

**North Atlantic Right Whale Recovery Plan
Northeast US Implementation Team
October 28, 2019**

**Hampton Inn and Suites Baltimore Inner Harbor
Baltimore, MD**

KEY OUTCOMES MEMORANDUM

I. Overview

The North Atlantic Right Whale Recovery Plan Northeast U.S. Implementation Team (NEIT) conducted a one-day meeting on October 28, 2019, at the Hampton Inn and Suites Baltimore Inner Harbor in Baltimore, MD. The agenda is attached, and the NEIT deliberations focused on the following primary objectives:

- Share updates on right whale status and recovery
- Identify next actions for top priorities for next 5 years
- 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 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.
- Next Steps: This section summarizes what the team will focus on moving forward.

II. Participants

The NEIT in-person meeting was attended by 11 Team Members: Katie Moore (Team Lead), Erin Summers, Cathy Merriman, Mark Baumgartner, Danielle Cholewiak, William McLellan, Cindy Driscoll, Desray Reeb, Joel Bell, Dave Wiley and Meghan Rickard. Team member Bob Glenn was unable to attend and will be filled-in on team deliberations.

Diane Borggaard (NEIT Liaison), Mike Asaro, Sean Hayes, Richard Pace and Shasta McClenahan represented NOAA Fisheries (NMFS) at the in-person meeting. Meredith Moise

(Integrated Statistics, Inc. in support of NMFS GARFO) attended to capture notes and key discussions.

III. Meeting Materials

The following materials were provided to NEIT members via e-mail prior to or at the meeting:

- Draft meeting agenda
- NEIT identified recovery plan actions (from March 2019 in-person meeting)
- GARFO Right Whale outreach summary
- Draft NEIT Terms of Reference
- Draft NEIT right whale status/abundance talking points
- Literature (Baumgartner et al., 2017)

IV. Key Outcomes

Below is a summary of the main topics and items discussed during the meeting. 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. The Key Outcomes Memorandum were distributed to the entire Team for feedback.

A. Welcome and Introductions

The meeting began with a brief review of the role of the NEIT (including review of NARW Recovery Plan recovery targets), the meeting purpose and draft agenda, as well as introductions. NEIT Consensus action/recommendations status was reviewed. The NEIT were provided opportunities before and at the beginning of the meeting to provide input into the agenda.

B. NEIT Business

Official NEIT business began with D. Borggaard reviewing the status of consensus action/recommendation items. For example, the NEIT proposal to establish dynamic management areas based on near real-time passive acoustic detections was also discussed and is currently being reviewed by NMFS GARFO.

NMFS provided various updates on management and research issues including efforts underway related to impacts such as entanglements and ship strikes (e.g., see NMFS' updates in the 2019 North Atlantic Right Whale Consortium Report Card¹ for more information). W. McLellan provided a review of Cause of Death determinations as developed in Moore et al., 2013, "Criteria and case definitions for serious injury and death of pinnipeds and cetaceans caused by anthropogenic trauma" and an update to the team on the Sharp et al., 2019, "Gross and histopathologic diagnoses from North Atlantic right whale *Eubalaena glacialis* mortalities between 2003 and 2018", emphasizing there were no known natural mortalities that have occurred in adult or juvenile right whales in the 70 cases reviewed. Vessel collisions and

¹ <https://www.narwc.org/>

interactions with fishing gear continue to be significant threats to the whales and require further attention.

Team members provided various organization updates (e.g., USCG outreach and compliance, US Navy tagging efforts, BOEM-funded long-term *Calanus* analysis, NYS long-term whale monitoring program proposal, SBNMS 2018 report cards to ships, WHOI acoustic monitoring and ropeless research, Maine DMR breaking strength research in vertical lines, UNCW BOEM surveys and looking at whales via satellites). The members' updates were brief so that the NEIT could focus most of the meeting on action items and implementation discussions, however, future time would be allocated at future meetings (to include webinars) for more thorough updates and time for questions on specific topics.

Discussion

In the future, team members asked for more clarity on NOAA OLE investigation process in Northeast and open human interaction investigations, as well as more information on evolving wind energy projects², such as Vineyard Wind, and their commitments to mitigation efforts for the North Atlantic Right Whale. Members also expressed interest in other possible ideas for future presentations/webinars (e.g., D. Wiley and M. Rickard's program/research)

A portion of the meeting was dedicated to the team providing comments and discussion on the draft Terms of Reference. The NEIT updated draft TOR's was reviewed and D. Borggaard highlighted changes from the last version by section to obtain any suggested changes by the team. Discussion topics included a Team Leader/Chair section being added; respective Leader/Chair from each team allowed the ability to observe; remote attendance is acceptable; and what team members should do if external parties request information while items are still in deliberation. The team also expressed interest in the difference between sub-groups and multi-interest work groups, what triggers them, and if team members can attend these meetings if interested. Being consistent with terminology, defining recovery, procedures for providing recommendations to NMFS, and transparency to the public while still honoring the team deliberative process were other topics discussed related to the TOR. The team will continue to discuss these issues, and will honor the draft TOR until the document is finalized by NMFS GARFO in coordination with the NEIT.

M. Asaro and S. Hayes provided the team with some updates about the NMFS budget. The team talked about a future call in the spring to identify shovel-ready ideas for GARFO right whale funds, if they become available, as there would not be enough time at this meeting. Members also suggested more time be dedicated to budget discussions in the future.

C. Focused Discussions

Priority Planning and Implementation

The team continued discussions from prior meetings of implementation considerations guided by K. Moore. The NEIT checked in on the March 2019 meeting's consensus-based voting

² Note: BOEM provided an overview on "U.S. Outer Continental Shelf Renewable Energy: Offshore Wind Energy" at the October 29 and 30, 2019, joint NEIT/SEIT meeting in Baltimore, MD.

outcomes which identified the top 6 priority action items for NEIT coordination, and recovery for the species at large in the Northeast U.S., including considering if the priorities were still relevant (see Appendix B; the March 2019 meeting summary includes the full list of identified priorities). There was some overlap between the two categories, leaving 9 action items to further discuss at this meeting. Some team members talked about some possible merging of some of the priorities given the similarities (e.g., actions 1 and 2; actions 6, 8 and 9). The team decided to use the Species in the Spotlight (SIS) priority actions format (next steps, team points of contact, timeline, expected benefits, description and background) in their discussion of NEIT implementation as the right whale has been recently identified as an SIS.

For some background information for the team to further ship strike reduction, M. Baumgartner gave a presentation addressing the need for extended protection specific to his proposal to change the end of the Off Race Point SMA from April 30 to May 31. Mark presented a powerpoint to provide background information on the current protections in place, and why he believes the protections need to be increased. He wanted the team to discuss the idea of making a recommendation to NMFS GARFO about extending the seasonal management area due to a number of reasons (gaps in protection, diving behavior, sightings, death of Calf 4681).

To facilitate progress on NEIT implementation, the team recommended to GARFO that the NEIT form work groups (e.g., ship strike, distribution) to get the information needed for some of the priority action items as well as focus on the action items that received a priority for coast-wide recovery in the Northeast U.S. These included the following:

- Monitoring Work Group (see action #1 in Appendix): Discuss the need to identify where the whales are, especially reproductive females, and to consider prey modeling studies.
 - Background: NMFS Monitoring and Surveillance Workshop Report (in progress); BOEM monitoring programs are being developed, as well as stay duration studies. DFO is also looking at prey distribution and how it may impact whale distribution as a whole; Jason Robert's "Song of the Whale" Analysis
 - Expected benefits: Enhance stakeholder buy-in through targeted resources and regulations.
 - NMFS points of contact: NEFSC and GARFO.
 - Team points of contact: Joel, WAM, Dani, Cathy, Mark, Cindy, Erin, Meghan
 - Current Status: A NMFS Monitoring workshop that took place in October 2019 will help inform this action as well, with a report completion pending for January 2020.
 - Start/Completion Dates: There is no completion date at this time, but we can start now.

- Off Race Point SMA Work Group (see action #6 in Appendix; actions#8 and #9 related): Explore information to inform a recommendation to GARFO to amend Race Point SMA and extend protection from April 30 to May 31. To mimic the SIS priority action elements, the team identified the major components of each action items as follows:

- Background: M. Baumgartner's powerpoint presentation; NMFS Vessel Strike Rule Review (in progress).
 - Expected benefits to the species: A greater reduction to the threat of ship strikes to the North Atlantic Right Whale.
 - NMFS points of contact: HQ OPR and GARFO
 - Team points of contact: WAM, Mark, Dave, Dani, Bob
 - Current Status: NMFS Vessel Strike Rule Review (in progress) to help hone the team's recommendations
 - Start/Completion Dates: Could start now, with the team writing a letter of recommendation to GARFO in the winter of 2019/2020.
- Vessel Strike Work Group (see action #6 in Appendix; actions #8 and #9 related): Explore assessing effectiveness of ship strike measures to inform possible recommendation to GARFO to adjust if necessary (e.g., the team proposes to review sightings in regards to each SMA.)
 - Background: Recovery Plan; M. Baumgartner's powerpoint presentation; NMFS Vessel Strike Rule Review (in progress).
 - Expected benefits to the species: further reduction in ship strikes.
 - NMFS points of contact: HQ OPR and GARFO.
 - Team points of contact: Dani, Mark, Dave, WAM, Bob, and Meghan.
 - Current Status: NMFS Vessel Strike Rule Review (in progress) which will inform the team's efforts.
 - Start/Completion Dates: Could start now, but there is currently no completion date at this time.

D. Consensus Actions

- D. Borggaard will coordinate with NOAA OLE on providing an overview of the investigation process in the Northeast and providing standing updates to the team regarding open human interaction investigations.
- D. Reeb will provide more information on wind energy projects, etc. [Update: Presentation provided at the October 29 and 30, 2019, joint NEIT/SEIT meeting.] D. Borggaard will keep the NEIT fact sheet updated for member outreach at future meetings (e.g., 2019 North Atlantic Right Whale Consortium (NARWC)) . [Update: NEIT fact sheet made available at 2019 NARWC meeting.]

E. Consensus Recommendations

- The team recommended to GARFO that the NEIT form three work groups (Monitoring, Off Race Point SMA, Vessel Strike).

V. Next Steps

- D. Borggaard will follow-up on GARFO's response on NEIT recommendations from this meeting (e.g., NEIT work groups) and previous meetings (e.g., DMA acoustic proposal).
- K. Moore and D. Borggaard will organize a winter NEIT webinar.

- D. Borggaard will coordinate with others at NMFS GARFO on a future aquaculture webinar.
- D. Borggaard will provide copies of the updated NEIT fact sheet at the NARWC meeting; M. Asaro will note efforts of NEIT during his talk at the NARWC. [Update: NEIT fact sheet made available at 2019 NARWC meeting; M. Asaro acknowledged NEIT during his NARWC presentation.]
- D. Borggaard will redistribute updated draft Terms of Reference for further NEIT discussion, as well as information on a new shared platform to pilot.
- K. Moore will solicit availability for NEIT winter webinar: agenda topics to include shovel-ready funding ideas, further coordinate/discuss priorities (e.g., monitoring; at least 45 minutes) that can be best addressed through enhanced NEIT partnerships. Future webinar topics to include D. Wiley (e.g., humpback research, vessel strike report card) and M. Rickard's (e.g., monitoring) efforts.
- K. Moore will solicit availability for NEIT next in-person meeting: date and location TBD (e.g., no earlier than the second week in April).
- D. Borggaard will distribute NMFS reports (e.g., ship speed rule review, monitoring) when available.

Appendix A:

**North Atlantic Right Whale Recovery Plan
Northeast U.S. Implementation Team Meeting
28OCT2019; Hampton Inn and Suites Inner Harbor
Baltimore, MD**

Draft Agenda**

Meeting Goals:

- Share updates on right whale status and recovery
- Identify next actions for top priorities for next 5 years
- Identify Shovel-ready Ideas for GARFO right whale funds, if they become available
- Provide input to the NEIT Draft Terms of Reference

Time	Topic	Lead(s)	Length
0800	Room is open; Finalize any last minute lunch orders	--	
0830	Welcome, Introduction and Getting Organized	Diane, Katie M.	30 mins
0900	NMFS Updates	NMFS	60 mins
1000	Break	---	15 mins
1015	RW Mortality Update	WAM	15 mins
1030	Round Robin of Current Events of Team's Organizations	All	45 mins

1115	Pick up Lunch Items/ Working Lunch: Terms of Reference Input	All	90 mins
1230	RW Budget	Mike, Sean	15 mins
1245	NEIT Priority Recovery Action Items- Review of Top 6's; Implementation Process Overview	All	15 mins
1300	Discussion: Extending the Off-Race-Point SMA	Mark	15 mins
1315	Break	---	15 mins
1330	Breakdown of Each Recovery Action Item - Implementation Status, Full Team or Subgroup, Key timeline milestones, and Next Steps	All	90 mins
1445	Break	--	10 mins
1455	GARFO Funds- Shovel Ready Ideas	All	60 mins
1555	Break	---	10 mins
605	Business- Winter webinar and Spring Meeting Dates; Plan for Days 2 and 3	Katie M, Diane	45 mins
1650	Wrap up	Katie M, Diane	10 mins
1700	Adjourn for the day	--	--
1800	No host evening social; Location- TBD; Leaving from Hotel Lobby	---	

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

Appendix B:

NEIT Priorities: Bolded action items indicate the top six priority items for NEIT coordination; Italicized action items indicate the top six priority action items for recovery at large in the Northeast US. If the action item is both bolded and italicized, then that means it had received top priority for both. (NOTE: The NEIT acknowledged that ongoing efforts to address commercial fishing interactions are a priority and are being addressed through the ALWTRT.)

1. ***Identify where are the whales, especially reproductive females. Consider prey modeling studies.***
 - a. ***Source: NEIT Identified Conservation Topic***
 - b. ***Category: Habitat and Distribution***
2. *Modeling studies (present conditions and projected into the future) on (1) spatial and temporal movement of whales and copepods, (2) whale habitat and distribution, and (3) climate models*
 - a. *Source: Scenario Planning*
 - b. *Category: Habitat and Distribution*
3. *Define existing fixed gear fishing locations with high degree of specificity.*

- a. *Source: NEIT Identified Conservation Topics*
 - b. *Category: Fishing*
4. *Use necropsies to determine the cause of death, and use such data to reduce mortalities.*
- a. *Source: Recovery Plan (4.6.4)*
 - b. *Category: Mortality Investigations*
5. **Notify individual ships directly when their course is likely to bring them to or near a location where a whale was sighted by the aircraft.**
- a. **Source: Recovery Plan (1.1.4)**
 - b. **Category: Shipping**
6. **Assess the effectiveness of ship strike measures and adjust, as necessary.**
- a. **Source: Recovery Plan (1.1.16)**
 - b. **Category: Shipping**
7. **NMFS should develop a long-term, cross-regional plan for monitoring right whale population trends and habitat use.**
- a. **Source: Five Year Review**
 - b. **Category: Population Assessment**
8. **Reduce or eliminate vessel collisions with right whales. Assess the potential need for modified or additional regulatory mechanisms. Compare recent mortality events with spatial gaps between management areas**
- a. **Source: SEIT Mid-Atlantic Priorities (1.1)(1.7.a)**
 - b. **Category: Shipping**
9. **Reduce or eliminate vessel collisions with right whales. Assess traffic patterns and evaluate compliance with existing regulations**
- a. **Source: SEIT Mid-Atlantic U.S. Priorities (1.1)(1.4)**
 - b. **Category: Shipping**