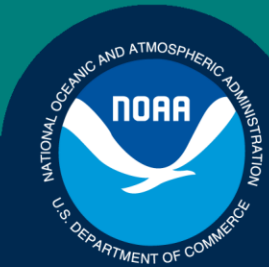


Science, Service, Stewardship



Protection of Humpback Whales under the ESA and MMPA

Lisa Van Atta
Pacific Islands Regional Office

June 29, 2012

**NOAA
FISHERIES
SERVICE**

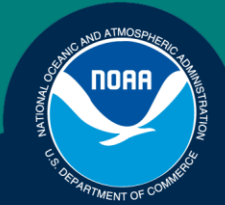
NOAA



Endangered Species Act

- 1970: Humpback whales listed as endangered under the Endangered Species Conservation Act of 1969
- 1973: Endangered Species Act enacted, automatically incorporated humpback whales onto the list as **endangered**
- 1991: Recovery Plan completed
- Currently: listed as endangered as one global species





ESA Status Review

- 2009: NOAA Fisheries “self-initiated” status review – not petition driven
- Because of current global listing, status review coordinated by NOAA Fisheries Office of Protected Resources
- Federal Register Notice solicited new information from public regarding status of humpback whales
- 2011: “Global Review of Humpback Whales” Technical Memorandum (NOAA-TM-NMFS-SWFSC-474)



ESA Status Review

- 10 member Biological Review Team (“BRT”)
 - ✓ 9 Federal Scientists
 - ✓ 1 Scientist from Oregon State University
- Draft BRT Report recently completed and is currently undergoing peer review
- BRT will address peer review comments, and finalize their report



Next Steps

- NOAA Fisheries will consider BRT recommendations and, if appropriate, delineate Distinct Population Segments
- Consider the listing status of each “DPS”
 - Endangered
 - Threatened
 - Not Warranted
- Publish proposed rule, seek public comment
- Once public comments are addressed, publish final rule



Future Considerations

- NOAA Fisheries will then consider the following for any humpback whale listed DPSs:
 - Section 4(d) rules for any **threatened** DPS
 - Critical Habitat
 - Recovery Plans
- Section 4(g) requires species recovered & removed from Endangered Species List be monitored in cooperation with the States(s) for a period of not less than 5 years.
 - Purpose : to detect any failure of a recovered species to sustain itself without the protection of the ESA



Interactions in the Hawaii Longline Fisheries since 2001

Hawaii Longline Fishery	Date	EEZ	NMFS-Determined Severity
Deep-Set	2/11/2001	Hawaii	Not serious
Deep-Set	10/12/2002	Outside	Not serious
Deep-Set	2/16/2004	Outside	Not serious
Shallow-Set	2/19/2006	Outside	Serious
Shallow-Set	12/29/2007	Outside	Not serious
Shallow-Set	11/13/2011	Outside	CBD



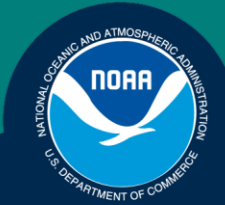
Authorization of “Take” for Hawaii-based Longline Fisheries

Shallow-set Fishery

- 2012 Biological Opinion’s Incidental Take Statement authorizes **2** humpback whale interactions annually

Deep-set Fishery

- 2005 Biological Opinion’s Incidental Take Statement (amended 2010) authorizes **4** humpback whale interactions over a 3-year period



Marine Mammal Protection Act

- 1973: Humpbacks designated “depleted” throughout range
- Automatic depleted designation for species listed as endangered or threatened under the ESA
- MMPA manages by “stock” :

a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature

- **Central North Pacific stock** migrates between Alaska and Hawaii (PBR for this stock = 61.2 animals)



Questions?



Flip Nicklin/Minden Pictures/NOAA Fisheries Permit #987