

Atlantic Scientific Review Group

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Douglas P. Nowacek,
Chair
Duke University

James R. Gilbert
University of Maine

Robert D. Kenney
University of Rhode
Island

John Lawson
Department of Fisheries
and Oceans Canada

Michael Moore
Woods Hole
Oceanographic Institution

James A. Powell
Sea to Shore Alliance

Andrew J. Read
Duke University

Richard Seagraves
Mid-Atlantic Fishery
Management Council

Randall S. Wells
Chicago Zoological
Society

Sharon B. Young
Humane Society of the
United States

Ms. Eileen Sobeck
Assistant Administrator for NOAA Fisheries

Dear Ms. Sobeck:

The Atlantic Scientific Review Group (ASRG) held its annual meeting from 18-20 February at the Fish and Wildlife Service (FWS) offices in Jacksonville, FL; apologies for the delay in getting this to you. Our first day was devoted to a review of bottlenose dolphins and Florida manatees, and we had several excellent presentations from both NOAA and FWS personnel. Our 'species day' continues to be a productive and important component of our annual meeting, and several of our concerns from this year's meeting developed from it.

1. The ASRG enjoyed holding its meeting at the Jacksonville, FL office of the Fish and Wildlife Service (FWS), and we would like to thank the FWS and Jim Valade in particular for their hospitality. We also appreciated the participation of manatee biologists from the FWS and USGS. We understand that the FWS is considering a petition to downlist the Florida manatee from federally endangered to threatened, and we see several problems with the process being undertaken. Most importantly, we understand that the 'core biological model' (CBM), which is the most comprehensive means by which the FWS has to assess the health and trajectory of the Florida manatee population, is currently undergoing a significant updating and revision. The ASRG **implores** the FWS to delay any downlisting decisions until the updated CBM is released and reviewed; to do otherwise seems imprudent for not utilizing the best available science.

2. In its consideration of the proposed changes to North Atlantic Right Whale (NARW) critical habitat, the ASRG would like to bring to the agency's attention several additional elements of the habitat. Specifically, we encourage the Agency to consider the 'sound scape' and the maintenance thereof such that NARW can continue to communicate without additional hindrance. Maintaining a relatively quiet environment is also important so the whales can also detect potential threats, e.g., oncoming ships or predators. Additional noise from seismic surveys, for example, is a concern in this regard. Next, the ASRG would like the Agency to be sure to consider elements of the habitat that could potentially limit the free movement of animals within the critical habitat (e.g., fishing nets, wind turbines). Specifically, we encourage the Agency to carefully research the interplay and potential interactions between NARW and these potentially interfering elements, particularly as they are likely to increase in coming years.

3. The Indian River Lagoon (IRL) bottlenose dolphin and manatee UMEs spurred some particularly interesting discussion in the ASRG meeting and among the ASRG members. The Agency, in admirably dealing with the numerous UMEs, reported that several of the dolphins from the IRL UME were emaciated and likely died of starvation. We learned as part of the FWS presentation that many of the manatees that died in this area also appear to have succumbed to starvation. What the ASRG thought was worthy of remark was that these animals would die of starvation rather than leave this relatively small area. Both species are obviously highly mobile, but the IRL truly appears in this case to be 'home' to these individuals, who either refuse to leave and/or do not know of nor how to find viable alternatives. In addition to concern for these stocks/communities, the ASRG also thought it worth bringing forward that the Agency take care to account for this type of site fidelity in other species, understanding that the spatial scales will vary. For example, Gulf of Mexico sperm whales, while they do range over large areas of particularly the northern Gulf, few, if any, of the animals tagged with satellite telemetry tags have ever left the Gulf of Mexico. Additionally, pilot whales off Cape Hatteras (e.g., within the Cape Hatteras Special Research Area) are seen there year after year, and recent satellite telemetry data from these animals shows that they essentially 'live' along the shelf break (A. Read, pers comm). The ASRG thought it was important to bring out this issue, especially in the preparation of EAs, EISs, and BOs.

4. The ASRG is very concerned about the surveying/monitoring of Atlantic bottlenose dolphins after the recent large UME. We believe that NMFS should prioritize updating the abundance of the two migratory stocks (and the IRL bay, sound and estuary stock) to examine the potential effects of the UME. This issue was raised at the ASRG meeting, but the Agency's response indicated that this is not a priority. Such an assessment would need to consider timing, power to detect differences, etc., but one would expect these events to have had a measurable impact on the abundance of those stocks. The ASRG recommends that the Agency make this a priority, perhaps beginning with calculating the minimum survey effort needed to detect changes and then carrying out those surveys.

5. Data resulting from NRDA work associated with the Deep Water Horizon incident should be incorporated as soon as possible into SARs. The ASRG recognizes the legal limitations of access to data and the genuine desire of the Agency to incorporate the data, but nonetheless we look forward to seeing updated SARs at next year's meeting.

6. Crab pot interactions: the ASRG would like to bring this fishery to the table as one that is increasingly recognized as an issue for estuarine and coastal stocks, mostly bottlenose dolphin stocks but potentially others as well. Complicating the issue is the prevalence of recreational as well as commercial gear, but this has every indication of being a very large issue, particularly in Florida. The ASRG would like to encourage the Agency to continue to account for these interactions and assess risks, and to pursue other methods/options for reducing takes, e.g., working with states, outreach efforts. We did learn at our meeting that there is a 'crab pot working group' that functions as a sub-group of the bottlenose dolphin take reduction team, and we would like to commend this group for its efforts and encourage the Agency to maintain it.

7. Regarding the pelagic long line take reduction team, the ASRG was concerned to hear about the way that some fishermen seem to be circumventing the spirit of agreed practices. Specifically, the phenomenon referred to as 'main line splitting' whereby they comply with the main line length regulation (15 nm), but then begin setting a new main line immediately adjacent to the previous one, i.e., making a main line that is effectively 2 or more times the regulated length. The ASRG strongly encourages the Agency to investigate bycatch via a more realistic effort-based calculation, i.e., bycatch takes with number of hooks. Additionally, the ASRG strongly recommends that the Agency to institute a more meaningful means of regulating the potential risk to animals, e.g., regulate hook density instead of line length.

8. Finally, in hopes of being proactive and of most efficient and effective in advising the Agency, the ASRG respectfully requests, from both the Northeast and Southeast Fisheries Science Centers, a concise (1-2 page) plan for the upcoming year's research plans in advance of each ASRG meeting so we can review/comment during our meeting. The ASRG feels that the Agency is not taking full advantage of our expertise and willingness to assist and advise the Science Centers, and we believe our meeting time would be more effectively utilized discussing upcoming research plans rather than being informed of the way things were done and why.

As ever, we are ready to assist the Agency in reviewing its science, including plans for future research.

Sincerely,



Douglas P. Nowacek

Chair, Atlantic Scientific Review Group

cc:

Dr. Rebecca J. Lent, Executive Director, Marine Mammal Commission

Dr. Teri K. Rowles, Director, Marine Mammal Health and Stranding Program

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

Dr. John Bullard, Regional Administrator, Northeast Region, NOAA Fisheries

Dr. Bill Karp, Director, Northeast Fisheries Science Center, NOAA Fisheries

Dr. Bonnie Ponwith, Director, Southeast Fisheries Science Center, NOAA Fisheries