

Comments From the Maine Department of Marine Resources

DEVELOPING CONSERVATION MEASURES INTENDED TO REDUCE THE RISK OF SERIOUS INJURY AND MORTALITY OF LARGE WHALES DUE TO ENTANGLEMENT IN VERTICAL LINES

ATLANTIC LARGE WHALE TAKE REDUCTION PLAN

SCOPING DOCUMENT DATED June 21, 2011

The Maine Department of Marine Resources (MDMR) is committed to developing with the National Marine Fisheries Service (NMFS) measures that will both reduce the risk of serious injury and mortality of large whales from fishing gear, and minimize impact on the operations of Maine fishermen.

Since 1997 Maine MDMR has worked with fishermen and NMFS to develop regulatory and non-regulatory measures to protect large whales that interact with commercial trap/pot and gillnet fishing gear. Some of those regulatory measures include:

- **No floating line at the surface**
- **No wet storage of gear over 30 days**
- **All buoys, floatation and/or weighted devices must be attached to the buoy with a weak link having a breaking strength no greater than 600 pounds**
- **Buoy lines must be marked with a red, 4-inch mark midway on the buoy line**
- **The attachment of buoys, toggles or other floatation devices is prohibited on ground lines**
- **All ground lines outside the exemption line must be composed entirely of sinking line.**
- **In addition, in Federal waters multiple traps only-no single traps allowed; trawls of 5 or fewer traps must have only one buoy line.**

These regulatory requirements have cost fishermen hundreds of thousands of dollars. The sink line requirement that went into effect in April 2009 has caused

enormous gear loss due to ground lines parting off traps with little or no chance of recovery.

The State remains concerned that given the provisions of relevant statutes, limited available data, and advocacy group pressure, the NMFS target, and the criteria for whale protection are unrealistic, and ungrounded in science. Further, NMFS's simplistic model is clearly not capable of assessing the impacts of the many possible risk reduction measures OTHER THAN removal of all lines from the water. In short, NMFS is, by default, focused exclusively on end-line reduction as opposed to end-line risk reduction, and thus is predetermining the outcome. Equally troubling, in using a model incapable of calculating outcomes of other alternatives, NMFS presents us with the equivalent of a moving target in a darkened room. We present a series of options that mitigate risk and NMFS simply says, "Nope, you missed the target. Give us more." Accordingly, we were pleased in our June meeting in Portland to hear NMFS officials' receptivity to alternative end-line risk reduction measures. But we need a collaborative, transparent effort with NMFS to establish those modeling parameters now, so that we in the field can develop prudent measures to meet a known, responsible, established target. We cannot be offering measure after measure only to be told that we have not hit the target.

In preparation for this session MDMR has been meeting with fishermen coast wide.

This past April Commissioner Norm Olsen met with a select group of lobsterman from each of our seven zones and encouraged them to start developing practical ways to reduce risk of vertical lines to whales. This meeting was followed up by five regional meetings with over 100 fishermen in attendance.

During the week of June 20th, MDMR held additional scoping sessions in Biddeford, Ellsworth and Rockland to get further industry input on ideas to reduce risk of vertical line entanglements.

MDMR staff left the meetings impressed with the effort put forward by Maine lobster fishermen willing to engage and discuss ideas that can and will reduce the risk of whale entanglement and allow them to continue to fish and make a living trapping lobsters off the coast of Maine.

We look forward to developing, expeditiously with NMFS, the modeling parameters and input values that will allow credible, well-founded assessment of alternative end-line risk reduction measures, and, once those parameters and values are established, we look forward to submitting our list of ideas and suggestions in writing to NMFS by the September 12, 2011 deadline.

Thank you

Norman H. Olsen
Commissioner
Maine Department of Marine Resources