RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH & WILDLIFE / MARINE FISHERIES
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North Atlantic Right Whale Grant Final Performance Report for the State of Rhode Island to the Atlantic State Marine Fisheries Commission

Grant Title: **Supporting effective gear modifications for the Rhode Island American Lobster Fishery for marine mammal conservation and viable fisheries.**

Submitted by Scott Olszewski, RIDEM, Division of Marine Fisheries
Date: January 25, 2024
Reporting Period: January 1, 2021-May 31, 2024

Project Description:

Support the Rhode Island fishing industry with the development and acquisition of vertical line modifications/configurations which will reduce the potential for serious injury and mortality of North Atlantic Right Whales (NARW) in the American lobster and Jonah crab fishery. Support the regional effort in protecting NARW through collaborative work with neighboring states in the testing of uniform industry gear modifications.

Test and apply options for gear modifications that comply with federal regulations, and that are practical, repeatable, enforceable, and cost effective for Rhode Island based fishing operations in Lobster Conservation Management Areas 2 and 3.

Assess and distribute weak contrivances which have been identified, recognized and accepted by NOAA Fisheries and the Take Reduction Team (1700 lb. breaking strength) including end-lines, weak links and lines of diameter that meet the minimum take reduction requirements.

Administer the distribution of gear modifications for approved weak link designs for use in the Rhode Island based lobster and jonah crab fisheries fisheries.

Justification

The need for cooperative efforts in reducing serious injury and mortality events of whales led to the inception of the Atlantic Large Whale Take Reduction Team (ALWTRT). Composed of fishermen, scientists, conservationists, and state and federal officials from Maine through Florida, the ATWTRT developed the first Atlantic Large Whale Take Reduction Plan in 1997 to reduce serious injury and mortality (SIM) for three strategic stocks of large whales (North Atlantic right, humpback, and fin) in commercial gillnet and trap/pot fisheries. Prior to its most recent amendment in 2015, the plan had been modified several times. Requirements of the Plan over this period have consistently included measures to reduce serious injury and mortality, including prohibition of floating ground line, weak links, gear marking by management area, minimum number of traps per trawl and seasonal closures. The latest modification to the Plan focuses on the poor status of the North Atlantic Right Whale (NARW) and the annual exceedance of the potential biological removal (PBR).

The Endangered Species and Marine Mammal Protection Acts direct all federal agencies to work toward conserving endangered and threatened species and to use their authorities to further the purposes of the Acts. Through a biological opinion, federal agencies may not fund, authorize, or carry out actions unless they ensure that those actions are not likely to jeopardize the continued existence of listed species. This finding is the purpose for the TRT's latest action to reduce serious injury and mortality by 60% for each state in the northeast lobster trap fishery.

The Rhode Island proposal submitted to NOAA to meet the 60% reduction in SIM focused on trap reductions and gear modifications to vertical lines in the lobster trap fishery. The Atlantic States Marine Fisheries Commission (ASMFC) Interstate FMP for American Lobster, Addendum XVIII, Effort Control Plan reduced the number of traps allocated in LMA 2 by 50% and Area 3 by 25% with a corresponding reduction in vertical lines as supported by RIDEM Division of Marine Fisheries analysis. The ongoing effort control plan removes traps and vertical lines from the water, with an additional component of the Rhode Island proposal to address breaking strengths of vertical lines through gear modifications. Because of the risk reduction credit of the effort control plan in reducing Lobster Management Area 2 and 3 traps, economic relief funding focused on compensating the fishing industry in obtaining, operationalizing, and complying with the Take Reduction Plan's vertical line breaking strength requirements.

Project / Management

The Rhode Island lobster fleet (primarily operating within Lobster Management Area 2 and 3, both state and federal waters) is comprised of small, medium and large-scale fishing operations. As part of Addenda I and VII of the ASMFC FMP, traps were allocated based on historical participation during reference period years. As a result of these actions, trap allocations vary from 2 to 800 traps (Area 2) and upwards of 2000 traps (Area 3). Because of this wide disparity in trap allocations and the absence of detailed information on numbers of end lines or numbers of traps per trawl, Division staff estimated the number of vertical lines by binning trap allocations and assigning number of traps per trawl and corresponding end-line numbers. The funds from this proposal were used to replace or modify gear configurations and help to defer the associated cost for these modifications. Each active participant was given the opportunity to obtain gear modification contrivances or replacement vertical line to comply with the take reduction plan, with the eligibility amount to be based on an individual's trap allocation and corresponding vertical lines. Modest funds were used by RIDMF staff to administer and provide outreach on the

program (including coordination with gear vendors and quantify fund allocation for industry members) and as needed, test gear modifications through at-sea trials with load cell equipment.

Two relief spend plans were developed by the Rhode Island Department of Environmental Management, Division of Marine Fisheries through a regulatory process which afforded active industry participants with a valid Lobster Trap Allocation (LTA) to apply for weak line and weak links based on their allocation and gear configuration, i.e. reported traps per trawl. Additionally, this gave the Division an opportunity to collect gear configuration data on current fishery metrics of number of trawls and number of traps per trawl. This will be valuable information to inform future management decisions as later phases of the take reduction plan are considered. Following a review process, participants arranged pick up times at two Department locations:

RIDEM Division of Marine Fisheries, Jamestown, RI
RIDEM Division of Coastal Resources, Narragansett, RI

Due to the manufacturing and availability of weak rope, the program had an Area 2 component, followed by Area 3, when stronger line was available leading to the request for a no-cost extension of one year to the grant. During that extension period weak line was distributed to all active Area 3 lobster and jonah crab fishery participants.

Final performance:

Through the full grant reporting period, 796,638 feet of weak line and over 6000 weak links have been distributed to qualified Rhode Island Lobster/Jonah crab fishery participants to ensure compliance with phase 1 of the Atlantic Large Whale Take Reduction Plan.
The original grant period was January 1, 2021 – May 31, 2023 with a one-year extension granted by ASMFC ending May 31, 2024.

Reporting period
January 1, 2021 – May 31, 2024

Total charge to date to the grant is $227,273.00.
Supplies – $193,003.00
Admin and Salary – $28,371.09
Indirect and other fees – $5,8989.91
The balance remaining for the grant through January 2024 is $0.00

Administrative performance during the grant period consisted of weak line and weak link distribution, participation, and issuance of state letters of authorization for ropeless/on demand gear testing, industry outreach on TRT proceedings and any additional associated staff time involved in these activities.

Industry line Distribution:

Area 2	Applicants	High value	Low value
	68	19,800 feet	840 feet
Area 3	**Applicants**	**High value**	**Low value**
	11	24,575 feet	7053 feet

Weak links were distributed to all Area 2 participants in lots of 50 on an experimental basis. Due to the shallower water depths where the fishery takes place, a weak link option in combination with weak vertical line served the industry needs best. Additional gear replacement weak links are available upon request. Area 3 weak links were not purchased due to the Take Reduction Plan spacing requirement, and the participants reluctance to splice in a weak link at that frequency. Because of this, all LCMA 3 participants were given weak line only.

Summary:

The NOAA grant "Supporting effective gear modifications for the Rhode Island American Lobster Fishery for marine mammal conservation and viable fisheries", as administered by the Atlantic States Marine Fisheries Commission and the State of Rhode Island Department of Environmental Management was an opportunity to exhibit collaboration between fishery management agencies and the fishing industry during difficult management action driven by powerful endangered species laws. In many cases, fishery participants would have suffered a substantial financial burden with the acquisition of weak connivences. The above line distribution metrics show the wide range of fishers affected and compensated. With funding available for the material and administration of the program through this grant, many participants remain in compliance with the Large Whale Take Reduction Plan. The additional attachment is the application for weak line assistance distributed to the Rhode Island based lobster and Jonah crab fishery participants.