



MARINE MAMMAL COMMISSION

14 December 2017

Ms. Rachael Wadsworth
West Coast Region Office
National Marine Fisheries Service
501 W. Ocean Blvd, Suite 4200
Long Beach, CA 90802

Dear Ms. Wadsworth:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the proposed rule (82 Fed. Reg. 52700) that would implement Resolution C-17-02 of the Inter-American Tropical Tuna Convention (IATTC) and offers the following comments and recommendations.

IATTC's Resolution C-17-02 includes numerous management measures that would be implemented under this rulemaking, including time/area closures, tuna catch limits, and measures to regulate the use of fish aggregating devices (FADs). The Commission is particularly interested in the proposed FAD regulations given the potential for these devices to be associated with marine mammal entanglement. The proposed FAD design requirements are intended to "reduce the entanglement of marine life," in particular entanglement of sea turtles and sharks. Given that more than half of the world's tropical tuna harvest is caught with the use of FADs or floating objects ([ISSF 2017](#)), and that the number of FADs is rapidly increasing, the design and management of FADs can have a considerable impact on a wide range of marine species, including marine mammals.

The tuna fisheries that set on FADs generally operate far offshore, rendering it difficult to observe interactions with marine mammals directly. Although few data that document the rate of interactions are available, FADs are known to have been associated with large whale entanglements in global tuna fisheries. The International Whaling Commission documented two sperm whale entanglements in artisanal FADs off the island of Guadeloupe in 2013 and researchers estimated a total of 200 such FADs around the island (Rinaldi and Rinaldi 2014). The Indian Ocean Tuna Commission (IOTC) has noted the occurrence of interactions between cetaceans and tuna purse seine operations that use FADS, and provided [scientific](#) and [management](#) measures to address these concerns.

Given the evidence that large whales interact with both FADs and the tuna purse seine fisheries that deploy and set on FADS, the Commission believes that designing FADs that are less likely to entangle large fauna, whether turtles, sharks, or cetaceans, is an important effort that should be supported. It is encouraging that the IATTC recommendations for FAD designs that mitigate turtle and shark entanglement will likely also address entanglement of cetaceans. Therefore, the Commission recommends that NMFS implement these FAD designs as agreed to by the IATTC. Given the lack of information on the frequency and nature of interactions between purse seine operations that set on FADs and marine mammals, the Commission recommends that the U.S.

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delegation to the IATTC continue to press for sufficient observer coverage and vessel reporting requirements to provide reliable data on the impact of FADs and related purse seine fishing operations on cetaceans.

The Commission appreciates the opportunity to provide comments on the proposed rule. Kindly contact me if you have questions concerning the Commission's recommendations or rationale.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style.

Rebecca J. Lent, Ph.D.,
Executive Director

References

Indian Ocean Tuna Commission (IOTC) 2017. IOTC-WPEB13. Report of the 13th Session of the IOTC Working Party on Ecosystems and Bycatch. San Sebastian, Spain 4-8 September 2017. 125 pp.

[ISSF 2017-06](#): A Summary of Bycatch Issues and ISSF Mitigation Activities to Date in Purse-Seine Fisheries, with Emphasis on FADs.

Renaldi, C. and R. Renaldi. 2014. A deadly mother-calf bond in Caribbean sperm whales? Note to IWC Scientific Committee (SC-65b-HIM02-M-c). Association Evasion Tropicale, Musée Balen Ka Souflé, Rue des Palétuviers, Guadeloupe, France.