

**ALWTRP Scoping Meeting  
Ellsworth, Maine  
July 12, 2011**

**NMFS Staff:** Dave Gouveia, Kate Swails, Allison Rosner, John Higgins

**Number in attendance (not counting NMFS staff): 50**

**Including:**

- Meredith Mendelson, Senator Olympia Snowe's Office
- Norm Olsen, Commissioner of Maine's Department of Marine Resources
- Sarah Cotnoir, Maine Department of Marine Resources, Take Reduction Team State Representative
- Patrice McCarron, Maine Lobstermen's Association, Take Reduction Team Industry Representative

Several commenters suggested that allowing floating rope again would reduce vertical lines. They asked if the model could be used to look at areas where using groundline are not necessary and to calculate what percentage of floating rope should go back into the water. Commenters asked if the model could show increase in vertical lines from groundline requirements. Several audience members stated that if groundline changes were not up for discussion, they would not comply with any new vertical line measures. Commenters expressed displeasure that the Agency does not know whether sinking groundline requirements have resulted in reductions of entanglements yet. Agency cautioned that reverting back to floating groundline would add more line to the water and could increase risk of entanglement. Participants are welcome to submit it as a comment during the scoping process, but need to understand that it will not be a popular idea with the TRT. Agency also stated that a monitoring plan will go into effect once the entire Plan is implemented, which will be monitored for five years in order to determine if measures are effective.

Several audience members cited economic hardships caused by sinking groundline requirements. One commenter asked if Agency conducts post implementation economic assessments and insists that the economic hardships are larger than the EIS analysis predicted.

One commenter, a former Take Reduction Team member, stated that gear losses are high from groundline requirements. He stated that the federal government constantly imposes restrictions or technology requirements that are later proven ineffective, citing the 600lb weak link as an example. He stated that whales also are entangled in moorings. He stated that fishermen will not accept trawling up to 5 traps per trawl as acceptable risk given that jeopardy caused by vertical lines.

Several commenters adamantly expressed that they believe that they have been hearing about this for 15-20 years and that there has been no value for the people and communities affected by regulations.

Several commenters suggested that the Agency would need to re-examine the exemption line for sinking groundline issues before industry will start to address issues Agency wants to address. Industry will be more likely to cooperate with vertical line risk reduction measures if they are given back floating rope in certain areas.

Two commenters stated that the current groundline exemption line does not make sense and even divides islands in half. Several participants agreed that industry had not been consulted adequately during the development of the line.

One commenter asked why gear marking had not been pursued in the past and adamantly encouraged the Agency to listen to what fishermen say now and get better data. Agency responded that gear marking is on the table and if people feel better gear marking is necessary and feasible, it can be proposed. Agency also stated that this is why scoping is important, so industry ideas can be heard early in the process.

Two commenters stated that trawling up to ten traps per trawl will result in safety issues and people being hurt. An additional commenter also agreed that trawling up could prove to be dangerous.

Commenter questioned if Agency is sued, will they automatically tell industry to take all gear out of the water.

Commenter expressed appreciation for new approach Agency taking with fine scale and co-occurrence measures. Much better than approach taken with groundlines. As whale populations increase, so will entanglements. Only fishermen are making sacrifices. A call for industry to lobby Congress for MMPA amendments so that industry won't be governed by legislature that doesn't care if they exist.

Question as to whether or not it was likely that the exemption line for vertical line would be the same as for groundlines. Agency responded that it will be the same exemption line used for the groundline requirements, however, no idea is completely off the table. If you want to put it forward, it will be documented and submitted to the Team for review.

Suggestion that exemption line be moved to 3miles. A re-analysis with the model using the 3mile line as the exemption line was requested.

One commenter commented that he had stopped attending public meetings because he felt that the Agency did not care about him or the industry. At this meeting he felt as if NMFS was

sincere in trying to involve industry in the decision making process. However, he cautioned that the industry is on the cusp of civil disobedience if NMFS pushes industry too hard.

One commenter stated that Dr. Kraus stated that right whales would need to achieve a 5% population increase over 20 years in order to be down listed. Another commenter noted that fishermen are the only ones making changes while the populations are increasing. Response: Recovery of right whales is different under the ESA than the MMPA mandates that the Agency is trying to address through vertical line risk reduction.

Suggestion that exemption line for groundline be revisited because the co-occurrence model now shows that sinking groundline is not necessary in certain areas.

One commenter stated that the risk seems small when only three whales have been documented to be entangled in Maine gear over the last 10 years. Response: There are additional entanglements associated with lobster gear, however, the location of where the entanglements occurred cannot be determined.

For gear modifications, one commenter stated that he could support reducing the breaking strength of the top 1/3 of vertical line breaking strength to 1100 pounds with 11/32 rope diameter. Modifications like this could prevent having to reduce the number of vertical lines.

Recommendation for adding exemption line 3mi around islands because more likely to trawl up that far out since fishing trawls close to the island doesn't make sense.

Several participants agreed that the annual, voluntary reporting was sufficient. The questions asked were good and no one made suggestions for how the questions could be improved. One commenter warned that making the survey mandatory would result in less accurate information. Since the response rate was 45% for the voluntary survey, there's no evidence that making the survey mandatory is necessary.

Concern expressed over the fact that some TRT members belong to organizations that may sue the agency if any new measures don't work.

One commenter stated that rope manufacturers are no longer producing rope with breaking strength lower than 4200 lbs. Getting rope manufacturers involved is important. Commenter supported using rope of lower breaking strength. Scars on whales are not only increasing, but the severity is also increasing. Going back to weaker rope, or using natural fiber rope should be considered. Several other participants did not agree with moving toward natural fiber rope as it would require replacing gear more frequently.

One commenter said that he agreed with switching to 1100lb is 11/32 rope used in top 1/3 of buoy line. He currently fishes at the edge of the exemption line, using 1-2 buoy lines, but it would be impossible for him to trawl up in his area. He also suggested that fishermen could

shorten the lines closest to the surface link from buoy to toggle, which would reduce the amount of line in the water. He also supported creating a more efficient gear marking system in order to separate takes occurring in other areas from what occurs in Maine.

Multiple participants agreed that areas where fishermen fish alone, trawling up to 5 traps would create a serious safety issue.

Participants asked about the possibility for another gear buy back program similar to the groundline buy back.

Participants showed support for submitting area/zone specific management options. Response: Informed audience that DMR would be working a proposal and that they could submit these area specific proposals to state based on what works best for their area.

Participant stated that the current groundline exemption line is an old scallop regulation line.

Participant suggested that singles within exemption area should be doubled up and that this would result in high percentage of vertical line reduction.

The Agency reminded participants that marine patrol should be involved in the development of proposals to make sure proposals can be enforced. Support from marine patrol is necessary if management measures refrain from using broad brush approaches.

Chairman from Zone B identified that there are some hotspots at a times of year when fishing is not occurring, for example areas where people have to leave to avoid purse seiners. The hotspot data is encouraging because industry can identify those areas and work with this information.

## **Other**

*What do the populations currently look like?* The populations of the large whale species in question are trending up. However, the Agency still has not met its conservation mandates under the MMPA and ESA.

*Past NMFS employees have stated no correlation between entanglement & vertical line, what has changed?* There have been documented entanglements in vertical line.

*Mortality comes in many forms, what are the mortalities you're talking about (entanglement, shipstrike)?* Just looking at entanglements here.

*How many deaths were associated with entanglements? Where did these deaths occur?* Some of these deaths are attributed to specific locations if we were able to determine that information.

Some of the gear was deemed to be from the lobster fishery but we don't know the location. The Agency does not make judgments about type of gear unless confident.

*Were analyses done to determine if whales died from entanglement or something that was killing the animal caused it to become entangled?* Yes. Necropsies are conducted on carcasses to determine true cause of death. Serious injury determinations are more complicated. Under the mandates, serious injuries also have to be reduced, not just deaths.

*What's being done in Canada?* Canada affords protection to right whales under the Canadian Species at Risk Act (SARA). SARA is analogous to the United States' ESA. Under SARA, Canada has developed and implemented conservation measures to protect right whales from interactions with commercial shipping vessels. They have identified areas to be avoided for large vessels; areas of slower ship speed; and changed vessel traffic schemes in high risk areas where right whales frequent during certain times of the year. Regarding commercial fishing interactions with right whales, Canada is currently developing an action plan to address this issue. They have identified many of the same gear types as entanglement risks to right whales and other large whale species. They have also, in collaboration with Canadian NGOs, developed a disentanglement network. The US and Canada have been working in together to address right whale related issues. Although Canada may not be in the same place as the US with regard to dealing with entanglement issues, they are working in that direction as provided in the SARA mandates.

*Are all right whale species endangered?* Yes.

*Were slime eel fishermen included in analysis?* If they are covered under the Plan then they were incorporated into the analysis.

*Are ship strikes considered take? Do the takes mentioned here include those takes?* Ship strikes are considered takes and there are separate measures that deal with reducing the risk of ship strike such as speed restrictions for vessels over 65 feet, and dynamic management areas. The stock assessment reports break apart PBR from shipstrikes and entanglements. Takes mentioned here are strictly from entanglements.