

# Update: Phase II Modifications to the Atlantic Large Whale Take Reduction Plan

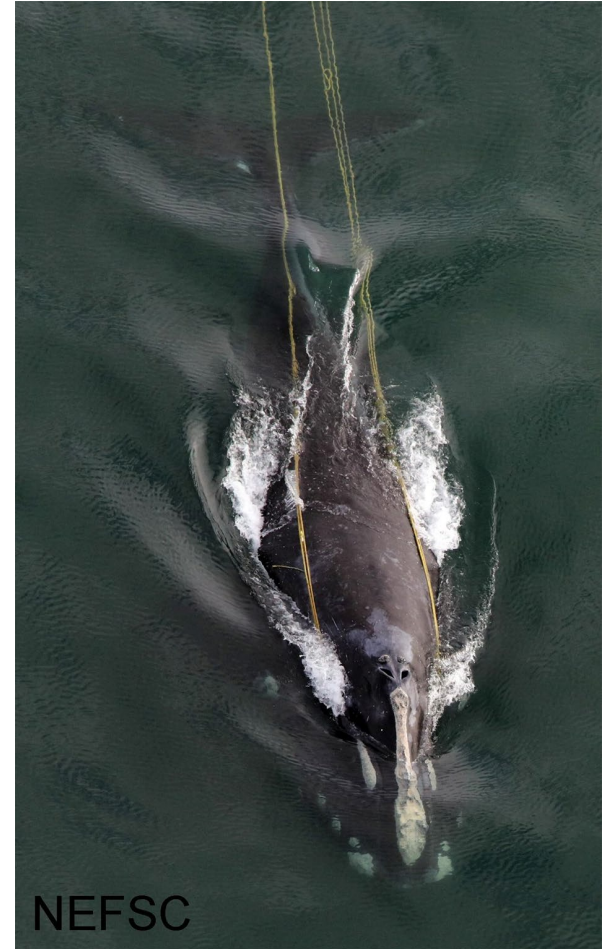
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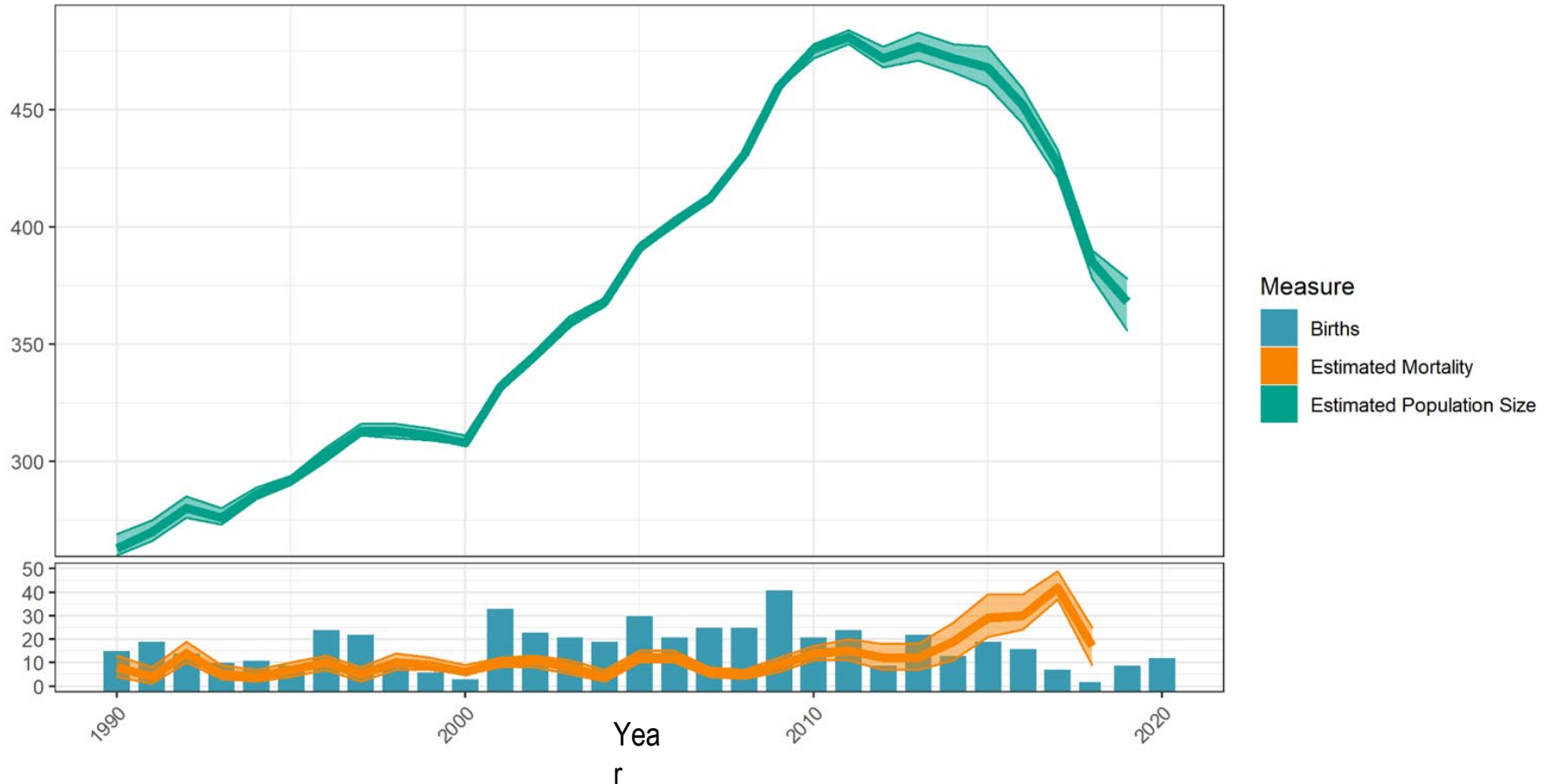
# Background on Atlantic Large Whale Take Reduction Plan

- **Required by MMPA if incidental mortality and serious injury in U.S commercial fisheries exceeds Potential Biological Removal (PBR)**
  - Because PBR is  $<1$  mortality or serious injury annually, focus is right whales
- **Take Reduction Planning:**
  - Develop and recommend take reduction measures
  - Consensus-based
  - NMFS has the ultimate responsibility to take action
- **Atlantic Large Whale Take Reduction Team**
  - 60 member team including 18 fishermen
- **Latest modification: Final rule in OMB (Northeast lobster and Jonah crab)**



NEFSC

# North Atlantic Right Whale Population in Decline Since 2010



Data from: Pace 2021, New England Aquarium

# Observed Mortality and Serious Injury 2017 - present

**~368**

TOTAL WHALES IN 2019

**<100**

POTENTIAL MOTHERS

**52**

KNOWN MORTALITIES AND SERIOUS INJURIES →

**40**

CALVES BORN SINCE WINTER OF 2016/2017

**5**

SERIOUS INJURIES AVOIDED VIA DISENTANGLEMENT

## MORTALITIES

**34** Known mortalities (10 US, 24 CN)

**9** entanglements (4 US, 5 CN)

**11** vessel strikes (3 US, 8 CN)

**13** cause undetermined (2 US, 11 CN)

**1** perinatal mortality (1 US)

## INJURIES THAT WILL LIKELY RESULT IN MORTALITY

**18** Known Seriously Injured (11 US, 4 CN)

**14** entanglements (9 US, 5 CN)

**2** vessel strikes (2 US)

**2** cause undetermined (2 US)



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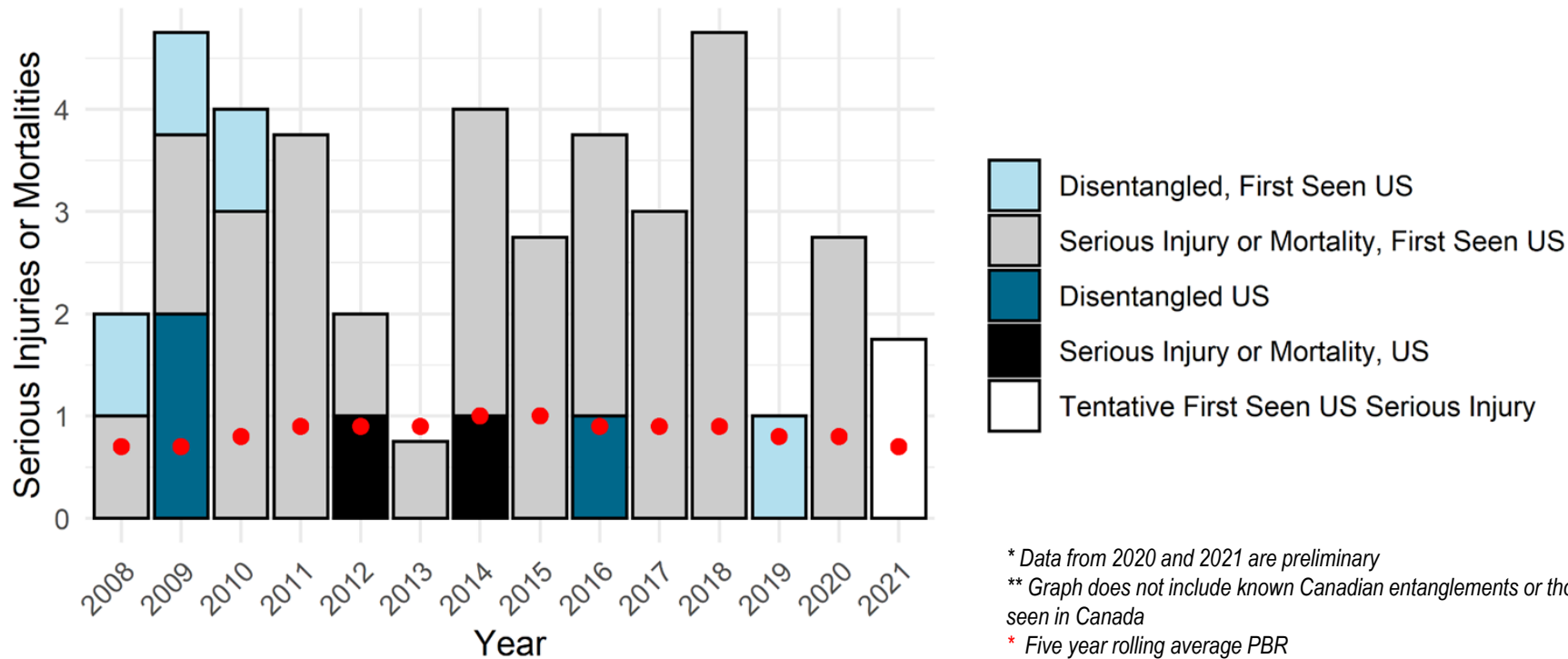
*Country apportioned according to the confirmed country or country where the incident was first sighted.*

*Note: the data here includes 2 undetermined cases not included in the Unusual Mortality Event*

# MMPA: Reduce mortality and serious injury in U.S. commercial fisheries to below PBR

## Documented Mortality and Serious Injury\* of NARWs

*Known US entanglements and those first seen in US\*\**



\* Data from 2020 and 2021 are preliminary

\*\* Graph does not include known Canadian entanglements or those first seen in Canada

\* Five year rolling average PBR

Data from: Henry et al 2020, Henry et al 2015, Henry et al 2010, NMFS

# Parallel Rulemaking Processes in Progress

## NE Lobster/Jonah Crab Rule: Phase 1

*fisheries.noaa.gov/ALWTRP*

Final Environmental Impact Statement (FEIS) analyzing alternative modifications to the ALWTRP published

July 2021

TRT is currently engaging in rulemaking to determine implementation

Issue Record of Decision

## Coastwide Rulemaking: Phase 2

Notice of Intent

August 2021

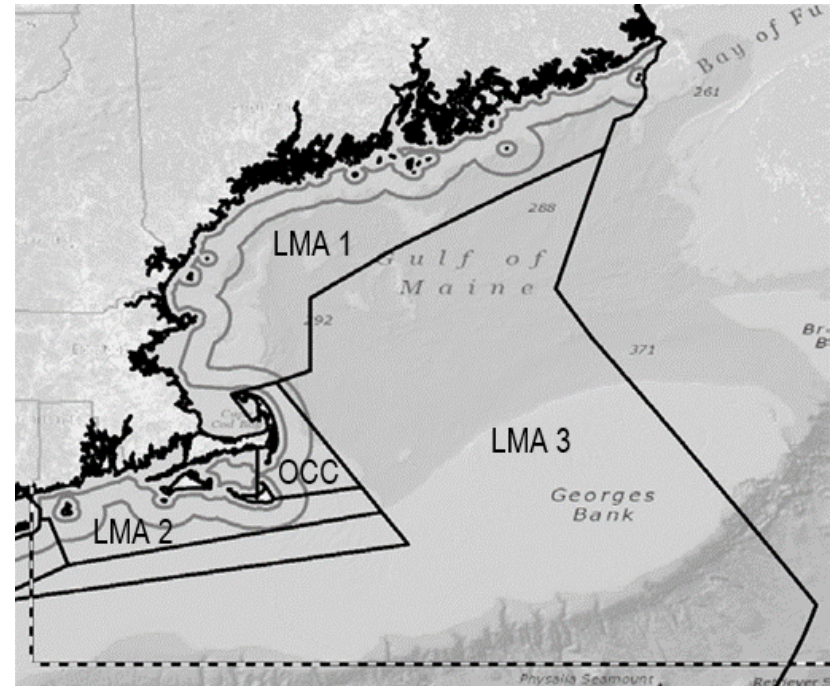
Public Scoping Period  
45 day period; TRT to host regional meetings

Fall 2021

TRT to make recommendations based on scoping and any updated analyses available

# Phase 1: Update

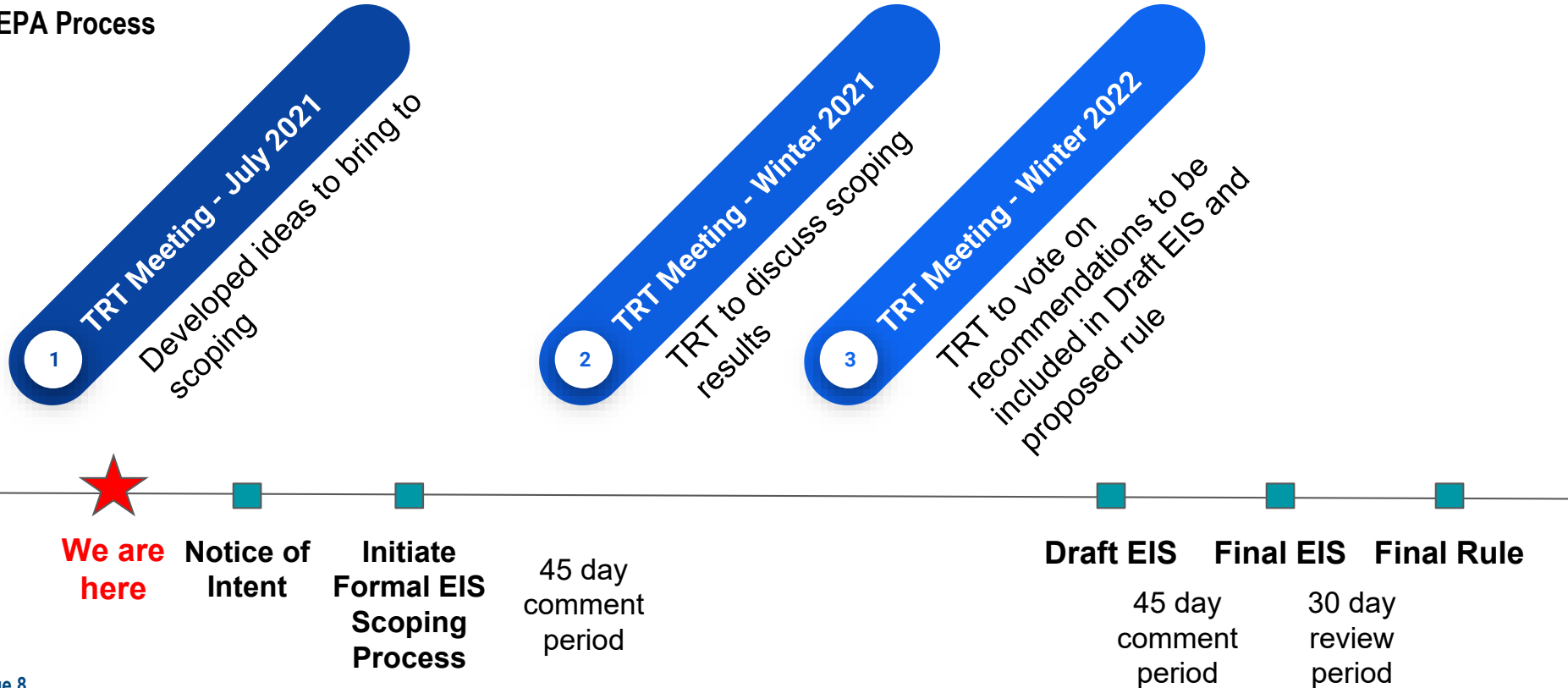
- 60-80% risk reduction within Northeast lobster and Jonah crab trap/pot fisheries
- The FEIS was released on July 2, 2021 (cooling off period ends today)
- The Final Rule is in OMB/OIRA (0648-BJ09)



Find FEIS and final rule (when available) at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>

# Phase 2: Modifications to the Atlantic Large Whale Take Reduction Plan

## NEPA Process





# Phase 2: Overview

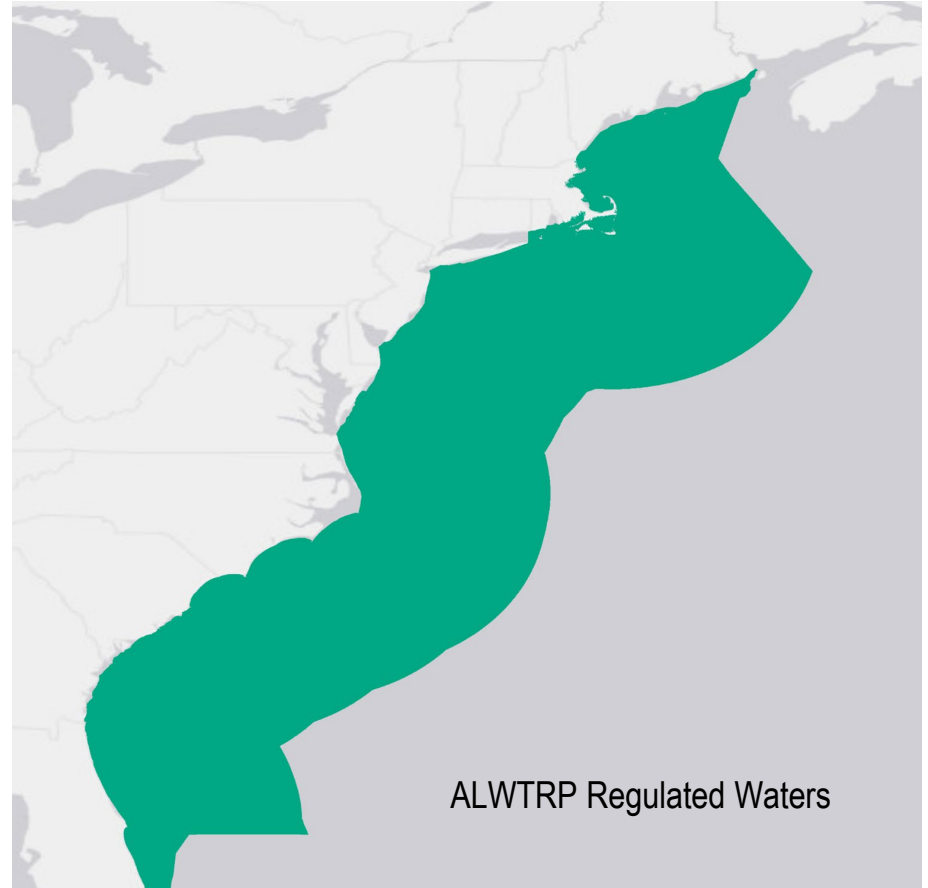
60-80% risk reduction in:

- Atlantic gillnet
- Atlantic mixed species trap/pot
- mid-Atlantic Lobster and Jonah crab fisheries

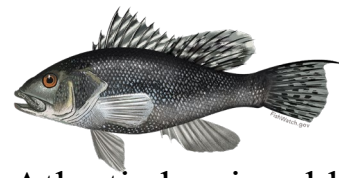
ALWTRT meetings began in spring of 2021

- Baseline distribution and risk
- Ideas for scoping (does not imply broad consensus for future recommendations for rulemaking)

Scoping currently being planned for Fall 2021



# ASMFC Fisheries regulated under the Plan



- Mid-Atl gillnet fisheries for shad, croaker, menhaden, striped bass, Atlantic herring, bluefish, black drum, coastal sharks, Spanish mackerel, spiny dogfish, scup, spot, spotted seatrout, weakfish
- NE sink gillnet for winter flounder, spiny dogfish, mackerel, and American shad
- NE drift gillnet fisheries for American shad, herring, and menhaden
- Southeast Atlantic gillnet fisheries for Spanish mackerel, bluefish, spot, croaker, and coastal sharks
- Northeast anchored float gillnet fishery for herring (particularly for bait), American shad, and menhaden
- Atlantic mixed species trap/pot fisheries: shrimp, black sea bass, Jonah crab, scup, tautog, spot
- Mid-Atlantic trap/pot fisheries for lobster and Jonah crab



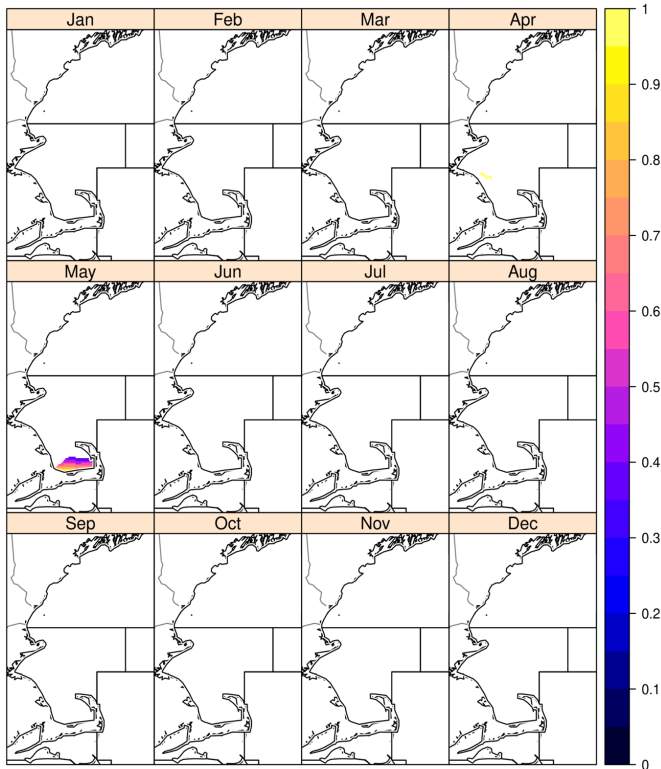
## State Managed Fisheries under the Plan

- Atlantic blue crab
- Conch/whelk
- Rock crab
- Stone crab
- Striped mullet

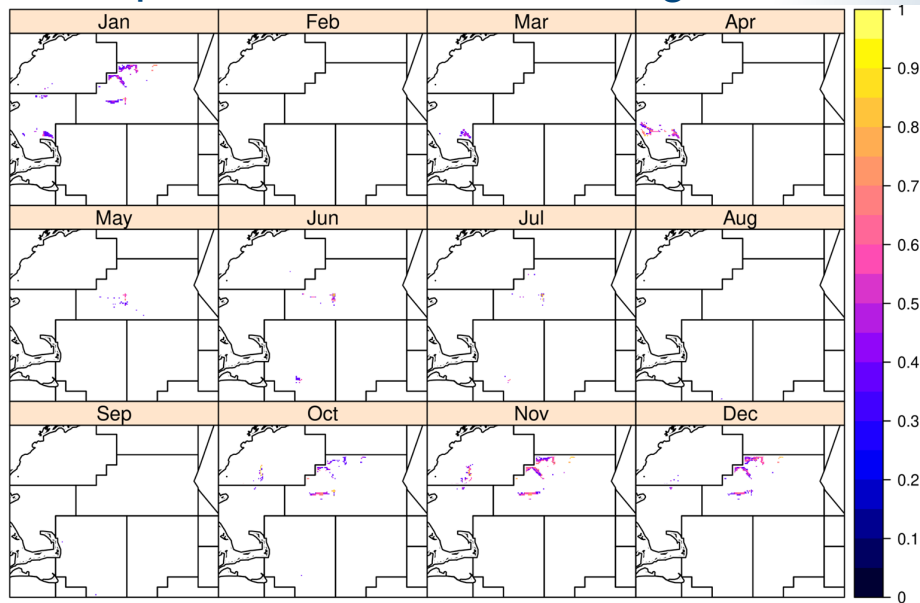


# U.S. Hotspot Analysis of Federal Fisheries: Gulf of Maine

Top 60% of risk within ALL other trap/pot

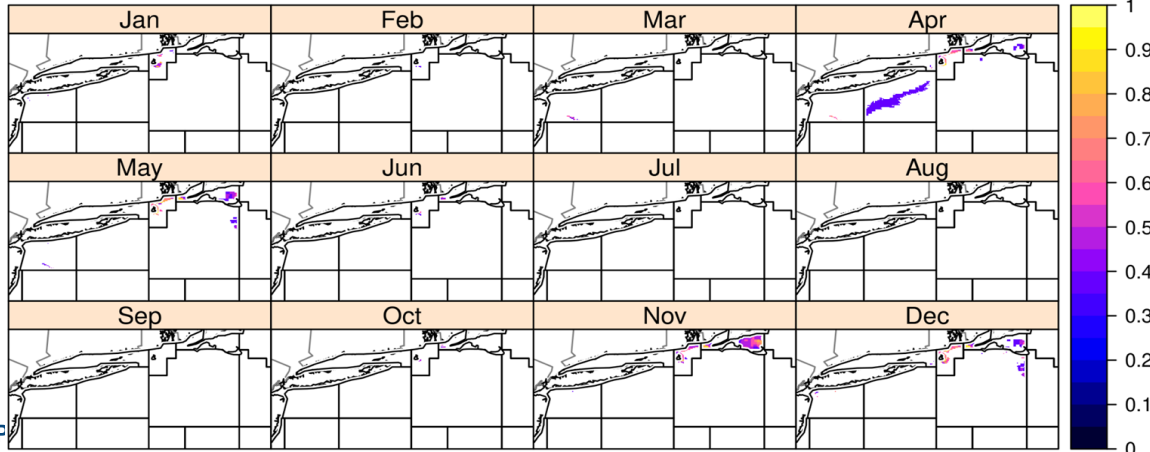
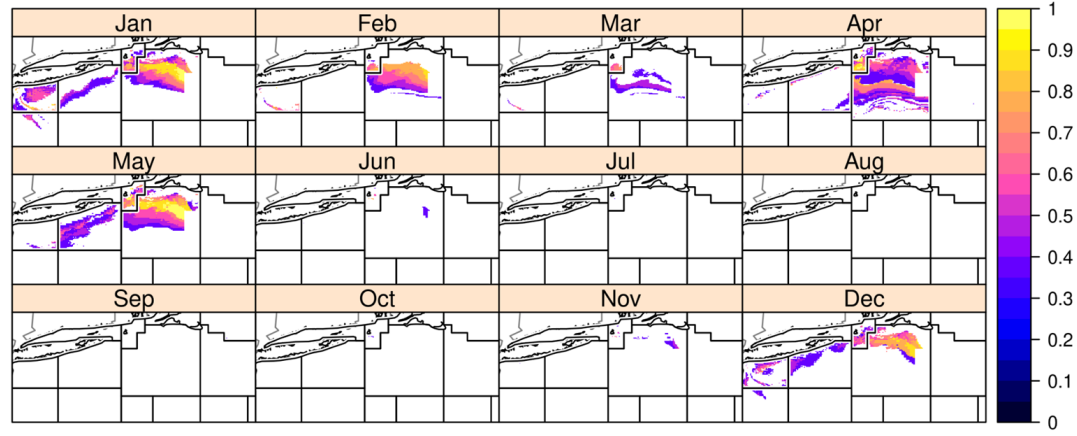


Top 60% of risk within ALL gillnet



# U.S. Hotspot Analysis of Federal Fisheries: S'ern New England

Top 60% of risk within ALL gillnet



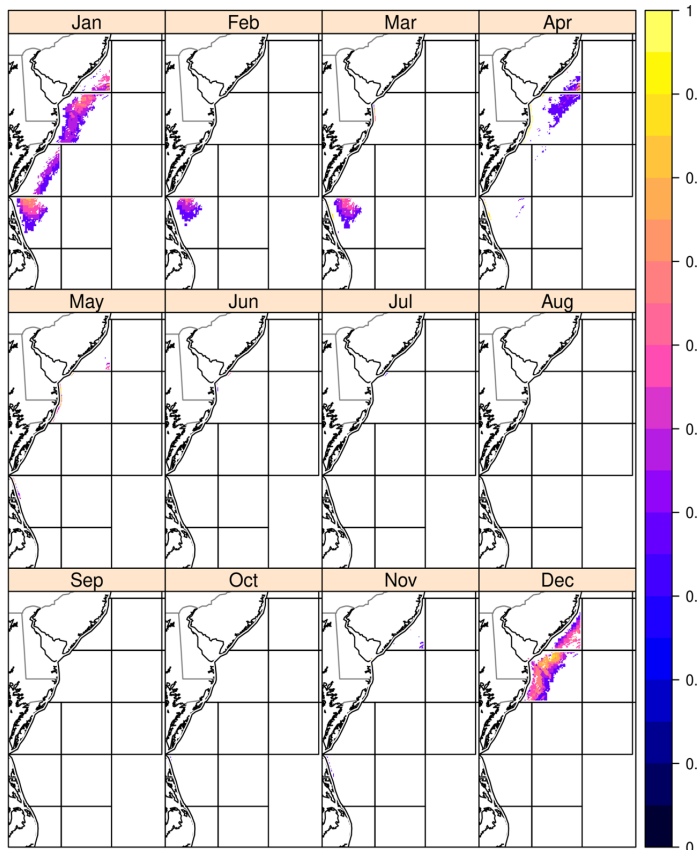
Top 60% of risk within ALL other trap/pot



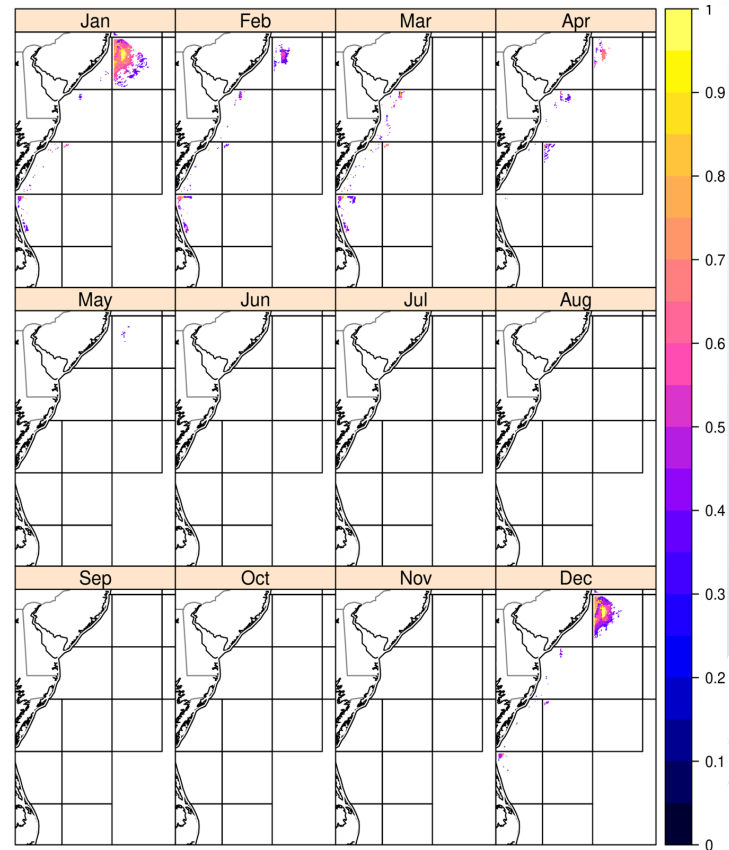
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# U.S. Hotspot Analysis of Federal Fisheries: Mid-Atlantic

## Top 60% of risk within ALL other trap/pot

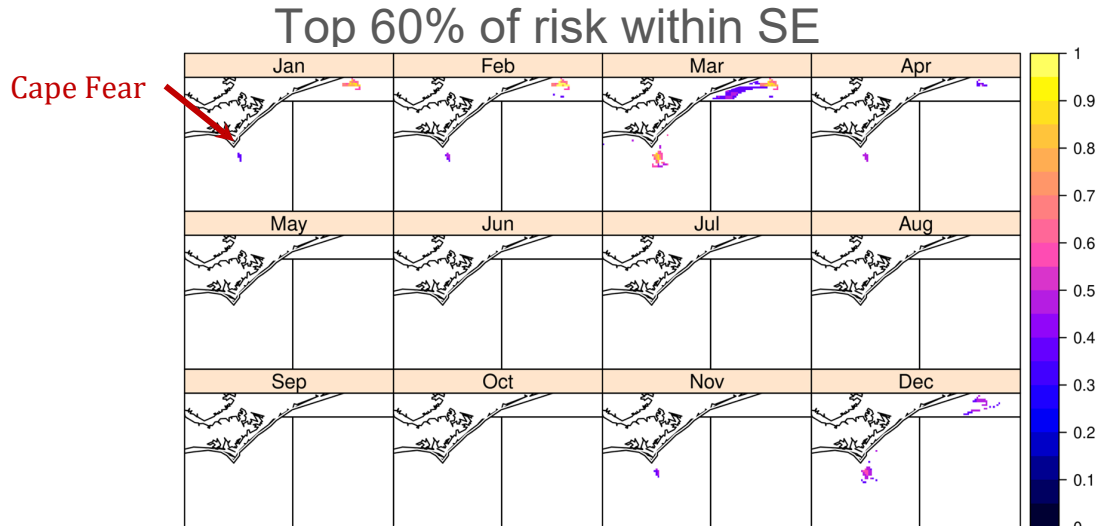


## Top 60% of risk within ALL gillnet



# U.S. Hotspot Analysis of Federal Fisheries: Southeast

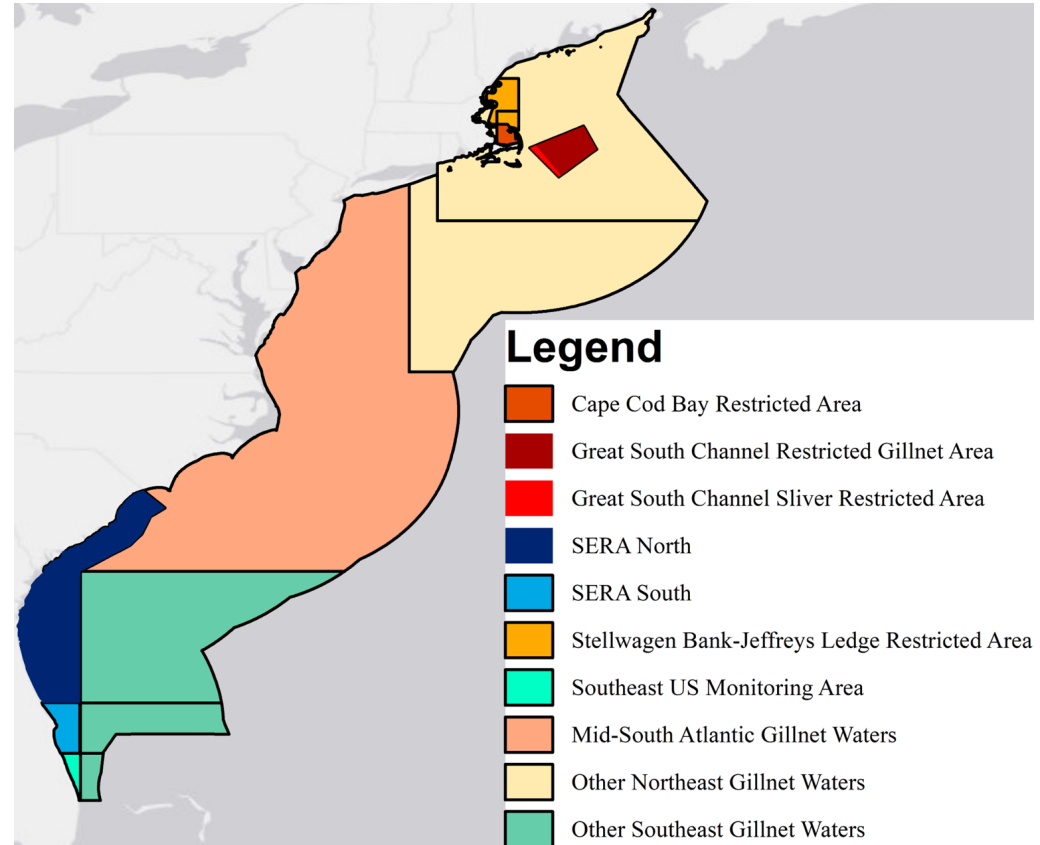
- Other Trap/Pot in the Southeast show no coast-wide or local hot spots within the top 60% of risk
- No coast-wide hot spots for federal gillnet fisheries within the top 60% of risk
- Preventative measures have likely helped minimize risk
- Data and analyses will be updated for scoping to include state fisheries



\*SE gillnet = gillnet south of Hatteras, NC

# Phase 2: TRT scoping topics for gillnet fishing reduction

- Reduce soak times
- Restrict overnight soaks
- Minimum/maximum number of nets on a string
- Evaluate the use of tie-downs
- Hybrid ropeless gillnet (e.g. one end ropeless, other end weak rope)



# Phase 2: TRT scoping topics for trap/pot gear reduction

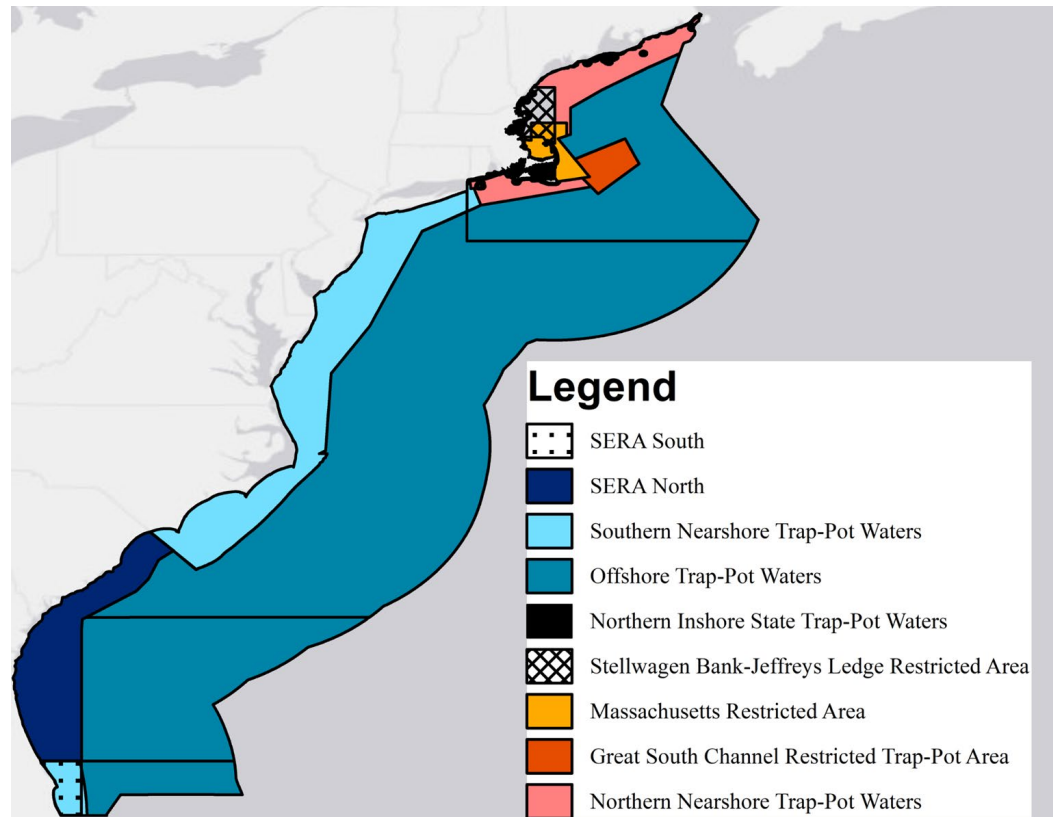
## Change minimum traps/trawl

- Increase minimum traps/trawl (not in SE calving area)
- SE: Singles only with weaker gear

## Trap caps

- Fish pots, blue crab, whelk
- Any fisheries with no cap

## Extend Final Rule from Phase I to other trap/pot fisheries





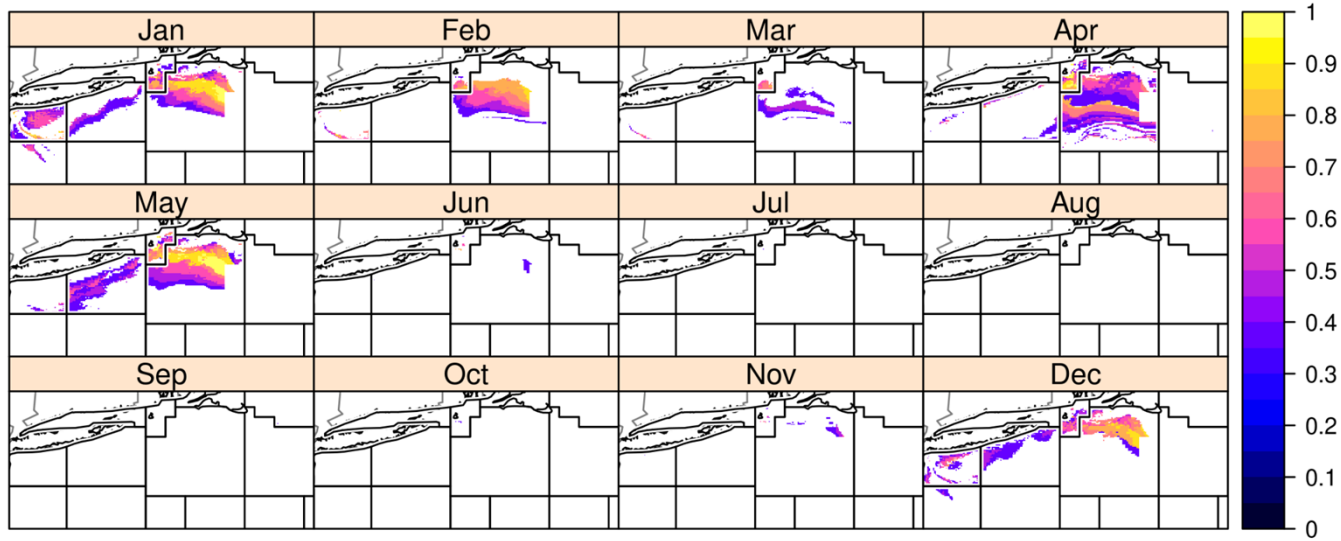
# Phase 2: Scoping topics for restricted area risk reduction

## Reevaluate existing restricted areas:

- Allow ropeless testing
- Reevaluate boundaries/timing
- Include BSB closures in SE in Plan

## New areas based on hot spots:

- Rolling area restrictions in Mid-Atlantic
- Southern New England restricted area

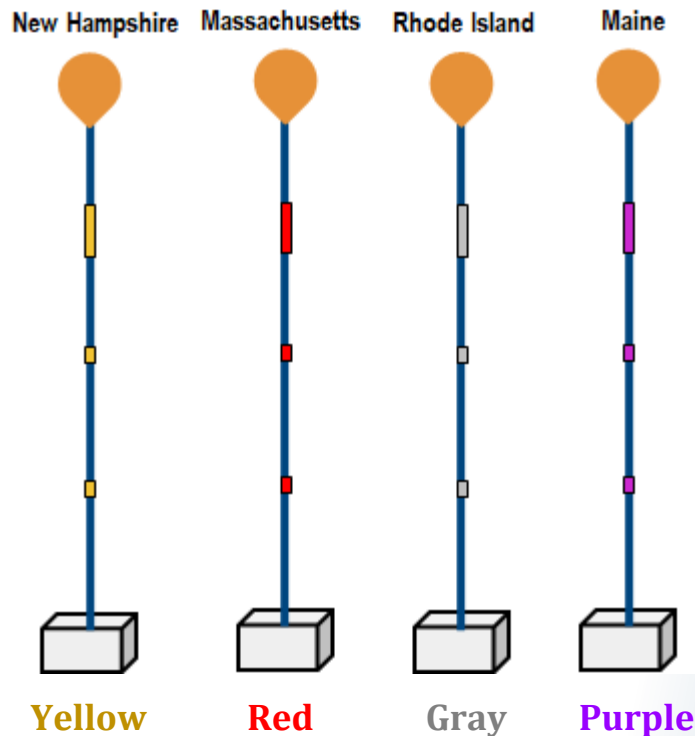


# Phase 2: Scoping topics for gear marking

State-specific marks in state waters in proposed rule

Modify gear marking to show greater resolution between:

- Different States
- State and Federal Waters
- U.S. vs. Canada
- Gear type



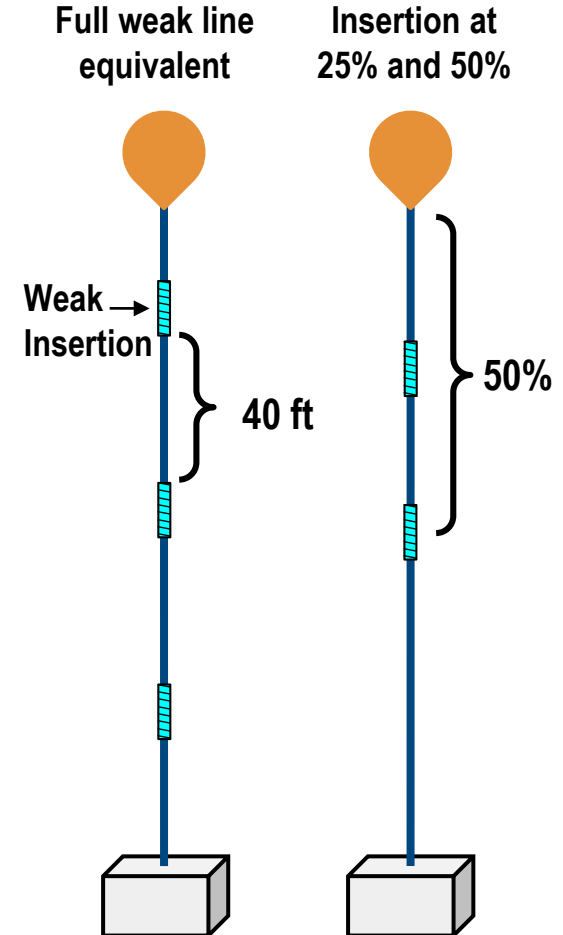
# Phase 2: Scoping topics involving fishery effort management

- Cap latent effort in gillnet fisheries
- Consider limited entry for open access fisheries, e.g. skate fishery
- Challenges determining effort and managing unmanaged fisheries (eg. striped mullet, blue catfish caught in gillnets)
- Trap caps
- Reduced soak times
- Minimum/maximum number of nets on a string



## Phase 2: Scoping topics for gear strength

- Require maximum 1,700 lb breaking strength rope or regular inserts in buoy line (40-60 ft)
- Cap line diameter ( $\frac{1}{2}$  or  $\frac{5}{8}$  in. max to differentiate from Canada)
- Expand gear modifications such as weak inserts in gillnets to year round in the mid Atlantic
- Weaker weak inserts with a smaller anchor in gillnet panels



# Phase 2: Next Steps - Fall 2021 Scoping

- ASMFC input requested, particularly for ASMFC (eg. dogfish, black sea bass, striped bass, bluefish) and state-managed (eg. whelk) fisheries
  - Latent effort characterization, access issues if any
- Scoping season: September & October
  - Seven region-specific meetings, some by gear type (gillnet and trap/pot, Northeast, mid-Atlantic, Southeast). Can support state scoping if useful
- Bring results of scoping back to Team to develop recommendations



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# Questions

