

Atlantic Large Whale Take Reduction Plan
Draft Environmental Impact Statement and Proposed Rule Public
Hearing Document

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PURPOSE

NOAA's National Marine Fisheries Service (NMFS) intends to expand large whale conservation efforts by amending regulations that implement the Atlantic Large Whale Take Reduction Plan (Plan). Plan amendment is necessary because the number of serious injuries and mortalities for right and humpback whales is too high and vertical lines in trap/pot and gillnet gear continue to entangle these large whales. As part of this rule development process, NMFS developed a Draft Environmental Impact Statement (DEIS) and proposed rule.

The purpose of holding public hearings is to give the public the opportunity to provide feedback and ask questions about the DEIS and measures proposed in the proposed rule.

DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED RULE

To solicit additional stakeholder involvement, on June 14, 2011, NMFS published a Notice of Intent in the *Federal Register* (76 FR 34654) to announce the agency's intent to prepare an Environmental Impact Statement that would analyze the impacts of alternatives for amending the Plan. In the NOI, NMFS announced multiple public scoping meetings along the east coast to solicit public comments. In July and August 2011, NMFS held 15 scoping meetings to solicit public feedback on the vertical line risk reduction strategy. The information provided at the scoping meetings was also reviewed at a full Team meeting in January 2012. Team members further refined their vertical line risk reduction proposals and the team met via teleconference in February 2012 to review the final proposals submitted. The Team reviewed five proposals: three from state agencies, one from the scientist/academic community, and one from the conservation community. Results of the proposals were presented via teleconference in April 2012. Each proposal was analyzed to assess its impact on both the number of vertical lines and co-occurrence scores relative to the baseline in the Northeast and coastwide.

NMFS designed the proposed alternatives in the proposed rule and support analysis contained in the DEIS based on comments received during public scoping and using many of the measures submitted by the team in their stakeholder proposals.

OVERVIEW OF ALTERNATIVES

Under Alternative 1, NMFS would maintain the status quo and the set of requirements currently in place. Alternatives 2 through 6 would modify the Plan in a number of ways and would vary by region.

Northeast

The proposed modifications to the Plan include the following conservation measures affecting trap/pot fisheries: an increase in the number of traps per trawl depending on area fished and distance from shore and seasonal closures for trap/pot fisheries in areas including surrounding Cape Cod Bay, Jordan Basin and Jeffreys Ledge. NMFS is also proposing to increase the size and frequency of the current gear marking scheme for both trap/pot and gillnet fisheries.

Mid-Atlantic

Continued monitoring and continued outreach and enforcement efforts are necessary to ensure that fishermen understand the regulations and to improve compliance. In addition to continued and enhanced outreach and enforcement, NMFS will continue to request that their state partners provide gear characterization reports on an annual basis. This will allow NMFS to continue to monitor the amount, location, and type of gear in the water. This will be important so that NMFS can monitor what effects, if any, the action has on fishing effort. NMFS is also proposing to increase the size and frequency of the current gear marking scheme for both trap/pot and gillnet fisheries.

Southeast

The proposed modifications include the following conservation measures affecting trap/pot fisheries: set a maximum breaking strength of weak links and vertical line (buoy line); establish a new trap/pot management area based on current gillnet management area boundaries; require one buoy line with one trap and not multiple-trap trawls; in Federal waters gear must be brought back to shore at the conclusion of each trip; require the whole buoy/vertical line to be made of sinking line (and free of objects) except for where it attaches to the buoy and trap/pot. NMFS is also proposing to increase the size and frequency of the current gear marking scheme for both trap/pot and gillnet fisheries.

Alternative 1

Under Alternative 1, NMFS would continue with the status quo, i.e., the baseline set of ALWTRP requirements currently in place.

Alternative 2

Northeast Region:

- Increase the number of traps per trawl based on area fished and miles fished from shore [(0-3), (3-12), and (12+)] within current lobster management.
 - Trawls greater than 5 traps per trawl could have two endlines.
 - Maine waters are managed based on zone and the proposed number of traps per trawl differ based on Maine zone.

Northeast Area (miles)	Minimum Traps/Trawl
Maine A (non-exempt state waters)	2
Maine B (non-exempt state waters)	3
Maine C (non-exempt state waters)	3
Maine D (non-exempt state waters)	3
Maine E (non-exempt state waters)	2
Maine F (non-exempt state waters)	4
Maine G (non-exempt state waters)	2
Maine A (3-12)	5
Maine B (3-12)	5
Maine C (3-12)	5
Maine D (3-12)	5
Maine E (3-12)	5
Maine F (3-12)	10
Maine G (3-12)	10
Maine A (12+)	10
Maine B (12+)	10
Maine C (12+)	10
Maine D (12+)	10
Northeast Area (miles)	Minimum Traps/Trawl
Maine E (12+)	10
Maine F (12+)	20
Maine G (12+)	20
LMA 1 (0-3)	3
LMA 1 (3-12)	10
LMA 1 (12+)	20
LMA1/OC Overlap (0-3)	2
OC (0-3)	2
OC (3-12)	10
OC (12+)	20
LMA 2 (0-3)	3
LMA 2 (3-12)	10
LMA 2 (12+)	20
LMA 2/3 Overlap (12+)	20
LMA 3 (3-12)	10
LMA 3 (12+)	20

Southeast Region:

- Propose to use a current gillnet area boundary, Southeast Restricted Area North, as the boundary for new trap/pot management area (Attachment 1) during the restricted period (Nov. 15-April 15).
- Trap/pot gear set during the restricted period in the Southeast Restricted Area North must comply with the following:
 - In state waters traps, must be set with one buoy line and not multiple-trap trawls. The breaking strength of the weak link between the buoy and vertical line does not exceed 600 lbs (Georgia/South Carolina state waters) or 200 lbs (Florida state waters). The breaking strength of the vertical line (buoy line) does not exceed 2,200 lbs (Georgia/South Carolina state waters) or 1,500 lbs (Florida state waters). The whole buoy/vertical line (from trap/pot to buoy) should be the same diameter and free of objects (e.g. weights, floats, etc .) and the buoy/vertical line must be made of sinking line.
 - In Federal waters, must be set with one buoy line with one trap and not multiple-trap trawls. The breaking strength of the weak link between the buoy and vertical line does not exceed 600 lbs and the breaking strength of the vertical line (buoy line) does not exceed 2,200 lbs. Trap/pot gear must be brought back to shore at the conclusion of each trip. The whole buoy/vertical line (from trap/pot to buoy) should be the same diameter and free of objects (e.g. weights, floats, etc .) and is made of sinking line.

Alternative 3

Northeast Region:

- A combination of NMFS proposed traps per trawl and ideas from our State partners.
 - Maine Department of Marine Resources provided a proposal for traps per trawl based on Maine zones and distance from shore that differ from NMFS [(0-3), (3-6), (6-12), and (12+)] (Attachment 2).
 - Rhode Island Department of Environmental Management requested a minimum 15 trap per trawl requirement in LMA 2 (12+) as opposed to NMFS' 20 trap per trawl limit.
 - NMFS proposal (Alternative 2) is in effect in all waters and times of year that are not covered by the State proposals.

Northeast Area (miles)	Minimum Traps/Trawl
Maine A-G (non-exempt state waters)	2
Maine A-G (3-6)	3
Maine A-C (6-12)	5
Maine D-G (6-12)	10
Maine A (12+)	15
Maine B (12+)	15
Maine C (12+)	15
Maine D (12+)	15
Maine E (12+)	15
Maine F (12+)	15*
Maine G (12+)	15*
LMA 1 (0-3)	3
LMA 1 (3-12)	10
LMA 1 (12+)	20
LMA1/OC Overlap (0-3)	2
OC (0-3)	2
OC (3-12)	10
OC (12+)	20
LMA 2 (0-3)	3
LMA 2 (3-12)	10
LMA 2 (12+)	15
LMA 2/3 Overlap (12+)	20
LMA 3 (3-12)	10
LMA 3 (12+)	20

*Maine Zone F and G in the 12+ miles range will go to a 20 trap per trawl minimum with 2 endlines from November through February

- Massachusetts Division of Marine Fisheries proposed a closure in the Cape Cod Bay Critical Habitat area for all trap/pot fisheries from February 1 through April 30th (Attachment 3).
- New Hampshire Department of Fish and Game requested that New Hampshire state waters be exempt from the proposed trap per trawl limits and all current requirements under the Plan (Attachment 4).

Southeast Region: Alternative 2 measures apply.

Alternative 4

Northeast Region:

- The same trap per trawl requirements as Alternative 2.
- Three closures for trap/pot fisheries:

- Jordan Basin closed November 1 to January 31 (Attachment 5).
- Jeffreys Ledge closed October 1 to January 31 (Attachment 6).
- Massachusetts Restricted Area #1: Area of Cape Cod Bay and Outer Cape to Great South Channel closed January 1 to April 30 (Attachment 7).
- NMFS proposal (Alternative 2) is in effect in all waters and times of year that are not covered by the closures.

Southeast Region: Alternative 2 measures apply.

Alternative 5 (Preferred)

Northeast Region:

- Alternative 5 is a combination of the trap/trawl requirements in Alternatives 3 and the proposed closures from Alternative 4.
- New Hampshire Department of Fish and Game requested that New Hampshire state waters be exempt from the proposed trap per trawl limits and all current requirements under the Plan (Attachment 4).

Southeast Region: Alternative 2 measures apply.

Alternative 6

Northeast Region:

- The same trap/trawl requirements as Alternative 3 with the exception of all Massachusetts state waters. These waters would be required to trawl up to 2 traps per trawl instead of 3 traps per trawl.
- One closure for trap/pot fisheries:
 - Massachusetts Restricted Area #2: Area of Cape Cod Bay and Outer Cape closed January 1 to April 30 (Attachment 8).
- New Hampshire Department of Fish and Game requested that New Hampshire state waters be exempt from the proposed trap per trawl limits and all current requirements under the Plan (Attachment 4).

Southeast Region: Alternative 2 measures apply.

Gear Marking Proposed Under All Alternatives

The proposed gear marking scheme would maintain the current color combinations but increase the size and frequency of the mark. The new mark must equal 12” in length and buoy lines must be marked three times (top, middle, bottom). A mark for the Maine and New Hampshire exempted waters would be also required. A mark for the new Southeast US Restricted Area North would be required for both state and Federal water. This proposal would continue to allow multiple methods for marking line (paint, tape, rope, etc).

The table below outlines the proposed gear marking colors. The line must be marked three times and each mark must total 12” in length. If the mark consists of two colors then each color mark can be 6” for a total mark of 12”.

PROPOSED GEAR MARKING

ALWTRP Mgmt Area	***Lobster Mgmt Area	Color
<i>Trap/Pot gear</i>		
Cape Cod Bay Restricted Area	LMA1	Red
Northern Nearshore	LMA1, LMA2, and Outer Cape	Red
Northern Inshore State	LMA1, LMA 2, LMA 2/3, and Outer Cape	Red
Stellwagen Bank/Jeffreys Ledge Restricted Area	LMA1	Red
Great South Channel Restricted Area overlapping with LMA 2 and/or Outer Cape	LMA2 and Outer Cape	Red
Southern Nearshore	LMA 4, LMA 5, LMA 6	Orange
Southeast US Restricted Area North*	State Waters	Blue and Orange
Southeast US Restricted Area North*	Federal Waters	Green and Orange
Offshore	LMA 2/3 and LMA 3	Black
Great South Channel Restricted Area overlapping with LMA 2/3 and/or LMA 3	LMA 2/3 and LMA 3	Black
New Hampshire* and Maine** Exemption Area	LMA 1	Red and Blue

ALWTRP Mgmt Area	***Lobster Mgmt Area	Color
<i>Gillnet gear excluding shark gillnet</i>		
Cape Cod Bay Restricted Area	-----	Green
Stellwagen Bank/Jeffreys Ledge Restricted Area	-----	Green
Great South Channel Restricted Area	-----	Green
Great South Channel Sliver Restricted Area	-----	Green
Other Northeast gillnet waters	-----	Green
New Hampshire* and Maine** Exemption Area	-----	Red and Blue
Mid/South Atlantic Gillnet waters	-----	Blue
Southeast US Restricted Area South	-----	Yellow
Other Southeast Gillnet waters	-----	Yellow
<i>Shark Gillnet (with webbing of 5" or greater)</i>		
Southeast US Restricted Area South	-----	Green and Blue
Southeast Monitoring Area	-----	Green and Blue
Other Southeast Waters	-----	Green and Blue

* New trap/pot management area

**Mark for the Maine exemption area does not currently exist.

** *LMA is identified if new traps per trawl scenarios have been proposed in these areas.

COMPARING ALTERNATIVES

Annual Reduction in Vertical Lines

Alternative	Coastwide (No Displacement)	Coastwide (Displacement)	Northeast (No Displacement)	Northeast (Displacement)
2	35.3%	--	36.7%	--
3	29.8%	29.7 %	31%	30.9%
4	36.5%	35.4%	38%	36.8%
5	31%	29.8%	32.2%	31%
6	29.2%	28.5%	30.3%	29.7%

Annual Reduction in Co-occurrence

Alternative	Coastwide (No Displacement)	Coastwide (Displacement)	Northeast (No Displacement)	Northeast (Displacement)
2	35.8%	--	36.1%	--
3	37.4%	37.2%	37.7%	37.5%
4	40.5%	38.7%	40.8%	39%
5	41.7%	39.8%	42%	40%
6	38%	37.5%	38.3%	37.7%

Number of Vessels Affected

NUMBER OF VESSELS AFFECTED BY NEW REQUIREMENTS UNDER EACH REGULATORY ALTERNATIVE				
Regulatory Alternative	Gear Configuration	Closures	Gear Marking	Total
Alternative 1 (No Action)	0	0	0	0
Alternative 2	1,818	0	6,130	6,130
Alternative 3	1,399	16	6,130	6,130
Alternative 4	1,834	184	6,130	6,130
Alternative 5 (Preferred)	1,406	184	6,130	6,130
Alternative 6	1,372	109	6,130	6,130

Note: A single vessel may be affected by multiple new requirements; hence, the totals presented here are not the simple sum of the gear configuration, closure, and gear marking categories.

Economic Impact

ESTIMATED ANNUAL COMPLIANCE COSTS BY ALTERNATIVE (2011 dollars)							
Regulatory Alternative	Gear Configuration		Closures		Gear Marking	Total	
	Lower	Upper	Lower	Upper		Lower	Upper
Alternative 1 (No Action)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Alternative 2	\$1,243,000	\$4,395,000	\$0	\$0	\$1,014,000	\$2,257,000	\$5,409,000
Alternative 3	\$1,018,000	\$3,373,000	\$21,000	\$49,000	\$1,046,000	\$2,085,000	\$4,468,000
Alternative 4	\$1,216,000	\$4,292,000	\$1,397,000	\$2,215,000	\$1,009,000	\$3,622,000	\$7,517,000
Alternative 5 (Preferred)	\$1,012,000	\$3,265,000	\$1,397,000	\$2,215,000	\$1,042,000	\$3,451,000	\$6,522,000
Alternative 6	\$1,025,000	\$3,348,000	\$557,000	\$831,000	\$1,053,000	\$2,635,000	\$5,232,000

Note: Values may not sum to the totals shown due to rounding.

WHAT'S NEXT?

NMFS is committed to working directly with stakeholders to develop viable options that will work for fishermen and meet the requirements put forth under the Endangered Species and Marine Mammal Protection acts. NMFS will review all the comments received during the comment period based on comments received, NMFS proposes to implement one of those six alternatives in the final rule. The final rule would be published in the summer of 2014 and effective in the fall of 2014.

WHEN CAN I COMMENT?

The public comment period on the DEIS ends September 13, 2013 and the public comment period on the proposed rule ends September 16, 2013. Please provide comments on or before these dates.

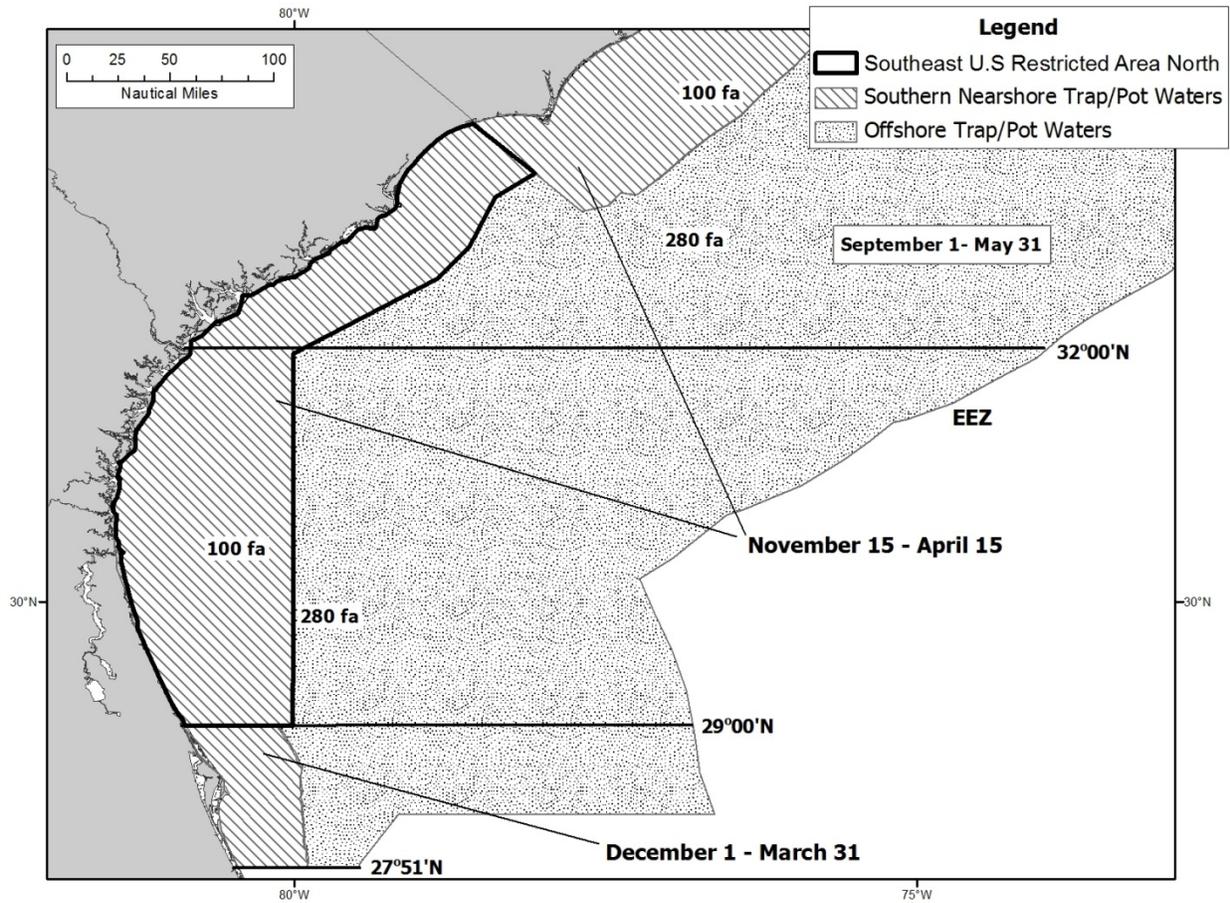
HOW DO I COMMENT?

1. Provide verbal comments at one of the hearings in your area.
2. Provide written comments via-
 - a. fax: (978) 281-9394; or
 - b. mail to:
Mary Colligan, Assistant Regional Administrator for Protected Resources
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Attn: ALWTRP Large Whale Rule
 - c. email to: NMFS.NER.whale@noaa.gov

Attachments

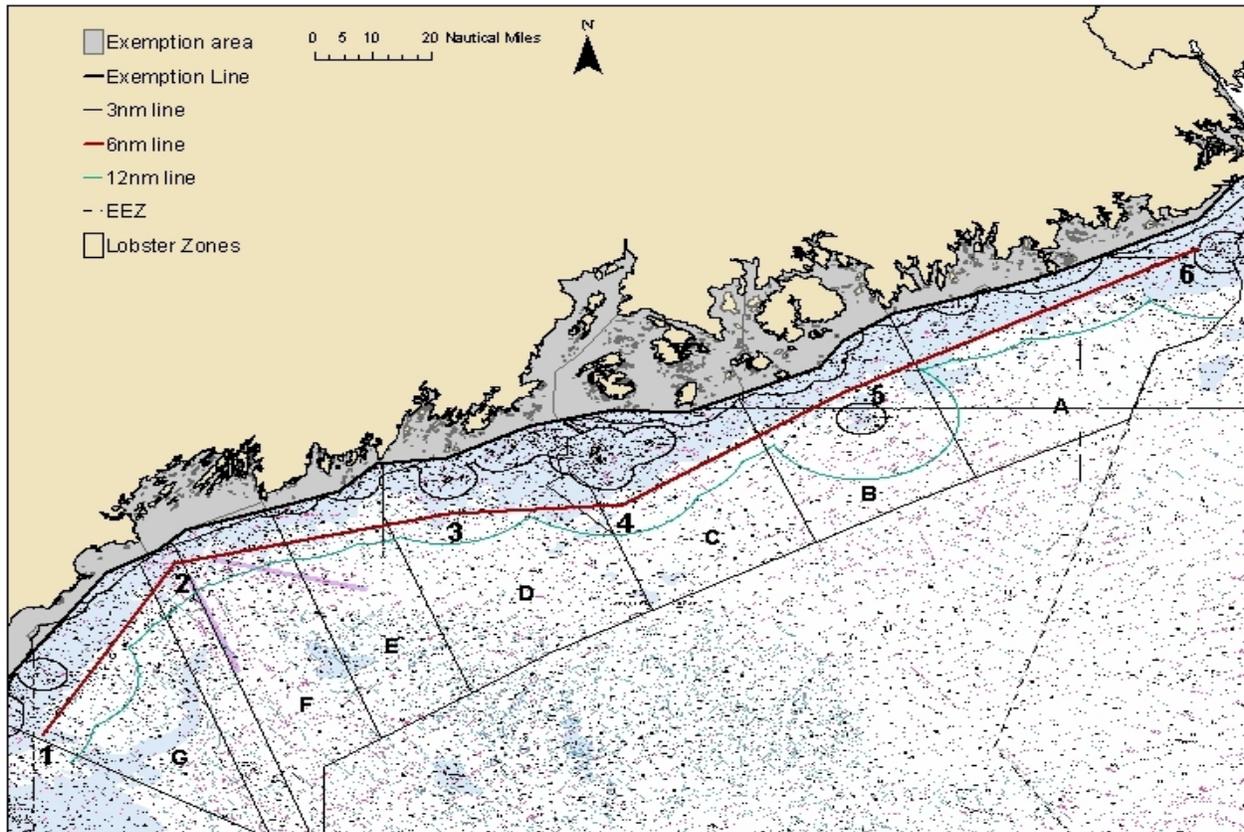
Attachment 1

PROPOSED SOUTHEAST REGION TRAP/POT MANAGEMENT AREAS (Under Alternatives 2-6)



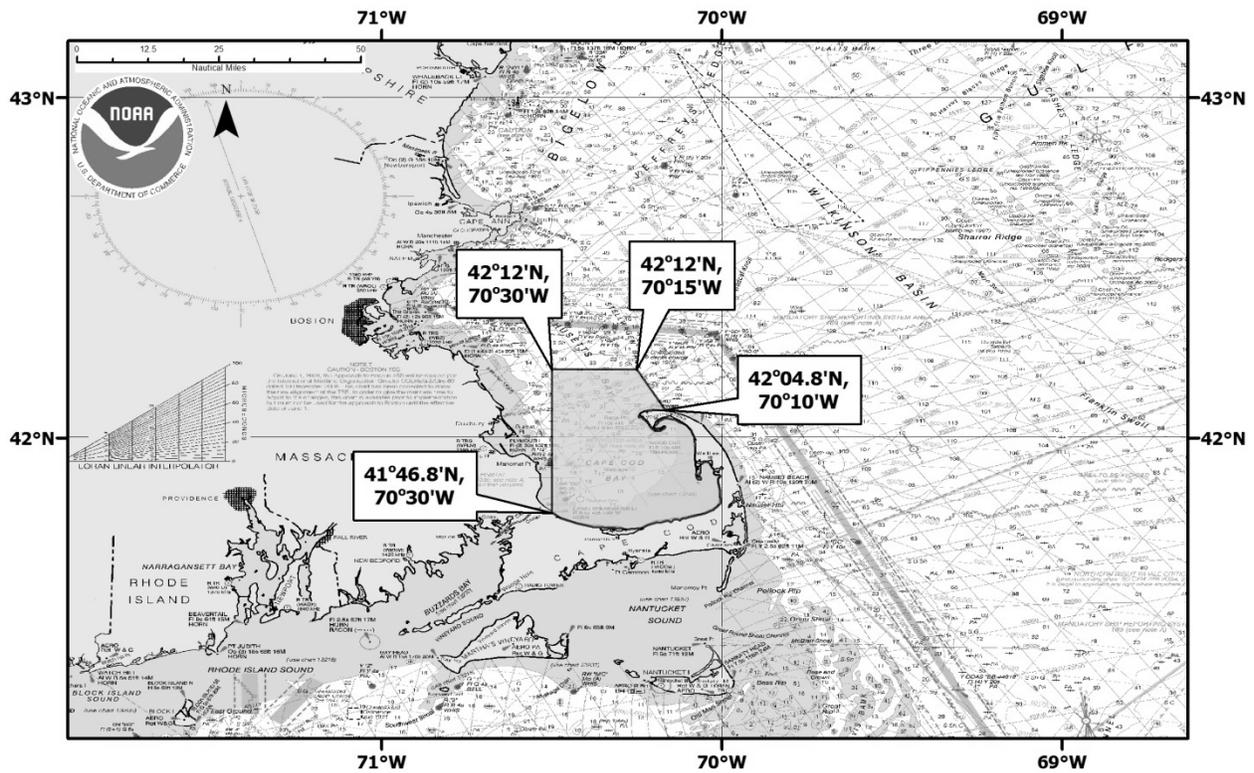
Attachment 2

PROPOSED 6-MILE LINE FOR TRAP/TRAWLS IN MAINE (Under Alternatives 3,5, and 6)



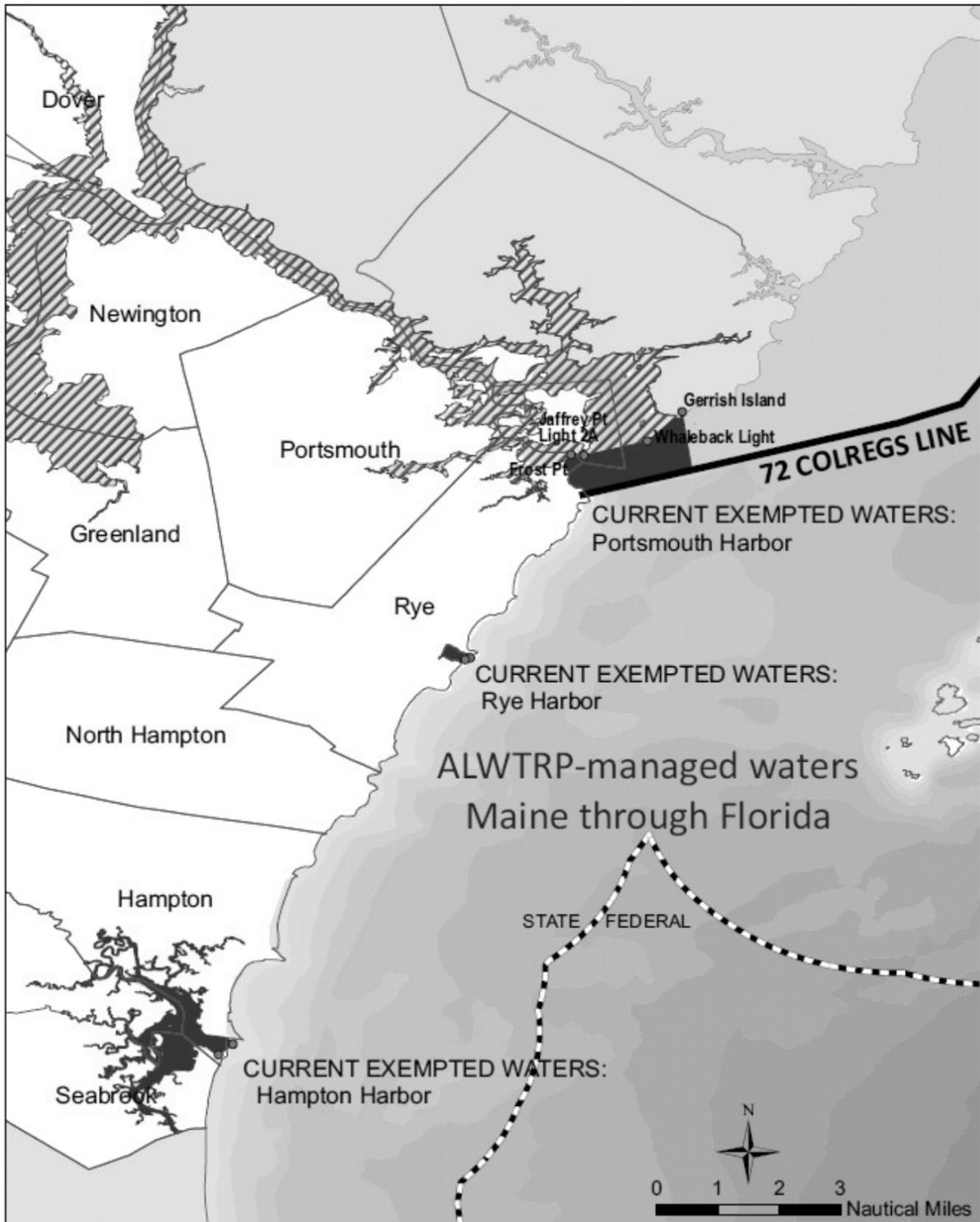
Attachment 3

CAPE COD BAY RESTRICTED AREA (ALTERNATIVE 3) CLOSED TO ALL TRAP/POT GEAR FROM FEBRUARY 1 THROUGH APRIL 30



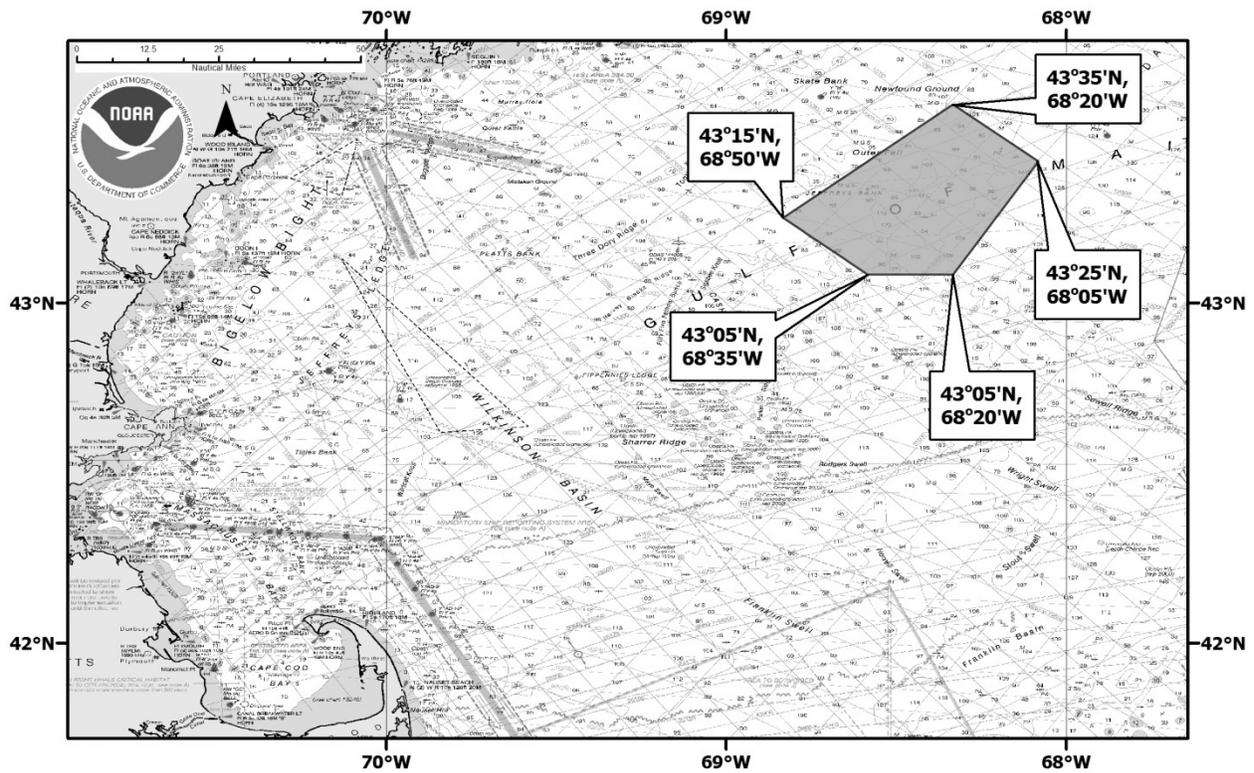
Attachment 4

PROPOSED EXEMPT WATERS UNDER ALTERNATIVES 3, 5, AND 6



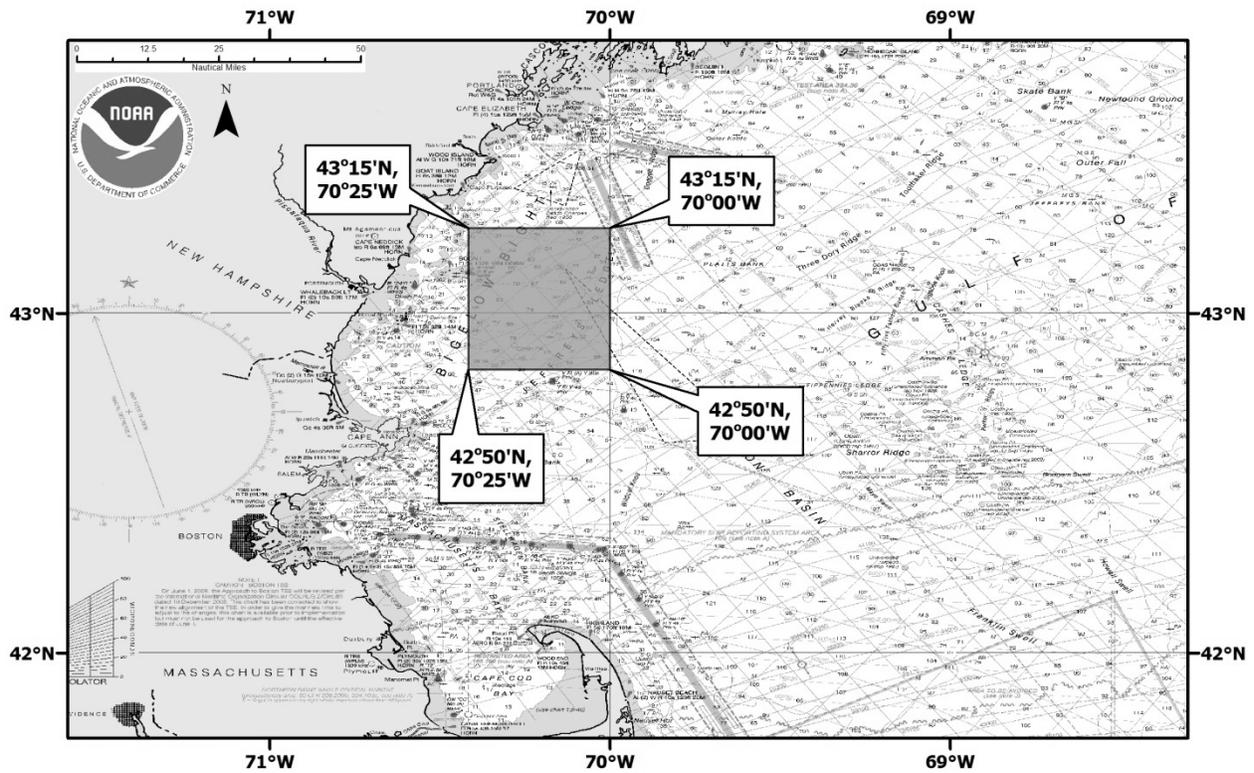
Attachment 5

JORDAN BASIN (ALTERNATIVE 4 AND 5)
CLOSED TO ALL TRAP/POT GEAR FROM NOVEMBER 1 THROUGH JANUARY 31



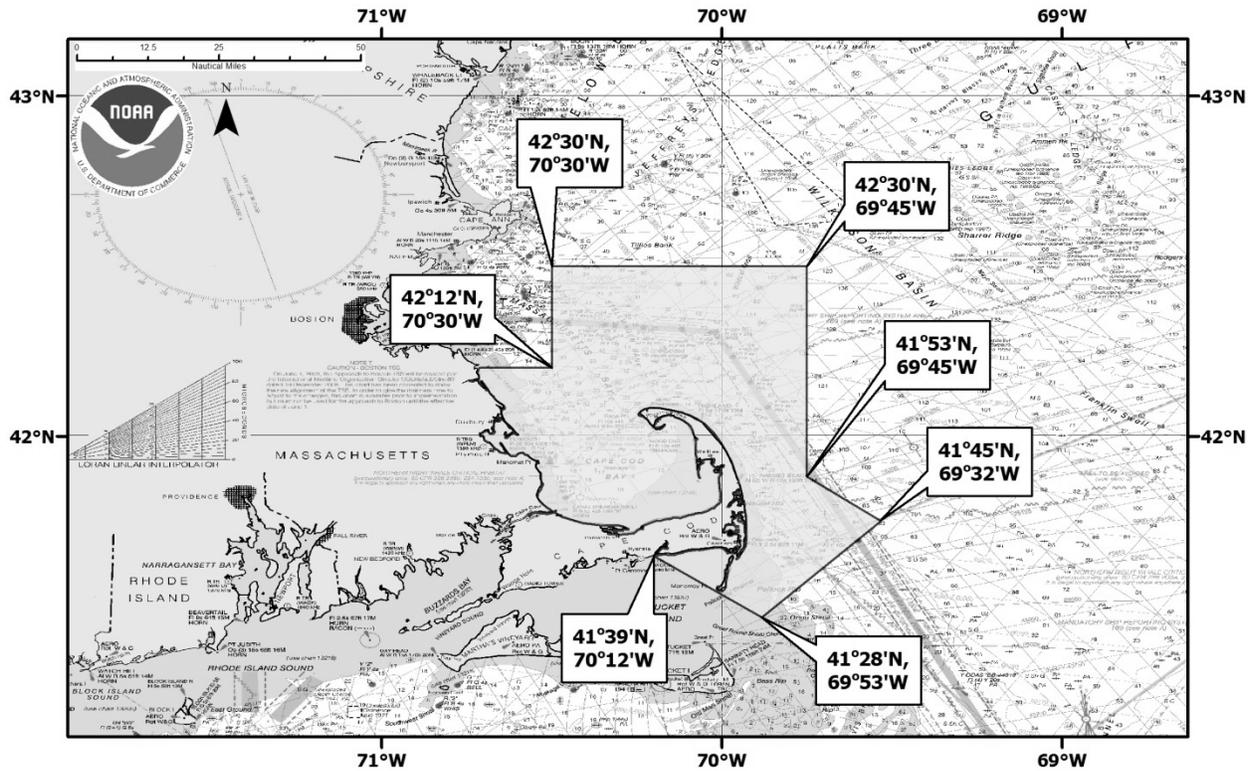
Attachment 6

JEFFREYS LEDGE (ALTERNATIVE 4 AND 5) CLOSED TO ALL TRAP/POT GEAR FROM OCTOBER 1 THROUGH JANUARY 31



Attachment 7

MASSACHUSETTS RESTRICTED AREA #1 (ALTERNATIVE 4 AND 5)
CLOSED TO ALL TRAP/POT GEAR FROM JANUARY 1 THROUGH APRIL 30



Attachment 8

MASSACHUSETTS RESTRICTED AREA #2 (ALTERNATIVE 6) CLOSED TO ALL TRAP/POT GEAR FROM JANUARY 1 THROUGH APRIL 30

