

**ALWTRP Scoping Meeting
July 19, 2011
Plymouth, MA**

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

Number in attendance (not counting NMFS staff): 30

Including:

- Dan McKiernan, Massachusetts Department of Marine Fisheries, Take Reduction Team State Representative
- Bill Adler, Take Reduction Team Industry Representative
- Sharon Young, Humane Society of the United State, Take Reduction Team Conservation Representative
- Regina Asmutis-Silvia, Whale & Dolphin Conservation Society, Take Reduction Team Conservation Representative

One commenter stated that one endline will result in increased ghost gear which should be taken into consideration. Gentleman who fishes ten pot trawls stated that most people fish twenty pot trawls on outer cape and if Agency makes one buoy line a requirement, people will go to three trap trawls which will increase endlines. Even fishing ten trawls with one endline would not work since the trawls are 1000 feet long. The area he fishes is so condensed with fishing gear that if he lost his only buoy line, he would not be able to grapple his gear without getting into another person's gear.

Commenter was not supportive of small trawls (three traps) reducing endlines.

Several commenters expressed that they believed Massachusetts fishermen have done enough to reduce risk including seasonal management areas. People agreed that co-occurrence is a good approach and that rules should not be on an annual basis. If people want to fish earlier in seasonal management areas, then they should have regulations but not during times when whales not in the area.

One participant asked if whales were being killed by buoy lines for awhile and if the whale populations were decreasing or increasing. Agency replied that populations are increasing slightly but to be aware that entanglement rates are also increasing which could potentially offset any population increases. Reminded the audience that the Agency is still not meeting the conservation goals established by the MMPA.

One commenter stated that NOAA boats kill more whales than they do and that Massachusetts fishermen aren't the problem. Commenter expressed frustration that Agency does not know where entanglements are occurring.

A TRT member offered clarification that the right whale calving rates have fluctuated from a low of one to a high of 30 over the past few years. She stated that ship strikes are also a threat, but that the Agency is dealing with that issue separately. There is still a danger presented by entanglements because the rates are not where they should be.

Commenters asked about PBR and if it is species specific and asked if Canadian takes were incorporated or separated. Agency responded that PBR is species specific and they are broken down into US and Canadian takes.

One commenter asked if weak links have proven to be effective. The Agency responded by saying that they believe weak links are effective if the animal becomes entangled below the area where the weak link is in place. One commenter expressed dismay at not having statistics to determine how effective breakaways are. He claims to replace buoys on a regular basis, though he does not know if it is from whales breaking the line or outboards. Suggested that everyone from Maine to Florida should have to modify the modified link, using Massachusetts as the example. He stated that reducing line is not an option.

One commenter suggested that the number of singles should be reduced.

One participant asked the Agency where the animals are getting entangled and if they can determine that the gear is not from Canada. The Agency responded that yes, some entanglements do occur in Canada, but the Agency does its best to identify gear when possible. Also, all gear is not retrieved. Again, this supports the need for better gear marking so decisions are made on the best information available.

One commenter stated that he would convert his fifteen pot trawl to three five pot trawls if forced to reduce to one endline.

A whale watch captain commented that a small percentage of whales can be found in areas where double buoys are used within bays and that it is impossible to fish one buoy inside the Bay. Adament that Agency cannot take away the second buoy and that this will only lead to increase in endlines overall.

One commenter stated that weak links cannot be put at the bottom of a buoy line and reiterated that two buoys are necessary. He also stated that splicing the lines is not an option.

Gear marking is confusing because should people be marking the middle of the line or where the middle of where the water column occurs? Painting, tape and tracers do not work. If narrowed down by region, and something happened, industry would be killing themselves. Supports a no action alternative. Enough has been done by industry, especially in the critical habitat area. Massachusetts should not be included in doing something additional.

A TRT Member stated she was interested in hearing that Maine supported gear marking. The Co-occurrence model has significant gaps that hamper the ability of the model. Feels that the high number of sightings and mandatory reporting in Massachusetts penalizes Massachusetts fishermen. More effort is needed for looking into sightings in the Mid Atlantic. Maine is driving the TRT exemption process. Risk is not just where there are a lot of whales, but where gear exists and whales transit. It is more difficult to find transiting animals. No sightings shown in Maine because no one is looking for them. Other non-systematic data should be looked at such as Maine state gear recovered from entangled whales. Maine is asking for more exemptions. Co-occurrence model doesn't show areas of SAMs and DAMs. Agency is picking on states that have stepped up to the plate rather than focusing on Maine. Bothersome that Agency is continuing to exempt Maine. Gillnets are not being addressed. Gillnets pose a higher entanglement risk to humpbacks. There's a need to think more creatively about how to reduce risk. In the past the industry said they couldn't drop endlines so discouraged that the Agency is moving forward with that. Should create a more focal industry group not dominated by a state that says leave me alone in order to try finding solutions to the problem. Support of gear marking though has no practical suggestions.

Agency reminded audience that there is nothing being proposed at this point. The endline reduction was just used as an example to show how the model can work. Also reminded audience that each state can develop their own plan and information provided at the meeting will provide important input to state representatives.

A MA DMF Employee had concerns over output of co-occurrence model. Need standardization of sampling techniques because of data resolution differences between states.

Latent effort concerns about Maine licenses raised. Suggestion that newly activated latent effort should have to make modifications but that current MA industry be grandfathered in.

A request for no new gear marking scheme to be implemented for 5 years. Paint and tape don't work, only string.

A TRT Representative stated from 2005-2009 there has been significant reduction in effort which has resulted in reduction in endlines. Trap numbers have dropped in fall and winter when the whales are present. Does not support reducing endlines because of expenses and safety concerns. Increasing trawls also creates safety hazard. Most singles have been converted to trawls so, again, have already reduced endlines. Massachusetts has done everything they can do. Will never eliminate all entanglements. Data shows high numbers in MA because we have mandatory reporting and are the best at it. If Maine reported like Massachusetts, they'd light up on the map too. Closures not practical because fishermen already confined to areas, management areas and unwritten areas. Need compliance for risk reduction, and reasonable options for compliance. Need fishermen support to save the whales and industry has been pushed too much

so now the support is fading. ESA and MMPA need to be amended to make them more reasonable. Industry and Agency don't have leeway as they currently stand.

Several commenters asked the Agency what is being done about ship strikes. Suggested that Agency look at increased vessel traffic from tow boats as a threat. Agency responded that there are separate measures in place to help reduce ship strike and that ship strikes are not necessarily the number one threat, though the ESA lists it as one of the top two.

Commenter expressed that radio frequency tags for gear marking should not be considered as this would be too costly to industry.

One commenter stated that NOAA's image keeps more fishermen from attending meetings like this.

One commenter asked if Maine still uses float rope. A TRT member responded that 71% of Maine state waters are exempt and reiterated that Massachusetts should not be penalized because there is better data here.

A MA DMF Employee said there is hesitancy to share ideas for reducing risk when there is a lack of scale of the type of risk reduction Agency is looking for. The strategy for reducing risk will be different depending on what the goal/target is. Makes it difficult for MA DMF and industry to have a discussion if not sure what would be considered effective.

Agency responded that they do not have a target because there is not enough information to determine what the target should be. This is a different approach. Providing a number would be arbitrary. Looking to hear what industry can feasibly do, and then looking at what percentage risk reduction that would create.

Commenter suggested that he'd be more comfortable providing suggestions if he knew where whales were entangled. Agency suggested that this may be rationale for better gear marking.

One audience participant suggested that singles be eliminated. Commercial fishermen should use bigger boats or fish trawls, though they need two buoy lines. He fishes 50 traps per trawl and a weak link at 150 fathom of water won't work.

One commenter stated that gear marking would be ok if its not changed every year. Did not support cutting buoy lines or any other action.

Multiple participants agreed that the current Massachusetts reporting system/survey was fine.

One commenter stated that current state regulations would prevent any changes to buoy line configurations and that MA has attempted to address buoy line risk. What is implemented now is the best the industry can do.

Sinking line makes job much harder and spends 5 times more replacing rope. Massachusetts has done enough.

One commenter asked if more meetings could be held.