

HPTRT Webinar
Wednesday, November 18, 2015: 10:00am-11:30pm
Key Outcomes

I. Overview

The Harbor Porpoise Take Reduction Team (Team) held a webinar on Wednesday, November 18, 2015. Objectives of the webinar included:

- Provide updates on membership since last meeting
- Review abundance, bycatch and compliance estimates and trends from recent years
- Review progress on enforcement efforts and development of annual enforcement reports
- Review progress made toward achieving the goals and objectives of the Harbor Porpoise Take Reduction Plan (Plan)

II. Participants

TRT Members/Alternates

Tara Cox	Damon Gannon	William McCann	Cheri Patterson	Laurie Dozier
Mark Swingle (for Sue Barco)	Jane Davenport	Russ Allen	Kristy Long	Greg DiDomenico
William McLellan	Pingguo He	Ali Donargo (for Claire Fitz- Gerald)	Regina Asmutis- Silva	Shanna Madsen
Lisa Bonacci (for Kim McKown)	Sarah Uhlemann (and Kristen Monsell)	David Laist	Cindy Driscoll (and Amanda Weschler)	Erin Burke
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Staff from Greater Atlantic Regional Fisheries Office, NOAA General Counsel- Office of Law Enforcement, the Northeast Fisheries Science Center, NMFS Office of Protected Resources, and one member of the public also participated (see attachment).

III. Topics Presented/Discussed

Welcome, Agenda Review, Membership Changes (Swails)

- All presentations are posted on the Team’s meeting webpage (<http://www.greateratlantic.fisheries.noaa.gov/protected/porptrp/trt/Meetings/index.html>)
- See Swails presentation for a list of membership changes since the Team last met.

Abundance, Bycatch and Pinger Compliance Update (Palka/Hatch)

- Debi Palka provided an update on harbor porpoise abundance and future survey work. The next aerial/shipboard surveys through AMAPPS will be June-September 2016. This will include all US waters seaward to the EEZ boundary from Florida to Nova Scotia. Canadian researchers may be undertaking research similar to AMAPPS in summer 2016. This research would occur in waters as far north as Newfoundland. However, this project is pending appropriate funding. The Team will be notified when/if appropriate funding is obtained for this survey effort.
- Josh Hatch presented recent bycatch estimates and compliance levels. The most recent bycatch estimates are from 2014. Data collection for 2015 is ongoing.
 - In New England Sink Gillnet: most bycatch was observed in winter; compliance is high (86-96%) in the New England management areas. Pinger presence/absence data was collected, whereby the number of pingers present on each net panel within the string of gillnets fished was recorded. No pinger functionality was tested.
 - In Mid-Atlantic management areas: bycatch observed (only 1 harbor porpoise) in winter. Compliance levels in these management areas still need to be calculated. Compliance for some mid-Atlantic HPTRP requirements cannot be calculated because the data is not recorded. The Center plans to calculate compliance with the data that is available.
 - In both New England and Mid-Atlantic regions there is an overall declining trend in harbor porpoise bycatch over last several years.
- Discussion from the Team focused on the lack of testing for pinger functionality in 2014. K. Swails told the Team that there have been issues with the handheld, open-air pinger testers not providing correct readings so the observer program is no longer using them (false positive readings as the vessels engines were being picked up by the pinger tester). As funding allows, NMFS will continue to work with pinger manufacturers to improve the open air pinger tester technology. However, the improvements to the open air pinger testers are very expensive given that the technology does not currently exist so NMFS must fund the development of the technology, which is very costly and time consuming. The in-water testers used by enforcement continue to work well.
 - The Team impressed upon NMFS the need to test pinger functionality in the coming years. One Team member suggested requiring pingers that flash an LED light to indicate functionality. Other Team members suggested that observers begin to make note of whether LED pingers are used and perhaps look at functionality based on the presence of the LED lights.
 - K. Swails will follow up with Observer program to see what (if any) information is recorded regarding use of LED pingers in observer logs.

- NMFS will continue to work towards a solution for testing pinger functionality with or without handheld pinger testers.

Enforcement Update (Swails/Heckwolf)

- K. Swails provided the Team with a reminder of the tiered approach to enforcement using observer data. OLE is able to use observer data to know where to focus outreach/special operations based on three tiers of pinger usage: (1) vessels with no pingers or fishing in area that is closed; (2) vessels using <50% required number of pingers; or (3) Vessels using <100%, but >50% of required pingers. Analysis of data based on these tiers indicates where enforcement presence is needed and which vessels to target.
- K. Swails provided the Team with information from Joint Enforcement Agreement (JEA) efforts from 2014. She asked the Team if there is specific information they would like to see or data that they would like OLE and enforcement partners to collect via JEA logs that may not already be captured. In 2014, ME, MA and RI reported that they used 307 personnel hours and 109 sea vessel hours. They contacted 16 vessels and only one was not compliant with regulations.
 - Some Team members indicated that they would like a report from OLE and enforcement partners on how they test for pingers using the underwater testers. Specifically, Team members asked if it is a presence/absence test or if they detect functionality of individual pingers using in-water testers?
- Joe Heckwolf, Office of Law Enforcement, General Counsel, gave an overview of the process for prosecuting a violation. After a violation is discovered OLE creates a case package and decides prosecution and penalties. There was recently an update to the Summary Settlement Schedule including new additions for first time offenders:
 - <25% non-compliance = offense is addressed with a ticket.
 - >25% non-compliance per string = \$500 fine. If violator does not pay, the case is forwarded to OLE to move forward with penalties and procedures for litigation.
 - See <http://www.gc.noaa.gov/enforce-office3.html>

Other Updates (Swails)

- K. Swails reminded the Team to look at the Research Priority Matrices when applying for funding opportunities (<http://www.greateratlantic.fisheries.noaa.gov/protected/research/mm/index.html>)/
- K. Swails reported that there was a National Marine Mammal Deterrent Workshop held in February 2015. The purpose was to develop guidelines for safely deterring marine mammals. The workshop report is available online (on the Team's webpage) and the proposed guidelines are expected to be released in 2016.

State of the HPTRP (Swails)

- K. Swails stated that the Plan has been effective, with bycatch below PBR and moving toward the Plan's zero mortality rate goal (ZMRG). She re-iterated NMFS' plan to

continue working with OLE on specific operation plans based on the tiered strategy. She stated NMFS' desire to convene yearly check-ins with the Team to keep the Team informed of bycatch and compliance trends as well as to provide updates on enforcement cases. NMFS will continue to provide outreach reminding industry to use pingers in an effort to ensure bycatch remains below PBR.

- A Team member expressed concern that although the bycatch rate going down, we need to still remain vigilant. In the past, it has happened in the past that harbor porpoise bycatch rates have gone down, and then compliance also decreases. This has previously resulted in an increase in bycatch in subsequent years.
- K. Swails requested that Team members provide suggestions on things they would like to discuss during yearly check-ins, and topics and/or policies NMFS should consider moving forward.
- Some Team members emphasized a need for a follow up on groundfish fishing sectors and their use of LED pingers. Anecdotal evidence suggests that many sectors have switched to LED pingers but more information is needed on the extent of use.
- One Team member suggested that NMFS work toward implementing a measure that requires LED pingers (i.e., issue a rule that requires use of LED pingers by a certain date).¹ However, K. Swails was hesitant to commit to exploring the requirement until more companies make LED pingers more widely available.
- Team members raised the need to address problems experienced with the open-air pinger testers used by observers and to resolve this as soon as possible.
- One Team member asked whether the decline in harbor porpoise bycatch is a result in changes in overall fishing effort. No definitive answer was provided. However, some thought a recent decline in effort, especially in the Gulf of Maine, and shifts of effort into other fisheries could have contributed. To date, this is anecdotal and would need further investigation.

IV. Next Steps

- K. Swails will work with industry Team members to get an update on LED pinger use in groundfish fishing sectors to share with the Team.
- K. Swails will talk to the observer program to see how observers are recording pinger functionality without the use of pinger testers.
- As funding allows, NMFS will continue to work with pinger manufacturers to improve the open air pinger tester technology.

¹ After the call, this Team member followed up via email and suggested that the next Team meeting should be an in-person meeting to consider modifying the Plan to include a rule requiring use of LED pingers by a date certain (e.g. by 2018 or 2019) both to ensure fishermen know when to change batteries and to enable observers to check pinger functionality more easily. This Team member thought an in-person meeting could also be used to determine if any additional measures need to be implemented to reach ZMRG and to ensure that fishery representatives provide updates on what has and will be done to ensure continued strong pinger compliance. NMFS recognizes that any in-person meeting is heavily contingent on the availability of funding.

- K. Swails will continue to work with the observer program and OLE to find a way to test for pinger functionality in lieu of a fully functional open air pinger tester.
- K. Swails will continue to provide outreach to industry, particularly emphasizing that their efforts to use pingers have been successful and fishermen should remain vigilant with pinger usage to ensure that this positive news continues.
- K. Swails will look into how OLE tests for pinger compliance using in-water testers in more detail.
- NMFS will convene annual check-ins with Team.
- NMFS will provide information on fishing effort for future check-ins with Team to put bycatch numbers in context with potential shifts in fishing effort.

Attachment: Additional Webinar Participants

NMFS Greater Atlantic Regional Fisheries Office, Protected Resource Division

- Michael Asaro
- Allison Rosner
- Danielle Palmer
- Glenn Salvador

NMFS Northeast Fisheries Science Center, Protected Species Branch

- Josh Hatch
- Debra Palka
- Chris Orphanides

NMFS Office of Protected Resources, Headquarters

- Lisa White

NMFS Office of General Counsel

- Julie Williams
- John Almedia
- Joseph Heckwolf (Office of Law Enforcement)

Public

- Katie Moore, United States Coast Guard