

**Modifications to Atlantic Large Whale Take Reduction Plan
Lobster and Crab Vertical Line Fisheries**



Submitted by

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2. Introduction:

Due to a decline in the North Atlantic right whale population and increased incidences of vertical line entanglements causing serious injury and mortality, the Atlantic Large Whale Take Reduction Plan (ALWTRP) is undergoing a phased approach of measures to reduce these risks to the North Atlantic right whales.

In short, the Atlantic Large Whale Take Reduction Team makes recommendations to NOAA Fisheries, who then implements regulations based on recommendations that will reduce risk to Atlantic Large Whales. The most recent modifications to the ALWTRP (Phase 1) includes requirements such as the use of weak ropes or weak inserts (breaking strength of 1,700 pounds), state specific gear marking, seasonal area closures, and minimum number of traps per trawl to reduce serious injury and mortality with vertical lines in whale habitat from the lobster and Jonah crab fisheries. In New Hampshire (NH), the gear marking regulations became effective January 1, 2022, and the vertical line regulations became effective May 1, 2022, the beginning of NOAA's fisheries permit year.

To assist the lobster and Jonah crab fishing industry in adjusting to these new regulations, grant funds were made available by NOAA Fisheries through the Atlantic States Marine Fisheries Commission (ASMFC) to states with lobster and Jonah crab fisheries.

3. Objective:

The objective is to equitably distribute the New Hampshire allocated funds of \$250,000 to the lobster and Jonah crab fisheries affected by the ALWTRP Phase 1 regulations.

4. Approach:

A) General Approach:

The NH Fish and Game's (NHFG) Marine Division has consulted with the lobster and Jonah crab industry leaders through three meetings to determine how best to distribute the available funds.

Based on the industry input during these meetings, the funds will be proportionally distributed to the 2022 resident lobster and crab and wholesale dealer licensees with a history of trap fishing for lobster and Jonah crab using vertical lines between 2019 and 2021. The apportionment will be based on the average annual maximum buoy lines for each licensee or permittee between 2019 and 2021. This information is a required data element in mandatory reports through NH's lobster and crab reporting program. For federal permittees residing in New Hampshire, the highest annual number of

vertical lines will be determined through vessel trip reports by dividing the number of maximum traps fished by the traps per trawl reported on each trip report.

The apportionment each qualified harvester will be paid is determined by dividing the total amount of available funds (\$250,000) by the total number of buoy lines fished to show the value per buoy line. That value will be multiplied by each harvester's 2019 through 2021 average annual maximum buoy lines. Since the NH resident federal permit holders and dual state/federal licensees/permittees will be conducting more gear modifications (additional weak inserts, color marking on endlines, etc.) than state waters harvesters, a weighting of 1.5 times the value of state only harvesters will be applied to the apportionment for those fishing in federal waters.

Once the Spend Plan is approved, NHFG will prequalify state licensees and NH resident federal permittees with their lobster and crab apportion, notify the individuals of their qualified amount with an application, provide an appeal process, then distribute the funds to qualified individuals that applied.

B) Direct Payment General Qualifying Criteria:

All identified recipients, must meet the following minimum criteria:

- Are a resident of New Hampshire.
- Has a 2022 NH lobster/crab license or a NH resident with a federal lobster and/or deep sea red crab permit with the appropriate NH license that allows landings of lobster and crab.
- Held the appropriate lobster and crab state and/or federal license(s)/permits and fished with traps/pots between 2019 and 2021 and provided the mandatory reports required by NH to determine the maximum number of endlines fished during those three years.
- Complete an application to receive funds within the timeline.

Direct Payment distribution:

1) Application process:

- Announce NH's Spend Plan, qualifying period, and parameters to the fishing industry through public media and NHFG website.
- Notify all pre-qualifiers of their eligibility based on the criteria guidelines.
- NHFG will provide all participants with an affidavit and application form, to be completed and submitted to NHFG to qualify for funds.
 - Applications will be available for download from NHFG's website, email, or at NHFG's Region 3 Office in Durham, NH.
 - Applications must be submitted as a hard copy at NHFG's Region 3 Office in Durham, NH.
- NHFG will publish a firm, 15-day application period. Applications received after the published due date will not be reviewed or considered.

2) Verification of applications:

- NHFG will review all applications within two weeks of receipt:
 - To assure a complete application.
 - To assure the applicant meets the minimum thresholds and qualifications to receive funds.

3) Direct payment appeal process:

If an applicant does not meet the qualifications or does not agree with NHFG’s final determination for funds, NHFG will allow an appeal to be addressed within two weeks after close of the application process. The applicant must submit a letter detailing the rationale for an appeal consideration based on the original submitted application and documentation. An Advisory Work Group will assist NHFG in reviewing appeals. The applicant will be notified of the appeal decision. Appeals will not be accepted for applications received after the published application due date.

4) Distribution of Direct Payment Funds:

Each successfully qualified applicant will be assigned a direct payment as described in this Spend Plan. NHFG, after completing the appeals review process, will provide ASMFC; a spreadsheet of qualified applicants, addresses, pertinent individual tax information, amount to be directly paid, and copies of applications and affidavits, etc.

5. Expected Benefits:

Provide funds for gear modification relief to NH’s lobster and crab fishing community from the regulations outlined in the modified Atlantic Large Whale Take Reduction Plan instituted in 2022.

6. Milestone Schedule:

Tasks	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Spend Plan Development		X	X	X	X	X			
Sector and Advisory Meetings		X	X				X		
Data processing		X	X	X	X	X	X	X	
Direct Payment Applications/Qualifying Process							X		
Appeals Process								X	
Distribution of Funds								X	X

7. Geographic Location:

New Hampshire residents licensed and/or permitted in state and federal lobster and crab fishing.

8. Cost Summary (Budget):

Project Budget Summary:

1. NHFG will allocate the \$250,000 of NH’s funding allocation among the qualified individuals and businesses.
2. NHFG will work with ASMFC to distribute the funds to NH’s lobster and crab trap/pot fishing industry in direct payments.

NH Atlantic Large Whale Gear Modifications Allocation	\$250,000
Direct payment to qualified lobster and/or crab licensees	\$250,000
Total	\$250,000