

**Pacific Offshore Cetacean Take Reduction Team**  
**August 7, 2013 Conference Call**  
**\*\*\*Key Outcomes Memorandum\*\*\***

*Note: This is intended to be a brief summary of the primary discussion outcomes. It is deliberately brief to foster quick review and near-term use by both the Team and NMFS.*

**Background:**

The National Marine Fisheries Service convened a meeting via conference call of the Pacific Offshore Cetacean Take Reduction Team on August 7, 2013, to achieve the following objectives:

- Provide updated information to the Team related to CA drift gillnet fishery and sperm whale interactions, including CA/OR/WA sperm whale stock assessment, VMS feasibility and funding, and observer coverage levels
- Continue Team discussions related to possible short-term measures to reduce sperm whale mortality/serious injury in the CA drift gillnet fishery to insignificant levels approaching zero, strive for consensus, as possible
- Review and discuss next steps, including follow-on Team deliberations to develop longer-term solutions

The following Team members participated in the call: Taryn Kiekow, Doyle Hanan, Chuck Janisse, David Haworth (alternate for Arthur Lorton), Kathy Fosmark, Don Krebs, David Laist, Tina Fahy and Kristy Long. Staff from NMFS Southwest Regional Office (Protected Resources and Sustainable Fisheries divisions) supported the deliberations, as did NMFS' Office of General Counsel. Scott McCreary with CONCUR and Bennett Brooks with CBI facilitated the meeting. Three members of the public provided comments following the deliberations of the Team.

NMFS began by providing updates related to observer coverage levels planned for the 2013-14 fishing season, the Southwest Fisheries Science Center's plan for preparing and advancing an updated sperm whale stock assessment, and the feasibility of implementing VMS in the fleet. NMFS then provided a recap of the August 1<sup>st</sup> informational meeting held in San Diego for the fleet and interested stakeholders. All materials presented and distributed to the Team prior to the July 31<sup>st</sup> and August 7<sup>th</sup> call will be posted shortly on the Team website at [www.nmfs.noaa.gov/pr/interactions/trt/poctrp.htm](http://www.nmfs.noaa.gov/pr/interactions/trt/poctrp.htm).

**Key Outcomes:**

The Team spent the bulk of the time reviewing potential short-term measures to reduce sperm whale mortality and serious injury, as discussed during the July 31<sup>st</sup> meeting via webinar.

- Establish a fixed cap of one (1) allowable serious injury/mortality for sperm whales. If the cap is met, the CA drift gillnet fishery is shut down for the rest of the season (i.e., until January 31, 2014) consistent with this being a short-term measure.<sup>1</sup>
- Establish a year-round closure area for CA drift gillnet vessels in all areas deeper than 2,000 meters (1,094 fathoms) unless the fishing vessel is carrying a federal observer. The 2,000-meter boundary would run both north and south of Point Conception; it would not apply to any areas east of the main north-south 2,000-meter contour (regardless of depth) to facilitate monitoring and enforcement.

The Team was in general agreement with these two measures, with further discussion and refinement of the second measure. More specifically, the Team members participating in conference call said they would like further discussion and consideration of potential exclusion of an area off Point Conception known as the Santa Lucia Escarpment (boundaries between 34°N and 35°N latitude and eastward of 122°W longitude) from the closure area. Team members in attendance were in general agreement with this proposal, contingent on the Science Center's input regarding risk to sperm whales.

In order to monitor compliance by the fleet with the proposed closure area and provide solid assurances that risk to sperm whales is reduced, NMFS stated that the emergency regulations would very likely include a requirement that a Vessel Monitoring System (VMS) be purchased, installed, and activated on all CA drift gillnet vessels fishing during this 2013-14 season. NMFS confirmed that reimbursement for the purchase (and perhaps installation) of the units over the upcoming fishing season would be available through the funding in hand at the Pacific States Marine Fisheries Commission:  
<http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms>

Participants expressed concern about compliance and enforcement issues associated with VMS. These concerns included the potential for vessels to drift overnight into deeper waters and thus be out of compliance (i.e. into closure area), particularly near the narrow continental shelf north and west of Point Conception. To address these concerns, participants suggested that NMFS consider the following when drafting regulations: (1) the boundary of the closure be identified with specific coordinates (latitude/longitude) rather than a depth contour; (2) create a mechanism that enables fishermen to provide a "declaration" (to NMFS or other appropriate NOAA office) at the start of a set, thereby addressing the potential for inadvertent drift into the closure area in the case that they are not carrying a federal observer and allowing NMFS and law enforcement to monitor the activity; (3) consider a mechanism for post-drift reconciliation of actual fishing effort relative to the 2,000-meter isobath as the boundary for the closure; and (4) consult closely with the fishing industry regarding the lat/long coordinates of the boundary delineating the closure area. NMFS agreed to consider these recommendations, including an analysis of the average historical drift documented by observers, per #3.

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<sup>1</sup> NMFS explained, and the team agreed, that a SI/M of two sperm whales would exceed PBR, and thus not meet the criteria for an NID.

Team members on the call expressed intent to vet this emerging consensus with others and provide further input to NMFS by close of business on Thursday, August 8, 2013.

**Next Steps:**

Based on the deliberations, NMFS outlined the following next steps:

1. Draft a brief synopsis of discussion key outcomes for review and confirmation by Team members and distribute early on August 8.
2. Disseminate a map with draft lat/long boundaries of the closure for consideration by Team members, including the existing year-round 12 nautical mile closure (extending west of Point Arguello, CA north to the CA-Oregon border, per the HMS FMP regulations).
3. Seek responses from POCTRT members by COB August 8. Based on the prior information exchanged, agency expertise, and this response, NMFS intends to draft an Emergency Proposed Rule to meet the dual objectives of protecting the CA/OR/WA sperm whale stock and enable a workable fishing season.
4. Strive to convene an in-person Team meeting later this year or early in 2014 to consider longer-term measures to reduce sperm whale mortality and serious injury in the CA drift gillnet fishery.