

2009 RECOMMENDATIONS REPORT PACIFIC OFFSHORE CETACEAN TAKE REDUCTION TEAM

At its May 27-28 Take Reduction Team meeting in Moss Landing, California, the Pacific Offshore Cetacean Take Reduction Team reached a consensus on the following set of recommendations to the National Marine Fisheries Services:

I ATTAINMENT OF MMPA GOALS

Based upon the most recent data (e.g., 2009 draft Pacific marine mammal stock assessment report and observer data from the 2008-09 CA/OR drift gillnet fishing season), the Take Reduction Team (TRT) believes that the Pacific Offshore Cetacean Take Reduction Plan (POCTRP) has achieved the MMPA short term goal of reducing serious injuries and mortalities of all strategic stocks incidentally taken to below PBR and has achieved the long term goal of reducing serious injuries and mortalities of all marine mammals except long-beaked common dolphins to insignificant levels (commonly referred to as ZMRG). Data also indicate that beaked whale entanglements have been reduced to zero.

At the time the POCTRT was established, reducing the levels of take seemed insurmountable. Because of the willingness of TRT members to solve problems and compromise, NMFS staff, working with other government agencies, the fishing industry, NGOs, technical experts and the public have succeeded in establishing a program that has achieved remarkable progress in reducing the bycatch of marine mammals. This success demonstrates that other Take Reduction Teams can likewise address and solve difficult resource management challenges.

Based upon the information summarized above and other issues discussed at the 2009 meeting, the TRT believes that it is no longer necessary to convene regularly scheduled meetings of the Team. The TRT recommended that meetings should be convened if: a) the 5 year average annual serious injury/mortality of a strategic stock exceeds the insignificance threshold (i.e., ZMRG or 10% of PBR); b) if information becomes available to address opening or reducing the size of the current northern closure area; c) if information on an alternative pinger frequency or new technology to reduce take becomes available; or d) observer coverage drops below 10%.

In addition, the TRT has recommended modifying the purpose and scope of the Pacific Cetacean Take Reduction Plan in 50 CFR 229.31 as follows:

New language (underlined): Purpose and scope. The purpose of this section is to implement the Pacific Offshore Cetacean Take Reduction Plan to achieve the short-term goal of reducing serious injury and mortality of strategic cetacean stocks below PBR and the long-term goal of reducing all incidental

mortality and serious injury of all marine mammals to insignificant levels approaching a zero mortality and serious injury rate (defined as 10% of PBR). Paragraphs (b) and (d) of this section apply to all U.S. large mesh(\geq 14 in.) drift gillnet fishing vessels operating in waters seaward of the coast of California or Oregon, including adjacent high seas water.

To ensure the ongoing goal of continuing to reduce mortality and serious injury of marine mammals incidental to commercial fishing operations, the TRT recommends the following package of consensus measures for the near term:

II RECOMMENDATIONS REGARDING MEASURES IN THE TAKE REDUCTION PLAN

A Mandatory Deployment of 36' Net Buoy Extenders

- 1) The requirement to utilize a minimum 36' extender length should be continued in accordance with the final rule and technical amendment.

B Mandatory Use of Pingers

- 1) The requirement to utilize pingers on both the lead line and float line should be continued.
- 2) The TRT continues to encourage the use of pingers that can be affixed to nets for the season and which have longer-lived batteries.
- 3) The TRT continues to urge fishers to check the operation of each pinger to ensure compliance with the regulations for every set.
- 4) NMFS should conduct an experiment in the large mesh drift gillnet fishery to test whether there is another frequency or range of frequencies that would reduce interactions with pinnipeds, without affecting the efficacy of reducing entanglement of cetaceans. Funding for this experiment should be sought without jeopardizing the current program for implementing the POCTRP. In addition, the TRT recommended modifying the current POCTRP regulations to allow research, which is currently inconsistent with existing regulations (e.g., testing a higher frequency pinger), to occur. Further, the TRT asked that any take that might occur during this experiment should not be attributed to the DGN fishery as managed under the POCTRT.
- 5) If the experiment proves successful, then NMFS should consider the cost of new pingers when modifying pinger requirements. NMFS should also then consider whether other fleets might be required to utilize pingers.

C. Voluntary Program to Reduce the Number of Permits

The TRT encourages continuation of the policy of not re-issuing permits that have passed in California and recommends that the State of Oregon not increase the number of permits it issues.

D. Skipper Education Workshops

The TRT recommends that Skipper Workshops be held during the February-April timeframe annually and should be mandatory for all new skippers. The workshops would be voluntary for skippers that have attended workshops in the past, but they and their crew would be encouraged to attend.

E. Compliance with POCTRP Regulations and Enforcement

- 1) At-sea enforcement remains an important goal for the program to ensure that compliance continues. The TRT acknowledges that progress that has been made by NOAA enforcement with respect to ensuring compliance with POCTRP regulations. The TRT strongly recommends that this effort continue and that NOAA conduct at sea boardings on at least 4 unobservable vessels in the fleet during the next calendar year to ensure compliance.
- 2) With respect to unobservable vessels, the Team recommends that each of these vessels be required to: a) purchase, install and operate VMS; b) purchase, install and operate an Automatic Identification System (AIS); or notify NMFS of the time and geographic location (latitude/longitude) following each set. The TRT recommends that any data obtained from VMS be accessible to the appropriate NMFS personnel.
- 3) NMFS should continue to provide training and outreach materials to state and federal law enforcement agencies (e.g. U.S. Coast Guard and CDFG) regarding POCTRP regulations. NMFS should provide enforcement officers with an updated version of the laminated information placard describing the required configuration of pingers on the drift gillnet gear and other relevant summary information.
- 4) The TRT recommends that NMFS purchase “pinger receiver location systems” for NOAA enforcement to utilize in determining whether pingers are functioning and configured properly during their inspection of vessels actively fishing at sea.
- 5) NMFS should provide the POCTRT with data regarding the level of enforcement efforts and the results at least annually.

F. Data Collection

1) The TRT recommends that NMFS continue the present observer data collection program. Special emphasis should be placed on obtaining data regarding how many pingers are functioning when evaluated by an observer. NMFS should continue to determine whether the pingers in the area adjacent to an observed take are working using the current protocol. The TRT requests receipt of the analysis by NMFS of the observer records from fishing seasons 2007-2009 regarding compliance with TRP regulations.

2) The TRT recommends that NMFS maintain the number of surveys to estimate abundance of marine mammals off California, Oregon and Washington at an interval of three years. NMFS SWFSC should consider modifications to the design of the surveys to improve CVs associated with abundance estimates of strategic stocks.

3) The TRT continues to recommend no less than 20% observer coverage.

III RECOMMENDATIONS REGARDING ONGOING DETERMINATION OF THE EFFICACY OF THE TAKE REDUCTION TEAM

The Team discussed the recommendation of the GAO report entitled "Improvements Are needed in the Federal Process Used to Protect Marine Mammals from Commercial Fishing" (2008) and recommends that the following metrics be used to evaluate effectiveness of the POCTRP:

- a) The plan continues to achieve its goals for reducing incidental mortality in accordance with the MMPA;
- b) There is 100% compliance with TRP regulations;
- c) At least 50% of the unobservable boats in the fleet are boarded at sea annually;
- d) There is an appropriate level of enforcement of all sectors of the fleet to ensure compliance; and
- e) At least 20% observer coverage is achieved.