

**False Killer Whale Take Reduction Team Meeting
Via Teleconference: April 18, 2014**

KEY OUTCOMES MEMORANDUM

I. OVERVIEW

The National Marine Fisheries Service (NMFS) held a False Killer Whale Take Reduction Team (FKWTRT) meeting via teleconference on April 18, 2014. The primary purpose of the two-hour teleconference was to provide an update on a February 2014 observed false killer whale serious injury and take stock of Team member comments and suggestions for next steps.

A copy of the agenda is available at <http://www.nmfs.noaa.gov/pr/interactions/fkwtrt/>. Additional materials provided for the teleconference include (a) a description of the false killer whale interaction and injury determination; (b) the small cetacean injury categories and criteria, excerpted from the NMFS Procedure for Distinguishing Serious from Non-Serious Injury of Marine Mammals; and (c) the expedited injury determination protocol that was developed for the False Killer Whale Take Reduction Plan implementation. These documents are also available on the website above.

II. PARTICIPANTS

Fifteen of 19 Team members (or their alternates) participated in the teleconference. Participants included the following: Robin Baird, Hannah Bernard, Brendan Cummings, Paul Dalzell (and alternate Asuka Ishizaki), Eric Gilman, John Hall, Michael Jasny, John LaGrange, David Laist, Kristy Long, Tory O'Connell, Andy Read, Ryan Steen, Lisa Van Atta, and Sharon Young. Roger Dang, Clint Funderburg, Alton Miyasaka and Paul Nachtigall were not able to participate.

Nancy Young, FKWTRT Coordinator with the NMFS Pacific Islands Regional Office (PIRO), Jamie Marchetti with the PIRO Observer Program, Erin Oleson and Amanda Bradford with the NMFS Pacific Islands Fisheries Science Center, and Karin Forney with the NMFS Southwest Fisheries Science Center also participated, as did Fred Tucher and Duane Smith with the NOAA Office of General Counsel. Scott McCreary with CONCUR and Bennett Brooks with the Consensus Building Institute served as neutral facilitators, and at least two members of the public observed the call.

III. MEETING MATERIALS

As noted above, an agenda and other materials were provided to support the group's discussions. These materials related to the Team webinar can be found on the web at <http://www.nmfs.noaa.gov/pr/interactions/fkwtrt/>.

IV. KEY OUTCOMES

Below is a summary of the main topics and issues discussed. This summary is not intended to be a meeting transcript. Rather, it provides an overview of the main topics covered, the primary points and options raised in the discussions, and next steps.

A. Welcome, Introductions and Updates

The teleconference began with brief welcoming remarks by L. Van Atta, and a review of the agenda and meeting protocols. M. Jasny was welcomed as a new member of the Team, replacing William Aila as one of the conservation representatives.

B. Discussion: False Killer Whale Interaction and Serious Injury Determination

N. Young provided an overview of the February 3, 2014, false killer whale entanglement, highlighting the details of the entanglement itself (location, nature of injury, background on gear, etc.), as well as the injury determination and process. Key pieces of her briefing included the following:

- The false killer whale was hooked in the mouth with regulation-compliant gear (15/0 offset circle hook, 4.3 mm wire diameter)
- The captain and crew tried to bring the animal close to the boat to attempt cutting the line as close as to whale as possible. The branchline snapped after about 25 minutes, leaving the hook, the 0.5 m wire leader, 45 g weight and approximately 10 m monofilament branchline (2.0 mm diameter) still attached to the whale.
- During the interaction, the observer asked the captain if he could get a biopsy sample; the captain told the observer to wait until the animal close to the boat and was ready to cut the line. No biopsy sample was obtained.
- There was heavy marine mammal depredation on the set.
- The injury was determined by NMFS to be serious based on two different criteria: (1) S5a - hooked in the head; and (2) S6 - gear attached to free-swimming animal with potential to constrict, be ingested, accumulate drag, or become snagged.
- The expedited serious injury determination took 14 business days – 11 days fewer than allowed in the expedited determination protocol.

A more detailed report of the interaction and serious injury determination was provided to the Team and can be found in Attachment 2 and on the website noted above.

Based on N. Young's briefing, the Team posed a number of clarifying questions regarding the interaction itself, as well as considered the implications of the entanglement and possible strategies moving forward. Below is a synopsis of key themes discussed.

Effectiveness of current gear requirements

- **Testing gear from interactions.** One Team member reiterated a recommendation from previous Team discussions that gear from interactions (hook, monofilament, etc.) be collected by observers and tested to confirm that its actual strength and performance is consistent with the standards and expectations. (If gear from the entanglement itself is not available, the recommendation would be to collect like-gear on board.) One Team member, and NMFS's counsel, explained that certain legal restrictions prevent observers from collecting gear. One Team member recommended strength-testing of new gear instead, since the gear properties change after being fished. It was also noted by the

Agency that the gear recommendations put forward by the Team (and adopted by NMFS) may not release an animal in every interaction.

- **Reconsidering gear requirements.** Some Team members voiced concern that the gear may not necessarily be performing as intended (given observed interactions to-date within and outside the EEZ), and recommended the Agency move forward with testing the impact of 4.0 mm wire diameter circle hooks on target catch rates so the Team has a viable option (“a Plan B”) to consider if/when changes to current management measures are needed. This idea was supported by some Team members, though it was also noted by NMFS that there are currently no funds identified to conduct such an experiment. Some Team members, and NMFS’s counsel, also noted that there are not yet enough data to evaluate the effectiveness of the Take Reduction Plan, that the Plan itself contemplates there will be some serious injuries that may result in one or more closures of the Southern Exclusion Zone, and that the Team should let the Take Reduction Plan play out as contemplated by the Team before assessing the Plan’s effectiveness. NMFS is to meet internally with Science Center staff to explore the potential to conduct further weak hook tests.

One Team member raised concerns that the branchline may not be stronger than the weak hook, given several observed interactions that ended with the line breaking. This Team member suggested that it may be timely to revisit the Take Reduction Plan’s line diameter specifications, and potentially test thicker branchlines. If gear modifications prove necessary at some point, fishermen on the Team said there would likely be more resistance by the fleet to changing the diameter of the monofilament (due to gear complications – i.e., changing out crimps, replacing line) compared to modifying hook strength.

Handling/release priorities and guidelines

- **Observer Program biopsy protocols.** Several Team members voiced concern that the observer on-board during the February interaction was seeking a biopsy when the priority needed to be focused first on releasing the false killer whale, for which the animal would not need to be brought as close to the vessel. NMFS noted that it is already working with the Observer Program to clarify protocols to clearly establish that biopsies are considered a lower priority than releasing the animal in any future observed interactions. Team members also sought clarification on the frequency of observer turnover each year..
- **Clarifying handling instructions.** Several Team members voiced concern that the current handling/release guidelines placard and captains’ Protected Species Workshops are silent on how to maintain sufficient tension to increase the likelihood that a false killer whale will straighten a weak hook. In this interaction, for example, the captain held the line by hand – a move that one fisherman on the Team said would be unlikely to provide sufficient tension to straighten a hook. Another Team member noted that the infrequent nature of interactions makes it even more important that there are clear handling guidelines for captains to follow. NMFS agreed to convene a TRT Work Team

to consider possible revisions to current protocols and materials, but noted that the unique nature of each entanglement makes it difficult to recommend a single technique.

Other

- One Team member noted ongoing industry frustration with the Agency criteria for determining serious injuries, particularly given the false killer whale that stranded in October 2013 that likely (pending histopathology results) died from old age, despite the presence of hooks in its stomach. Another Team member noted that the serious injury guidelines currently used by NMFS for assessing fishery interactions with Hawaii false killer whales are not based on data or studies involving false killer whales.

C. Discussion: State Fisheries

M. Jasny asked that the Team consider strategies to more aggressively tackle issues related to state fishery interactions with the Main Hawaiian Islands (MHI) insular false killer whale stock. Specifically, he voiced interest in identifying possible analyses, given existing data, to better understand the nature of interactions and brainstorm possible strategies. NMFS agreed to convene a TRT Work Team to look more closely at this issue.

V. NEXT STEPS

Based on the Team deliberations, participants agreed to the following next steps:

- Establish a Work Team to consider possible changes to captain guidelines related to marine mammal interactions. Work Team members are: J. Hall, R. Steen, P. Dalzell/A. Ishizaki, M. Jasny, J. LaGrange and either A. Read or T. O'Connell (if no local researchers are available to engage in the deliberations).
- Establish a Work Team focused on better understanding the connection between state-managed fisheries and the MHI insular false killer whale stock. Work Team members are: M. Jasny, H. Bernard, R. Baird, K. Long, D. Laist, and P. Dalzell/A. Ishizaki. The Team also discussed the importance of including a fisherman now active in the state fisheries. (Kenton Geer was mentioned as a possibility.)
- N. Young noted that the Team is not expected to meet in-person until spring 2015. In the interim, Team deliberations will be focused on Work Teams and teleconferences/webinars, as needed.
- L. Van Atta/N. Young are to follow up with Keith Bigelow and the Science Center to explore the funding, staffing, and programming potential for a follow-on weak hook study. N. Young will provide the Team with any update via email.
- S. McCreary and B. Brooks will draft a Key Outcomes Memorandum summarizing key themes and next steps from the webinar. A draft will be distributed to the Team for its review and comment.
- Other next steps included the following:
 - E. Gilman is to distribute to the Team the WCPO guide for longline fishers on handling and releasing cetaceans.

- NMFS is to provide to the Team information on the proximity of the February false killer whale interaction to the Nihoa Ridge.
- NMFS is to provide to the Team with the videos recorded by observers of recent interactions (the February false killer whale interaction and a February interaction with an unidentified cetacean outside the EEZ) once the images have been modified to protect participant and vessel confidentiality.
- NMFS is to provide to the Team information on Observer Program turnover rate to inform Team member understanding of the ratio of new to experienced observers.
- NMFS is to provide to the Team the necropsy report from the October 2013 false killer whale stranding, when it is available.
- Review earlier interactions to glean potential learnings related to more effective handling techniques.
- Consider options for collecting gear, other than observers requesting it from fishermen, to support strength-testing, not enforcement.

Questions or comments regarding this meeting summary should be directed to S. McCreary, B. Brooks or N. Young. Scott and Bennett can be reached at 510-649-8008 and 212-678-0078, respectively; Nancy, at 808-725-5156.