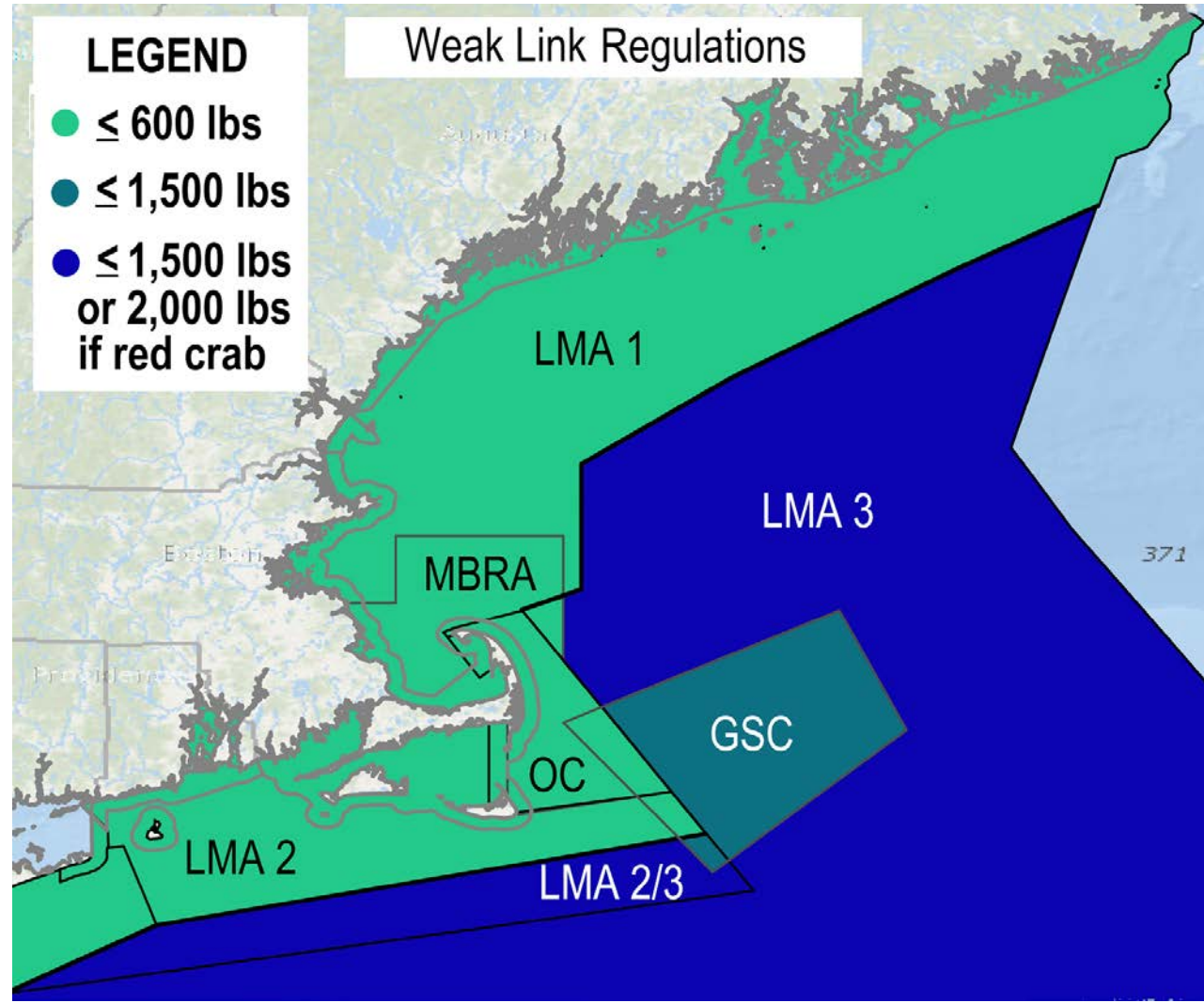
Photo by Jim Hain, Right Whale News

| Group | Number of Members |
|-------------------------------------|-------------------|
| Trap/Pot Fishery | 18 |
| Gillnet Fishery | 5 |
| Conservation/ Environmental | 6 |
| Academic/ Scientific | 9 |
| State Managers | 14 |
| Federal Managers | 5 |
| Fishery Management Organizations | 4 |
| Total | 61 |

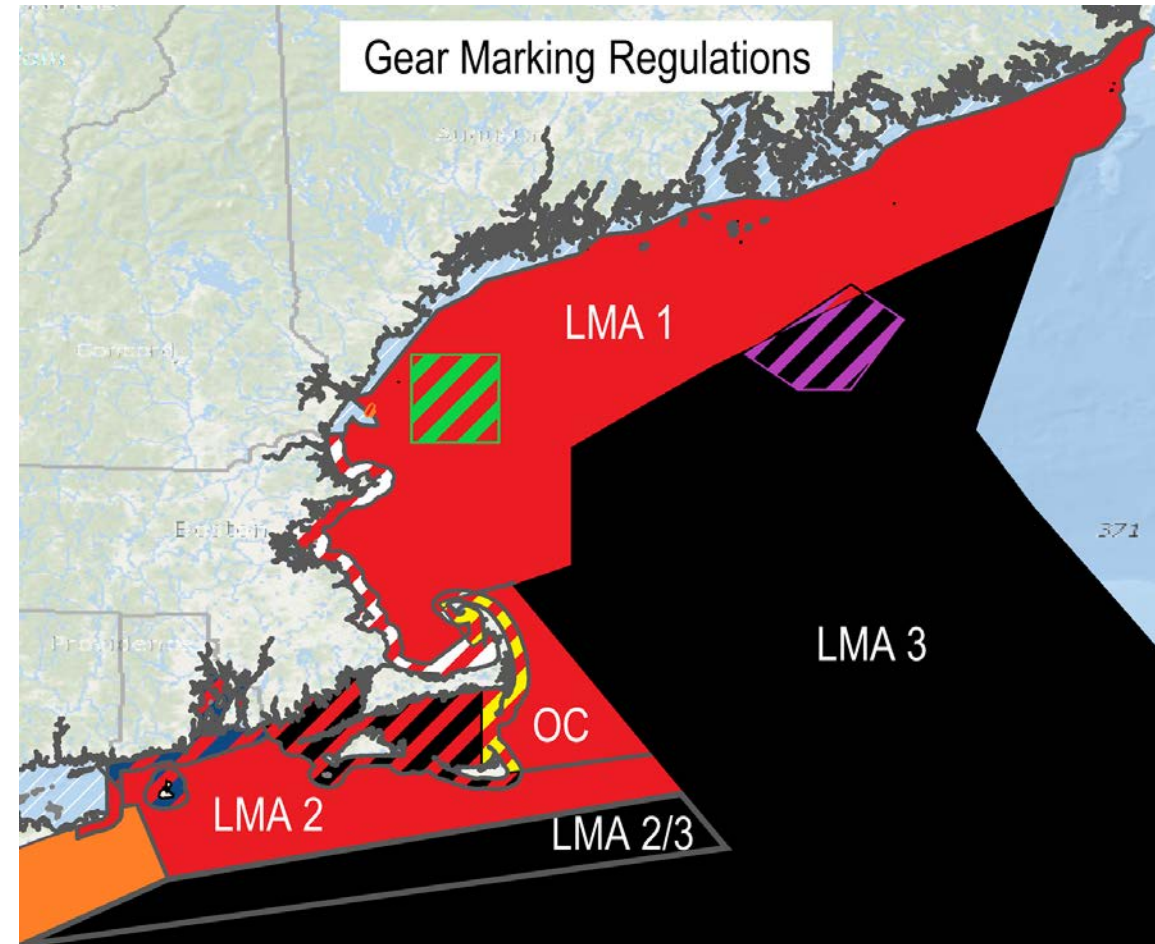
Atlantic Large Whale Take Reduction Plan



Current Plan – Weak Links



Current Plan – Gear Marking

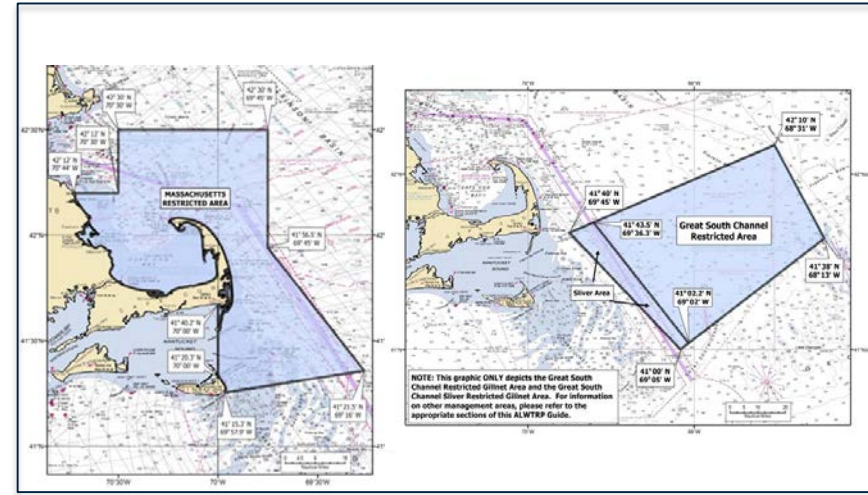


And other measures; see [webpage](#) for complete Plan details

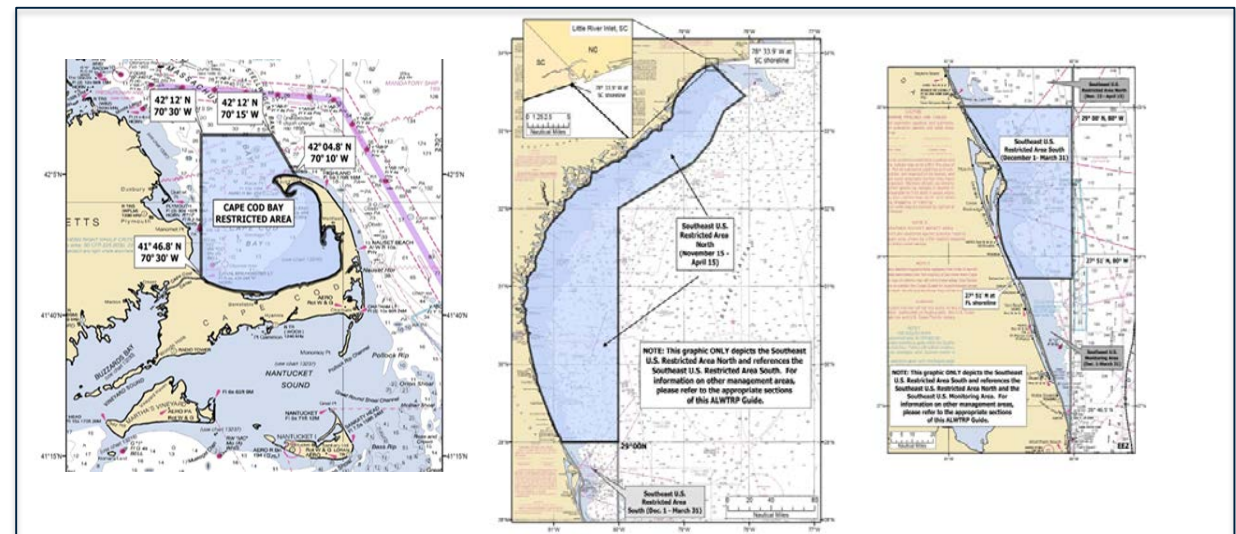
Current Plan – Closures

Area closures:

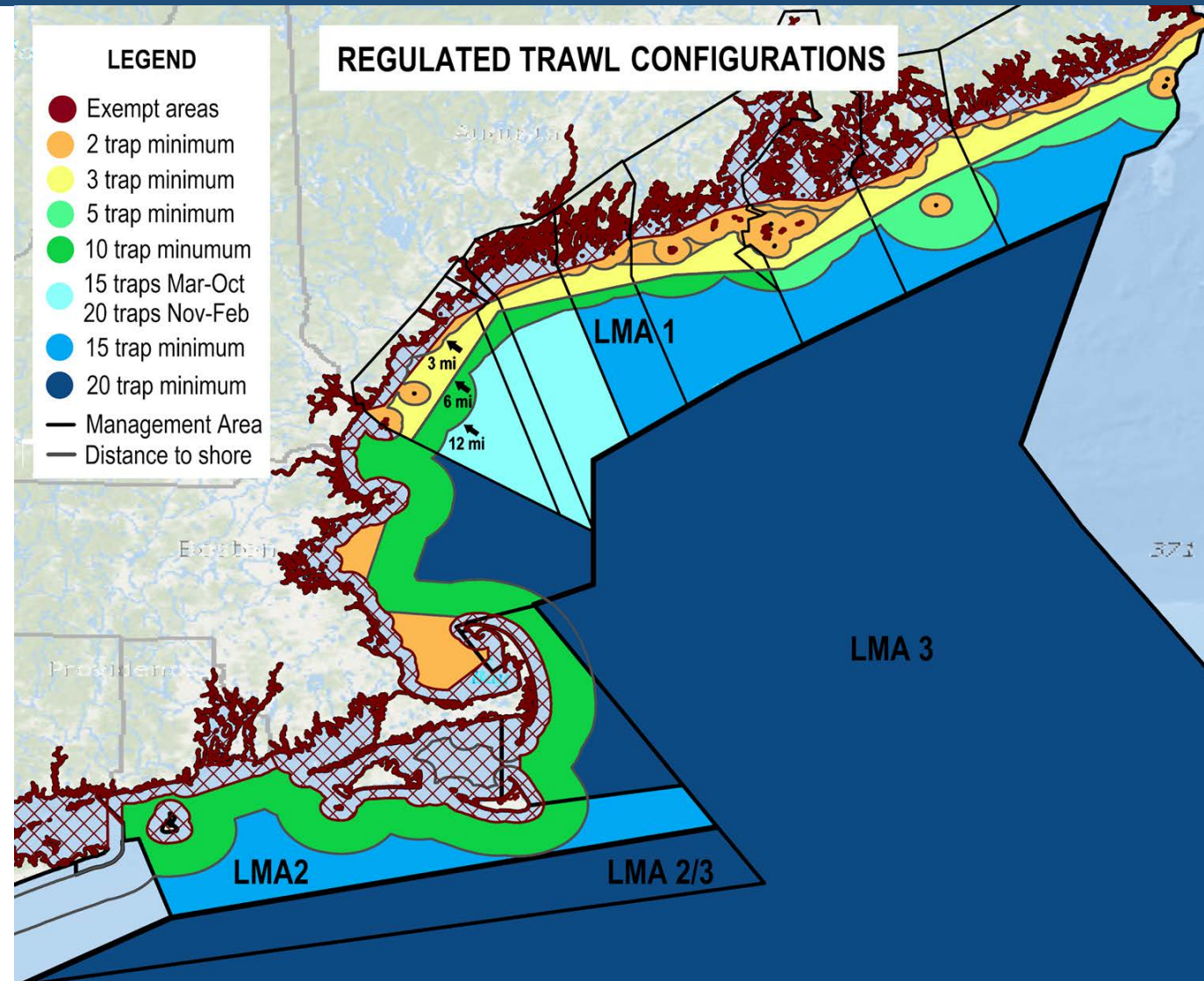
- Trap pot closures: two areas, over 6,300 mi². seasonally closed to trap/pot fishing for three months each



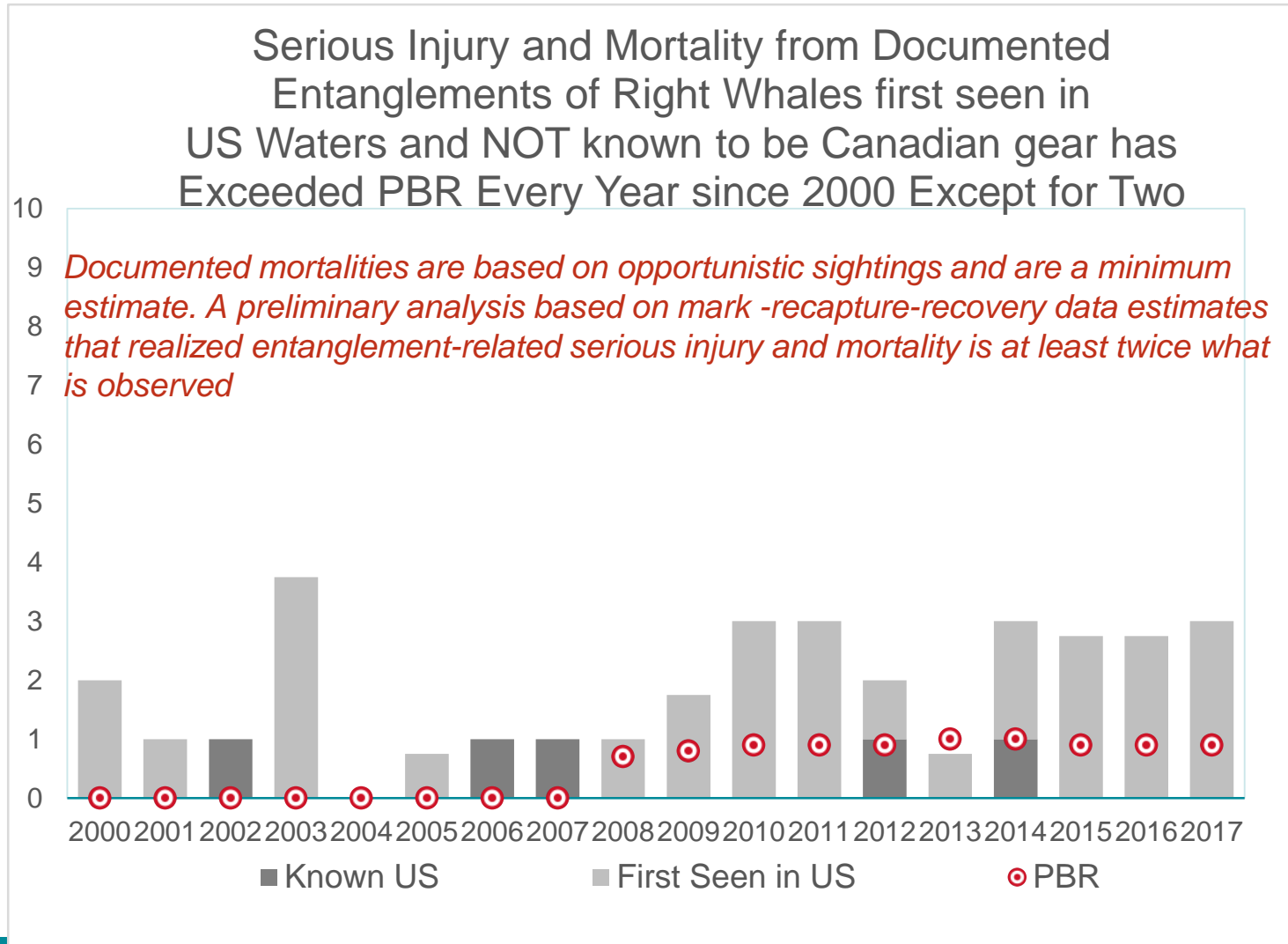
- Gillnet closures: over 28,000 mi² seasonally closed to gillnetting for 3 to 6 month periods



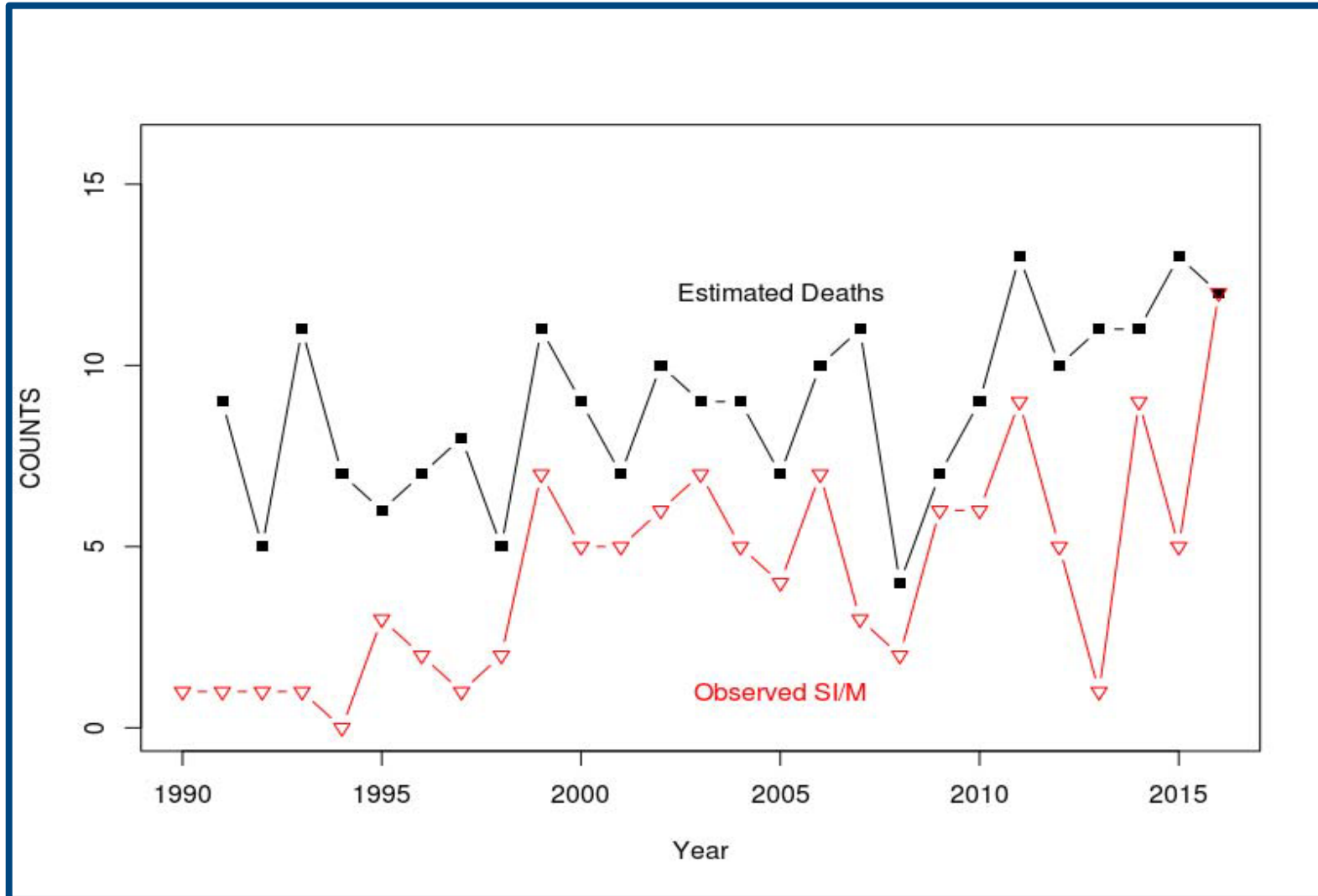
Current Plan – Trawling Up



RIGHT WHALE MORTALITIES IN US COMMERCIAL FISHERIES STILL EXCEED PBR



NOT ALL RIGHT WHALE MORTALITIES ARE DETECTED

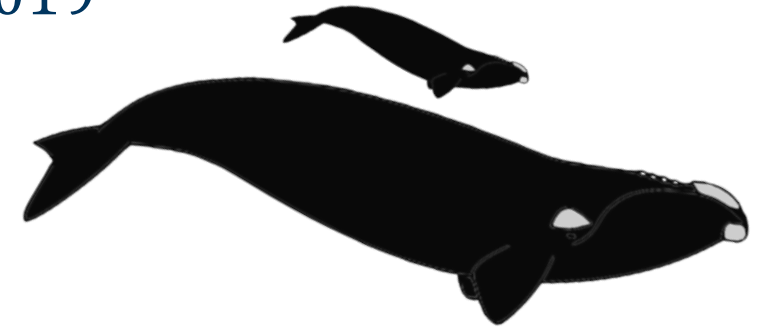


From [2018 Right Whale Stock Assessment Report](#), Figure 4. Observed annual total serious injuries and mortalities (SI/M) versus estimated mortalities extending the methods from Pace et al. (2017). Note that before 2000, observed SI/M attributed to Canada were not included in stock assessment reports and may partially explain low numbers of observations during those years.

APRIL 2019 ALWTRT MEETING

Meeting goal: Identify and recommend modifications to the ALWTRP to further reduce impacts of U.S. fixed gear fisheries on large whales and reduce mortality and serious injury to below PBR (0.9/year) for right whales

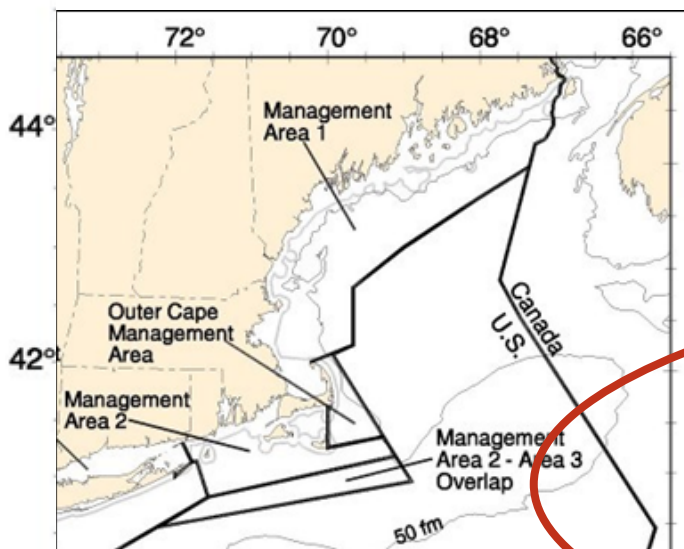
Objective: Risk Reduction Focus: Develop consensus recommendations on a suite of measures that will achieve a 60 to 80% reduction in mortalities and serious injuries of right whales in U.S. fisheries to support NMFS rulemaking that will be initiated in May 2019



Relative Risk Reduction Decision Support Tool:

$RISK = \text{Whale Density} * \text{Gear Density} * \text{Relative risk of gear configuration}$

NEAR- CONSENSUS AGREEMENT

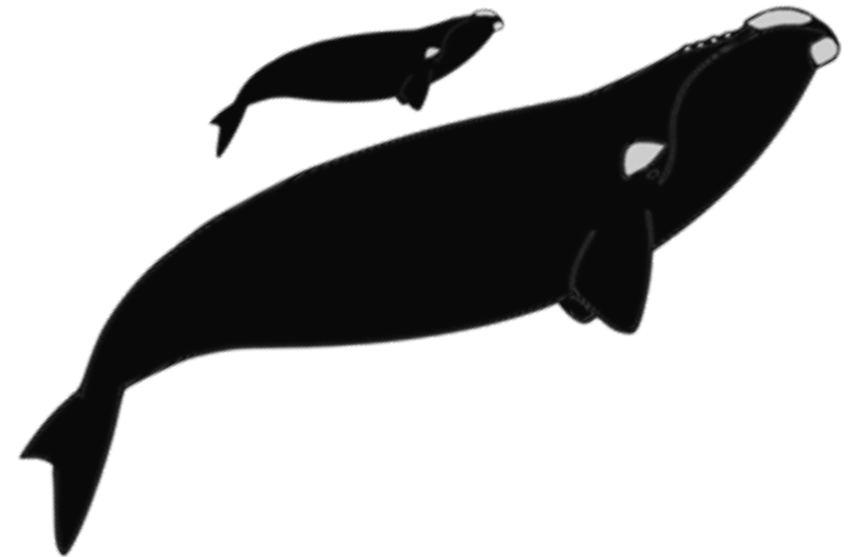


Lobster management areas (LMAs) created for fishery management purposes

| 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 $\frac{3}{4}$ length of buoy line (toppers) (11.6% risk reduction) | 61.6% |
| NH LMA1 | 30% vertical line reduction (30% risk reduction) | 1700lb 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 1700lb breaking strength or equivalent (11% risk reduction) | 60% |
| | 30% vertical line reduction, not including MBRA fishermen (-5%) (25% 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% |

APRIL 2019 ALWTRT RECOMMENDATION: Considerations

- “Dwight Carver safety exemption” for skiffs and students.
- Revisit need for weak links in trap/pot gear
- Decision Support Tool Improvements
- Take Reduction Plan monitoring, to include:
 - Whale surveys - numbers and distribution
 - Lines – numbers and trends
 - Evolution of implementation including
 - Accommodate gear innovations
 - Assess effects on socioeconomics post implementation



NEED INPUT ON ELEMENTS OF APRIL 2019 ALWTRT RECOMMENDATIONS

1. Line Reduction Measures
2. Weak Rope
3. Gear Marking
4. Closed Areas



Line reduction considerations: LMA 2 Ongoing Effort Reduction

TRT Line Reduction Goal: 18% by 2021 Under ongoing effort reduction measures

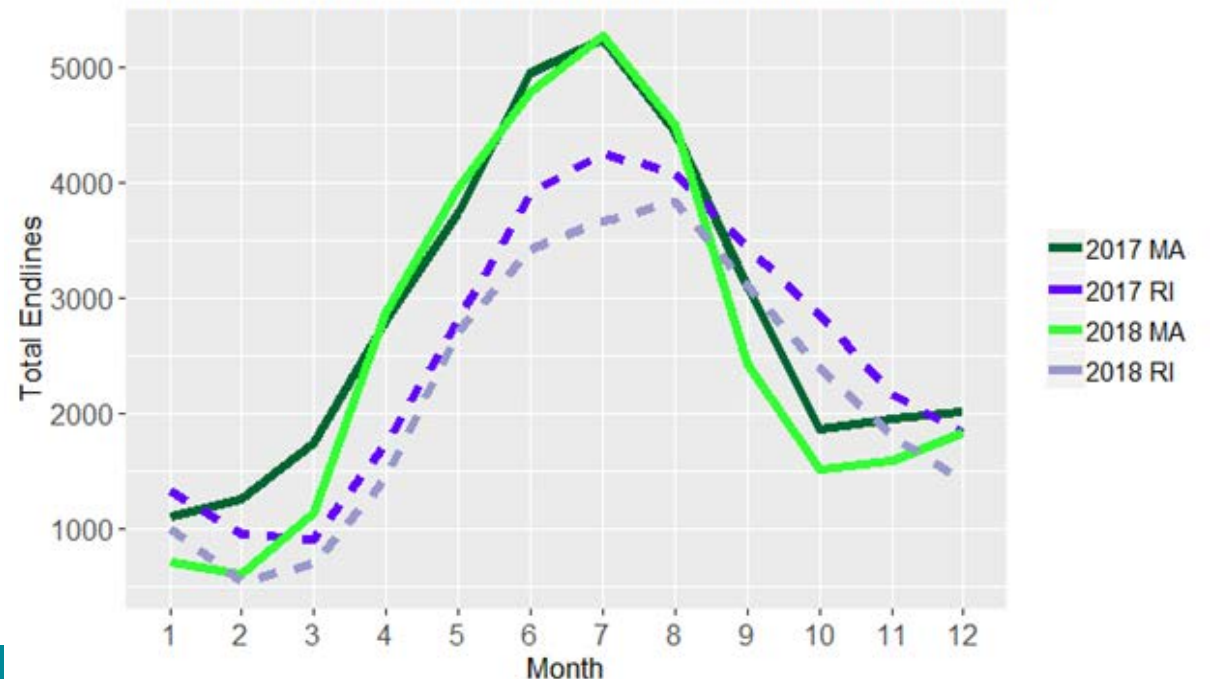
LMA 2 Trap Allocation Reduction Schedule

| Start of Fishing Year | % reduction |
|-----------------------|-------------|
| 2016 | 25% |
| 2017 | 5% |
| 2018 | 5% |
| 2019 | 5% |
| 2020 | 5% |
| 2021 | 5% |

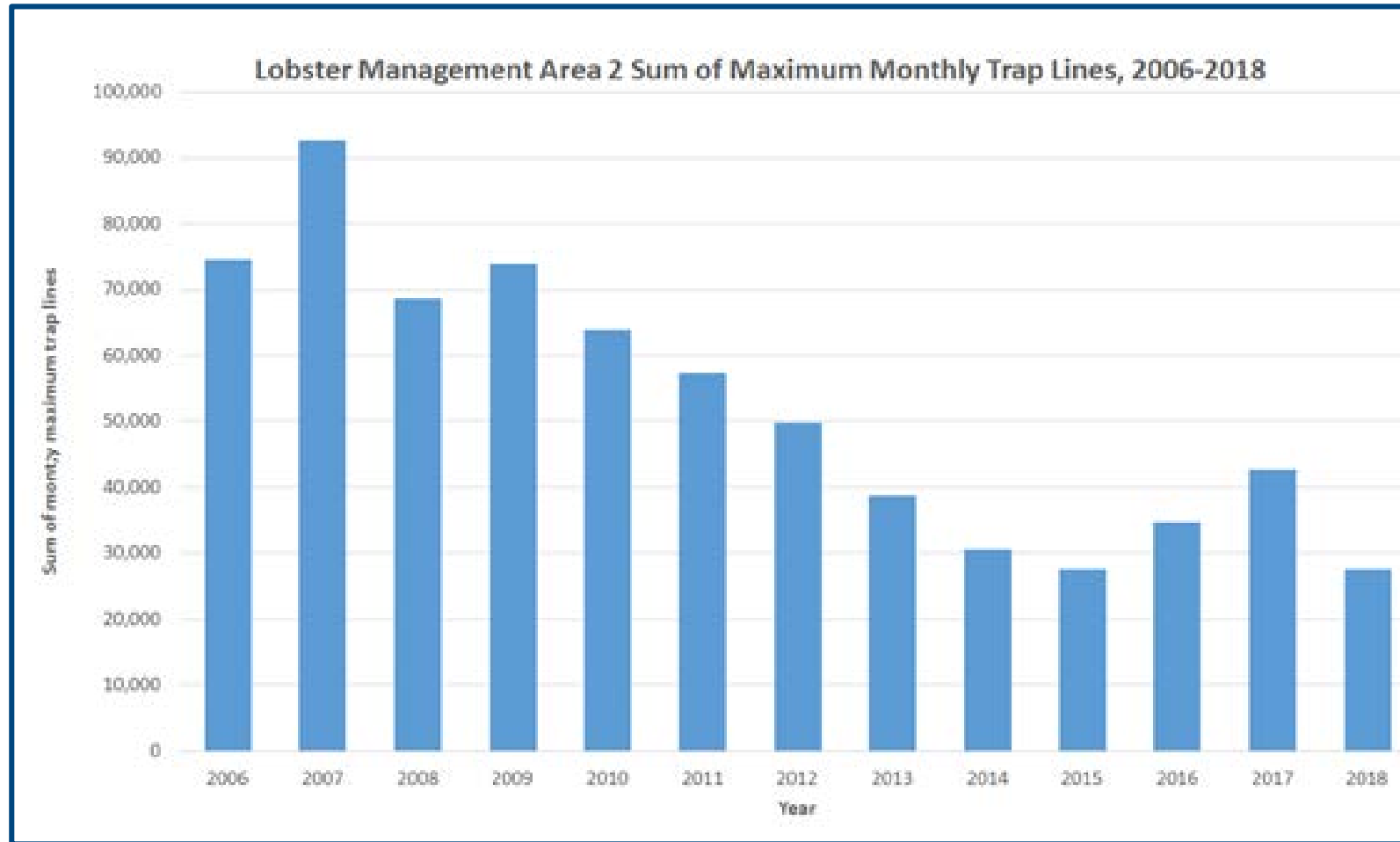
Line Reduction Achieved Since 2017

| Rhode Island Estimated % Endline Reduction | Massachusetts Calculated % Endline Reduction |
|--|--|
| - 8.10% | - 10.44% |

Reported (MA) and estimated (RI) LMA 2 end lines, 2017 and 2018



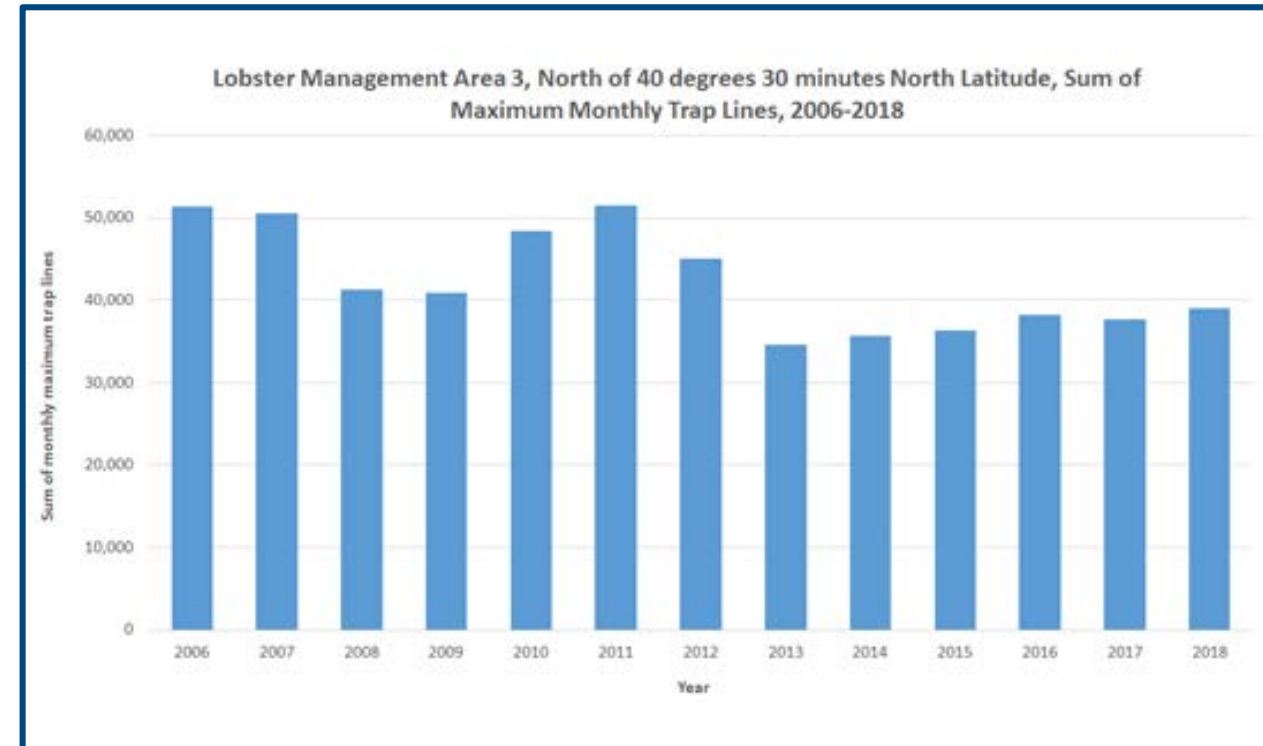
Line reduction considerations: Similar trends seen in preliminary review of LMA2 VTR data



Currently, not all permitted lobster fishermen are required to submit Vessel Trip Reports (VTR), so this is not a complete census, but is considered evidence of general trends of line numbers as derived from VTR reports received.

LMA 3 Trends

Preliminary review of VTR data does not show a declining trend in endlines in LMA 2/3 overlap or LMA 3



1. Line reduction measures: Options and Considerations

| Endline reduction | Potential considerations | Potential benefits |
|--------------------|---|--|
| Trawling up | <ol style="list-style-type: none"> 1. Equipment cost 2. Labor cost 3. Catch impacts 4. Gear loss 5. Additional crew 6. Vessel modification 7. Safety | <ol style="list-style-type: none"> 1. Savings on endlines and buoys 2. Savings on fuel |
| Endline allocation | <ol style="list-style-type: none"> 1. Similar to above list | <ol style="list-style-type: none"> 1. Fishermen choose reduction method |
| Trap reduction | <ol style="list-style-type: none"> 1. Catch impact | <ol style="list-style-type: none"> 1. Savings on endlines and buoys 2. Savings on traps 3. Savings on other lines |

Risk Reduction Estimate Example:
 18% endline reduction = 18% risk reduction

2. Weak rope and weaknesses in buoy line: Why?

A review of 132 rope segments recovered from 70 whale entanglements showed few whales, and no right whales carrying gear with breaking strength of less than 1700 lbs. The authors believe that right whales are capable of breaking free of rope with breaking strengths of 1700 lbs and less. [\(Knowlton et al., 2015\)](#)

This is consistent with an estimate of the maximum thrust and force of that right whales are capable of based on their anatomy. [\(Arthur et al., 2015\)](#)



Weak Rope examples



South Shore Sleeve, other weak inserts include spliced in 5/16th rope and other devices that break at 1700 lbs.



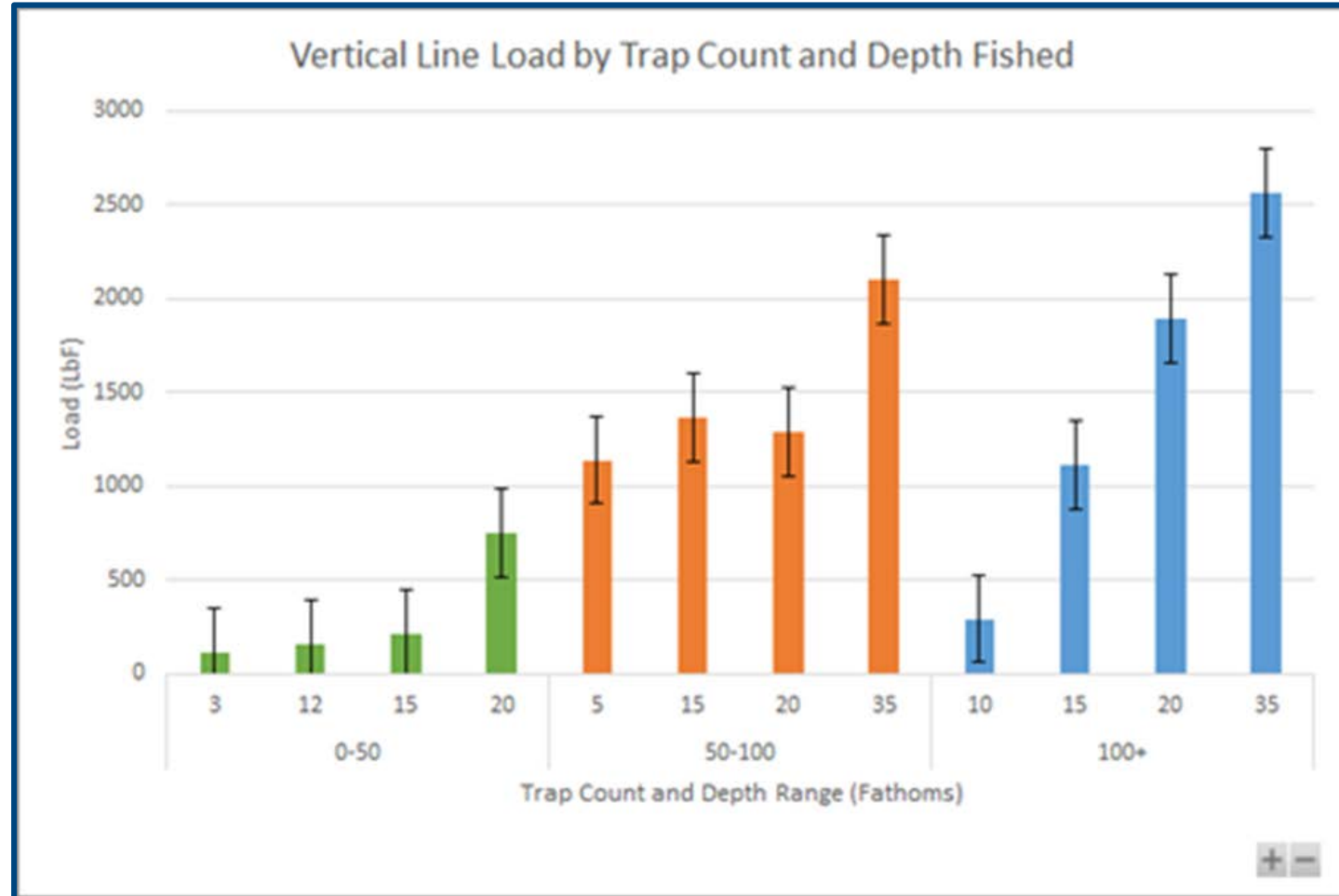
Examples of “weak” rope obtained for testing by the Massachusetts Lobstermen’s Association: Ketchum rope and Shippagan rope

Measurements of force of hauled gear

353 hauls using load cells to measure force used:

- Smaller trawls in < 50 fathoms required < 1700 lbs
- Approaching 1700 lbs for trawls of 15-20 pots/trawl in 50-100 fathoms,
- Over 1700 for:
 - 35 pots/trawl in 50-100 fath
 - 25 pots/trawl in 50-100 fath
 - 20 pots/trawl in > 100 fath

> 50 fath - weak toppers



Preliminary data from Maine Dept. of Marine Resources assessment of vertical line in Gulf of Maine Region under NOAA Fisheries Grant NA18 NMF4720084

Weak rope measures: Options and Considerations

| Weak Rope | Potential considerations | Potential benefits |
|--|---|---|
| Weak Rope | <ol style="list-style-type: none"> 1. Gear replacement costs 2. Gear modification (time) costs 3. Gear loss costs 4. More frequent replacement 5. Increasing operating risks | <ol style="list-style-type: none"> 1. Avoids area closure 2. Savings when replacing new ropes |
| Intermittent weak rope: Sleeves, spliced in weak rope, or other “contrivances” (menu) every 6 - 10 fathoms | <ol style="list-style-type: none"> 1. Gear modification costs (lower than full rope replacement) 2. Gear loss costs | <ol style="list-style-type: none"> 1. Avoid area closure 2. Cheaper than changing rope |
| Timed Tension Line Cutter | <ol style="list-style-type: none"> 1. Device costs (TTLIC not yet commercially available) 2. Gear loss due to device failure or gear conflict 3. Can result in extensive lengths of line on whales | <ol style="list-style-type: none"> 1. Avoid area closure 2. Fish with original gear sets |

Preliminary Risk Reduction Estimate: 1700lb every 10 fathoms everywhere < 100m ~ 21.5%

1700lb toppers everywhere >100m ~ 9.6%



3. Gear marking measures: Options and Concerns

Options:

- TRT recommendation: everywhere year round, no exemptions (not just New England)
- Supported: 3 foot solid mark within two fathoms of buoy; addition to current 1 foot requirements for mark in top, middle and bottom sections
- Modify to delineate country, support for state colors, consider adding additional area marks
- Allow sleeves/weak inserts as gear mark

| Potential costs | Potential benefits |
|--------------------------|---|
| 1. Equipment 2. Labor | Increase the probability of identification of recovered lines from whales to reduce uncertainty of location of entanglement |



4. Area closure measures: Not in Team Recommendation

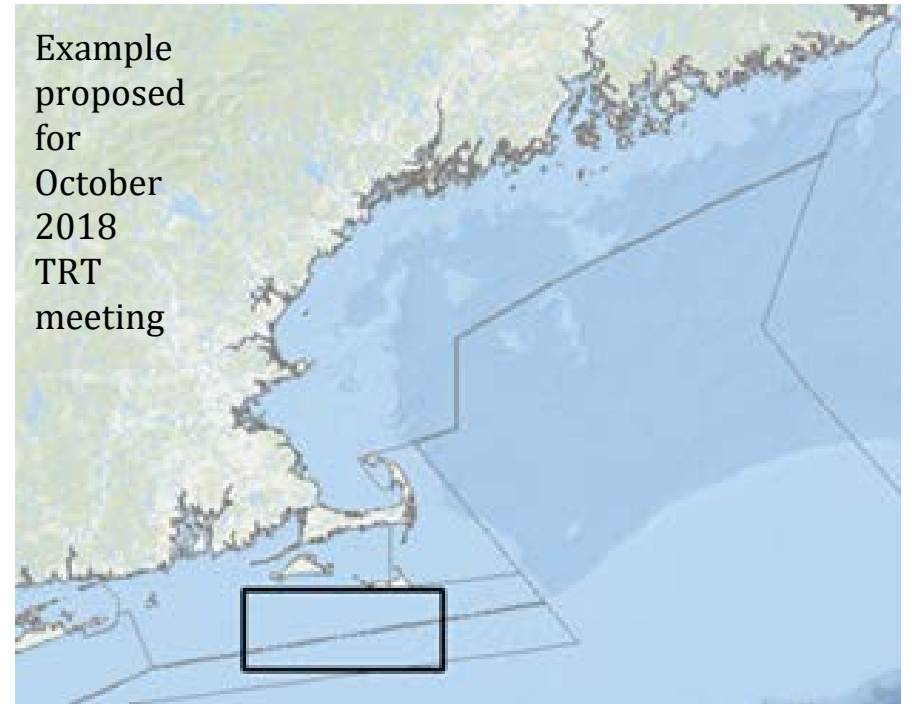
| | Potential considerations | Potential benefits |
|------------------------------------|---|--|
| Gear in (move to other areas) | <ol style="list-style-type: none">1. Fuel costs2. Less catch | <ol style="list-style-type: none">1. Exploring new fishing ground2. Maintain income stream to support year round costs |
| Gear out (move to dock) | <ol style="list-style-type: none">1. No catch2. Extra trips to move gears3. Storage costs4. Cash flow/payments costs | <ol style="list-style-type: none">1. Reduce operating costs: Bait, fuel, etc.2. Labor savings3. Better catch in the future (more and higher quality) |
| Ropeless as alternative to closure | <ol style="list-style-type: none">1. Device costs2. Gear loss costs due to device failure or gear conflicts3. Costs to mobile fisheries and enforcement for detection4. Safety | <ol style="list-style-type: none">1. Alternative to area closure2. Fish with original gear sets |



Example area closure measures:

Risk Reduction Estimates generated upon request at TRT meeting:

- Nantucket for Feb - May 15 (gear removed)
~ 1% risk reduction
- Half year LMA1 closure Jan - May:
~ 29.2% risk reduction,
~ 16.1% reduction of lines



*LESSON: To be effective, need to be large and for long periods of time

Examples suites of measures that reach the target

1. TRT Framework:

Universal line reductions varying by management areas/jurisdictions
+ extensive weak rope

2. Universal weak rope

+ line reduction under existing fishery management effort reduction plans (LMA $\frac{2}{3}$ 18% anticipated)
+ large area closures 2-3 months

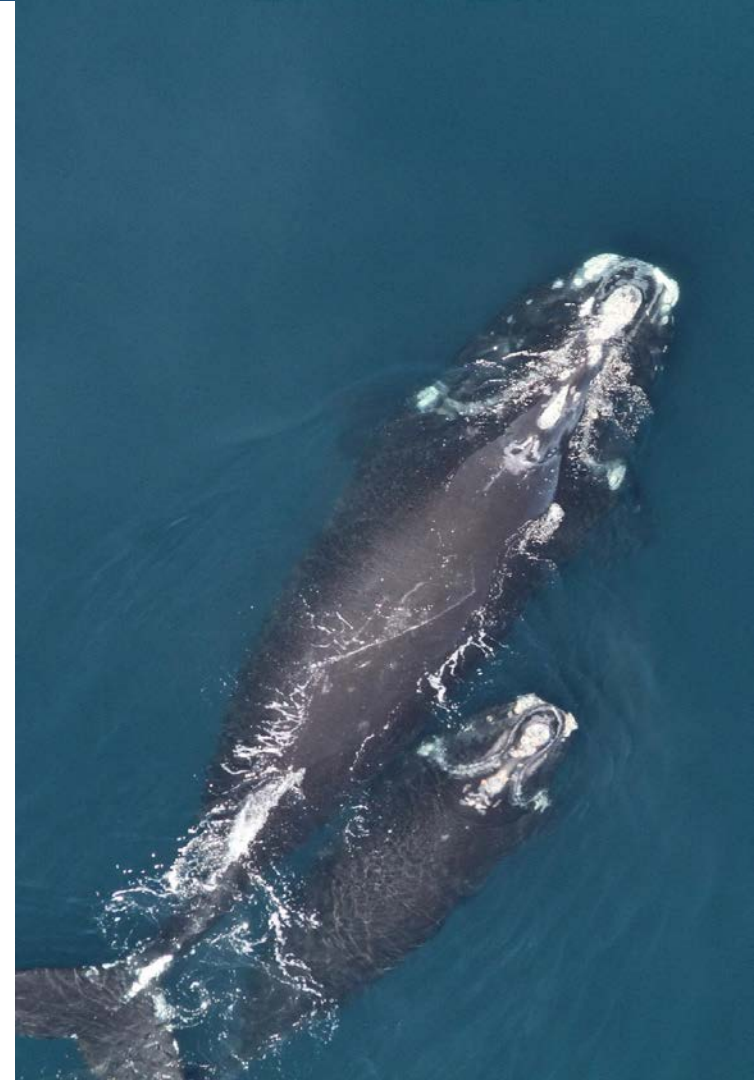
3. Universal weak rope

+ entire fishery closure Feb-May 14

The TRT alternative appears more reasonable

NEXT STEPS

- Consider information from scoping meetings and share with states
- Draft Environmental Impact Statement (DEIS) to analyze risk reduction alternatives
- Request comments on DEIS late in 2019
- Parallel state rulemaking
- Draft proposed rule for Federal waters and to mirror state rules
- Proposed Rule will be published for comments



2019 SCOPING MEETING PROTOCOLS



Using the order on the sign in list, I will call you up to the microphone.

If you did not sign in but want to speak, we will try to give you that opportunity after running through our initial list

Written comments are welcome:

Under subject line (or write on outside of envelope):

“Comments on Atlantic Large Whale Take Reduction Plan Scoping.”

 By Email: gar.ALWTRT2019@noaa.gov

 By Mail: Address to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930-2276.

2019 SCOPING MEETING PROTOCOLS

We are collecting your comments to guide DEIS development and help us define the alternatives and elements we will analyze

- Active and focused participation requested
- Respectful interaction; please keep an open mind and listen to others
- Make good use of everyone's time:
 - Please limit comments to 3 minutes so other can participate and
 - Please restrict comments to the meeting goal (scope of alternatives and elements to be analyzed)
 - There is no need to repeat other comments verbatim, just indicate support
- Comments should be directed to NOAA Fisheries and Rhode Island Division of Marine Fisheries staff

USEFUL INPUT ON YOUR FISHING OPERATIONS

| Vessel Characteristics | Fishing Practice | Gear marking or replacement |
|------------------------|---|---|
| Vessel length | Do you fish your total trap allocation? | How do you mark your gear? |
| Fishing area | How many/what percentage of traps in water at a time? | On land or at sea? |
| Total traps | Do you pull gear? Where do you keep your gear when season is over? | What about line replacement or weak sleeves installation? |
| Gear configuration | What's the storage cost? | How and where do you dispose of old fishing lines? |