



MARINE MAMMAL COMMISSION

25 April 2016

Ms. Karen Abrams
Domestic Fisheries Division
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Abrams:

The Marine Mammal Commission (the Commission) has reviewed the National Marine Fisheries Service's (NMFS) proposed rule (81 Fed. Reg. 9413) to establish a Standardized Bycatch Reporting Methodology (SBRM). The Commission provided extensive comments in a [letter on 10 July 2015](#) in response to NMFS's request for input on its National Bycatch Strategy. While NMFS has indicated that marine mammal bycatch is "beyond the scope" of this rulemaking given the definition of bycatch under the Magnuson Stevens Act (MSA), the Commission believes that there is nevertheless a need to consider all types of bycatch under the reporting strategy, for the reasons explained below.

First, the Commission believes that an ecosystem-based approach to fisheries management, which [is](#) called for under the MSA, implies that the SBRM should include consideration of all types of bycatch monitoring and mitigation. For example, the Commission is well aware of the high costs of placing observers on fishing boats, and we understand that separate funding is made available for marine mammal and fisheries observers. Nevertheless, to the extent possible, the proposed SBRM should provide guidance in the collection of protected species bycatch data by fishery observers. Understandably, this could include general guidance as to what priority should be given to that task in different fisheries in order to supplement marine mammal bycatch monitoring programs.

The Commission also wishes to highlight recent action by the Pacific Fishery Management Council (PFMC) that would directly regulate marine mammal bycatch through the adoption of hard caps on bycatch of certain marine mammals in the Pacific drift gillnet fishery. While the Commission welcomes all actions that can help monitor and reduce marine mammal bycatch in U.S. fisheries, the Commission noted in its [letter of 26 June 2015](#) that more effective measures had already been developed by the Pacific Offshore Cetacean Take Reduction Team. If NMFS approves this decision by the PFMC, that approval would in effect signal NMFS's support for actions by regional fishery management councils under the MSA mandate to address marine mammal bycatch. As fishery management councils become more involved in the monitoring and mitigation of marine mammal bycatch, a lack of guidance from the SBRM could lead to ineffective monitoring efforts, particularly when the councils' actions are not integrated with efforts by the relevant take reduction teams.

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The Commission appreciates this opportunity to comment on the SBRM and stands ready to address any questions regarding our comments.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.