



MARINE MAMMAL COMMISSION

20 February 2015

John K. Bullard, Regional Administrator
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Bullard:

The Marine Mammal Commission (the Commission) has reviewed the National Marine Fisheries Service (NMFS) *Federal Register* notice (80 Fed. Reg. 2898) regarding the proposed rule for implementing the Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment for fisheries of the northeastern United States.

The SBRM addresses bycatch of species considered under the Magnuson-Stevens Act (MSA), notably fish and sea turtles. Nevertheless, the Commission understands that observers placed on board vessels under the SBRM requirements of the MSA are required to record interactions with marine mammals during fishing operations. For this reason, it would be useful for NMFS to discuss in the preamble to the final rule whether, and if so, the SBRM has implications for observer programs under the Marine Mammal Protection Act (MMPA). For instance, do decisions regarding the placement of observers to implement the SBRM affect decisions on how MMPA observers are allocated? In addition, the Commission would like to take this opportunity to note our support for two aspects of the Omnibus Amendment:

- 1) the use of a “non-discretionary formulaic process” for prioritizing the allocation of available observer sea-days when funding does not allow the agency to meet its performance standard; and
- 2) the proposal to provide generic procedures and measures for industry-funded observers through a framework adjustment.

Kindly contact me if you have any questions concerning the Commission’s letter.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent".

Rebecca J. Lent, Ph.D.
Executive Director