

**ATTACHMENT 1
YEAR 2002 RECOMMENDATIONS REPORT
PACIFIC OFFSHORE CETACEAN TAKE REDUCTION TEAM (TRT)
MAY 20-22, 2002**

ATTAINMENT OF MMPA GOALS:

The TRT believes that the Take Reduction Plan has continued to achieve progress in reducing marine mammal take. There were no observed takes of strategic stock in the 2001-2002 fishing season. Take for all but four (4) species has been below 10% of Potential Biological Removal (PBR). For two of these species, sperm whale and fin whale, the National Marine Fisheries Service (NMFS) has made a determination that there is a negligible impact by the fishery,

Based upon this progress, the TRT concurs with NMFS staff recommendation that the drift gillnet fishery for thresher shark/swordfish be re-categorized as a Category II Fishery.

The TRT also recommends that NMFS should continue to convene the TRT on an annual basis to evaluate progress in attaining MMPA goals.

Given the ongoing goal of continuing to reduce marine mammal take, the TRT recommends the following package of measures for the next fishing season.

RECOMMENDATIONS REGARDING THE TAKE REDUCTION PLAN

1. Mandatory Deployment of 36' Net Buoy Extenders

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

2. Mandatory Use of Pingers

- a. The requirement to utilize pingers on both the lead line and float line should be continued.
- b. The TRT continues to encourage the use of pingers that can be affixed to nets for the season and which have longer-lived batteries.
- c. The TRT continues to urge fishers to check the operation of each pinger to ensure compliance with the regulations for every set. See Recommendation 6a.
- d. NMFS should explore whether there is another frequency or range of frequencies that would be more effective in deterring marine mammal entanglement. If so, the next step would be to encourage the incorporation of this acoustic characteristic into pingers that are purchased by the fleet as replacements for their current pingers.
- e. NMFS should explore whether there is another frequency or range of frequencies that would be effective in deterring turtle entanglement. If so, these should be tested for effectiveness.

3. Voluntary Program to Reduce the Number of Permits

The TRT encourages continuation of the policy of not re-issuing permits that have lapsed in California and recommends that the State of Oregon not increase the number of permits it issues.

4. Skipper Education Workshops

The TRT recommends that NMFS conduct a skipper workshop if there are new skippers in the fisher. New skippers would be required to attend this workshop.

5. Alternative Gear

The TRT considered support for experiments and research to determine if longline gear can provide an alternative to drift gillnet fishing that would be commercially viable and further reduce the incidental take of non-target species (including birds, fish, marine mammals and especially cetaceans) to levels equal to or less than current levels. While the TRT supports measures that reduce the take of protected species, there was not a consensus on specific conditions under which an experimental longline fishery should be conducted.

6. Other Recommendations

a. Data Gathering

The TRT recommends that NMFS continue the present program of data gathering. Special emphasis should be placed on obtaining data regarding whether the pingers in the area adjacent to an observed take are working using the current protocol.

b. Data Analysis

The TRT recommends that NMFS continue the present program of data analysis.

c. Compliance with TRP Regulations and Enforcement

1. Based upon the information presented at the 2002 meeting, the TRT acknowledges that compliance continues to improve. However, at-sea enforcement remains an important goal for the program to ensure that compliance continues.
2. The TRT recommends amending the regulations to allow dockside enforcement of TRP regulations for boats deemed "unobservable" by NMFS.
3. NMFS should also explore other technological methods for observing "unobservable" boats and report their findings back to the TRT.
4. NMFS enforcement officers should require attendance at a NMFS workshop for drift gillnet skippers found to be in violation of protected species regulations.

RECOMMENDATIONS REGARDING MEASURES TO REDUCE MORTALITY AND ENTANGLEMENT OF SEA TURTLES

1. The TRT recognizes that the principal causes of the decline of leatherback and loggerhead sea turtles are not from the thresher shark/swordfish drift gillnet fishery off California. We therefore urge NMFS to fund recommendations made in the Recovery Plans for these two species to reduce mortality and increase nesting success of sea turtles in other areas where these populations are being affected.
2. *The TRT recognizes the need to better define what constitutes El Niño conditions that trigger loggerhead restrictions. The TRT therefore recommends that NMFS should determine if there are specific local conditions or a particular strength of an El Niño that correlate with an increase take of loggerhead sea turtles in the fishery. This information should be used to define triggers for time and area closure.*
3. In addition, the TRT recommends that research be conducted on the movement patterns of loggerhead sea turtles off southern California during El Niño years and their habitat preferences (including water temperature and prey). *This information should also be factored into future agency decisions regarding measures for reducing mortality and entanglement of loggerhead turtles.*
4. The TRT recommends that NMFS modify their Reasonable and Prudent Alternative (RPA) as follows: close all of June, July, and August instead of late August and all of January in years that a time and area closure is required to protect loggerhead sea turtles. If NMFS does not accept the TRT recommended change in the time of the loggerhead closure, the TRT recommends that the northern limit of the loggerhead closure area be shifted from Point Conception to 33 N. If a loggerhead entanglement occurs north of 33 N in the swordfish drift gillnet fishery in an El Niño year, the closure area would revert to Point Conception for that January and August and for that period of subsequent El Niño years.
5. The commercial Drift Gillnet Industry has offered to make a challenge grant of \$15,000 to the Pacific States Marine Fisheries Commission to explore efforts to reduce the mortality of loggerhead sea turtles in communities off Baja California contingent on matching funds being provided by other non-governmental organizations. These potential efforts should focus on augmenting existing efforts undertaken by groups such as Wildcoast and/or others.

The TRT commends industry for this grant and encourages NGO participation. The TRT also urges NMFS to consider the positive effect of this action on turtles in their deliberations regarding the fishery.

MEASURES FOR ADDRESSING POTENTIAL IMPACTS TO PACIFIC CETACEANS IN OTHER DRIFTNET FISHERIES

The TRT is concerned about the potential impacts of a developing small-mesh pelagic driftnet fishery. The TRT recommends that NMFS place observers on boats using small-mesh driftnet gear that are currently un-monitored and which may be taking cetaceans and turtles. If this fishery is determined to have impacts on cetaceans it would be important for the TRT to include this fishery since it could have impacts on the offshore drift gillnet fishery for swordfish and thresher shark. Future consideration of *this issue* by the TRT should also include participation by a representative fisherman conducting small-mesh driftnet fishing.