

# Atlantic Scientific Review Group

April 18, 2018

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*Established under the Marine  
Mammal Protection Act to  
advise the National Marine  
Fisheries Service and U.S. Fish  
and Wildlife Service on the  
status of marine mammal  
stocks off the Atlantic and Gulf  
Coasts.*

Mr. Chris Oliver,  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, Room 14564  
Silver Spring, MD 20910

Dear Mr. Oliver:

The Atlantic Scientific Review Group (ASRG) held its annual meeting on 6, 7 and 8 February at Mote Marine Laboratory, in Sarasota, Florida. We appreciate the hospitality of Mote for providing use of the conference room and IT assistance. We also appreciate the preparatory work by Headquarters, Science Centers, and Regional Office staff. We were pleased to welcome one new ASRG member, Geneviève Nesslage, and to welcome back returning members Sharon Young, Andrew Read, and Robert Kenney to bring us back up to our full complement. All members were in attendance.

The ASRG has several recommendations for the National Marine Fisheries Service (NMFS), presented below in approximate priority order. The ASRG wishes to express **particular concern** about two strategic and endangered stocks, the North Atlantic Right Whale and Gulf of Mexico “Bryde’s” Whale. Human-caused mortality on these stocks must be reduced as quickly as possible to levels approaching zero.

1. The ASRG continues to have serious concerns about the status of the North Atlantic Right Whale (NARW). The rate and severity of entanglements in fixed fishing gear continue to increase and **takes have exceeded PBR in every year** since the current stock-assessment process was put in place in 1995. Pace *et al.* (2017) demonstrate that the stock is indeed in decline and has been since 2010. Other factors contributing to the lack of recovery in the NARW population include low birth rates (zero new calves so far in 2018), changes in habitat use patterns with related exposure to risk in unprotected waters, and recently described sub-lethal effects of entanglements (van der Hoop 2017).

Many of the recent mortalities in 2017 occurred in Canadian waters. The ASRG would like to commend the collaborative work between NMFS and Canadian partners regarding right whale conservation measures. These kinds of collaborative discussions are necessary, both to align regulations on either side of the border, but also work together to advance measures towards the US mandate of decreasing takes. We are pleased with recent announcements by Fisheries and Oceans Canada to introduce NARW protection measures in the Gulf of Saint Lawrence intended to reduce entanglements from the snow crab fishery and injuries from vessel collisions. We encourage NMFS to continue to **expand cross-border**

**conversations** to include additional fixed gear fisheries (e.g., targeting lobster) and to expand the scope of detection and risk reduction to areas outside of the Gulf of Saint Lawrence, including the Scotian Shelf and into the Bay of Fundy. We strongly encourage NMFS to develop and adopt regulations that enable rapid responses when changing right whale distributions and movements put them at risk from vessel strikes and fisheries entanglement, as was demonstrated by Fisheries and Oceans Canada in 2017 in the Gulf of St. Lawrence.

Given the precarious status and current decline of the NARW population, there is an urgent need to quickly implement new and stronger research and management steps to reduce takes of right whales. The ASRG commends NMFS for its research that documents the decline of the NARW, and we **strongly encourage** new research that focuses on testing methods for reducing human-caused mortality.

The ASRG commends NMFS on taking steps to provide additional protection measures for reducing the risk of fisheries gear entanglements with the NARW through the creation and support of two sub-groups of the Atlantic Large Whale Take Reduction Team (ALWTRT). The ASRG strongly encourages NMFS to support and pursue the relevant recommendations emerging from the ALWTRT sub-groups. That said, we are concerned with delays in implementation created by process debates. We believe that efforts to generate and test ideas for risk reduction should actively engage the relevant fisheries. The ASRG stands ready to offer our assistance to the Agency and the Take Reduction Team to move forward expeditiously on more effective entanglement-reduction measures.

2. The ASRG strongly supports the efforts to **acknowledge that the Gulf of Mexico “Bryde’s” whale** represents a discrete taxonomic unit and to list this species under the Endangered Species Act. The ASRG is pleased that the RESTORE project in the Gulf of Mexico is continuing, in particular with respect to NMFS SEFSC’s efforts to develop a comprehensive ecological understanding of the Gulf of Mexico “Bryde’s” whale population and its critical habitat and occurrence throughout the Gulf. The ASRG recommends analysis of a large quantity of existing, but as yet unanalyzed passive acoustic data to determine the acoustic occurrence of “Bryde’s” whales in the central and western areas of the Gulf.
3. We **recommend** that the two Science Centers work with independent scientists to reassess the stock structure of short-finned pilot whales in the Atlantic and Gulf of Mexico. A new body of information, including satellite-linked telemetry and photo-identification, does not support the current hypothesis of separate stocks of this species in the Atlantic and Gulf of Mexico. These data should be considered, together with molecular evidence of stock structure, in a new analysis. In addition, both Centers should prioritize the collection of new information that could contribute to the question of stock structure of this species, by deploying satellite-linked transmitters, and collecting photo-identification images and biopsy samples for genetic analyses during upcoming GOMAPPS and AMAPPS III cruises.
4. We recommend that NMFS **take full advantage of current and future Electronic Monitoring systems** (EMs) for monitoring the by-catch of protected species, including marine mammals. EM systems are currently in place in several Category I fisheries and offer the potential to greatly enhance data collection (including scale and form of incidental take, fishing practices, effort, and prey) from traditional observer programs.
5. The ASRG wishes to call attention to the **untoward delay in providing the public** with updated marine mammal Stock Assessment Reports (SARs). The procedure for drafting and finalizing SARs

has been well defined. Prior to the annual SRG meetings, NMFS provides each SRG with a preliminary draft of SARs for the upcoming year. The new drafts that are reviewed by the SRGs are simply the previous year's final SARs with edits and updates to provide the public with the most recent scientific information on each marine mammal stock. These edited drafts then go out for public comment.

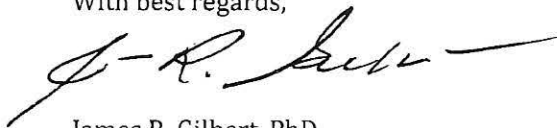
At our February 2018 meeting, the ASRG was asked to provide input to the preliminary drafts of the NMFS' 2018 SARs. However, the public comment period on the draft 2017 SARs remains open until mid-March of 2018 (82 FR 60181, December 19, 2017). Had the agency followed the typical timelines, the draft 2017 SARs would have been made available for public review and comment no later than early 2017 and finalized well in advance of the 2018 SRG meetings. At the 2018 meeting, the SRG was charged with reviewing updates to that prior year's SAR. However, with the delay in publication of the 2017 SARs, public comments on the draft 2017 SARs could not be taken into consideration by the agency and incorporated into the draft 2018 SARs reviewed by the SRG. This means the agency has, in effect, finalized the 2017 SARs and moved onto the 2018 draft SARs but in absence of any of the required public input. This both is inappropriate and appears contrary to the requirements of Section 117 of the MMPA as it pertains to updating information for MMPA strategic stocks.

While we understand that there are many burdens the agency faces at this time of limited resources, NMFS must examine and address the reasons for the untoward delay in releasing the SARs for public comment in 2018. The SRG stresses the importance of expediting the next year's SAR review process such that it returns to a more appropriate timeline for adequate review by both the public and the SRGs.

6. The NOAA Marine Mammal Health and Stranding Response Program (MMHSRP) is a critical component of the stock assessment process for large whales. For these species, the MMHSRP functions as a *de facto* observer program because the carcasses of animals killed as by-catch are seldom retrieved in active fishing gear. Despite the importance of this program, funding is available (typically as a reimbursement) for examination of stranded large whales only during declared Unusual Mortality Events (UMEs). A regular funding program is necessary to standardize the stranding response, examination and reporting capacity for large whales. We recommend that NMFS **establish a new program** that will provide core funding for diagnostic analysis of baseline and episodic mortality of large whales. Consideration should be given to a contract-based data collection and reporting system, that involves NMFS, state labs, and independent contractors.

The Atlantic Scientific Review Group is pleased to announce that Erin Summers was elected to be its new Chairperson. Please direct correspondence to her at the Department of Marine Resources, PO Box 8, West Boothbay Harbor, ME 04575.

With best regards,



James R. Gilbert, PhD  
Chair, Atlantic Scientific Review Group

Dr. Peter Thomas, Executive Director,  
Marine Mammal Commission

Dr. Roy E. Crabtree, Regional Administrator,  
Southeast Region

Michael Petony, Regional Administrator,  
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