



Protected Resources Committee

September 14, 2022

Meeting Summary

Meeting Overview

- 26 attendees total, 9 committee members, 17 others including NMFS and Council Staff
- Reviewed 2 NMFS presentations
 - ALWTRT materials which focus on reducing whale entanglement in commercial fisheries
 - Proposed North Atlantic Right Whale (NARW) Vessel Strike Reduction Rule
- Committee provided questions, comments, a data request, and recommendations

Atlantic Large Whale Take Reduction Plan

- Potential to impact Council managed gillnet and trap/pot fisheries
- Changes to timeline and discussion
 - Previously TRT scheduled final action in Sept. on coastwide gillnet and other trap/pot fisheries, called phase 2 (excludes NE lobster and Jonah Crab)
 - Committee was meeting to discuss measures and feedback for staff to bring to the TRT for final action
 - New TRT timeline has final action on all coastwide fisheries this Nov.
 - Sept. TRT meeting goal changed to discussing coastwide instead of gillnet and other trap/pot

Atlantic Large Whale Take Reduction Plan

- Committee discussed new timeline
 - Some concern that it was too fast (may change depending on court case)
 - Ongoing efforts testing out ropeless gear in the region, more time to test techniques
 - Relatively few participants in the Mid-Atlantic gillnet fisheries
 - Small portion of overall risk to right whales

Atlantic Large Whale Take Reduction Plan

- Discussed tools available to mitigate risk
 - Reducing # vertical lines in the water
 - Advisor commented single buoy lines for gillnets in the monkfish fishery not feasible, dangerous
 - Using weaker line, weak links also an option
 - Vertical gillnet height question:
 - Does risk in the model account for net height, larger net height would be higher risk than smaller net height?

Atlantic Large Whale Take Reduction Plan

- Committee data requests to TRT:
 1. Mid-Atlantic risk units by primary fishery/gear type by month
 2. Information available/being used to evaluate vertical gillnet height to determine entanglement risk reduction in Mid-Atlantic gillnet fisheries
- Do not have those results yet—could be discussed at another fall committee meeting before Nov. ‘final action’

Proposed Right Whale Strike Reduction Rule

- Concerns over the timing and area of speed zones
 - Inclusion of May, includes Memorial Day weekend
 - VA Beach area, whales usually ~20 miles offshore when present, gone by April
 - Boats fish up and down the coast right off the beach
 - Buffer/exemption to speed zone could be added that goes a few miles out

Proposed Right Whale Strike Reduction Rule

- Concerns over enforceability
 - AIS is primary enforcement tool for current speed zones (boats > 65 ft)
 - ~1/3 vessels in 35-65 ft range have AIS
 - Coast Guard rep. voiced concern over volume of rec. fleet, particularly in May
 - NMFS said they are working with OLE, States, and Coast Guard

Proposed Right Whale Strike Reduction Rule

- Concerns over emergencies on the water
 - Needs to be clearly defined exceptions to the rule in these cases
 - Not just gale warnings (included in proposed rule)
 - Examples:
 - A private vessel aiding another vessel in an emergency
 - Avoiding/outrunning thunderstorms

Proposed Right Whale Strike Reduction Rule

■ Other concerns

- Consider impacts to boat manufacturers/owners
- Travel times for charter operators
- Public/Advisor comments:
 - Further evaluation of the impacts to the specific recreational fisheries needs to be done
 - HMS impacts need to be evaluated

Committee Recommendations

- Council send a letter on this proposed rule with following points:
 - Consideration of adjustments to the time and area speed zones, further consider the impacts to recreational fisheries. Balance risk reduction and fishing opportunity.
 - E.g., is there a large increase in risk by removing the month of May or the last two weeks in May from the speed rule or adding a nearshore corridor exemption where there may not be whales in that space and time?
 - Consideration of the enforceability of this rule in state and federal waters

Committee Recommendations

Continued

- Council send a letter on this proposed rule with following points:
 - Inclusion of clearly defined speed zone exceptions for safety under a variety of emergency situations.
- Proposed rule comment period was extended from Sept. 30 to Oct. 31
 - Council now has time to weigh in on letter development/contents

Council Considerations

■ ALWTRT

- Schedule PR Committee meeting before November 14-18 final recommendations TRT meeting?
 - Discuss data request results and other TRT analyses to be released for coastwide measures

■ Proposed Whale Strike Reduction Rule

- Draft letter to be submitted as comments to the proposed rule?
- If yes: additional comments beyond Committee recommendations?