

**False Killer Whale Take Reduction Team Meeting
Via Teleconference: December 15, 2016**

KEY OUTCOMES MEMORANDUM

I. OVERVIEW

The National Marine Fisheries Service (NMFS) held a False Killer Whale Take Reduction Team (FKWTRT) meeting via teleconference on December 15, 2016. The primary purpose of the teleconference was to provide an update on an observed false killer whale interaction that occurred on October 1, 2016, inside the EEZ.

Additional materials provided to the Team for the teleconference include (a) a description of the October false killer whale interaction and subsequent injury determination; (b) the small cetacean injury categories and criteria, excerpted from the NMFS Procedure for Distinguishing Serious from Non-Serious Injury of Marine Mammals; and (c) the expedited injury determination protocol that was developed for the False Killer Whale Take Reduction Plan implementation.

II. PARTICIPANTS

Fourteen of 19 Team members (or their alternates) participated in the teleconference. Participants included the following: Robin Baird, Hannah Bernard, Brendan Cummings, Paul Dalzell (and alternate Asuka Ishizaki), Michael Jasny, John LaGrange, David Laist, Kristy Long, Alton Miyasaka, Paul Nachtigall, Tory O'Connell, Susan Pultz (alternate for Ann Garrett), Ryan Steen, and Sharon Young. Team members Roger Dang, Clint Funderburg, Eric Gilman, John Hall, and Andy Read were not able to participate.

Jean Higgins, Kevin Brindock, and Dawn Golden with the NMFS Pacific Islands Regional Office (PIRO) Protected Resources Division, Jamie Marchetti with the PIRO Observer Program, Erin Oleson and Amanda Bradford with the NMFS Pacific Islands Fisheries Science Center, and Karin Forney with the NMFS Southwest Fisheries Science Center also participated. Scott McCreary with CONCUR and Bennett Brooks with the Consensus Building Institute served as neutral facilitators.

III. MEETING MATERIALS

As noted above, an agenda and other materials were provided to the Team prior to the meeting to support the discussion.

IV. KEY OUTCOMES

Below is a summary of the main topics and issues discussed. 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 discussions, and next steps.

A. Welcome, Introductions and Updates

The teleconference began with brief welcoming remarks by J. Higgins and a review of the agenda. K. Brindock was welcomed as the new False Killer Whale Take Reduction Team coordinator. S. McCreary recapped the core meeting purpose and B. Brooks outlined the meeting protocols.

B. Discussion: False Killer Whale Interaction and Serious Injury Determination

J. Higgins provided an overview of the October 1, 2016, false killer whale interaction, highlighting the details of the interaction (location, nature of injury, background on gear, etc.), as well as the injury determination and process. Key elements of her briefing included the following:

- The false killer whale was hooked in the lip with regulation-compliant gear (2.0 mm diameter monofilament branchline, boat had a variety of hook sizes and types that were within gear requirements [70% 15/0 Offset Round Circle Hook 4.2mm; 20% 15/0 offset flat circle hook 4.0 mm; 10% 16/0 offset round circle hook 4.2mm]).
- The captain was on deck when the interaction occurred and immediately instructed crew to try and straighten the hook. Crew pulled the animal close to the vessel and tied off the branchline. The Captain attempted to create tension on the line by engaging the throttle. Tension was difficult to achieve because the animal swam with the boat. During the third attempt to create tension, the branchline snapped at the attachment point to the leader. The animal was released with the wire leader (0.6m, 1.4 mm diameter), weight (45 grams) and hook still attached to the whale.
- The observer did not see any additional marine mammals in the immediate vicinity; however, the observer noted that the captain reported seeing an additional animal later during the haul. There was heavy marine mammal depredation on the set.
- The injury was determined by NMFS to be serious based on two different criteria: (1) S5a - hooked in the head; and (2) S6 - gear attached to free-swimming animal with potential to constrict, be ingested, accumulate drag, or become snagged. Criteria S15 was considered based on size of the animal, but was not applied and was not central to the injury determination.
- As a result of the strong availability of key staff, the expedited serious injury determination took 15 business days – 10 days fewer than the stated goal in the expedited determination protocol.

A more detailed report of the interaction and serious injury determination was provided to the Team and can be found in Attachment 1.

Based on J. Higgins' briefing, the Team posed a number of clarifying questions regarding the interaction. Team members also considered the implications of the interaction and possible strategies moving forward. Below is a synopsis of key themes discussed.

- ***Video and photo data release to Team.***

Some Team members reiterated a recommendation from previous Team discussions that video and photo data collected during false killer whale interactions be provided to the Team. Two potential strategies were suggested to overcome issues regarding confidentiality and release of the data: (1) obtaining the captain's consent to release video and photo data to the Team, and (2) Team members (or a subset of team members) signing a confidentiality disclosure with regard to viewing video and photo data from interactions. The recommendation regarding captain's consent included 3 parts: requesting the video from the captain involved with this interaction (10/1/2016 inside the EEZ), making such a request for consent for viewing a standard operating procedure when future interactions occur to expedite release of the video to the Team, and approaching captains involved with previous interactions to seek and hopefully receive consent for viewing. In addition, one Team member questioned whether the captains are shown the interaction videos and noted that the captain's prior knowledge of the content may improve their comfort with releasing the video. NMFS noted that there is no standing protocol for sharing the video and that they were not aware of any circumstances to-date where the video was shared with the captain or crew. With regard to viewing data, one Team member noted that multiple online tools exist that could ensure a secure and controlled release of video data that would limit access to Team members only.

NMFS staff noted that confidentiality considerations previously raised in discussions with the Team have not been resolved, but committed to further exploring options including contacting the captain involved in the October 1, 2016 interaction for release of video specific to this recent interaction and contacting captains involved in other false killer whale interactions that occurred in 2016 for release of video and photo data from those interactions.

- ***Effectiveness of current gear requirements.***

One Team member commented that during this interaction the gear was consistent with regulation requirements and the captain followed recommended handling techniques yet the line snapped resulting in serious injury. This member noted that this data point indicates a need to focus on tweaks to gear and handling requirements in future Team discussions. Team members discussed weak points of the line, clarifying that the crimp can be a weak point if it is not properly applied. NMFS staff responded to the discussion with a commitment to review data from interactions to evaluate potential weak points in gear. One Team member questioned whether more information could be obtained from working with captains to obtain additional information on the specific gear type (e.g., hook type) involved in interactions. Another Team member responded that there may be no additional data to obtain, given that gear on a vessel is typically mixed and would not necessarily be representative of the gear involved in an interaction.

One Team member recommended testing the gear as a whole unit (hook, wire leader, weight, branchline) to allow evaluation of weak points, rather than separately testing individual components of the gear. [Following the teleconference D. Laist emailed the Team to clarify concerns with line breaking at the attachment point between the leader and branch line and to inquire whether a test could be conducted to examine the breaking

strength of the connection point based on a sample of lines from different fishermen or different attachment methods and equipment used by fishermen.]

- ***Applying injury determination criteria.***

One Team member asked for clarification on the injury determination for the S6 criterion (gear attached to free-swimming animal with potential to become a constricting wrap on animal, be ingested, accumulate drag, or become snagged on something in the environment, anchoring the animal). The Team member questioned whether the type of gear (wire or monofilament) remaining attached to the animal could affect the determination. PIFSC responded that only the length and location of the line was considered, and it was determined that, in this case, the line could be ingested or wrap around the goosebeak.

A. Bradford further explained that the presumed mechanism for gear wrapping around the goosebeak is repeated swallowing and regurgitation of the gear. However, it is not known how line type would influence the wrapping process, but PIFSC agreed that this topic would be worth further consideration when the injury determination guidelines are revisited. This led to further discussion of the goosebeak and the potential for serious injuries to the animal resulting from a line wrapping around the goosebeak. A. Bradford and P. Nachtigall provided additional clarification regarding the anatomical location and function of the goosebeak, including diagrams, via email to the Team following the teleconference.

One Team member inquired on the small size of the animal involved in the October 1, 2016, interaction and the reported observation from the captain of a second animal in the area during the interaction. PIFSC clarified that to-date they have not applied the S15¹ criterion as a stand-alone basis for a serious injury determination because of the difficulty in establishing whether an animal is “released alone.” As noted above, in the case of the October 1, 2016, interaction S15 was considered, but the serious injury determination was based on applying the S5a and S6 criteria.

- ***2017 FKWTRT Meeting.***

There was a brief discussion of the upcoming 2017 FKWTRT meeting. NMFS staff explained that they will be reaching out to the Team early in 2017 regarding scheduling and for additional input and information to support discussions for the in-person meeting. The meeting is tentatively planned for late spring or early summer. One Team member recommended an agenda item for the meeting to consider alternatives to prevent serious injury.

V. NEXT STEPS

Based on the Team deliberations, the following next steps were identified:

¹ S15 = Dependent animal (i.e., calf, juvenile) released alone post-interaction or dependent animal left with a serious injured or dead mother.

- NMFS is to follow up with captain involved in the October 1, 2016, interaction for consent to release the video of the false killer whale interaction to the Team.
- NMFS is to further explore long-term options to provide video and photo data collected during false killer whale interactions to the Team, including obtaining consent from captains for video release and Team members signing a confidentiality disclosure to allow viewing of video and photo data from false killer whale interactions. NMFS-PIRO is to coordinate this effort with NMFS Office of Protected Resources to ensure Agency consistency.
- NMFS is to work with the boat captains and the Observer Program to examine whether there is additional information on gear that can be collected when interactions occur that may help inform the Team and evaluate effectiveness of current gear requirements and recommended handling techniques.
- NMFS is to review data from past interactions to examine information concerning weak points in the line that may lead to snapping during false killer whale interactions.
- NMFS is to reach out to the Team early in 2017 regarding scheduling and for additional input and information to support Team discussions for the 2017 in-person meeting.

Questions or comments regarding this meeting summary should be directed to S. McCreary, B. Brooks, J. Higgins, or K. Brindock. Scott and Bennett can be reached at 510-649-8008 and 212-678-0078, respectively; Jean at 808-725-5151 and Kevin at 808-725-5146.