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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

**[Docket No. 180522499-8499-01]**

**RIN 0648-BH96**

**List of Fisheries for 2019**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule, request for comment.

**SUMMARY:** The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2019, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2019 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

**DATES:** Comments must be received by *[insert date 30 days after date of publication in the FEDERAL REGISTER]*.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2018-0066, by either of the following methods:

*Electronic Submission:* Submit all electronic public comments via the Federal e-

Rulemaking Portal:

1. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0066](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0066);
2. Click the “**Comment Now!**” icon, complete the required fields;
3. Enter or attach your comments.

*Mail:* Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Taylor, Office of Protected Resources, 301-427-8402; Allison Rosner, Greater Atlantic Region, 978-281-9328; Jessica Powell, Southeast Region, 727-824-5312; Dan Lawson, West Coast Region, 562-980-3209; Suzie Teerlink, Alaska Region, 907-586-7240; Kevin Brindock, Pacific Islands Region, 808-725-5146. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## **What is the List of Fisheries?**

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SARs) and other relevant sources, and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)).

## **How does NMFS determine in which category a fishery is placed?**

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

### **Fishery Classification Criteria**

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable

population (OSP). This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

*Tier 1:* Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock. If the total annual mortality and serious injury of a marine mammal stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock will be placed in Category III (unless those fisheries interact with other stock(s) for which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

*Tier 2:* Tier 2 considers fishery-specific mortality and serious injury for a particular stock.

*Category I:* Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level (*i.e.*, frequent incidental mortality and serious injury of marine mammals).

*Category II:* Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level (*i.e.*, occasional incidental mortality and serious injury of marine mammals).

*Category III:* Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level (*i.e.*, a remote likelihood of or no known incidental mortality and serious injury of marine mammals).

Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086; August 30, 1995).

Because fisheries are classified on a per-stock basis, a fishery may qualify as one category for one marine mammal stock and another category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (*e.g.*, a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). Stocks driving a fishery's classification are denoted with a superscript <sup>“1”</sup> in Tables 1 and 2.

### **Other Criteria That May Be Considered**

The tier analysis requires a minimum amount of data, and NMFS does not have sufficient data to perform a tier analysis on certain fisheries. Therefore, NMFS has classified certain fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, or according to factors discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995) and listed in the regulatory definition of a Category II fishery: In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental mortality or serious injury is “frequent,” “occasional,” or “remote” by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries (50 CFR 229.2).

Further, eligible commercial fisheries not specifically identified on the LOF are deemed to be Category II fisheries until the next LOF is published (50 CFR 229.2).

## **How does NMFS determine which species or stocks are included as incidentally killed or injured in a fishery?**

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes “serious” and “non-serious” documented injuries as described later in the List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and the Atlantic Ocean, Gulf of Mexico, and Caribbean sections. To determine which species or stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock’s PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs and reviewed for the 2019 LOF generally summarizes data from 2011-2015. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.*, MMPA mortality/injury reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF.

For fisheries with observer coverage, species or stocks are generally removed from the list of marine mammal species and/or stocks incidentally killed or injured if no interactions are documented in the five-year timeframe summarized in that year’s LOF. For fisheries with no observer coverage and for observed fisheries with evidence indicating that undocumented interactions may be occurring (*e.g.*, fishery has low observer coverage and stranding network

data include evidence of fisheries interactions that cannot be attributed to a specific fishery) species and stocks may be retained for longer than five years. For these fisheries, NMFS will review the other sources of information listed above and use its discretion to decide when it is appropriate to remove a species or stock.

**Where does NMFS obtain information on the level of observer coverage in a fishery on the LOF?**

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each Pacific and Alaska SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. For Atlantic fisheries, this information can be found in the LOF Fishery Fact Sheets. The SARs generally do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: level of observer coverage; target species; levels of fishing effort; spatial and temporal distribution of fishing effort; characteristics of fishing gear and operations; management and regulations; and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine->

*mammal-stock-assessment-reports-region*. Information on observer coverage levels in Category I, II, and III fisheries can be found in the fishery fact sheets on the NMFS Office of Protected Resources' website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>. Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's website:

<https://www.fisheries.noaa.gov/national/fisheries-observers/national-observer-program>.

### **How do I find out if a specific fishery is in Category I, II, or III?**

The LOF includes three tables that list all U.S. commercial fisheries by Category. Table 1 lists all of the commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists all of the commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; and Table 3 lists all U.S. authorized commercial fisheries on the high seas. A fourth table, Table 4, lists all commercial fisheries managed under applicable TRPs or take reduction teams (TRT).

### **Are high seas fisheries included on the LOF?**

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (*e.g.*, trawl, longline, purse seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2

and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 by a “\*” after the fishery’s name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

HSFCA permits are valid for five years, during which time Fishery Management Plans (FMPs) can change. Therefore, some vessels/participants may possess valid HSFCA permits without the ability to fish under the permit because it was issued for a gear type that is no longer authorized under the most current FMP. For this reason, the number of HSFCA permits displayed in Table 3 is likely higher than the actual U.S. fishing effort on the high seas. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the final 2009 LOF (73 FR 73032; December 1, 2008). Additional information about HSFCA permits can be found at <https://www.fisheries.noaa.gov/node/23351>.

### **Where can I find specific information on fisheries listed on the LOF?**

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: when the fishery was added to the LOF; the basis for the fishery’s initial classification; classification changes to the fishery; changes to the list of species and/or stocks incidentally killed or injured in the fishery; fishery gear and methods

used; observer coverage levels; fishery management and regulation; and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under “How Do I Find Out if a Specific Fishery is in Category I, II, or III?” on the NMFS Office of Protected Resources’ website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>, linked to the “List of Fisheries Summary” table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

### **Am I required to register under the MMPA?**

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

### **How do I register and receive my Marine Mammal Authorization Program (MMAP) authorization certificate?**

NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these

fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials.

In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their state or Federal license or permit at the time of issuance or renewal.

In the West Coast Region, authorization certificates may be obtained from the website [http://www.westcoast.fisheries.noaa.gov/protected\\_species/marine\\_mammals/fisheries\\_interactions.html](http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/fisheries_interactions.html).

In the Alaska Region, authorization certificates may be obtained by visiting the National MMAP website <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate>.

In the Greater Atlantic Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Certificates may also be obtained by visiting the Greater Atlantic Regional Office website <https://www.greateratlantic.fisheries.noaa.gov/mmap>.

In the Southeast Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Vessel or gear owners can receive additional authorization certificates by contacting the Southeast Regional Office at 727-209-5952 or by visiting the National MMAP website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate>.

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal license or permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries.

Individuals fishing in Category I and II fisheries for which no state or Federal license or permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

#### **How do I renew my registration under the MMAP?**

In Alaska, Greater Atlantic, and Southeast regional fisheries, registrations of vessel or gear owners are automatically renewed and participants should receive an authorization certificate by January 1 of each new year. Certificates can also be obtained from the region's website. In Pacific Islands regional fisheries, vessel or gear owners receive an authorization certificate by January 1 for state fisheries and with their permit renewal for Federal fisheries. In West Coast regional fisheries, vessel or gear owners receive authorization either with each renewed state fishing license in Washington and Oregon, with their permit renewal for Federal fisheries (the timing of which varies based on target species), or via U.S. mail. Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by January 1 or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION**). Additional authorization certificates

are available for printing on the National MMAP website:

<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate>.

**Am I required to submit reports when I kill or injure a marine mammal during the course of commercial fishing operations?**

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a fishery listed on the LOF must report to NMFS all incidental mortalities and injuries of marine mammals that occur during commercial fishing operations, regardless of the category in which the fishery is placed (I, II, or III) within 48 hours of the end of the fishing trip or, in the case of non-vessel fisheries, fishing activity. “Injury” is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported.

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#reporting-a-death-or-injury-of-a-marine-mammal-during-commercial-fishing-operations> or by contacting the appropriate regional office (see **FOR FURTHER INFORMATION**). Forms may be submitted via any of the following means: (1) online using the electronic form; (2) emailed as an attachment to [nmfs.mireport@noaa.gov](mailto:nmfs.mireport@noaa.gov); (3) faxed to the NMFS Office of Protected Resources at 301-713-0376; or (4) mailed to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed

from the web address listed above). Reporting requirements and procedures are found in 50 CFR 229.6.

**Am I required to take an observer aboard my vessel?**

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 states that the Secretary is not required to place an observer on a vessel if the facilities for quartering an observer or performing observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; thereby authorizing the exemption of vessels too small to safely accommodate an observer from this requirement. However, U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)) will not be exempted from observer requirements, regardless of their size. Observer requirements are found in 50 CFR 229.7.

**Am I required to comply with any marine mammal TRP regulations?**

Table 4 provides a list of fisheries affected by TRPs and TRTs. TRP regulations are found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>. It is the responsibility of fishery participants to comply with applicable take reduction regulations.

**Where can I find more information about the LOF and the MMAP?**

Information regarding the LOF and the MMAP, including registration procedures and forms; current and past LOFs; descriptions of each Category I and II fishery and some Category

III fisheries; observer requirements; and marine mammal mortality/injury reporting forms and submittal procedures; may be obtained at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>, or from any NMFS Regional Office at the addresses listed below:

NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, Attn: Allison Rosner;

NMFS, Southeast Region, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701, Attn: Jessica Powell;

NMFS, West Coast Region, Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, Attn: Dan Lawson;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9<sup>th</sup> Street, Juneau, AK 99802, Attn: Suzie Teerlink; or

NMFS, Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attn: Kevin Brindock.

### **Sources of Information Reviewed for the 2019 LOF**

NMFS reviewed the marine mammal incidental mortality and serious injury information presented in the SARs for all fisheries to determine whether changes in fishery classification are warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of mortality and serious injury of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and

Caribbean. The SRGs were created by the MMPA to review the science that informs the SARs, and to advise NMFS on marine mammal population status, trends, and stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding and entanglement data, observer program data, fishermen self-reports, reports to the SRGs, conference papers, FMPs, and ESA documents.

The LOF for 2019 was based on, among other things, stranding data; fishermen self-reports; and SARs, primarily the 2017 SARs, which are based on data from 2011-2015. The SARs referenced in this LOF include: 2015 (81 FR 38676; June 14, 2016), 2016 (82 FR 29039; June 27, 2017), and 2017 (83 FR 32093; July 11, 2018). The SARs are available at:

*<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>*.

### **Request for public input on aquaculture gear descriptions**

We are soliciting public comment on existing and anticipated gear types used for coastal and offshore aquaculture facilities (shellfish, finfish, and macroalgae) in both state and Federal waters to accurately reflect aquaculture operations on the LOF. The scope and scale of all aquaculture fisheries is expected to grow over the next few decades. We will consider evaluating all aquaculture fisheries based on gear types, rather than species harvested, in a future LOF publication.

### **Summary of Changes to the LOF for 2019**

The following summarizes changes to the LOF for 2019, including the classification of fisheries, fisheries listed, the estimated number of vessels/persons in a particular fishery, and the

species and/or stocks that are incidentally killed or injured in a particular fishery. NMFS also makes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. The classifications and definitions of U.S. commercial fisheries for 2019 are identical to those provided in the LOF for 2018 with the changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), BSAI (Bering Sea and Aleutian Islands), CA (California), DE (Delaware), FL (Florida), GOA (Gulf of Alaska), GMX (Gulf of Mexico), HI (Hawaii), MA (Massachusetts), ME (Maine), NC (North Carolina), NY (New York), OR (Oregon), RI (Rhode Island), SC (South Carolina), VA (Virginia), WA (Washington), and WNA (Western North Atlantic).

## **Commercial Fisheries in the Pacific Ocean**

### *Fishery Name and Organizational Changes and Clarification*

NMFS proposes to add a superscript “<sup>1</sup>” to the CA/OR/WA stock of short-finned pilot whale to indicate it is driving the Category II classification of the CA thresher shark/swordfish drift gillnet ( $\geq 14$  inch (in) mesh). The most current estimate of CA/OR/WA short-finned pilot whale mortality and serious injury in the CA thresher shark/swordfish drift gillnet fishery ( $\geq 14$  in mesh) is 1.2 per year (Carretta *et al.*, 2018b), which is equal to 27 percent of this stock's PBR of 4.5 (Carretta *et al.*, 2018). This level of impact warrants a Category II listing under a Tier 2 analysis (between 1 and 50 percent of PBR), which represents the current listing for this fishery.

### *Number of Vessels/Persons*

NMFS proposes to update the estimated number of vessels/persons in the Pacific Ocean (Table 1) as follows:

Category I

- HI deep-set longline fishery from 143 to 142 vessels/persons

#### Category II

- HI shallow-set longline fishery from 22 to 13 vessels/person
- American Samoa longline fishery from 18 to 20 vessels/persons

#### Category III

- American Samoa bottomfish handline from 17 to 1092 vessels/person.

NMFS notes that in previous years, including the LOF for 2018, the estimated number of vessels/persons in the American Samoa bottomfish handline fishery was reported as the number of boats in the fishery. The most recent Annual Stock Assessment and Fishery Evaluation Report for American Samoa (WPRFMC, 2016b) now reports participation in the American Samoa bottomfish handline fishery as the number of fishers in the fishery. This number is calculated by using the average number of fishers per trip multiplied by the number of trips per day, multiplied by the numbers of dates in the calendar year. The total is the combined weekend and weekday stratum estimates. Therefore, the LOF for 2019 reports the estimated number of vessels/persons for American Samoa bottomfish handline fishery as the number of fishers in the fishery.

#### *List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean*

NMFS proposes to add the Hawaii stock of rough-toothed dolphin to, and remove the Main Hawaiian Islands (MHI) Insular stock of false killer whale from, the list of stocks incidentally killed or injured in the Category I Hawaii deep-set longline fishery. A rough-toothed dolphin was observed dead in this fishery in 2013. No MHI insular stock false killer whale mortalities or injuries have been observed in the most recent five years of data. Annual average estimated mortality and serious injury for rough-toothed dolphins from the Hawaii deep-set

longline fishery during 2011 to 2015 was 1.1 per year, which is equal to 0.26 percent of this stock's PBR of 423. During the same time-frame, mortality and serious injury was 0 for the MHI insular stock false killer whale (Carretta *et al.*, 2018). Observer coverage from 2011-2015 for this fishery was 20.3, 20.4, 20.4, 20.8, and 20.6 percent, respectively.

NMFS proposes to add the Western North Pacific and Central North Pacific humpback whale stocks to the list of stocks incidentally killed or injured in the Category II AK Kodiak salmon set gillnet fishery based on a report of a serious injury in 2015. (Note: for serious injury and mortality that occurs in an area of stock overlap, all potential stocks are assigned.)

NMFS proposes to add the Eastern Chukchi Sea, Eastern Bering Sea, and Bristol Bay stocks of beluga whale to the list of stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands pollock trawl fishery based on an observed mortality in 2013. (Note: for mortality and serious injury that occurs in an area of stock overlap, all potential stocks are assigned.)

Following consultation with the USFWS, NMFS proposes to add the southern sea otter to the list of species and/or stocks incidentally killed or injured in the Category II CA spiny lobster fishery based on an observed mortality in 2016 (USFWS, 2017).

NMFS proposes to add the Eastern North Pacific stock of blue whales to the list of stocks incidentally killed or injured in the Category II CA Dungeness crab pot fishery based on two observed mortalities or serious injuries in 2016 (Carretta *et al.*, 2018a). In addition, NMFS proposes to add a superscript "1" to the stock to indicate it is driving the classification of the fishery. Although this information has not yet been included in the blue whale SAR, we calculate that the mean annual take of Eastern North Pacific blue whales in the CA Dungeness crab pot

fishery during the most recent 5 years of available data (2012-2016) to be 0.4 per year, which is equal to 17 percent of this stock's PBR of 2.3 (Carretta *et al.*, 2018). This level of impact warrants a Category II listing under a Tier 2 analysis (between 1 and 50 percent of PBR), which represents the current listing for this fishery.

NMFS proposes to add two stocks to the list of stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands Pacific cod longline fishery, including: (1) Eastern North Pacific AK resident stock of killer whale, based on an observed mortality in 2012; and (2) AK spotted seal, based on an observed mortality in 2011.

NMFS proposes to add the Western U.S. stock of Steller sea lion to the list of stocks incidentally killed or injured in the Category II AK Gulf of Alaska sablefish longline fishery based on an observed mortality in 2012.

NMFS proposes to add the Central North Pacific stock of humpback whale to the list of stocks incidentally killed or injured in the Category III AK Prince William Sound salmon set gillnet fishery based on stranding reports of two injuries in 2015.

NMFS proposes to add the Western North Pacific stock of humpback whale to the list of stocks incidentally killed or injured in the Category III AK Kodiak salmon purse seine fishery based on a self-report of an injury in 2012.

NMFS proposes to add the Central North Pacific stock of humpback whale to the list of stocks incidentally killed or injured in the Category III AK Southeast salmon purse seine fishery based on a self-reported injury in 2013.

NMFS proposes to add two stocks to the list of stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands halibut longline fishery, including: (1) the Eastern

Pacific stock of northern fur seal, based on three stranding reports of mortalities in 2014; and (2) the North Pacific stock of sperm whale, based on an observed serious injury in 2015.

NMFS proposes to add the AK stock of bearded seal to the list of stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod trawl fishery based on an observed mortality in 2013.

NMFS proposes to add two stocks to the list of stocks incidentally killed or injured in the Category III AK Gulf of Alaska flatfish trawl fishery, including: (1) the AK stock of harbor seal, based on observed mortalities in 2011 and 2013; and 2) the Western U.S. stock of Steller sea lion, based on an observed mortality in 2015.

NMFS proposes to add the AK stock of harbor seal to the list of stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod trawl fishery based on an observed mortality in 2010.

NMFS proposes to add the Western U.S. stock of Steller sea lion to the list of stocks incidentally killed or injured in the Category III AK Gulf of Alaska rockfish trawl fishery based on an observed mortality in 2015.

NMFS proposes to add the Western Arctic stock of bowhead whale to the Category III AK Bering Sea, Aleutian Islands crab pot fishery for stranding report of a mortality in 2015.

### **Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean**

#### *Fishery Name and Organizational Changes and Clarification*

NMFS proposes to remove the superscript “1” from the Northern migratory coastal stock of bottlenose dolphin to indicate this stock is no longer driving the Category I classification of the Mid-Atlantic gillnet fishery. The maximum mean annual estimated mortality and serious

injury based on observer data (2011-2015) from this fishery is 12.2 animals which is 25.42 percent of PBR (Hayes *et al.*, 2017).

NMFS proposes to remove the superscript “1” from the Gulf of Maine stock of harbor porpoise to indicate this stock is no longer driving the Category I classification of the Northeast sink gillnet fishery. The current annual bycatch estimate is 251 animals, which represents 36 percent of this stock’s PBR of 706. Observer coverage from 2011-2015 was 19, 15, 11, 18, and 14 percent respectively.

NMFS proposes to add a superscript “1” to the Western North Atlantic offshore stock of bottlenose dolphin to indicate it is driving the Category II classification of the Mid-Atlantic bottom trawl fishery. The mean annual estimated mortality and serious injury based on observer data (2010-2014) from this fishery is 19 animals, which is 3.39 percent of PBR (Hayes *et al.*, 2017).

NMFS proposes to add a superscript “1” to the Southern migratory coastal stock of bottlenose dolphin to indicate it is driving the Category II classification of the Atlantic blue crab trap/pot fishery. The mean annual estimated mortality and serious injury based on observer data (2011-2015) from this fishery is 0.4 animals, which is 1.74 percent of PBR (Hayes *et al.*, 2018).

NMFS proposes to add a superscript “1” to the Gulf of Mexico Northern Coastal stock of bottlenose dolphin to indicate it is driving the Category II classification of the Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery. The mean annual estimated mortality and serious injury based on observer data (2007-2011) from this fishery is 2.3 animals, which is 2.07 percent of PBR (Waring *et al.*, 2016).

*Number of Vessels/Persons*

NMFS proposes updates to the estimated number of vessels/persons in the Atlantic Ocean, Gulf of Mexico, and Caribbean (Table 2) as follows:

#### Category I

- Northeast sink gillnet fishery from 4,332 to 3,163 vessels/persons
- Northeast/Mid-Atlantic American lobster trap/pot fishery from 10,163 to 8,485 vessels/persons

#### Category II

- Mid-Atlantic mid-water trawl (including pair trawl) fishery from 382 to 320 vessels/persons
- Mid-Atlantic bottom trawl fishery from 785 to 633 vessels/persons
- Northeast mid-water trawl (including pair trawl) fishery from 1,087 to 542 vessels/persons

#### Category III

- Atlantic mixed species trap/pot fishery from 3,436 to 3,332 vessels/persons.

These estimates may represent inflations of actual effort and do not necessarily represent a change in industry effort. However, they represent an estimate of the potential effort for each fishery given the multiple gear types for which state permits may allow. These numbers reflect individuals holding state or Federal permits and do not capture if these individuals maintain multiple permits under the same name and address. Additionally, decreases in the number of potential participants may be an artifact of more efficient techniques used within the database to eliminate duplicate name entries.

If we are able to extract more accurate information on the gear types used by state permit holders in future data requests, the numbers will be corrected to reflect this change. Federal permit information was collected through Federal Vessel Trip Reports and by querying Federal permit databases. State permit information was collected through the Marine Mammal Authorization Program annual registration process.

*List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean*

NMFS proposes to remove the WNA stock of harp seal from the stocks listed as incidentally killed or injured in the Category I Mid-Atlantic gillnet fishery. The last documented take of harp seal in this fishery occurred in 2010 when one animal was killed. Observer coverage from 2011-2015 for this fishery was 2, 2, 3, 5, and 6 percent, respectively. Because no additional takes have been documented since 2010, we propose to remove the stock.

NMFS proposes to add the Northern Gulf of Mexico stock of sperm whale to the list of stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. An entangled sperm whale was observed in this fishery in 2015.

NMFS proposes to add the Gulf of Mexico Eastern Coastal stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category II Gulf of Mexico gillnet fishery. A dolphin was observed entangled in the net and released alive.

NMFS proposes to remove the WNA stock of gray seal from the stocks listed as incidentally killed or injured in the Category II Mid-Atlantic mid-water trawl fishery. The last documented take of gray seal in this fishery occurred in 2010 when one animal was killed. Observer coverage from 2011-2015 for this fishery was 41, 21, 7, 5, and 3 percent, respectively.

Since no additional injuries or mortalities have been documented since 2010, we propose to remove the stock.

NMFS proposes to remove the Canadian east coast stock of minke whale from the stocks listed as incidentally killed or injured in the Category II Northeast mid-water trawl fishery. In 2013, one minke whale was observed dead in the mid-water otter trawl fishery on Georges Bank, however this animal was too decomposed to have been taken in a haul that was only 3 hours long. The annual average estimated minke whale mortality and serious injury incidental to the Northeast mid-water trawl (including pair trawl) fishery during 2011 to 2015 was zero. Observer coverage from 2011-2015 for this fishery was 41, 45, 37, 42, and 8 percent, respectively.

NMFS proposes to add two stocks of bottlenose dolphins to the list of stocks incidentally killed or injured in the Category II Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery, including: (1) Mobile Bay, Bonsecour Bay, based on a self-reported mortality in 2016; and (2) Mississippi River Delta, based on an observed mortality in 2017.

NMFS proposes to remove the WNA stock of gray seal from the stocks listed as incidentally killed or injured in the Category III Gulf of Maine Atlantic herring purse seine fishery. There were no observed takes in this fishery from 2011-2015. Observer coverage from 2011-2015 for this fishery was 33, 17, 17, 8, and 8 percent, respectively.

NMFS proposes to remove two stocks of pilot whales from the list of stocks incidentally killed or injured in the Category III U.S. Atlantic tuna purse seine fishery, including: (1) WNA stock of long-finned pilot whale; and (2) WNA stock of short-finned pilot whale. The last observed injuries or mortalities of pilot whales from this fishery was in 1996 (Waring *et al.*, 2015). Since 2015, there have been no active vessels from this fishery permitted to fish, and thus

no fishing effort (2017 Stock Assessment and Fishery Evaluation Report for Atlantic Highly Migratory Species).

## **Commercial Fisheries on the High Seas**

### *Number of Vessels/Persons*

NMFS proposes updates to the estimated number of vessels/persons on the High Seas (Table 3) as follows:

#### Category I

- Atlantic highly migratory species longline fishery from 79 to 67 vessels/persons
- Western Pacific pelagic longline (HI deep-set component) fishery from 143 to 142 vessels/persons

#### Category II

- Pacific highly migratory species drift gillnet fishery from 4 to 6 vessels/persons
- Atlantic highly migratory species trawl fishery from 2 to 1 vessels/persons
- South Pacific tuna purse seine fishery from 35 to 38 vessels/persons
- South Pacific albacore troll longline fishery from 9 to 11 vessels/persons
- South Pacific tuna longline fishery from 4 to 3 vessels/persons
- Western Pacific pelagic longline (HI shallow-set component) fishery from 22 to 13 vessels/persons
- Pacific highly migratory species handline/pole and line fishery from 42 to 48 vessels/persons
- South Pacific albacore troll handline/pole and line fishery from 11 to 15 vessels/persons

- Western Pacific pelagic handline/pole and line fishery from 5 to 6 vessels/persons
- South Pacific albacore troll troll fishery from 22 to 24 vessels/persons
- South Pacific tuna troll fishery from 4 to 3 vessels/persons

### Category III

- Northwest Atlantic bottom longline fishery from 1 to 2 vessels/persons
- Pacific highly migratory species longline fishery from 105 to 128 vessels/persons
- Pacific highly migratory species purse seine fishery from 7 to 10 vessels/persons
- Northwest Atlantic trawl fishery from 2 to 4 vessels/persons
- Pacific highly migratory species troll fishery from 149 to 150 vessels/persons.

### *List of Species and/or Stocks Incidentally Killed or Injured on the High Seas*

NMFS proposes to add three stocks to the list of stocks incidentally killed or injured in the Category II Western Pacific Pelagic (HI shallow-set component) longline fishery. The three stocks are: (1) Hawaii stock of fin whale; (2) Guadalupe fur seal; and (3) unknown stock of Mesoplodon species. One fin whale was observed entangled in the shallow set fishery in 2015, resulting in a non-serious injury (Carretta *et al.*, 2018); one Guadalupe fur seal was observed hooked in the shallow set fishery in 2015, resulting in a non-serious injury (McCracken, 2017); and one Mesoplodont beaked whale was observed entangled in the shallow-set fishery in 2014, and the injury determination could not be determined (McCracken, 2017).

### **Fisheries affected by Take Reduction Teams and Plans**

NMFS corrects an administrative error in Table 4. Under “affected fisheries” for the Pacific Offshore Cetacean Take Reduction Plan, NMFS updates the CA thresher shark/swordfish

drift gillnet ( $\geq 14$  in mesh) from Category I to Category II. This fishery was reclassified in the 2018 LOF (83 FR 5349, February 7, 2018), but the change was not reflected in Table 4.

### **List of Fisheries**

The following tables set forth the list of U.S. commercial fisheries according to their classification under section 118 of the MMPA. Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska), Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean, Table 3 lists commercial fisheries on the high seas, and Table 4 lists fisheries affected by TRPs or TRTs.

In Tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. For example, the State of Hawaii does not issue fishery-specific licenses, and the number of participants reported in the LOF represents the number of commercial marine license holders who reported using a particular fishing gear type/method at least once in a given year, without considering how many times the gear was used. For these fisheries, effort by a single participant is counted the same whether the fisherman used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-

Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery's potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the relevant regional office (contact information included above in **SUPPLEMENTARY INFORMATION**).

For high seas fisheries, Table 3 lists the number of valid HSFCA permits currently held. Although this likely overestimates the number of active participants in many of these fisheries, the number of valid HSFCA permits is the most reliable data on the potential effort in high seas fisheries at this time. As noted previously in this LOF, the number of HSFCA permits listed in Table 3 for the high seas components of fisheries that also operate within U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.*, MMPA reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2015. This list includes all species and/or stocks known to be killed or injured in a given fishery but also includes species

and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or fishermen self-reports (*i.e.*, MMPA reports) may not be verified. In Tables 1 and 2, NMFS has designated those species/stocks driving a fishery's classification (*i.e.*, the fishery is classified based on mortalities and serious injuries of a marine mammal stock that are greater than or equal to 50 percent (Category I), or greater than 1 percent and less than 50 percent (Category II), of a stock's PBR) by a "1" after the stock's name.

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, as discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995), and according to factors listed in the definition of a "Category II fishery" in 50 CFR 229.2 (*i.e.*, fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by a "2" after the fishery's name.

There are several fisheries in Tables 1, 2, and 3 in which a portion of the fishing vessels cross the exclusive economic zone (EEZ) boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately between Table 1 or 2 and Table 3, are considered the same fisheries on either side of the EEZ boundary. NMFS has designated those fisheries in each table by a "\*" after the fishery's name.

Table 1 - List of Fisheries -- Commercial Fisheries in the Pacific Ocean

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<b>CATEGORY I</b>		
<u>LONGLINE/SET LINE FISHERIES:</u>		
HI deep-set longline * ^	142	Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic <sup>1</sup> False killer whale, NWHI Humpback whale, Central North Pacific Kogia spp. (Pygmy or dwarf sperm whale), HI Pygmy killer whale, HI Risso's dolphin, HI Rough-toothed dolphin, HI Short-finned pilot whale, HI Sperm whale, HI Striped dolphin, HI
<b>CATEGORY II</b>		
<u>GILLNET FISHERIES:</u>		
CA thresher shark/swordfish drift gillnet (≥14 in mesh) *	18	Bottlenose dolphin, CA/OR/WA offshore California sea lion, U.S. Dall's porpoise, CA/OR/WA Humpback whale, CA/OR/WA Long-beaked common dolphin, CA Minke whale, CA/OR/WA Northern elephant seal, CA breeding Northern right-whale dolphin, CA/OR/WA Pacific white-sided dolphin, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, CA/OR/WA <sup>1</sup> Sperm Whale, CA/OR/WA <sup>1</sup>
CA halibut/white seabass and other species set gillnet (>3.5 in mesh)	50	California sea lion, U.S. Harbor seal, CA Humpback whale, CA/OR/WA <sup>1</sup> Long-beaked common dolphin, CA Northern elephant seal, CA breeding Sea otter, CA Short-beaked common dolphin, CA/OR/WA
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) <sup>2</sup>	30	California sea lion, U.S. Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bristol Bay salmon drift gillnet <sup>2</sup>	1,862	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Spotted seal, AK Steller sea lion, Western U.S.
AK Bristol Bay salmon set gillnet <sup>2</sup>	979	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Spotted seal, AK
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA <sup>1</sup> Harbor seal, GOA Humpback whale, Central North Pacific Humpback whale, Western North Pacific Sea otter, Southwest AK Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet	736	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Humpback whale, Central North Pacific <sup>1</sup> Sea otter, South central AK Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	569	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA <sup>1</sup> Harbor seal, GOA Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet <sup>2</sup>	162	Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Northern fur seal, Eastern Pacific
AK Peninsula/Aleutian Islands salmon set gillnet <sup>2</sup>	113	Harbor porpoise, Bering Sea Northern sea otter, Southwest AK Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet	537	Dall's porpoise, AK Harbor porpoise, GOA <sup>1</sup> Harbor seal, GOA Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Sea otter, South central AK Steller sea lion, Western U.S. <sup>1</sup>

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Southeast salmon drift gillnet	474	Dall's porpoise, AK Harbor porpoise, Southeast AK Harbor seal, Southeast AK Humpback whale, Central North Pacific <sup>1</sup> Pacific white-sided dolphin, North Pacific Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet <sup>2</sup>	168	Gray whale, Eastern North Pacific Harbor Porpoise, Southeastern AK Harbor seal, Southeast AK Humpback whale, Central North Pacific (Southeast AK)
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of US-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded)	210	Dall's porpoise, CA/OR/WA Harbor porpoise, inland WA <sup>1</sup> Harbor seal, WA inland
<u>TRAWL FISHERIES:</u>		
AK Bering Sea, Aleutian Islands flatfish trawl	32	Bearded seal, AK Gray whale, Eastern North Pacific Harbor porpoise, Bering Sea Harbor seal, Bering Sea Humpback whale, Western North Pacific <sup>1</sup> Killer whale, AK resident <sup>1</sup> Killer whale, GOA, AI, BS transient <sup>1</sup> Northern fur seal, Eastern Pacific Ringed seal, AK Ribbon seal, AK Spotted seal, AK Steller sea lion, Western U.S. <sup>1</sup> Walrus, AK
AK Bering Sea, Aleutian Islands pollock trawl	102	Bearded Seal, AK Beluga whale, Bristol Bay Beluga whale, Eastern Bering Sea Beluga whale, Eastern Chukchi Sea Dall's porpoise, AK Harbor seal, AK Humpback whale, Central North Pacific Humpback whale, Western North Pacific Northern fur seal, Eastern Pacific Ribbon seal, AK Ringed seal, AK Spotted seal, AK Steller sea lion, Western U.S. <sup>1</sup>
AK Bering Sea, Aleutian Islands rockfish trawl	17	Killer whale, ENP AK resident <sup>1</sup> Killer whale, GOA, AI, BS transient <sup>1</sup>
<u>POT, RING NET, AND TRAP FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CA spiny lobster	194	Bottlenose dolphin, CA/OR/WA offshore Humpback whale, CA/OR/WA <sup>1</sup> Gray whale, Eastern North Pacific Southern sea otter
CA spot prawn pot	25	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA <sup>1</sup>
CA Dungeness crab pot	570	Blue whale, Eastern North Pacific <sup>1</sup> Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA <sup>1</sup>
OR Dungeness crab pot	433	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA <sup>1</sup>
WA/OR/CA sablefish pot	309	Humpback whale, CA/OR/WA <sup>1</sup>
WA coastal Dungeness crab pot	228	Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA <sup>1</sup>
<u>LONGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Pacific cod longline	45	Dall's Porpoise, AK Killer whale, Eastern North Pacific AK resident Killer whale, GOA, BSAI transient <sup>1</sup> Northern fur seal, Eastern Pacific Ringed seal, AK Spotted seal, AK
AK Gulf of Alaska sablefish longline	295	Sperm whale, North Pacific Steller sea lion, Western U.S.
HI shallow-set longline * ^	13	Blainville's beaked whale, HI Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic <sup>1</sup> Humpback whale, Central North Pacific Risso's dolphin, HI Rough-toothed dolphin, HI Short-finned pilot whale, HI Striped dolphin, HI
American Samoa longline <sup>2</sup>	20	Bottlenose dolphin, unknown Cuvier's beaked whale, unknown False killer whale, American Samoa Rough-toothed dolphin, American Samoa Short-finned pilot whale, unknown
HI shortline <sup>2</sup>	9	None documented
<b>CATEGORY III</b>		
<u>GILLNET FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	1,778	Harbor porpoise, Bering Sea
AK Prince William Sound salmon set gillnet	29	Harbor seal, GOA Humpback whale, Central North Pacific Sea otter, South central AK Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	920	None documented
CA set gillnet (mesh size <3.5 in)	296	None documented
HI inshore gillnet	36	Bottlenose dolphin, HI Spinner dolphin, HI
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing)	24	Harbor seal, OR/WA coast
WA/OR Mainstem Columbia River eulachon gillnet	15	None documented
WA/OR lower Columbia River (includes tributaries) drift gillnet	110	California sea lion, U.S. Harbor seal, OR/WA coast
WA Willapa Bay drift gillnet	82	Harbor seal, OR/WA coast Northern elephant seal, CA breeding
<u>MISCELLANEOUS NET FISHERIES:</u>		
AK Cook Inlet salmon purse seine	83	Humpback whale, Central North Pacific
AK Kodiak salmon purse seine	376	Humpback whale, Central North Pacific Humpback whale, Western North Pacific
AK Southeast salmon purse seine	315	Humpback whale, Central North Pacific
AK Metlakatla salmon purse seine	10	None documented
AK roe herring and food/bait herring beach seine	10	None documented
AK roe herring and food/bait herring purse seine	356	None documented
AK salmon beach seine	31	None documented
AK salmon purse seine (Prince William Sound, Chignik, Alaska Peninsula)	936	Harbor seal, GOA Harbor seal, Prince William Sound
WA/OR sardine purse seine	42	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CA anchovy, mackerel, sardine purse seine	65	California sea lion, U.S. Harbor seal, CA
CA squid purse seine	80	Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA
CA tuna purse seine *	10	None documented
WA/OR Lower Columbia River salmon seine	10	None documented
WA/OR herring, smelt, squid purse seine or lampara	130	None documented
WA salmon purse seine	75	None documented
WA salmon reef net	11	None documented
HI lift net	17	None documented
HI inshore purse seine	<3	None documented
HI throw net, cast net	23	None documented
HI seine net	24	None documented
<u>DIP NET FISHERIES:</u>		
CA squid dip net	115	None documented
<u>MARINE AQUACULTURE FISHERIES:</u>		
CA marine shellfish aquaculture	unknown	None documented
CA salmon enhancement rearing pen	>1	None documented
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	2	None documented
WA salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters
WA/OR shellfish aquaculture	23	None documented
<u>TROLL FISHERIES:</u>		
WA/OR/CA albacore surface hook and line/troll	705	None documented
CA halibut hook and line/handline	unknown	None documented
CA white seabass hook and line/handline	unknown	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bering Sea, Aleutian Islands groundfish hand troll and dinglebar troll	unknown	None documented
AK Gulf of Alaska groundfish hand troll and dinglebar troll	unknown	None documented
AK salmon troll	1,908	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll	13	None documented
CA/OR/WA salmon troll	4,300	None documented
HI troll	2,117	Pantropical spotted dolphin, HI
HI rod and reel	322	None documented
Commonwealth of the Northern Mariana Islands tuna troll	40	None documented
Guam tuna troll	432	None documented
<u>LONGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Greenland turbot longline	4	Killer whale, AK resident
AK Bering Sea, Aleutian Islands sablefish longline	22	None documented
AK Bering Sea, Aleutian Islands halibut longline	127	Northern fur seal, Eastern Pacific Sperm whale, North Pacific
AK Gulf of Alaska halibut longline	855	None documented
AK Gulf of Alaska Pacific cod longline	92	Steller sea lion, Western U.S.
AK octopus/squid longline	3	None documented
AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish)	464	None documented
WA/OR/CA groundfish, bottomfish longline/set line	367	Bottlenose dolphin, CA/OR/WA offshore
WA/OR Pacific halibut longline	350	None documented
CA pelagic longline	1	None documented in the most recent five years of data
HI kaka line	15	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI vertical line	3	None documented
<u>TRAWL FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	13	Bearded seal, AK Ribbon seal, AK Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	72	Ringed seal, AK Steller sea lion, Western U.S.
AK Gulf of Alaska flatfish trawl	36	Harbor seal, AK Northern elephant seal, North Pacific Steller sea lion, Western U.S.
AK Gulf of Alaska Pacific cod trawl	55	Harbor seal, AK Steller sea lion, Western U.S.
AK Gulf of Alaska pollock trawl	67	Dall's porpoise, AK Fin whale, Northeast Pacific Northern elephant seal, North Pacific Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	43	Steller sea lion, Western U.S.
AK Kodiak food/bait herring otter trawl	4	None documented
AK shrimp otter trawl and beam trawl	38	None documented
AK state-managed waters of Prince William Sound groundfish trawl	2	None documented
CA halibut bottom trawl	47	California sea lion, U.S. Harbor porpoise, unknown Harbor seal, unknown Northern elephant seal, CA breeding Steller sea lion, unknown
CA sea cucumber trawl	16	None documented
WA/OR/CA shrimp trawl	300	None documented
WA/OR/CA groundfish trawl	160-180	California sea lion, U.S. Dall's porpoise, CA/OR/WA Harbor seal, OR/WA coast Northern fur seal, Eastern Pacific Pacific white-sided dolphin, CA/OR/WA Steller sea lion, Eastern U.S.
<u>POT, RING NET, AND TRAP FISHERIES:</u>		
AK Bering Sea, Aleutian Islands sablefish pot	6	None documented
AK Bering Sea, Aleutian Islands Pacific cod pot	59	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bering Sea, Aleutian Islands crab pot	540	Bowhead whale, Western Arctic Gray whale, Eastern North Pacific
AK Gulf of Alaska crab pot	271	None documented
AK Gulf of Alaska Pacific cod pot	116	Harbor seal, GOA
AK Gulf of Alaska sablefish pot	248	None documented
AK Southeast Alaska crab pot	375	Humpback whale, Central North Pacific (Southeast AK)
AK Southeast Alaska shrimp pot	99	Humpback whale, Central North Pacific (Southeast AK)
AK shrimp pot, except Southeast	141	None documented
AK octopus/squid pot	15	None documented
CA/OR coonstripe shrimp pot	36	Gray whale, Eastern North Pacific Harbor seal, CA
CA rock crab pot	124	Gray whale, Eastern North Pacific Harbor seal, CA
WA/OR/CA hagfish pot	54	None documented
WA/OR shrimp pot/trap	254	None documented
WA Puget Sound Dungeness crab pot/trap	249	None documented
HI crab trap	5	Humpback whale, Central North Pacific
HI fish trap	9	None documented
HI lobster trap	<3	None documented in recent years
HI shrimp trap	10	None documented
HI crab net	4	None documented
HI Kona crab loop net	33	None documented
<u>HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:</u>		
AK Bering Sea, Aleutian Islands groundfish jig	2	None documented
AK Gulf of Alaska groundfish jig	214	Fin whale, Northeast Pacific
AK halibut jig	71	None documented
American Samoa bottomfish	1092	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Commonwealth of the Northern Mariana Islands bottomfish	28	None documented
Guam bottomfish	>300	None documented
HI aku boat, pole, and line	<3	None documented
HI bottomfish handline	578	None documented in recent years
HI inshore handline	357	None documented
HI pelagic handline	534	None documented
WA groundfish, bottomfish jig	679	None documented
Western Pacific squid jig	0	None documented
<u>HARPOON FISHERIES:</u>		
CA swordfish harpoon	6	None documented
<u>POUND NET/WEIR FISHERIES:</u>		
AK herring spawn on kelp pound net	291	None documented
AK Southeast herring roe/food/bait pound net	2	None documented
HI bullpen trap	3	None documented
<u>BAIT PENS:</u>		
WA/OR/CA bait pens	13	California sea lion, U.S.
<u>DREDGE FISHERIES:</u>		
AK scallop dredge	108 (5 AK)	None documented
<u>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</u>		
AK clam	130	None documented
AK Dungeness crab	2	None documented
AK herring spawn on kelp	266	None documented
AK miscellaneous invertebrates handpick	214	None documented
HI black coral diving	<3	None documented
HI fish pond	5	None documented

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI handpick	46	None documented
HI lobster diving	19	None documented
HI spearfishing	163	None documented
WA/CA kelp	4	None documented
WA/OR bait shrimp, clam hand, dive, or mechanical collection	201	None documented
OR/CA sea urchin, sea cucumber hand, dive, or mechanical collection	10	None documented
<u>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</u>		
AK/WA/OR/CA commercial passenger fishing vessel	>7,000 (1,006 AK)	Killer whale, unknown Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
<u>LIVE FINFISH/SHELLFISH FISHERIES:</u>		
CA nearshore finfish live trap/hook-and-line	93	None documented
HI aquarium collecting	90	None documented

List of Abbreviations and Symbols Used in Table 1: AI - Aleutian Islands; AK - Alaska; BS - Bering Sea; CA - California; ENP - Eastern North Pacific; GOA - Gulf of Alaska; HI - Hawaii; MHI - Main Hawaiian Islands; OR - Oregon; WA - Washington; <sup>1</sup> Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; <sup>2</sup> Fishery classified by analogy; \* Fishery has an associated high seas component listed in Table 3; ^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks that have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

Table 2 - List of Fisheries -- Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
<b>CATEGORY I</b>		
<u>GILLNET FISHERIES:</u>		
Mid-Atlantic gillnet	3,950	Bottlenose dolphin, Northern Migratory coastal Bottlenose dolphin, Southern Migratory coastal <sup>1</sup> Bottlenose dolphin, Northern NC estuarine system <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system <sup>1</sup> Bottlenose dolphin, WNA offshore Common dolphin, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Humpback whale, Gulf of Maine Minke whale, Canadian east coast
Northeast sink gillnet	3,163	Bottlenose dolphin, WNA offshore Common dolphin, WNA Fin whale, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Harp seal, WNA Hooded seal, WNA Humpback whale, Gulf of Maine Long-finned pilot whale, WNA Minke whale, Canadian east coast North Atlantic right whale, WNA Risso's dolphin, WNA White-sided dolphin, WNA
<u>TRAP/POT FISHERIES:</u>		
Northeast/Mid-Atlantic American lobster trap/pot	8,485	Humpback whale, Gulf of Maine Minke whale, Canadian east coast North Atlantic right whale, WNA <sup>1</sup>
<u>LOGLINE FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline*	280	Atlantic spotted dolphin, Northern GMX Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA False killer whale, WNA Harbor porpoise, GME, BF Kogia spp. (Pygmy or dwarf sperm whale), WNA Long-finned pilot whale, WNA <sup>1</sup> Mesoplodon beaked whale, WNA Minke whale, Canadian East coast Panropical spotted dolphin, Northern GMX Pygmy sperm whale, GMX Risso's dolphin, Northern GMX Risso's dolphin, WNA Rough-toothed dolphin, Northern GMX Short-finned pilot whale, Northern GMX Short-finned pilot whale, WNA <sup>1</sup> Sperm whale, Northern GMX
<b>CATEGORY II</b>		
<u>GILLNET FISHERIES:</u>		
Chesapeake Bay inshore gillnet <sup>2</sup>	248	Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal)
Gulf of Mexico gillnet <sup>2</sup>	248	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, and estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal
NC inshore gillnet	2,850	Bottlenose dolphin, Northern NC estuarine system <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system <sup>1</sup>
Northeast anchored float gillnet <sup>2</sup>	852	Harbor seal, WNA Humpback whale, Gulf of Maine White-sided dolphin, WNA
Northeast drift gillnet <sup>2</sup>	1,036	None documented
Southeast Atlantic gillnet <sup>2</sup>	273	Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Northern FL coastal Bottlenose dolphin, SC/GA coastal Bottlenose dolphin, Southern migratory coastal
Southeastern U.S. Atlantic shark gillnet	23	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal) North Atlantic right whale, WNA
<u>TRAWL FISHERIES</u>		
Mid-Atlantic mid-water trawl (including	320	

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
pair trawl)		Harbor seal, WNA
Mid-Atlantic bottom trawl	633	Bottlenose dolphin, WNA offshore <sup>1</sup> Common dolphin, WNA <sup>1</sup> Gray seal, WNA Harbor seal, WNA Risso's dolphin, WNA <sup>1</sup> White-sided dolphin, WNA
Northeast mid-water trawl (including pair trawl)	542	Common dolphin, WNA Gray seal, WNA Harbor seal, WNA Long-finned pilot whale, WNA <sup>1</sup>
Northeast bottom trawl	2,238	Bottlenose dolphin, WNA offshore Common dolphin, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Harp seal, WNA Long-finned pilot whale, WNA Risso's dolphin, WNA White-sided dolphin, WNA <sup>1</sup>
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	4,950	Atlantic spotted dolphin, GMX continental and oceanic Bottlenose dolphin, Charleston estuarine system Bottlenose dolphin, Eastern GMX coastal <sup>1</sup> Bottlenose dolphin, GMX bay, sound, estuarine <sup>1</sup> Bottlenose dolphin, GMX continental shelf Bottlenose dolphin, Mississippi River Delta Bottlenose dolphin, Mobile Bay, Bonsecour Bay Bottlenose dolphin, Northern GMX coastal <sup>1</sup> Bottlenose dolphin, SC/GA coastal <sup>1</sup> Bottlenose dolphin, Southern migratory coastal Bottlenose dolphin, Western GMX coastal <sup>1</sup> West Indian manatee, Florida
<u>TRAP/POT FISHERIES:</u>		
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot <sup>2</sup>	1,384	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion) Bottlenose dolphin, Indian River Lagoon estuarine system Bottlenose dolphin, Jacksonville estuarine system Bottlenose dolphin, Northern GMX coastal
Atlantic mixed species trap/pot <sup>2</sup>	3,332	Fin whale, WNA Humpback whale, Gulf of Maine

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Atlantic blue crab trap/pot	7,714	Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Central GA estuarine system Bottlenose dolphin, Charleston estuarine system <sup>1</sup> Bottlenose dolphin, Indian River Lagoon estuarine system Bottlenose dolphin, Jacksonville estuarine system Bottlenose dolphin, Northern FL coastal <sup>1</sup> Bottlenose dolphin, Northern GA/Southern SC estuarine system Bottlenose dolphin, Northern Migratory coastal Bottlenose dolphin, Northern NC estuarine system <sup>1</sup> Bottlenose dolphin, Northern SC estuarine system Bottlenose dolphin, SC/GA coastal Bottlenose dolphin, Southern GA estuarine system Bottlenose dolphin, Southern Migratory coastal <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system West Indian manatee, FL
<u>PURSE SEINE FISHERIES:</u>		
Gulf of Mexico menhaden purse seine	40-42	Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau Bottlenose dolphin, Northern GMX coastal <sup>1</sup> Bottlenose dolphin, Western GMX coastal <sup>1</sup>
Mid-Atlantic menhaden purse seine <sup>2</sup>	19	Bottlenose dolphin, Northern Migratory coastal Bottlenose dolphin, Southern Migratory coastal
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Mid-Atlantic haul/beach seine	359	Bottlenose dolphin, Northern Migratory coastal <sup>1</sup> Bottlenose dolphin, Northern NC estuarine system <sup>1</sup> Bottlenose dolphin, Southern Migratory coastal <sup>1</sup>
NC long haul seine	30	Bottlenose dolphin, Northern NC estuarine system <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system
<u>STOP NET FISHERIES:</u>		
NC roe mullet stop net	1	Bottlenose dolphin, Northern NC estuarine system Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system)
<u>POUND NET FISHERIES:</u>		
VA pound net	26	Bottlenose dolphin, Northern migratory coastal Bottlenose dolphin, Northern NC estuarine system Bottlenose dolphin, Southern Migratory coastal <sup>1</sup>
<b>CATEGORY III</b>		
<u>GILLNET FISHERIES:</u>		

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Caribbean gillnet	>991	None documented in the most recent five years of data
DE River inshore gillnet	unknown	None documented in the most recent five years of data
Long Island Sound inshore gillnet	unknown	None documented in the most recent five years of data
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet	unknown	None documented in the most recent five years of data
Southeast Atlantic inshore gillnet	unknown	Bottlenose dolphin, Northern SC estuarine system
<u>TRAWL FISHERIES:</u>		
Atlantic shellfish bottom trawl	>58	None documented
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, Northern GMX continental shelf
Gulf of Mexico mixed species trawl	20	None documented
GA cannonball jellyfish trawl	1	Bottlenose dolphin, SC/GA coastal
<u>MARINE AQUACULTURE FISHERIES:</u>		
Finfish aquaculture	48	Harbor seal, WNA
Shellfish aquaculture	unknown	None documented
<u>PURSE SEINE FISHERIES:</u>		
Gulf of Maine Atlantic herring purse seine	>7	Harbor seal, WNA
Gulf of Maine menhaden purse seine	>2	None documented
FL West Coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal
U.S. Atlantic tuna purse seine *	5	None documented in most recent five years of data
<u>LOGLINE/HOOK-AND-LINE FISHERIES:</u>		
Northeast/Mid-Atlantic bottom longline/hook-and-line	>1,207	None documented
Gulf of Maine, U.S. Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon	2,846	Bottlenose dolphin, WNA offshore Humpback whale, Gulf of Maine
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other	>5,000	Bottlenose dolphin, GMX continental shelf

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
reef fish bottom longline/hook-and-line		
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line	39	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, Northern GMX continental shelf
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon	680	None documented
U.S. Atlantic, Gulf of Mexico trotline	unknown	None documented
<u>TRAP/POT FISHERIES</u>		
Caribbean mixed species trap/pot	>501	None documented
Caribbean spiny lobster trap/pot	>197	None documented
FL spiny lobster trap/pot	1,268	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay estuarine Bottlenose dolphin, FL Keys
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Barataria Bay Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal West Indian manatee, FL
Gulf of Mexico mixed species trap/pot	unknown	None documented
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot	10	None documented
U.S. Mid-Atlantic eel trap/pot	unknown	None documented
<u>STOP SEINE/WEIR/POUND NET/FLOATING TRAP/FYKE NET FISHERIES:</u>		
Gulf of Maine herring and Atlantic mackerel stop seine/weir	>1	Harbor porpoise, GME/BF Harbor seal, WNA Minke whale, Canadian east coast Atlantic white-sided dolphin, WNA
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe	unknown	Bottlenose dolphin, Northern NC estuarine system

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
mullet stop net)		
RI floating trap	9	None documented
Northeast and Mid-Atlantic fyke net	unknown	None documented
<u>DREDGE FISHERIES:</u>		
Gulf of Maine sea urchin dredge	unknown	None documented
Gulf of Maine mussel dredge	unknown	None documented
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	>403	None documented
Mid-Atlantic blue crab dredge	unknown	None documented
Mid-Atlantic soft-shell clam dredge	unknown	None documented
Mid-Atlantic whelk dredge	unknown	None documented
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge	7,000	None documented
New England and Mid-Atlantic offshore surf clam/quahog dredge	unknown	None documented
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Caribbean haul/beach seine	15	None documented in the most recent five years of data
Gulf of Mexico haul/beach seine	unknown	None documented
Southeastern U.S. Atlantic haul/beach seine	25	None documented
<u>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</u>		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection	20,000	None documented
Gulf of Maine urchin dive, hand/mechanical collection	unknown	None documented
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net	unknown	None documented
<u>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</u>		
Atlantic Ocean, Gulf of Mexico, Caribbean	4,000	Bottlenose dolphin, Barataria Bay estuarine system Bottlenose dolphin, Biscayne Bay estuarine

Fishery Description	Estimated # of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
commercial passenger fishing vessel		Bottlenose dolphin, Central FL coastal Bottlenose dolphin, Choctawhatchee Bay Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, FL Bay Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Indian River Lagoon estuarine system Bottlenose dolphin, Jacksonville estuarine system Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau Bottlenose dolphin, Northern FL coastal Bottlenose dolphin, Northern GA/Southern SC estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Northern migratory coastal Bottlenose dolphin, Northern NC estuarine Bottlenose dolphin, Southern migratory coastal Bottlenose dolphin, Southern NC estuarine system Bottlenose dolphin, SC/GA coastal Bottlenose dolphin, Western GMX coastal Short-finned pilot whale, WNA

List of Abbreviations and Symbols Used in Table 2: DE - Delaware; FL - Florida; GA - Georgia; GME/BF - Gulf of Maine/Bay of Fundy; GMX - Gulf of Mexico; MA - Massachusetts; NC - North Carolina; NY - New York; RI - Rhode Island; SC- South Carolina; VA - Virginia; WNA - Western North Atlantic; <sup>1</sup> Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; <sup>2</sup> Fishery classified by analogy; \* Fishery has an associated high seas component listed in Table 3.

Table 3 - List of Fisheries -- Commercial Fisheries on the High Seas

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
<b>Category I</b>		
<u>LONGLINE FISHERIES:</u>		
Atlantic Highly Migratory Species *	67	Atlantic spotted dolphin, WNA Bottlenose dolphin, Northern GMX oceanic Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA False killer whale, WNA Killer whale, GMX oceanic Kogia spp. whale (Pygmy or dwarf sperm whale), WNA Long-finned pilot whale, WNA Mesoplodon beaked whale, WNA Minke whale, Canadian East coast Pantropical spotted dolphin, WNA Risso's dolphin, GMX Risso's dolphin, WNA Short-finned pilot whale, WNA
Western Pacific Pelagic (HI Deep-set component) * ^	142	Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic Humpback whale, Central North Pacific Kogia spp. (Pygmy or dwarf sperm whale), HI Pygmy killer whale, HI Risso's dolphin, HI Short-finned pilot whale, HI Sperm whale, HI Striped dolphin, HI
<b>Category II</b>		
<u>DRIFT GILLNET FISHERIES:</u>		
Pacific Highly Migratory Species * ^	6	Long-beaked common dolphin, CA Humpback whale, CA/OR/WA Northern right-whale dolphin, CA/OR/WA Pacific white-sided dolphin, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA
<u>TRAWL FISHERIES:</u>		
Atlantic Highly Migratory Species **	1	No information
CCAMLR	0	Antarctic fur seal
<u>PURSE SEINE FISHERIES:</u>		
South Pacific Tuna Fisheries	38	No information

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Western Pacific Pelagic	1	No information
<u>LOGLINE FISHERIES:</u>		
CCAMLR	0	None documented
South Pacific Albacore Troll	11	No information
South Pacific Tuna Fisheries **	3	No information
Western Pacific Pelagic (HI Shallow-set component) * ^	13	Blainville's beaked whale, HI Bottlenose dolphin, HI Pelagic False killer whale, HI Pelagic Fin whale, HI Guadalupe fur seal Humpback whale, Central North Pacific Mesoplodon sp., unknown Northern elephant seal, CA breeding Risso's dolphin, HI Rough-toothed dolphin, HI Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, HI Striped dolphin, HI
<u>HANDLINE/POLE AND LINE FISHERIES:</u>		
Atlantic Highly Migratory Species	2	No information
Pacific Highly Migratory Species	48	No information
South Pacific Albacore Troll	15	No information
Western Pacific Pelagic	6	No information
<u>TROLL FISHERIES:</u>		
Atlantic Highly Migratory Species	1	No information
South Pacific Albacore Troll	24	No information
South Pacific Tuna Fisheries **	3	No information
Western Pacific Pelagic	6	No information
<b>Category III</b>		
<u>LOGLINE FISHERIES:</u>		
Northwest Atlantic Bottom Longline	2	None documented
Pacific Highly Migratory Species	128	None documented in the most recent 5 years of data
<u>PURSE SEINE FISHERIES</u>		
Pacific Highly Migratory Species * ^	10	None documented
<u>TRAWL FISHERIES:</u>		
Northwest Atlantic	4	None documented

Fishery Description	# of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
<u>TROLL FISHERIES:</u>		
Pacific Highly Migratory Species *	150	None documented

List of Terms, Abbreviations, and Symbols Used in Table 3:

CA - California; GMX- Gulf of Mexico; HI - Hawaii; OR - Oregon; WA - Washington; WNA - Western North Atlantic.

\* Fishery is an extension/component of an existing fishery operating within U.S. waters listed in Table 1 or 2. The number of permits listed in Table 3 represents only the number of permits for the high seas component of the fishery.

\*\* These gear types are not authorized under the Pacific HMS FMP (2004), the Atlantic HMS FMP (2006), or without a South Pacific Tuna Treaty license (in the case of the South Pacific Tuna fisheries). Because HSFCA permits are valid for five years, permits obtained in past years exist in the HSFCA permit database for gear types that are now unauthorized. Therefore, while HSFCA permits exist for these gear types, it does not represent effort. In order to land fish species, fishers must be using an authorized gear type. Once these permits for unauthorized gear types expire, the permit-holder will be required to obtain a permit for an authorized gear type.

^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

Table 4 - Fisheries Affected by Take Reduction Teams and Plans

Take Reduction Plans	Affected Fisheries
Atlantic Large Whale Take Reduction Plan (ALWTRP) – 50 CFR 229.32	<u>Category I</u> Mid-Atlantic gillnet Northeast/Mid-Atlantic American lobster trap/pot Northeast sink gillnet <u>Category II</u> Atlantic blue crab trap/pot Atlantic mixed species trap/pot Northeast anchored float gillnet Northeast drift gillnet Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet* Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot ^
Bottlenose Dolphin Take Reduction Plan (BDTRP) – 50 CFR 229.35	<u>Category I</u> Mid-Atlantic gillnet <u>Category II</u> Atlantic blue crab trap/pot Chesapeake Bay inshore gillnet fishery Mid-Atlantic haul/beach seine Mid-Atlantic menhaden purse seine NC inshore gillnet NC long haul seine NC roe mullet stop net Southeast Atlantic gillnet Southeastern U.S. Atlantic shark gillnet Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl^ Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot^ VA pound net
False Killer Whale Take Reduction Plan (FKWTRP) – 50 CFR 229.37	<u>Category I</u> HI deep-set longline <u>Category II</u> HI shallow-set longline
Harbor Porpoise Take Reduction Plan (HPTRP) – 50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic)	<u>Category I</u> Mid-Atlantic gillnet Northeast sink gillnet
Pelagic Longline Take Reduction Plan (PLTRP) – 50 CFR 229.36	<u>Category I</u> Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline
Pacific Offshore Cetacean Take Reduction Plan (POCTRP) – 50 CFR 229.31	<u>Category II</u> CA thresher shark/swordfish drift gillnet (≥14 in mesh)
Atlantic Trawl Gear Take Reduction Team (ATGTRT)	<u>Category II</u> Mid-Atlantic bottom trawl Mid-Atlantic mid-water trawl (including pair trawl) Northeast bottom trawl Northeast mid-water trawl (including pair trawl)

\* Only applicable to the portion of the fishery operating in U.S. waters; ^ Only applicable to the portion of the fishery operating in the Atlantic Ocean.

## **Classification**

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Any entity with combined annual fishery landing receipts less than \$11 million is considered a small entity for purposes of the Regulatory Flexibility Act. Under the former, lower size standards, all entities subject to this action were considered small entities; thus, they all would continue to be considered small under the new standards.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an Authorization Certificate. The Authorization Certificate authorizes the taking of non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 51,873 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. The MMPA registration process is integrated with existing state and Federal licensing, permitting, and registration programs. Therefore, individuals who have a state or Federal fishing permit or landing license, or who are authorized through another related state or Federal fishery registration program, are currently not required to register separately under the MMPA or pay the \$25 registration fee. Through this integrated process, registration under the

MMPA, including the \$25 registration fee, is only required for vessels participating in a Category I or II non-permitted fishery. All Category I and II fisheries listed on the 2019 proposed LOF are permitted through state or Federal processes and registration under the MMPA is covered through the integrated process. Therefore, this proposed rule would not impose any direct costs on small entities.

The MMPA requires any vessel owner or operator participating in a fishery listed on the LOF to report to NMFS, within 48 hours of the end of the fishing trip, all marine mammal incidental mortalities and injuries that occur during commercial fishing operations. These marine mammal mortalities and injuries are reported using a postage-paid, OMB approved form (OMB number 0648-0292). This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox, faxed, emailed, or completed online within 48 hours of the vessels return to port. Therefore, record keeping and reporting costs associated with this LOF are minimal and would not have a significant impact on a substantial number of small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. As a result of this certification, an initial regulatory flexibility analysis is not required and none has been prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

This proposed rule contains existing collection-of-information (COI) requirements subject to the Paperwork Reduction Act and would not impose additional or new COI

requirements. The COI for the registration of individuals under the MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0293 (0.15 hours per report for new registrants). The requirement for reporting marine mammal mortalities or injuries has been approved by OMB under OMB control number 0648-0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the COI. Send comments regarding these reporting burden estimates or any other aspect of the COI, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a COI, subject to the requirements of the Paperwork Reduction Act, unless that COI displays a currently valid OMB control number.

This proposed rule has been determined to be not significant for the purposes of Executive Orders 12866 and 13563.

This rule is not expected to be an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

In accordance with the Companion Manual for NOAA Administrative Order (NAO) 216-6A, NMFS preliminarily determined that publishing this proposed LOF qualifies to be categorically excluded from further NEPA review, consistent with categories of activities identified in Categorical Exclusion G7 (“Preparation of policy directives, rules, regulations, and

guidelines of an administrative, financial, legal, technical, or procedural nature, or for which the environmental effects are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or on a case-by-case basis") of the Companion Manual and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216-6A that would preclude application of this categorical exclusion. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA), as required under NEPA, specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the ESA or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this proposed rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This proposed rule would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This proposed rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

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