

## **National Fish and Wildlife Foundation Final Report**

Project Name and Number: New York Marine Endangered Species Coordination #2004-0012-004

Recipient: Atlantic States Marine Fisheries Commission

Project Location: New York State Marine District

### **Introduction:**

The New York State Department of Environmental Conservation (DEC) established a Section 6 Agreement with the National Marine Fisheries Service (NMFS) over a decade ago, but until recently, its involvement with sea turtles and marine mammals has been limited to contract processing and invoice payment to contracted partners. With funding support from the National Fish and Wildlife Foundation and NMFS, the DEC partnered with the Atlantic States Marine Fisheries Commission (ASMFC) to hire a biologist to develop and coordinate a new Marine Endangered Species Program, thereby improving the ability of New York State (NYS) to participate in the recovery of federally listed marine species.

Nicole Mihnovets was chosen from a pool of 30 applicants and began working on 16 January, 2006 after moving from North Carolina where she worked as a sea turtle biologist and earned her Master of Environmental Management degree from Duke University. In the past year Nicole has displayed the highest level of commitment to the task of strengthening communications between the DEC and other agencies, synthesizing best available information, prioritizing future research and monitoring programs, and assisting existing programs to increase their ability to manage for the benefit of marine listed species.

Specific, ongoing objectives of the Marine Endangered Species Program are to:

- 1) Improve management of marine endangered species in New York waters by assuring agency adoption and implementation of the Marine Endangered Species Management Plan following its completion;
- 2) Participate in multi-state and multi-region teams and committees focusing on marine endangered species such as the North Atlantic Right Whale Consortium, and increase NYS participation in the work of marine endangered species take reduction team meetings such as the Atlantic Large Whale and Atlantic Trawl Gear Take Reduction Teams;
- 3) Implement actions suggested by relevant State and Federal recovery plans;
- 4) Maximize present and future funding opportunities to pursue research and management actions for marine endangered species conservation needs in NYS;

- 5) Work as a member of the Atlantic Ocean and Lower Hudson and Long Island Bays Watershed Teams established pursuant to the NYS Comprehensive Wildlife Conservation Strategy (CWCS), and facilitate implementation of relevant CWCS State Wildlife Grant projects concomitant with the New York Marine Endangered Species Management Plan initiatives.
- 6) Continue projects and strengthen inter-agency and community relationships initiated during the first year of the program; and
- 7) Develop internal expertise to meet needs for assessing marine endangered species issues and priorities.

### **Accomplishments:**

#### Interagency Collaboration:

The Coordinator's participation at various marine endangered species interagency meetings allowed the State to interact with the entire suite of agencies and NGOs currently engaged in Atlantic Coast management of marine endangered species, as well as with representatives of groups whose activities relate to marine endangered species. She represented NYS at the following gatherings:

- NMFS Section 6 Meeting: 14-15 March 2006
- Northeast Region Stranding Network Conference: 23-26 March 2006
- 26<sup>th</sup> Annual International Sea Turtle Symposium: 03-07 April 2006
- NOAA National Workshop on Passive Acoustics: 12-13 April 2006
- New Jersey Marine Mammal and Sea Turtle Workshop: 17-19 April 2006
- Jones Beach Piping Plover Workshop: 24 April 2006
- Polypropylene Recycling Meeting: 05 May 2006
- Long Island Offshore Wind Farm Scoping Meeting: 10 July 2006
- Atlantic Trawl Gear Take Reduction Team Meeting: 19-22 September 2006
- Atlantic States Marine Fisheries Commission Annual Meeting: 23-26 October 2006
- North Atlantic Right Whale Consortium Meeting; 08-09 November 2006
- Atlantic Large Whale Take Reduction Team Meeting: 05-08 December 2006
- Sea Turtle Bycatch Reduction Meeting: 25-26 January 2007

Additionally, the Coordinator sought out opportunities to participate in internal DEC meetings and trainings throughout the past year in an effort to integrate into the traditional structure of the DEC. She has attended Bureau of Wildlife and Bureau of Marine Resources meetings and related training opportunities such as grant writing workshops, avian netting, State government ethics awareness, and supervisory techniques. Participation in such activities will enable her to most appropriately and effectively represent the DEC and will ensure a smooth transition as the coordination position obtains permanent status within the State structure.

### Program Development:

Activities such as meeting coordination, enhanced dialogue with contracted partners, and grant proposal writing were undertaken to advance NYS involvement in marine endangered species conservation over the past year.

In June 2006, the Coordinator collaborated with NMFS, Provincetown Center for Coastal Studies (PCCS), Riverhead Foundation for Marine Research and Preservation (RFMRP), and Atlantis Marine World to conduct the Sea Turtle Disentanglement and Stranding Response

Training Workshop. This was an invaluable opportunity to inform law enforcement officers and coastal natural resource managers throughout Long Island of the latest sea turtle disentanglement techniques. Participants were also given important information about relevant laws, protocols, and safety issues pertaining to on-scene stranding response and support.



**Figure 1.** Brian Sharp from PCCS and Sara McNulty from NMFS demonstrated disentanglement techniques to an audience of approximately 75 marine and coastal law enforcement and natural resource agents. Photo by DEC.

In October 2006, the Coordinator organized and hosted a New York State Marine Endangered Species Workshop. Efforts for this meeting began in the spring when she obtained funding approval from NFWF to coordinate this meeting. She was responsible for identifying and contacting potential participants, arranging their accommodations, developing the agenda, preparing meeting materials and numerous other tasks associated with event planning.

Workshop objectives were to: 1) review best available information for marine endangered species found in the waters of New York and neighboring states, 2) review relevant regulations and permitting requirements, 3) identify information gaps and remedies thereto, 4) brainstorm feasible initiatives to meet conservation needs identified and prioritized during the workshop, and 5) provide marine endangered species researchers, managers, and rehabilitators an opportunity to network and share ideas. The ultimate goals of the workshop were to: 1) create a framework for the development of a NY Marine Endangered Species Management Plan, and 2) identify potential projects to be considered as the NYSDEC pursues funding opportunities for marine endangered species conservation and research initiatives.

Topics covered by invited speakers during the first day included:

- the status of New York's wetlands and sea grasses,
- an introduction to the Wildlife Trust's New York Bioscape Initiative,
- overviews of the Marine Mammal Protection Act and Endangered Species Act,
- sea turtle and marine mammal stranding statistics,
- sea turtle and marine mammal research, and

- permitting requirements for research and monitoring.

On the second day, workshop participants broke out into discussion groups based on taxonomic interest to prioritize conservation issues and brainstorm management and research ideas. Mark Lowery and Rich Bennett, public participation specialists with the DEC, provided valuable services as meeting facilitators. Approximately 55 sea turtle, marine mammal, marine habitat and fishery specialists representing 12 organizations attended the workshop.

The Coordinator has become involved with managing key aspects of the DEC's contract with the Riverhead Foundation for Marine Research and Preservation (RFMRP), a non-profit organization responsible for running the NYS Marine Mammal and Sea Turtle Stranding Program. She works with RFMRP to obtain annual reports, as well as other information and documentation required by the DEC's contract agreement.



**Figure 2.** *Phocoena phocoena* (harbor porpoise) released 05 July 2006 off of Shinnecock Inlet with assistance from the US Coast Guard. Photo by RFMRP.

When feasible, the Coordinator provides stranding response support in the field. In July 2006 she was invited by the RFMRP to attend the release of a rehabilitated Harbor Porpoise. Her inclusion in this event allowed for first-hand observation and appreciation of the multi-agency effort and coordination required for the successful reintroduction of rehabilitated marine mammals into their environment. In January of 2007, the DEC provided support by implementing an Incident Command Structure to facilitate the RFMRP's response to a mass stranding of Common

Dolphins near Sag Harbor. The Coordinator assisted with daily on-site needs and provided support for in-water rescue operations. She enthusiastically makes herself available as the State's liaison for collaboration and communication with NMFS stranding coordination, the Northeast Region Stranding Network, and the RFMRP; it is hoped that partnerships with these entities will further develop and strengthen.

Grant proposals were crafted to seek funding for the continuation of Marine Endangered Species Program coordination beyond the initial year covered by this grant. With the development of a new relationship with the Cornell University Bioacoustics Research Program (BRP) came an interest in obtaining funds to establish new passive acoustic marine mammal monitoring efforts in New York. The following list summarizes these efforts:

- 1) National Fish and Wildlife Foundation (NFWF) Cooperative Conservation with States: to plan and convene a marine endangered species expert workshop in New York. *Status: accepted; the workshop was held in October 2006, and final materials are being synthesized for upcoming reporting and distribution.*

- 2) National Oceanic and Atmospheric Administration Proactive Conservation Marine and Anadromous Species of Concern: to develop a 5 year management and research strategy for marine and anadromous species of concern in New York. *Status: rejected.*
- 3) NFWF Atlantic Coast States Cooperative Planning for Right Whale Recovery (2 separate proposals submitted): to partner with BRP for passive acoustic monitoring for Right Whales in New York waters; to instate a one-time gear buy-back program for replacement of floating line with sinking line in New York's trap/pot fisheries. *Status: rejected due to limited funding.*
- 4) NY Biodiversity Research Initiative (application assistance given to BRP): Passive Acoustic Monitoring for Cetaceans in the New York Bight. *Status: rejected.*
- 5) Long Island Sound Futures Fund (application guidance given to BRP): Passive Acoustic Monitoring for Right Whales in Long Island Sound. *Status: awaiting response.*
- 6) NMFS-Protected Species Cooperative Conservation with States (Section 6): Marine Endangered Species Program Coordination. *Status: accepted. This grant will fund salary and travel expenses associated with coordination of the DEC's Marine Endangered Species Program through 2010. The grant is set up with a tiered matching scheme intended to wean New York State off of Federal support by requiring a 25% and 50% match contribution from the State in years 2009 and 2010, respectively.*

#### Outreach:

Initial contact with Port Authority of New York and New Jersey (PA NYNJ) was made in late 2006 to initiate dialogue regarding ship strike threats to large whales such as the North Atlantic Right Whale. During subsequent meetings, the Coordinator presented best available information to the PA NYNJ to promote enhanced awareness among commercial maritime interests as they relate to marine endangered species conservation issues in New York State. Both the DEC and the PA NYNJ agree that the current lack of data on abundance and distribution of large whales precludes the ability to make sound management decisions or to reduce threats. Through ongoing outreach, we hope to leverage a financial contribution from the PA NYNJ and partners in the shipping industry to support passive acoustic monitoring of the New York Bight for Right whales and other cetaceans.

#### **Conclusion:**

To date, all listed marine species utilizing New York waters have benefited from the State's efforts to enhance in-house conservation and management capacity. In

addition to having a better working understanding of long term partnerships, the DEC has developed new relationships with managers and scientists throughout the East Coast, the federal government, and some of New York's finest research and academic institutions. Furthermore, the DEC will require the continual presence and development of marine endangered species expertise to provide the most effective management guidance as interest in offshore development projects such as liquid natural gas terminals, wind farms, and underwater turbine electricity generators increases.

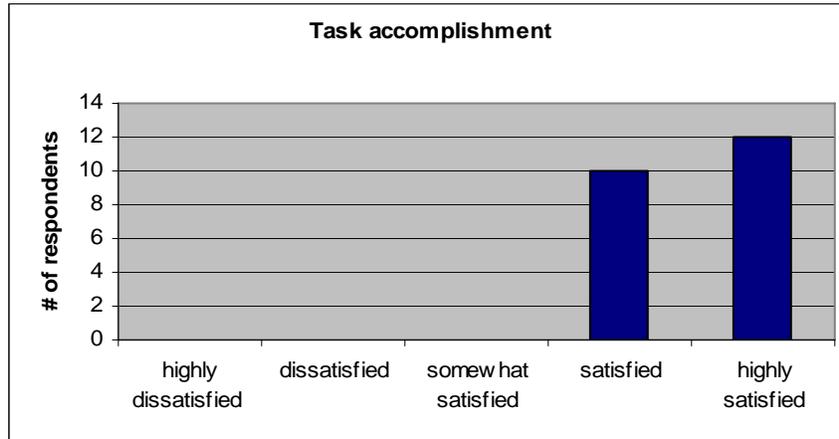
## **Appendix 1**

NY Marine Endangered Species Workshop  
October 17-18, 2006

## Follow-up Survey Results

### 1. Task Accomplishment

Overall, my rating of our meeting is:



**Figure 1.** Respondents were asked to rank task accomplishment on a scale of 1 to 5, where 1 represented a high level of dissatisfaction and 5 represented a high level of satisfaction. Not included in this graph is a ranking of 4.5 provided by one respondent.

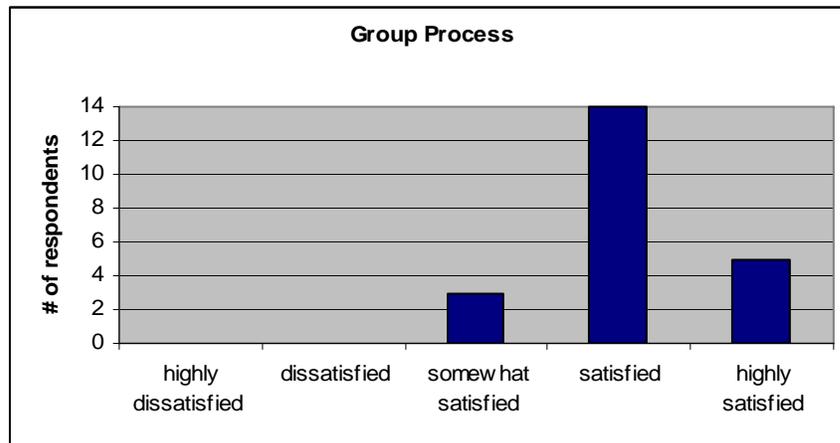
#### *Comments:*

- This has been a very important first discussion of our state of knowledge and what should be considered for future management and action plans.
- Generally, I thought the meeting was very good. I'm unsure that the outcome of the meeting best met your goals. At the beginning of the meeting, I would have benefited by more clearly stated objectives and then review at the end whether these goals were met.
- I thought that you achieved a good mix of user groups to help develop your management plan. However, if you have a second workshop, you may want to include some of the groups that are impacting the endangered/protected species inhabiting NY waters.
- Excellent job!
- I think this meeting is a necessary first step towards management of endangered marine species in NY. Thank you for organizing it. It will be ultimately successful if the many good ideas generated here are implemented in the years and decades ahead.
- Thank you!
- There was a need for this meeting and I am glad it happened!
- Excellent mix of participants bringing diverse perspectives.
- Effective means of establishing and re-establishing communication; an excellent first step.

- A very comprehensive, well structured meeting. The Presentations were informative (and not too long)—good data/ findings presentations, not data overload.
- The meeting preparation was excellent— during the meeting, background information was available if needed. Now, of course, is the tough part: follow-up.
- Great way to meet new people and discuss conservation issues in NY!
- Good organization/ planned activities.
- I think we met our goals as participants in that we supplied our thoughts and recommendations. We now need to assemble them and develop management plans.
- I think co-mingling of groups may have been a useful discussion.
- I appreciated the opportunity to meet with all those included.
- Very well done and run. Very smooth. And hope follow-up is as good.
- Everything was excellent. The only issue has to do with funding and making all this great stuff happen.

## 2. Group Process

Overall, my rating of the group interaction and our abilities to meet our desired objective is:



**Figure 2.** Respondents were asked to rank the group process on a scale of 1 to 5, where 1 represented a high level of dissatisfaction and 5 represented a high level of satisfaction. Not included in this graph is a ranking of 4.5 provided by one respondent.

### Comments:

- The marine mammal group was very cohesive, working well to achieve our goals. I think one thing that would have been helpful would have been for us to have materials either presented in a talk or mapped out on paper on what we know about species abundance in the NY area. But this can be done in future meetings.

This was a fact finding meeting and a good first step. We just don't have too many facts at this point.

- I was very pleased with the interaction between the individuals attending.
- The expertise and interest of the group seemed to match the needs of the group and objectives.
- Difficult to get folks to focus on task at hand, but better than many groups I've worked with.
- Not enough time. I know you tried to invite industry— but more industry/ non-science stakeholder interaction would have been good.
- The only thing that I feel was not addressed during the meeting was what the next step will be and who is going to be working on what items discussed during the group sessions.
- Group discussions sometimes drifted to specific agendas, but overall, effective.
- Excellent, diverse group that enhanced the discussion.
- Good exchange of ideas and opinions in a non-threatening way. Good facilitation. It felt like a truly learning team experience.
- Though I believe we came up with more questions of what to address in the plan than actual guidance.
- Local focus limited range of strategies that would be likely for implementation.
- We got hung up on some issues and some went off on tangents. But I think there were some good discussions. On some topics, I thought some were trying to solve conservation problems so it was beyond the scope of what we were doing.
- Thought we should have discussed prioritization of threats more (matrix?). But good laundry list of “to do.” Not enough focus on fisheries in group...not enough conservation minded folks in turtle group.
- Great communication between participants.
- Don't like to say more time would help, but a follow-up would be helpful.
- Some issues dominated the discussion more than they needed to.
- Just felt that marine mammal and sea turtle groups needed to interact more.
- More products to react to would have helped.
- This was a great group. In fact, it would be great to formalize it as a (NY Sea Turtle) Specialist Group. This would also probably help with obtaining funding.

### **3. The part of the process I found most productive was:**

- I think the talks and the brainstorming / fact-finding workgroups and the second day worked well together. Now, with a more comprehensive summary of our gaps in data in knowledge, which appear to be rather extensive, we can continue to plan to fill in or attempt to gather more needed information and do it in a systematic manner toward our goal.
- The breakout sessions and the lectures enabled individuals to learn about the issues facing New York.
- The opportunity to share information and thoughts about solutions and needs.

- Identifying what gaps of information there are and who has what kind of data available.
- The first day presentations provided a good introduction to the major issues. The day two process went well because the participants stayed focused (welcome change).
- Day 2 discussions.
- Discussion on Day 2; management actions.
- Besides the first day's presentations (which were outstanding), I found the networking opportunities (i.e. lunch, breaks, and dinner) to be extremely useful.
- Meeting participants and learning about resource interchange beyond the workshop.
- I'm honestly not sure that any component was more productive than any other.
- The discussions in the separate groups.
- Break-out discussion groups with people not necessarily working solely on the species in question were really good—stimulating.
- Networking and informal discussion.
- Learning what others are doing, networking, establishing baseline for future actions, and generation of ideas.
- Group discussions were good aside from moving away from topics we were supposed to be discussing. The presentations were great and very informative to acquire background info.
- Working groups—could have been longer time however.
- Presentations, then discussion.
- The discussion.
- Workgroups. Some of the talks were excellent and on point.
- Networking.
- Workgroups.
- The workshops on Tuesday were great for brainstorming.

**4. I think future meetings like this workshop would be worthwhile:**

	<b>Yes</b>	<b>No</b>
<b># of respondents:</b>	23	0

*Comments:*

- I would continue the workshop- each time having talks that further synthesize our existing knowledge in some visual way—mapping the region and showing the data on animals (distribution, abundance, noisescapes [if known or projected] and shipping information). Also, if we have information on sources of major man-made pollution (as opposed to biotoxins) it should be shown.
- Follow up for refining components of plan.
- To discuss specific projects / people / funding to fulfill management plan objectives.

- Perhaps make it regional- alternating between states within the region and/or focusing on one particular threat / conservation action / species group.
- There needs to be a follow up meeting (next year?, or sooner) to see if any of the objectives of this meeting were moved forward with.
- There should be follow up with working groups to bring action from the discussion.
- Yes, if future groups move forward toward action. To avoid at all costs are five or ten years of workshops looking for focus and action.
- Very well planned, organized, attended, and “peopled” → really good meeting. Location was terrific, too.
- When some of the questions have been addressed.
- Less presentations and more discussion on specific topics identified beforehand.
- If development of effective management plans are developed.
- Mix the groups.
- After initial draft of plan.
- Great idea— just have a narrower focus.
- Annual.
- Certainly, especially if they would lead to tangible strategies, such as pursuing funding, through a NY Sea Turtle Specialist Group.

**5. Some suggestions/considerations for future marine endangered species conservation coordination efforts are:**

- I would be happy to help you in planning a future workshop if needed! Thanks for all the great work!
- None at this time.
- 1) Riverhead/ Cornell Bioacoustics collaboration, 2) NJ/NY collaboration (acoustic pop-up), 3) adoption of Atlantic Large Whale Take Reduction Plan to NY management plan (fisheries), 4) extension of NOAA/NMFS SAS right whale reporting system to mid-Atlantic waters, 5) ALS ship reporting / speed tracking, and 6) expansion/extension of NMFS suggested shipping speed regulations in NY.
- One thing which I would have liked was a list of attendees on the first day—with their affiliations.
- Bring funding resources into the process.
- Establishment of working groups / listserves of participants; web presence— portal with data and/or presentations.
- Include members from groups who may hold different opinions—but this would maybe be a follow-up, after everyone on the “same side” is in agreement. Perhaps we need someone who could help present the other side (is there one???)...
- Encourage Riverhead Foundation to collaborate with universities, many would be happy to run samples.
- Expanding to a regional rather than single-state focus.

- Excellent workshop, very well run.
- Smaller breakout groups. Have enforcement agents present and get an update on recent enforcement activities. Endangered fish (shortnose)? Perhaps have members of regulated groups present.
- Needed more emphasis on fish (e.g. sturgeon) to fully address “Section 6” component of meeting.
- Integration with ongoing management plan efforts.
- Narrow the focus a little.
- Sea turtle working group, and marine mammal one.
- Overall, excellent job. Great work organizing this!