

# **Minutes of the Atlantic Scientific Review Group Meeting**

Mote Marine Laboratory, Sarasota, Florida

The autumn 2004 meeting of the Atlantic Scientific Review Group (ASRG) commenced at 0900 on December 8, 2004, at the Mote Marine Laboratory, Sarasota, Florida. The agenda is in Appendix I, participants are listed in Appendix II, and the ASRG letter of recommendation to NOAA Fisheries Service and the response letter from the Office of Protected Resources are listed in Appendix III.

## **Day 1: 08 December 2004**

### **1. Introduction**

#### Welcome

Solange Brault (Chair, ASRG) and Randy Wells (Mote Marine Laboratory) welcomed members and participants. Members and observers introduced themselves. The agenda was reviewed and some minor changes were made. The Chair reviewed the meeting format and appointed rapporteurs.

#### Summary of previous recommendations, and responses to them

Kenney reviewed both the letter of recommendations that the ASRG sent to Bill Hogarth, Assistant Administrator for Fisheries in January 2004, and the October 2004 response from Laurie Allen, Director, Office of Protected Species. The ASRG recommendation to maintain consistent and reliable levels of observer coverage was discussed at this meeting. Vicky Cornish, former Head of the National Observer Program, emphasized that the ASRG needs to make their priorities very clear relative to observer coverage. The ASRG should be addressing the National Observer Program with specific requests, via the NEFSC and SEFSC representatives. Vicky also noted that there are competing national needs for available funding (e.g., fishery management concerns), in addition to congressional earmarks for observer coverage.

### **2. Take Reduction Plan Updates**

#### ALWTRP Update

Borggaard (NERO) reported on the Atlantic Large Whale Take Reduction Team (ALWTRT). The Team was convened in February 2004 to discuss some outstanding issues including team structure, an update on the ALWTRT Draft Environmental Impact Statement (DEIS) and proposed rule, and to go over the principles the TRT agreed upon at the 2003 ALWTRT meeting. The Team is very large (50-60 members). The Team, however, did not come up with a consensus recommendation on whether to split the team or keep the present structure. NMFS proposed that the ALWTRT continue to meet as a full team, but spend most of the meeting time in smaller groups according to region, gear

type, or other affiliation. The Team also discussed the overriding principles for reducing interactions between large whales and commercial fisheries agreed upon at the 2003 ALWTRT meeting. These include: 1) Reduce risk associated with vertical lines; and 2) Reduce profiles of all groundlines. NMFS provided the Team a list of options to reduce risk associated with vertical lines. The Team requested that gear groups review and evaluate the list, and report out to the ALWTRT on which options to pursue and associate questions that need to be answered. The ALWTRT focused the discussions at the 2004 meeting on reducing profile of groundlines, including the concept of low profile line.

### ALWTRP EIS and rulemaking

The ALWTRP DEIS & proposed rule is currently undergoing NMFS review. NMFS expects the DEIS and proposed rule will publish in early 2005. NMFS will hold twelve public hearings from Maine through Florida during the comment period of the DEIS. As requested by the ALWTRT, NMFS will convene the ALWTRT after the hearings and during the comment period of the DEIS. NMFS estimates at this time that the ALWTRT may convene sometime in March 2005. Once the ALWTRP DEIS and proposed rule are published, NMFS will notify the ASRG as to their availability.

### Gear Workshop

On October 13 – 15, 2004, the NERO sponsored a collaborative NOAA Fisheries - Marine Mammal Commission moderated workshop to discuss and explore ways of modifying existing fishing gear and/or practices to minimize or eliminate the risk of serious entanglement to large whales. The workshop was a closed meeting with 30 participants and other invited guests. The range of participants with particular expertise included biologists, chemists, fishing industry representatives, and gear manufacturers amongst others. The ultimate goal of the workshop was to develop and apply alternative fishing gear, materials, or methods of deployment to sufficiently address the problem of cetacean entanglement in end lines. To that end, the workshop was designed to explore ways of modifying existing fishing gear or practices to minimize or eliminate the risk of serious entanglement to large whales. The primary focus of the workshop was to identify short and long-term risk reduction methods. The workshop also sought to identify existing gear configurations that represent low risk of entanglement to whales.

In general NOAA Fisheries and the MMC were pleased with the workshop. The workshop participants discussed ways of modifying existing fishing gear or practices to minimize or eliminate the risk of serious entanglement to large whales. The workshop report will include a matrix of all the modifications discussed at the workshop along with views on the modifications practicality, conservation benefit and research prioritization. Workshop results are currently being summarized into a report. The report will include a summary of research required to better understand and mitigate the incidence and effects of entanglement, modify existing gear, or develop new gear or deployment methods. NOAA Fisheries intends to share the final report of the workshop proceedings with the Atlantic Large Whale Take Reduction Team (ALWTRT) at its next meeting.

### ALWTRP research needs

Coordination between whale research and management is critical to helping NMFS and the ALWTRT effectively reduce the serious injury and mortality of right, humpback and fin whales in commercial fisheries. For instance, a better scientific understanding of whale behavior will help develop the appropriate ALWTRP mitigation strategies to reduce the serious injury and mortality of right, humpback and fin whales in commercial gear. NMFS is preparing a document that is intended to identify and prioritize research needs regarding aspects of large whale behavior including: habitat usage, foraging, migration and breeding ecology. Once this document has been compiled, NMFS will be providing it to the ASRG and ALWTRT for review.

The ASRG wanted to know the status of the NOAA Fisheries Shipstrike Strategy Rule. A NOAA Fisheries spokesperson stated that the proposed rulemaking / strategy was moving forward. The ASRG noted that the NOAA Fisheries timeline has been very slow on this issue.

The ASRG also had questions regarding the timeliness of implementing the fishery interaction rules. The group noted that conservation efforts were slow. The ASRG recommended that issues of vertical lines in the lobster fishery needs to be addressed by both the fishery management and protected resources components of NOAA Fisheries.

In response, NMFS staff thought the gear workshop was beneficial. NERO protected species and sustainable fisheries staffs are working together to evaluate the level (quantify) of vertical effort in the northeast region. This will be addressed via a contract. This evaluation needs to be conducted prior to proposing a rule.

The ASRG asked why NMFS has not moved forward on federal water fishery? In response, NERO staff stated that there is insufficient documentation on the source (time/space) of gear on entangled animals. Therefore, the agency is inclined to move forward on the full (state and federal waters) fishery. NMFS staff also noted that a number of processes have contributed to the time frame/ pace on these issues.

The ASRG recommends that the agency identify the issues that are contributing to the delays in moving forward on proposed rules. The ASRG will draft a recommendation to NMFS.

The ASRG also wanted to know how NMFS was addressing Naval interactions with large whales. NMFS staff noted that headquarters staff are handling interactions with the Navy and are working on a Biological Opinion. Bob Kenney stated that the Navy is doing a lot of mitigation work and developing a matrix of operations – e.g., areas to be avoided for exercises.

## HPTRP Update

Borggaard and Rossman provided an update on the Harbor Porpoise Take Reduction Plan.

### Industry request for relief of closures

The New England component of the regulations implementing the HPTRP focuses on all fishing with sink gillnets and other gillnets capable of catching multispecies in New England waters.

The regulations include time and area closures intended to reduce the take of harbor porpoise. Some are complete closures while others are closures to gillnet fishing unless pingers are used.

At issue is the Massachusetts Bay Area closure:

- Fishers are currently allowed to fish with gillnets in this area from December 1 to Feb. 28/29 provided that they use pingers.
- Fishers are also allowed to fish with gillnets in this area from April 1 to May 31 provided that they use pingers.
- However, the regulations do not allow any gillnet fishing in the area, including pingered gear, from March 1 – 31.
- Since the HPTRP's implementation in 1998 this has never been a problem for fishers because during the month of March this area had been also closed under the Northeast Multispecies FMR to protected spawning aggregations of cod.
- However, in late 2002 the Multispecies FMP had been amended to allow commercial fishing in the area during the month of March.
- Although commercial vessels were allowed to fish in the area, commercial gillnet vessels were still prohibited from fishing in the area because of the HPTRP regulations.
- Consequently, because the gillnetters felt the harbor porpoise stock had "recovered" and because they were at an unfair disadvantage with trawl vessels, commercial gillnetters have been requesting that NMFS allow commercial gillnet fishing to be conducted in this area during the month of March with the use of pingers.
- NMFS' response has been no.
- Observer information indicates that HP takes in the gillnet fishery in this area have slightly increased and we are not achieving Zero Mortality Rate Goal.

### Pinger compliance

- Observer data indicate that pinger compliance is very low in the sink gillnet fishery, which may explain an increase in HP takes in areas that require the use of pingers. The primary concern is that the fishers are not using pingers and if they are using them.
- In response, NOAA Fisheries NER is working with NOAA Office of Law Enforcement and our state enforcement partners through increased funding in our Joint Enforcement Agreements to increase pinger compliance checks on gillnet vessels in pinger areas.

- NOAA fisheries has also learned that gillnet vessels have also been fishing in gillnet closure area under the HPTRP regulations (MA Bay in March). NOAA Fisheries Enforcement and state partners are planning increased patrols in these areas.
- NMFS is also continuing to develop a pinger-testing device that will allow enforcement to check whether a pinger being utilized by a vessel is operating at the appropriate frequency and pulse.

In response to ASRG questions, Rossman noted that 80% of the 2003 observed trips were not in compliance (e.g., no pingers) in the pinger regulated areas. Also, 15 trips were conducted in March 2003 in the Massachusetts Bay Closed Area. Mortality has increased in 2003, and is approaching PBR. Pinger testers went out in 2003, but they were poorly designed and had a high failure rate.

The ASRG wanted to know the time frame for processing observer data? Rossman replied that it usually takes a week to month for each trip. NMFS staff also noted that observer data are not designed for enforcement purposes, but to obtain scientific information to characterize fishery and bycatch.

The ASRG discussed processes to address the non-compliance and pinger issues. Some suggestions were: reconvene the TRT; send letters to fishers regarding compliance and PBR issues. They also noted that pinger testers are not reliable. The ASRG will draft some recommendations and forward them to NMFS.

It was also noted that the Atlantic States Marine Fish Commission has a compliance committee that meets twice per year, and it could be brought to the attention of that group.

The ASRG asked if there were non-compliance issues in the mid Atlantic region. Rossman noted that gill net twine size is heavier than required. Further, while there were some violations of time area closures, they were not as severe as in New England.

The ASRG stated that without enforcement there is less motivation for fishers to adhere to the regulations – voluntary compliance is not a viable alternative. The ASRG will be addressing these issues in their letter to NMFS.

#### Requests for scientific research

Borggaard stated that the TRT has provisions for other research measures that can be implemented to allow experimental fishery authorizations. The NER has received two requests from industry to test new or improved HP bycatch methods:

- 1) Barium sulfide gillnet, which would ultimately provide vessel owners the option to use a pinger or barium sulfide net to reduce HP bycatch.
- 2) Higher frequency pinger tests. At issue is the specification that requires a 10 kHz sound at 132 dB. She noted the a) there has been a significant interest in research concerning the perfection of sound and decibel levels, and b) the newer frequencies

and decibel levels appear to achieve the harbor porpoise objectives with respect to gillnet interactions while not compromising seals stocks.

The NER is also preparing an Advanced Notice of Proposed Rulemaking (ANPR) in early 2005 to allow scientific research and experimental fisheries.

Borggaard noted that implementation of the HPTRP and the national exempted fishing permit (EFP) requirements implemented under the Magnuson Act and other fishery management statutes, the type of experimentation conducted in the past cannot be conducted without going through the new and much more extensive EFP process. The HPTRP contains a provision for "other special measures" which authorizes revision of the HPTRP regulations if the bycatch is not below the potential biological removal (PBR) level. Although this provision could potentially be used to authorize experimentation, NMFS has not yet specified the procedures through which such experimentation would be authorized, or the criteria under which it would be reviewed relative to HPTRP objectives.

Both the New England and Mid-Atlantic HPTRTs expressed strong interest in the use of experimental fisheries to test new fishing gear. Consequently the NER is considering an amendment to the HPTRP regulations to allow experimental fisheries. We are working with the NEFSC and the NMFS permit office on an ANPR. We expect that to be published in early 2005.

### **3. Bottlenose Dolphin Update**

Lévesque reviewed the status of the Bottlenose Dolphin Take Reduction Plan (BDTRP). The proposed rule for the BDTRP was published on 11/10/04. The rule follows the consensus recommendations reached by the TRT at the May 2003 meeting. Exceptions were: 1) voluntary rather than mandatory bycatch certification training and 2) monitoring of small mesh gillnet fisheries every 24 hours was not made mandatory since it is already a current practice. Delays in getting the rule published stem from the decision to combine regulations for turtle and bottlenose dolphins. Closing date for comments on proposed rule is February 8, 2005.

#### Live captures

Hohn reported that there has been an increase in live capture-release projects in the past few years due primarily to (National Ocean Service) NOS health assessment work. NMFS captures and Sarasota Dolphin Research Program (SRDP) capture-release activities have remained at a relatively constant rate over the past 5 years and will continue to do so into the future. A NMFS capture is planned for April 2005 in the Florida panhandle to follow up on the spring 2004 unusual mortality event (UME). Due to increases in funding through the Ocean and Human Health Initiative and the Ocean Health Initiative, there may be an increase in other capture-release programs in the future. Coordination of these efforts will continue in order to decrease the chance of overlapping captures. Discussion of permitting for capture-release activities were started but deferred to the discussion of acoustics (Section 7). Recent permits have been carefully scrutinized

to ensure that appropriate research questions are being addressed through capture-release activities.

The SRG had some follow-up questions regarding two coastal gillnet bycatch tables distributed by Rossman the previous day. In one table, bycatch for the last two years was included in a 5-year average, as is usually done. In the second table, only the last two years were used as the current bycatch estimate. Rossman said the logic behind the two-year current estimate is these two years best represent the current situation due to the implementation of several fishery management plans that affected the mid-Atlantic gillnetters and this time division was used in the regression model to estimate the bycatch for these last two years. The SRG noted that it made sense to use only the two years for the current bycatch estimate if the characteristics of the fishery in those two years differed from historical patterns. The SRG also asked how low observer coverage affected the bycatch estimate? Rossman stated that all indications were bycatch had declined. However, due to the low observer coverage, the exact magnitude of decline was not confidently known. Furthermore, since the 95% confidence limit of the bycatch estimate overlapped PBR, it was not possible to confidently determine if the bycatch was above or below PBR. Given this uncertainty and following the decisions made in the past for other species for which this has occurred, NMFS suggested the status of this stock remain strategic.

#### **4. New Survey Results**

Mullin reported on the summer 2003 and spring 2004 Gulf of Mexico shipboard surveys. In the summer of 2003 and spring of 2004, the first shipboard surveys dedicated to oceanic waters (200m to EEZ) of the Gulf of Mexico were conducted. The line-transect surveys combined visual and acoustic methodologies. In order to improve sperm whale group size estimates, the SWFSC protocol of staying with sperm whale groups for 90 minutes was adopted. In addition, biopsy and photo-ID efforts targeted pilot whales, sperm whales and killer whales. Pantropical spotted dolphins were the most common species seen in deep waters. Sperm whales were seen throughout the northern Gulf rather than being solely concentrated off the Mississippi river outflow area as previously thought. Bryde's whales were seen in both years on the shelf break off the Florida panhandle. In 2003, false killer whales were seen in larger numbers. In 2004, three killer whale groups were seen.

Garrison reported on the summer 2004 mid-Atlantic shipboard survey. This survey was complementary to the NEFSC summer survey and covered the area between 27° and 38°N from 50m isobath to the EEZ. Pilot whale abundance estimates and biopsy sampling were the focus of this survey. As a result, survey effort was intensified over the shelf break in the mid-Atlantic region with lower effort in offshore areas. Hydroacoustic monitoring for abundance was performed, including efforts to record both species of pilot whales for species identification. The visual line transect survey implemented a two tier approach for estimating  $g(0)$ . Photo-ID effort complemented biopsy effort. Pilot whale, sperm whale and common dolphin sightings were concentrated off Cape Hatteras where intensified cold water was present approximately 10m under the surface. New

preliminary abundance estimates corrected for  $g(0)$  were incorporated into the 2005 draft SARS.

Garrison also reviewed the results of the summer 2004 Atlantic bottlenose dolphin aerial survey. The survey was conducted from Fort Pierce, FL to New Jersey following the 2002 survey design using a single survey team and one observer in the belly window. Two strata (0-20m and 20-40m) were flown, with most effort in the coastal waters. Data have not been analyzed to date. A plot of sightings revealed a large difference in the distribution along the coast between the 2002 and 2004 surveys. A winter 2005 aerial survey is planned from northern Florida to the Chesapeake Bay. A test of photogrammetry methods to distinguish between coastal and offshore bottlenose dolphins is also planned.

Hohn reported on the summer 2004 Atlantic bottlenose dolphin biopsy survey and capture-release activities. A small vessel survey to collect bottlenose dolphin biopsies was conducted concurrent with the summer 2004 aerial survey. Biopsy effort focused in waters between 1 and 10 miles offshore off Brunswick, GA (3 boat weeks) and Charleston, SC (3 boat weeks). 85 biopsies were collected for genetics, primarily from coastal waters, although some biopsies were collected in estuarine waters of Georgia. A live capture-release was conducted in southern North Carolina in the fall 2004. Four satellite tags were deployed. A winter biopsy survey and capture-release is planned to run concurrent with the winter 2005 aerial survey, see above.

Palka reviewed the NEFSC summer 2004 surveys. A ship survey was conducted in shelf and off-shelf waters from Virginia to Georges Bank aboard the *RV Endeavor*. The survey was complementary to the SEFSC survey. Marine mammal data were collected using two independent visual teams and acoustics. The survey also incorporated a seabird team and CTD, XBT and bongo data were collected.

An aerial component was conducted in shelf waters from Virginia to Nova Scotia. There was little effort on Scotian Shelf due to weather conditions. NOAA Twin-Otter, used the circle back method in 2002 + 2004 to obtain  $g(0)$ . Palka, also reviewed the Hiby Circle Back Method, which is a 'proxy two team method'. This is the first time  $g(0)$  was estimated for aerial data of all species, except harbor porpoises.

Garrison and Palka noted that the 1998 and 2004 abundance estimates were significantly different for common dolphins and pilot whales (cool water species) and spotted dolphins (warm water species). Also few harbor porpoise were sighted in Gulf of Maine. The differences are due, primarily, to two factors: earlier start time and 'cooler water' in 2004 survey, and the  $g(0)$  correction.

The ASRG requested that a paragraph be incorporated into each SAR to explain the differences.

The ASRG asked how was the determination of ship avoidance/attraction made. Palka stated that the "Modified Buckland-Turnock" method was used, which examines the

distribution of swim direction by species and distance to make the determination. The general analysis process for both the ship and plane was to first determine if there was a vessel response. If there was, such as for Risso's dolphins and pilot whales seen from the ship, then the method was used. If not, as for the rest of the species, then the direct duplicate method was used.

Palka also reported that the large whale estimates were under review.

Pace provided an update of the right whale mark-recapture (MR) survival estimates for 1981-2002. Photo-ID data are used and prior data are updated as older photos become identified. Thus, the "sample" evolves over time. He dropped sightings of animals known to be <4 years of age to reduce survival heterogeneity, but the data set includes many animals of unknown age. He also used only animals of known sex.

Recapture success is correlated to survey effort, presently near 80-90%, but much less in the previous decade. Goodness of fit tests indicated that the overall capture history set appears to include "trap happy" animals. Therefore, adjustments for individual capture heterogeneity are warranted and one such adjustment was included in his analysis.

Of several models examined, the data only supported 3 that shared the same structure for capture success, but differed in the parameters describing survival: 1) variable annual for differing for sexes, 2) a simple trend differing for sexes (similar to Caswell *et al.* model), and 3) constant survival differing between sexes may be a problem in the analysis.

Nearly equal evidence supported the variable annual and trend models. The variable model has more parameters and appears to do a better job capturing a signal in the data, perhaps indicating the need for retrospective studies of particularly bad survival years.

The ASRG asked if there would be any differences if only females were analyzed. Pace responded that it was not likely.

Pace reported on the summer 2004 pilot whale biopsy cruise aboard the *RV Delaware II*. The survey was conducted concurrent to the *RV Endeavor* survey and the survey design was based on pilot whale sightings from prior surveys. Sixty-two biopsy samples were collected and samples will be combined with prior years' data. The sample archive is still being examined and some samples have been processed. Processing is a high priority – hybridization is an issue.

Pace also provided an overview of the MONAH Project. In 2003 NMFS began a two-year study to assess the status of North Atlantic humpback whale, a project known as More North Atlantic Humpbacks (MONAH). The focus of this work is to follow up on outstanding issues suggested by the International Whaling Commission (IWC) review both for the North Atlantic as a whole, and especially in two areas with U.S. jurisdiction: the Gulf of Maine and the waters of the U.S. mid-Atlantic states. The major issues are:

- Estimation of current abundance and recent population growth for the North Atlantic and the Gulf of Maine

- Detailed investigation of population structure, vital rates and stock boundaries for the Gulf of Maine
- Assessment of abundance and population structure of whales wintering off the U.S. mid-Atlantic states
- Resolution of uncertainties about population structure of animals utilizing known breeding ground, such as the Cape Verde Islands.

Fieldwork for the project began in the Gulf of Maine in summer of 2003, continued in early 2004 with a large-scale effort on Silver Bank (the North Atlantic population's largest breeding ground off the Dominican Republic), and again with a second summer of work in the Gulf of Maine in 2004. The final field season, on Silver Bank, will be conducted between January and March 2005. Additional fieldwork has been conducted off the U.S. Mid-Atlantic States and in the Cape Verde Islands. Most of the work focuses on genetic sampling and photo-identification for MR analysis. In winter 2004 over 600 biopsy and 500 photo samples were collected in the Caribbean. In winter 2005, the goal is to obtain 1,000+ biopsy samples, including 700+ from males.

Cole provided an overview of NEFSC 2002-2004 seasonal (15 March – 15 July and 15 September to 15 November) broadscale right whale aerial surveys. The objectives of these surveys are to document right whale distribution, collect photo-identification data on individual right whales, locate and (as practical) stand by entangled or dead right whales, and monitor specific areas of importance to mitigation of entanglement, ship strike risk, and naval bombing areas. The surveys are conducted primarily in New England waters. The largest aggregations of whales are seen during the 1<sup>st</sup> period, particularly in the Great South Channel and adjacent areas. He noted that it requires 7 flights to cover the entire survey region. Currently, surveys will be conducted through the winter season. Central GOM may be an important winter habitat, and the area is close/overlaps with Navy 'bomb' site.

Cole noted that NEFSC right whale group was collaborating on several external research projects. For example: Survey data are being provided to Woods Hole Oceanographic Institution (WHOI) and Duke University researchers who are developing a right whale habitat model. Survey data are also provided to acoustic researchers from Cornell University and the Center for Coastal Studies. They are deploying a variety of passive acoustic systems to remotely detect the presence of right whales in Cape Cod Bay, the Great South Channel, and Georges Bank. Tim also indicated that the NEFSC right whale aerial survey team would be using a camera system to obtain morphometric data.

The ASRG asked if the sightings seen on Jeffery's Ledge in winter were "resident" animals. Cole responded that he was not sure.

Garrison reported on SEFSC right whale survey efforts. He stated that the gap in survey coverage (e.g., North Carolina to Virginia) would be addressed in 2005.

He also reported that the SEFSC has a contract with Chris Clark, Cornell University to deploy lines of pop-up buoys off Georgia. The plan is for 2-three month deployments-

months (late November through late February, and late February through late April). Buoy anchoring problems have been resolved, but ship traffic noise is an issue in processing the data. Further, scientific permit issues have delayed some of the field-work. These issues include National Environmental Protection Act (NEPA) and Environmental Impact Statement (EIS) work.

## 5. Fishery bycatch Issues

Rossmann provided an overview of the percent observer coverage in New England and mid-Atlantic gillnet and trawl fisheries. Sampling coverage in New England trawl fishery increased from <1% to 4% due to FMP Amendment-13 funds. Gillnet effort declined 4% to 2% from 1999-2002, but increased in 2003. In the mid-Atlantic gillnet fishery coverage was around 2% from 1999-2001, but declined thereafter. Coverage in the trawl fishery increased from <0.5% from 1999-2001 to about 1% in 2003.

Rossmann stated that bycatch of Atlantic white-sided dolphins was observed in New England trawl fishery, specifically in the southern Gulf of Maine and northern edge of Georges Bank. Single animals per tow, but multiple animals per trip characterize the bycatch. Most of the bycatch is in the winter/spring fishery, and observer coverage is around 4%. It was also noted that the trawl TRT team, scheduled to convene in 2006, is being established to address common dolphin and pilot whale bycatch. The bycatch of those species, however, is currently below PBR. Atlantic white-sided dolphins may be the species to focus on.

Rossmann briefly discussed the Atlantic Herring Fishery Management Plan. The Draft DEIS contains information on the potential growth of the purse seine and fixed gear fisheries in the Gulf of Maine. Some of the management alternatives being considered to Amendment 1 of the Herring FMP include observer coverage requirements. The potential growth of the fixed gear sector may impact marine mammals.

Garrison reported on the status of the U.S. Atlantic Pelagic Longline TRT. A court-mandated pelagic longline TRT is to occur in 2005. This fishery occurs throughout the Northwest Atlantic and Gulf of Mexico. Pilot whales and Risso's dolphins make up most of the interactions, primarily in the form of serious injury. Takes are most common on the shelf break in the mid-Atlantic where both species of pilot whales are present. A 2004 opening of the NE distant water area (through a biological opinion) came with several requirements including the use of 16/0 circle hooks, 8% observer coverage, observer coverage in poorly sampled regions and quarterly reporting of bycatch for turtles and marine mammals. It is unclear how the change in gear type (from J hooks to circle hooks) will affect bycatch rates. Overall estimates of mortalities and serious injury between 1997 and 2003 have been going down for pilot whales (*Globicephala* sp.). A large spike in takes in 1999 is currently being revisited for cause. Issues to consider for the upcoming TRT include what effect the recent change in gear characteristics will have on bycatch rates. In addition, serious injury guidelines are being revisited. Finally, new abundance estimates are higher and so PBR has increased and currently mortality and serious injury are below PBR. Concern was raised that although the TRT was mandated

at a time when the best available data indicated that PBR was exceeded, the TRT process may lose credibility if a team is convened when mortality & serious injury is below PBR. Overall it was felt that the TRT was warranted since species-specific abundance and bycatch estimates are not yet available for both pilot whale species.

#### Serious injury and mortality guidelines

Eagle stated that the status of the serious injury and mortality guidelines is being revisited. He noted a need for data that can be used to determine serious injury. It was suggested that information on bottlenose dolphin's swallowing gear in the Indian River Lagoon may be available and also that there are ongoing international studies of depredation by pilot whales. It was also suggested that prior ASRG discussions on serious injury and mortality be revisited.

#### **6. Proposed 2005 List of Fishery (LOF) Changes**

Lévesque reported that the proposed rule for the LOF for 2005 was available. The proposed rule explains why certain species were added or removed from the list of species that are incidentally injured or killed in particular fisheries.

Borggaard provided an overview of the proposed changes for the northeast region. These are:

- Elevate the current North Atlantic bottom trawl fishery from Category III to Category II and rename as the Northeast bottom trawl fishery.
- Elevate the current Mid-Atlantic mixed species trawl from Category III to Category II and rename as the Mid-Atlantic bottom trawl fishery.
- Recent data have documented occasional levels of mortality and serious injury among long-finned pilot whales, common dolphins and white-sided dolphins. The NEFSC has conducted a tier analysis to justify the elevation of the North Atlantic bottom trawl and Mid-Atlantic mixed species trawl fisheries from Category III to Category II.
- Create a generic Category III "Atlantic shellfish bottom trawl" fishery to combine current Category III calico scallops, crab, whelk sea scallop and northern shrimp fisheries.
- Rename several fisheries to better reflect their gear and regional characterization.
- Update list of marine mammal species and stocks incidentally killed or seriously injured for particular fisheries.

The ASRG noted that the some terms in the LOF 'in recent SARs or recent years' are vague. NMFS staff noted that this would be clarified in the final rule.

The ASRG had additional questions on link between data in SARs and in LOF. The ASRG recommended that some changes to the LOF be made whereby the degree of interaction of each listed marine mammal species with each fishery is qualitatively described via a four footnote system - major component, minor component, historical component, component by analogy.

## 7. Unusual Mortality Events

Borggaard provided an overview of the Maine harbor seal UME. From May through October 2004 there were about 450 harbor seal strandings in Maine. This is about double the strandings compared to 2003 (around 260). The strandings were distributed mostly along the southern Maine (west) part of the coast from Portland south. Most of them were clustered around Saco Bay.

An increase in strandings was first reported at the end of July. There were two peaks in stranding reports, the end of July and the middle of August. In mid August a dense cluster of dead animals was discovered on Stratton Island, a remote island in the northern part of Saco Bay. This island is adjoining a small seal haul (roughly 300-350 seals) out that appears to have been the source of the dead animals. Although total numbers increased, the distribution of animals was similar to historical patterns with two exceptions. There was an increase in large (older) seal (>125 cm) strandings. This reflects a trend that was first reported last year. It appears that the number of large seals has, in fact, been increasing for the past several years, at an increasing rate. Secondly, there was an increase in the number of dead animals reported. The past two years have been the first years when the number of dead seal strandings exceeded the number of live seal stranding reports in the past decade.

Most of stranded animals appeared to be thin, and were debilitated before stranding. Tissue samples from stranded animals were collected and sent to the Armed Forces Institute of Pathology (AFIP) for pathological examination. Over 20 dead harbor seals, caught incidentally in the GOM during the summer were examined and sampled for comparison to stranded animals. Stranded animals collected and frozen prior to the increase in strandings (May to July) were also examined, and tissue samples were collected.

The results to date do not suggest that the increase in strandings was caused by biotoxins. Those treating live strandings noted no consistent clinical presentation. A record number of live animals were recovered, treated and released. No consistent pattern of illness or pathology has been detected so far in live or dead animals, although analysis of samples is continuing.

Stranded seals showed no indication of fishery interaction and bycaught seals appear to present a significantly different appearance. Based on this difference, it does not appear that the increase in strandings was due to fishery interaction (at least not from the same fisheries as the bycatch animals – mostly groundfish gillnets). Further, the seals on Stratton Island exhibited no evidence of human interaction as well. NMFS is presently continuing to compile data, and are awaiting the results of a few analyses still being run.

Hohn reviewed the bottlenose dolphin UME that took place in the panhandle of Florida, concentrated in St. Joseph Bay in the spring of 2004. 107 dolphins were recovered.

While red tide organisms were not detected in the water, brevetoxin was detected in low levels in dolphin stomach contents and feces at levels thought to be immunosuppressive. All length classes and both sexes were affected. There was no evidence of infectious disease or morbillivirus. Some analyses are still ongoing and NMFS will be holding a Harmful Algal Bloom workshop and conducting a follow up capture-release project in April 2005 for health assessment in the area of the die-off.

Hohn also reviewed a UME that occurred from May through June 2004 in Virginia. Sixty-seven cetacean strandings were recorded (versus 34 normally for this period), 42 of which stranded on the eastern shore of Virginia. Coastal bottlenose dolphins were most affected (71%). Other species included harbor porpoise (5%), pilot whales (2%), *Lagenorhynchus* (10%) and common dolphins (10%). All were late code 3 & 4 animals and due to highly decomposed condition, other than genetic identification of the bottlenose dolphins as coastal or offshore, analyses of cause of death were not possible.

In early July 2004, there was an increase in the number of strandings of offshore species in North Carolina. Most stranded alive and a UME was declared August 20<sup>th</sup>. In all, 38 animals of 10 species were involved (29 of the 38 stranded alive). The event included animals as far south as Georgia and as far north as Maryland. Most animals had empty stomachs. There was no evidence to date of brevetoxin or domoic acid or morbillivirus. Some tests are still pending. Eleven heads collected early in the event were scanned via MRI and some evidence was suggestive of trauma – hemorrhaging and edema in brain and around ears. Later animals did not show this evidence so there is a possibility that two different things were going on. Studies are still ongoing.

## **Day 2: December 09 2004**

### **8. Acoustic Issues**

Lang provided a brief overview of the ocean noise issue, noting that the increase in anthropogenic noise is a significant issue for marine mammals. Commercial shipping is increasing the volume of low frequency noise, which may impact large whales. Naval activities using high frequency sonar are impacting beaked whales. He stated that the Marine Mammal Commission (MMC) received congressional funding to develop an advisory committee “Advisory Committee on Acoustic Impacts on Marine Mammals” to provide a paper to Congress. Further, he noted that scientific research permitting has been impacted by the perception of impact of noise on marine mammals. For example, MMS work (D-tag) has been delayed. He also made reference to the FACA Panel Draft Working Group report, which provides recommendation to NMFS to prepare an overview of their entire permitting process.

It was noted that research-permitting problems may impact ASRG recommended research.

Lang also referenced a National Research Council (NRC) report “Marine mammal populations and ocean noise: Determining when noise causes biologically significant

effects,” which contains language to revamp the PBR process to include level B takes, acoustic takes, etc. The report also includes some examples of how to weight the ‘takes’ in the PBR formula. This recommendation came as a surprise to ASRG and is completely divorced from the streamlined system of ASRG’s role in providing advice to NMFS.

The MMC panel is reviewing the NRC report and the merits of including it in the Commission’s report to congress. There is some concern that Congressional response to the report may further delay scientific research, and not provide additional funding for NMFS.

Commercial interests and the military want to have a take process that is similar to the process in place for the commercial fishing industry. For example, geophysical research has been severely impacted by new permitting requirements – industry believes that they are subject to an unfair burden.

It was noted that the MMPA requires organizations that are taking marine mammals to demonstrate that takes are not significant. The ASRG stated that permitting for acoustic activities should be allowed, but more scientific evaluation of a “PBR” process is required. Considerable discussion on the lack of ASRG representation on the panel was held, particularly as ASRGs make recommendations / reviews on acoustic impacts on marine mammals.

The ASRG will recommend a joint ASRG meeting with the FACA panel. The ASRG will draft letter to MMC and include it in letter to NMFS, copy to other ASRGs. It was noted that the commission panel was weighted to Gulf of Mexico, but issues transcend all regional ASRGs.

Palka reviewed National Marine Acoustics Initiative Proposal, which was submitted to the Office of Protected Resources, Marine Mammal Funding Panel for review. The Panel will convene at NOAA Fisheries Headquarters during the week of 14 December. The proposal is to investigate ocean noise and expand use of acoustic assessments at each of the six NOAA Fisheries Science Centers and Headquarters so that this information can be incorporated into agency management capabilities.

Eagle identified three acoustic proposals that F/PR submitted to the Panel. These were: “Research to Strengthen Noise Exposure Criteria on Behavior,” “Marine Acoustics Criteria - Environmental Impact Statement,” and “Laboratory Measurements Supporting Noise Exposure Criteria.”

Garrison stated that the Science Centers are beginning passive acoustic programs to improve abundance estimates. It was noted that NMFS will require additional funding to implement an acoustic program, else existing research programs will be curtailed.

## 9. Review of Draft 2005 SARs

### General issues

#### Stock Assessment Preparation

Eagle reviewed the proposed changes to the “Guidelines for preparing stock assessment reports pursuant to the 1994 Amendments to the Marine Mammal Protection Act,” draft version was distributed to ASRG. A Federal Register (FR) notice will announce the public comment period for the draft document.

There was considerable ASRG discussion on the proposed revisions, particularly on stock definition. Discussion focused on prospective stock definition – designed to provide preliminary notification that stock structure will likely be modified (i.e., split- based on ongoing studies), but data are insufficient to make the decision immediately. An analogy is management units used for Gulf of Mexico bottlenose dolphin stocks. Prospective stocks are a method to build a transition to formal splitting based on scientific data.

The ASRG noted that demographically isolated/separated populations may become depleted if they are subject to high levels of human induced mortality. Eagle asked the ASRG if there is an issue with the way the proposed change is written or is there a philosophical difference regarding stock definition based on demography? The ASRG concern pertains to ‘wording’.

ASRG had additional discussions regarding text on stocks below OSP, and PBR – monk seals were given as example. There was concern regarding allocation of PBR to declining stocks, even though the major cause of the decline is not attributable to human activity. NMFS staff noted that to authorize take of endangered and threatened species a determination of negligible impact needs to be determined. When PBR cannot be determined it is designated as zero or undefined. ASRG member believed that some of the language in the FR notice was incorrect (e.g., misinterpretation of MMPA language). Monk seal was the example- sufficient demographic modeling data are available to demonstrate that a low level of human induced mortality is negligible impact. However, there was concern that the language may be interpreted to allow a take of right whales, which has a 0 PBR. The ASRG suggested that ‘undefined’ be changed to cannot be defined or is not defined. – ASRG will submit a recommendation for change in language regarding undefined PBR – (i.e., also note other tool for determining ‘pbr proxy’).

The ASRG will review the proposed changes and send comments to F/PR prior to the public comment period. The comments will also be contained in the letter of recommendations to Bill Hogarth.

Waring and Eagle reviewed the basis for not publishing a 2004 SAR, and the timelines for the draft 2005 reports. He noted that the public comment review period for the draft 2004 SARs, which were reviewed at the autumn 2003 ASRG meeting, was delayed until September 2004. The 90-day review period would have overlapped the drafting of the

2005 reports. To avoid editing two draft reports and to ensure current data were available, the 2004 and 2005 reports were merged into a single document.

SAR authors will incorporate ASRG comments into the Draft 2005 reports, and the revised reports will be due to Waring on 21 February. He will organize the reports and associated appendices and provide them to F/PR by 31 March. The ASRG recommends that two versions (clean and compare) be posted for public comment.

### SAR Appendices

Rossmann provided an overview of information contained in Appendix III “Fishery Descriptions.” Presently, there are 10 figures per Category I fishery, which could be increased to 15 figures if fishing effort were included. The ASRG recommended that three figures (e.g., 2000 bycatch distribution, 2000 observer effort, and 2000 distribution of trips) be included on each page.

An ASRG member had questions regarding differences between marine mammal species presented in SAR and LOF – this will be linked via footnotes in the LOF

The ASRG had some questions pertaining to Appendix I “Estimated serious injury and mortality of Western North Atlantic marine mammals listed by U.S. observed fisheries for 1999-2003....” They noted that the four large whale species had zeros across the time series because there were no “observed” takes. This is inconsistent with the SAR report, since the intent is to list species “interacting” with commercial fisheries. The ASRG recommends that the large whales be removed from the appendix because they are assigned to specific fisheries, when we don’t know with certainty, and it is inconsistent with the LOF. NMFS will eliminate all large whales with zeros, and readers will be referred to Appendix II for entanglement with large whales.

Cole reviewed Appendix II “Serious injury and mortality for large whales.” He proposed a new format to the appendix that provides more information on the events. The ASRG made several editorial comments pertaining to column headings and footnotes. Cole also indicated that he was preparing a laboratory reference report that provides additional documentation on the data contained in the appendix. This meets the Data Requirement Act, since it provides a reference able document. The ASRG noted that the preferred format for inclusion of data into a SAR was to have a citable document. The ASRG concurred with Cole’s recommendations.

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## Species Chapters /General issues:

- 1 - For all reports remove the CV's from  $N_{\min}$  calculation, since they are presented with the  $N_{\text{best}}$  estimates.
- 2 - Explanatory text must be included to explain the differences between the 1998 and 2004 abundance estimates. Palka and Garrison were requested to review their estimates again.
- 3 - Insert the February 05 date in upper right hand corner of all revised reports.
- 4 - The text "et al." must be in italics "*et al.*"
- 5- Include page numbers on the draft reports.

## **Atlantic Stocks**

### Humpback whale

Confirm the new number for stock overlap.

### Right whale

- 1-  $N_{\text{best}}$  population size in 2002 is 270. Kenney wants it backed up to year 2000.
- 2 - Delete the paragraph on growth, because PBR was arbitrarily set to zero.
- 3 - Add sighting from Gulf of Mexico.
- 4 - Related to mortality text, 2<sup>nd</sup> paragraph - eliminate reference to "removing gear from animal and will likely recover."
- 5 - The 10/02/03 interaction is a mortality and not a serious injury (in table).
- 6 - The  $R_{\text{max}}$  recommendation from the MMC in 2002 has not been incorporated.
- 7 - Include known mortalities for 2004 (text only).

### Fin whale

- 1 - The date is missing from the 1<sup>st</sup> cell in Table 1.

### Minke whale

- 1 - The decimal point in the PBR is in the wrong place, so status of stock is not strategic. Palka will confirm the calculations.
- 2 - If available, update the human caused mortality in Canadian waters.
- 3 - Update the mortality table with 2003 data.

### Bryde's Whale

No comments

### Sei Whale

No comments

### Atlantic Sperm Whale

Minor editorial comments provided to author.

### Common dolphin

- 1 - The pelagic longline data section needs to be updated
-

- 2 – Add “serious injury” to the caption in Table 2.
- 3 – Table 2, Values are missing for mortality and serious injury.
- 4 – Change text describing the overlap region of the NEFSC & SEFSC surveys.
- 5 – Strike the “Mead pers. comm.” in the stock structure section
- 6 - The herring joint venture fishery is no longer operating.

#### Cuvier’s Beaked Whale

- 1 – In the other mortality section cite (Cox *et al.* 2004 in review; Evans *et al.* 2004 to replace the Balcomb *et al.* 2001).
- 2 - In the annual human caused mortality and injury...section remove “fishery related.”

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#### Mesoplodon (sp.)

Same comments as Cuvier’s

#### Risso’s Dolphin

- 1 - This and other stocks, there is inconsistent text on fishery text that is now in Appendix III.

#### Long-finned pilot whale

- 1 - In the current population trend section, change “for this species” to “*Globicephala* sp.”
- 2 - Strike the extraneous text from fishery descriptions. Make sure references to gear distribution are in Appendix III.

#### Short-finned pilot whale

- 1 – See comment 1 for long-finned pilot whale

#### Striped dolphin

No comments

#### Atlantic white-sided dolphin

No comments

#### White beaked dolphin

No comments

#### Clymene dolphin

No comments

#### Frasier dolphin

No comments

#### Melon headed whale

No comments

Kogia sp.

No comments

Dwarf sperm whale

No comments

Pantropical spotted dolphin

1 - Similar to Atlantic spotted document; the reports mention that historically these two species are difficult to distinguish at sea. The Gulf of Mexico SARs don't mention this difficulty. Is the problem not the same as in the Atlantic? Mullin stated that in the Atlantic there we have offshore Atlantic spotted dolphins. In the Gulf they are very clearly distinguished. The ASRG wants an explanatory sentence in all spotted dolphin chapters.

2 - In the population estimate the text is the same for both spotted dolphins, they both say "they do not account for mixed-species herds." Garrison said that the text should not be in there, and it will be removed.

Atlantic spotted dolphin

1 – See comment 1 for pantropical spotted dolphin.

Spinner dolphin

No comments

Harbor porpoise

1 - One aspect of the bycatch problem was the general discussion on observer coverage in the mid Atlantic gillnet fishery. This was a continuation of the Day 1 Rossman presentation. There is no estimate of harbor porpoise bycatch in this fishery due to low sampling levels. New analytical techniques will be examined to obtain an estimate. The observer coverage needs to be brought up to prior levels (~2%). ASRG will make a recommendation regarding this issue

2- The stranding table has more than 5 years of data, keep it to five years.

Coastal bottlenose dolphin

1 – An extensive rewrite was recommended.

2 - There needs to be some discussion on radio transmitters, NJ is not mentioned.

3 – In the Population Size section; "The aerial surveys.." - at end there is an abundance estimate generated - how complete was that for NC? Was it all of NC? Are there estuarine waters not included? Better specify the area.

4 - Paragraph before Table 1, "variance inverse weighted avg." - what is that? Explain.

5 - For N. FL management units - estimates based in part on 1995 - those need to be discarded. Garrison noted that the 1995 was only estimate for that season; and he didn't want to change estimate by order of magnitude. The ASRG was sympathetic to problems, but suggests did not want to include estimates. The TRT should understand 8 years is the cut off- see GAMMS Guidelines. Criticism would be stronger for including data that are out of date.

6 - Central and N. FL stocks are only coastal, not estuarine - may need to clarify.

- 7 - Under (AHCMSI) - no estimates are available, but it wasn't clear whether the data were not available or fisheries were not observed. Garrison stated that they were not observed and the text will be revised.
- 8 - Under MA coastal gillnet there are some date discrepancies: - mortalities for certain years, strandings for different years.
- 9 - Beach hull seines: There is no indication of where those takes occurred or what stock impacted; how are data used? Need to add Table 4 to do expanded estimates for this fishery in the mortality estimate.
- 10 - Crab pots: were the data used in mortality estimates? Garrison stated that they were not observed takes, but opportunistically recorded.
- 11 - The PBR section is missing the reference to Table 1.
- 12 - Status of stocks section, the statement "that no rigorous result" is not usually in this section, but in Trends section. Reference to ZMRG is required. Also, specify that mortality it exceeds PBR for one of the stocks/management units, but see how to handle that given splitting out the table.
- 13 - Add beach haul seine bycatch to the mortality table.
- 14- Add text to state how low sampling may be underestimating the bycatch rate.
- 15 - Add confidence limit around mortality estimates.
- 16- Add text regarding mortality in the region of overlap for the coastal and offshore stocks. Check Pacific stock assessment report for wording.

#### Offshore bottlenose dolphin

- 1 - Add text regarding mortality in the region of overlap for the coastal and offshore stocks. Check Pacific stock assessment report for wording.
- 2 - More attention needs to be given to developing a method for estimating offshore bottlenose dolphin bycatch, however this is a low priority. AH-CMSI section - mid-Atl coastal gillnet - right before Table 1 mortality estimate not yet developed - needs qualifier about when we can expect the estimates. Garrison indicated that there is a disconnect between mortality and abundance estimates. ASRG reiterated that the uncertainty in should be mentioned in both SARs. He also noted that the offshore SAR includes abundance estimates from both the aerial and ship surveys. The data will be reexamined prior to sending the report out for public comment.
- 3- Editorial comments were given to Garrison

#### Seals -

General comments, use the term "reported strandings," and strike text "strandings data underestimate,"

#### Gray seals

- 1 - The ASRG asked if there was a reason that no gray seals takes were observed in 2002. Rossman answered, no.
- 2 - Check the 2002 and 2003 footnotes for the bycatch table.

#### Harbor seals

- 1 - Check the 2002 and 2003 footnotes for the bycatch table.

## **Gulf of Mexico Stocks**

### GOM Bryde's whale - no comment

### GOM Sperm whale

1 - 2<sup>nd</sup> par. on N. Gulf of Mexico stock contains contradictory information. Lang agrees with beginning and end, but not middle.

2 – Delete personal communication, and remove preliminary information. Use abstracts from biennial meeting, or use MMS ITM abstract information. Do not cite working papers that are not generally available.

3 - Areas of oil and gas activities and shipping activities - should be “and/or” because these activities coincide. Lang may have follow-up information regarding numbers. He'll have to discuss with people at his office.

### Blainville's beaked whale

1 - Add two references and delete 1<sup>st</sup> reference in literature (add Evans *et al.* 2004 and Cox *et al.* 2004)

2 – The 10% PBR comment in Annual Human Caused Mortality and Serious Injury (AHCMSI), needs to be moved.

### Cuvier's beaked whale

1 – There were some minor editorial comments passed to the author.

2 - Add two references and delete 1<sup>st</sup> reference in literature (add Evans *et al.* 2004 and Cox *et al.* 2004).

3 - The text “Observed fishery....” contained in the AHCMSI section should be moved to the status of stock section

4 – The text “other beaked whale strandings?” should be fixed.

### Gervais' beaked whale

1 - Same as above

2 – The 10% PBR comment in Annual Human Caused Mortality and Serious Injury (AHCMSI), needs to be moved.

3- Mead will provide the author with additional editorial comments

### Risso's dolphin

1 - Under current population trends - insufficient data - is it possible to estimate trends from 1991-1994 and 1996-2001 - can they be added together? Mullin replied that they were two point estimates because the data were clumped. Further, two point estimates are insufficient to detect trends. He also noted: Fig. 1 contains multi-year data and that CVs for individual years are large. Double counting is not an issue, it's amount of effort and # of sightings for any given year that does not allow a good annual estimate. Day is the sample unit.

2 - Under AHCMSI there is no recorded fishery-related mortality, however these data are presented in Appendix III. Mullin will check into it.

Killer whale

No comments

Short-finned pilot whale

1 – In Current population trends section, strike sentence about reanalysis. Also, delete section talking about differences in old and new estimates because they're not statistically different.

Rough-toothed

Minor editorial comments provided to the author

Striped dolphin

1 – In Current population trends section make same changes as short-finned pilot whale  
2 - Status of stock section, change “has not exceeded PBR in last 2 years,” to “because it does not exceed PBR.”

Clymene dolphin

Other mortality section, strandings information, does the text “There is some uncertainty in the identification of this specimen,” need to be all *Stenella* reports? Mullin indicated that the text can be deleted. He will go back to stranding data and determine if it was a confirmed ID.

False killer whale

No comments

Fraser's dolphin-

No comments

Melon-headed whale

No comments

Pygmy killer whale

No comments

Pygmy sperm whale

1 – In the other mortality section, there was some blue text that was put in and taken out about strandings due to injuries by likely vessel impact. This information should be included because it indicates a potential for mortality.

2 – See comment 2 for striped dolphins.

Dwarf sperm whale

No comments

Pantropical spotted dolphin

See above comment on PBR text

### Atlantic spotted dolphin

No comments

### Spinner dolphin

See above comment on PBR

### Bottlenose dolphin –Bay, Sound, Estuarine

- 1 – There is a lot of narrative information, but little in numerical form.
- 2 - Table 1 - In caption it talks about aerial survey blocks - change so that it's 33. More recent info for Block 55, West Bay (Irwin and Würsig 2004) that could be used for PBR, and Barataria Bay (Miller 2004), the rest are out of date – remove PBRs.
- 3 - Under PBR - PBR is unknown for each stock, it's not “each stock,” it's “most of them.”
- 4 - Under AH-CMSI, paragraph that starts – “observer program is urgently needed” - is this the right place to make a plea for this? Change text to “without an observer program it is not possible to make a statistically reliable estimate for this fishery.”
- 5 - Live capture fisheries: information is more than 2 decades old as they ended in 1989.
- 6 - Fishery information, include the stone crab fishery, and specify where gillnets are allowed.
- 7 - Under status of stock, text needs to be reworded to take into account which stocks have PBR.
- 8 - Stranded information in Table 2 -what percentage of those with human interaction is a function of those where you can tell-- use Atlantic table as a guideline. Also, UMEs are denoted in areas where stocks don't exist

### Bottlenose dolphin coastal

- 1 - Under stock definition, 2<sup>nd</sup> paragraph, the sentence “...a number of genetic samples are available;” if there is going to be a statement like this, give expectation of when it will be available.
- 2 - AH-CMSI – Revise the text pertaining to “more observer programs.”
- 3 - Table 2, do 2 dolphins constitute a mass stranding?
- 4 - Add stone crab fishery
- 5 - PBRs need to be unknown
- 6 – See above comments on Table 2
- 7 – It is OK to leave this as strategic

### Bottlenose dolphin oceanic

- 1 - Under stock definition, 2<sup>nd</sup> paragraph, there is a lot of discussion about how analyses were done. Given how much wider the shelf is in GOM, distances are probably irrelevant. Change to 3.5 decades of work in Sarasota - 3<sup>rd</sup> para.
- 2- Fisheries information, for 1998 there is a question mark. Keep the historic data in the report.

### Bottlenose dolphin continental shelf

- 1 - See comments for oceanic stock
- 2 - Is there a plan to do anything with biopsy samples? The distance from shore is questionable.
- 3 - Population size, when will the vessel-based abundance estimates become available?
- 4 - Status of stock has PBR for last 2 years
- 5 - Fisheries Interactions, for which fisheries does the text “interactions have been observed in northern GOM” apply to (longline fishery? shrimp fishery? Clarify).

### **10 FY05 Funding**

Eagle provided a brief overview of the status of the Office of Protected Species FY05 funding. During the week of 13 December, F/PR will convene a meeting of the NMFS national marine mammal funding panel in Silver Spring to make recommendations on funding priorities. He noted that the Centers and Regions submitted over 100 proposals, and that the total funding request greatly exceed the available budget.

### **11. ASRG Business and Wrap-Up**

#### ASRG membership

The group reviewed a letter of resignation from Andy Read. The Group reviewed the expertise required for the individual that they will nominate to replace Andy. In particular, they noted the need an individual with acoustic experience, because the impacts of anthropogenic noise is an important marine mammal issue. The Group will recommend a nominee to NMFS to replace.

#### Finalize recommendations from this meeting

The ASRG met in private to finalize their recommendations. These recommendations will be sent to NMFS headquarters.

#### Venue and timing for the spring meeting

The need for a spring meeting will be reviewed via email correspondence.

## APPENDIX I AGENDA

### **Atlantic Scientific Review Group Meeting Agenda — December 8-10 2004 Mote Marine Laboratory, Sarasota, Florida**

#### **1. Introductory stuff** (Brault, Merrick)

- Welcome, housekeeping, re-appointment of the culinary subcommittee
- Introductions
- Agenda review
- Response to our November 2003 recommendations

#### **2. Take Reduction Plan Updates**

##### 2.1 ALWTRP Update (Borggaard & Levesque)

- Summary of February 2004 TRT meeting
- ALWTRP two pronged strategy to address entanglements that occur in endlines and groundlines.
- Status of ALWTRP EIS and rulemaking
- Upcoming ALWTRT meetings and public hearings
- Update on NMFS/MMC Gear Workshop
- Discussion on ALWTRP research needs

##### 2.2 HPTRP Update (Borggaard & Center Staff)

- Summary of PBR and ZMRG status for NEW England and Mid-Atlantic components of TRP (NEFSC Staff)
- Industry requests for relief from closures
- Pinger compliance.
- Requests for scientific research.
- ANPR to implement administrative procedures to allow scientific research and experimental fishery authorizations.

#### **3. Bottlenose Dolphin Update** (Cornish)

- Discuss increase in n. of proposals & current projects that capture Tursiops
- Mortality of MM resulting from research operations: as of now, these do NOT count toward PBR
- Programmatic review of research permits at F/PR: info on how this currently is done for RW

#### **4. New Survey results**

- Summer 2004 ship and aircraft abundance surveys (Palka)
- Summer 2004 pilot whale biopsy survey (Pace/Palka)
- Review of right whale survey – Cole
- Summer 2004 large whale surveys – Cole

- MONAH project – Pace

**5. Review of fishery bycatch issues (Rossman)**

**6. Proposed 2005 List of Fishery Changes (Borggaard & Levesque)**

- Proposed changes in NER & SER
- Discussion on changes to LOF table.

**7. MMC overview on Acoustic Committee on Acoustic Impacts in Marine Mammals**

- Review of recent national workshops - Lange

**8. Unusual Mortality Events in the SE - Hohn**

**9. Stock Assessments**

- Status of 2004 SARs: explain how combined with the updated 2005 SARs (Waring & Eagle)
- Appendix I to the SARs – (Borggaard)
- Review of draft 2005 SARs (NEFSC & SEFSC staff)

**10. ASRG business & wrap-up**

- Finalize recommendations from this meeting
- Andy Read's departure from the ASRG, and suggestions for new member
- Venue and timing for the Spring meeting
- Adjourn

## APPENDIX II

Atlantic Scientific Review Group (ASRG) Members and Participants December 8-10, 2004, Mote Marine Laboratory, Sarasota, FL

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