

## **NOAA Fisheries Service (NMFS) Update on North Atlantic Right Whale Recovery Actions**

Asaro, M.J.<sup>1</sup>

<sup>1</sup> *National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office, 55 Great Republic Dr, Gloucester, MA 01930*

*michael.asaro@noaa.gov*

NOAA's National Marine Fisheries Service (NMFS) will provide an update on management activities under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) to promote the protection, conservation and recovery of the North Atlantic right whale population. NMFS will provide updates on: (1) the re-initiation of the ESA Section 7 consultations for the U.S. American Lobster and Batched Fisheries Biological Opinions; (2) the MMPA "Import Rule"; (3) the ESA Five-Year Review for North Atlantic Right Whales; and (4) the recent US/Canada joint initiatives to address right whale abundance and anthropogenic mortality.



**NOAA  
FISHERIES**

Protected Resources

# Update on North Atlantic Right Whale Recovery Actions

Michael J. Asaro, PhD  
Greater Atlantic Regional  
Fisheries Office

October 22, 2017

# Overview

1. Reinitiation of Section 7 consultations for fisheries biological opinions
2. Update on Marine Mammal Protection Act Import Rule
3. Recent US/Canada joint initiatives to address right whale mortality
4. Update on the 2017 North Atlantic right whale 5-year review

# 1. Section 7 of the Endangered Species Act

Section 7 of the Endangered Species Act requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any listed species.

# 1. Section 7 of the Endangered Species Act

- In 2013, formal consultation led to a “Batched” Biological Opinion on the following FMPs:
  - Northeast multispecies, monkfish, spiny dogfish, Northeast skate complex, Atlantic mackerel/squid/butterfish, Atlantic bluefish, and summer flounder/scup/black sea bass
- We completed formal consultation and issued Biological Opinions on the Atlantic Deep-Sea Red Crab FMP in 2002 and on the American lobster fishery in 2014.

# 1. Reinitiating Consultation for Fisheries

- Why reinitiate?
- Consultation process:
  1. Status of the species
  2. Description of the action
  3. Effects analysis

## 2. MMPA Import Rule

- The 2016 MMPA “import rule” required fish and fish product imports into the US to be harvested with conservation measures comparable to those implemented in the US (81 FR 54389, August 15, 2016).
- **Effective January 1, 2017** Starts 5-yr Exemption Period during which nations must–
  - Provide information to classify fisheries in the List of Foreign Fisheries
  - Develop their regulatory program
  - Provide progress report mid-way through the exemption period.
  - Apply for a Comparability Finding to export to the U.S.
- This has included classifying Canadian fisheries as part of the draft 2017 List of Foreign Fisheries under the MMPA (82 FR 39762, August 22, 2017).
  - Comment period closes **October 23, 2017**
- Foreign nations have until January 1, 2022 to apply for and receive a comparability finding for each of its export and exempt fisheries on the List of Foreign Fisheries to continue to export fish and fish products from those fisheries to the United States.

# 3. US/Canada Joint Effort on Right Whales

- Bilateral Right Whale Working Group
  - Representatives from the Canadian and US governments
  - Scientists and Resource Managers
- Met in Boston in September
- Upcoming meeting in Montreal in December
- Goal to identify areas where both nations can jointly fund research and management efforts



## 4. Right Whale 5-Year Review

- A Requirement of the Endangered Species Act; follow-on from the North Atlantic Right Whale Recovery Plan
- Findings of the 2017 5-year review:
  - A low rate of reproduction,
  - Longer calving intervals,
  - Declining population abundance,
  - Continued mortality from vessel and fishing gear interactions,
  - Changes in prey availability, and
  - Increased transboundary movement and risk.
- Confirms endangered status

# 4. Right Whale 5-Year Review

- Recommendations for the period 2017-2022:
  - Developing a strategy for understanding the energetic stressors on right whales including the effect of chronic, sublethal entanglement on overall and reproductive health and the effects of changes in environmental conditions and prey availability.
  - Developing a long-term, cross-regional plan for monitoring right whale population trends and habitat use.
  - Prioritizing funding for a combination of acoustic, aerial, and shipboard surveys of right whales that can be used to understand right whale presence in near real time.
  - Evaluating the effectiveness of the Atlantic Large Whale Take Reduction Plan and the Ship Speed Rule to determine whether it may be necessary to modify or extend these protections for right whales.
  - Analyzing the effects of commercial fishing on right whales.

# 4. Right Whale 5-Year Review

- Recommendations currently underway:
  - Convening a bilateral work group with Canada to focus on addressing science and management gaps
  - Reinitiate our fisheries Biological Opinions under the Endangered Species Act
  - Designating a dedicated Right Whale Recovery Coordinator in the Greater Atlantic Region
  - Developing a new North Atlantic Right Whale Recovery Team



**NOAA  
FISHERIES**

Protected Resources

Questions?