



# MARINE MAMMAL COMMISSION

19 November 2014

Mr. Ben C. Hartig, Chair  
C/O Mr. Bob Mahood, Executive Director  
South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

Dear Mr. Hartig:

The Marine Mammal Commission (Commission) understands that the South Atlantic Fishery Management Council (Council) will be considering approval of Amendment 16 to the Snapper Grouper Fishery Management Plan at its forthcoming meeting on the week of 1 December 2014. This amendment would rescind a seasonal 1 November to 30 March closure for black sea bass pot fishing. As discussed below, because of the risk that buoy lines from this fishery could entangle highly endangered North Atlantic right whales during winter fishing, the Commission believes that this proposal is ill-advised and should be rejected. Rather, the Council should adopt alternative 1 which would retain the current closure and maintain the status quo.

The North Atlantic right whale population, numbering about 500 individuals, is one of the world's most endangered large whales. The greatest known source of human-caused mortality to the North Atlantic right whale is currently entanglement in commercial fisheries, primarily in ropes and lines associated with pots and gillnets, set along the U.S. East Coast. The number of such deaths is increasing at an alarming level. Whereas 8 of 40 known right whale deaths in the ten years between 2000 and 2009 were attributed to entanglement, 9 of the 16 since 2009 have been ascribed to fishing gear. The incidence of right whale entanglement in such gear is also widespread and apparently increasing. More than 80 percent of all living North Atlantic right whales have scars or disfigurements indicative of entanglement, and between 10 and 30 percent of the whales become entangled at least briefly every year. Preliminary data also indicate that the number of entangled right whales relative to the total number of right whale sightings per year is increasing. All of these data, which were not included in the discussion of the proposed amendment, clearly indicate that entanglement in commercial fishing lines, including vertical lines of pot fisheries such as the southeastern U.S. sea bass fishery, poses a major threat to recovery of this species. With a potential biological removal (PBR) level of 0.9 whales per year calculated in the current National Marine Fisheries Service (NMFS) stock assessment reports for the North Atlantic right whale, the serious injury or death of just a single individual exceeds the allowable level in a given year.

The Marine Mammal Protection Act requires that serious injuries and deaths due to commercial fishing be kept below each marine mammal stock's PBR level. This requirement has yet to be met for North Atlantic right whales. With the aim of finally achieving that objective, the Atlantic Large Whale Take Reduction Team and NMFS recently amended the Atlantic Large Whale Take Reduction Plan to adopt a strategy of reducing the number of lines in pot fisheries during

Mr. Ben Hartig  
19 November 2014  
Page 2

times and in areas where right whales are most likely to occur. This strategy has been taken as a last resort after more than a decade of unsuccessful attempts to manage the problem using gear modifications.

To date, the sea bass fishery in the South Atlantic region has not been considered a serious threat to right whales, specifically because the current seasonal closure between 1 November and 30 April coincides with the right whale population's calving and migratory seasons when the animals are most likely to occur in waters south of Virginia. The Council's proposed amendment to remove that seasonal closure would undermine the strategy recently adopted by the Take Reduction Team and NMFS, and would further increase the risk to whales at a time when the impacts of entanglement from other fisheries are known to be increasing. Therefore, the Marine Mammal Commission strongly recommends that the Council reject proposed Amendment 16 to the Snapper Grouper Fishery management plan that would eliminate the 1 November-30 April closure of the sea bass fishery and maintain the current restrictions on winter sea bass fishing to prevent any additional entanglement of North Atlantic right whales in vertical lines from this fishery.

If you have any questions regarding this recommendation or the supporting rationale, please let me know.

Sincerely,

Rebecca J. Lent, Ph.D.  
Executive Director

Cc Ms. Eileen Sobeck  
Roy E. Crabtree, Ph.D.