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

Andrew J. Read, Ph.D.
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 March 2013 meeting of the Atlantic Scientific Review Group (SRG). The SRG makes a number of valuable comments and recommendations to guide marine mammal science. I address them below.

Stock Assessments

The Atlantic SRG **expressed concern** about the status of marine mammal stocks in the northern Gulf of Mexico and urged expeditious publication of research devoted to assessments of these stocks, especially those related to potential impacts of the Deepwater Horizon oil spill. The National Marine Fisheries Service (NMFS) continues to conduct marine mammal stock assessments in the Gulf of Mexico with available resources. NMFS collaborates with the Department of the Interior's Bureau of Ocean Energy through interagency agreements to enhance and expand Gulf of Mexico marine mammal stock assessments. As part of the Deepwater Horizon Natural Resource Damage Assessment (NRDA), NMFS conducts assessments and collaborates with NOAA's National Ocean Service on marine mammal assessment in the Gulf of Mexico. Publication of the results of all NMFS Gulf of Mexico marine mammal stock assessment research is proceeding as quickly as possible given available resources and restrictions of the NRDA process.

The Atlantic SRG **recommended** that a consistent approach be used across regions and stocks in the presentation of information on mortalities and serious injuries. The new Guidelines for Distinguishing Serious from Non-Serious Injury of Marine Mammals are first being implemented with the 2013 Stock Assessment Reports. The guidelines direct that the Science Centers complete a written report documenting the annual injury determinations for their region. While the format of these written reports may vary depending on the needs and clearance processes of each Science Center, each report will include: (1) a summary of the information on which each injury determination is based; (2) the criteria on which each injury determination is based; and (3) justification for any departure from the criteria. NMFS will strive for consistency across regions and stocks in the presentation of marine mammal serious injuries and mortalities.



The Atlantic SRG **recommended** that NMFS examine the population structure of minke whales in the North Atlantic, as it is possible that more than a single stock of this species exists in the U.S. EEZ. NMFS recognizes the desirability of improved knowledge of minke whale stock structure. We will start by evaluating the number of samples that are available and investigate obtaining additional samples. Additionally, we are conducting acoustic studies to examine the distribution and migratory habitat use of minke whales, which might shed some light on stock structure.

The Atlantic SRG stressed the critical nature of regular surveys to obtain abundance estimates of marine mammals and noted that the frequency and extent of these surveys have declined in recent years. The Atlantic SRG **strongly recommended** adequate support for these critical survey efforts and **recommended** that NMFS continue to explore alternative approaches to monitoring, particularly for species that are not amenable to traditional visual line transect surveys. NMFS recognizes the impacts of limited resources on the frequency of marine mammal abundance surveys. We are developing strategies to enhance resources and to use them more effectively. NMFS has developed and is implementing a research plan to use mark-recapture methods for bay, sound, and estuary bottlenose dolphin stocks in the Gulf of Mexico and U.S. Atlantic. We continue to collaborate with the Bureau of Ocean Energy through interagency agreements to conduct aerial and vessel-based surveys in shelf and offshore waters of the Northwest Atlantic. NMFS is working towards the use of passive acoustics to enhance traditional visual surveys and exploring the use of unmanned aircraft systems and autonomous underwater vehicles to monitor marine mammal abundances.

The Atlantic SRG **recommended** that the Mid-Atlantic migratory corridor be recognized as significant habitat in the North Atlantic right whale SAR. NMFS updated the draft 2013 North Atlantic right whale SAR to specify the coastline off the U.S. Mid-Atlantic states as an important migratory corridor.

The Atlantic SRG noted with concern the apparent decline of harbor seal abundance in the northeastern United States and **recommended** that NMFS initiate studies to ascertain whether this apparent decline is a function of a change in abundance, distributional changes in the harbor seal population, or an artifact of survey methodology. The Northeast Fisheries Science Center (NEFSC) is preparing a NOAA Technical Memorandum on the 2012 harbor seal abundance survey, which identifies four potential causes for the decline of 29.3 percent between the 2001 corrected estimate (99,340) and the 2012 estimate (70,142). Using prior years' survey data, we will compare trends in harbor and gray seal raw counts at identical sites. This should provide insight into changes in seal numbers (both species) within various bay units. Further, conducting a replicate survey within three years will assist in evaluating the new survey sampling methodology and trends in raw counts at index sites.

The Atlantic SRG further **recommended** that NMFS monitor the abundance of harbor seals at a number of “index haul-out sites,” employing replicate site counts, and compare the demography and population trends of both harbor and gray seals. The NEFSC has, since 2005, conducted seasonal monitoring of major harbor and gray seal haul-out sites in southeastern Massachusetts. As feasible, these involve conducting monthly (October to May) surveys during midday low tide periods. The NEFSC has also been monitoring gray seal pupping colonies in Nantucket Sound and mid-coast Maine over the same time period. The goal has been to conduct three to five flights per season to establish the peak pupping period. Weather and funding constraints have reduced the frequency of the seal surveys in recent years. The NEFSC is also working to count the back-log of digital images from the surveys and, once the counts are completed, staff will begin analyzing: 1) trends in numbers for the entire region and at each haul-out site; 2) trends in harbor vs. gray seals at the index sites; 3) shifts in harbor seal distribution (perhaps due to displacement by the larger gray seals); and 4) rate of expansion of gray seals to haul-out sites in southern New England.

The Atlantic SRG **recommended** that NMFS improve efforts to collect life history samples of gray and harbor seals in the northeastern United States to better understand the potential for competition between the two species. The NEFSC is trying to increase, as feasible, sampling of bycaught seals and of bringing whole fresh carcasses back to port for detailed necropsy and tissue sampling. Staff have also met with representatives of the Cape Cod Hook Fishermen’s Association regarding the potential for fishermen to bring fresh carcasses to port. In the meantime, the NEFSC has been processing the backlog of harbor and gray seal stomachs collected from bycaught animals. At this time, we only have frequency of occurrence data but plan to obtain estimates of biomass by extrapolating otolith measurements to fish length and weight.

Take Reduction Teams

Regarding the Atlantic SRG’s **recommendation** that the next Harbor Porpoise Take Reduction Team meeting be held in-person to facilitate dialog amongst team members, NMFS agrees that an in-person meeting is preferable. The difficulty to meet in person is attributed to several factors including limited funding to host and facilitate the meeting, and new travel restrictions and limits on invitational travel imposed upon the agency. NMFS is required to adhere to these requirements. Since the Atlantic SRG meeting, NMFS was able to convene an in-person meeting of the Harbor Porpoise Take Reduction Team from May 13 - 15, 2013, in Providence, RI. Limited resources and travel restrictions will continue to make future in-person meetings difficult.

The Atlantic SRG noted the relatively low compliance with mitigation measures in the Harbor Porpoise and Pelagic Longline Take Reduction Plans and **recommended** that NOAA enhance efforts to enforce compliance with regulations designed to reduce serious injury and mortality in

these strategic stocks of marine mammals. NMFS is working with the Harbor Porpoise and Pelagic Longline Take Reduction Teams and with NOAA's Office of Law Enforcement to develop new and innovative ways to increase compliance with regulations. These compliance strategies include creative ways to employ NMFS Observer Program data; developing consistent penalty schedules; utilizing Joint Enforcement Agreements with State Marine Enforcement Offices; establishing targeted enforcement operations with states and the U.S. Coast Guard to focus on specific seasons and areas where compliance is poor; developing comprehensive enforcement monitoring programs for each Take Reduction Plan; and increasing education and outreach programs at the dock.

Review of Stock Assessment Reports

NMFS appreciates the Atlantic SRG's offer to review various components of SARs prior to preparation of the draft SAR, and its willingness to review serious injury determinations annually in preparation for inclusion of these determinations in the draft SARs. NMFS will provide the Atlantic SRG the opportunity to review any substantive changes to SARs that occur subsequent to Atlantic SRG review and before SARs are published.

Marine Mammal Health and Stranding Response Program

The Atlantic SRG **recommended** that additional resources be made available to stranding programs through funding the John H. Prescott Marine Mammal Rescue Assistance Grant Program and increased support to the NOAA Marine Mammal Health and Stranding Response Program. NMFS agrees that the National Marine Mammal Stranding Network plays an important role in collecting information on marine mammal diseases and human interactions. This information is critical for compiling marine mammal stock assessment reports, identifying key species recovery activities, monitoring ocean health, and natural and manmade causes of death in marine mammals. In light of our country's current fiscal situation, we had to make difficult budget decisions, including reducing and defunding programs that are valuable to the agency. NMFS recognizes that reduction in funding of the Prescott Grant Program could have significant impacts on some Stranding Network operations and intends to partially restore the Program's funding in FY 2013 at approximately \$1.1 million. NMFS will solicit and accept applications for the FY 2014 grant cycle in the event that Congress appropriates funding for the program.

The Atlantic SRG **recommended** that support for efforts that provide information on demography and the development of diagnostic abilities should receive priority over the rehabilitation of individual marine mammals. The FY 2014 Prescott Grant Program Federal Funding Opportunity (FFO) will include national funding priorities to collect, analyze and interpret: 1) baseline information, trends and correlations between population demographics, diet, health, and environmental parameters as they relate to strandings and overall population health; and 2) analyses and interpret specimens and data from stranded marine mammals to

assess health trends in wild populations of cetaceans and pinnipeds. NMFS will consider applications for funding pursuant to Section 408 (a)(2)(A) of the Marine Mammal Protection Act which requires NMFS to ensure that funds are distributed equitably among the stranding regions and to give preference to facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals.

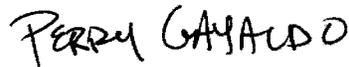
The Atlantic SRG **recommended** a national standard of program sampling, analysis, and central data compilation and reporting of level A, B, and C data needs to be established, focusing on selected stranding hotspots around the country. NMFS acknowledges the importance of national standards for marine mammal sampling, analyses and the need for a centralized database for collecting and reporting Level A, B, and C data. As a first step, NOAA FFOs published after July 2012 require all NOAA Grantees to publicly share data produced under NOAA grants and cooperative agreements in a timely manner. This data sharing requirement will be included in the FY 2014 Prescott Grant Program FFO.

2014 Annual Meeting

At the request of the Atlantic SRG, a full day of the 2014 annual meeting will be devoted to a review of the ecology, demography, and status of gray and harbor seals in the northeastern United States, together with a review of the NEFSC research program on these species. To minimize the costs of holding this review, the meeting will be held in New England.

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

Sincerely,



for Donna S. Wieting
Director
Office of Protected Resources