Joint[1] Sturgeon FMAT[2]/PDT[3] Meeting Summary

February 22, 2024 Webinar

The joint Sturgeon FMAT/PDT met on February 22, 2024, via webinar. The purposes of this meeting were to 1) review the additional sub-alternatives added by the MAFMC, 2) review the draft impact analyses, and 3) develop FMAT/PDT recommendations for the Joint AP and Joint Committee to consider. The meeting was open to the public.

FMAT/PDT Attendees: Jason Didden (MAFMC), Jenny Couture (NEFMC), Robin Frede (NEFMC), Jason Boucher (NEFSC), Spencer Talmage (GARFO SFD), Bridget St Amand (NEFSC), Lynn Lankshear (GARFO PRD), Sharon Benjamin (GARFO NEPA), Ashleigh McCord (GARFO NEPA), and James Boyle (ASMFC).

Other Attendees: Invited member from GARFO APSD Daniel Hocking; NEFMC members Eric Reid, Scott Oszewski, Nichola Meserve and Kelly Whitmore; MAFMC member Joe Grist; NEFMC staff David McCarron; GARFO PRD staff Danielle Palmer; and about 10 members of the public.

1. Gear sub-alternatives:

The FMAT/PDT discussed the new sub-alternatives added by the MAFMC during their February meeting, which includes exemptions for vessels with a federal fishing permit targeting spiny dogfish in federal and/or state waters during the times of the year currently specified in the set of alternatives. More specifically:

> **Sub-alternative 5a**: Vessels using less than 5 ¼ inch gillnet mesh would be exempted from the New Jersey polygon overnight soak time prohibition.
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> **Sub-alternative 5b**: Vessels using less than 5 ¼ inch gillnet mesh would be exempted from the Delaware/Maryland/Virginia (Delmarva) polygon overnight soak time prohibition.

FMAT/PDT members discussed the need for considering additional observer data analyses, but initial review suggests that there are fewer sturgeon interactions with the smaller mesh size (5" mesh) in the Delmarva area. For the New Jersey area, there may be too few small mesh trips with sturgeon takes to say anything meaningful regarding the effect of smaller mesh size on rates of sturgeon interaction. Council staff plan to further evaluate observer data on trips with and without sturgeon interactions by mesh size.

[1] This is a joint action of the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC)
[2] FMAT = Fishery Management Action Team
[3] PDT = Plan Development Team

Staff noted that the MAFMC also discussed adding a requirement to use low-profile gear in the Southern New England polygon, however, after much discussion, this was not added to the alternatives.

2. Review of Draft Impact Analyses

Council staff reviewed the Decision Support Tool (DST) analyses along with the sturgeon risk analysis which are being used to evaluate the impact of time/area closures on gear displacement and removal. Daniel Hocking provided an overview of the risk assessment for the FMAT/PDT noting that the model is spatially implicit and is based on observer data that is used to estimate unobserved VTR trips (by spatially interpolating individual VTR locations and smoothing between these points). This model is the same one used since 2011 to estimate sturgeon takes and Dr. Hocking noted that the model fits observer data fairly well. He also commented that there were observed sturgeon interactions in deeper water, though less common, which likely led to the unexpectedly diffuse sturgeon risk. Dr. Hocking's final report was recently made available and will be included as part of the Council framework and will also be distributed to the AP and Committee.

> **Public:** Chris Rainone asked how the DST works and whether there were any differences in sturgeon takes inshore versus offshore. Dr. Hocking explained that the time/area closures were evaluated using a maximum distance that someone would be willing to move from the current fishing location to a new fishing location outside of the proposed closed area. 20 and 50 miles were used as two scenarios for which gear would be displaced; the DST group heard from a few industry members that 20 miles is likely more representative of the distance fishermen would be willing to travel to continue fishing outside of any closure. Regarding sturgeon interaction differences, Dr. Hocking explained that there were fewer takes offshore in deeper waters but that those interactions still occurred. Most of the reduction in sturgeon interactions is from gear being removed from the water versus being displaced outside a closure.

Staff also shared preliminary DST results for the gear modification alternatives. These results are still being finalized and will be shared with Dr. Hocking to be used in his sturgeon risk assessment analysis. These results are expected by the March Committee meeting.

A few FMAT/PDT members discussed whether these DST and sturgeon risk assessment analyses account for sturgeon seasonal movement where sturgeon are further offshore in the ocean environment in the winter, all within the 50 m contour line with most within the 20 m contour line. The fish then travel further south towards inshore waters and up the coast into estuaries in the spring and summer. There are several references noting these seasonal movements that should be used to help interpret the sturgeon risk assessment results. More specifically, any time/area closures off New Jersey and Delmarva regions that cause effort to move north or south are likely to have a similar level of risk of sturgeon interaction relative to the closed areas. However, if effort shifts in deeper waters during the spring, for example, then the literature would suggest there would be reduced risk of sturgeon interaction because the sturgeon are thought to be more nearshore during this season.

The team also briefly discussed the low-profile gear configuration which includes 0.81 mm twine size, which is at conflict with the Harbor Porpoise Plan Take Reduction Team's (TRT) requirement of 0.90 mm twine size. The TRT received the Councils' letter which requested an exemption of this lighter twine size. The process just began and the TRT will likely only raise this issue during their March meeting. In order for low-profile gear to be included as part of the

proposed rule (if the Councils select this as part of their final action package), the TRT must be far enough along in their process to signal that this lighter twine size would be acceptable. The low-profile gear requirement includes a delay in implementation to allow the TRT process to play out and to allow gear manufacturers to produce the gear.

The new Biological Opinion (BiOp) is expected to be published by January 2025 (absent any extensions), with preliminary versions available before then, though drafts may or may not be publicly available. The new BiOp will include the Council action as the baseline for the assessment and will include the results of the sturgeon stock assessment (expected to be completed summer 2024), and any other new information.

> **Public:** Chris Rainone asked about the data included within the Human Communities Impacts analysis and whether the total number of permits are active permits or include latent permits as well. These are permits where a vessel landed > 0 lb of the target species in the relevant area, thus, active permits in that regard. The member of the public was concerned about the magnitude of latent fishing effort in the skate fisheries and its contribution to protected species issues and fishing regulations, etc.

3. FMAT/PDT Recommendations

Each FMAT/PDT member discussed their input on the range of alternatives and what he/she would recommend to the AP and Committee to consider during their deliberations of selecting a preferred alternative. The group was interested in striking a balance between achieving sufficient sturgeon interaction reduction without having too much of an impact on the fishing industry and other protected species (especially North Atlantic right whales). A few individual comments are detailed below:

- One person was interested in better understanding the smaller mesh exemption sub-alternatives and if there is one month with a higher ratio of sturgeon takes on observed trips; if so, he recommended against potentially allowing the smaller mesh to be exempt from overnight soak prohibition during this month and allowing the exemption in other months where the ratio of sturgeon takes was lower.
- Another member noted that she wanted to see as much sturgeon reduction as possible because if sufficient reduction is not achieved through this Council action, then that would likely be a gamble given the new BiOp will use the Council action as the baseline condition. She noted that the results of the sturgeon assessment are not yet known, however, it has been 12 years since sturgeon was listed under the ESA and large mesh fisheries are responsible for many sturgeon interactions.
- Several members were interested in gear modifications as the potential way forward, noting that there is some uncertainty in impacts on reducing sturgeon interactions. There is ongoing low-profile gear research funded by the Bycatch Reduction Engineering Program that will help inform use of this gear in other areas; the results will not be ready in time for this Council action but could inform future work.
- One member expressed concern over negatively impacting fishermen and the impact to the observer program given she has heard reports that fishermen do not want observers on board if that will lead to additional closures.
- Another member suggested the Councils recommend NEFSC evaluate the impacts on observer coverage of adding Atlantic sturgeon to the Standardized Bycatch Reporting

Methodology (SBRM) to help ensure there is sufficient observer coverage. The prior sturgeon stock assessment noted that there is a need for increased monitoring of this species, however, observer coverage has declined in recent years in some important areas/gears.

The FMAT/PDT made the following recommendation for the AP and Committee to consider during their upcoming March meetings:

> Of the options available, Alternative 5, the gear-only package appears to be the most reasonable. A partial exemption from the Delmarva overnight soak prohibition for gear less than 5.25" seems preliminarily supported by observer data. There were insufficient trips available to evaluate any potential exemptions for New Jersey, thus, the FMAT/PDT does not recommend any exemptions for this smaller mesh in this area. The FMAT/PDT is evaluating the monthly ratio of takes to observed trips in the Delmarva area to further inform a potential exemption for the Delmarva overnight soak prohibition for gear less than 5.25". Most likely this could entail an exemption for months where sturgeon take rates are lower and a recommendation to not exempt the month with the highest rate of sturgeon takes per observed trip in the Delmarva area. Generally, more research needs to be done to understand sturgeon bycatch and how to reduce sturgeon interactions – it is uncertain if the next Biological Opinion will trigger the need for additional measures regardless of the current action. The group also recognized the need to avoid shifting fishing effort from any time/area closures to important North Atlantic Right Whale habitat. The FMAT/PDT discussed potentially revisiting their recommendation following AP input.

Public:

- Chris Rainone appreciated the work of the FMAT/PDT and agreed that Alternative 5 gear-only package is a good first step in reducing sturgeon interaction. He recommended addressing the latent fishing effort issue in the skate fishery.
- James Fletcher asked whether this Council action is focused on reducing sturgeon interactions or mortality and he noted that large sturgeon have the most eggs and are most likely going to survive in the gillnet nets. Council staff answered that the current Council action is focused on reducing sturgeon interactions but have heard that reducing mortality is also important and will likely be included in the new BiOp.

The Councils will hold a joint meeting of their Spiny Dogfish and Monkfish Advisory Panels on March 5, 2024, and will hold a Joint Spiny Dogfish and Monkfish Committee meeting on March 13, 2024, to develop recommendations for the Councils. Final action by both Councils is scheduled for April 2024.

If additional information is needed before the March Advisory Panel (March 5th) and Committee (March 13th) meetings and before the April MAFMC and NEFMC meetings, please call Jason Didden of MAFMC staff (302-526-5254), Jenny Couture of NEFMC staff (978-465-0492 x111), or Robin Frede of NEFMC staff (978-465-0492 x124). The briefing documents for the Council meetings will be available at their websites, https://www.mafmc.org/, and https://www.nefmc.org/.

The meeting ended at 4pm.