

**North Atlantic Right Whale Recovery Plan
Northeast US Implementation Team
July 7, 13, & 15 2021**

Via Webinar

KEY OUTCOMES MEMORANDUM

I. Overview

The North Atlantic Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT) conducted a three-day webinar on July 7, 13, and 15, 2021. The agenda can be found in Appendix A, and the NEIT deliberations focused on the following primary objectives:

- Share updates on right whale status and recovery
- Reach consensus on status of NEIT Work Group Topics, as appropriate
- Revisit prioritization list (review top 9 priorities)
- Existing NARW study status and identification of research gaps
- Resolve and Finalize Stakeholder Involvement Posture

This Key Outcomes Memorandum summarizes the primary results of the NEIT deliberations from the discussions noted above. In general, the synthesis integrates the main themes discussed at the meeting and are presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The Key Outcomes section is further segmented into the following sections:

- Welcome and Meeting Kick Off. This section provides a brief overview of the meeting purpose and agenda review.
- NEIT Business. This section includes the NEIT process and meeting planning.
- Focused NEIT discussions. This section includes focused discussions, including any resulting in consensus actions and/or recommendations.
- Consensus Actions. This section summarizes any consensus actions to be taken by the Team.
- Consensus Recommendations. This section summarizes any consensus recommendations of the Team.
- Other. This section summarizes other topics discussed during the meeting as applicable.

II. Participants

The NEIT meeting was attended by 12 of the 13 Team Members: Desray Reeb (Team Lead), Katie Moore, Bob Glenn, Erin Summers, Mark Baumgartner, Danielle Cholewiak, William McLellan, Roxanne Gillett (except for Day 1), Cindy Driscoll, Joel Bell, Lynn Alberta (only for Day 1) and Meghan Rickard. Dave Wiley was unable to attend and will be filled-in on team deliberations.

Michael Pentony, Diane Borggaard (NEIT Liaison), Colleen Coogan, and Caroline Good represented NOAA Fisheries (NMFS). Except for the NEIT Liaison, NMFS staff attended specific portions of the webinar to give presentations to the team and/or answer questions. Leslie Ward (SEIT Chair) was also in attendance for portions of Days 2 and 3. Meredith Moise and Corie Grewal (Integrated Statistics, Inc. in support of NMFS GARFO) attended to facilitate use of the meeting platform and capture notes and key discussions.

The Key Outcomes Memorandum was distributed to the entire Team for feedback.

III. Meeting Materials

The following materials were provided to NEIT members via email prior to or at the meeting:

- Draft meeting agenda
- Public Involvement Brainstorming Document
- 2020 NMFS GARFO Right Whale Outreach Summary
- NEIT Google Folder
- NEIT DIVER Portal
- GoToMeeting instructions

IV. Key Outcomes

Below is a summary of the main topics and items discussed during the three-day webinar. This summary is not intended to be a meeting transcript and is not necessarily in chronological order of discussions. 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 meeting began with a welcome and brief introduction from the new team lead, D. Reeb. After a review of the team purpose and draft agenda, the team heard from Michael Pentony, the GARFO Regional Administrator, who reiterated the importance of the team and thanked members for their actions thus far to promote the recovery of right whales. Mr. Pentony acknowledged the team's most recent accomplishments: providing NMFS with recommendations based on the vessel speed rule assessment and the Off Race Point SMA. After team introductions, the NEIT had the opportunity to ask Mr. Pentony any questions.

B. NEIT Business

D. Borggaard noted that NMFS released the Species in the Spotlight Action Plan in April and that it incorporated several specific priority actions identified by the NEIT or jointly by the NEIT and SEIT. NMFS also provided various updates to keep the NEIT informed of activities

that the team expressed interest in. This included updates on efforts underway such as regional coordination for the draft North Atlantic Right Whale Emergency Response Plan, the recent release of the Biological Opinion on 10 fisheries and associated North Atlantic Right Whale Conservation Framework, and ongoing Atlantic Large Whale Take Reduction Plan (ALWTRP) efforts. Diane also noted that many NMFS staff contributed to the updates and NMFS would continue to keep the NEIT informed of these efforts and any future outcomes. C. Good also provided an update on a number of vessel strike research-related projects that are currently either being undertaken or funded by NMFS with the ultimate goal of significantly reducing vessel interactions with right whales.

D. Cholewiak provided various updates from the NEFSC, starting with the release of a new infographic on right whale population size over time that was created in collaboration with a graphic designer, as well as the release of a new publicly available passive acoustic monitoring (PAM) website that tracks several species of whales (including NARW) over large spatial and temporal scales. Other NEFSC updates included the most recent right whale estimated abundance and notice of an update to the population model published in a technical memo in April; the number of calves born in the 2021 season; plans for upcoming fall aerial, vessel, and acoustic based surveys; and other research projects (e.g., using satellite AI to detect right whales, progress on potential wind development surveys, recent ropeless gear research, and expansion of the ALWTRT Decision Support Tool, etc.).

In addition to the NMFS updates on the current status of the NARW, W. McLellan provided a detailed update on known right whale mortalities between November 2020 (when the most recent previous NEIT meeting took place) and July 2021.

A number of team members provided detailed updates per the draft agenda. Not all team members had organization updates to provide, as only significant updates were requested to allow for more time on the agenda for Team deliberations. Maine DMF reported on current outreach and gear research efforts for fishermen as well as the recent deployment of sound traps. Massachusetts DMF provided an update on the extended fisheries closure initiated this spring. Updates from the U.S. Navy and Woods Hole Oceanographic Institute (WHOI) centered on the joint project deploying auto-reporting buoys, which consists of six buoys that will sample and record continuously for a year between Massachusetts and North Carolina. WHOI also informed the team of current and future deployment of gliders in MA, RI, and NY. The U.S. Coast Guard is planning more boater outreach for vessel strike awareness. Transport Canada (TC) and Fisheries and Oceans Canada (DFO) provided updates to the team on the various activities occurring in Canada centered on right whale conservation, such as right whale visual surveillance efforts and current fishery and vessel management.

Additional NEIT business consisted of revisiting the use of current online platforms for optimal team collaboration and discussing potential fall meeting dates. This meeting was the first to be facilitated through the GoToMeeting platform, which worked well for team members and will be employed for future use. The team came to the agreement to terminate the use of the DIVER platform for document management in favor of using Google Documents at the present, although some members were interested in looking into other options that may be more accessible in the future. The fall NEIT meeting will likely take place sometime in October or November, but the team will convene for a webinar to discuss a recommendation for NMFS GARFO on vessel strike reduction and monitoring prior to the fall meeting (e.g., late August or early September).

C. Focused Discussions

Work Group Updates

D. Reeb led the NEIT through the agenda, including the portion of the meetings centered around the working groups. This included providing updates and next steps to the rest of the team regarding the working groups that were established at previous meetings.

Vessel Strike Reduction Working Group

W. McLellan (lead) provided an update on the progress of the vessel strike reduction working group (D. Wiley, M. Baumgartner, D. Reeb, M. Rickard, C. Driscoll, K. Moore, D. Cholewiak, L. Alberta). The goals identified for this group are to investigate circumstances of each right whale mortality, determine what management strategies will eliminate future mortalities, and collaborate on additional management needs. The working group met several times since the previous NEIT full meeting and their discussion focused on the spatial and temporal extent of speed reduction under current SMA and DMA regulations and the potential for expansion of restricted areas, mandatory DMA speed reductions, and speed reduction plans for all vessel sizes. W. McLellan and M. Baumgartner presented a series of trade-off categories produced by the working group for potential vessel strike reduction management measures to the team for consideration in developing any recommendations (e.g., seasonal vs. year-round, small area vs. larger/coastwide, dynamic vs. static, voluntary vs. mandatory, large vessels vs. all vessels, etc.). These categories were then used to design scenarios for vessel strike reduction. In the ideal scenario, it was proposed that NARW vessel strike mortalities are near zero, while a middle ground approach gets mortalities closer to the Potential Biological Removal (PBR) and the status quo scenario keeps mortality rates steady (exceeding PBR).

Team members discussed various categories and considerations. For example, the team discussed recommending mandatory DMA vessel speed reductions, but many members thought it best to focus on designating more space for SMAs, which provide mandatory speed reduction regulations and more static protection for right whales over a longer term.

The team discussed cryptic mortalities due to vessel strikes and where those might be happening in order to direct recommendations to specific target areas. However, it was pointed out that because monitoring in several regions of NARW range is lacking, (e.g., the mid-Atlantic and offshore near the continental shelf break) a precautionary approach to developing recommendations should be taken in order to account for the assumption that NARW are using these areas and bring mortalities closer to the PBR. The team also considered that static restrictions could be more effective for avoiding mariner confusion and logistical challenges associated with dynamic changes in management.

Ultimately, the team determined that recommending the ideal scenario with maximum protection incorporates the current uncertainties of NARW distribution and provides a touchstone for management. This allows the team to address changing levels of risk across the region as the wind and offshore aquaculture industries develop, vessel traffic increases or routes shift in the post-pandemic era and potential future NARW distribution changes due to climate change or other unforeseen drivers. That said, the team discussed the feasibility of this scenario and recognized associated challenges. The vessel strike reduction working group will draft a document with recommendations with a focus on what is best for right whales and circulate it to the team. The team will meet via webinar prior to the next full meeting to discuss the recommendations, reach consensus if possible, and submit the document to NMFS GARFO.

South of Cape Cod SMA Working Group

D. Cholewiak (lead) provided updates on the progress of the south of Cape Cod SMA working group. The group was initially established to define seasonal temporal and spatial extents for a new SMA designated south of Cape Cod and the Massachusetts islands (Martha's Vineyard and Nantucket). D. Cholewiak mentioned that the group was still working to define those extents and the terms of the SMA (for instance, whether they should include a dynamic component). Members discussed the overlap between the south of Cape Cod SMA working group and the vessel strike reduction working group, as well as progress made towards drafting recommendations and building consensus for broader vessel strike reduction in this meeting. Based on this, the team determined that including specific language describing the south of Cape Cod region as one that requires more stringent protection in the form of a SMA in the broader vessel strike reduction recommendations would help to emphasize the area and combine the purposes of both groups. Team members discussed that broader coast-wide protections are best for right whales, and merging working group efforts may be useful for highlighting the uncertainty in NARW distribution since, for example, the south of Cape Cod region is a known NARW aggregation hot spot, so whales must be traveling through less monitored regions between hot spots. By combining the working group efforts, the team will not plan to define the spatial extent for this SMA and will focus on more broadly recommending vessel

restrictions regionally and highlighting the south of Cape Cod region as one hot spot that requires further management action at the minimum. The team will also incorporate the previously submitted recommendation regarding the duration of the Off Race Point SMA into the broader vessel strike recommendations to emphasize the importance of that measure as well.

Monitoring Working Group

E. Summers (lead) provided an update on the status of the monitoring working group (W. McLellan, J. Bell, M. Baumgartner, M. Rickard, E. Summers, R. Gillett, C. Driscoll, D. Reeb, B. Glenn, and D. Cholewiak). In their recent meetings, the group used the NMFS Monitoring and Surveillance Workshop Report as a guide to prioritize various recommended monitoring efforts that they deemed most important for analyzing NARW abundance and distribution. Ultimately, they voted on the recommendations and came up with two for NEIT focus: 1) the use of broadscale vs. targeted aerial survey methods for monitoring efforts (e.g., population monitoring, distribution hotspot analysis) and 2) the use of broadscale vs. targeted PAM technology for monitoring efforts. The group used these two broad recommendations for data collection methods to brainstorm five specific recommendations where they saw gaps in current monitoring efforts. These included recommending NMFS to do more risk based and broad scale monitoring for species presence/absence across the historic range and more monitoring of historic hotspots and current known areas of high risk (areas with high densities of fishing gear and vessel traffic), recommending the use of real time acoustic technology (including real time notifications) for mitigation strategy and the use of limpet and long range tags particularly around migratory seasons, and moving monitoring focus to using risk based technology to support current issues facing right whales.

Although the team determined that continuing aerial and PAM efforts was essential for NARW recovery monitoring, they also discussed trade-offs between the two data collection methods in terms of resource requirements and types of data that can be collected. Some members noted the trade-offs between platforms (e.g., increasing PAM surveillance over aerial surveys due to the reduced cost of PAM might make it more accessible for NMFS to implement over a wider range, aerial surveys help to locate larger aggregations of right whales which may be in higher risk areas or indicate a hot spot). One member emphasized the prioritization of real-time data regardless of the data collection method because of its importance for mitigation by ocean users (e.g., mariners, wind energy development, etc.) which resonated with other team members. The team also discussed the importance of developing long-term monitoring plans for areas where there currently are none (e.g., further offshore and in the mid-Atlantic region) so that there is a better understanding of the way that right whales use those spaces for future management considerations.

The team discussed ways to increase coordination between organizations that are currently collecting monitoring data and NMFS (e.g, increasing resources). The team agreed that they wanted to make recommendations to NMFS on funding monitoring using a dynamic timescale, where resources and efforts are reassessed periodically. E. Summers will continue to refine the document that the working group has been collaborating on to add more definition to the scales and extent of monitoring and detail the idea that all NEIT monitoring recommendations should be viewed through a lens of active and current management needs. The team will work to further consider the working group's recommendations and try to reach consensus this fall.

Public Involvement Next Steps

The team worked to finalize posture for public involvement in the Terms of Reference. After a brief overview of prior discussions on this topic from K. Moore, as well as acknowledgement of public communications efforts to date (e.g., NEIT website), the team had a discussion on the responsibilities and needs for public involvement. Two avenues for public involvement were discussed: 1) transparent communications from the team to keep members of the public updated on NEIT deliberations and recommendations and 2) information gathering from invited stakeholders or experts to help inform NEIT recommendations.

To promote transparent communication, the team discussed additional avenues such as providing a public access email address for questions, comments, and concerns and using a public listserv (e.g., through already established lists) for team progress updates, with information available on the NEIT website. The team plans to work with the North Atlantic Right Whale Consortium (NARWC) to promote these outreach efforts, as well as consider providing a progress update presentation at the Consortium meeting. The team agreed that the information gathering avenue must be designed thoughtfully to meet the needs of the team and support their efforts. There were continued discussions which included possibly initiating a forum at a future point, utilizing working groups or subgroups, amongst others. The NEIT did not have time to fully discuss details for these options and will continue to consider how best to incorporate these ideas for public input in information gathering. Some members noted the importance of tracking any public feedback for NEIT review. D. Reeb and D Borggaard will continue to connect on options discussed at the meeting and circle back to the full team. D. Borggaard will also work with D. Reeb to take another look at the posture in the Terms of Reference based on team discussions and circulate an updated version to the team via email.

The team also determined that public involvement will be a continued discussion topic at one meeting per year for the foreseeable future so that they can discuss progress made on current public involvement approaches and incremental next steps.

Identification of Research Gaps to Allocate Funding

The team discussed the process of how best to provide NMFS GARFO recommendations on research gaps and priorities to support funding (e.g., allocation of any available right whale funds). The team noted that they would continue discussion on team-designated high priorities to help NMFS GARFO understand what the research gaps are and encourage them to use whatever resources are available to address those gaps. The team reached consensus on having an hour-long session after the annual NARWC, where current research is presented, to determine if research gaps have changed at all during that year compared to prior years. The NEIT can then provide recommendations to NMFS GARFO as needed related to gaps.

NEIT Remaining Recovery Action Priority Items

The NEIT spent a portion of the meetings reviewing the nine top priorities that they had identified in 2019 to focus on between 2019-2023. For several of the top priorities, current or past working groups and subsequent recommendations address their interrelated needs, but a few were remaining for the team to look into further. One priority that was discussed, which centers on notifying ships exceeding the speed limit recommendation in active DMAs, would require coordination with the U.S. Coast Guard. The team showed interest in forming a working group to pursue this priority further. Due to time constraints at this meeting, K. Moore and M. Baumgartner offered to meet first and report back to potentially form the working group at the next NEIT meeting.

The team also talked about aligning the top nine priorities with priorities identified in the recently released Canadian DFO right whale recovery action plan. R. Gillett noted that some of the DFO priorities identify NMFS as a partner for specific recovery measures, so alignment could help emphasize needs for bilateral cooperation. She will begin to pull out some information from the DFO action plan that could be aligned. The team will continue to talk about the remaining recovery action priority items and any needed next steps.

D. Consensus Actions

- Continue moving forward with NEIT monitoring and vessel strike reduction working group efforts. The monitoring working group should periodically reconvene to reassess.

- Create a public access email and listserv/newsletter communication (through NARWC) for the NEIT website that the team can review feedback and use to convey updates on progress.
- Hold an annual hour-long team discussion as a standing agenda item for identifying any research gaps after the NARWC meeting. Develop recommendations to NMFS GARFO as needed.
- GARFO to work with OLE and other NMFS staff to provide additional information on vessel strike events when possible (i.e., NEIT broadens its previous consensus recommendation¹ to include vessel size, type, speed and other available information on vessel strike events).

E. Consensus Recommendations

- None at this time.

V. Next Steps

- W. McLellan will draft a combined list of recommendations based on conversation and feedback from the team during the vessel strike reduction and South of Cape Cod SMA working group sessions for the team to consider at a follow up webinar.
- E. Summers will continue to refine the list of recommendations established by the monitoring working group by adding more definition to the scales and extent of monitoring and detailing that NEIT monitoring recommendations should be viewed through a lens of active and current management needs for the team to consider at a follow up webinar.
- D. Reeb will send out a doodle poll to determine when a follow up webinar can be held to discuss recommendations from the vessel strike and monitoring working groups and attempt to reach consensus.
- D. Borggaard working with D. Reeb will take another look at the stakeholder involvement posture in the Terms of Reference based on NEIT comments and send out an updated version to the team for any feedback.
- R. Gillett will pull some relevant priority actions from the DFO recovery action plan and start to think about how they align with the NEIT priorities.
- D. Borggaard will begin working on getting an NEIT email account set up with a link on the NEIT website.
- D. Borggaard will close the NEIT DIVER account so NEIT can solely use Google. She will also work with the NMFS GARFO support team to investigate if Sharepoint would be an option.

¹ Consensus recommendation from NEIT March 2019 meeting: *As a standing topic in NOAA Updates at NEIT meetings, NOAA OLE should provide updates on the status of mortality investigations.*

- M. Baumgartner will reach out to the NARWC to discuss using their listserv/newsletter to inform the future NEIT distro account and presenting on NEIT progress at the Consortium meeting.
- D. Reeb and D Borggaard will continue to connect on public involvement options discussed at the meeting (e.g., see consensus actions above) and circle back to the full team. Any public feedback will be compiled so the NEIT can track input.
- K. Moore and M. Baumgartner will continue to consider how a new working group could further the priority to alert mariners if they are speeding in active DMAs in real time.
- D. Borggaard and the NMFS GARFO support team will create some outreach for the team on best practices for using Google Documents for collaboration.
- E. Summers will share a map of PAM sites off Maine when available.
- Members should contact D. Cholewiak if interested in receiving PAM reports.

Appendix A. Meeting Agenda

North Atlantic Right Whale Recovery Plan Northeast US Implementation Team July 7, 13, & 15 2021

DAY 1

Time	Topic	Lead(s)	Length
1230	Welcome, Introduction and Getting Organized	Michael Pentony, Diane Borggaard, Desray Reeb	30 min
1300	Session 1: NMFS Updates	NMFS	60 min
1400	Right Whale Mortality Update	Bill McLellan	15 min
1415	BREAK	All	10 min
1425	Session 2: Round Robin of Significant Updates from Team's Organizations	All	60 min
1520	Session 3: Work Group Update and Discussion: Vessel Strikes	WG Lead: Bill McLellan	60 min
1620	Daily Wrap Up	Diane Borggaard, Desray Reeb	60 min
1630	ADJOURN		

DAY 2

Time	Topic	Lead(s)	Length
1200	Welcome, Recap of Day 1, Overview of Day 2	Diane Borggaard, Desray Reeb	10 min
1210	Session 1: Finalize Stakeholder Involvement Posture	Diane Borggaard	90 min
1340	BREAK	All	10 min
1350	Session 2: Work Group Update: Vessel Strikes (continued)	WG Lead: Bill McLellan	120 min
1550	Session 3: Work Group Update and Discussion: South of Cape Cod	WG Lead: Dani Cholewiak	60 min
1650	Daily Wrap Up	Diane Borggaard, Desray Reeb	10 min
1700	ADJOURN		

DAY 3

Time	Topic	Lead(s)	Length
1200	Welcome, Recap of Day 2, Overview of Day 3	Diane Borggaard, Desray Reeb	10 min
1210	Session 1: Work Group Update and Discussion: Monitoring	WG Lead: Erin Summers	90 min

1340	Session 2: Existing NARW study Status and Identification of Research Gaps	All	70 min
1450	BREAK	All	10 min
1500	Session 3: Remaining Recovery Action Priority Items: Discussion of New Working Groups or Next Steps Needed?	All	60 min
1600	Session 4: Business- Summer Webinar(s) and Fall Meeting Dates	All	45 min
1645	Meeting Wrap Up	Diane Borggaard, Desray Reeb	15 min
1700	ADJOURN		