HUMANE SOCIETY OF THE UNITED STATES

Fax

To:	David Cottingham, Chief OPR--MMD	**From:**	Sharon Young
Fax:	301-427-2580	**Pages:**	11 plus cover
Phone:	Reply: 508-833-0181	**Date:**	10/26/2006
Re:	Stock Assessments	**CC:**	

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• **Comments:**

Here are my comments on the Draft Stock Assessments. Have fun!

Sharon

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Dr. David Cottingham, Chief
Marine Mammal Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Md. 20190

Attn. Stock Assessments
Also sent Via FAX- 301-427-2580

Dear Dr. Cottingham,

On behalf of the more than nine million members and constituents of The Humane Society of the U.S. (The HSUS), I would like to comment on the draft Stock Assessment Reports (SAR) for 2006. After providing some general comments, we offer comments specific to regions and stocks within each region.

General Comments Pertinent to All Regions

We would like to point out that, although stock assessments generally report non-fishery related mortality from anthropogenic sources (e.g., entrainment in power plants, vessel collisions, intentional lethal take), one source of mortality is generally not addressed. We would like to see the National Marine Fisheries Service (NMFS) discuss in relevant stock assessments, mortality that is attributable to scientific research. There are a number of stocks for which incidental mortality is permitted to occur as a result of scientific research activities, most notably for pinniped stocks, yet the actual number of animals that die is not reported. Similarly, bottlenose dolphins have died consequent to research and these mortalities are also unaccounted for in the SARs. Since, in some cases, the research is being conducted with strategic stocks that are declining (e.g., Gulf of Alaska harbor seals, fur seals and Steller sea lions) it would seem prudent for NMFS to offer reviewers an understanding of the specific contribution to mortality that results from research activities. There is no reason not to enumerate research-related mortality.

A number of stock assessments rely on unpublished information. The Guidelines for SARs stipulate that literature used for key aspects of stock assessments should be peer reviewed. We note, for example, that the stock assessment for monk seals cites an unpublished source for a new technique being used for enumeration of subpopulations, Oregon and Washington harbor porpoise abundance data are from an unpublished source. Additionally, personal communications are sometimes used as the source of information (e.g., mortality of San Miguel Island fur seals from 2001 and 2003). Effort should be made to assure that these sorts of information come from published sources where possible and/or to assure that NMFS employees providing this information incorporate it into published reports for future use.

Pacific Stock Assessments

Hawaiian Monk seals
We agree that the PBR should be considered undetermined, if not zero, since the stock is declining. Although not appropriate for this iteration of the SAR, we note that no gillnet-related deaths are listed in the chart of fishery-related mortality. The recent death of pups in gillnet gear which will need to be considered for the next SAR. If all gillnet-related deaths appear to be in debris, it would be helpful to enumerate the annual entanglement-related strandings/deaths much as stranded bottlenose dolphins are listed in the Atlantic SAR. This may assist in targeting monitoring or management efforts.

Northern Fur seals San Miguel Island Stock
As noted above, personal communications were cited for mortality information from 2 and 5 years ago. These should be in published and citable reports by now. For this stock, and several others, data from the California drift gillnet fishery and the halibut set gillnet fishery are no more recent than 2003. Effort should be made to provide more recent information.

Harbor Porpoise Oregon and Washington Coastal stock
The chart showing fishery-related mortality states that there was "no fishery" for the past several years for the Northern Washington marine set gillnet fishery. The text should briefly explain why this is (i.e., the fishery was disallowed, the target species quota was not available, etc.) as a means of helping reviewers understand the likelihood of the fishery interacting in the future.

Harbor Porpoise—Washington Inland Waters stock
The SAR provides a substantially higher estimate of abundance than in the previous SAR and a much greater N_{min} (three times higher than previously). It would be helpful to discuss possible reasons for this (e.g., greater survey area, different timing of the survey redistribution of Puget Sound animals, etc.). Without this sort of explanation, the plausible deduction is that this population has dramatically increased since the previous survey. We believe it has been necessary to continue to use data over 8 years old when they are the only available data on incidental mortality in some of the gillnet fisheries; however, it is clear that additional observer coverage and monitoring similar to that of 1994 should be done to obtain more recent information. This is especially crucial, since the population estimates and distributional information appear to be in flux.

Bottlenose Dolphin—California coastal stock
There is an extra "P" in "Population Size" on the first page of this SAR. In the section on Potential Biological Removal, there is a word missing in the new verbiage that starts this section. I believe it should read: "...are present in U.S. waters at any *given* moment, thus the PBR..." The NMFS is applying a new methodology for calculating PBR. Because

the stock does not *in toto* spend its time in U.S. waters, the NMFS wishes to apportion the PBR such that some of the PBR is, in essence, allocated to Mexico. The new language acknowledges that the distribution is not random and residence time in Mexico is unknown, and it applies a correction factor of 0.82 to account for this. However, the previous sentence states that this correction factor (0.82) was the appropriate one *if* "bottlenose dolphins *were* randomly distributed temporally and spatially along their range." But they are not. Thus it seems inappropriate to apply this correction factor.

The SAR also does not indicate whether there have been attempts to obtain estimates of mortality in Mexican fisheries, as is often done for trans-boundary stocks such as harbor porpoise on the East coast. If not, the NMFS should attempt to obtain this information. If attempts to gain information from the Mexican government have been unsuccessful, a brief mention of this would be helpful in understanding the need to consider apportioning a part of the PBR to Mexico.

We are also concerned that the observer coverage for the large mesh set gillnet fishery has been so low (0-1.8%) in this fishery that may interact with this species. This should be remedied. Further, we note that there is an estimate of "≥0.4" average annual fishery-related mortality. There is no number in the chart to substantiate this. The average for the CA angel shark/halibut gillnet fishery is zero. If this annual average is derived as a result of including the strandings that are noted under "unknown fishery," then there should be a number in the table and not simply verbiage. The explanation of the deaths could be footnoted.

False Killer Whale—Hawaiian Stock
It is clear that a take reduction team is warranted for this stock.

Short-finned Pilot Whale—Hawaiian Stock
The SAR acknowledges that some of the unidentified whales taken in the longline fishery may have been pilot whales. Thus the estimated take in table 1 may well be an underestimate, as indeed the text acknowledges. Certainly short-finned pilot whales are taken in other fisheries (e.g., the east coast pelagic longline fishery). Because of this, the assertion in the section "Status of the Stock" that the stock is not considered strategic stock because estimated mortality within the Hawaiian EEZ is zero, seems both incorrect (Table 1 indicates that it is 0.6 which would be rounded to one, not zero) and premature ("the potential effect of mortality in the Hawaiian-based fishery in international waters is not known") In the face evidence that mortality is occurring (with wide CVs) and the knowledge that this is a gear type that is insufficiently monitored, it would be precautionary to consider the stock strategic until more precise abundance and mortality information is available.

Killer Whale—Eastern North Pacific Southern Resident Stock
While we support elimination of the long discussion of the petition to list the stock and the court decision that led to its listing, we believe that it is inappropriate to remove mention of the stock's special status in Canada (into which the species range extends). Special status of transboundary stocks in both nations into which it ranges is germane to the understanding of the stock's status and management priority. Further, it seems inappropriate to omit the discussion of various additional anthropogenic threats to the species (e.g., pollutant loads) that were contained in the Status of the Stock section. These factors, whose contribution to the stock's status remains unquantified, are still germane to understanding potential threats to the stock. If NMFS does not believe that this discussion is appropriate to the "Status of the Stock" section of the SAR, they might be briefly listed and placed in a separate section (e.g., titled "Other Impacts to the Stock) with the BRT report (Krahn et al 2002) cited.

Alaska Stock Assessments

General Comments
As noted in our initial general comments, we are concerned that major issues of management and policy should not be made on the basis of personal communications. This is something that was discouraged in the GAMMS report. We note, for example, that a new boundary for the Western stock of Steller sea lions has been proposed and the citation for active Asian haul outs and rookeries that would fall under a new stock boundary is attributed to an unpublished or reviewed personal communication (V. Burkanov, a consultant).

We also wish to object to removing discussion of fishery self-reports from the charts and discussion of mortality in commercial fisheries in various SARs. While we agree that these reports are negatively biased, they do provide an indication of mortality occurring and are as legitimate to use as stranding data which *have* been retained in the SARs. Fishery-self reports should remain in the SARs.

In other regions, stocks that are declining have PBRs that are listed as undetermined (e.g., Hawaiian monk seals) or as zero (North Atlantic right whales). The justification used for this is that the stock is not performing as expected under the model underlying the calculation of PBR. The Alaska region has several stocks that are declining, including the Western stock of Steller sea lions and Northern fur seals. It would be precautionary to adopt the same practice of setting undetermined PBRs as was used by the other two regions. In fact, the regions *does* adopt this practice when considering the plight of Cook Inlet belugas where the SAR states that even though human caused mortality is low: "this stock should have begun to grow at or near its maximum productivity rate, but for unknown reasons the…stock does not appear to be increasing. Because the stock does not meet the assumptions inherent to the use of the PBR, NMFS cannot determine a maximum number that may be removed while allowing the population to achieve OSP. Thus the PBR is undetermined…." This rationale should be used for *all* stocks in which declines are apparent, even if the declines are not a result of anthropogenic mortality.

We noted that previous stock assessments have provided point estimates for native subsistence kills, but have also provided upper and lower estimates based on the bounds of confidence. This is no longer done in the stock assessments. We believe that the region should reconsider this decision. Because of the imprecision of these estimates, this

information should be provided so that reviewers can gauge the possible range of impacts.

Steller sea lion—Western Stock
Data provided in the draft recovery plan for this stock (NMFS, 2006) indicated that the trend in pup counts was not uniform and that declines were still occurring in some key trend sites, specifically in the Central Gulf of Alaska and central and western Aleutian Islands. (see p. 14) Further the recovery plan noted that between 2000 and 2004 non-pup counts were lower by as much as 16% in the central Gulf of Alaska and western Aleutians. This information should be part of this stock assessment but is not.

It would seem important to consider additional observer coverage for the Alaska Peninsula and Aleutian Islands salmon drift gillnet fishery and other gillnet fisheries that are likely to interact with this stock.

We strongly encourage the NMFS to consider a more real-time harvest monitoring program similar to the program set up in St. Paul. Retrospective interviews with hunters are likely significantly biased, much as NMFS is concerned about self-reporting by fisheries. We are concerned with the slightly upward trend in subsistence harvest of this stock which is approaching the PBR and may even exceed it, given the likely margin of error. As noted in our general comments for the region, previous stock assessments have provided a likely minimum and maximum native harvest estimate based on the 95% confidence interval. It would be helpful to return to this practice.

We also renew our previous objection to eliminating information on age and sex of sea lions killed in native subsistence hunts. It remains unclear why the NMFS proposed to delete the information on age and sex composition in the section on Subsistence Harvest. The MMPA provides for the Scientific Review Groups to advise the NMFS on issues of uncertainty relative to mortality of animals in certain age and sex classes (sec 16 U.S.C.§117) and having this information in the stock assessment makes this sort of discussion easier and more transparent. We note that, to an extent, this information is mentioned in the SAR for Northern fur seals.

The SAR concludes that, "because the decline is occurring for reasons not explained by the level of direct human-caused mortality, there is no guarantee that limiting those mortalities to the level of PBR will reverse the decline, if the population is still declining." This may be true; but it is also true that limiting the anthropogenic mortalities will prevent them from contributing to the decline. Thus it appears to have been added solely to appease user groups. We renew our objections to this statement and now also object to the new addendum clause: "if the population is still declining." This latter clause is unnecessary as it implies that the stock may not be declining at all. This provides a misleading impression of the stock's status. Data provided in this SAR and in the draft recovery plan present a picture of mixed trends with adult and pup counts that vary by trend site within the range. See our general comment above regarding the setting of "undetermined" PBRs. Rather than paint the rosiest picture possible for this stock, the NMFS should be precautionary in its assessments.

Steller sea lion—Eastern Stock
We reiterate our comment above regarding the use of unreviewed personal communications when considering significant management decisions such as revising stock boundaries. Because the population trajectory for this stock differs in portions of the range (e.g., Central California), the NMFS may wish to consider viewing management actions for portions of this stock rather than basing them on the trajectory for the stock as a whole.

Northern Fur Seals
We reiterate comments above regarding our concerns with the decision to omit a lower and upper estimate of subsistence kills that reflects the bounds of confidence around the estimates.

The Status of the Stock in this SAR states that, because the decline is occurring "for reasons not explained by the level of direct human-caused mortality, there is no guarantee that limiting those mortalities to the level of PBR will reverse the decline, if the population is still declining." This may be true; but it is also true that limiting the anthropogenic mortalities will prevent them from contributing to the decline. This statement appears to have been added solely to appease those who wish to continue to kill the animals and justify it on the grounds that they were not the primary cause of the decline. Further, this logic is contradicted by the rationale used in the Cook Inlet Beluga SAR which states that even though human caused mortality is low "this stock should have begun to grow at or near its maximum productivity rate, but for unknown reasons the…stock does not appear to be increasing. Because the stock does not meet the assumptions inherent to the use of the PBR, NMFS cannot determine a maximum number that may be removed while allowing the population to achieve OSP. Thus the PBR is undetermined…." So too, the PBR for fur seals should be undetermined.

The closing statement about the relationship between declines observed in St. Paul and St. George relative to the distribution of the Pollock fishery may be true (i.e., that a direct connection cannot be made at this time) but the "coincidence" is of concern to us and it points to the clear need to manipulate fishery effort to investigate the relationship.

Harbor Seal—Southeast Alaska Stock
We strongly support the need to sub-divide this stock and are disappointed that the NMFS has once again postponed this decision. This stock is not classified as strategic because mortality does not exceed PBR and it is not an ESA listed stock. This points to the urgent need to properly re-classify this stock as discrete management units so that each will have an appropriate PBR and a proper assessment of trends and status.

Because this stock is hunted for subsistence and is declining in substantial portions of its range (where reduced hunting success was reported), we reiterate our comments above on the need for more real-time monitoring to obtain accurate kill data.

Harbor Seal—Gulf of Alaska Stock
We reiterate our disappointment that the proper division and classification of harbor seal stocks in Alaska has been postponed, because this delay clouds understanding of management concerns. Clearly there is a need for more effort directed to population estimates in key areas such as Prince William Sound.

Harbor Seal—Bering Sea Stock
As stated above, we are disappointed that the proper division of discrete management units of this species has been postponed. We note that the surveys upon which the population abundance estimates were made are between and 1996-2000, thus the oldest exceeds the eight year recommendation of the GAMMS report and the most recent of them is already 6 years old. We look forward to seeing the results of the 2001-2005 surveys. It is unfortunate that all or part of the survey data could not be utilized to provide a more current estimate in this SAR. The estimate is stated to be derived "from surveys in 2000" and this is attributed to unpublished data. It is important to publish information that is critical for management decisions. That data from 2000 remain unpublished six years after they were gathered is unfortunate, to say the least.

Spotted Seal
We note that the section on fishery-related mortality discusses fisheries that "could have interacted with Steller sea lions." Clearly boilerplate verbiage was pasted into this section without being changed to the appropriate species. It would be helpful to include a chart depicting subsistence harvests as was done for previous pinniped species. The kill data for subsistence hunts is no more recent than 2000. We are alarmed that "there are no efforts to quantify the level of harvest of spotted seals by all Alaska communities." This is not acceptable. In light of the fact that the stock has an undetermined PBR and over 5,000 spotted seals were killed in 2000, with ice conditions for the stock deteriorating "substantially;" it is vital that updated estimates be made. Further, NMFS should remedy the factors leading to its inability to estimate a PBR against which mortality can be judged and stock status assessed. We wonder at NMFS's decision in the final section to downgrade the assessment of changes in climate from "drastic" to "significant."

Bearded Seal
The logic behind the minimum abundance estimate is intriguing. It states, in essence, that an abundance estimate cannot be determined because an abundance estimate is not available. This is somewhat circular and clearly points to the need for abundance surveys.

We reiterate our concern, expressed under spotted seals that estimates of mortality are outdated and there is no effort being made to quantify native harvest of bearded seals even in the face of "significant" changes in ice conditions that may affect the stock's abundance, distribution and productivity. NMFS should change the statement in this and other similar ice seal stock assessments that a "recent report" indicates that the harvest varies considerably between years. The report is seven years old.

Ringed Seal
We reiterate our comments and concerns stated above for spotted and bearded seals. These comments are particularly pointed in this case because, even with the outdated harvest estimates from the 1990's the SAR states that the harvest as of the last estimate was "considerably higher than previous minimum estimates," and is close to 10,000 ringed seals.

Ribbon Seals
We reiterate our comments and concerns stated above for spotted and bearded seals.

Beluga Whale—Beaufort stock
The population estimate for this stock is substantially and inappropriately outdated (i.e., more than 10 years old). The stock is also subjected to harvest-related and incidental mortality. The stock should be considered potentially strategic for this reason.

Beluga Whale—Chukchi Stock
We note that this is not an updated stock assessment, yet we wish to comment that the native subsistence harvest has exceeded PBR in some years. Because the upper bound of confidence was not specified, it could well exceed PBR in all years. This is of some concern to us. We believe that this stock should be considered for strategic status.

Beluga Whale—Eastern Bering Sea
We note that the estimate of incidental mortality is stated to be an underestimate, with unmonitored fisheries likely to take animals from this stock. Furthermore there is an annual subsistence harvest estimate of 209, with no upper bound of confidence provided. Since the PBR is 298 combined fishery-related mortality and native harvest may well exceed PBR. The stock should be considered for strategic status.

Beluga Whale—Cook Inlet
This stock is of considerable concern. Estimates of abundance are declining for reasons that are uncertain. We are pleased to see that the region has adopted the precautionary approach of setting the PBR at "undetermined" that is used by other regions. We support this change to language in the PBR section of this SAR. We believe that this stock should be listed as endangered under the Endangered Species Act.

Killer Whale—Alaska Resident
We support the precautionary approach of deducting the 68 unsighted animals from the abundance estimate because of the age of the information on which their existence is based.

Killer Whale—Northern Resident
The data underlying the population estimate are at least 6 years old. The NMFS should consider plans to update them in the near future. Given the low PBR (2), we are concerned about the lack of information on fishery-related mortality, particularly in Canada. The NMFS should work closely with Canada to obtain these data.

Killer Whale—AT1 Transient
Estimates of population and sightings data are old and need to be updated for this stock, which is of considerable management concern. This beleaguered remnant population should have protected status under the ESA.

Pacific White Sided Dolphins
The population abundance estimate is based on outdated information (surveys from 1990) and personal communications (e.g., R. Hobbs). This is inappropriate. As a result of the outdated information, the region has appropriately left the PBR undefined; however, surveys are needed to remedy this situation. Further, it is important to assign observers to the fisheries that have a likelihood of interacting with this stock. This species is frequently taken by similar fisheries in the Atlantic.

It is inappropriate to re-classify it as non-strategic simply because there is no evidence that take exceeds PBR. There is also no evidence that it does not. There is *no* PBR and there is *no* reliable fishery take data even though there is acknowledgement that take is likely to be occurring in fisheries. The stock should be retained as strategic.

Harbor Porpoise—Southeast Alaska
The survey that led to the estimate of abundance is 9 years old. Thus the data are older than recommended under GAMMS. The fact that these data are being re-analyzed does not make them new. As was the case for white-sided dolphins, above, the PBR should be undetermined. The stock is appropriately proposed for re-designation as strategic.

Harbor Porpoise—Gulf of Alaska
As per many of our comments above, we agree that the stock should be strategic.

Harbor Porpoise—Bering Sea
We reiterate our comments above. We agree that the stock should be strategic.

Dall's Porpoise
Using the region's rationale for classifying harbor porpoise stocks as strategic, this stock too should be strategic. The abundance data are old and NMFS cannot estimate either a minimum population or a PBR. While there are no data to indicate that mortality exceeds PBR, there are no data to indicate it does *not*, since PBR is undetermined. The stock should be strategic.

Baird's Beaked Whale, Cuvier's Beaked Whale and Stejneger's Beaked Whale
The fact that there are no recent estimates of abundance, that PBR is unknown and that fishery-related mortality could be occurring argues for these stocks being strategic.

North Pacific Right Whale
The new verbiage (final sentence) in the section on minimum population discusses the re-matching of four right whales. This seems out of place without some context showing its relevance to the estimate. It might be better placed prior to the sentence discussing mark-recapture success indicating a very small population.

Atlantic Stock Assessments

General Comments on Large Cetacean Stock Assessments
We reiterate our belief that data on mortalities of large whales (e.g., humpback, finback and Northern right whale) can be provided on a more timely basis that data on small cetaceans and should be more current than 2004. The need to extrapolate observed mortality of small cetaceans to fleet-wide mortality estimates results in the understandable situation in which small cetacean mortality estimates are only for years up to 2004. But the "body count" of ship-struck or entangled large whales needs no such extrapolation and data should be the most recently available—in this case at least through 2005.

Short and Long-finned Pilot Whales, Risso's Dolphins and White Sided Dolphins
Although there are some comment particular to each of these four stocks, a number of our comments are the same, so we have combined the comments into this section.

For all of these species, estimates of mortality and other important information have been withheld pending presentation to a take reduction team that met in September 2006. The new verbiage states that the data are undergoing "scientific review" which implies review by the SRG. This is not the case, and the language should be changed to reflect that this is solely an internal NMFS review. We assume these data will be incorporated in the next SAR. Until new information is available, it is not appropriate to omit older information. Reviewers need to have some estimates on which to base a general understanding of fisheries that interact with the species (e.g., the discussion of various bottom trawl fisheries and incidental mortality of Rissos dolphins and pilot whales). Please reinstate the original omitted verbiage until it can be replaced by newer information

We renew our request that NMFS continue its focal efforts to define the boundaries of short-finned and long-finned pilot whales which are taken in multiple fisheries and yet are managed with a single PBR as though they are a single stock. The NMFS has been undertaking analysis of stock boundaries for pilot whales that it is inappropriately managing as a single stock. Patty Rosel has presented data to several take reduction teams. This sort of analysis should be discussed, or at least alluded to in the SAR so that reviewers understand that efforts are underway to appropriately separate the two stocks. See the Alaska SAR for harbor seals for an example on how a region can discuss ongoing efforts.

When data on fishery interactions are older than the span of years covered in a SAR, it is more appropriate to move the information to a discussion of earlier interactions (e.g., mid-Atlantic coastal gillnets and pilot whale mortality) rather than completely omit them. It is important to have an understanding of the types of gear that have been known to interact with the stock.

The SAR for pilot whales contains new language that states under the section on PBR that the stock status will be reconsidered pending analysis of trawl fishery take data. This verbiage is more appropriately placed in the section on Status of the Stock.

Bottlenose Dolphins—Coastal Stocks
In the chart showing fishery-related mortality, it would be helpful to have column with the PBR for each of the management units to enable reviewers to compare the take with the PBR.

Harp Seals
In addition to listing the kills in various locations and years in the text, it would be helpful to summarize the various kills that occur in Canada and Greenland in a chart that is more easily read. Alternatively, a single summary estimate of kill that is the product of the various sources in each year, would be helpful.

Thank you for the opportunity to comment on the draft SARs. As our comments indicate, we encourage the NMFS to be precautionary in its approach to assessing and managing marine mammals in the U.S. We remain committed to assuring their proper protection.

Sincerely,

Sharon B. Young
Marine Issues Field Director

Literature Cited

NMFS 2006. Draft Revised Recovery Plan for the Steller sea lion (*Eumetopias jubatus*). Nat ional Marine Fisheries Service, Silver Spring, Md. 285 pages..