

ALWTRT Webinar
Thursday, November 19, 2015: 10:00am-12:00pm
Key Outcomes

I. Overview

The Atlantic Large Whale Take Reduction Team (Team) held a webinar on Thursday, November 19, 2015. Objectives of the webinar included:

- Provide updates on membership since last meeting
- Review abundance, serious injury/mortality, and entanglement numbers from recent years
- Discuss status of Atlantic Large Whale Take Reduction Plan and future plans for co-occurrence model

II. Participants

TRT Members/Alternates

John Haviland (and Steve Keane)	Claire Fitz-Gerald (for Steve Welch)	Jane Davenport	Cheri Patterson	Red Munden
Patrice McCarron	Regina Asmutis-Silvia	Sharon Young	Scott Olszewski	Samantha Hoover
David Borden (and Heidi Henninger)	Sarah Uhlemann (and Kristen Monsell)	Colleen Giannini	Sarah Cotnoir (for Terry Stockwell)	Lisa Bonacci
Mo Bancroft (for Jim Nash)	Mason Weinrich (and Caroline Good)	Erin Burke (for Dan McKiernan)	Cindy Driscoll (and Amanda Weschler)	Clay George
Tom Pitchford	Kate Swails	Kristy Long	Barb Zoodsma	David Laist
Rich Seagraves	Shanna Madsen	Bill McLellan	Jooke Robbins	Mark Swingle
Scott Landry (for Stormy Mayo)	Scott Kraus (and Amy Knowlton)	Bobby Nudd	Beth Casoni	Raymond King

Staff from Greater Atlantic Regional Fisheries Office, NOAA General Counsel- Office of Law Enforcement, the Northeast Fisheries Science Center, NMFS Office of Protected Resources, Industrial Economics, and members of the public also participated (see attachment).

III. Topics Presented/Discussed

Welcome, Agenda Review, Membership Update (Swails)

- All presentations are posted on the Team’s meeting webpage
<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/trt/meetings/index.html>

- See Swails presentation for a list of membership changes since the Team last met.

Abundance, Serious Injury/Mortality, and Recent Entanglement Update (Pace/Morin)

- R. Pace presented information from the Draft 2015 Stock Assessment Report for right whales and humpback whales. In both cases SI/M remains above PBR. The public can comment on the Draft SAR until December 29, 2015 (<http://www.nmfs.noaa.gov/pr/sars/draft.htm>).
 - Team members raised concerns regarding the discrepancies in number of Serious Injury or Mortality cases, due to entanglement, reported in the draft 2015 SARs (2009-2013) vs the Draft 2013 TRT Entanglement Report.
 - D. Morin clarified that the entanglement related serious injury and mortality discrepancies between the SARs and the TRT entanglement reports has to do with how entanglement cases are considered. Specifically, the SARs count all cases that result in mortality, even if there was never entangled gear noticed on the animal, while the TRT entanglement reports counts only entanglement cases that have documented gear on the animal.
 - Team members also wanted to see details/records on how a serious injury or mortality determination was made. R. Pace reminded the Team that determinations are based on a national policy describing how serious injuries and mortalities are classified and each annual determination is further peer reviewed through the Center’s peer review process and are published as a Center Reference Document. The national serious injury and mortality guidelines can be found at <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr77-3450.pdf> . The latest Serious Injury Determination report (2009-2013) is available online (<http://www.nefsc.noaa.gov/publications/crd/crd1510/>).
- D.Morin presented preliminary entanglement numbers from 2014 and 2015. In 2014 there were 23 new confirmed entanglements (7 of the 23 were disentangled, shed gear, had non-life threatening gear remaining, or had a non-life threatening entanglement). In 2015 there have been 30 new confirmed entanglements (19 of the 30 were disentangled, shed gear, had non-life threatening gear remaining, or had a non-life threatening entanglement).

Enforcement Update (Swails/Heckwolf)

- K. Swails provided the Team with information from NMFS Joint Enforcement Agreement (JEA) efforts from 2014. She asked the Team if there is specific information they would like to see or data that they would like OLE and enforcement partners to collect via JEA logs that may not already be collected. In 2014, ME, MA, RI, and NJ reported that they used 1,552 at-sea personnel hours, 745 at-sea vessel hours, and 34.5 air personnel hours. They had 723 contacts and 694 of these contacts were in compliance. There were 28 total violations and all violations were written/prosecuted under state regulations.
 - One Team member asked for clarification of the statement “violations written under state regulations,” specifically inquiring about the timeframe of the

violations, why the violations were under state regulations, and whether violations occurred during closed area time frame.

- K. Swails explained that the violations occurred under state regulations as the process to prosecute these violations, although mirroring federal guidelines, is faster than under federal process. Also since these were 2014 violations they were not in reference to the new vertical line regulations and closed area/timeframe that had not yet been implemented.
- One Team member requested that OLE on the protocols used by enforcement when conducting an at-sea or dock-based boarding (what constitutes a ‘contact’?) for use in future enforcement updates.
- One Team member wanted to ensure that fishermen reporting and assisting NMFS and its disentanglement partners with disentanglement efforts were not penalized during these efforts. Further, the Team member also asked whether the ‘contacts’ made by enforcement did not include contacts made with industry during disentanglement efforts.
- Joe Heckwolf, Office of Law Enforcement, General Counsel, gave an overview of the process for prosecuting a violation. After a violation is discovered, OLE creates a case package and decides prosecution and penalties. There was recently an update to the Summary Settlement Schedule including new additions for first time offenders where violations can be issued in the field (i.e., issuance of a fine for gear violations).
 - See <http://www.gc.noaa.gov/enforce-office3.html>

Monitoring Update/ Next Phases of Co-occurrence Model (Swails/IEc/Corkeron)

- K. Swails outlined NMFS plan for improvements to the co-occurrence model as we move into monitoring phase of plan. NMFS wants to shift the discussion away from ‘identifying shortcomings of the model’ to ‘improvements to the model’ to enhance what we need to know/do to manage the Plan most effectively.
 - Phase I: Improve fishing effort data availability to support the further development and implementation of the Plan. NMFS is looking to cut down on the variability of the effort data and get a comprehensive and consistent set of effort data. IEc will be taking the lead to develop means to undertake this phase. NMFS would like to create a small work group to work on this Phase in late winter (Feb or March). K. Swails reminded the Team that this work group approach has worked well in the past for discussions surrounding the model and anything the working group discusses would be provided to the whole Team for review and further discussion.
 - Some Team members did not support the Phase I approach. They felt it is more imperative to focus efforts to devise means to determine the origin of the gear on the entangled whale; not burdening fishermen with additional requests for more data on where or how they fish.
 - K. Swails reminded the team that this is the goal of the new gear marking requirements. However, the new regulations for gear marking were only recently put into place, so there needs to be a time to assess how the new gear marking requirement are helping with identifying the nature of entanglement. NMFS does not feel that gaining information on where/how

entanglements are occurring is any less important than updating the model. Further, via Phase I efforts, the team can get a better sense of fishing effort and compliance with new regulations.

- One Team member voiced concern with the existing co-occurrence model, specifically noting that whales are using waters differently today and we therefore need to address current patterns of whale migrations or within season movements, not simply reflect past movement patterns. Since the model currently uses historical data, and therefore, does not address current migratory and habitat use patterns, this Team member felt that the data used in the model is obsolete and may no longer be valid. As a result this Team member felt the Team needs to focus on ecosystem and new whale information rather than focusing efforts on collecting more data on fishermen in order to better understand fishing behavior.
 - K.Swails reminded the Team that Phase II (see below) will look at how to improve whale distribution data and these phases can be worked on simultaneously.
- Phase II: Improve whale distribution data to include opportunistic and passive acoustic data. The Center recently held a workshop to explore ways to combine passive acoustic data with survey data. IEC hopes to use information and insights from the workshop to see how the team can use passive acoustic monitoring along with survey data to provide a better picture of whale distribution. IEC will also explore other methods for updating whale distribution data (kriging, etc).
- Phase III: Explore updating the model for easier usability and use the model to answer other management questions or identify risk indicators.
- Bob Black, Industrial Economics, Inc., presented a brief introduction to the types of topics the work group will discuss during the winter meeting. The objective of the work group is to have focused discussions on how to improve fishing effort data to address both state and Federal fisheries consistently. The work group would consider a reporting requirement and what would be necessary to design and implement a reporting requirement. The work group would draw on Team expertise and existing reporting methods (ACCSP) to craft a workable approach.
 - One Team member requested support from the Team for convening a modeling workshop next year to take a closer look at the model and identify things that need to be changed.
 - K.Swails appreciated the request, but re-iterated at this time this is not the priority “next steps” for the model. She reminded the Team the focus of the next phase of the model is not to rebuild the model. Rather, the Team should be focusing on how to integrate better fishing effort and whale distribution data into the model.
 - One Team member stated that NMFS should work with ACCSP on this and that ACCSP should be a part of any working group created under Phase I. K. Swails reported that NMFS has consulted with ACCSP in the past about developing a better fishing effort data collection process. However, at that

time ACCSP did not have the resources to support our request. NMFS will discuss again with ACCSP as we investigate Phase I.

- P.Corkeron presented an overview of the recent workshop the Center held-- Integrating Visual and Passive Acoustic Datasets. The objective of the workshop was to come up with a framework to allow integration and use of visual and passive acoustic data streams. The aim was to have new modeling eyes look at the integration problem.
 - As the Center develops these ideas they will keep the Regional Office and the Team informed.

Other Actions Affecting Large Whales (Swails/Powell)

- Aquaculture—K. Swails provided an overview of a recent workshop held in Gloucester to identify knowledge gaps related to protected species interactions with aquaculture longlines. Research needs were identified during this workshop. A workshop report is being drafted. K.Swails will share with the Team when it becomes available.
- Jonah Crab Fishery Management Plan—K.Swails informed the Team that the Atlantic States Marine Fisheries Commission approved a FMP for Jonah Crab in August. Participation in the directed fishery is limited to vessels and permit holders that already hold a lobster permit thereby preventing an increase of vertical attributable to the Jonah crab fishery. All traps must continue most conform to specifications of the lobster management plan which include the large whale regulations.
- Black Sea Bass Regulatory Amendment 16—J. Powell presented an update on the South Atlantic Fishery Management Council's Regulatory Amendment 16. The purpose of the action is to re-evaluate the annual November 1-April 30 prohibition on the use of black sea bass pot gear and enhance buoy line/weak link gear requirements and buoy line marking for black sea bass pots. The Council selected preferred alternatives to modify the closure and add additional gear marking to black sea bass pot gear. The comment period on the Draft Environmental Impact Statement ends on December 7, 2015. The Council meeting is December 7-11. The Council will review public comments and finalize the actions during this meeting.
 - One Team member expressed concerns relating to comment period and the short amount of time between the comment period closing and the Council taking final action at its December meeting. This Team member is concerned that not all comments will be reviewed thoroughly or reviewed at all. J. Powell said she would follow up with the Council and relay concerns.
- Rulemakings—K. Swails provided updates on two NMFS rulemakings. Right Whale Critical Habitat- comment period closed April 2015 and a final rule is expected mid-February 2016. Comment period for humpback whale proposed delisting closed July 2015 and a final rule is expected mid-April 2016.

IV. Other Comments/Feedback

- One Team member asked about the potential to develop criteria for small boat exemptions from the trawling up requirements due to safety reasons.
 - K. Swails reminded the Team that NMFS asked for criteria for small boat exemptions during the proposed rule stage and received no feedback on potential criteria from the public or the Team. K. Swails suggested that those interested in developing criteria work together to follow the exemption process outlined by the Team in September 2010 (<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/index.html>) and present these criteria to the Team at a later date.
- A member of the public suggested that NMFS develop a management model in addition to the updating the co-occurrence model to better inform management decisions and measure the effectiveness of the regulations.
 - K. Swails thanked her for her comments and stated that NMFS would look into this.

V. Next Steps

- NMFS will convene annual check-ins with Team.
- K. Swails requested that Team members provide suggestions on things they would like to discuss during yearly check-ins, and topics and/or policies NMFS should consider moving forward.
- K. Swails will follow-up with OLE on the protocols used by enforcement when conducting an at-sea or dock-based boarding for use in future enforcement updates. She will also confirm that the number of ‘contacts’ did not include contacts made with industry during disentanglement efforts.
- K. Swails will follow-up with Team members that previously volunteered to serve on the Monitoring Work Group during out Jan 2015 Team meeting. The goal is for the work group to meet in late winter (February or March). The findings of the Work Group will then be shared with the full Team prior to the next annual ALWTRT check-in meeting.

Attachment: Additional Webinar Participants

NMFS Greater Atlantic Regional Fisheries Office, Protected Resource Division

- Michael Asaro
- John Higgins
- Shauna Mahajan
- David Morin
- Danielle Palmer
- Allison Rosner
- Glenn Salvador

NMFS Northeast Fisheries Science Center, Protected Species Branch

- Peter Corkeron
- Richard Pace

NMFS Southeast Regional Office, Protected Resources Division

- David Hilton
- Jessica Powell

NMFS Office of Protected Resources, Headquarters

- Jamison Smith
- Lisa White

NMFS Office of General Counsel

- John Almedia
- Kevin Collins
- Joesph Heckwolf (Office of Law Enforcement)

Industrial Economics, Inc.

- Robert Black
- Neal Etre
- Brian Morrison
- Daniel Shark

Public

- Lori Caron, Southshore Lobstermen's Association
- Rob Martin, Southshore Lobstermen's Association
- Paula Moreno, University of Southern Mississippi, Independent Advisory Team for Marine Mammal Assessments
- Katie Moore, United States Coast Guard