

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

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

#### **Meeting 7 Summary**

September 11, 2025

10 AM – 12 PM Eastern Time

Attendance: PDT/FMAT members - Caroline Potter, Alli Murphy, Jay Hermsen, Marianne Randall, Chao Zou, Nicole Morgan, Emily Bodell, Robin Frede, David McCarron, Hayden Dubniczki, Caitlin Starks, Jen Goebel, Danielle Palmer, Kaleigh Hill; Other attendees - Sam Duggan, Katline Burrows, Caleb Gilbert, Mackenzie Peacock, Erin Wilkinson, Michael Pierdinock, Megan Ware, Hank Soule, Kristin G, Julia Logan, Beth Casoni

### **Meeting Objectives**

- Discuss the status of the draft framework adjustment
- Discuss recent feedback on the action
- Provide opportunity for public comment

### **Meeting Discussion**

The PDT/FMAT discussed the following:

- Recent feedback on the Action. This included the following themes: concerns about gear conflict, level of need for gear visualization by all ocean users, education and outreach to fishermen that could encounter gear without persistent buoy lines, cost considerations for impacted fishermen, equitable access to persistent buoy line restricted areas and solutions to increase equity, the level of importance of real-time gear marking, location accuracy of digital gear markings, public engagement with the approval process of gear-marking alternatives, and the processes for decision making regarding operationalization of an on-demand fishery.
- Most of the feedback at recent meetings (e.g., Council advisory panel, public engagement, On-Demand Working Group, Council, and Atlantic States Marine Fisheries Commission) has not been on specific alternatives in the Action but on the process for developing on-demand as a usable gear type and the approval process of gear-marking alternatives.
- Advisors to the NEFMC and members of the public have expressed concern regarding whether the approval process will be sufficiently public facing. Thus, it may be beneficial at this time to describe and develop, in more depth, the approval process. Electronic vessel trip reporting was highlighted as a helpful example for how an approval process could be structured. The approval processes associated with electronic monitoring and vessel monitoring systems were also highlighted as other examples that could be considered. It may be helpful to compare the fishing industry's level of engagement with the development of this framework versus past approval processes.

## 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 if and when alternative gear markings are approved for use in the Greater Atlantic Region.

**Need:** The need for Alternative Set 1 of this framework adjustment is to provide fishermen opportunities to fish with additional gear-marking methods and allow them to do so in areas that restrict the use of persistent buoy lines, if and when gear-marking alternatives are approved for use.

**Alternative 1A: No Action.** This alternative would not allow for alternative gear marking and would maintain current surface marking requirements (radar reflectors, highflyers, etc.).

**Alternative 1B: Region-wide alternative gear marking.** This alternative would allow the use of alternative gear marking for fixed-gear fishing 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 restriction periods and in the same geographical areas when restriction periods 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 allow for monitoring and oversight of the use of alternative gear-marking and 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 obtain a Letter of Authorization or demonstrate knowledge of any approved gear-marking alternatives in order to use approved alternative gear markings.

**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.

## 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 equivalence 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

## 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) *September 15*
- PDT/FMAT edits/comments on *Meeting Summary* to leads by: EOD *September 18*
- *Draft Framework Adjustment* to NE and MA Councils: *September 12*
- *Framework Adjustment* to GARFO staff for review after fall Council meetings (this will start the 1-year FONSI timeline)

### Upcoming Meetings

- Scallop Advisory Panel: September 12
- Joint Monkfish and Skate Advisory Panel: September 16
- NEFMC: September 25
- MAFMC: October 8

## 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.)