



Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 24, 2023
To: Council
From: Karson Cisneros, Staff
Subject: Atlantic Large Whale Take Reduction Team Updates

On Wednesday, February 8, the Council will receive an update from NMFS Protected Resources Division staff on the recent Atlantic Large Whale Take Reduction Team (team) meeting and other related issues. The meeting summary is not yet available, however team meeting presentations and other resources are available [here](#). In addition, a letter sent to the team on January 18, 20203 from Janet Coit addressing the implications of the Consolidated Appropriations Act to the team is included behind this tab.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

ALWTRT Members and Alternates,

Thank you all for the constructive input you provided through the Atlantic Large Whale Take Reduction Team (ALWTRT) process that culminated last year. As you may know by now, the [Consolidated Appropriations Act 2023](#) that was passed in December included a mandate that, with limited exceptions, the 2021 Atlantic Large Whale Take Reduction Plan (ALWTRP) amendments “shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance” with the Endangered Species Act and Marine Mammal Protection Act until December 31, 2028. The Act also prescribes and provides increased appropriations that support further development and implementation of innovative gear technologies, monitoring in the Gulf of Maine, and for other purposes.

Under these new provisions, we are required to “promulgate new regulations for the American lobster and Jonah crab fisheries consistent with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that take effect by December 31, 2028.” Though this is a different timeline than was discussed during the last ALWTRT meeting, I want to assure you that we will use input from your recent deliberations as a guide as we develop additional modifications to the Take Reduction Plan over the next several years. Further, we will consider new information as it becomes available and are considering how and when to re-engage with the ALWTRT in the future. In the short term, we anticipate moving forward with an extension of the emergency rule closing the “wedge” area surrounded by the Massachusetts Restricted Area. We also anticipate a proposed rule modifying the gillnet and other trap/pot fisheries.

We will continue working diligently to develop and expand use of on-demand fishing and other gear modifications. This requires that we work closely with the States, Councils and Commission, in consultation with fishing industry participants and others, on implementation challenges such as modifying surface marking requirements to include geolocation or other bottom gear marking techniques that can work as well as buoy lines to prevent gear conflicts. We will also explore solutions and challenges to implementing line caps and a dynamic approach for opening seasonal restricted areas or dynamic closures.

Funds appropriated for right whale research will be used to inform our understanding of right whale distribution, habitat use, health, threats, and other factors that will improve the models used to describe, predict, and analyze the changing risk landscape facing the North Atlantic right whale. The Decision Support Tool updates will go through peer review January 30 through February 1, which the Team is welcome to attend. We will share a webinar link and agenda next week.

While the new provisions of law have changed our trajectory and we are still considering the recent TRT input and recommendations, we plan to shift our energy into developing the next set of rules, as opposed to convening and managing the Team. Regardless, over the next year, we anticipate providing regular email and webinar updates on various topics of particular interest to





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the Team, such as the Decision Support Tool peer review results, abundance and trends, status of the NARW UME, and news on other recovery actions (*e.g.*, vessel speed regulations) to keep you apprised of new information as it arises.

Thank you again for all of your hard work. As always, we are committed to using funds effectively and working with all of you to recover North Atlantic right whales and meet our goals under the MMPA.

Sincerely,

A handwritten signature in blue ink that reads "Janet Coit". The signature is written in a cursive style.

Janet Coit

