



# MARINE MAMMAL COMMISSION

8 March 2013

Mr. Samuel D. Rauch III  
Acting Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Rauch:

About six weeks have passed since our meeting on the status of the Harbor Porpoise Take Reduction Team. In that meeting we discussed the recent delay in implementing planned gillnet fishery closures, which led to great frustration on the part of the team's scientific and environmental members. The matters that were discussed at our meeting are documented in previous correspondence and need not be repeated here. Rather, the most important next step is for the Service to develop a new policy that rebuilds the trust necessary to re-engage the team's scientific and conservation members and ensures that the take reduction process works as set forth in the Marine Mammal Protection Act. Getting the new policy in place and re-vitalizing the team is urgently needed to address the increasing number of harbor porpoise takes since the early 2000s.

The Commission believes the policy should avoid similar situations in the future by—

- identifying transparent procedures to be followed whenever new information indicates the need to change core elements of consensus-based take reduction team agreements,
- providing all team members a meaningful opportunity to examine relevant new information and analyses and to reach agreement on alternative measures, and
- carrying out those changes in a way that preserves and respects the good faith that all team members are expected to bring to the table when negotiating solutions.

To regain the confidence of team members that have stepped away from the process because of the events last fall, and to reassure members of other take reduction teams, it also might be helpful to inform members of all teams that the Service is developing a new policy to help avoid a similar occurrence. In addition, the Service is more likely to develop a successful policy if it requests comments on a draft version, at least from the members of the harbor porpoise team.

Please let us know about your progress with this new policy, and if and how we might assist you with its development.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.  
Executive Director