



Protected Resources Updates

December 14, 2022

Council Meeting

PR Updates: Outline

- ALWTRT/P and risk background
- 11/14 Protected Resources Committee meeting report – whale topic
- 11/14-11/18, 12/1-12/2 TRT Meeting outcomes

Council discussion

- Sturgeon Action Plan update
- Committee report – sturgeon topic

Council discussion

ALWTRP and ALWTRT Background

- Atlantic Large Whale Take Reduction Plan:
 - Goal of reducing level of serious injury and mortality of large whales in commercial gillnet and trap/pot fisheries
 - Is developed and modified by the ALWTRT (team)
- Team:
 - 60 fishermen, scientists, conservationists, state and federal resource managers from Maine to Florida
 - East Coast Councils, ASMFC: one representative each
 - Tasked with working towards compromise and consensus
- All team meetings are open to the public
- Opportunity for public comments is provided

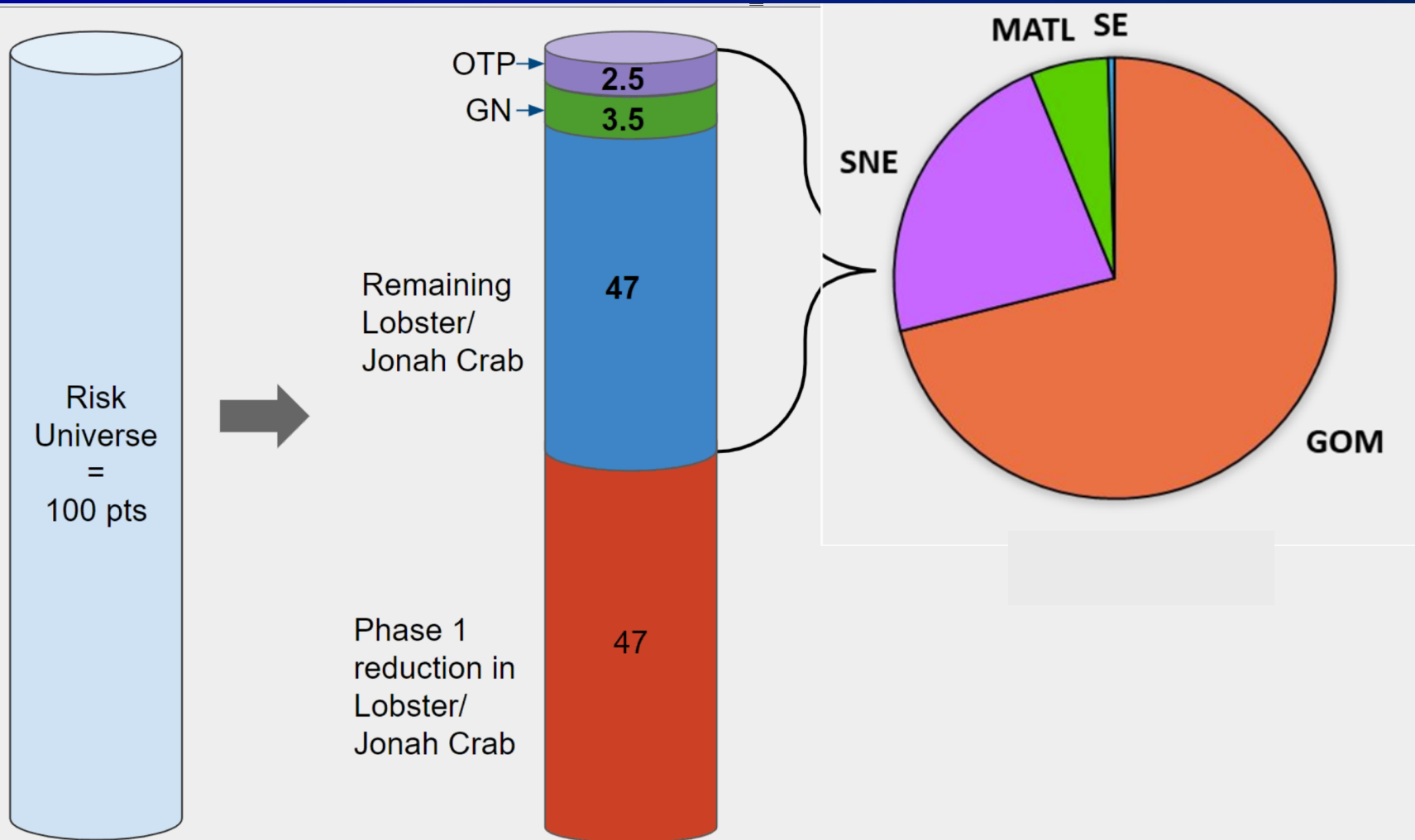
Right Whale Entanglement Risk

- North Atlantic Right Whale is critically endangered
- Some risk was mitigated through phase 1 of the recent modifications to the plan
 - NE lobster/Jonah crab fishery, 2021
- More risk reduction is needed to achieve 88-93% risk reduction target
- Recent lawsuit: presiding judge ruled that the 2021 Final Rule failed to satisfy the requirements of the MMPA

Protected Resources Committee Involvement

- Met in Sept. 2021, Sept. 2022, Nov. 2022
 - Discussed potential measures, questions, concerns
 - Stakeholder engagement and feedback to NMFS
 - Informs staff as the Council representative on the team
 - 9/22 requested data
 - Mid-Atlantic risk units by primary fishery, by month, as well as total risk units for the coastwide MAFMC fisheries by month.
 - Information available and/or being used to evaluate vertical gillnet height to determine entanglement risk reduction in Mid-Atlantic gillnet fisheries.

Risk Information



Risk Information: Request Results

Region	Gillnet Fishery	Coastwide Relative Risk	Within Gillnet Relative Risk
MATL	Region Total	0.41%	12.07%
	Large Mesh	0.06%	1.63%
	Medium Mesh	0.21%	6.11%
	Small Mesh	0.15%	4.32%
SNE	Region Total	1.93%	57.23%
	Large Mesh	1.90%	56.31%
	Medium Mesh	0.03%	0.86%
	Small Mesh	0.00%	0.05%

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Risk Information: Request Results

Month	SNE OTP	MATL OTP	SNE GN	MATL GN
Jan.	0.1%	0.5%	0.4%	0.3%
Feb.	0.2%	0.1%	0.5%	0.3%
Mar.	0.2%	0.0%	0.0%	0.3%
Apr.	0.3%	0.1%	1.5%	0.2%
May	0.4%	0.1%	1.0%	0.0%
Jun.	0.2%	0.0%	0.2%	0.0%
Jul.	0.1%	0.0%	0.1%	0.0%
Aug.	0.1%	0.0%	0.0%	0.0%
Sept.	0.1%	0.0%	0.0%	0.0%
Oct.	0.2%	0.1%	0.0%	0.0%
Nov.	0.4%	0.3%	0.1%	0.1%
Dec.	0.2%	0.9%	0.2%	0.4%

Mitigation: Industry Proposal

Mid-Atlantic region-based industry proposal submitted to team modelers:

1. Anchored gillnets targeting smooth dogfish and spiny dogfish will use one endline buoy
 2. Anchored gillnets targeting bluefish will use one endline buoy
 3. Anchored gillnets targeting monkfish/skates (with net panel tie down and 1,100-pound weak links in each net panel) with weak rope (1,100lbs) in buoy surface system with a 1,700-pound rope attached to anchor for retrieval.
- Together these measures achieved approximately 0.6 % risk reduction

Protected Resources Committee Meeting

Right whale discussion

- Reviewed data request results
- One buoy line on trap/pot gear from Dec.-May in the MATL region?
 - NMFS responded that this can be analyzed/considered
- Industry proposal focusing on gillnet in the MATL
 - Included going to one endline buoy instead of two

Protected Resources Committee Meeting

- Committee discussed different types of gillnet fisheries
- NC offshore fishery is different:
 - Requirement that one end of the gillnet be ropeless or use a pop-up buoy would not work
 - Tended fishery, gear is being set close together in deep water, small area by multiple fishermen
 - Need to communicate where gear begins and ends
 - Low soak times, overall low risk
 - Would need to discuss an exemption

Protected Resources Committee Meeting

- Discussed enforceability by species, more difficult, likely would enforce by mesh size/location
- Different regs under other take reduction plans, e.g. harbor porpoise and bottlenose dolphin
 - Would not want any proposed regs to conflict with those plans
 - A lot already in place, hard to keep track of them all

Protected Resources Committee Meeting

- Gear marking was discussed to designate areas and better identify where the entanglement has occurred
 - Could also be used to better identify fishery for enforcement
- Vertical net panel risk, how that is accounted for?
 - Vertical height is considered through encounter rate, so the risk of an encounter with a whale increases with a higher net panel
 - No direct calculation of area below the headrope as a contribution of risk

November/December TRT Meeting

- Goal was final recommendations from the team to NMFS to achieve 88-93% risk reduction to right whales coastwide
- Groups met by region and developed measures that were then analyzed for risk reduction
- Regional measures combined into coastwide packages to analyze total risk and move towards the goal
- The development of ropeless technology and future implementation was discussed increasingly as meeting progressed

November/December TRT Meeting

- Mid-Atlantic measures in packages discussed:
- Gillnet:
 - One endline NJ-VA for dogfish and inshore species
 - Weak horizontal rope all gillnet (1,100 lb)
 - Weak vertical rope both endlines (1,700 lb) NJ-VA
 - 2 endlines, weak vertical rope on one endline – NC, Nov-Apr

November/December TRT Meeting

■ Trap/pot:

- 20 traps per trawl for BSB/lobster NY-VA
- One endline for DE, MD, VA, NC Nov-April
- Weak rope (1700 lbs or less) LMA 4 and 5

■ Other notes:

- Team did not reach consensus
- NMFS will likely use majority package to inform proposed rule
- Some types of measures may require FMP adjustments through Councils

Council Discussion

- A more thorough summary and update with next steps from NMFS is planned for the February Council Meeting
- Questions/comments?



NOAA
FISHERIES

Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries

Mid-Atlantic Fishery Management Council

December 14, 2022

Spencer Talmage, Sustainable Fisheries
Division, GARFO

Introduction/Refresher

- The Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries was produced by the Atlantic Sturgeon Bycatch Working Group, which NOAA Fisheries convened to meet the requirements of the May 27, 2021 Biological Opinion
- These requirements were:
 - Conduct a review of all available information pertaining to Atlantic sturgeon bycatch in federal large mesh gillnet fisheries;
 - Produce an Action Plan by May 27, 2022 which would reduce this bycatch by 2024; and
 - Include an evaluation of post-release mortality, including identification of needed information and a plan/timeline for acquiring and using this information
- A draft Action Plan was released on May 26, 2022, and a final version was released on September 26, 2022
- The Council received a presentation on the draft on June 8, 2022



Action Plan – Quick Overview

- The final Action Plan:
 1. Communicates the results of the information review and highlights information gaps;
 2. Recommends measures that the Councils and NOAA Fisheries should consider to reduce bycatch of Atlantic sturgeon in the federal large mesh gillnet fishery by 2024; and
 3. Establishes a timeframe for development of such measures and further evaluation of post-release mortality.
- The Action Plan recommends that fisheries managers consider three primary approaches to achieve bycatch reductions by 2024. These are:
 1. Modifications to gear;
 2. Reductions in soak time; and
 3. Consideration of small, focused, potentially seasonal measures where Atlantic sturgeon bycatch is most common



Notes on Recommendations

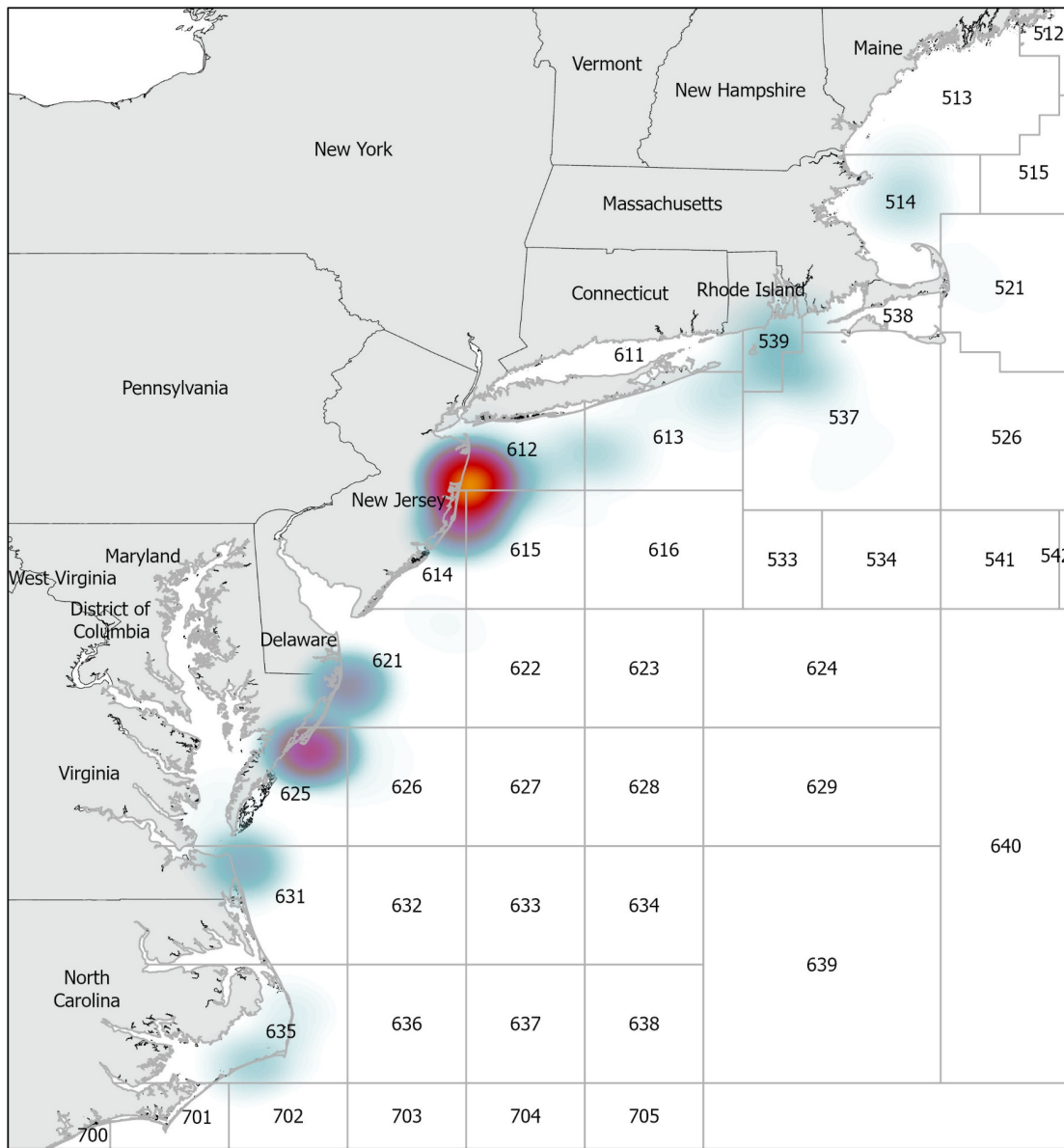
- The recommendations are just that; they are not strict requirements.
- The recommendations in the Action Plan could be “mixed and matched” to balance bycatch reduction with the needs of affected fisheries.
- The recommended measures should apply to federally permitted commercial fishing vessels fishing with large mesh (≥ 7 inches) gillnet gear to target Northeast Multispecies, monkfish, skate, and/or spiny dogfish
- The definition of large mesh (≥ 7 inches) used in the Action Plan is derived from requirements of the Biological Opinion; these recommendations technically exclude some vessels fishing with <7 inch mesh in the above fisheries.
 - The Action Plan suggests that the Councils consider including these vessels in actions to reduce bycatch; interaction between vessels fishing with <7 inch mesh and Atlantic sturgeon was observed. Addressing these interactions would likely have a positive impact on Atlantic sturgeon.



Recommendations

- Councils should consider requiring the use of low-profile gillnet gear in included fisheries; which the Action Plan defines as:
 - Mesh size ranging from 12 to 13 inches,
 - Net height ranging from 6 to 8 meshes tall,
 - Tie-down length of 24 inches,
 - Tie-down spacing of 12 feet, and
 - Primary hanging ratio of 0.50.
- Councils should consider restricting gillnet soak time in included fisheries
- The Action Plan recommends work to evaluate small, focused, potentially seasonal closure or restricted areas where incidence of Atlantic sturgeon interaction are noted to be high





- Mapped Observer data from 2015-2020
- Heat Maps used – change from the draft

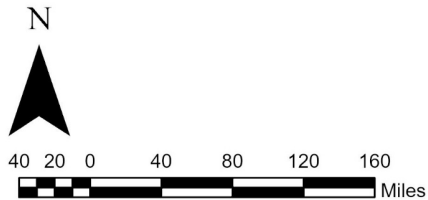
Majority of monkfish fishery interactions

Majority of dogfish fishery interactions

Number of Observed Sturgeon Interactions



Greater Atlantic Region Statistical Areas (2010)



Timeline for Action Plan and Development of Measures to Reduce Atlantic Sturgeon Bycatch in Gillnet Gear			
May 26, 2022	Draft Action Plan is released online		
June 7 – 9, 2022	Presentation at MAFMC Meeting		
June 28 – 30, 2022	Presentation at NEFMC		
August 1 – 4, 2022	Presentation at ASMFC Summer Meeting		
September 26, 2022	Finalized Action Plan is published online		
September 27 – 29, 2022	NEFMC 2023 Priorities Setting Process Begins		
October 4 – 6, 2022	Initial MAFMC Discussion of 2023 Implementation Plan		
December 6 – 8, 2022	NEFMC 2023 Priorities Set		
December 12 – 15, 2022	MAFMC 2023 Implementation Plan Finalized  We Are Here		
If Councils develop action under MSA		If NOAA Fisheries develops action under ESA	
January – April 2023	Council Action Development - Background Work	January – November 2023	NOAA Fisheries Develops Proposed Rule
April – September 2023	Council Action Development and Final Action	November 2023	Proposed Rule Published; 30-day public comment period
December 2023	Council Submission of Action	January – May 2024	NOAA Fisheries Develops Final Rule
January – February 2024	NOAA Fisheries Review and Publication of Proposed Rule	May 2024	NOAA Fisheries publishes Final Rule and Implementation
March – May 2024	NOAA Fisheries publishes Final Rule and Implementation		

Protected Resources Committee Meeting

- NEFMC and MAFMC both added a sturgeon action to draft 2023 implementation plans/priorities
- 3 general paths:
 - 1) Joint action with NEFMC that only addresses monkfish and dogfish
 - 2) Joint omnibus action that considers monkfish, dogfish, NE multispecies and skate
 - 3) No Council action-NMFS has indicated they will develop measures through their rulemaking process
- Committee recommended some version of path 1 or 2 be pursued

Protected Resources Committee Meeting

- One member noted may be logistically more difficult to have a joint action with NEFMC that addresses some species that are only managed by NEFMC such as groundfish and skates
- Recommended communication/coordination with ASMFC
 - ASMFC has a Sturgeon Board and AP
 - Dogfish complimentary plan

Council Discussion

- The NEFMC December mtg:
 - Noted leadership discussion is planned on this with the MAFMC and ASMFC
 - Help develop process details related to a joint action covering multiple species

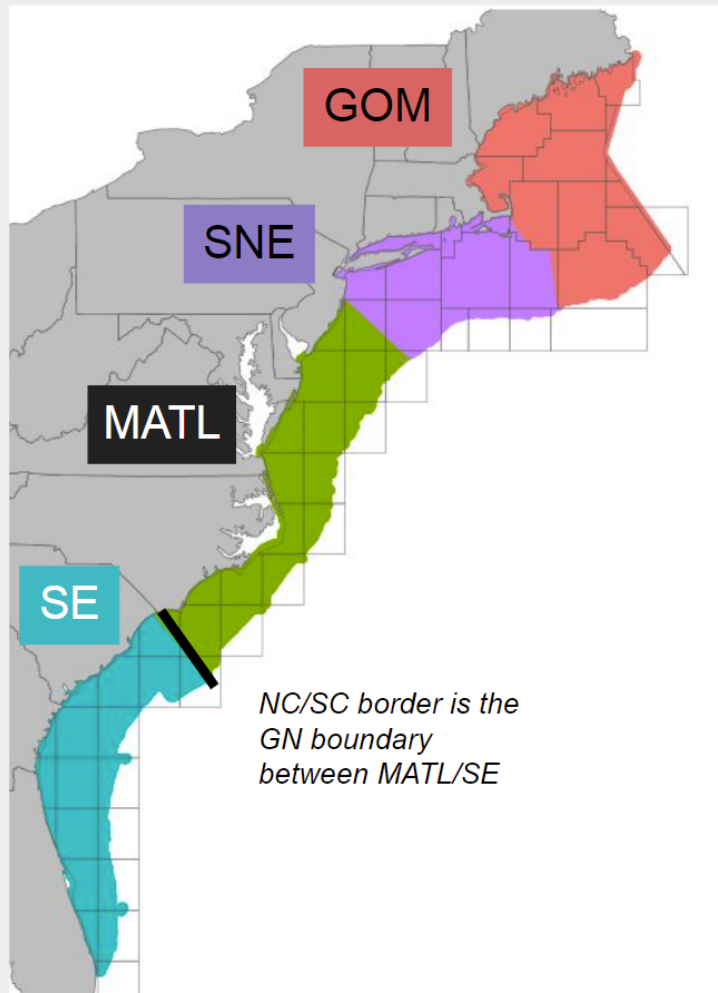
Discussion:

- Joint action with NEFMC that only addresses monkfish and dogfish OR
- Omnibus with NEFMC, that considers monkfish, dogfish, NE multispecies and skate

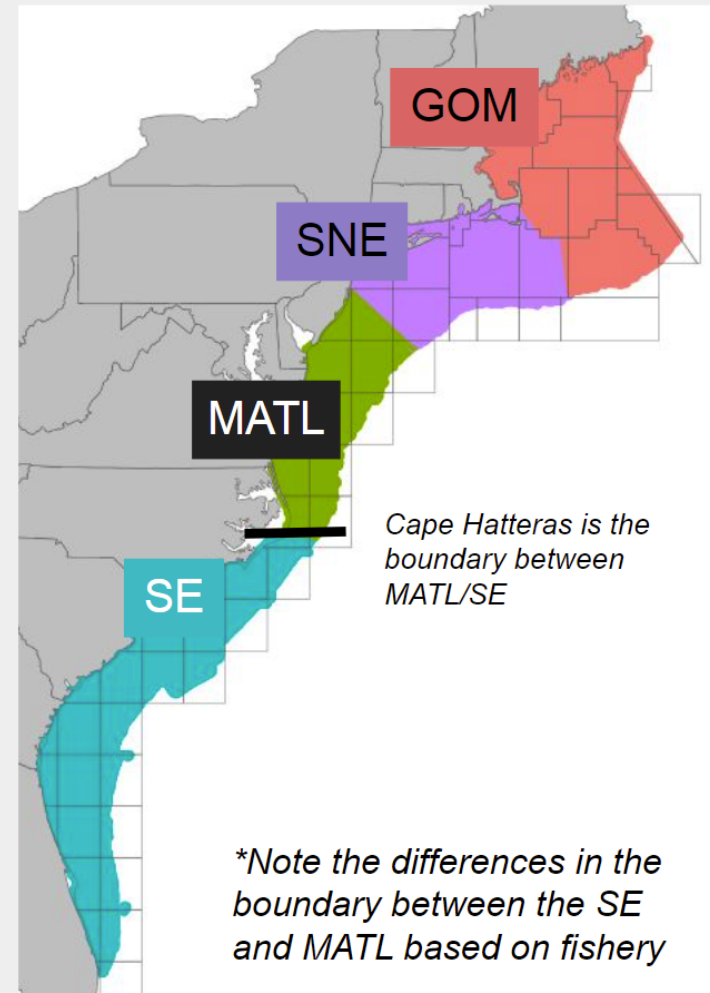
Backup slides

Risk Information

Gillnet Regions



Trap Pot Regions



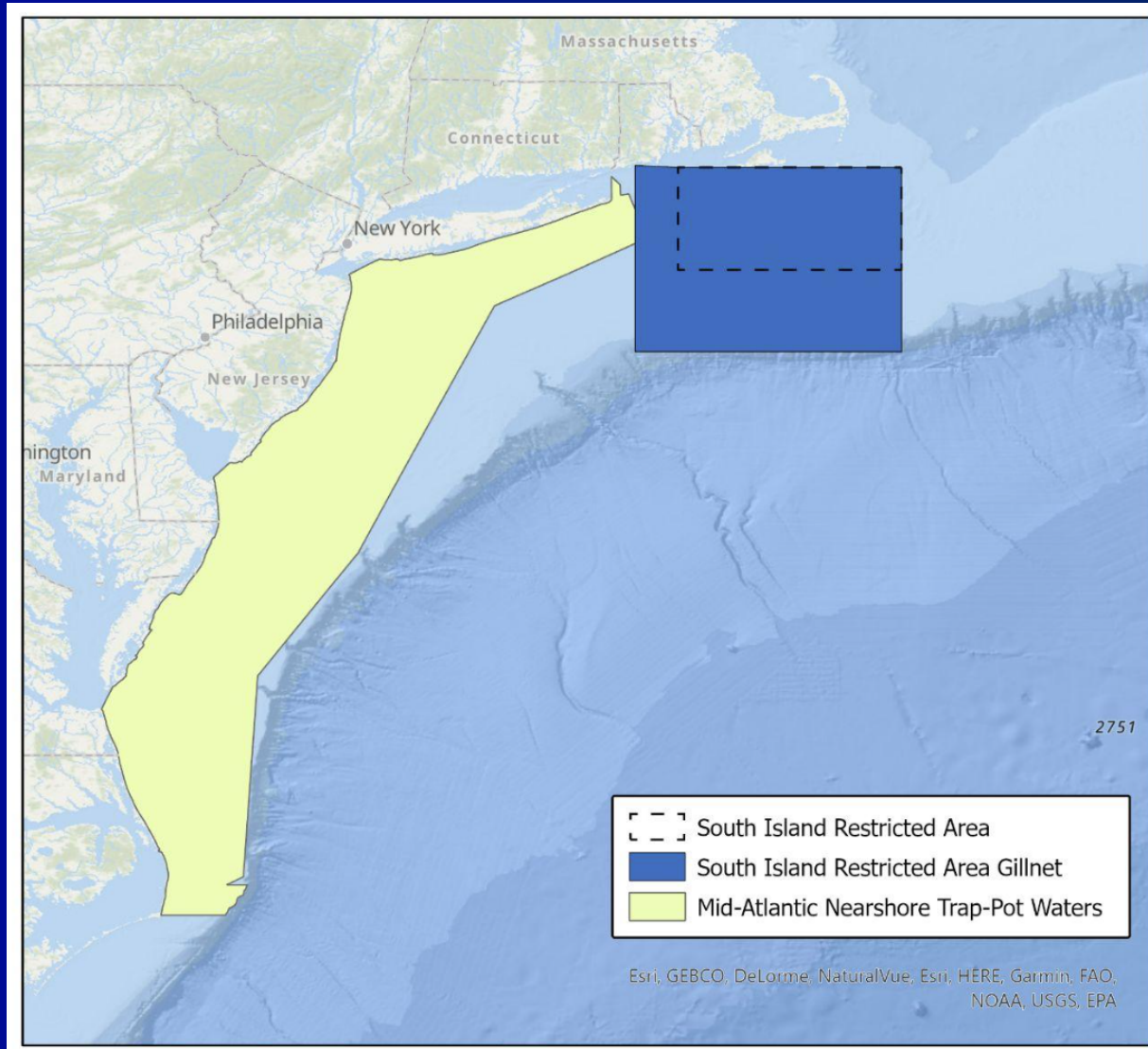
Risk Information: Request Results

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MATL	Region Total	0.41%	12.07%
	Dogfish	0.30%	8.80%
	Fed	0.22%	6.62%
	InshoreSpp	0.05%	1.62%
	MonkfishSkate	0.05%	1.58%
	SharkSpp	0.00%	0.07%
SNE	Region Total	1.93%	57.23%
	Dogfish	0.02%	0.48%
	Fed	1.90%	56.20%
	InshoreSpp	0.03%	0.97%
	MonkfishSkate	1.88%	55.74%
	NEGroundfish	0.00%	0.04%

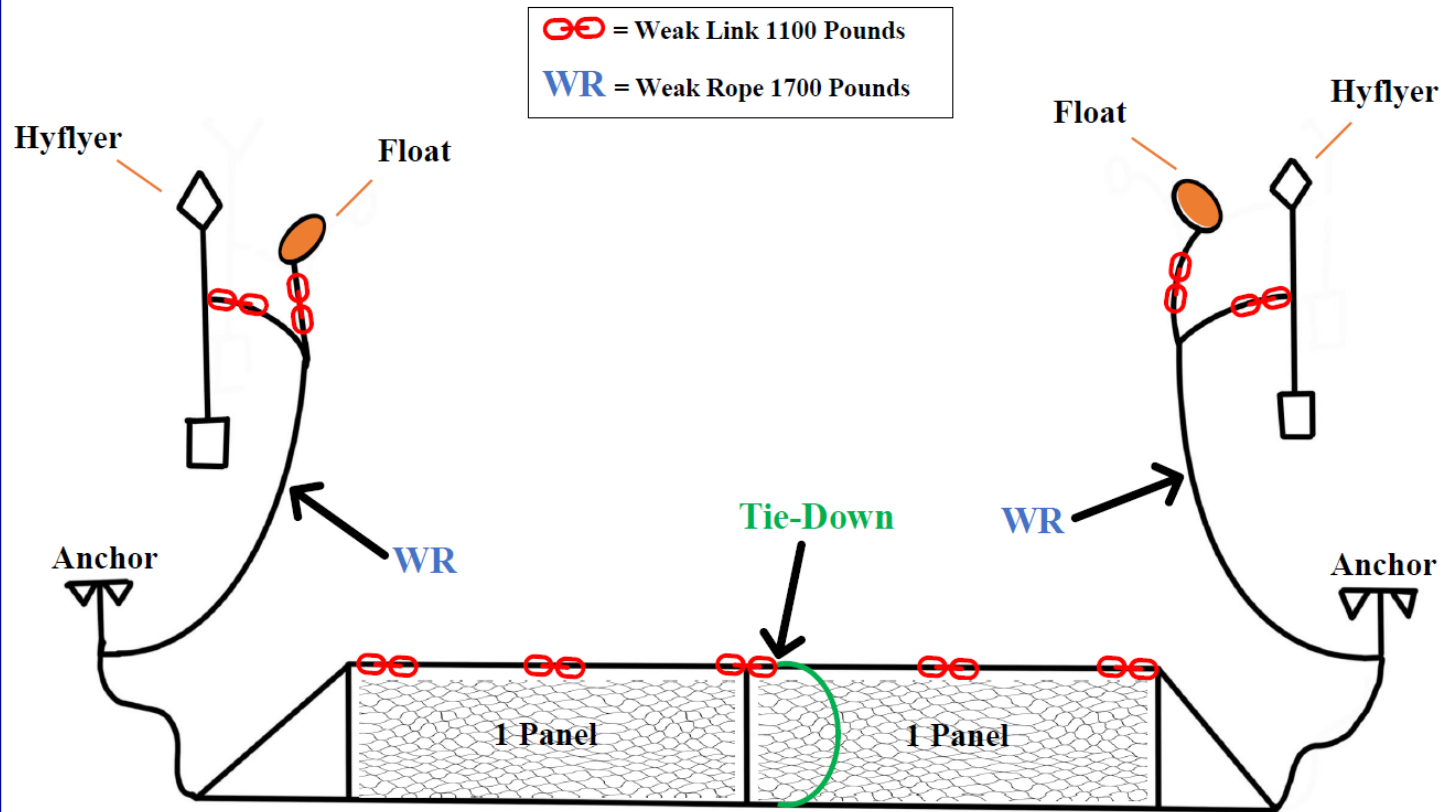
Types of Mitigation Measures

- Increasing the min. number of gillnet panels per set to reduce endline numbers
- Reducing the number of buoy lines on a set
- Gear tending or daytime-only sets for gillnets
- Increasing # of traps per trawl for pot gear
- Weak links and weak rope that breaks at forces of less than 1,700 lb
- Seasonal restricted areas
- On-demand or “ropeless” gear in testing phase, not considered a current mitigation measure option for the current rulemaking

Mitigation: Industry Proposal



Mitigation: Industry Proposal



*Mid-Atlantic weak links in panel differ from construction relative to weak link requirements.

Contact Kevin Wark or Greg DiDomenico with any questions.

Proposal Results: Risk Reduction

Measure	Fishery	Region	Time	Risk Reduction
One buoy line for anchored gillnet	Gillnet (Inshore Spp, Anchor)	Coastwide	Year-Round	<0.5
One buoy line for anchored gillnet	Gillnet (Dogfish, Anchor)	Coastwide	Year-Round	<0.5
75% Weak Rope	Gillnet (Monkfish & Skate)	Coastwide	Year-Round	1
100% Weak Net Panels	Gillnet (Monkfish & Skate)	Coastwide	Year-Round	1