

**Atlantic Large Whale Take Reduction Team Meeting  
Northeast Gillnet Subgroup**

5-8 PM  
June 24, 2003  
Conference Call

**FINAL MEETING SUMMARY**

**ALWTRT Members:**

**State & Industry:**

Bill Mackintosh (RI Gillnetter)

**Scientists & Conservation/Environmental Groups:**

Sarah Townsend (IFAW - Alt. For Erin Heskett); Sharon Young (HSUS)

**Federal Government and Fishery Management Organizations:**

Diane Borggaard (National Marine Fisheries Service); David Laist (MMC)

**Interested parties:**

David Gouveia, Brian Hopper, John Higgins, Paul Perra, Sarah Thompson (National Marine Fisheries Service)

**Meeting Purpose:**

- The purpose of the meeting is to discuss the outcome of the April TRT meeting and work on specific recommendations.
- Additionally, NMFS will provide items that were brought up at the April TRT meeting but were not yet discussed by the group.

**Scoping Meeting Document**

- The summary of the proposals from the TRT & subgroup meetings conducted by NMFS following the full ALWTRT meeting in April would be consolidated into one document for use at the upcoming Environmental Impact Statement (EIS) scoping meetings
  - The scoping document would be posted on the ALWTRP website in addition to being made available at each scoping meeting
  
- David Laist asked if the scoping document would be distributed to the TRT for review

prior to posting?

- Diane Borggaard responded that due to time constraints, the scoping document will not be made available to the full TRT for review prior to the initiation of the scoping process, however, the summaries from the April 2003 and subgroup meetings will be provided to TRT members for review and comment
  - Moreover, each subgroup meeting summary will be provided to the respective subgroup participants prior to distribution to the full TRT
  - In addition, the scoping meeting themselves and the comment period on the EIS will provide an opportunity for the TRT to comment on the scoping document

**Review of Proposals for NE Gillnets** (from “One Text” RESOLVE summary from TRT Meeting pp. 12-14)

- **Georges Bank and Gulf of Maine**
  - Prior to rulemaking, NMFS should take into consideration:
    - potential effort reduction from FMPs (e.g., Amendment 13)
    - potential effort displacement from gillnets moving into other areas because of DAM closures
    - potential gear conflicts from gillnets being displaced into other fishing grounds
  - DAMs not workable for gillnets
    - compliance affected by weather and 24 hrs not enough time to pull gear
      - Bill Mackintosh recommends giving fishermen more time to comply and replacing time frames to comply in regulations with “ASAP”
      - David Laist recommends that NMFS determine time necessary for compliance based on weather also suggests that fishermen call USCG if impossible to pull gear
    - effort displaced outside of closed areas
    - potential gear conflicts
    - in general, fishermen would prefer gear modifications instead of DAMs
  - Gillnets and DAMs
    - fishermen support gear modifications for DAM based on those currently required in SAM, but:
      - suggest allowing 2 buoy lines
      - request analysis of benefits from using 3-5 weak links
    - year-round requirements to consider:
      - lower weak link breaking strength: Bill Mackintosh testing 500 lb instead of 1,100 lb in inshore areas

- David Laist asked for clarification on the relationship between I and II in the RESOLVE summary (p.12)
  - doesn't think that DAMs should allow fishing, therefore, I and II mutually exclusive
- Eliminate DAM and SAM and replace with gear modifications
  - Bill Mackintosh supports change over to sinking or neutrally buoyant (NB) line
    - states that most fishermen have already done so
    - also states that Georges Bank and Gulf of Maine boats carry all gear, so impacts of DAMs not as severe
    - with respect to tie-downs for nets, felt might not apply well to monkfish and other strikenets because can't leave gear set overnight
    - notes that industry would prefer gear modifications to closures but warns that industry won't want to replace gear until needs to be replaced from wear and tear
    - feels that Cape Cod Bay and Great South Channel should remain closed to fishing, but industry will fight to keep Stellwagen Bank and Jeffreys Ledge open
  - David Laist felt that DAMs and SAMs should not be replaced until NMFS can "prove" that gear modifications work
    - questions effectiveness of management measures (e.g., weak link) at reducing risk versus effort reduction
    - agrees that there are legitimate safety concerns regarding time fishermen given to comply with restrictions
  - Sharon Young believes that NMFS should consider replacing DAM only after significant changes are made coast-wide
    - also feels that short term action necessary, such as expanding SAM in time and area
    - thinks NMFS not using DAM effectively and DAM areas are too small
    - states that gillnets are bigger issue for humpbacks than right whales (according to Mason Weinrich and Dave Wiley)
    - gillnet effort in Stellwagen lower and less reports of entangled humpbacks in gillnet gear
    - still need to address risk from vertical lines
  - Diane Borggaard noted that industry wants NMFS to consider different gear modifications if SAM expanded
  - John Higgins provided a report on the concerns expressed by Northern NE gillnetters
    - 50 nets testing 5 weak links with 1,100 lb breaking strength
    - no problems reported setting or hauling
    - questions re: 5 weak links in net panels in areas where no whales sighted - could only 1 weak link be necessary?

- no problems with 22 lb anchor and sinking or NB line
  - responded to question from David L. re: distance of anchor from gillnet = 10 to 20 fathoms
- **Southern New England and Gulf of Maine (p. 13)**
  - Eliminate DAM and SAM by 2008
    - NMFS proposing 2006
    - David Laist thinks that DAM and SAM should not be eliminated until NMFS can prove that gear mods work
      - suggests that NMFS should look at entanglement data from humpbacks for evidence of effectiveness for gear mods
      - also suggests that more info needed on where entanglements occur
      - Sharon Young added that in Mid-Atlantic more reports of juveniles getting entangled
    - Industry proposal (p. 13) to keep current restrictions in place
      - maintain closures in CCB and GSC
      - modify SAM gear modifications
      - feel that because no entanglements in these area, why change?
      - keep any changes to vertical lines consistent with lobster gear
      - need more research on reduced breaking strengths for weak links
    - Sharon Young asked for expanded time period for Mid-Atlantic gear modifications
    - David Laist commented that the current regulations are for fishing, but not for reducing entanglements
  - Gear Modifications
  - Ground lines
    - change over to sinking line
  - Modify end lines
    - keep bottom third floating line
    - David Laist feels that allowing floating line on bottom third of end line offers no benefit to whales
    - John Higgins mentioned that sinking line on 2/3 of end line helps reduce line lost from vessels passing over gear
    - Bill Mackintosh suggested that money needed for analysis of “whale safe” vertical lines
    - David Laist asked why 1/3 floating, why not 50 ft?
      - Bill Mackintosh answered that enough line was needed to keep sinking line off rocky bottoms, therefore, a universal amount wouldn’t work because fishing at different depths
- Phase-in Period
  - David Laist asked if gillnets could change gear over sooner than 3 years?
  - Bill Mackintosh said that the date could be earlier than 2006
  - Diane Borggaard asked what date the subgroup should propose?

- Bill Mackintosh replied that money was still needed for long term goals and would prefer to change over all gear for future rather than some gear now to avoid multiple change-overs
- David Laist. asked what NMFS will do to help control the cost of changing gillnet gear if plan to help lobster gear?
  - thinks all gillnet gear could change over in 1 year, but only for line between the anchor and the net
- Diane Borggaard stated that the options document would have the 2006 date as previously proposed, but also include a shorter phase-in period as suggested during this meeting
- Reduced Breaking Strength Weak Links from 1,100 to 500 lbs
  - identified need to contact fishermen testing lower breaking strength weak links
  - Bill Mackintosh asked how NMFS will justify changes and reinforced need for testing
  - John Higgins said that he would get info from Glenn Salvador during the week
- No Fishing in Cape Cod Bay and Great South Channel
  - David Laist and Sharon Young would like to see the Sliver closed too
  - Bill Mackintosh proposed marking all high flyers and gillnets as gillnet gear by putting “GN” on flags as already required in RI
- **Offshore Recommendations**
  - eliminate DAM
  - retain 5 weak links with 1,100 lb breaking strength
  - Bill Mackintosh advised NMFS to consider the impact of opening the offshore monkfish fishery
  - David Laist asked NMFS to consider giving more time for compliance if a DAM is offshore
  - Diane Borggaard asked about testing to prove effectiveness of gear modifications
  - David Laist replied that those would only work if universal in scope and if entanglements don’t decrease, then gear modifications are not working

Note: See “Issues and Options for Modifications to the Atlantic Large Whale Take Reduction Plan - Scoping Document” (July 3, 2003) for complete list of proposals provided to NMFS at full ALWTRT meeting in April 2003 and subsequent subgroup meetings.

### **2003 ALWTRT Meeting Background**

Following are discussion points the group commented on regarding changes to the ALWTRP regulatory language.

#### **Gillnet and Pot/Trap:**

**1. Should headings in the ALWTRP regulations be consistent?**

*(For example, should NOAA Fisheries change the “Weak Links on all Buoy Lines,” “Buoy Weak Links” and “Weak Links” headings to “Buoy Line Weak Links” where appropriate (e.g. Southern Nearshore Lobster Waters Area section.) )*

*NE Gillnet Subgroup Comment: Yes*

**2. Should the weak link regulatory text for how to attach weak links for the various ALWTRP management areas be consistent?**

*(For example, where not already mentioned in the regulations, should all the weak link requirement sections include the following: weak links must be designed such that the bitter end of the buoy line is clean and free of any knots when the link breaks; splices are not considered to be knots for the purposes of this provision; and each weak link must be installed as close to each individual buoy as operationally feasible.)*

*NE Gillnet Subgroup Comment: Yes.*

**3.a. Should buoy lines be required to be knotless?**

**b. Should knots be prohibited when attaching the toggle gangion to the buoy line?**

*NE Gillnet Subgroup Comment: Gear Advisory Group should discuss this issue.*

**4.a. Should NOAA Fisheries change the language from “rope of appropriate diameter” to “rope of appropriate breaking strength” throughout the ALWTRP regulations when referring to techniques for meeting weak link requirements.**

*(In the 2001 Gear Modification final rule (January 10, 2002; 67 FR 1300), the use of line 7/16" in diameter or less for all buoy lines was removed as an option from the Take Reduction Technology Lists as the breaking strength of 7/16" line can vary dramatically and, therefore, is not an appropriate entanglement risk reduction tool. The terminology “rope of appropriate breaking strength” replaced “rope of appropriate diameter,” and was changed in some ALWTRP management areas but has not been changed for all areas.)*

*NE Gillnet Subgroup Comment: Yes.*

**b. Should NOAA Fisheries clarify in the regulations what the approved configurations are for weak links for both gillnet float rope and buoys? For example, should NOAA Fisheries incorporate into the regulations details on the techniques for making weak links and marking buoy lines or provide better indications as to what the techniques**

are?

*NE Gillnet Subgroup Comment:* Details on techniques for making weak links and marking buoy lines should not be in regulation, but rather in an updateable reference.

**5.a. Should all ALWTRP management areas have gear marking requirements?**

*(For example, currently there is no gear marking requirement for the mid-Atlantic gillnet fishery, South Atlantic gillnet fishery and Northern Inshore Lobsters Waters fishery. )*

**b. Should the current gear marking scheme be modified? If so, when should the gear marking scheme be effective?**

*(For example, should both buoy and ground lines be marked? What is the most appropriate gear marking scheme (e.g. individual gear marking vs. geographic/fishery identifications)?)*

**c. Would further research help determine a better gear marking scheme? If so, what are these research needs?**

*NE Gillnet Subgroup Comment:* Refer to Gear Marking Committee. Do believe that buoys should be marked.

**6. In the regulatory language, where sinking and/or neutrally buoyant line is required for groundlines, should NOAA Fisheries prohibit the attachment of buoys, toggles or other flotation devices to clarify the intent of the existing regulations?**

*NE Gillnet Subgroup Comment:* Yes, but may need to readdress this issue if we go to low-profile or sinking line.

**7. Should NOAA Fisheries clarify in the regulatory language, where appropriate, that fishermen are prohibited not only from fishing with gear that does not meet specified requirements, but also from possessing, setting or hauling back gear that does not meet the specific requirements?**

*NE Gillnet Subgroup Comment:* Defer this to the ALWTRT Enforcement Committee.

**8. Should NOAA Fisheries clarify in the regulatory language that fishermen may use “neutrally buoyant and/or sinking line” (e.g. Lobster Take Reduction Technology List language) rather than “neutrally buoyant or sinking line”?**

*(For example, for SAM gear modifications, the regulatory language specifies “neutrally buoyant or sinking line” for groundlines and buoy lines. If the regulatory change was made as noted above, fishermen would be able to use “neutrally buoyant and/or sinking line” for their groundlines or buoy lines.)*

*NE Gillnet Subgroup Comment: Yes.*

**9. a. Should the definition of “sinking line” be changed to "sinking line means rope that sinks and does not float at any point in the water column”?**

*(Sinking line is currently defined in 50 CFR 229.2 as “means rope that sinks and does not float at any point in the water column. Polypropylene rope is not sinking line unless it contains a lead core”. If the regulatory change noted above is made, this would allow sinking line which contains some portion of polypropylene blended with other fibers during the manufacturing process, as long as the final product would not float.)*

**NOTE: GEAR RESEARCH TEAM IS CURRENTLY DEVELOPING A CRITERIA AND PROCEDURE FOR NEUTRALLY BUOYANT LINE. THIS INFORMATION WILL BE FOLDED INTO A REVISED SINKING LINE DEFINITION IN THE FUTURE.**

**b. Do we want to continue to have two separate names for sinking and neutrally buoyant line?**

*(Neutrally buoyant line is currently defined in 50 CFR 229.2 as “line with a specific gravity near that of sea water, so that the line neither sinks to the ocean floor nor floats at the surface, but remains close to the bottom.” NOAA Fisheries will be developing a procedure for determining specific gravity of rope, as well as a criteria for establishing a density standard based on known or measured water densities along the Atlantic coast. The sinking and neutrally buoyant line definitions at 50 CFR 229.2 will then need to be modified to incorporate this procedure and criteria, which will most likely result in the same definition.)*

*NE Gillnet Subgroup Comment: Keep as two separate terms. Also, add definition of “low profile” gear, and investigate the possibility of defining the spacing of weights between line for enforcement.*

### **Gillnet Fishery**

**1. a. Should NOAA Fisheries clarify in the regulations that weak links should be placed in the center of net panels up to and including 50 fathoms or every 25-fathoms for longer panels?**



*(Currently, the regulations state that “weak links must be inserted in the center of the floatline of each 50-fathom net panel in a net string or every 25 fathoms for longer panels.” The regulatory change noted above will clarify where weak links should be placed on nets that are shorter than 50 fathoms.)*

*NE Gillnet Subgroup Comment: Yes.*

**b. Should NOAA Fisheries clarify in the regulations for Northeast Gillnet Waters and SAM gear modifications, that a net panel is 50 fathoms in order to specify the location of the floatline weak links?**

*(Currently, the regulations for Northeast Gillnet Waters and the SAM gear modifications state that “weak links must be inserted in the center of the floatline of each net panel in a net string.” Inserting the length of a net panel will clarify where weak links should be placed)*

*NE Gillnet Subgroup Comment: Yes.*

**2. Should NOAA Fisheries regulate the Northeast driftnet and Northeast anchored float gillnet fishery under the ALWTRP?**

*(Northeast driftnet and Northeast anchored gillnet fisheries are currently not regulated under the ALWTRP. If this is a current or upcoming fishery, the ALWTRT should discuss whether NOAA Fisheries should fold Northeast driftnet fisheries into the ALWTRP (e.g. rewrite SAM and DAM regulations to include driftnet fisheries) and whether NOAA Fisheries should require modifications similar to mid-Atlantic driftnet gear.)*

*NE Gillnet Subgroup Comment: Bill Mackintosh and David Laist felt that driftnet gear in the NE should be regulated similar to mid-Atlantic. Also felt that anchored floating gear in NE should be regulated similar to sink gillnet gear in NE.*

NOTE: Terry Stockwell (MEDMR) supported the same recommendation during a previous discussion with NMFS staff.