

**YEAR 2007 RECOMMENDATIONS REPORT
PACIFIC OFFSHORE CETACEAN TAKE REDUCTION TEAM
April 18-19, 2007**

I ATTAINMENT OF MMPA GOALS

The Take Reduction Team (TRT) believes that the Take Reduction Plan (TRP) has continued to achieve progress in reducing marine mammal take in the California/Oregon drift gillnet fishery. The TRT has seen an increase in pinger efficacy since their implementation. Data also indicate that beaked whale entanglements have been reduced to zero. The number of species that traditionally have been above ZMRG and PBR has declined since implementation of the TRT. However, species still taken in this fishery at levels exceeding ZMRG include the northern right-whale dolphin and long beaked common dolphin. Incidental mortality and serious injury of short-finned pilot whales are near PBR¹.

Based upon this information and other issues discussed at the 2007 meeting, the TRT recommends that the team be convened in 2008 to evaluate progress in attaining the long-term MMPA goal of reducing incidental mortality or serious injury to insignificant levels. (See Section VI Recommendations Regarding Information Exchange and Preparation for TRT meetings.)

Given 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 measures for the near term:

II RECOMMENDATIONS REGARDING 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 explore whether there is another frequency or range of frequencies that would be more effective in reducing marine mammal entanglement. If so, the TRT recommends subsequently encouraging the

¹ The PCTRT has been using the terms "take" and "bycatch" interchangeably in its recommendations and in work products produced for its deliberations. These terms are intended to refer back to the language of the MMPA, section 118, which directs the development of Take Reduction Plans "to reduce the mortality and serious injury of marine mammals incidental to commercial fishing operations."

incorporation of this acoustic characteristic into pingers that are purchased by the fleet as replacements for their current pingers.

- 5) NMFS should explore whether there is another frequency or range of frequencies that would be effective in reducing sea turtle and large whale entanglement. If so, these should be tested for effectiveness.

C. Voluntary Program to Reduce the Number of Permits

- 1) The TRT recommends that NMFS initiate an effort with the Pacific Fishery Management Council to conduct an analysis of the pros and cons of shifting authority regarding gillnet permits from state (California and Oregon) to federal authority. This analysis should include an examination of marine mammal protection issues, enforcement of current regulations and other issues the Council deems appropriate.

D. Skipper Education Workshops

- 1) The TRT recommends that Skipper Workshops should be held if NMFS has new information to share or for a new skipper who has not attended a previous workshop. The TRT also recommends that NMFS send out new published information cards on the regulations.

E. Compliance with TRP Regulations and Enforcement

- 1) At-sea enforcement remains an important goal for the program to ensure that compliance continues.
- 2) The TRT recommends amending the regulations to allow dockside enforcement of TRP regulations. An appropriate time for conducting dockside inspections might be at the time of delivery.
- 3) The TRT strongly recommends that enforcement increase its at-sea enforcement efforts. NMFS should provide additional training and outreach materials to other state and federal law enforcement agencies (e.g. U.S. Coast Guard and CDFG) regarding TRP regulations. NMFS should provide enforcement officers with an updated version of the laminated information card describing the required configuration of pingers on the drift gillnet gear and other relevant summary information.
- 4) The TRT acknowledges that the electronic monitoring technology may have promise in the future as an option for observing take of marine mammals. There are currently issues regarding cost, drain on power and data management. Therefore, the TRT recommends that NMFS should continue to explore other technological methods for observing vessels and report their findings back to the TRT.
- 5) NMFS should explore options for checking pinger compliance with the net in the water e.g. hydrophones.

F. Data Gathering

- 1) The TRT recommends that NMFS continue the present program of data gathering regarding marine mammal and drift gillnet interactions. Special emphasis should be placed on obtaining data regarding whether the pingers in the area adjacent to an observed take are working using the current protocol.

2) The TRT recommends that NMFS increase the number of surveys to estimate abundance of marine mammals off California, Oregon and Washington to 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 recommends no less than 20% observer coverage, but in light of decreasing efforts and decreasing fishing effort and decreasing take/bycatch of marine mammals, it is desirable to achieve higher levels of coverage to achieve lower CVs (coefficient of variation).

III RECOMMENDATIONS REGARDING THE DRIFT GILLNET EXEMPTED FISHING PERMIT (EFP) APPLICATION

- A. The TRT supports the proposed DGN EFP in the leatherback sea turtle closure area on the basis that it:
- 1) May reduce takes of some marine mammal species including sea lions and common dolphins.
 - 2) Would be economically beneficial to the fishermen.
 - 3) Would provide additional information on impacts of the fishery.
- B. However, the TRT has some reservations about the added risk the proposed EFP may pose to leatherback sea turtles.

IV. RECOMMENDATION REGARDING THE PELAGIC LONGLINE EXEMPTED FISHING PERMIT (EFP) APPLICATION

- A. The TRT sees the value of the longline EFP in order to evaluate alternative strategies that may reduce marine mammal bycatch, but feels it does not have the expertise or information to make a recommendation on the application at this time.

V. RECOMMENDATION REGARDING OTHER CALIFORNIA MMPA CATEGORY I AND II GILLNET FISHERIES

- A. The TRT is concerned about incidental takes of marine mammal stocks in other Category I and II gillnet fisheries off California. For some species, like long-beaked common dolphins, total serious injuries/mortalities approach or exceed PBRs, and such takes in these other fisheries may exceed those in the CA/OR thresher shark/swordfish drift gillnet fishery. For these reasons the TRT recommends NMFS take the following actions:
- 1) Expand observer coverage to include other Category I and II gillnet fisheries off California, specifically the "CA yellowtail, barracuda and white seabass drift gillnet fishery" and the "CA angel shark/halibut and other species set gillnet fishery."
 - 2) Expand the scope of the Pacific Offshore Cetacean TRT to include these other Category I and II California gillnet fisheries, and add a representative from these fisheries and an additional CDF&G advisor

- familiar with these fisheries. The TRT also recommends that NMFS identify an individual to fill the vacant environmental/conservation interest group seat.
- 3) Provide information via letter, DVD and/or technical gear liaison to permit holders in these other gillnet fisheries regarding the concern about marine mammal takes, potential start of observer coverage and the TRT's recommendation for these fisheries to begin voluntary use of pingers to reduce impacts on marine mammals and damage to gear.
 - 4) Support research that addresses ways to minimize overall impacts on marine mammals from all these fisheries.

VI. RECOMMENDATIONS REGARDING INFORMATION EXCHANGE AND PREPARATIONS FOR TRT MEETINGS

- A. TRT requests that in the future NMFS bring to the TRT issues and information that are being raised relative to the fishery and its impacts on marine mammals that are under the scope of the TRT. This may include relevant actions presented at Council meetings such as the proposed DGN EFP and pelagic longline EFP applications and other issues of interest to the TRT.
- B. The TRT requests receipt of any reports from the "Serious Injury Workshop" and AFS "By-catch Symposium" which both take place in September 2007.
- C. The TRT requests that NMFS provide information at subsequent meetings regarding the frequency and results of at-sea inspections as well as observed compliance with the regulations.
- D. The TRT recommends that NMFS convene the TRT in April 2008. The TRT also urges members to communicate in advance of meetings regarding issues and recommendations that might be discussed.