

Section 120 Pinniped-Fishery Interaction Task Force

Task Force Protocols

I. Purpose/Scope

Pursuant to Section 120 of the Marine Mammal Protection Act, NOAA Fisheries (NOAA) has formed a diversely representative Task Force to act in an advisory capacity to the Secretary of Commerce with regards to an application from the states of Idaho, Oregon and Washington to lethally remove pinnipeds that are having a deleterious effect on endangered fish in the Columbia River. The Pinniped-Fishery Interaction Task Force shall within 60 days of its first meeting, and after reviewing public comments in response to the *Federal Register* notice:

- (1) recommend to NMFS whether to approve or deny the proposed intentional lethal taking of pinnipeds, including along with the recommendation a description of the specific pinniped individuals, the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority; and
- (2) suggest non-lethal alternatives, if available and practicable, including a recommended course of action.

In considering whether to recommend approval or disapproval of the State's application, the Task Force is to consider:

- (1) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;
- (2) past efforts to non-lethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable non-lethal steps without success;
- (3) the extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and
- (4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

Additionally, the Task Force has been asked to consider seven specific questions outlined in a Section 120 Overview and Task Force Instructions provided in the Task Force appointment letter dated August 1, 2007. A Task Force report will be submitted to the Secretary of Commerce by November 4, 2007.

II. Task Force Members and Other Participants

- A. Members: The following will be decision-making members of the work group, representing the organization or interest listed.

Scientists Knowledgeable about Pinniped-Fishery Interaction
Daryl Boness, Retired Marine Mammal Scientist

Tom Loughlin, Retired Marine Mammal Scientist
Barry McPherson, American Fisheries Society

Conservation Organizations

Deb Marriott, Lower Columbia
River Estuary Partnership
Tony Vecchio, Oregon Zoo
Sharon Young, Humane Society of
the United States

Fishing Organizations

Bruce Buckmaster, Salmon for All
Dennis Richey, Oregon Anglers

Indian Treaty Tribes

Jody Callica, Confederated Tribes
of the Warm Springs
Reservation
Doug Hatch, Columbia River Inter
Tribal Fish Commission
Joe Oatman, Nez Perce Tribes

Carl Scheeler, Confederated Tribes
of the Umatilla Indian
Reservation

Paul Ward, Confederated Bands of
the Yakama Nation

Employees of Dept. of Commerce

Robert (Bob) DeLong, NOAA
Marine Mammal Lab
Patty Dornbusch, NOAA Salmon
Recovery Division

States

Guy Norman, Washington Dept. of
Fish and Wildlife
Steve Williams, Oregon Dept. of
Fish and Wildlife

Other

Bob Willis, US Army Corps of
Engineers

- B. Technical Resources and Advisors: The following will participate as technical resources or advisors to the Task Force and NMFS, following the proceedings and providing feedback, but not necessarily attending all meetings and not participating in the ultimate decision-making of the group. Additional technical advisors or resources may be brought in as needed to support the effective and efficient work of the Task Force:

Robin Brown, ODFW
Charlie Corrarino, ODFW
Elizabeth Gaar, NOAA
Garth Griffin, NOAA
Steve Jeffries, WDFW
Sandra Jonker, WDFW

Sharon Melin, NOAA
Brent Norberg, NOAA
Scott Rumsey, NOAA
Steve Sanders, ODOJ
Robert Stansell, USCOE
Bryan Wright, ODFW

- C. Members represent the interest, group or government for which they are listed, and are responsible for keeping that group informed of the process.
- D. All participating Members must be part of any consensus recommendation of the Task Force.
- E. Members commit to be prepared for and participate in all meetings to the extent possible. Members may have one alternate, who may take the member's place when the member is absent. It is the Member's responsibility to keep the alternate well briefed so the alternate may be an active participant in the Task Force discussions and decisions, as needed. Alternates are welcome to attend meetings. However, only primary members will speak and make decisions for their interest group or organization at those meetings at which they are present.

- F. Technical resource persons will assist with information and resources, but will not be a part of the consensus decision-making process. Additional advisors or resources may be brought in as needed to support the effective and efficient work of the Task Force.

III. Decision Making: Commitment to Consensus

- A. The Group agrees that consensus has a high value and that all members should strive to achieve it. Decisions on recommendations will be made by consensus of all participating Task Force Members in their representative capacity. They shall be empowered to represent their group, after agreed upon consultation.
- B. Agreements made on parts of recommendations will be considered tentative until the full “package” is put together.
- C. Tentative agreements may be made at meetings pending the opportunity for members to consult with their necessary constituencies. This will be done on a timely basis.
- D. Consensus means the willingness to go along with the recommendation either in active support of it or in not opposing it.
- E. The commitment to work for consensus means that members will participate in the give and take of the process in a way that seeks to understand the interests of all and will work together to find recommendations workable for all.
- F. If no consensus is reached on an issue, the Task Force report will characterize and describe the various recommendations on the issue. A “Task Force Recommendation” to the Secretary will be made only if there is consensus.
- G. The facilitators will draft a “Report to the Secretary of Commerce” that outlines the issues discussed, the areas in which there is consensus, and any remaining issues on which consensus was not reached. Included in that report will be the Summary Notes from each Task Force meeting. Members will have the opportunity to review and sign-off on the report. NOAA will be responsible for making the final decision about how to proceed with regards to the states’ application.

IV. Open Process

- A. All meetings of the Task Force will be open to the public.
- B. The Task Force, with the assistance of the facilitators, will decide the level of participation of the public and observers attending meetings, taking into consideration the length of the agenda and the need for Members to speak on all issues.
- C. Members and Resource participants agree to maintain the respectful tone of the meetings outside the meetings, including all e-mail correspondence. Any reporting to constituents, speaking to the press or other discussion of the meetings will focus on issues, not on individuals.

V. Procedures for Task Force Meetings

- A. Members will treat each other with respect throughout the process. They will listen to each other to seek to understand others' perspectives, even if they disagree. One person will speak at a time. Members will participate fully in letting the group know their perspective on issues, their concerns and their differing points of view. At the same time, members will respect time constraints and will share the time with others. Members will follow through with assignments between meetings.
- B. All participants will act in good faith in all aspects of these discussions. This includes being honest and refraining from undertaking any actions that will undermine or threaten this process.
- C. Members shall make every effort to bring all aspects of their concerns about these issues into this process to be addressed. Members shall refrain from generating controversy in the press and from publicly criticizing or misstating the positions taken by any other participants during the process.
- D. Any written communications, including e-mails, will be mindful of these procedural ground rules, and will maintain a respectful tone even if highlighting different perspectives.
 - a. Members are reminded that all e-mail messages should be considered public documents.
 - b. Any e-mails intended for the entire group will be distributed via the facilitation team.
- E. All participation in this process is voluntary and may be withdrawn. However, members agree that before withdrawing they will discuss the reason for it with the facilitators and the other members and will give the Task Force the opportunity to understand the reasons for withdrawal and to encourage continued participation if appropriate.

VI. The Facilitators

- A. DS Consulting are impartial facilitators funded through a contract with NOAA. They work for all the Task Force Members and will assist the members to work in a fair and balanced manner that fosters development of consensus recommendations where possible.
- B. The facilitators will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas in consultation with NOAA staff, facilitating meetings and any working group or interim sessions as needed, and preparing and distributing meeting summaries and recommendations. They may also work with the members to help them resolve their differences and reach consensus on the various issues to be addressed.
- C. The facilitators will maintain confidentiality of any individual spoken communications with participants, unless authorized otherwise.
- D. The facilitators will not act as spokespersons for any party and will refer all media inquiries to the spokesperson for the relevant party.

- E. The facilitators will draft a report that outlines the issues discussed and highlights comments from the Task Force throughout this process. The Summary Notes from each Task Force meeting will be included in the report. Members will have the opportunity to review and sign-off on all summary notes at each meeting and the report that is prepared.

Approved by consensus of the Task Force: 9/5/07