

Marine Mammal Take Reduction Team

Operating Protocols

The following operating protocols have been informed by NOAA's National Marine Fisheries Service (NMFS) experience convening Take Reduction Teams (Teams or TRTs), directives in the Marine Mammal Protection Act (MMPA), previous input by Team members, and best professional practice. These protocols are intended to provide all participants with a clear understanding of the take reduction team process. Additionally, these protocols are intended to create a fair and credible process, promote a shared understanding of objectives, identify roles and responsibilities of the parties involved in take reduction planning, create clear expectations for information sharing, emphasize clear and transparent communication, and foster constructive interaction and deliberation among Team members and between the Team and NMFS.

1 Team Purpose

The Take Reduction Team, convened as an advisory group to NMFS, is charged with developing consensus recommendations to reduce incidental mortality and serious injury of particular marine mammal stocks in specific U.S. commercial fisheries based on the best available data on abundance, stock structure, and mortality/serious injury from the marine mammal stock assessment reports and other scientific reports (see section 8 for list of stocks and fisheries addressed by each Team). Where appropriate, the Team will also develop recommendations for additional research and data collection to further support achieving Plan goals. NMFS then considers these recommendations and implements the take reduction plan through the regulatory process. The MMPA mandates that the immediate goal of a take reduction plan is to reduce incidental mortality and serious injury to levels below a stock's potential biological removal (PBR) level within 6 months of the Plan's implementation. The long-term goal of the Plan shall be to reduce incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate (defined as 10% of PBR) within 5 years of the Plan's implementation (MMPA section 118(f)(2)).

2 Commitment to the Take Reduction Process

NMFS will strive to preserve and respect the good faith that all Team members are expected to exhibit when bringing their interests to the negotiating table. Team members, NMFS staff, and NMFS advisors will make a good faith effort to achieve the goals of the process. This includes working collaboratively with other Team members to develop a consensus-based product. NMFS values the challenges associated with achieving consensus and staying true to the MMPA requirements to do so. NMFS is dedicated to working with the Team to ensure the Team is fully supported by providing necessary information, staffing, and other resources as appropriate throughout the duration of the take reduction process.

As a set of mutual obligations, NMFS and Team members will commit to adhere to these operating protocols. Team members are encouraged to help uphold and implement these operating protocols and identify whether they are not being adhered to effectively. We encourage Team members to communicate such issues to the Team while respecting others views.

3 Roles and Responsibilities

3.1 Team Members

Team members have been invited by NOAA's Assistant Administrator for Fisheries to serve on behalf of a particular constituency to represent that constituency's views throughout the take reduction process. Members are expected to engage in creative thinking, collaborative problem solving, trust building, and the pursuit of mutual gains while respecting divergent views and working towards consensus.

- **Active, focused participation.** Team members will make every effort to attend all Team meetings (in-person and teleconference/webinar). Team members may request to have an alternate designated to fill their seat if they will not be able to attend all Team meetings; NMFS strongly encourages all Team members to work with NMFS to identify alternates (see Section 4.5). Every member is responsible for communicating his/her perspectives and interests on the issues under consideration. Everyone will participate in the discussions. Only one person will speak at a time (i.e., no sidebar conversations) and only after being recognized by the facilitation team. Everyone will help keep the discussion on topic.
- **Effective representation of constituency.** Team members will speak to their constituents prior to, and after, a meeting. Team members are expected to represent not only their views, but those of their constituency. Voicing these perspectives is essential to enable meaningful dialogue. Team members representing a broader interest group are expected to report back to their constituency regarding outcomes from Team meetings.
- **Respectful interaction.** Team members will respect the personal integrity, values, and legitimacy of interests of other Team members, as well as those supporting or observing Team deliberations. Team members will assist each other in creating an effective atmosphere by: using microphones, turning off cell phones, refraining from sidebar conversations, and using computers for Team-related work only.
- **Upfront preparation.** Team members will commit to reviewing in advance key materials prepared by NMFS and others to support the Team's deliberation. This includes reviewing any proposals, as well as technical materials and analyses.
- **Integration and creative thinking.** In developing, reviewing, and revising work products, Team members will strive to be open-minded and to integrate members' ideas, perspectives and interests. Team members 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.
- **Mutual gains approach.** Team members will work to satisfy not only their own interests but also those of other Team members. Team members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions. Team members are encouraged to identify shared goals and objectives and pursue where possible.
- **Striving for consensus.** The Team will strive to develop and come to agreement using a consensus decision rule. In particular, Team members will seek to pursue "conditional unanimity," where all participants are able to support (i.e., "to live with") a package of agreements developed over the course of the group's deliberations.

3.2 NMFS

NMFS is responsible for convening take reduction teams to ensure the statutory requirements of the MMPA are met. NMFS provides technical, administrative, financial, and coordination support for the Team throughout the take reduction process. NMFS is committed to ensuring that the Team has all the available information and support needed to provide meaningful recommendations to achieve Plan and MMPA goals.

3.2.1 TRT Coordinator

- **Primary point of contact.** The TRT Coordinator will serve as the primary point of contact for Team members. The TRT Coordinator will manage and maintain membership to ensure adequate representation of all constituencies on the team. He/she organizes and conducts orientation for new Team members, communicates with individual team members, and provides regular informational updates to the full Team. The TRT Coordinator will attend all meetings, work with facilitators and Team members to identify meeting dates and locations, coordinate non-governmental Team member travel reimbursement as needed, draft meeting agendas in coordination with the facilitation team and circulate draft agendas and work products to Team members for their input. The TRT Coordinator, in close coordination with the Team, also takes the lead in writing the Team's initial draft take reduction plan and subsequent draft recommendations as appropriate.
- **Provides advance planning, oversight and coordination.** The TRT Coordinator will coordinate and work with Science Center and other support staff to ensure biological, environmental, and economic data and analyses are available to support the Team deliberative process. Additionally, the TRT Coordinator will consult with General Counsel on legal interpretations and advice relevant to the Team's deliberations. The TRT Coordinator will also work to identify and arrange for the participation of other experts (both from within NMFS and elsewhere), as needed, to inform Team deliberations. He/she will monitor Team progress to ensure Team deliberations are focused on meeting objectives. The TRT Coordinator will also serve as a liaison to the relevant regional Scientific Review Group (SRG) for the Team for the purposes of sharing information with both entities, serving as a resource for the SRG during take reduction discussions, and reporting and providing context for SRG recommendations related to take reduction.

3.2.2 NMFS Team Members

- NMFS staff who serve as Team members (i.e., staff from headquarters and regional offices) will attend all Team meetings and provide input on statutory, regulatory, and policy matters that relate to the deliberations. NMFS Team members will provide the official NMFS perspective if and when straw votes or other mechanisms are used to gauge Team support for ideas under discussion. NMFS Team members will also provide insight to the Team on the take reduction process from national and regional perspectives, as appropriate. [More detailed description of NMFS participation in Team voting is provided in Section 5.5 below.]

3.2.3 *NMFS Support Staff (e.g., science center or regional office staff)*

- NMFS staff will provide new and updated data and analyses to the Team for use in its deliberations as available and appropriate. Specifically, NMFS Science Center and Regional Office staff shall provide updated abundance and mortality estimates as well as other analyses pertinent to the deliberations, such as analysis of observer data to provide information on marine mammal bycatch/local fishing information. Science Center staff will provide data quality assurance/quality control to ensure the highest quality data and analysis are available to the Team.
- NMFS Science Center and Regional Office staff will attend Team meetings as technical advisors and provide real-time support (e.g., data analysis) as appropriate. NMFS Science Center staff will serve as principal consulting expert regarding science-related issues. NMFS Science Center and Regional Office staff will provide input during development of Team recommendations, including appropriate analysis as necessary.

3.3 *Federal Advisors*

Involvement of additional Federal experts is essential as it helps ensure a wide range of topics are considered in the development of take reduction measures. NMFS regularly calls on advisors, such as NOAA's Office of General Counsel (e.g., Fisheries and Protected Resources Section and Enforcement and Litigation Section), NOAA's Office of Law Enforcement, and U.S. Coast Guard, to inform and support Team deliberations as needed. In addition, these advisors also raise awareness of other important issues that must be addressed as a Team deliberates. The TRT Coordinator will work with these advisors prior to a meeting to identify specific information needs, provide guidance on issues likely to arise, and assess the need for in-person participation and presentations. The TRT Coordinator will also provide these experts with background and context for the process, as needed, to facilitate working in a joint fact-finding mode.

3.4 *Facilitators*

- The facilitation team serves as a neutral party and will not act as an advocate for particular outcomes. The facilitators will strive to ensure that all Team 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 developing draft agendas, chairing formal and informal meetings and discussions, working to resolve any impasses that may arise, facilitating consensus building, preparing meeting summaries, assisting in finding and securing meeting venues and lodging, coordinating reimbursement of Team member travel expenses, circulating background materials and other important information to the Team members in coordination with NMFS, and responding to other requests relevant to the Team process as appropriate.
- The facilitation team will prepare a Key Outcomes Memorandum (KOM) to summarize the main results of each Team meeting. These KOMs will summarize key decisions made, issues discussed, and the next steps identified for moving the process forward. These summaries are not intended to serve as a transcript of the meetings. The facilitators will strive to prepare KOMs within two weeks of the meetings. These KOMs will be circulated in draft form to NMFS for its initial review and then to Team members for their review and comment.

- In the event that Team members believe the KOMs significantly misrepresent particular decisions, issues, or next steps discussed in such a way that will impede the Team process, they are requested to notify the facilitators and TRT Coordinator. The facilitators and NMFS 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 Team members.
- The facilitation team will serve as the primary secretariat in assisting parties to develop recommended modifications to the Take Reduction Plan. The Take Reduction Plan will be subject to detailed review and approval by all Team members.

3.5 Invited Experts (Non-Governmental)

NMFS may invite experts to present information at Team meetings that supplements NMFS' or Team members' expertise on a particular topic. Invited experts may be asked to present information to the Team and respond to Team member questions, but they are not members of the Team nor do they advise NMFS on any particular issue. Such experts could include fishing gear manufacturers, scientists who have conducted research on relevant topics, consultants hired to conduct analyses, etc.

3.6 Members of the Public / Interested Parties

Full Team meetings are not subject to the Federal Advisory Committee Act and are open to the public (MMPA section 118(f)(6)(D)). Members of the public, including media representatives, may attend Team meetings as observers. Members of the public are encouraged to direct comments through Team members or speak at designated times on the meeting agenda. A brief summary of public comments made at meetings will be included in the meeting summary. Observers are asked to characterize any comments and preliminary information released at Team meetings in a manner consistent with these protocols and the consensus-building aims of the take reduction process.

4 Team Membership

MMPA section 118(f)(6)(C) requires that Team members have expertise in conservation or biology of marine mammal species or fishing practices that result in the incidental mortality and serious injuries of such species. NMFS selects Team members for their diversity of interests, geographic location, communication network, ability to work with diverse viewpoints, and commitment to developing a consensus-based Take Reduction Plan in the prescribed timeframe.

4.1 Membership Changes

If a Team member resigns or NMFS determines that a particular constituency is not adequately represented on the team, NMFS will ask the Team for recommendations of candidate members. NMFS will consider candidate members recommended by Team members as well as other potential candidates when recruiting, selecting, and appointing new members (see Sections 4.2, 4.3, and 4.4).

4.2 Recruitment

As required by the MMPA, a Team includes representatives from the following primary types of interests: (1) fishermen and fisheries organizations; (2) conservation/environmental groups; (3) academic/scientific institutions; (4) state resource managers; (5) federal agency representatives; and (6) fishery management councils and commissions (MMPA section 118(f)(6)(C)). A seat on a Team is provided to ensure the

interests of a constituency, organization, or expertise – and not a specific individual – are adequately represented. The exact interests to be included on the Team are determined on a case-by-case basis, depending on the scope of a given Team.

NMFS identifies candidate individuals who can ably represent the different interests. NMFS recruits candidate Team members based on the following:

- Ability to bring first-hand knowledge and perspective to bear on the relevant fisheries and/or marine mammal species;
- Ability to balance a regional perspective with localized knowledge;
- Willingness to express fundamental interests (as opposed to fixed positions) and to clearly convey the interests of one or more important stakeholder groups;
- Ability to work collaboratively, seeking to integrate the interests of a broad range of constituencies;
- Ability to access and use an effective communication network to reach members of their constituency not attending Team meetings;
- Availability and willingness to travel and participate in meetings;
- Proven track record of engaging in constructive dialogues on controversial resource management issues;
- Extent to which candidates' participation on other teams fosters or hinders deliberations; and
- Ability to represent multiple factions of a constituency (e.g., multiple sectors of a fishery or a wide array of particular fishery).

NMFS or the facilitation team may conduct focused interviews with candidate Team members to assess their ability to satisfy the recruitment criteria.

4.3 Selection

Team members are often selected because they are considered leaders in their area of expertise, have technical and professional knowledge, and effectively represent their group of constituents. As well, NMFS evaluates the extent to which each candidate Team member meets the recruitment criteria. NMFS staff will identify specific individuals to invite onto the Team, confirm a candidate's desire to become a Team member, and forward the selection to NMFS leadership for approval and appointment.

4.4 Appointment

NOAA's Assistant Administrator for Fisheries formally approves and appoints members to Take Reduction Teams. Appointment letters are sent to each individual Team member. Candidate members cannot participate as Team members during meetings until approved and appointed by NMFS.

4.5 Alternate Team Members

Team members may request to have an alternate designated to fill their seat if they will not be able to attend all team meetings. No Team member may have more than one alternate. Alternates should satisfy all selection criteria, represent the same organization or constituency as the primary representative, be knowledgeable and able spokespersons, and be committed to work collaboratively towards a consensus agreement. Team members will work with their alternates to ensure that they are up-to-speed on Team deliberations. Names of requested alternates (along with a brief statement of the proposed alternate's qualifications) are to be submitted at least one month in advance of the next meeting for approval and appointment by NMFS. If neither the Team member nor the alternate member can participate in a

meeting, another individual from that constituency is welcome to attend the meeting in the capacity of observer only.

4.6 Affiliation Changes

If the affiliation of a Team member or their alternate changes (e.g., member makes significant job change to where it would potentially affect the relative balance of representation on a Team), he/she should inform NMFS promptly so the Agency can determine whether a change in representation is needed. Information regarding a member's change in affiliation will also be communicated to the Team as soon as possible.

4.7 Resigning or Terminating Membership

Any Team member may resign from the Team at any time, without prejudice. To withdraw from the Team, the member must formally notify NMFS in writing of such desire and, if so inclined, recommend a replacement whom NMFS will consider when selecting and appointing a new member to represent that constituency.

While rare, members and/or alternates may be officially removed by NMFS at any time for any of the following reasons:

- Poor attendance resulting in inadequate representation of constituency
- Unwillingness to adhere to operating protocols
- Belligerent, offensive, and/or disruptive behavior
- Overall lack of response to NMFS/Team member requests
- Constituency becomes irrelevant to Team's objectives (e.g., fishery or environmental group are no longer active)
- Individual makes significant change in constituency representation (see Section 4.6).
- Any other unforeseen reason at the discretion of NMFS

If NMFS identifies a Team member for removal, the TRT Coordinator or other NMFS staff will contact the Team member informing them of the reasons for their planned removal. Membership will be officially terminated by the NOAA Assistant Administrator for Fisheries.

5 Team Meetings

5.1 Convening Meetings

When incidental mortality and serious injury equals or exceeds a stock's PBR level, the MMPA requires that Teams meet every *six months*, or at other such intervals as NMFS determines necessary, to monitor the implementation of the Plan until such time that the Plan's objectives have been met (MMPA section 118(f)(7)(E)). When incidental mortality and serious injury is below a stock's PBR level, the MMPA requires that Teams meet *annually*, or at other such intervals as NMFS determines necessary, to monitor the implementation of the Plan until such time that the Plan's objectives have been met (MMPA section 118(f)(8)(E)).

NMFS will schedule meetings after consulting with individual Team members on their availability for specific dates and times. NMFS will provide notice of Team meetings on its website as well as through the interested parties email lists maintained by the TRT Coordinator.

NMFS will endeavor to support at least one in-person Team meeting annually recognizing the above considerations for whether the Plan has achieved its goals, as well as considering other factors, such as the availability of new information and/or funding. NMFS recognizes that in-person meetings are the most effective way for Teams to deliberate and develop consensus recommendations. Face-to-face dialogue creates more opportunity for manageable and productive discussion, cross- and within-group caucusing, and active consensus-building. NMFS will prioritize convening in-person meetings particularly when addressing a stock where bycatch exceeds its potential biological removal level, during the public comment period for amending the Plan, and/or when there is substantive content that will have a significant impact on the Team and/or Plan.

When funding is limited, NMFS may choose to convene smaller in-person subgroup meetings to focus discussions. Similarly, if issues are complex and/or spread across large geographic regions, smaller subgroup meetings may be a more effective method to focus , on a more narrowly framed agenda. Subgroups can be established based on a particular gear type, geographic location, or interest group (e.g., scientists, commercial fishermen, etc.). In general terms, once a subgroup is formed it will address specific issues and will develop options for later consideration and decision-making by the full Team.

Despite these considerations, budget and other constraints (timing, logistics, etc.) may require convening the Team via teleconference and/or webinar. Webinars and teleconferences are particularly useful to provide the Team with status updates on research, stock assessment reports, management actions, bycatch estimates, or any other topic with the primary objective of providing information to the Team.

5.2 Meeting Materials

NMFS will tailor objectives for each specific Team meeting. These objectives will ensure that all Team members have a clear, shared sense of each meeting's desired outcomes. NMFS will ensure that communications with Team members prior to and during the meeting align to foster those objectives.

NMFS will draft an agenda that reflects the meeting objectives. Agendas will be finalized at the meeting. NMFS commits to provide, to the extent practical, all primary meeting materials including the agenda at least two weeks prior to a Team meeting to give members ample time to review relevant information. All Team members will have equal access to meeting materials. Members are expected to review meeting materials prior to meetings to build shared knowledge and foster informed deliberations.

5.3 Meeting Participation

Generally, meeting deliberations will be among Team members only. Members of the public are invited to observe Team meetings and participate at set times during the meeting. As appropriate, NMFS or the facilitators may invite Federal advisors and invited experts in attendance to contribute relevant expertise and information at specific times. If both a Team member and their designated alternate attend a meeting, only the Team member will have a seat at the table.

At an in-person meeting, the Team may break out into either work groups or caucuses. (See Sections 5.7 and 5.8 for more on Caucuses and Work Groups, respectively.)

5.4 Reimbursement for Travel to Team Meetings

Team members will be reimbursed for reasonable travel costs and expenses incurred in performing their duties as members of the Team per MMPA section 118(f)(6)(E). If both a Team member and their designated alternate attend a meeting, only the Team member will be reimbursed for travel-related

expenses. Team members will be reimbursed for travel-related expenses in accordance with NMFS policies and Federal guidelines. NMFS or the facilitator will provide detailed reimbursement instructions before and after each in-person Team meeting.

5.5 Meeting Deliberations

As a consensus-seeking deliberative body, the Team is focused on discussing and creating options. Considerable effort is invested to ensure that all participants have a shared understanding of the issues and challenges facing the Team. Ideas are developed through collaborative dialogues, and discussions are managed to build and expand on viable approaches. The viability of measures under discussion typically emerges through the course of deliberations and the convergence of opinions around a set of broadly supported bycatch reduction measures.

Take reduction options can be developed in any number of ways. Team members can suggest approaches in general discussions at Team meetings – either with the full group, in breakout sessions or work groups, or in similar or cross-interest group caucuses. Others may develop papers that propose different strategies and associated rationales. Options may be presented by either individuals or groups of Team members. NMFS may also recommend options to consider based on its experience with other Teams and/or its familiarity with the underlying issues. NMFS encourages Team members to brainstorm a wide range of options before either assessing the relative strengths and weaknesses of each approach or pressing to identify preferred approaches.

Once options have been identified, Team deliberations will focus on assessing the extent to which the various ideas under consideration are: (1) likely to reduce mortality and serious injury of the relevant marine mammal stocks, thereby meeting the Plan’s goals and objectives; (2) to meet Team members’ varying underlying interests and objectives; and (3) implementable and enforceable. NMFS will help foster fully informed Team deliberations by providing relevant analyses, as well as offering the Agency perspective on topics under consideration.

Team members are encouraged to articulate their specific concerns in a manner that makes it possible for others to invent new options that address any identified limitations. Team members should recognize the need to make simple process agreements to move the effort forward. Team members will strive to clarify and narrow areas of technical disagreement.

5.6 Decision-making

The MMPA mandates that Teams seek to develop consensus recommendations where possible (section 118(f)(7)(A)(ii) and (8)(ii)). In this context, “consensus” means that the recommendation in question is supported by all Team members present at the meeting; this does not necessarily mean that each Team member likes everything about the recommendation, but that each member is willing to accept it. Team members reserve the right to abstain from voting, but recognize that the Team could still achieve consensus despite that abstention.

The MMPA prescribes that Teams consist of an equitable balance of members from specific resource user and non-user interests. NMFS will not ask the Team to develop consensus recommendations unless a balance of interest groups is present.

From time to time, facilitators may use “straw votes” to track progress and help the Team arrive at short-term decisions to propel the consensus-based process forward in an efficient fashion. During straw votes

related to gauging support for a particular issue, one NMFS representative will vote. If the Team is making a formal consensus recommendation to NMFS, NOAA employees will abstain from voting.

In the event consensus cannot be reached, the Team will advise NMFS in writing on the range of options considered by the Team and the extent of support for respective elements of the Team's alternate proposals. As appropriate, majority and minority views will also be represented. (MMPA section 118(f)(7)(A)(ii) and (8)(ii)).

5.7 *Interest Group Caucuses*

During meetings, individuals from one or more interest groups may wish to caucus to clarify and integrate their interests and generate options for full Team consideration. As appropriate, opportunities will be provided during Team meetings for caucusing within and across interest groups. If a Team member requests time for caucusing, the facilitators will adjourn the meeting at a practicable juncture. Caucuses can also be held informally outside of Team meetings. NMFS and/or facilitators will participate in caucuses by request. Caucuses are not part of the official Team meeting and, as such, are not open to the public. Team members are encouraged to report relevant outcomes from caucuses to the full Team.

5.8 *Multi-interest Work Groups*

Based on past experiences and best professional practice, NMFS expects that across-interest work groups may be important for developing constructive, integrative work products during and between Team meetings. The aim of such groups is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. These groups may be region- and/or interest-based. Between meetings, it is anticipated that work groups will meet primarily by teleconference to discuss specific topics, such as research and outreach/education. The options and work products developed by a work group will be shared with the full Team to determine next steps. NMFS and/or facilitators will generally schedule and organize work group meetings. Summaries of work group meetings will be shared with the full Team and posted on the Team's website.

6 Information Sharing

6.1 *Best Available Information*

NMFS commits to providing the best available information to the Team to support deliberations. The best available information may range from preliminary data to peer reviewed analyses. Team members recognize that the take reduction effort depends on using the best available information. Team members commit to share with the Team, and not withhold, relevant information. Preliminary information (e.g., scenario-generating analyses, relevant draft reports and SRG documents, interim draft work products developed by the Team, etc.) will be treated as such, understanding this information may change based on subsequent review and additional analyses. Documents are not considered "final" unless specifically noted as such. Team members commit to identify information needs in a timely fashion and to contribute to framing needs for additional research and analysis to support Team deliberations. Team members further commit to accurately portray outside the take reduction process any draft or preliminary data shared with the Team.

6.2 *Regular Information Updates*

NMFS commits to providing information to the Team on a regular basis (e.g., quarterly or annual updates) between Team meetings. These updates could include a summary of recent interactions in the

fishery(s), changes in fishing effort and/or fishery management, results of related research efforts that could affect the Take Reduction Plan, national policy and guidance related to the MMPA, etc. Specific information to be included in the updates will be identified in discussion with Team members, as well as informed by efforts to evaluate the effectiveness of the Take Reduction Plan. NMFS will include relevant correspondence received from Congress and other stakeholders as well as the Agency's response to that correspondence as part of information updates. Additionally, NMFS will provide the Team with any pertinent recommendations from the relevant SRG(s) so Team members are aware of any action NMFS may take pursuant to those recommendations that are related to the Plan.

6.3 New Information That Could Affect the Existing Take Reduction Plan

NMFS staff associated with each Team have been directed to ensure that Agency actions related - even in part - to the take reduction process are communicated to the Team in advance for its review and input. In particular, whenever new information indicates the need to change core elements of the consensus-based Take Reduction Plan, NMFS commits to provide that new information, including exemption requests, to the Team either by email, teleconference/webinar, or at an in-person meeting, particularly if one is already scheduled. In those instances where new information would impact existing take reduction measures and timing is a factor, NMFS will endeavor to provide the information with enough lead time for the Team to undertake a thorough review, provide meaningful input, and have the opportunity to negotiate alternative measures when appropriate. NMFS, in discussion with Team members, will determine whether to convene the Team via teleconference and/or webinar to discuss the new information, provide meaningful input, and have the opportunity to develop alternative recommendations if appropriate.

7 Communication Protocols

7.1 Contact with Media and Political Representatives

Media inquiries concerning the Team will be referred to NMFS Public Affairs staff. Team members may talk to media and political representatives concerning their own views about the issues being discussed by the Team, but they are urged not to attribute specific comments to particular individuals or characterize others' views as it is contrary to a consensus-based approach. Given the overall goal of the Team process to serve as the venue for seeking consensus, Team members are asked not to "negotiate" through the press or other political avenues or otherwise make public statements that could undermine the success of a collaborative effort. Team members agree not to portray ideas as consensus before the Team has explicitly agreed on them.

7.2 Preference to Avoid Recording Team Meetings

The MMPA requires that Team meetings are open to the public. As such, NMFS cannot prohibit an individual, either a member of the Team or the public, from recording Team deliberations. (Recording includes taping, videotaping, webcasting, and other means of generating a verbatim, electronic record of Team deliberations.) However, NMFS strongly suggests that individuals refrain from recording Team meetings, as recordings hinder the frank and open discussion that underpins successful Team deliberations. Building and maintaining trust within the Team is paramount for negotiating in good faith and successfully navigating a consensus-driven process. NMFS asks that anyone who intends to record a Team meeting, in whole or in part, identify themselves and their intent for doing so at the beginning of the meeting.

7.3 Using the Team Website

All meeting documents, presentations, and interim draft work products developed by the Team will be posted on the Team's website. NMFS will use the website to disseminate relevant documents so that all Team members have equal access to the same information. The website includes the following disclaimer to ensure the proper use of that information. *“DISCLAIMER: This website is intended to support deliberations of the Federally-appointed [insert TRT] Take Reduction Team. Specifically, the Team uses this site to access meeting documents, presentations, and interim draft work products developed by the Team; documents are **not** considered "final" unless specifically noted as such.”*

7.4 Email Correspondence

Team members wishing to send email correspondence or documents (e.g., scientific publications), to the full Team are requested to send these through the TRT Coordinator. The TRT Coordinator may include this information as part of a regular informational update, such as a quarterly update, to the Team thereby making efficient use of the emails each Team member receives.

Similarly, Team members wishing to request data or analyses from Science Centers are encouraged to develop such requests in consultation with other team members and to send these requests through the TRT Coordinator. The TRT Coordinator will work with Science Center staff to ensure requests that will inform Team deliberations are appropriately addressed.

8.0 Marine Mammal Stocks and Commercial Fisheries Addressed by Each Team*

Take Reduction Team	Marine Mammal Stocks	Commercial Fisheries
Atlantic Large Whale	Fin whale, Western North Atlantic Humpback whale, Gulf of Maine North Atlantic right whale, Western North Atlantic	Atlantic blue crab trap/pot Atlantic mixed species trap/pot Mid-Atlantic gillnet Northeast anchored float gillnet Northeast drift gillnet Northeast/Mid-Atlantic American lobster trap/pot Northeast sink gillnet Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet
Atlantic Trawl Gear	Common dolphin, Western North Atlantic Long-finned pilot whale, Western North Atlantic Short-finned pilot whale, Western North Atlantic White-sided dolphin, Western North Atlantic	Mid-Atlantic bottom trawl Mid-Atlantic mid-water trawl (including pair trawl) Northeast bottom trawl Northeast mid-water trawl (including pair trawl)
Bottlenose Dolphin	Bottlenose dolphin, Western North Atlantic (13 stocks)	Atlantic blue crab trap/pot Chesapeake Bay inshore gillnet fishery Mid-Atlantic gillnet Mid-Atlantic haul/beach seine Mid-Atlantic menhaden purse seine NC inshore gillnet NC long haul seine NC roe mullet stop net Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot VA pound net
False Killer Whale	False killer whale, Hawaii Pelagic False killer whale, Hawaii Insular	HI deep-set (tuna target) longline/set line HI shallow-set (swordfish target) longline/set line
Harbor Porpoise	Harbor porpoise, Gulf of Maine/Bay of Fundy	Mid-Atlantic gillnet Northeast sink gillnet
Pacific Offshore Cetacean	Baird's beaked whale, California/Oregon/Washington Cuvier's beaked whale, California/Oregon/Washington Humpback whale, California/Oregon/Washington Mesoplodont beaked whales, California/Oregon/Washington Pygmy sperm whale, California/Oregon/Washington Short-finned pilot whale, California/Oregon/Washington Sperm whale, California/Oregon/Washington	CA thresher shark/swordfish drift gillnet (≥14 in mesh)
Pelagic Longline	Long-finned pilot whale, Western North Atlantic Risso's dolphin, Western North Atlantic Short-finned pilot whale, Western North Atlantic	Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline

*For the most up-to-date stocks and fisheries, see Table 4 in the most recent MMPA List of Fisheries.