



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Ms. Michelle Horeczko
Senior Environmental Scientist
California Department of Fish and Wildlife
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720

AUG 14 2015

Dear Ms. Horeczko:

Thank you for your cosigned letter on behalf of the Pacific Offshore Cetacean Take Reduction Team (Team) regarding the Pacific Fishery Management Council's proposed hard caps on marine mammal bycatch in the California drift gillnet fishery.

You highlighted the Team's achievements in reducing marine mammal bycatch in the fishery over the past 20 years, and NOAA's National Marine Fisheries Service (NMFS) wholeheartedly agrees the Team has been highly successful in accomplishing the goals specified in the Marine Mammal Protection Act (MMPA). In fact, the Pacific Offshore Cetacean Take Reduction Plan has been the most successful of all take reduction plans across the country. We are sincerely grateful for the time and energy that the Team has spent ensuring the take reduction process worked effectively to protect marine mammals and maintain the fishery.

We agree that the MMPA take reduction process has been essential to achieving this successful outcome in the drift gillnet fishery. NMFS is committed to continuing to implement the take reduction process in a way that enables this success to continue. We are, therefore, quite sensitive to the concerns raised in your letter, particularly those that could undermine the take reduction process. We would not want to destabilize the mutual trust that teams have built over the years or diminish team members' commitment to the process; these are essential elements of a successful stakeholder-based entity charged with reaching consensus. Additionally, the take reduction process has been soundly rooted in science and when such a diverse group of stakeholders can achieve consensus based on science, we strongly believe the outcomes are more effective. The Team certainly embodies these characteristics.

NMFS fully supports the MMPA take reduction process and, as such, has invested many of our limited resources in that process. We want to ensure that we prioritize those limited resources to focus on our most significant bycatch issues. We agree with your point that having two bodies address the same or similar issues may not be the most efficient use of those resources. As West Coast Regional Administrator Will Stelle noted in his November 2014 letter to Dorothy Lowman, we appreciate the Pacific Council's efforts in seeking measures to further minimize and mitigate bycatch in the drift gillnet fishery. If the Council chooses to take action related to the management of marine mammals addressed by take reduction teams, we will do our best to ensure that they engage with the team to complement the take reduction process as much as possible. Further, we will evaluate whether Council actions are consistent with the MMPA.



As a first step, we welcome their participation as a team member and have encouraged them to recommend an appropriate representative for the Team. They have done so, and NMFS is currently in the process of evaluating that recommendation. Each of the other six take reduction teams includes a representative from the appropriate council(s). We rely on those members to serve as liaisons between the take reduction team and the council to ensure communication and coordination on actions that would affect each body. This relationship ensures that the teams take all relevant information into account when these diverse stakeholders develop and negotiate consensus-based take reduction measures. We believe this communication and coordination is instrumental to the process and results in more effective bycatch reduction. My staff will continue to work with the Pacific Council to facilitate their meaningful participation in the take reduction process.

Since the Team met in March, the Pacific Council met again in June 2015. At that meeting, the Council adopted additional alternatives that are variations on the current preliminary preferred alternatives. Instead of single-year hard caps, the additional alternatives would count a 2-year take average of high-priority protected species toward the hard caps. The 2-year period for counting takes against the caps would be aligned with the two-year biennial management period, or would be a rolling period where takes in the current fishing season and the previous fishing season would be counted against the caps. The Council directed the Highly Migratory Species Management Team to analyze these alternatives for Council final action in September 2015. NMFS will review any new alternatives and provide our input to the Council. We will be sure to notify the Team so that it may provide input at the appropriate time.

I appreciate your continued commitment to working with us to conserve marine mammals. If you would like further information, please contact Will Stelle at (206) 526-6150.

Sincerely,



Eileen Sobeck
Assistant Administrator
for Fisheries