

**MARINE MAMMAL COMMISSION**  
**4340 EAST-WEST HIGHWAY, ROOM 905**  
**BETHESDA, MD 20814**

16 February 2005

Mr. P. Michael Payne  
Chief, Marine Mammal Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft 2004 stock assessment reports for marine mammals in the U.S. Pacific region (no updates were provided for the Atlantic and Alaska regions). As we have noted in previous comments on stock assessment reports, these are very useful documents and we appreciate the Service's continuing efforts to improve them, as evidenced by the proposed revisions to the guidelines for preparing stock assessment reports. Here we provide comments and recommendations regarding the draft 2004 stock assessment reports. The Commission and Committee are reviewing the revised guidelines, and we will provide comments on them soon.

### **General comments on stock assessment reports**

#### **Updating stock assessment reports**

Stock assessment reports were not updated in 2004 for the Atlantic and Alaska regions. The proffered reason was that the stocks in this region did not change status or the status could not be determined more accurately. For the Alaska region, however, fishery interactions changed for more than 20 stocks due to the delineation of Alaskan fisheries described in the 2004 List of Fisheries: six major fisheries were split into 25 smaller fisheries based on target species and geographic location, with resulting accounting changes for fishery-specific interactions with marine mammal stocks. Revised assessment reports for all stocks affected by the change in fisheries would have been useful and informative. For example, a tally of revised stocks would have highlighted an error in the final 2004 List of Fisheries, in which the majority of marine mammal stocks that interacted with the original six fisheries were not included in the lists of incidentally injured or killed stocks for any of the new fisheries (as discussed in the Commission's 3 January 2005 letter regarding the proposed 2005 List of Fisheries).

The fact that the Service did not update the Atlantic and Alaska stock assessments may have been due to the Service's efforts to provide more timely draft reports incorporating the most current data for review and comment. In a previous letter (25 November 2003), the Commission noted that the draft 2003 reports were submitted for public comment while the regional scientific review groups were reviewing draft 2004 stock assessment reports. The Commission expressed concern that the drafts available for public comment would soon be outdated and might not be adjusted in response to comments because the authors were focusing on the next year's draft. The Commission

understands and appreciates that the Service is attempting to address that concern by incorporating the most recent data in the reports and making them available for comment in a timely fashion.

### **Mortality estimates**

The stock assessment reports for the Pacific region indicate that mortality estimates are not available for the majority of Hawaiian stocks, and CVs for the few mortality estimates that are available are quite high ( $>0.5$  for all Hawaiian estimates). The lack of precision appears to result from either low levels of observer coverage or no coverage at all in some fisheries (e.g., the California setnet fishery, Northwestern Hawaiian Islands bottomfish fishery, and Hawaiian inshore gillnet fisheries). Importantly, many of the stocks that may be taken in this region also may be affected by international fisheries, for which bycatch estimates are often unavailable or imprecise. Because such takes may have important implications for the status of stocks in this region, the Marine Mammal Commission recommends the Service continue and expand its efforts to assess mortality in domestic and international fisheries as needed to provide accurate and precise estimates of take and incorporate the results into stock assessment analyses and reports.

Better assessment of mortality seems particularly important for transboundary stocks whose distribution extends beyond the U.S. Exclusive Economic Zone (EEZ) into international or foreign waters. Ignoring mortalities and serious injuries caused by fisheries in international waters increases the risk to those stocks and may encourage U.S. fisheries to shift their operations into international waters where they may be subject to less regulation. For those reasons, the Marine Mammal Commission recommends that the Service develop an effective strategy for assessing mortality levels in transboundary stocks of marine mammals, with priority given to those stocks that are known to interact significantly with domestic or international fisheries. Assessments should collect data needed for delineation of stock boundaries, estimation of population size and trend for each stock, and estimation of mortality and serious injury in both U.S. and international fisheries. The eventual goal should be to manage transboundary stocks based on a potential biological removal (PBR) level calculated for the entire stock in the context of an international management agreement, as suggested in the revised guidelines for report preparation.

### **Population estimates**

The Service's stock assessment reports provide measures of precision (CV) for all population estimates. This information helps evaluate the quality of information available for assessing stock status. However, the majority of estimates are very imprecise. In Hawaiian waters, for example, six stocks have population estimates with  $CV > 1.0$ . The imprecision and, in some cases, absence of estimates reflect the historical lack of assessment effort directed toward cetaceans in this region. The 2002 HICEAS survey was a significant step toward addressing the need for additional information, but it was only one survey and was limited to the EEZ surrounding the Hawaiian Archipelago. To address the clear need for information on which to base marine mammal management in the Pacific the Commission reiterates its recommendation (25 January 2005) that the Service develop a strategy for research and management of cetaceans in the Pacific Islands region. This will be a considerable challenge, as was acknowledged by all at the Commission's recent annual meeting in Hawaii. The Commission would be pleased to assist in any way it can in the development of such a strategy.

### **Status of stocks**

Determination of stock status is clearly confounded by the lack of information on marine mammals in the central Pacific region. The Service's current approach for determining whether a stock is strategic reflects a default position that a stock is non-strategic until information is available to demonstrate otherwise. In the current draft stock assessments, all stocks for which estimates of population trend and mortality were unavailable were considered non-strategic, except those listed as endangered. The guidelines for determining status of stocks state: "In the complete absence of any information on sources of mortality, and without guidance from the Scientific Review Groups, the precautionary principle should be followed and the default stock status should be strategic until information is available to demonstrate otherwise." The Commission concurs with this guidance but notes that it does not appear to have been followed in these draft SARs.

### **Specific comments on stock assessment reports for individual stocks**

#### **Hawaiian monk seal**

The Commission agrees with the Service that the ongoing decline of monk seals indicates that the population has no tolerance for additional mortality associated with fisheries or other human activities. However, reporting the PBR level for monk seals as undefined does not provide guidance for how to address mortalities if they occur. We also note that assessment of fisheries interactions is hampered by the poor data available from bottomfish fishery logbooks, which do not include protected species information. Although there is little information available to indicate that monk seals interact regularly with bottomfish fisheries, the absence of evidence for such interactions does not indicate that they do not occur. For that reason, the Marine Mammal Commission recommends that the Service develop a reliable means of assessing potential interactions between monk seals and the bottomfish fishery, if that fishery continues within the monk seals' range in the Hawaiian Archipelago.

#### **All California harbor porpoise stocks**

The Commission believes that it would be useful to update take estimates and ZMRG information related to set gillnets following the nearshore closure of that fishery in 2002 to confirm and demonstrate the effectiveness of that closure.

#### **Morro Bay harbor porpoise**

The level of previous take of harbor porpoise in the white sea bass gillnet fishery should be described to allow the reader to better determine if lack of mortality estimates from this fishery warrant concern.

#### **Eastern North Pacific humpback whale**

The Fisheries Information section should be revised to indicate which interactions were considered serious injuries and were reported in Table 1. The related discussion of the 1997 incident, and the Pacific Scientific Review Group review of that incident, should be moved to the Fishery Information section. Based on comments in the text regarding the interaction with the California salmon troll fishery, that incident should be removed from Table 1 because it does not qualify as a serious injury.

Mr. P. Michael Payne  
16 February 2005  
Page 4

**Eastern North Pacific blue whale**

A figure showing the population trend data would be useful to allow readers to evaluate the apparent decline suggested under Current Population Trend.

**Eastern North Pacific offshore killer whale**

The Hawaiian killer whale report indicates that a report on the eastern North Pacific offshore killer whale stock will be included in these draft stock assessments, but we were unable to find that report.

**Hawaiian dwarf sperm whale**

In the Status of Stock section, the fourth sentence in the current draft should be revised to discuss dwarf sperm whales, rather than pygmy sperm whales.

**Appendix 2**

Appendix 2 is missing from this package of draft stock assessment reports.

**Appendix 3**

The mortality estimates for the Hawaiian stock of Cuvier's beaked whales should be "n/a" (not 0) to match the report.

Please let me know if you have any questions or wish to discuss our comments and recommendations.

Sincerely,



David Cottingham  
Executive Director