

**ALWTRP Scoping Meeting  
Manahawkin, NJ  
July 29, 2011**

**NMFS Staff:** Dave Gouveia, Kate Swails, Mike Asaro  
**Number in attendance (not counting NMFS staff): 4**

NOTES: This meeting began with Mr. Gouveia and Ms. Swails giving their mid-Atlantic presentation and concluded with questions and comments from those in attendance. The meeting was attended by 4 commercial fishing representatives.

*Meeting began at 6:00pm:*

Mr. Gouveia provided the introduction

- Agenda overview
- Purpose of scoping

Mr. Gouveia provided an overview of the regulatory process, the role of scoping  
Emphasized the importance of industry feedback and proposals

Mr. Gouveia provided an overview of the statutory requirements

- ESA (ship strike rule, critical habitat, Section 7 consultation)
  - ESA consultations, biological opinions
  - Jeopardy determinations and the mandate to enact measures
- MMPA of 1972 and 1994 amendments
  - Stock assessment process, SI&M
  - PBR and ZMRG
  - Take reduction planning process and MMPA timetable mandates
  - “Extremely tough standards for the agency”

Mr. Gouveia provided a history of major ALWTRP actions

- 2000 rule gear modifications, critical habitat closures
- 2002 rules for SAM, DAM, and gear modifications
- 2007 broad-based gear modes focusing on groundlines

Mr. Gouveia provided an overview of the current need for actions

- PBR levels for large whales, primarily right whales and humpback whales
- All large whale stocks have positive growth rates
- However, entanglements are still occurring

Mr. Gouveia provided an overview of 2010 and 2011 entanglement cases

- Described NMFS’s mandate to eliminate serious injury and mortality, not all entanglements

Mr. Gouveia provided a summary of vertical line management development

Vertical line model using better information – factors in gear characterization information as well as large whale SPUE data from researchers, NAVY, and NEFSC aerial and vessel surveys

Interested in using these datasets to target specific areas

Mr. Gouveia provided an overview of vertical line model development

Presentation of gear characterization and SPUE results in New England as an example – and co occurrence

Using co-occurrence to target specific areas as opposed to all of New England

Ms. Swails provided a presentation on the regulatory process timeline

Proposed rule scheduled for 2013

Final rule scheduled for 2014

Ms. Swails provided a presentation of the goal of rulemaking

Cannot move the location of whales so NMFS must manage fishing gear

Ms. Swails provided a presentation of management matrix

Options include closures, gear modifications, in specific areas

Ms. Swails requested feedback and proposals

How to improve gear marking

How to improve collection of gear characterization data

Ms. Swails provided a presentation on the co-occurrence in the mid-Atlantic

Vertical line density all along the coast

Annual average of coastwide SPUE

Chart on wall of co-occurrence in the Northeast

Chart on co-occurrence of mid-Atlantic

Ms. Swails stated that the likely best option for the mid-Atlantic is for gear marking and monitoring measures

Ms. Swails asked for comments, proposals, and other feedback. She mentioned that people are encouraged to work with their states to submit formal proposals due September 30.

One commenter suggested development of a simple tag to place on endlines

Ms. Swails responded that there are a range of options being considered, including high-tech options.

Ms. Swails asked for input on the frequency of potential gear marking.

Commenter stated that marking tape currently used works well and it should not be difficult to add more.

Commenter stated that pot fishermen have much longer season-long soaks than NJ gillnetters, but tape would work well for gillnetters.

Commenter stated that outside of 20 fathoms is the “wild west” – whales could be becoming entangled in ghost gear. He stated that gear outside of 20 fathoms gets chopped up by other fishermen.

One commenter stated that NJ lobstermen fish 20 pot trawls or longer. He stated that Maine lobstermen have much higher numbers of vertical lines.

Ms. Swails and Mr. Gouveia agreed and indicated that this is reflected in the co-occurrence model.

Mr. Gouveia stated that NMFS is approaching the problem differently in Maine, while in NJ management suggestions have primarily been increased monitoring and marking.

Ms. Swails stated that ideas in Maine have been not to fish single trawls.

Mr. Gouveia reiterated this and stated that ME fishermen have been providing good feedback to NMFS.

The same commenter asked if there are large whale entanglements in NJ waters.

Mr. Gouveia stated that much is unknown and it is difficult to attribute an entanglement to NJ – this has created the need for better marking.

Mr. Gouveia stated the idea that has been suggested to mark gear according to type and region.

The same commenter asked what types of marking or tags would be used.

Mr. Gouveia stated that it hasn't been determined, but may more likely be in the form of a tape rather than a tag.

Mr. Gouveia mentioned research on smart tape, etc, but stated that these technologies are not currently ready for implementation.

*At this time, a representative from Viking Village Commercial Dock read a prepared statement aloud.*

Mr. Gouveia acknowledged that fishermen in NJ agree with using co-occurrence as a management tool, but stated that the model has limitations. Although co-occurrence may seem reasonable to NMFS and members of the fishing industry, there may be others who are not completely confident in the model. One primary limitation in the co-occurrence model is the lack of survey/SPUE data in the mid-Atlantic. Mr. Gouveia stated that improving gear characterization will allow for the model to be updated over time. Mr. Gouveia noted that participation and input from the fishing industry will create a stronger argument for using co-occurrence and for following the management approach that is currently being discussed.

Commenter emphasized the presence of stakeholders with different views that are involved in the management process. He stated that these stakeholders may influence decision-making through lawsuits, etc that could result in management measures in the mid-Atlantic that are different than those being discussed.

Commenter thanked NMFS for taking the current approach and appreciated NMFS's openness in this process.

One fisherman asked if a lawsuit could potentially result in coastwide closures.

Mr. Gouveia acknowledged this possibility, but stated that the approach being considered is not expected to result in lawsuit/drastic closures.

Mr. Gouveia reiterated that the opportunity to submit proposals is an important one to utilize in this rulemaking and stated that NMFS is examining all gear characterization information.

Mr. Gouveia acknowledged the presence of differing opinions in the management process, particularly when considering management of trap pots and gillnets.

Mr. Gouveia and Ms. Swails thanked those who came, provided input, and submitted proposals. Mr. Gouveia reiterated the request for proposals from members of the fishing industry.

Commenter stated that weak links on net panels have resulted in less gear lost when the weak links break at the net.

Mr. Gouveia mentioned the development of a monitoring plan and its importance in collecting data and the likelihood that NMFS will collect data over a minimum of a 5 year time period (with the exception of entanglements that may occur in new/emerging fisheries).

One commenter stated that he believes the switch from floating to sinking groundlines will result in positive conservation benefits on its own.

Mr. Gouveia adjourned the meeting.