

DMF Update and Q&A Session for Commercial Lobster Trap, Fish Pot, and Whelk Pot Fishermen

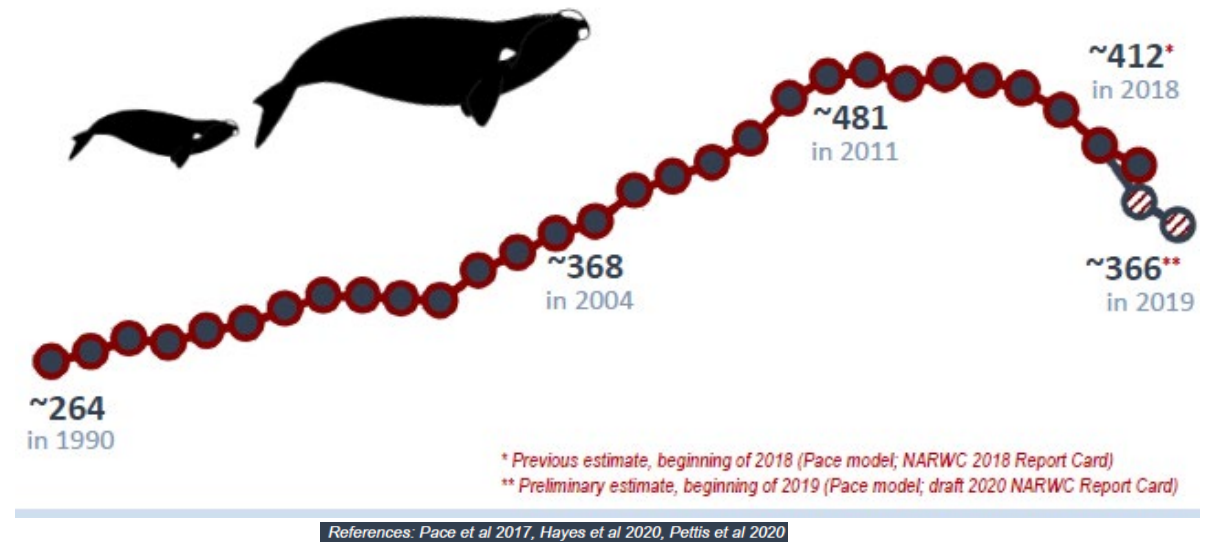
March 23, 2021

AGENDA

- 1. Introductions**
- 2. Purpose of meeting**
- 3. Summary of past actions**
- 4. Timeline of past and future actions**
- 5. DMF's ongoing outreach**
- 6. Presentation on Weak Contrivances**
- 7. Presentation on Buoy Line Marking concepts**

Status of North Atlantic Right Whale - Why has the issue of right whale entanglement continued for over 25 years?

- Much of the population growth of the last decade has been wiped out by elevated mortalities and reduced calves born each year
- Right whale population estimate is 366 animals as of January 2019.
- Right whales in decline since 2010 coinciding with oceanographic regime shift resulting in reduced calves and changing right whale distribution.
- “Unusual Mortality Event.” Since 2017 32 mortalities and 14 additional serious injuries (likely resulting in death).
- Entanglement and vessel strike continue to be a significant source of serious injury and mortality throughout the species range.



Confounding Issues for MA fishermen:

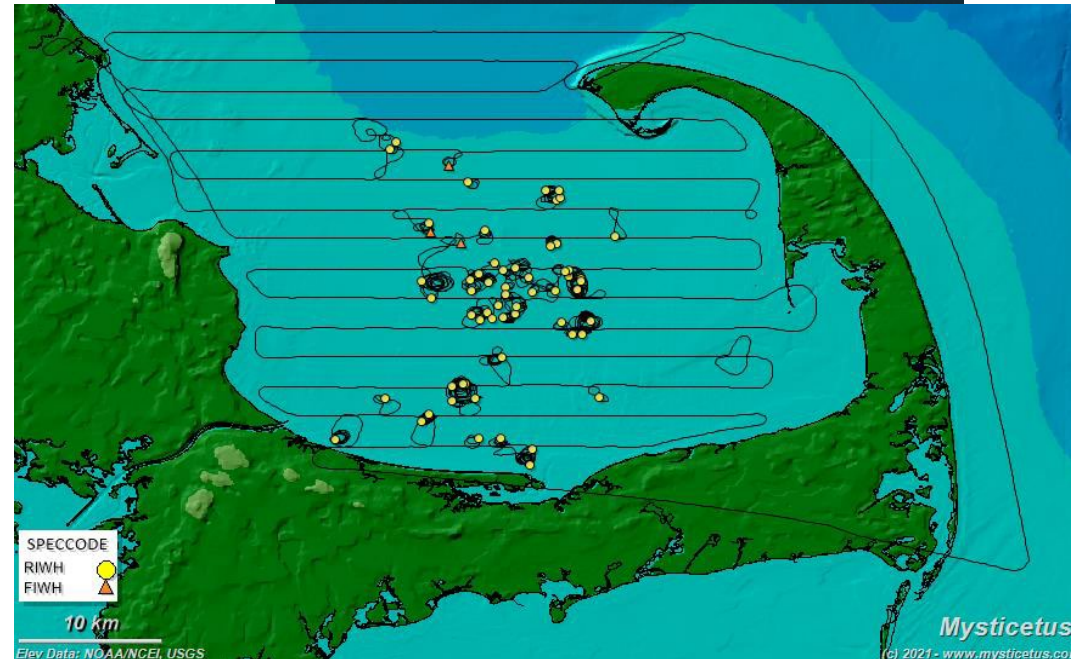
Throughout the range, incidence of entanglements has not declined

- Most entanglements are not sighted
- Most are in “unidentified rope”
- Most Injuries & Mortalities seen in large diameter strong ropes

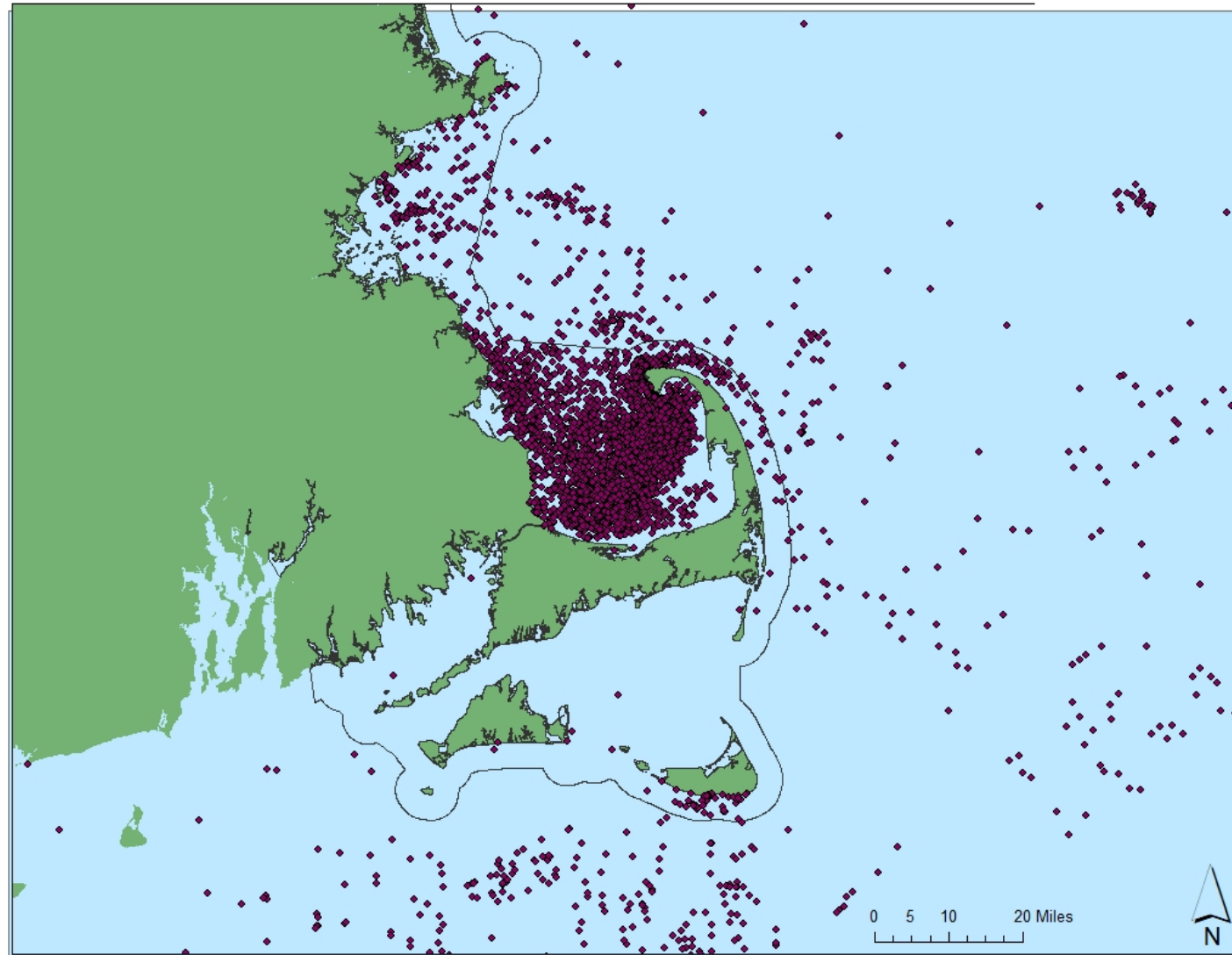


Despite population decline, RW's in MA waters very abundant seasonally

- Annually more than ½ the population seen in MA waters (CCB & MA Bay) in late winter early spring



Right Whale Sightings 2016-2020



Responding to Two Challenges

Take Reduction Team Initiative

- Since 1996 multi-decadal program to conserve right whales, working with state and federal partners on the “Large Whale Take Reduction Team” that last met in April 2019.
- Team addressing Unusual Mortality Event.
- **Plan includes weak rope, reduced buoy lines, line marking & closures**
- NMFS rules expected to be implemented by May 2021.

Litigation

- April 2020 US District Court ordered the Commonwealth to obtain an Incidental Take Permit from NOAA to cover “unauthorized takes”.
- DMF currently in process of applying for an Incidental Take Permit (ITP).
- These regulations are foundation of right whale ITP application.
- Trial scheduled for June 2021.

Need to reduce risk

ITP application process

- DMF ITP Task Force was formed to develop permit application
- Lengthy process (2-4 yrs) with coordination with NMFS
- Need to show progress to judge in monthly status reports and during trial
- Develop Habitat Conservation Plan that assesses impacts of the fishery to protected species and describes mitigation and monitoring strategies

List of Fisheries categorization

- Categorize US fisheries based on level of interactions that result in serious injury or mortality to marine mammals
- Our chances of ITP success would be greatly improved by separate categorization for Massachusetts state waters trap/pot fisheries
- Working to develop and implement mitigations measures that are significantly distinguishable from other jurisdictions

Incidental Take Permit

ITP Application Overview

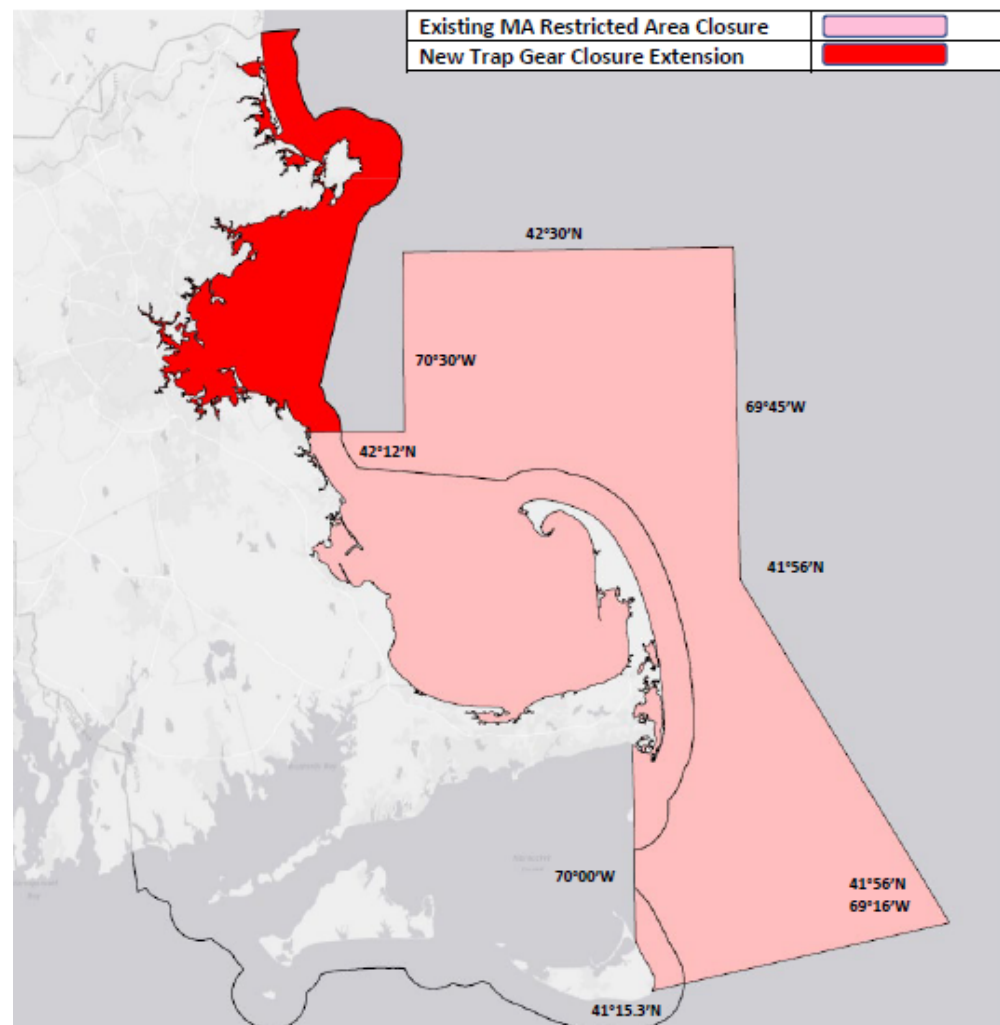
- ITP application process is ongoing.
- Requires development of a Habitat Conservation Plan (HCP).
- HCP must demonstrate steps applicant is taking to minimize and mitigate impacts the activity is having on the endangered species.
- For MA, this means reducing risk of right whales and sea turtles becoming entangled in trap and gillnet gear.
- Recommended regulations are backbone of right whale HCP.
- Vetted through ALWTRP's rule making process and NOAA's Relative Risk Decision tool.
- Risk Decision Tool shows that recommendation will achieve 76.3% risk reduction; substantially higher than the 60% risk reduction goal of the new ALWTRP rules.
- Sea turtles will be addressed separately in 2021.

What actions has DMF taken? ...and what's next?

- DMF enacted rules for this current season:
 - Effective March 5: Extended trap gear closures through May 15th and to NH border
 - Effective May 1: Maximum 3/8" buoy line diameter for commercial traps.
 - Effective May 1: 1,700 breaking strength buoy lines for commercial traps through use of fully formed weak rope or approved contrivances.
- DMF is researching "ropeless fishing" to address the technological, operational, and financial barriers that presently exist.
- DMF will be proposing buoy line marking gear modifications for lobster fishery for implementation in 2022.
- DMF to begin working on ITP application for sea turtles, which may require buoy line reduction measures for 2022 or beyond.

Agency	Action	Action Date	Effective Date
MADMF	Seasonal closures - with dynamic management	2/19/2021	3/5/2021
MADMF	3/8" max. buoy lines, 1,700 lbs. line or contrivances	2/19/2021	5/1/2021
NMFS	Federal Biological Opinion	5/1/2021	5/1/2021
MADMF	MA buoy line marking proposals	June/July 2021	2/1/2022
NMFS	Federal rules for 2022 re: SNE closures, weak rope, contrivances, ropeless exempted permits, buoy line marking	Late summer?	2022, but start date TBD

February 1 – May 15 Seasonal Trap Gear Closure New and Existing Closure Areas



What's the status of Ropeless Fishing?

- Testing of devices to release buoys to the surface has occurred in fisheries around the world.
- NMFS gear technologists working in local waters
- DMF is researching “ropeless fishing” to address the technological, operational, and financial barriers that presently exist.
- NMFS proposed rules (if enacted) actually transform closures to pot/traps to closures to persistent buoy lines.
 - However, federal Exempted Fisheries Permits will likely be required.
 - DMF expects NMFS to use the EFP's to develop technologies, not to allow the removal of buoy lines and grappling for gear

NOAA Lobster Gear Marking Proposal

Summary of Proposed Requirements

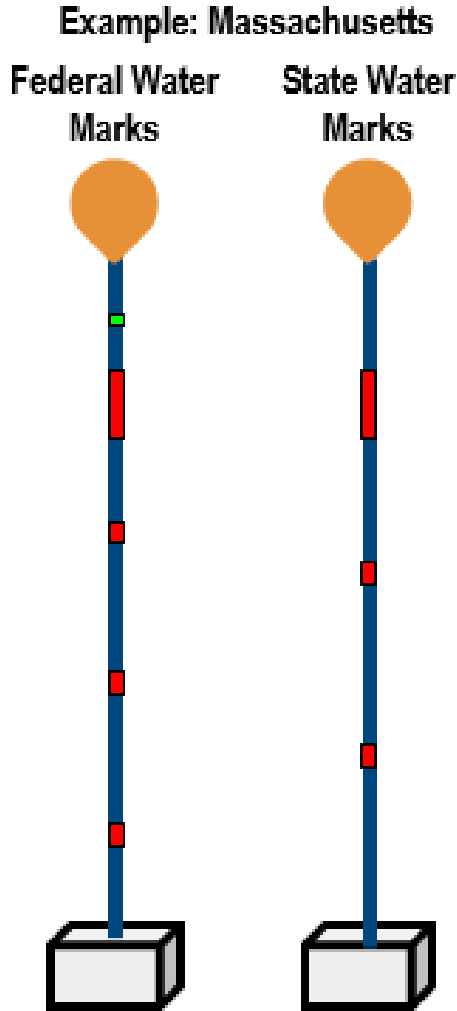
- MA Fisherman in EEZ: One 6" green mark and 3' red mark within 12' of buoy followed by three 1' red marks at top, middle, and bottom of buoy line.
- MA Fishermen in State Waters: One 3' red mark within 12' of buoy line followed by two 1' red marks in top and bottom half.

Concerns

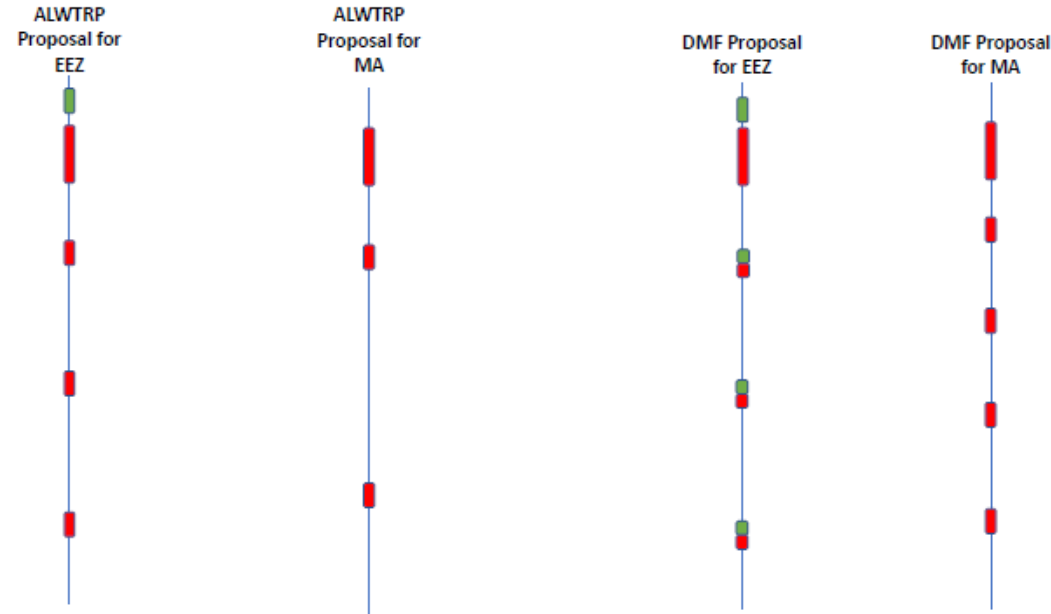
- Does not sufficiently differentiate between gear set in EEZ and gear set in federal waters.
 - Green marking will likely not be useful in identifying gear because surface systems are typically not present on entangled right whales.
 - Marking systems in body of buoy line are too similar.
- May result in potential entanglements being miscoded to wrong jurisdiction.
- Correct attribution of jurisdiction increasingly important with potential MA ITP.

TABLE 4—PROPOSED REGULATORY CHANGES TO GEAR MARKING ON NORTHEAST CRAB AND LOBSTER TRAP/POT BUOY LINES

Area	Proposed gear marking measure
Entire Northeast Management Area (see figure 1) except Maine exemption area.	3-ft long state-specific mark (see color below) within 2 fathoms of the buoy. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark.
Maine Exemption Area	3-ft long mark within 2 fathoms of the buoy. One or two additional 1-ft marks (depth dependent) through state regulation only.
Maine Non-Exempt	Purple. Three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green buoy line mark within 2 fathoms of buoy.
New Hampshire	Yellow. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters, three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Massachusetts	Red. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Rhode Island	Silver/Gray. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks at top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
LMA 3	Retain Black. In Federal waters add a 3-ft long mark within 2 fathoms of the buoy, and an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.



DMF Preferred Lobster Gear Marking Proposal



Summary of Preferred Proposal

- MA Fisherman in EEZ: One 6" green mark and 3' red mark within 12' of buoy followed by three marks measuring at least 1" in top, middle, and bottom of buoy line comprised of at least 6" of red and 6" green.
- MA Fishermen in State Waters: One 3' red mark within 12' of buoy line followed by at least four red marks measuring at least 1' each throughout the remainder of the buoy line with no more than 60' between any mark.

Objectives

- Better differentiate between gear set in state-waters and EEZ.
- Enhances ITP application, as MA state waters gear will be uniquely marked in a manner that is more conservative than required in other jurisdictions.
- Utilize weak contrivances as a means of complying with gear marking rules to minimize compliance burden.

Weak Rope and Contrivances

- Goal – Develop weak contrivances that are inexpensive, easy to implement, and break at or below 1,700 lbs
- Criteria – ALL contrivances must be **Identifiable**, **Repeatable**, and **Enforceable**
- DMF worked with commercial fishermen throughout the state to develop 8 different contrivances that fishermen can use to comply with new regulations
 - Each option utilizes either weak rope or sleeves that break at 1,700lbs
- 10 Samples of each option was sent to Maine to be tested on the rope breaking machine.
 - Results show that **most** options tested at or below the required 1,700 lbs
 - All options and data were sent to NMFS for approval
- NMFS has indicated that our contrivances are consistent with the criteria for approval that they are creating
- DMF continues to work with NMFS, MEDMR, NHF&G, and RIDEM to develop workable options

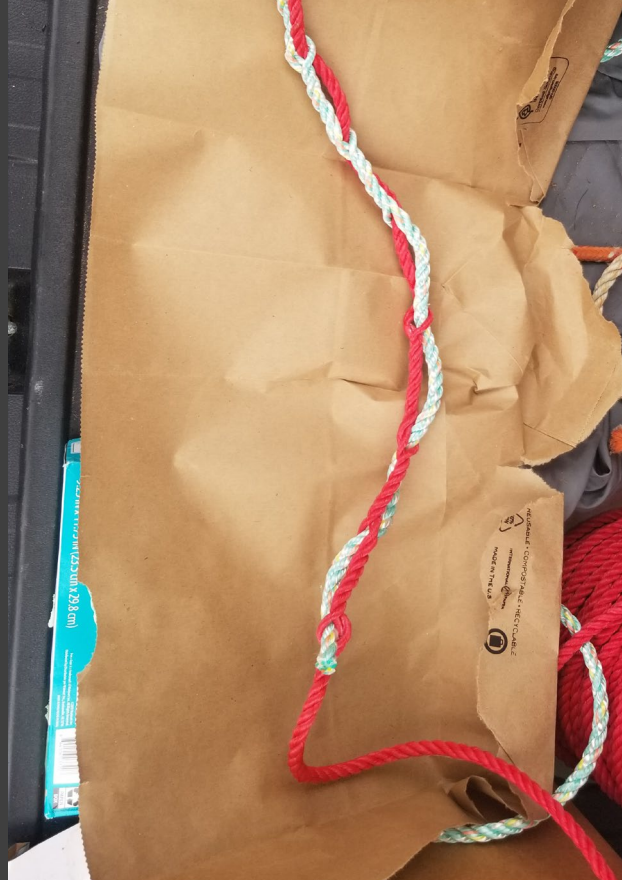


Weak Rope Options

- Rocky Mount Cordage Company's fully formed 1,700 pound weak rope – Red – 3/8" diameter (runs slightly smaller than true diameter)
- Rocky Mount Cordage Company's fully formed 1,700 lb weak rope – “Bonded Candy Cane” – 3/8" diameter
- Additional options under development

Contrivance Testing Results

Option	Rope 1	Rope 2	Connection	Mean Strength	Median Strength
1	Weak Red	Hydropro	4T	1680	1699
2	Weak Red	Hydropro	3T	1597	1611
3	Weak Red	Hydropro	Eye splice/3T	1658	1668
4	Weak Red	Hydropro	Butt splice	1677	1710
5	Bonded Candycane	Everson	4 T	1765	1764
6	Bonded Candycane	Everson	Eye splice/3T	1690	1700
7	Bonded Candycane	Everson	Butt splice	1829	1831
8	Annaco	Annaco	South Shore Sleeve	1657	1669



4 Tuck "Lazy" Splice with Red Rope



3 Tuck "Lazy" Splice with Red Rope



3 Tuck eye-to-loop splice of red weak rope

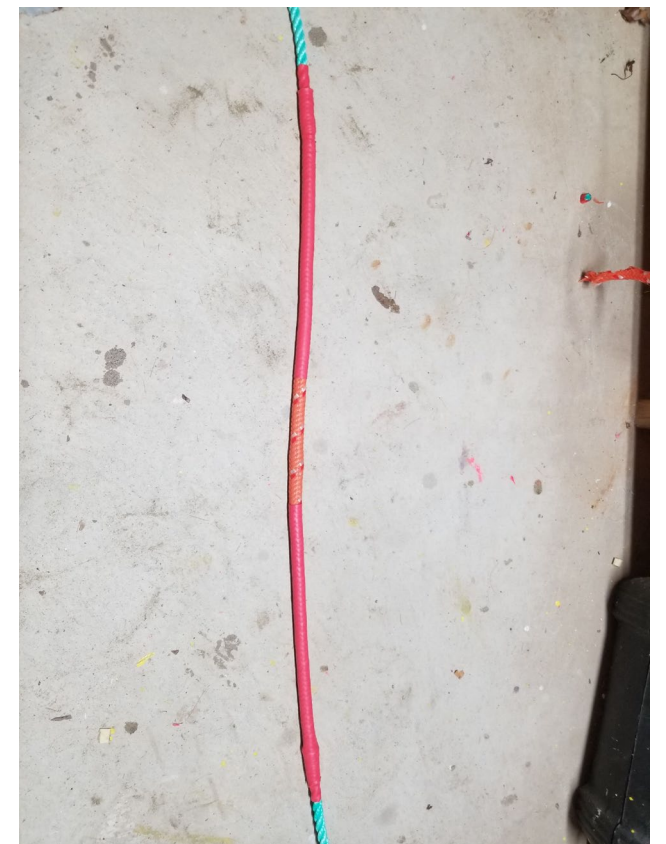


Butt Splice with Red Rope

Approved Contrivances – red rope

Contrivances with Bonded Candy Cane Rope

- 4 Tuck “Lazy Splice with Bonded Candy Cane Rope – Approved
- 3 Tuck eye-to-loop splice with Bonded Candy Cane Rope – Approved
- 3 Tuck “Lazy Splice with Bonded Candy Cane Rope– not tested
 - rope very stiff, difficult to do shorter tucks
- Butt splice with Bonded Candy Cane Rope – Pending – needs additional testing



Approved Contrivances – Novabraid sleeve options

Weak Rope Roll Out

- With Funds from an ASMFC grant and directly from Governor Baker DMF purchased 2,500 coils of weak rope and 7,000 South Shore Sleeves
 - Goal is to provide every MA pot/trap fishermen with 2 coils of rope and up to 20 sleeves
 - DMF anticipates that this should provide enough material for every fishermen to rig all of their gear with weak contrivances
- DMF hosting rope distribution events through out the state

DMF Weak Rope Distribution

- Round 1 – March 15 – March 19
 - New Bedford, Sandwich, Gloucester, Scituate, Chatham
 - Over 500 coils distributed
- Round 2 – Planning right now for next week
 - Gloucester, Boston, Plymouth, New Bedford, Martha's Vineyard, Provincetown
- Round 3 – If needed



For more information....

- Go to the DMF Buoyline Trap Gear Modifications webpage;
https://www.mass.gov/service-details/buoyline-trap-gear-modifications?utm_medium=email&utm_source=govdelivery
- If interested in signing up for a rope distribution event please contact us at; conservationsolutions@mass.gov
- If you have additional ideas for weak contrivances, please contact Justin Wilson – justin.wilson@mass.gov
 - Contrivances need to be safe, identifiable, repeatable, and enforceable
 - If they meet these criteria we will work with you to have them tested



Questions

