



OCT 19 2012

Andrew J. Read  
Chair, Atlantic Scientific Review Group  
BRL 104 Duke Marine Lab  
135 Duke Marine Lab Road  
Beaufort, NC 28516

Dear Dr. Read:

Thank you for your letter transmitting recommendations from the February 2012 meeting of the Atlantic Scientific Review Group (SRG). I am pleased to hear that presentations and other efforts of the staff of the National Marine Fisheries Service (NMFS) facilitated review of Atlantic regional marine mammal stock assessment reports. The SRG makes a number of valuable comments and recommendations to guide marine mammal science. I address them below.

NMFS has contracted with Industrial Economics, Inc. to develop a risk-assessment model to estimate the potential risk of entanglement of right and other endangered whales in vertical lines of gillnet and trap fishing gear along the U.S. Atlantic coast. In February 2012, NMFS received a proposal from Dr. Robert Kenney and other Atlantic Large Whale Take Reduction Team (TRT) members suggesting the model include sightings per unit effort (SPUE) values greater than zero in model blocks with low levels of survey effort and no on-effort whale sightings. In order to continue to meet the timeline, NMFS and the TRT acknowledged that for our vertical rule development, we are unable to change the model to incorporate all of Dr. Kenney's suggestions. However, NMFS and Industrial Economics, Inc. have worked closely with Dr. Kenney to use his proposal to evaluate the implications of uncertainty in the SPUE data. If time and resources permit, we plan on incorporating Dr. Kenney's analysis as part of a sensitivity analysis of the data in our Environmental Impact Statement. We feel this approach will address the SRG's and TRT's concerns without delaying progress on the proposed rule.

NMFS shares the SRG's concern about the need to develop and implement measures to reduce the threat of ship strikes of North Atlantic right whales. The agency has conducted and is engaged in ongoing work to evaluate the vessel speed restrictions. NMFS is also taking steps to ensure that these threat-reduction measures are effective. Specifically, NMFS staff recently produced a report entitled "An assessment of the Final Rule to Implement Vessel Speed Restrictions to Reduce the Threat of Vessel Collisions with Right Whales." NMFS appreciates the SRG's concern about the sunset provision contained in the final rule, and we are considering options to continue to use vessel speed restrictions to reduce the threat of ship strikes, including the possibility of rulemaking to do so. If additional rulemaking is pursued, NMFS will take into consideration the SRG's recommendation that the Seasonal Management Areas be extended in spatial extent when developing alternatives for analysis.



The SRG recommended that NMFS explore the potential for allowing pot and trap fishing gear to be fished in an experimental fashion without vertical lines in areas currently closed to such fisheries, or consider closing specific areas so that such experimental fisheries could occur. This concept was suggested during the April 2009 Northeast Subgroup Atlantic Large Whale Take Reduction Team Meeting. The group suggested that the Great South Channel Restricted Area be proposed as a gear development area and open to lineless fishing. NMFS produced a concept paper<sup>1</sup> exploring this suggestion and found that lineless fishing is not feasible at this time due to potential gear conflicts, need for incentives, and issues enforcing these areas. In addition to the concept paper, NMFS funded two research projects, from October 2009 through September 2011, studying the feasibility of fishing trap/pot gear without the use of vertical lines using grappling approaches when compared to fishing trap/pot gear in the traditional manner with vertical lines. These projects took place off the coast of Maryland and in the Gulf of Maine. While it is possible to grapple gear without vertical lines, the final reports highlight a number of complications associated with this practice, rendering it economically infeasible.

In its letter, the SRG recommended that NMFS reduce or eliminate aerial survey effort for right whales undertaken for management and risk-mitigation objectives in both the southeastern and northeastern United States and, instead, focus this effort on the collection of demographic data. We recognize the need to improve the efficiency of our resources. NMFS will therefore undertake an analysis to determine how best to optimize aerial surveys to collect the necessary resolution of demographic data. This analysis and other considerations will be used to make decisions regarding the re-shaping of aerial survey work. We will be happy to share this information with the SRG.

Results from recent passive acoustic studies conducted in the North Atlantic right whale migratory corridor suggest that passive acoustic monitoring may assist with detecting right whales in this region. NMFS recognizes the utility of passive acoustic monitoring for right whales and appreciates the SRG's recommendation that the agency employ passive acoustic monitoring with archival recorders to describe the migratory corridor. At this time, however, NMFS does not have funds dedicated for passive acoustics research.

At the February 2012 meeting, NMFS staff presented an alternative approach to estimating the level of right whale serious injury and mortality due to human interaction, and the SRG supported this concept. NMFS Northeast Fisheries Science Center staff will be presenting an updated analysis of this alternative approach for review at the SRG's February 2013 meeting.

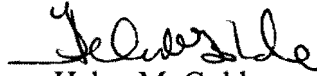
In these challenging budget times our responsibility to conserve protected species has not diminished nor have the associated workloads. It is imperative that we efficiently invest our limited resources. The SRG's recommendations for prioritizing research activities will help inform discussions as the agency develops its right whale spending plans for this and upcoming fiscal years.

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<sup>1</sup> Available at:  
<http://www.nero.noaa.gov/whaletrp/trt/meetings/day1/Final%20Lineless%20Concept%20Paper%20Nov2010.pdf>

I appreciate your continued contributions as members of the SRG and anticipate that discussions in your future meetings will be fruitful.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Golde", written over a horizontal line.

Helen M. Golde  
Acting Director  
Office of Protected Resources

Cc: Eric C. Schwaab