

**Atlantic Large Whale Take Reduction Team Meeting  
January 12-14, 2015: Providence, RI**

**KEY OUTCOMES**

**I. OVERVIEW**

NOAA's National Marine Fisheries Service (NMFS) convened the Atlantic Large Whale Take Reduction Team (Team) January 12-14, 2015, in Providence, RI. The purpose of the meeting focused on the following specific objectives:

- Review, discuss and provide Team guidance on vertical line exemption proposals put forward by Massachusetts, Rhode Island and Maine state representatives, as well as a proposal by the conservation community for seasonal closures of Jeffreys Ledge and Jordan Basin
- Review, discuss and provide feedback on exemption concepts put forward by New Hampshire, Maine and Massachusetts state representatives
- Provide Team with an overview of the upcoming regulatory Amendment 16 for the black sea bass fishery in Southeast
- Seek Team guidance on future Team direction and initiatives, with a particular focus on monitoring results and Team effectiveness

**II. PARTICIPANTS**

The three-day meeting was attended by 38 members of the 60-person team. Participating Team members (or their alternates) were: Regina Asmutis-Silva, David Borden, Peter Brodeur, Tom Burgess, Beth Casoni, Dwight Carver, Jane Davenport, Cindy Driscoll, Jack Finn, Colleen Giannini, Samantha Hoover, Bob Kenney, Raymond King, Scott Kraus, David Laist, Scott Landry, Kristy Long, Bill Mackintosh, Patrice McCarron, Dan McKiernan, Bill McLellan, Kristen Monsell, Jim Nash, Bob Nudd, Scott Olszewzski, Cheri Patterson, James Powell, Jooke Robbins, Rich Seagraves, Terry Stockwell/Sara Cotnoir, Kate Swails, Mark Swingle, Jim Tripp, Mason Weinrich/Caroline Good, Steve Welch, April Wobst, Sharon Young and Barb Zoodsma/Jessica Powell.

In addition to the NMFS representatives on the Team (Swails, Long and Zoodsma/Powell), the Greater Atlantic Regional Office (GARFO) was represented at the table by Dave Gouveia and Kim Damon-Randall; GARFO Regional Director John Bullard presented opening remarks. Other NOAA staff attending the meeting included the following: Mike Asaro, David Morin, Katie Richardson, John Kenney and John Higgins with GARFO; David Hilton with the Southeast Regional Office; Richard Pace with the Northeast Fisheries Science Center; Kevin Collins with NOAA's Office of General Counsel, and Lisa White with NOAA's Office of Protected Resources. Katie Moore with the U.S. Coast Guard also attended the meeting. Scott McCreary with CONCUR and Bennett Brooks from the Consensus Building Institute served as the neutral facilitators. Approximately two-dozen members of the

public, state agencies and affiliated organizations were in attendance over the course of the meeting.

### **III. MEETING MATERIALS**

A meeting agenda, state exemption proposals and a number of other background meeting materials were provided in advance to support the group's deliberations. Copies of meeting materials can be found on-line at:

<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/trt/meetings/2015meeting.html>

Documents can also be obtained by contacting K. Swails at 978-282-8481 or via email at [kate.swails@noaa.gov](mailto:kate.swails@noaa.gov).

### **IV. DISCUSSION SUMMARY**

Below is a brief summary of the main topics and issues discussed during the meeting. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised during Team discussions, and areas of emerging or full consensus.

#### ***A. Welcome and Introduction***

The meeting began with welcome remarks by GARFO Regional Director John Bullard. His remarks focused on the following main points:

- Thanking members for their participation in and ongoing commitment to a process that began in 1996. He noted in particular a number of individuals who have served on the Team continuously since its inception.
- Encouraging members to continue engaging in the challenging but essential dialogues needed to invent options and hammer out consensus approaches that can reduce interactions with and mortalities to humpback, right whale and other large whale species, while maintaining a healthy fishery and working waterfronts.
- Underscoring the important role Team members play in sharing information and approaches discussed by the Team with their respective broader affected communities, as well as fostering effective implementation.
- Noting the successes in North Atlantic right whale population gains (up from an estimated 295 individuals in 1996 to 454 individuals in the most recent survey), while acknowledging the significant improvements still needed to meet ESA and MMPA requirements.
- Introducing the Agency's intention, via standardized operating protocols to be used across all Teams, to increase transparency and promote shared expectations of all those involved in the take reduction team process.

Following the Regional Director's remarks (and Team member self-introductions), the facilitation team and GARFO leadership reiterated the four primary meeting objectives

noted earlier in this summary, provided an overview of the meeting agenda, and reviewed the meeting protocols and NMFS's new Operating Protocols, which are intended to provide consistency across all Take Reduction Teams. K. Swails reviewed recent changes in Team membership, noting that the changes were necessary to replace members who had left their organizations. K. Swails also noted that the Agency declined a request to add a new seat to the Team as the fishery (Massachusetts trap/pot) in question is already represented.

### ***B. Proposed Amendments to the Vertical Line Final Rule***

#### Overview:

The bulk of the meeting focused on a series of five distinct proposals put forward by three affected states (Massachusetts, Maine and Rhode Island) and the conservation community to amend the Final Vertical Line Rule set to be implemented in June 2015. The proposals, as put forward for the Team's consideration, focused on the following:

- Massachusetts Exemption Request #1: Provide year-round exemption to the minimum number of traps per trawl requirements in southern Massachusetts state waters, including Nantucket Sound, Buzzards Bay and Vineyard Sound.
- Massachusetts Exemption Request #2: Provide year-round exemption to the minimum number of traps per trawl requirements in Gulf of Maine municipal waters (0-3 miles) (and, if the Team were willing, the 60-foot contour in Southeast Cape Cod Bay) in LCMA Area 1 (New Hampshire to Cape Cod) and in the Outer Cape Cod waters. Additionally, require new unique marking scheme for single traps fished in each geography and take stock of impacts after five years.
- Rhode Island Exemption Request: Provide an exemption to the final rule prohibition on single pots for lobster and fish pot gear types in Rhode Island state waters.
- Maine Exemption Request: Expand the ¼-mile exempted buffer included for certain islands in the regulatory boundaries of the vertical line Final Rule to incorporate additional island groups: those around Matinicus Island and the islands that comprise the Isles of Shoals. Vessels fishing in the ¼-mile buffer would be exempt from vertical line minimum trawl length requirement year round for trap/pot gear.
- Conservation Community Proposal: Institute seasonal closures for Jeffreys Ledge and in Jordan Basin as initially incorporated in the preferred alternative put forward as part of the Draft Environmental Impact Statement but rejected in the final rule.

For each proposal, the proponent presented an overview of the proposal and explained the underlying rationale and implications for conservation value and implementation. Following each presentation, Team members posed clarifying questions, Industrial Economics (IEc, outside consultants to GARFO) presented its analysis of the proposal on

vertical lines and co-occurrence (as compared to the Final Rule, effective June 2015), and then the Team engaged in an initial discussion.

Given the Team's interest in better understanding cumulative impact across all five proposals, many meeting participants expressed a preference for considering the set of proposals, if possible, as a package. Accordingly, after an initial discussion of each individual proposal, the Team spent the majority of its time – in both plenary and caucus – considering tradeoffs and potential modifications across the full suite of proposals. These cross-cutting deliberations were further informed by an IEc analysis that evaluated vertical line and co-occurrence impacts given different proposal combinations.

Prior to and during the Team's deliberations, D. Gouveia invited the Team to be creative in its consideration of the various proposals, but he cautioned that any significant deviations from the proposals already put forward – in either geographic scope, timeframe or impact on vertical lines – would likely mean that an amendment to the plan that would implement these proposals would not be ready for the June 2015 effectiveness day. This is due to the time needed for the steps of additional analysis, possible further Team deliberations and rule-making.

#### Discussion Synthesis:

The suite of proposals triggered extensive Team discussions. Some comments were unique to particular proposals, but many of the themes were cross-cutting and are summarized below.

- ***Fishermen safety/operational considerations.*** Team members broadly recognized the potential safety and operational impacts of current requirements for fishermen using smaller vessels. Several Team members spoke to the increased risk to fishermen with additional lines on the boat; others talked to the operational difficulties (e.g., rugged hard bottoms in Maine, strong currents off Outer Cape Cod, increased gear loss, additional crew needed to safely manage longer strings) and the potential for increased and more complex gear conflicts arising from longer trawls. Others, while sensitive to these considerations, struggled with increasing vertical lines at a time when M&SI interactions already exceed PBR and any additional line in the water is seen as problematic (even if associated with a low co-occurrence score, as some expressed concern with the limitations of the model).
- ***Impacts of exemptions to vertical lines and co-occurrence scores.*** Team members had somewhat divergent views on the impacts of the various proposals on entanglement risk. The IEc analysis generally showed low to no impact on co-occurrence scores for most of the exemption proposals (though Massachusetts Proposal #2 showed a significantly larger increase – 16% – in spring). To some Team members, the analysis suggested a reasonable tradeoff: little increase in overall risk with improved safety, economics and operational considerations for the smaller vessels. Others were concerned about the limitations of the model and the conservation implications of any increase in lines and suggested seasonal averages

have the potential to mask monthly spikes in risk. (IEc provided additional analysis on Day Two to inform the monthly risk profile.)

Discussion of the conservation proposal and its impact on entanglement risk also produced a range of perspectives. Proponents of the expanded closures noted that the co-occurrence scores in both proposed closure areas is at a risk level comparable to other areas NMFS recommended for closure and, hence, should also be included as a mechanism to reduce entanglement risk. They also noted that greater efforts (i.e., closures) are needed if M&SI are to be reduced below PBR, and they stressed the potential of recent or impending changes in fishery management to increase vertical lines in a manner not considered in the environmental analysis. Other Team members suggested that any risk reduction tied to expanded closures will be limited given that some vessels will choose to shift their effort to other waters (as opposed to not fishing at all). Moreover, they said, the decreased risk would come at a severe economic cost, particularly for those vessels and ports dependent on the economically important Jeffreys Ledge area.

- ***Distinctive gear-marking.*** The proposals triggered extensive discussions about the need for distinct and unique gear-markings to improve the Agency's ability to identify the likely source of entanglements. Specific to the exemption proposals, RI, Massachusetts and Maine expressed a willingness to modify their proposals by including distinct gear-markings for areas proposed to be exempted from the trawl-up requirements. Maine, after consulting by phone with fishermen in specific geographies, expressed a willingness to implement distinct gear marking for the Isles of Shoals. Conservationists also pressed for unique gear marking for Jeffreys Ledge and Jordan Basin if either area is to be kept open. More broadly, while there are still concerns among some regarding operational considerations associated with developing viable gear-marking schemes (e.g., vessels moving between areas with different marking schemes), several participants noted an expanded willingness among Team members to consider gear-marking (not just limited to newly minted exemption areas) in helping inform future Atlantic Large Whale Take Reduction Plan (Plan) actions.
- ***Single trap impacts.*** As part of its presentation of Proposal #2, Massachusetts' Division of Marine Fisheries (DMF) representatives (Erin Burke and Bob Glenn) presented results of their effort to better understand the risk posed to large whales by single traps/pots. The analysis, based on the Division's review of past NMFS disentanglement data from 2008-2012 and Disentanglement Network reports, suggested that very few M&SI cases had the potential to be credibly attributed to single traps/pots (2 of 41 M&SI cases), while a larger number (25 of 41 M&SI cases) could be eliminated as single pot/traps due to gear characteristics unique to larger trawls. (The review did show a higher rate – 17% – of entanglements overall with gear that was identified as either possibly or positively identified single trap/pot gear. However, the Department's review further suggested, presenters said, that in those instances where single trap/pot entanglements were positively identified, all

three cases were non M&SI cases.) DMF staff also suggested that entanglements in the Outer Cape Cod are likely to be detected and responded to earlier due to the whale watching and recreational fishing communities active in the area.

The presentation triggered interest among Team members. Some participants complimented the State for its out-of-the box analysis and suggested that creative approaches such as these may prove helpful to the Team as it tries to sharpen the Plan in the coming years. Still, these and other Team members and the Agency itself raised concerns about the assumptions and methods used in the analysis provided by the state. Some suggested that the approach taken by the State and subsequent analysis may yield inflated results. This is a concern, they said, because the data utilized for the analysis were based on a subset of a much larger data set. The smaller data set, in turn, provided inflated percentages in its results, which suggested small risks to right whales and humpbacks. For these and other reasons, some Team members suggested the topic is complex and requires a more thorough analysis to better account for: geographic distinctions in whale distributions, vertical lines and entanglement characteristics; past studies that assessed risk associated with observed entanglements; the potential for single trap entanglements to increase in complexity due to snagging other gear; and, the need to more fully account for line strength, length and other complicating factors. Several Team members suggested additional research into the topic.

Other comments included the following:

- In general, Team members agreed that limited data on whale movements, vertical line numbers and locations, and gear origination continue to constrain the Team's ability to develop more effective recommendations. Any actions the Team and Agency can take to strengthen data collection and analysis – along with improved monitoring of the overall Plan – will result in a more targeted and effective Plan.
- Team members underscored the importance of completing expedited serious injur determinations if the Team is to consider in a timely fashion any changes to the Plan based on vertical line interactions.
- Massachusetts and Rhode Island state representatives suggested that, given earlier single trap/pot exemptions extended for Maine and New Hampshire state waters, the limited exemption requests offer parity to their commercial fishing communities.
- Some Team members suggested that an overall pattern of declining effort will inevitably lead to fewer vertical lines and diminished risk, but others around the table contended that both future changes in fishing regulations and emerging fisheries could lead to the opposite effect.
- Future analyses should provide greater specificity related to vertical line impacts and co-occurrence scores as seasonal averages risk masking important month-to-month distinctions.
- The Team briefly considered the merits of a sunset clause as part of the state exemption proposals, but there was mixed support for such a provision, as some suggested that the improved monitoring plan being put forward by the Agency is

intended to help better ensure Plan actions are tracked and, as needed, revised to account for impacts.

Team Recommendation:

Based on the Team's discussions and after several caucuses (both within and across sectors), a package of recommendations was put forward. (See below.) The facilitators canvassed the Team to get a sense of the overall level of support for the package of proposals by posing the question, "Can you live with it." The Team broadly accepted the following near-consensus package of recommendations (only one Team member in attendance declined to support the proposal):

- Allow for all four single-trap exemption requests put forward by Massachusetts (two proposals), Maine and Rhode Island
- Require distinct and unique gear-marking for fishermen in the newly exempted areas in Massachusetts, Rhode Island and Maine (Isles of Shoals only)
- Require annual reporting on the number of vertical lines in the newly exempted areas (Rhode Island will require additional time to develop a reporting requirement)
- Require distinct and unique gear-marking for fishermen (trap/pot and gillnets) in Jordan Basin and Jeffreys Ledge
- Require expedited serious injury determination by the Agency by evaluating entanglements from these areas on a case-by-case basis rather than an end of the year cumulative evaluation
- Reconvene the Team (in-person or by webinar) if there are M&SI entanglements involving line from any of the newly-exempted areas

The proposal was accepted by the Team as an integrated package that balances risk to large whales with small vessel and fleet safety and operational and economic considerations while still generating information that will be important to informing future Team deliberations on risk reduction for whales. It was also seen as a first step to be further buttressed by more frequent and consistent Team discussions intended to improve gear marking and overall Plan monitoring. Concerns voiced with the recommendation centered on the following: insufficient gear marking requirements, inadequate conservation value, uncertainty regarding commitment to compliance and enforcement, and various implementation concerns.

***C. Massachusetts Proposal Related to Buoy Line Minimums***

One additional exemption proposal, also put forward by Massachusetts, was discussed separately due to its late submittal and the lack of analysis for the Team to consider.

The proposal, as put forward by DMF, recommended that fishermen in Massachusetts state waters (as well as the newly exempted waters in the state) not be required to fish with two buoy lines unless they have at least 6 traps per trawl. DMF's rationale focused on the following: (1) fishermen will opt to fish doubles rather than fish 5-trap trawls with two

buoy lines, thereby effectively increasing the net number of vertical lines in the water; (2) the requirement is at odds with state law requiring multiple pot trawls be marked with a buoy line at each end of the string; and, (3) concerns that the removal of a buoy line for larger 5-trap trawls (a commonly fished configuration) will lead to both increased gear loss and more intense user conflicts.

The proposal generated a number of questions from Team members. Some questioned the motivation for savvy fishermen to drop to doubles rather than increasing to six traps with two end lines. (DMF suggested vessel size constraints would likely drive many fishermen to the doubles. Habitat constraints also drive trawl size, they noted.) There were also concerns that the request could lead to a proliferation of doubles and triples, though D. McKiernan suggested (1) few if any fishermen use 2/3-trap per trawl configurations, and (2) if needed, the State was open to exploring the need and viability of prohibiting doubles and triples dependent on subsequent discussions with industry. (This proposal was not explicitly put on the table during the meeting.) Finally, one participant cautioned Team members to consider the precedent of endorsing the state's request and the potential for unintended consequences, suggesting other states may seek similar exemptions in the future; another suggested it was difficult to model expected vertical line impacts given the inability to predict fishermen behavior.

NMFS suggested that IEC conduct an analysis of the proposal, which NMFS would share with the Team via email. However, the need for a supplemental analysis was not supported by the Team. A straw poll to gauge the Team's level of support for the proposal generated mixed results, with roughly two-thirds of the Team supporting the proposal. Many, though not all, researchers and conservationists on the Team declined to support the proposal. Two Team members abstained.

#### ***D. Vertical Line Exemption Concept Proposals***

In addition to discussing a series of specific exemption proposals, the Team considered two proposals – one from New Hampshire, one from Maine – that the Agency characterized more as concept proposals, as they were seen by GARFO staff as lacking sufficient detail to guide analysis or warrant immediate Team consideration. Below is a brief synopsis of the two concept proposals and Team discussions.

- New Hampshire Conservation Equivalency Proposal. C. Patterson put forward a proposal that would allow fewer than the minimum 10 or 20 traps per trawl in federal waters through a trap reduction program that would either be equivalent to or less than the vertical lines required under the final Vertical Line rule to be implemented in June 2015. The proposal was put forward by the State of New Hampshire to be responsive to safety concerns and local fishing practices.

A number of Team members voiced support for the approach, suggesting implementation flexibility is important if the Agency is to balance vertical line reduction needs with fishermen's implementation considerations and economic and safety constraints. Others, including Agency staff, suggested a trap limit approach



may well prove to be an important method to consider in future team dialogues if the combined vertical and sinking ground line strategy proves insufficient to bring mortalities below Potential Biological Removal (PBR) level.

However, a number of Team members suggested it was not appropriate to move forward with such an exemption at this time due to the following considerations: (1) the potential for the New Hampshire request to serve as a precedent for fisheries elsewhere and create unintended consequences; (2) the challenges associated with implementing and enforcing a trap limit; and, (3) the potential for an increase in vertical lines if fishermen are not now actually fishing their full trap limit. Additionally, D. Gouveia noted that the analysis required to assess such a proposed request would be time-consuming in the near to medium term, thereby diverting attention from the near-consensus proposals already discussed and recommended for action.

Some team members suggested that the proposed approach be considered as part of ongoing Team discussions related to potential future risk reduction strategies. No consensus recommendation was put forward for the Team's consideration related to this proposal.

- Maine Small-Vessel Exemption Criteria. The State of Maine put forward a concept proposal to consider criteria to exempt individual small vessels from trawling-up rules due to safety and implementation considerations. In putting forward the suggestion, Maine representatives acknowledged the need for more in-depth Team deliberations related to any potential small-vessel exemption criteria, but suggested a dialogue is important given the potential challenges facing a limited number of smaller vessels.

Some Team members voiced support for the approach, suggesting that creating carefully bounded exemption criteria could make it possible for aging fishermen to continue to fish, as well as make it more viable for young fishermen to enter the fishery in smaller, less expensive vessels. They further noted that exemption criteria are important to consider since no regulation, no matter how carefully crafted, can account for distinct constraints across geographies, fisheries and vessel types. A few Team members suggested vessel upgrade subsidies or buybacks if exemptions aren't seen as viable and the number of vessels is small.

Others, while sympathetic to safety considerations, were less supportive. Concerns included the following: (1) given that takes exceed PBR, the Team should be focused on reducing interactions before it considers further exemptions; (2) exemption criteria are tough to limit and could create a loophole that leads to growth in vertical lines; and (3) the Team needs to be focused on industry-wide, not individual vessel, considerations and constraints.

Based on the discussion, D. Gouveia suggested convening a Work Group to try and develop carefully bounded small-vessel exemption criteria. The following Team

members offered to serve on the NMFS-staffed Work Group: D. McKiernan, S. Cotnoir, C. Patterson, P. McCarron, P. Brodeur, and S. Olszewski. Any draft criteria developed by the Work Group would be brought to the full Team, likely via teleconference, for discussion and to gauge level of support. The exact timeframe for developing and considering such draft criteria was not decided.

### ***E. Black Sea Bass Fishery Briefing***

Kari MacLauchlin with the South Atlantic Fishery Management Council presented to the Team an overview of possible changes to the current seasonal closure for the South Atlantic black sea bass pot fishery (Snapper Grouper Regulatory Amendment 16). K. MacLauchlin's presentation provided background on the fishery, explained the Council's rationale for considering changes to the current November 1-April 30 seasonal closure (i.e., she cited potential to maximize economic value to fishermen and coastal communities and take advantage of increasing Annual Catch Limits, while still protecting ESA-listed whales), and outlined the different approaches and alternatives currently under consideration. She noted that the Council is considering a range of spatial or seasonal modifications to the closures, as well as possible gear changes. (A copy of her presentation can be found on the Team's website noted above.)

The presentation was intended to update the Team on the Council's current thinking related to a possible shift in the current closure and provide members with an opportunity to pose clarifying questions and provide individual feedback. The briefing was not intended to and did not generate any consensus recommendations by the Team.

Team members posed a number of clarifying questions on a range of topics, including: end-line diameter, most recently fished winter season, the Council's amendment approval process, line marking schemes, home ports of current black sea bass fishery, , if gear was uniquely marked in the past to allow for gear identification on entangled whales, water depth, gear configuration and gear loss. They also provided a wide range of individual feedback. Comments included the following (not presented in rank order):

- Support for efforts to modify spatial and temporal restrictions given the following various rationales:
  - The need to generate greater economic value for fishermen and associated coastal port communities (black sea bass prices are higher during winter months) and foster the fishery's ability to harvest the full ACL in future years
  - The importance of regulatory flexibility to reward the successful efforts by the fishery and others to rebuild the South Atlantic black sea bass stock
  - Low risk given the limited entry nature of the fishery and the way the fishery is executed (short soak time, pots checked frequently and pulled at the end of each day)
- Significant concerns related to potential modifications given:
  - The sensitivity of calving grounds and the potential to meaningfully impact future right whale populations if there are takes of either calves or female whales

- Concern that an increase of vertical lines in a migratory and calving area will hike the potential entanglement risk to an already highly endangered species that is sustaining mortality well above PBR
- Concern that alternatives put forward by the Council are based on incorrect assumptions related to right whale migration patterns (e.g, not solely a mass migration down in early winter and back up in late spring)
- The Final EIS for the vertical line rule did not take into account an increase of as many as 1,000-plus lines associated with the potential modifications to this closure
- The fact that little is known about the behavior of right whale calves and, therefore, the difficulty in accurately assessing risk
- Concern that the opening would generate only a marginal potential economic benefit (and at a disproportionate risk for whales) given that the fishery was already meeting its ACL
- Detection probability for right whales in the Southeast is very low even by trained biologists.
- Concerns that NMFS will be proposing an expansion in Critical Habitat and it's not clear the Council has incorporated that potential in its proposals
- Specific suggestions to consider as the Council considers its deliberations, including:
  - Rely on the most current data on whale use of the area in and around currently designated critical habitat data when assessing possible closure changes and related impacts
  - Take into account the high co-occurrence area identified in waters off South Carolina and the North Carolina/ South Carolina border to identify options with the greatest conservation value.
  - Consider the potential for dynamic area management (though other Team members said such an approach would be difficult to implement given the low probability of sighting animals and the time needed to remove pots. This approach was also deemed inefficient when it was previously used in the Northeast. )
  - Ensure that the proposed closure extends far enough south to account for inter-annual shifts in sea surface temperatures, inconsistent survey coverage, etc.
  - Consider requiring observer coverage for the fishery
  - Take advantage of the fishery's small size to pilot creative, risk-reducing fishing techniques (ropeless fishing, etc.)
  - Ensure line breaking strength and weak link requirements are consistent with Plan stipulations; similarly reassess maximum line strength needed for black sea bass pots and cut the maximum weight as much as possible to reduce entanglement risk to calves (which are not likely to break lines at the currently required breaking strength)
  - Consider requiring unique gear markings for any black sea bass vessels fishing in sensitive areas or during higher-risk times
- A handful of individual comments focused on specific alternatives presented, including:

- Possible interest in the timing included in Alternative #6 and area in Alternative #7a, as described in the Council's briefing to the Team
- Willingness to maintain closures in waters shallower than 20 meters for South and North Carolina between November 1 and April 30.
- Concern about the post-April 15 opening included in Alternative 2 and several other options
- Alternatives 1-3 not seen as creative

TRT member Tom Burgess thanked his fellow Team members for providing their input into this issue, underscored the potential for important economic benefits of a less restrictive closure and expressed an interest in working with interested Team members to identify viable options for refining the current closure.

### ***F. Future Direction***

The Team spent the final portion of Day Three focused on forward-looking Plan-related activities, with the discussion centering on both the monitoring plan and potential future strategies for reducing takes below PBR (either as a back-up in case existing approaches prove unsuccessful or as a way to accelerate reductions in M&SI). Discussion highlight included the following:

- K. Swails noted that Plan-related outreach guides are now split out by gear type and region to make them easier for industry to use. She noted that the New England outreach guide will need to be updated to incorporate any recommendations that the Agency adopts, and she asked that Team members forward to her any specific feedback.
- M. Asaro with GARFO reminded Team members of the Agency's proposed monitoring approach, emphasizing that – with full implementation of both the sinking groundline and vertical line rules effective June 2015 – GARFO is now in a position to track Plan impacts on an annual and five-year comprehensive basis. He noted that the Agency intends to increase the frequency and timeliness of updates provided to the Team and posted on the web, and he encouraged Team members to provide feedback on how the Agency can most effectively implement the already agreed-upon monitoring strategy.
- Scott Kraus, reflecting the views of fellow researchers and scientists on the Team, presented a series of forward-looking recommendations intended to improve monitoring and Plan effectiveness in the near term. Their presentation (available on the Team's website) focused on the following key points: (1) convening annual in-person meetings of the TRT; (2) holding inter-annual webinars to review monitoring data, fishery trends, whale distribution, etc. (3) convening emergency TRT deliberations (full Team or subset, by webinar) triggered by 2 or more M&SI entanglements; (4) convening topic-specific work groups between full Team meetings to maintain and propel progress; and (5) revising the in-person meeting format to (a) provide more information on Day One related to past-year

entanglements and mortalities, progress towards PBR, whale population trends, regulatory status and enforcement actions, emerging fisheries and aquaculture, and new research results, and then (b) focus subsequent days on topic-specific deliberations (e.g., monitoring, spatial management, reduced endlines, etc.). The recommended approach was supported by several Team members, and D. Gouveia noted it was very consistent with the Agency's current thinking.

Team deliberations on the topic were somewhat limited given time constraints and the expectation that more in-depth conversations are to take place in subsequent work groups and team meetings. Still, the discussion generated a number of comments and suggestions summarized below.

- Noting the need to close the vessel trip report (VTR) gap in federal waters, given that vertical line data are not collected on those vessels fishing in federal waters without multi-species permits (e.g., lobster-only permits). D. Gouveia noted that the Agency has attempted to reconcile this issue in the past without success due, in part, to the expected workload this would create at the federal level. Rather than concentrating on the VTR gap, D. Gouveia suggested focusing instead on ensuring the data needed to track Plan success are incorporated into new reporting methods. He noted that the Agency has embarked on a new electronic reporting system that may provide new avenues in the future for NMFS to collect and review gear characterization information. Further, he suggested that the Team consider formal reporting as part of the Plan. The concept of increased reporting was endorsed by several Team members.
- Expressing interest in better understanding how data collected would be stored and shared with state resource managers. She also noted that states will need additional funding to implement any expanded mandated data collection. D. Gouveia noted that data collection requirements included in any future rule would likely be absorbed by the Agency.
- Noting that the humpback whale population estimates that are currently available (from aerial survey methods) are not as precise as needed to provide an adequate population trend, it was suggested that the Agency develop strategies to improve data on humpback and right whale estimates by considering other mechanisms (i.e., photo identification) to improve abundance data".
- Recommending that the Agency and Team collect data that will enable it to better identify and track new and existing fisheries that have the potential to interact with large whales.
- Suggesting additional research and development is needed to ensure any future gear-marking scheme is operational.
- Calling on participants to not let the important data collection discussion distract

from the Team's need to maintain its focus on the big-picture tasks: monitoring of Plan effectiveness and development of alternative management measures, as needed, to reduce M&SI.

Additionally, towards the end of the discussion, a Team member asked that the Team affirmatively vote in support of the following two principles for all fishermen fishing seaward of the ColRegs line, in both exempt and regulated water, using either traps or gillnets: (1) put distinctive gear markings on all lines, and (2) report on the number and location of all endlines, traps and gillnets on a monthly basis. Team members did not see the necessity of a separate straw poll on the topic to confirm broad support, and D. Gouveia noted that the Team's commitment to improved gear-marking and reporting was highlighted throughout the three-day meeting and will be incorporated into future Work Group and Team deliberations.

### ***G. Public Comment***

Several members of the public offered comments at the end of each of the three days. The comments focused on the following:

- Two fishermen spoke on Day One in favor of the single line exemption request put forward by the State of Massachusetts. Another fisherman thanked the Team following the straw poll on Day Two for its collaborative spirit in supporting the single line exemption request.
- A fisherman spoke on Day Two in favor of modifications to the current black sea bass fishery as a way to improve fishery economics (less wear and tear on equipment, higher price for fish, etc.).
- A science/math teacher from Maine, thanked the Team and agency for making it possible for *The Calvineers*, a group of 7<sup>th</sup> and 8<sup>th</sup> graders from Maine, to observe the Team's deliberations and interact with members.

As well, K. Moore with the U.S. Coast Guard noted on Day Two that the gear-marking scheme put forward for Jordan Basin and Jeffreys Ledge as part of the exemption proposals broadly endorsed by the Team are readily enforceable.

## **V. NEXT STEPS**

Based on the team's deliberations, the following next steps were identified:

- ***Develop New Rule to Reflect Team Deliberations.*** GARFO staff are to develop a proposed rule based on the Team's deliberations. The proposed rule is expected to include a 30-day window for public comment. The intent is to have a final rule published by June 2015 to match the timing of when the vertical line rule becomes effective.
- ***Monitoring/Future Plan Directions Work Group.*** The Team agreed to establish a Work Group to continue discussions related to future monitoring and Plan needs. Team

members interested in serving on the Work Group are asked to contact K. Swails. D. Gouveia said the Region will strive to compose a group that is representative of the various Team interests, but small enough to maintain a productive focus. NMFS is to staff the Work Group.

- ***Vessel Exemption Criteria Work Group.*** The Team agreed to establish a Work Group to explore the potential for developing targeted vessel exemption criteria. Any draft criteria developed by the Work Group in the next few months would be brought back to the Team for review and discussion. Team members interested in serving on the Work Group are: D. McKiernan, S. Cotnoir, C. Patterson, P. McCarron, P. Brodeur, S. Olszewzski. NMFS is to staff the Work Group.
- ***Key Outcomes Memorandum.*** CONCUR is to distribute for Team comment and review a Key Outcomes Memorandum summarizing primary discussion points, consensus actions and next steps. Team members are asked to undertake a timely “red-flag” review, highlighting errors or omissions.
- ***Meeting Materials.*** GARFO staff are to post all meeting materials and presentations on the Team website at:

<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/trt/meetings/2015meeting.html>

Questions or comments regarding this meeting summary should be directed to S. McCreary, B. Brooks or K. Swails. S. McCreary and B. Brooks can be reached at 510-649-8008 and 212-678-0078, respectively; K. Swails at 978-282-8481.