



NOAA
FISHERIES

Pacific Islands
Regional Office

False Killer Whale Take Reduction Team Webinar

December 7, 2012



Agenda Review

- Welcome & Introductions
 - Webinar objectives
 - Agenda review
 - Webinar protocols and simple ground rules
- FKWTRT Program Updates
 - Status of Draft 2012 SAR
 - MHI Insular false killer whale ESA listing
 - Recent false killer whale interactions
 - Other relevant updates from Team members

Agenda Review

- FKWTRP Final Rule
 - Overview of final rule
 - Implementation-related next steps
- Next Steps
 - Membership updates/changes
 - In-person meeting
 - Monitoring Strategy
 - Other
- Adjourn

Meeting Ground Rules

- N. Young to lead presentations; S. McCreary/
B. Brooks to elicit Team member input
- Meeting focused on updates/briefings
 - In-depth deliberations not anticipated
- Team members asked to focus comments on
clarifying questions
 - Brevity appreciated

FKWTRT Program Updates

Draft 2012 SAR

- Published August 7, 2012
- 90-day comment period closed November 5, 2012
- Final SAR publication expected in spring 2013
- Highlights:
 - Restructuring – Palmyra stock moved to separate report
 - Newly defined NWHI stock
 - Updated abundance estimates, PBRs, and bycatch estimates

MHI Insular False Killer Whale ESA Listing

- Proposed listing rule published November 17, 2010
- 90-day comment period + additional 15-day comment period on new information
- Final listing rule published November 28, 2012 (77 FR 70915)
- MHI Insular population is considered a Distinct Population Segment (DPS), listed as endangered
- Listing goes into effect December 28, 2012

Recent False Killer Whale & Blackfish Interactions

Deep-set

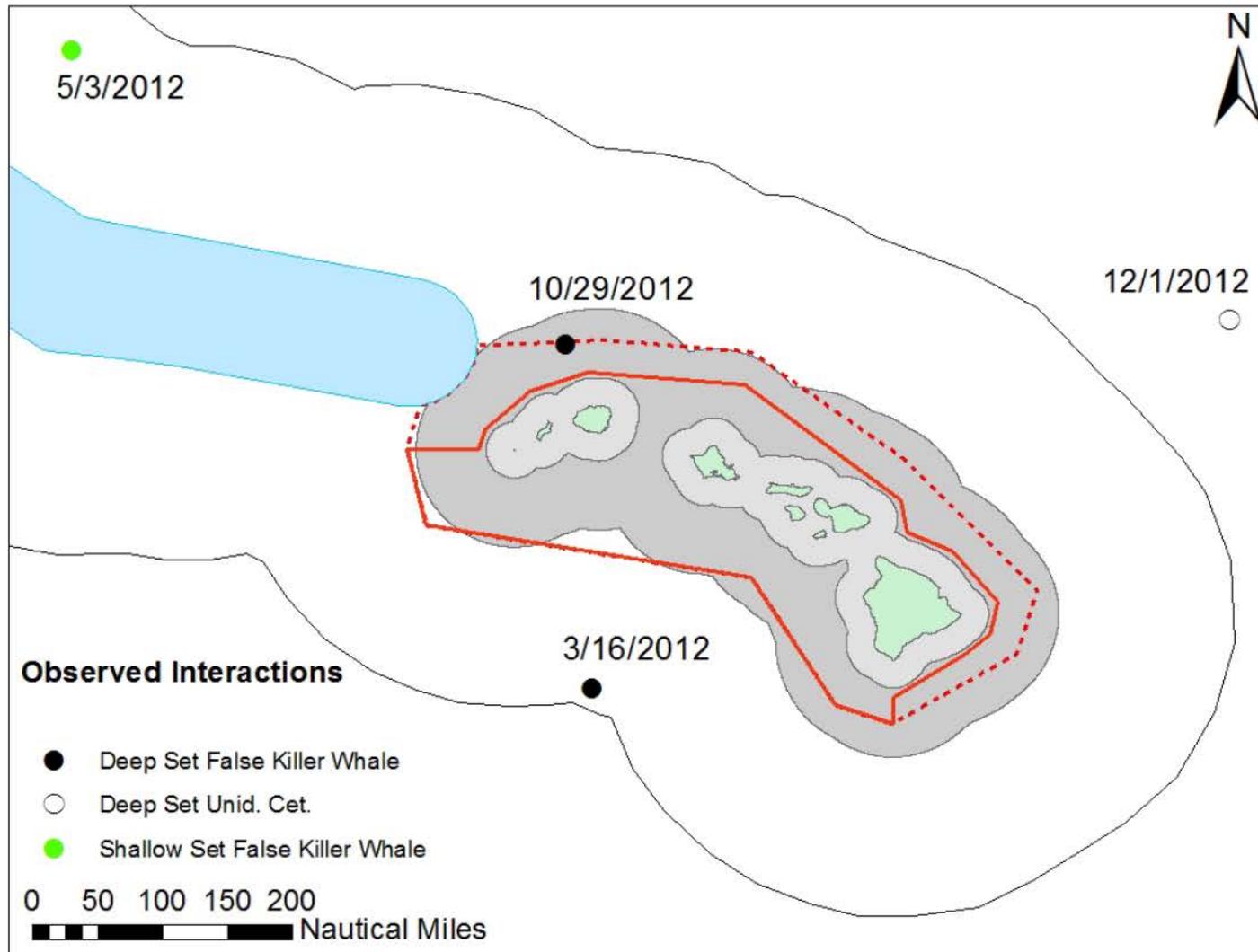
Species	Date	Location	Injury
False killer whale	3/16/2012	Inside EEZ – Pelagic stock range	Hooked in unknown location; line broke, released with gear attached. Hook type: either 14/0 offset circle (~40%) or 3.6 mm offset Japan hook (~60%).
False killer whale	10/29/2012	Inside EEZ – Insular/Pelagic overlap zone	Hooked in mouth; crew cut line, released with gear attached. Hook type: 15/0 offset circle.
UNCONFIRMED Unid. Cetacean, possibly blackfish	12/1/2012	Outside EEZ	Hooked around or in mouth; released with gear attached. Hook type: either 14/0 or 15/0 offset circle.

Shallow-set

Species	Date	Location	Injury
False killer whale	5/3/2012	Inside EEZ – Pelagic stock range	Entangled in main line; main line broke, released with no gear attached.

Serious Injury determinations have not yet been made for these interactions

Recent False Killer Whale & Blackfish Interactions



False Killer Whale Take Reduction Plan Final Rule

Outline

- Overview of rule development
- Summary of final rule
- Next steps



False Killer Whale Take Reduction Plan

Date	Action
January 19, 2010	Established TRT
July 19, 2010	TRT submitted consensus Draft Take Reduction Plan to NMFS
July 18, 2011	Proposed rule published; 90-day comment period
Nov 29, 2012	Final rule published
Dec 31, 2012	Effective date of all regulations except gear requirements
February 27, 2013	Effective date of gear requirements

Draft 2012 SAR - False Killer Whales

Stock	PBR	Cat I Deep-set			Cat II Shallow-set		Total M&SI Inside EEZ > PBR?	Strategic?
		M&SI Inside HI EEZ	M&SI Outside HI EEZ	M&SI Palmyra Atoll	M&SI Inside HI EEZ	M&SI Outside HI EEZ		
HI Pelagic	(2.4) 9.1	(10.6) 13.6	(10.4) 11.2	-	0.2	0.1	Yes	Yes
HI Insular	(0.2) 0.3	(0.6) 0.5	-	-	0	-	Yes	Yes
Palmyra Atoll	6.4	-	-	0.3	-	-	No	No
NWHI	2.6	0	-	-	0	-	No	No

Red = data from Final 2011 SAR; bold = updated or new in Draft 2012 SAR; all else is the same as Final 2011 SAR.

Public Comments

- 86 comment letters submitted
 - 68 identical or slightly modified letters of support, including petition with 2,305 names
 - 18 with substantive comments on specific measures or component of the Plan
 - 4 had comments on economic analysis; addressed in Appendix A of the Final EA-RIR-FRFA
- TRT feedback (July 2011 mtg) also considered

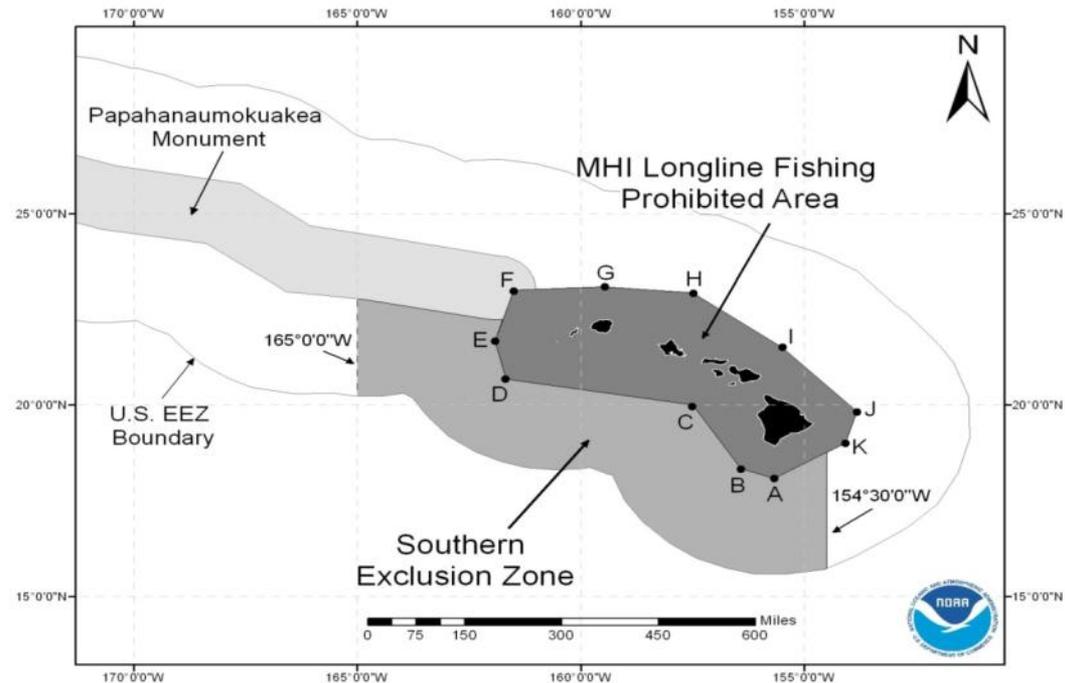
NMFS Response to General Comments

- Scope
 - No change to fisheries, but removed Palmyra Atoll stock
- Structure of regulations
 - Final rule includes all regs in MMPA section (50 CFR 229), with a change to MSA section (50 CFR 665) to be consistent with TRP
- Best available data
 - Updated abundance, PBR calculations, and bycatch estimates from Draft 2012 SAR

Regulatory Measures

Summary of Regulatory Measures

- Two gear requirements for deep-set longline fishery
 - “Weak” circle hooks
 - Strong branch lines
- Two longline closure areas
 - MHI Longline Fishing Prohibited Area
 - Southern Exclusion Zone
- Four measures to improve captain and crew response to hooked/entangled marine mammals
- Effective dates: 90 days after rule publication (Feb 27, 2013) for gear reqs; 30 days after rule publication (Dec 31, 2012) for all others



1. Deep-Set Hook Requirements

Recommended by TRT

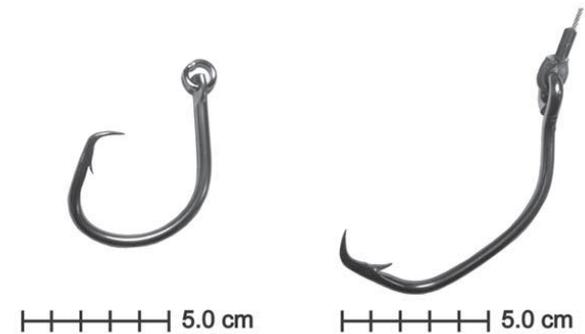
- 14/0-16/0 circle hooks, wire diam. ≤ 4.5 mm, round wire, pull strength ≤ 325 lbs, $\leq 10^\circ$ offset
- Require “weaker” circle hooks (wire diameter ≤ 4.0 or 4.2 mm) if research indicates no substantial negative effect on target species catch rates

Proposed TRP

- **Similar** to TRT’s recommendation
- $\leq 16/0$ circle hooks, wire diam. ≤ 4.0 mm, round wire, no pull strength spec, $\leq 10^\circ$ offset

Final TRP

- **Similar** to TRT’s recommendation and proposed rule
- No size requirement, wire diam. ≤ 4.5 mm, shank must contain sufficient round wire to be measured, no pull strength spec, $\leq 10^\circ$ offset



1. Deep-Set Hook Requirements

Specification	<u>Draft TRP</u>	<u>Proposed TRP</u>	<u>Final TRP</u>
Shape	Circle	Circle	Circle
Size	14/0-16/0	≤ 16/0	None
Wire diameter	≤ 4.5 mm, or ≤ 4.0 mm or ≤ 4.2 mm based on research	≤ 4.0 mm	≤ 4.5 mm
Wire cross-section shape	Round wire	Round wire	Sufficient round wire to be measured
Offset	≤ 10°	≤ 10°	≤ 10°
Pull strength	≤ 325 lb.	None	None

2. Deep-Set Branch Line Requirements

Recommended by TRT

- In deep-set longline fishery, any monofilament line used in branchlines and leaders must be ≥ 2.0 mm in diameter
 - Breaking strength of ~400 lbs
- Any other materials used in branchlines and leaders must have a breaking strength of 400 lbs or greater

Proposed TRP & Final TRP

- Same as TRT's recommendation



3. MHI Longline Fishing Prohibited Area

Recommended by TRT

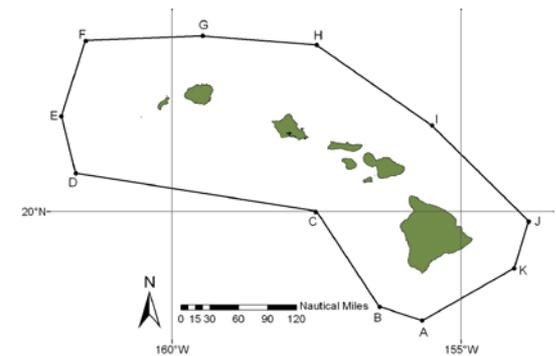
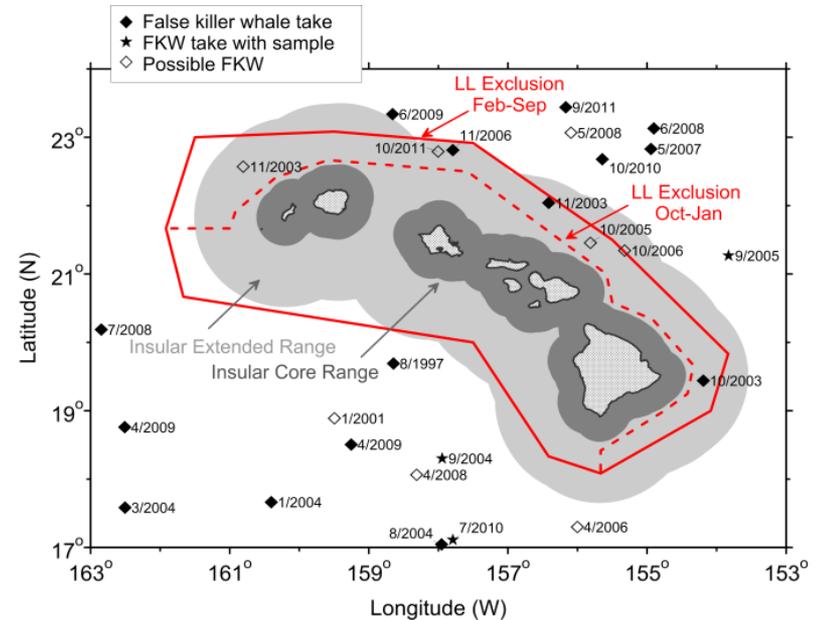
- Close a “Northern Exclusion Zone” to longline fishing year-round

Proposed TRP

- Effectively the same as TRT’s recommendation
- Remove regulation that changes the boundary seasonally; maintain the larger area closure year-round

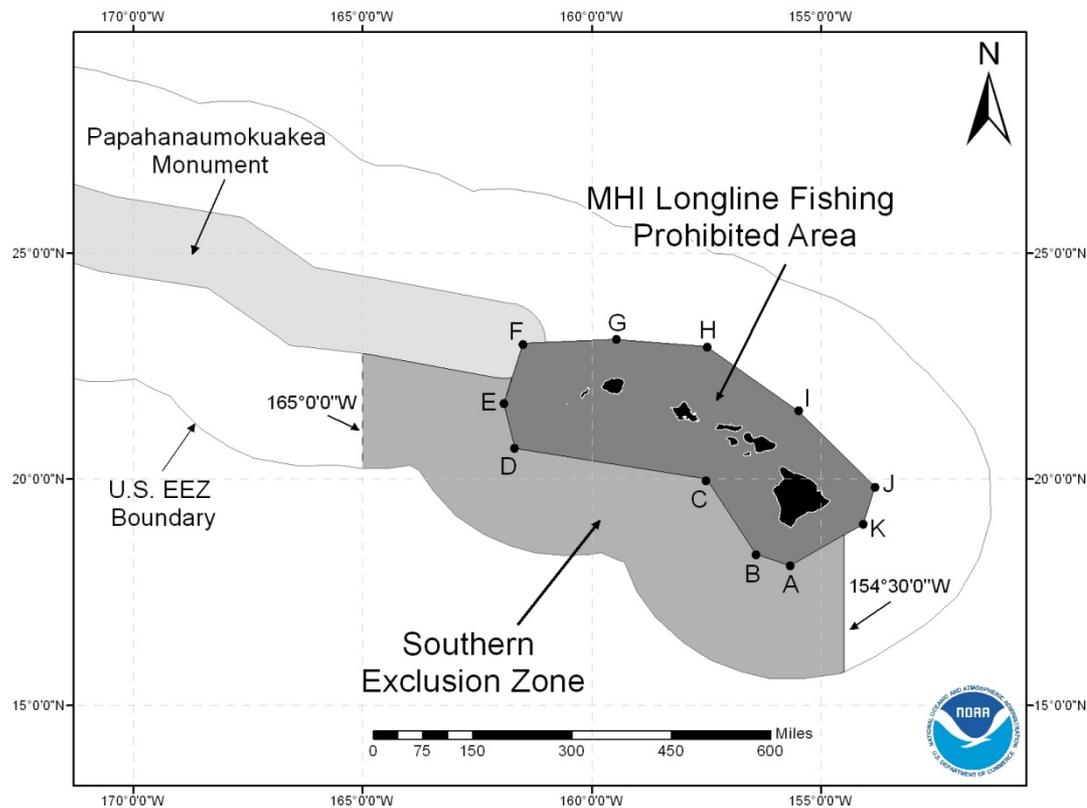
Final TRP

- Effectively the same as TRT’s recommendation
- Add entire area to TRP regulations; remove existing regulation that changes seasonal boundary, to be consistent with TRP



4. Southern Exclusion Zone

Prohibit deep-set longline fishing within a Southern Exclusion Zone if specific false killer whale bycatch threshold (trigger) is met



4. Southern Exclusion Zone - Approach

Proposed rule

- Trigger and closure procedures differed from TRT's recommendations
- No reopening criteria in regulations

Public comments & new info

- Lack of support for changes from TRT's recommended measures
- Reopening criteria should be included in regulations
- Newly calculated PBR for Hawaii pelagic stock is 9.1, compared to 2.5

Final rule

- TRT's recommended trigger and closing/open procedures
- Acknowledge potential limitations of the approach, commit to consult with TRT on the SEZ as necessary

4. Southern Exclusion Zone – Basics

Boundaries

- Same as TRT's recommendation and proposed rule

Temporal cycle

- Uses fishing year (calendar year), not "Plan Year"
 - Different from TRT's recommendation, but same as proposed rule

Basis for trigger/closure

- Observed false killer whale M&SI in deep-set longline fishery within EEZ around Hawaii
 - Same as TRT's recommendation and proposed rule
- Requires:
 - Confirmed species ID
 - Confirmed mortality or serious injury
 - For the trigger, animals are assumed to be from the pelagic stock unless confirmed as insular

4. Southern Exclusion Zone –Trigger

a. Defining the trigger

- Trigger is defined as the larger of these two values:
 - Two; or
 - The smallest number of observed false killer whale M&SI inside the EEZ around Hawaii that, when extrapolated based on observer coverage, exceeds the HI Pelagic stock's PBR level.
- Rule specifies trigger as two
 - Trigger remains in effect until superseded by publication of revised trigger in the Federal Register

4. Southern Exclusion Zone – Procedures

b. Procedures when no SEZ closure effective in previous year

- Observed M&SI below the trigger [NOT IN REGULATIONS]
 - NMFS notifies TRT of each observed false killer whale M&SI below the trigger
 - Last mortality or serious injury before the trigger is met: reconvene TRT by teleconference
- Observed M&SI that meets the trigger
 - Close SEZ for remainder of calendar year
 - Closure effective beginning 7-15 days after notice files at the Office of the Federal Register
 - Convene TRT
 - Reopen SEZ at beginning of following year
- Observed M&SI inside EEZ while SEZ is closed
 - Convene TRT

4. Southern Exclusion Zone – Procedures

c. Procedures when SEZ was closed during previous year

- Observed M&SI below the trigger [NOT IN REGULATIONS]
 - NMFS notifies TRT of each observed false killer whale M&SI below the trigger
 - Last mortality or serious injury before the trigger is met: reconvene TRT by teleconference
- Observed M&SI that meets the trigger
 - Close SEZ
 - Closure effective beginning 7-15 days after notice files at the Office of the Federal Register
 - Convene TRT
 - (Reopen when one or more criteria are met)

4. Southern Exclusion Zone – Reopening

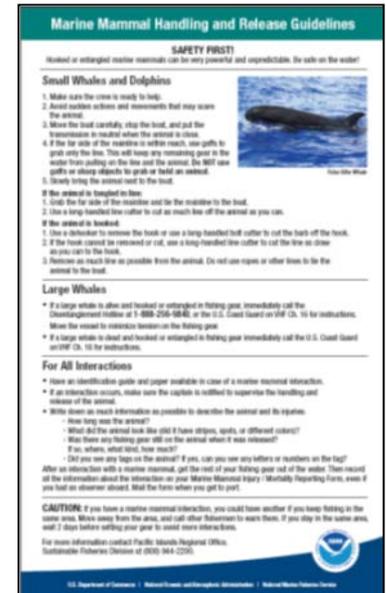
d. Reopening the SEZ (if closed per step c)

- Criteria recommended by TRT are included in regulations
 - (i) AA determines, upon consideration of TRT's recommendations and evaluation of all relevant circumstances, that reopening is warranted;
 - (ii) In the 2-year period immediately following the date of SEZ closure, the deep-set fishery has zero observed FKW M&SI within the remaining open areas of the EEZ around Hawaii;
 - (iii) In the 2-year period immediately following the date of SEZ closure, the deep-set longline fishery has reduced its total rate of FKW M&SI (including the EEZ around Hawaii, the high seas, and the EEZ around Johnston Atoll (but not Palmyra Atoll) by an amount equal to or greater than the rate that would be required to reduce FKW M&SI within the EEZ around Hawaii to below the Hawaii Pelagic FKW's PBR level; or
 - (iv) The average estimated level of FKW M&SI in the deep-set longline fishery within the remaining open areas of the EEZ around Hawaii for up to the 5 most recent years is below the Hawaii Pelagic stock's PBR level at that time.
- Effective date of reopening 7-15 days after notice files at the Office of the Federal Register

5-8. Interaction Mitigation Requirements

Recommended by TRT

- Train captains in marine mammal handling and release, as part of existing mandatory Protected Species Workshops
- Posting of placard with handling/release guidelines
- Captain must supervise marine mammal interactions
- Crew must notify captain of marine mammal interactions
- Posting of sticker instructing crew to notify the captain



Proposed TRP & Final TRP

- Same as TRT's recommendations, but no regulatory requirement for crew to notify captain



Non-Regulatory Measures and Research Recommendations

Summary of Non-regulatory Measures & Research

- Six measures to improve data quality, efficiency, & dissemination
 1. Increase precision of bycatch estimates
 2. Notify TRT of observed interactions
 3. Expedite observer data processing and serious injury determinations;
 4. Improve observer training and data collection protocols
 5. Expedite data processing from NMFS 2010 cetacean assessment survey
 6. Reconvene TRT regularly following Plan implementation
- 35 prioritized research recommendations

Next Steps for Rule Implementation

Next Steps for Rule Implementation

- Outreach to longline permit-holders
- Internal preparation for implementing specific measures (e.g., SI determination process, SEZ closure)
- Regulations go into effect
 - December 31, 2012 for all except gear requirements
 - February 27, 2013 for gear requirements
- Monitoring/evaluation of effectiveness
 - 6 month goal?

Questions?

Next Steps for TRT

Membership Updates/Changes

- Fill the open conservation seat (previously held by William Aila)
- Appoint State of Hawaii representative (previously held by David Nichols, with acting representative Francis Oishi)
- Swap several primary/alternate designations
- Appoint additional alternates?

In-Person Meeting

- Dates - not yet confirmed
- Potential agenda topics
 - Program updates
 - Consider need for any Plan amendments
 - Monitoring strategy
 - Confirm research priorities
 - Near-shore fisheries information
 - TRT funding priorities
 - Others?

Monitoring Strategy

- Purpose
 - Monitor effectiveness of TRP measures
 - Monitor compliance with TRP regulations and other TRP elements
 - Identify metrics and protocol by which we will track and measures success
- Progress/status of development
- TRT role – potential Work Group?

Thank you!