North Atlantic Right Whale Recovery Plan
Southeast U.S. Implementation Team Meeting, November 16-17, 2010
Jacksonville, FL

KEY OUTCOMES MEMORANDUM

I. Overview

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service), Southeast Regional Office (SERO) conducted a meeting of the North Atlantic Right Whale Recovery Plan Southeast U.S. Implementation Team (SEIT) on November 17 in Jacksonville, Florida. The SEIT meeting was preceded by a Southeast Right Whale Forum meeting on November 16 at the same meeting location. Information on the November 16 "Forum" meeting may be found in separate notes pertaining to that meeting. The November 17 SEIT meeting focused on four primary objectives:

- Review SEIT Terms of Reference
- Review North Atlantic Right Whale Recovery Plan Step-down Outline relative to Southeast recovery efforts
- Identify tasks necessary to implement recovery goals
- Develop recommendations and strategy for implementing identified recovery tasks

This Key Outcomes memoranda summarizes the primary results of the SEIT meeting. In general, the synthesis integrates the main themes discussed at the meeting and are presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The Key Outcomes section is further segmented into the following six sections:

- Welcome and Introductions. This section provides a brief overview of meeting, purpose, and agenda overview.
- Presentation on Terms of Reference and Discussion on Operating Procedure. This section summarizes the upfront briefing on Terms of Reference, including ground rules.
- Recovery Plan Review. This section summarizes the results of the team's discussion of major objectives of the right whale recovery plan.
- Consensus Actions. This section summarizes consensus actions to be taken by the Team.
- Consensus Recommendations. This section summarizes consensus recommendations of the SEIT.
- Other. This section summarizes other topics discussed during the meeting.

II. Participants

The SEIT meeting was attended by 12 of the 13 Team members and included: Nancy Allen, Lance Garrison, Clay George, Mike Getchell, Hardee Kavanaugh (for Bill Kavanaugh), Amy Knowlton, Bill McLellan, Katie Moore, Cathy Sakas, Leslie Ward-Geiger, Tom Wright, and Sharon Young.

David Bernhart, Laura Engleby, Paul Kunicki, Greg Schweitzer, and Barb Zoodsma with the SERO convened the meeting. Don Lewis, SERO's contracted shipping liaison, and Lisa Conger,

with NMFS Northeast Fisheries Science Center also attended the meeting. Members of the public were not invited to attend the meeting. L. Engleby facilitated the Team's recovery plan review and discussion.

III. Meeting Materials

The SEIT's Terms of Reference were provided prior to the meeting and made available as a handout at the meeting. A draft meeting agenda was distributed prior to the meeting. The NARW recovery plan was also distributed to SEIT members that did not have a copy prior to the meeting. A copy of B. Zoodsma's Terms of Reference presentation is available upon request. Copies of these materials can be obtained by emailing Barb.Zoodsma@noaa.gov.

IV. Key Outcomes

Below is a summary of the main topics and issues discussed during the meeting. 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 areas of full or emerging consensus.

A. Welcome and Introductions

The meeting kicked off with a brief review of the meeting purpose and self-introductions.

B. Terms of Reference Presentation and Discussion

B. Zoodsma reviewed the SEIT's Terms of Reference, including the purpose and objectives of the SEIT, roles and responsibilities, and terms of service. Barb emphasized that the role of the SEIT is to implement and coordinate the implementation of the Recovery Plan for the North Atlantic Right Whale. Leslie Ward was introduced as the SEIT's Team Leader. SERO made this appointment in the interest of maintaining a level of consistency with previous years' SEIT efforts.

Discussion

A number of team members indicated an interest in fostering South Carolina's involvement in right whale recovery. T. Wright indicated he had mechanisms to communicate with the SC maritime community.

Workgroups may be developed to work on specialized recovery-related topics. A need for a Workgroup may be identified by SERO or the SEIT. Workgroup members will be appointed by SERO after consultation with the SEIT. SERO hopes to avoid membership and operational "drift" through the use of a similar operating procedure as has been set up for the SEIT. Workgroups advise the SEIT, and the SEIT advises SERO. The SEIT is FACA exempt so can provide group recommendations to NMFS.

If members are unable to attend a meeting, an alternate may attend, provided alternates were

previously appointed by SERO. However, the priority is to schedule meetings such that the greatest number of members can attend. Members may suggest a suitable alternate to SERO; however, SERO must approve the candidate. Alternates will be evaluated based on the same criteria as members. Alternates may attend meetings as silent observers in order to stay abreast of SEIT deliberations.

The Team discussed options for how to best provide SERO with recommendations. SERO staff indicated a preference for clear and formal recommendations. Formal recommendations will be submitted via written correspondence or summarized in Key Outcomes generated from the meeting.

The SEIT and SERO staff discussed the process for generating meeting notes (Key Outcomes). The group agreed that SERO would generate draft Key Outcomes, then forward to the Team Leader for coordination with the SEIT on the final version. Final Key Outcomes will be made available to any interested parties.

A few team members inquired about travel support for attending SEIT meetings. B. Zoodsma indicated SERO could provide travel support for members that have no other means for travel support. SEIT meetings would then be contingent upon SERO's available funding and ability to fulfill Team member travel support requests. Teleconferences or webinars (online presentations) are possible methods for supplementing in-person meetings.

The SEIT does not have a dedicated budget; however, the Team can make recommendations for SERO's right whale recovery budget and can develop a list of prioritized projects that SERO could consider if funding became available.

C. Recovery Plan Review

For the majority of the meeting, the Team focused on reviewing the NARW recovery plan and other Southeast U.S.-related actions deemed necessary for right whale recovery. The discussion was focused on the objectives of the step-down outline (objectives with one decimal place) referenced below.

Objective 1. Significantly reduce sources of human-caused death, injury and disturbance.

1.1 Reduce ship collisions with right whales.

Reducing vessel collisions with right whales is a Consensus priority for the Team. There were three basic lines of discussion related to this task: the right whale ship strike reduction rule, vessels that are exempt from the ship strike reduction rule, and Early Warning System surveys.

<u>Ship Strike Reduction Rule.</u> The Team discussed the rule's December, 2013 sunset clause and the need to measure rule effectiveness. The Team was interested in learning how NOAA intends to measure success of the rule and NOAA's process for addressing the sunset clause. B. Zoodsma mentioned that the agency had conducted a workshop to determine ways to assess the effectiveness of the rule and would provide copies of the final

report to the Team.

The rule also states that NMFS will monitor compliance with Dynamic Management Areas (DMAs) and consider making them mandatory through subsequent rulemaking. What type of review must be completed to address this? The team had many questions about DMAs regarding triggers, etc.

Vessels Exempt from Ship Strike Reduction Rule. The Team discussed the increasing threat to right whales from smaller vessels that are not subject to the ship strike reduction rule. Some Team members recommended that, in the future, recovery plan task 1.1 be reworded to include "vessels" so the task wouldn't be restricted to "ships." The best way to manage vessels < 65' was unclear. One Team member thought this could be considered during the aerial survey workshop.

The Team discussed the fact that the only known small vessel collisions are from incidents when vessels are damaged. Do boat operators know they should report collisions?

The Team also discussed harbor pilot transits between shore and offshore pilot transfer stations. Although a few harbor pilot vessels are greater than 65 feet length overall, the majority are less than 65 feet in length overall and are not subject to the rule. The Team noted they needed to revisit this and determine how to best frame this issue.

Early Warning System surveys. The Team noted that aerial surveys contribute to many objectives in the recovery plan and discussed at length the need to investigate how best to configure the surveys to best meet recovery needs. One concern was whether modifying the surveys would affect efforts to analyze the effectiveness of the ship strike reduction rule. However, NMFS SER believes by the time any survey revisions may occur (2011/2012 calving season), rule analysis will not be affected.

One member noted that modifications to surveys (i.e. reduction in survey effort) or the associated whale alert system may send an unintended message to commercial mariners. This member noted that mariners valued sighting information and other members were curious if mariner behavior changed as the result of sighting reports. NMFS SER staff pointed out that there were instances of behavioral changes after aircraft contacted ships directly with whale sightings in the immediate area. A human dimension study to evaluate mariner behavioral changes and value of EWS to mariners should be considered. Stellwagen Bank NMFS investigated this question, and may provide information on this subject and may inform this discussion.

1.2 Reduce injury and mortality caused by fisheries and fishing equipment.

The Team was in consensus that this is being addressed by the Large Whale Take Reduction Team. However, some members indicated it would be appropriate for the SEIT to consider emerging fisheries in the SER or actions that are not already being addressed by the ALWTRT SE Subgroup. To help the SEIT address this, a presentation updating the SEIT on ALWTRT actions would be helpful.

The Team agreed that identifying the type of fishing gear that is removed from whales in the SER is important.

1.3 Continue and Improve Education and Outreach Programs

The Team discussed education and outreach at length. One Team member noted there were multiple numbers for reporting whale sightings; however, perhaps the SEIT should recommend one number be used. Most discussions revolved around the Education and Outreach Workgroup, outreach regarding aspects of the right whale ship strike reduction rule and recreational vessel operators, the Mandatory Ship Reporting system, and the Right Whale Festival.

Education and Outreach Workgroup. The Team recommended that the Education and Outreach (EO) Workgroup be continued. Further, one member noted that many lessons could be learned from this workgroup that would have applicability to other SEIT work groups. It was agreed that this was an action item of interest (see Consensus Actions). The Right Whale Consortium also has an E&O effort –coordination may enhance both entities' efforts.

Ship Strike Reduction Rule. The Team discussed agency efforts to communicate dynamic management areas (DMAs) to interested parties. It was agreed that mariners were getting the information. If non-mariners were interested in DMA occurrences, they can ask to be added to D. Lewis' email distribution list.

The Team also noted that Seasonal Management Areas were not illustrated on NOAA nautical charts. B. Zoodsma explained that NMFS inquired about this with the Office of Coast Survey (OCS). The OCS position was that East Coast-wide changes could not be made in a timely fashion prior to the December 2012 sunset of the rule. The SEIT recommends that NOAA illustrate the SMAs on nautical charts.

Recreational Vessels. The Team discussed the need to enhance outreach to recreational vessels such as working with bait shops, marinas, and through USCG auxillary boating classes, etc. The Team also discussed the need to work with the USCG to communicate with the recreational small vessel user group. Team members present acknowledged that input from D. Harter, SEIT member representing Hilton Head sportfishing community, would be useful.

Mandatory Ship Reporting System (MSR). One team member mentioned that the MSR message back to mariners did not include any information about speed regulations. If it is in the message, it isn't clear to foreign crews. Members discussed future evaluation of MSR effectiveness.

Right Whale Festival. The SEIT acknowledged the Right Whale Festival-related accomplishments and significance to right whale recovery.

1.4 Enforcement of fishing and shipping regulations.

The Team felt that enforcement was important and requested regular updates from a representative from NOAA Office of Law Enforcement (OLE) to inform the Team of enforcement efforts and to address questions. During this meeting, the Team was specifically interested in mariner logbooks and the process for checking them during the enforcement efforts. There were also questions about the metrics used by OLE to determine if a vessel is, or is not, compliant with the speed regulations. It was noted that some law enforcement information will not be made available to the Team, because it may be law enforcement-sensitive.

Objective 2. Develop demographically-based recovery criteria.

The Team was interested in learning if NOAA has developed demographically-based recovery criteria. A briefing from NOAA on whether recovery metrics were defined and insights into potential data gaps would be helpful. This is important to southeast recovery efforts because if calving rates are important to recovery metrics, then we need to understand SER's role and how the SEIT can contribute.

Objective 3. Identify, characterize, protect and monitor important right whale habitats.

3.1 Characterize and Monitor Right Whale Habitat

The Team discussed the fact that there were many Southeast U.S. studies (including USWTR surveys) that contributed to the larger picture of right whale use of the region and a method for consolidating the many pieces into an overall picture should be identified. Some members noted the challenge of publishing the smaller pieces. Perhaps researchers could present consolidated findings during the forum.

The SEIT noted that characterizing and monitoring right whale habitat tied into many other recovery plan objectives. Some noted that determining a baseline ambient noise budget was important for the SE right whale habitat.

3.2 Assess the need for modifying critical habitat boundaries.

Members noted that the SEIT should comment on the proposed rule when it is published.

3.3 Reduce Human Impact to Habitat

There are some activities that have emerged since the recovery plan was written and have the potential to impact right whale habitat. These activities include an increased national interest in alternative energy (particularly offshore wind farms), USWTR, etc. The SEIT should keep informed regarding these developments. SERO noted that it was appropriate for the SEIT to work beyond the boundaries of the Plan as necessary.

The National Ocean Council (NOC) is a major decision making body responsible for

overseeing the implementation and coordination of the national ocean policy. There are nine regional planning areas, including the South Atlantic Region (Florida, Georgia, North Carolina, and South Carolina), and will have planning bodies consisting of Federal and State authorities. Member agencies should ensure that right whale recovery is brought to the attention of the planning body.

3.4 Conduct studies to improve knowledge of the diet, food requirements, feeding habits, and food resources of right whales.

The Team assumed this to not be relevant in the Southeast U.S. excluding the need to understand what impacts these have on calf productivity. It's unclear if right whales are feeding off North Carolina.

Objective 4. Monitor the status and trends of abundance and distribution of the western North Atlantic right whale.
-Insert SAR stuff here- noted that more input could possibly be provided by the SE region within the SAR.

4.1 Develop quantitative recovery criteria population models to determine extinction risk, and parameters to validate the model predictions.

The SEIT is interested in knowing the status of this.

4.2 Conduct a study or convene a workshop to determine the best methods for assessing western North Atlantic right whale status and trends, and to establish the optimal level of effort required.

4.3 Assess population size, survival rate and trends on a regular basis.

4.4 Monitor right whale occurrence and habitat use pattern in known high-use areas.

Team members discussed a few investigations that should be published related to right whale habitat in the Southeast U.S. (includes East Coast from North Carolina to Florida). These include:

- Determine if habitat use by demographic segments of right whale population have changed over time.
- Analyze sightings etc. of females not previously documented but then later documented in NC (for example).
- Defining the value of habitat to individuals not sighted elsewhere.
- Investigate fine scale movements of right whales in the calving habitat (for evaluating the importance of providing daily real-time right whale locations to vessels).

4.5 Maintain a Photo-identification Database

The SEIT recommended that the photo-identification database be maintained. Real-time matching capabilities in the Southeast U.S. are important. Boat-based photographs are

becoming increasingly important for identifying juveniles for inclusion in the catalog. A few members asked how photo-ID catalog efforts can be streamlined between the Southeast U.S. and the New England Aquarium (curates the photo-identification database). Also, what are some ways that data processing can be expedited?

4.6 Respond to Strandings

Team members recommended that carcass landing sites be identified prior to a mortality event and that site contact information be provided to the stranding network. Could such sites be required as part of conditions in Endangered Species Section 7 consultations?

The Team also supported capacity building for necropsy team leaders and inquired about the sample request protocols that were being set up by NMFS.

4.7 Conduct Habitat Use Studies (using telemetry)

The USWTR and NC studies may be informative relative to this objective. The Team also discussed the potential use of telemetry to track non Bay of Fundy moms to unknown habitats. Some Team members felt it was too risky to use implantable tags on new Moms; whereas, another Team member recommended investigating advances in tagging technology since the C. Slay/B. Mate tagging studies.

4.8 Assess Demography and Stock Structure

Some Team members were curious about how photo-identification and genetics efforts were being integrated. The group thought it might be worthwhile to invite Tim Frasier to the May meeting to present on this topic. Other considerations included: contingencies for stable, long-term right whale genetics programs. Some Team members advocated a website to track genetics sampling status and results –presently, this would enhance data accessibility.

The Team supported the continuation of right whale biopsy sampling in the Southeast U.S.

4.9 Reproduction and Health Assessment

Some Team members were curious about how entanglement is affecting right whale reproduction. A. Knowlton reported that the New England Aquarium (NEAq) is analyzing the photo-identification database in an attempt to address this question. She/NEAq can report back to the group on this.

5. Coordinate Federal, State, international and private efforts to implement the Recovery Plan.

5.2 Enforce right whale protection laws.

The Team noted the importance of executing a Joint Enforcement Agreement with NC.

5.4 Coordinate with States involved in right whale activities to maximize protection measures.-

The Team noted the importance of continuing efforts to include SC (DNR?) involvement in right whale protection activities, including the SEIT.

5.5 Promote bi-lateral cooperative efforts with Canada to maximize protection for right whales, reduce human-related mortality and injury, report mortality events, promote protection of habitat, and take other measures to enhance the recovery of right whale

The Team was curious about the status of these efforts.

5.6 Periodically review and update the North Atlantic Right Whale Recovery Plan.

Members suggested NMFS consider updating the recovery plan.

D. Consensus Recommendations

a. Acknowledge the value of the Right Whale Festival and organizer efforts.
b. Consolidate SE aerial survey results into one consolidated annual report (needs future discussion)
c. Illustrate Ship Strike Reduction Rule Seasonal Management Areas on nautical charts.
d. Continue Education and Outreach Workgroup

E. Consensus Actions

Several actions were discussed, gained traction and received consensus support.

1. There was consensus to convene a planning committee/workgroup to plan an aerial survey workshop to evaluate aerial surveys relative to recovery needs. By mid-February, the planning committee shall consolidate survey objectives, frame review questions, establish draft Terms of Reference for the workshop, establish workshop goals/objectives, and identify participants. B. Zoodsma will lead the planning committee.

   The workshop should consider if the current survey design is preferred or could it be improved given competing objectives? Initial efforts should focus on consolidating Team member views on recovery goals addressed by the surveys and ideas/approaches for reviewing efficacy of aerial surveys to meet those recovery objectives. Key questions include:

   - Given current knowledge, what recovery objectives are being addressed by the surveys?
     - What is the most immediate need to benefit recovery? Reducing ship collisions? Demographic info? Determining spatial and/or temporal

distribution?

- How do we know aerial surveys are effective in addressing those recovery objectives?
    - How do we know what the actual benefits and limitations are for real time ship strike management?
- How is aerial survey effectiveness measured? For example, if one female is saved from vessel collision, does that justify survey effort?
- What recovery objectives are best addressed through aerial surveys -Is the current approach still reasonable, or can enhancements be made?
- What is role of passive acoustic monitoring (PAM) in achieving similar goals? How much can (PAM) augment air survey efforts?

The end result of the survey review is for the SEIT to provide recommendations to SERO for how to move forward with aerial surveys.

2. Education and Outreach will be on the next SEIT agenda. Members will review the E&O matrix, evaluate target audiences, and review stakeholder involvement. Since the SEIT is considering other workgroups, a review of the evolutionary history of the E&O Workgroup would be beneficial. Once everyone is familiar with history and current status, the SEIT will determine how to best move forward with the E&O Workgroup.

3. Identify landing sites for right whale carcasses and develop directory for site contacts. C. George will lead this effort and present results at the fall SEIT meeting.

4. The SEIT will next meet via internet Webinar or Go To Meeting for approximately 2.5-3 hours during the ~January 26th/28th timeframe (date and time set for January 25, 1:00). Potential agenda topics include:

- Update from OLE regarding how the ship strike reduction rule is enforced (expectations should be tempered as some information may be law enforcement-sensitive and therefore not available for the SEIT).
- Briefing on NOAA's process for addressing sunset (perhaps from Greg Silber?)
- TRT update presentation to SEIT
- Briefing on the status of developing quantitative recovery criteria population models to determine extinction risk, and parameters to validate the model predictions.
- Evolutionary review of Education and Outreach Workgroup

F. Other

Some members wondered about the purpose of the SE Right Whale Forum –was it informational only or did presentations represent data/information that is used to support agency management actions? B. Zoodsma clarified that the Forum provides an opportunity to present and discuss preliminary and emerging information pertinent to right whale recovery. One member requested that, in the future, the agency clarify between data/information that is used to support management actions and what is viewed as informational only.

Some members of the SEIT recommended reserving time on the SEIT agenda to discuss and provide comments on: 1) Forum presentations from the previous day, 2) updates from the working groups, and 3) updates from the agency.

Many members of the SEIT were interested in a revised presentation by Dr. Joel Ortega-Ortiz on AIS-derived ship speeds in the Southeast U.S. The revised presentation will be given via Webinar. Recommended revisions include:

1. Separate out pilot vessels
2. Separate out vessels that are <65' as they are not subject to the rule.
3. Separate transits that are west of the pilot buoys (jettied harbor entrances) from transits that occur east of the buoys (open ocean).
4. Tables had too much information, and they were hard to digest –perhaps these could be simplified?
5. The table referred to ships and transits, but graphs refer to ship traffic –consistent terminology would be less confusing.
6. Since military vessels and recreational boats are not regulated, the word "compliance" should probably be avoided.

V. NEXT STEPS

1. Leslie will send out an email soliciting SEIT feedback on aerial survey review questions. Members will provide feedback within three weeks, and Barb will set up teleconference with the planning committee to discuss next steps.

2. B. Zoodsma will provide the SEIT with copies of *Report of a Workshop on Assessing Effectiveness of the RW Ship Strike Reduction Rule*.

3. B. Zoodsma will investigate if a question can be added to the UF vessel study survey: do boaters know if and to whom they should report collisions with whales?

4. B. Zoodsma will coordinate with ACOE personnel interested in DMA notices and suggest they subscribe to Don Lewis' right whale-related emails.

5. SEIT members who's agencies are members on NOC South Atlantic Region planning body should make sure their representatives on the NOC regional planning body are aware of right whale calving habitat.

6. B. Zoodsma will contact NEAq to organize a meeting with Southeast photo ID folks regarding how photo-ID catalog efforts can be streamlined between the Southeast U.S. and the New England Aquarium.

7. Leslie will conduct a Doodle poll to identify the time when most SEIT members are available to meet during January 26-28 timeframe.