

**ALWTRP Scoping Meeting
Rockland, Maine
July 13, 2011**

NMFS Staff: Dave Gouveia, Kate Swails, Allison Rosner, John Higgins

Number in attendance (not counting NMFS staff): 30

Including:

- Meredith Mendelson , Senator Olympia Snowe’s Office
- Norm Olsen, Commissioner of Maine’s Department of Marine Resources
- Sarah Cotnoir, Maine Department of Marine Resources, Take Reduction Team State Representative
- Patrice McCarron, Maine Lobstermen’s Association, Take Reduction Team Industry Representative

One audience member asked the agency what the goal of vertical line risk reduction is, and how many lines this translated to taking out of the water. NMFS responded by reminding participants that there is not a numerical target set and that endline risk reduction does not necessarily mean taking endlines out of the water but could include gear modifications or other feasible actions by industry.

Concern was raised over not having a discrete target or goal for risk reduction. Participants stated that it’s difficult to decide on ideas for reducing risk if there are no goals. Commenter was nervous about putting forth ideas as a good faith effort because at some point the Agency will define a specific goal. NMFS responded that determining a numerical goal is difficult. The Agency is concerned with receiving ideas for changes in fishing practices (which could include closures, line reduction, or gear modification) that are feasible and will contribute to risk reduction.

One commenter asked if economics are considered when making management decisions. NMFS responded that yes they are, and that is why ideas from scoping meetings are important, so fishermen can identify what is feasible for them.

One commenter stated that trawling up outside of the exemption line will not work.

Several audience members were confused by the trawling up examples used and accused the Agency of using broad scale management approaches. NMFS reminded the audience that the examples were just examples demonstrating how the model could be used, not a proposal.

Participant asked if ideas should be created for outside of the exemption line or the 3 mile line. NMFS stated that at this time, the Agency is looking using the exemption line as the boundary for management.

A current TRT member stated that the TRT had decided that the best way to look at the problem was by using co-occurrence. She reminded the audience that they could look at hot spots rather than using broad strokes when coming up with ideas.

One commenter criticized the Agency for only making changes using the current exemption line stating that the TRT won't work to address changing the exemption line. NMFS responded that if industry can provide justification for modifying the exemption line, they are welcome to make the proposal. However, NMFS cautioned that this may be difficult for the Team to agree on. NMFS encouraged the audience to provide ideas for how they would manage their areas, with justifications, and assured them that all justifiable ideas will be brought to the TRT.

One participant asked if any of the ideas brought forward from the other Maine scoping meetings had been analyzed yet and incorporated into the model. NMFS responded that the Agency will work with the state's proposal reflecting the ideas brought forward during the meetings and then the proposal will be analyzed using the model.

One participant stated that it is very important for industry to provide the Agency with as many ideas as possible so that the Agency will have a variety of tools to work with when moving forward with management. He encouraged other participants to provide their ideas as well. NMFS cautioned that ideas should be reasonable and feasible.

The Maine DMR Commissioner stated that the state is committed to working on endline risk reduction, not just endline reduction. He stated that it is critical to have buy in from industry leaders on how fishing affects whales, how risk can be reduced at minimal cost. He chastised Agency for not providing specific targets.

One participant commented that he has never seen a whale and supported satellite tagging research that will help Agency better understand distribution so that areas where whales are not located will not be subject to management actions. Otherwise, he asked that the state of Maine go to a "State of Sanctuary" where they choose to not enforce any broad regulations proposed by NMFS. Participant asked if there was any new discussion for tagging whales for five years in order to acquire additional information. NMFS stated that some tagged animals were included in baseline information but the technology does not exist at the moment for keeping one animal tagged for 5 years. Baseline sightings data over numerous years should help us to know where whales are and where they are going.

One commenter stated that the Agency was under pressure to remove all vertical line from the water outside of the exemption areas and that trawling up to 10 traps will only result in 30% more protection, which some people will still not be happy with. He proposed that the Agency buy out remaining permits in order to avoid more costly restrictions down the road. Other audience participants were not in favor of a total buy out, but that buy out could be used to reduce latent effort. Another participant suggested that environmental groups should create a fund to reimburse industry for lost gear caused by conservation management actions.

One participant stated that he fishes in a hot spot 25 miles offshore, and that he could probably use gear marking, smaller top ropes. He also stated that in areas of highest occurrence he could trawl up.

One participant stated that using sinking groundline already makes his gear get hung up and that reducing endlines will be dangerous or result in losing more gear. He asked if the exemption line could be moved to 2 miles around outer islands.

It was proposed that each state and zone have distinct gear markings. Two marks on endlines at 15, 30, or 40 fathoms will work and should be two colors. Commenter emphasized that it is important for the Agency to have this information to find out where entanglements are occurring so areas that aren't responsible aren't blamed. This will give the best available information and will be something environmental groups will support. Industry is in this situation because of the lack of data.

Pointed out that Zone D is in good shape outside of 3 miles and has limited whale sightings and therefore exemption line could be moved to 3 miles. Southern Maine has a bigger problem since co-occurrence is higher there. He recommended that gear markings should be different for federal permits outside of 3 miles. If the exemption line is moved to 3 miles, then the gear marking wouldn't apply to those within 3 miles.

One commenter asked NMFS to speak to how dynamic the model output is given new information may change the co-occurrence. NMFS responded by explaining that the model uses multiple years of whale sightings data, which is not expected to change as well as two years of industry distribution data as the baseline. Agency is also developing a monitoring plan that will look at data from a 5 year window rather than individual incidents. Future management decisions will be made based on results of 5 year window.

Commenter suggested that the Agency could require triples (and up) outside of 3 miles, and from the current exemption line to 3 miles, require pairs. He is from Zone D out of Port Clyde and says others in his area could live with this; however, they would not be able to trawl up to 5 or 10 traps.

Trawling up to ten traps would result in more inefficiency in fishing effort. Triples outside of 3 miles in Zone D would result in 33% reduction.

One participant stated that gear reporting should remain voluntary cautioning the Agency that if it became mandatory, people would be less likely to give honest information. Several participants agreed that the questions asked on the current survey were good.

One participant asked what the value would be for a possible state water closure in Zone C, outside of 3 miles from June to September. Did not support trawling up around the islands, even trawling to three traps would not work.

One participant remarked that he had tried going up to triples, but with the sinking groundline, lost 40 traps in 6 weeks.

One participant suggested that an exemption line should be considered for the outer islands, as currently, the islands are not included within the exemption area.

The Commissioner reminded attendants to look at the data seasonally and monthly to look for areas that require management.

One participant expressed concern over the approaching September comment period deadline. This is a busy fishing season so doesn't feel industry will have the time to present ideas and conservationists will make the final decisions. NMFS encouraged participants to at least present the concept of their ideas to their state agency by the September deadline so that industry concerns/ideas will be represented in the state proposal.

One participant asked if Zone C would be allowed to come up with their own reasonable scheme for reducing endline risk within their area?

One participant expressed concern over getting all of Zone C together to work on a plan. NMFS suggested that if Zones are too broad, people should focus on their discrete area instead.

One participant recommended that outside 12 miles in Zone C & D, fishermen should be able to trawl up to 20 traps.

Participant expressed concern over additional bureaucracy and enforcement issues with small scale rules and regulations.

One participant asked if it would be possible to develop a regulatory committee that could make quick changes to regulations rather than going back through long regulatory process.

One participant stated that using float rope would make trawling up easier in some places.

Several participants asked questions related to whether or not the Agency would be sued if they support industry ideas for reducing endline risk, or if management moves forward, but a whale is still entangled? Would this affect the timeline? NMFS states that the 5 year monitoring plan should help reduce any knee jerk reaction to entanglements.

Participant asked if there is any recourse if a regulation not expected to have negative economic impact, actually puts fisherman out of business. Would the regulation be able to be take off the books? NMFS responded that the ALWTP is in place to achieve a balance between conservation and economics so that is taken into consideration when establishing a regulation, however only an act of Congress can amend the ESA or MMPA.

One participant stated that the Agency set a precedent under the Right Whale Ship Strike Reduction Rule for establishing a sunset clause of 5 years, which could possibly be applicable here as well. Sunset clause would make the regulation go away or change if its shown to not work.

General questions:

- How long does it take to complete an Environmental Impact Statement? The projected timeline has the EIS complete within a year (2012).