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Greater Atlantic  
Regional  
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# Where does Ropeless Fit into Upcoming Right Whale Management?

Presentation to the Ropeless Consortium, 11/2019

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# Current Right Whale Management Planning

- Review 2019 Take Reduction Team Recommendations
  - Status of Rulemaking

## Where does Ropeless Fit in?

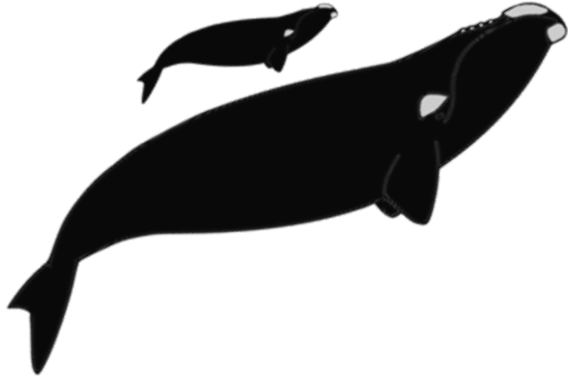
- Recap of 2018 Advanced Notice of Proposed Rulemaking
  - Proposal: No buoy lines in lieu of fishing closures
- Exemption to [Surface Marking Requirements under Atlantic Coastal Act and Magnuson-Stevens Act](#)
  - Process for getting an Exempted Fishing Permit or EFP

Images collected under MMPA Research permit number 17355.  
Photo Credit: NOAA/NEFSC/Christin Khan



# 2019 Take Reduction Team Recommendations

April 2019 TRT Meeting:



Near-Consensus Recommendations applying two primary risk reduction measures:

- Weak rope - breaking at 1700 lbs or less via engineered weak buoy lines or by introducing weaknesses regularly in buoy lines,
- Less rope - reduce the number of buoy lines

Strong support for:

- Gear marking
- Safety exemption
- Monitoring (whales, endline, socioeconomic impacts)
- Allows regional gear innovations

# Current Rulemaking

## Scoping: August - September 2019

- Over 800 attended eight scoping meetings
- Over 27,000 emails and letters received

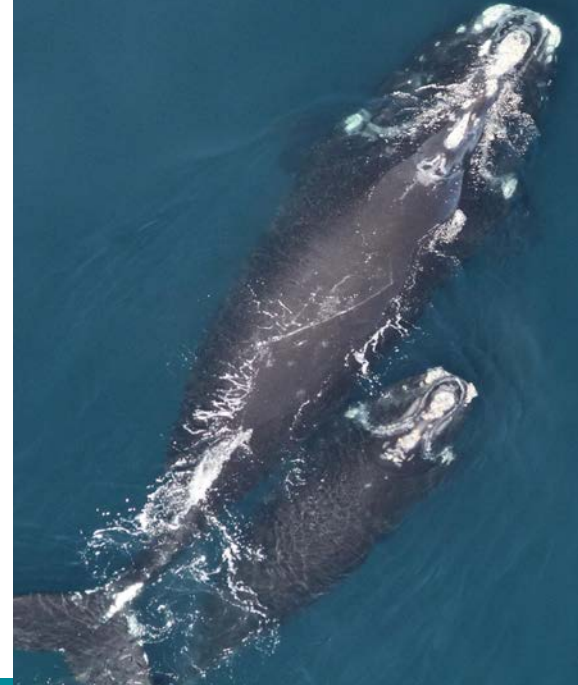
## Preparing Draft Environmental Impact Statement and Proposed Rule

- Alternatives developed in collaboration with New England states
- Anticipated publication for comments: early 2020

Closed Areas NOT recommended by TRT but likely to be included in alternatives evaluated.

- Closures to buoy lines not to lobster harvest

Images collected under MMPA Research permit number 17355. Photo Credit: NOAA/NEFSC/Christin Khan



# 2018 Advanced Notice of Proposed Rulemaking

**September 2018** - NMFS published an [advanced notice of a proposed rule](#) to modify the Take Reduction Plan to allow (conditionally) fishing without buoy lines in existing seasonally closed areas

- Sixteen comments received

Also discussed at October 2018 TRT meeting

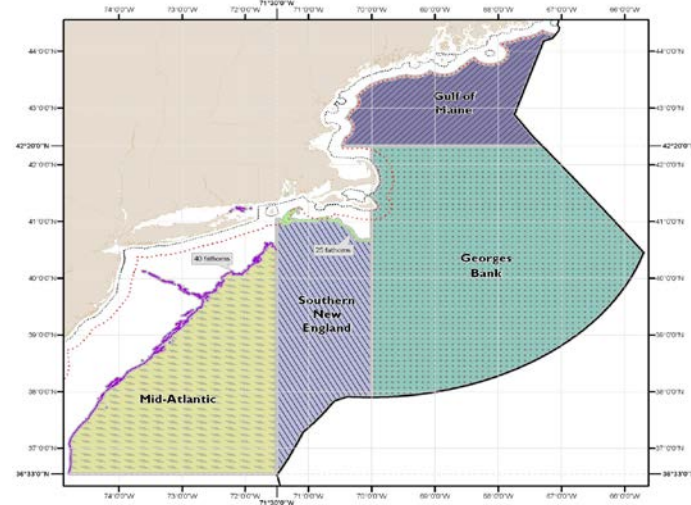
- Concerns: ropeless less protection than closures, surface marking needed to allow enforcement, prevent gear conflicts
- Support: alternative to closure, incentivizes ropeless research, conditionally acceptable



# Exempted Fishing Permits - What are they?

## The little picture

- A permit exempting a vessel from regulations promulgated under the Magnuson-Stevens Act.
- Enable experimental fishing consistent with the management objectives of the respective FMP, the Magnuson-Stevens Act, and other applicable law.
- Guiding regulations at 50 CFR 600.745(b)1



# EFPs - The Bigger Picture

## The bigger picture

- A tool that enables the testing of ideas, concepts, and strategies that would otherwise be restricted by fishing regulations.
- Enhance the knowledge base that can support science and management.

# Applying for an EFP

- Specified per regulation, but....
- Applicant information, points of contact
- Objectives
  - Near-term
  - Long-term
- Exemptions and exemption justification
- Research Plan



# EFP Public Comment and Review

- 60 day review: 3 primary stages
  - Initial determination by ARA that application is complete
  - Public comment period (15 days), environmental impact review
  - Final determination by Regional Administrator
- Common pitfalls and hang-ups
  - Incomplete application
  - Uncertain impacts and conservation concerns, controversial
- Solution: Communicate early and often

# EFP Considerations

- Could the proposed research undermine conservation measures?
- What are the ultimate objectives of the experiment?
- How will data be collected and analyzed?
- Is the scope of the research commensurate with the research objectives?
- Are the exemptions enforceable?
- Could the exemptions result in a quota being exceeded?

# Anticipated Results from Work Under EFPs

- Integration into management or stock assessments
  - Data quality and applicability of results
- Avenues
  - Fishery Management Plans
  - Stock Assessments
  - Protected species rulemaking
  - Voluntary adoption

# EFP Bottom Line

EFPs are a useful tool

- To address fishery specific challenges
- Enable flexibility
- Create new opportunities.

....but not painless

- Application requirements and processing times
- Reporting requirements
- Data collection costs
- We don't always support the request, or require changes to the request.

# Letters of Acknowledgment

Magnuson Stevens Act scientific provisions

Acknowledgment of scientific research by a scientific research vessel

Because scientific research vessels conducting scientific research are by definition not fishing, MSA fishing regulations do not apply.

Does not include other statutes such as ESA and MMPA

What does not qualify:

- Vessels on commercial fishing trips
- Vessels under the direction of entities not eligible for an LOA.

# For More Information



## [Atlantic Large Whale Take Reduction Plan:](#)

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