

Joint New England and Mid-Atlantic Council Omnibus Alternative Gear-Marking Framework Adjustment

Plan Development Team/Fishery Management Action Team (PDT/FMAT)

Meeting 6 Summary

August 21, 2025

9 AM – 11 AM Eastern Time

Attendees: Caroline Potter, Alli Murphy, Jay Hermsen, Marianne Randall, Chao Zou, Nicole Morgan, Emily Bodell, David McCarron, Hayden Dubniczki, Jen Goebel, Kaleigh Hill, Sam Duggan, Heidi Henninger, Katline Burrows, Brian Galvez, Brett Alger, Christine Ford, Erin Wilkinson, Kevin Staples, Megan Ware, Geoffrey Smith, Megan Shapiro, Rory Morgan, Briony Donahue, Maine Lobstermen's Association, Sonny Gwin, Ted Platz, Kristin G, MC, Unknown call-in number

Meeting Objectives

- Discuss the scope of the approval process and whether deployment and retrievability should be part of the approval process for alternative gear markings
- Discuss the draft framework adjustment and provide opportunity for PDT/FMAT members to comment on and suggest changes to the document
- Discuss changes to the alternatives in Set 2 that have added a clear decision point regarding the use of a letter of authorization
- Consider upcoming meetings and document review
- Provide opportunity for public comment

Alternative Sets

Alternative Set 1: Authorization of approved gear-marking alternatives

Purpose: The purpose of Alternative Set 1 of this framework adjustment is to establish optional surface marking provisions for fixed-gear fisheries in the Greater Atlantic Region. This regulatory modification would allow for the use of fixed gear without a persistent buoy line.

Need: The need for Alternative Set 1 of this framework adjustment is to provide fishermen additional opportunities to fish in areas where, and during times when, the use of persistent buoy lines is restricted.

Alternative 1A: No Action. This alternative would not allow for alternative gear marking and would continue to require current surface markings (radar reflectors, highflyers, etc.).

Alternative 1B: Region-wide alternative gear marking. This alternative would allow the use of alternative gear marking in all Federal waters within the Greater Atlantic Region.

Alternative 1C: Spatially and temporally limited alternative gear marking. This alternative would allow alternative gear marking during and within persistent buoy line restricted areas established by the TRP.

Alternative 1D: Spatially limited alternative gear marking. This alternative would allow alternative gear marking within persistent buoy line restricted areas established by the TRP during closures and in the same geographical areas when closures are not in place.

Alternative Set 2: Requirements to use an approved gear-marking alternative

Alternative Set 2 would only be considered if the Councils choose **Alternative 1B, 1C, or 1D.**

Purpose: The purpose of Alternative Set 2 of this framework adjustment is to promote the accuracy of alternative gear-marking location information.

Need: The need for Alternative Set 2 of this framework adjustment is to reduce the likelihood of inaccurate gear location marking which could lead to gear conflict, unsuccessful gear retrievals, and reduced fishermen safety.

Alternative 2A: No Action. This alternative would not require a person to demonstrate knowledge of how to mark gear with any approved gear-marking alternatives.

Alternative 2B: Letter of Authorization and Demonstration of Knowledge Requirement. This alternative would require a person to obtain a Letter of Authorization documenting that they have demonstrated knowledge of how to mark gear with an approved gear-marking alternative.

Alternative 2C: Letter of Authorization Only. This alternative would require a person to obtain a Letter of Authorization to use a gear-marking alternative but would not require the demonstration of knowledge to obtain the Letter of Authorization.

Discussion

The Team reviewed and discussed recent changes to the alternatives of Set 2. Changes pertained to the addition of Alternative 2C, the direct mention of an LOA in Alternative 2B, and the wording clarification that the demonstration of knowledge would be on how to mark gear and not on other aspects of using on-demand or timed revival gear.

Functional Equivalence

The Regional Administrator would approve gear-marking alternatives based on their functional equivalence to current surface markings. As such, NMFS intends to define functional equivalent in regulations. Below are elements of a functional equivalent that have been discussed to date.

- Detectability: ocean users are able to locate the gear
- Retrievability: gear must have an identified means of retrieval
- Identification: gear is marked with identifying information that replicates what is currently required (e.g., owner, vessel, permit information)

- Enforceability: enforcement is able to locate, retrieve, and redeploy the gear
- Viewing distance: gear can be detected/located from a similar minimum distance as current surface markings
- Set direction: gear's set direction is identifiable
- Timing: gear location information is accessible by others at the time of deployment and while the gear persists in the water

Discussion

The Team discussed whether deployment and retrievability should be part of the approval process for alternative gear markings in addition to location marking, sharing, and displaying of fixed gear without physical surface markings. If the scope of approvals is limited to only location marking, sharing, and displaying, the Team discussed whether retrievability should remain an element of functional equivalence or whether the scope/focus of functional equivalence should be modified to focus only on the location marking aspects of current physical surface markers. This would mean the removal of retrievability as an element. It was also mentioned that with this reframing, the enforcement element could be changed to express that enforcement must be able to locate gear and *identify the means of retrieval and method for redeployment*.

Action Timeline

February 19, 2025	PDT/FMAT Meeting 1
March 12, 2025	PDT/FMAT Meeting 2
April 2025	NEFMC & MAFMC – Initiated action
April 28, 2025	PDT/FMAT Meeting 3
May 2025	ASMFC – Received updates
May 20, 2025	PDT/FMAT Meeting 4
June 2025	NEFMC & MAFMC – Received updates
July 8, 2025	PDT/FMAT Meeting 5
August 2025	ASMFC – Received Updates
August 21, 2025	PDT/FMAT Meeting 6
September 11, 2025	PDT/FMAT Meeting 7
September 2025	NEFMC – Final action
October 2025	MAFMC – Final action ASMFC – Receives updates

Document Review

- PDT/FMAT draft *Meeting Summary* to PDT/FMAT by: End of Day (EOD) *August 25*
- PDT/FMAT edits/comments on *Meeting Summary* to leads by: EOD *August 28*
- PDT/FMAT edits/comments on *Framework Adjustment* to leads: EOD *August 22*
- *Framework Adjustment* to NE and MA Council for September and October meeting: *September 12/19*
- *Framework Adjustment* to GARFO staff for review after fall Council meetings (this will start the 1-year FONSI timeline)

Upcoming Meetings

- ODWG meeting and public engagement session for action: *August 26*
- Joint Groundfish and Recreational Advisory Panel meeting: *September 3*
- PDT/FMAT meeting 7: *September 11, 10 am – 12 pm*
- Scallop Advisory Panel meeting: *September 12*
- Joint Monkfish and Skate Advisory Panel meeting: *September 16*
- Council meetings: NEFMC *September 23-25*. MAFMC *October 7-9*

Current Gear-Marking Regulations

Magnuson Stevens Act

General Prohibitions at § 648.14(k)(10): ***Gear marking requirement for all persons.*** It is unlawful for any person, including any owner or operator of a vessel issued a valid NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fail to comply with the gear-marking requirements of § 648.84.

Management Measures for the Northeast Multispecies and Monkfish Fisheries at 50 CFR 648.84: (b) Bottom-tending fixed gear, including, but not limited to gillnets or longline gear, must be marked so that the westernmost end (measuring the half compass circle from magnetic south through west to, and including, north) of the gear displays a standard 12-inch (30.5-cm) tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 ft (1.8 m) above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to, and including, south) of the gear need display only the standard 12-inch (30.5-cm) tetrahedral radar reflector positioned in the same way.

Management Measures for Red Crab at § 648.264(a)(5): ***Gear markings.*** The following is required on all buoys used at the end of each red crab trawl:

- (i) The letters “RC” in letters at least 3 inches (7.62 cm) in height must be painted on top of each buoy.
- (ii) The vessel's permit number in numerals at least 3 inches (7.62 cm) in height must be painted on the side of each buoy to clearly identify the vessel.
- (iii) The number of each trap trawl relative to the total number of trawls used by the vessel (i.e., “3 of 6”) must be painted in numerals at least 3 inches (7.62 cm) in height on the side of each buoy.
- (iv) High flyers and radar reflectors are required on each trap trawl.

Management Measures for Black Sea Bass § 648.144(b)(1): ***Gear marking.*** The owner of a vessel issued a black sea bass moratorium permit must mark all black sea bass pots or traps with the vessel's USCG documentation number or state registration number.

- Buoy assumed, but not explicitly required.
- No additional gear-marking requirements in the ASMFC’s BSB Interstate FMP.

Management Measures for Scup § 648.125(b)(3): ***Pot and trap identification.*** Pots or traps used in fishing for scup must be marked with a code of identification that may be the number assigned by the Regional Administrator and/or the identification marking as required by the vessel's home port state.

Atlantic Coastal Act

Lobster Gear Marking at § 697.21(b) ***Deployment and gear configuration.*** In the areas of the EEZ described in paragraph (b)(4) of this section, lobster trap trawls are to be displayed and configured as follows:

- (1) Lobster trap trawls of three or fewer traps deployed in the EEZ must be attached to and marked with a single buoy.

(2) With the exception of Maine permitted vessels fishing in Maine Lobster Management Zones that can fish up to ten lobster traps on a trawl with one buoy line, lobster trap trawls consisting of more than three traps must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west, to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east, to and including south) of an American lobster trap trawl must be configured with a radar reflector only. Standard tetrahedral corner radar reflectors of at least 8 inches (20.32 cm) (both in height and width, and made from metal) must be employed. (A copy of a diagram showing a standard tetrahedral corner radar reflector is available upon request to the Office of the Greater Atlantic Regional Administrator.)