False Killer Whale Take Reduction Team
December 7, 2012, Webinar

KEY OUTCOMES MEMORANDUM

I. OVERVIEW

NOAA's National Marine Fisheries Service (NMFS) convened a False Killer Whale Take Reduction Team webinar on December 7, 2012. The webinar focused primarily on reviewing the elements and implementation-related next steps associated with the just-published False Killer Whale Take Reduction Plan (FKWTRP) final rule. Additionally, the webinar provided a platform for FKWTRP-related updates and Team next steps.

This summary report, prepared by CONCUR Inc., provides an overview of the meeting's key outcomes. It is presented in four main sections: (1) Overview, (2) Participants, (3) Meeting Materials, (4) Key Outcomes, and (5) Next Steps.

II. PARTICIPANTS

The nearly two-hour webinar, convened by Lisa Van Atta and Nancy Young with NMFS's Pacific Islands Regional Office (PIRO), was attended by 14 of the 19 Team members. Participating Team members (or their alternates) were: L. Van Atta, Hannah Bernard, Ryan Steen, John Hall, Kristy Long, Asuka Ishizaki (for Paul Dalzell), Sharon Young, Andy Read, Eric Gilman (for Steven Beverly), Paul Nachtigall, Brendan Cummings, David Laist (for Kris Lynch), Francis Oishi (for David Nichols), and John LaGrange. Team members Roger Dang, Clint Funderburg, Tory O'Connell, and Robin Baird were unable to participate; one of the 19 seats on the Team is currently unfilled.

Additionally, the Team's deliberations were supported by Karin Forney with the Southwest Fisheries Science Center, Erin Oleson and Russ Ito with the Pacific Islands Fisheries Science Center, Jamie Marchetti with the PIRO Observer Program, and Adam Bailey with the PIRO Sustainable Fisheries Division. Scott McCreary with CONCUR, Inc., and Bennett Brooks with the Consensus Building Institute facilitated the discussion. Several others – from PIRO, the state and the public – sat in as observers but did not actively participate.

III. MEETING MATERIALS

A meeting agenda, the final FKWTRP rule, the final Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis, and a copy of the webinar presentation were provided in advance to support the group's deliberations. Copies of meeting materials can be found on-line at:

http://www.nmfs.noaa.gov/pr/interactions/fkwtrt/

Documents can also be obtained by contacting N. Young at 808-944-2282 or via email at nancy.young@noaa.gov.

IV. KEY OUTCOMES

Below is a brief 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 discussion, and areas of full or emerging consensus.

A. Welcome and Introduction

L. Van Atta opened the meeting with brief welcoming comments, emphasizing the important milestone of the final rule and thanking both NMFS staff and Team members for their extensive contributions and hard work. Her remarks were followed by a brief overview of the agenda and webinar protocols.

B. Program Updates

N. Young walked the Team through a series of FKWTRP-related updates. These included the following:

- ***Draft 2012 Stock Assessment Report (SAR).*** N. Young informed the group that the draft 2012 SAR published August 7, 2012, and final publication is expected in spring 2013. False killer whale-related highlights include: (1) the Palmyra stock is now moved to a separate SAR; (2) there is a newly defined Northwestern Hawaiian Islands stock; and (3) there are updated abundance, PBR (potential biological removal) and bycatch estimates.

- ***Main Hawaiian Islands (MHI) insular false killer whale ESA listing.*** N. Young noted that NMFS published a final rule November 28, 2012, listing the MHI insular false killer whale population as endangered. The listing goes into effect December 28, 2012.

- ***Recent false killer whale interactions.*** N. Young provided the most recent information on observed false killer whale and blackfish interactions, noting there have been three interactions in the deep-set longline fishery (two within the EEZ, one outside) and one in the shallow set fishery (within the EEZ). Serious injury determinations have not yet been made for any of the takes.

Team members posed a handful of clarifying questions.

C. False Killer Whale Take Reduction Plan Final Rule

The bulk of the webinar focused on a walk-through of the FKWTRP final rule published November 29, 2012.

In her overview, N. Young reviewed the timeline for developing the draft FKWTRP and

proposed and final rules, as well as highlighting the public comments received. She then walked Team members through each component of the rule, highlighting both the regulatory and non-regulatory elements and noting that implementation of most rule elements take effect December 31, 2012. (Gear requirements are not effective until February 27, 2013.) N. Young underscored that the rule is largely consistent with the draft consensus recommendations put forward by the Team in July 2010 and the Team's subsequent feedback on the proposed rule. Finally, N. Young noted the next steps for rule implementation, including (1) outreach to longline permit-holders to inform them of rule requirements, (2) development of NMFS internal protocols (e.g., serious injury determination and SEZ closure processes), (3) rule effective dates, and (4) development of a FKWTRP monitoring strategy. (N. Young's detailed presentation on the final rule, including a summation of its key elements and overlap and/or divergence with both the Teams' draft FKWTRP and the proposed rule, is available on the website provided earlier in this memorandum.)

In addition to clarifying questions, Team member comments centered on a handful of the following themes:

- ***Strong support for final rule.*** Several participants voiced strong support for the Region, and N. Young in particular, for their commitment to put forward a rule that is responsive to the Team draft and subsequent comments. Both B. Cummings and R. Steen complimented NMFS for a rule that matches the spirit and focus of the Team's recommendations. R. Steen cited, in particular, the agency's efforts to obtain data from the fleet on hook usage to inform the rule's measures.

- ***Need for additional weak hook studies.*** Several participants pressed NMFS to conduct further studies to identify the viability of using 4.2/4.0-mm circle hooks in the May-June timeframe when the fleet is landing the largest bigeye tuna. Such studies are important, several Team members said, in the event that the conservation benefit associated with the required 4.5-mm circle hooks proves to be smaller than anticipated and the Team needs to identify supplemental measures. Specifically, Team members sought to understand the funding available to conduct such studies, the likelihood of undertaking a weak hook study in 2013 and the lead time required to launch an effective study. (Agency staff said that, while there is interest within NMFS for additional research, there is no funding currently available to support the studies and further discussions with the Science Center are needed to clarify priorities and lead-time requirements.) Most broadly, several webinar participants underscored the importance for the Agency to take preparatory steps now so that, should funding become available, it will be poised to move forward with the necessary research. Participants were encouraged to explore opportunities for both NMFS and non-NMFS funding sources and research opportunities (e.g., NMFS Bycatch Reduction Engineering Program federal funding opportunity).

- ***Rule implementation considerations.*** Discussion of the rule elements surfaced a number of specific considerations related to implementation. Several comments focused around enforcement, with Team members wanting to better understand (1) the extent to which fishing vessels could be held at dock (if they are found to be non-compliant with hook requirements) until proper hooks are obtained; and, (2) the extent to which vessels will be

able to leave with an observer if fishing gear is found out of compliance. Other implementation-related comments included: (1) noting the importance of having an acceptable method for measuring line diameter given unavoidable stretching and wear and tear over time; and, (2) wanting NMFS to identify and, as possible, shorten the intervening steps on the critical path between documenting false killer whale M&SI and actually closing the Southern Exclusion Zone.

- ***Rule monitoring.*** Though not a direct focus of the webinar, the Team discussed issues related to the monitoring of FKWTRP implementation and effectiveness in several capacities. Individual comments included the following:

  - One Team member suggested that NMFS obtain additional observer data that may help assess compliance with and effectiveness of the new gear requirements (i.e., measuring and tracking terminal gear used, hook wire diameter, straightened hooks). The goal, some Team members said, is to inform the Team and Agency's collective knowledge of interactions as much as possible.
  - A suggestion that the Agency consider tracking weak hook sales/availability as a strategy for gauging compliance; and,
  - Interest in convening a near-term work group to support the Agency's development of a comprehensive plan to monitor Plan effectiveness. (See "Next Steps" below for more on the Work Group.)
  - Possible consideration of a follow-on discussion or work team related to additional weak hook research.

D. Team Next Steps

The Team considered briefly a number of issues related to Team next steps. These included the following:

- ***Updating Team membership.*** N. Young noted the need to update Team membership, including appointing a new conservation member to replace William Aila, appointing a new State of Hawaii representative, and updating several primary-alternate pairings. Team members were encouraged to submit candidate names to N. Young as soon as possible.

- ***In-person Team meeting.*** N. Young noted that NMFS is interested to convene an in-person Team meeting within the first or second quarter of 2013 if a suitable date can be identified. N. Young and/or CONCUR will seek to identify possible dates through a Doodle poll in the near future. In addition to candidate topics identified by N. Young, Team members suggested the following additional issues: timing and funding for additional weak hook studies; TRP implementation specifics; Observer Program data collection requirements in light of the final TRP.

- ***Monitoring Work Group.*** N. Young provided an overview of the Region's intent and timing for developing a monitoring strategy. As noted above, Team members voiced interest in convening a Work Group to provide input to the Agency in advance of the next in-person meeting. Team Work Group members are: S. Young, R. Steen, A. Read, D. Laist and R.

Baird.[1]

V. NEXT STEPS

Based on the discussion, the meeting yielded a handful of next steps:

- Participants are to submit to N. Young suggestions for new Team members or alternates as soon as possible.
- N. Young and/or CONCUR will conduct a Doodle poll to identify a possible in-person meeting date.
- Participants are asked to contact S. McCreary/B. Brooks with any suggested agenda topics for an in-person meeting.
- NMFS is to convene a monitoring work group, via teleconference, prior to the in-person meeting; date not yet set, but likely will be held in mid-January.
- CONCUR is to prepare a Key Outcomes memo summarizing webinar key points and next steps.
- NMFS (PIRO/PIFSC) is to consider timing, funding and preparatory needs associated with a possible follow-on weak hook studies; Team members are to identify possible outside funding sources and research support.
- PIRO will coordinate with the Observer Program to identify new data collection needs in light of TRP implementation
- PIRO is to follow up with the Team (in-person or via email depending on meeting timing) on details regarding:
    - SEZ process closure and timing
    - Potential for follow-on weak hook research
    - Potential pre-trip enforcement actions regarding non-compliant gear

Questions or comments regarding this meeting summary should be directed to S. McCreary, B. Brooks or N. Young. Scott and Bennett can be reached at 510-649-8008 and 212-678-0078, respectively; N. Young, at 808-844-2282.

[1] Following the call, Eric Gilman requested to be added to the Work Group.