Agenda Review

• Welcome & Introductions
  • Webinar objectives
  • Agenda review
  • Webinar protocols and simple ground rules

• FKWTRT Program Updates
  • Status of Draft 2012 SAR
  • MHI Insular false killer whale ESA listing
  • Recent false killer whale interactions
  • Other relevant updates from Team members
Agenda Review

• FKWTRP Final Rule
  • Overview of final rule
  • Implementation-related next steps

• Next Steps
  • Membership updates/changes
  • In-person meeting
  • Monitoring Strategy
  • Other

• Adjourn
Meeting Ground Rules

• N. Young to lead presentations; S. McCreary/B. Brooks to elicit Team member input
• Meeting focused on updates/briefings
  • In-depth deliberations not anticipated
• Team members asked to focus comments on clarifying questions
  • Brevity appreciated
Draft 2012 SAR

- Published August 7, 2012
- 90-day comment period closed November 5, 2012
- Final SAR publication expected in spring 2013
- Highlights:
  - Restructuring – Palmyra stock moved to separate report
  - Newly defined NWHI stock
  - Updated abundance estimates, PBRs, and bycatch estimates
MHI Insular False Killer Whale ESA Listing

- Proposed listing rule published November 17, 2010
- 90-day comment period + additional 15-day comment period on new information
- Final listing rule published November 28, 2012 (77 FR 70915)
- MHI Insular population is considered a Distinct Population Segment (DPS), listed as endangered
- Listing goes into effect December 28, 2012
## Recent False Killer Whale & Blackfish Interactions

### Deep-set

<table>
<thead>
<tr>
<th>Species</th>
<th>Date</th>
<th>Location</th>
<th>Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>False killer whale</td>
<td>3/16/2012</td>
<td>Inside EEZ – Pelagic stock range</td>
<td>Hooked in unknown location; line broke, released with gear attached. Hook type: either 14/0 offset circle (~40%) or 3.6 mm offset Japan hook (~60%).</td>
</tr>
<tr>
<td>False killer whale</td>
<td>10/29/2012</td>
<td>Inside EEZ – Insular/Pelagic overlap zone</td>
<td>Hooked in mouth; crew cut line, released with gear attached. Hook type: 15/0 offset circle.</td>
</tr>
<tr>
<td>UNCONFIRMED Unid. Cetacean, possibly blackfish</td>
<td>12/1/2012</td>
<td>Outside EEZ</td>
<td>Hooked around or in mouth; released with gear attached. Hook type: either 14/0 or 15/0 offset circle.</td>
</tr>
</tbody>
</table>

### Shallow-set

<table>
<thead>
<tr>
<th>Species</th>
<th>Date</th>
<th>Location</th>
<th>Injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>False killer whale</td>
<td>5/3/2012</td>
<td>Inside EEZ – Pelagic stock range</td>
<td>Entangled in main line; main line broke, released with no gear attached.</td>
</tr>
</tbody>
</table>

Serious Injury determinations have not yet been made for these interactions.
Recent False Killer Whale & Blackfish Interactions

Observed Interactions

- Deep Set False Killer Whale
- Shallow Set False Killer Whale

5/3/2012

10/29/2012

3/16/2012

12/1/2012
Outline

- Overview of rule development
- Summary of final rule
- Next steps
## False Killer Whale Take Reduction Plan

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 19, 2010</td>
<td>Established TRT</td>
</tr>
<tr>
<td>July 19, 2010</td>
<td>TRT submitted consensus Draft Take Reduction Plan to NMFS</td>
</tr>
<tr>
<td>July 18, 2011</td>
<td>Proposed rule published; 90-day comment period</td>
</tr>
<tr>
<td>Nov 29, 2012</td>
<td>Final rule published</td>
</tr>
<tr>
<td>Dec 31, 2012</td>
<td>Effective date of all regulations except gear requirements</td>
</tr>
<tr>
<td>February 27, 2013</td>
<td>Effective date of gear requirements</td>
</tr>
</tbody>
</table>
# Draft 2012 SAR - False Killer Whales

<table>
<thead>
<tr>
<th>Stock</th>
<th>PBR</th>
<th>Cat I Deep-set</th>
<th>Cat II Shallow-set</th>
<th>Total M&amp;SI Inside EEZ &gt; PBR?</th>
<th>Strategic?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>M&amp;SI Inside HI EEZ</td>
<td>M&amp;SI Outside HI EEZ</td>
<td>M&amp;SI Palmyra Atoll</td>
<td>M&amp;SI Inside HI EEZ</td>
</tr>
<tr>
<td>HI Pelagic</td>
<td>(2.4)</td>
<td>(10.6)</td>
<td>(10.4)</td>
<td>-</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>9.1</td>
<td>13.6</td>
<td>11.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HI Insular</td>
<td>(0.2)</td>
<td>(0.6)</td>
<td>-</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>0.3</td>
<td>0.5</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palmyra Atoll</td>
<td>6.4</td>
<td>-</td>
<td>-</td>
<td>0.3</td>
<td>-</td>
</tr>
<tr>
<td>NWHI</td>
<td>2.6</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
</tbody>
</table>

Red = data from Final 2011 SAR; bold = updated or new in Draft 2012 SAR; all else is the same as Final 2011 SAR.
Public Comments

• 86 comment letters submitted
  • 68 identical or slightly modified letters of support, including petition with 2,305 names
  • 18 with substantive comments on specific measures or component of the Plan
  • 4 had comments on economic analysis; addressed in Appendix A of the Final EA-RIR-FRFA
• TRT feedback (July 2011 mtg) also considered
NMFS Response to General Comments

• Scope
  • No change to fisheries, but removed Palmyra Atoll stock

• Structure of regulations
  • Final rule includes all regs in MMPA section (50 CFR 229), with a change to MSA section (50 CFR 665) to be consistent with TRP

• Best available data
  • Updated abundance, PBR calculations, and bycatch estimates from Draft 2012 SAR
Regulatory Measures
Summary of Regulatory Measures

- Two gear requirements for deep-set longline fishery
  - “Weak” circle hooks
  - Strong branch lines

- Two longline closure areas
  - MHI Longline Fishing Prohibited Area
  - Southern Exclusion Zone

- Four measures to improve captain and crew response to hooked/entangled marine mammals

- **Effective dates**: 90 days after rule publication (Feb 27, 2013) for gear reqs; 30 days after rule publication (Dec 31, 2012) for all others
1. Deep-Set Hook Requirements

**Recommended by TRT**
- 14/0-16/0 circle hooks, wire diam. $\leq 4.5$ mm, round wire, pull strength $\leq 325$ lbs, $\leq 10^\circ$ offset
- Require “weaker” circle hooks (wire diameter $\leq 4.0$ or $4.2$ mm) if research indicates no substantial negative effect on target species catch rates

**Proposed TRP**
- Similar to TRT's recommendation
- $\leq 16/0$ circle hooks, wire diam. $\leq 4.0$ mm, round wire, no pull strength spec, $\leq 10^\circ$ offset

**Final TRP**
- Similar to TRT’s recommendation and proposed rule
- No size requirement, wire diam. $\leq 4.5$ mm, shank must contain sufficient round wire to be measured, no pull strength spec, $\leq 10^\circ$ offset
1. Deep-Set Hook Requirements

<table>
<thead>
<tr>
<th>Specification</th>
<th>Draft TRP</th>
<th>Proposed TRP</th>
<th>Final TRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shape</td>
<td>Circle</td>
<td>Circle</td>
<td>Circle</td>
</tr>
<tr>
<td>Size</td>
<td>14/0-16/0</td>
<td>≤ 16/0</td>
<td>None</td>
</tr>
<tr>
<td>Wire diameter</td>
<td>≤ 4.5 mm, or ≤ 4.0 mm or ≤ 4.2 mm based on research</td>
<td>≤ 4.0 mm</td>
<td>≤ 4.5 mm</td>
</tr>
<tr>
<td>Wire cross-section shape</td>
<td>Round wire</td>
<td>Round wire</td>
<td>Sufficient round wire to be measured</td>
</tr>
<tr>
<td>Offset</td>
<td>≤ 10°</td>
<td>≤ 10°</td>
<td>≤ 10°</td>
</tr>
<tr>
<td>Pull strength</td>
<td>≤ 325 lb.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
2. Deep-Set Branch Line Requirements

**Recommended by TRT**
- In deep-set longline fishery, any monofilament line used in branchlines and leaders must be $\geq 2.0$ mm in diameter
  - Breaking strength of $\sim 400$ lbs
- Any other materials used in branchlines and leaders must have a breaking strength of 400 lbs or greater

**Proposed TRP & Final TRP**
- **Same** as TRT’s recommendation
3. MHI 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

**Final TRP**
- Effectively the same as TRT’s recommendation
- Add entire area to TRP regulations; remove existing regulation that changes seasonal boundary, to be consistent with TRP
4. Southern Exclusion Zone

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

Proposed rule
• Trigger and closure procedures differed from TRT’s recommendations
• No reopening criteria in regulations

Public comments & new info
• Lack of support for changes from TRT’s recommended measures
• Reopening criteria should be included in regulations
• Newly calculated PBR for Hawaii pelagic stock is 9.1, compared to 2.5

Final rule
• TRT’s recommended trigger and closing/open procedures
• Acknowledge potential limitations of the approach, commit to consult with TRT on the SEZ as necessary
4. Southern Exclusion Zone – Basics

**Boundaries**
- **Same** as TRT’s recommendation and proposed rule

**Temporal cycle**
- Uses fishing year (calendar year), not “Plan Year”
  - **Different** from TRT’s recommendation, but **same** as proposed rule

**Basis for trigger/closure**
- Observed false killer whale M&SI in deep-set longline fishery within EEZ around Hawaii
  - **Same** as TRT’s recommendation and proposed rule
- Requires:
  - Confirmed species ID
  - Confirmed mortality or serious injury
  - For the trigger, animals are assumed to be from the pelagic stock unless confirmed as insular
4. Southern Exclusion Zone – Trigger

a. **Defining the trigger**
   - Trigger is defined as the larger of these two values:
     - Two; or
     - The smallest number of observed false killer whale M&SI inside the EEZ around Hawaii that, when extrapolated based on observer coverage, exceeds the HI Pelagic stock’s PBR level.
   - Rule specifies trigger as two
     - Trigger remains in effect until superseded by publication of revised trigger in the Federal Register
4. Southern Exclusion Zone – Procedures

b. Procedures when no SEZ closure effective in previous year

• Observed M&SI below the trigger [NOT IN REGULATIONS]
  • 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

• Observed M&SI that meets the trigger
  • Close SEZ for remainder of calendar year
    • Closure effective beginning 7-15 days after notice files at the Office of the Federal Register
  • Convene TRT
  • Reopen SEZ at beginning of following year

• Observed M&SI inside EEZ while SEZ is closed
  • Convene TRT
4. Southern Exclusion Zone – Procedures

c. Procedures when SEZ was closed during previous year

- **Observed M&SI below the trigger** [NOT IN REGULATIONS]
  - 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

- **Observed M&SI that meets the trigger**
  - Close SEZ
    - Closure effective beginning 7-15 days after notice files at the Office of the Federal Register
  - Convene TRT
  - (Reopen when one or more criteria are met)
4. Southern Exclusion Zone – Reopening

d. Reopening the SEZ (if closed per step c)

• Criteria recommended by TRT are included in regulations
  (i) AA determines, upon consideration of TRT’s recommendations and evaluation of all relevant circumstances, that reopening is warranted;
  (ii) In the 2-year period immediately following the date of SEZ closure, the deep-set fishery has zero observed FKW M&SI within the remaining open areas of the EEZ around Hawaii;
  (iii) In the 2-year period immediately following the date of SEZ closure, the deep-set longline fishery has reduced its total rate of FKW M&SI (including the EEZ around Hawaii, the high seas, and the EEZ around Johnston Atoll (but not Palmyra Atoll) by an amount equal to or greater than the rate that would be required to reduce FKW M&SI within the EEZ around Hawaii to below the Hawaii Pelagic FKW’s PBR level; or
  (iv) The average estimated level of FKW M&SI in the deep-set longline fishery within the remaining open areas of the EEZ around Hawaii for up to the 5 most recent years is below the Hawaii Pelagic stock’s PBR level at that time.

• Effective date of reopening 7-15 days after notice files at the Office of the Federal Register
5-8. Interaction Mitigation Requirements

**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 & Final TRP**

- **Same** as TRT’s recommendations, but no regulatory requirement for crew to notify captain
Non-Regulatory Measures and Research Recommendations
Summary of Non-regulatory Measures & Research

• Six measures to improve data quality, efficiency, & dissemination
  1. Increase precision of bycatch estimates
  2. Notify TRT of observed interactions
  3. Expedite observer data processing and serious injury determinations;
  4. Improve observer training and data collection protocols
  5. Expedite data processing from NMFS 2010 cetacean assessment survey
  6. Reconvene TRT regularly following Plan implementation

• 35 prioritized research recommendations
Next Steps for Rule Implementation
Next Steps for Rule Implementation

• Outreach to longline permit-holders
• Internal preparation for implementing specific measures (e.g., SI determination process, SEZ closure)
• Regulations go into effect
  • December 31, 2012 for all except gear requirements
  • February 27, 2013 for gear requirements
• Monitoring/evaluation of effectiveness
  • 6 month goal?
Questions?
Next Steps for TRT
Membership Updates/Changes

- Fill the open conservation seat (previously held by William Aila)
- Appoint State of Hawaii representative (previously held by David Nichols, with acting representative Francis Oishi)
- Swap several primary/alternate designations
- Appoint additional alternates?
In-Person Meeting

• Dates - not yet confirmed
• Potential agenda topics
  • Program updates
  • Consider need for any Plan amendments
  • Monitoring strategy
  • Confirm research priorities
  • Near-shore fisheries information
  • TRT funding priorities
  • Others?
Monitoring Strategy

• Purpose
  • Monitor effectiveness of TRP measures
  • Monitor compliance with TRP regulations and other TRP elements
  • Identify metrics and protocol by which we will track and measures success

• Progress/status of development

• TRT role – potential Work Group?
Thank you!