

# Atlantic Large Whale Take Reduction Team Monitoring Webinar

November 30, 2017

## I. **Overview**

The Atlantic Large Whale Take Reduction Team (Team) held a webinar on Thursday, November 30, 2017. Objectives of the webinar included:

- a. Remind the Team of targets for meeting the goals of TRP
- b. Review abundance, serious injury/mortality, and entanglement numbers from recent years
- c. Provide update on Canadian right whale events of Summer 2017
- d. Discuss state of the Plan and potential future plans

## II. **Participants**

### **TRT Members (Alternates)**

Arthur Sawyer – Gillnet fishery (Northeast)  
Barb Zoodsma – NOAA Fisheries Southeast Regional Office  
Beth Casoni – Massachusetts Lobsterman Association  
Bob Glenn (Erin Burke) – Massachusetts Division of Marine Fisheries  
Bob Kenney – University of Rhode Island  
Brian Sharp (CT Harry) – International Fund for Animal Welfare  
Caroline Good – Duke University  
Cheri Patterson (Renee Zobel) – New Hampshire Fish and Game Department  
Cindy Driscoll (Amanda Weschler) – Maryland Department of Natural Resources  
Clay George – Georgia Department of Natural Resources  
Colleen Gianni – Connecticut Department of Environmental Protection  
David Border (Heidi Henninger) – Atlantic Offshore Lobstermen’s Association  
Dennis Heinemann – Marine Mammal Commission  
Erin Summers – Maine Department of Marine Fisheries  
Jane Davenport – Defenders of Wildlife  
Jooke Robbins (Scott Landry) – Center for Coastal Studies  
Kiley Dancy – Mid-Atlantic Fishery Management Council  
Kristen Monsell (Sarah Uhlemann) – Center for Biological Diversity  
Kristy Long – NOAA Fisheries Office of Protected Resources  
Mark Swingle (Sarah Mallette) – Virginia Aquarium and Marine Science Center  
Mason Weinrich  
Megan Ware – Atlantic States Marine Fisheries Commission  
Meghan Rickard – New York Department of Environmental Conservation  
Mike Greco – Delaware Division of Fish and Wildlife  
Nick Record – Bigelow Laboratory for Ocean Sciences  
Patrice McCarron – Maine Lobstermen’s Association

Peter Brodeur – Lobster fishery (Northeast)  
Red Munden – North Carolina Division of Marine Fisheries  
Regina Asmutis-Silvia – Whale and Dolphin Conservation Society  
Scott Kraus (Amy Knowlton) – New England Aquarium  
Scott Olszewski – Rhode Island Division of Fish and Wildlife  
Sharon Young – Humane Society of the United States  
Stormy Mayo – Center for Coastal Studies  
Tom Pitchford – Florida Fish and Wildlife Conservation  
William McLellan – University of North Carolina - Wilmington

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

### III. **Topics Presented/Discussed**

All presentations and detailed law enforcement report are on the Team's meeting [webpage](#).

#### a. Introduction and plans for 2018

John Bullard provided introductory remarks to the team. He emphasized the work the Team has accomplished over the past 2 decades but pointed to recent information as he outlined the agency's plans for the future of the Team. Bullard reminded the Team we now know that, despite our best and continued efforts and the sacrifices made by the fishermen who are affected by the Plan's regulations, it appears that this may not be enough. Since April, 17 North Atlantic right whales have been observed dead in both Canadian and US waters, a nearly 4% loss of the population. In addition, a study published in September by our NEFSC colleagues revealed that the right whale population has been declining since 2010, down to an estimated 451 whales in 2016.

He announced the formation of two new Team Subgroups that will follow up on possible solutions that were first proposed by Team members and other scientists. The two new subgroups will begin working in January 2018 focusing on specific topics. They are:

1. **Subgroup 1** will investigate the feasibility of using whale release rope (rope with a 1,700 lb breaking strength) and alternative approaches to gear marking.
2. **Subgroup 2** will investigate the feasibility of ropeless fishing.

These subgroups are focused on feasibility. That is, the Agency is not endorsing these potential tools upfront. However, these options need to be investigated so that the Team at-large can make an informed decision on the feasibility of these techniques. Team members interested in joining the subgroups should email Mike Asaro at Michael.Asaro@NOAA.gov.

## b. Monitoring the Plan

Mike Asaro provided an update on the agency's right whale recovery actions. He reminded the Team of the agency's commitment to monitoring changing indicators quickly and relaying timely updates to the Team. The agency is pulling together an expert panel in January 2018 to assess the effectiveness of the regulations. The agency will also be soliciting interested individuals to participate on a new recovery implementation team focusing on how best to prioritize and execute recovery actions under the Endangered Species Act.

Asaro also told the Team that the agency is re-initiated consultation for many fisheries affected by the Plan. Under Section 7 of the Endangered Species Act, the agency completed formal consultation and issued Biological Opinions in 2013 and 2014. Since that time the status of the species have changed so the consultation process will begin again.

The agency continues to work with Canada on right whale issues through the bilateral right whale working group. The group met in September and early December. The goal is to identify where both nations can prioritize and fund joint research and management efforts.

Asaro discussed the findings and recommendations of the recently released right [whale 5-year review](#). The recommendations currently underway include:

1. Convening a bilateral work group with Canada to focus on addressing science and management gaps
2. Reinitiate our fisheries Biological Opinions under the Endangered Species Act
3. Designating a dedicated Right Whale Recovery Coordinator in the Greater Atlantic Region
4. Developing a new North Atlantic Right Whale Recovery Implementation Team

## Discussion

Team members pointed out that the focus of the presentations were all on right whales and questioned the agency's efforts on humpback whale recovery. The updates specifically focused on right whales due to the recent mortality events and the release of the 5-year review. The work of the subgroups will not be right whale focused and the Plan continues to manage humpback and fin whales too. Team members also asked about the expert group that will evaluate the current rules. They asked if during the evaluation of sub-lethal effects would be considered and would there be an evaluation of gear marking. The expert panel will look at sub lethal effects and the agency plans on having a gear marking subgroup to look at continuing to follow the current path of gear marking or look for other solutions.

## c. US Species Status Updates

Peter Corkeron reviewed the latest numbers from the 2017 Draft Marine Mammal Stock Assessment Reports. The final SAR is close to publishing.

Right whales - Corkeron reminded the Team that the new model (previously introduced to the Team in April) allows abundance estimates to be calculated more quickly and produces more reliable estimates of abundance than previous methods. The estimate for 2016 is 451

animals. There are three males for every two females now and mortality of females is 150% of that of males. The abundance decline began in 2010 with abundance levels dropping from 483 to 458 in 2015 and the decline continues in 2016 with an estimated 451 animals.

Humpbacks—Humpback population levels are biased low due to older data availability. The agency plans to update the abundance estimate as soon as possible.

Allison Henry presented injuries and mortalities resulting from entanglements for right and humpback whales for 2015-2017. The 2016-2017 data is preliminary data and may change.

Mike Asaro presented an update on the right whale mortalities in US waters for 2017. As of November 30, 2017 five carcasses were found in US waters. Cause of death was determined for one case (blunt force trauma from a vessel strike) and others were unknown or pending histological results.

David Morin presented a summary of 2016/2017 entanglement cases and gear marking analysis. This is an ongoing analysis. Humpback whale entanglements continue to increase in New Jersey, Delaware, and New York. The majority of the gear recovered continues to be unknown. Morin reminded the Team that the gear warehouse is always open to Team members upon request. He continues to address requests from the prioritization workgroup resulting from the April Team meeting.

#### Discussion

The Team requested that NMFS separate out the entanglement data by species and that recovered gear be matched up with serious injury/mortality determinations as possible. The Team discussed PBR and questioned whether PBR (with regard to right whales) should only be applied to the females. The Team questioned the right whale PBR value of 1.4, which according to their calculations would mean the population was 700. The Team also inquired about planned survey efforts south of Cape Cod.

#### d. Canada Species Status Updates

Cathy Merriman provided an update on the Gulf of St. Lawrence right whale cases this summer. The vessel traffic speed restriction zone continues to remain in effect. Vessels of 20 meters or more must reduce speeds to less than 10 knots. There is a high level of compliance with this mandatory restriction. Aerial monitoring is ongoing and as of November 24<sup>th</sup> there are still some right whales present in the area. DFO continues to have meetings with the fishing and shipping industry, (including ferry operators). Discussions are underway with fixed gear fishery associations in the Gulf of St Lawrence, Scotian Shelf and Bay of Fundy. Members of the Gulf of St Lawrence industry are moving quickly by forming a working group to discuss a variety of measures including gear marking, reducing the number of traps, changing the timing of the fishing season. DFO is developing a plan to monitor and communicate the presence of right whale arrival in real-time. Merriman also mentioned there are new funding opportunities through the Atlantic Fisheries Fund.

## Discussion

There was a discussion about the Canadian snow crab fishery. Most snow crab vessels are less than 20 meters though those larger vessels are required to abide by the mandatory speed restriction. The fishery also includes indigenous people and they too have to comply with all restrictions.

### e. Enforcement Updates

OLE-GC reported out on one whale related case involving a recreational fishing vessel strike. USCG had three cases involving violations of gillnet vessels in the Northeast and mid-Atlantic. These cases included failure to have an anchor, buoy lines that weren't marked, and failure to use weak links. OLE provided an updated on Joint Enforcement Actions. There were 80 total enforcement actions for violations since the last webinar. There were 418 contacts with an 87.4% compliance rate. A contact is defined as when OLE interacts with a fisherman or his/her gear and they are seeking violations. A list of violations is below:

Type of violation:

6 Referrals to NOAA

3 written warnings for no weak links

6 written warning exceed trap limits

1 CIV referral

2 over fishing 1-500 traps and 1 -100 traps

1 seized 32 traps—no valid tags

1 summons and 4 warnings for summons for 20 untagged traps-seized-warnings for red tracer, obstructed escape vent, no biodegradable escape panels, incorrect buoy color

33 letters sent for unidentifiable gear to owners and the traps were removed from the water

1 warning floating ground line

1 summons floating ground line

5 citations (no data from state to exact violation with ALWTRP)

5 written warnings (no data from state to exact violation with ALWTRP)

1 written warning for no name on trap

3 traps seized

11 violations came with no description

A full description of law enforcement actions are listed in a separate report on the meeting website.

### f. Research Updates

Erin Summers updated the team on ongoing load cell testing in Maine. At the April Team meeting it was suggested that Maine conduct a load cell testing similar to that completed in Massachusetts to gather baseline data on the strength of rope currently used by the industry. The study focuses on testing the load from the first trap's vertical line. The study will also test the difference between the functional breaking strength and manufacturer's

breaking strength. The study is in the preliminary stages but Summers will provide numbers and final results at a later date.

#### IV. **Public Comment and Next Steps**

##### a. Public Comment

A member of a public suggested that NMFS create a list on the webpage with research questions so that others outside the Team can tackle these questions and look for solutions, seek funding, and draft proposals.

##### b. Next Steps

- i. NMFS will send out an email to the Team soliciting interest in participating in one or both subgroups.
  1. **Subgroup 1** will investigate the feasibility of using whale release rope (rope with a 1,700 lb. breaking strength) and alternative approaches to gear marking.
  2. **Subgroup 2** will investigate the feasibility of ropeless fishing.
- ii. Subgroups will meet multiple times beginning in January and come back to the Team with answers to feasibility questions and perhaps new tools for toolbox.
- iii. NMFS will begin planning for an in-person Team meeting in late 2018.
- iv. NMFS will update the Team on the expert panel's progress on evaluating the effectiveness of the regulations. The panel is expected to meet in January 2018.
- v. NMFS will continue to update the Team on new strandings and necropsy findings.
- vi. NMFS will also send out reports/findings from DFO as they become available.
- vii. The tentative date for the next information session is February 7, 2018. The topic will be gear analysis and an update on E. Summers load cell testing results.

## Additional Participants

### I. **NOAA Greater Atlantic Regional Office**

Colleen Coogan  
Daniel Marrone  
Danielle Palmer  
David Morin  
Ellen Keane  
Glenn Salvador  
John Bullard  
Julie Crocker  
Kate Swails  
Kim Damon-Randall  
Mark Minton

Mark Murrery-Brown  
Michael Asaro  
Peter Kelliher

**II. NOAA Northeast Fisheries Science Center**

Allison Henry  
Christin Khan  
Johanna Pederson  
Peter Corkeron  
Richard Pace  
Sean Hayes  
Stephanie Petrus

**III. NOAA Office of General Counsel**

John Almeida

**IV. NOAA Office of Law Enforcement**

Al Samuels  
Don Frei  
Eric Provencher  
Mark Capone  
Wynn Carney

**V. NOAA Southeast Regional Office**

David Hilton  
Laura Engleby

**VI. Other NOAA Offices**

Delisse Ortiz (Highly Migratory Species, Headquarters)  
Jim Caretta (Protected Resources, Southwest Fisheries Science Center)  
Lauren Latchford (Highly Migratory Species, Headquarters)  
Mridula Srinivasan (Office of Science and Technology, Headquarters)  
Nina Young (International Affairs, Headquarters)

**VII. Canada DFO**

Cathy Merriman  
Darrin Sooley  
Diane Amirault-Langlais  
Fabiola Akaishi  
Isabelle Elliott  
Jackie Kean  
Melissa Landry

**VIII. Public**

Alexander Costidis (VA Aquarium)  
Ali Surdoval (Industrial Economics, Inc)  
Andy Read (Duke University)  
Bill Trotter (Bangor Daily News)

Bob Black (Industrial Economics, Inc)  
Brian Morrison (Industrial Economics, Inc)  
Dan McKiernan (MA Department of Marine Fisheries)  
David Laist (ex-TRT member)  
Dee Allen (Marine Mammal Commission)  
Dianna Schulte (Blue Ocean Society)  
Erica Fuller (Earthjustice)  
Jennifer Felt (Conservation Law Foundation)  
Katharine Deuel (Pew Charitable Trusts)  
Katie Almeida (Cape Cod Times)  
Katie Moore (US Coast Guard)  
Liese Siemann (Coonamesett Farm Foundation)  
Lori Caron (South Shore Lobster Fishermen's Association)  
Marilyn Marx (New England Aquarium)  
Mark Baumgartner (Woods Hole Oceanographic Institution)  
Mark Brown (industry)  
Mary Endre (teacher)  
Megan Herzog (Conservation Law Foundation)  
Meredith Cowart (Concur, Inc)  
Moirra Brown (New England Aquarium)  
Neal Etre (Industrial Economics, Inc)  
Paula Moreno (University of Southern Mississippi)  
Priscilla Brooks (Conservation Law Foundation)  
Purcie Bennett-Nickerson (Pew Charitable Trusts)  
Richard Malloy (New England Aquarium)  
Sabrina Deveraux (Conservation Law Foundation)  
Tim Werner (New England Aquarium)  
Toni Kerns (Atlantic States Marine Fisheries Commission)  
Tonya Wimmer (Marine Animal Response Society)  
Zack Klyver (Bar Harbor Whale Watch)