

Addendum to Massachusetts Vertical Line Rule Exemption Request

The Division of Marine Fisheries will add the following conservation restrictions onto our proposal for exemptions to the Vertical Line Rule in waters from 0-3 miles in Lobster Management Area 1 and Outer Cape Cod. Our goal is to allow - for a five year period - the deployment of single traps and restrict the configurations of the gear to better identify the gear in the event of an entanglement. This proposal will further the Take Reduction Team's ability to determine the risk posed by deployment of single traps in Massachusetts state waters within 3 miles from shore to evaluate the impact of this exempted gear relative to all entanglement sources.

We propose:

- 1) Two-color buoy marking schemes will be required for the exempted gear. Separate unique marking schemes will be created for single traps in exempted MA waters (0-3 miles) of Lobster Management Area 1, and a second scheme for Lobster Management Area Outer Cape Cod.
- 2) Restriction on the vertical line and surface marking system used to mark single traps.
 - a. Prohibition on use of vertical line diameter greater than 3/8 inch in diameter in buoy lines associated with single pots in Massachusetts 0-3 mile waters in the Area 1 and Outer Cape Cod .
 - b. Prohibition on deployment of surface systems on single lobster trap buoy lines that would resemble the surface system of a multiple pot trawl¹.

We anticipate that the Massachusetts exemption from trawling up in the 0-3 mile zone will be evaluated consistent with the Atlantic Large Whale Take Reduction Plan Monitoring Strategy. Based on the evaluation of key criteria identified by the Strategy, this exemption may be "sunsetting" after a five year period. Evaluations should include levels of compliance, trends in number of buoy lines, percentage of observed entanglements monitored, and presence of exempted fishing gear on stranded animals. Prior to a lifting of the Exemption, we request standard review by the Take Reduction Team in late 2019 or early 2020.

¹ (3) Fixed Gear Marking Requirements. The following minimum requirements apply to the marking of fixed gear within waters under the jurisdiction of the Commonwealth.

(b) Pot Trawls and Single Pots:

- i. the east end of a pot trawl shall be marked with a double buoy, consisting of any combination of two 7" x 7" or 5" x 11" buoys and one or more three foot sticks. The west end of a pot trawl shall be marked with a single 7" x 7" or 5" x 11" buoy with a three foot stick and a flag. Single pots shall each be marked with a single 7" x 7" or 5" x 11" buoy. Sticks are optional, but if used, shall not have a flag attached.

The rationale for the unique gear marking scheme is to help the Commonwealth, NMFS and the Take Reduction Team identify the relative contribution of inshore single trap vertical lines to the overall serious injury and mortality of large whales.

The purpose of the ban on rope thicker than 3/8" diameter is two-fold. It may help eliminate single trap configured gear in Massachusetts waters of the Gulf of Maine and Outer Cape Cod from the list of possible sources of gear seen entangled on large whales. Assuming high compliance with the regulation, any entangling line greater than 3/8" diameter can be assumed not to be from exempted Massachusetts gear. Furthermore, it is our contention that lighter breaking strength line will result in less injuries. Finally the Commonwealth enjoys the advantage of the state and federally supported Disentanglement Network in Massachusetts (Provincetown) and we also can capitalize on the high level of entanglement detection and reporting thanks to the robust whale watch industry and concerned boaters in the recreational fishery and other private boaters.

The prohibition on deploying surface system buoys on single traps that resemble trawl ends will further corroborate that buoy lines with trawl end features are definitively not single trap exempted gear.

We have included the sunset clause is to provide a safety net or stop-gap measure for the proposed exemption from trawling up within 0-3 miles. The goal is to give our intensive gear marking scheme and disentanglement efforts time to illustrate what role, if any, entanglements in single trap buoy lines in Massachusetts contribute to overall serious injury and mortality of endangered whales. DMF and the industry's expectations is that this exempted gear that is close to shore, simple in its configuration, and with low breaking strength has a proportionally lower impact than other fixed gears that are fished in more important whale habitats, has more complex configurations and higher and more lethal breaking strengths.