

**ATLANTIC LARGE WHALE  
TAKE REDUCTION TEAM MEETING  
PROVIDENCE, RI  
APRIL 28-30, 2003**

Meeting Summary

**OVERVIEW**

NOAA Fisheries convened a meeting of the Atlantic Large Whale Take Reduction Team (ALWTRT) on April 28-30, 2003. The purposes of the meeting were to update the ALWTRT on the Take Reduction Plan (TRP) implementation activities; report on concerns NOAA Fisheries has heard about the TRP and ideas to address concerns; and explore with ALWTRT members strategies for reducing entanglements and remedying concerns about the TRP. The meeting process included both plenary sessions of all ALWTRT members and several caucus sessions where members met in smaller groups by fishery type, region, or affiliation/interest. The plenary sessions included presentations on TRP issues and full team discussions of various proposed changes to the TRP, while the caucuses on each day allowed groups to develop and then refine proposals for TRP management options. The TRT compiled a "one text" document containing each of the proposals from the groups and initial comments, but did not reach agreement on the content or develop specific recommendations at this time. However, the group did reach consensus on two key principles by which subsequent revisions should be guided: reduce risk associated with vertical lines; and reduce profiles of all ground lines (*See Attachment A, attached as a separate document*).

Prior to the meeting, NOAA Fisheries provided all of the members with a binder of material used as reference in the meeting and additional reference documents. Key documents include the Atlantic Large Whale Take Reduction Plan and Guide, NMFS Responses to 2001 TRT Recommendations, reports and studies on whale conservation issues, and relevant federal register notices. NOAA Fisheries staff also provided a matrix of management strategy options and discussed the options prior to the meeting with interested members to clarify strategies and listen to members' concerns in preparation for full TRT discussions.

**WELCOME AND INTRODUCTIONS**

Mary Colligan, NOAA Fisheries, opened the meeting by highlighting several common concerns heard by the agency about the TRP. Ms. Colligan reminded ALWTRT members that NOAA Fisheries' goals for whale conservation are driven by the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA), which include the potential biological removal level of North Atlantic right whales and to avoid jeopardy to endangered marine mammals. The eight recent entanglements of right whales demonstrates the need for new reasonable and prudent alternatives (RPAs) for

management. Pat Kurkul, NOAA Fisheries, thanked participants for their time and emphasized the importance of the discussion of management alternatives to the goal of reaching zero mortality or serious injury of right whales.

TRT members and observers then introduced themselves (*See Attachment B for a list of attendees.*) Abby Arnold of RESOLVE, lead meeting facilitator, reviewed the purposes and agenda for the meeting. Marci DuPraw of RESOLVE, co-meeting facilitator, outlined the groundrules for the ALWTRT process (*See Attachment C for a list of groundrules.*) A key groundrule specified that consensus for the ALWTRT is defined as all members can live with the recommendation. Meeting records will also capture the range of individual ideas discussed on an issue where agreement is not forthcoming.

#### **UPDATE ON ATLANTIC WHALE TRP WHALE CONSERVATION ACTIVITIES**

*(Slides for each presentation are included in Attachment D [to be added to final summary].)*

##### Atlantic Whale TRP Activities 1996-2003

Diane Borggaard, NOAA Fisheries, summarized the Atlantic Large Whale Take Reduction Team/Plan process and activities since 1996. The TRT strives to develop consensus recommendations to reduce mortality and serious injuries to acceptable levels; or, in the alternative, options for achieving acceptable levels, including majority and minority views, which NOAA Fisheries considers. The short-term goal of the TRP process is to reduce incidental mortality or serious injury of marine mammals to levels less than potential biological removal (PBR) levels within 6 months of plan implementation, while the long-term goal is to reduce mortality or serious injury to insignificant levels approaching a zero mortality and serious injury rate within five years of plan implementation. The ALWTRT was established in 1996 to develop a plan for reducing the incidental take of three whale species in lobster pot/trap and gillnet fisheries. The TRT met eight times from 1996-2001, in conjunction with the release of interim and final rules related to the TRP.

Ms. Borggaard then described the Marine Mammal Protection Act List of Fisheries, including those fisheries elevated or proposed to be elevated to Category I or II. NOAA Fisheries recently expanded the composition of the TRT to include representation from additional groups and other fisheries.

TRT members asked for clarification on the definition of “Mid-Atlantic” used by the TRT and what criteria NOAA Fisheries uses to determine when fisheries are elevated to a different category. NOAA Fisheries staff responded that Mid-Atlantic for List of Fisheries purposes is defined as south of Long Island, landward of the 72°30’ W. line, and north of a line extending due east from the North Carolina/South Carolina border. The agency undertakes the List of Fisheries analysis each year, which places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The List of Fisheries is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the PBR level for each marine mammal stock. Commercial fisheries in

Category I, II, or III and recreational fisheries that interact with a strategic stock may be included in the TRT venue. Commercial fisheries in Category I or II are required to comply with any applicable Take Reduction Plan.

#### Atlantic Whale TRP Activities 2001-2003

Ms. Borggaard presented key TRP activities since the last TRT meeting in 2001, with a focus on gear modifications, Seasonal Area Management (SAM), and Dynamic Area Management (DAM). NOAA Fisheries proposed the SAM and DAM amendments to the ALWTRP in 2001. SAM is based on annual, predictable concentrations of right whales and involves two areas and associated gear modifications. The DAM program is designed to protect unexpected aggregations of right whales in defined areas for 15 days and is triggered by sightings of three or more right whales within a 75 square nautical mile area. When a DAM zone is triggered, NOAA Fisheries is authorized to: 1) require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15-day period and that no additional gear be set in the DAM zone during the 15-day period; 2) allow modified lobster trap/pot and anchored gillnet gear within a DAM zone for a 15-day period; and/or 3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15-day period, and asking fishermen not to set any additional gear in the DAM zone during the 15-day period. Conditions triggered DAM zones 11 times, in which 4 resulted in DAM actions (1 mandatory; 1 combined mandatory and voluntary; 2 voluntary) and 7 resulted in no DAM actions (during review of the regulatory package for one of the zones the SAM East became effective before DAM could be implemented, and for 6 of the zones subsequent surveyed found no whales or too few to trigger a DAM) to in 2002. NOAA Fisheries issued a proposed rule in March 2003 to allow NOAA Fisheries to utilize the gear modification option. NOAA Fisheries also published a rule in 2002 which implemented additional gear modifications in the Northeast and Mid-Atlantic.

Katie Moore, NOAA Fisheries, described recent activities in the Southeast Region. NOAA Fisheries issued a final rule restricting gillnet fishing in the South Atlantic in 2002 and a technical amendment to clarify some of these requirements in April 2003.

#### Large Whale Mortalities and Entanglements

Dana Hartley, NOAA Fisheries, summarized large whale mortalities and entanglements documented by NOAA Fisheries from 2001-2003. Ms. Hartley described how entangled whales are tracked and documented by various organizations and how injury and mortality is determined. In 2001, NOAA Fisheries documented 58 mortalities of right, humpback, minke, fin and other whale species, including the whale "Churchill" who was tracked for several months. NOAA Fisheries documented higher mortalities in the Northeast Region and in the summer months in this year. In 2002, NOAA Fisheries documented 48 total mortalities of several whale species. Geographic and monthly distribution was similar to 2001 data. Ms. Hartley also reviewed the live entanglements and outcomes in 2001 and 2002. 2003 events to date include one entangled right whale and approximately 17 mortalities of other large whale species.

### Gear Analysis of Humpback and Right Whales

John Kenney, NOAA Fisheries, presented a preliminary analysis for 2001-2002 gear entanglements of humpback and right whales. Gear was recovered and analyzed for 11 humpback and 6 right whale events during the period. Mr. Kenney presented the gear analysis that was conducted for the six right whale events, detailing what is known about the gear and its origin. More information will be available from the study being done by Kozuck, Salvador, Kenney, and Clapham, including how entanglements related to gear type, part of gear involved, location of gear on the whale, and eventual entanglement outcome.

In response to member questions regarding specific NOAA Fisheries requirements for buoyline marking, Mr. Kenney explained that to date the agency had not recovered the portion of buoyline containing the marking in any of these disentanglement events.

### Monitoring ALWTRP

Dave Mattilla, Center for Coastal Studies, briefed TRT members on monitoring humpback whale entanglement rates using scarification analysis. Humpback entanglement reports have increased from the late 1980's through 2002. Mr. Mattilla noted several problems with current photographic catalogs in document entanglement points and scarring. The CCS collected data through photographing scars, notches, indentations, and severe tissue damage on whales. Mr. Mattilla displayed photographs of whales with low, high, and uncertain likelihood of entanglement. The results of the analysis show about 500 individuals sampled with 48-62% of animals showing scarring from 1997-2001. Cataloguing of whales also occurs through the CCS Gulf of Maine Catalog. Ongoing related efforts include comparison of Atlantic data to other areas, investigation of reproduction, and comparisons to gear types and fluke catalogs.

In response to member questions about how the rate of reporting by fisherman has changed, Mr. Matilla stated that the number of reports has declined, possibly due to either fear of reporting or because fisherman are not fishing where whales travel.

### Evaluation of ALWTRP

Amy Knowlton, New England Aquarium, provided information on whether the right whale scarring analysis database could be used to monitor the effectiveness of gear modifications and changes in fishing practices. Ms. Knowlton described the methods and analyses of entanglement data. Entanglement events as compared to population size have ranged from a low of 19% in 1989-1991 to a high of 40% in 1995-1997. The annual rate of entanglement is trending upward over the last 15 years. The study also included analysis of serious entanglement events over the time period. Results indicated that a reduction in the severity of entanglements may show whether certain gear modifications are effective. Ms. Knowlton concluded that the database could be used for monitoring as long as photographic efforts are maintained and other factors of whale and gear distribution are considered. She added that the database is an important tool. Ms. Knowlton also summarized a plan for a review of gear modifications and fishing practices to synthesize information and determine benefits, costs, and potential problems.

### Section 7 of the Endangered Species Act

Pat Scida, NOAA Fisheries, outlined Section 7 of the Endangered Species Act (ESA) and its relevance for TRP activities. Section 7 requires Federal agencies to further the purposes of the ESA and ensure that agency actions are not likely to jeopardize the continued existence of ESA-listed species. Federal agencies follow these requirements by undertaking consultations with NOAA Fisheries or the Fish and Wildlife Service, depending on the species. Federal Fishery Management Plans (FMPs), exempted fishery permits, measures to implement a Take Reduction Plan and certain research activities require a Section 7 consultation. Consultations can be informal or formal (requires preparation of a biological opinion). Most consultations are informal. If the consultation concludes that the action is likely to jeopardize ESA-listed species, then the consulting agency works with the proposing agency to identify a Reasonable and Prudent Alternative (RPA) that would avoid this jeopardy. Section 7 relates to the TRT in several ways: three species in the ALWTRP are also ESA-listed; many of the ALWTRP fisheries are in Federal waters and are subject to Section 7 consultation; consultations for four fisheries in 2001 concluded that certain fisheries were likely to jeopardize the continued existence of right whales; and the ALWTRP measures can also help avoid the likelihood of a jeopardy conclusion and avoid the need for formal Section 7 consultation.

### ALWTRP Enforcement

Gregg Lamontagne, NOAA Fisheries, highlighted key enforcement efforts for the ALWTRP. Partners in enforcement include NOAA Fisheries Office for Law Enforcement, U.S. Coast Guard (USCG), and state police and marine patrols. These agencies engage in training, distributing products such as the Weak Links Techniques brochure, and patrols to monitor compliance. Future enforcement plans involve working with NOAA Fisheries Enforcement to expand dissemination of the ALWTRP, consideration of joint enforcement agreements to enhance presence on the water, and the protected resources law enforcement plan development and implementation. With regard to enforcing gear requirements for lobster gear in Maine, NOAA Fisheries noted that enforcement officers had pulled and inspected approximately 1,500 traps, issued 50 citations for non-compliance, and estimated a 73% compliance rate.

Mr. Lamontagne asked the TRT whether they are interested in setting up an enforcement subgroup. The group expressed some interest in discussing the subgroup further. Mr. Lamontagne also indicated that specific data are not available on compliance rates for DAMs and for the time Coast Guard spends on TRP enforcement. He also noted that the Northeast Fisheries Council and the Atlantic States Marine Fisheries Committee have enforcement committees.

### Critical Habitat Petition Status

David Gouveia, NOAA Fisheries, informed members about the Ocean Conservancy Critical Habitat Petition. He reviewed the definition of critical habitat under the ESA and the purposes of the ESA that related to conserving ecosystems and ensuring Federal actions are not likely to destroy or adversely modify critical habitat. The agency Secretary must consider specific criteria for specifying and determining what areas are critical habitat, including physical and biological features considered essential to the conservation of the species. Mr. Gouveia also summarized the content of the Ocean

Conservancy Petition to revise and expand the current critical habitat for right whales. The basis for the petition included new information on right whale distribution and mortality, lack of ship strike protection, and combining two areas into one critical habitat. In response to the petition, NOAA Fisheries published a 90-day notice on November 19, 2002 and has until July 2003 to publish a notice about how the Secretary intends to proceed with the revision. Mr. Gouveia emphasized that a critical habitat designation does not, in itself, restrict activities within the area or mandate any specific management action. It alerts the public about the area and helps focus agency management efforts.

#### Update on Canadian Species at Risk Act

Mr. Gouveia briefly explained the Canadian Species at Risk Act (SARA), which is roughly equivalent to the ESA in the United States. NOAA Fisheries has initiated discussions with Canadian counterparts on the transboundary issue of large whale conservation. The meeting was a positive start to discussions of strategies, commercial fisheries, and implementing management alternatives.

#### Gear Research and Funding

Glenn Salvador, NOAA Fisheries, summarized available funding for gear research and ongoing gear research activities. Grants include challenge grants and mini-grants over a range of funding levels. The State Cooperative Program, Quick Response Funding, National Whale Conservation Fund, and North Atlantic Right Whale Program provide funding for gear research and/or right whale recovery. Key research underway includes studies of neutrally buoyant line, which has been distributed to many Atlantic fisheries. NOAA Fisheries also has led investigations of SAM gillnet gear requirements. New technology research includes bottom release mechanisms, poly line recycling, and transforming line. States have also conducted research through underwater videos of ground line profiles with scale models of traps.

### **REVIEW OF TRP STRATEGIES**

Diane Borggaard provided an overview of the management options/strategies for the TRP suggested to date. The options, for both pot/trap and gillnet fisheries, were collected from state agencies, fishermen, academics/conservationists, gear workshops, and other agency efforts. Members were encouraged to discuss and develop additional options for consideration.

### **DISCUSSION OF FISHERIES PROPOSALS**

The TRT met in caucuses of fishery/region, academics/conservationists, and NOAA Fisheries staff. During the caucus sessions, the groups developed and/or reviewed proposals for the TRP. These proposals were presented to the full team for comment. *(See Attachment D for complete text of all caucus proposals.)*

#### Overriding principles

After discussion, the TRT reached consensus on two key principles for the ALWTRP:

- Reduce risk associated with vertical lines; and

- Reduce profiles of all ground lines.

#### Summary of Northeast Industry Proposal

The Northeast Fishing Industry Caucus proposed management recommendations for trap/pot fisheries, including inshore and offshore lobster. For inshore lobster fisheries in the long-term, the proposal suggested:

- Eliminate DAM and SAM requirements for lobster gear.
- Adopt the regulations for high risk areas through a percentage commitment over a several year time frame.
- A commitment to reduce ground line profile by 2008.<sup>1</sup>
- Develop and fund the poly-line buy/back recycling program.
- Eliminate gear marking requirements.

Caucus members emphasized that a major problem with SAM for industry was the requirement for one buoy line and no allowance of poly at the bottom of the line. Availability of funding would shorten any timeframe for implementation. Industry representatives also emphasized that compliance with DAMs is not practical; gear does not stay in one place and requires continual manipulation for many fisheries.

NOAA Fisheries staff commented that if the agency eliminates the DAM and SAM programs, they must be replaced with a program with the same or greater conservation benefit. Another major issue for the agency is balancing the tradeoff between achieving short-term benefits by implementing interim measures and delaying longer-term goals as resources are diverted. Other NOAA Fisheries comments included the need to define “high risk” area, that fishermen and states need to work together to address requirements for rocky bottom areas; and that the benefits of marking should be further evaluated. Staff suggested making regulations universal. NOAA Fisheries also would need to further evaluate how percentage commitments over time would be quantified and reductions documented.

The Northeast Industry Caucus proposed for inshore lobster fisheries in the short-term:

- Voluntary removal policy for DAMs with the use of sinking ground line in the third year.
- Use Cape Cod Bay rules in SAMS in 2004 and beyond.
- Making funding available to buy out poly would quicken the adoption of gear. This would help strengthen partnerships.

NOAA Fisheries staff explained that implementation of some of these proposals would require a regulatory action that could delay work on longer-term activities because of analytical requirements for the agency. Other TRT members commented that under this proposal, conservation benefits do not begin until 2006 and requested that additional options with greater short-term conservation benefits be explored, including specific time

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<sup>1</sup> Following the meeting, some members noted that the ALWTRT did not reach consensus on the definition of the term “reduce” and recommended that a definition be developed and agreed upon by the team for future use.

schedules for phase-in through 2008. Some members expressed that inshore lobster fisheries do not need more research to implement changes.

The Northeast Industry Caucus also provided comments on several language changes to the current rule, including provisions for toggles and coils, breakaway strength, weak links, knotless buoy lines, shanks, and exemptions for gear modifications. NOAA Fisheries staff responded that some of the weak link options (e.g. weak links at junctions) need further analysis and that the agency would like to work with states to identify exemption areas. A TRT member responded that states need a longer-term vision for the plans because a series of smaller rules is more difficult for states to handle.

For offshore lobster fisheries in the long-term, the Northeast industry proposed:

- DAMS and SAMS eliminated by 2009.
- Identify neutrally buoyant or sinking line that works within two years, with an exemption for groundline off of edge of shelf and rocky areas.
- Four year phase-in of commercially available line, or two years if funding is available.
- Weak links stay the same.
- If no commercially acceptable line is available – conditional agreement to lower profile within a set number of years.

Short-term offshore lobster proposals included:

- Begin 25% gear reduction now, then add additional reduction over time.
- Eliminate DAMS for offshore lobster or retain DAMS for offshore lobster and require voluntary removal until long-term program is in place.
- For SAMs, add an end line with 1/3 poly at the bottom.
- Do not use coils/toggles/knots (splice).
- 1,500 lb. breakaway.

TRT members commented that effective monitoring/quantification of gear reduction and vertical lines through FMP actions is needed and that the recommendations for DAMS may be difficult because it would require a rulemaking. Members also expressed concern about waiting until 2008 to see offshore lobster gear changes. Another member suggested investigating the possibility of allowing fisherman to cut another fisherman's end line in a DAM zone in the event a fisherman was unable to reach his gear. Industry representatives indicated that for offshore fisheries, enlarging the areas of SAMs is more problematic than expanding the timeframe.

The Northeast Industry Caucus also proposed changes for the red crab, hagfish, and jonah crab fisheries, generally similar to the lobster recommendations. These included exemptions for floating ground line, allowance of poly on end lines, use of marked lines, and phase-in of buoyant or sinking line similar to the timeframe of the offshore lobster proposals. TRT members suggested phasing in requirements for the hagfish fishery by 2008. The industry caucus also asked the TRT to consider composing a letter to the New England Fisheries Management Council (NEFMC) to support permitting of hagfish vessels to help identify these participants. The TRT approved a small team to draft the letter.

### Summary of Mid-Atlantic and Southeast Proposal

The Mid-Atlantic/Southeast Fishing Industry Caucus introduced their proposal with several points addressing the regional context for their recommendations. Key messages expressed by these members were a desire to do what they can to reduce whale entanglements and the need to consider both whale benefit and fisherman cost in determining the most sensible measures. The group also cautioned that codifying best management practices could reduce the number of fisherman in the fishery.

Trap/pot proposals from this group for conch and black sea bass included:

- Phase out floating buoy line by 2010 contingent on available funding.
- Recommendations for breakaways, no toggles or coils, and as knotless as possible.
- Require weighted buoy line/no floating line at the surface.
- Phase in sinking line in the buoy line by 2010 contingent on available funding.
- Evaluate lowering groundline profile.
- Reasonable requirements for marking gear.
- Participation in buy-out program by some industry members.

NOAA Fisheries staff suggested adding a provision of no floating line between traps and requirements for gear storage and tending. NOAA Fisheries staff also preferred a date of 2006 for phase-out of buoy line. Members suggested deleting available funding contingencies and phase-in of sinking line through 2010.

Key points from the Mid-Atlantic/Southeast proposals for gillnets were:

- Exclusion (from False Cape Florida at 29 degrees north to the south end of restricted area) from Nov. 15-30 to fish and target Spanish mackerel and shark with tended gear at night.
- Phase in sinking buoy and ground lines by 2010 during winter season.
- Require weighted buoy line/no floating line at the surface.
- For anchored gillnet only, 1,110 breakaway in vertical line; no coils, toggles; as knotless as possible during winter season.
- Seasonal expansion for gillnets set overnight with 2 anchors.
- Resolve inconsistencies in gear marking requirements.

The group also proposed several boundary adjustments for state internal waters in Delaware Bay and Lobster Area 6. NOAA Fisheries staff indicated that the agency is receptive to working with states on these issues.

NOAA Fisheries staff commented that they will look into the exclusions for certain fisheries. NOAA Fisheries prefers a phase-in by 2006 for sinking or neutrally buoyant line, universal requirements, year-round expansion, as well as coil and toggle requirements. They suggested delegating the gear marking issue to a marking subgroup. NOAA Fisheries addressed concerns about the idea of redefining sunset and sunrise and offered to look into the request regarding right whale sightings in the southern restricted area in November.

A TRT member indicated that DAMs have become ineffective because of the large size of the area.

Education, outreach, and research proposals from the Mid-Atlantic/Southeast Fishing Industry Caucus focused on increasing capacity for disentanglement, getting more information to industry, and research on gear, migratory patterns, and other whale research. NOAA Fisheries staff responded that the agency will commit to outreach and education in this region as well as conduct gear research.

Another member emphasized that the Mid-Atlantic area is an important area for humpback whales and entanglements, even if there is not much information.

#### Summary of Proposal for Gillnets for Georges Bank and Gulf of Maine

The gillnet group highlighted the level of reduction in effort due to fishery management measures and the potential displacement of fishermen into the lobster fishery. For inshore gillnet fisheries, the group recommended the following:

- Eliminate DAMs and SAMs for gillnet gear by 2008.
- Keep [current regulations](#) in place when not in critical areas.
- Continue with gear regulations in critical habitat areas.
- Five breakaways per net panel in critical areas.
- Sinking or neutrally buoyant groundline between net and anchor and modify vertical end lines (i.e. 1/3 poly and 2/3 sinking or neutrally buoyant).
- Experiment with a lower weak link breaking strength in net panels.
- No fishing in Cape Cod Bay.

For offshore gillnet fisheries, the proposals included:

- Remove DAMs if at all possible.
- Keep five weak links in SAMs and in special areas.
- Keep 1,100 pound breakaway strength.

In response to these recommendations, NOAA Fisheries staff explained that using voluntary compliance only is not feasible for the agency. The staff also suggested changing the date for elimination of DAM and SAM program requirements to 2006 (when other measures become effective) to be consistent with other fisheries. Other members commented that continued reduction in effort in the fishery is not certain. Other recommendations included a mandatory DAM applicable both inside and outside critical habitats for the removal of gillnets within 24 hours of a sighting. NOAA Fisheries staff commented that they considers this criteria unrealistic for the DAM program and that it takes time to notify fisherman in writing as required in the current rule.

Other members questioned whether weak links are effective in reducing entanglements. More research is needed on reducing the breaking strengths and the number of weak links that should be used. They suggested that weak link requirements should be applied year-round, not just seasonally. Other comments included reconsideration of the application of the one buoy line exemption to gillnets, which may need two buoy lines and to consider that fisherman cannot recover gear with too many breakaways. Members also

noted that gillnets have been a significant problem for humpback whales, so these proposals should be evaluated for benefits to right and humpback whales.

#### Summary of Scientists' Proposal

- Universal gear modifications along the whole East Coast. Sinking or neutrally buoyant groundline (i.e. reduce profile of line in the water) in all locations on East Coast and all fisheries. Difficult to predict where high risk areas occur and migratory corridors are unknown.
- Eliminate DAM and SAM programs. Need protection outside these areas.
- Eliminate as many vertical lines as possible (e.g., index number of traps/rawl; one buoy line requirement may increase the number of buoy lines in the water). NOAA Fisheries should work with researchers to develop low risk vertical lines.

#### Summary of Conservationists' Proposal for the Northeast Region

The Conservationist Caucus's proposal for inshore trap/pot fisheries includes:

- Low-risk areas only include inland waters, sheltered harbors, etc., yet there is high risk in all other waters throughout the Gulf of Maine. (This is an acknowledgement of the need for an interim measure, not necessarily lesser risk.)
- Use the term "non-floating line," rather than "neutrally buoyant / sinking line."
- Use a "low profile" poly definition of 2 feet off the bottom of a test tank.
- Phase in use of non-floating line through 2006 and the group will help find funds for implementation.
- NOAA Fisheries gear research should focus on vertical lines because of their substantial risk.
- Until the risk from vertical lines is decreased, keep SAMs, DAMs and critical habitat limitations in place.
- Cape Cod gear modifications would be acceptable in SAMs and DAMs.
- Use a particular color for non-floating line.

The Conservationist Caucus recommended the following for offshore fisheries:

- Red crab exemption at 300 fathoms.
- Red crab is a good candidate for research on remote release buoy lines.
- The proposed exemption areas for lobster are a problem because many are a high risk for whales. However, the top of Georges Banks might be possible.
- Areas in which lobster fishing occurs at depths greater than 250-300 fathoms could be considered "low risk" areas.

TRT members commented that using a particular line color may not be feasible because of the large number of manufacturers. Other members expressed that they do not support Cape Cod rules for DAMs because that would require the removal of poly line and that they need to further discuss the exemptions. Not all members could live with the term "non-floating groundline."

## **ENFORCEMENT OF THE TRP**

Gregg Lamontagne, NOAA Fisheries, Joe Greene, NOAA Fisheries, and Greg Hitchens, USCG, responded to TRT member questions about recent enforcement activities. During a recent mandatory DAM zone, the Coast Guard used cutters to monitor the area and took information on gear sighted. No violations were issued. Members commented that in some cases, it is impossible to remove gear within the timeframe required under a DAM due to volume of traps and/or bad weather. This is a clear problem for offshore fisherman. The enforcement officers noted that in one instance, NMFS changed a DAM from mandatory to voluntary due to the onset of rough weather and related safety reasons, therefore, some vessels returned to port without removing gear. The enforcement officers responded that these issues are dealt with on a case-by-case basis.

## **NEXT STEPS**

1. One Text -The “One Text” document of initial proposals and recommendations from the TRT for the Take Reduction Plan represents only proposals by various team members and does not reflect a consensus. NOAA Fisheries is available to work with any group based on region, fishery, or gear type to refine details of the recommendations.
2. NOAA Fisheries EIS Process- The EIS scoping process presents another opportunity to provide comment on modifications to the Take Reduction plan. NOAA Fisheries staff identified several expected steps for this process, including drafting management alternatives using feedback, scoping meetings, development of a preferred alternative in July 2003, and public comment/hearings in early 2004.

## TRT Structure and Process

1. Splitting TRT- At this time, the team did not make a decision on formally dividing the TRT into separate teams by region or other affiliation. Comments on ALWTRT structure and process, and /or suggestions on how to best address these issues (e.g. develop subcommittee of the ALWTRT) should be sent to Diane Borggaard.
2. Compliance Committee- Gregg Lamontagne, NOAA Fisheries, will confer with state TRT representatives to develop a proposed plan for a compliance committee, which will discuss issues such as evaluating, monitoring and improving TRP compliance. Plan development will include working through the ASMFC and Joint Enforcement Agreement (JEA) contacts and involve stakeholder groups on the TRT. Bonnie Spinnazola and Eric Anderson, chair of Protected Species Committee of the New England Fishery Management Council, expressed interest in working with the committee. Any other ALWTRT member interested in being a part of the Compliance Committee should contact Gregg Lamontagne (978-281-9328 ext. 6506 or Gregg.Lamontagne@noaa.gov).
3. Marking Committee – NOAA Fisheries will develop a proposal in the next few months for a committee on gear marking, which will include state representatives on the TRT. The committee will develop recommendations to NOAA Fisheries

- on coordinated gear marking guidelines for the East Coast. Industry representatives indicated an interest in having the fishing industry represented on the committee. Conservationists and academics would like to have an opportunity to comment on their draft recommendations for gear marking. Those interested in being a part of the Marking Committee should contact Diane Borggaard.
4. Outreach to Other Interested Parties- Through the upcoming scoping process and subsequent comment period on the proposed rule, NOAA Fisheries will be soliciting input from the general public (TRT and other interested parties).

#### Hagfish Letter

The TRT approved Steve Nippert working with Diane Borggaard and other NOAA Fisheries staff to draft a letter to the New England Fishery Management Council on behalf of the TRT. The letter will ask the Council to accelerate the process for developing a FMP for hagfish. After this process is complete, NOAA Fisheries can then permit hagfish boats.

#### Meetings

- May 19, 2003- Northeast Inshore Lobster Meeting to discuss the outcomes of the April TRT meeting and work on specific recommendations for floating groundlines and exempted areas.
- June 23, 2003- Southeast/Mid-Atlantic Meeting to continue working on a plan to reduce entanglements in the Mid-Atlantic/Southeast region.
- Other Fisheries- Other groups within regions or fisheries may choose to convene meetings if they think it is necessary. The Offshore Lobster and Jonah Crab industry would like to meet with NOAA Fisheries and other interested ALWTRT members in Gloucester, MA, during the week of June 16<sup>th</sup> (except for June 19<sup>th</sup>). ALWTRT members interested in attending this meeting should contact Diane Borggaard with their availability. Additionally, if ALWTRT members are interested in organizing a Northeast Gillnet subgroup, please contact Diane Borggaard with your availability.
- February 3-5, 2004- Possible ALWTRT meeting (please block out these dates on your calendar) to comment on a range of alternative TRP options and the associated draft EIS and proposed rule. Given this focus, it is important that the meeting occur within the comment period. NOAA Fisheries will confirm in the fall of 2003 whether it is possible to hold the meeting during February 3-5, 2004.

***\*\*\*This Attachment represents a working document used for discussion during the April 28-30, 2003 ALWTRT meeting. It is for use for discussion purposes by the ALWTRT only – Do not quote, cite, or distribute\*\*\****

## **ATTACHMENT A**

### **ALWTRT Caucus Proposals for TRP Management Options**

#### Proposed Principles For Reducing Risk To Atlantic Large Whales

##### Overriding principles

- Reduce risk associated with vertical lines
- Reduce profiles of all ground lines

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Blue – NMFS ISSUES

Purple - NE changes, 9:33 am

*Italics- new language*

Blue highlight - delete

## NORTHEAST INDUSTRY RECOMMENDATIONS<sup>2</sup>

### I. Trap/pot

#### A.1. Inshore Lobster – Long Term

Issues: if eliminate DAMS and SAMS must be replaced with program with the same or greater conservation benefit.

- a) Eliminate existing DAM requirement *for lobster gear. ok*
- b) Eliminate existing SAM requirement *for lobster gear ok*
- c) Adopt specified Regulations below for **high risk** *not certain what high risk is* areas identified by the TRT by 2006. Percentage commitment over period of time. *25% use of nonfloating groundlines annually, 100% in four years.—*  
**Mason/Pat return to?**
  - i. Year round
  - ii. **600** pound breakaway *use “current”, not a number*
  - iii. nonfloating groundline is mandatory (definition for “low profile” tbd)
  - iv. two buoy lines
  - v. one third poly in end lines

Other areas: Commitment to reduce ground line profile by 2008. *Need to work with states re. rocky areas. If this becomes an universal requirement, a provision for other areas would not be necessary. Prefer non floating groundline as universal, with exceptions, such as specific rocky bottom. If line is laying against bottom little entanglement.*

- f) Develop and fund poly buy back/recycling program ASAP. NMFS will help develop a program and get funds set aside to do a small buyback program. *ok*
- g) Eliminate current federal gear marking requirement *consider benefits of being marked – consider different marking strategies.*

#### A.2. Inshore Lobster – Short Term

Issue: implementation of at least a. maybe c. would require a new reg action, that might delay ability to move ahead on long term actions.

<sup>2</sup> The TRT did not agree or reach consensus on the provisions in this draft document. Recommendations are draft and will be further refined at future regional meetings (Rick Marks – 5/5/03)

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Can this be packaged that would not require a new regulatory action.

*Under current NE proposal, conservation benefit does not start until 2006. So start immediate review of SAM areas and see if can expand temporally and spatially – so have potential conservation benefit in the shorter term. Under current rule making, look at options analysis of SAMS, encompass risks that occur regularly—use analysis conducted for all alternatives. Problem triggers new alternative analysis. Request for agency to tell us what can do now. Options, do EIS on series of actions, -- all at once. Other option is do shorter term SAM action, triggers new rule, delay on longer term activities. Look at MMPA and see if see if have significant adverse impact on stock – emergency rule. Problem is requires analytical requirements.*

NE Industry-Can't support expansion of SAM, requires immediate replacement of all floating rope too quickly- Goal is to get to long term as soon as possible. Is it possible to offer credit for % change over/year? Unclear how would quantify, need to see how this would fit into overall package. Need full suite of options and analysis.

Look at permit reduction. –

Offshore, may be able to accept time, but not spatially.

**DAMS:**

- a) Request voluntary removal policy until long term policy is implemented.
- b) FYI, if funds (\$65million) are made available to buy out poly, this could occur more quickly. Assumes line is commercially available and that additional research on what line will work has been done. [ok](#)
- c) SAMS: Use Cape Cod Bay Rules in SAMS 2004 and beyond. [agree](#)

A.3. Inshore Lobster – Answers to language regarding Current Rules.

- a) **Editor note: Was deleted**
- b) Weak links on all flotation devices.including toggles. [Have issues with toggles](#)
- c) Extreme Down East Maine, 1,000 lb breakaway on surface buoys in Grand Manan Channel to help deal with tides; and 600 lb. breakaway everywhere else.[work on numbers.ok](#)
- d) Surface system, buoy apparatus for trawl gear -- 600 lbs breakaway for surface buoys 1100 lbs at junction.[want to make certain numbers are ok, analysis to see if will work.ok, numbers need work.](#)
- e) Don't require knotless buoy line; unrealistic (knots become weak points). Keep current language: "as knotless as possible."[ok.](#)

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- f) Shanks (coiling rope on surface to store off bottom in summer) – may compromise breakaway function; but shoal waters where this is used are low risk, so doesn't matter. Disagree.
- g) Northeast exemptions - Gear mod exemption inside Col Reg line (headland to headland), with the exception of Cape Cod Bay and state water options list to remain. In general don't think blanket standard is right approach, want to work with states (ie, Delaware) to id areas that ought to be exempted. Work with states ok
- h) Commitment to reduction of poly (phase in) and or reduction of groundline profile by 2008. ??ok

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### B.1. Offshore Lobster – Long Term

*Can't wait til 2008 to see offshore lobster gear changes.*

- a) DAMS and SAMS for offshore lobster eliminated by 20098 (with funding 2007) rational for dates is be consistent with inshore lobster fisheries.
- b) Two years (2003-2004): identify neutrally buoyant or sinking line that works. Exempt groundline off of edge of shelf and rocky areas (i.e, Canyon, Rocky areas off Georges Bank). (Need research to determine if whales are using these deep areas.) Criteria for what line will be acceptable: longevity and fishing ability. -- Don't think need research to determine depth, can accept depth cut off. Then need to determine how to draw a line, that is manageable.
- a) Four year (20098) phase in of commercially available line, or two years (2007) if funding is available. Mason codify phase in percentage by year?
- c) Weak links stay the same.
- d) If no commercially acceptable line is available – conditionally agreement to lower profile by 20098.

### B.2. Offshore Lobster – Short Term

- a) Begin 25% gear reduction now, then 10% more, etc. good need to monitor and see how helps achieve verticle lines. Agree need to document this reduction.
- b) DAMs: Eliminate DAMS for offshore lobster. Or retain DAMS for offshore lobster and require voluntary removal until long term program is in place. *This is not enough.* OR if require DAMS remove one end line to fish, reducing risk of end line entanglement by 50%. Operationally very difficult – requires new rulemaking, slow us down on other things that are part of overall package here. Support dropping one end line.
- c) SAMs: add end line with 1/3 poly at bottom on each endline. Cape Cod Bay regs. Breaking strength remains at 1500 lbs. Need to go through rule making procedure. Expand SAMS temporally and spatially and drop down to one endline. Industry would not support spatial expansion.
- d) Don't use coils/toggles/knots (splice). ok, great.
- e) 1,500 lb. breakaway ok. ok fine

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C. (Offshore) Red Crab in Area 3 (250 fathoms)

- a) Exemption of floating ground lines at 250 fathoms or greater depth (reconsider if it's shown that whales feed at these depths) **conceptually ok, need to do research to confirm what depth is appropriate.**
- b) Red Crab remain as separate fishery. **fine**
- c) Currently fish 2 sinking end lines (200 fathoms in each) with poly in end line. **Recommend be a 1/3 poly in end lines (bottom 1/3)**
- d) Not using coils or buoy line toggels; have knotless or spliced buoy lines. **GOOD**
- e) Would consider using marked lines if manufacturer marks the line (rather than fisherman) **Need marking subcommittee do determine what can be accomplished and determine how to accomplish long term plan.**
- f) Comply with LMA 3 regs such as universal gear mods. **GOOD**

D. Hagfish comments?

- a) Stay with lobster regs (whether inshore or offshore, depending where they are fishing, however Hagfish does not intend or is not reducing gear (see offshore lobster shortterm gear reduction by 25%)
- b) Manage by LMA (lobster mgt areas)
- c) Need 2 end lines with 1/3 poly on each end
- d) We don't use coils, toggles. Have no knots on buoy lines.
- e) Phase-in neutrally buoyant or sinking line similar to what offshore recommends. **phase in, similar with offshore, in 2008, not 2009**
- f) Fishery exemption similar to offshore lobster **2008 Question whether need anything different than lobster, why not 2006. wiley Get in as many people in 2006 and defer to 2008 for those who have demonstrated need for deferral.**
- g) SAM & DAM recommendations similar to those proposed by offshore lobster fishery **2008**
- h) Ask TRT to consider composing a letter to NEFMC to begin permitting hagfish vessels so we know the participants **great ok**

E. Jonah Crab (largely bycatch of lobster fishing – caught by those using lobster gear; NMFS regulates vessels with a lobster permit that are catching Jonah Crab like lobster fishery). **same as apply to red crab**

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- a) See lobster recommendations (offshore & inshore, depending on where the Jonah Crab are caught).

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## **MID-ATLANTIC & SOUTHEAST RECOMMENDATIONS**

### **Regional Context:**

- a) This region is a migratory corridor and not considered “critical habitat.”
- b) There is low vertical line density in this region.
- c) There is a presumption that migratory whales entangle less frequently than those that are feeding.
- d) There is a paucity of survey information about whale density in this area.
- e) There are significant impacts in this area from current Fishery Management Plans and Take Reduction Plans.
  - Oregon Inlet south to South Carolina border prohibition on gillnets equal to or greater than 8 inches year-round/permanent.
  - Rolling, time-specific area closures from Oregon Inlet to about the VA/MD border (almost year-round, federal waters; pending state waters, too).
  - Shad closure ocean intercept gillnet fishery (12/31/04)
  - Bottle-Nose Dolphin TRP (final stages of development) reduces overnight sets and contains tending provisions and gear reductions.
  - Lobster/Sea Bass regs: reduced effort/ number of pots
  - Harbor Porpoise closure (2/15 – 3/15); Mud Hole (4/1 – 4/16); Multi-Species Block (20 days out during March – May); Monkfish (20 day block, April 1-June 30).
- f) There are locally prevailing fishing practices that make it less likely that whales will entangle in this region.

### **Key Messages From This Region’s Representatives:**

- We want to do what we can to reduce whale entanglements.
- We want to consider whale benefit / fisherman cost in figuring out what measures would make most sense.

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## I. Trap/pot (Southeast/Mid-Atlantic)<sup>3</sup>

### A. Conch (Southeast/Mid-Atlantic)

- a) Phase out floating buoy line by 2010<sup>6</sup> contingent on available funding
- b) When fished as trawls, 600/1,100 lb. breakaway in all vertical line; no toggles or coils; knotless as possible.
- c) no floating line between traps

### B. Black Sea Bass (NY Bight to Cape Canaveral)

Combine a. and b. (ask what mean by combine)

- a) Require weighted buoy line / no floating line at surface now
- b) Phase in top 2/3 sinking line & buoy line by 2010 contingent upon available funding.
- c) For ground lines, evaluate lowering profile to accommodate locally prevailing practices (i.e., grappling).

Replace with next two bullets:

- Add no wet storage of gear
- All gear must be tended every 30 days
- d) When fished as trawls, 600/1,100 lb. breakaway in vertical lines; no coils, toggles, knotless as possible.
- e) Industry willing to mark gear, provided requirement is reasonable, cost-effective, and coordinated by region and fishery (for buoy line). Create marking subcommittee
- f) Some industry members willing to participate in buy-out program if industry cannot abide regulations.

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<sup>3</sup> NMFS indicated they preferred to do away with species-specific gear modifications and to apply all trap/pot gear regardless of target species, but it is not clear how NMFS intends to differentiate consistent inshore/offshore lobster regulations in the south with other pot gear regulations if these are extended down to Cape Hatteras (Rick Marks – 5/5/03).

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## II. Gillnet (Southeast/Mid-Atlantic)

- A. Exclusion (from False Cape Florida (@29 degrees North from there to the south end of restricted area Nov. 15-30) to fish and target Spanish mackerel and shark with tended gear at night. [Considering, need to look into and will get back to MidAtlantic fishermen.](#)
- B. Phase in top 2/3 sinking buoy line and ground lines to anchor by 2010 during December 1 – March 31. [Phase in 2006. Make year round, not just seasonal.](#)
- C. [Require weighted buoy line/no floating line at surface now required now](#) (NY Bight to N.C./S.C. border December 1 – March 31. [Preference for universal requirements \(Cape Cod Bay\), see page one, How want to meet universal requirement up to industry.](#)
- D. For anchor only, 1,100 lb. breakaway in vertical line; No coils, toggles; as knotless as possible December 1 – March 31. [Question ought this apply to drift gillnet fishery as well. OK, want year round.](#)
- E. Season expansion for gillnets set overnight with 2 anchors:
  - 1,100 lb. breakaway
  - 1 weak link / 300 ft. net
  - Year-round requirement
  - [Year round; all else ok](#)
- F. Gear marking – confusing between federal and state and special area requirements. Must be resolved on coast-wide basis. [Delegate to marking subgroup](#)
- G. [Agency to commit to outreach and education in midatlantic, conduct research different gear configurations such as SAM, weak links in net panels.](#)  
- [Research on profile requirements as well](#)

### **a) Boundary Adjustments For State Internal Waters**

- (1) Adopt Col Regs for Delaware Bay, similar to Harbor Porpoise Take Reduction Plan.[OK](#)
- (2) Lobster Area 6: exempt from ALWTRP regs (near-shore state internal waters).[OK work with states to id appropriate lines.](#)

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### **b) Education, Outreach, and Research**

- A. Disentanglement: Limited disentanglement capacity / presence north of Rudy Inlet. (Need more capacity.)
- B. Education/Outreach: Need to get more information related to reducing entanglements to industry, NMFS, Councils, INDV states, and ASMFC via trade press. For example, information is needed on requirements, research opportunities, partnership opportunities, and stakeholder meetings.
- C. Research:
  - 1. Buoyancy of ground line to facilitate grappling (TOP PRIORITY)
  - 2. Load cell work on various types of weak links
  - 3. Additional/expanded aerial surveys to better determine migratory patterns.
  - 4. Funding opportunities for Mid-Atlantic and Southeast whale research must be enhanced (e.g., on gear, surveys, etc).

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### **Gillnets for Georges Bank and Gulf of Maine**

I. Analysis of reduction in effort due to fishery management measures. I.e.) reduction in days at sea, 37% reduction in nets and buoy lines. *No guarantee will be continued reduction in effort.*

*Laist. Establish mandatory DAM for gillnets; ability to establish mandatory gear needed inside and outside critical habitat, requirements for gillnets should be removal of gear in the DAM, fishermen be notified within 24 hours a sighting of criteria in original rule, rule become effective within five days.*

Problem, potential displacement into lobster fishery.

Gear require inside and outside of critical habitat, would require reg change. 24 hour siting criteria – unrealistic. 5 days upon original siting – working to meet current rule req. Very challenging to notify fishermen in writing.

McK.DAM rules don't correlate well with critical habitat areas. Consider bottom breakaways. *Issue is whether weak links are effective. Weak links are flexible, so high change of entanglement. Question how functional. Support more research on effectiveness of weak links. Need to reduce strength from current levels. Question whether four could be used.*

II. Existing DAMS: Support DAM requirements that are the same as SAM (one buoy line, five link panels, prohibition on all poly in endline and groundline, with one exception to current rule, allowance of two weak link buoy lines) (Analyze conservation benefit of 3-5 weak link system). Prefer voluntary compliance with gear modifications above for DAMS. **Voluntary compliance only is a nonstarter. Will need mandatory and voluntary if have modifications as specified by NMFS, and mod of gear.** *Support idea of moving to weak links year round. Whether four or five weak links should be determined after research is conducted. Consider one buoy line exemptions. If this is universal to gillnet, two buoy lines would be needed.*

III. Eliminate DAMS and SAMS for gillnet gear by 2008 **consistent with other fisheries.**

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## **GILLNETS FOR SOUTHERN New England AREA AND GULF OF MAINE**

### **I. In-shore**

- A. Eliminate DAMS and SAMS for gillnet gear by 2008.
- B. Keep current regulations proposals currently in place when not in critical areas, i.e.) weak links on bouy line and gillnet.
- B. Don't want to change anything. Keep current regs in place, Cape Cod Bay, South Channel – keep modifications – SAM breakaway technology, all other require one other breakaway.
- C. Continue with modify gear regulations in critical habitat areas.
- D. Boats in Sliver and in other critical areas, 5 breakaways per net panel. NMFS does not think can id critical areas.
- E. Sinking groundline – between net and anchor and modify vertical end lines, – same as in all of NE fisheries (ie, lobster, conch,...) This is new. If SAM/DAM goes away neutrally buoyant line used, as of 2006.
- F. Want to see experimentation to see if can reduce breakaway strengths from net panels, 1100 lower? Like to work with fishermen
- G. No fishing in Cape Code Bay.

### **II. Offshore**

- A. Remove DAMs if at all possible
- B. Remain 5 weak links in SAMS and in special areas
- C. Remain 1100 pound breakaway

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## **CONSERVATIONISTS' RECOMMENDATIONS FOR NE**

### **I. In-Shore Trap/Pot Fisheries Proposal**

- A. Low-risk areas only include inland waters, sheltered harbors, etc.
- B. There is high risk in all other waters throughout the Gulf of Maine.
- C. Use the term “non-floating line,” rather than “neutrally buoyant / sinking line.”
- D. Use “non-floating” line throughout the Eastern Seaboard (except low risk areas). In the Maine State waters East of Booth Bay, except Mt. Desert Rock, develop low profile poly over two years. (Proposed “low profile” poly definition = 2 feet off the bottom of a test tank.) Phase in use of non-floating line through 2006. Will help find funds for implementation. This should be implemented throughout East Coast waters.
- E. Vertical lines also represent a substantial risk. NMFS gear research should focus on that, rather than improving weak links.
- F. Until D happens and risk from vertical lines is decreased, keep SAMs, DAMs and critical habitat limitations in place.
- G. Cape Cod gear mods would be acceptable in SAMs and DAMs.
- H. Use a particular color for non-floating line.

### **II. Off-shore**

- A. Red Crab:
  - a) Exemption at 300 fathoms is reasonable.
  - b) Red crab is a good candidate for research on remote release buoy lines.
- B. Off-shore Lobster:
  - a) The proposed exemption areas are a problem because many are a high risk for whales. However, the top of Georges Banks might be possible.
  - b) Areas in which fishing occurs at depths greater than 250-300 fathoms could be considered “low risk” areas.

**Attachment B**  
**List of Attendees**  
**Atlantic Large Whale Take Reduction Team**  
**April 28-30, 2003**

**TRT Members and Alternates\***

Bill Adler, Massachusetts Lobstermen's Association  
 Regina Asmutis, International Wildlife Coalition\*  
 Sue Barco, Virginia Marine Science Museum\*  
 Peter Brodeur, Rhode Island Lobsterman's Association\*  
 Diane Borggaard, NOAA Fisheries  
 Leroy Bridges, Downeast Lobstermen's Association  
 Edward Chiofolo  
 Peter Cooke (red crab)  
 David Cupka, South Carolina Dept. of Natural Resources  
 Cindy Driscoll, Maryland Dept. of Natural Resources  
 Pat Fiorelli, New England Fishery Management Council  
 Lewis Gillingham, Virginia Marine Resources Commission  
 Sonny Gwin (lobster, black sea bass, and conch)  
 Erin Heskett, International Fund for Animal Welfare  
 Chris Hickman (black sea bass)  
 Russell "Rusty" Hudson, Florida Shark Gillnetters Assoc.  
 Robert (Bob) Kenney, URI, Graduate School of Oceanography  
 Scott Kraus, Edgerton Research Laboratory, New England Aquarium  
 Amy Knowlton, Edgerton Research Laboratory, New England Aquarium \*  
 David Laist, Marine Mammal Commission  
 Bill Mackintosh (lobster, black sea bass, and scup)  
 Rick Marks, Garden State Seafood Association  
 David Mattila, Center for Coastal Studies  
 Dan McKiernan, Massachusetts Division of Marine Fisheries  
 David Morin, Center for Coastal Studies\*  
 Margaret Murphy, South Atlantic Fishery Management Council  
 Steve Nippert (hagfish)  
 Gary Ostrom (lobster, black sea bass, and scup)  
 Billy Reid (conch and black sea bass)  
 Greg Silber, NOAA Fisheries  
 Jamison Smith, Florida Fish and Wildlife Conservation Commission  
 Bonnie Spinnazola, Atlantic Offshore Lobstermen's Assn.  
 Terry Stockwell, Maine Dept. of Marine Resources  
 Cynthia Taylor, Wildlife Trust  
 Stuart Tolley, Cape Cod Gillnet Association  
 Patten "Pat" White, Maine Lobstermen's Association  
 April Valliere, Rhode Island Div of Fish & Wildlife  
 Mason Weinrich, The Whale Center of New England  
 Dave Wiley  
 Sharon Young, The Humane Society of the U.S.

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\* Indicates Alternate

**Observers**

Sue Barco, Virginia Marine Science  
Museum  
Mark Baumgarber, Woods Hole  
Oceanographic Institute  
Bob Black, IEC  
David Borden, Rhode Island DEM  
Bob Bowman, Center for Coastal  
Studies  
Ben Brickett, Blue Water Concepts  
Philip Bramhall, Lobster Fisherman  
Maine Zone D Lobster Council  
Moe Brown, Center for Coastal Studies  
Greg Hitchens, U.S. Coast Guard  
Dan Hudgens, IEC  
Nick Jenkins  
Timothy Johnson  
Tora Johnson, College of the Atlantic  
Jen Kassakian, IEC  
Amanda Kozuck, Duke University  
Ed Lyman, Massachusetts Division of  
Marine Fisheries  
Jeni Menendez, University of Rhode  
Island  
Scott Muffat  
Mike Myrick, Fishermen Maine Zone  
Council  
Owen Nichols, Center for Coastal  
Studies  
Kate Sardi, Whale Center of Nebraska  
Rich Seagraves, Mid-Atlantic Council  
Thomasina Taylor, University of Rhode Island

**NOAA Fisheries**

Kathryn Bisack  
Tim Cole  
Mary Colligan  
Bill Foster  
Joe Green  
David Gouveia  
Dana Hartley  
John Higgins  
Wayne Hoggard  
Nicholas Hopkins  
Dan Hytrek  
John Kenney  
Pat Kurkul  
Greg Lamontagne  
Juan Levesque  
Kristy Long  
Richard Merrick  
Henry Milliken  
Katie Moore  
Richard Pace  
Paul Perra  
Bob Ross  
Glenn Salvador  
Pat Scida  
Alison Stimpea  
Amy Whittingham  
Donna Wieting  
Julie Williams

**RESOLVE**

Abby Arnold  
Marci DuPraw  
Angela Jones

## Attachment C

### Atlantic Large Whale Take Reduction Team

*Proposed Ground Rules for Use at April 28-30, 2003 ALWTRT Meeting  
(Draft of April 15, 2003)*

1. Decision-Making: The Atlantic Large Whale Take Reduction Team (TRT) will seek to develop consensus recommendations where possible. In this context, “consensus” means that the recommendation in question is supported by all TRT members present at the meeting; this does not necessarily mean that each TRT member likes everything about the recommendation, but that each member is willing to accept it. Where consensus cannot be reached on a particular issue in the time available for developing a recommendation on that issue, the range of possibilities considered by the TRT will be presented, including the views of both the majority and minority.
2. Membership: Membership will reflect a balance or representation by interest, region, and sector. Members are encouraged to reflect their own viewpoints and the viewpoints of their constituencies.
3. Attendance: Team members are encouraged to attend all TRT meetings. Team members can designate one alternate to attend in their absence. It is the responsibility of the Team member to keep their alternate informed and prepared for meetings. A Team member who needs to send an alternate is requested to notify NMFS that an alternate will attend for them, and who that person is, at least one week in advance of the meeting.
4. Meeting Agendas: Draft meeting agendas are circulated to Team members prior to each TRT meeting and finalized by the Team during the first portion of the meetings.
5. Meeting Summaries: Meeting summaries will be drafted by the facilitation team, and then circulated to TRT members for review and comment. The facilitation team will revise accordingly, and then mail the final summary to Team members. Members of the team are encouraged to circulate meeting summaries to their respective constituencies once they are finalized. Summaries will not attribute comments or suggestions.
6. Media Contact: Media inquiries concerning the TRT will be referred to the NMFS Public Affairs Officer, who will share the TRT roster upon request. Media representatives inquiring about the TRT process will be referred to approved meeting summaries. Team members may talk to media representatives concerning their own views about the issues being discussed by the Team. However:
  - A. TRT members agree not to attribute particular comments to particular individuals, nor to characterize others’ views;
  - B. TRT members agree not to portray ideas as consensus before the TRT has explicitly agreed on them.

7. Public Comment: Members of the public are encouraged to direct comments through TRT members or speak at designated times on the meeting agenda.