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

AUG 2 7 2018

John Calambokidis
Acting Chair, Pacific Scientific Review Group
Cascadia Research Collective
218 ½ W 4th Avenue
Olympia, WA 98501

Dear Mr. Calambokidis:

Thank you for the letter from Timothy Ragen to Chris Oliver, Assistant Administrator for Fisheries, transmitting recommendations from the March 2018 meeting of the Pacific Scientific Review Group (SRG). Your letter was forwarded to me because the Office of Protected Resources within NOAA Fisheries is responsible for national programs under the Marine Mammal Protection Act and leads NOAA Fisheries' coordination of the SRGs.

The SRG has made many valuable recommendations to help guide NOAA Fisheries' marine mammal science and management, which are addressed in the enclosure. I want to thank you for agreeing to act as Chair of the Pacific SRG upon the departure of Dr. Scott and Dr. Ragen. I appreciate the continued service and contributions by members of the Pacific SRG in providing advice and support to NOAA Fisheries in accordance with the Marine Mammal Protection Act. I look forward to our continued partnership to improve the science supporting the conservation of marine mammals.

Sincerely,

for Donna S. Wieting
Director, Office of Protected Resources

Enclosure

cc: Chris Oliver, Assistant Administrator for Fisheries
Francisco Werner, Director of Scientific Programs and Chief Science Advisor
Ned Cyr, Director, Office of Science and Technology

Responses to 2018 Recommendations of the Pacific Regional Scientific Review Group

Resources for and timeliness of Stock Assessment Report-related research

(1) The PSRG recommends that NMFS bolster the resources available for stock assessment research and reporting.

NOAA Fisheries agrees that SARs are critical for the management and conservation of marine mammals and ecosystems, and is aware that level funding and attrition have led to challenges. We will continue to consider all of our marine mammal research needs as we evaluate and prioritize activities that can be conducted with available funding.

(2) The PSRG also recommends that NMFS streamline their SAR processes to ensure that the information included in SARs is as up-to-date as possible.

The SARs are based upon the best available scientific information, and NMFS strives to update the SARs with as timely data as possible. In order to develop annual mortality and serious injury estimates, we do our best to ensure all records are accurately accounted for in that year. In some cases, this is contingent on such things as bycatch analysis, data entry, and assessment of available data to make determinations of injury severity, confirmation of species based on morphological and/or molecular samples collected, etc. The SARs incorporate injury determinations that have been assessed pursuant to the NMFS 2012 Policy and Procedure for Distinguishing Serious from Non-Serious Injury of Marine Mammals (NMFS 2012a, NMFS 2012b), which requires several phases of review. Reporting on incomplete annual mortality and serious injury estimates could result in underestimating actual levels. The MMPA requires us to report mean annual mortality and serious injury estimates, and we ensure that we are accounting for all available data before we summarize those data.

Specific to humpback whale and blue whale interactions with human activities, while there is sometimes a delay in incorporating this information into the SARs, the agency is continually working on addressing this issue. For example, we updated the final 2017 SARs to note the availability of new vessel strike estimates included in the publication of Rockwood *et al.* (2017) and have incorporated the results of those vessel strike estimates into the draft 2018 SARs for both humpback and blue whales.

Inter-regional coordination

(3) The PSRG recommends that, when marine mammal stocks occur in multiple regions, NMFS coordinate research and management programs among regions to ensure management and conservation goals are met.

We recognize the value of coordination among Centers and Regions for stocks that occur in multiple regions. Ongoing research and management efforts for many of these species have been conducted collaboratively across regions whenever possible. NMFS will continue to coordinate and will also revise the process for drafting and reviewing SARs to allow cross-region review and input, especially for large whales that migrate between regions, such as humpback whales, fin whales, and blue whales. NMFS plans to provide opportunities for both the Alaska and Pacific Scientific Review Groups to review relevant research and management of such transboundary species. The next Pacific Scientific Review Group meeting, which will likely be held in Washington State, will also include an agenda item on transboundary large whale species, and researchers from Alaska Fisheries Science Center and the Alaska Scientific Review Group will be invited to attend the meeting to provide input.

Vessel-based cetacean surveys

(4) The PSRG recommends that NMFS make every effort to sustain the multi-year, multi-region ship survey schedule established with the Bureau of Ocean Energy Management and the Navy.

Leveraging inter-agency partnerships to support long-term, national, multispecies cetacean and ecosystem surveys is an agency priority. NOAA Fisheries has maintained its support for the ongoing Atlantic Marine Assessment Program for Protected Species (AMAPPS) in the Western Atlantic and the recently initiated Gulf of Mexico Marine Assessment Program for Protected Species (GoMMAPPS) in the Gulf of Mexico, and the Pacific Marine Assessment Program for Protected Species (PacMAPPS) by providing and prioritizing aircraft, ship, and staff time to accomplish mutually beneficial project goals. The Southwest Fisheries Science Center (SWFSC) and Pacific Islands Science Center (PIFSC) are fully committed to the PacMAPPS partnership with BOEM and the Navy, which provides a survey schedule for Hawaiian, U.S. West Coast, Mariana Archipelago, and Gulf of Alaska waters through 2021 and analysis of the collected datasets for cetacean density through 2022. NMFS aims to continue the PacMAPPS partnership with the Navy and BOEM beyond the current survey cycle so as to provide for a new 5-year survey schedule beginning in 2022. The SWFSC is currently (June – Dec 2018) conducting a comprehensive West Coast Survey as part of Year 2 of PacMAPPS. The PIFSC has allocated ship time for the Year 3 winter HICEAS survey focused on the main Hawaiian Islands in 2019, and PIFSC is also committed to working with BOEM and the Navy to scope a PacMAPPS Year 4 survey scheduled for the Mariana Archipelago.

While the continuance of these large, collaborative surveys is linked to congressional funding and interest from BOEM and Navy, NOAA will continue to strengthen the partnership and communicate the significant scientific and conservation benefits accrued from these joint research initiatives.

Managing stock complexes

(5) *The PSRG recommends that NMFS develop a long-needed strategy to manage stock complexes based on their biological and ecological characteristics and the risks they face individually and collectively.*

NMFS is aware that as research on marine mammal population structure advances, we can expect stock revisions to occur and/or new stocks to be designated. However, NMFS is also cognizant of the fact that our ability to comprehensively assess and manage these individual stocks is limited by funding. Consequently, there have been and will continue to be cases where we are unable to collect, in a timely manner, the data necessary to fully delineate stocks or assess them once they are delineated. Given the future outlook, we agree with the PSRG that NMFS needs to explore viable options to manage some stocks as complexes in these cases.

There are precedents to the use of stock complexes in marine resource management. In the past, the Gulf of Mexico Bay, Sound and Estuary bottlenose dolphin stocks have been grouped for the purposes of producing SARs. Similarly, in Hawaiian waters common bottlenose dolphins, spinner dolphins, pantropical spotted dolphins, and false killer whales are all reported as stock complexes in the SARs to simplify reporting (although each stock is assessed independently). Some fishery management plans group fish stocks into stock complexes. The National Standard Guidelines under the Magnuson-Stevens Fishery Conservation and Management Act provide considerations that must be met to designate fish stock complexes, including the identification of indicator stocks for each stock complex (50 CFR 600.310). NMFS will evaluate the feasibility of establishing a national strategy for identifying marine mammal stock complexes in species and regions for which individual stocks cannot be delineated or assessed in a timely manner. We will evaluate existing implementations of the stock complex concept, including those cited above, to determine their applicability given MMPA and Endangered Species Act (ESA) considerations and our ability to effectively monitor, assess, and manage these stock complexes.

Monitoring waivered activities

(6) *The PSRG recommends that NMFS monitor activities otherwise waived from certain Marine Mammal Protection Act (MMPA) statutes and regulations.*

On February 9, 2018, Congress passed the Bipartisan Budget Act of 2018 (Budget Act), Public Law 115-123, which included a requirement that the Secretary of Commerce, as delegated to the Assistant Administrator of the National Marine Fisheries Service, issue a waiver of the MMPA moratorium and prohibitions for the following projects in the Louisiana Comprehensive Master Plan for a Sustainable Coast. The Act directs that, to the extent practicable and consistent with the purposes of the projects, the State of Louisiana will minimize impacts on marine mammal species and population stocks; and monitor and evaluate the impacts of the projects on such species and population stocks.

As stated in the *Federal Register* notice announcing issuance of this waiver (83 FR 12338, March 21, 2018), for the Mid-Barataria Sediment Diversion, NMFS is a cooperating agency on the project's Environmental Impact Statement (EIS) under NEPA and a member of the Louisiana Trustees for the Deepwater Horizon Natural Resource Damage Assessment Restoration Plan. Through these roles, NMFS has been and will continue to evaluate impacts of the project on marine mammals and continue to work with the State on marine mammal monitoring. For example, NMFS, in cooperation with the State's Coastal Protection and Restoration Authority (CPRA), has developed a marine mammal science plan which includes the collection of baseline data on Barataria Bay dolphins through tagging, health assessments, and modeling. This plan was developed with internal and external marine mammal experts, as recommended by the Marine Mammal Commission, who led efforts to collect data on Barataria Bay dolphins after the Deepwater Horizon oil spill. Phase I of the science plan is partially complete and NMFS is in discussion with the CPRA on funding for Phase II. For all projects, NMFS intends to continue working with external marine mammal experts to inform development and implementation of a comprehensive marine mammal monitoring plan as part of the State's consultation requirement.

Currently, for the Mid-Barataria Sediment Diversion, the State and the U.S. Army Corps of Engineers are coordinating closely with NMFS to ensure compliance under multiple statutes other than the MMPA (*e.g.*, NEPA and the Clean Water Act), and further coordinating in consideration of the Mid-Barataria Sediment Diversion pursuant to the Deepwater Horizon restoration planning efforts. These statutes and processes include various requirements to assess, minimize, and/or monitor impacts to different resources, including marine mammals. While the State has coordinated most closely with NMFS on the Mid-Barataria Sediment Diversion to date, it is likely the other two projects covered under the waiver will be similarly coordinated with NMFS to some degree due to the NEPA processes and permitting requirements under other Federal statutes. We believe that in many cases other statutes and processes will provide the

State efficient frameworks within which to conduct the required consultation with NMFS, and we will support the State in integrating Budget Act compliance into these processes, discussions, and timelines, as needed. Regardless, NMFS is prepared to support the State in identifying and developing practicable measures to minimize and monitor impacts of the covered projects on marine mammals.

Setting priorities

(7) The PSRG recommends that NMFS place greater emphasis on prioritizing available research and management resources to ensure that its scientific and management actions are sufficient to prevent irreversible changes in stock status.

When working with limited resources, by necessity we need to prioritize our research and management activities to focus on those stocks and species that are most vulnerable, while balancing the need to collect information on and protect those populations that we know less about. One strategy we have employed to accomplish this is the Species in the Spotlight initiative, launched in 2015 as a way to marshal resources within NMFS, as well as those of vital partners, and garner greater public support to address immediate needs to help stabilize the declining populations of eight endangered species considered most at-risk of extinction, three of which are marine mammals. Our goal is to recover species to the point where they no longer need the protections of the ESA and can be removed from the list of endangered and threatened species. We developed five-year action plans, created with the involvement of local partners and stakeholders, to focus collective efforts to benefit the recovery of our Species in the Spotlight. While NMFS is working to recover all listed species under our jurisdiction, the Species in the Spotlight initiative is an example of how we are prioritizing our efforts and resources under the ESA.

The MMPA is designed to protect all marine mammals, but has special emphasis on those stocks that are most at risk. Specifically, depleted and strategic stocks. By design, the Act establishes a management framework for NMFS and FWS to focus its efforts on prioritizing those stocks. For example, interactions with strategic stocks trigger certain management actions, and some permitting and exemptions to the take moratorium are not allowed for stocks that are designated as depleted.

Outside of the explicit MMPA and ESA directives, we regularly consider stock/species status when developing annual spending plans, budget initiatives, and research plans. We also weigh how best to leverage our resources to benefit the greatest number of species (see response to comment #4). It is NMFS policy to prioritize and allocate our limited agency resources to the species we manage based on the species status, information gaps, and certainty that protective actions can be effective. We will continue to prioritize our science and conservation efforts on

those stocks/species that are most at risk, and appreciate the SRG's continued input on areas of need.

False killer whales and other insular cetacean stocks

(8) The PSRG recommends that NMFS continue a high level of funding for studies of false killer whales and their vulnerability to human-related threats in Hawaiian and other U.S. waters in the Central Pacific.

Thank you for your recommendation. NMFS agrees that a high level of funding is desirable to support studies of false killer whales and their vulnerability to human-related threats in Hawaiian and other waters of the Central Pacific. NMFS continues to support additional studies when funding is available. Currently, NMFS is working with the False Killer Whale Take Reduction Team (FKWTRT) to explore additional research studies to reduce serious injury and mortality to false killer whales in longline fisheries and we hope to leverage funding from multiple sources to accomplish such research.

(9) The PSRG also recommends that NMFS, in consultation with the False Killer Whale Take Reduction Team, critically examine all false killer whale interactions with the deep-set longline fishery to determine what current gear and/or techniques should be modified or whether an entirely different approach should be developed and implemented. The PSRG's 2017 letter recommended that "…the relative bending strength of different circle hook types that currently meet regulatory standards for the fishery be tested by an independent entity with results reported to NOAA and the TRT." To our knowledge, this recommendation has not been completed and we reiterate it here.

NMFS agrees that interactions between false killer whales and the deep-set longline fishery must be critically examined, and we are closely working with the FKWTRT to reduce serious injuries and mortalities of false killer whales within this fishery. NMFS reconvened the FKWTRT in April 2018 to evaluate the status of the False Killer Whale Take Reduction Plan (Plan) particularly given new information about current hook requirements and ongoing interactions. During the meeting the FKWTRT examined details of interactions and factors that may contribute to the outcomes, including gear and handling techniques. The FKWTRT is currently considering recommendations for modifying the Plan to reduce mortality and serious injury. This includes consideration of gear modifications (*e.g.*, hook and branchline specifications) and modifications to training of the captain and crew and handling techniques during interactions. Following past recommendations from the PSRG and discussions at the recent FKWTRT meeting in April 2018, NMFS has been coordinating with the FKWTRT to develop and execute a study to examine the strength of hook types that meet regulatory standards. NMFS will

continue to coordinate with the FKWTRT on changes to the Plan that reduce mortality and serious injury pursuant to the MMPA goals.

(10) In addition, the PSRG recommends that NMFS increase its support for studies of other insular cetacean populations in U.S. waters of the central Pacific.

NMFS continues to support surveys for insular cetaceans in Hawaii and the Mariana Archipelago, including the collection of photographs, tissue samples, and deployment of satellite tags. Survey work in the Mariana Archipelago has been conducted in partnership with the U.S. Navy, and support for future efforts there will be in part contingent on the continuation of that funding. Support for insular cetacean studies has focused primarily on identifying population structure and abundance, though in partnership with the State of Hawaii and Cascadia Research Collective, ESA Section 6 funds are also supporting dedicated work on MHI insular false killer whale movement, habitat, and overlap with nearshore hook and line fisheries. Depending on the availability of funds, NMFS hopes to further expand its support for insular cetacean research within Hawaii.

Hawaiian monk seals

(11) The PSRG recommends that NMFS continue to provide full support for its monk seal research and management programs.

Hawaiian monk seal research and recovery activities continues to be a high priority for NMFS. Current funding levels allow NMFS to maintain the Hawaiian Monk Seal Assessment and Recovery Camps at sufficient staffing levels and duration to maintain our long-term population data set at a quality sufficient to inform critical conservation activities. Our 2018 camps are currently deployed in the field, and our 2019 field season is fully funded. NMFS is also undertaking multiple research and management objectives in the MHI including working with partners to reduce the risk of State fisheries, toxoplasmosis, and increase seal vaccinations, to name a few. Recently, NMFS approved a new ESA Section 6 grant for the State of Hawaii to continue and expand their monk seal related outreach efforts throughout the state.

(12) The PSRG also recommends that NMFS reinvigorate its efforts to clear the Northwestern Hawaiian Islands of net debris.

The PIFSC will be undertaking a large-scale marine debris removal effort in the fall of 2018 focusing effort at some critical monk seal haul-out and foraging areas in the NWHI. PIFSC debris clean-up efforts rely on support from multiple NOAA programs (*e.g.*, NOAA Marine Debris Program, Papahanaumokuakea Marine National Monument, etc.) and other partners. Funding for debris clean-up efforts and ship time has decreased in recent years; however, PIFSC

will continue to work with its many partners to find ways to direct resources towards debris removal efforts in the NWHI.

Spinner dolphins

(13) The PSRG recommends that NMFS support development and implementation of a spinner dolphin survey design that provides a stronger basis for characterizing the abundance, trend, and status of spinner dolphins around the island of Hawaii.

NMFS will be convening a workshop in 2019 to discuss research needs and to develop and prioritize research projects for Hawaii's spinner dolphins. This will include the development and evaluation of survey designs to characterize abundance and trends. The workshop and subsequent plan will focus on populations of spinners across the main Hawaiian Islands and not focus exclusively on Hawaii Island populations.

(14) The PSRG also recommends that NMFS reconsider plans to manage human interactions with spinner dolphins by establishing 50-yard approach limits, and instead focus on restrictions based on time and area management.

NMFS sought public comments on its proposed rule and draft Environmental Impact Statement, which analyzed alternatives for 50-yard approach limits as well as mandatory time-area closures for Hawaiian spinner dolphins. We continue to evaluate comments received. In the interim, NMFS continues to work with its partners and tour operators to manage human interactions and promote the Dolphin SMART program.

Humpback, blue, and gray whales

(15) The PSRG recommends that NMFS convene a take reduction team for fisheries that are known to entangle humpback whales along the West Coast and also evaluate the large number of entanglements to determine if they constitute an unusual mortality event.

The entanglement of large whales, including humpback whales, along the west coast remains a significant concern to the agency and one for which the West Coast Region (WCR) has dedicated significant time and resources to address. The WCR and the Southwest and Northwest Fisheries Science Centers have engaged in a variety of efforts primarily to develop approaches to avoid or significantly reduce the number of large whale entanglements, but also in anticipation of regulatory needs such as evaluating and authorizing incidental take of ESA-listed species and MMPA stocks. These efforts improve our understanding of the driving factors influencing entanglement risk and the development of predictive tools to assess entanglement risk and provide a foundation for fishery management responses. In addition, the WCR has worked with

the State of California and engaged fishermen to understand the nature and scale of the State fisheries entangling large whales. Some initial discussions have also occurred pertinent to State-managed fisheries off Washington and Oregon.

Section 118(f)(3) of the MMPA provides that NMFS may prioritize convening take reduction teams and developing take reduction plans (TRPs) when insufficient funding is available. MMPA section 118(f)(3) contains specific priorities for developing TRPs. NMFS has insufficient funding available to simultaneously develop and implement TRPs for all strategic stocks that interact with Category I or Category II fisheries. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS uses the most recent SAR and LOF as the basis to determine its priorities for establishing TRTs and developing TRPs. Through this process for developing TRTs, in 2015, NMFS evaluated the CA/OR/WA stock of humpback whales and the WA/OR/CA sablefish pot fishery and identified it as a lower priority compared to other marine mammal stocks and fisheries for establishing TRTs, based on population trends of the stock and M/SI levels incidental to that commercial fishery. In addition, NMFS continues to collect data to categorize fixed gear fisheries and assess their risk to large whales off the U.S. west coast. Accordingly, given these factors and NMFS' priorities, implementation of developing a TRP for the WA/OR/CA sablefish pot trap fishery and other similar Category II fisheries has been deferred under section 118 as other stocks/fisheries are a higher priority for any available funding for establishing new TRPs.

Since 2015, NMFS has acquired additional information about the fisheries entangling these stocks, particularly the California Dungeness crab pot/trap fishery. Given such new information and the efforts described above, NMFS is in the process of reevaluating these priorities. We will update the SRG on any changes for large whales off the West Coast after that analysis is completed. In the meantime, NMFS will continue to gather fishery characterization and entanglement information for these fisheries in anticipation of either convening a take reduction team in the future as resources and priorities allow, or through other regulatory mechanisms to minimize incidental take and serious injury and mortality levels to both the current MMPA stock and the two newly listed distinct population segments (DPSs) of humpback whales. This information would be critical to the development of a take reduction plan to reduce bycatch of strategic stocks, particularly given the tight regulatory timeframe required under the MMPA.

Under the MMPA, an unusual mortality event (UME) is defined as "a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands immediate response." NMFS has identified seven criteria to aid in the decision as to whether an increase in morbidity, mortality, or strandings may qualify as a UME. NMFS does not consider the recent increases in entanglement events as qualifying as a UME for several reasons. While the causes of the increases are under investigation, the primary causal factors in increases in entanglement risk include the amount or degree of overlap between foraging and migrating

whales and the effort levels and location of the fisheries. Increased public awareness of the issue has also likely led to an increase in reports of animals, complicating our ability to determine whether the rate of entanglements has truly spiked in just the last few years. Further, the ultimate purpose of the UME designation is to direct resources towards understanding the cause of the event and possibly describing responses to help minimize the impact to the population. NMFS is already directing resources towards understanding and addressing the issue and declines to add further burden to the UME teams and funds already addressing other significant UMEs with unknown causes.

(16) The PSRG recommends that NMFS reconsider the characteristics and status of the Pacific Coast Feeding Group (PCFG) of gray whales and whether it should be recognized and managed as a full stock.

We do not believe that currently available information supports classifying the PCFG as a "full stock" under the MMPA. As noted in the SRG's comments, we convened a NMFS Task Force and workshop in 2012 to, among other things, review the available photo-identification, genetic, and tagging data for North Pacific gray whales, including the PCFG. The report of the workshop states "there remains a substantial level of uncertainty in the strength of the lines of evidence supporting demographic independence of the PCFG" and that additional research is needed to better identify recruitment levels into the PCFG and further assess the stock status of PCFG whales (Weller *et al.*, 2013). Consequently, the Task Force was unable to provide definitive advice as to whether the PCFG is a population stock under the MMPA and the GAMMS. The Task Force report was reviewed during the SAR process which, since 2012, has continued to result in NMFS finding that the PCFG is a feeding group that "may warrant consideration as a distinct stock in the future."

Since that 2012 Task Force assessment, NMFS scientists have kept apprised of new information pertaining to the PCFG and been actively engaged in field studies and gray whale assessments/workshops, including authoring scientific studies pertaining to the PCFG. Notably, since 2014 NMFS scientists have participated in a series of four workshops convened by the IWC to review the range-wide status and structure of North Pacific gray whales (IWC, 2014; 2015; 2016; 2017). Those workshops reviewed the best available information, including the latest information regarding abundance, distribution, genetics, recruitment, mixing rates and human-caused mortality of PCFG whales. A fifth and final workshop held in March 2018 (IWC, 2018) culminated in the identification of two plausible scenarios for North Pacific gray whale stock structure. Neither scenario conflicts with NMFS' current characterization in the SAR of a single Eastern North Pacific (ENP) gray whale stock that includes the PCFG. Moreover, the IWC continues to refer to the PCFG as a feeding "aggregation" or "group" within the eastern breeding stock of gray whales (IWC, 2018).

Also, we are aware that the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) recently split ENP gray whales into two populations - a "North Pacific Migratory population" (designated Not at risk) and a "Pacific Coast Feeding Group population" (designated as Endangered because it is just below the threshold of 250 mature individuals; COSEWIC, in press). An earlier COSEWIC review in 2004 determined that the PCFG was a small part of the ENP population and not a "designatable unit." The more recent decision to split the ENP population relies on genetic and photo-identification evidence reported since that time and which allows the PCFG to be assessed against the COSEWIC discreteness and significance criteria and not MMPA requirements. Much of the information supporting the decision to split the ENP population has been reviewed by the NMFS Task Force and by NMFS scientists participating in the workshops (noted above). In its review, the COSEWIC notes the uncertainties in determining whether the PCFG is demographically discrete and acknowledges that the primary difference between the two 'populations' is largely behavioral (*i.e.*, selection of different feeding areas) with limited evidence of genetic distinctness. These findings are consistent with the NMFS Task Force findings and with our current findings in the SAR pursuant to the MMPA. We will continue to evaluate any new information bearing on the stock structure of North Pacific gray whales through the SAR process and in accordance with our GAMMS.

(17) Finally, the PSRG requests that in future years NMFS provide the PSRG information on how it is achieving the MMPA directive to NMFS to "ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards."

In August 2016, NOAA Fisheries published the MMPA Import Provisions Rule, which established the criteria for evaluating a nation's regulatory program for reducing marine mammal bycatch and the procedures required to receive authorization to import fish and fish products into the United States. The MMPA Import Provisions Rule aims to reduce marine mammal bycatch associated with international commercial fishing operations by requiring fish and fish products imported into the United States to be held to the same standards as U.S. commercial fishing operations. Under this rule, fish and fish products from fisheries identified by the Assistant Administrator in the List of Foreign Fisheries can only be imported into the United States if the harvesting nation has applied for and received a comparability finding from NMFS. The rule establishes procedures that a harvesting nation must follow and conditions to meet, to receive a comparability finding for a fishery. NMFS appreciates the SRG's interest in this issue and will provide periodic updates to the group on our implementation progress.

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