

SUMMARY
1998 RECOMMENDATIONS REPORT
PACIFIC OFFSHORE CETACEAN TAKE REDUCTION TEAM

Six Month Goal:

While the Team recognizes that there has been only three months of active fishing since the implementation of the regulations, the Team believes that the data regarding marine mammal take suggests the fishery has achieved its six month goal.

Zero Mortality Rate Goal:

However, the Team intends to continue examining the data over a longer time frame beginning with the 1998-99 fishing season and will continue evaluating the efficacy of the strategies that have been proposed and implemented in helping to achieve the long term goal of reducing overall marine mammal mortality to the Zero Mortality Rate Goal (ZMRG)- still to be specifically defined by NMFS.

It is the consensus of the Team that NMFS should issue a final definition of ZMRG as quickly as possible to guide further Team discussions and so that the Team can continue to promote existing strategies and identify new approaches for further reducing overall marine mammal mortality as intended by the MMPA.

Final Take Plan/Final Rule

36' extender

The requirement to utilize a 36' extender should be continued in accordance with the final rule and technical amendment.

Pingers

The requirement to utilize pingers should be continued in accordance with the final rule and technical amendment. The Team recommends that the final rule be amended to allow pingers to be attached with 30 foot and 36 foot lanyards from the float line and lead line respectively to address safety concerns during deployment.

Pinger deployment techniques should be included as a fisher workshop topic. Other potential approaches for making the deployment of pingers safer should be discussed in the skipper feedback component of the workshop. The effectiveness of pingers in reducing mammal interactions should be reinforced.

The use and length of lanyards should be noted in the observer data (see section on observer program).

No other changes are recommended at this time.

Voluntary Program to reduce the number of permits

Encourage the continuation of California Law to not reissue permits that have lapsed in California and encourage the continuation of the same level of permits issued by. In addition, NMFS should obtain a report from CDFG on the number of lapsed permits that have been reissued, if any.

To better evaluate the efficacy of this strategy, the Team recommends that NMFS obtain up to date information from California Fish and Game on the numbers of permit holders.

Skipper Education Workshops

The Team strongly recommends that NMFS conduct mandatory Skipper Education Workshops during this fishing season and continue this policy annually.. It is suggested that workshops for this season be conducted in September/early October in a number of locations in California.

Workshop topics should include:

- importance of compliance with the pinger and extender requirements for reducing bycatch.
- NMFS intention to increase enforcement of the regulations through ongoing contacts with the Coast Guard
- Pinger deployment techniques
- obtain skipper feedback to evaluate possible strategies for further exploration
 - use of light sticks as a deterrent
 - code group communication regarding mammal sightings
 - puddle fishing
 - other strategies for improving safety in deploying pingers
- information from statistical analyses that pingers and 36' extenders do not impact fish catch.
- ~~The observed sea lion depredation does not appear connected to the use of pingers, but is assumed to be an El Niño phenomenon causing increased hunger and re-location~~

Workshops should be conducted each subsequent year (in late May.)

Contingency Measures

The Team does not recommend any contingency measures at this time, but will continue to revisit this issue. /

Continuing Issues

Observer Program

The Team reaffirmed the importance of the Observer Program in the implementation of the Plan strategies and the need to maintain the neutrality of observers as data collectors.

NMFS should continue to re-evaluate unobservable boats in the fleet and continue to pursue full compliance with the requirement to carry observers to the extent feasible. The Observer Program should continue efforts to cross match data regarding the number and names of Cal Fish and Game permittees to ensure all boats are included in the Observer Program. The Team encourages continued collaboration between NMFS and Cal Fish and Game to improve this database. This would enable NMFS to ensure compliance with regulations to carry observers.

The Team recommends that the following additional information be added to the observer form and that an explanation be added to the manual and training program to enable observers to accurately record this information:

- record the number of pingers attached to the float line
- record the number of pingers attached to the lead line
- note the use of lanyards yes no
- note lanyard length from float line to pinger attachment
- note lanyard length from float line to pinger attachment

Mesh Size

NMFS should complete the analysis of the correlation between mesh size and mammal entanglements for review by the Team at subsequent meetings.

Oceanographic Variables

NMFS should continue to look for trends and patterns in its yearly analysis.

The Team will revisit the option of linking satellite data with incidental mortality and concentration of fish populations, but does not feel that actively pursuing this strategy at this time will be productive, given the potential high cost.

Deferred Strategies

The Team does not recommend pursuing any of the deferred strategies at this time.

New Strategies

The Team does not formally recommend implementation of any new strategies but suggests that several options be further explored or additional data gathered to guide future deliberations:

- Use of light sticks as a deterrent
- Explore the feasibility of providing "real time" broadcasts of information to fishers regarding the location of marine mammals through firms that are commonly subscribed to by members of the fleet (e.g. Ocean Imaging).
- Explore whether the anecdotal observations, that the ocean habitat that exists in "thermo-puddles" tends to have fewer mammals, have some statistical validity with the possibility of suggesting areas that might be safer to fish.
- ~~Avoid using blue colored net~~
- NMFS should further explore data correlations regarding the number of pingers and entanglement, pinger placement, and correlations between sighting of mammals and take.

Enforcement of the Final Rule

The Team recommends that NMFS continue to utilize information on the observer form to enable the Agency to determine if there is full compliance with Plan requirements, but that this data not be used directly as an enforcement mechanism.

The Team recommends that NMFS continue efforts to involve the Coast Guard in enforcing the regulations.

NMFS should emphasize the importance of compliance in a memo to the fleet regarding the efficacy of the strategies based upon data analyzed to date.

Information on the importance of compliance should be re-enforced at Skipper Workshops. as well as the consequences of non-compliance.

The Team concurred with the language proposed in the Technical Amendment regarding the requirement to carry pingers "with or without fish".

New Issues

Pinger Safety and Deployment (See Technical Amendment)

Swordfish Depredation by California sea lions

The Team considered the anecdotal evidence provided regarding the what was perceived as an extreme increase in the incidence of swordfish depredation by California sea lion. Pinniped experts informed the team that El Nino has played a strong role, probably resulting in the mammals re-location from their typical habitat and a severe increase in hunger. This has resulted in the swordfish depredation that has been observed by fishers. Although the Team was not provided with data on the incidence of depredation, the data collected by NMFS regarding swordfish catch does not show any statistical differences between pingered and unpingered nets.

Special Needs of the Thresher shark fishery and Proposals for Experiments in 1998

The Team received two proposals from fishermen to modify requirements regarding extender length and pinger deployment. The thresher shark fishery representative expressed concerns about the safety of deploying pingers on the leadline on small vessels and the potential reduction in catch that would result with the use of a 36' extender (shark are harvested at shallower depths than swordfish). The second group of fishermen indicated concerns about safety and the cost of pingers and wanted to test a new pinger prototype.

The Team is not recommending that NMFS grant any exception to the requirements for deploying pingers on the both the float line and lead line nor any exception to the requirement to use a 36' (6 fathom) float line extender. However, the Team believes that to better evaluate an exception or any experiments regarding these requirements, it would be valuable to have current data on that component of the fishery. The Team would prefer that any changes proposed for that fishery be evaluated in the framework of a scientifically designed experiment because of the lack of observer data in this portion of the fleet, the high density of marine mammals in the Santa Barbara channel, the demonstrated effectiveness of the existing strategies, and the significant consequences to the entire fleet if a thresher boat takes a strategic stock under a different set of strategies.

Although the Team is not recommending any specific experiments this year, the Team is suggesting the following guidelines for evaluating any subsequent proposals are described below.

GUIDELINES FOR ANY PROPOSALS OF EXPERIMENTS RE DIFFERENT PINGER SPECIFICATIONS, SPACING OF PINGERS, OR OTHER BYCATCH REDUCTION STRATEGIES

1. Description of what will be tested

2. Justification or need for the proposed change
3. How the experiment addresses this justification
4. Methodology: number of boats, number of sets, timeframe, what is used as the control, how the experiment will be monitored by NMFS approved observers independent of the proponent.
5. Evaluation Criteria
 - experiment won't jeopardize the existing program
 - probability of success in a) reducing bycatch and/or b) improving safety and /or c) avoiding or reducing economic impacts
 - scientific validity of the design

The Team further suggests that applicants be provided with prototypes of what would be considered acceptable experimental designs and that NMFS develop guidance summarizing attributes of good experiments and proposals to be provided to potential experiment proposers.

TRT Membership

NMFS should continue *to* utilize the process used for initial Team formation to fill any vacancies that might occur. Team members expressed that, at this time, they did not want to change the balance of interests represented on the Team from its current composition.

Schedule for Team Meetings.

The Team prefers that NMFS schedule meetings twice a year (February and June), but if there are budgetary constraints, then an annual meeting (preferably in June) would be acceptable. The Team would strongly urge that there be more up-front preparation for meetings, including a) encouraging members to provide suggestions for changes to strategies or new strategies in advance and b) providing the results of the data analyses prior to the session. Communication could be enhanced by sending materials by e-mail. The meeting should also be extended to 2½-3 days, if there is a lengthy agenda.