

West Coast Take Reduction Team March 30 - April 2, 2026 Meeting Summary

Introduction.....	2
Meeting Purpose.....	2
Participation.....	3
Key Discussion Points and Meeting Outcomes.....	3
Getting Started.....	3
Reviewing and Updating Key Background Information.....	3
Team Member Discussions.....	5
Consensus Recommendations.....	6
Public Comments.....	7
Next Steps.....	7
Attachments.....	9
1: WCTRT Meeting Agenda March 30 – April 2, 2026.....	9
Monday, March 30: 1 – 5:30 PM.....	9
Tuesday, March 31: 9 AM – 5:30 PM.....	9
Wednesday, April 1: 9 – 5:30 pm.....	10
Thursday, April 2: 8:30 AM – 3:30 PM.....	11
2: Meeting Participation.....	12
3: Consensus Recommendations provided by the Team.....	14
Introduction.....	14
Degree of Consensus.....	14
Consensus Recommendations on Measures.....	14
Recommendation 1: MSA package.....	14
Recommendation 2: Best Practices Guide for Fishing.....	16
Recommendation 3: Data Collection Improvement and Analysis.....	17
Recommendation 4: Revise April 1 Start Date and Permit Transfer Deadline.....	19
Recommendation 5: Fleet advisory.....	19
Recommendation 6: Meeting triggers.....	20
Recommendation 7: Addressing other sources of entanglement.....	22
Consensus Recommendations on Research Priorities.....	22
1. How can we better understand whale population abundance, distribution, and trends?... 23	
2. How can we better understand the drivers of entanglement risks and how whales become entangled?.....	23
3. NMFS continually/periodically monitors the following.....	24

4. What is the projected impact of potential actions on entanglement risk, fleet dynamics, and socioeconomics of the fleet?.....	24
5. On-demand gear testing.....	25
4: Other measures considered but not recommended.....	26
5: Paul Clampitt Dissent on Recommendation 6 subsection c, ii.....	31
6: TRT Operating Protocols.....	35

Introduction

NOAA’s National Marine Fisheries Service (NMFS) convened a West Coast Take Reduction Team meeting in Vancouver, WA March 30 through April 2, 2026, to identify and develop consensus recommendations for reducing mortality and serious injury (M/SI) of two stocks of humpback whales incidental to the WA/OR/CA sablefish pot fishery. The two stocks of humpback whales are the Central America/Southern Mexico (herein referred to as Central America) and Mainland Mexico stocks.

The Team identified eight recommendations and reached consensus on all but a portion of one recommendation. This document provides a summary of the Team’s discussions, describing the range of potential measures discussed and highlighting the rationale for measures put forward as consensus recommendations, as well as those ideas considered but not included in the recommendations. The in-person conversation built upon a series of online discussions held in late 2025 and early 2026 to help Team members better understand key background topics, start building connections among Team members, and begin brainstorming potential measures. The intent of frontloading these online discussions was to help the Team prepare for substantive conversations at the in-person meeting. (Slides from all meetings can be found on the TRT website [here](#). A link to the meeting summaries from late November/early December 2025 team webinars is located [here](#).)

Additional materials related to the Team can be found at the [West Coast Take Reduction Team](#) website.

Meeting Purpose

The purpose of the in-person meeting was to:

- Review and update key background information and analyses to ensure Team members had a common understanding of the MMPA requirements, charge, and underlying data.
- Explore potential measures to achieve the MMPA long-term goal to reduce mortality and serious injury (M&SI) in the sablefish pot fishery to insignificant levels approaching a zero mortality and serious injury rate, defined by NMFS as below 10% of each stock’s potential biological removal (PBR) level.
- Develop a consensus set of recommendations to reduce M&SI and consider related future research needs and priorities.

Participation

The meeting was attended by 23 of 26 Team members and 9 alternates, as well as members of NOAA (NMFS Office of Protected Resources, West Coast Region, Northwest Fisheries Science Center and Southwest Fisheries Science Center, NOAA General Counsel, and NOAA Office of Law Enforcement). A detailed listing of participants is included as Attachment 2.

Key Discussion Points and Meeting Outcomes

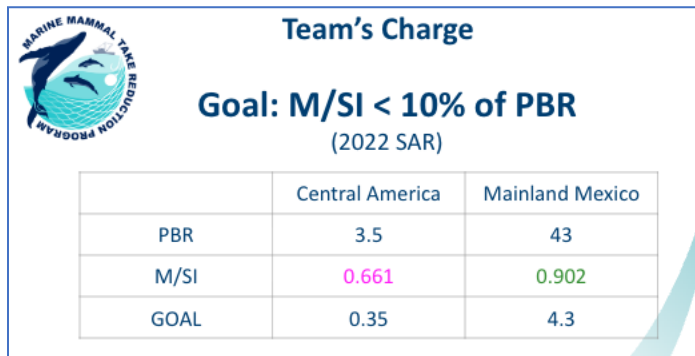
Getting Started

NMFS West Coast Regional Administrator Jennifer Quan and Assistant Regional Administrator for Protected Resources Chris Yates welcomed the team and opened the meeting. They encouraged the Team to identify actions that build on measures already in development, are resilient to changing conditions, and are expected to bring M/SI below the long-term goal and maintain it. Elizabeth Cooper and Bennett Brooks, facilitators with the Consensus Building Institute, provided an overview of the agenda and Team Operating Protocols (Attachments 1 and 6).

Reviewing and Updating Key Background Information

NMFS provided background briefings on the various informational building blocks that guide the West Coast Take Reduction Team’s focus, charge, and approach. These presentations ([all available online here](#)) focused on the following core messages:

- Reiterating the Team’s charge: To develop a consensus draft take reduction plan including measures to reduce M/SI of humpback whales incidentally taken in the Sablefish pot fishery to below 10% of PBR for each stock, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. As noted below, based on the 2022 Stock Assessment Report (SAR), M/SI for the Central America stock is 0.661, which is above the long-term goal of 0.35, but well below PBR of 3.5, which is the MMPA short-term goal. For the Mainland Mexico stock, the M/SI of 0.90 is already below both the short-term goal of PBR (43) and the long-term goal of 10% of PBR (4.3).



Team’s Charge

Goal: M/SI < 10% of PBR
(2022 SAR)

	Central America	Mainland Mexico
PBR	3.5	43
M/SI	0.661	0.902
GOAL	0.35	4.3

- Providing the latest information on humpback whale abundance and bycatch: NMFS directed the Team to use the information from the 2022 SAR. As well, NMFS provided

preliminary information for the draft 2026 SARs, which have not yet been released, as important context for the Team’s discussions as both the abundance and bycatch estimates were updated with new data. Key updates included: (1) Mainland Mexico stock abundance is continuing its upward trajectory, with M/SI in the sablefish pot fishery well below the long-term goal, and (2) Central America stock M/SI in the sablefish pot fishery is currently just under the long-term goal based on preliminary results, but with population levels holding largely flat, and (3) updated humpback whale bycatch estimates through 2024. NMFS staff emphasized that the five-year average of the Central America stock’s M/SI is likely to continue to fluctuate around the long-term goal of 10% of PBR, with a 2025 observed entanglement not yet factored into these updated M/SI estimates, and urged the Team to put forward “right-sized” measures to account for the uncertainty in future conditions and the unpredictability of entanglements. The updated figures are provided in the table directly below.

MSI relative to PBR for Central America and Mainland Mexico Stocks

		2022 SARs ¹	Feb 2026 ²	Mar 2026 ² (TRT meeting)
		(MSI: 2015-2019, PBR: 2019-2021)	(MSI: 2019-2023, PBR: 2019-2021)	(MSI: 2020-2024, PBR: 2021-2024)
Central America	5-Year Total MSI	3.31	1.86	1.74
	Mean Annual MSI	0.661	0.37	0.35
	PBR (and 10% PBR)	3.5 (0.35)	3.5 (0.35)	3.7 (0.37)
Mainland Mexico	5-Year Total MSI	4.51	4.03	4.07
	Mean Annual MSI	0.902	0.81	0.81
	PBR (and 10% PBR)	43 (4.3)	43 (4.3)	77 (7.7)

¹ These are the most recent published estimates.

² Updated values (in burgundy) are preliminary draft estimates.

- Reviewing background information related to humpback whale stock structure and distribution; methodology for estimating humpback whale bycatch in the sablefish pot fishery and apportionment to stock; and reviewing the spatial overlap of sablefish fishing activity and humpback distribution.

Presentations were followed by an opportunity for Team members to ask clarifying questions.

Additionally, based on the Team’s discussions and considerations of potential measures, Science Center staff ran additional analyses and West Coast Regional Office staff explained an approach to potential backstops during the meeting to provide insights into the following points to support Team discussions:

- Understanding the likelihood of seeing multiple observed entanglements of humpback whales from any stock in a given year or range of years (assuming fishery bycatch per unit effort (BPUE) during the next 5 years is constant and the same as the average BPUE from 2003-2023, and total observed effort for the next five years is consistent with the previous 5 years). This information was used to inform the Team’s consideration of triggers for potential backstop measures.

Likelihood of documenting a certain number of humpback entanglements within the NWFSC observer program during 1- or 5-yr timeframes, if the underlying rate of bycatch-per-unit effort (BPUE) remains consistent with mean rate estimated from observer program data between 2003 - 2023, and if annual fishing effort remains consistent with mean annual effort from 2019-2023.		
Number of observed entanglements (x)	Probability (% chance) of observing x entanglements in a single year	Probability (% chance) of observing x entanglements in a 5-yr period
0	~84%	~42%
1	~14%	~36%
2	~1%	~15%
3	<1%	~5%
4 or more	<1%	~1%

Note: Results were similar whether effort was calculated by number of sets, landings, or pots fished.

- Providing different possibilities to calculate a vertical line hour benchmark at different spatial and temporal grains, to inform the Team's consideration in a baseline fishing activity metric.
- Providing background on the existing Block Area Closure structure available under Magnuson Stevens Act regulations to inform the Team's interest in discussing potential backstops that could be available for expeditious use in the future if needed (i.e., without requiring a full analysis and scoping period at the point of seeking to implement them).

Team Member Discussions

The bulk of the Team's discussions centered on considering a range of potential measures that could be put in place to reduce M/SI in the sablefish pot fishery and maintain that reduction to achieve the MMPA long-term goal. The discussions – conducted in a mix of cross- and within-caucus breakouts and plenary – centered on considering the potential benefits and concerns associated with possible measures. The Team's discussions - and eventual approach to its recommendations - were driven by several key factors:

- A recognition that the fishery is currently just under the MMPA long-term goal (10% of PBR) for the Central America stock of humpback whales (based on preliminary updated information) and below this goal for the Mainland Mexico stock.
- A consensus amongst team members that the level of uncertainty around the exact drivers responsible for historically observed entanglements of humpback whales in the sablefish pot fishery translated into uncertainty in what mitigation measures to recommend.
- The merit in building on the previous work undertaken by the Pacific Fishery Management Council (PFMC) through the Magnuson–Stevens Act (MSA) West Coast groundfish fishery management plan process to develop a series of voluntary measures intended to address the entanglement of humpback whales in this fishery. This merit was

balanced against concerns of confounding interpretation of the effectiveness of MSA measures by adding additional mitigation measures on top of them.

- The need to balance reliance on the upfront MSA measures that are still pending with subsequent backstops if the proposed MSA measures and other near-term actions put forward by the Team prove insufficient in keeping M/SI below 10% of PBR.
- Interest in selecting triggers corresponding to events outside probabilistic norms, assuming current fishing effort, bycatch rates, and humpback whale population size. Establishing these triggers in advance provides transparency, predictability, and accountability, while ensuring timely action if entanglements appear to be increasing.

With these and other factors in mind, the Team brainstormed a range of potential measures, ranging from upfront mandatory limits on single endlines to voluntary best practices measures intended to reduce the likelihood of entanglements. The Team also developed a list of research recommendations, based on information gaps that can support better understanding: (1) humpback whale abundance, distribution and entanglement risk; (2) the factors and mechanisms driving entanglements and bycatch risk; and (3) potential benefits, costs and considerations associated with potential mitigation measures, including on-demand gear.

A summary of the full range of measures considered but not included in the recommendations is provided in Attachment 4.

Consensus Recommendations

Based on both plenary around-the-table and informal discussions, the Team reached nearly unanimous consensus on recommendations to NMFS for a package of measures intended to achieve the MMPA long-term goal and maintain M/SI below 10% of PBR. Key elements included:

- **Recommendation 1:** Adopt the measures included in the MSA proposed rule published at 91 FR 5408 (Feb. 6, 2026) for amending the West Coast groundfish FMP into the Take Reduction Plan as a way to codify a set of mandatory and voluntary measures anticipated to reduce entanglement risk.
- **Recommendation 2:** Convene a work team drawn from the TRT and PFMC to develop, disseminate and foster use of a best practices guide for gear configuration and fishing practices that may reduce entanglement risk.
- **Recommendation 3:** Improve data collection and analysis to support evaluation of MSA package assumptions, uptake of voluntary measures, and data available to managers and the TRT.
- **Recommendation 4:** In consultation with the PFMC, consider changing the Limited Entry primary tier season start date from April 1 to January 1, and to remove permit transfer delay.
- **Recommendation 5:** Develop a fleet advisory system to relay real-time information on whale aggregations and recommend voluntary gear removal in those areas.
- **Recommendation 6:** Convene the Team to:
 - Hold annual meetings to provide informational updates.
 - Hold informational virtual meetings within 6 months of a confirmed entanglement to review information about the entanglement.

- Reconvene the Team (as soon as possible but no later than 6 months) to develop additional recommendations if there are two or more confirmed entanglements attributed to the sablefish pot fishery within one calendar year, or three or more within five calendar years. In developing these additional recommendations, the Team should use the best available information to inform its evaluation of alternative options (see detailed recommendations for factors to be considered.)
 - The Team should consider, but not be limited to, implementation of front-loaded (pre-analyzed during initial rule-making) backstop options (e.g., temporary or long-term block area restrictions or closures; from single depth bin to entire EEZ off the West Coast)
- Additionally, recommend that NMFS provide periodic updates on information and research by email to the Team.
- **Recommendation 7:** Given that the sablefish pot fishery is not the major source of entanglements on the West Coast, recommend that NMFS address whale entanglements in fisheries identified as “other sources of entanglement” with a Take Reduction Team.
- **Recommendation 8:** Pursue the set of research recommendations identified by the Team as important to addressing critical information gaps and informing future Team and NMFS discussions and actions (see Attachment XX).

Of the 20 Team members weighing in on the consensus recommendations (3 of the 4 Tribal representatives were not present, and the 3 NOAA Team members refrained from voting consistent with the TRT Operating Protocols), Team members reached full consensus on Recommendations 1-5, 7 and 8, with two Team members abstaining.

On Recommendation 6, one Team member did not support including the option for front-loaded potential backstop for Block Area Closures following two or more entanglements (subsection “c, ii”), suggesting the measure was “unnecessary, disproportionate and contrary to the facts considered at the meeting,” for the following reasons (see attachment 5 for a more detailed explanation of the Team member’s perspective):

- The fishery’s low historical interaction rate (seven humpback whale entanglements documented over the past 20 years)
- The fishery not being the primary source of whale entanglements on the West Coast (as noted in Recommendation 7)
- The need to better understand the lack of a recorded whale entanglement in the fully observed IFQ sablefish pot fishery (which has the most vertical line hours in the water), and
- The potential for an alternative approach (put forward by this Team member) focused on limiting surface trailing line in designated high-risk areas (without resorting to closures)

Public Comments

Opportunity for public comment was provided at the end of each of the four days. There were no public comments on any of the days.

Next Steps

CBI and NMFS staff outlined the following next steps:

- CBI is to prepare a draft meeting summary (this document) for red-flag review by the Team to identify any critical gaps or errors.
- NMFS West Coast Region is to develop a workplan to start making progress on Team non-regulatory recommendations (e.g., periodic updates, annual check-ins, work team(s) on best practices, fleet advisory, and post-entanglement data collection interviews with fishermen).
- NMFS is to consider the Team's formal recommendations and, based on its analysis, move forward with rulemaking. NMFS further committed to reconvene the Team during the public comment period on a forthcoming proposed rule.

Attachments

1: WCTRT Meeting Agenda March 30 – April 2, 2026

Discovery Ballroom B&C, Vancouver Hilton Hotel, 301 W. 6th St., Vancouver, Washington

Monday, March 30: 1 – 5:30 PM

- 12:30** **Team gathers, informal greetings**
- 1 PM** **Welcome, meeting overview and introductions**
- Welcome from NOAA Fisheries
 - Team introductions
 - Review agenda and ground rules
- 1:25** **Getting to know each other**
- 1:55** **Review critical background and context**
- Review Stock Assessment Report and share preliminary updated abundance and trends information for west coast humpbacks
 - Key takeaways from background briefings
 - Review and confirm approach for the week
- 3:10** **BREAK**
- 3:25** **Discussion: What ideas and building blocks has the Team generated?**
- Review the Team’s latest thinking
 - Breakout discussions to flesh out ideas
- 4:55** **Public comment**
- 5:10** **Wrap-up and next steps**
- Review key discussion takeaways and game plan for Tuesday
 - Identify any initial drafting needs or information get-backs
- 5:30** **Adjourn**
- 6 PM** **No host social hour**

Tuesday, March 31: 9 AM – 5:30 PM

- 8:45** **Team gathers**
- 9 AM** **Getting started**
- Welcome
 - Review key points from yesterday
 - Opportunity for Team member reflections
- 9:15** **Discussions: Strategies for reducing M&SI (breakout and full Team, includes 15-min break)**

- Begin building out candidate measures – brainstorm potential approaches, initial assessment of benefits, concerns and implementation considerations; identify information needs (immediate and longer term)

11:15 Report-outs and discussion

12:15 Lunch

1:30 Discussions: Strategies for reducing M&SI (breakout and full Team)

- Small group discussion to brainstorm how the different measures could be packaged to meet Team’s charge and varied interests

4 PM Break for Team members to caucus with others in their sector

4:45 Report outs from caucuses

5:15 Public comment

5:25 Wrap-up and next steps

5:30 Adjourn

Informal: Drafting teams, caucus opportunity

Wednesday, April 1: 9 – 5:30 pm

8:45 Team gathers

9 AM Getting started

- Welcome
- Review key points from yesterday
- Opportunity for Team member reflections

9:15 Discussions to build broadly supported packages of measures for reducing M&SI (breakout and full Team)

- Continue building out potential packages; test support for packages under discussion

11:15 Report-outs and discussion

12:15 Lunch

1:30 Discussions to continue refining packages of measures for reducing M&SI (breakout and full Team)

- Continue building out potential packages; test support for packages under discussion

3:15 Break for Team members to caucus with others within and across sectors (both Team members and those not in attendance) on emerging draft Plan

4 PM Mid-Afternoon: Tentative - Research Needs discussion (or further discussion of potential packages if needed)

Team to build out research needs, both near- and long-term

5:15 Public comment

5:25 Next steps

5:30 PM Adjourn

Informal: Drafting teams, caucus opportunity

Thursday, April 2: 8:30 AM – 3:30 PM

8:15 Team gathers (note earlier start time)

8:30 Getting started

8:45 Discussions to finalize packages of measures for reducing M&SI & research priorities (breakout and full Team)

1 PM Lunch

2:00 Where do we go from here?

- Final opportunity for deliberations on Team recommendations (if needed); re-test for consensus
- Take stock of ongoing Take Reduction Team process – what happens next, timing, Team role

3:10 Public comment

3:20 Next steps

3:30 Adjourn

2: Meeting Participation

Primary/Alternate Members at the Table		Affiliation
1.	Harrison Ibach	Fishing Industry Representative
2.	Georgon “Poggy” Lapham	Fishing Industry Representative
3.	Stuart Schuttpeltz	Fishing Industry Representative
4.	Paul Clampitt (Alternate for Ben Clampitt)	Fishing Industry Representative
5.	Tim Obert	Fishing Industry Representative
6.	David Lethin	Fishing Industry Representative
7.	Ben Grundy (Alternate for Kristen Monsell)	Center for Biological Diversity
8.	Jane Davenport (Alternate for Sierra Weaver)	Defenders of Wildlife
9.	Andrea Treece	Earthjustice
10.	Kate Kauer	The Nature Conservancy
11.	Leigh Torres	Oregon State University
12.	John Calambokidis	Cascadia Research Collective
13.	Waldo Wakefield	Oregon State University
14.	Jasper McCutcheon	Makah Tribe
15.	Caroline McKnight (Alternate for Joanna Grebel)	CA Department of Fish and Wildlife
16.	Jessica Watson	OR Department of Fish and Wildlife
17.	Heather Hall	WA Department of Fish and Wildlife
18.	Caren Braby	Pacific States Marine Fisheries Commission
19.	Rebecca Lent	Pacific Fisheries Management Council
20.	Andy Read	Marine Mammal Commission
21.	Laura Ingulsrud	NOAA Office of National Marine Sanctuaries
22.	Kristy Long	NMFS Office of Protected Resources
23.	Chris Yates	NMFS West Coast Region, Protected Resources Division

Alternates Also in Attendance	Affiliation
Lisa Damrosch	Fishing Industry Representative
Lindsay Wickman	Oregon State University
Jennifer Tackaberry	Cascadia Research Collective
Corey Niles	WA Department of Fish and Wildlife
Barry Thom	Pacific States Marine Fisheries Commission
Brad Pettinger	Pacific Fisheries Management Council
Lori Schwacke	Marine Mammal Commission
Eric Patterson	NMFS Office of Protected Resources
Dan Lawson	NMFS West Coast Region, Protected Resources Division

Summary of March 30-April 2, 2026 WCTRT Meeting

NOAA Staff	Affiliation
Jennifer Quan	NMFS West Coast Region, Protected Resources Division
Lauren Saez	
Michaela Melanson	
Diana Dishman	
Robert Anderson	
Rosalie del Rosario	
Meghan Roberts	
Gretchen Hanshew	NMFS West Coast Region, Sustainable Fisheries Division
Meghan Gahm	NMFS Office of Protected Resources
Kim Corcoran	
Jeff Moore	NMFS Southwest Fisheries Science Center
Elliot Hazen	
Alex Curtis	
Blake Feist	NMFS Northwest Fisheries Science Center
Kayleigh Somers	
Jameal Samhouri	
Jeremy Rusin	
Brooke Hawkins	
Jennifer Goebel	NMFS Greater Atlantic Region, Protected Resources Division
Sheila Lynch	NOAA General Counsel
Eric Morgan	NOAA Office of Law Enforcement

In addition to the Team members/alternates and NOAA staff above, Bennett Brooks, Elizabeth Cooper, and Charlotte Goodman (CBI), Brittany Harrington (ODFW), and Jessi Waller (PFMC) were also in attendance.

3: Consensus Recommendations provided by the Team

Introduction

The West Coast Take Reduction Team, representing a range of diverse interests, met March 30-April 2, 2026, in Vancouver, Washington, to develop a set of recommended measures to bring humpback whale mortalities and serious injuries in the West Coast sablefish pot fishery to below the long-term Zero Mortality Rate Goal (ZMRG) of 10% of Potential Biological Removal (PBR), established under the Marine Mammal Protection Act (MMPA).

The Team's recommendations provided below are shaped by a few core considerations:

First, the most recent stock assessments indicate that we are very close to the long-term Zero Mortality Rate Goal (ZMRG) established under the MMPA for the Central American/Southern Mexico stock of humpback whales and below this goal for the Mainland Mexico stock.

Second, there remains great uncertainty about the exact drivers responsible for entanglement of humpback whales in the sablefish pot fishery. This lack of knowledge about how entanglement occurs translates into concomitant uncertainty in recommending measures to mitigate such interactions.

Third, the Team appreciates previous work undertaken by the Pacific Fishery Management Council (PFMC) through the Magnuson–Stevens Act (MSA) process to develop a series of measures to address the entanglement of humpback whales in this fishery, as described below. The recommendations of the Team described here are intended to build on this work, which involved an extensive consultative process with fishery participants and other interested parties.

Degree of Consensus

Of the 20 Team members weighing in on the consensus recommendations (3 Tribal representatives were not present and the 3 NMFS Team members refrained from voting consistent with the TRT operating protocols), Team members reached full consensus on recommendations 1-5, 7 and 8, with one Team member abstaining. Additionally, the Team reached near consensus on Recommendation 6, with one Team member unable to support the inclusion of the front-loaded potential backstop as they felt it was premature to include even the possibility of such an action give the fishery is currently below ZMRG and about to put in place Council measures that are anticipated to further reduce entanglement risk.

Consensus Recommendations on Measures

Recommendation 1: MSA package

The TRT recommends NMFS adopt the MSA final regulations into the TRP

Description

The MSA package, described in the proposed rule issued by NMFS ([91 FR 5408, February 6, 2026](#)) reflects a set of management measures recommended by the PFMC following extensive input from stakeholders, enforcement personnel, and fishery managers. These measures include both mandatory requirements and voluntary risk-reduction practices. The PFMC's deliberative process evaluated tradeoffs among alternatives, comparing conservation benefits, operational feasibility, and economic impacts before selecting the preferred actions.

Gear Marking Requirements (Mandatory)

The proposed rule requires marking all buoys and the top 20 fathoms of vertical line used with pot gear. For the first three years after implementation, temporary marking methods may be used; after that period, the top 20 fathoms must consist of manufactured line in designated color schemes.

The 20-fathom marking requirement is designed to maximize the likelihood that any portion of line recovered from an entanglement will contain identifiable markings, while minimizing cost to the fleet. Marking the full length of the vertical line would be significantly more expensive—particularly for vessels fishing in deeper waters—and is expected to provide limited additional benefit because entanglements rarely involve the bottom portion of the line. Enforcement considerations also support limiting the marking requirement to the upper 20 fathoms, which is the portion most likely to be retrieved and inspected.

Buoy marking requires a fishery-specific identifier on either a tag or directly on the buoy. These markings improve the ability to attribute recovered gear to the groundfish pot fishery when appropriate, and equally important, to rule out this fishery when unmarked buoys are recovered in entanglements.

Entanglement Risk Reduction Measures

The proposed rule removes the requirement that pot gear be marked at both terminal ends. Eliminating this requirement allows vessels to voluntarily reduce the number of endlines in the water, which can reduce the overall risk of entanglement.

The voluntary nature of this measure reflects input from industry representatives, who supported the option to fish with a single endline where operationally feasible. Many participants indicated they expect to adopt this practice because it improves efficiency and reduces lines in the water. However, maintaining flexibility to retain two endlines is important for vessels operating in conditions where a single-endline configuration may be unsafe or impractical.

In addition, this MSA package includes a limit on length of surface trailing gear to 10 fathoms.

Rationale

This package of actions recommended by the PFMC is expected to reduce vertical line hours (VLH) and improve the ability to identify gear involved in marine mammal entanglements. Together, these outcomes support both conservation objectives and the development of a more comprehensive gear-marking framework for West Coast fisheries.

Gear Marking

Enhanced gear marking provides a clear, enforceable improvement to existing regulations. It strengthens our ability to attribute entanglements to the sablefish pot fishery and contributes to a broader, coordinated gear-marking program across state and federal fisheries. Improved attribution supports more accurate assessments of entanglement sources and informs future management decisions under the ESA, MSA, and MMPA.

Entanglement Risk Reduction Measures

The decision to make endline reduction voluntary is consistent with the fishery's current performance under the MMPA. The fishery is operating well below the Potential Biological Removal (PBR) level and is currently at or near the Zero Mortality Rate Goal (ZMRG). A voluntary adoption provides an opportunity to gather additional data through logbooks, observer programs, and other monitoring tools. This information will help evaluate the extent to which voluntary single-endline configurations reduce VLH and potentially contribute to entanglement risk reduction. The approach also respects operational diversity within the fleet by allowing vessels to choose the safest and most effective gear configuration for their fishing conditions.

Relative to surface trailing line, the limitation of length of this portion of the gear reduces the overall amount of line in gear deployment that could interact with whales.

Recommendation 2: Best Practices Guide for Fishing

Description

A sub-group (TRT, PFMC) will develop a series of “best practices” that are focused on sablefish pot gear. This guide will be a “living document” that is meant to be a way to collect, refine, and disseminate gear configuration and fishing practices that may reduce entanglement risk. As these practices are adopted and refined they may become useful as regulatory measures that may further reduce entanglement risk.

Initial ideas for the best practices guide and a brief rationale:

- Tight lining - The practice of using a weight to confine the extra line commonly referred to as scope at the bottom of the ocean as opposed to at the surface. Reducing the likelihood of slack line at the surface is believed to reduce entanglement risk.
- Minimizing surface gear - The forthcoming regulation limiting surface gear length to 60' is generally thought to be more than is required for effective and safe operation. Encouraging fishermen to use the shortest surface gear possible may reduce entanglement risk.
- Single end line in practice - In the public comment process at the PFMC industry members expressed concern about the practical application of using a single end line. Encouraging the use of a single end line through a best practices guide that educates the fleet on the practical use of a single end line and that invites feedback from fishermen is the best way to ensure that the fleet is successful in adopting this.
- Surface gear swivel - The surface buoys and flagpole can become tangled with one another presenting loops of line on the surface of the water that increase entanglement risk. Using a swivel between the buoy line and the surface gear greatly reduces the likelihood of this.
- Flagpole bridle - The bridle used to attach the flagpole, or “high flyer”, required by federal gear regulations can present an entanglement risk. Reducing or eliminating the “window” created by some bridle configurations will reduce entanglement risk.
- Fleet advisories - Incorporating links to fleet advisories on whale aggregations and their recommendations into the best practices guide, to inform fishery participants and enhance the distribution of those advisories.
- Entanglement response - Reporting any entanglement and not attempting to disentangle the whale is a legal requirement of the MMPA and serves to enhance the understanding of

entanglements. Furthermore a disentanglement response by trained professionals may result in a lower assessment of M/SI than one that is observed or opportunistically reported. Reporting procedures, phone numbers to call, and all entanglement response resources should be referenced and linked in this guide.

Best practices guide format, content, and dissemination:

- The guide will primarily be an online document that is updated often based on feedback from industry and evolving understanding of entanglement risk.
- The guide will consist of videos, pictures, and illustrations that clearly lay out best practices and how they are thought to reduce entanglement risk.
- A direct link or QR code that leads to the guide will be distributed with any permit renewal by NMFS and through state DFW channels and PFMC email lists when there are significant changes to the guide.
- As the guide becomes more refined it would be possible to create a webinar that highlights lessons learned in gear configuration and fishing practices that best mitigate entanglements. To enhance the dissemination of the guide and its effectiveness, it could be a requirement to view this webinar to renew a sablefish pot permit.

Rationale

- The creation of a best practices guide with industry participation is a way to test concepts that may reduce entanglement, but require further development or are difficult to enforce. The “living document” format gives the industry the platform to engage in the continued refinement of best practices. This will enhance their practicality, effectiveness, and adoption.
- The sablefish pot fishery is diverse and does not currently have an avenue for sharing information about gear configuration, fishing practices, or whale entanglement risks. A best practices guide addresses this shortfall.
- Specific to the conversations about reducing vertical lines, the best practices guide will provide fishermen the concepts needed to successfully use a single vertical line. Soliciting feedback from their experiences and incorporating them into the guide will further increase the guide’s effectiveness and therefore the adoption of this practice. Introducing the fleet to this practice through interactive education will result in the most effective adoption particularly if the use of a single end line becomes a requirement in the future.

Recommendation 3: Data Collection Improvement and Analysis

Description

This proposal recommends targeted improvements to the e-logbook and observer data collection systems to ensure that both metrics related to the MSA measures described above and best-practice measures are accurately captured, validated, and available for timely analysis. These enhancements are intended to support evaluation of the MSA package assumptions, monitor uptake of voluntary measures, and improve the quality of information available to regulators and the TRT.

Voluntary measures and data fields not directly associated with the MSA package, such as lost-gear reporting and best-practice indicators, could begin being reported as early as January 1,

2027 to coincide with the start of the fishing year. Aligning these fields with the fishing-year cycle provides a natural transition point for fishermen, supports consistent implementation across the fleet, and allows regulators and the TRT to begin evaluating uptake and trends earlier than the full MSA package rollout.

Data Collection:

1. The TRT recommends that NMFS include the following fields to the e-logbook:
 - Number of vertical lines per set (1 vs 2)
 - Modify the lost gear field to allow distinguishing between lost surface gear (e.g. line and buoy) and pots
2. The TRT recommends that NMFS assess the benefit of adding fields on best practice metrics including but not limited to:
 - Taut line (sinking line, anchor, weights, etc.)
 - Flag pole modification
3. The TRT recommends that NMFS validate the data fields by comparing observer data to data being recorded in the e-logbook for voluntary measures.
4. The TRT recommends that NMFS should promote e-logbook compliance through outreach and support and explore eliminating any fields that are administratively burdensome.

Rationale

Adding fields such as the number of vertical lines per set, distinctions between types of lost gear, and indicators of best-practice implementation (for example, taut line configuration or flagpole modifications) will:

- Provide direct insight into voluntary measure uptake - Tracking the number of vertical lines per set allows regulators and the TRT to evaluate how often vessels are choosing to drop a line and how this varies by fishery, region, or sector.
- Improve accuracy in estimating vertical line hours - Understanding how many lines are deployed per set refines the calculation of vertical line exposure, which is an identified metric for risk assessment.
- Support more precise lost-gear accounting - Differentiating between lost surface gear and lost pots will help identify patterns in gear loss, and inform mitigation strategies as needed.
- Enable evaluation of best-practice effectiveness - Documenting practices such as taut line use or flagpole modifications helps determine whether these measures correlate with reduced gear loss or lower entanglement risk.
- Enable cross validation of observer data and e-logbook voluntary measures where appropriate - NMFS validation of e-logbook entries with observer data on voluntary measures increases data reliability and strengthens confidence in the analyses used for management decisions.

E-logbooks currently include fields to summarize and evaluate:

- the spatial distribution of fishery operations as a whole and by sector (location of sets)
- vertical line hours as a whole and by sector (set/retrieval time, set/retrieval date)
- effort as a whole and by sector (# of vessels)
- logbook compliance

Because e-logbook data are available in near real time, these improvements will allow NMFS, the PFMC, and DFW agencies to:

- Track voluntary measure uptake between meetings
- Identify emerging trends or compliance issues early
- Adapt outreach or support efforts as needed
- This responsiveness is especially important when evaluating voluntary measures, which depend on consistent participation
- Conduct desired analyses

Promoting e-logbook compliance through outreach, user support, and the removal of administratively burdensome fields ensures that the system remains practical for fishermen while still delivering high-quality data. This balance is key to maintaining participation and ensuring that the data collected truly reflect on-the-water practices.

Recommendation 4: Revise April 1 Start Date and Permit Transfer Deadline

Description

Recommend to NMFS that in consultation with the Pacific Fishery Management Council they consider changing the Limited Entry primary tier season start date from an April 1 to January 1 and to remove permit transfer delay.

Rationale

The April 1 start date may be a remnant from a previous management framework that is no longer necessary under the current framework. If removing the April 1 opening date is feasible from the fishery management perspective (per PFMC evaluations), then removing this date would allow fishing to occur from January to March, thus distributing effort more throughout the year and potentially decrease fishing effort during other months when whales are more prevalent. The fishery could be open year-round, providing flexibility for fishery participants to choose when they fish. If more fishers participate earlier in the year during periods when fewer whales are expected on the West Coast, the risk of entanglement could be reduced.

The Permit Transfer delay is also a remnant requirement that may no longer be needed.

Consultation with the PFMC is important to ensure that the full suite of fishery considerations (under MSA national standards) will be evaluated.

Recommendation 5: Fleet advisory

Description

Recommend to NMFS that an effective communication system to the sablefish pot fishing fleet (e.g., text alerts, email listserv of fishermen; website posts) be developed to quickly (within 3 days) relay real-time information about locations of whale aggregations and recommend voluntary removal of gear in these areas and no deployment of new sets, with a reminder to follow the best practices guidelines. Fishermen should be encouraged to share this information through their networks.

Rationale

Aggregations of foraging whales near fishing gear pose localized areas and times of high entanglement risk. Rapid communication of known locations of whale aggregations to the fishing fleet with voluntary gear removal can be an immediate and effective way to reduce entanglement risk. Given the offshore distribution of this fishery, this fleet alert approach can be particularly effective through fishermen reporting observed aggregations in fishing areas to each other. Research groups may also observe and report whale aggregations.

Recommendation 6: Meeting triggers

Description

1. Annual Meetings will be held to provide informational updates, including but not limited to:
 - a. Entanglement updates
 - b. Analysis of measures of uptake of MSA measures (including voluntary adoption of single end lines)
 - c. Status / change in vertical line hours
 - d. Analysis of uptake of best practices
 - e. Analysis of overlap of pot gear and whale distribution (e.g., expanding the current Oregon model coastwide)
2. A confirmed entanglement in sablefish pot gear will trigger an informational, virtual meeting within 6 months of the event, to review information about the entanglement - including a summary of the observer's report, Captain's analysis, the results of any preliminary M&SI determination, and the results of any forensic analysis that, ideally, should be conducted with a fishery representative included.
3. Two or more confirmed entanglements attributed to the sablefish pot fishery within one calendar year, or three or more confirmed entanglements within five calendar years (starting on the effective date of the MSA measures), will trigger a reconvening of the full TRT (as soon as possible but no later than 6 months) to provide additional recommendations for NMFS responses, selecting from (but not limited to) the front-loaded backstop options, *see below*:
 - a. The following factors should inform the TRT's evaluation of alternative options considered within the range to result in a recommendation on specific measure(s), with rationale:
 - i. Overlap of pot fishing effort with actual or predicted humpback whale distribution, including measures of variance of the latter
 - ii. Magnitude of the risk reduction and expected impact on M/SI and ZMRG
 1. Example: Close BAC to two-end groundfish pot fishing from 100 fm-250 fm from April through July in 2031 and 2032 due to the likelihood of a high density of whales.
 - iii. Socioeconomic analyses estimating impact of alternative options (required for rulemaking to meet legislative mandates)
 - b. Front Loaded (pre-analyzed during initial rule-making) Backstop Options
 - i. Block Area Closures - temporary or long-term, depth-based area restriction by latitudinal bins. These could be for a specific sector of the

groundfish fishery, or for a specific gear type. See depth and latitude options currently in regulations [here](#).

1. Option 1: Temporary or long-term, depth-based area with mandatory single-line and/or surface line length reduction (including complete elimination of surface line, i.e., one buoy) - same areas as Block Area Closures (would need a VMS declaration for single-line), or
 2. Option 2: CLOSURE - designated area is closed to fishing groundfish with sablefish pot gear using persistent buoy lines and/or for a certain sector. [Add language as appropriate to enable EFP fishing with sablefish pot gear that doesn't comply with applicable persistent buoy line surface gear marking requirements]
- ii. The TRP rulemaking analysis of the options should consider the following range: the entire EEZ off the coast of WA, OR, and CA, to a single depth-bin (e.g. 200 fm to 250 fm east of Point Arena, CA).
4. NMFS will update the TRT on new information and research as it becomes available on a regular basis, e.g., via quarterly emails, and will maintain and update the shared Google Drive with such information.

Rationale

Regular engagement of TRT members will ensure that recommendations for future NMFS management actions or Plan amendments are informed by the best available information related to entanglements in the sablefish pot fishery. Because all the factors driving whale entanglements are not fully understood, and because direct measures of entanglement risk are limited by the low frequency of such events, ongoing information sharing and analysis of multiple proxy indicators is essential for effective, adaptive management.

a) Annual informational meetings provide a forum to keep TRT members apprised of new and emerging information, including confirmed entanglements, trends in fishing effort, and changes in risk-relevant conditions. These meetings will allow for review of uptake and potential effectiveness of voluntary best practices and management measures, including MSA gear marking requirements, voluntary adoption of one-end-line configurations, and other actions. Monitoring changes in vertical line hours, incidents of lost fishing gear, and spatial and temporal overlap between fishing effort and whale distribution provides important context for understanding how entanglement risk may be changing over time. Reviewing multiple indicators together—including measures of fishing effort, gear deployment characteristics, best-practice uptake, and gear-whale overlap—allows the TRT to assess patterns that may signal increasing or decreasing risk. This approach is particularly important given the current uncertainty around causal pathways for entanglement and the need to rely on proxy measures while scientific understanding continues to improve.

b) When a confirmed entanglement in sablefish pot gear occurs, convening a timely, informational virtual meeting allows the TRT to review all available information while it is still current. This includes examination of information provided by the captain, forensic analysis of recovered gear, a preliminary M&SI determination, if available, and other relevant data. Systematic review of entanglement forensics improves collective understanding of contributing factors and supports refinement of both voluntary and regulatory measures over time.

c) The specified thresholds for reconvening the full TRT to develop action recommendations are intended to provide clear, pre-defined triggers grounded in our current understanding of entanglement risk and its expected variability. These triggers are designed to identify patterns that are outside probabilistic norms, assuming relatively stable fishing effort and whale population dynamics. Establishing these triggers in advance provides transparency, predictability, and accountability, while enabling timely action when entanglements are increasing.

Including a clearly defined, bookended set of backstop options in the Take Reduction Plan (TRP) rulemaking analysis is critical to ensuring that NMFS can respond effectively and efficiently. Establishing the full analytical range—from the most protective option to the most narrowly tailored option—provides a transparent framework for evaluating and recommending actions. Identifying and analyzing a full range of potential actions in advance may improve timeliness and reduce delays associated with NMFS developing new measures following a trigger. Pre-analyzed options allow the TRT to focus deliberations on selecting the most appropriate measure, assessing tradeoffs between potential risk reduction, operational feasibility, and socioeconomic impact.

Block area closures and depth-based management measures are included as backstop options because they could address risk pathways for entanglement, and are also enforceable, scalable, and can be applied to specific sectors, gear types, depths, or geographic areas. Including modified-gear alternatives (such as mandatory single-line configurations within defined areas) allows for evaluation of multiple approaches, recognizing that risk may vary by depth, season, and location.

d) Keeping the TRT updated with new information and research as it becomes available (e.g., through a quarterly email) will help keep Team members up to date and establish a common knowledge basis in preparation for annual and other meetings. It will also ensure Team members can ask questions about the new information and research and enable informed dialogue between Team members in between formal meetings.

Recommendation 7: Addressing other sources of entanglement

The TRT recognizes that the sablefish pot fishery we are currently addressing in this TRT is not the major source of whale entanglement on the U.S. West Coast, and recommends that NOAA address the whale entanglement issue in fisheries that have been identified as other sources of entanglement with a Take Reduction Team. NMFS should make every effort to fully engage with its state partners and other stakeholders and ensure there is appropriate representation in any such body and that there is a full analysis and review, in a transparent manner, of bycatch and all other relevant fisheries and species information necessary prior to convening a TRT.

Consensus Recommendations on Research Priorities

The following set of research priorities reflect the topics the Team believes must be advanced to support effective implementation, evaluation, and refinement of measures intended to reduce humpback whale mortalities and serious injuries in the West Coast sablefish pot fishery to below

the long-term Zero Mortality Rate Goal (ZMRG) established under the Marine Mammal Protection Act. Collectively, the priorities focus on filling critical scientific, technical, and socioeconomic information gaps related to whale population dynamics, entanglement risk pathways, the feasibility and consequences of potential management actions, and the development, testing, and evaluation of emerging gear technologies. Advancing these topics will strengthen the evidence base needed to assess the effectiveness of existing measures, inform future TRT deliberations, and support management decisions that are both biologically meaningful and practically implementable.

1. *How can we better understand whale population abundance, distribution, and trends?*

- Improve abundance and trend estimates, with emphasis on the Central America population through expanded and coordinated photo-identification across feeding and breeding grounds.
 - *Rationale: Reliable estimates are needed to assess recovery status, interpret entanglement impacts relative to population growth, and inform take-reduction thresholds and performance metrics.*
- Expand understanding of movement, connectivity, distribution, and residency patterns through application of integrated multi-state capture-recapture or species distribution models across breeding and foraging areas.
 - *Rationale: Linking habitats improves stock-specific abundance estimates and supports more accurate assessments of population structure and movement relevant to entanglement exposure.*
- Evaluate and apply satellite-based whale detection technologies to complement the above methods and fill gaps in understanding whale movement and abundance particularly in remote areas (considered by the team to be a longer-term recommendation).
 - *Rationale: Emerging satellite tools can supplement traditional surveys, expanding spatial coverage and improving understanding of whale distribution in logistically challenging breeding areas that are critical for population assessments.*

2. *How can we better understand the drivers of entanglement risks and how whales become entangled?*

- Quantify spatiotemporal overlap between whales and fixed-gear fisheries and identify where entanglement events occur relative to co-occurrence indices.
 - *Rationale: Identifying when and where co-occurrence aligns with entanglement events supports spatially and temporally targeted management actions.*
- Expand response, investigation, and documentation of entanglements in an effort to: a) characterize mechanisms of whale-gear interaction leading to entanglement, b) assess the influence of gear characteristics and dynamics on entanglement risk, and c) evaluate biological and behavioral factors affecting entanglement likelihood. Consider establishing a working group to standardize how to review information about entanglements - including a summary of the observer's report, Captain's analysis, and the results of any forensic analysis that, ideally, should be conducted with a fishery representative included.

- *Rationale: Improved understanding of pathways that lead to entanglement—including whale behavior, dive depth, and gear configuration through comprehensive response to documented events and systematic research – would help direct mitigation measures.*
- Explore variation in fishing activity across sectors.
 - *Rationale: Understanding differences and similarities in gear configuration or fishing behavior between sectors may demonstrate why the Catch Share pot fishery, despite the largest line hour footprint and 100% observer coverage, has zero entanglements. If there are differences in gear configuration found, this information would help inform a best practices guide or regulatory changes to help reduce entanglement risk in the Open Access and Limited Entry sectors.*

3. NMFS continually/periodically monitors the following

From recommendation #6 (Meeting Triggers):

- Entanglement updates
- Analysis of measures of uptake of MSA gear marking measures (including voluntary 1 end line)
- Status / change in vertical line hours
 - Note any changes in gear configurations and why those changes may have taken place
- Estimation/analysis of uptake of best practices
- Analysis showing overlap of pot gear and whale distribution (e.g., expanding Oregon model coastwide)

4. What is the projected impact of potential actions on entanglement risk, fleet dynamics, and socioeconomics of the fleet?

Socioeconomic analyses are required for rulemaking, whether under MMPA or MSA, to meet the legislative mandates under NEPA (EIS/EA), the Regulatory Flexibility Act and E.O. 12866 (benefit-cost analyses). These requirements allow a full picture of the socioeconomic impacts of the various alternatives being considered – to allow for an informed selection of a preferred alternative.

Socioeconomic data needed for rulemaking analyses include:

- Profile of the fleet and the community: e.g. fishery captains and crew, the fleet, processors, etc;
- Gross income, expressed as total catch x ex-vessel price;
- Major categories of fishing variable costs (normally compiled per fishing trip): fuel, bait, ice, crew and captain share, etc.;
- Major categories of fixed costs: depreciation, insurance, gear, insurance, etc.;
- Net variable cost and net total costs of revenue, calculated from the above.

NMFS has some, but not all, of these data. For fisheries that are included in a Catch Shares program, such as the sablefish catch shares program, the costs data are available. NMFS will also have to take into account whether the changes in fishing gear or fishing practices under a TRP might change fishing costs – e.g., additional gear purchases or fuel costs.

5. *On-demand gear testing*

- Virtual gear marking
 - *Rationale: Regulatory standards to allow for virtual gear marking, considering data ownership, data access and confidentiality, and interoperability standards.*
- On Demand Gear
 - Compile/disseminate results and lessons learned from on-demand use and testing in California Dungeness crab fishery, coonstripe shrimp fishery, and box crab/king crab fishery, as well as other trap and pot fisheries.
 - Gear manufacturer R&D - establishing reliability and commercial feasibility of various on-demand system designs for sablefish pot fishery
 - On demand gear testing
 - Build on the existing West Coast on-demand gear library and NMFS research program (similar to and consistent with NEFSC program as presented to TRT by Brian Galvez)
 - Develop and finalize on-demand testing plan and research questions, including data collection protocols, so that all fishers participating in on-demand gear testing (in existing fishery and/or under EFPs) follow a consistent experimental design.
 - Collaboration with NMFS, PFMC, state DFW, or private sector personnel (e.g., engineers) as appropriate to trial on-demand gear with voluntary fishery participants
 - Collaboration with enforcement officers to explore enforcement concerns about deployment/retrieval of on-demand gear and enforcement of closed areas.
 - Integration of sablefish pot fishery on-demand gear testing/use into Pacific States Marine Fisheries Commission’s “Ropeless Enforcement Portal”
 - Outreach and testing use of virtual gear marking systems (e.g. integration with TimeZero software) by other ocean users (e.g., trawl vessels)
 - Establish criteria and regulatory pathway to on-demand gear authorization in sablefish pot fishery (e.g., reliability, enforceability, detectability, safety, efficiency)
 - *Rationale: Developing criteria that managers would use to decide whether and how to authorize the gear and figuring out what regulatory changes might be needed to allow its use would provide clarity about what testing needs to demonstrate, and predictability for those conducting testing and those who might be interested in using it.*

4: Other measures considered but not recommended

The Team considered a range of potential measures and approaches during its deliberations. Below are ideas considered but ultimately not advanced for consensus recommendations, with explanation of the rationale considered for the idea and the rationale against advancing it:

Measure or idea raised	Rationale for the idea	Rationale against advancing the idea
<p>A. Require dropping of one endline, either coastwide or in some locations, either as a backstop or for immediate implementation (<i>note: this idea was proposed and later withdrawn by the proponent.</i>)</p>	<ol style="list-style-type: none"> 1. This requirement would give some immediate decrease of vertical lines in the water. 2. The inclusion of the 2025 entanglement into updated bycatch and M/SI estimates will almost certainly put M/SI above ZMRG; therefore we need a measure to be implemented immediately. 3. The MSA package with the voluntary reduction will provide a phased-in approach and time period for fishermen to get used to this configuration before this TRP becomes rule (~2 years) which would then require this measure. 4. We are unsure what level of voluntary uptake in dropping one endline the “MSA package” will achieve, thus seeking a more certain approach to vertical line reduction. 	<ol style="list-style-type: none"> 1. Concerns with safety for fishermen mandated to operate with one endline in inappropriate conditions or when not comfortable to do so. 2. Unintended fishing activity consequences/lack of information: <ol style="list-style-type: none"> a. Requiring one endline only does not guarantee reduced VLH (vertical line hours) since other factors such as number of sets, level of activity, could still maintain or increase hours. This could mean risk is not reduced b. Concern for potential increased lost gear 3. There may be a depth in which fishermen can use two vertical lines and not pose the same level of risk to whales. Dropping an

Summary of March 30-April 2, 2026 WCTRT Meeting

		<p>endline should not be required in those areas.</p> <p>4. We have 5 years to get below the goal. We don't need to rush to get there with measures for which there could be unknown unintended consequences.</p>
<p>B. Measures in Best Practices Guide as mandatory implementation as a backstop if certain triggers are met</p>	<p>These are generally agreed upon best practices that we believe, to the best of our knowledge, can help reduce risk.</p>	<p>1. These best practices might not be applicable and/or feasible for everyone, and therefore not appropriate to become mandatory for every fisherman.</p> <p>2. With incomplete understanding of the cause of entanglements, we can't be sure that implementing these measures as mandatory will reduce entanglements, and may have unintended consequences.</p> <p>3. These would be difficult to enforce.</p>
<p>C. Implement 100% monitoring across all sectors either through EM or other means (e.g. logbook, human observers, etc.)</p>	<p>Increased coverage would reduce uncertainty and increase our knowledge and data surrounding fishing effort.</p>	<p>This would be expensive and hard to implement.</p>
<p>D. Reconvene a formal deliberative TRT process when ZMRG is exceeded.</p>	<p>This is the MMPA standard.</p>	<p>Because there will be a significant delay in the data analysis to know that ZMRG is exceeded, this will imply a significant delay in rulemaking and response to address the problem. Thus it is better to</p>

		include some pre-identified backstop measures in the rule to facilitate quick implementation if M/SI increases.
E. Increase gear marking to encompass more of the gear being marked	Increased gearmarking would increase probability of confirming whether sablefish pot gear was involved or not in unidentified entanglements.	<ol style="list-style-type: none"> 1. Because sablefish pot gear entanglements are often anchored, there is less uncertainty around sablefish pot gear. 2. Changing gearmarking requirements would be expensive for fishermen. 3. Increased gearmarking reduces flexibility to switch between fisheries and gear. 4. The current fathoms being marked are already supported by NMFS 5. It is unlikely for whales to be entangled in these other parts of the gear that are currently unmarked.
F. If a Mortality/Serious Injury is recorded preliminarily, prompt a mandatory single end line reduction either April-November or some other spatial, temporal, or depth restriction.	<ol style="list-style-type: none"> 1. The Team could avoid needing to meet again if there is already some sort of backstop agreed upon and in place that we know would reduce risk. 2. It takes a lot of time and resources to reconvene a Team and it is unknown if that will be possible in 	<ul style="list-style-type: none"> ● There are safety concerns, as noted above, with this requirement. ● Inclusion of the 2025 entanglement will very likely trigger this. This seems like a premature action given the year-to-year variability and the

	<p>the future. Having some mandatory backstop helps ensure there is some risk reduction in place.</p>	<p>five-year timeframe for bringing M/SI below 10% of PBR.</p>
<p>G. Generate a menu of options agreed upon by the TRT as backstops, but ultimately delegate to NMFS the decision of which options to advance, and which as mandatory, if a trigger is reached.</p>	<ol style="list-style-type: none"> 1. This provides flexibility for new information to help identify the measure that is most appropriate to reduce risk in the future. 2. The benefit of this additional understanding could reduce unintended consequences. 3. This flexibility would allow consideration of how effective the uptake of the Best Practices Guide and other measures are before implementing a mandatory measure. 4. This flexibility would enable the inclusion of more updated information on whale abundance in considerations. 5. NMFS' extensive rulemaking process is a challenge, but should not limit or restrict this Team from the best suited ideas and right-sizing of measures (i.e. it is not the responsibility of this Team to mitigate the challenges posed by NMFS' long rule-making timeline.) 	<ol style="list-style-type: none"> 1. Too much uncertainty for NMFS to analyze right now. 2. Rulemaking needs to be relatively straightforward and simple. 3. Difficult for NMFS to choose the right measure (given the uncertain effectiveness of various potential risk reduction measures), and may not be agreed upon by the team at that future time. 4. Too much time and too much of a delay in action.

Summary of March 30-April 2, 2026 WCTRT Meeting

<p>H. Change M/SI protocols to include fishermen and captain input into the M/SI determination process.</p>	<ol style="list-style-type: none"> 1. This would be more inclusive of various perspectives. 2. This would increase our knowledge around these events, including regarding how we can prevent them. 	<p>The TRT is not the appropriate forum to discuss this. The Stock Assessment Report process has a public comment period where this suggestion could be shared.</p>
<p>I. Request NMFS convene a TRT process focused on the Dungeness crab fishery.</p>	<ol style="list-style-type: none"> 1. Dungeness crab is one of the greatest contributors to M/SI affecting the same whale stocks we are discussing here, so outcomes there will directly affect this stock and indirectly affect this TRT. 2. The state incidental take permits (ITPs) and Habitat Conservation Plans) HCPs will require a TRT to be convened to be approved. 3. Dungeness crab was in the original TRT scope. 	<ol style="list-style-type: none"> 1. Given this TRT’s current scope, constituents represented here are not appropriate to be discussing this fishery and representing those people; therefore, unable to weigh in on this proposal; 2. We want to be sure first that there is accurate and up-to-date data available and accessible to support decision making (particularly bycatch and M/SI estimation around the Dungeness crab fishery.) 3. The states are already performing measures to reduce risk in their respective fisheries and working with NMFS in developing their ITPs/HCPs etc.

5: Paul Clampitt Dissent on Recommendation 6 subsection c, ii

MINORITY REPORT

Submitted by Paul Clampitt

Owner Operator, F/V Augustine

Sablefish Pot Fishery Representative

West Coast Take Reduction Team

To:

Mr. Eugenio Piñeiro Soler

Assistant Administrator for Fisheries

National Marine Fisheries Service

1315 East-West Highway

Silver Spring, MD 20910

Date: April 3, 2026

Subject: Minority Position on the West Coast Take Reduction Team Recommendations – Objection to Recommendation 6 (Meeting Triggers and Front-Loaded Backstop Options)

Dear Mr. Piñeiro Soler,

I submit this Minority Report as the sablefish pot fishery representative on the Take Reduction Team (TRT). While I support the majority of the Team's recommendations (Recommendations 1–5 and 7), I cannot join consensus on Recommendation 6 as written. Specifically, I object to the provisions under subsection (c) that would automatically trigger reconvening the full TRT upon two or more confirmed entanglements in one calendar year or three or more within five calendar years, with directions to consider "front-loaded backstop options" that explicitly include Block Area Closures and full CLOSURES of designated areas to sablefish pot gear using persistent buoy lines.

These closure-related triggers and backstop measures appear on page 9 of the Working Draft Recommendations document. They authorize temporary or long-term, depth-based area restrictions by latitudinal bins and could close areas to groundfish fishing with sablefish pot gear. The document even includes placeholder language to enable Exempted Fishing Permits (EFPs) for non-compliant gear during closures. I believe these provisions are unnecessary, disproportionate, and contrary to the facts presented and unanimously acknowledged by the entire TRT.

Key Facts Establishing Minimal Fishery Impact

At our final meeting, it was determined that, because humpback whale populations have increased, the sablefish pot fishery is now operating **below** the Potential Biological Removal (PBR) threshold for the affected stocks. This is consistent with the extremely low historical interaction rate: only seven confirmed entanglements in this fishery over the past 20 years, with just two resulting in mortality. One

of those mortalities involved a whale that entangled in an anchor line while the vessel was at anchor—not in active fishing gear—and should never have been attributed to the fishery.

Importantly, the fully observed catch share or IFQ sablefish pot fishery has never had a recorded instance of a whale entanglement, even though this portion of the fishery has by far the most line hours in the water. For some reason that has never been fully explained, this sector was left out of the model that only included the open access and limited entry fishery components.

The TRT itself was formed only because of a court order resulting from a lawsuit by the Center for Biological Diversity after NMFS did not timely apply for a regulatory exception. The margin by which the fishery previously exceeded the 10% ZMRG was a mere 0.1. These facts do not justify establishing pre-authorized procedures that could shut down or severely restrict a fishery that has demonstrated such negligible impact on humpback whales.

Unanimous Acknowledgment by the Full TRT

Recommendation 7, which received full Team support, explicitly states:

*“The TRT recognizes that the sablefish pot fishery we are currently addressing in this TRT is **not the major source of whale entanglement on the US West Coast** and recommends that NOAA address the whale entanglement issue in fisheries that have been identified as other sources of entanglement with a Take Reduction Team.”*

This unanimous recognition confirms that the sablefish pot fishery is a minor contributor at best. It is therefore inappropriate for the TRT to spend time developing and pre-authorizing closure mechanisms for this fishery while far more significant sources of entanglement remain unaddressed.

My Proposed Alternative (Not Adopted)

During deliberations, I attempted to find a middle ground by proposing a narrowly tailored measure: temporary area restrictions limited **solely to trailing line**—the component of gear that humpback whales entangle in the vast majority of the time. Under this approach, pot fishing could continue uninterrupted, but vessels in designated high-risk areas would be required to fish with a **single buoy and flag stick** configuration (a single vertical line with a flagpole passing through the center of the buoy). This would eliminate surface trailing line while still allowing safe and effective gear retrieval and maintaining compliance with gear-marking requirements.

This alternative would achieve targeted risk reduction without closing the fishery or imposing broad area closures. Regrettably, the Team did not incorporate it.

Conclusion and Recommendation

The voluntary measures, best practices guide, data improvements, fleet advisories, and annual informational meetings contained in the rest of the recommendations (and in the MSA package already under development) are sufficient and appropriate given the fishery's minimal impact. I therefore recommend that NMFS:

1. Adopt Recommendations 1–5 and 7 in full as consensus products of the TRT.
2. Remove subsection (c) and all references to front-loaded backstop options (including Block Area Closures and full fishery closures) from Recommendation 6.
3. Retain only the informational and data-review elements of Recommendation 6 (subsections a, b, and d) so the TRT can continue monitoring without pre-authorizing punitive closures.

Including closure triggers for a fishery that is already below PBR and is not the primary source of entanglement sets a dangerous precedent and undermines the collaborative, science-based intent of the Take Reduction Plan process.

I remain committed to working constructively with NMFS, the PFMC, and other TRT members to reduce any risk of entanglement while preserving a sustainable and economically viable sablefish pot fishery. I appreciate the opportunity to provide this minority view for the official record.

Respectfully submitted,

Paul Clampitt

Owner Operator, F/V Augustine
Sablefish Pot Fishery Representative
West Coast Take Reduction Team

Contact Information:

7721 168TH PL SW
Edmonds, WA 98026
Email: pfishcl@gmail.com
Phone: 206-618-3991

Enclosures:

- Working Draft Recommendations Document (with highlighted language in Recommendation 6)
- 4-1-26 Revised Research Priorities.docx (for reference)

6: TRT Operating Protocols

Marine Mammal Take Reduction Team

Operating Protocols

The following operating protocols have been informed by NOAA's National Marine Fisheries Service (NMFS) experience convening Take Reduction Teams (Teams or TRTs), directives in the Marine Mammal Protection Act (MMPA), previous input by Team members, and best professional practice. These protocols are intended to provide all participants with a clear understanding of the take reduction team process. Additionally, these protocols are intended to create a fair and credible process, promote a shared understanding of objectives, identify roles and responsibilities of the parties involved in take reduction planning, create clear expectations for information sharing, emphasize clear and transparent communication, and foster constructive interaction and deliberation among Team members and between the Team and NMFS. This document is meant to serve as a baseline; each team may review and suggest modifications as needed and appropriate.

1 Team Purpose

The Take Reduction Team, convened as an advisory group to NMFS, is charged with developing consensus recommendations to reduce incidental mortality and serious injury (M/SI) of particular marine mammal stocks in specific U.S. commercial fisheries based on the best available data on abundance, stock structure, and mortality/serious injury from the marine mammal stock assessment reports and other scientific reports (see section 8 for list of stocks and fisheries addressed by each Team). Where appropriate, the Team will also develop recommendations for additional research and data collection to further support achieving Plan goals.

Under the MMPA, the immediate goal of a take reduction plan is to reduce incidental mortality and serious injury to levels below a stock's potential biological removal (PBR) level within 6 months of the Plan's implementation. The long-term goal of the Plan shall be to reduce incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate (defined as 10% of PBR) within 5 years of the Plan's implementation (MMPA section 118(f)(2)).

2 Commitment to the Take Reduction Process

NMFS will strive to preserve and respect the good faith that all Team members are expected to exhibit when bringing their interests to the negotiating table. Team members, NMFS staff, and NMFS advisors will make a good faith effort to achieve the goals of the process. This includes working collaboratively with other Team members to develop a consensus-based product. NMFS values the challenges associated with achieving consensus and staying true to the MMPA requirements to do so. NMFS is dedicated to working with the Team to ensure the Team is fully supported by providing necessary information, staffing, and other resources as appropriate throughout the duration of the take reduction process.

NMFS requests that Team members read and individually acknowledge this document prior to each Team meeting. Team members are encouraged to help uphold and implement these operating protocols and identify whether they are not being adhered to effectively. We encourage Team members to communicate such issues to the Team while respecting others views.

3 Roles and Responsibilities

3.1 Team Members

Team members have been invited by NOAA's Assistant Administrator for Fisheries to serve on behalf of a particular constituency to represent that constituency's views throughout the take reduction process. Members are expected to engage in creative thinking, collaborative problem solving, trust building, and the pursuit of mutual gains while respecting divergent views and working towards consensus.

- **Active, focused participation.** Team members will make every effort to attend all Team meetings (in-person and teleconference/webinar). Team members may request to have an alternate designated to fill their seat if they will not be able to attend all Team meetings; NMFS strongly encourages all Team members to work with NMFS to identify alternates (see Section 4.5). Every member is responsible for communicating his/her perspectives and interests on the issues under consideration. Voicing these perspectives is essential to enable meaningful dialogue. Everyone will participate; no one will dominate. Only one person will speak at a time (i.e., no sidebar conversations) and only after being recognized by the facilitation team. Everyone will help keep the discussion on topic.
- **Effective representation of constituency.** Team members will speak to their constituents prior to, and after, a meeting. Team members are expected to represent not only their views, but those of their colleagues. Team members representing a broader interest group are expected to report back to their constituency regarding outcomes from Team meetings. Team members will coordinate with their constituency prior to decision-making meetings to ensure they are able to effectively represent their organization or constituency during Team meetings and indicate their level of support for any measures under consideration in real time. It is essential that Team members fully understand their groups' interests prior to a decision-making meeting and not rescind their support following Team meetings (an action that undermines Team cohesion, trust, and effectiveness).
- **Respectful interaction.** Team members will respect the personal integrity, values, and legitimacy of interests of other Team members, as well as those supporting or observing Team deliberations. Team members will assist each other in creating an effective atmosphere by: using microphones, turning off cell phones, refraining from sidebar conversations, and using computers for Team-related work only.
- **Upfront preparation.** Team members will commit to reviewing in advance key materials prepared by NMFS and others to support the Team's deliberation. This includes reviewing any proposals, as well as technical materials and analyses.
- **Integration and creative thinking.** In developing, reviewing, and revising work products, Team members will strive to be open-minded and to integrate members' ideas, perspectives and interests. Team members will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue. Proposals will be offered in a timely fashion to facilitate the group's consideration of possible approaches.

- **Mutual gains approach.** Team members will work to satisfy not only their own interests but consider the interests of other Team members to reach consensus. Team members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions. Team members are encouraged to identify shared goals and objectives and pursue where possible.
- **Striving for consensus.** The Team will strive to develop and come to agreement using a consensus decision rule. In particular, Team members will seek to pursue “conditional unanimity,” where all participants are able to support (i.e., “to live with”) a package of agreements developed over the course of the group’s deliberations.

3.2 *Tribal Partners*

MMPA Section 118 directs NMFS to include representatives from Alaska Native organizations or Indian tribal organizations on take reduction teams. However, resulting take reduction plans, amendments to plans, and implementing regulations may not apply to tribal fishing activities. This will be addressed for each TRT as appropriate by NMFS and NOAA Office of General Counsel.

3.3 *NMFS*

NMFS is responsible for convening take reduction teams to ensure the statutory requirements of the MMPA are met. NMFS provides technical, administrative, financial, and coordination support for the Team throughout the take reduction process. NMFS is committed to ensuring that the Team has all the available information and support needed to provide meaningful recommendations to achieve Plan and MMPA goals.

3.3.1 *TRT Coordinator*

- **Primary point of contact.** The TRT Coordinator will serve as the primary point of contact for Team members. The TRT Coordinator will manage and maintain membership to ensure adequate representation of all constituencies on the team. He/she organizes and conducts orientation for new Team members, communicates with individual team members, and provides regular informational updates to the full Team. The TRT Coordinator will attend all meetings, work with facilitators and Team members to identify meeting dates and locations, coordinate non-governmental Team member travel reimbursement as needed, draft meeting agendas in coordination with the facilitation team and circulate draft agendas and work products to Team members for their input. The TRT Coordinator, in close coordination with the Team, also takes the lead in writing the Team’s initial draft take reduction plan and subsequent draft recommendations as appropriate.
- **Provides advance planning, oversight and coordination.** The TRT Coordinator will coordinate and work with Science Center and other support staff to ensure biological, environmental, and economic data and analyses are available to support the Team deliberative process. Additionally, the TRT Coordinator will consult with the NOAA Office of General Counsel on legal interpretations and advice relevant to the Team’s deliberations. The TRT Coordinator will also work to identify and arrange for the participation of other experts (both from within NMFS and elsewhere), as needed, to inform Team deliberations. He/she will monitor Team progress to ensure Team deliberations are focused on meeting objectives. The

TRT Coordinator will also serve as a liaison to the relevant regional Scientific Review Group (SRG) for the Team for the purposes of sharing information with both entities, serving as a resource for the SRG during take reduction discussions, and reporting and providing context for SRG recommendations related to take reduction. The TRT Coordinator, in partnership with the facilitators, is responsible for providing meeting materials and any supporting analyses sufficiently in advance of meetings to ensure Team members can effectively prepare for the meeting, including outreach to and discussion with their respective organizations/constituencies.

3.3.2 *NMFS Team Members*

- NMFS staff who serve as Team members (i.e., staff from headquarters and regional offices) will attend all Team meetings and provide input on statutory, regulatory, and policy matters that relate to the deliberations. NMFS Team members will provide the official NMFS perspective if and when straw votes or other mechanisms are used to gauge Team support for ideas under discussion. NMFS Team members will also provide insight to the Team on the take reduction process from national and regional perspectives, as appropriate. [More detailed description of NMFS participation in Team voting is provided in Section 5.5 below.]

3.3.3 *NMFS Support Staff (e.g., science center or regional office staff)*

- NMFS staff will provide new and updated data and analyses to the Team for use in its deliberations as available and appropriate. Specifically, NMFS Science Center and Regional Office staff shall provide updated abundance and mortality estimates as well as other analyses pertinent to the deliberations, such as analysis of observer data to provide information on marine mammal bycatch/local fishing information. Science Center staff will provide data quality assurance/quality control to ensure the highest quality data and analysis are available to the Team.
- NMFS Science Center and Regional Office staff will attend Team meetings as technical advisors and provide real-time support (e.g., data analysis) as appropriate. NMFS Science Center staff will serve as principal consulting experts regarding science-related issues. NMFS Science Center and Regional Office staff will provide input during development of Team recommendations, including appropriate analysis as necessary.

3.4 *Federal Advisors*

Involvement of additional Federal experts is essential as it helps ensure a wide range of topics are considered in the development of take reduction measures. NMFS regularly calls on advisors, such as NOAA's Office of General Counsel (e.g., Fisheries and Protected Resources Section and Enforcement and Litigation Section), NOAA's Office of Law Enforcement, and U.S. Coast Guard, to inform and support Team deliberations as needed. In addition, these advisors also raise awareness of other important issues that must be addressed as a Team deliberates. The TRT Coordinator will work with these advisors prior to a meeting to identify specific information needs, provide guidance on issues likely to arise, and assess the need for in-person participation and presentations. The TRT Coordinator will also provide these experts with background and context for the process, as needed, to facilitate working in a joint fact-finding mode.

3.5 *Facilitators*

- The facilitation team serves as a neutral party and will not act as an advocate for particular outcomes. The facilitators will strive to ensure that all Team members clearly articulate their respective interests and to assist members to complete their work in a well-informed and efficient fashion.
- The role of the facilitator includes developing draft agendas, chairing formal and informal meetings and discussions, working to resolve any impasses that may arise, facilitating consensus building, preparing meeting summaries, assisting in finding and securing meeting venues and lodging, coordinating reimbursement of Team member travel expenses, circulating background materials and other important information to the Team members in coordination with NMFS, and responding to other requests relevant to the Team process as appropriate.
- The facilitation team will prepare a Key Outcomes Memorandum (KOM) to summarize the main results of each Team meeting. These KOMs will endeavor to summarize key decisions made, issues discussed, and the next steps identified for moving the process forward. These summaries are not intended to serve as a transcript of the meetings. The facilitators will strive to prepare KOMs within two weeks of the meetings. These KOMs will be circulated in draft form to NMFS for its initial review and then to Team members for their review and comment.
- In the event that Team members believe the KOMs significantly misrepresent particular decisions, issues, or next steps discussed in such a way that will impede the Team process, they are requested to notify the facilitators and TRT Coordinator. The facilitators and NMFS will review the matter and use their professional judgment to determine if a revision to the KOM is in order. If so, they will prepare a revised KOM and distribute it in a timely fashion to all Team members.
- The facilitation team will serve as the primary secretariat in assisting parties to develop recommended modifications to the Take Reduction Plan. The Take Reduction Plan will be subject to detailed review and approval by all Team members.

3.6 Invited Experts (Non-Governmental)

NMFS may invite experts to present information at Team meetings that supplements NMFS' or Team members' expertise on a particular topic. Invited experts may be asked to present information to the Team and respond to Team member questions, but they are not members of the Team nor do they advise NMFS on any particular issue. Such experts could include fishing gear manufacturers, scientists who have conducted research on relevant topics, consultants hired to conduct analyses, etc.

3.7 Members of the Public / Interested Parties

Full Team meetings are not subject to the Federal Advisory Committee Act and are open to the public (MMPA section 118(f)(6)(D)). Members of the public, including media representatives, may attend Team meetings as observers. Members of the public are encouraged to direct comments through Team members or speak at designated times on the meeting agenda. A brief summary of public comments made at meetings will be included in the meeting summary. Observers are asked to characterize any comments and preliminary information released at Team meetings in a manner consistent with these protocols and the consensus-building aims of the take reduction process.

4 Team Membership

MMPA section 118(f)(6)(C) requires that Team members have expertise in conservation or biology of marine mammal species or fishing practices that result in the incidental mortality and serious injuries of such species. The MMPA requires that Teams consist of a balance of resource users and non-users. To that end, NMFS, the facilitators, and the Team will periodically (e.g., when beginning a deliberative phase to develop Plan amendments) assess Team composition, such as through a gap analysis, and rebalance the Team as needed to ensure a balance of resource users and non-users is maintained. This balance aims to ensure a mix of constituencies required by the MMPA and the needed expertise to support development of the Plan and amendments, as well as adherence to the selection criteria noted below in 4.2. NMFS selects Team members for their varied interests, geographic location, communication network, ability to work with varying viewpoints, and commitment to developing a consensus-based Take Reduction Plan in the prescribed time frame.

4.1 Membership Changes

If a Team member resigns or NMFS determines that a particular constituency is not adequately represented on the team, NMFS will ask the Team for recommendations of candidate members. NMFS will consider candidate members recommended by Team members as well as other potential candidates when recruiting, selecting, and appointing new members (see Sections 4.2, 4.3, and 4.4). In the case when a primary member resigns, NMFS will consider the alternate as a candidate member but will also consider other candidates as appropriate. There is no expectation that the alternate would automatically become the primary member.

4.2 Team Member Selection Criteria

As required by the MMPA, a Team includes representatives from the following primary types of interests: (1) fishermen and fisheries organizations; (2) conservation/environmental groups; (3) academic/scientific institutions; (4) state resource managers; (5) federal agency representatives; and (6) fishery management councils and commissions (MMPA section 118(f)(6)(C)). A seat on a Team is provided to ensure the interests of a constituency, organization, or expertise – and not a specific individual – are adequately represented. The exact interests to be included on the Team are determined on a case-by-case basis, depending on the scope of a given Team.

NMFS identifies candidate individuals who can ably represent the different interests and considerations for candidate Team members include the following:

- Ability to bring first-hand knowledge and perspective to bear on the relevant fisheries and/or marine mammal species;
- Ability to balance a regional perspective with localized knowledge;
- Willingness to express fundamental interests (as opposed to fixed positions) and to clearly convey the interests of one or more important stakeholder groups;
- Ability to work collaboratively, seeking to integrate the interests of a broad range of constituencies;
- Ability to access and use an effective communication network to reach members of their constituency not attending Team meetings;
- Availability and willingness to travel and participate in meetings;

- Proven track record of engaging in constructive dialogues on controversial resource management issues;
- Extent to which candidates' participation on other teams fosters or hinders deliberations; and
- Ability to represent multiple factions of a constituency (e.g., multiple sectors of a fishery or a wide array of particular fishery).

NMFS or the facilitation team may conduct interviews with candidate Team members to evaluate their capacity to serve as TRT members.

4.3 Selection

Team members are often selected because they are considered leaders in their area of expertise, have technical and professional knowledge, and effectively represent their group of constituents. As well, NMFS evaluates the extent to which each candidate Team member meets the recruitment criteria. NMFS staff will identify specific individuals to invite onto the Team, confirm a candidate's desire to become a Team member, and forward the selection to NMFS leadership for approval and appointment. For government entities (i.e., federal agencies, coastal states, regional fishery management councils, and interstate fisheries commissions) that are guaranteed a seat on a Team per MMPA sec. 118(f)(6)(C), NMFS will solicit specific candidates from those organizations and ensure the individuals meet the selection criteria.

4.4 Appointment

NOAA's Assistant Administrator for Fisheries formally approves and appoints members to Take Reduction Teams. Appointment letters are sent to each individual Team member. Candidate members cannot participate as Team members during meetings until approved and appointed by NMFS.

4.5 Alternate Team Members

Team members may request to have an alternate designated to fill their seat if they will not be able to attend all team meetings. No Team member may have more than one alternate. A single alternate may be assigned to multiple primary Team members within the same constituency (i.e., a roving alternate) to provide more flexibility and continuity. Alternates should satisfy all selection criteria, represent the same organization or constituency as the primary representative, be knowledgeable and able spokespersons, and be committed to work collaboratively towards a consensus agreement. Team members will work with their alternates to ensure that they are up-to-speed on Team deliberations. Names of requested alternates (along with a brief statement of the proposed alternate's qualifications) are to be submitted at least one month in advance of the next meeting for approval and appointment by NMFS. If neither the Team member nor the alternate member can participate in a meeting, another individual from that constituency is welcome to attend the meeting in the capacity of observer only.

4.6 Affiliation Changes

If the affiliation of a Team member or their alternate changes (e.g., member makes significant job change to where it would potentially affect the relative balance of representation on a Team), he/she should inform NMFS promptly so the Agency can determine whether a change in representation is needed. Information regarding a member's change in affiliation will also be communicated to the Team as soon as possible.

4.7 Code of Conduct

NMFS is dedicated to creating an inclusive working environment where everyone feels respected and valued. Team members, agency staff, and facilitators are expected to maintain a high standard of conduct and act in a professional and courteous manner in all settings related to serving on the Team. While the TRT makes recommendations on highly contentious issues and members represent varied interests and perspectives, it is important to maintain a professional, collegial, and respectful demeanor, even during vigorous debate.

Team members, agency staff, and facilitators pledge to ensure participation in the TRT process is a harassment-free experience for everyone. Furthermore, each individual pledges to act and interact in ways that contribute to a welcoming and productive community.

Expected Behaviors:

1. Providing a safe, productive, and welcoming environment for all meeting participants.
2. Treating all participants and each other with respect and consideration.
3. Valuing others and their roles with professionalism and courtesy, recognizing the contribution of others, and assuming noble intent.
4. Seeking to understand the perspectives of others and acting in response with kindness and concern.
5. Providing constructive, objective, and frank evaluation to others in scientific activities as appropriate for standards of respectful peer review and accepting constructive critique from others.
6. Remaining adaptable, flexible, and agile under changing conditions, while remaining curious, open-minded, and aspiring for continual improvement.
7. Respecting the rules and policies of the meeting holder and/or venue.
8. Setting an example by adhering to this code of conduct and fostering a safe environment.

Unacceptable Behaviors:

1. Talking over, interrupting, or cutting off an individual. Dominating the discussion and not allowing other voices to be heard.
2. Demeaning, rude, or disrespectful comments or behaviors (including side conversations).
3. Bullying or harassing an individual.
4. Swearing or other offensive language.

In accordance with NOAA Administrative Order (NAO) 202-1106A, NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy, it is the policy of NOAA to maintain a work environment free from sexual assault and sexual harassment. NAO 202-1106A prohibits sexual assault and sexual harassment by or of any employee, supervisor, manager, contractor, vendor, grantee/non-Federal entity, affiliate, or other individuals with whom NOAA employees come into contact by the virtue of their work for or with NOAA.

4.8 Resigning or Terminating Membership

Any Team member may resign from the Team at any time, without prejudice. To withdraw from the Team, the member must formally notify NMFS in writing of such desire and, if so inclined, recommend a replacement whom NMFS will consider when selecting and appointing a new member to represent that constituency.

NMFS reserves the right to officially remove any member and/or alternate at any time for any of the following reasons:

- Poor attendance resulting in inadequate representation of constituency (e.g., misses more than two consecutive decision making meetings without a reasonable justification)
- Overall lack of response to NMFS/Team member requests
- Constituency becomes irrelevant to Team's objectives (e.g., fishery or environmental group are no longer active)
- An individual makes a significant change in constituency representation (see Section 4.6)
- Unwillingness to adhere to these Operating Protocols, including the unacceptable behaviors in Section 4.7
- Any other unforeseen reason at the discretion of NMFS

NMFS and the facilitation team will routinely assess whether any of these incidents apply to a Team member and may ask individuals for a self-assessment (e.g., whether they feel as if they have been adequately representing their constituency, responding to requests, etc.). In certain instances, a Team member may be asked to apologize to and/or discuss with the Team to address the issue and move forward in a productive manner. Repeat occurrences are grounds for termination especially if the Team, NMFS, and/or the facilitation team feels like that behavior is undermining or disruptive to the consensus process; any such Team member will be asked to step down.

If NMFS identifies a Team member for removal, the TRT Coordinator or other NMFS staff will contact the Team member informing them of the reasons for their planned removal. Membership will be formally terminated by the NOAA Assistant Administrator for Fisheries.

5 Team Meetings

5.1 Convening Meetings

When incidental mortality and serious injury equals or exceeds a stock's PBR level, the MMPA requires that Teams meet every *six months*, or at other such intervals as NMFS determines necessary, to monitor the implementation of the Plan until such time that the Plan's objectives have been met (MMPA section 118(f)(7)(E)). When incidental mortality and serious injury is below a stock's PBR level, the MMPA requires that Teams meet *annually*, or at other such intervals as NMFS determines necessary, to monitor the implementation of the Plan until such time that the Plan's objectives have been met (MMPA section 118(f)(8)(E)).

NMFS will schedule meetings after consulting with individual Team members on their availability for specific dates and times. NMFS will provide notice of Team meetings on its website as well as through the interested parties email lists maintained by the TRT Coordinator.

NMFS will endeavor to support at least one in-person Team meeting annually recognizing the above considerations for whether the Plan has achieved its goals, as well as considering other factors, such as the availability of new information and/or funding. NMFS recognizes that in-person meetings are the most effective way for Teams to deliberate and develop consensus recommendations. Face-to-face dialogue creates more opportunity for manageable and productive discussion, cross- and within-group caucusing, and active consensus-building. NMFS will prioritize convening in-person meetings particularly when addressing a stock where bycatch exceeds its potential biological removal level, during

the public comment period for amending the Plan, and/or when there is substantive content that will have a significant impact on the Team and/or Plan.

If funding is limited, NMFS may choose to convene smaller in-person subgroup meetings to focus discussions. Similarly, if issues are complex and/or spread across large geographic regions, smaller subgroup meetings may be a more effective method to focus on a more narrowly framed agenda. Subgroups can be established based on a particular gear type, geographic location, or interest group (e.g., scientists, commercial fishermen, etc.). In general terms, once a subgroup is formed it will address specific issues and will develop options for later consideration and decision-making by the full Team.

Despite these considerations, budget and other constraints (timing, logistics, etc.) may require convening the Team via teleconference and/or webinar. Webinars and teleconferences are particularly useful to provide the Team with status updates on research, stock assessment reports, management actions, bycatch estimates, or any other topic with the primary objective of providing information to the Team.

5.2 Meeting Materials

NMFS will tailor objectives for each specific Team meeting. These objectives will ensure that all Team members have a clear, shared sense of each meeting's desired outcomes. NMFS will ensure that communications with Team members prior to and during the meeting align to foster those objectives.

NMFS will draft an agenda that reflects the meeting objectives. Agendas will be finalized at the meeting. NMFS commits to provide, to the extent practical, all primary meeting materials including the agenda at least two weeks prior to a Team meeting to give members ample time to review relevant information. All Team members will have equal access to meeting materials. Members are expected to review meeting materials prior to meetings to build shared knowledge and foster informed deliberations.

5.3 Meeting Participation

Generally, meeting deliberations will be among Team members only. Members of the public are invited to observe Team meetings and participate at set times during the meeting. As appropriate, NMFS or the facilitators may invite Federal advisors and invited experts in attendance to contribute relevant expertise and information at specific times. If both a Team member and their designated alternate attend a meeting, only the Team member will have a seat at the table.

At an in-person meeting, the Team may break out into either work groups or caucuses. (See Sections 5.7 and 5.8 for more on Caucuses and Work Groups, respectively.)

5.4 Reimbursement for Travel to Team Meetings

Team members will be reimbursed for reasonable travel costs and expenses incurred in performing their duties as members of the Team per MMPA section 118(f)(6)(E). If both a Team member and their designated alternate attend a meeting, only the Team member will be reimbursed for travel-related expenses. Team members will be reimbursed for travel-related expenses in accordance with NMFS policies and Federal guidelines. NMFS or the facilitator will provide detailed reimbursement instructions before and after each in-person Team meeting.

5.5 Meeting Deliberations

As a consensus-seeking deliberative body, the Team is focused on discussing and creating options. Considerable effort is invested to ensure that all participants have a shared understanding of the issues and challenges facing the Team. Ideas are developed through collaborative dialogues, and discussions are managed to build and expand on viable approaches. The viability of measures under discussion typically emerges through the course of deliberations and the convergence of opinions around a set of broadly supported bycatch reduction measures.

Take reduction options can be developed in any number of ways. Team members can suggest approaches in general discussions at Team meetings – either with the full group, in breakout sessions or work groups, or in similar or cross-interest group caucuses. Others may develop papers that propose different strategies and associated rationales. Options may be presented by either individuals or groups of Team members. NMFS may also recommend options to consider based on its experience with other Teams and/or its familiarity with the underlying issues. NMFS encourages Team members to brainstorm a wide range of options before either assessing the relative strengths and weaknesses of each approach or pressing to identify preferred approaches.

Once options have been identified, Team deliberations will focus on assessing the extent to which the various ideas under consideration are: (1) likely to reduce mortality and serious injury of the relevant marine mammal stocks, thereby meeting the Plan’s goals and objectives; (2) to meet Team members’ varying underlying interests and objectives; and (3) implementable and enforceable. NMFS will help foster fully informed Team deliberations by providing relevant analyses, as well as offering the Agency perspective on topics under consideration.

Team members are encouraged to articulate their specific concerns in a manner that makes it possible for others to invent new options that address any identified limitations. Team members should recognize the need to make simple process agreements to move the effort forward. Team members will strive to clarify and narrow areas of technical disagreement.

5.6 *Decision-making*

The MMPA mandates that Teams seek to develop consensus recommendations where possible (section 118(f)(7)(A)(ii) and (8)(ii). In this context, “consensus” means that the recommendation in question is supported by all Team members present at the meeting; this does not necessarily mean that each Team member likes everything about the recommendation, but that each member is willing to accept it. Team members must be empowered and willing to vote on behalf of their constituency at Team meetings. Team members reserve the right to abstain from voting (i.e., to decline from voting either for or against a recommendation), but recognize that the Team could still achieve consensus despite that abstention. Team members further recognize that changing their minds or rescinding their vote after a Team meeting does not effectively represent their constituency, suggests the negotiation was not undertaken in good faith, and erodes trust in the TRT process.

The MMPA prescribes that Teams consist of an equitable balance of members from specific resource user and non-user interests. NMFS will not ask the Team to develop consensus recommendations unless a balance of interest groups is present.

From time to time, facilitators may use “straw votes” to track progress and help the Team arrive at short-term decisions to propel the consensus-based process forward in an efficient fashion. During straw votes related to gauging support for a particular issue, one NMFS representative will vote. If the Team is making a formal consensus recommendation to NMFS, NOAA, and any other Department of Commerce employees will abstain from voting.

In the event consensus cannot be reached, the Team will advise NMFS in writing on the range of options considered by the Team and the extent of support for respective elements of the Team's alternate proposals. As appropriate, majority and minority views will also be represented. (MMPA section 118(f)(7)(A)(ii) and (8)(ii)).

5.7 Interest Group Caucuses

During meetings, individuals from one or more interest groups may wish to caucus to clarify and integrate their interests and generate options for full Team consideration. As appropriate, opportunities will be provided during Team meetings for caucusing within and across interest groups. If a Team member requests time for caucusing, the facilitators will adjourn the meeting at a practicable juncture. Caucuses can also be held informally outside of Team meetings. NMFS and/or facilitators will participate in caucuses by request. Caucuses are not part of the official Team meeting and, as such, are not open to the public. Team members are encouraged to report relevant outcomes from caucuses to the full Team.

5.8 Multi-interest Work Groups

Based on past experiences and best professional practice, NMFS expects that across-interest work groups may be important for developing constructive, integrative work products during and between Team meetings. The aim of such groups is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. These groups may be region- and/or interest-based. Between meetings, it is anticipated that work groups will meet primarily by teleconference to discuss specific topics, such as research and outreach/education. The options and work products developed by a work group will be shared with the full Team to determine next steps. NMFS and/or facilitators will generally schedule and organize work group meetings. Summaries of work group meetings will be shared with the full Team and posted on the Team's website.

6 Information Sharing

6.1 Best Available Information

NMFS commits to providing the best available information to the Team to support deliberations. Best scientific information available refers to the most accurate and reliable data, analyses, and knowledge available at any given time. Information may come from NMFS' marine mammal stock assessment reports that have undergone peer-review following the procedures outlined in NMFS' Guidelines for Assessing Marine Mammal Stocks. However, to ensure Team deliberations are based on the most recent, up-to-date information and thus relevant to inform take reduction planning, the best available information may also include preliminary data that has not yet been fully peer-reviewed. Team members recognize that the take reduction effort depends on using the best available information, which ranges from preliminary to peer reviewed. Preliminary information (e.g., model runs, scenario-generating analyses, relevant draft reports and SRG documents, interim draft work products developed by the Team, etc.) will be treated as such, understanding this information may change based on subsequent review and additional analyses required for rulemaking. Documents are not considered "final" unless specifically noted as such. Any information that is not final will include the following disclaimer: "*DISCLAIMER: This preliminary information is intended to support deliberations of the Federally-appointed [insert TRT] Take Reduction Team; documents are **not** considered "final" unless specifically noted as such.*" Team members commit to accurately portray outside the take reduction process any draft or preliminary data shared with the Team.

Team members further commit to share with the Team, and not withhold, relevant information. Additionally, Team members commit to identify information needs in a timely fashion and to contribute to framing needs for additional research and analysis to support Team deliberations. Given that Team members need access to new information prior to a deliberative Team meeting, NMFS commits to cutting off dissemination of any new information (e.g., additional model runs, scenario generation) two weeks before a meeting. This does not apply to information requests made at Team meetings.

NMFS is continually balancing the need to provide the most relevant, updated information, noting appropriate caveats, with the need for peer review, recognizing that the time needed for peer review may result in not sharing certain information. NMFS considers Scientific Review Group (SRG) review to constitute peer review and to meet the requirements of the OMB Peer Review Bulletin and NOAA IQA guidelines. As such, SRG review of data is sufficient for NMFS to consider it the best scientific information available. For all information presented to the Team, NMFS commits to highlighting any changes from existing peer reviewed information (e.g., SARs) as well as communicating uncertainties and the range of possible outcomes.

6.2 *Regular Information Updates*

NMFS commits to providing information to the Team on a regular basis (e.g., quarterly or annual updates) between Team meetings. These updates could include a summary of recent interactions in the fishery(s), changes in fishing effort and/or fishery management, results of related research efforts that could affect the Take Reduction Plan, national policy and guidance related to the MMPA, etc. Specific information to be included in the updates will be identified in discussion with Team members, as well as informed by efforts to evaluate the effectiveness of the Take Reduction Plan. NMFS will include relevant correspondence received from Congress and other stakeholders as well as the Agency's response to that correspondence as part of information updates. Additionally, NMFS will provide the Team with any pertinent recommendations from the relevant SRG(s) so Team members are aware of any action NMFS may take pursuant to those recommendations that are related to the Plan.

6.3 *New Information That Could Affect an Existing Take Reduction Plan*

Whenever new information indicates the need to change core elements of the consensus-based Take Reduction Plan or would affect recent Team consensus recommendations, NMFS will endeavor to provide that new information, including exemption requests, to the Team either by email, teleconference/webinar, or at an in-person meeting, particularly if one is already scheduled. In those instances where new information would impact the Team deliberative process and timing is a factor, NMFS will endeavor to provide the information with enough lead time for the Team to undertake a thorough review, provide meaningful input, and have the opportunity to negotiate alternative measures when appropriate. NMFS, in discussion with Team members, will determine whether to convene the Team via teleconference and/or webinar to discuss the new information, provide meaningful input, and have the opportunity to develop alternative recommendations if appropriate.

7 Communication Protocols

7.1 *Contact with Media and Political Representatives*

Media inquiries concerning the Team will be referred to NMFS Public Affairs staff. At a minimum, NMFS will refer the media to previously-approved meeting summaries and other existing, public documents for background. Team members may talk to media and political representatives concerning their own views about the issues being discussed by the Team, but they are asked not to attribute specific

comments to particular individuals or characterize others' views. Given the overall goal of the Team process to serve as the venue for seeking consensus, Team members are asked not to “negotiate” through the press or other political avenues or otherwise make public statements that could undermine the success of a collaborative effort. In the event a Team member does engage in negotiating through the press or other political avenues, that Team member is strongly urged to disclose these efforts to the Team in the interest of transparency. A mutual obligation to disclose to each other activities that materially affect the collaborative effort is critical to maintain a successful TRT process. The Team will discuss such activities and consider whether it affects good faith efforts. Team members agree not to portray ideas as consensus before the Team has explicitly agreed on them.

7.2 Preference to Avoid Recording Team Meetings

The MMPA requires that Team meetings are open to the public. As such, NMFS cannot prohibit an individual, either a member of the Team or the public, from recording Team deliberations. Recording includes taping, videotaping, webcasting, and other means of generating a verbatim, electronic record of Team deliberations. However, NMFS strongly suggests that individuals refrain from recording Team meetings, as recordings hinder the frank and open discussion that underpins successful Team deliberations. Building and maintaining trust within the Team is paramount for negotiating in good faith and successfully navigating a consensus-driven process. NMFS asks that anyone who intends to record a Team meeting, in whole or in part, identify themselves and their intent for doing so at the beginning of the meeting. Team members must comply with any relevant state law on recording others without permission.

7.3 Email Correspondence

Team members wishing to send email correspondence or documents (e.g., scientific publications), to the full Team are requested to send these through the TRT Coordinator. The TRT Coordinator may include this information as part of a regular informational update, such as a quarterly update, to the Team thereby making efficient use of the emails each Team member receives.

Similarly, Team members wishing to request data or analyses from Science Centers are encouraged to develop such requests in consultation with other team members and to send these requests through the TRT Coordinator. The TRT Coordinator will work with Science Center staff to ensure requests that will inform Team deliberations are appropriately addressed.

9.0 Marine Mammal Stocks and Commercial Fisheries Addressed by Each Team*

Take Reduction Team	Marine Mammal Stocks	Commercial Fisheries
Atlantic Large Whale	Fin whale, Western North Atlantic Humpback whale, Gulf of Maine North Atlantic right whale, Western North Atlantic	Atlantic blue crab trap/pot Atlantic mixed species trap/pot MA mixed species trap/pot Mid-Atlantic gillnet Northeast anchored float gillnet Northeast drift gillnet Northeast/Mid-Atlantic American lobster trap/pot Northeast sink gillnet Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet
Atlantic Trawl Gear	Common dolphin, Western North Atlantic Long-finned pilot whale, Western North Atlantic Short-finned pilot whale, Western North Atlantic White-sided dolphin, Western North Atlantic	Mid-Atlantic bottom trawl Mid-Atlantic mid-water trawl (including pair trawl) Northeast bottom trawl Northeast mid-water trawl (including pair trawl)
Bottlenose Dolphin	Bottlenose dolphin, Western North Atlantic (13 stocks)	Atlantic blue crab trap/pot Chesapeake Bay inshore gillnet fishery Mid-Atlantic gillnet Mid-Atlantic haul/beach seine Mid-Atlantic menhaden purse seine NC inshore gillnet NC long haul seine NC roe mullet stop net Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot VA pound net
False Killer Whale	False killer whale, Hawaii Pelagic False killer whale, Hawaii Insular	HI deep-set (tuna target) longline/set line HI shallow-set (swordfish target) longline/set line
Harbor Porpoise	Harbor porpoise, Gulf of Maine/Bay of Fundy	Mid-Atlantic gillnet Northeast sink gillnet
Pacific Offshore Cetacean	Baird's beaked whale, California/Oregon/Washington Cuvier's beaked whale, California/Oregon/Washington Humpback whale, California/Oregon/Washington Mesoplodont beaked whales, California/Oregon/Washington Pygmy sperm whale, California/Oregon/Washington Short-finned pilot whale, California/Oregon/Washington Sperm whale, California/Oregon/Washington	CA thresher shark/swordfish drift gillnet (≥14 in mesh)
Pelagic Longline	Long-finned pilot whale, Western North Atlantic Risso's dolphin, Western North Atlantic Short-finned pilot whale, Western North Atlantic	Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline

*For the most up-to-date stocks and fisheries, see Table 4 in the most recent MMPA List of Fisheries.