

**ATLANTIC LARGE WHALE TAKE REDUCTION TEAM  
MID-ATLANTIC/SOUTHEAST SUBGROUP MEETING**

**April 5 – April 8, 2011  
Baltimore, Maryland**

**KEY OUTCOMES MEMORANDUM**

**I. Overview**

The National Marine Fisheries Service (NMFS) conducted a meeting of the Atlantic Large Whale Take Reduction Team Mid-Atlantic/Southeast Subgroup (Subgroup) meeting April 5-8, 2011, in Baltimore, Maryland. (See **Attachment 1** for a copy of the agenda.) The meeting focused on the following primary objectives:

- Provide updates on overall Atlantic Large Whale Take Reduction Plan implementation and activities
- Review the co-occurrence model and consider its implications for an overarching management strategy to address vertical line entanglements
- Provide status report on an ALWTRP monitoring plan and other related activities
- Articulate intended next steps in the development of revisions to the TRP, including scoping and refinements to the co-occurrence model.

This Key Outcomes memoranda, summarizes the primary results of the Subgroup meeting. The report is presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes and Next Steps. The Key Outcomes section is further segmented into the following:

- **Welcome and Introduction.** This section provides a brief overview of meeting, purpose, agenda overview and ground rules.
- **Background Briefings and Presentations.** This section summarizes the upfront briefings presented at the meeting outset.
- **Overarching Themes.** This section summarizes the results of the Subgroup's brainstorming on ideas related to vertical lines. This topic was the primary focus of the Subgroup's deliberations. It is divided into three topics:
  - Overview
  - Key Themes
  - Regional Summaries
- **Monitoring.** This section provides a synthesis of the main ideas discussed related to monitoring (both compliance and effectiveness).
- **Other.** This section summarizes other topics discussed during the meetings.

**II. Participants**

The meeting was attended by 30 of the 35 Mid-Atlantic/Southeast Subgroup members. Attendees included the following: Beth Allgood, Regina Asmutis-Silvia, Mike Baker, Julia Byrd,

Tom Burgess, Ed Chiofalo, Greg DiDomenico, Cindy Driscoll, Clay George, Michael Greco, Peter Himchak, Rachel Sysak (for Steve Heins), Raymond King, Amy Knowlton (for Scott Kraus), David Laist, Kristy Long, Rick Marks, Bill McLellan, Red Munden, Alicia Nelson, Melissa Paine, Tom Pitchford, Billy Reid, Jooke Robbins, Kate Swails, Mark Swingle, Cynthia Taylor, Sierra Weaver (for Janis Searles-Jones), Sharon Young and Barb Zoodsma.

Mary Colligan, David Gouveia, and K. Swails, all with NMFS Northeast Region (Protected Resources Division), convened the meeting. As well, B. Zoodsma and Jessica Powell from NMFS Southeast Region led meeting discussions focused on Southeast-related issues. Scott McCreary and Bennett Brooks from CONCUR, an environmental dispute resolution firm specializing in marine resource and water issues, served as neutral facilitators. Staff from NMFS headquarters, regional offices, science centers and the U.S. Coast Guard attended to support the deliberations.

### **III. Meeting Materials**

A number of meeting materials were provided to support the group's deliberations. Much of the material was sent out prior to the meeting, but some documents and much of the presentation material was distributed as handouts or provided after the meeting. (A detailed listing of materials is included as **Attachment 2**). Copies of meeting materials can be found by contacting K. Swails by phone at (978-282-8481) or via email at [Kate.Swails@noaa.gov](mailto:Kate.Swails@noaa.gov). Meeting materials are also on the web at: <http://www.nero.noaa.gov/whaletrp/trt/meetings/masesubgroup.html>

[Please Note: Meeting materials posted on the NOAA Fisheries web site are the materials presented and discussed at the meeting. The materials do **not** reflect outcomes of discussions that occurred during the meeting. The discussion and outcomes of the meeting are reflected in this Key Outcomes Memorandum. Any new or revised information will be posted separately.]

### **IV. Key Outcomes**

Below is a summary of the main topics and issues discussed during the meeting. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and areas of full or emerging consensus.

#### **A. Welcome and Introductions**

The meetings kicked off with a brief review of the meeting purpose and self-introductions. These were followed by review and confirmation of both the agenda and proposed ground rules. (The ground rules are included as **Attachment 3**.) Both the agenda and ground rules were accepted without any revisions or comment.

#### **B. Background Briefings and Presentations**

The meetings included focused updates by NMFS on a number of topics. Updates were kept deliberately brief so the Subgroup could focus the bulk of its conversations on the vertical line strategy. The presentations, all summarized on the website listed above, covered the following

topics:

- **Recent ALWTRP Implementation-Related Updates.** K. Swails, provided updates on the following topics: changes in Subgroup composition (the addition of several new State and Conservation representatives, as well as the departure of several fishermen representatives who have asked to be removed from the full Team); enforcement-related activities; recent State activities, including an update that Team member Red Munden is now heading up North Carolina's newly created Office of Protected Species; and whale and gear research activities and priorities. Additionally, Jamison Smith with NMFS provided a detailed update on specific entanglement events between 2009 and 2011.
- **Follow-up Activities from 2009 Subgroup Meeting.** D. Gouveia provided an update on a number of activities identified at the 2009 ALWTRT meeting. These included the following:
  - **Vertical line rule development and schedule.** D. Gouveia noted that NMFS's proposed vertical line rule development schedule outlined at the 2009 meeting is on track, culminating in a proposed rule in 2013 and a final rule in 2014. He underscored the Agency's intention to launch an aggressive scoping effort this coming summer— working with the states, industry and others – to foster broad input by the fishing community and other interested parties.
  - **State data collection.** D. Gouveia noted that NMFS has been working closely with the states and the Atlantic States Marine Fisheries Commission (ASMFC) to improve data sharing on state fishery management (location of fishing activity and gear configuration) for use in the co-occurrence model. He cited, in particular, the excellent cooperation received from state partners.
  - **Outreach and coordination.** D. Gouveia noted the efforts NMFS has undertaken to improve outreach and coordination, noting recent meetings with ASMFC and others.
  - **Funding opportunities.** D. Gouveia highlighted recent activities to fund vertical line gear modifications, including three grants issued in fiscal year 2009. He also noted that new funding opportunities are available in the coming year, with applications due in late April.

D. Gouveia also provided more detailed information on three issues looked at more closely by NMFS since the 2009 Team meetings: gear marking; Mid-Atlantic SPUE data; and lineless fishing. Below is a quick synopsis of each topic.

- **Gear Marking.** D. Gouveia provided an update on the Agency's efforts to assess existing gear-marking schemes and study the feasibility of different strategies going forward. He noted that there are several options for improving and systematizing gear marking, ranging from larger and more frequent markings (to increase the odds that retrieved gear will include markings), to more sophisticated strategies (smart tape, etc.) that identify gear by location, fishery and even time of

gear deployment. Considerations in comparing in gear-marking strategies include information content, durability, feasibility, cost, functionality and industry support/resistance.

- ***Mid-Atlantic SPUE.*** D. Gouveia provided an update regarding the efforts of a Mid-Atlantic Large Whale Data Work Group convened in the past year to consider analytic and methodological alternatives to the large whale uniform distribution approach proposed to be used in the Mid-Atlantic for NMFS vertical line model. The deliberations highlighted several challenges – data gaps, differences in survey approach – that make it difficult to compare large whale SPUE data across the Mid-Atlantic, Southeast and Northeast. However, M. Colligan noted that since that time, this issue has been discussed by the Northeast Subgroup and Northeast Fisheries Science Center Staff and it has been determined that the Right Whale Consortium dataset can be included in the SPUE data making it possible to compare SPUE on a coast-wide basis. One Subgroup member voiced concern that the Consortium database may not adequately reflect humpback whale presence as it appears to be missing data collected through its research and/or monitoring efforts.
- ***Lineless Fishing.*** D. Gouveia provided an update regarding NMFS’s investigation of the feasibility of allowing experimental lineless fishing in the Great South Channel. He noted NMFS’s interest in the concept, but informed the Subgroup that based on the agency’s consideration of a suite of significant feasibility considerations – most notably, the potential for gear conflicts; lack of sufficient incentives for industry; regulatory barriers; enforcement and monitoring complexities; and possible increased risk to whales in the event of gear failure – NMFS believes its most immediate activities are better focused on developing and moving forward with the vertical line strategy. However, NMFS noted its continued support for lineless fishing research in areas that would not require a regulatory action.

Other topics included updates related to VTR reporting gaps; website updates (related to exemptions); and various concept papers and workshops. Again, more details on each of the topics described is available on the team website noted earlier.

## C. Overarching Themes

### ***Overview Related to Vertical Line Management Strategy***

The bulk of the meeting focused on presentation and discussion of NMFS’s work with the Team to develop a vertical line strategy. The discussion began with a series of briefings intended to make clear the proposed approach and provide Subgroup members with a detailed understanding of the co-occurrence model and its underlying components, data sources and assumptions.

M. Colligan kicked off the discussion by summarizing the Agency’s objectives and proposed timeline for moving forward with a vertical line strategy. Her presentation emphasized the

Agency's interest in eliciting Subgroup guidance on three key options for structuring a management regime: (1) where to manage (should the vertical line strategy be based on areas with the greatest vertical line densities, whale densities, co-occurrence of vertical line and whale densities, or some combination); (2) when to manage (should the vertical line strategy be year-round, seasonal or a combination); and (3) how to manage (what management strategies should be considered – traps-per-trawl limits, seasonal or year-round closures, etc. – to drive vertical line reductions. Her remarks also called out the practical challenges of putting any specific strategy in place, noting the possible impacts of shifts in gear or whale locations, the potential effects of latent effort re-entering the fishery, and the overall data limitations. Finally, M. Colligan provided a brief summation of the issues and approaches discussed at the Northeast Subgroup meeting and in follow-on work group discussions. In her remarks, M. Colligan emphasized that the Mid-Atlantic/Southeast Subgroup is not bound by the elements or details of the Northeast approach and is encouraged to identify a path appropriate to the area's unique characteristics and needs.

Industrial Economics, the consultant team developing the co-occurrence model for NMFS, then provided a detailed overview of its data-gathering and analytic work since the last Subgroup meeting. Their presentation stretched over several hours and highlighted, among other things, the overall approach to model development, as well as a detailed look at data mobilization and the input data driving the co-occurrence model. Specific aspects of their presentation focused on the following: (1) reviewing the model's objectives and development schedule; (2) reviewing methods employed to estimate the number of active vessels and vertical lines in the Mid-Atlantic and Southeast (using 2008 as a baseline); (3) discussing the status and use of state data in the model; (4) reviewing the latest whale sightings per unit effort (SPUE) data (using 1978 - 2009 as a baseline); and (5) explaining the development of the whale-vertical line co-occurrence indicator.

NMFS staff then walked Subgroup members through illustrative management approaches based on its review of the co-occurrence model data. The examples – put forward by M. Colligan for the Mid-Atlantic and by B. Zoodsma for the Southeast – were intended to spark Subgroup discussion and not intended to prejudge future direction.

- **Mid-Atlantic.** Based on its initial review of the SPUE, line and co-occurrence data, NMFS NERO staff identified no areas within the Mid-Atlantic that would rise to the level of "high risk." Given this, they suggested the Subgroup might consider a series of actions targeted at gear-marking and stepped up reporting on effort, location, season and gear configuration.
- **Southeast.** NMFS SERO staff put forward a possible view that options be developed based on the SPUE data presented (noting the uniquely sensitive Right Whale calving grounds), with candidate actions to be considered by the Subgroup to include the following: (1) a paired triggers and consequence concept that would use large whale serious injury or mortality as a triggering event linked to a consequence to be subsequently identified by the Subgroup; (2) offshore caps/limitations on end lines; (3) gear marking and monitoring elements; and (4) refined data collection methods regarding vertical line distribution, especially in Florida state waters.

### ***Key Themes Related to Vertical Line Management Strategy***

The presentations and illustrative examples – all available on the Team website listed above – generated numerous clarifying questions and led to a series of full group and within- and across-caucus deliberations over the remainder of the meeting and the generation of several proposals for Subgroup consideration. Below is a summary of the key themes tied to those discussions. (A synopsis of the primary guidance generated for each region is provided in the next section.)

- **Value and Use of Co-Occurrence Model.** Subgroup members voiced general support for the process of looking at whale density, line density and/or the co-occurrence of the two as a strategy for reducing risk to whales from vertical lines. Subgroup members particularly endorsed the shift towards a region-by-region and away from a one-size-fits-all approach. In the Mid-Atlantic, support for the model was somewhat tempered by concerns regarding the limited whale survey work undertaken in the region and the corresponding limited data set. Some members were also concerned that humpback whale distribution in the Mid-Atlantic changed in the early 2000's and using SPUE that includes pre-2000 data may under-represent the importance of the area to humpback whales. For this reason, some Subgroup members recommended that the Mid-Atlantic risk assessment be additionally informed by past entanglements, strandings and other non-systematic data that provide point data evidence of whale presence. Several Subgroup members emphasized that this data be provided as distinct layers and not integrated into the model or its quantitative outputs. In the Southeast, Subgroup members generally accepted the co-occurrence model as a starting point for assessing risk, but – given the sensitivity of the right whale calving grounds – a number of participants suggested NMFS give more weight to whale presence (and/or critical habitat) in its assessment of vertical line risk.

Subgroup discussions yielded two additional points regarding the value of the co-occurrence model:

- A number of Subgroup members recommended using the November to April timeframe to assess vertical line risk – as opposed to annual averages – as the year-long figures tend to dilute the level of seasonal risk. This recommendation, put forward by a mix of conservationists, researchers and some state representatives, was intended to apply to both the Mid-Atlantic and Southeast.
  - While it is important to reduce the risk of whales encountering vertical lines, at least one Subgroup member stressed the importance of NMFS continuing its efforts to identify strategies for reducing risk of the line itself through emerging gear technologies. This could be a parallel process to the vertical line rule.
- **Revisions Needed to Co-Occurrence Model.** Subgroup members broadly endorsed the work done by Industrial Economics in developing the co-occurrence model, but they also put forward a handful of *near-term* suggested revisions and updates to the model to

ensure it is as comprehensive and accurate as possible. Two suggestions were seen by all participants as particularly critical:

- ***Refine and revise Florida blue crab pot/trap fishery data.*** As noted by NMFS and Industrial Economics at various points in their presentations, it is likely that the number of vertical lines included for the coastal Florida blue crab pot/trap fishery is overestimated as data provided to NMFS was aggregated in a fashion that included riverine effort (west of the exemption line). Subgroup members underscored the critical importance of updating and correcting this data as soon as possible to produce an accurate baseline of fishing effort, since the current model presented to the Subgroup likely paints an inaccurate (and overstated) picture of the extent of co-occurrence in areas outside of the exemption area. This new data and the resulting revised co-occurrence model output is to be shared and confirmed with Subgroup members before it is used to inform further discussions and public scoping sessions.
- ***Review completeness of Mid-Atlantic SPUE data.*** Several Subgroup participants suggested that the SPUE data for the Mid-Atlantic may not be comprehensive, citing in particular their concerns that while Ocean Biogeographic Information System Spatial Ecological Analysis of Megavertebrate Populations (OBIS-SEAMAP) data was identified as an intended input, it may not have been fully incorporated in the underlying Right Whale Consortium Database used to generate the whale distribution. Subgroup members recommended NMFS coordinate with the appropriate survey experts to review and, as needed, update the Mid-Atlantic SPUE data.

Review of the co-occurrence model generated several other near-term recommendations for strengthening the data in the model. These included suggestions that NMFS and Industrial Economics staff confirm the accuracy of the effort levels (1) off the coast of Georgia (appeared too low to some Subgroup members) and (2) north of Cape Canaveral (appeared too high to some Subgroup members). There was also a concern by a few Subgroup members that the 32-year-average used for whale distribution data may mask recent growth in whale populations and, as a result, generate an artificially low co-occurrence index. Finally, at least one Subgroup member recommended that NMFS arrange for the co-occurrence model to be peer-reviewed before it is used as the basis for rulemaking. (NMFS staff noted that Subgroup review of the model is intended to serve as a peer review function.)

The Subgroup's discussion also touched on *longer-term* strategies to strengthen the co-occurrence model. These included expanding ongoing survey efforts in the Mid-Atlantic to generate more reliable whale data, as well as updating the model with 2009 and 2010 vertical line/effort data as soon as possible.

- **Gear-marking crucial.** Subgroup members across all interests strongly agreed with NMFS efforts to develop an improved gear-marking strategy as part of the vertical line amendment to the Take Reduction Plan. Subgroup members agreed with NMFS'

position that it is essential that measures be put in place to facilitate accurate and timely gear identification. At a minimum, participants said the gear-marking should capture both the geographic region of the fishery and the gear type (i.e., trap/pot or gillnet). Additionally, the gear markings should be frequent enough to facilitate identification even if only a small amount of gear is retrieved from an entangled animal. (Participants did not recommend specific suggestions for frequency of markings. Rather, they suggested NMFS's approach be informed by data from disentanglement teams, as well as a selection of marking intervals tied to typical line lengths for each fishery.) Industry representatives strongly urged that any gear-marking scheme not place fishermen who are complying with regulations in jeopardy. Finally, all Subgroup members pressed NMFS to expedite the various reviews associated with entangled whales, with the conversation focusing on three distinct aspects:

- Gear identification (e.g., trap/pot, gillnet, hook and line);
  - Fishery identification (i.e., target species and location)
  - Serious injury determinations
- **Potential and Challenges of Triggers and Consequences.** The Subgroup spent substantial time discussing possible triggers and consequences as part of a vertical line reduction strategy. (The bulk of the discussion was focused on the Southeast, but there was also some support voiced by conservationists for considering this approach in the Mid-Atlantic.) Most broadly, the Subgroup endorsed the concept as a potentially effective strategy for managing risk in areas where entanglements are currently seen as unlikely but possible. The Subgroup also felt it was critical that any triggers/consequences approach be clearly articulated and agreed to in advance of a potential entanglement event.

Although the Subgroup initially discussed two possible scenarios concerning the notion of a trigger – a trigger for new emerging fisheries and a trigger for known fisheries that resulted in a serious injury or mortality of a right whale – the Subgroup primarily discussed the latter. As part of their deliberations concerning a trigger for known fisheries that resulted in a serious injury or mortality of a right whale, there were important divergent views regarding two particular details: the nature of the triggering event (right whale serious injury/mortality versus just right whale mortality) and the nature of the consequence (convening the Subgroup to determine appropriate consequences versus selecting from a pre-determined set of consequences.) Those endorsing the concept of a pre-determined set of consequences underscored the importance of being able to implement management actions quickly. (A predetermined set of consequences would go through rulemaking in advance of an entanglement event, such that when an entanglement occurred, one of those consequences could be implemented immediately.) Those endorsing the certainty in a Subgroup meeting, but not a pre-determined set of consequences, felt it was important to leave the team flexibility to tailor its recommendation based on a review of a particular incident.

Subgroup discussion on this topic yielded several other comments, including the following:

- Encourage consideration of the use of triggers and consequences across the range of the Atlantic Large Whale TRP, but target consequences only in those areas warranted by the nature of the interaction and best available knowledge of whale distribution.
  - Look at other TRTs to better understand the approach and possibilities associated with triggers and consequences in Take Reduction Plans.
  - Fisheries representatives said their support for triggers and consequences are contingent on two additional factors: (1) a Subgroup meeting convened to assess a right-whale mortality should bring together the Mid-Atlantic/Southeast Subgroup only and be led by the NMFS NERO staff; and (2) the review, and as necessary, reconsideration of Atlantic Science Review Group (SRG) membership to ensure consistency with the Data Quality Act or a shifting of the review of serious injury determinations<sup>1</sup> to a different independent entity.
  - All participants felt it was important to elicit further comments on this issue during the scoping sessions scheduled for this summer.
- **Possible Management Actions Considered.** Deliberations over the four-day meeting yielded a laundry list of possible management actions for NMFS and the Team to consider as strategies for reducing vertical line risk. Subgroup discussions focused primarily on the trigger/consequence strategy described above, but other management strategies were mentioned for possible consideration. These included: offshore caps; seasonal closures (in the event of a SI&M); across-the-board percentage vertical line reductions; instituting Seasonal Area Management (SAM)/Dynamic Area Management (DAM); closures coupled with exceptions for lineless fishing; gear modifications; and targeted closures in federal waters only (following a triggering event). None of the options were discussed or defined in significant detail, nor did the conversation proceed to the point where the support for various options was tested among the TRT members. As well, several participants recommended NMFS limit discussion of possible management actions at upcoming scoping session to trigger/consequence options only.
  - **Relative Risk in Mid-Atlantic and Southeast Is Low Compared to Northeast.** Subgroup members noted the low risk in the Southeast and Mid-Atlantic relative to the co-occurrence index in the Northeast. Accordingly, they encouraged both NMFS and the Northeast interests to continue aggressive efforts to reduce vertical line risk in the region. Several Subgroup members also recommended that the Northeast Subgroup revisit its overall identification of “high risk” areas in the context of the coast-wide risk assessment, suggesting that the relatively low risk levels in the Mid-Atlantic and Southeast may provide an important reframing and increase interest in management actions over a broader area in the Northeast than has been considered to-date.

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<sup>1</sup> At the meeting, NMFS staff clarified that it is the respective Science Centers – and not the SRG – that makes serious injury determinations. The SRG’s role is limited to reviewing the Science Center findings.

- **Scoping Sessions Key.** Subgroup members strongly endorsed NMFS’s plan for an aggressive set of scoping sessions this summer related to vertical line risk reduction. In discussing the scoping sessions, Subgroup members supported and amplified the following suggestions put forward by NMFS: (1) work closely with industry, state partners and others to generate wide interest in the sessions; (2) schedule the sessions for locations and times most conducive to industry participation; (3) provide ample advance notification; (4) provide basic information on whale stock status to provide context; and, (5) present a wide range of options rather than keying in on preferred approaches. Subgroup members also supported NMFS’s idea to provide an advanced copy of the scoping document – and vet any new data incorporated into the co-occurrence model – with the Subgroup prior to the scoping session. NMFS anticipates convening a call with the Subgroup to vet any new data incorporated into the co-occurrence model in May and plans to provide an advanced copy of the scoping document in June.
- **State Data Needs.** Subgroup members strongly called on NMFS to continue its work with its state partners to strengthen the quality and consistency of the effort and vertical data incorporated into the co-occurrence model, particularly with the Florida state blue crab data. One Subgroup member also called on NMFS to aggregate this data into a state-by-state summary of how fishery effort data is collected, along with recommendations to standardize and improve consistency.

A number of other themes and issues were raised during the discussion. These are summarized briefly below.

- Subgroup members offered varied perspectives on the merit of identifying high-risk areas by past entanglements and strandings. Some felt it was essential to amplify the co-occurrence model with data from entanglement events that conclusively indicate where the entanglement occurred, suggesting that – as one person put it – “past entanglements are the ultimate evidence of co-occurrence.” Others suggested such a strategy put too much emphasis on singular events and ignored recent management actions (for example, weak link requirements) that may have already begun to address the causes of many past entanglements. Similarly, the Subgroup also suggested that the large whale stranding data (locations where dead, floating whales, or washed up whales) be used as an additional data layer. However, some Subgroup members felt that the stranding information may not be relevant given that it is only just a record of where the animal was found dead and may not necessarily be associated with its actual occupancy. For example, since the tide and currents may have moved the carcass to a given area where it was later found, the location of the carcass in the stranding database may not reflect the area the whale was actually utilizing. Consequently, the stranding database would have to be used in conjunction with models to estimate where the whale’s mortality occurred.
- Quantifying latent effort and anticipating the effects of emerging fisheries were mentioned as important considerations by a number of Subgroup participants. Several members voiced concern that some type of measure – either vertical line caps, endorsements or registration – is needed to prevent vertical line risk from increasing due to unexpected jumps or shifts in fisheries effort. (The proposed split season for the black

sea bass fishery was cited as an example by some.) This concern is significant, several speakers said, due to the extensive time it takes to put new regulations in place. Others on the Subgroup suggested such worries are unfounded at a time of contracting fisheries, unfavorable economics (including both higher fuel costs and pressure on market prices) and non-TRP regulatory actions likely to serve as a significant brake on any expansion of fisheries.

- At least one team member expressed concern that the discussion of risk from gillnets focused entirely on their vertical line risk and did not address the fact that whales continue to be entangled in the nets themselves, as the earlier presentation by J. Smith had illustrated. NMFS was encouraged to continue to seek a way to reduce these entanglements.

Other comments centered on: (1) crafting an approach that allows for rules to evolve as new and better data related to vertical line risk becomes available; and, (2) considering risk to neonate right whales associated with increasing the number of traps per trawl.

### ***Regional Summaries***

Based on the deliberations, the Subgroup generated a series of preliminary recommendations – by region – for moving forward with a vertical line strategy. Many of the ideas garnered consensus; some require further discussion and clarification. The summary below – discussed with the Subgroup – is intended to capture the take-away message from the discussions. Some aspects are repeated in both the Mid-Atlantic and Southeast as they were considered relevant for both regions.

#### ***Mid-Atlantic:***

- The co-occurrence model seems most appropriate for assessing vertical line risk management needs in the Mid-Atlantic. However, additional overlays (entanglements, strandings, acoustics data, etc.) are recommended as “add-ons” given the gaps in survey data. These additional sources of data should be well-sourced, effort-corrected (as needed), and provided as additional layers (as opposed to being directly integrated into the model.) The Subgroup did not express interest in weighting any of the data (for example, whale SPUE) in the co-occurrence model.
- A handful of refinements are needed to improve the co-occurrence model. Most immediately, NMFS is to confirm and revise, as needed, the SPUE data to ensure it fully and appropriately incorporates OBIS and other relevant data. In the longer term, the Subgroup recommended NMFS (1) work with its state partners to improve the consistency and quality of each state’s fisheries effort data and (2) target more survey work in the Mid-Atlantic to improve the SPUE data.
- The Subgroup strongly supported moving forward with a more aggressive gear-marking scheme – both in the Mid-Atlantic and coast-wide. Markings should, at a minimum, identify the geographic region of the fishery; the gear type (i.e., trap/pot or gillnet); and

be sufficient enough to facilitate the identification of any retrieved entangled gear. Other details – marking by state, coloration schemes, etc.- were discussed but no group consensus was identified.

- No strong feedback was provided on possible management actions to consider near-term in the Mid-Atlantic. Some Subgroup members identified an area off the North Carolina/Virginia coast as an area of heightened import due to an elevated co-occurrence rate and past entanglements. This was not, however, a consensus view, as others said the past entanglements were driven by issues other than vertical line and are thought to have been addressed through measures such as weak links.
- All Subgroup members strongly endorsed expedited analysis by NMFS at three levels: (1) serious injury determinations; (2) gear identification (e.g., trap/pot, gillnet, hook and line, etc.); and, (3) fishery identification.
- All Subgroup members strongly supported the convening of scoping sessions this summer to solicit input into possible management actions, gear-markings and other steps under consideration. NMFS's more detailed approach to the scoping sessions - both substance and logistics – should be discussed beforehand with the Subgroup to ensure they are as well-attended and effective as possible. Subgroup participants also advised that ideas under consideration be presented as individual options – rather than bundled packages – as that is more likely to encourage discussion and not give attendees the mistaken impression that the agency has already identified a preferred approach.
- Several Subgroup members voiced interest in crafting a triggers and consequences approach for the Mid-Atlantic. This idea was discussed only briefly and did not garner consensus support.

### ***Southeast:***

- The co-occurrence model seems helpful for assessing vertical line risk management needs in the Southeast, but the importance of the right whale calving area isn't adequately represented in the model. Subgroup members put forward different strategies for dealing with this issue. Some suggested NMFS rely on the SPUE data alone or consider a hybrid approach that provides additional weighting to critical calving habitat. Others suggested relying on a triggers-consequence approach – tied to a confirmed right whale serious injury or mortality – as an appropriate way to acknowledge the heightened concern. No consensus on this point was reached.
- A handful of refinements are needed to improve the co-occurrence model. Most critically, all Subgroup members underscored the immediate need for NMFS and Industrial Economics to work with the State of Florida as soon as possible to refine data on the blue crab trap/pot fishery included in the model. Once updated, this data is to be circulated to the Subgroup for its review.

- The Subgroup broadly endorsed a triggers/consequences approach as a possible management strategy in the Southeast for addressing both new emerging fisheries and current fisheries that had a large whale entanglement that resulted in a serious injury or mortality. However, as noted earlier, there were divergent views regarding both the triggers and consequences. Some Subgroup members expressed interest in offshore vertical line caps as a way to reduce vertical line risk, but – again – there was no consensus on this point. Additional discussions are needed on this topic.
- The Subgroup strongly supported moving forward with a more aggressive gear-marking scheme in the Southeast and coast-wide. Markings should, at a minimum, identify the geographic region of the fishery; the gear type (i.e., trap/pot or gillnet); and be sufficient enough to facilitate the identification of any retrieved entangled gear. Other details – marking by state, coloration schemes, etc.- were discussed but no group consensus was identified.
- All Subgroup members strongly endorsed expedited analysis by NMFS at three levels: (1) serious injury determinations; (2) gear identification; and (3) fishery identification.
- All Subgroup members strongly supported the convening of scoping sessions this summer to solicit input into possible management actions, gear-markings and other steps under consideration. NMFS’s more detailed approach to the scoping sessions - both substance and logistics – should be discussed beforehand with the Subgroup to ensure they are as well-attended and effective as possible. Ideas under consideration should not be presented as a package as that is likely to dampen discussion and give the impression that the Agency has already identified a preferred approach.

#### **D. Other Topics**

The Subgroup’s deliberations also included discussion of a handful of other topics. These issues are briefly summarized below.

- ***Scarification/Monitoring Plan.*** The meeting included a brief presentation and discussion of both the November 2009 scarification workshop and NMFS’s updated proposed monitoring plan for tracking TRP effectiveness. Main points covered in the presentation – information was presented by D. Gouveia – included the following:
  - Scarification can be an important factor in showing interaction rates and, thereby, assessing TRP effectiveness. The Agency is continuing to assess the potential to use scarification data to track serious injuries and mortality relative to PBR.
  - The proposed monitoring plan centers on the following components: (1) effectiveness monitoring, by looking at biological analyses, gear analyses and oceanographic/fisheries-based analyses; and (2) compliance monitoring, by looking at enforcement activities, industry behavior and education/outreach. The strategy is also to include an annual ALWTRP monitoring update report, as well as a more comprehensive ALWTRP status summary every five years.

Subgroup member posed a series of clarifying questions, but there were no significant discussions of either topic.

## V. Next Steps

The discussion generated a number of next steps. The most critical next steps are summarized below.

- ***Co-Occurrence Model Revisions.*** NMFS staff and consultants are to continue its work to develop and refine the co-occurrence model. This entails the following next steps:
  - Subgroup members involved in Mid-Atlantic survey data are to meet to confirm the completeness of the Mid-Atlantic SPUE data, with a particular emphasis on the incorporation of OBIS data.
  - NMFS staff and consultants are to work with their State of Florida partners to revise, as needed, the Florida data on the blue crab fishery to ensure inshore vs. offshore fishing effort is properly characterized.
  - Industrial Economics staff are to work with NMFS staff to develop layers for the Mid-Atlantic and Southeast that provide detail on entanglements, strandings and other non-systematic data to inform the Subgroup's future discussions related to potential management actions.
  - Review and consider other data needs raised in Subgroup discussions.

Once updated, the revised data is to be distributed to the full Subgroup for its review and comment. This is to be completed before NMFS moves forward with scoping sessions. A Subgroup teleconference is to be held later this spring (likely May) to elicit feedback on the revised data.

- ***Scoping Sessions.*** NMFS staff are to work closely with Subgroup members as they move forward with planning for the scoping sessions to be held this summer. In particular, the Subgroup recommended that NMFS staff provide Subgroup members its scoping document in advance of the scoping session so that they can work with their constituents before the actual meetings. To facilitate this request, the Agency will provide its scoping document to Subgroup members later this spring/early summer (likely June).
- ***Expedited Analysis Associated with Entanglements.*** Subgroup members asked that NMFS staff expedite its analysis of the most recent entanglement data so that it can be made available in time to support the Team's fall 2011 deliberations. Team member interest focused on having as much information as possible on any recent entanglements – nature of entanglement, type of gear, fishery location, etc.
- ***Other.*** The next steps included the following:
  - NMFS anticipates holding the next full Team meeting in November 2011 and, as possible, a second meeting either late fall 2011 or early in 2012. The exact schedule is dependent on funding.

- NMFS's proposed Monitoring Plan is to be refined and distributed to the TRT in draft form well before the next meeting to facilitate Team member input.
- CONCUR is to prepare a draft Key Outcomes Memorandum for red-flag review by Subgroup members. CONCUR expects to distribute a draft to the Subgroup by the last week of April.
- NMFS staff are to update the Team website to include handouts and presentations from the April 2011 Mid-Atlantic/Southeast Subgroup meeting. NMFS is also to link the updated SARs – along with a summary table showing stock (by management unit), abundance, PBR, population trend, and current status - on the Team website.

Questions or comments regarding this summary should be directed to Bennett Brooks or Scott McCreary with CONCUR. Bennett can be reached at 212-678-0078 or via email at [bennett@concurinc.net](mailto:bennett@concurinc.net). Scott can be reached at 510-649-8008 or via email at [scott@concurinc.net](mailto:scott@concurinc.net).

**Atlantic Large Whale Take Reduction Team  
Mid-Atlantic/Southeast Sub-Group Meeting  
April 5-8, 2011  
Baltimore, MD**

**PROVISIONAL DRAFT AGENDA<sup>1</sup>**

**Meeting Purposes**

- Provide updates on ALWTRP activities;
- Provide updates on gear and whale research to support ALWTRP goals and objectives;
- Discuss options for identifying management areas;
- Discuss management options to reduce mortality and serious injury in those areas; and
- Continue development of the ALWTRP monitoring plan.

**DAY 1 (Tuesday, April 5<sup>th</sup> )**

**1:00-1:30 PM**            **WELCOME, INTRODUCTIONS AND GETTING ORGANIZED** (*NMFS and CONCUR*)

- Review meeting purpose and round robin greeting (*CONCUR*)
- Opening comments (*NMFS*)
- Review and confirm agenda and ground rules (*CONCUR*)

**1:30- 2:15 PM**            **INFORMATIONAL UPDATES: RECENT ALWTRP ACTIVITIES** (*NMFS*)  
*Objective: Provide update on ALWTRP activities since 2009 subgroup meetings*

- Provide brief summary of recent ALWTRP-related activities
  - ALWTRT Membership
  - Provide brief summary of enforcement-related activities
    - Implementation of sinking ground line requirement
    - All other ALWTRP requirements
  - Review of ALWTRP related research grants
  - Provide brief summary of state activities
  - 2008 Entanglement/Vessel Interaction Report & 2009-2011 Preliminary Data

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<sup>1</sup> Opportunity to caucus provided —TBD at meeting.

**2:15-3:00 PM**

**FOLLOW-UP ACTIVITIES FROM 2009 ALWTRT SUBGROUP MEETINGS (NMFS)**

*Objective: (1) Provide overview of 2009 ALWTRT subgroup meetings; (2) Provide update on NMFS action items from 2009 ALWTRT subgroup meetings; (3) Identify action items for further discussion in 2010 subgroup meetings; and (4) Review and discuss concept papers and mid-Atlantic distribution workshop*

- Review key points from 2009 ALWTRT Subgroup Meetings
  - Review concept of co-occurrence model
  - Review ALWTRP vertical line rule development and monitoring strategy schedules
  - Provide brief updates on action items requested by ALWTRT in 2009
    - Improved data collection efforts with states
    - Outreach and coordination efforts with ASMFC, Lobster Management Board, others
    - Funding opportunities for new endline gear modifications/marketing options
    - VTR reporting gaps
    - Refinements to co-occurrence model to fold in additional considerations related to risk
    - ALWTRT web site updates related to exemptions
  - Review 2009 action items needing further Team discussion
    - Concept paper that explores gear-marking
    - Work group to investigate alternatives to the uniform distribution approach in the mid-Atlantic
    - Concept paper exploring potential opening Great South Channel (or similarly suitable area) to experimental lineless fishing
    - Convene work group to address how to fold scarring rates into R. Pace monitoring efforts (*to be covered on Day 4*)
    - Flesh out monitoring plan for discussion at the 2010 TRT meeting (*to be covered on Day 4*)

**3:00-3:15 PM**

***BREAK***

**3:15-4:45 PM**

**CO-OCCURRENCE MODEL OVERVIEW (NMFS)**

- Overview of intent, focus and desired outcomes of Team deliberations on model and implications for vertical line management options
- Update on the 2010 Northeast Subgroup Meeting

**4:45 PM**

**OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT/PREVIEW OF DAY TWO (CONCUR)**

**5:00 PM**

**ADJOURN**

**DAY 2 (Wednesday, April 6<sup>th</sup>)**

**8:30 – 9:00 AM**      **WELCOME, AGENDA REVIEW AND RECAP FROM DAY ONE (CONCUR)**

**9:00 – 10:30 AM**      **MODELING VERTICAL LINE DISTRIBUTION (*Industrial Economics*)**

- Provide overview of vertical line data
  - Discuss the collection of State data
    - Definition of an “active” fishery
    - Gear characterization
  - Observations and caveats
  - Revisions made based on Team’s input at 2009 ALWTRT meetings
- Invite Team member clarifying questions

**10:30 - 10:45 AM**      **BREAK**

**10:45 AM – NOON**      **MODELING WHALE SIGHTINGS PER UNIT EFFORT (SPUE) (*Industrial Economics*)**

- Provide overview of whale SPUE
  - Discuss survey effort
  - Observations and caveats
  - Revisions made based on Team’s input at 2009 ALWTRT meetings
- Invite Team member clarifying questions

**NOON – 1:15 PM**      **LUNCH BREAK**

**1:15 PM – 2:30 PM**      **MODELING CO-OCCURRENCE (*Industrial Economics*)**

- Provide overview of co-occurrence data
  - Development of co-occurrence score
  - Observations and caveats
  - Revisions made based on Team’s input at 2009 ALWTRT meetings
- Invite Team member clarifying questions

**2:30 – 2:45 PM**      **BREAK**

**2:45 – 4:30 PM**      **USING THE MODEL FOR MANAGEMENT (*NMFS*)**

- Initial framing of possible management options using the model to reduce risk associated with vertical line entanglements
  - Mid-Atlantic
    - Present initial thoughts for Team consideration
    - Team clarifying questions
  - Southeast
    - Present initial thoughts for Team consideration
    - Team clarifying questions

**4:30 PM**      **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT (CONCUR)**

**4:45 PM**      **REVIEW OF KEY DISCUSSION POINTS AND PREVIEW OF DAY THREE**

**5:00 PM**      **ADJOURN**

## **DAY 3 (Thursday, April 7<sup>th</sup>)**

**8:30-8:45 AM**

**WELCOME, AGENDA REVIEW AND RECAP FROM DAY TWO (CONCUR)**

**8:45 AM – 4:30 PM**

**DISCUSSION OF VERTICAL LINE MANAGEMENT OPTIONS (NMFS)**

(WITH BREAKS & LUNCH)

*Objective: Discuss management options for reducing risk associated with vertical line entanglements*

- Discuss overarching management strategy to address vertical line entanglements
  - **Manage by Fishing Effort.** What are the target management areas suggested by the model? Do they vary seasonally by month? What are the different risk levels or categories of risk (e.g. high, medium, low)?
  - **Manage by Whale Distribution.** What are the target management areas suggested by the co-occurrence model? Do they vary seasonally by month? What are the different risk levels or categories of risk (e.g. high, medium, low)?
    - Choose a single species to focus on or use all three?
  - **Manage by Co-Occurrence Areas.** What are the target management areas suggested by the co-occurrence model? Do they vary seasonally by month? What are the different risk levels or categories of risk (e.g. high, medium, low)?
    - Choose a single species to focus on or use all three?
- Discuss Management Options
  - What are appropriate management options to address risk associated with vertical lines? What are the building blocks of these management options? Should these vary by fishery, area, season, etc.?
    - Review current requirements
    - Review potential scenarios
      - Level of reduction achieved
      - Feasibility of implementation
      - What associated gear marking or monitoring should be considered for these options?
  - What is the Northeast Subgroup choosing to do?
- Discuss research needs to clarify and/or assess the effectiveness of different vertical line management options
  - What do we know about the risk associated with vertical lines related to gear and whales?
  - What are the most important uncertainties (e.g., whale distribution, fishing effort, gear configuration) and how do we fill these data gaps?
  - How can we develop a better understanding of the relationship between trap-line length and serious injury risk to whales?

**4:30-5:00 PM**

**OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT (CONCUR)**

**4:45 PM**

**REVIEW OF KEY DISCUSSION POINTS AND PREVIEW OF DAY FOUR**

**5:00 PM**

**ADJOURN**

**DAY 4 (Friday, April 8<sup>th</sup>)**

**8:30-8:45 AM**            **WELCOME, AGENDA REVIEW AND RECAP FROM DAY THREE (CONCUR)**

**8:45-10:00 AM**        **FOLLOW-ON DISCUSSION: VERTICAL LINES**

- Continue discussion from Day Three (*NMFS and TRT*)
  - Management Strategy
  - Management Options
  - Research Needs
  - Next Steps

**10:00-11:00 AM**      **REVIEW AND DISCUSS SCARIFICATION WORKSHOP (NMFS)**

- Review of 2009 ALWTRT discussion related scarification workshop
- Elicit Team input on timing and focus for scarification workshop

**11:00-11:15 AM**      **BREAK**

**11:15 AM**              **UPDATE ON ALWTRP MONITORING STRATEGY (NMFS)**

*Objective: To provide an update on NMFS development of the ALWTRP monitoring strategy.*

- Overview of Monitoring plan strategy
  - Effectiveness of the ALWTRP
  - TRT discussion and comment

**12:15 PM**              **NEXT STEPS (CONCUR and NMFS)**

- What will be done with the product from this meeting?
- Recap of meeting and review next steps
- Discuss next ALWTRT meeting
  - Recommended dates and locations?
  - Other issues?

**12:45 PM**              **OPPORTUNITY FOR NON-TRT MEMBERS TO COMMENT**

**1:00 PM**                **ADJOURN**

**ALWTRT Meeting Materials**  
*Mid-Atlantic/Southeast Subgroup, Baltimore MD*  
*April 5-8 2011*  
*\*to be provided at TRT meeting*

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---Day One---

1. General Meeting Information

- a. Draft Agenda
- b. Proposed Ground Rules
- c. 2011 TRT Member Roster
- d. ALWTRT Meeting Materials

2. Gear Research Materials

- a. UNH Grant Report (Time Tension Line Cutter)
- b. UNH Grant Report (An Automated RFID and GPS Fixed Gear Identification System for Onboard Real-time Data Collection)
- c. PCCS/MDMF Grant Report (Investigation of Practical Aspects of Marking Fixed Fishing Gear With Coded Wire Tags To Better Understand Whale Entanglement)
- d. ALWTRP Draft Whale Research Matrix
- e. ALWTRP Draft Gear Research Matrix

3. 2009 ALWTRT Meeting Follow-up Materials

- a. Updates on ALWTRP since 2009\*
- b. ALWTRP Vertical Line Rule Development and Plan Monitoring Schedule
- c. Update on Actions Items since 2009\*
- d. Process for considering exemptions
- e. Key Outcomes of Mid-Atlantic data workshop
- f. Gear marking concept paper
- g. Lineless Fishing concept paper

4. Background Information

- a. Large Whale Entanglement and Ship Strike Reports 2008
- b. 2009-2011 Preliminary Large Whale and Ship Strike Summary
- c. Reports/Materials from States  
Maryland  
Georgia
- d. Humpback Status Review Update
- e. Enforcement Update\*
- f. Key Outcomes of 2010 Northeast Subgroup Meeting

---Day Two---

1. Materials from Industrial Economics\*

---Day Three---

1. Materials from NMFS regarding the model\*
2. Northeast Work Group Jan. 25, 2011 Meeting Summary
3. Northeast Work Group March 9, 2011 Meeting Summary\*
4. Criteria for Vertical Line Reduction Proposals

---Day Four---

1. Key Outcomes of Scarification Workshop
2. Draft Outline of Monitoring Strategy

**Atlantic Large Whale Take Reduction Team**  
**PROPOSED GROUND RULES**  
*(as of November 2010)*

The proposed Ground Rules for this year's ALWTRT meeting are similar to the Rules used at the 2009 meeting, with the exception of a few changes:

- Reformatted the rules for consistency with other TRT Ground Rules.
- Added a statement about NMFS' role regarding voting during formal recommendations.
- Edited for clarity.

These Rules emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, working towards consensus, and the pursuit of mutual gains. The TRT may decide to reconsider and revise these Ground Rules if they appear not to be serving the TRT process.

The proposed Ground Rules will be presented at both subgroup meetings. Please review these Ground Rules prior to the meeting and come prepared to discuss questions or changes you may have.

**Atlantic Large Whale Take Reduction Team  
PROPOSED GROUND RULES**

*(as of November 2010)*

The following ground rules have been informed by CONCUR's professional experience, discussions with NOAA's National Marine Fisheries Service (NMFS), and directives in the Marine Mammal Protection Act. These ground rules are intended to foster and reinforce constructive interaction and deliberation among Take Reduction Team (TRT) members. They emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, working towards consensus, and the pursuit of mutual gains. The TRT may decide to reconsider and revise these Ground Rules if they appear not to be serving the TRT process.

**TRT Purpose**

- The TRT will serve as an advisory group to NMFS and will develop recommendations based on the collection and analysis of abundance, stock structure and bycatch estimate reports from the Northeast Fisheries Science Center and other scientific reports. Where appropriate, the TRT will recommend research on bycatch reduction strategies. NMFS will make the final rulemaking on take reduction actions.

**Representation**

- **TRT recruitment and selection.** TRT members have been invited to serve by the NMFS Assistant Administrator for Fisheries. TRT members were selected based on professional expertise or experience in the areas of conservation or biology of marine mammal species or fishing practices which result in the incidental mortality and serious injuries of such species. TRT members were also selected for their diversity of interests, geographic location, communication network, capability to work with diverse viewpoints, and commitment to developing a consensus-based Take Reduction Plan in the prescribed timeframe.

**Participation and Collaboration**

- **Primary and alternate TRT members.** Primary TRT members will make every effort to attend all TRT meetings. Team members may identify alternates if they will not be able to make all team meetings. Names of candidate alternates are to be submitted at least one month in advance of the next meeting for approval by NMFS. It is the responsibility of the Team member to keep their alternate informed and prepared for meetings. A Team member who needs to send an alternate is requested to notify NMFS at least one week in advance that the approved alternate will attend for them. Primary TRT members will work with their alternates to ensure that they are up to speed on TRT deliberations.
- **Active, focused participation.** Every participant is responsible for communicating his/her perspectives. Everyone is encouraged to participate; no one dominates. Only one person will speak at a time and only after being recognized by the facilitation team. Everyone will help stay on track.

- **Respectful interaction.** Participants will respect each other's personal integrity, values and legitimacy of interests. Participants will assist each other in creating an effective atmosphere by: using microphones; turning off cell phones; refraining from sidebar conversations; and using computers for TRT related work only.
- **Integration and creative thinking.** Participants will strive to be open-minded and integrate members' ideas and interests. Participants will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue. Proposals will be offered in a timely fashion to facilitate the group's consideration of possible approaches.
- **Adherence to ground rules.** As a set of mutual obligations, TRT members will commit to adhere to these ground rules once they are adopted. TRT members are encouraged to help uphold and enforce these ground rules.
- **Mutual gains approach.** Participants will work to satisfy not only their own interests but also those of other TRT members. Participants are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.
- **Right to terminate membership.** Any TRT member may withdraw from the TRT process at any time, without prejudice. To withdraw from the TRT, the member must formally notify NMFS of such actions, and if possible, recommend an alternate.

### **Commitment to process**

- Participants will review meeting materials in advance of the meetings and come prepared to address the meeting objectives.
- Draft meeting agendas, developed by CONCUR and NMFS, are to be circulated to TRT members prior to any TRT meeting for their input and finalized by the TRT during the meetings.
- Meetings will start on time. Participants who know that they will be absent, late or leave early are asked to inform project staff in advance and coordinate with their alternates as needed.

### **TRT Decision Rules**

- The TRT will seek to develop consensus recommendations where possible. In this context, "consensus" means that the recommendation in question is supported by all TRT members present at the meeting; this does not necessarily mean that each TRT member likes everything about the recommendation, but that each member is willing to accept it. Where consensus cannot be reached on a particular issue in the time available for developing a recommendation on that issue, the range of possibilities considered by the TRT will be presented, including the views of both the majority and minority.

- From time to time, the facilitators may opt to use straw votes to gauge the extent to which Team members support various items under discussion and to move the effort forward. The intent of these straw votes is to assist the Team in building broader consensus and help the Agency understand and characterize the extent of common ground. All attending members will have the opportunity to vote.
- If the team is making a formal recommendation to NMFS, then the NMFS representative will abstain from voting. During straw votes related to other matters (e.g., when to take breaks, caucus, scientific/technical advisory issues), one NMFS representative will vote.

### **Multi-interest Work Teams and Interest Group Caucusing**

- NMFS staff and CONCUR expect that within- and across-interest group work teams may be an important way to develop constructive, integrative work products. The aim of such work teams is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. These caucuses may be region- and/or interest-based.
- As appropriate, opportunities will be provided during TRT meetings for caucusing within and across interest groups.

### **Media Contact and Contact with Political Representatives**

- Media inquiries concerning the TRT will be referred to the NMFS Public Affairs Officer, who will share the TRT roster upon request. Media representatives inquiring about the TRT process will be referred to approved meeting summaries. Team members may talk to media representatives concerning their own views about the issues being discussed by the Team.
- TRT members agree not to attribute particular comments to particular individuals, nor to characterize others' views.
- TRT members agree not to portray ideas as consensus before the TRT has explicitly agreed on them.

### **Information Sharing and Joint Fact Finding**

- TRT members recognize that the TRT project depends on using the best readily available information.
- TRT members commit to identify information needs in a timely fashion and to contribute in framing needs for additional research and analysis.
- TRT members commit to share, and not withhold, relevant information. Preliminary information will be treated as such.
- NMFS staff and CONCUR commit to provide, to the extent practicable, all meeting

materials at least one week ahead of time in order to give TRT members ample time to review the relevant information. All TRT members will have equal access to meeting materials.

### **TRT Communication Protocols**

- TRT members wishing to send email correspondences or documents to the full TRT are requested to send these through the facilitation team and the convenor.

### **Role of Facilitation Team**

- The TRT facilitation team (CONCUR, Inc.) works as a neutral party and will not act as an advocate for particular outcomes. The facilitators will strive to ensure that all TRT members clearly articulate their respective interests and to assist members to complete their work in a well-informed and efficient fashion.
- The role of the facilitator includes crafting draft agendas, chairing informal meetings and committee discussions, working to resolve any impasses that may arise, facilitating consensus building, preparing meeting summaries, assisting in the location of meetings, circulating background materials and other important information to the TRT members, and other requests relevant to the TRT process.
- The TRT facilitation team will prepare Key Outcomes Memoranda (KOMs) to summarize the main results of the TRT meetings. These KOMs will endeavor to summarize key decisions made, issues discussed, and the next steps identified for moving the process forward. They will not serve as a transcript of the meetings. The facilitators will strive to prepare KOMs within two weeks of the meetings. The facilitators will typically not invite comment on the KOMs; nor will formal approval of KOMs be agendized at the TRT meetings.
- In the event that TRT members believe the KOMs significantly misrepresent particular decisions, issues, or next steps discussed in such a way that will impede the TRT process, they are requested to notify the project facilitators and convenors. The project facilitators and convenors will review the matter and use their professional judgment to determine if a revision to the KOM is in order. If so, they will prepare a revised KOM and distribute it in a timely fashion to all TRT members.
- The TRT facilitation team will serve as the primary secretariat in assisting parties to develop modifications to the Take Reduction Plan. The Take Reduction Plan, unlike the Key Outcomes Memoranda, will be subject to detailed review and approval by all TRT members.

### **Public Comment**

- Members of the public are encouraged to direct comments through TRT members or speak at designated times on the meeting agenda.