

Minutes for the Pacific Scientific Review Group Meeting

La Jolla, California, 3-5 November 2009

The 20th meeting of the Pacific Scientific Review Group (SRG) was held at the Marriott Hotel in Del Mar, California from 3-5 November 2009. All SRG members were present except for Robin Brown. Jim Carretta and Karin Forney served as rapporteurs. Michael Scott served as chairman of the SRG. The SRG members and other participants are listed in Appendix 1, review documents are listed in Appendix 2, and the agenda of the meeting is in Appendix 3.

General Topics

MMPA update: Tom Eagle reported that there was not likely to be any MMPA activity in Congress in the current session (2009-2010) of Congress. Rep. Abercrombie introduced a \$25M bill for marine mammal research funding in Hawaii, which would send the funding to MMC for a competitive grants program for assessment-based research. Senate staff was interested in evaluating an alternative that would include funding going to NMFS for a combination of in-house funding for assessment and competitive grants program to enhance partnerships between NMFS and external expertise.

List of Fisheries: Melissa Andersen reported that the 2010 Final List of Fisheries (LOF) is expected to be published in December 2009, and presented the changes from 2009. The American Samoa longline fishery was reclassified from Category III to Category II, the California pelagic longline fishery from Category II to Category III, and the Hawaii shortline fishery was added as Category II. High-seas fisheries with expired permits have been removed from the LOF. The California spiny lobster trap/pot fishery was proposed to be elevated to Category II, but NMFS did not finalize the elevation in the final rule due to uncertainty over the attribution of a humpback whale entanglement to a specific fishery. The SRG discussed how to assess the effectiveness of disentanglement efforts, and how to provide probabilities of mortality after entanglement injuries.

Serious Injury Working Group Process: Melissa Andersen provided updates on the development of NMFS' policy for distinguishing serious from non-serious injury. The report of the 2007 Serious Injury Technical Workshop (Andersen *et al.* 2008 NOAA Tech Memo) provided suggestions for updating the existing guidance. To promote consistency, NMFS' policy will include NMFS' interpretation of the regulatory definition of a serious injury ("any injury that is likely to result in mortality") as an injury that is more likely than not to result in death (*i.e.*, a >50% likelihood). NMFS' policy will also include clarification that entangled marine mammals will be considered at their injury level prior to a successful disentanglement event for the purposes of the LOF and associated fishery management efforts. Three working groups have been formed to develop official NMFS policy on serious injury determination: a Process Working Group to discuss policy issues, a Determination Working Group to evaluate injury criteria in practice, and a Veterinarian & Pathologist Working Group. A final serious injury policy is expected in 2011. SRG members noted that the decision process seems overly complex and perhaps less precautionary in the face of uncertainty than would be

Jump down one page

09, and is targeted for 20% coverage in 2009-2010. The halibut set gillnet fishery is also targeted for 20% coverage. The proposed shallow-set longline swordfish fishery, if it goes forward, will be observed at 100%, but the issuance of an Exempted Fishing Permit is still pending.

Fahy reviewed the pot/trap fisheries that were elevated to Category II in 2008 and Monica DeAngelis discussed pot/trap fishery entanglements of humpback whales. The SWR will use GIS to examine overlap of entanglements, fishing effort, and humpback sightings, and will develop a gear inventory for these fisheries, with a goal of identifying gear to specific fisheries. The recovery plans for fin and sperm whales were submitted by SWR to headquarters and are in review. Once the review process is complete they will be finalized and issued by headquarters.

2008 CA/OR driftnet fishery bycatch estimates. Jim Carretta reviewed 2008 bycatch estimates and TRT issues relating to pinger efficacy and pinniped depredation on catch. Results show that the area fished may be a more important variable than pingers

NOAA Long Beach

Pinniped management. Sarah Wilkin and Monica DeAngelis reviewed the status of conflicts related to harbor seals at La Jolla Children's Pool. There are several recent legal developments that will play out in the near future and may allow the seals to stay by designating Children's Pool as a marine mammal park. South Casa Beach has had the first harbor seal pups born there, and the rookery appears to be expanding.

Large whale management. Sarah Wilkin reviewed ship strikes of fin, gray, and blue whales during 2009. John Calambokidis noted that there have been changes to the routes used by ships in southern California due to changes in air emissions standards requirements.

Delisting of eastern Steller sea lions. Tom Eagle reported that NMFS received letters from the North Pacific Fishery Management Council and Washington State and Oregon State to delist the eastern stock of Steller sea lions. These are not formal requests to delist, so there is no one-year review timeline, but information for a status review is now being compiled. A biological opinion on the groundfish fishery, which occasionally takes Steller sea lions, is also in preparation in the Alaska Region.

Research takes of marine mammals. There have been a number of fisheries research (i.e., not directed marine mammal or marine turtle research) takes of marine mammals in recent years, and Jeremy Rusin provided an update on the status of ongoing analyses of research takes and mitigation measures required by the NEPA, MMPA, and ESA. During 2005-2009, northern fur seals, CA sea lions, Pacific white-sided dolphins, northern right whale dolphins, and harbor seals have been taken in mid-water trawls, bottom trawls, and longlines related to shark, groundfish, sardine, salmon, and rockfish surveys. During the next two years, there will be an Environmental Assessment for research takes by all Fisheries Science Centers.

CA/OR/WA Research and SARs

SPLASH update. Jay Barlow and John Calambokidis presented an overview of SPLASH