



# MARINE MAMMAL COMMISSION

24 September 2009

Mr. David Cottingham, Chief  
Marine Mammal and Sea Turtle Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring MD 20910-3226

Dear Mr. Cottingham:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft 2009 stock assessment reports for marine mammals. These reports provide, or are intended to provide, the information needed to resolve important marine mammal conservation issues.

That being said, certain reports and the assessments underlying them continue to fall well short of Marine Mammal Protection Act requirements. Fifteen years have passed since the 1994 amendments, which should be ample time to develop a robust assessment program. The Commission has no doubt that lack of resources is a significant part of the problem. But if that is the case, then the Service should have a plan for obtaining the needed resources to bring these assessments into compliance. Otherwise, the risk is that all parties involved may become complacent, simply accepting that assessments for many stocks and regions will be insufficient. If inadequate assessments bore no consequences, then such complacency would be of less concern. But time and again, significant marine mammal conservation issues have developed, and efforts to resolve them have been sorely confounded by unnecessary uncertainty in stock status and the effects of human activities on them. Now, more than ever, we should all recognize that inadequate assessments will not provide the information needed for ecosystem-based management or for dealing with the potentially severe consequences of a wide variety of threats to marine mammals and marine ecosystems, climate change being a compelling example.

With that concern in mind, the Commission would like to engage the National Marine Fisheries Service in a review of their stock assessment efforts (our first recommendation below). Following the completion of that review, the Commission will ask to meet with decision-makers at all levels from the Service to Congress to discuss how the existing shortfalls can be rectified.

In the interim, the Commission offers the following recommendations and rationale regarding the draft 2009 stock assessment reports.

## **RECOMMENDATIONS**

To improve stock assessment efforts generally, the Marine Mammal Commission recommends that the National Marine Fisheries Service—

- work with the Commission to complete a review of stock assessment efforts to date;
- review its national observer program to identify gaps and determine the resources that are needed to (1) observe all fisheries that do or may interact directly with marine mammals and (2) provide reasonably accurate and precise estimates of serious injury and mortality levels;
- work with federal and state fisheries management agencies and the industry to develop a funding strategy that will support adequate observer programs for collecting data on incidental mortality and serious injury of marine mammals and other protected species;
- identify all transboundary stocks that are subject to partial assessment and develop a strategy to provide complete assessments, whether by expanding surveys and observation programs or working in conjunction with foreign or international marine resource or fishery management organizations;
- (a) list as “unknown” the potential biological removal level for all beaked whale stocks for which there is a reasonable basis for concern that they are being taken in fisheries or by other human activities and (b) respond to any evidence of such take with a review and development of mitigation measures as needed; and
- develop and implement a systematic approach for integrating all human-related risk factors into stock assessment reports.

To improve stock assessment efforts in the Atlantic and Gulf of Mexico, the Marine Mammal Commission recommends that the National Marine Fisheries Service—

- expedite its proposed rule to implement and enforce the needed protective measures for the Gulf of Maine and Bay of Fundy harbor porpoise stock;
- estimate the take rate for the Canadian East Coast stock of minke whales using a Poisson distribution and then use existing data to calculate the level of observer coverage needed to generate take estimates with acceptably small confidence intervals;
- conduct and report the necessary surveys to update stock assessment reports for northwest Atlantic pinnipeds; and
- improve stock assessments for bottlenose dolphins in both the Atlantic and the Gulf of Mexico by conducting the research needed to describe their stock structure, provide more accurate and precise estimates of the abundance and trends of the various stocks, and provide more accurate and precise estimates of the level of dolphin serious injury and mortality in the fisheries and from other human activities in these regions.

To improve stock assessment efforts in the Alaska region, the Marine Mammal Commission recommends that the National Marine Fisheries Service—

- proceed with formal recognition of 12 stocks of harbor seals in Alaska and then proceed with the necessary research and management of those stocks, as required by the Marine Mammal Protection Act;

- continue to seek the additional support needed to develop and implement an ice seal research and management strategy that is commensurate with the grave threats that they face; and
- work with the Minerals Management Service to ensure that funding for research on the eastern stock of North Pacific right whales is incorporated into the Administration's fiscal year 2011 budget.

To improve stock assessment efforts in the Pacific, the Marine Mammal Commission recommends that the National Marine Fisheries Service—

- investigate the possible sources of fishery mortality from central California to the Washington coast and place observers on vessels in fisheries that may be taking harbor porpoises to more accurately estimate the total bycatch;
- convene a take reduction team to address longline fishery interactions with the Hawaii pelagic stock of false killer whales; and
- build the needed capacity in the Pacific Islands Fisheries Science Center and Regional Office to assess and manage the many cetacean stocks in the Pacific that have heretofore been given far from adequate attention.

## **RATIONALE**

The Commission offers the following rationale for its recommendations.

### **General comments**

Stock assessment review: The 2009 draft stock assessment reports reveal that the Service cannot provide precise (i.e., coefficient of variation  $<0.3$ ) and up-to-date abundance estimates (i.e., based on data collected in the last eight years) for about half of the stocks described. In some regions, the record is even worse. For example, the Service can provide precise and timely abundance estimates for only 4 of 21 (19 percent) species in the Gulf of Mexico. In Alaska, the Service cannot provide baseline information for the ice seal species that are at high risk of depletion, or worse, from the effects of climate change. In the Pacific, assessment data is poor for a whole suite of cetaceans that may be taken in poorly managed high-seas fisheries. And in all regions, stock assessments of beaked whales are woefully inadequate. Certainly assessments of some stocks are challenging and costly, and the need to assess different stocks varies widely. Clearly, some are higher in priority than others. Nonetheless, the lack of adequate stock assessment information means that management decisions are being based on inadequate information and, at least for some stocks and the human activities that affect them, those decisions may lead to unintended but serious consequences.

To put this all in perspective, the Commission has initiated a review of all the stock assessments. However, the Commission also believes that the outcome would be more insightful and constructive if the review were conducted jointly with the Service. Doing so would help the

Commission understand how the Service, including headquarters and the regional offices and science centers, are determining priorities for stock assessment efforts, are identifying major gaps in those efforts, and have attempted to fill those gaps. Doing so also should provide a clearer picture of the resources needed to fill the most critical gaps and a stronger basis for going to the National Oceanic and Atmospheric Administration, Department of Commerce, Office of Management and Budget, and/or Congress to seek the requisite resources. To that end, the Marine Mammal Commission recommends that the National Marine Fisheries Service work with the Commission to complete a review of stock assessment efforts to date.

Observer effort: The 2009 stock assessments reveal a number of shortcomings with regard to assessment of marine mammal bycatch. In Alaska, direct fishery interactions are monitored by two observer programs, the Alaska groundfish observer program and the Alaska marine mammal observer program. The groundfish observer program is well funded, primarily by the fishing industry, and provides good coverage of those federally managed fisheries. Observer data for Alaska groundfish fisheries indicate a marked reduction in marine mammal take levels compared to earlier decades when the fisheries were developing.

In contrast, the Alaska marine mammal observer program attempts to monitor state-managed nearshore fisheries to record interactions with marine mammals. Funding for this program is inconsistent, covering (sometimes inadequately) only one fishery at a time. The nearshore fisheries that are likely to interact with marine mammals are observed at intervals of 10 years or more, which is inconsistent with the Service's own stock assessment guidelines. In fact, some fisheries have not been observed since the 1994 amendments to the Marine Mammal Protect Act. As a result, the available data on marine mammal bycatch are insufficient to either characterize or manage fishery/marine mammal interactions.

Observer coverage in the Gulf of Mexico also falls well short of that needed to provide reasonably accurate and precise bycatch estimates. There, managers appear to be assuming that the lack of reported and documented interactions means that no interactions occur. This is, of course, the faulty "absence of evidence" argument, which is not a reasonable basis for responsible fisheries management if the fisheries of concern are not observed. In fact, historical records provide compelling evidence that fishery interactions have killed substantial numbers of cetaceans in the past (e.g., the menhaden purse seine fishery), but some key fisheries are not now being observed to determine if they continue to take cetaceans.

Alaska and the Gulf of Mexico are but examples of inadequate observer coverage. Indeed, lack of observer coverage is a significant issue in most U.S. waters. To address these shortcomings, the Marine Mammal Commission recommends that the National Marine Fisheries Service review its national observer program to identify gaps and determine the resources that are needed to (1) observe all fisheries that do or may interact directly with marine mammals and (2) provide reasonably accurate and precise estimates of serious injury and mortality levels. The Commission recognizes that the cost of adequate observer programs is not trivial, and it has repeatedly recommended that the Service require the fishing industry to provide at least partial funding for observer programs. The Commission believes that the industry should be responsible for

demonstrating that its activities do not adversely affect marine mammals and other non-target species. In view of the lack of adequate funding for observer programs, the Marine Mammal Commission repeats its 2005 and 2006 recommendations that the National Marine Fisheries Service work with federal and state fisheries management agencies and the industry to develop a funding strategy that will support adequate observer programs for collecting data on incidental mortality and serious injury of marine mammals and other protected species.

Transboundary stocks: Many stocks that occur in U.S. waters also range into foreign or international waters. Assessing such transboundary stocks is particularly challenging because they may range widely and may be taken by fisheries both inside and outside of U.S. waters. Estimation of abundance may require greater survey capacity, and estimation of interactions with fisheries may require exchange of information with foreign or international organizations if, in fact, those organizations exist, possess such information, and are willing to share it. Nonetheless, assessing these transboundary stocks is essential if our national conservation strategy for marine mammals is to be complete. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service identify all transboundary stocks that are subject to partial assessment and develop a strategy to expand existing surveys for stocks that move into international waters and may be taken by fisheries on the high seas or that move into foreign waters and may be taken by fleets fishing in foreign waters. Such information should provide a basis for prioritizing efforts to bring assessments of transboundary stocks into compliance with the requirements of the Marine Mammal Protection Act. Priority should be given to those stocks that are hunted in other parts of their range or are known to interact significantly with domestic, foreign, or international fisheries. The eventual goal should be to manage transboundary stocks using a potential biological removal level calculated for the entire stock, which has been suggested in the proposed revisions to stock assessment guidelines.

All human-related risk factors: The manner in which marine mammals are killed or injured by human activities may have implications for the conservation of the affected stock because some risk factors may select for different age or sex classes. However, the death of an individual animal has the same stock consequences whether it was killed as a result of fisheries, a subsistence harvest, entanglement in debris, or a vessel strike. For that reason, all sources of serious injury or mortality need to be considered in a comprehensive stock assessment. The draft stock assessments are quite inconsistent in their treatment of risk factors other than fisheries, which confounds both full assessment of an individual stock and full evaluation of specific risk factors. With regard to a particular risk factor, the key considerations are whether it results in (1) the loss of males, females, or both and (2) the age classes affected, both of which have important implications for the current and future productivity of a stock. To ensure that the impact of all human-related risk factors is being considered for a particular stock, the Marine Mammal Commission recommends that the National Marine Fisheries Service develop and implement a systematic approach for integrating all human-related risk factors into stock assessment reports.

### **Atlantic and Gulf of Mexico stock assessment reports**

Harbor porpoise: After a period of reduced take of Gulf of Maine and Bay of Fundy harbor porpoises in the northeast sink gillnet and mid-Atlantic gillnet fisheries, the combined take is again

exceeding the stock's potential biological removal level. In December 2007 the Service responded by reconvening the Harbor Porpoise Take Reduction Team. The Commission wrote to the Service on 20 August 2009 regarding the Service's proposed rule to implement the team's recommendations. Rather than reiterate those recommendations here, the Marine Mammal Commission simply recommends that the Service expedite its proposed rule to implement and enforce the needed protective measures for Gulf of Maine and Bay of Fundy harbor porpoise stock. It has been almost two years since the team met, and such lengthy delays in implementation surely undermine the responsiveness of management and unnecessarily prolong the unacceptably high rate of injury and mortality of the harbor porpoise stock.

Minke whale bycatch estimates: The draft stock assessment report for the Canadian East Coast stock of minke whales notes that one freshly dead minke whale was taken in the northeast bottom trawl fishery. However, the Service does not extrapolate that take because "...with only one observed take, it is not possible to generate an accurate bycatch estimate." The Commission disagrees with that assessment. Takes of minke whales may be rare and random events, but as such the distribution and rate of takes can be estimated using a Poisson distribution. The result may be accompanied by wide confidence limits, but such an outcome would rightly reflect either or both the infrequency of such events or the insufficiency of observer coverage. Indeed, by ignoring the one observed take, the Service creates an impression of the take rate that is clearly biased. To avoid the potential for such misunderstanding, the Marine Mammal Commission recommends that the National Marine Fisheries Service estimate the take rate for the Canadian East Coast stock of minke whales using a Poisson distribution and then use the existing data to calculate the level of observer coverage needed to generate take estimates with acceptably small confidence intervals.

Pinniped surveys: The 2009 draft stock assessment reports do not appear to include up-to-date estimates of pinniped abundance in the northwest Atlantic. Better estimates are necessary to determine the risk to pinniped stocks that are known to be taken in both gillnet and trawl fisheries. In addition, such information would be useful for evaluating unusual mortality events involving harbor seals in the Gulf of Maine in 2003, 2004, and 2006. Intermittent visits by researchers to breeding sites like Muskeget Island suggest that gray and harbor seal populations have grown rapidly at this site in recent years. More up-to-date assessments would be useful for documenting changes in the abundance and/or distribution of these stocks as well as for evaluating take levels in fisheries and the causes and significance of unusual mortality events. For those reasons, the Marine Mammal Commission recommends that the National Marine Fisheries Service conduct and report the necessary surveys to update stock assessment reports for northwest Atlantic pinnipeds.

Bottlenose dolphins: The stock structure of bottlenose dolphins in the Atlantic and Gulf of Mexico is undoubtedly complex and difficult to study but has important implications for management and conservation of these stocks, ill-described as they are. The Service has made considerable progress investigating stock structure in the Atlantic, driven primarily by the need to inform and support a take reduction effort. On the other hand, the Service appears to have neglected investigation of stock structure in the Gulf of Mexico where Service scientists are certainly capable of conducting the necessary studies but have not been given the necessary support. For more than a decade, the Commission has been recommending a more aggressive approach to

research and management of stocks in both regions. Further work is needed in the Atlantic to ensure that take reduction measures are appropriately targeted at the fisheries that take dolphins in excess of Marine Mammal Protection Act standards. Further work also is needed in the Gulf, where the best available information indicates separate inshore stocks throughout the northern Gulf, although such separation has not been confirmed with genetic studies. In both areas, the interactions between bottlenose dolphins and human activities are almost certainly going to increase in the foreseeable future as a function of fishing (both commercial and recreational), oil and gas operations, shipping, military exercises, tourism, and coastal development. These activities may kill dolphins, compete with them for prey and space, and/or degrade their habitat. The Marine Mammal Commission repeats its longstanding recommendation that the National Marine Fisheries Service improve stock assessments for bottlenose dolphins in both the Atlantic and the Gulf of Mexico by conducting the research needed to describe their stock structure, provide more accurate and precise estimates of the abundance and trends of the various stocks, and provide more accurate and precise estimates of the level of dolphin serious injury and mortality in the fisheries and from other human activities in these regions.

Beaked whale species: Although it is difficult to separate beaked whale species during surveys, and thus to estimate species-specific (much less stock-specific) numbers and potential biological removal levels, the Service's current practice of estimating a single potential biological removal level for all beaked whales is not a suitably precautionary management practice. In essence, this approach poses greater-than-average risk to stocks that are smaller or more vulnerable to fishery takes because of some factor such as distribution (e.g., greater overlap with fisheries) or life history (e.g., exceptionally low reproductive rate). Scientists have long recognized that managing a group of stocks based on mean characteristics is not a risk-averse approach. What little we do know about beaked whales suggests that some stocks are quite small and localized and therefore may be at elevated risk from fisheries interactions that might be tolerable for larger, more widely dispersed stocks. Pooling beaked whale species for analysis removes the incentive to collect the data needed to make informed decisions about the status of individual species or stocks. Therefore, in the absence of more species-specific and stock-specific data, the Marine Mammal Commission recommends that the National Marine Fisheries Service (a) list as "unknown" the potential biological removal level for all beaked whale stocks for which there is a reasonable basis for concern that they are being taken in fisheries or other human activities and (b) respond to any evidence of such take with a review and development of mitigation measures as needed.

Information discrepancies: In some cases the information in the narrative part of the stock assessment reports did not agree with that in the summary tables. For the North Atlantic right whale,  $N_{best}$  and  $N_{min}$  are listed as 325 in the table but updated in the narrative to 345 based on the most recent photo-id data. For Risso's dolphins, the potential biological removal level is listed as 129 in the table but 124 in the narrative. For harbor porpoises, the potential biological removal level is given as 610 in the table but 703 in the narrative. For sei whales,  $N_{best}$  is still listed as 207 in the narrative but updated to 386 in the table. Here, the Service appears to be relying on data from a 2004 survey while ignoring data from a 2006 survey, but neither justifies this change or recalculates  $N_{min}$  and the potential biological removal level. Finally, the harbor seal population estimates are

based on survey data that is now more than eight years old and therefore the correct table entries are “unknown” for  $N_{\text{best}}$  and  $N_{\text{min}}$  and “undetermined” for the potential biological removal level.

### **Alaska stock assessment reports**

Harbor seal stock structure and status: In previous letters, the Commission has emphasized the importance of investigating stock structure to ensure that management efforts under the Marine Mammal Protection Act are based on the appropriate conservation units. With regard to harbor seals in Alaska waters, the best scientific evidence available demonstrates that each of the three stocks now recognized in the Service’s stock assessment reports is actually composed of multiple stocks with variable status. More than five years ago, Service scientists proposed the designation of 12 harbor seal stocks in Alaska, but those stocks have yet to be recognized. The main reason for the delay was concern among members of the Alaska Native Harbor Seal Commission about possible implications for subsistence harvests if the proposed stocks were designated. The Commission understands that their concern has now been addressed, but no progress has been made in recognizing the biological stocks identified.

Despite limitations in funding, Service scientists have collaborated with Alaska Native hunters and scientists from the Alaska Department of Fish and Game and the Alaska SeaLife Center to survey harbor seal abundance and, to a lesser extent, investigate factors that may be affecting some or all of the stocks. The existing evidence clearly indicates that the biological stocks of harbor seals in Alaska vary in status and trends, with some already significantly reduced in number and others experiencing significant declining trends (e.g., the Aleutian Islands, Glacier Bay, and Prince William Sound). Such findings warrant more responsive research and management. Therefore, as it has done in previous letters, the Marine Mammal Commission again recommends that the National Marine Fisheries Service proceed with formal recognition of 12 stocks of harbor seals in Alaska and then proceed with the necessary research and management of those stocks as required by the Marine Mammal Protection Act.

Ice seals: Climate change must be having significant effects on ringed, bearded, ribbon, and spotted seals. Assessments of these stocks remain among the poorest in the Alaska region. The lack of information is due in part to their extensive range and the logistical difficulty and cost of studying them. Although the Service is initiating studies to assess their abundance and has included funding in the Fiscal Year 2010 budget for ice seal species, much more could and should be done. To contribute meaningfully to the conservation of these species, scientists and managers will need to know a great deal more about their distribution and movements, demographic parameters, natural history, and ecology. In certain areas, better information also will be needed regarding subsistence harvests. To gather such information, the Service will need to work closely with Alaska Native communities and organizations and the Alaska Department of Fish and Game. The Commission is planning to convene a research and management coordination group for Arctic marine mammals and clearly will want the Service to participate in that group. Until that time, the Marine Mammal Commission recommends that the National Marine Fisheries continue to seek the additional support needed to develop and implement an ice seal research and management strategy that is commensurate with the grave threats that they face.



Eastern North Pacific right whale stock: The draft assessment for this stock refers to it as “...arguably the most endangered stock of large whales in the world,” but it rarely gets the attention that it warrants, probably because few conservation efforts have been undertaken and those efforts do not affect a large-scale, economically important human activity. That may all change in the near future with the Minerals Management Service considering oil and gas lease sales in the North Aleutian Basin in the southeastern Bering Sea. The draft assessment also indicates that the Minerals Management Service is supporting surveys to evaluate the distribution of this stock, and both Services should be credited for this proactive effort to learn about the stock so that appropriate protective measures can be implemented. The Commission believes that it is appropriate for the Minerals Management Service to bear the cost of such research, given that it is promoting oil and gas activities in this region. However, the National Marine Fisheries Service shares responsibility here and should be prepared to support the research necessary to inform recovery efforts for this stock even if the Minerals Management Service drops its plan to develop the North Aleutian Basin. Although the draft assessment also states that “[t]here are no known current threats to the habitat of this population,” it also recognizes that “this partly reflects a lack of information about the current distribution and habitat requirements of right whales in the eastern North Pacific, as well as about the location and nature of any potential threats to the animal or its environment.” Because of the grave status of this stock, the Marine Mammal Commission recommends that if it has not already done so, the National Marine Fisheries Service work with the Minerals Management Service to ensure that funding for research on the eastern stock of North Pacific right whales is incorporated into the Administration’s fiscal year 2011 budget.

### **Pacific stock assessment reports**

West Coast harbor porpoise: Between 2003 and 2007 five strandings of harbor porpoises occurred in the Monterey Bay area and were attributed to fishery interactions. The 2002 ban on gillnets inshore of the 60-fathom isobath could reasonably be expected to eliminate or markedly reduce the potential for harbor porpoise bycatch in commercial fisheries, but such may not be the case. Indeed, from May through November 2008 at least 74 harbor porpoise strandings were reported in northern and central California. Although many of these were attributed to interactions with bottlenose dolphins and none involved evidence of fishery interaction, the increase in strandings relative to previous years is cause for concern about the Monterey Bay and other California harbor porpoise stocks.

The draft assessment of the northern Oregon/Washington coast harbor porpoise stock noted a total of 114 harbor porpoise strandings in 2006 and 2007, leading to the declaration of an unusual mortality event. The cause of the event has not been determined, and several factors, including contaminants, genetics, and environmental conditions, are still being investigated. The report also noted that the cause of death was determined for 48 of 81 porpoise that were examined in detail, and deaths were attributed mainly to trauma and infectious disease. Finally, it noted that “suspected or confirmed fishery interactions were the primary cause of adult/subadult traumatic injuries, while birth-related trauma was responsible for the neonate deaths.” Although the report did not indicate the total number of deaths attributed to fishery interactions, the fact that fishery interactions were considered the primary cause of death in cases involving trauma suggests that

fisheries are becoming a more serious risk factor for these stocks. To prevent this situation from deteriorating further, the Marine Mammal Commission recommends that the National Marine Fisheries Service investigate the possible sources of fishery mortality from central California to the Washington coast and place observers on vessels in fisheries that may be taking harbor porpoises so that the total bycatch can be estimated more accurately.

#### Take Reduction Efforts for the Hawaii Pelagic Stock of False Killer Whales

The draft stock assessment report for the Pacific Islands Region stock complex of false killer whales indicates that the Hawaii deep-set longline fisheries take whales from the Hawaii pelagic stock at about three times the potential biological removal level. Well-run take reduction teams provide a forum for local fishermen, agency staff, and environmental groups to work together to reach solutions that will reduce such bycatch. For that reason, the Marine Mammal Commission reiterates its longstanding recommendation that the National Marine Fisheries Service convene a take reduction team to address longline fishery interactions with the Hawaii pelagic stock of false killer whales.

Pacific Islands cetaceans: For many years, virtually all of the Service's marine mammal research and management efforts in the Pacific Islands region were aimed at Hawaiian monk seals. Although some management resources were directed at humpback whales, all other cetaceans in the region were ignored—there is really no other explanation. After years of being pushed and prodded, the Service finally hired a cetacean biologist in 2005. That biologist left in 2007 and a new biologist was hired to replace him. At the time of hiring, both of these biologists were viewed as relatively new but highly promising. The Commission hoped that, under the right conditions, they would be able to develop a cetacean program commensurate with the cetacean diversity of the Pacific Islands Region and capable of addressing conservation concerns. However, the Service has failed to provide the support needed to develop responsible research and conservation programs. The result is that a large number of cetacean stocks in the Pacific remain poorly known despite the fact that they may be seriously threatened by fishing and other human activities. Such a longstanding lack of support for cetacean research and conservation in this region cannot be considered responsible management. Here again, the Commission cannot tell where the lines of support have been cut, but the situation clearly fails to conform to the spirit and specific requirements of the Marine Mammal Protection Act. Although the Commission could make a recommendation that adequate support be provided for research and management of cetaceans in the Pacific Islands, it has little confidence that such a recommendation would lead to a change in circumstances. Rather, the Marine Mammal Commission requests that the National Marine Fisheries Service provide the Commission with an explanation for its longstanding neglect of cetaceans that occur in waters under the jurisdiction of the Service's Pacific Islands Region.

Finally, the Commission requests a response to our recommendations. The Marine Mammal Protection Act specifically requires that “[a]ny recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those

Mr. David Cottingham  
24 September 2009  
Page 11

recommendations were not followed or adopted.” Whether you agree or disagree with our recommendations, your response will help inform us of your perspective on these matters and therefore should lead to more constructive dialogue between the Service and the Commission.

Please contact me if you have questions regarding these recommendations and comments.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director