

February 15, 2010

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1601 Kapiolani Boulevard, Suite 1110  
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Re: False killer whale Take Reduction Team (TRT) meeting - RIN 0648-XT76

Dear Lisa,

I am writing to comment on the scope of the Hawai'i false killer whale Take Reduction Team (TRT). As I discuss below, both the Hawai'i insular stock and the Palmyra stocks of false killer whales should be included within the scope of the TRT. All available lines of evidence indicate that there has been a large-scale decline in the abundance of insular false killer whales in Hawai'i since the late 1980s (see Baird 2009, Marine Mammal Commission report). Subsequent to the review report for the Marine Mammal Commission, additional supporting evidence for the decline has also come to light. Chris Bane, a tour vessel operator/naturalist on Kaua'i from 1997 through 2008 running regular trips from Kaua'i to Ni'ihau, reported a decline in encounter rates of false killer whales from at least 1-2 times/month in the late 1990s to a few times per year in more recent years. He also noted that false killer whales were encountered more frequently than short-finned pilot whales, which is no longer the case. Combined with other evidence for the decline, this additional supporting evidence reinforces the need for action to reduce sources of anthropogenic mortality for this population.

Recent data from satellite tags deployed on false killer whales from the insular population indicate movements of up to 112 kilometers from shore, and thus a high potential to interact with the fishery. While there have been no documented serious injuries or mortalities in the fishery from the insular stock, genetic samples to determine stock identity have only been obtained from approximately 10% of the estimated bycaught individuals, and none have been collected from within 200 kilometers of the main Hawaiian Islands, thus there has been no way to assess the stock identity of bycaught individuals closer to the main Hawaiian Islands. Given that the Potential Biological Removal (PBR) level for the insular population is less than one individual per year, even low levels of mortality in the longline fishery is likely to lead to a decline in the size of the insular population of false killer whales. As such, inclusion of this population within the scope of the TRT is both warranted and

critically important. In terms of the Palmyra stock of false killer whales, although bycatch within the Palmyra Exclusive Economic Zone (EEZ) does not exceed PBR, bycatch levels are dependent on the amount of fishing effort within the Palmyra EEZ. As there are no specific restrictions as to the level of fishing effort within the Palmyra EEZ, this stock should also be included within the scope of the TRT.

In terms of fisheries included, the scope of the TRT includes both the Hawai'i deep-set and shallow-set longline fisheries, but does not include the shortline fishery or the kaka line fishery. These latter two fisheries should be included in the scope of the TRT, as both may cause significant bycatch of false killer whales. Both of these fisheries use gear similar to longline fisheries, but lines are restricted to less than one nautical mile in length. However, multiple lines may be set at one time, thus the number of boats fishing this type of gear is not completely reflective of the amount of gear being used. The amount of shortline and kaka line gear used in Hawaiian waters is also likely underestimated based on currently available data from the State of Hawai'i, since some fishermen use multiple gear types simultaneously and do not declare their fishing to be either shortline or kaka line, even when such gear is being used. As well, current regulations do not prevent longline fishermen from setting longline gear that is less than one mile in length inside the longline exclusion zone around the main Hawaiian Islands, and this type of fishing effort would not be documented through the observer program or be counted towards longline effort. Bycatch in this type of fishing effort would have a particular impact on the Hawai'i insular stock of false killer whales, given the spatial overlap with that population. For kaka line fishing, while the amount of gear in the water may be relatively small compared to the Hawai'i deep-set longline fishery, the geographic overlap between the Hawai'i insular population of false killer whales and this fishing effort also likely leads to high interaction rates. Although the population size for the Hawai'i insular false killer whale stock is much smaller than for the Hawai'i pelagic stock, because of the restricted range of the Hawai'i insular stock the density of individuals within the stock range is much higher than for false killer whales in pelagic waters of the Hawaiian EEZ. Thus although there are relatively few fishermen declaring use of kaka line or shortline gear, the interaction rates between false killer whales and these gear types are likely higher than perceived. Based on available evidence (e.g., Reeves et al. 2009), the magnitude of the decline in size of the population of false killer whales around the main Hawaiian Islands is so great that bycatch in the offshore longline fisheries alone cannot be entirely responsible for the decline. As such, the kaka line and shortline fisheries should be included within the scope of the TRT.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'RW Baird', with a decorative flourish at the end.

Robin W. Baird, Ph.D.  
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