



The NOAA FISHERIES NAVIGATOR

Regulations to Reduce Right Whale Entanglements in Northeast Lobster/Jonah Crab Trap/Pot Gear Announced

After a population decline began in 2010, and a devastating year for North Atlantic right whales in 2017 (17 deaths), NOAA Fisheries convened the Atlantic Large Whale Take Reduction Team (Team) to address entanglements in commercial fishing gear. Range-wide (including Canada), commercial fishing along with vessel strikes are the two most common causes of death and serious injury in the population. Since 2017, a total of 50 right whales have been observed dead (34) or seriously injured (16) by either entanglements or vessel strikes. These observed incidents are a minimum, as in some years we estimate more than half of the right whale deaths are not seen.

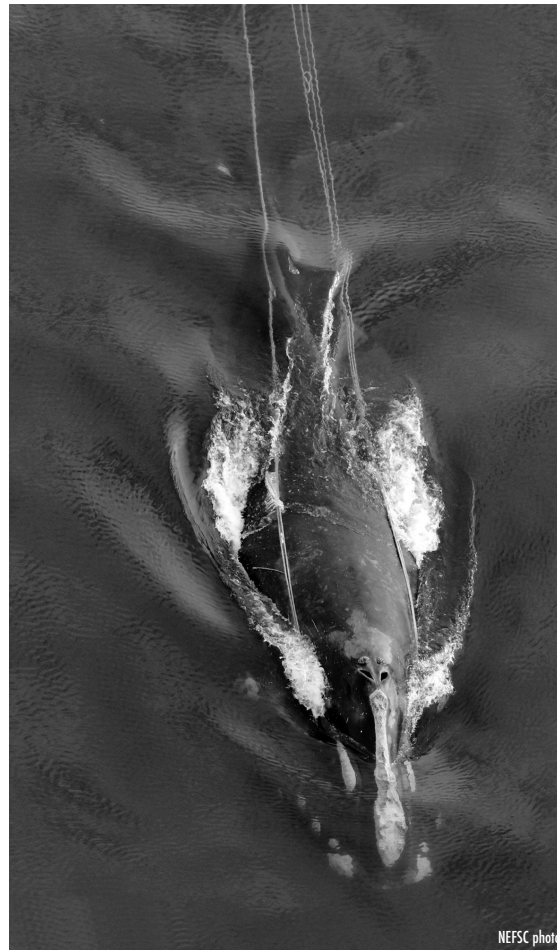
Researchers report that 85 percent of all right whales bear scars from entanglement, and more than 60 percent have been entangled more than once. Because the Northeast lobster/Jonah crab trap/pot fishery is responsible for approximately 93 percent of the vertical lines in the areas where fishing and right whales overlap in U.S. waters, the Team focused its attention on this fishery first, calling it "Phase 1" of the modifications. In addition to U.S. measures, Canada continues to implement measures to reduce the impacts of their fisheries.

Team Recommendations

In 2019, the Team recommended a framework of measures to modify lobster and Jonah crab trap/pot trawls within the Northeast Region Trap/Pot Management Area intended to reduce risk of death and serious injury to right whales incidentally entangled in trap/pot buoy lines. All but one of the Team members agreed to these recommendations, which allowed states to tailor combinations of risk reduction measures for their fishermen. The Team recommended two strategies: (1) Reduce the number of buoy lines in the water to reduce the chance of a whale encountering the lines, and (2) Add inserts or rope that would break at 1,700 lb or below so that a whale has a better chance of releasing itself if it becomes entangled. The Team also recommended increased gear marking to improve our understanding of where entanglements occur, which could provide information helpful to future modifications of the Take Reduction Plan. NOAA Fisheries worked with states to develop operationally feasible regulations that still met the goals of the Marine Mammal Protection Act and the Endangered Species Act.

Effective Dates

On August 31, after more than two and half years of work with the Team, state agencies, fishermen, scientists, and NGOs, NOAA Fisheries announced gear modifications and changes to restricted areas that will reduce entanglements in lobster and Jonah



crab trap/pot fishing gear by about 69 percent, while still allowing the lobster and Jonah crab fisheries to operate.

The gear modifications required by the rule will go into effect May 1, 2022, which is the start of the American lobster/Jonah crab fishing year. The changes to the seasonally restricted areas will go into effect 30 days after the publication of this rule in the Federal Register, which at the time of publication, was not available.

Regulatory Changes

The rule makes the following changes in regulations for the Northeast lobster and Jonah crab trap/pot fisheries:

- Modifies gear marking to introduce state-specific colors for gear marks, increases the number of gear markings and areas requiring marked lines, and adds marks that denote Northeast federal waters.
- Modifies gear configurations to reduce the number of vertical lines by requiring more traps between buoy lines.
- Requires weak insertions or weak rope in buoy lines.
- Modifies existing seasonal closure/restricted areas

to allow ropeless fishing;

- Adds two new seasonal restricted areas.
- Extends the Massachusetts Restricted Area to add state waters north to the New Hampshire border, following changes made by Massachusetts.

More Information

A 4-page color guide summarizing the changes is available on our web page: fisheries.noaa.gov/ALWTRP, as are a series of videos on how to install approved weak inserts. Please note that trap/pot requirements for other trap/pot fisheries still remain in place and additional lobster/Jonah crab restrictions that were not changed through this action still apply.

If you have questions about these gear modifications and weak inserts, please contact our gear team:

John Higgins, Northeast Fisheries Liaison: (207) 610-3282, john.higgins@noaa.gov

Rob Martin, Northeast Gear Specialist: (617) 710-6322, robert.martin@noaa.gov

Next Steps

The Team has begun meetings to recommend additional risk reduction measures for other Atlantic trap/pot and gillnet fisheries which will be addressed in Phase 2 (See phase 2 article).

NOAA Fisheries is committed to continuing our work to reduce the risks posed by vessel strikes in U.S. waters. Vessel strikes are being addressed through separate efforts that we anticipate will include a proposed rule in 2022. We will also continue to collaborate with Fisheries and Oceans Canada and Transport Canada on all matters related to the transboundary reduction of vessel strike and entanglement deaths and serious injuries of North Atlantic right whales.

Phase 2 of Atlantic Large Whale Take Reduction Plan Begins

While wrapping up Phase 1 of the modifications to the Atlantic Large Whale Take Reduction Plan, we have begun Phase 2 to address other fisheries that also pose entanglement risks to large whale species.

On August 11, 2021 NOAA Fisheries published a Notice of Intent that started the clock on scoping to address reducing the risk to right whales, humpback whales, and fin whales from fixed gear fisheries along the East Coast, including gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. Throughout September and October, we will be holding scoping meetings to gather your input and information to reduce risk in East Coast gillnet and trap/pot fisheries.

See **WHALE REGS**, next page

THIS SUPPLEMENT PROVIDED BY NOAA FISHERIES SERVICE'S GREATER ATLANTIC REGIONAL OFFICE

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Marine Mammals, Seabirds, Sea Turtles Survey Completed

NOAA Fisheries scientists spent much of the summer collecting data for seasonal abundance and distribution estimates on marine mammals, seabirds, and sea turtles along the East Coast as part of the Atlantic Marine Assessment Program for Protected Species (AMAPPS). The program is a federal partnership between NOAA Fisheries, the U.S. Fish and Wildlife Service, the U.S. Navy, and the Bureau of Ocean Energy Management.

Information is gathered in offshore East Coast waters in the western North Atlantic Ocean. Because the data gathering occurs over such a large area and includes many different kinds of sampling, it can be used to develop models and other tools that incorporate environmental habitat characteristics into abundance estimates. The information gathered includes:

- Data on the abundance and distribution of species of marine mammals, seabirds and sea turtles
- Vocalizations made by cetaceans
- Data needed to estimate the distribution and relative abundance of plankton
- Hydrographic and meteorological data
- Biopsy samples and photo-identification pictures of cetaceans, when possible.

Collecting this data regularly over time is crucial to understanding population status and trends in relation to ecological and environmental change and human-caused stressors.

This year's AMAPPS effort began in the Northeast with the NOAA Ship *Henry B. Bigelow* and in the southeast with the NOAA Ship *Gordon Gunter*. A NOAA Twin Otter aircraft covered both regions. The scientific team aboard the *Henry B. Bigelow* from the Northeast Fisheries Science Center was at sea in two legs, June 16 through July 8 and July 27 through August 23.

The Twin Otter aerial survey began in the southeast and ran June 15 through July 31, starting from Ft. Lauderdale, and flying out of St. Augustine Florida; Charleston, South Carolina; Newport News,

Virginia; Atlantic City, New Jersey; and Hyannis, Massachusetts. The Northeast aerial survey began August 1 and will fly as far north as the waters off Nova Scotia, concluding on September 15. While the aerial surveys are focused on marine mammals and sea turtles in coastal and continental shelf waters, they do sometimes record large fish sightings as well.

Working aboard the ships in day and night shifts, teams collected passive acoustic data and sighted marine mammals, sea turtles and seabirds. Another team deployed video plankton recorders to collect underwater images and bongo nets to sample plankton, and collected oceanographic data.

A number of "firsts" were recorded this year: recordings from Clymene dolphins, also known as short-snouted spinner dolphins because they spin while jumping out of the water, and sightings of birds rarely seen in the survey area.

A Barolo shearwater, a bird that's a rare visitor from the Eastern Atlantic, appeared within sight of the *Bigelow* on August 1. Much of what is known about its occurrence in the Northwest Atlantic is derived from data collected on AMAPPS cruises and on the Northeast Fisheries Science Center's Ecosystem Monitoring surveys. The seabird team also sighted a least tern southeast of Cape Sable, Nova Scotia. The species is rarely seen anywhere in Canada. A



Alison Ogilvie using the "Big Eyes" aboard the *Henry B. Bigelow*.

sighting of a young masked booby is only the fourth or fifth ever recorded for this species in waters off Massachusetts, and a first for an AMAPPS cruise.

While the *Bigelow* was at sea in Northeast waters, the NOAA Ship *Gordon Gunter* was at sea at the same time off the southeast coast. Scientists from the Southeast Fisheries Science Center and the NEFSC coordinated their work, with a joint goal of covering all U.S. Atlantic waters to estimate the abundance of as many marine mammals as possible to update the Atlantic marine mammal stock assessment reports. The *Gunter* survey was divided into three legs: June 12 through July 3, July 9 through July 21, and August 15 through September 5.

Information about the recent AMAPPS surveys can be found on the NOAA Fisheries website under science blogs at: <https://www.fisheries.noaa.gov/news-and-announcements/science-blog> or by contacting Debra Palka at the Northeast Fisheries Science Center via email at debra.palka@noaa.gov

Highly Migratory Species Restricted Fishing Days for 2021

On August 9, 2021, NOAA Fisheries published a final rule that established a restricted-fishing day (RFD) schedule for the 2021 fishing year and also clarified the regulations regarding applicability of RFDs to Highly Migratory Species Charter/Headboat permitted vessels.

The first RFD was September 3, 2021; RFDs will continue on every Tuesday, Friday, and Saturday through November 30, 2021. On an RFD, the daily commercial General category bluefin tuna retention limit will be zero.

This means that Atlantic Tunas General category permitted vessels cannot fish (including catch-and-release and tag-and-release), possess, retain, land, or sell bluefin tuna of any size class on an RFD. Highly Migratory Species Charter/Headboat

permitted vessels can fish for, possess, retain, or land bluefin tuna recreationally under applicable Highly Migratory Species Angling category rules, but cannot commercially fish for or land a bluefin tuna on an RFD.

Throughout the season, NOAA Fisheries may waive certain RFDs by increasing the bluefin tuna retention limit for those days; however, NOAA Fisheries will not modify RFDs in other ways (e.g., switching days, adding RFDs).

For more information about the rule, please contact Larry Redd at Larry.Redd@noaa.gov or (301) 427-8503, or visit the Atlantic Highly Migratory Species Management Division website: www.fisheries.noaa.gov/action/final-rule-restricted-fishing-days-atlantic-bluefin-tuna-fishery.

Whale regs

Continued from previous page

Everyone is invited to attend a scoping meeting, submit input and information via email to nmfs.gar.alwtrt2021@noaa.gov, or call us on one of our call-in days. Information on scoping meetings and call-in days are available on our web page: fisheries.noaa.gov/ALWTRP.

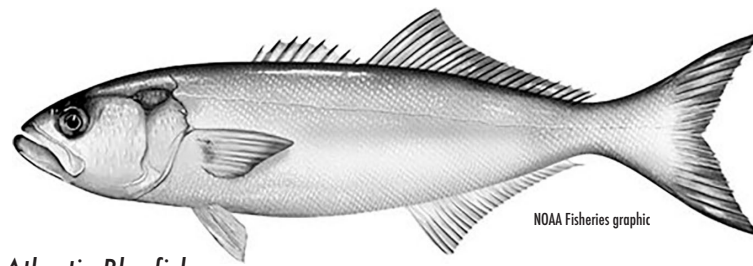
Input and information we gather from scoping will help inform the Team about the options to consider when recommending the next set of measures to modify the Atlantic Large Whale Take Reduction Plan. The scoping period runs through October 21, 2021.

Following the scoping period, the Team will meet to develop recommendations with the intent of implementing final regulations by 2023.

Proposed Bluefish Comprehensive Reallocation and Rebuilding Amendment (Amendment 7)

NOAA Fisheries recently proposed the Mid-Atlantic Fishery Management Council's Amendment 7 to the Atlantic Bluefish Fishery Management Plan (FMP). The purpose of this comprehensive amendment is to update the FMP with the best scientific information available, and to respond to changes in the fishery. The bluefish fishery is primarily a recreational fishery, with over 80 percent of annual catch attributed to recreational anglers. In 2019, an operational stock assessment that incorporated revised Marine Recreational Information Program data determined that the Atlantic bluefish stock is now overfished and requires a rebuilding plan. The bluefish FMP was established in 1990 and has remained largely unaltered with stable management measures since Amendment 1 in 2000. The Council has recommended the following proposed measures in Amendment 7 to rebuild the overfished stock, and to update the FMP to reflect the current fishery conditions:

Update the Bluefish FMP goals and objectives from those that were initially established in 1991, to better reflect the current fishery. The proposed revisions were developed with extensive input from the public and fishery stakeholders, and focus on conservation of the resource, equitable access for all user groups, and effective coordination of management.



Atlantic Bluefish.

Reallocation of annual bluefish quota between the commercial and recreational fishery sectors to better represent current catch and landings trends. Amendment 7 would allocate 14 percent of the fishery annual catch limit to the commercial fishery and 86 percent to the recreational fishery, representing a 3-percentage point shift to the recreational sector from the current allocations.

Reallocation of annual bluefish commercial quota to the states within the management unit (Maine to Florida) to better represent current landings trends in the fishery. This action is intended to reduce the need for in season state-to-state quota transfers, and includes a minimum default allocation to ensure that no state is excluded from the fishery entirely. These allocation changes would also be phased in equally over seven years.

Implementation of a 7-year rebuilding plan using a constant fishing mortality model. This proposed rebuilding plan has been developed to begin in 2022, and would be reviewed and revised as necessary every two years.

Revision of the sector quota transfer measures to allow quota to be transferred in either direction

(from commercial to recreational sector or vice versa), with a revised maximum transfer cap of 10-percent of the acceptable biological catch.

Revision of the specifications process to account for sources of management uncertainty separately between the commercial and recreational fishery sectors.

All of these proposed measures were developed through the Council rulemaking process; using the best available science, and with many opportunities for public comment, including multiple scoping and public hearings.

NOAA Fisheries will be accepting comments on this action until October 13, 2021. We intend to publish a final rule in the Federal Register by the end of November 2021. For more information, contact Cynthia Ferrio at <Cynthia.Ferrio@noaa.gov> or (978) 281-9180.

What You Should Know About Scallop Amendment 21

NOAA Fisheries recently published a Notice of Availability for the New England Fishery Management Council's Amendment 21 to the Atlantic Sea Scallop Fishery Management Plan. This action would allow for more controlled access to the scallop resource by the limited access and limited access general category fleets and increase monitoring to support a growing directed scallop fishery in federal waters, including the Northern Gulf of Maine Management Area. These proposed management measures are intended to promote conservation of the scallop resource in the Northern Gulf of Maine and to manage total removals from the area by all fishery components. Amendment 21 would also expand flexibility in the limited access general category individual fishing quota (IFQ) fishery to reduce impacts of potential decreases in ex-vessel price and increases in operating costs.

The Council established the general category component as an open access permit category in 1994 while developing a limited access program for qualifying vessels. Through Amendment 11 (April 14, 2008), the Council transitioned the general category component from open access to limited access to limit fishing mortality and control fleet capacity. The Council's vision for the this component was a fleet made up of relatively small vessels, with possession limits to maintain the historical character of this fleet and provide opportunities to various participants, including vessels from smaller coastal communities. Amendment 11 established three permit categories, which allowed for continued participation in the general category fishery at varying levels. A vessel that met a qualifying criteria was issued an IFQ permit and allocated quota based on its fishing history. General category permit holders that did not meet the qualifying criteria for an IFQ permit were eligible to receive either a Northern Gulf of Maine permit or incidental permit.

Northern Gulf of Maine Management Area

The Northern Gulf of Maine Management Area was developed to enable continued fishing and address concerns related to conservation, administrative burden, and enforceability of scallop fishing within the Gulf of Maine. Amendment 11 authorized vessels with either a Northern Gulf of Maine permit or IFQ permit (i.e., the Northern Gulf of Maine fleet) to fish within the Northern Gulf of Maine at a 200 lb per day trip limit until the annual total allowable catch for the area is caught. Limited access vessels (i.e., larger vessels) were allowed to fish in the area under days-at-sea before the Northern Gulf of Maine fleet reached the total allowable catch.

From 2009–2015 the total allowable catch of 70,000 lb was not caught, and the fishery remained open for the entire year. In fishing years 2016 and 2017, there was a notable increase in effort in the Northern Gulf of Maine by all vessels, including limited access vessels on days-at-sea, which were fishing a large year class of scallops on Stellwagen Bank. Monitoring removals by the limited access component in was challenging because vessels could fish both inside and outside the Northern Gulf of Maine while fishing days-at-sea on the same trip. As a result, the Council developed Amendment 21 to create additional tools to better manage this area and fully understand total removals.

This amendment would implement landing limits for all permit categories fishing in the Northern Gulf of Maine and establish an 800,000 lb Northern Gulf of Maine Set-Aside for the Northern Gulf of Maine fleet, with a sharing agreement for access by all permit categories for allocation above the set-aside. Allocation above the trigger would be split 5 percent for the Northern Gulf of Maine fleet and 95 percent for limited access and IFQ fleets.

IFQ Possession Limits

Currently, the IFQ possession limit is 600 lb per trip. To date, this trip limit has maintained the nature of the "day boat" fishery and kept the IFQ component consistent with the vision statement laid out by the Council in Amendment 11. The Council recently completed a program review of the IFQ fishery and analyzed the impacts of changes to IFQ trip limits. This review found that increasing the possession limit for IFQ trips would increase flexibility in fishing decisions, which could improve safety. Further, a higher possession limit would provide increased fishing revenue and vessel profit.

The Council was interested in increasing the 600 lb trip limit to help compensate for the continued increase of operating expenses, which are principally driven by fuel costs associated with longer steam times. For IFQ vessels that elect to do so, transiting farther offshore to fish access areas with higher landings per unit of effort and improved meat yield leads to increased trip costs due to higher fuel expenses associated with longer steam times. To help alleviate the burden of some of these costs, Amendment 21 would increase the IFQ possession limit to 800 lb for access area trips (i.e., trips further offshore) and maintain the 600 lb possession limit for open area trips.

For a description of all the measures in Amendment 21, please see the Notice of Availability at: <https://www.federalregister.gov/documents/2021/09/08/2021-19367/fisheries-of-the-northeastern-united-states-amendment-21-to-the-atlantic-sea-scallop-fishery>. We are accepting comments on this action until November 8, 2021.

For more information, contact Travis Ford at <Travis.Ford@noaa.gov> or (978) 281-9233.



The NOAA FISHERIES NAVIGATOR

Coming Soon: Electronic Vessel Reporting and Permit Renewals

The following timeline shows the deadlines for GARFO's electronic Vessel Trip Reporting (eVTR) implementation and online permit renewals for the 2022 fishing year, when all vessel and operator permits must be renewed through our Fish Online system. Additional information is also provided on how to get help with renewing federal vessel and operator permits, and federal seafood dealer permits.

Vessel Owners and Operators: The upcoming eVTR requirements apply to vessels holding any GARFO-issued permit except those vessels issued only American lobster or highly migratory species permits.

Vessel Owners: Fish Online accounts will be required for all vessels in order to renew any vessel permit.

Vessel operator permits will be required to be renewed online beginning January 1, 2022. We are eliminating the issuance of Operator ID cards and the need to have a valid physical operator permit on board. Vessel operators will still need to have a current Operator Permit on file at GARFO.

Seafood dealer permit renewals will be required to be renewed online in the fall of 2022. Initial dealer applications are online now, as are renewal applications. Applications may be submitted by mail, fax or email for your 2022 permit and should be submitted at least 30 days prior to purchasing any fish from any GARFO permitted fishing vessel in 2022 to allow for processing time.

How to Get Help With Electronic Reporting And Permitting

GARFO Port Agents

fisheries.noaa.gov/contact/port-agents-greater-atlantic-region

Vessel reporting help desk

(978) 281-9188 or nmfs.gar.reporting@noaa.gov

Dealer reporting help desk

(978) 281-9212 or nmfs.gar.reporting@noaa.gov

Permitting Help Desk

(978) 282-8438 or nmfs.gar.permits@noaa.gov

Compliance status

Vessel owners check your Fish Online account
<greateratlantic.fisheries.noaa.gov/apps/login/login>

Seafood dealers check your SAFIS account

<safis.accsp.org/safis_prod/f?p=SAFIS:101>

Or contact: richard.vanhoosen@noaa.gov (978) 281-9246

AFS Stakeholder Engagement Day

The American Fisheries Society (AFS) invites members of the commercial and recreational fishing community to attend Stakeholder Engagement Day on Monday, November 8, at the 2021 Annual Meeting of the American Fisheries Society in Baltimore, MD. This one-day event invites fishing and aquaculture industry stakeholders to learn about the science and management impacting their businesses, develop collaborative industry-science partnerships, contribute to presentations and panel discussions, and attend an evening networking event with fisheries scientists and managers. Stakeholders who are interested in attending this part of the AFS Annual Meeting are invited to apply for a reduced one-day registration rate of \$50. For more information visit: <<https://afsannualmeeting.fisheries.org/stakeholder-engagement-day/>>

