



**NOAA**  
**FISHERIES**

Pacific Islands  
Regional Office

# Expedited Injury Determination Process

Nancy Young  
May 30, 2013



# NMFS Serious Injury Policy

- Final policy and procedural directives – January 2012
- Outlines steps for making and documenting injury determinations
- Steps for annual process include:
  1. Preliminary injury determination – Science Center staff
  2. Inter-Center review – Science Center staff
  3. Regional Office review (can be concurrent with steps 4/5)
  4. Report preparation
  5. SRG review
  6. Report clearance
  7. Include determinations in annual SARs and marine mammal conservation management regimes

<http://www.nmfs.noaa.gov/pr/laws/mmpa/policies.htm>

# Need for Expedited Determination Process

- Necessary for timely implementation of Southern Exclusion Zone measures
  - Only serious injuries and mortalities count toward the trigger
- Assists in monitoring the effectiveness of the Plan
  - SARs and injury determination reports have 2-yr lag; expedited process would allow evaluation of more recent interactions

# General Roles and Steps

1. Observer program - debrief the observer, review and approve data, transmit forms to PIFSC and biopsy samples to SWFSC
2. Science Centers - coordinate and document review process, conduct initial and cross-Center reviews, analyze biopsy samples
3. PIRO and PSRG - review determination
4. PIFSC – make final determination, transmit to PIRO
5. PIRO (and NMFS, NOAA, DOC) – implementation of SEZ closure, as necessary

# Observer Program

- Process begins when observer returns from sea
- Prioritize debriefing of trips with marine mammal interactions
- Confirm species ID (or determine to be unidentified)
- Determine which “track” to follow:

**FAST TRACK:** interactions that *might* count toward SEZ trigger

- Deep-set fishery inside the Hawaii EEZ
  - False killer whale (with or without biopsy)
  - Blackfish (with biopsy)
  - Other species (with biopsy) that could be confused with false killer whale

**INTERMEDIATE TRACK:** interactions that inform TRT discussions and evaluation of TRP performance

- All false killer whales and blackfish not identified as fast track
  - Deep-set fishery outside the Hawaii EEZ
  - Shallow-set fishery

**“OTHER” TRACK:** all other marine mammal interactions

# Observer Program

## FAST TRACK

- Approve marine mammal data (including 3 required data editing stages)
- If biopsy sample, email alert to SWFSC, and send for processing
- Send approved data to Injury Determination staff (PIFSC, SWFSC, SEFSC)
- Timeline: **target of 5 business days** from start of debriefing

## INTERMEDIATE AND “OTHER” TRACKS

- Normal (not expedited) data processing and approval

# Injury Determination – Science Centers, PIRO, PSRG

## FAST TRACK

- Injury Determination staff:
  - Conduct independent evaluation of available information - **5 business days**
  - Discuss evaluations and reconcile any differences. Transmit joint preliminary determination to PIRO and PSRG liaison - **5 business days**
- Concurrent PSRG and PIRO review - **5 business days**
- Injury Determination staff consider PSRG and PIRO input; make, document, and transmit to PIRO the final injury determination within **5 business days**

# Injury Determination – Science Centers, PIRO, PSRG

## INTERMEDIATE TRACK

- Preliminary determination by PIFSC Injury Determination staff member
- PIRO provides preliminary determinations to TRT as appropriate (e.g., at meetings, in email updates)
- Preliminary determinations included in normal annual injury determination review and finalization process

## “OTHER” TRACK

- Normal annual injury determination process

# Genetic Sample Analysis – SWFSC Genetics Lab

## FAST TRACK

- SWFSC conducts genetic analysis, including species ID and, if appropriate, stock ID
  - Stock ID fast-tracked only for animals taken within the range of the MHI insular and NWHI false killer whales
- Results provided to PIFSC and PIRO within **~10-15 business days**, depending on lab's priorities and work load

## INTERMEDIATE AND “OTHER” TRACKS

- Normal (not expedited) processing

# SEZ Closure Implementation

- If applicable, PIRO drafts and initiates review/clearance of temporary rule to close SEZ
  - Review and transmittal to Office of the Federal Register - estimated **15-20 business days**
- Per TRP regs, SEZ closure goes into effect **7-15 calendar days** (not just business days) from date of publication in FR

# Fast Track Summary

Step	Resulting Action	Duration (Business Days)	Elapsed Time (Business Days)
Debrief observer of marine mammal interaction	Determine if interaction should be fast-tracked		0
Forms and supporting info cleared through Observer Program	Provide forms and supporting data to Determination staff; if applicable, send biopsy sample to SWFSC	5	5
Determination staff review data and conduct independent determination  Concurrently, if applicable, SWFSC conducts genetic analysis	Determination staff send independent determinations to PIFSC	5	10
Determination staff review individual determinations, resolve and document differences, and issue joint preliminary determination  Concurrently, if applicable, SWFSC conducts genetic analysis	Send joint preliminary determination to PIRO & SRG	5	15
SRG & PIRO review of joint preliminary determination  Concurrently, if applicable, SWFSC conducts genetic analysis	SRG and PIRO review results sent to PIFSC  SWFSC provides results of genetic analysis to PIRO and PIFSC	5	20
Determination staff evaluate SRG & PIRO review and issue final determination	Transmit final determination to PIRO	5	25

*If applicable, SEZ closure will begin 4-6 weeks after the final injury determination is made.*

# Fast Track Implementation - January 29, 2013 False Killer Whale

Step	Resulting Action	Duration (Business Days)	Elapsed Time (Business Days)
Debrief observer of marine mammal interaction	Determine if interaction should be fast-tracked		0
Forms and supporting info cleared through Observer Program	Provide forms and supporting data to Determination staff ; if applicable, send biopsy sample to SWFSC	5	5
Determination staff review data and conduct independent determination  Concurrently, if applicable, SWFSC conducts genetic analysis	Determination staff send independent determinations to PIFSC	<del>5</del> 2	<del>10</del> 7
Determination staff review individual determinations, resolve and document differences, and issue joint preliminary determination  Concurrently, if applicable, SWFSC conducts genetic analysis	Send joint preliminary determination to PIRO & SRG	<del>5</del> 3	<del>15</del> 10
SRG & PIRO review of joint preliminary determination  Concurrently, if applicable, SWFSC conducts genetic analysis	SRG and PIRO review results sent to PIFSC  SWFSC provides results of genetic analysis to PIRO and PIFSC	<del>5</del> 4	<del>20</del> 14
Determination staff evaluate SRG & PIRO review and issue final determination	Transmit final determination to PIRO	5	<del>25</del> 19

# Questions?

# Fast Track Implementation - January 29, 2013 False Killer Whale

Step	Resulting Action	Duration (Business Days)	Elapsed Time (Business Days)
Debrief observer of marine mammal interaction (2/4)	Determine if interaction should be fast-tracked (2/4)		0
Forms and supporting info cleared through Observer Program (2/8)	Provide forms and supporting data to Determination staff (2/8); if applicable, send biopsy sample to SWFSC (N/A)	5	5
Determination staff review data and conduct independent determination (2/8-2/12)  Concurrently, if applicable, SWFSC conducts genetic analysis (N/A)	Determination staff send independent determinations to PIFSC (2/12)	<del>5</del> 2	<del>10</del> 7
Determination staff review individual determinations, resolve and document differences, and issue joint preliminary determination (2/13)  Concurrently, if applicable, SWFSC conducts genetic analysis (N/A)	Send joint preliminary determination to PIRO & SRG (2/15)	<del>5</del> 3	<del>15</del> 10
SRG & PIRO review of joint preliminary determination (2/15-2/22)  Concurrently, if applicable, SWFSC conducts genetic analysis (N/A)	SRG and PIRO review results sent to PIFSC (2/22)  SWFSC provides results of genetic analysis to PIRO and PIFSC (N/A)	<del>5</del> 4	<del>20</del> 14
Determination staff evaluate SRG & PIRO review and issue final determination (2/25-3/1)	Transmit final determination to PIRO (3/1)	5	<del>25</del> 19