

**ALWTRP Scoping Meeting
July 20, 2011
Chatham, Massachusetts**

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

One commenter stated that 10 traps per trawl on the Outer Cape are not possible.

Commenter asked if the Agency had a target number for the amount of risk reduction needed. Agency responded that the approach being taken with these measures is radically different than in the past so there is no target number. Looking for ideas of what is feasible and will calculate risk reduction from those measures.

One commenter (ex-TRT member) stated that industry members need to see pictures of the endlines recovered from whales so that it can be confirmed as an endline. Sighted an example of how Maine fishermen told Agency that certain line was from Canada because it couldn't be bought in Maine. Letting fishermen be the experts will move the process forward. Inch and a quarter line being used now. Commenter does not support 10 pot trawls with one buoy line because if endline is lost, the rest will become ghost gear since sinking groundline makes it difficult to grapple. Agency moving towards one endline per trawl would result in more ghost gear. Industry is already at capacity for reducing endlines. Commenter also stated that whales will be in places you're not looking for them but that in Cape Cod Bay, you see them because so many people are looking for them there.

Participant stated that gear marking was ineffective and that the main problem is not being able to identify where the rope is coming from and if the gear was already compliant. If entanglement is caused by non compliant gear, then it's an issue for one person, not a whole industry.

One commenter asked the Agency to consider training fishermen to disentangle whales, as a first defense, rather than reduce endlines. Would be willing to volunteer his vessel for the action.

Commenter stated that he would like to see a picture of a whale dragging a line with a single trap on it. He watches whales go through singles all the time and believes that if a whale picks up a single trap, the line will slide off the animal quickly. Trawls are the problem so encouraging trawls is ridiculous. Asking fishermen to trawl up is asking them to risk their lives. Common sense needs to be used.

An ex-TRT member stated that no matter what is proposed, conservationists won't get what they want and they will sue. Industry gave 2600 miles of right whale critical habitat for SAM and never got it back. Industry was told by Agency staffers that after 600 lbs line was implemented, they would be given floating rope back. Takes of whales should be up because populations are up. Humpback whales are rebuilt and he has spoken with experts who agree. Industry is talking on deaf ears at the TRT because conservation groups will just sue. Commenter was extremely frustrated with how in the past, industry was accused of three right whale takes that were caused by Canada. US Industry is penalized for Canadian takes and are not given credit for what they've done.

Fishermen on the outer Cape fish in singles and would have to add crew. Someone needs to look at tow boats dumping endlines into the water. Marking the endline in the middle does not work and threading a piece into the line will not work. Issue with conservation groups suing and the Marine Mammal Commission's past comments on shutting down Cape Cod Bay.

Fisherman from Provincetown stated that with fishing in a high density area, reducing to one endline would significantly increase gear conflict.

One participant supported position of looking at right whale concentrations and gear density by month. In his opinion, the numbers are out of proportion with when whales are present. Looking at data annually doesn't work. Agency responded by saying that looking at maps seasonally or monthly is preferable. Want to know if in those high density areas/times, can gear be modified? Other areas suggested going to 1100 lbs upper third of the buoy line, therefore making the line safer. Is that feasible here? Participant stated that a fishermen using lower strength upper third of buoyline would be shooting themselves in the foot if a whale broke the upper part of the line.

One participant stated that mandatory trawl length is state regulated.

One gillnetter stated that right whale critical habitat was supposed to be reopened but it wasn't. He also stated that the MMPA needs to be modified since it is not applicable anymore and it asks fishermen to "suck it up". For example, grey seal populations have destroyed the groundfish industry out of Chatham.

One participant stated that the charts for July-September show co-occurrence going to the beach. Whales are usually outside of the 100 foot mark and gear inside 100 feet. Recommended modifying examples to show true occurrence. For example, you won't see whales in 10 feet of water so the data looks skewed. He stated that it is crucial to know what the lines are and where true co-occurrence is. Second comments supported this observation. He would consider going to trawls at the beginning of the season, but not in June/July.

Commenter asked what is being done to reduce ship strikes of whales.

One commenter stated that he waits until right whales leave the area before setting his gear. If Agency looks at data on a quarterly basis, not really as bad as it seems. The outer Cape has a very strict allocation scheme with small boats.

One participant stated that every time a state license is re-sold, the number of allowable traps on the permit is reduced by 10%, which will put small operations out of business.

One commenter observed that he will see whales at the beginning of the season outside of the gear, and when the whale watch boats start, then the whales move into the gear.

Commenter stated that Agency officials do not know enough of what business is like in order to propose new changes. Volunteered to take Agency staff onboard his vessel to see what business is like.

A few participants asked if Agency has a percentage of the identified gear being their gear. Agency stated that we do not know exactly whose gear it is unless we receive a buoy. Do our best to narrow it down to fishery. If the gear is unidentifiable, it is not assigned to a fishery. One commenter expressed concern over TRT members wanting to assign line to fishing gear that may not even be from a fishery. Commenter supported better gear marking to take the unknown factor away.

One commenter asked if PBR could be averaged over species. Stated that the MMPA is not logical and needs to be modified to preserve the fishing industry. Expressed additional frustration with grey seals. Agency stated that PBR has to be calculated species by species and cannot be averaged. Senators control the language of the MMPA, not the Agency.

One commenter asked for a no action alternative on endline risk reduction. Industry has made significant gear reductions over the year for lobster and gillnet. Co-occurrence model is a great idea but it is skewed by having more data from MA over other states so not efficient for basing decisions on.

One participant stated that he fishes in Cape Cod Bay and his boat is 25 feet and cannot fish trawls.

One extremely frustrated participant commented on the injuries incurred by fishermen from using sinking line, and frustration over how reducing to one buoy line would increase danger. He asked for a serious injury/mortality number to be calculated for fishermen. Industry has already reduced so much, agency doesn't care about productivity of the industry or any productivity reduction caused by gear modifications. Also, Agency does not take other Agency regulations into account. Recommends a zero mortality rate goal for fishermen. In support of a no action alternative.

One fishermen stated that using line tracers is not out of the question. Another commenter stated that tracers are good ideas but the cost of rope is high. Participant asked if industry member agreed to get special line or id tags, would it be possible to have it subsidized. New technology or a new trap system could cost big money, which, in a good season may not be a big deal, but in a bad season could put people out of business, even gear change such as trawling up.

Cape Cod Hook Fishermen's Association representative asked what the confidence correlation is between possible options and a decrease in serious injury/mortality. Agency responded by stating this is a different approach because there is no target. Agency wants to know what is feasible and will feed these ideas back to the TRT with the same passion they are hearing them expressed with.

One commenter expressed the desire to have the TRT disbanded. Industry does the best they can. TRT create giant expense to industry, ideas will not be good enough. There will be more takes as populations increase. PBR is not being reached. Humpback whales are not being reached because people within the Agency are saying humpback populations are rebuilt, but conservationists will always want more. Gillnetters already reduced 50% due to catch shares, yet the SAM is still in place. Only four boats want to fish in that area during the winter.

Commenter asked if same conversation will occur in 2014 when final rule goes into effect. He also asked if there are any projections of how lobster industry effort will decrease by then. Agency responded that in 2014, that is where an action will be implemented, which is why the scoping process at this point is so important. After implementation, the plan will be monitored for effectiveness over a 5 year timeframe. If things rebound, then actions will be revisited.

One participant stated that better data is needed such as rate of permit transfer, average age of industry, and the calculation of 10% trap reduction with transfer. This is only the 2nd year of buoy line data collection and the infancy of sectors. In 2014 could be that only one person will own the permits. More people are fishing trawls than in the past, which has reduced vertical line. Effort has been displaced. Agency is not refining the data enough. Where right whales are present, there is no one fishing.

A MA DMF representative stated that the number of successful disentanglements here are singles. Successful disentanglement occurs when animal carries gear off, like a single, and it isn't injured. Is a whale getting entangled in a single trap less dangerous than an entanglement in a 20 trap trawl? This needs to be taken into consideration.

One commenter asked about the timeline in place in one of the handouts. Stated that on the timeline, we are in the midst of where stakeholders should be working on proposals. He asked the Agency if groups should be made up and if these groups should focus on LCMT areas? Sees the proposal process as crucial. Agency stated that all states should be involved in working with their stakeholders in individual areas to create a proposal for the entire state. One commenter

expressed that it is a very bad season to ask for this input as most people are lobstering. Not sure if a proposal can be delivered by September because of this. Concerned that his group may be excluded because of the bad timing. Agency responded by stated that scoping meetings are in place to at least get ideas on the table, but that individual proposals are necessary. For example, with gear marking- if you can refine the gear marking scheme that'd be great. Today we've heard that you've done enough due to economics, safety, etc. If we don't get a proposal, we will present what we've heard. That's why we wanted to reach out to the states. Massachusetts will submit a proposal. If you work with the state, or submit in writing, it will allow us to use this information to provide the TRT as to what is palatable for folks. We want to know what will work in your area. Definitely understand your point though, it will take your time to create and that is a valid concern.

One participant stated that in his experience, providing comments is useless. He would like to be a part of a proposal discussion. An additional participant echoed questioned the intention of the Agency holding scoping during lobster season.

Commenter stated that state should get credit for vertical line reduction due to gillnet and lobster reduction. Agency should focus on Maine where they are still in denial. Massachusetts has already addressed the issue and done everything they can safely do. TRT will not come to a consensus because of people feeding off the grant tree and 70 people won't agree. The MMPA needs to be addressed.

One commenter asked if the next TRT meeting is scheduled for January, if the proposal deadline could be extended to October. Agency stated that they will work with MA DMF and will look to see if that will give the Agency enough time to analyze the proposal before the TRT meeting.

One person stated that they are OK with gear marking as long as it does not show that MA is the problem. Agency stated that the monitoring plan will look at a five year window and one entanglement won't start the process all over again.

One participant recommended wrapping all the whales in bubble wrap to make sure the whales don't acquire any new marks that industry would get blamed for.