

BOTTLENOSE DOLPHIN TAKE REDUCTION TEAM WEBINAR MEETING DECEMBER 2, 2013

KEY OUTCOMES

I. CALL PURPOSE AND OBJECTIVES

NOAA's National Marine Fisheries Service (NMFS) convened the Bottlenose Dolphin Take Reduction Team (BDTRT) via webinar/conference call on December 2, 2013 from 12-2:00 pm ET. The primary purpose of the meeting was to consider the November 4 stop net fishery take in the northern North Carolina exempted area for the 100 yard small mesh gillnet fishing setback and the Team's associated "trigger" for removing the exemption [as recommended by the BDTRT during their June 2013 meeting]. Specific objectives were:

- Provide the BDTRT with details about the recent stop net fishery take in the area exempted (Bogue Inlet to Cape Lookout, NC) from NCDMF's 100-yard small mesh gillnet fishing setback (designated based on the Team's recommendations);
- Answer any clarifying questions about the take and fisheries operating (e.g. stop net and spot gillnet) in the exempted area where it occurred;
- Gauge need to gather/provide any further information; and
- Seek the Team's initial guidance on whether additional management strategies and actions are needed.

This summary report, prepared by NMFS and CONCUR Inc., provides a brief overview of the meeting's discussion, next steps, and key outcomes. As the focus of the meeting was to present information and seek the Team's initial guidance and potential options for additional management strategies needed, there are no BDTRT consensus recommendations provided in this summary. (NMFS did not specifically anticipate that a consensus recommendation would emerge from this webinar meeting.) However, several management options were presented and discussed with varying levels of initial support.

II. PARTICIPANTS

The meeting was attended by 27 Team members/alternates. Participating Team members and alternates were: Laura Engleby, Joey Frost, Lewis Gillingham, Kenneth Heath, Jimmy Hull, Beth Lowell, Bill McLellan, Red Munden, Jim Page, Andy Read, Richard Seagraves, Mark Swingle, Courtney Vail, Greg DiDomenico, Joe Speight, Mike Greco, Lisa Bonacci, Tara Cox, Sharon Young, Steve Early, Peter Nixon, Maggie Lynott, Amanda Keledjian, Rob West, Sally Roman, Chris Hickman, and Mike Peele.

Stacey Horstman with NMFS' Southeast Regional Office (Protected Resources Division) convened the meeting. Scott McCreary with CONCUR and Bennett Brooks from the Consensus Building Institute served as the neutral facilitators. Staff from the Southeast (Erin Fougères, David Hilton) and Northeast (Kate Swails) Regional Offices; the Office of Protected Resources (Lisa White); the Northeast (Marjorie Lyssikatos, Glenn Salvador) and Southeast Fisheries

Science Centers (Patricia Rosel, Barbie Byrd, Lance Garrison); NOAA's Office of Law Enforcement (Agents Wilson and Wilmarth) and the U.S. Coast Guard (Katie Moore) supported the deliberations. Several members of the public attended the meeting, including Vicky Thayer, Sara McDonald, Danielle Waples, Kim Urian, and Doug Beckman.

III. MEETING MATERIALS

A meeting agenda and the North Carolina Division of Marine Fisheries (NCDMF) Proclamation M-26-2013 were provided in advance to support the group's discussions. Meeting materials and copies of the presentations can be obtained by contacting S. Horstman at 727-824-5312 or via email at stacey.horstman@noaa.gov.

IV. PRESENTATIONS

Below is a brief summary of the information and presentation provided during the meeting and clarifying questions. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the presentation, the primary points and options raised during Team discussions, and next steps discussed.

A. Welcome and Introduction

S. Horstman opened the meeting by welcoming participants and reviewing the meeting purpose. She acknowledged that NMFS would not typically convene a BDTRT meeting for one documented take of a bottlenose dolphin in commercial fishing gear. However, the meeting was being held in direct responsiveness to the Team's consensus recommendations on when the 100-yard small mesh fishing setback exemptions should be removed. Because this take was in a stop net rather than a gillnet, NMFS was seeking the Team's guidance on any needed next steps to address the take.

S. McCreary and B. Brooks briefly reviewed the agenda and meeting logistics and format. Although recording the Team's discussion was not advised to allow for candid dialogue, B. Brooks asked that anyone on the call intending to record the discussion inform the group of his/her intent.

B. Presentation Updates

S. Horstman provided an update presentation that focused on reviewing: 1) the BDTRT's June 2013 regulatory consensus recommendations for North Carolina; 2) coordination with NCDMF on the implementing the Team's recommendations; 3) stop net fishery practices and past bottlenose dolphin interactions; and 4) facts on the recent stop net take. Specific updates included:

- NMFS coordinated with NCDMF on implementing the BDTRT's recommended 100-yard small mesh fishing setback within two exempted areas. The NC Marine Fisheries Commission agreed NCDMF should mirror and implement the BDTRT's recommendation. NCDMF issued a proclamation, effective September 15, 2013, mirroring the BDTRT's regulatory consensus recommendations for NC.

- Between 1992-2007, stranding data show 3 confirmed takes in the stop net fishery where the dolphin was removed from the inshore section of the stop net; and 6 strandings with line markings consistent with twisted twine material stranding near stop nets.
- The recent stop net take occurred on November 4, 2013 off Ft. Macon Beach, NC, which is within the northern NC exempted area. The dolphin was entangled in the lead section of the net about 50 ft from the farthest offshore end about 175 yds from the shoreline. It was entangled at the cork line and wrapped tightly multiple times, causing the lead and cork lines to come together. The net cut into the dolphin's mandible, flippers, dorsal fin, and flukes. The dolphin was cut from net and a necropsy conducted. The net had been soaking for about 17 hours and had not yet been fished.
- The Northern NC Estuarine System Stock is known to be in the same area during this time. However, it is unknown whether the Southern Migratory Coastal and/or Southern NC Estuarine System stocks are also in the area. A dorsal fin photo was shared with the Curator of the Mid-Atlantic Bottlenose Dolphin Catalog, but the fin had no identifiable features to match. Based on current information, this take would be assigned to the Northern NC Estuarine Stock, but information is constantly being re-evaluated and is always evolving.
- Concurrent fishing activity during this fall spot fishing season was different than prior years, with gillnetters setting smaller nets (~100-200 yds) versus one longer net (~400 yards). This created a situation with significantly more nets being fished right up on the beach in the northern exempted area, and reportedly up to 38 smaller nets at one point during the fall fishing season.
- A fishery interaction stranding also occurred on November 21, 2013 in the southern NC exemption area within the Cape Fear River. It was a smaller animal with deep cuts wrapping the rostrum and jaw. The cuts did not look like large line but the type of markings was inconclusive.

C. Clarifying Questions

- Among TRT members, there was much interest and several clarifying questions to learn more about the gillnet fishing effort in the northern NC exempted area, fishery practice changes this fall, and fish migration patterns at the time of the take. Spot migrated late this year and were in abundance at the time of the take.
- Questions were raised about the impact of the nearby gillnet activity and potential impact on the entanglement. In the area of the take, there were reportedly three tickets issued for gillnets set and fishing in violation of North Carolina state law: 2 for setting gillnets and fishing too close to active stop nets, and 1 for setting/fishing too close to a fishing pier. A fair amount of anecdotal information was shared about fishing practices; however, there is currently no quantified information that documents the amount of fishing effort and fishery practice changes that were discussed.
- BDTRT members asked whether the dolphin hit the stop net from the beachside of the net or oceanside. The direction of entanglement was difficult to tell because the dolphin was wrapped too tightly in the net. The dolphin was facing south (the direction fish migrated) in the net.
- Questions focused on why the stop nets were changed from fishing with smaller mesh sizes (e.g. approximately 3 inch stretched) to larger (e.g. 8 inch stretched). NCDMF now

requires stop nets to fish with mesh sizes greater than 6 inch stretched as a compromise between recreational and stop net fishermen in the area. The switch to larger mesh was driven by the theory that mullet could swim through the net, allowing others fishing in the area to also catch fish.

- Questions were also asked about whether stranding data showed if dolphins get entangled in small mesh gear. Stranding and observer data show several recent entanglements in small mesh (3 inch stretched) gillnet gear, which is different gear than the multifilament twine stop nets are made from.

V. MEETING DISCUSSIONS

Below is a brief summary of the BDTRT's discussion following the update presentation. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the primary points and options raised during Team discussions.

Several management options were suggested during the course of the Team's deliberations. The most broadly discussed options included: (1) constructing stop nets with smaller mesh-size (and more historic sizes); (2) limiting gillnet fishing gear within the exempted areas by requiring more space between gillnets; and (3) removing both the existing southern and northern exemptions to require the 100-yard small mesh fishing setback statewide. Other options mentioned but not considered in significant detail included: (1) expanding the existing exemptions; and (2) re-evaluating stock assignments and the PBR calculation.

Constructing stop nets with smaller mesh-size (and more historic sizes):

- There appeared to be fairly broad support for a change in NC regulations that would allow stop net fishermen to use smaller (up to 4 inches stretched) multifilament mesh that was more in line with historic mesh sizes, as long as it does not create conflicts with recreational fishermen.
- There was also a fair amount of support for letting fishermen specify the exact mesh size rather than requiring it to be exactly 4 inch stretched. Suggested language was to say the mesh size had to be 4 inches or smaller.
- The change to smaller mesh size was a strategy to reduce potential dolphin interactions. Bottlenose dolphins are seen as less likely to become entangled in netting with a smaller mesh size (versus large mesh), especially with multifilament twisted twine that is also tarred, making it stiffer.
- Other comments related to this possible change included the following: (1) the need to reach out to NCDMF Executive Director Dr. Louis Daniel in advance of any BDTRT consensus recommendations to confirm the acceptability of such a change (particularly given past gear conflicts with recreational fishermen); (2) the need to incorporate a transition period (at least 2 years) to allow fishermen to switch gear over time and minimize expenses; and (3) the acknowledgment that such a shift would likely benefit commercial stop net fishermen with increased catch.

Limiting gillnet fishing within the exempted areas by requiring more space between gillnets and/or limiting net lengths:

- Establishing spacing requirements between gillnets or gillnet length restrictions (i.e. boat can only set x-amount of yards of gillnet) within the exempted area was seen by some as a way to minimize net crowding and lower the likelihood of an entanglement by reducing the “maze” of nets dolphins had to navigate.
- Others were not supportive because they felt such fishing constraints could lead to longer soak times, privilege some fishermen over others, and were premature and unenforceable.
- It was also suggested that NCDMF would not be supportive of this.

Removing existing exemptions in both the northern and southern NC exempted areas:

- This option was viewed by some as an essential step to reduce dolphin entanglement risk and establish a more equitable solution along the NC coast. It was also seen by some to be consistent with the intent of the BDTRT’s language that called for a lifting of the exemption if there is a take in the exempted areas. It was also expressed that NCDMF would support this move as it initially did not want the northern exempted area.
- Others opposed the change, suggesting it was not strictly consistent with the Team’s June recommendation (which called for ending the exemption in the event of a *gillnet* interaction); would effectively result in punishing one gear group (gillnetters) for a take in a different fishery (stop net); potentially punish other gillnetters because of illegal actions (violations of NC state regulations) of a few; would take away the opportunity for others to fish; and would provide further economic harm to fishermen already constrained by other restrictive regulations statewide.

Other comments related to the interaction included the following:

- There were also brief discussions of extending the exemption and/or revising management by considering a new definition of estuarine stock; but neither idea received significant support.
- One BDTRT member suggested that since the conflict occurred in state waters, perhaps there should be a local solution to the problem (worked out by the local fishing community with local fishing practices).
- One BDTRT member commented on how stop nets were similar to Virginia Pound Nets and dolphins may also be using stop nets as a foraging strategy, suggesting the modified leader stringers may also be a way to reduce dolphin entanglements in stop nets.
- The NC state representative made a strong request that NMFS confer with NCDMF **before** any BDTRT the recommendation is implemented.

VI. ADDITIONAL INFORMATION NEEDS

Team members were asked to identify additional information needs to support Team deliberations. A handful of needs were identified at the meeting: (1) early outreach/consultation with NCDMF; (2) better understand the potential for gear conflicts with recreational fishermen in the northern exempted area with any reduction in stop net mesh size; and (3) additional detail on the recent Cape Fear River interaction. Team members were asked to submit additional information requests via email.

VII. NEXT STEPS

NMFS noted that a key next step will be to convene a multi-interest work group and continue the Team dialogue in a two-step manner. First, a work group will be formed among Team members to further refine, discuss, and narrow options for BDTRT consideration. After the work group narrows options and summarizes them in writing, NMFS will then convene the BDTRT via webinar/conference call to discuss the options and any emerging consensus recommendations.

- Invitations to serve on the team were extended.
- NMFS noted that it will be looking to convene a balanced work group of about 6-8 people that represents the range of perspectives on the BDTRT.
- BDTRT members volunteering for the work group should be prepared to propose specific options, discuss the rationale behind them and try to integrate their ideas with other work group members.

VIII. OTHER UPDATES

Dr. Erin Fougères provide a brief update on the ongoing Atlantic Unusual Mortality Event (UME). Specific updates included:

- Reviewing the number of dolphins stranded to-date per state
- Identifying the preliminary cause of the die-off to a Morbillivirus outbreak
- Comparing the 1987/88 Atlantic Morbillivirus die off to the current UME, suggesting total numbers of stranded dolphins are likely to be significantly higher than what were recovered 25 years ago.

The Team posed several clarifying questions.

- Notably, questions were asked about the effects to the dolphin stocks and which ones were being impacted. It is unknown whether the UME is affecting coastal versus estuarine stocks of bottlenose dolphins and genetics are still not able to identify a stranded dolphin to stock. One Team member suggested the stock mostly affected was the Southern Migratory stock.
- One Team member asked that NMFS use the photo ID catalog to attempt to identify stock assignments.
- One Team member asked if the necropsy of the stop net take indicating it was affected by the Morbillivirus. The necropsy report is still draft and many tests and results are still pending, but preliminary testing of lung tissues was negative for Morbillivirus.
- Another question was asked about the overall impact of the UME in terms of the BDTRP. Although overall impacts are still unknown, serious injury and mortality from commercial fisheries has already exceeded PBR for the estuarine stocks. The UME is certainly making all stocks more vulnerable.

IX. PUBLIC COMMENTS

An opportunity for public comment was provided, but there were no public comments.