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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Michael Scott, Ph.D.
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Inter-American Tropical Tuna Commission
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La Jolla, CA 92037

Dear Dr. Scott:

Thank you for your letter to Eric Schwaab, Assistant Administrator for Fisheries, transmitting recommendations from the November 2010 meeting of the Pacific Scientific Review Group (SRG). The SRG makes a number of valuable comments and recommendations to guide science in the National Marine Fisheries Service (NMFS). I address them below.

Continued Cetacean Studies Around Hawaii and the Central and Western Pacific:

NMFS continues to support studies of false killer whales and other cetaceans around Hawaii to the extent funding allows. In 2010, the Pacific Islands Fisheries Science Center (PIFSC) conducted cetacean surveys between Hawaii and Guam, including the waters around Wake Atoll. These were the first such surveys for cetaceans at Wake Atoll and in surrounding high-seas waters. The PIFSC, in partnership with the Southwest Fisheries Science Center (SWFSC), has also recently completed the Hawaiian Islands Cetacean Ecosystem Assessment Survey. This 175-day survey was intended to provide the data necessary to update abundance estimates for all Hawaiian cetaceans, as well as to increase the genetic and photographic archives with which we can evaluate population structure and movements.

Cooperative Studies of Hawaiian Near-Shore Fisheries:

NMFS agrees that there is a need to study Hawaii's near-shore fisheries and their effect on marine mammals. There are documented interactions between monk seals and hook-and-line and gillnet fisheries, and there is some evidence of fishery interactions with cetaceans. The False Killer Whale Take Reduction Team also identified collection of data on Hawaii's near-shore fisheries, particularly the shortline and kaka line fisheries, as a high priority.

NMFS is working with the State of Hawaii through an Endangered Species Act (ESA) Section 6 cooperative agreement and grant funding to prevent and document near-shore fishery interactions with Hawaiian monk seals and sea turtles. The State is evaluating fishery interactions in mainly shore-based hook-and-line gear and gillnets, and is characterizing these fisheries in terms of their effort, gear, target species, and likelihood of impacts to protected species. Through the cooperative agreement, the State plans to develop a pilot take reporting and monitoring system, and to assess current and future regulatory and non-regulatory alternatives for fishery take reduction and monitoring. The State, in coordination with NMFS Pacific Islands Regional Office (PIRO) and PIFSC, also provides education and outreach to Hawaii's fishermen about protected species, including communication with sport and commercial fishing organizations and clubs, and environmental groups. If NMFS lists Hawaii insular false killer whales under the ESA, there is the potential to expand the scope of Hawaii's ESA Section 6



cooperative agreement to include these animals. We recognize the need to gather information on other near-shore and vessel-based fisheries. NMFS will continue to work with the State of Hawaii and other partners to assess and address marine mammal interactions in state-managed fisheries.

Spinner Dolphins in Hawaii:

NMFS continues to address adverse effects of human recreational activities on spinner dolphins. The PIRO is developing a draft environmental impact statement and proposed rule to protect resting dolphins from harassment due to human activities; we anticipate both documents will be available for public review in the fall of 2011. As part of this rule package, PIRO developed an adaptive management strategy that would allow adjustments to these management measures to consider potential displacement of human activity to different locations or different species.

With respect to the advertisement of swim-with-wild dolphin activities, it is difficult to assess from photographs whether the advertised activities meet the legal definition of harassment, since they must depict an act of “pursuit, torment, or annoyance.” Thus, what may appear in a photograph to be harassment of dolphins is not necessarily that by definition. NMFS supports responsible dolphin viewing and advertising, and through the planned Dolphin SMART program will recognize dolphin tour operators who voluntarily abide by a responsible advertising code of conduct.

NMFS agrees that ensuring compliance with existing Marine Mammal Protection Act regulations is important. We are working with NOAA’s Office of Law Enforcement to enforce these regulations; however, there were no enforcement cases regarding spinner dolphin harassment in the past year.

Emerging Technologies to Gather Acoustic Signals from Marine Mammals:

The PIFSC received funding from the Advanced Sampling Technology Working Group to test and advance the use of acoustic gliders for cetacean surveys near Hawaii. In 2010, PIFSC began testing gliders to develop a survey platform for regions difficult to survey with traditional vessel-based techniques. The PIFSC has also used acoustic technologies to assess cetacean occurrence and abundance during ship-based surveys and has used autonomous recorders in remote locations throughout the region (including Wake Atoll and in the Commonwealth of the Northern Mariana Islands). The PIFSC purchased miniaturized acoustic recorders for monitoring of the Hawaii-based longline fleet to better understand interactions with and depredation behavior of false killer whales.

The SWFSC is conducting an experiment in summer and fall of 2011 to determine whether low-cost buoy-mounted devices (CPODs) can reliably detect and differentiate beaked whales’ echolocation clicks.

The PIFSC and SWFSC are pursuing additional funding opportunities to expand cetacean assessment capabilities to include passive acoustic data, such as detections from autonomous gliders, profiles, and stationary sensors.

Large Whale Ship Strikes:

NMFS recognizes the problem of ship strikes to large whales, and agrees it is important to collect as much data as possible from dead and stranded whales. NMFS conducts necropsies on

as many large whale carcasses as logistically and financially feasible. Each year PIRO and the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) provide training to various stakeholders to continue to build capacity for rapid response and assessment of ship strikes. In addition, PIRO and HIHWNMS maintain a North Pacific Large Whale Ship Strike and Entanglement database and website for responders to track cases and upload pertinent data.

The SWFSC is currently analyzing recent cetacean survey data to create a fine-scale model of blue, fin, and humpback whale abundance off Southern California. This model will be used to evaluate the relative risk to whales from alternative shipping routes. Results are expected to be available by fall 2011.

Mid-Frequency Sonar Exercise Areas:

The PIRO works cooperatively with the U.S. Navy to identify training areas that may be less frequented by sensitive marine mammals, while providing the Navy with the requisite conditions to achieve their training goals. NMFS will continue to work closely with our colleagues in the Navy to explore opportunities to reduce impacts on marine mammals that may result from the Navy's need to train with or operationally employ tactical sonar.

Surveys for Harbor Seals and Harbor Porpoise:

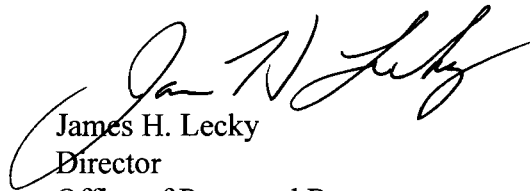
The SWFSC will analyze data from aerial surveys that have been and are scheduled to be conducted for leatherback sea turtles to determine whether there are sufficient sightings of harbor porpoise to estimate their abundance in waters offshore of Washington and Oregon.

NMFS provided funding to the Washington Department of Fish and Wildlife (WDFW) for harbor seal surveys in Oregon and Washington in 2010; however, WDFW was unable to conduct the surveys because of logistical and weather-related problems. The Alaska Fisheries Science Center and the Northwest Regional Office requested funding for both harbor seal and harbor porpoise surveys in 2011; however, it is not yet known whether these surveys will be funded in this fiscal year.

Lastly, I would like to acknowledge your appreciation of Tom Eagle's commitment to the SRG during his time with NMFS. He is greatly missed, but the Office of Protected Resources is committed to ensuring that his role is filled.

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

Sincerely,



James H. Lecky
Director
Office of Protected Resources

Cc: Eric C. Schwaab

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