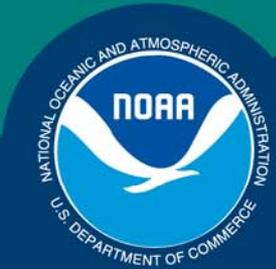


Science, Service, Stewardship



Proposed False Killer Whale Take Reduction Plan



**NOAA
FISHERIES
SERVICE**

**Nancy Young
Pacific Islands Regional Office**



Outline

- Overview of proposed TRP development
- Summary of proposed rule, with comparison to TRT's consensus recommendations





Requirements for Rulemaking

- Development of rule
- Compliance with other relevant statutes, Executive Orders, etc.
 - National Environmental Policy Act (NEPA)
 - E.O. 12866, Regulatory Planning and Review
 - Regulatory Flexibility Act
 - Endangered Species Act
- Multiple levels of review and clearance



Status and Next Steps

- July 18, 2011 – Proposed rule published in FR, 90-day public comment period open (max allowed by MMPA, no extension)
- July 27-29, 2011 – TRT meeting
- October 17, 2011 – Public comment period closes
- NMFS drafts final rule and associated analyses
 - Compile and consider public comments
 - Revise rule as appropriate
 - Draft final rule and other analyses
 - Clearance/publication of final rule
 - Final rule effective, usually 30 days after final rule publishes
 - Rule may specify different effective date for some measures



MMPA's Take Reduction Plan Requirements

Section 118(f)(4):

(4) Each take reduction plan shall include—

- (A) a review of the information in the final stock assessment published under section 117(b) and any substantial new information;
- (B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;
- (C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury;
- (D) recommended dates for achieving the specific objectives of the plan.



Proposed False Killer Whale Take Reduction Plan:

Regulatory Measures



Proposed Regulatory Measures

- 1. Small weak circle hook requirement**
- 2. Minimum monofilament diameter requirement for leaders/branchlines**
3. Main Hawaiian Islands Longline Fishing Prohibited Area
4. Annual certification in marine mammal interaction mitigation
5. Marine mammal handling/release guidelines posting requirement
6. Captain supervision of marine mammal interactions
7. Captain notification placard posting requirement
- 8. Southern Exclusion Zone closure**



1. Hook Requirement



Recommended by TRT

- In deep-set longline fishery, require the use of 14/0-16/0 circle hooks with wire diameter ≤ 4.5 mm
- Require “weaker” circle hooks if research indicates no substantial negative effect on target species catch rates
- Hooks not meeting the requirement may not be used, but may be on board if stowed and unavailable for use

Proposed TRP

- **Same** as TRT’s recommendation
- Weak hooks (≤ 4.0 mm wire diameter), based on results of Bigelow et al. research
- Economic/supply considerations – public comments requested on implementation considerations



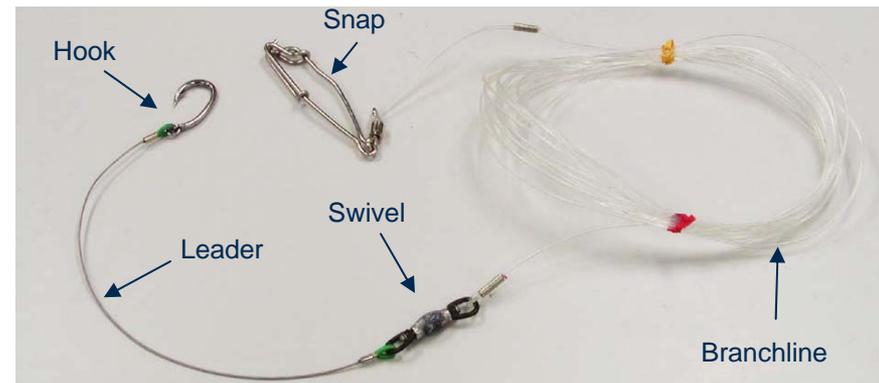
2. Minimum Diameter for Monofilament Leaders & Branchlines

Recommended by TRT

- In deep-set longline fishery, any monofilament line used in branchlines and leaders must be ≥ 2.0 mm in diameter
 - Breaking strength of ~ 400 lbs
- Any other materials used in branchlines and leaders must have a breaking strength of 400 lbs or greater

Proposed TRP

- **Same** as TRT's recommendation





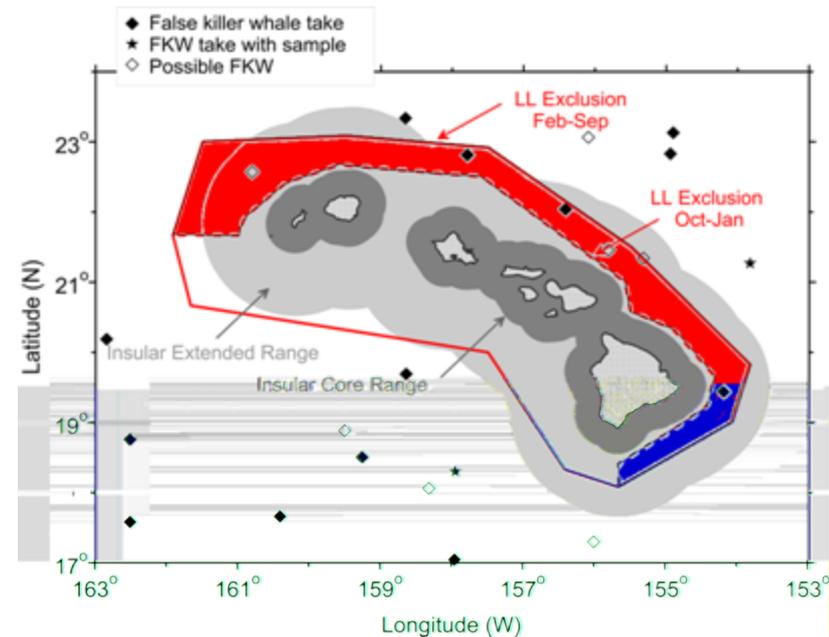
3. Main Hawaiian Islands Longline Fishing Prohibited Area

Recommended by TRT

- Close a “Northern Exclusion Zone” to longline fishing year-round

Proposed TRP

- Effectively the **same** as TRT’s recommendation
- Remove regulation that changes the boundary seasonally; maintain the larger area closure year-round





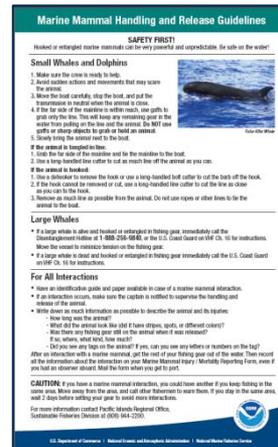
4-7. Requirements for Marine Mammal Interaction Mitigation

Recommended by TRT

- Train captains in marine mammal handling and release, as part of existing mandatory Protected Species Workshops
- Posting of placard with handling/release guidelines
- Captain must supervise marine mammal interactions
- Crew must notify captain of marine mammal interactions
- Posting of sticker instructing crew to notify the captain

Proposed TRP

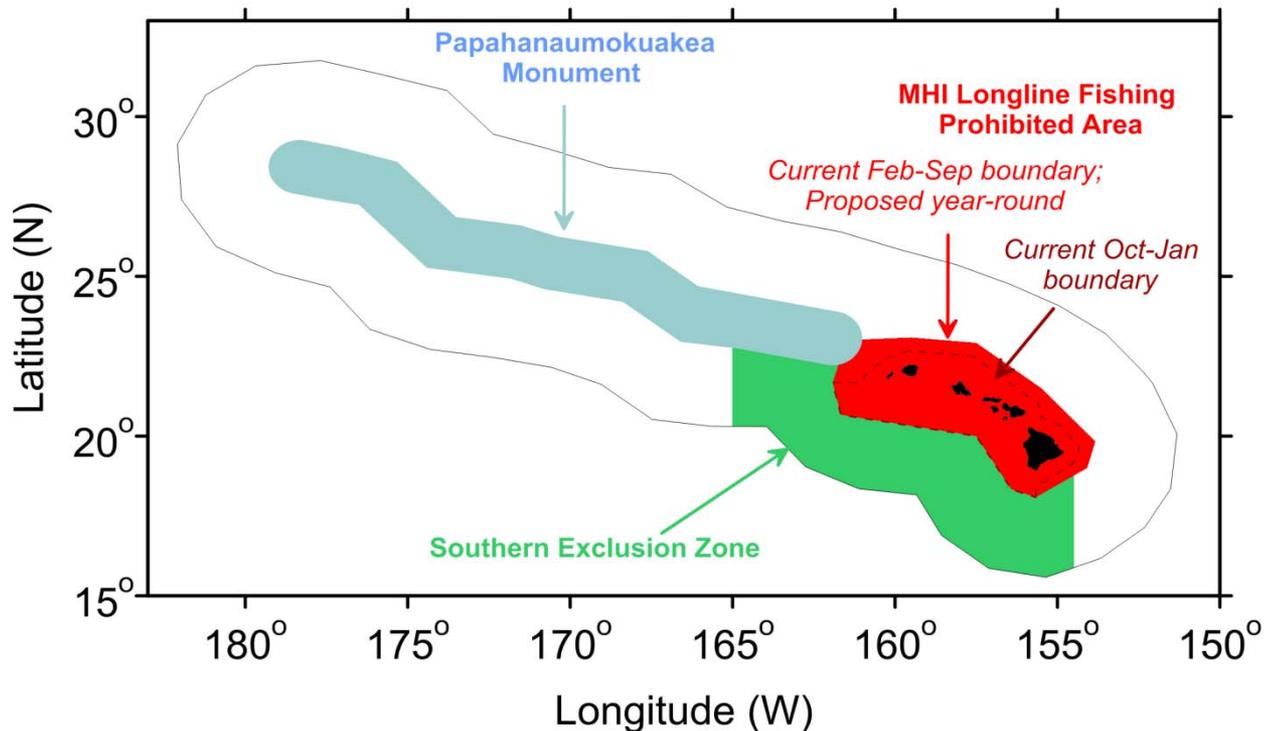
- **Same** as TRT's recommendations, but no regulatory requirement for crew to notify captain





8. Southern Exclusion Zone

Prohibit deep-set longline fishing within a Southern Exclusion Zone if specific false killer whale bycatch threshold (trigger) is met





8. Southern Exclusion Zone (cont'd)

Boundaries

- **Same** as TRT's recommendation
- Encompasses numerous historical observed takes
- Area: 112,575 nmi²

Temporal cycle

- Uses fishing year (calendar year), not "Plan Year"
 - **Different** from TRT's recommendation

Basis for trigger/closure

- Observed false killer whale M&SI in deep-set longline fishery within EEZ around Hawaii
 - **Same** as TRT's recommendation
- Requires:
 - Confirmed species ID
 - Confirmed serious injury or mortality
 - For the trigger, animals are assumed to be from the pelagic stock unless confirmed as insular



8. Southern Exclusion Zone (cont'd)

(a) Defining the trigger: $trigger \leq 5 * (obs\ cov) * PBR$

- Specify trigger as a formula, rather than a number
 - Meets TRT's intent, but more flexible
 - Trigger = the highest number of observed false killer whale M&SI inside the EEZ around Hawaii that, when roughly extrapolated based on observer coverage, would keep the **5-yr average M&SI level** below PBR
 - Single-year estimate exceeds PBR
 - Specify each year's PBR, target observer coverage, and trigger by FR notice at beginning of the year



8. Southern Exclusion Zone (cont'd)

(b) Observed incidental M&SI below the trigger

- NMFS notifies TRT of each observed false killer whale M&SI below the trigger
- Last mortality or serious injury before the trigger is met: reconvene TRT by teleconference
- **Same** as TRT's recommendation



8. Southern Exclusion Zone (cont'd)

(c) Observed mortality or serious injury that meets the trigger

- Close SEZ for remainder of calendar year
- Reconvene TRT (in-person or via teleconference)
- Reopen SEZ at beginning of next year
- **Same** as TRT's recommendation

- Additional step not addressed by TRT:
 - Convene TRT again if additional M&SI in EEZ after SEZ is closed



8. Southern Exclusion Zone (cont'd)

(d) Observed incidental mortality or serious injury in consecutive year(s)

Recommended by TRT

- If same trigger as in step (c) is met again in next consecutive year, close the SEZ

Proposed TRP

- **Different** from TRT's recommendation
- Lower threshold for closing the SEZ to increase assurance that M&SI do not exceed PBR



8. Southern Exclusion Zone (cont'd)

(d) Observed incidental mortality or serious injury in consecutive year(s)

Proposed TRP

- If SEZ is closed/reopened as per (c), if there is **one** observed false killer whale M&SI inside EEZ in **any of the next four** consecutive years, close the SEZ to deep-set fishing until NMFS reopens



8. Southern Exclusion Zone (cont'd)

(e) Reopening the SEZ

Recommended by TRT

- Reopen SEZ when specific criteria are met

Proposed TRP

- NMFS will consider these and other criteria when determining when to reopen SEZ, but is not proposing to put criteria in regulations
 - Different** from TRT's recommendation
- Maintains flexibility and allows NMFS to consider scenarios not addressed by TRT's criteria



Proposed False Killer Whale Take Reduction Plan:

Non-Regulatory Measures



Proposed Non-Regulatory Measures

1. Increase precision of bycatch estimates in deep-set longline fishery
2. Notify TRT of observed interactions with known or possible false killer whale
3. Expedite serious injury determinations
4. Changes to observer training and data collection protocols
5. Expedite processing of HICEAS II survey data
6. Reconvene TRT at regular intervals



1. Increase precision of bycatch estimates in the deep-set longline fishery

Recommended by TRT

- Increase observer coverage in the deep-set longline fishery to at least 25%

Proposed TRP

- No overall increase in coverage, but revise sampling strategies and observer allocation to increase precision

Rationale

- Recommended increase would result in little gain in precision at high cost (estimated \$1 million)
- Revised sampling provides a greater benefit at little to no extra cost





2-6. Other Non-Regulatory Measures

2. Notify TRT of observed interactions with known or possible false killer whale
3. Expedite serious injury determinations
4. Changes to observer training and data collection protocols
5. Expedite processing of HICEAS II survey data
6. Reconvene TRT at regular intervals



Proposed False Killer Whale Take Reduction Plan:

Research & Data Collection



Prioritized Research Recommendations

Recommended by TRT

- 35 prioritized research needs/recommendations

Proposed TRP

- **Same** as TRT's recommendations

Rationale

- Research will inform future management, and may lead to better, more exportable solutions



Public Comments Solicited

- Soliciting comments on any aspect of the proposed rule
- Specifically requested comments on:
 - Proposed SEZ
 - Methods for calculating and determining trigger
 - Changing the trigger
 - Implementing the closure based on the trigger
 - Timing for implementing management measures



Questions?

