

**North Atlantic Right Whale Recovery Plan
Northeast US Implementation Team
June 24-26, 2020**

Via Webinar

KEY OUTCOMES MEMORANDUM

I. Overview

The North Atlantic Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT) conducted a three-day webinar on June 24, 25, and 26, 2020. The agenda is attached, and the NEIT deliberations focused on the following primary objectives:

- Share updates on right whale status and recovery
- Share updates on status of NEIT Work Groups
- Identify Shovel-ready Ideas for GARFO right whale funds, if they become available
- Provide input to the NEIT Draft Terms of Reference

This Key Outcomes Memorandum summarizes the primary results of the NEIT deliberations from the discussions noted above. In general, the synthesis integrates the main themes discussed at the meeting and are presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The Key Outcomes section is further segmented into the following sections:

- Welcome and Meeting Kick Off. This section provides a brief overview of the meeting purpose and agenda review.
- NEIT Business. This section includes the NEIT process and meeting planning.
- Focused NEIT discussions. This section includes focused discussions, including any resulting in consensus actions and/or recommendations.
- Consensus Actions. This section summarizes any consensus actions to be taken by the Team.
- Consensus Recommendations. This section summarizes any consensus recommendations of the Team.
- Other. This section summarizes other topics discussed during the meeting as applicable.

II. Participants

The NEIT in-person meeting was attended by all 13 Team Members: Katie Moore (Team Lead), Bob Glenn, Erin Summers, Mark Baumgartner, Danielle Cholewiak, William McLellan, Roxanne Gillett, Cindy Driscoll, Desray Reeb, Joel Bell, Dave Wiley, Lynn Alberta and Meghan Rickard.

Diane Borggaard (NEIT Liaison), Mendy Garron, Sean Hayes, Todd Nickerson, Colleen Coogan, Caroline Good and Rosemary Abbitt represented NOAA Fisheries (NMFS). Except for the NEIT Liaison, NMFS staff attended portions of the webinar to give presentations to the team and/or answer questions. Meredith Moise (Integrated Statistics, Inc. in support of NMFS GARFO) attended to capture notes and key discussions.

The Key Outcomes Memorandum were distributed to the entire Team for feedback.

III. Meeting Materials

The following materials were provided to NEIT members via email prior to or at the meeting:

- Draft meeting agenda
- Draft Off Race Point Seasonal Management Area Recommendation
- NEIT Google Folder
- NEIT DIVER Portal

IV. Key Outcomes

Below is a summary of the main topics and items discussed during the three-day webinar. This summary is not intended to be a meeting transcript and is not necessarily in chronological order of discussions. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and areas of full or emerging consensus.

A. Welcome and Introductions

The webinar began with a brief review of the purpose and draft agenda, as well as introductions. Two new members, R. Gillett from the Department of Fisheries and Oceans Canada (DFO) and L. Alberta from Transport Canada (TC) were further introduced to the team. After introductions, the NEIT were provided opportunities to finalize input into the agenda.

B. NEIT Business

D. Borggaard alerted the team that NMFS GARFO is continuing to work with the NMFS Northeast Fisheries Science Center (NEFSC) on implementing the GARFO-accepted NEIT recommendation to establish Dynamic Management Area (DMA's) based on near real-time acoustic detections. She will keep everyone updated on the progress of this recommendation. D. Borggaard also provided status updates on other NEIT consensus recommendations/actions/next steps (e.g., requested reports) and looks forward to continued coordination with the team. Unfortunately, due to ongoing COVID-19 pandemic safety concerns and travel constraints, future meetings (e.g., fall) may also be via webinars.

NMFS also provided various updates to keep the NEIT informed of multiple activities the Team expressed interest in. This included the North Atlantic Right Whale Draft Emergency Response Plan for the region by M. Garron, the status of the 2019 NMFS Health Workshop and Monitoring Workshop reports, and the status of the vessel speed rule report led by NMFS Office of Protected Resources (OPR). NMFS aims to have these reports available in the near future, and the team expressed interest in reviewing and coordinating future webinars to discuss the reports. Many team members noted that the vessel speed rule report was a higher priority webinar topic based on ongoing discussions. T. Nickerson from the NMFS Office of Law Enforcement (OLE) provided updates to the team on the status of any mortality investigations. He also ran through the prosecution process and the team expressed much appreciation. M. Baumgartner suggested Todd present at the Right Whale Consortium because of how helpful it was to understand the process, and he believed the right whale community would benefit. C. Coogan provided Atlantic Large Whale Take Reduction Plan (ALWTRP) updates to the team, including discussions from the April 2019 meeting and various NMFS next steps.

The NEFSC also provided updates, although much field work has been impacted by COVID-19, including aerial surveys and vessel-based monitoring. These updates included right whale population status, passive-acoustic monitoring expansion, and other research projects (e.g., exploring using satellite imagery for whale detection, ropeless fishing). S. Hayes provided updates on the right whale budget and Diane reiterated previous discussions on the importance of shovel-ready proposal ideas.

In addition to the NMFS update on the current status of the North Atlantic right whale, B. McLellan provided a more-detailed update on right whale mortalities through 2020. He noted that animals with serious injuries were added to the right whale Unusual Mortality Event (UME), bringing the total number of animals to 40 since the beginning of the UME in 2017. M. Garron also presented the recent work on the humpback UME ship strike analysis through investigating potential factors contributing to an increase in vessel strikes. D. Wiley gave a presentation on the Ocean Alert and Whale Alert Apps that also aid in reducing the risk of vessel interactions through alerting mariners of management areas, and the presence of whales. In addition, Dave presented to the team the report cards given to mariners in the Stellwagen Bank National Marine Sanctuary, specifically focusing on Cape Cod Bay and the off Race-Point SMA. This outreach initiative has received positive feedback by both the team, as well as the maritime community involved, and has been expanded to the west coast. J. Bell and Mark gave a status update of Navy gliders deployed and a partnership opportunity for other organizations to aid in the maintenance needed for an auto-reporting buoy to be deployed off North Carolina.

A number of team members provided detailed updates per the draft agenda. DFO and TC provided updates to the team on the various activities occurring in Canada centered on right whale conservation. Similar to NMFS, Roxanne noted that COVID-19 impacted DFO science, including largely reducing vessel-based surveys and retrieving, servicing and re-deploying passive acoustic recorders. Aerial surveys have not been impacted and have increased significantly since 2017. Lynn noted that TC has increased monitoring and surveillance, as well as enforcement, and reported a high compliance rate among vessels. M. Rickard presented the current monitoring efforts in the New York Bight. D. Wiley was interested in this data to get it into the Whale Alert app to further increase vessel awareness of large whale species off of New York. D. Reeb provided an update to the team on the Vineyard Wind Supplement to the Draft Environmental Impact Statement (SEIS), highlighting information that might be of interest to the team, for example, updated shipping analysis. The SEIS was released June 12 for a 45-day comment period. Resources have also been posted online such as BOEM study reports (e.g., Regional Wildlife Science Entity for Atlantic Offshore Wind: A Stakeholder Driven Vision), renewable energy research, and data and maps.

Other team members provided various organization updates (e.g., USCG enforcement, varying stranding response capabilities, WHOI glider work, state of Maine proposal to the ALWTRP, ongoing litigation in MA). NEIT members have also experienced some limitations and challenges surrounding the COVID-19 pandemic. The members' updates were brief so that the NEIT could focus on the rest of the webinar to include developing shovel-ready proposals and implementation, as well as providing input to the Draft TOR. Further time would be allocated at future meetings (to include webinars) for more thorough Round Robin updates and time for questions.

Based on the interest relayed during a number of the team presentations, some members suggested that they be presented at other forums (e.g., Lynn presenting TC's work at the Boston port meeting, Todd should consider presenting at the Right Whale Consortium) and connect with others (e.g., loop OLE in on some of TC's efforts related to increasing vessel speed compliance to help cross-boundary protection). Also, available information on the various websites was referenced for additional information (e.g., NMFS Right Whale UME website for causes of death for confirmed carcasses based on location first observed).

A portion of the webinar was dedicated for the team to provide input and help finalize the Draft TOR. D. Borggaard highlighted changes from the last version section by section to obtain any suggested changes by the team. Discussion topics included procedures for providing recommendations to NMFS, the importance of distinguishing the difference between subgroups (e.g, current PET Subgroup) and multi interest work groups (e.g., NEIT DMA proposal process), consideration of SEIT's current TOR related to the topic of groups,

and transparency to the public while still honoring the team deliberative process. The team will continue to honor the draft TOR until the document is finalized by NMFS GARFO in coordination with the NEIT.

Public forums will become part of the NEIT process in the future, where members of the public are welcome to sit in and listen to portions of the meeting and be able to ask questions, but the deliberative process when recommendations are discussed will continue to be private. This is a similar model as the SEIT. There is no set timeline for this format yet and this has been further complicated by the current pandemic. Katie and Diane will solicit input from each team member to identify what their organization needs from an NEIT public engagement aspect; and this will help inform future NEIT discussions.

NEIT business also included discussing the May and June NEIT webinars on aquaculture in the Greater Atlantic Region. There are a lot of high-level discussions happening within NMFS about aquaculture development, and the NEIT would like to stay informed on these discussions. After the webinars, the NEIT identified some questions for NMFS about aquaculture developments in the U.S. (e.g., increasing lines in the water through permitting aquaculture operations as opposed to what NMFS is trying to do to address fishing effort through ALWTRP discussions/efforts), and would like NMFS to answer those questions. Aquaculture discussions have been flagged as a future webinar topic to circle back to in the fall. Another potential future webinar topic is the development of offshore wind energy.

C. Focused Discussions

Work Group Updates

Katie asked the team to provide any updates on the progress of subgroups that were formed last meeting. For both the Vessel Strike and Monitoring Work Groups, progress is highly contingent on NMFS Vessel Speed Rule and Monitoring reports, respectively. Once the NEIT and Work Group members have a chance to review the reports, more progress will be made.

As Work Group Lead- M. Baumgartner provided the team with an update on the Off Race Point SMA Work Group's progress. After giving a presentation at the October NEIT meeting, the Work Group convened and created a proposal document and sent it to the NEIT for feedback. The team reached consensus for the Work Group Lead to put the recommendation in the format for making written recommendations to GARFO. The NEIT will consider the timing for sending to NMFS based on the release of NMFS' Vessel Speed Rule Report, as available, before formalizing the recommendation. Action items also include a webinar with C. Good once the NEIT members review the report.

The team continued discussions on the recently formed Work Group regarding a proposal for an SMA south of Cape Cod. The Work Group met in June to identify the main questions, such as questions surrounding the timeframe and the spatial extent of the proposed SMA. The Work Group plans to convene again in July, giving members time to compile regional data, such as PAM data, DMA data, and compliance data. There are many questions that need to be fleshed out for the Work Group to move forward with a proposed recommendation but good progress has been made. NEIT members stated this effort should continue moving forward, and will be informed by compiling more data, and review of NMFS' Vessel Speed Rule Report once it is available. The NEIT will circle back to this proposal with any updates at a future webinar.

NEIT Right Whale Priorities and Shovel-Ready Proposals

Another portion of the webinar centered around identifying shovel-ready ideas for recommending projects to GARFO (to fund with any future right whale funds and to take into account in NMFS right whale budget needs/discussions). One of the major questions was how does the team prioritize these ideas and what level of detail would be needed to move them forward? NMFS guidance included considering a range of ideas with a range of funds, estimating the cost, and writing a couple sentences of justification on what the project would accomplish for right whale conservation. It was acknowledged that these ideas could also help inform NEIT member agencies/organizations. For example, BOEM has fiscal year planning around August-September, and BOEM will send out a call for study ideas that fulfill BOEM-mission-related topics. Some Canadian funds may become available as well, and the ideas could inform projects in Canadian waters. States can pursue funding through section 6 of the Endangered Species Act (ESA). Navy funds in the near-term will be directed to the auto-reporting buoy off of North Carolina, and the Navy welcomes collaboration. The Navy may be looking for other ideas in the next couple of years and wants to keep investing in right whale projects.

The team went through the 9 NEIT top priorities (for the NEIT to affect and those priorities which benefit the species as a whole in the region) identified at previous meetings determining which ones have project ideas that are shovel-ready and which ones could become shovel-ready. For example, one of the project ideas that fits under the top priority *to identify where the whales are* is a project proposal looking into the accuracy of habitat models that are used in management decisions. If funding were to arise, independent accuracy metrics for habitat models could be developed. This was identified as shovel-ready and M. Baumgartner will be the primary contact. NMFS noted that in fact there were discussions with Duke University on this very topic and it was helpful to know that this was a priority. For the priority *to notify individual ships directly when their course is likely to bring them to or near a location where a whale was sighted-* instead of relying solely on aircraft sightings there was talk about incorporating sightings from the Whale Alert App to

notify mariners. There are still some outstanding issues to flesh out, such as figuring out a way to get the information on the ship console, increasing real-time accuracy, etc. Engaging with mariners to see what works best for them to design something they will find useful could be an outreach initiative by the team and further discussion on this at a future meeting would be helpful. This could include inviting Peter Kelliher, NMFS GARFO, based on his outreach efforts with the shipping community in the region. For the remaining priority action items involving reducing vessel strike threats to right whales, the team decided they will circle back on these action items once the team has had a chance to review the NMFS' Vessel Speed Rule Report.

For the action item of *identifying fixed fishing gear locations*, a possible project discussed involves developing technology to link to the hauling system for vessel tracking. Factors to consider include offsetting costs for fishery implementation and hiring someone who can help install and troubleshoot on the vessel. This project does not have to be limited to Maine waters and could be a fishery-wide project. E. Summers and B. Glenn will continue to analyze the needs and costs associated and will circle back with the team. M. Baumgartner added that retrieval mechanisms in ropeless fishing development are getting a lot of attention and there will be a future avenue for funds to focus on commercial manufacturers that develop gear marking technology.

For the priority related to *using necropsies to determine the cause of death*, the NEIT discussed using funds to purchase tags to track right whale carcasses. Direct carcass recovery would not only allow scientists to learn more about drift patterns and where the carcasses travel from the initial sighting, but it could also significantly cut down on the costs to re-sight a carcass by plane. B. McClellan will flesh out the costs and logistics as needed. Some members also discussed the importance of revisiting this priority after the UME closes.

Due to time constraints, members will continue to help identify shovel-ready ideas for each priority action item and discussion will continue at a future webinar.

D. Consensus Actions

- Continue moving forward with the NEIT recommendation for the off Race-Point SMA to GARFO. As Work Group Lead, M. Baumgartner will translate the recommendation into the formal format to GARFO.

E. Consensus Recommendations

None at this time.

F. Next Steps

- NEIT members will ensure all their aquaculture questions at this time have been relayed to Diane.
- Diane will liaise with others in NMFS on the NEIT's aquaculture questions and get back to the team at a future meeting.
- A future agenda topic for the NEIT will include contacting mariners directly if they are going over right whale speed zone limits.
- D. Reeb will share the links with the team to access BOEM study reports, renewable energy research, and data and maps that are available online.
- Each team member will identify what they and their organization need (if anything) from a public engagement aspect from the NEIT and share that with Diane and Katie.
- Diane will incorporate the changes in the Draft Terms of Reference (TOR) recommended by the team and liaise with others within NMFS and provide a new draft for members to review.
- Diane and Katie to organize future webinars when applicable reports are available (e.g., NMFS' Vessel Speed Rule Report, NMFS' Monitoring Report).
- Diane will look into having Peter Kelliher (NMFS) present at the fall NEIT webinar regarding vessel outreach to the mariner community.
- Diane will liaise with OLE on information such as Transport Canada's enforcement efforts and public postings to inform future NEIT discussions.
- The team will continue to provide shovel-ready proposals supporting information for the top 9 selected priority action items via the spreadsheet on Google Drive.
- Katie will solicit Team member input to help inform next steps for public involvement.
- Katie will distribute a poll to solicit dates for a fall webinar. Future agenda to include new and continued topics (e.g., DIVER platform, other identified priorities, aquaculture, wind).

Appendix A:

**North Atlantic Right Whale Recovery Plan
Northeast U.S. Implementation Team Meeting
June 24-26, 2020; via Webinar**

Draft Agenda**

Meeting Goals:

- Share updates on right whale status and recovery
- Share updates on status of NEIT Subgroups
- Identify Shovel-ready Ideas for GARFO right whale funds, if they become available
- Provide input to the NEIT Draft Terms of Reference

DAY 1

Time	Topic	Lead(s)	Length
1100	Welcome, Introduction and Getting Organized	Diane Borggaard, Katie Moore	30 mins
1130	NMFS Updates	NMFS	45 mins
1245	RW Mortality Update	Bill McLellan	15 mins
1300	NOAA OLE- Status of any Mortality Investigations	Todd Nickerson	15 mins
1325	ALWTRT Update	Colleen Coogen	15 mins
1340	BREAK	All	30 mins
1410	RW Budget	Sean Hayes, Diane Borggaard	15 mins
1425	DFO and Transport Canada Update	Roxanne Gillett, Lynn Alberta	40 mins
1505	Round Robin of Current Events of Team's Organization (< 5 mins/each)	All	30 mins
1535	Humpback UME ship Strike Analysis	Mendy Garron	15 mins
1550	Subgroup Update: Monitoring	All (No Lead ID'd yet)	5 mins
1555	Daily Wrap Up	Katie Moore, Diane Borggaard	5 mins
1600	Adjourn		

DAY 2

Time	Topic	Lead(s)	Length
1100	Welcome, Recap of Day 1; Overview of Day 2	Diane Borggaard, Katie Moore	10 mins
1110	Round Robin of Current Events of Team's Organization (<5 mins/each)	All	30 mins

DAY 2

1140	Subgroup Update: Off Race Point SMA: Proposal Review/Discussion	Mark Baumgartner	40 mins
1220	Subgroup Update: Vessel Strikes	Bill McLellan	15 mins
1235	Subgroup Update: Monitoring	All (No Lead ID'd yet)	5 min
1240	Subgroup Update: New SMA South of Cape Cod	Dani Cholewiak	50 mins
1330	BREAK	All	30 mins
1400	Terms of Reference Input	All	45 mins
1445	Ocean Alert and Whale Alert Apps	Dave Wiley	15 mins
1500	Status of Navy Gliders and partnering Opportunities	Joel Bell, Mark Baumgartner	15 mins
DAY 2			
1515	Update on NY Monitoring	Meghan Rickard	15 mins
1530	Stellwagen Bank National Marine Sanctuary- Report Cards	Dave Wiley	15 mins
1545	Daily Wrap Up	Katie Moore, Diane Borggaard	15 mins
1600	Adjourn		

DAY 3

Time	Topic	Lead(s)	Length
1100	Welcome, Recap of Day 2; Overview of Day 3	Katie Moore, Diane Borggaard	10 mins
1110	Shovel Ready Ideas/Process	All	90 min
1250	Vineyard Wind Shipping Analysis- future webinar planning	Desray Reeb	5 mins
1255	New Business Update (e.g., aquaculture webinar)	All	35 mins
1330	BREAK	All	30 mins
1400	Update on NY Monitoring	Meghan Rickard	15 mins
1415	Stellwagen Bank National Marine Sanctuary- Report Cards	Dave Wiley	15 mins
1430	Business- Webinar and In-Person Meeting Dates	Katie Moore, Diane Borggaard	25 mins
1455	Wrap up	Katie Moore, Diane Borggaard	15 mins
1510	Adjourn		

** Times listed are approximate; the order in which these items will be taken is subject to change; other times may be added as necessary. Agenda items may be adjusted to allow more time for NEIT Priority Planning, if necessary.