

MARINE MAMMAL COMMISSION
4340 East-West Highway, Room 700
Bethesda, MD 20814-4447

22 September 2008

Mr. David Bernhart
Assistant Regional Administrator for Protected Resources
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

Dear Mr. Bernhart:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the proposed rulemaking regarding the draft Atlantic Pelagic Longline Take Reduction Plan (73 Fed. Reg. 35623). The Commission offers the following recommendations and comments.

RECOMMENDATIONS

Based on its review of the draft Atlantic Pelagic Longline Take Reduction Plan and associated proposed regulations, the Marine Mammal Commission recommends that the National Marine Fisheries Service—

- invest more resources in data collection activities to support implementation of the take reduction process for this fishery;
- place greater emphasis on identification of species and investigation of stock structure of pilot whales along the U.S. Atlantic coast, particularly within the mid-Atlantic bight;
- increase and optimize the allocation of observer coverage throughout the Atlantic pelagic longline fishery and thus improve the accuracy and precision of the estimates of marine mammal bycatch rates;
- work with federal and state fisheries management agencies and the fishing industry to develop a fair and sustainable funding strategy to support more effective observer programs; and
- revise the proposed regulations to require that the informational placard be displayed in the wheelhouse and on the working deck of all active pelagic longline vessels engaged in Atlantic highly migratory species fisheries.

RATIONALE

The Commission offers the following rationale for these recommendations.

Take reduction planning

The Commission recognizes that the take reduction process (e.g., compiling and analyzing information on stock structure, abundance, trends, demography, and interaction rates; convening take reduction teams; and implementing the resulting plans) requires a considerable amount of time and investment of resources. Nearly three years have passed since the Atlantic Pelagic Longline Take Reduction Team was convened. Despite some investment of resources to generate more survey

information and increase observer coverage, the existing information is still largely inadequate for determining the population effects of injury and mortality in this fishery, and the populations are still at a relatively uncertain level of risk. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service invest more resources in data collection activities to support implementation of the take reduction process for this fishery. As discussed below, the Commission believes that the highest priority should be assigned to (1) analyses of genetic data to identify species and improve understanding of stock structure and (2) increased and more effectively allocated observer coverage.

Species identification and stock structure

To date, scientists have not been able to develop means for distinguishing long- and short-finned pilot whales in the field. They also have not been able to determine whether either species is composed of multiple stocks. As a consequence, the impact of fisheries-related serious injury and mortality cannot be determined with confidence. To ensure that such impacts are assessed and mitigated effectively, the Marine Mammal Commission recommends that the National Marine Fisheries Service place greater emphasis on identification of species and investigation of stock structure of pilot whales along the U.S. Atlantic coast, particularly within the mid-Atlantic bight. Doing so is necessary to estimate the abundance and potential biological removal level for each stock, evaluate the impact of human-caused serious injury and mortality on each stock, and mitigate those impacts as needed to achieve the take reduction goals of the Marine Mammal Protection Act. In the past several years, the Service has conducted surveys and collected biopsies from pilot whales for genetic analyses. Those analyses can be used to identify each of these species and to investigate the distribution and stock structure within each species. The Commission understands that the Service has identified most, if not all, of the biopsy samples to species and is analyzing those results in conjunction with environmental data to reanalyze recent survey data and generate new abundance estimates for each species. The Commission encourages the Service to expedite those analyses and continue investigations of finer-scale stock structure for pilot whales and other marine mammals that interact with the Atlantic pelagic longline fishery.

Bycatch rates and observer coverage

Service staff recently analyzed pilot whale bycatch data from the pelagic longline fishery and found that observer coverage of 12 to 15 percent would be optimal in all seasons. Simulation studies indicated that additional coverage provided only minor improvements in precision of bycatch estimates. During the past five years (2003–2007), observer coverage in the pelagic longline fishery has ranged between 6 and 11 percent. No doubt a number of factors must be taken into account in allocating observer coverage in this fishery, and it is not a minor task. At the same time, the observer-based information on this fishery continues to be inadequate, and a more rigorous allocation scheme clearly would improve bycatch estimates and provide additional information for fishery management. For these reasons, the Marine Mammal Commission recommends that the National Marine Fisheries Service increase and optimize the allocation of observer coverage throughout the Atlantic pelagic longline fishery and thus improve the accuracy and precision of the estimates of marine mammal bycatch rates.

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The Commission acknowledges that federal funding for observer programs is not adequate and, in a 25 January 2006 letter to the Service, stated its view that at least partial funding should be provided by the fishing industry. The industry bears responsibility for demonstrating that its activities do not adversely affect marine mammals and other non-target species. In letters commenting on the draft stock assessment reports for 2006 (dated 26 October 2006) and 2007 (12 October 2007), the Commission recommended that the Service work with federal and state fisheries management agencies and the fishing industry to develop a fair and sustainable funding strategy to support more effective observer programs. The Marine Mammal Commission reiterates that recommendation here.

Certification program and informational placard

The Atlantic Pelagic Longline Take Reduction Team recommended that the Service “develop and implement a mandatory certification program for owners and operators of pelagic longline vessels on marine mammal bycatch.” The team indicated that the certification program should cover a broad range of relevant issues, including safe handling and release techniques for entangled or hooked marine mammals, current regulations and guidelines that apply to the fishery, and updates on results from the observer program and independent research. The team further recommended that the Service “develop and publish an informational placard that must be displayed in the wheelhouse and the working deck of all active pelagic longline vessels in the Atlantic fishery.” The placard would provide information on species identification, safe handling and release techniques, and other information from the mandatory certification program.

The take reduction team recommended that the current certification program required under the Atlantic highly migratory species fisheries management plan be expanded to incorporate the content of the recommended marine mammal bycatch certification program, and the Service has followed this recommendation. The team also recommended that the requirement to display the informational placard be extended to the entire Atlantic fishery. However, the proposed regulations suggest that the placard requirement is relevant only to vessels operating within the mid-Atlantic bight. Because the pelagic longline fishery interacts with marine mammals throughout the fishery’s geographic range, the Marine Mammal Commission recommends that the National Marine Fisheries Service revise the proposed regulations to require that the informational placard be displayed in the wheelhouse and on the working deck of all active pelagic longline vessels engaged in Atlantic highly migratory species fisheries. This revision also would serve to link the certification program and the informational placard more explicitly.

Please let me know if you have any questions regarding the Commission’s recommendations and comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Ragen" followed by a flourish and the letters "for".

Timothy J. Ragen, Ph.D.
Executive Director