Draft Addendum XXVII

Increasing Protection of Spawning Stock in the Gulf of Maine/Georges Bank

American Lobster Management Board
August 2, 2022

Outline

1. Background
2. Proposed Management Options
3. Concerns with Magnuson-Stevens Act Implications for Proposed Gauge Size
4. Board Discussion

Background

- August 2017: Board initiated Draft Addendum XXVII to increase the resiliency of the GOM/GBK stock
  - Focus on standardizing measures across LCMAs
- Following 2020 benchmark assessment, Board reinitiated work on Addendum XXVII
  - Settlement surveys over the past five years have consistently been below the 75th percentile of time series
  - Evidence of declines in recruit abundance in ventless trap survey and trawl surveys for the GOM/GBK stock since 2020 stock assessment
  - These declines could indicate future declines in recruitment and landings

Addendum Objective

- Addendum objective:
  - ***Given persistent low settlement indices and recent decreases in recruit indices, the addendum should consider a trigger mechanism such that, upon reaching the trigger, measures would be automatically implemented to increase the overall protection of spawning stock biomass of the GOM/GBK stock.***

Action Timeline

Date	Action
February 2021	Board reinitiated work on Draft Addendum XXVII
Feb-Dec 2021	PDT, TC, and Board meetings to discuss addendum development
January 2022	**Board approved Draft Addendum XXVII for Public Comment** *** Policy Board delayed further action**
TBD	*Public hearings and comment period*
TBD	*Board meeting to consider final approval of Draft Addendum XXIX*

Proposed Management Options

Proposed Management Options

- Proposed Options separated into two issues:

Issue 1: Measures to be standardized upon final approval of Addendum XXVII

Issue 2: Implementing management measures to increase protection of SSB

Current Measures (GOM/GBK)

Mgmt. Measure	Area 1	Area 3	OCC
Min Gauge Size	3 1/4"	3 17/32"	3 3/8"
Vent Rect.	1 15/16 x 5 3/4"	2 1/16 x 5 3/4"	2 x 5 3/4"
Vent Cir.	2 7/16"	2 11/16"	2 5/8"
V-notch requirement	Mandatory for all eggers	Mandatory for all eggers above 42°30'	None
V-Notch Definition[1] (possession)	Zero Tolerance	1/8" with or w/out setal hairs[1]	State Permitted fisherman in state waters 1/4" without setal hairs; Federal Permit holders 1/8" with or w/out setal hairs[1]
Max. Gauge (male & female)	5"	6 3/4"	State Waters none; Federal Waters 6 3/4"
Season Closure			February 1-April 30

Issue 1 Options

Issue 1: Measures to be standardized upon final approval of Addendum XXVII

Option A	**Status Quo**
Option B*	**Standardized measures to be implemented upon final approval of addendum**
Sub-option B1	standardized measures within an LCMA
Sub-option B2	standard V-notch requirement across all LCMAs
Sub-option B3	standard V-notch possession definition of 1/8” with or without setal hairs for LCMAs 1, 3, and OCC
Sub-option B4	standardize regulations to limit the issuance of trap tags to equal the harvester trap tag allocation for LCMAs 1, 3, and OCC

***Board may select multiple sub-options**

Issue 2

Issue 2: Implementing management measures to increase protection of SSB

- Consider changes to the minimum and maximum gauge sizes along with corresponding vent sizes
- Proposed measures are expected to
  - 1) increase SSB, and
  - 2) result in the minimum gauge size increasing to meet or exceed the size at 50% maturity (L50) for each LCMA
- Vent sizes change to match final minimum gauge size

Issue 2

- Two approaches for implementing management changes:
  - 1) establish a trigger mechanism where pre-determined management changes would be triggered upon reaching a defined trigger level based on observed changes in recruit (71-80 mm carapace length) abundance indices
  - 2) establish a pre-determined schedule for future changes to the management measures

Issue 2 Options

Issue 2: Implementing management measures to increase protection of SSB

Option A	**Status Quo**
Option B	**Gauge size changes triggered by 17% decline, and 32% decline in trigger index**
Option C	**Gauge size changes triggered by 20% decline, and 30% decline in trigger index**
Option D	**Gradual change in gauge sizes triggered by 17% decline in trigger index**
Option E	**Scheduled changes to minimum gauge size in LCMA 1**

Issue 2: Option B

Option B	LCMA 1	LCMA 3	OCC
Trigger 1 (17% decline)	**Minimum gauge: 3 5/16" (84 mm)** Maximum gauge: status quo, 5" Vent size: status quo	Minimum gauge: status quo, 3 17/32" (90 mm) Maximum gauge: status quo, 6 ¾" (171 mm) Vent size: status quo	Minimum gauge: status quo, 3 3/8" (86 mm) Max: status quo, 6 ¾" (171 mm) Vent size: status quo
Trigger 2 (32% decline)	**Minimum gauge: 3 3/8" (86 mm)** Maximum gauge: status quo **Vent size: 2 x 5 3/4" rectangular; 2 5/8" circular**	Minimum gauge: status quo **Maximum gauge: 6"** Vent size: status quo	Minimum gauge: status quo **Maximum gauge: 6"** Vent size: status quo

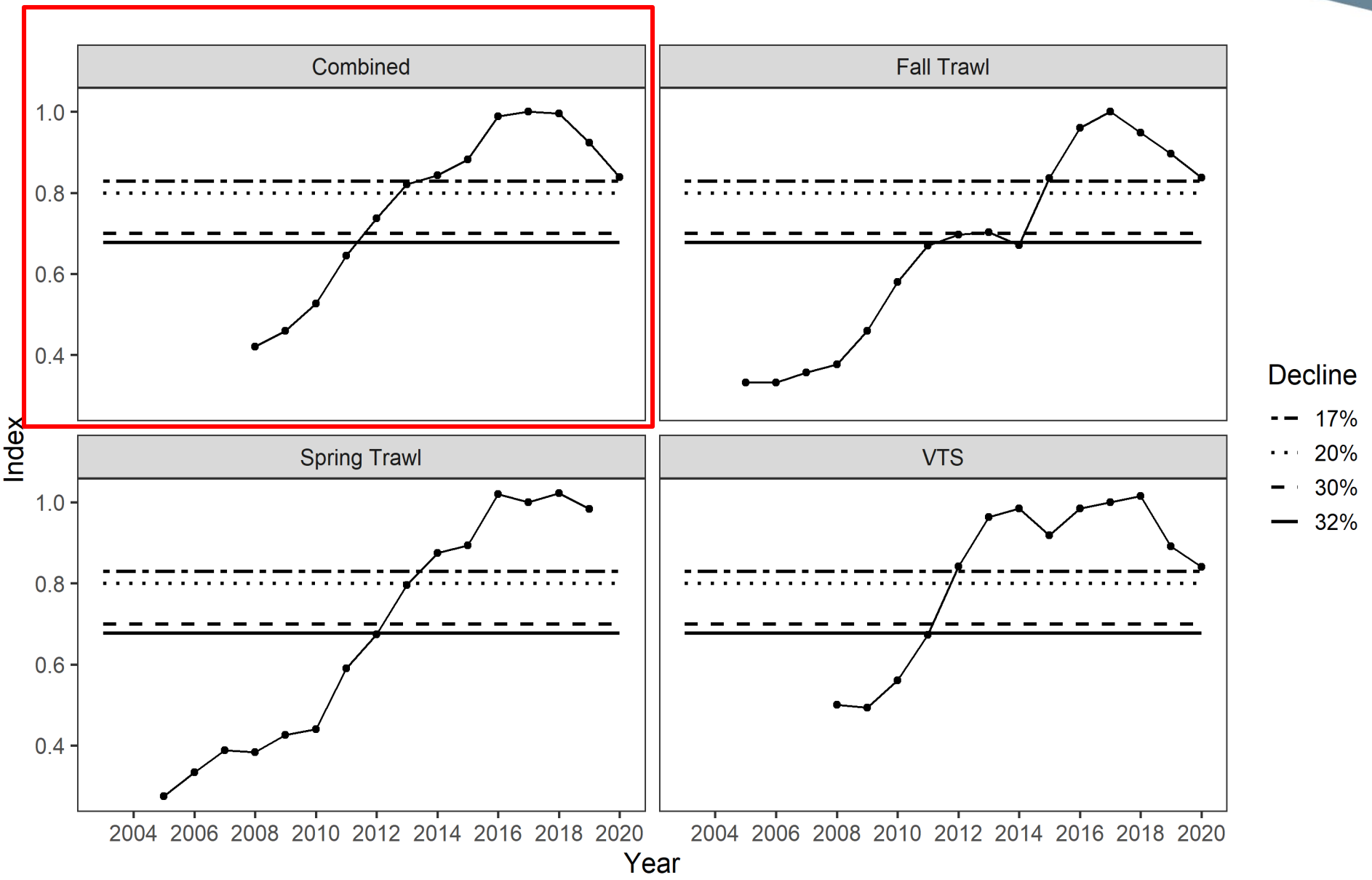
Issue 2: Option C

Option C	LCMA 1	LCMA 3	OCC
Trigger 1 (20% decline)	**Minimum gauge: 3 5/16" (84 mm)** Maximum gauge: status quo, 5" Vent size: status quo	Minimum gauge: status quo, 3 17/32" (90 mm) Maximum gauge: status quo, 6 ¾" (171 mm) Vent size: status quo	Minimum gauge: status quo, 3 3/8" (86 mm) Max: status quo, 6 ¾" (171 mm) Vent size: status quo
Trigger 2 (30% decline)	**Minimum gauge: 3 3/8" (86 mm)** Maximum gauge: status quo **Vent size: 2 x 5 3/4" rectangular; 2 5/8" circular**	Minimum gauge: status quo **Maximum gauge: 6"** Vent size: status quo	Minimum gauge: status quo **Maximum gauge: 6"** Vent size: status quo

Issue 2: Option D

Option D	LCMA 1	LCMA 3	OCC
Current Measures (Year 0)	Min gauge: 3 ¼” Max gauge: 5” Vent size: status quo	Min gauge: $3^{17}/_{32}$” Max gauge: 6 ¾” Vent size: status quo	Min gauge: 3 $^{3}/_{8}$” Max gauge: 6 ¾” Vent size: status quo
Trigger 1 (17% decline) (Year 1)	**Min gauge:** **3 $^{5}/_{16}$” (84 mm)** Max gauge: status quo Vent size: status quo	Min gauge: status quo **Max gauge: 6 ½”** Vent size: status quo	Min gauge: status quo **Max gauge: 6 ½”** Vent size: status quo
Intermediate gauge sizes (Year 3)	Min gauge: 3 $^{3}/_{8}$” (86 mm) Max gauge: status quo Vent size: status quo	Min gauge: status quo **Max gauge: 6 ¼”** Vent size: status quo	Min gauge: status quo **Max gauge: 6 ¼”** Vent size: status quo
Final gauge and vent sizes (Year 5)	Min gauge: 3 $^{3}/_{8}$” Max gauge: status quo **Vent size: 2 x 5 $^{3}/_{4}$” rect.; 2 $^{5}/_{8}$” circ.**	Min gauge: status quo **Max gauge: 6”** Vent size: status quo	Min gauge: status quo **Max gauge: 6”** Vent size: status quo

Trigger Index through 2020



Issue 2: Option E

Option E	LCMA 1	LCMA 3	OCC
2023 fishing year measures	**Min: 3 $^{5}/_{16}$" (84 mm)** Max: status quo Vent size: status quo	Min: status quo Max: status quo	Min: status quo Max: status quo
2025 fishing year measures	**Min: 3-3/8 (86 mm)** Max: status quo **Vent size: 2 x 5 $^{3}/_{4}$" rectangular; 2 $^{5}/_{8}$" circular**	Min: status quo Max: status quo	Min: status quo Max: status quo

MSA Concern

- Draft Addendum XXVII proposes a minimum gauge size of 3 $^{5}/_{16}$" (84 mm) in LCMA 1
  - Current size is 3 $^{1}/_{4}$
- Magnuson-Stevens prohibits import/sale of lobsters smaller than the minimum possession size in effect under the FMP
- Increasing the LCMA 1 gauge size means imports/sale of lobsters under 3 $^{5}/_{16}$" from Canada would be prohibited
  - Potential impacts for trade, harvesters, dealers, and processors

Additional Challenges

- Forthcoming requirements to reduce mortality/serious injury of North Atlantic right whales

- Impacts of these measures still unclear

Board Discussion

- How should staff proceed with Draft Addendum XXVII given concerns raised?

Questions?

Proposed North Atlantic Right Whale Vessel Speed Regulations

National Marine Fisheries Service
Office of Protected Resources

August 2022

Current North Atlantic Right Whale Vessel Speed Rule

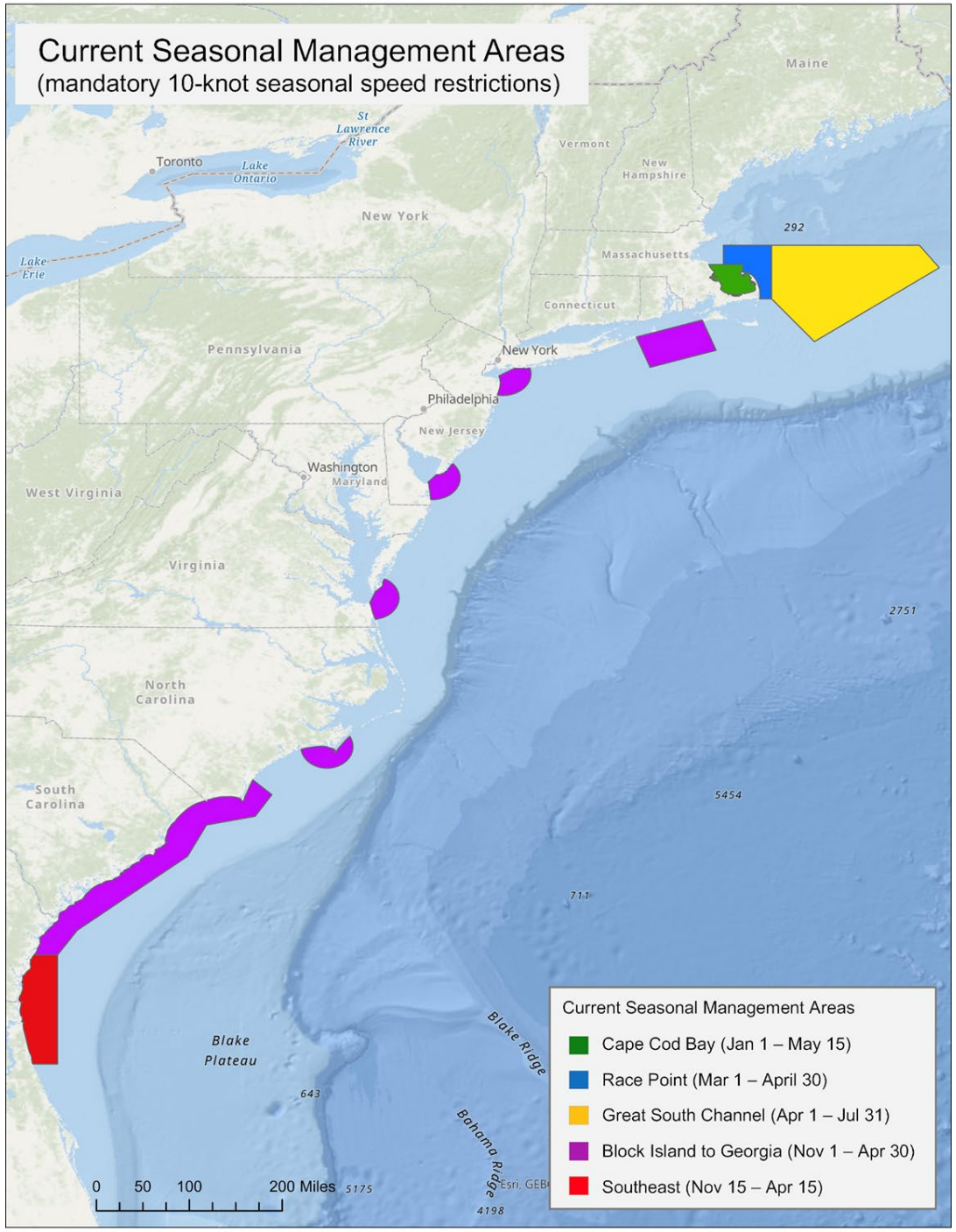
Implemented in 2008 following documentation of a number of NARW mortalities due to vessel strikes

Seasonal Management Areas (SMAs)

- Mandatory, 10-knot speed restrictions for most vessels ≥ 65 ft long in specified areas/times off the U.S. East Coast
- Effective November 1 and July 31 each year
- Safety deviation provision - vessels may exceed 10 knots if a vessel encounters conditions that severely impact maneuverability; vessel logbook entry required
- Certain vessel categories are exempt, including:
  - Military
  - Federally owned or operated
  - Search and rescue
  - Enforcement (actively engaged)

Vessel Compliance with SMAs

- Regulated vessels transited > 1million nautical miles within active SMAs; vessel compliance exceeded 81% (2018-2019);
- Container ships and pleasure vessels accounted for most transit distance > 10 knots within active SMAs;



Current Voluntary Speed Areas

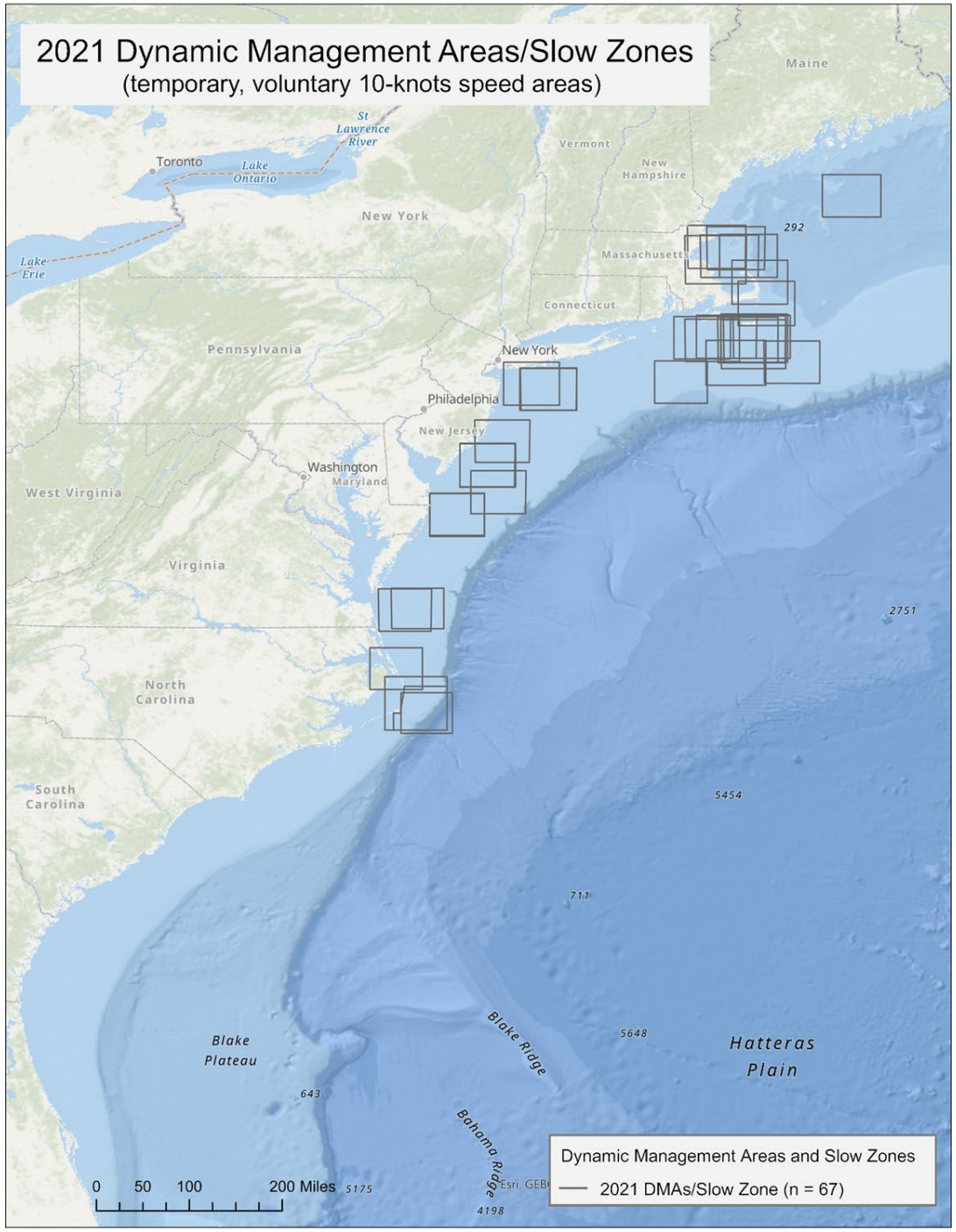
Implemented concurrently with the 2008 vessel speed rule

Dynamic Management Areas (DMAs) and Slow Zones

- DMAs are declared when 3 or more right whales are sighted in proximity or right whale are acoustically detected outside current SMAs
- NMFS requests that all vessel transits at speeds 10 knots or less within designated DMAs/Slow Zones or avoid the area while active;
- In 2021, 67 DMAs/Slow Zones were triggered in along the U.S. East Coast with most occurring in the Mid-Atlantic and Northeast regions.

Vessel Cooperation with DMAs and Slow Zones

- Vessel cooperation remains very poor; voluntary zones are not providing adequate protection to right whales
- In 2008 when the voluntary program was established, NMFS indicated that the agency would re-visit the need for mandatory speed restrictions if mariner cooperation was low.



Proposed Changes to the NARW Vessel Speed Rule

Four types of changes are proposed to ensure further reduction in the risk of serious injuries and mortalities due to vessel strike. All proposed modifications are consistent with findings and recommendations from the NARW Speed Rule Assessment released in January 2021.

1) Changes to SMA spatial and temporal boundaries (to be called Seasonal Speed Zones).
   - Changes would substantially expand the spatial and temporal boundaries of speed reductions in the Northeast/Mid-Atlantic, with more modest changes in the Southeast. Modifications are needed to address the spatio-temporal mismatch between current boundaries and areas/times of elevated vessel strike risk.

1) Addition of vessels ≥ 35 ft and < 65 ft in length
   - Vessel within this size class are currently unregulated and are responsible for at least six lethal NARW strike events in U.S. waters.

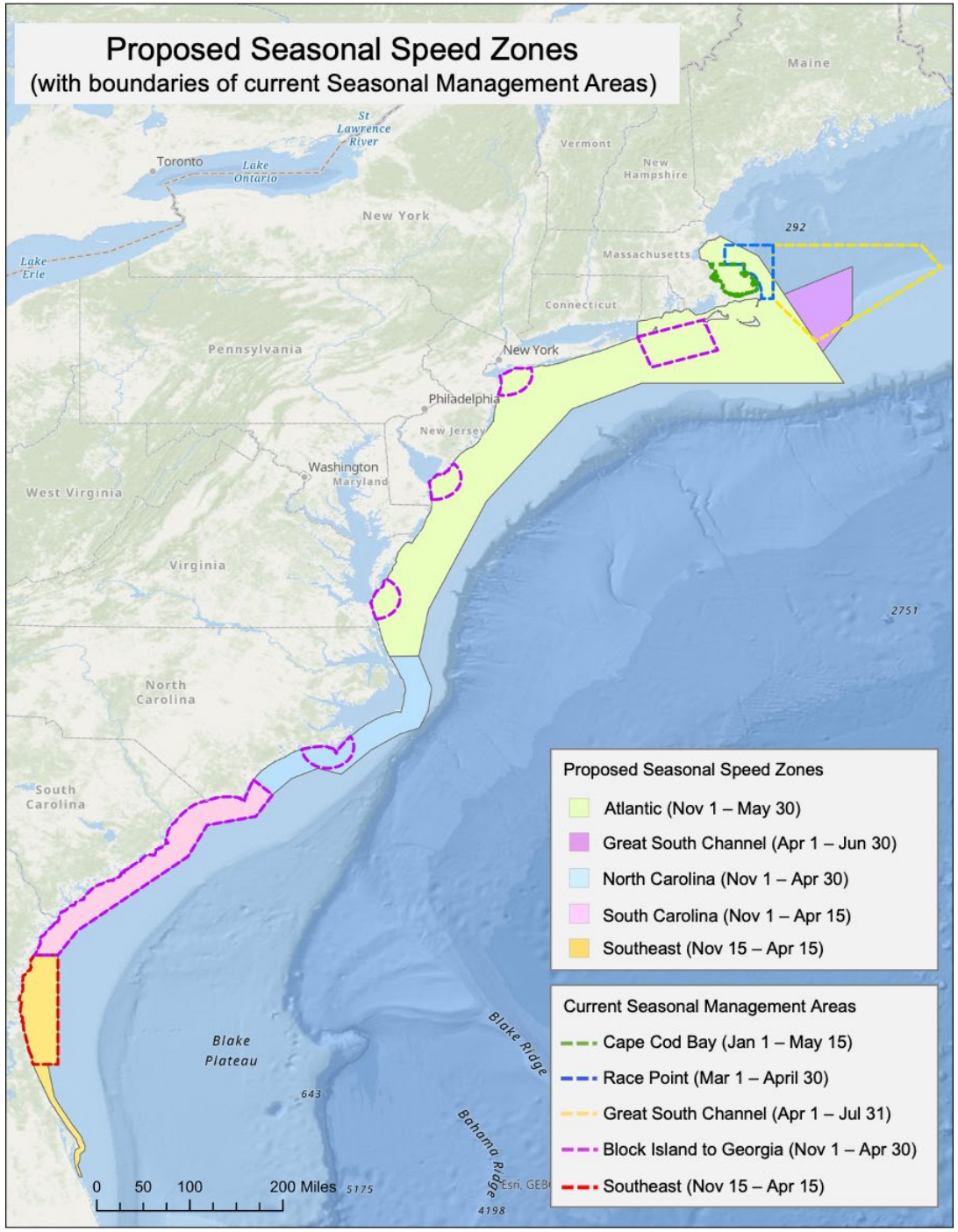
1) Creation of a mandatory Dynamic Speed Zone framework.
   - The current voluntary dynamic management program has proven to be ineffective. The creation of a new mandatory dynamic program would provide protection for right whale aggregations outside active speed zones and ensure right whale are protected should their habitat shift in the future.

1) Updates to the safety deviation provision.
   - These updates would require mariners to file an electronic report with NMFS within 48 hours of using the safety deviation and expand the definition of the safety deviation to include medical emergencies. Additionally, an exemption would be added for vessels < 65 ft in length while transiting in regions experiencing certain severe weather conditions.

2022 Proposed Speed Rule Amendments: SSZs

Seasonal Speed Zones (SSZs)

- Right whales have modified their distribution and habitat use since the rule was implemented in 2008 causing a mismatch between current protections and areas/time with elevated lethal strike risk
  - Additionally, more information is now available regarding vessel traffic characteristics and whale distribution, so we better understand where and when risk occurs.
- Changes to spatial/temporal boundaries of mandatory 10-knot speed zones are needed to further address lethal vessel strike risk.
- Proposed changes would approximately double the area under speed restriction along the coast with changes disproportionately impacting the Northeast/Mid-Atlantic, where substantial strike risk remains unaddressed.
- Boundary and timing changes are based on:
  - Coastwide vessel strike risk modeling (aiming to address 90-95% of risk)
  - NARW sightings and acoustic data
  - Limited data on vessel traffic < 65 ft
- NMFS also considered future wind development and proposed USCG fairways



2022 Proposed Speed Rule Amendments: Adding Vessels ≥ 35 ft to < 65ft

Strike risk from vessels <65 ft in length is an unmanaged threat to right whales in U.S. waters and there is substantial evidence demonstrating the ongoing risk:

- Since 2005, mariners have reported 8 collisions with right whales resulting in 6 mortalities or serious injuries involving vessels < 65 ft in U.S. waters. Vessel size ranged from 17-54 ft in length; And 6 more collisions have been reported with undetermined large whale species that may have involved right whales based on the location and timing of the events.
- In some cases, vessels sustained significant damage and/or sank and in 7 of the 8 cases the boat operator did not see the whale prior to impact.

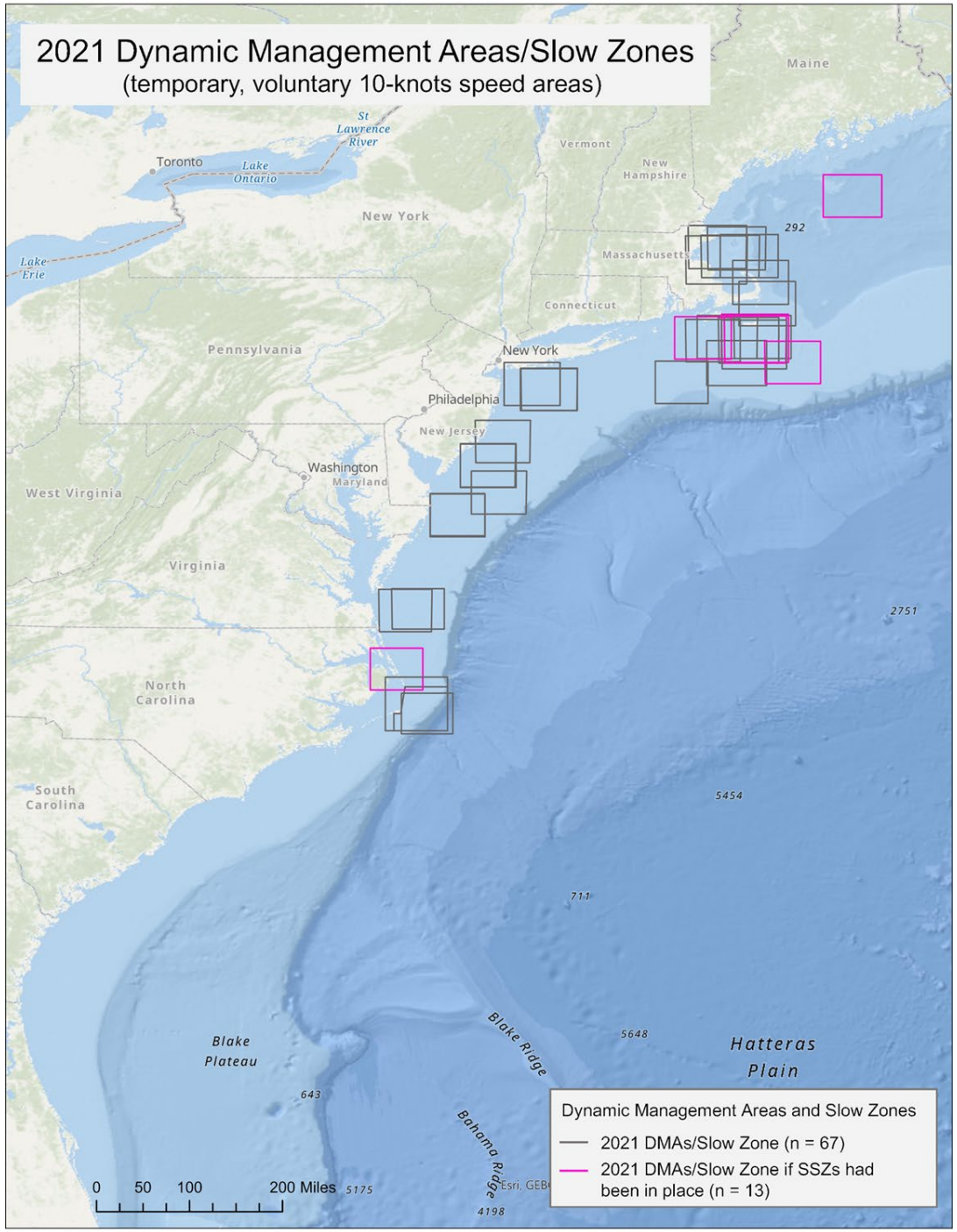
The proposed rule would modify the size class of regulated vessels (to include vessels ≥ 35 ft) but maintain all other restrictions regarding the types of vessels subject to speed regulation (military, Federal, enforcement, etc).

Photo: North Atlantic right whale calf killed by a vessel strike off St. Augustine, FL, February 2021. This was the first known calf of "Infinity" (#3230) who was also seriously injured in the same strike event. Photo taken under NMFS/NOAA permit 18786. Photo Credit: FWC/Tucker Joenz

2022 Proposed Speed Rule Amendments: DSZs

Dynamic Speed Zones (DSZs)

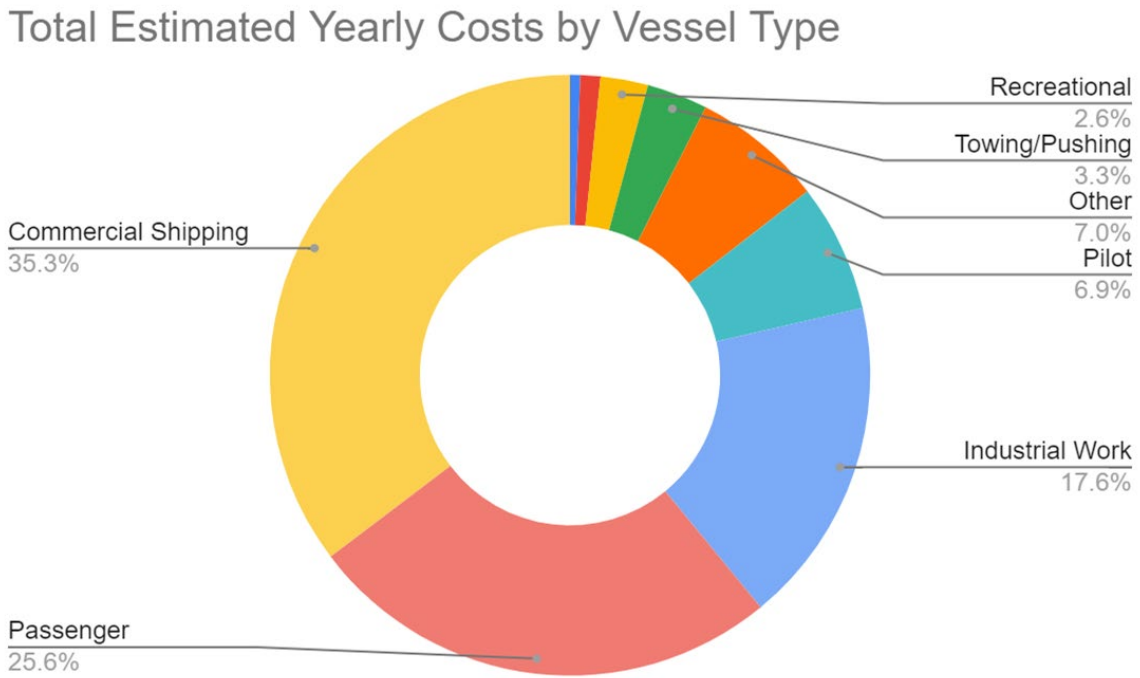
- DSZs are designed to protect aggregations and/or the extended presence of right whales in discrete areas over a limited time period.
- DSZs would be triggered by either visual or acoustic right whale detections outside active SSZs when NMFS determines there is a > 50% likelihood that the whales will remain within the zone.
- Once triggered, DSZs would be announced via an official NMFS website and USCG Broadcast Notices to Mariners, NWS Alerts, Whale Alert App, email lists and media/social media outlets.
- Most DSZs are expected to occur in the Mid-Atlantic and Northeast given the proposed expansion of the SSZs; fewer DSZs are expected to occur relative to current DMAs/Slow Zones
- In the absence of DSZs, additional expansion of SSZs would be necessary to provide a reduction in vessel strike risk from areas with intermittent/unpredictable vessel strike risk. DSZs provide flexibility to address possible whale habitat shifts without unduly burdening the regulated community.



2022 Proposed Speed Rule Amendments: Economic Impacts

- NMFS estimates that 15,899 vessels would be affected by the proposed amendments to the speed rule at an estimated cost of just over $46 million per year. Of the affected vessels:
  - 59% are recreational/pleasure boats, 22% ocean-going commercial ships, and 19% commercial, industrial and other vessel types;
- Number of affected vessels < 65 ft in length (esp. recreational) are likely substantially overestimated.
  - For vessels > 65 ft in length, we have ample AIS data to track which vessel types are impacted and the degree of the impact. For vessels < 65 ft we used USCG vessel registration data, and available AIS to estimate vessel activity.
  - ~93% of recreational boats registered FL-ME are < 35 ft in length and not impacted by the proposed rule;

- Commercial ships would bear the majority of costs along with passenger and industrial work boats.
- NMFS expects that commercial fishing and sailing vessels would be less impacted because the majority transit at speeds less than 10 knots;
- Approx. 89% of costs accrue to vessels operating in the NE/Mid-Atlantic (ME-NC),11% of costs borne by SE (SC-FL)
  - This is due to the larger overall expansion needed in the Northeast/Mid-Atlantic to address elevated strike risk in this region.



2022 Proposed Speed Rule Amendments: Next Steps

The proposed rule published on August 1st and will be open for public comment until September 30, 2022.

NMFS welcomes comments on the proposed rule. Please submit comments electronically via the Federal eRulemaking Portal *regulations.gov* by entering NOAA-NMFS-2022-0022 or searching for "Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule".

The agency aims to finalize changes to the mandatory speed rule in time to provide much needed protections to the right whale population during the 2022-2023 calving season.

NMFS plans to work closely with the maritime community to identify options to enhance vessel strike protections while minimizing burdens to the regulated community.

Right whale #4540 with fresh propeller cuts as a calf off Georgia, 2013. Photos by Clearwater Marine Aquarium Research Institute, taken under NOAA permit #15488.

DRAFT Ropeless Roadmap: A Strategy to Develop On-Demand Fishing

NOAA FISHERIES

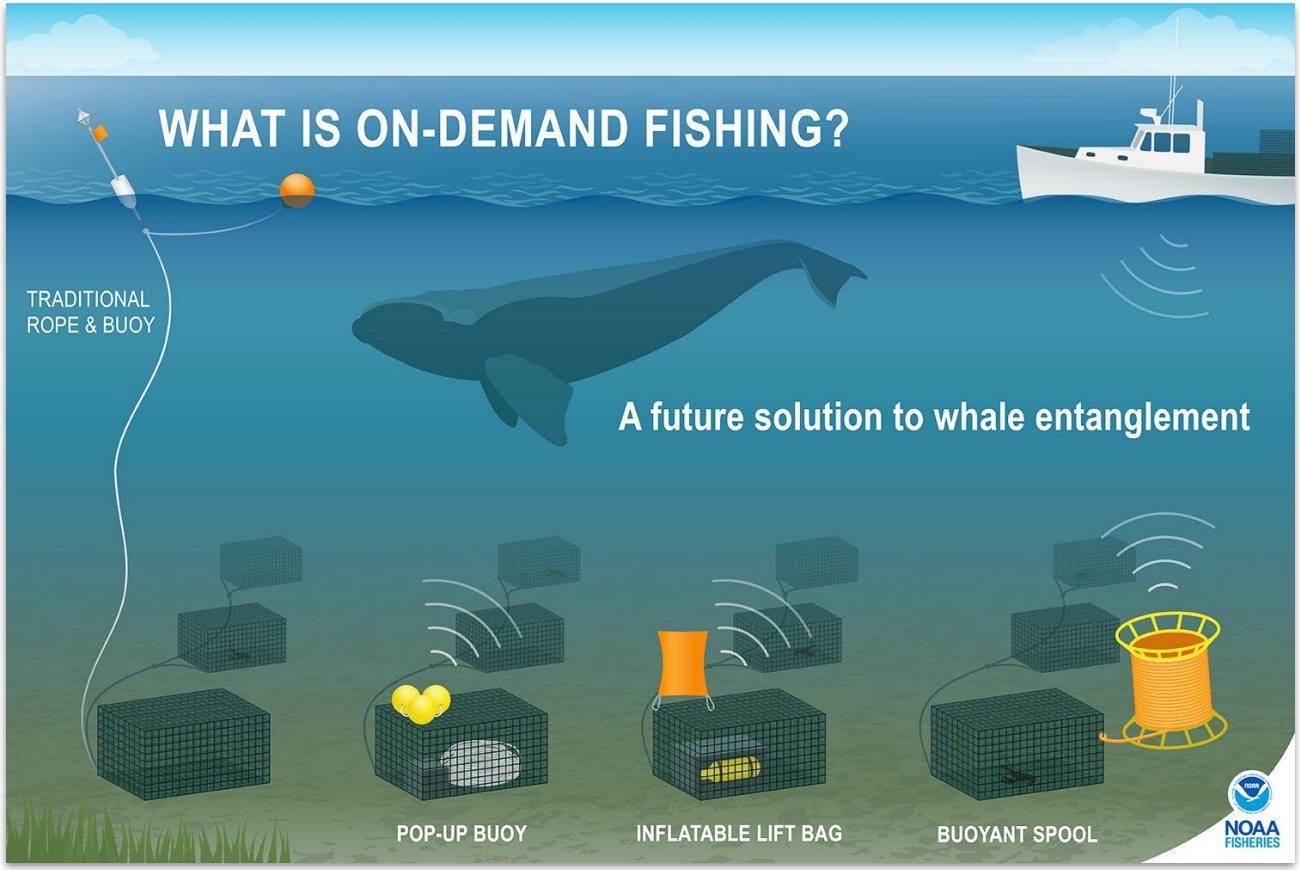
Northeast Fisheries Science Center

***Draft* Ropeless Roadmap**

A Strategy to Develop On-Demand Fishing

NOAA FISHERIES

Draft Ropeless Roadmap: A Strategy to Develop On-Demand Fishing



- **Why a Ropeless Roadmap?**
  - To provide a unified vision of on-demand fishing gear adoption throughout fixed gear fisheries in our region
  - To align partners and stakeholders in understanding technological and regulatory changes needed
  - We committed to producing a ropeless roadmap within 1 year of the batched fisheries Biological Opinion published on May 27, 2021

- **Next Steps**
  - Collect feedback from partners and stakeholders via https://bit.ly/3GHOIdE
  - Present at the Marine Mammal Biennial Conference beginning August 1
  - Present to the Atlantic Large Whale Take Reduction Team mid-August
  - Present at upcoming New England and Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission meetings
  - Refine the Ropeless Roadmap based on public feedback

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Ropeless Roadmap Outline

1. **On-Demand Fishing Gear**
   a. What is on-demand fishing gear?
   b. Why is on-demand fishing gear needed?
   c. Availability of on-demand fishing gear
2. **Using On-Demand Fishing Gear**
   a. Regulatory requirements
   b. Stages of development:
      Step 1: Technology development and testing
      Step 2: Resolving gear conflict
      Step 3: Expanded experimental fishing
      Step 4: FMP and TRP regulatory change

1. **Where is On-Demand Fishing Gear Needed?**
   a. Using the Decision Support Tool to identify the proportion of vertical lines that pose the highest amount of relative risk
   b. Charts to show how risk is unevenly distributed across vertical lines in the Northwest Atlantic (not spatially explicit)
   c. Areas currently and proposed to be closed under the Atlantic Large Whale Take Reduction Plan
2. **Locating Deployed On-Demand Fishing Gear**
   a. Current developments in interoperable geolocation technologies
   b. A statement advocating for open-source/nonproprietary geolocation technologies

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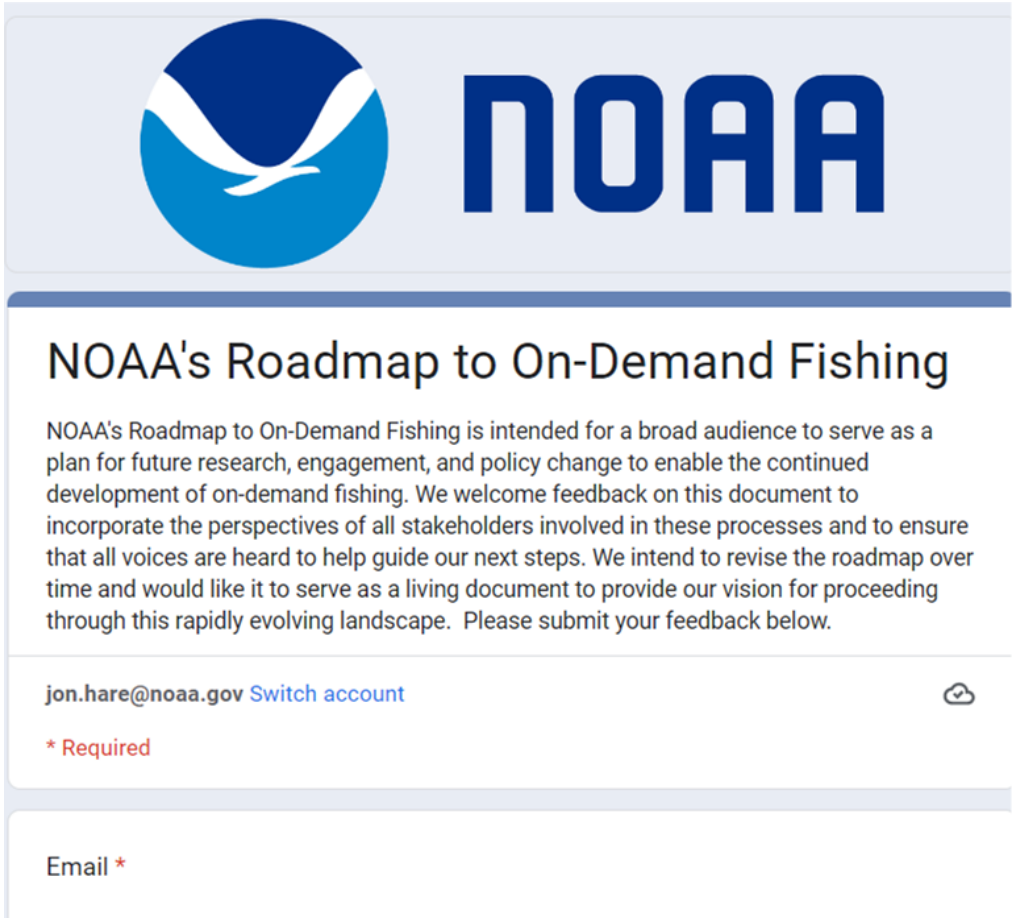
Collect feedback from partners and stakeholders via https://bit.ly/3GHOldE



NOAA

NOAA's Roadmap to On-Demand Fishing

NOAA's Roadmap to On-Demand Fishing is intended for a broad audience to serve as a plan for future research, engagement, and policy change to enable the continued development of on-demand fishing. We welcome feedback on this document to incorporate the perspectives of all stakeholders involved in these processes and to ensure that all voices are heard to help guide our next steps. We intend to revise the roadmap over time and would like it to serve as a living document to provide our vision for proceeding through this rapidly evolving landscape. Please submit your feedback below.

jon.hare@noaa.gov Switch account

* Required

Email *

Use this QR code or https://bit.ly/3GHOldE to submit feedback.

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Summary of Proposed Federal Area 2 & 3 and Reporting Rulemaking

NOAA FISHERIES

Allison Murphy
Sustainable Fisheries Division
Greater Atlantic Regional Fisheries Office

Atlantic States Marine Fisheries Commission's American Lobster Management Board

2 August 2022

Summary

- Proposed rule published July 11, 2022
- Responsive to request for complementary measures for Addenda XXI, XXII, and XXVI:
  - Area 2 and 3 ownership caps
  - Area 3 maximum trap cap reductions
  - Mandatory harvester reporting

Proposed Harvester Reporting (Addendum XXVI)

- Mandatory eVTRs, submitted within 48 hours of conclusion of a trip
- Additional Data Elements:

Proposed	Duplicative, not Proposed
Total number of traps hauled by chart area	Trip Length
Number of traps in chart area fished	10-Minute Square
Average number of traps per string hauled in the chart area fished	Lobster Management Area
Number of buoy lines in the chart area fished	
Total number of buoy lines in the water	

Proposed Area 2 Measures (Addendum XXI)

- Ownership cap of 800 traps/entity
- Those over cap as of the proposed rule allowed to retain traps, but not acquire additional traps
- Implemented May 1, 2024

- DIFFERENCE: single ownership cap or trap ‘banking’ not proposed

Proposed Area 3 Measures (Addenda XXI and XXII)

- Maximum trap cap reductions (per permit/vessel) from 1,945 traps to 1,548 traps, over 3 years
- Final aggregate ownership cap of 7,740 traps/entity (5x maximum trap cap in given year)
- Those over cap as of the proposed rule allowed to retain traps, but not acquire additional traps

- DIFFERENCES
  - Single ownership cap or trap 'banking' not proposed
  - Max trap cap reductions over 3 years, not 5 years

Proposed Rule vs Addenda Comparison

- Proposed in Rule:

Fishing Year	Maximum Trap Cap	Aggregate Ownership Cap
2022 (current limits)	1,945	n/a
2023	1,805	9,025
2024	1,629	8,145
2025	1,548	7,740

- Recommended in Addenda:

Year	Active Trap Cap	Individual Permit Cap	Aggregate Permit Cap
Year 0	2,000	2,333	11,665
Year 1	1,900	2,216	11,080
Year 2	1,805	2,105	10,525
Year 3	1,715	2,000	10,000
Year 4	1,629	1,900	9,500
Year 5	1,548	1,800	9,000

How to Comment

- https://www.regulations.gov/document/NOAA-NMFS-2022-0032-0001
- Click on Blue ‘Comment’ button on left of heading

- Questions?