



**NOAA
FISHERIES**

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

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Take Home Messages

- Objective of this action is to provide additional fishing opportunities, not protecting whales
- Action focuses on gear marking of on-demand fishing, not other aspects of on-demand fishing
- This action would **not** allow the immediate use of on-demand fishing until additional steps are taken
 - Additional research needed and work is ongoing to develop all aspects of operational on-demand fishing gear
 - Work is ongoing and in parallel
 - Future approval of gear will be necessary
- Action would **NOT**:
 - limit the use of current gear marking methods
 - require the use of alternatively marked gear
- Intend to provide more opportunities for public input
- Consolidated Appropriations Act does not prevent this action

Action Summary

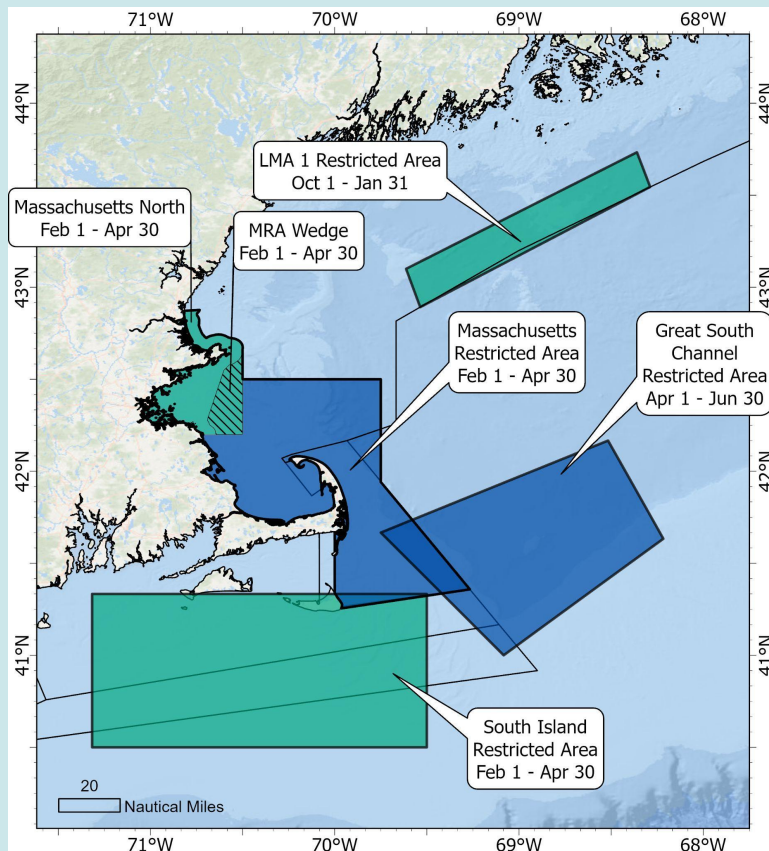
- Considers allowing alternative (i.e. digital) gear marking as another option to the currently required physical surface markings
 - Current gear-marking regulations require radar reflectors, pennants, highflyers, buoys, etc.
- Could allow (although, not immediately) the use of fixed gear without persistent vertical lines (such as on-demand rigged fishing gear)
- Intended to allow more fishing access for fishermen that are subject to current and potential future persistent buoy line closures
- Would not limit the use of current gear-marking methods
- Would not require the use of gear-marking alternatives or on-demand gear

Action Summary

- Changes to gear-marking regulations could apply to all fixed-gear fisheries in the Northeastern United States
- Mid-Atlantic and New England Councils are considering management decision for fisheries subject to their jurisdiction but NOAA Fisheries would consider applying the same changes to the Federal regulations for American lobster in subsequent proposed rulemaking
- Gear marking is not in the Interstate FMP for American Lobster
 - An addendum is not needed

Take Reduction Plan (TRP): Seasonal Closures to Buoy Lines

Current Northeast Lobster/Jonah crab Trap/Pot Restricted Areas



In 2021, TRP closures were expanded and modified from seasonal fishing closures to *persistent buoy line* closures for Northeast lobster and Jonah crab trap/pot gear

Federal fishery regulations in 50 CFR 648 and §697 require surface marking of fixed gear to enable other fishermen to see and avoid gear - preventing access to these areas

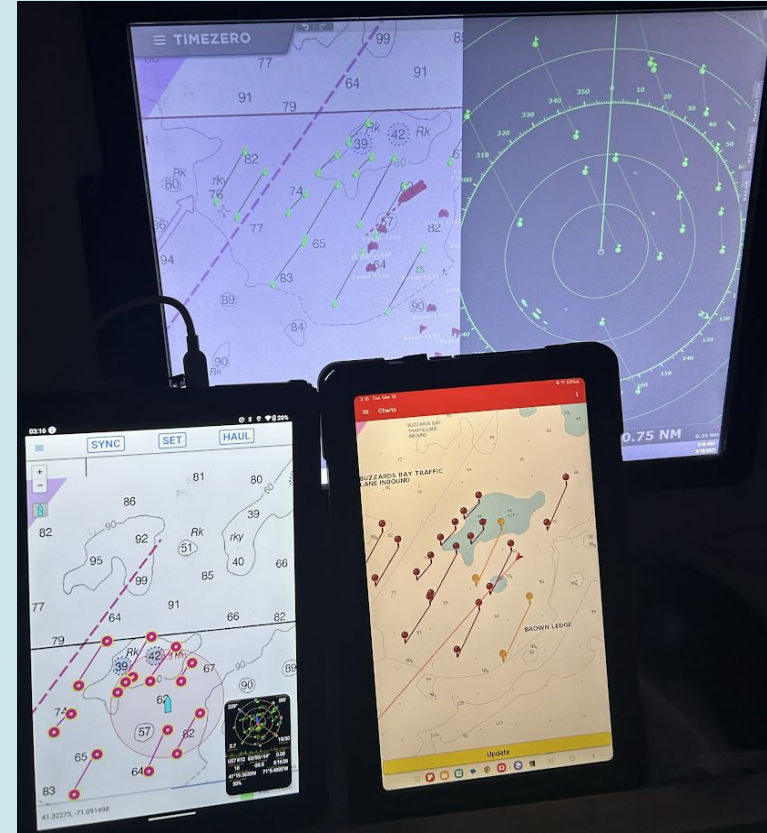
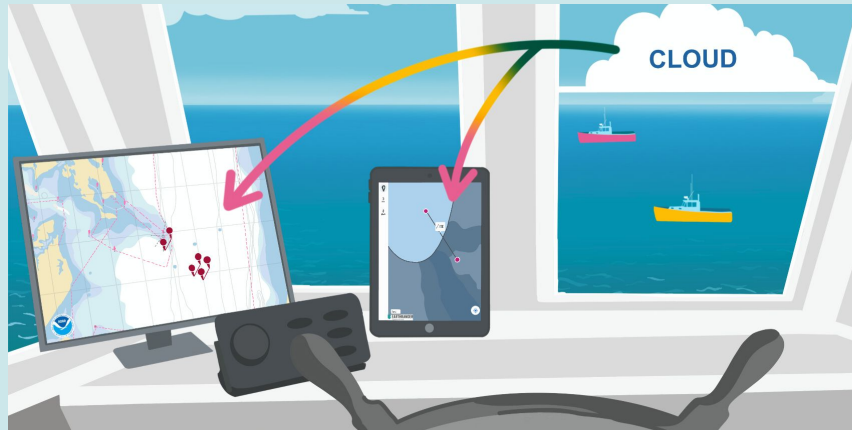
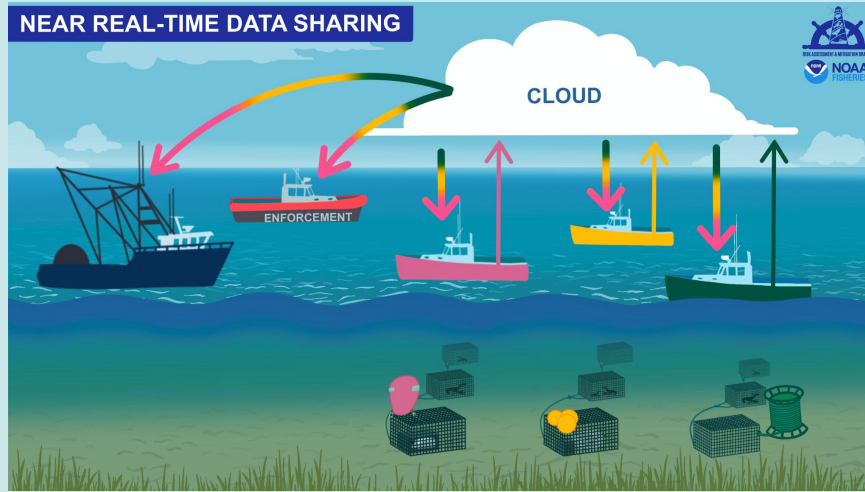
Changing gear-marking regulations could allow for increased fishing access, in the future, for fixed-gear fishermen for all fisheries with TRP restricted areas

Allowing Gear Without Persistent Buoy Lines

- Revise regulations to allow for alternative (digital) gear marking
- Regulations would require current gear marking requirements OR a functionally equivalent alternative



Potential Future of Gear-Marking Alternatives



Scope of Action

Inside Scope

- Allowing for alternative gear marking
- Requirements to use alternative gear marking
 - LOA; demonstration of knowledge
- Determining gear markings essential functions

Beyond Scope

- Gear conflict
- Enforcement
- Technical gear specifications and technology to operationalize:
 - Deployment/retrieval
 - Marking
 - Detection
 - Visualization
- Data
 - Access
 - Storage
 - Security
 - Integrity
 - Standards
 - Integration
- Etc.



Alternative Set 1: Authorization of Approved Gear-Marking Alternatives

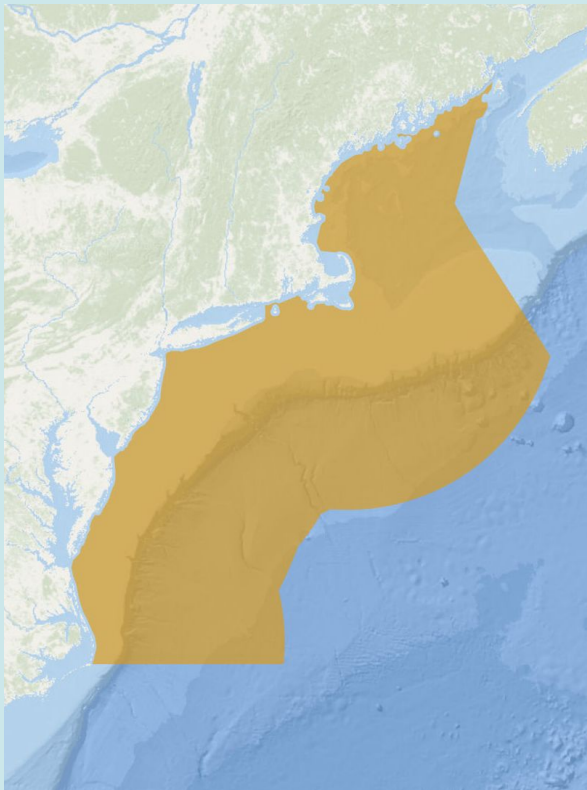
Alternative 1A: No Action. This alternative would not allow for alternative gear marking and would continue to require current surface markings (radar reflectors, highflyers, etc.).

Alternative 1B: Region-wide alternative gear marking. would allow the use of alternative gear marking in all Federal waters within the Greater Atlantic Region (ME thru Cape Hatteras, NC).

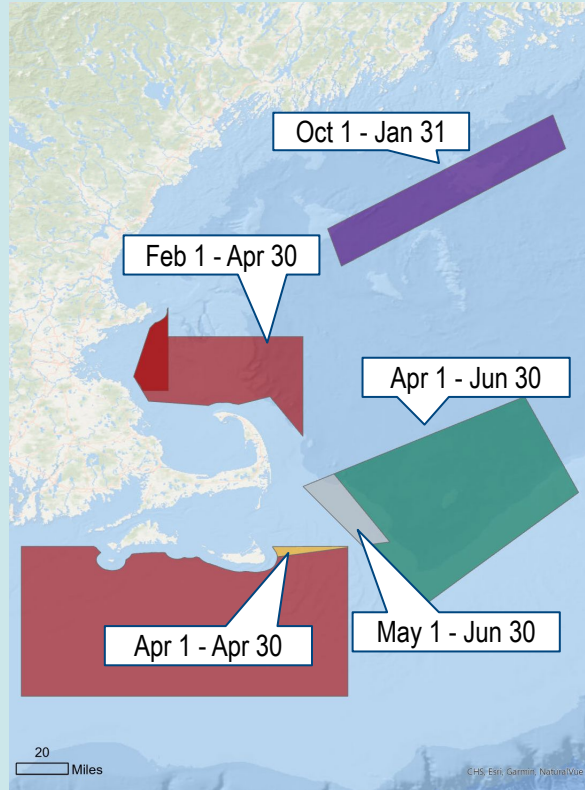
Alternative 1C: Spatially and temporally limited alternative gear marking. would allow alternative gear marking during and within persistent buoy line restricted areas established by the Atlantic Large Whale Take Reduction Plan within the Greater Atlantic Region.

Alternative 1D: Spatially limited alternative gear marking. would allow alternative gear marking within persistent buoy line restricted areas established by the Atlantic Large Whale Take Reduction Plan within the Greater Atlantic Region during closures and in the same geographical areas when closures are not in place.

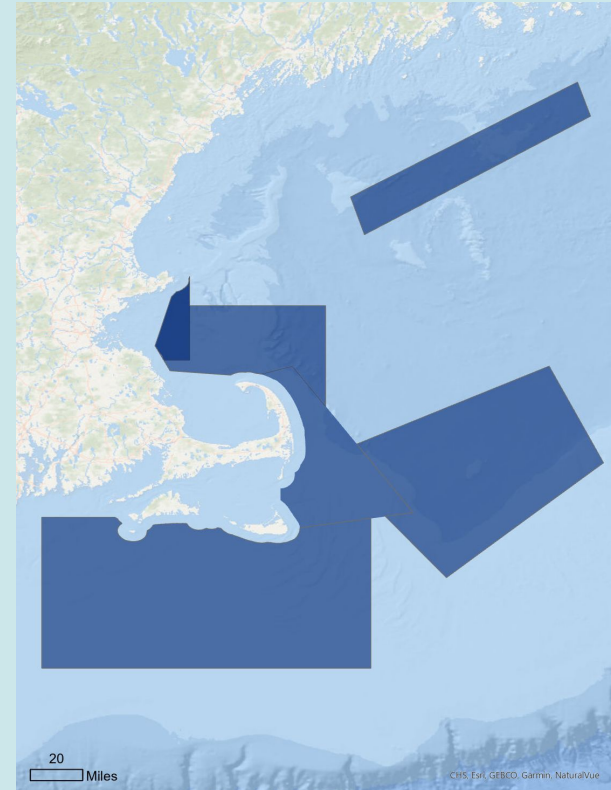
Alternative Set 1: Authorization of Approved Gear-Marking Alternatives



1B: Region-wide



1C: Spatially & temporally limited



1D: Spatially limited*

Alternative Set 2: Letter of Authorization and Knowledge Demonstration Requirements to Use Approved Gear-Marking Alternatives

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. 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. 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.

Demonstration of Knowledge to Use Alternatively Marked Gear

Other fishery examples

- Pinger training
- Shark endorsement
- Electronic monitoring

Possibilities of how knowledge could be demonstrated for Alternative 2B

- Check box acknowledging familiarity with gear marking when applying for LOA
- Requirement to watch a video
- Attend a training
- Trial gear during training trips

Functional Equivalence

Gear-marking alternatives would be approved based on functional equivalence to current gear marking

Essential Elements of a Functional Equivalent

- **Detectability:** ocean users are able to locate gear
- **Retrievability:** gear must have an identified means of retrieval
- **Identification:** gear is marked with identifying information
- **Enforceability:** enforcement can locate, retrieve, and redeploy gear

Beneficial Elements of a Functional Equivalent

- **Viewing distance:** gear can be detected from a similar minimum distance as current surface markings
- **Set direction:** gear's set direction is identifiable
- **Timing:** gear location info is accessible by others at the time of deployment and while it persists in the water



Action Timeline

April 2025	NEFMC & MAFMC initiated action
May 2025	ASMFC received updates
June 2025	NEFMC & MAFMC received updates
August 2025	ASMFC received updates
September 2025	NEFMC takes final action
October 2025	MAFMC takes final action; ASMFC receives updates on final action
2026	Rulemaking

Upcoming opportunities for public participation	
September 3	Joint Groundfish and Recreational Advisory Panel meeting
September 12	Scallop Advisory Panel meeting
September 16	Joint Monkfish and Skate Advisory Panel meeting
September 25	NEFMC meeting
October	MAFMC meeting

Even after rulemaking, gear-marking alternatives would need to be approved before use

Questions?



NOAA FISHERIES