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

MAY 04 2016

Dr. Douglas P. Nowacek
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Dear Dr. Nowacek:

Thank you for your letter to Eileen Sobeck, Assistant Administrator for Fisheries, transmitting recommendations from the February 2015 meeting of the Atlantic 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 (MMPA) and leads NOAA Fisheries' coordination of the SRGs. The SRG makes a number of valuable comments and recommendations to guide marine mammal science, which are addressed in the enclosure.

I appreciate the continued service and contributions by members of the Atlantic SRG in providing advice and support to NOAA Fisheries in accordance with the Marine Mammal Protection Act and the Guidelines for Assessing Marine Mammal Stocks. I look forward to our continued partnership to improve the science supporting the conservation of marine mammals.

Sincerely,

Donna S. Wieting

Donna S. Wieting
Director, Office of Protected Resources

Enclosure

Responses to Recommendations of the
Atlantic Regional Scientific Review Group (SRG)

Consideration of Sound and Other Factors in North Atlantic Right Whale Critical Habitat

The Atlantic SRG encouraged NOAA Fisheries to consider the "sound scape" and the maintenance thereof when evaluating critical habitat for north Atlantic right whales. In January of this year, we published a final rule revising right whale critical habitat, which incorporated several changes to the proposed critical habitat rule based on public comments received (81 FR 4837, January 27, 2016). In developing this rule, NOAA Fisheries considered acoustic qualities that allow right whales to communicate efficiently and carry out other essential biological functions. We found that the physical and biological features associated with acoustic qualities that are essential to the conservation of North Atlantic right whales, specifically acoustic communication, are currently unknown. Therefore, we determined that an expansion of North Atlantic right whale critical habitat to include acoustic qualities is not warranted at this time. However, impacts to the species continue to be considered and addressed through the ESA Section 7 consultation process, and as new information becomes available, we will take appropriate action.

The NOAA Ocean Noise Strategy, currently being drafted, is aimed at integrating acoustic ecology and "soundscapes" as an important concept and critical component of the habitat, behavior, and ecology of marine organisms. This strategy contains a road map for how NOAA Fisheries could improve science and management approaches towards assessing long term cumulative noise impacts. Additionally, the road map includes a number of examples of how to use acoustic data to evaluate habitat degradation and communication loss. Long term soundscape monitoring has been started in 11 regions of the U.S. EEZ, including 3 in the western Atlantic Ocean.

Pertaining specifically to North Atlantic right whales, Clark et al. (2009) provided a methodological paper by which to apply communication loss as a metric for understanding acoustic habitat degradation and the potential behavioral and ecological contexts thereof. Hatch et al. (2012) and Cholewiak et al. (submitted) take this metric further by quantifying the loss of communication space for right whales in essential right whale habitat. Expanding on what was learned in these papers, efforts are underway to monitor soundscapes in other North Atlantic right whale habitats and to integrate different data types to provide improved understanding of spatial and temporal habitat usage. NOAA Fisheries is conscious of the need to integrate these acoustic concepts into its research and management goals and is actively engaged in pursuing this through NOAA's Ocean Noise Strategy and other ongoing research efforts. Further emphasis on how best to quantify the severity of habitat degradation and the consequences of loss of communication space would benefit from further studies and management initiatives.

We appreciate the SRG's advice to consider and research elements of the habitat that could potentially limit the free movement of north Atlantic right whales within the critical habitat (*e.g.*, fishing nets, wind turbines).

Consideration of Marine Mammal Site Fidelity

The Atlantic SRG advised the agency to account for the type of site fidelity that is observed in Indian River Lagoon stock of bottlenose dolphins in other species. The Agency recognizes the importance of a species' site fidelity when analyzing the affected environment and potential impacts due to human activities, and includes these assessments in its evaluations under the National Environmental Policy Act and in the Endangered Species Act Section 7 consultation process. Some species exhibit site fidelity, but with some flexibility for environmental changes such as prey distribution shifts, versus others with limited flexibility (i.e., Indian River Lagoon (IRL) stock of bottlenose dolphins and manatees). We therefore would like to request that the SRG provide recommendations to assist the Agency in better understanding a species' flexibility when it comes to site fidelity and help identify species that may be more vulnerable to environmental changes within their preferred habitats.

Prioritizing Updated Abundance Estimates for Migratory Stocks of Bottlenose Dolphins

The Atlantic SRG expressed its concern about the surveying/monitoring of Atlantic bottlenose dolphins after the recent large unusual mortality event (UME), and recommended that NOAA Fisheries prioritize updating the abundance of the two migratory stocks (including the IRL bay, sound and estuary stock) to examine the potential effects of the UME. During the summer of 2016, NOAA Fisheries will conduct an aerial survey along the U.S. east coast from Florida to New Jersey as part of the Atlantic Marine Assessment Program for Protected Species (AMAPPS) program, which is funded through an interagency agreement between NOAA Fisheries and Bureau of Ocean Energy Management. These surveys will cover waters from the shoreline to the inner continental slope and will therefore cover the range of the Southern Migratory and Northern Migratory stocks, which are thought to have been impacted by the recent UME. Recent surveys under the AMAPPS programs have also covered these waters during the Spring 2014 and Winter 2015. The data collected from these surveys can be analyzed to determine if there have been detectable trends in the abundance of these stocks in association with the UME. However, because these surveys are driven by the goals of the AMAPPS program, which include assessments of sea turtles and other mammal species aside from bottlenose dolphins, it is not possible to specifically design the surveys to address the question of trend for specific bottlenose dolphin stocks. NOAA Fisheries expects to analyze the data from the summer 2016 surveys, incorporate the results into the 2017 Stock Assessment Reports (SARs), and present them at the planned Bottlenose Dolphin Take Reduction Team meeting in early 2017. Evidence for trends will be examined as part of those analyses.

Incorporating Data Associated with Deepwater Horizon into SARs

We fully agree with the Atlantic SRG that data resulting from Natural Resources Damage Assessment associated with the Deepwater Horizon incident should be incorporated as soon as possible into SARs. We appreciate that the SRG recognizes the legal limitations we face, and our genuine desire to incorporate the data. We will certainly incorporate those data into the SARs as soon as feasible.

Assessing and Mitigating Crab Pot Fishery Interactions

We agree with the Atlantic SRG and recognize the importance of continuing to document and account for crab pot interactions with bottlenose dolphins. We annually review strandings data for evidence of crab pot interactions with bottlenose dolphins. When trap/pot gear is found on an

animal, these interactions are documented in the applicable SARs, and associated mortalities and serious injuries are included in the five year annual human-caused mortality and serious injury. We also continue to work with the Bottlenose Dolphin Take Reduction Team (BDTRT) on ways to reduce and mitigate interactions, as these trap/pot fisheries are managed under the Bottlenose Dolphin Take Reduction Plan. At their June 2013 meeting, the BDTRT provided us with additional consensus recommendations for reducing dolphin interactions with the gear and educating fishermen. We are currently working to implement their recommendations and will continue to update and consult with the BDTRT on these interactions.

Assessing and Mitigating Pelagic Longline Fishery Interactions

The agency appreciates the Atlantic SRG's suggestion to investigate pelagic longline bycatch via a more realistic effort-based calculation. For the pelagic longline fishery, bycatch rates are regularly investigated by calculating the number of animals caught per 1,000 hooks on observed fishing trips. These results are regularly presented to the Pelagic Longline Take Reduction Team (PLTRT) during webinars and in-person meetings (which are open to the public), and published in annual protected species bycatch reports for the pelagic longline fishery (*e.g.*, Garrison and Stokes 2014). They are also used by the PLTRT to evaluate Pelagic Longline Take Reduction Plan (PLTRP) effectiveness. Current marine mammal regulations in the Atlantic pelagic longline fishery, including mainline length restrictions, were based on consensus recommendations from the PLTRT and became effective in June 2009. During the most recent PLTRT meeting (December 2015), consensus recommendations were made to amend the PLTRP, including altering the mainline length restrictions and implementing weaker hook regulations. The Agency is in the process of drafting a proposed rule to implement the PLTRT's consensus recommendations.

Science Center Research Plans

In your letter, the Atlantic SRG requested, 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 the SRG meeting. We appreciated this suggestion, and implemented it with the 2016 meeting in Seattle. I trust that it was an effective means to convey the updates for the SRG, and we will continue this practice in the future.

References Cited

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