


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: November 23, 2004

SUBJECT: Protected Resources

ESTIMATED TIME 1 HOUR

ACTION REQUIRED

Receive staff report on Protected Resources issues and take action as necessary.

BACKGROUND

A. List of Fisheries for 2005

As required by the Marine Mammal Protection Act, NMFS annually publishes a List of Fisheries (LOF) that places all U.S. commercial fisheries into one of three categories based on the level of serious injury or mortality to marine mammals that occur in each fishery (see Item B-7(a)). The Proposed Rule was recently published (December 2, 2004 (69 FR 70094))(Item B-7(b)). At its October 2004 meeting, the Council received a report on the proposed LOF for 2005. NMFS is considering changes that will affect certain Alaskan groundfish fisheries; the agency proposes to place the following fisheries into Category II:

- BSAI Pacific cod longline
- BSAI Greenland turbot longline
- BSAI pollock trawl
- BSAI flatfish trawl
- Bering Sea sablefish pot

The Proposed Rule also includes a proposal to add two marine mammal stocks to the list of marine mammal species and stocks that interact with the BSAI P. cod longline fishery: eastern North Pacific resident killer whale and eastern North Pacific transient killer whale.

In October, the Council asked to receive more information on the proposed LOF for 2005, including a report on the data and analysis underpinning the proposed changes that will affect the above five fisheries. The Council also requested that the public be offered an opportunity to comment on the proposed LOF for 2005.

A brief report on this subject is attached as Item B-7(c). NMFS staff will be available to provide additional information and to answer questions.

B. Steller Sea Lion Recovery Team

The Steller Sea Lion Recovery Team (SSLRT) met November 10-12 to continue work on a draft SSL Recovery Plan. The Plan will include recommendations for recovery of both the eastern and western Distinct Population Segments (DPS) of Steller sea lions. The SSLRT worked towards finalizing sections of the Plan including an overview of the nutritional stress hypothesis, current and future threats to recovery, recovery criteria, and proposed recovery actions including monitoring. The Team also reviewed draft sections of the narratives on biology and life history, population trends, and current conservation measures for each SSL DPS. Dr. Dan Goodman, consultant to the SSLRT, worked with the Team to develop criteria for a Population Viability Analysis he will conduct.

The SSLRT will continue working to assemble a draft Recovery Plan, which will be reviewed in late February or early March 2005. At that time, the Team will meet to review the plan and specifically to discuss the recommended recovery criteria, an economic analysis of proposed recovery actions, and results of Population Viability Analysis modeling. The Team also will develop plans for seeking peer review of sections of the Recovery Plan.

C. Northern Fur Seals

The Pribilof Islands Collaborative's Northern Fur Seal Working Group has drafted an agenda for the next Collaborative meeting that focuses entirely on Northern fur seals (see Item B-7(d) attached). The Collaborative meeting is scheduled for January 28-30, 2005. The objective of the meeting is to review available data and information on the status of the fur seal population, and to discuss the continuing decline of fur seals on the Pribilof Islands. The Collaborative has requested specific data from NMFS, and has invited experts in fur seal biology and population dynamics to attend and participate. The Collaborative's request for data and the agency's response are attached as Item B-7(e). A recent newspaper article on northern fur seals is attached as Item B-7(f).

D. Steller Sea Lions - Trawl Closures Around St. George Island

NMFS has received a letter dated September 24, 2004 from the Pribilof Island Aleut Community of St. George requesting a review of the data and rationale behind the current trawl closures around St. George Island (see Item B-7(g)). In this letter, the St. George Island Traditional Council expressed concern over the size of the trawl closure zones, and requested that 20 nm trawl exclusion zones be implemented around SSL haulouts on St. George Island. The NMFS response to this letter is attached as Item B-7(h).

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. This definition can also be found in the implementing regulations for section 118 at 50 CFR 229.2.

Tier 1: 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 would be placed in Category III. Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2, 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.

Tier 2, 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.

Tier 2, 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.

While Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock, Tier 2 considers fishery-specific mortality and serious injury for a particular stock. 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).

Since fisheries are categorized 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 categorized 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).

Other Criteria That May Be Considered

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 serious injury or mortality qualifies for Category II 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 fisher 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).

[Excerpt from FR Vol 69, No 71, p. 19366.]

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.1007 revise paragraph (a) to read as follows:

§ 117.1007 Elizabeth River—Eastern Branch.

(a) The draw of the Norfolk Southern Railroad Bridge (NS #V2.8), mile 2.7 at Norfolk, shall operate as follows:

(1) The draw shall remain in the open position for navigation. The draw shall only be closed for train crossings or periodic maintenance authorized in accordance with Subpart A of this part.

(2) The bridge shall be operated by the controller at the Norfolk Southern Railroad Bridge (NS #5), mile 1.1, over the Eastern Branch of the Elizabeth River in Norfolk, VA. The controller shall monitor vessel traffic with closed circuit cameras and infrared sensors covering the swing radius. Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 446-5320.

(3) The bridge shall not be operated from the remote location in the following events: Failure or obstruction of the infrared sensors, closed-circuit cameras or marine-radio communications, or when controller visibility is less than 3/4 of a mile. In these situations, a bridge tender must be called to operate the bridge on-site.

(4) Before the bridge closes for any reason, the remote operator will monitor waterway traffic in the area. The bridge shall only be closed if the off-site remote operator's visual inspection shows that the channel is clear and there are no vessels transiting in the area. While the bridge is moving, the operator shall maintain constant surveillance of the navigation channel.

(5) Before closing the draw, the channel traffic lights will change from flashing green to flashing red, the horn will sound five short blasts, and an audio voice warning stating, "Norfolk Southern's Railroad Bridge over the Eastern Branch of the Elizabeth River at milepost 2.7 will be closing to river traffic." Five short blasts of the horn will continue until the bridge is seated

and locked down to vessels, the channel traffic lights will continue to flash red.

(6) When the rail traffic has cleared, the horn will automatically sound one prolonged blast followed by one short blast to indicate the draw is opening to vessel traffic. During the opening swing movement, the channel traffic lights will flash red until the bridge returns to the fully open position. In the full open position to vessels, the bridge channel lights will flash green followed by an announcement stating, "Security, security, security, the Norfolk Southern Railroad Bridge at mile 2.7 is open for river traffic."

* * * * *

Dated: November 22 2004.

Ben R. Thomason, III,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 04-26520 Filed 12-1-04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 041108310-4310-01; I.D. 100104H]

RIN 0648-AS78

List of Fisheries for 2005

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

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is publishing the proposed List of Fisheries (LOF) for 2005, as required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 2005 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of serious injury and mortality of marine mammals that occurs incidental to each fishery. The categorization of a fishery in 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 requirements.

DATES: Comments must be received by January 3, 2005.

ADDRESSES: You may send comments by any of the following methods:

- Mail: Chief, Marine Mammal Conservation Division, Attn: List of Fisheries, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

- E-mail: 2005LOF.comments@noaa.gov.

- Federal eRulemaking portal: <http://www.regulations.gov> (follow instructions for submitting comments).

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in this proposed rule, should be submitted in writing to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and to David Rostker, OMB, by e-mail at David_Rostker@omb.eop.gov or by fax to 202-395-7285.

Registration information, materials, and marine mammal reporting forms may be obtained from the following regional offices:

NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298, Attn: Marcia Hobbs;

NMFS, Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702, Attn: Teletha Griffin;

NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, Attn: Don Peterson;

NMFS, Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Permits Office;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802; or

NMFS, Pacific Islands Region, Protected Resources Division, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700.

FOR FURTHER INFORMATION CONTACT:

Kristy Long, Office of Protected Resources, 301-713-1401; David Gouveia, Northeast Region, 978-281-9328; Juan Levesque, Southeast Region, 727-570-5312; Cathy Campbell, Southwest Region, 562-980-4060; Brent Norberg, Northwest Region, 206-526-6733; Bridget Mansfield, Alaska Region, 907-586-7642; Tamra Faris, Pacific Islands Region, 808-973-2937. 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 that NMFS place all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery (16 U.S.C. 1387 (c)(1)). The categorization of a fishery in 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 Stock Assessment Reports, other relevant sources, and the LOF, 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)(3)).

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. This definition can also be found in the implementing regulations for section 118 at 50 CFR 229.2.

Tier 1: If the total annual mortality and serious injury across all fisheries that interact with a stock is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock would be placed in Category III. Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2, 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.

Tier 2, 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.

Tier 2, 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.

While Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock, Tier 2 considers fishery-specific mortality and serious injury for a particular stock. 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).

Since fisheries are categorized 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 categorized on the LOF at its highest level of classification (e.g., a fishery that qualifies for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II).

Other Criteria That May Be Considered

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 serious injury or mortality qualifies for Category II 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 fisher 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).

How Do I Find Out if a Specific Fishery is in Category I, II, or III?

This proposed rule includes two tables that list all U.S. commercial fisheries by LOF Category. Table 1 lists all of the fisheries in the Pacific Ocean (including Alaska). Table 2 lists all of the fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean.

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 from NMFS in order to lawfully incidentally take a marine mammal in a commercial

fishery. 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?

Fishers must register with the Marine Mammal Authorization Program (MMAP) by contacting the relevant NMFS Regional Office (see ADDRESSES) unless they participate in a fishery that has an integrated registration program (described below). Upon receipt of a completed registration, NMFS will issue vessel or gear owners physical evidence of a current and valid registration that must be displayed or in the possession of the master of each vessel while fishing in accordance with section 118 of the MMPA (16 U.S.C. 1387(c)(3)(A)).

What is the Process for Registering in an Integrated Fishery?

For some fisheries, NMFS has integrated the MMPA registration process with existing state and Federal fishery license, registration, or permit systems and related programs. Participants in these fisheries are automatically registered under the MMPA and are not required to submit registration or renewal materials or pay the \$25 registration fee. Following is a list of integrated fisheries and a summary of the integration process for each Region. Fishers who operate in an integrated fishery and have not received registration materials should contact their NMFS Regional Office (see ADDRESSES).

Which Fisheries Have Integrated Registration Programs?

The following fisheries have integrated registration programs under the MMPA:

1. All Alaska Category II fisheries;
2. All Washington and Oregon Category II fisheries;
3. Northeast Regional fisheries for which a state or Federal permit is required. Individuals fishing in fisheries for which no state or Federal permit is required must register with NMFS by contacting the Northeast Regional Office (see ADDRESSES); and
4. All North Carolina, South Carolina, Georgia, and Florida Category I and II fisheries for which a state permit is required.
5. The Hawaii Swordfish, Tuna, Billfish, Mahi Mahi, Wahoo, Oceanic Sharks Longline/Set line Fishery (Hawaii longline fishery) was elevated to Category I in the 2004 LOF. The Pacific Islands Regional Office is integrating the MMPA registration process with the existing Hawaii longline fishery limited entry permit

process. Participants in this fishery will be automatically registered under the MMPA and will not be required to submit registration or pay the \$25 registration fee.

How Do I Renew My Registration Under the MMPA?

Regional Offices, except for the Northeast Region, annually send renewal packets to participants in Category I or II fisheries that have previously registered; however, it is the responsibility of the fisher to ensure that registration or renewal forms are completed and submitted to NMFS at least 30 days in advance of fishing. Individuals who have not received a renewal packet by January 1 or are registering for the first time should request a registration form from the appropriate Regional Office (see ADDRESSES).

Am I Required to Submit Reports When I Injure or Kill 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 fisher (in the case of non-vessel fisheries), participating in a Category I, II, or III fishery must report all incidental injuries or mortalities of marine mammals that occur during commercial fishing operations to NMFS. "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 absence of any wound or other evidence of an injury, and must be reported. Instructions on how to submit reports can be found in 50 CFR 229.6.

Am I Required to Take an Observer Aboard My Vessel?

Fishers participating in a Category I or II fishery are required to accommodate an observer aboard vessel(s) upon request. Observer requirements can be found in 50 CFR 229.7.

Am I Required to Comply With Any Take Reduction Plan Regulations?

Fishers participating in a Category I or II fishery are required to comply with any applicable take reduction plans.

Sources of Information Reviewed for the Proposed 2005 LOF

NMFS reviewed the marine mammal incidental serious injury and mortality information presented in the Stock Assessment Reports (SARs) for all

observed fisheries to determine whether changes in fishery classification were warranted. NMFS' SARs are based on the best scientific information available at the time of preparation for the information presented in the SARs, including the level of serious injury and mortality of marine mammals that occurs incidental to commercial fisheries and the PBR levels of marine mammal stocks. NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fisher self-reports, and other information that is not included in the SARs.

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 goes into SARs, and to advise NMFS on population status and trends, stock structure, uncertainties in the science, research needs, and other issues.

The proposed LOF for 2005 was based, among other things, on information provided in the final SARs for 1996 (63 FR 60, January 2, 1998), the final SARs for 2001 (67 FR 10671, March 8, 2002), the final SARs for 2002 (68 FR 17920, April 14, 2003), and the final SARs for 2003 (69 FR 54262, September 8, 2004).

Summary of Changes to the Proposed LOF for 2005

The following summarizes changes in fishery classification including fisheries listed on the LOF, the number of participants in a particular fishery, and the species and/or stocks that are incidentally killed or seriously injured in a particular fishery that are proposed for the 2005 LOF. The placement and definitions of U.S. commercial fisheries proposed for 2005 are identical to those provided in the LOF for 2004 with the following exceptions.

Commercial Fisheries in the Pacific Ocean: Fishery Classification

Alaska Fisheries

The List of Fisheries from 1990 through 2003 included the Alaska groundfish fisheries as large combinations of fisheries. In the 2003 final LOF (68 FR 41725, July 15, 2003), NMFS indicated we would review the existing fishery delineations in the LOF for Federal and state fisheries in Alaska. The decision to review Alaska fisheries was based, in part, on NMFS' recognition that the large fishery groups previously included in the LOF are not a homogenous fishery, but rather a

diverse group of fisheries that operate during different seasons and target different groundfish species over distinct geographic areas within the Bering Sea and Gulf of Alaska. Marine mammal interactions are known to vary among Alaska groundfish fisheries based on time and area of operations, method of gear deployment, and target groundfish species. Therefore, the identification of these fisheries on a finer scale will allow for improved resolution of factors affecting incidental mortality and serious injury of marine mammals in these fisheries.

NMFS reviewed the Bering Sea/Aleutian Islands (BSAI) groundfish trawl, Gulf of Alaska (GOA) Groundfish Trawl, Bering Sea and GOA Finfish Pot, AK Crustacean Pot, BSAI Groundfish Longline/Set Line (federally regulated waters, including miscellaneous finfish and sablefish), and GOA Groundfish Longline/Set Line (federally regulated waters, including miscellaneous finfish and sablefish) fisheries. Based on this review, the 2004 final LOF (69 FR 48407, August 10, 2004) delineated these fisheries by target species and gear type. An analysis to assign each of these newly delineated fisheries to the appropriate LOF category was deferred until the 2005 LOF and all newly designated fisheries were placed in Category III pending the results of the analysis.

NMFS has completed an analysis of past incidental mortality and serious injury for each of the Federal fisheries specified in the 2004 LOF in accordance with the fishery classification criteria set forth in the implementing regulations of section 118 of the MMPA (50 CFR part 229). Based on these analyses, NMFS proposes that five of the Federal fisheries newly delineated in the 2004 LOF be reclassified as Category II fisheries and the remainder of the fisheries newly delineated in the 2004 LOF remain as Category III fisheries.

AK Bering Sea Aleutian Islands Flatfish Trawl Fishery

NMFS proposes elevating the BSAI flatfish trawl fishery from Category III to Category II based on documented interactions between the fishery and the western U.S. stock of Steller sea lions and the eastern North Pacific resident and transient stocks of killer whales.

Tier 1 Evaluation: The total estimated annual mortality and serious injury across all fisheries is greater than 10% of the PBR levels for the following stocks: western U.S. stock of Steller sea lions, eastern North Pacific resident stock of killer whales, and eastern North Pacific transient stock of killer whales.

Therefore, the BSAI flatfish trawl fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of the western U.S. stock of the Steller sea lions in this fishery is 3.1 animals per year or 1.48% of the stock's PBR (209 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific resident stock of killer whales in this fishery is 0.5 animals per year or 6.94% of the stock's PBR (7.2 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific transient stock of killer whales by the BSAI flatfish trawl fishery is 0.5 animals per year or 17.86% of the stock's PBR (2.8 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for all marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as a Category II fishery.

AK Bering Sea Aleutian Islands Pollock Trawl Fishery

NMFS proposes elevating the BSAI pollock trawl fishery from Category III to Category II based on the following analysis of the takes of five stocks of marine mammals: western U.S. stock of Steller sea lions, eastern North Pacific resident and transient stocks of killer whales, and the central and western North Pacific stocks of humpback whales.

Tier 1 Evaluation: The total estimated annual mortality and serious injury across all fisheries is greater than 10% of the PBR levels for the following stocks: western U.S. stock of Steller sea lions, eastern North Pacific resident stock of killer whales, eastern North Pacific transient stock of killer whales, central North Pacific stock of humpback whales, and western North Pacific stock of humpback whales. Therefore, the BSAI pollock trawl fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of the western U.S. stock of the Steller sea lions in this fishery is 2.5 animals per year or 1.2% of the stock's PBR (209 animals). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific resident stock of killer whales in this fishery is 0.6 animals per year or 8.33% of the stock's PBR level (7.2 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific transient stock of killer whales in this fishery is 0.6 animals per year or 21.43% of the stock's PBR level (2.8 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of central North Pacific stock of humpback whales in this fishery is 0.3 animals per year or 4.05% of the stock's PBR level (7.4 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of western North Pacific stock of humpback whales in this fishery is 0.3 animals per year or 42.86% of the stock's PBR level (0.7 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of this stock's PBR level, this fishery qualifies for classification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for all marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as a Category II fishery.

AK Bering Sea Aleutian Islands Greenland Turbot Longline Fishery

NMFS proposes elevating the AK BSAI Greenland turbot longline fishery from Category III to Category II fishery based on the following analysis of takes of the eastern North Pacific resident and transient stocks of killer whales.

Tier 1 Evaluation: The total estimated annual mortality and serious injury

across all fisheries is greater than 10% of the PBR levels for the eastern North Pacific resident and transient stocks of killer whales. Therefore, the AK BSAI Greenland turbot longline fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of eastern North Pacific resident stock of killer whales in this fishery is 0.6 animals per year or 8.33% of the stock's PBR level (7.2 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific transient stock of killer whales in this fishery is 0.6 animals per year or 21.43% of the stock's PBR (2.8 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for the marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as a Category II fishery.

AK Bering Sea Aleutian Islands Pacific Cod Longline Fishery

NMFS proposes elevating the AK BSAI Pacific cod longline fishery from Category III to Category II based on the following analysis of interactions between the fishery and the eastern North Pacific resident and transient stocks of killer whales.

Tier 1 Evaluation: The total estimated annual mortality and serious injury across all fisheries is greater than 10% of the PBR levels for the eastern North Pacific resident and transient stocks of killer whales. Therefore, the AK BSAI Pacific cod longline fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of eastern North Pacific resident stock of killer whales in this fishery is 0.8 animals per year or 11.11% of the stock's PBR (7.2 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of eastern North Pacific transient stock of killer whales in this fishery is 0.8 animals per

year or 28.57% of the stock's PBR (2.8 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for two of the marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as a Category II fishery.

AK Bering Sea Sablefish Pot Fishery

NMFS proposes elevating the AK Bering Sea sablefish pot fishery from Category III to Category II based on the following analysis of interactions between this fishery and the central and western North Pacific stocks of humpback whales.

Tier 1 Evaluation: The total estimated annual mortality and serious injury across all fisheries is greater than 10% of the PBR levels for the central and western North Pacific stocks of humpback whales. Therefore, the AK Bering Sea sablefish pot fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of central North Pacific stock of humpback whales in this fishery is 0.2 animals per year or 2.7% of the stock's PBR (7.4 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

The average annual estimated mortality and serious injury of western North Pacific stock of humpback whales in this fishery is 0.2 animals per year or 28.57% of the stock's PBR (0.7 animals per year). Because this level of mortality and serious injury exceeds 1% but is less than 50% of the stock's PBR level, this fishery qualifies for classification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for both marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as a Category II fishery.

CA/OR Thresher Shark/Swordfish Drift Gillnet Fishery (≥14 in. mesh)

NMFS proposes to elevate the CA/OR thresher shark/swordfish drift gillnet fishery from Category II to Category I. The CA/OR thresher shark/swordfish drift gillnet fishery includes all vessels

using drift gillnets of greater than or equal to 14 inch stretched mesh to target thresher shark and swordfish off of California and Oregon. This fishery primarily operates outside of state waters to about 150 miles offshore, ranging from the U.S.-Mexico border to northward of the Columbia River in Oregon. This fishery is the subject of the Pacific Offshore Cetacean Take Reduction Team (POCTRT), which was convened by NMFS in 1996 to reduce the take of marine mammals incidental to this fishery. The Pacific Offshore Cetacean Take Reduction Plan took effect in 1997 and has resulted in a significant reduction in the number of marine mammals taken in this fishery. As a result of this reduction in marine mammal mortality and serious injury, NMFS changed the classification of this fishery from Category I to Category II in the 2003 LOF (68 FR 41725, July 15, 2003).

Based on data collected during a fall 2002 research cruise, NMFS developed revised abundance estimates and PBR levels for several marine mammal stocks in the Pacific Ocean and incorporated these into the 2003 SARs. As a result of these changes, the PBR level for the CA/OR/WA stock of short-finned pilot whales was revised from 5.1 animals per year to 1.19 animals per year.

NMFS' analysis of the incidental marine mammal mortality and serious injury for this fishery is based on NMFS observer data from 1999 through 2003. Based on these observer data, the NMFS Southwest Fisheries Science Center produced annual reports providing estimates of marine mammal mortality and serious injury for this fishery. These reports were presented to the Pacific SRG and the POCTRT and are incorporated into the SARs as they are updated. The annual mortality reports for 1997- 2003 are available on the internet at: <http://swfsc.nmfs.noaa.gov/PRD/PROGRAMS/CMMP/default.htm>.

Overall, the incidental take of marine mammal stocks in the CA/OR thresher shark/swordfish drift gillnet fishery has continued to decrease. However, based on the recent revised PBR level for short-finned pilot whales and the incidental take of one short-finned pilot whale by the fishery in 2003, NMFS is proposing to elevate this fishery to Category I. NMFS intends to continue placing observers on vessels participating in this fishery and to continue working with the POCTRT to address the entanglement of marine mammals in this fishery. In addition, NMFS will be conducting a research cruise in fall 2005 that will result in revised abundance estimates and PBR levels for several marine mammal stocks

in the Pacific Ocean, including the CA/OR/WA stock of short-finned pilot whales.

Tier 1 Evaluation: NMFS observer data indicate that animals from the following marine mammal stocks were killed or seriously injured incidental to the CA/OR thresher shark/swordfish drift gillnet fishery from 1999- 2003: California sea lion (U.S. stock), northern elephant seal (CA breeding stock), Dall's porpoise (CA/OR/WA stock), Pacific white-sided dolphin (CA/OR/WA Northern and Southern stocks), Risso's dolphin (CA/OR/WA stock), short-beaked common dolphin (CA/OR/WA stock), long-beaked common dolphin (CA/OR/WA stock), northern right whale dolphin (CA/OR/WA stock), short-finned pilot whale (CA/OR/WA stock), and gray whale (eastern North Pacific stock). According to the best available information, the estimated annual mortality and serious injury across all fisheries is greater than 10 percent of the PBR levels for the following stocks: California sea lion (U.S. stock), northern right whale dolphin (CA/OR/WA stock), short-finned pilot whale (CA/OR/WA stock), and fin whale (CA/OR/WA stock); therefore, this fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: NMFS analysis of the incidental marine mammal mortality and serious injury for this fishery is based on NMFS observer data from 1999 through 2003. The average annual estimated mortality and serious injury of California sea lions incidental to this fishery during this period was 36.6 animals per year, which represents 0.4 percent of the PBR level for California sea lions (8,333 animals). The average annual estimated mortality and serious injury of northern right whale dolphins incidental to this fishery is 21.2 animals per year, which represents 12.9 percent of the PBR level for this stock (164 animals). The average annual estimated mortality and serious injury of short-finned pilot whales incidental to this fishery during this period is 1 animal per year, which represents 84 percent of the PBR level for this stock (1.19 animals). The average annual estimated mortality and serious injury of fin whales incidental to this fishery is 0.9 animals per year, which represents 17.6 percent of the PBR level for this stock (5.1 animals).

Because the level of mortality and serious injury is greater than 50 percent of the PBR level for short-finned pilot whales, this fishery qualifies for reclassification as a Category I fishery.

Fishery Name and Organizational Changes and Clarifications

Bering Sea and Aleutian Islands Cod Longline Fishery

NMFS proposes to modify the name of the "Bering Sea and Aleutian Islands cod longline fishery" to the "Bering Sea and Aleutian Islands Pacific cod longline fishery" to correct an error in the final 2004 LOF (69 FR 48407 August 10, 2004) in which "Pacific" was mistakenly omitted.

Number of Vessels/Persons

The estimated number of participants in the "OR Swordfish Floating Longline Fishery" is updated to 0 based on 2004 permit data.

The estimated number of participants in the CA/OR thresher shark/swordfish drift gillnet fishery is updated to 85 based on recent permit data.

The estimated number of participants in the CA anchovy, mackerel, tuna purse seine fishery is updated to 110 based on recent permit data.

The estimated number of participants in the California pelagic longline fishery is updated to 6 based on recent permit data.

The estimated number of participants in the California sardine purse seine fishery is updated to 110 based on recent permit data.

The estimated number of participants in the California swordfish harpoon fishery is updated to 30 based on recent permit data.

List of Species that are Incidentally Injured or Killed

NMFS proposes to add the Eastern North Pacific stock of gray whales to the list of marine mammal species and stocks incidentally injured or killed by the WA, OR, CA crab pot fishery. An interaction between this stock and the WA, OR, CA crab pot fishery was documented by the marine mammal health and stranding network and NOAA's Office of Law Enforcement.

NMFS proposes to add the CA/OR/ WA stocks of long-beaked and short-beaked common dolphins, and California sea lions to the list of marine mammal species and stocks that interact with the CA yellowtail, barracuda, white seabass, and tuna drift gillnet fishery. An interaction between this stock and this fishery was documented by the NMFS observer program.

NMFS proposes to add the CA/OR/ WA stock of Risso's dolphin to the list of marine mammal species and stocks that interact with the California pelagic longline fishery. An interaction between this stock and this fishery was

documented by the NMFS observer program.

NMFS proposes to add the U.S. stock of California sea lions to the list of marine mammal species and stocks that interact with the California sardine purse seine fishery. An interaction between this stock and this fishery was documented by the NMFS observer program.

NMFS proposes to add the eastern North Pacific resident and transient stocks of killer whales to the list of marine mammal species and stocks that interact with the AK BSAI Pacific cod longline fishery. Interactions between these stocks and this fishery have been documented in recent SARs.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean: Fishery Classification

Mid-Atlantic Bottom Trawl Fishery

NMFS proposes elevating the "Mid-Atlantic bottom trawl fishery" (proposed name change from "Mid-Atlantic mixed species trawl fishery," see Fishery Name and Organizational Changes and Clarifications section) from Category III to Category II based on documented interactions between the fishery and the Western North Atlantic stocks of common dolphins and pilot whales.

Tier 1 Evaluation: Total annual incidental mortality and serious injury across all fisheries is greater than or equal to 10 percent of PBR levels for the following stocks: Western North Atlantic stocks of common dolphins, long-finned and short-finned pilot whales. Therefore, this fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: Total fishery-related mortality and serious injury of pilot whales cannot be estimated separately for long-finned and short-finned pilot whales because fishery observers cannot reliably identify pilot whales to species as they are very similar in appearance. Therefore, the average annual estimated mortality and serious injury of these two species of pilot whales in the Western North Atlantic (*Globicephala spp.*) incidental to the Mid-Atlantic bottom trawl fishery during 1997-2001 was 46 animals per year, or 42.59 percent of the PBR level for pilot whales (108 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

The average annual estimated mortality and serious injury of the Western North Atlantic stock of common dolphins incidental to the

Mid-Atlantic bottom trawl fishery during 1997-2001 was 19 animals per year, or 8.37 percent of the PBR level for common dolphins (227 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR levels of both marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as Category II.

Northeast Bottom Trawl Fishery

NMFS proposes elevating the "Northeast bottom trawl fishery," (proposed name change from "North Atlantic bottom trawl fishery," see Fishery Name and Organizational Changes and Clarifications section) from Category III to Category II based on documented interactions between the fishery and the Western North Atlantic stock of Atlantic white-sided dolphins.

Tier 1 Evaluation: Total annual incidental mortality and serious injury across all fisheries is greater than or equal to 10 percent of PBR levels for the Western North Atlantic stock of Atlantic white-sided dolphins. Therefore, this fishery is subject to Tier 2 analysis for this stock.

Tier 2 Evaluation: The annual observed mortality and serious injury of the Western North Atlantic stock of Atlantic white-sided dolphins incidental to the Northeast bottom trawl fishery during 2003 was 12 animals, or 3.3 percent of the PBR level for white-sided dolphins (364 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery. Therefore, NMFS proposes to reclassify this fishery as Category II.

Addition of Fisheries to the LOF

Atlantic Shellfish Bottom Trawl Fishery NMFS proposes to add the "Atlantic shellfish bottom trawl fishery" to the LOF to encompass the calico scallops trawl fishery, crab trawl fishery, Georgia/South Carolina/Maryland whelk trawl fishery, Gulf of Maine/Mid-Atlantic sea scallops trawl fishery, and Gulf of Maine northern shrimp trawl fishery. Additionally, NMFS proposes to list the Atlantic shellfish bottom trawl fishery as a Category III fishery because all fisheries proposed to be combined

are currently Category III fisheries and have no documented interactions with marine mammals.

Removal of Fisheries from the LOF

NMFS proposes to remove the "U.S. Atlantic monkfish trawl fishery" from the LOF. This fishery is currently a Category III fishery that operates throughout the Mid-Atlantic and Northeast regions. Both the North Atlantic bottom trawl fishery (proposed name change to Northeast bottom trawl fishery, see Fishery Name and Organizational Changes and Clarifications section) and Mid-Atlantic mixed species trawl fishery (proposed name change to Mid-Atlantic bottom trawl fishery, see Fishery Name and Organizational Changes and Clarifications section) descriptions include fishing gear managed under the monkfish fishery management plans as well as other groundfish fishery management plans. Therefore, NMFS proposes deleting this fishery and incorporating any trawl fisheries that target monkfish in the Atlantic under existing trawl fisheries on the LOF, e.g., the Northeast bottom trawl fishery or the Mid-Atlantic bottom trawl fishery.

NMFS proposes to delete the following trawl fisheries from the 2005 LOF: "Calico Scallops Trawl Fishery," "Crab Trawl Fishery," "Georgia/South Carolina/Maryland Whelk Trawl Fishery," "Gulf of Maine/Mid-Atlantic Sea Scallops Trawl Fishery," and "Gulf of Maine Northern Shrimp Trawl Fishery." NMFS proposes to combine these fisheries under one listing in the LOF as the "Atlantic shellfish bottom trawl fishery" (see Addition of Fisheries section).

Fishery Name and Organizational Changes and Clarifications

Atlantic Herring Mid-Water Trawl Fishery (Including Pair Trawl)

NMFS proposes to modify the name of the "Atlantic herring mid-water trawl fishery (including pair trawl)" to the "Northeast mid-water trawl fishery." This fishery primarily operates in the Gulf of Maine and George's Bank regions. There have been occasional interactions documented between this fishery and marine mammals and, thus, the fishery is currently classified as a Category II fishery. NMFS proposes to modify the name of this fishery in order to appropriately classify all similar mid-water trawl fisheries operating in the Northeast region, with home ports between Connecticut and Maine, that may be interacting with marine mammals.

Atlantic Squid, Mackerel, and Butterfish Trawl Fishery

NMFS proposes to modify the name of the "Atlantic squid, mackerel, and butterfish trawl fishery" to the "Mid-Atlantic mid-water trawl fishery." Trawl fisheries targeting squid occur mainly in southern New England and Mid-Atlantic waters and typically use small-mesh otter trawls throughout the water column. Trawl fisheries targeting mackerel occur mainly in southern New England and Mid-Atlantic waters and generally operate in mid-water. Butterfish are predominately caught incidental to directed squid and mackerel trawls fisheries. There have been frequent interactions documented between this fishery and several species/stocks of marine mammals and, thus, the fishery is currently classified as a Category I fishery. NMFS proposes to modify the name of this fishery in order to appropriately classify all similar mid-water trawl fisheries operating in the Mid-Atlantic region, with home ports between New York and North Carolina, that may be interacting with marine mammals.

Delaware Bay Inshore Gillnet Fishery

NMFS proposes to modify the name of the "Delaware Bay inshore gillnet fishery" to the "Delaware River inshore gillnet fishery." The Delaware Bay inshore gillnet fishery is currently a Category III fishery. The Atlantic Large Whale Take Reduction Plan (ALWTRP) regulations apply to all waters inside Delaware Bay between the COLREGS and a line from the southern point of Nantuxent Cove, NJ to the southern end of Kelley Island, Port Mahon, DE. This proposed change would therefore place all gillnet fisheries operating in Delaware Bay outside of the line between the southern point of Nantuxent Cove, NJ to the southern end of Kelley Island, Port Mahon, DE in the Category I "Mid-Atlantic gillnet fishery" (proposed name change from Mid-Atlantic coastal gillnet fishery; see below) and, as such, would be regulated under the ALWTRP. Moreover, gillnet fisheries operating inland of the COLREGS would be placed in the "Delaware River inshore gillnet fishery" and would not be subject to ALWTRP regulations.

Gulf of Maine Tub Trawl Groundfish Bottom Longline/Hook-and-Line Fishery

NMFS proposes to modify the name of the "Gulf of Maine tub trawl groundfish bottom longline/hook-and-line fishery" to the "Northeast/Mid-Atlantic bottom longline/hook-and-line fishery." The fishery is currently in

Category III and predominately operates between Cape Cod, MA and George's Bank, in an area extending beyond the Gulf of Maine. Therefore, NMFS proposes to delete the reference to the "Gulf of Maine" in the fishery name. Additionally, NMFS solicits public comment regarding interactions between this fishery and marine mammals.

Mid-Atlantic Coastal Gillnet Fishery

NMFS proposes to modify the name of the "Mid-Atlantic coastal gillnet fishery" to the "Mid-Atlantic gillnet fishery." Currently, the Mid-Atlantic coastal gillnet fishery is a Category I fishery that includes all fisheries using any type of gillnet gear, west of 72°30' W and north of a line extending due east from the North Carolina/South Carolina border, except for inshore gillnet fisheries currently placed in Category III. This area includes both nearshore waters (under State jurisdiction) and offshore waters (under Federal jurisdiction). Therefore, NMFS proposes to remove the reference to "coastal" waters in the name of this fishery.

Mid-Atlantic Mixed Species Trawl Fishery

NMFS proposes to modify the name of the "Mid-Atlantic mixed species trawl fishery" to the "Mid-Atlantic bottom trawl fishery" to encompass similar bottom trawl fisheries operating in the region that potentially interact with marine mammals.

North Atlantic Bottom Trawl Fishery

NMFS proposes to modify the name of the "North Atlantic bottom trawl fishery" to the "Northeast bottom trawl fishery" to encompass similar bottom trawl fisheries operating in the region that potentially interact with marine mammals.

Number of Vessels/Persons

The estimated number of participants in the "Atlantic shellfish bottom trawl fishery" is 972.

List of Species that are Incidentally Injured or Killed

Atlantic Mixed Species Trap/Pot Fishery

NMFS proposes to remove the Canadian east coast stock of minke whales and the Gulf of Maine/Bay of Fundy stock of harbor porpoise from the list of marine mammal species and stocks incidentally injured or killed by the Atlantic mixed species trap/pot fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

Atlantic Ocean, Caribbean, and Gulf of Mexico Large Pelagics Longline Fishery

NMFS proposes to remove the Western North Atlantic stock of striped dolphins, the Gulf of Maine/Bay of Fundy stock of harbor porpoise, the Western North Atlantic stock of humpback whales, and the Canadian East coast stock of minke whales from the list of marine mammal species and stocks incidentally injured or killed by the Atlantic Ocean, Caribbean, and Gulf of Mexico large pelagics longline fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

NMFS proposes to add the Western North Atlantic stocks of mesoplodon beaked whales and Cuvier's beaked whales, and the Northern Gulf of Mexico stock of short-finned pilot whales to the list of marine mammal species and stocks incidentally injured or killed by the Atlantic Ocean, Caribbean, and Gulf of Mexico large pelagics longline fishery. Interactions between pilot whales and this fishery have been documented in recent SARs while interactions between beaked whales and a Balaenopterid whale and this fishery have been documented by the observer program.

Chesapeake Bay Inshore Gillnet Fishery

NMFS proposes to remove the Gulf of Maine/Bay of Fundy stock of harbor porpoise from the list of marine mammal species and stocks incidentally injured or killed by the Chesapeake Bay inshore gillnet fishery. Interactions between this marine mammal stock and this fishery have not been documented in recent years.

Delaware River Inshore Gillnet Fishery

NMFS proposes to remove the Gulf of Maine/Bay of Fundy stock of harbor porpoise, the Gulf of Maine stock of humpback whales, and the Western North Atlantic coastal stock of bottlenose dolphins from the list of marine mammal species and stocks incidentally injured or killed by the Delaware River inshore gillnet fishery (proposed name change from Delaware Bay inshore gillnet fishery, see Fishery Name and Organizational Changes and Clarifications section). Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

Gulf of Maine Herring and Atlantic Mackerel Stop Seine/Weir Fishery

NMFS proposes to remove the Western North Atlantic stocks of humpback whales and North Atlantic right whales from the list of marine

mammal species and stocks incidentally injured or killed by the Gulf of Maine herring and Atlantic mackerel stop seine/weir fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

NMFS proposes to add the Western North Atlantic stock of Atlantic white-sided dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Gulf of Maine herring and Atlantic mackerel stop seine/weir fishery. Interactions between this marine mammal stock and this fishery have been documented in recent years.

Gulf of Mexico Butterfish Trawl Fishery

NMFS proposes to remove the Eastern Gulf of Mexico stocks of Atlantic spotted dolphins and pantropical spotted dolphins from the list of marine mammal species and stocks incidentally injured or killed by the Gulf of Mexico butterfish trawl fishery. Interactions between these marine mammal stocks and this fishery have not been documented in recent years.

NMFS proposes to add the Northern Gulf of Mexico outer continental shelf stock and Northern Gulf of Mexico continental shelf edge and slope stock of bottlenose dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Gulf of Mexico butterfish trawl fishery. Interactions between each of these marine mammal stocks/species and this fishery have been documented in recent SARs.

Gulf of Mexico Menhaden Purse Seine Fishery

NMFS proposes to add the Eastern Gulf of Mexico coastal stock of bottlenose dolphins and the Gulf of Mexico bay, sound and estuarine stock of bottlenose dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Gulf of Mexico menhaden purse seine fishery. Interactions between these marine mammal stocks and this fishery have been documented in recent SARs.

Long Island Sound Inshore Gillnet Fishery

NMFS proposes to remove the Gulf of Maine/Bay of Fundy stock of harbor porpoise, the Gulf of Maine stock of humpback whales, and the Western North Atlantic coastal stock of bottlenose dolphins from the list of marine mammal species and stocks incidentally injured or killed by the Long Island Sound inshore gillnet fishery. Interactions between each of these marine mammal stocks and this

fishery have not been documented in recent years.

Mid-Atlantic Bottom Trawl Fishery

NMFS proposes to add the Western North Atlantic stocks of long-finned pilot whales, short-finned pilot whales, and common dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Mid-Atlantic bottom trawl fishery. Interactions between each of these marine mammal stocks and this fishery have been documented in recent SARs.

Mid-Atlantic Gillnet Fishery

NMFS proposes to add the Western North Atlantic stock of gray seals and the Western North Atlantic stock of fin whales to the list of marine mammal species and stocks incidentally injured or killed by the Mid-Atlantic gillnet fishery. Interactions between the Western North Atlantic stock of gray seals and this fishery have been documented in recent SARs and interactions between the Western North Atlantic stock of fin whales and this fishery have been documented by the NMFS Observer Program.

Mid-Atlantic Menhaden Purse Seine Fishery

NMFS proposes to remove the Western North Atlantic stock of humpback whales from the list of marine mammal species and stocks incidentally injured or killed by the Mid-Atlantic purse seine fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

Mid-Atlantic Mid-water Trawl Fishery

NMFS proposes to add the Western North Atlantic offshore stock of bottlenose dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Mid-Atlantic mid-water trawl fishery. Interactions between this marine mammal stock and this fishery have been documented in recent SARs.

Northeast Bottom Trawl Fishery

NMFS proposes to add the Western North Atlantic stock of harp seals and the Gulf of Maine/Bay of Fundy stock of harbor porpoise to the list of marine mammal species and stocks incidentally injured or killed by the Northeast bottom trawl fishery (proposed name change from North Atlantic bottom trawl fishery, see Fishery Name and Organizational Changes and Clarification section). Interactions between each of these marine mammal

stocks and this fishery have been documented in recent SARs.

Northeast/Mid-Atlantic Bottom Longline/Hook-and-Line Fishery

NMFS proposes to remove the Western North Atlantic stocks of harbor seals, gray seals, and humpback whales from the list of marine mammal species and stocks incidentally injured or killed by the Northeast/Mid-Atlantic bottom longline/hook-and-line fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

Northeast Mid-water Trawl Fishery

NMFS proposes to add the Western North Atlantic stocks of long-finned pilot whales, short-finned pilot whales, and Atlantic white-sided dolphins to the list of marine mammal species and stocks incidentally injured or killed by the Northeast mid-water trawl fishery. Interactions between each of these marine mammal stocks and this fishery have been documented in recent SARs.

Northeast Sink Gillnet Fishery

NMFS proposes to remove the Western North Atlantic stocks of killer whales, spotted dolphins, and false killer whales from the list of marine mammal species and stocks incidentally injured or killed by the Northeast sink gillnet fishery. Interactions between each of these marine mammal stocks/species and this fishery have not been documented in recent years.

NMFS proposes to add the Western North Atlantic stocks of Risso's dolphins and hooded seals to the list of marine mammal species and stocks incidentally injured or killed by the Northeast sink gillnet fishery. Interactions between each of these marine mammal stocks/species and this fishery have been documented in recent SARs.

Rhode Island, Southern Massachusetts (to Monomoy Island), and New York Bight (Raritan and Lower New York Bays) Inshore Gillnet Fishery

NMFS proposes to remove the Gulf of Maine/Bay of Fundy stock of harbor porpoise, the Gulf of Maine stock of humpback whales, and the Western North Atlantic coastal stock of bottlenose dolphins from the list of marine mammal species and stocks incidentally injured or killed by the Rhode Island, Southern Massachusetts (to Monomoy Island), and New York Bight (Raritan and Lower New York Bays) inshore gillnet fishery. Interactions between each of these marine mammal stocks and this fishery have not been documented in recent years.

Southeastern U.S. Atlantic and Gulf of Mexico Shrimp Trawl Fishery

NMFS proposes to add the Western Gulf of Mexico coastal stock of bottlenose dolphins, the Eastern Gulf of Mexico coastal stock of bottlenose dolphins, the Gulf of Mexico bay, sound, and estuarine stock of bottlenose dolphins, and the Florida stock of the West Indian manatee to the list of marine mammal species and stocks incidentally injured or killed by the Southeastern U.S. Atlantic and Gulf of Mexico shrimp trawl fishery. Interactions between each of these marine mammal stocks/species and this fishery have been documented in recent SARs.

U.S. Atlantic Tuna Purse Seine Fishery

NMFS proposes to add the Western North Atlantic stocks of long-finned and short-finned pilot whales to the list of marine mammal species and stocks incidentally injured or killed by the U.S. Atlantic tuna purse seine fishery. Interactions between each of these marine mammal stocks/species and this fishery have been documented in recent SARs.

List of Fisheries

The following two tables list U.S. commercial fisheries according to their assigned categories under section 118 of the MMPA. The estimated number of vessels/participants 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 in a fishery, the number from the most recent LOF is used.

The tables also list the marine mammal species and stocks that are incidentally killed or injured in each fishery based on observer data, logbook data, stranding reports, and fisher reports. This list includes all species or stocks known to experience injury or mortality in a given fishery, but also includes species or stocks for which there are anecdotal or historical, but not necessarily current, records of interaction. Additionally, species identified by logbook entries may not be verified. Not all species or stocks identified are the reason for a fishery's placement in a given category. There are a few fisheries that are in Category II that have no recently documented interactions with marine mammals. Justifications for placement of these fisheries are by analogy to other gear types 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 "Category II fishery" in 50 CFR 229.2.

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.

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

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Category I		
<u>GILLNET FISHERIES:</u>		
CA angel shark/halibut and other species set gillnet (>3.5 in. mesh)	58	California sea lion, U.S. Common dolphin, long-beaked CA Common dolphin, short-beaked, CA/OR/WA Harbor seal, CA Harbor porpoise, Central CA Northern elephant seal, CA breeding Sea otter, CA
CA/OR thresher shark/swordfish drift gillnet (≥ 14 in. mesh)	85	Baird's beaked whale, CA/OR/WA Bottlenose dolphin, CA/OR/WA offshore California sea lion, U.S. Cuvier's beaked whale, CA/OR/WA Dall's porpoise, CA/OR/WA Fin whale, CA/OR/WA Gray whale, Eastern North Pacific Humpback whale, CA/OR/WA-Mexico Killer whale, CA/OR/WA Pacific coast Long-beaked common dolphin, CA/OR/WA Mesoplodont beaked whale, CA/OR/WA Northern elephant seal, CA breeding Northern fur seal, San Miguel Island Northern Pacific white-sided dolphin, CA/OR/WA Northern right-whale dolphin, CA/OR/WA Pygmy sperm whale, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, CA/OR/WA Southern Pacific white-sided dolphin, CA/OR/WA Sperm whale, CA/OR/WA Steller sea lion, Eastern U.S. Striped dolphin, CA/OR/WA
<u>LONGLINE/SET LINE FISHERIES:</u>		
HI swordfish, tuna, billfish, mahi mahi, wahoo, oceanic sharks longline/set line	140	Bottlenose dolphin, HI False killer whales, HI Humpback whale, Central North Pacific Risso's dolphin, HI Short-finned pilot whale, HI Spinner dolphin, HI Sperm whale, HI
Category II		
<u>GILLNET FISHERIES:</u>		

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Bristol Bay salmon drift gillnet	1,903	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	1,014	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Spotted seal, AK
AK Cook Inlet salmon drift gillnet	576	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Steller sea lion, Western U.S.
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA Harbor seal, GOA Sea otter, AK
AK Metlakatla/Annette Island salmon drift gillnet	60	None documented
AK Peninsula/Aleutian Islands salmon drift gillnet	164	Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Northern fur seal, Eastern Pacific
AK Peninsula/Aleutian Islands salmon set gillnet	116	Harbor porpoise, Bering Sea Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet	541	Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Sea Otter, AK Steller sea lion, Western U.S.
AK Southeast salmon drift gillnet	481	Dall's porpoise, AK Harbor porpoise, Southeast AK Harbor seal, Southeast AK Humpback whale, Central North Pacific Pacific white-sided dolphin, North Pacific Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet	170	Gray whale, Eastern North Pacific Harbor seal, Southeast AK
CA yellowtail, barracuda, white seabass, and tuna drift gillnet fishery (mesh size > 3.5 inches and < 14 inches)	24	California sea lion, U.S. Long-beaked common dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
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 Harbor seal, WA inland
<u>PURSE SEINE FISHERIES:</u>		
AK Southeast salmon purse seine	416	Humpback whale, Central North Pacific
CA anchovy, mackerel, tuna purse seine	110	Bottlenose dolphin, CA/OR/WA offshore California sea lion, U.S. Harbor seal, CA
CA squid purse seine	65	Short-finned pilot whale, CA/OR/WA
<u>TRAWL FISHERIES:</u>		
AK miscellaneous finfish pair trawl	2	None documented
AK Bering Sea, Aleutian Islands flatfish trawl	26	Killer whale, Eastern North Pacific resident Killer whale, Eastern North Pacific transient Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands pollock trawl	120	Humpback whale, Central North Pacific Humpback whale, Western North Pacific Killer whale, Eastern North Pacific resident Killer whale, Eastern North Pacific transient Steller sea lion, Western U.S.
<u>LONGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Greenland turbot longline	36	Killer whale, Eastern North Pacific resident Killer whale, Eastern North Pacific transient
AK Bering Sea, Aleutian Islands Pacific cod longline	114	Killer whale, Eastern North Pacific resident Killer whale, Eastern North Pacific transient
CA pelagic longline	6	California sea lion, U.S. Risso's dolphin, CA/OR/WA
OR swordfish floating longline	0	None documented
OR blue shark floating longline	1	None documented
<u>POT, RING NET, AND TRAP FISHERIES:</u>		
AK Bering Sea sablefish pot	6	Humpback whale, Central North Pacific Humpback whale, Western North Pacific
Category III		
<u>GILLNET FISHERIES:</u>		
AK Cook Inlet salmon set gillnet	745	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Steller sea lion, Western U.S.

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	1,922	Harbor porpoise, Bering Sea
AK miscellaneous finfish set gillnet	3	Steller sea lion, Western U.S.
AK Prince William Sound salmon set gillnet	30	Harbor seal, GOA Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	2,034	None documented
CA set and drift gillnet fisheries that use a stretched mesh size of 3.5 in or less	341	None documented
Hawaii gillnet	115	Bottlenose dolphin, HI Spinner dolphin, HI
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing)	24	Harbor seal, OR/WA coast
WA, OR herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish gillnet	913	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>PURSE SEINE, BEACH SEINE, ROUND HAUL AND THROW NET FISHERIES:</u>		
AK Metlakatla salmon purse seine	10	None documented
AK miscellaneous finfish beach seine	1	None documented
AK miscellaneous finfish purse seine	3	None documented
AK octopus/squid purse seine	2	None documented
AK roe herring and food/bait herring beach seine	8	None documented
AK roe herring and food/bait herring purse seine	624	None documented
AK salmon beach seine	34	None documented
AK salmon purse seine (except Southeast Alaska, which is in Category II)	953	Harbor seal, GOA
CA herring purse seine	100	California sea lion, U.S. Harbor seal, CA
CA sardine purse seine	110	California sea lion, U.S.
HI opelu/akule net	16	None documented
HI purse seine	18	None documented

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
HI throw net, cast net	47	None documented
WA (all species) beach seine or drag seine	235	None documented
WA, OR herring, smelt, squid purse seine or lampara	130	None documented
WA salmon purse seine	440	None documented
WA salmon reef net	53	None documented
<u>DIP NET FISHERIES:</u>		
CA squid dip net	115	None documented
WA, OR smelt, herring dip net	119	None documented
<u>MARINE AQUACULTURE FISHERIES:</u>		
CA salmon enhancement rearing pen	>1	None documented
OR salmon ranch	1	None documented
WA, OR salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters
<u>TROLL FISHERIES:</u>		
AK North Pacific halibut, AK bottom fish, WA, OR, CA albacore, groundfish, bottom fish, CA halibut non-salmonid troll fisheries	1,530 (330 AK)	None documented
AK salmon troll	2,335	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll	<50	None documented
CA/OR/WA salmon troll	4,300	None documented
Commonwealth of the Northern Mariana Islands tuna troll	50	None documented
Guam tuna troll	50	None documented
HI net unclassified	106	None documented
HI trolling, rod and reel	1,795	None documented
<u>LOGLINE/SET LINE FISHERIES:</u>		
AK Bering Sea, Aleutian Islands rockfish longline	17	None documented
AK Bering Sea, Aleutian Islands sablefish longline	63	None documented
AK Gulf of Alaska halibut longline	1302	None documented
AK Gulf of Alaska Pacific cod longline	440	None documented

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Gulf of Alaska rockfish longline	421	None documented
AK Gulf of Alaska sablefish longline	412	None documented
AK halibut longline/set line (State and Federal waters)	3,079	Steller sea lion, Western U.S.
AK octopus/squid longline	7	None documented
AK state-managed waters groundfish longline/setline (including sablefish, rockfish, and miscellaneous finfish)	731	None documented
WA, OR, CA groundfish, bottomfish longline/set line	367	None documented
WA, OR North Pacific halibut longline/set line	350	None documented
<u>TRAWL FISHERIES:</u>		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	8	Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	87	None documented
AK Bering Sea, Aleutian Islands rockfish trawl	9	None documented
AK Gulf of Alaska flatfish trawl	52	None documented
AK Gulf of Alaska Pacific cod trawl	101	None documented
AK Gulf of Alaska pollock trawl	83	None documented
AK Gulf of Alaska rockfish trawl	45	None documented
AK food/bait herring trawl	3	None documented
AK miscellaneous finfish otter or beam trawl	6	None documented
AK shrimp otter trawl and beam trawl (statewide and Cook Inlet)	58	None documented
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl	2	None documented
WA, OR, CA groundfish trawl	585	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, Central North Pacific Steller sea lion, Western U.S.
WA, OR, CA shrimp trawl	300	None documented
<u>POT, RING NET, AND TRAP FISHERIES:</u>		

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Aleutian Islands sablefish pot	8	None documented
AK Bering Sea, Aleutian Islands Pacific cod pot	76	None documented
AK Bering Sea, Aleutian Islands crab pot	329	None documented
AK Gulf of Alaska crab pot	unknown	None documented
AK Gulf of Alaska Pacific cod pot	154	None documented
AK Southeast Alaska crab pot	unknown	None documented
AK Southeast Alaska shrimp pot	unknown	None documented
AK octopus/squid pot	72	None documented
AK snail pot	2	None documented
CA lobster, prawn, shrimp, rock crab, fish pot	608	Sea otter, CA
OR, CA hagfish pot or trap	25	None documented
WA, OR, CA crab pot	1,478	Gray whale, Eastern North Pacific
WA, OR, CA sablefish pot	176	None documented
WA, OR shrimp pot & trap	254	None documented
HI crab trap	22	None documented
HI fish trap	19	None documented
HI lobster trap	15	Hawaiian monk seal
HI shrimp trap	5	None documented
<u>HANDLINE AND JIG FISHERIES:</u>		
AK miscellaneous finfish handline and mechanical jig	100	None documented
AK North Pacific halibut handline and mechanical jig	93	None documented
AK octopus/squid handline	2	None documented
American Samoa bottomfish	<50	None documented
Commonwealth of the Northern Mariana Islands bottomfish	<50	None documented
Guam bottomfish	<50	None documented
HI aku boat, pole and line	54	None documented
HI deep sea bottomfish	434	Hawaiian monk seal
HI inshore handline	650	Bottlenose dolphin, HI

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
HI tuna	144	Bottlenose dolphin, HI Hawaiian monk seal Rough-toothed dolphin, HI
WA groundfish, bottomfish jig	679	None documented
<u>HARPOON FISHERIES:</u>		
CA swordfish harpoon	30	None documented
<u>POUND NET/WEIR FISHERIES:</u>		
AK herring spawn on kelp pound net	452	None documented
AK Southeast herring roe/food/bait pound net	3	None documented
WA herring brush weir	1	None documented
<u>BAIT PENS:</u>		
WA/OR/CA bait pens	13	None documented
<u>DREDGE FISHERIES:</u>		
Coastwide scallop dredge	108 (12 AK)	None documented
<u>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</u>		
AK abalone	1	None documented
AK clam	156	None documented
WA herring spawn on kelp	4	None documented
AK dungeness crab	3	None documented
AK herring spawn on kelp	363	None documented
AK urchin and other fish/shellfish	471	None documented
CA abalone	111	None documented
CA sea urchin	583	None documented
HI coral diving	2	None documented
HI fish pond	10	None documented
HI handpick	135	None documented
HI lobster diving	6	None documented
HI squidding, spear	267	None documented
WA, CA kelp	4	None documented

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
WA/OR sea urchin, other clam, octopus, oyster, sea cucumber, scallop, ghost shrimp hand, dive, or mechanical collection	.637	None documented
WA shellfish aquaculture	684	None documented
<u>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</u>		
AK, WA, OR, CA commercial passenger fishing vessel	>7,000 (1,107 AK)	None documented
HI "other"	114	None documented
<u>LIVE FINFISH/SHELLFISH FISHERIES:</u>		
CA finfish and shellfish live trap/hook-and-line	93	None documented

List of Abbreviations Used in Table 1: AK - Alaska; CA - California; GOA - Gulf of Alaska; HI - Hawaii; OR - Oregon; WA - Washington

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 stocks incidentally killed/injured
Category I		
<u>GILLNET FISHERIES:</u>		
Mid-Atlantic gillnet	>655	Bottlenose dolphin, WNA coastal Bottlenose dolphin, WNA offshore Common dolphin, WNA Fin whale, WNA Gray seal, WNA Harbor porpoise, GME/BF Harbor seal, WNA Harp seal, WNA Humpback whale, Gulf of Maine Long-finned pilot whale, WNA Minke whale, Canadian east coast Short-finned pilot whale, WNA White-sided dolphin, WNA
Northeast sink gillnet	341	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, WNA Minke whale, Canadian east coast North Atlantic right whale, WNA Risso's dolphin, WNA White-sided dolphin, WNA
<u>LOGLINE FISHERIES:</u>		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline	<200	Atlantic spotted dolphin, Northern GMX Atlantic spotted dolphin, WNA Bottlenose dolphin, GMX outer continental shelf Bottlenose dolphin, GMX continental shelf edge and slope Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA Long-finned pilot whale, WNA Mesoplodon beaked whale, WNA Pantropical spotted dolphin, Northern GMX Pantropical spotted dolphin, WNA Pygmy sperm whale, WNA Risso's dolphin, Northern GMX Risso's dolphin, WNA Short-finned pilot whale, Northern GMX Short-finned pilot whale, WNA
<u>TRAP/POT FISHERIES:</u>		

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Northeast/Mid-Atlantic American lobster trap/pot	13,000	Fin whale, WNA Harbor seal, WNA Humpback whale, WNA Minke whale, Canadian east coast North Atlantic right whale, WNA
<u>TRAWL FISHERIES:</u>		
Mid-Atlantic mid-water trawl	620	Bottlenose dolphin, WNA offshore Common dolphin, WNA Long-finned pilot whale, WNA Risso's dolphin, WNA Short-finned pilot whale, WNA White-sided dolphin, WNA
Category II		
<u>GILLNET FISHERIES:</u>		
Gulf of Mexico gillnet	724	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, and estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal
North Carolina inshore gillnet	94	Bottlenose dolphin, WNA coastal
Northeast anchored float gillnet	133	Harbor seal, WNA Humpback whale, WNA White-sided dolphin, WNA
Northeast drift gillnet	unknown	None documented
Southeast Atlantic gillnet	779	Bottlenose dolphin, WNA coastal
Southeastern U.S. Atlantic shark gillnet	6	Atlantic spotted dolphin, WNA Bottlenose dolphin, WNA coastal North Atlantic right whale, WNA
<u>TRAWL FISHERIES:</u>		
Mid-Atlantic bottom trawl	>1,000	Common dolphin, WNA Long-finned pilot whale, WNA Short-finned pilot whale, WNA
Northeast mid-water trawl (including pair trawl)	17	Harbor seal, WNA Long-finned pilot whale, WNA Short-finned pilot whale, WNA White-sided dolphin, WNA
Northeast bottom trawl	1,052	Bottlenose dolphin, WNA offshore Common dolphin, WNA Harbor porpoise, GME/BF Harp seal, WNA Long-finned pilot whale, WNA Short-finned pilot whale, WNA Striped dolphin, WNA White-sided dolphin, WNA
<u>TRAP/POT FISHERIES:</u>		

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Atlantic blue crab trap/pot	>16,000	Bottlenose dolphin, WNA coastal West Indian manatee, FL
Atlantic mixed species trap/pot	unknown	Fin whale, WNA Humpback whale, Gulf of Maine
<u>PURSE SEINE FISHERIES:</u>		
Gulf of Mexico menhaden purse seine	50	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Mid-Atlantic haul/beach seine	25	Bottlenose dolphin, WNA coastal Harbor porpoise, GME/BF
North Carolina long haul seine	33	Bottlenose dolphin, WNA coastal
<u>STOP NET FISHERIES:</u>		
North Carolina roe mullet stop net	13	Bottlenose dolphin, WNA coastal
<u>POUND NET FISHERIES:</u>		
Virginia pound net	187	Bottlenose dolphin, WNA coastal
Category III		
<u>GILLNET FISHERIES:</u>		
Caribbean gillnet	>991	Dwarf sperm whale, WNA West Indian manatee, Antillean
Chesapeake Bay inshore gillnet	45	None documented
Delaware River inshore gillnet	60	None documented
Long Island Sound inshore gillnet	20	None documented
Rhode Island, southern Massachusetts (to Monomoy Island), and New York Bight (Raritan and Lower New York Bays) inshore gillnet	32	None documented
<u>TRAWL FISHERIES:</u>		
Atlantic shellfish bottom trawl	972	None documented
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX outer continental shelf Bottlenose dolphin, Northern GMX continental shelf edge and slope
Gulf of Mexico mixed species trawl	20	None documented

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	>18,000	Bottlenose dolphin, WNA coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, Western GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine West Indian Manatee, FL
<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	30	Harbor porpoise, GME/BF Harbor seal, WNA Gray seal, WNA
Gulf of Maine menhaden purse seine	50	None documented
Florida west coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal
Mid-Atlantic menhaden purse seine	22	Bottlenose dolphin, WNA coastal
U.S. Atlantic tuna purse seine	5	Long-finned pilot whale, WNA Short-finned pilot whale, WNA
U.S. Mid-Atlantic hand seine	>250	None documented
<u>LOGLINE/HOOK-AND-LINE FISHERIES:</u>		
Northeast/Mid-Atlantic bottom longline/hook-and-line	46	None documented
Gulf of Maine, U.S. Mid-Atlantic tuna, shark swordfish hook-and-line/harpoon	26,223	Humpback whale, WNA
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line	>5,000	None documented
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line	<125	None documented
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon	1,446	None documented
<u>TRAP/POT FISHERIES</u>		
Caribbean mixed species trap/pot	>501	None documented
Caribbean spiny lobster trap/pot	>197	None documented
Florida spiny lobster trap/pot	2,145	Bottlenose dolphin, Eastern GMX coastal

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Western GMX coastal Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX Bay, Sound, & Estuarine 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
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot	4,453	None documented
U.S. Mid-Atlantic eel trap/pot	>700	None documented
<u>STOP SEINE/WEIR/POUND NET FISHERIES:</u>		
Gulf of Maine herring and Atlantic mackerel stop seine/weir	50	Gray seal, Northwest North Atlantic Harbor porpoise, GME/BF Harbor seal, WNA Minke whale, Canadian east coast 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 North Carolina roe mullet stop net)	751	None documented
<u>DREDGE FISHERIES:</u>		
Gulf of Maine mussel	>50	None documented
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	233	None documented
U.S. Mid-Atlantic/Gulf of Mexico oyster	7,000	None documented
U.S. Mid-Atlantic offshore surf clam and quahog dredge	100	None documented
<u>HAUL/BEACH SEINE FISHERIES:</u>		
Caribbean haul/beach seine	15	West Indian manatee, Antillean
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	>50	None documented

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
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 commercial passenger fishing vessel	4,000	None documented

List of Abbreviations Used in Table 2: FL - Florida; GA - Georgia; GME/BF - Gulf of Maine/Bay of Fundy; GMX - Gulf of Mexico; NC - North Carolina; SC - South Carolina; TX - Texas; WNA - Western North Atlantic

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Classification

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have a significant economic impact on a substantial number of small entities. For convenience, the factual basis leading to the certification is repeated below.

Under existing regulations, all fishers participating in Category I or II fisheries must register under the MMPA, obtain an Authorization Certificate, and pay a fee of \$25. Additionally, fishers may be subject to a take reduction plan and requested to carry an observer. The Authorization Certificate authorizes the taking of marine mammals incidental to commercial fishing operations. NMFS has estimated that approximately 41,600 fishing vessels, most of which are small entities, operate in Category I or II fisheries, and therefore, are required to register. However, registration has been integrated with existing state or Federal registration programs for the majority of these fisheries so that the majority of fishers do not need to register separately under the MMPA. Currently, approximately 5,800 fishers register directly with NMFS under the MMPA authorization program.

Though this proposed rule would affect a number of small entities, the \$25 registration fee, with respect to anticipated revenues, is not considered a significant economic impact. If a vessel is requested to carry an observer, fishers will not incur any economic costs associated with carrying that observer. As a result of this certification, an initial regulatory flexibility analysis was not prepared. In the event that reclassification of a fishery to Category I or II results in a take reduction plan, economic analyses of the effects of that plan will be summarized in subsequent rulemaking actions. Further, if a vessel is requested to carry an observer, fishers

will not incur any economic costs associated with carrying that observer.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of information for the registration of fishers under the MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0293 (0.25 hours per report for new registrants and 0.15 hours per report for renewals). The requirement for reporting marine mammal injuries or mortalities 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 collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing burden, to NMFS and OMB (see ADDRESSES).

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 collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

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

An environmental assessment (EA) was prepared under the National Environmental Policy Act (NEPA) for regulations to implement section 118 of the MMPA (1995 EA). The 1995 EA concluded that implementation of those regulations would not have a significant impact on the human environment. This proposed rule would not make any significant change in the management of

reclassified fisheries, and therefore, this proposed rule is not expected to change the analysis or conclusion of the 1995 EA. If NMFS takes a management action, for example, through the development of a Take Reduction Plan (TRP), NMFS will first prepare an environmental document as required under NEPA specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the Endangered Species Act (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 conduct consultation under section 7 of the ESA for 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 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.

Dated: November 26, 2004.

John Oliver,
Deputy Assistant Administrator for
Operations, National Marine Fisheries
Service.

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SUMMARY OF ANALYSES FOR THE PROPOSED LIST OF FISHERIES FOR 2005

Background

Sections 117 and 118 of the Marine Mammal Protection Act, as amended in 1994, set up a regime for reporting basic biological information on each marine mammal stock in U.S. waters (Section 117), and determining whether incidental serious injury and mortality in commercial fisheries is exceeding a level that can be sustained by each stock and allow the stock to recover (Section 118). Section 117 requires that Stock Assessment Reports (SARs) be published for each marine mammal stock in U.S. waters. These SARs must include information on distribution, abundance, trends, and human-related serious injury and mortality levels, including serious injuries and mortalities that occur incidental to commercial fishing activities. The SARs also include the computation of a Potential Biological Removal level, or PBR, that provides a threshold to use when determining whether the level of fishery-related serious injury or mortality is of concern. SARs are updated on a regular schedule, reviewed by a panel of external scientific advisors (the Alaska Scientific Review Group), made available in draft form to the public for comment, and then revised and finalized.

The most recent SARs for marine mammals of Alaska (Angliss and Lodge 2003) can be found at: http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html

Section 118, which was implemented by regulation in 1995 (60 FR 45086; 30 August 1995), provides the system for classifying U.S. commercial fisheries into Category I, II, or III in the List of Fisheries (LOF) based on the level of serious injuries and mortalities of marine mammals that occur incidental to a commercial fishery. The level of serious injury and mortality of marine mammals in a particular fishery is compared to that marine mammal stock's PBR level to determine whether placement in Category I, II, or III is warranted.

The Federal Register notice announcing the final LOF for 2004 provides a summary of how the serious injury and mortality levels are compared to the PBR levels to classify a fishery. This FR notice is available at:

http://www.nmfs.noaa.gov/prot_res/readingrm/Fisheries/2004_final_LOF.pdf

Each year, the National Marine Mammal Laboratory (NMML), Alaska Fisheries Science Center (AFSC), organizes data from the most recent SARs, the most recent analysis of observer program data, and any other relevant information, and provides that information to the Alaska Region. The Alaska Region considers the data provided by NMML and proposes changes to the LOF if warranted. The proposed changes are published in the Federal Register by the Office of Protected Resources in NMFS headquarters, public comments are solicited, and a final notice of the LOF is then published.

Analysis of serious injury and mortality levels in federally-regulated groundfish fisheries of Alaska

Each year, observers are placed on vessels of the North Pacific groundfish fleet in order to collect information about commercial fish catches to support in-season catch monitoring, stock assessment, and other NMFS management and scientific functions. Should an interaction with a marine mammal occur, recording that interaction becomes the observer’s highest priority (unless there are short-tailed albatross issues that must be addressed). Observer data on the interaction of marine mammals with commercial fisheries are routinely analyzed by NMML and the North Pacific Groundfish Observer Program and the results have been published by Perez and Loughlin (1991) and Perez (2003).

The List of Fisheries includes all Federal and state managed commercial fisheries. For Federal fisheries in Alaska, until 2003, the LOF and the observer program analysis conducted by NMML both focused on analyzing levels of serious injury and mortality in 6 different federally-regulated commercial groundfish fisheries (Table 1), which were defined by species complex, gear type, and geographical area. In 2004, in response to a public comment on the proposed LOF for 2003 from the North Pacific Fishery Management Council, NMFS separated the federally-regulated groundfish fisheries by target species into 22 fisheries (Table 1). Because only a preliminary analysis of serious injury and mortality levels was available in 2003, fisheries were redefined but no changes were proposed to fishery classification. A new analysis was completed in 2004: the methods and results from that analysis are described in the following section.

Table 1: Breakouts of Federal fisheries as defined in the LOF. Fisheries in **BOLD** reflect the definitions prior to 2003; fisheries identified in plain text are those defined as of the LOF for 2004. Fisheries identified in *italics* are those with levels of serious injuries and mortalities of marine mammals that meet the definition of Category II in the proposed LOF for 2005. Of these fisheries, all are federally-regulated and observed. State fisheries on the LOF are not included in the table.

<p>BSAI groundfish trawl</p> <ul style="list-style-type: none"> • <i>BSAI pollock trawl</i> • BSAI Pacific cod trawl • <i>BSAI flatfish trawl</i> • BSAI rockfish trawl • BSAI Atka mackerel trawl <p>GOA groundfish trawl</p> <ul style="list-style-type: none"> • GOA pollock trawl • GOA flatfish trawl • GOA rockfish trawl • GOA Pacific cod trawl <p>BSAI groundfish longline</p> <ul style="list-style-type: none"> • BSAI sablefish hook and line • <i>BSAI Pacific cod hook and line</i> • <i>BSAI turbot hook and line</i> • BSAI halibut hook and line • BSAI rockfish hook and line 	<p>GOA groundfish longline</p> <ul style="list-style-type: none"> • GOA sablefish hook and line • GOA Pacific cod hook and line • GOA halibut hook and line • GOA rockfish hook and line <p>GOA finfish pot</p> <ul style="list-style-type: none"> • GOA Pacific cod pot <p>BSAI finfish pot</p> <ul style="list-style-type: none"> • Aleutian Is sablefish pot • <i>Bering Sea sablefish pot</i> • BSAI Pacific cod pot
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Methods

Determining the level of incidental serious injury and mortality relative to each marine mammal stock's PBR level involves the following discrete steps:

- 1) Determine the target species of each fishing vessel haul. This information is required to determine to which fishery each marine mammal serious injury/mortality should be assigned and to determine what proportion of each fishery is observed.
- 2) Determine which injuries constitute "serious injuries".
- 3) Assign each marine mammal serious injury/mortality to a particular marine mammal stock.
- 4) Extrapolate the observed serious injury/mortality to an estimated serious injury/mortality rate for each marine mammal stock and for each target fishery.
- 5) Compare the serious injury/mortality level for each commercial fishery to the PBR level for each marine mammal stock, and determine whether the thresholds have been met for Category I, II, and III.

These steps are addressed individually below.

1) Determining the target species of each vessel haul

The two databases that contain information relevant to determining the target species for each vessel haul are the Catch Accounting System (CAS), which is managed by the AKR, and the database containing the information reported to the North Pacific Groundfish Observer Program, which is called "NORPAC" and is managed by the AFSC. The NORPAC database does not attempt to determine target species, but does indicate what the observer recorded as the predominate catch for an observed haul. The AKR uses the CAS to calculate targets at haul and trip levels. The haul level target is based on total groundfish and the trip level target is based on retained catch. Targets are assigned using the following sequence: 1) if the catch by weight is greater than 95% pollock, then the target is pelagic pollock target; 2) if the catch is not 95% pollock, then the target is the dominant target species; 3) if the catch is not one of the recognized target species, then "other species" is the default. One exception for the BSAI area is determined by regulation at 50 CFR 679.21: if the total amount of flatfish (flathead sole, "other flatfish", rock sole, yellowfin sole) is greater than the amount of any other fishery target and the amount of yellowfin sole is 70 percent or more of the total flatfish then the target is yellowfin sole. If yellowfin sole is less than 70 percent of the total amount of flatfish then the target is the greater of the remaining flatfish (rock sole, flathead sole, or "other flatfish").

Determining the target species for all hauls is complicated by the fact that at least 1/4 of all hauls made by observed vessels are not sampled by the observer. Thus, the target species for each haul or trip has been estimated using the following two steps:

A) Haul target. When observer data are available for a particular haul, NORPAC identifies the predominant groundfish species by weight, and this can be used by the CAS to assign a target to that haul. When observer data are not available for a particular haul, the AKR uses the CAS database to assign a target to each haul by extrapolating from observer data collected for that same vessel, gear type and date range. The date range is set at 7 days, so the program looks for a sampled haul on the same day and up to 7 days prior or 7 days after. If available, the extrapolation program also looks for observer cruise number, FMP area, and IFQ flag. For instance, if the 2pm haul on January 25 was not sampled, but the 10am haul was conducted with the same gear, the CAS assigns the target for the unsampled haul to the target fishery identified for the 10am haul. If there were no previous sampled hauls on the same day then it looks for sampled hauls after the unsampled haul.

B) Trip target. The catch is combined for: vessel, target date, gear, reporting area (catcher processors and motherships) and vessel, target date, FMP area (shoreside). The target date is the week ending date (Saturday) for catcher processors and motherships and the fishing start date for catcher vessels. As an example, the result of using the trip target instead of the haul target makes it possible that an observed marine mammal take in a haul that primarily contained flatfish could be assigned in the LOF analysis to the cod fishery. The AKR recommends that the trip target be used in the LOF analysis as the best representation of the intended target.

Clearly, hauls in which a marine mammal serious injury or mortality was recorded can easily be assigned to a specific target fishery because the catch was observed and the target fishery can be identified based on observer records. In addition, it is reasonably straightforward to determine the portion of fishing effort that was observed, because observers were on board and sampling hauls, so the target fishery can be easily identified. However, the target species for hauls that were not observed must be determined using the steps for haul target defined above. As might be expected, the target species for fisheries with very high observer coverage (e.g., the various groundfish trawl fisheries) can reliably be determined, while the target species for fisheries with a lower rate of observer coverage may be more uncertain because a variety of techniques must be used to determine the most likely target for unobserved hauls.

2) Determine “serious injury” vs. “injury”

As noted above, fisheries must be classified in the LOF based on the level of serious injury and mortality incidental to commercial fishing operations. In the MMPA and by regulation, “serious injury” is defined as an injury that is likely to lead to mortality. A workshop held in 1997 provided additional guidance on what should constitute serious injury (Angliss and DeMaster 1998; available at: http://www.nmfs.noaa.gov/prot_res/readingrm/si_fin2.PDF). Participants indicated that marine mammals trailing gear should be called “seriously injured” and likely to die, particularly if the trailing gear is sufficient to impede movement or feeding (p. 36). When information is plentiful on a particular incident of “trailing gear”, that information can be reviewed to determine whether the entanglement is likely to be “serious”. However, if little to no information is available, a “trailing gear” incident is identified as “serious”.

The Alaska Scientific Review Group has been reviewing the existing guidelines for determining whether an animal which is “trailing gear” is seriously injured and is developing revised guidelines for consideration by NMFS. However, until those guidelines have been provided to NMFS and accepted for use, NMML will continue its practice of assuming that observed “trailing gear” incidents in the groundfish fisheries constitute serious injuries.

Because there are very few “trailing gear” interactions reported by the NPGOP, decisions regarding whether an injury should be considered serious are seldom made in the course of the analysis of the level of marine mammal serious injury/mortality incidental to observed groundfish fisheries. Of the 23 Steller sea lion observations used in the analysis, all were mortalities (none were injured or seriously injured). Of the 6 killer whale observations used in the analysis, all were mortalities (none were injured or seriously injured). Of the 2 humpback whale observations used in the analysis, one was trailing gear, and thus seriously injured (in the Bering Sea sablefish pot fishery) and one was an observed mortality in the Bering Sea/Aleutian Islands pollock trawl fishery.

3) Assign each marine mammal serious injury/mortality to a particular marine mammal stock

Observer data provide information on which marine mammal species are seriously injured or killed. However, many species of marine mammals consist of 2 or more stocks that are identified under the MMPA and assessed individually in the SARs. If the stock designation cannot be made using photographs or genetics, then assignment of a serious injury/mortality to a marine mammal stock is based on the location of the incident. For instance, the boundary between the western and eastern Steller sea lion stocks is in the eastern Gulf of Alaska: Steller sea lions seriously injured or killed west of that boundary would be assigned to the western Steller sea lion stock and Steller sea lions that are seriously injured or killed to the east or south of that boundary would be assigned to the eastern Steller sea lion stock.

The ranges of some marine mammal stocks overlap or are poorly understood. For instance, at this time, there are two recognized stocks of humpback whales in Alaska: the Central and Western North Pacific stocks. The Central stock range is known to include waters from Southeast Alaska to the Bering Sea; the Western stock range is known to include waters between Kamchatka to at least the Shumagin Islands, and possibly as far east as British Columbia (Figure 1). In situations where the stock identification is unknown, the analysis considers the possibility that the serious injury/mortality could have occurred from either stock. Thus, the potential impacts from serious injuries and mortalities of humpback whales in the northern and western Gulf of Alaska, or in the Bering Sea, are assessed for each possible source stock of humpback whales.

Similarly, observers cannot differentiate between resident and transient killer whales, and the ranges of these stocks overlap almost completely (Figures 2 and 3). NMML staff has reviewed photographs of killer whales taken by groundfish fisheries observers between 1980 and the present, and based on morphology and association patterns, all the photographs collected to date via our fishery observer program have been determined to be residents. In addition, in recent years, observers have been collecting samples of skin and blubber from any dead cetacean

brought aboard a fishing vessel. In 2000, two killer whales that were observed very close to a fishing vessel but were not involved in an interaction were biopsy darted by an observer aboard a sablefish longline vessel in the Bering Sea. Genetic analyses of these two samples indicated that both animals were of the resident stock. The genetics of one sample taken from a killer whale that was brought aboard a pelagic trawl vessel in the Bering Sea indicated that the animal was a transient, so it is clear that serious injuries/mortalities of transient killer whales can also occur. These results will be formally reported by early spring 2005. Because the ranges of these stocks overlap, and information indicates that both residents and transients may be seriously injured or killed, a serious injury/mortality of a killer whale incidental to a commercial fishery is assessed for both the resident and transient stocks, unless there is conclusive information which would indicate in which stock a serious injury/mortality occurred.

Evaluating the impacts of incidental serious injury and mortality to different stocks of marine mammals when the stock identification is uncertain is consistent with national guidelines developed at a workshop held in 1996 (Wade and Angliss 1997; <http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm>; Section 8.3). In addition, the approach is consistent with the recommendations of the Alaska Scientific Review Group.

Note that the evaluation of the impacts of incidental serious injury/mortality to different stocks of marine mammals does not constitute "double-counting" of each separate incident. For example, in Table 3, for the BSAI Pacific cod hook and line fishery, NMFS does not sum 0.8 ENP resident killer whales and 0.8 ENP transient killer whales in order to get a total take of killer whales of 1.6 (average per year). Instead, when the stock identification is unknown, NMFS examines the potential impact of a serious injury or mortality independently for each of the possible stock sources.

4) Extrapolate the observed serious injury/mortality to an estimated serious injury/mortality rate for each target fishery

Perez (2003) describes the methods for extrapolating from the observed number of serious injuries/mortalities incidental to a commercial fishery to estimated numbers for that year. Briefly, the estimated serious injury/mortality of each marine mammal stock is determined by fishery, statistical area, processing sector, and 4-week period for each fishery using two pieces of data: 1) the number of observed incidental serious injuries/mortalities per metric ton of fishing effort monitored by observers and 2) the observed and estimated total commercial fishing effort.

Observers randomly pre-select hauls to monitor for marine mammal incidental serious injury/mortality, and any incidents that occur during these hauls are documented. When possible, photographs and tissue samples are obtained. Observers also record incidental serious injuries/mortalities in unsampled hauls; these are added into the total observed but are not used in the extrapolation. A rate of marine mammal take per ton of catch in sampled hauls is calculated for each marine mammal species. Once a rate per ton is calculated, this rate is used to extrapolate to the unsampled hauls for that target species by multiplying the rate by the estimated total commercial fishing effort (in metric tons of catch). Extrapolations are stratified by statistical area, season, and fishery, so that seasons with high fishing effort and high take rates

are not used to estimate take levels in seasons with low fishing effort. The total commercial fishing effort was summed for each target species using the CAS.

Once extrapolations are made for each gear type, 4-week period and statistical area, the estimated serious injury and mortality levels are summed for all statistical areas in order to get a total level of incidental serious injury/mortality for each fishery.

Additional information on the methods used to extrapolate observer data to an estimated level of serious injury/mortality can be found in Perez (2003; pp. 3-11) and Perez (in prep; pp. 3-11). Information on Steller sea lion, killer whale, and humpback whale observed and estimated (extrapolated) mortality levels are provided in Table 2.

5) Compare the serious injury/mortality level for each commercial fishery to the PBR level for each marine mammal stock, and determine whether the thresholds have been met for Category I, II, and III

Pursuant to the regulations implementing section 118 of the MMPA, the serious injury/mortality level for each commercial fishery must be compared to the PBR level for each marine mammal stock to determine whether each commercial fishery should be placed in Category I, II, or III.

Fishery classification is accomplished in two steps, commonly called "tiers". In Tier 1, the total serious injury and mortality level for all commercial fisheries that incur takes is compared to each stock's PBR level. If the total serious injury and mortality level is under 10% of the stock's PBR, all fisheries that interact with that stock (and no other stocks) are placed in Category III. If the total serious injury and mortality level is greater than 10% of the stock's PBR level, all fisheries that interact with that stock are subjected to a second tier.

Each fishery that exceeds that 10% threshold is placed into Category I, II, or III based on the following classification in Tier 2:

Category I: The serious injury/mortality of any individual stock is $\geq 50\%$ of that stock's PBR level.

Category II: The serious injury/mortality of any individual stock is between 1% and 50% of that stock's PBR level.

Category III: The serious injury/mortality of any individual stock is under 1% every stock's PBR level.

Using this system, placement of a fishery in Category I or II is based on stock-specific impacts to marine mammals.

Information on the level of serious injury/mortality incidental to federally-managed fisheries in Alaska is based solely on observer data, and is the yearly average calculated for the years 1999-2003. Levels of serious injury/mortality for other fisheries come from various sources, including short-term observer programs (Cook Inlet salmon drift gillnet), MMAP logbook data (AK misc. finfish set gillnet), and reliable reports of entangled animals (AK crustacean pot fishery)

Based on data from the 2003 final SARs and new analyses by Perez (in prep), there were a few serious injuries and mortalities incidental to commercial fishing operations in nearly all of the fisheries identified in Table 1. However, only a few serious injuries and mortalities occurred with sufficient frequency to exceed both the 10% threshold of Tier 1 for all fisheries, and the 1% threshold of Tier 2 for the level of serious injury/mortality of specific stocks in any particular fishery (Table 3).

As previously stated, reviewing levels of serious injury and mortality of marine mammals in preparation for making changes to the LOF requires both information on PBR levels and information on incidental mortality and serious injury in commercial fisheries. The proposed rule for the LOF for 2005 is based on the analyses by Perez using data from 1999-2003, data contained in the SARs for 2004, and PBR levels from the 2003 final SARs.

Additional relevant information about abundance, trends, and status of western Steller sea lions, killer whales, and humpback whales: Looking ahead

Marine mammal stock assessments are updated on a regular basis, and some recent updates are directly relevant to consideration of how to use information in the analysis for the List of Fisheries.

Steller sea lions, western stock. The abundance of this stock has increased in recent years, which has resulted in a proposed increase in the PBR level from 209 to 229. The level of fishery-related mortality and serious injury will be slightly higher in the 2005 draft SARs than it was in the 2003 final SARs.

Killer whale, Alaska resident and GOA/AI/BS transient stocks. Much additional research on killer whales of Alaska has occurred since 2001. This work has resulted in two major changes in NMFS' SARs: updated stock designations will be proposed in the 2005 draft SARs and updated abundance estimates based on the recent research will be included in the new SARs. With additional research planned in 2005, it is possible that the abundance estimates, and related PBR levels, could continue to increase as new areas are sampled more thoroughly. However, it is likely that there is more than one stock of resident killer whales in Alaska, as resident killer whales in Southeast Alaska or Prince William Sound are not known to travel west of Kodiak Island. Should the stock structure of resident killer whales be revised, the abundance of the Bering Sea/Aleutian Islands group of resident killer whales would be assessed separately, and it would be likely that the serious injury and mortality level of commercial fisheries in the Bering Sea and Aleutian Islands would be compared to a PBR level that is lower than the PBR level for the situation where all of the resident killer whales in Alaska are considered a single stock.

Humpback whales, western North Pacific and central North Pacific/Southeast Alaska: There has been a historical lack of focused research on humpback whales throughout much of the North Pacific. A major, focused research effort to assess the population abundance and stock structure of humpback whales was initiated in 2003 and will conclude after the summer of 2005: this new research is likely to lead to changes in the PBR levels, but the direction of the changes cannot be predicted until the results of the studies are known. It is expected that one result of this research will be a substantial update to humpback whale abundance information in the SARs, and

possibly a corresponding increase in the PBR levels. At this time, the magnitude of the change cannot be predicted. However, because humpback whales typically have considerable site fidelity to specific summer foraging areas, NMFS is moving towards designating groups of animals that consistently frequent known summer foraging areas as separate stocks. As an example, the Southeast Alaska feeding aggregation of humpback whales was separated from the remainder of the central North Pacific stock; the SAR presents abundance and fishery-related mortality levels for this portion of the stock separate from the abundance and fishery-related mortality levels for the remainder of the stock. As additional information is gained about site fidelity to humpback whale feeding areas in other parts of Alaska, additional changes to stock structure could be proposed. Changes in stock structure would be accompanied by new calculations of abundance for that stock, and the calculation of a new PBR level that would be lower than that calculated for a larger group.

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Table 2: Observed and estimated (extrapolated) serious injuries and mortalities of Steller sea lions, humpback whales, and killer whales incidental to Alaska groundfish fisheries, 1999-2003. Level of observer coverage is the percent of the total catch observed. Because the analysis is stratified by statistical area and 4-week period, the estimated mortality levels cannot be calculated directly from the observed mortality level and the level of observer coverage shown in this table. This table is excerpted from Perez (in prep; Tables 5, 6, 7, and Appendix 3).

Fishery name	Year	Level of observer coverage	Observed mortality/S.I.	Status	Estimated mortality
Steller sea lion					
BSAI flatfish trawl	1999	66.3	1	Killed by gear	1
	2000	64.5 ¹	3	All killed by gear	4
	2001	57.6	4	All killed by gear	6
	2002	58.4	1	Killed by gear	2
	2003	63.9	1	Killed by gear	1
BSAI pollock trawl	1999	75.2	3	All killed by gear	3
	2000	76.2	3	All killed by gear	
	2001	79.0	3	All killed by gear	3
	2002	80.0	3	All killed by gear	3
	2003		0		0
BSAI Pacific cod longline	1999		0		0
	2000		0		0
	2001		0		0
	2002	29.6	1	Killed by gear	4
	2003		0		0
Humpback whale					
BSAI pollock trawl	1999	75.2	1	Killed by gear	1
	2000		0		0
	2001		0		0
	2002		0		0
	2003		0		0
BS sablefish pot	1999		0		0
	2000		0		0
	2001		0		0
	2002	40.6	1	Trailing gear	1

¹ One Steller sea lion was not in an observed haul, but was witnessed by the observer.

Fishery name	Year	Level of observer coverage	Observed mortality/S.I.	Status	Estimated mortality
	2003		0		0
Killer whale					
BSAI flatfish trawl	1999		0		0
	2000		0		0
	2001	57.6 ²	1	Hit propeller/died	2
	2002		0		0
	2003		0		0
BSAI pollock trawl	1999	75.2	1	Killed by gear	1
	2000		0		0
	2001		0		0
	2002	80	1	Killed by gear	1
	2003	82.2	1	Killed by gear	1
BSAI turbot longline	1999	30.8	1	Killed by gear	3
	2000		0		0
	2001		0		0
	2002		0		0
	2003		0		0
BSAI Pacific cod longline	1999		0		0
	2000		0		0
	2001		0		0
	2002		0		0
	2003	29.8	1	Killed by gear	4

² There was an additional propeller strike of a killer whale in the flatfish trawl fishery that was noted by the vessel captain, but was not observed. Preliminary data for this fishery in 2004 indicate that two killer whales were observed to be struck by the vessel propeller; both propeller strikes involved the same vessel, 5 days apart.

Table 3: Average annual estimated levels of serious injury and mortality of Steller sea lions, killer whales, and humpback whales that occurred incidental to commercial fisheries over the period 1999-2003. Fisheries identified in italics meet both the 10% threshold for Tier I (see bottom row) and the 1% threshold of Category II in Tier 2. Percentages in parentheses indicate what percent of the PBR level was seriously injured or killed incidental to that fishery. Information on federally-managed fisheries is excerpted from Perez (in prep; Table 8).

Fishery	Current category in the LOF	Steller sea lion (western)	Killer whale (ENP resident) (more likely)	Killer whale (ENP transient) (less likely)	Humpback whale (WNP)	Humpback whale (CNP/SEAK)
Federally-managed fisheries						
<i>BSAI Pacific cod hook and line</i>	III	0.7	0.8 (11%)	0.8 (29%)		
<i>BSAI turbot hook and line</i>	III		0.6 (8.3%)	0.6 (21.4%)		
<i>BSAI pollock trawl</i>	III	2.5 (1.2%)	0.6 (8.3%)	0.6 (21.4%)	0.3 (42.9%)	0.3 (4.1%)
BSAI Pacific cod trawl	III	1.1				
<i>BSAI flatfish trawl</i>	III	3.4 (1.6%)	0.5 (6.94%) ³	0.5 (17.9%) ¹		
BSAI Atka mackerel trawl	III	1.5				
GOA pollock trawl	III	0.5				
GOA Pacific cod trawl	III	0.9				
<i>Bering Sea sablefish pot</i>	III				0.2 (28.6%)	0.2 (2.7%)
<i>AK crustacean pot</i>	III					0.8 (10.8%)
State-managed fisheries						
AK misc. finfish set gillnet	III	0.25				
AK Pen./Aleutian Is salmon set gillnet	II	0.75				
<i>Bristol Bay salmon drift gillnet</i>	II	3.5 (1.7%)				
Cook Inlet salmon drift gillnet	III	0.5				
<i>PWS salmon drift gillnet</i>	II	14.5 (6.9%)				
PWS salmon set gillnet	II	0.5				
<i>Southeast AK salmon drift gillnet</i>	II					0.4 (5.4%)
AK salmon troll	III	0.2				
<i>Southeast Alaska salmon purse seine</i>	II					0.4 (5.4%)
Unknown fishery (Bering Sea)					0.2	
Total estimated annual mortality		31.9	2.5	2.5	0.7	2.1
PBR level (draft 2004 SARs)		209	7.2	2.8	0.7	7.4
Annual Mortality/PBR for all fisheries (Tier 1)		15.3%	34.7%	89.3%	100%	28.4%

³ Preliminary analysis of information indicates that an additional 2 killer whales were observed killed incidental to the flatfish trawl fishery in 2004.

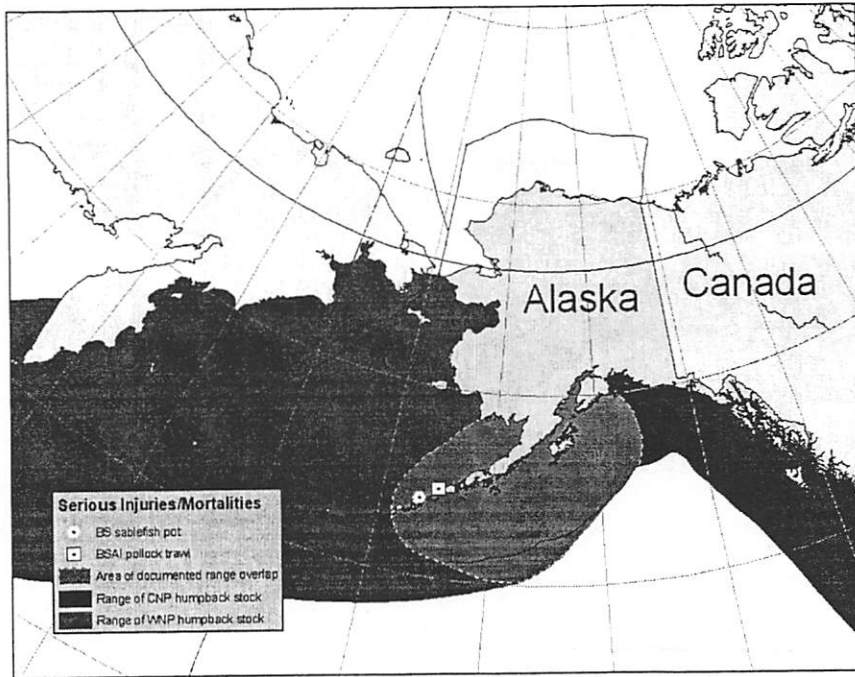


Figure 1: Western and Central North Pacific humpback whale stock ranges and locations of serious injuries/mortalities observed between 1999-2003. Area of known range overlap is circled with a dotted line. Ranges are depicted as gradients to demonstrate that there is some low probability that the range overlap extends further to the east and west of the known area of overlap.

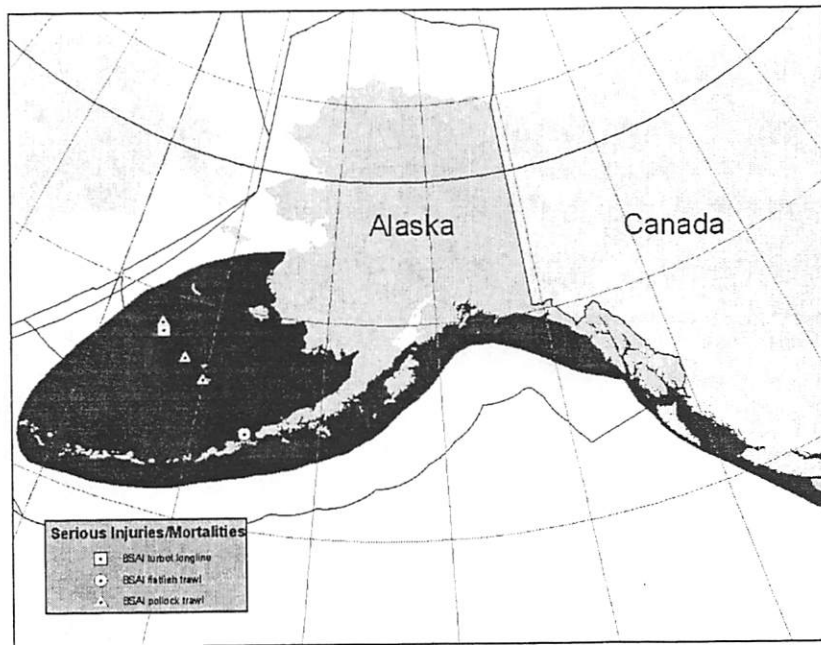


Figure 2: Known range of Alaska Resident killer whales and locations of serious injuries/mortalities that occurred in commercial fisheries, 1999-2003.

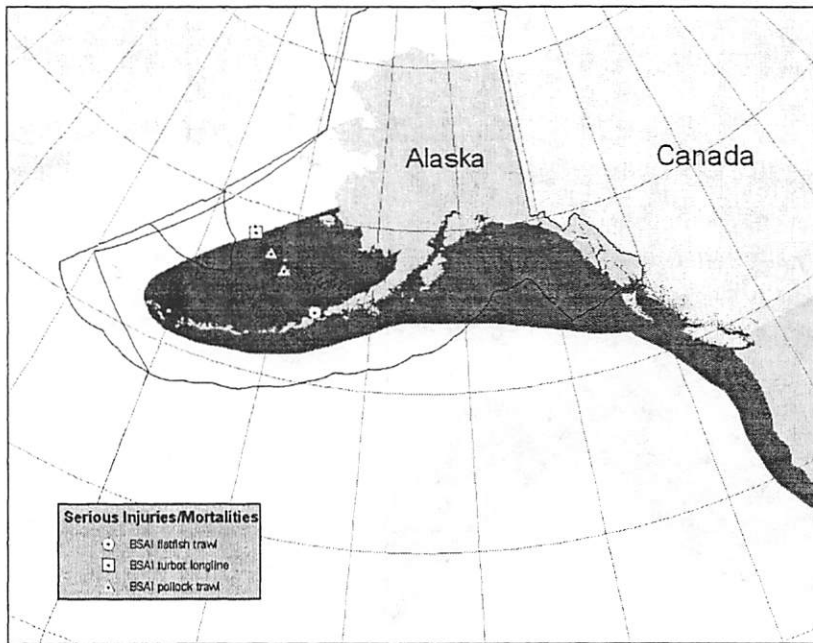


Figure 3: Known range of Alaska Transient killer whales and locations of serious injuries/mortalities that occurred in commercial fisheries, 1999-2003.



Pribilof Islands Collaborative
Continuing the Issue Discussion – Fur Seals
Meeting Agenda Outline
January 28 - 30, 2005
UAA Commons - Anchorage, Alaska

January 28 and 29

I. Fur seals

- A. Status
- B. Life history
- C. Population comparisons with other rookeries
- D. Issues/problems/decline

II. Potential contributing factors to fur seal population changes

A. Impacts we have little/no control over

- disease
- predation (e.g., killer whale predation)
- nutritional stress resulting from environmental effects on prey availability

B. Impacts we have some/more control over

- intentional takes (commercial and/or subsistence harvest)
- pollution
- disturbance (economic development/increased human activity on/around the Islands)
- nutritional stress resulting from competition for prey between fishermen and NFS
- other fishing-related mortalities--entanglement and/or incidental take

C. Synthesis of presentations

January 30

III. Potential responses to decline, conservation measures, etc.

- A. Conservation Plan overview
- B. Endangered Species Act, including Steller Sea Lion history
- D. Research needs and plan
- E. Other (e.g., voluntary and incentive based ideas)

Pribilof Islands Collaborative

Continuing the Issue Discussion – Fur Seals

PRESENTERS/PARTICIPANTS

Alaska Fisheries Science Center

Doug DeMaster	Director
John Bengtson	National Marine Mammal Lab
Vladimir Burkanov	National Marine Mammal Lab
Robert DeLong	National Marine Mammal Lab
Chuck Fowler	National Marine Mammal Lab
Lowell Fritz	National Marine Mammal Lab
Tom Gelatt	National Marine Mammal Lab
Rolf Ream	National Marine Mammal Lab
Beth Sinclair	National Marine Mammal Lab
Ward Testa	National Marine Mammal Lab
Paul Wade	National Marine Mammal Lab
Anne Hollowed	Alaska Fisheries Science Center
Libby Logerwell	Alaska Fisheries Science Center

NOAA-NMFS

Kaja Brix	Protected Resources
Dave Cormany	Protected Resources
Dave Ackley	Juneau Regional Office

University Researchers

George Hunt	University of California – Irvine
Steve Insley	University of California – Santa Cruz
Sasha Kitayski	University of Alaska Fairbanks (not confirmed)
Gordon Kruse	University of Alaska Fairbanks
Terry Spraker	Colorado State University (not confirmed)
Alan Springer	University of Alaska Fairbanks (not confirmed)
Andrew Trites	University of British Columbia

INDEPENDENT RESEARCHERS

Karl Haflinger	SeaState
Henry Huntington	Huntington Consulting
Mandy Merkelin	
Bruce Robson	

Pribilof Islands Collaborative



Dr. James Balsiger
Regional Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802-1668

Dr. Douglas DeMaster
Science and Research Director
Alaska Fisheries Science Center
National Marine Fisheries Service
7600 Sand Point Way NE, Bldg. 4
Seattle, Washington 98115

September 22, 2004

Re: Request for data and other assistance

Dear Drs. Balsiger and Demaster:

As you know, the Pribilof Islands Collaborative (PIC) was formed by various stakeholders who are interested in addressing issues of mutual concern in the Pribilof Islands area of the Bering Sea. The PIC held its most recent meeting in mid-August on Saint Paul Island.

The purpose of this letter is twofold. First, we would like to advise you of a focused meeting the PIC will hold to discuss the continuing decline of Northern fur seals in the Pribilof Islands and to seek the assistance of your respective organizations in putting together data and other information necessary to inform this discussion. We would like to have those of your staff with particular expertise in fur seal-related issues attend and participate in this meeting. Second, we wish to advise you of other issues that the PIC will be discussing at future meetings and to request your continuing help and cooperation in putting together the data and other information necessary to inform those discussions.

At the present time, our most pressing need is for data and other assistance in connection with the PIC fur seal meeting, now tentatively scheduled for sometime during the week of January 17, 2005. We recognize the importance of NMFS and the Science Center's participation in order to have a productive meeting, and want to insure that this timeframe is possible given yours and your staffs' schedules and workloads.

In the near future we will be submitting a data request to the Agency, along with a request for staff assistance in the preparations for and presentations to be made at the PIC fur seal meeting. Specifically, we are going to need data and other information concerning such issues as:

- population trends and age structure of all known fur seal populations (i.e., Commander Islands and elsewhere)
- historical causes and trends of pup mortality
- dietary information
- spatial and temporal abundance trends for prey species
- history of target fisheries on and bycatch of prey species
- description and history of commercial fisheries
- BS/AI fishery interactions with fur seals
- foraging behavior
- predation by killer whales
- other known sources of direct mortality (i.e., high seas fisheries)
- migratory routes for females, adult males and subadults

Following the PIC fur seal meeting, the Collaborative plans to look into other issues such as the declines in some seabird populations and recent declines in the abundance of halibut in the area 4C fishery. We also plan to request an evaluation of the effectiveness of the Pribilof Islands Habitat Conservation Area insofar as its original goals and objectives are concerned. In the future, we will be seeking assistance from your offices in connection with those issues as well.

In making these requests, we understand the workload that the Agency has. We will do whatever we can to minimize the demands that we put on your staff and to avoid redundant data requests. Your efforts to assist the PIC as it attempts to deal with these important issues will be greatly appreciated.

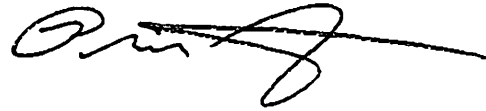
Thank you in advance for your help in these matters.

Sincerely,

Members of the Pribilof Islands Collaborative:




Larry Cotter, Chief Executive Officer
Aleutian Pribilof Islands Community
Development Association



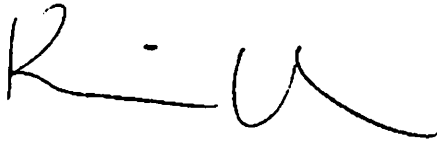
Phillip Lestenkof
President, Central Bering Sea
Fishermen's Association



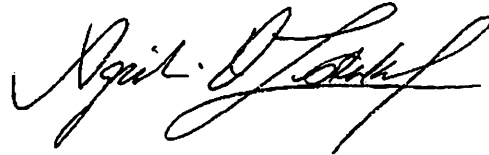
Randy Hagenstein
Director of Conservation,
The Nature Conservancy of Alaska



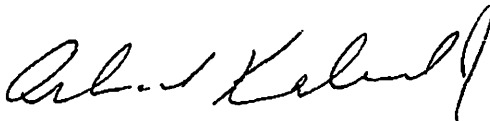
Claire LeClair, Board Member
Alaska Marine Conservation Council



Karin Holser
Coordinator,
Pribilof Islands Stewardship Program



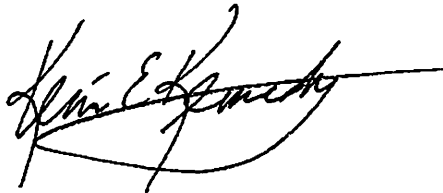
Aquilina Lestenkof
Co-Director, Ecosystem Conservation
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Andy Kashevarof
Vice President, Operations
St. George Tanaq Corporation



Max Malavansky, Jr.
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Office, St. George Traditional Council



Kevin Kennedy
Project Manager
Tanadgusix Corporation



John R. Mercurief
Manager, City of St. Paul



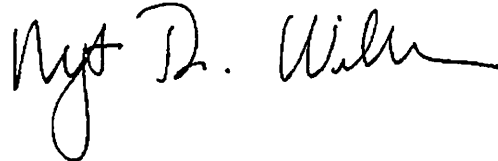
Art Nelson
Director of Alaska Operations
At-Sea Processor's Association



Thorn Smith
Executive Director
North Pacific Longline Association



Susan Murray
Associate Director, Pacific Region
Oceana



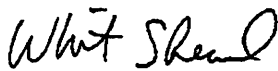
Margaret Williams
Director, Bering Sea Ecoregion Program
World Wildlife Fund



Lawrence Prokopriof
Vice President
St. George Fishermen's Association



Richard Zacharof
President
Tribal Government of St. Paul



Whit Sheard
Alaska Fish Conservation Program
The Ocean Conservancy



Phil Zavadil
Co-Director, Ecosystem Conservation
Office, Tribal Government of St. Paul

Cc: Kaja Brix, Asst. Regional Administrator, Protected Resources Division, NMFS-
Alaska Region
Sue Salveson, Asst. Regional Administrator, Sustainable Fisheries Division,
NMFS-Alaska Region
John Bengtson, Director, National Marine Mammal Laboratory



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

October 28, 2004

Pribilof Islands Collaborative
C/o Denise Woods
World Wildlife Fund
406 G Street, Suite 303
Anchorage, Alaska 99501

To the members of the Pribilof Islands Collaborative:

Thank you for your letter advising us of the progress being made by the Pribilof Islands Collaborative (PIC) and of your plans for the northern fur seal meeting now scheduled for 28-30 January, 2005. We appreciate the invitation for our staff to participate in the January meeting, and we will be pleased to provide whatever support we can to assist you in your work. NOAA Fisheries staff from the Center and Regional Office will participate.

In preparation for the January meeting, we intend to prepare data summaries and presentations relevant to the northern fur seal and fisheries issues identified in your letter of 22 September. Despite having these summaries available for discussion, there should be no expectation that it will be possible for the group to make a clear determination in January as to: 1) the reason(s) for the decline in the northern fur seal population at the Pribilof Islands, or 2) whether or not commercial fisheries are a significant contributing factor to the population decline. This is because the complete array of data and analyses needed to make such assessments is currently not available. We do expect, however, that the January meeting can serve as an excellent opportunity to bring together: 1) the information that we do have currently, 2) the identification of key gaps in our knowledge, and 3) a review of hypotheses for the potential causes of the fur seals' decline. For example, a key determination will be to consider whether or not existing data support the hypothesis that this population is nutritionally stressed at present.

As the PIC northern fur seal group undertakes their assessment, it may be useful to consider similar assessments of the decline of the western stock of Steller sea lions. In particular, the review conducted for the North Pacific Fishery Management Council by a panel chaired by Dr. Don Bowen (September 2001) may provide a useful starting point. That review identified the predicted change in a suite of response variables to ten hypotheses proposed to explain the causes of that population decline (Table 1). This exercise is useful in illuminating information needs and can help focus research. It may be helpful to incorporate these elements and research priorities into the PIC's conceptual model as it is developed.

In regard to your request for data and assistance in preparing presentations for the PIC meeting, we will do our best to respond in whatever ways are feasible. For example, National Marine Mammal Laboratory scientists should be able provide summary information for northern fur seals on the following general topics:



1. Population trends in the Pribilof Islands, Bogoslof Island, and San Miguel Island (recent Commander Islands data may not be available from our Russian colleagues).
2. Dietary information.
3. Foraging behavior and habitat selection.
4. Seasonal movements, including migratory routes.

The bullet list below identifies specific topics for which we anticipate it will be possible to provide data summaries or presentations at the January meeting. The list also notes some topics that we view as important, but for which information is neither available nor in a form amenable to summary and presentation by January 2005 (e.g., age structure of all known fur seal populations, trends in pup mortality, vital rates). We have listed the information under two separate headings to reflect their accessibility relative to your January meeting:

Information available for January 2004 meeting:

- Pup production and trends in pup production from 1950 to 2004 by island and rookery (1964 to 2004).
- Pup weight and trend data from 1957 to 1985 and 1987 to 2004 by island.
- Food habits data based on scat from 1987 to 2000 by island and rookery.
- Summary of foraging locations of northern fur seals during most of 1995 - 2003.
- Summary of seasonal movements and migration timing of northern fur seals 2002.
- Idle bull count data and trends from 1911 to 2004 by island.
- Entanglement data from 1967 to 1991 (St. Paul Island only).
- Correlation of entanglement data and pup growth rates, lagged by 4-6 years.
- Bogoslof Island pup production and trend data from 1980 to 1997.
- Age structure summary of subsistence (1993-2003) and commercial (1956 - 1972 for St. George and 1956 - 1984 for St. George).
- Summary of available literature on killer whales diets that include northern fur seals.
- Summary of fisheries related bycatch mortality by year and gear type in Alaska.

Information incomplete and unavailable for January 2004 meeting:

- Food habits data based on scat, summarizing the range and average size of selected prey items.
- Summary of fatty acid or stable isotope data (numbers of samples by year, month, age, and sex by island and rookery).
- Summary of fur seal movements and tagging studies.

As for fishery data, Region and Center staff anticipate being able to provide you with the following general information in time for the January meeting:

1. Observer data - haul location, catch by species, marine mammal interactions from observed hauls (1990 - 2004).
2. Weekly Production Report data for all catcher processors 1991 - 2004.
3. Catch information from unobserved vessels delivering shoreside 2003 - 2004 to nearest ADF&G statistical area. This is a data set collected from the shoreside electronic

- reporting program for groundfish.
4. A legacy data set is available with data from 1995 - 2001 that was used to determine catch and sideboard amounts for the AFA allocations. This data set contains catch by vessel from multiple data sources with no double-counting. The data were resolved to the nearest ADF&G statistical area. Included in this data set is: catch information from unobserved vessels delivering shoreside by ADF&G statistical area from fish tickets, 1995 - 2001; and catch information from unobserved catcher processors less than 125 ft and greater than 60 ft. These data are from Weekly Production Reports that record catch by federal reporting area, 1995 - 2001, and includes estimated catch by ADF&G statistical area based on observer data haul locations for the same vessels.
 5. Trawl slope and shelf survey data from 1974 to 2003 for selected species and species groupings.
 6. Observer program trawl catch data from 1990 to 2003 for selected species.
 7. Total catch landings from 1990 to 2003 for selected species.

Based on the specific aspects of the data request that you noted will be submitted to us in the near future, it may be possible to provide additional information as well. When the PIC undertakes its evaluation of the Pribilof Islands Habitat Conservation Area, we will make staff available to participate in your discussions and to provide whatever assistance may be possible.

In closing, allow us to confirm that we look forward to working with the Pribilof Islands Collaborative, and that we will do what we can to help your endeavor to succeed.

Sincerely,



James W. Balsiger
Regional Administrator
Alaska Region



Douglas P. DeMaster
Science and Research Director
Alaska Region

Fur seal population in decline

PRIBILOF: Scientists don't know why pup numbers continue to drop.

By DOUG O'HARRA
Anchorage Daily News

(Published: November 12, 2004)

Northern fur seal moms whelped fewer pups on Pribilof Island beaches last summer than at any time since 1921, according to a preliminary population report released this week by the National Marine Mammal Laboratory.

Overall pup counts have been dropping almost 6 percent each year since 1998, to an estimated 153,000 this year. This trend compounds a mysterious decline in the herd that has continued off and on for at least 30 years.

Based on a calculation using these pup numbers, scientists now estimate that about 688,000 seals remain in the East Pacific stock near Alaska -- a 45 percent decline from the 1.25 million estimated in 1974 and a 70 percent plunge since the herd's 20th century peak in the early 1950s.

Scientists say they don't know what's causing the most recent problem, and that lack of knowledge has rattled fishing industry groups, leaders in Bering Sea communities and biologists struggling to find money for research.

Northern fur seal pups rest and feed early last month at Reef Rookery near the southern tip of St. Paul Island in the Bering Sea. *(Photo by Doug O'Harra / Anchorage Daily News)*

[Click on photo to enlarge](#)

The fur seal scenario echoes another pinniped horror story: the 80 percent crash of Steller sea lions that triggered lawsuits, fishing restrictions and an endangered species listing.

But a surge in fur seal funding may be in the works, inspired partly by a hope that another sea lion crisis can still be avoided, according to scientists and officials.

"It seems like the rate of decline is increasing, and I think by our observations it's only going to get worse," said Phillip Zavadil, co-director of the ecosystem conservation office for the Aleut Community of St. Paul Island Tribal Government. "We need to figure out what's going on."

"I'm worried about the decline," said Dave Cormany, manager of the Pribilof Island fur seal program for the National Marine Fisheries Service in Anchorage. "We're trying to do everything we can that it's not a repeat of the sea lion experience. We don't want the conflict, we don't want the litigation."

The commercial harvest of fur seal pelts drove Alaska's history for more than a century and led to the founding of St. Paul and St. George. After the harvest ended

in 1984, seal numbers continued to slip. The Alaska population was listed as depleted under the Marine Mammal Protection Act in 1988.

In July, survey teams from the fisheries agency found overall counts of male seals in the Pribilofs down significantly since 2003, including a 5 percent decline in the number of 600-pound bulls defending harems of cows on St. Paul beaches.

In August, biologists returned for the pup count, conducted every two years to estimate the overall population and track population trends. Using a complex survey method that involves shearing a patch of fur on hundreds of sample pups and then watching for the frequency of those animals in the general population, they found evidence of an accelerating decline.

An estimated 122,825 pups were born on St. Paul, the lowest level in 83 years, according to the preliminary draft stock assessment report on East Pacific fur seals. Another 16,876 pups were born on St. George, the lowest level since 1916.

Scientists say that the herd is capable of expanding fast under good conditions, up to 8 percent a year, so the decline doesn't make sense. Only about 700 seals have been harvested annually for food by Pribilof Natives over the past five years, and the animals don't appear to be getting killed in large numbers on the high seas. Some scientists speculate that competition with fishing, predation by killer whales, or development on St. Paul and St. George might be factors. But no one knows.

The marine mammal lab officially had zero funding for fur seal research in 2004 but "cobbled together" enough money to conduct pup and bull counts, and a study of where 20 female seals with pups forage for food, said deputy director Robyn Angliss.

But a sense of urgency about fur seals has been growing this fall -- and opening pocket books.

A group of Native leaders, industry representatives, conservationists and biologists called the Pribilof Islands Collaborative has formed over the past year to work on central Bering Sea issues. They will meet in January to discuss fur seal biology, management and research needs, said Zavadil, the co-chair of its fur seal committee. Members have been lobbying for fur seal funding.

"We're kind of looking at all the information that's out there and getting everybody involved in the collaborative up to speed with fisheries and fur seals," Zavadil said. "It's going to lay the groundwork for what direction to head in."

Meanwhile, a proposed change in the Commerce Department funding bill before the Senate would allow agencies and research organizations to divert some funding from sea lions, which may be starting to stabilize. For the marine mammal lab, about \$8.5 million in potential funding could be shared by "Alaska seals and sea lions" instead of sea lions alone.

"We would have a lot more latitude," Angliss said.

"I can tell you that we will be developing a Northern fur seal program," said Shannon Atkinson, science director for the Alaska SeaLife Center.

Last July, the North Pacific Research Board awarded a \$244,000 grant to scientists for a study comparing St. Paul's ailing herd with a tiny but thriving group of seals on Bogoslof Island. This fall, the group has now asked for proposals for another \$500,000 in fur seal research to begin next year, said executive director Clarence Pautzke.

The industry-funded Pollock Conservation Cooperative Research Center at the University of Alaska Fairbanks also offered to underwrite fur seal research next year and asked biologists to submit ideas, said Heather McCarty, Alaska coordinator for the pollock fishing group At-Sea Processors Association.

"Fur seal research is scandalously underfunded," McCarty said. "We don't really want to get behind the eight ball, so to speak, like we all were on the Steller sea lion issue. That is really a lesson the industry learned the hard way -- the litigation and the problems. The industry doesn't want to go through that again."

Daily News reporter Doug O'Harra can be reached at do'harra@adn.com.

FUR SEALS: For more information on these mammals, check out the National Marine Laboratory's site:

www.adn.com/links

PRIBILOF ISLAND ALEUT COMMUNITY

of

St. George Island / Traditional Council

P.O. BOX 940 • ST. GEORGE ISLAND, ALASKA 99591 • (907) 859-2205 • TELEFAX (907) 859-2242

24 September 2004

Kaja Brix, Director
Protected Resources, Alaska Region
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802-1668

Dear Ms. Brix,

Under the July 2001 Co-management agreement between the Aleut Community of St. George Island and the National Marine Fisheries Service (NMFS), the St. George Traditional Council, is responsible for co-management of the northern fur seals and Steller sea lions in and around St. George Island. In this capacity, we would like to request a review of the biological data and rationale behind the September 4, 2002 decision to reduce the size of the trawl closures designed to protect Steller sea lion critical habitat in the Pribilof Islands. We feel that the conservation of Steller sea lions in the Bering Sea and subsistence rights of the Aleut Community of St. George are not well served by this decision. The Federal Register (Vol. 67, No. 171, p. 56703) notice on September 4, 2002 implementing this decision states:

"Pollock directed fishing would be prohibited (a) 0-10 nm of all rookeries and haul-outs, except that four Pribilof haul-outs would be closed 0-3 nm, (b) in the BSPRA during the A season, and (c) by non-CDQ trawl catcher/processors in the CVOA during the B season (June 10-November 1) to reduce the rate and amount of harvest in critical habitat. NMFS has not undertaken Steller sea lion aerial surveys of the northern haul-outs in the Bering Sea. Anecdotal evidence from NMFS' scientists, subsistence users, and others indicates that these areas are used infrequently, mostly during the summer as males pass through the area. Therefore the Council considered these infrequently used areas to be of less importance for protection to 10 nm. The Pribilof Islands Conservation Zone described at § 679.22 (a)(6) is a trawl closure area that encompasses some of the Steller sea lion critical habitat areas."

The St. George Island Traditional Council has compiled relevant information to evaluate this action and in the context of both Steller sea lion conservation and co-management we find the decision troubling in several respects.

- 1) The spatial and temporal resolution of the NMFS count data is clearly not adequate to address seasonal use of St. George Island by Steller sea lions, especially during the winter. Six haul-out counts are listed for St. George Island in the NMFS Steller sea lion count database, (available online from the NMML website; updated 10/29/2002). Three of these counts are for the entire island, and 3 counts were recorded for 2 specific haul-out sites. The counts are from 1977, 1984 and 1989 and were all conducted between August 7-12. We also note that St. George Island winter count data from 1998-2002 are included in the June 2003 Supplement to the Endangered Species Act Section 7 Consultation, Biological Opinion and Incidental Take Statement of October 2001. These data are accompanied by a winter photo of Dalnoi Point showing several hundred Steller sea lions hauled out. However these data are not included in the NMFS Steller sea lion count database, and presumably were not included in discussions of the 2002 reduction of habitat protection in the Pribilof Region. In the introduction to this document, NMFS states that "Little information exists for the sea lion counts in the Pribilof Islands." We hope that this letter will help to correct this situation.
- 2) The St. George Island Traditional Council has been unable to document any community members who were consulted as to the presence of sea lions at St. George haul-out sites.
- 3) While the Pribilof Islands Habitat Conservation Area does encompass a large amount Steller sea lion Critical Habitat in the Pribilof Islands region, the boundary is approximately 3 nautical miles from the southwest side of St. George Island, leaving a substantial portion of St. George Island Steller sea lion Critical Habitat unprotected under the current ESA mandated protection measures (Figure 1).

As co-manager of Steller sea lions in the waters surrounding St. George Island, the Traditional Council has collected and evaluated information on the presence of Steller sea lions on St. George haul-outs during 2002-04. These data are summarized in this letter. We will provide our full database of sea lion count data and photographic documentation upon request, and the STGTC looks forward to continued collaboration with NMFS on research to document the abundance and behavior of Steller sea lions on St. George Island. We are also in the process of compiling historic data and photographs on sea lion abundance for incorporation into the St. George Island database.

During 2002-04, significant numbers of sea lions were observed during March at three haul-out areas; Dalnoi Point (max. count 439 on 3/19/04), Murre Rock (max. count of 55 sea lions on 3/22/03), and Tolstoi Point (max. count of approximately 100-125 sea lions on 3/24/04). Sea lions were also observed during both winter and summer at these and other sites including; Kitasilax, East Reef, Northwest Rookery, South Rookery, Staraya Artil Rookery, Sea Lion rock and the St. George harbor. Figures 2-6 show the sites at which counts were conducted and document the use of these areas by Steller sea lions. The 2004 counts are our most complete haul-out census to date. The results indicate that large numbers of sea lions utilize several St. George haul-out areas during winter (Table 1), and that year around there are sea lions hauled out on our shores. The average

number of sea lions observed at St. George haul-out sites during March of 2004 (mean number = 137.3) is comparable to the Alaska-wide average for March haul-out counts in 1993 and 1999, the two years for which winter haul-out data were available (Sease and York 2003). The maximum number of sea lions observed at Dalnoi Point in 2004 exceeded the Alaska-wide average by four-fold.

The widespread use of St. George Island haul-outs during winter is significant in several regards. Steller sea lions nurse their pups throughout the winter, moving their pups to winter haul-outs following the summer breeding season (Raum-Suryan 2002, Loughlin et al. 2003). The photograph taken at Tolstoi Point on September 4, 2004 shows a pre-molt Steller sea lion pup, likely with its mother (Figure 4). This photograph documents that Steller sea lion females and their pups use the haul-out areas on St. George Island. We do not know if this pup was born at this site, however we have not ruled out the possibility that this may occur, given the historical record of large sea lion rookeries on the St. George Island. We do not believe that the presence of sea lion pups on St. George Island is an isolated event. The zoomed in photo of Dalnoi Point during March of 2004 also shows several possible mother pup pairs, however the post-molt status makes this difficult to determine without documenting nursing events. It is logical to assume, based on other studies of Steller sea lions, that female/pup pairs from Walrus Island move to other Pribilof Haul-out sites during the winter, especially when Walrus Island offers little protection from winter storms.

From a traditional knowledge aspect our local fishermen and subsistence users have reported every year since 1983 seeing and hearing large numbers of sea lions at Tolstoi and on around to East Cliffs. In the late 50' and early 60's there were lots of sea lions pups at Dalnoi Point, according to an Elder. There has never been a year when sea lions have not been seen hauled out on our island.

The presence of a branded juvenile (A247) from Ugamak Island at South rookery this year (Figure 6), in addition to other re-sights of branded sea lions at other Pribilof sites, also indicates that St. George Island may be an important haul-out site located within the northern extent of the Steller sea lions range coming from other parts of Alaska. Therefore, we feel that St. George Island is a very important haul for Steller sea lions every month of the year.

Based on the findings of our research under the co-management agreement, the Traditional Council of St. George Island is very concerned that allowing groundfish trawling to take place up to three miles from the south side of our island represents a continued threat to the survival of our local population of endangered Steller sea lions and may adversely impact their ESA designated critical habitat. The timeliness of this issue is accentuated by the recent results of the northern fur seal census, indicating an accelerated decline in the Pribilof fur seal population.

We will be putting more effort into research to document the distribution and behavior of Steller sea lions at St. George Island in coming months, however we feel that the findings presented in this letter are sufficient to warrant a review and reconsideration of the 2002

Steller sea lion protection regulations that reduced the critical habitat protection to 3 nautical miles. The Traditional Council of St. George Island would like to request that the 20 nautical protected zone around St. George Island haul-outs be reinstated so that it is comparable to other Alaskan haul-out sites used by similar numbers of Steller sea lions.

Sincerely,


Anthony B. Mercurief
President

Cc:

Members of the North Pacific Fisheries Management Council
Senator Ted Stevens
Senator Lisa Murkowski
Representative Don Young
Evie Witten, WWF and the Pribilof Islands Collaborative

References

Loughlin, T.R., Sterling, J.T., Merrick, R.L., Sease, J.L., and York, A.E. 2003. Diving behavior of immature Steller sea lions (*Eumetopias jubatus*). *Fishery Bulletin* 101(3): 566-582.

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Table 1. Counts of Steller sea lions on St. George Island during 2004 by the Island Sentinel

Site	Date	Count
<u>Winter (October-March)</u>		
DALNOI POINT	3/19/2004	439
KITASILAX	3/1/2004	1
MURRE ROCK	3/19/2004	24
TOLSTOI POINT	3/22/2004	85
<u>Summer (April-September)</u>		
EAST ROOKERY	6/14/2004	1
	7/19/2004	2
	8/16/2004	15
HARBOR	7/13/2004	6
	7/19/2004	3
KITASILAX	8/28/2004	18
MURRE ROCK	8/24/2004	21
NORTHWEST ROOKERY	7/6/2004	5
	7/14/2004	13
	8/16/2004	1
SEA LION ROCK	7/19/2004	2
SOUTH ROOKERY	8/17/2004	1
TOLSTOI POINT	9/4/2004	47

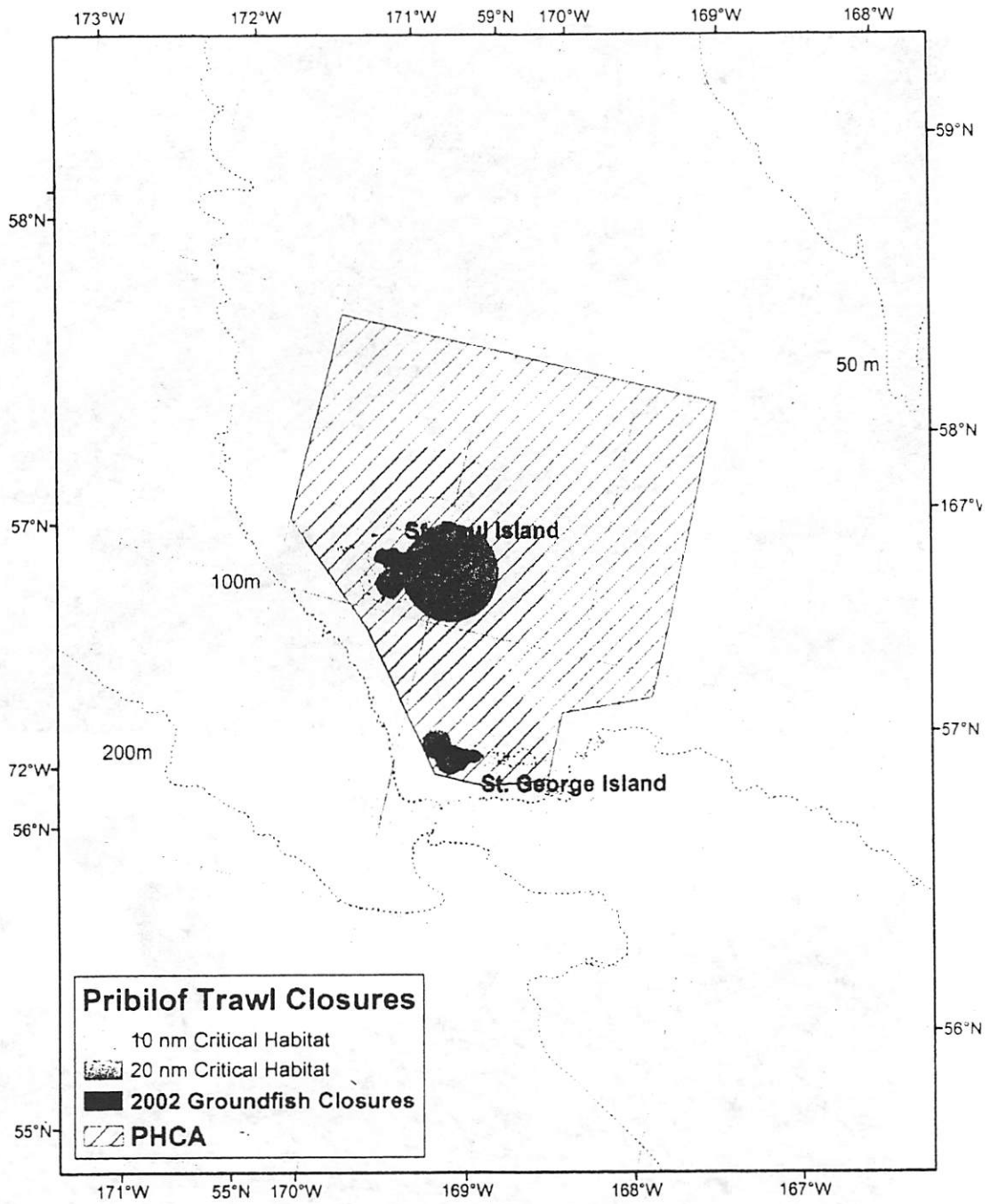
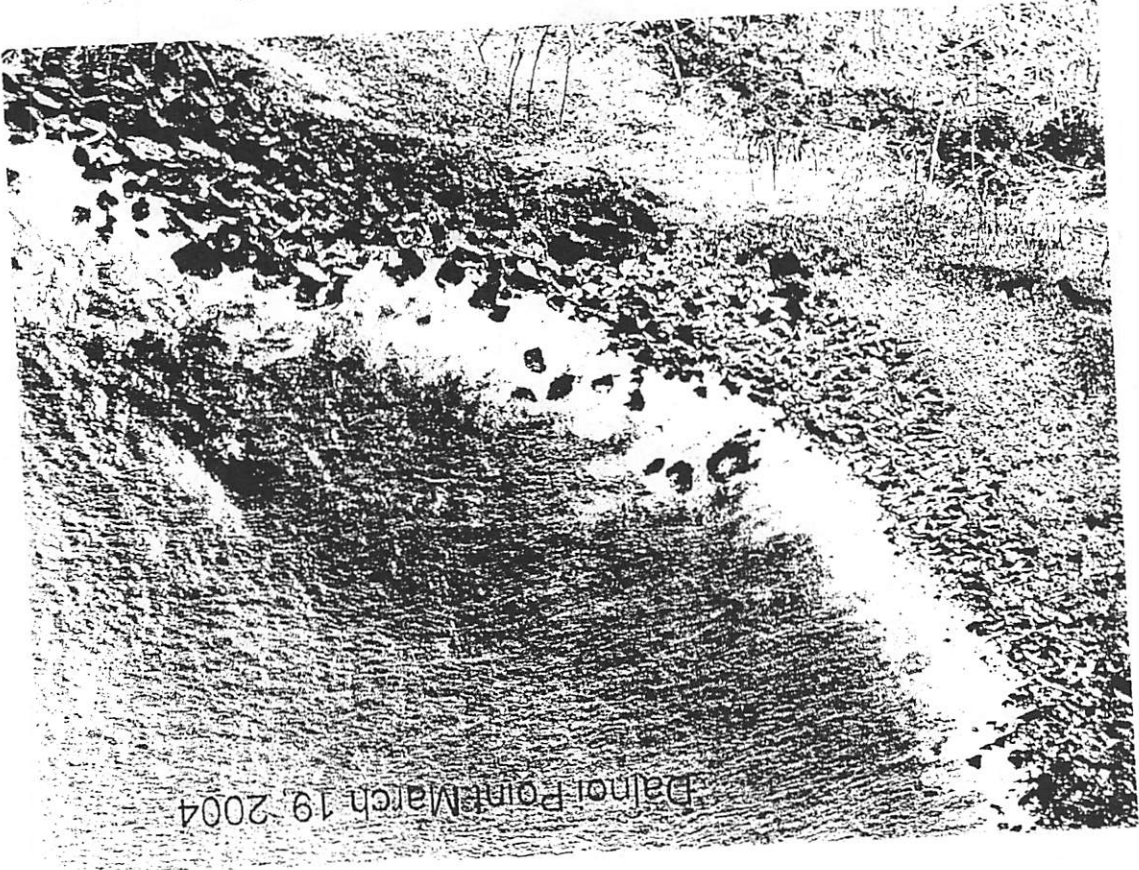
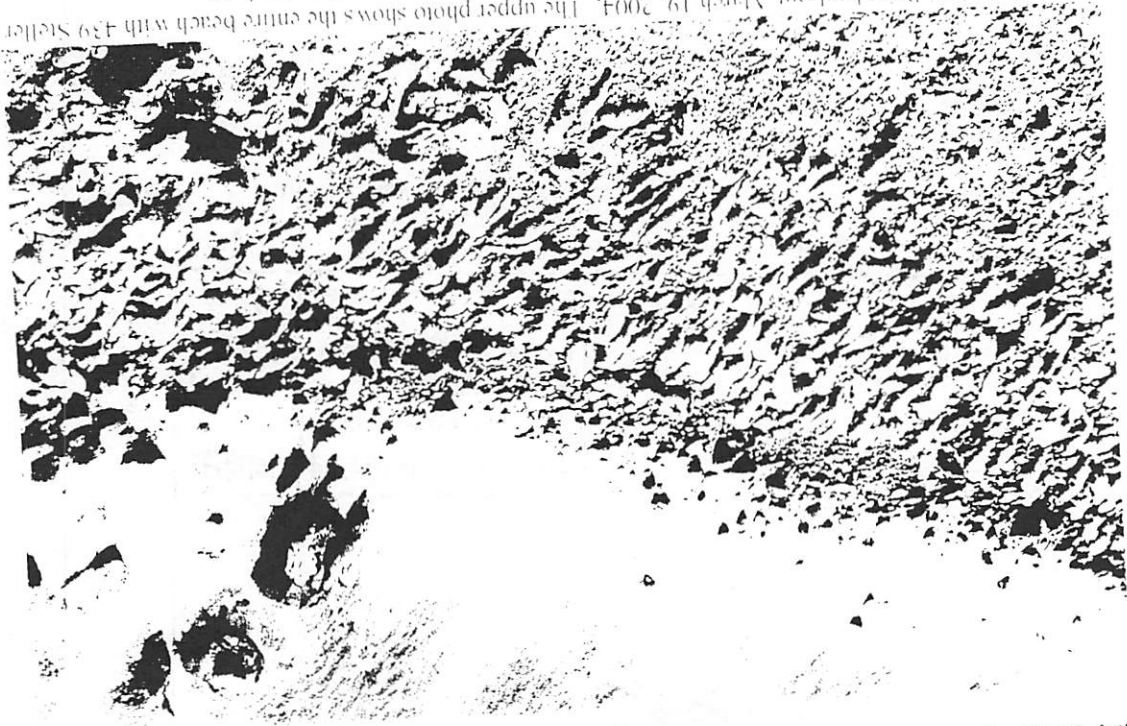


Figure 1. Pribilof Island Trawl Closures

Figure 2. Dalnol Point haul-out, March 19, 2004. The upper photo shows the entire beach with 439 Steller sea lions hauled out. The lower photo is zoomed in on the dense section of the haul-out.



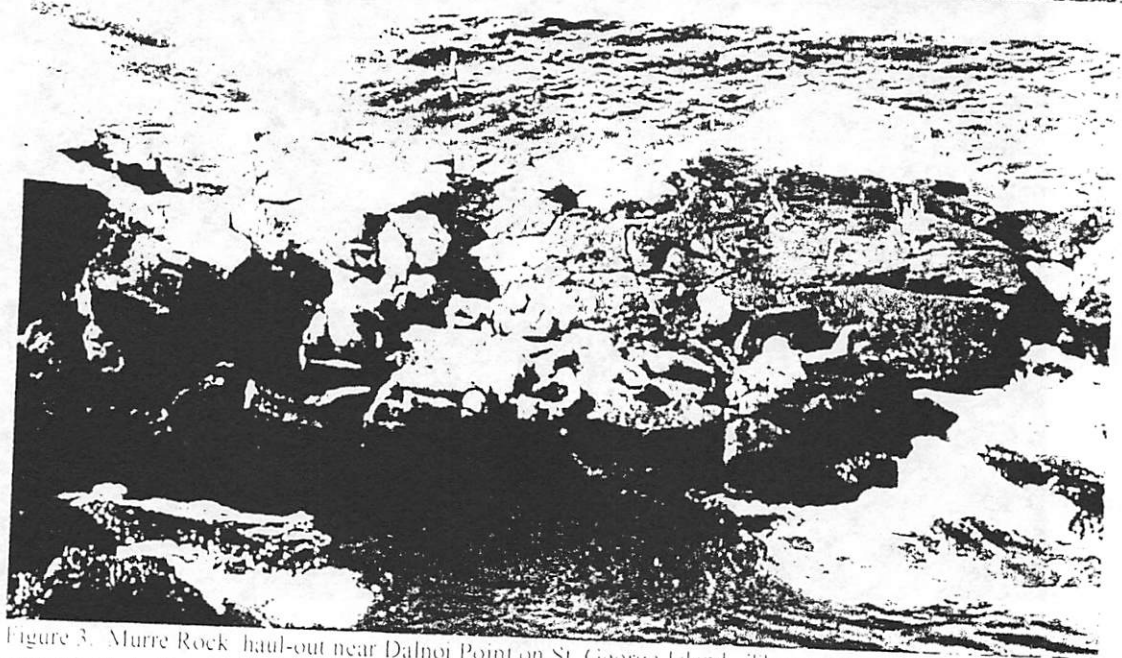
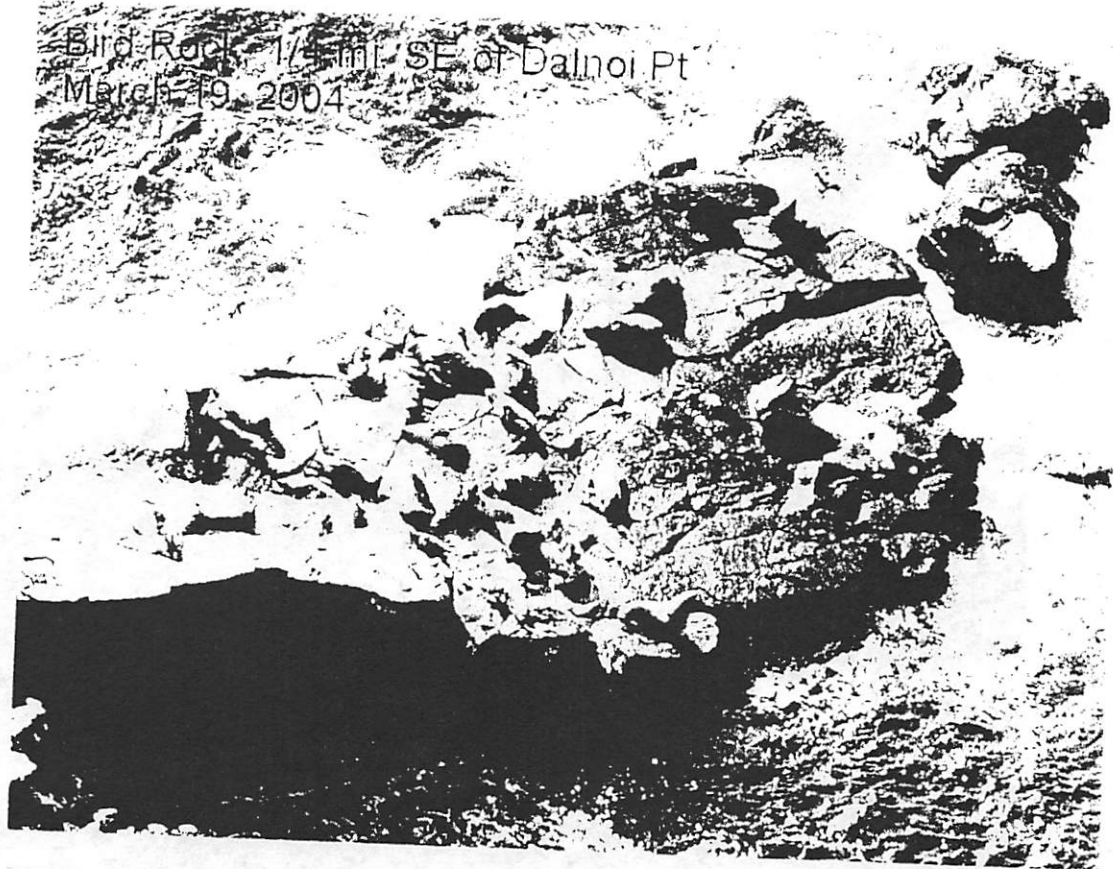


Figure 3. Murre Rock haul-out near Dalnoi Point on St. George Island. The upper photo shows approximately 24 animals hauled out on March 19, 2004. The lower photo shows 33 animals hauled out on May 19, 2004.

Tolstoi Point
March 22, 2004

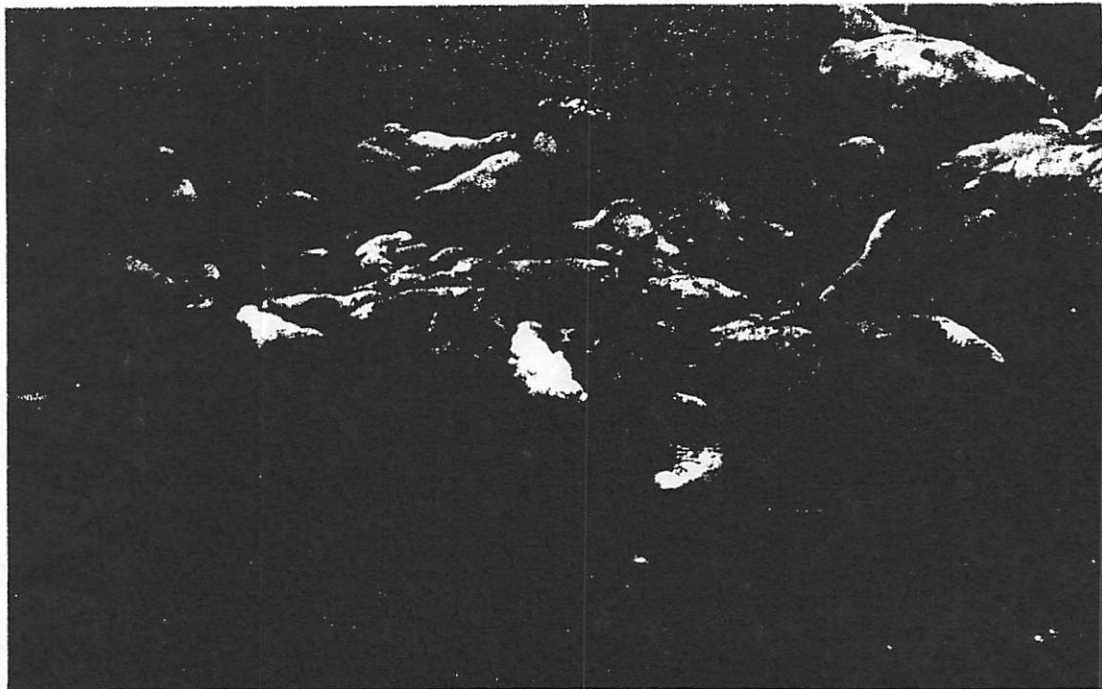
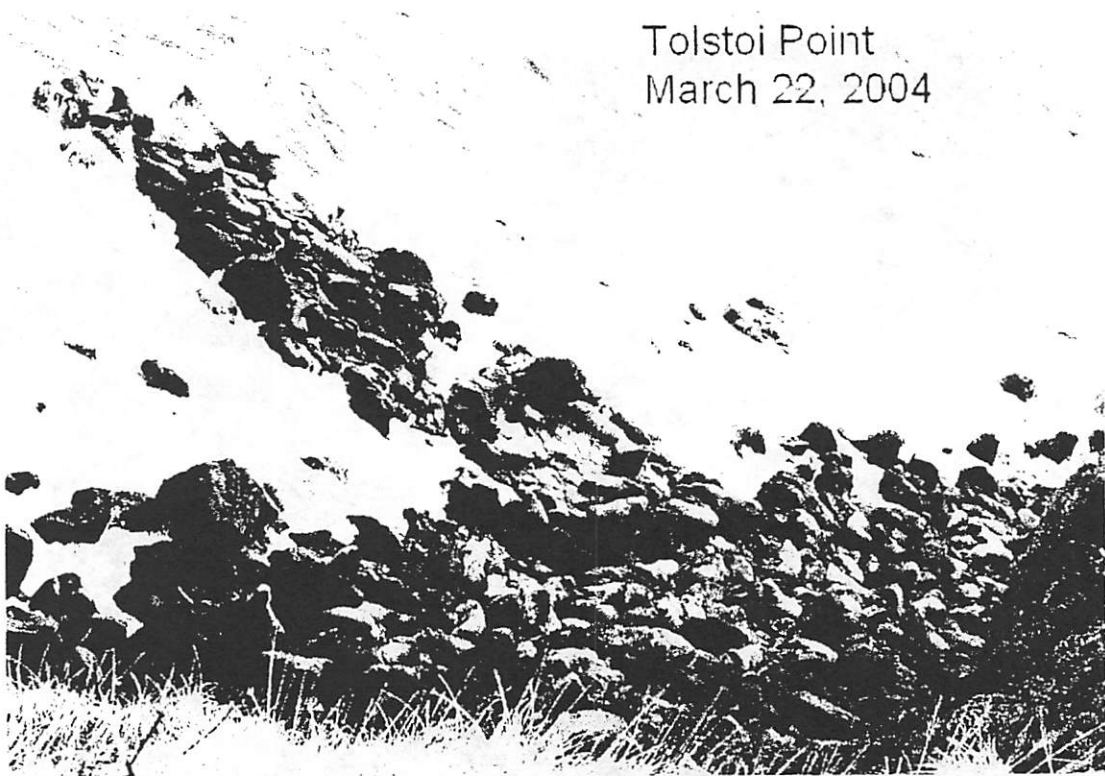


Figure 4. Tolstoi Point haul-out. The upper photo shows approximately 85 animals hauled out on March 22, 2004. The lower photo shows 47 animals hauled out on September 4, 2004. The inset photo shows a zoomed in view of the section of the photo shown by the red box. The smaller of the two animals is a Steller sea lion pup born in 2004, most likely moved to Tolstoi Point from Walrus Island.

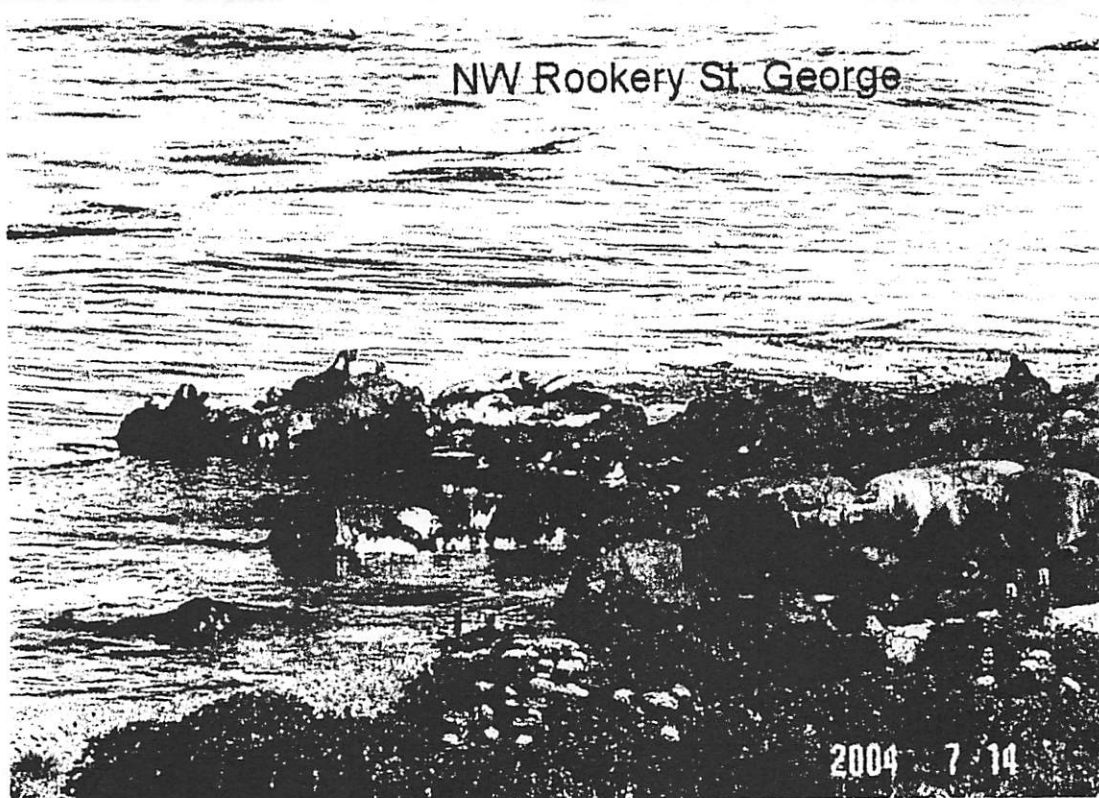
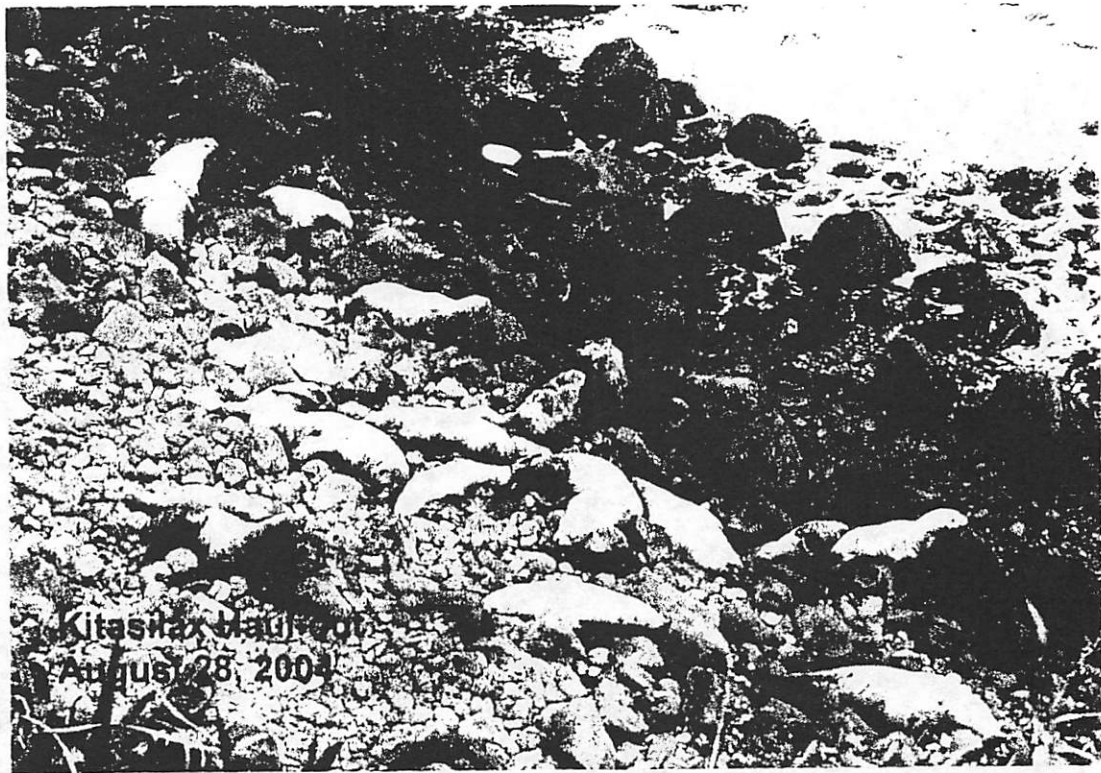


Figure 5. The upper photo shows approximately 18 animals hauled out at Kitasilax Haul-out on August 24, 2003. The lower photo shows 13 animals hauled out at NW rookery on September 4, 2004.



Figure 6. Branded Sea lion A247 at South rookery on St. George Island, August 17, 2004.



UNITED STATES DEPARTMENT OF COM.....
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

December 1, 2004

Anthony B. Merculief
President
St. George Island Traditional Council
P.O. Box 940
St. George Island, AK 99591

Dear Mr. Merculief:

Thank you for your letter concerning the Steller sea lion protection zones around St. George Island haulouts. We appreciate the contributions of traditional knowledge collected by the Traditional Council, which you have provided in your letter. The Traditional Council requested that "the 20 nautical mile protected zone around St. George Island haul-outs be reinstated...." Regulatory changes of this nature are addressed by the North Pacific Fishery Management Council (Council). The National Marine Fisheries Service works in conjunction with the Council to address such issues and we have discussed this particular request with Council staff. The Council staff will be bringing the request to the attention of Council members at their upcoming meeting on December 8th, 2004 in Anchorage, AK. At that time it will be within the purview of the Council to make a decision on how to move forward.

We appreciate your interest in Steller sea lion conservation around the Pribilof Islands.

Sincerely,

A handwritten signature in cursive script that reads "Kaja Brix".

Kaja Brix
Assistant Regional Administrator
for Protected Resources

cc: Chris Oliver, NPFMC



Public Testimony Sign Up Sheet

Agenda Item B Reports

	NAME (PLEASE PRINT)	AFFILIATION
e 1 ✓	Paul MacGregor	At-Sea Processor Assoc.
6 2 ✓	Thom Smith	NPLA
3 3 3	Danna Parker	Arctic Storm PASSED
4 ✓	GERY MERZION	PROWLER FISHERIES
6 5 ✓	Heather McLarty	CBSKA / PPL
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

TABLE A: Additional information on selected marine mammals observed killed or seriously injured incidental to federally-managed commercial fisheries in Alaska (augments Table 2 in the white paper entitled "Summary of analyses for the proposed List of Fisheries for 2005". This information is based on data provided in Perez (in prep) with the addition of observer comments. Observer coverage is the percent of the haul observed (by weight). last updated 12/3/04 rpa

Fishery name	Years	Level of observer coverage	Observed mortality	Status	Estimated mortality	Observer comments on incident
Steller Sea Lion BSAI flatfish trawl	1999	66.3	1	Killed by gear	1	"Lg. Brown eared pinniped found as codend was being dumped into bin. Was hauled out on deck. Body seemed to have rigor but small incision oozed red blood. No marks on body except circular hairless patch on pack (sore) about 11 cm. in diameter, not raw. Measured (209 cm.), determined sex (female) took photos (#27-23) cut off snout. Crew dumped over board. "
	2000	64.5	4	Killed by gear	4	"A YOUNG MALE STELLER WAS CAUGHT IN THE NET, FRESHLY DEAD. SHE WENT INTO TANK TWO WITHOUT ANYONE NOTICING AND WAS LATER HOISTED OUT VIA CRAIN WHEN NOTICED. DATA WAS GATHERED ON THE ANIMAL AND THROWN OVERBOARD."
				Killed by gear		"The animal was found dead in the fish bin, it had brown hair with darker brown hair on the underside. The flippers were dark brown around the edges and on the unerside. There was also a gap between the 4th and 5th post canine tooth. The animal was fresh and their was white foam coming from it's nostrils."
				Killed by gear ^a		Was called from my room as they had found a sea lion in one of the RSW's. We removed the animal from RSW with winch.
				Killed by gear		"External ear present. Long feet and flippers. Feet had 3 visible claws each. Color- brown on dorsal side, darker on ventral side. Animal appeared to have recently died. There was no odor or noticeable decomposition. A little blood flowed when snout was removed. Animal was left on deck for a while, then discarded."
	2001	57.6	3	Killed by gear	6	"At the end of processing the haul, a Steller's sea lion was found dead in the holding bin. It was craned out of the bin and set on deck. I identified it as a Steller's using my marine mammal guide. It had developed pectoral flippers, so I knew it was a sea lion, and the golden coloration and lack of prominent sagittal crest identified it as a Steller's. Pictures using the NMFS camera provided were taken. "
				Killed by gear		steller's sea lion was dumped out of the codend into a RSW tank. It was observed to be dead. The crew tied a line around its neck and chest and then lifted to the deck with the crane. the mammal had brown/blond hair. It also had external ear flaps. the head and snout were consistant with a steller's sea lion. I took standard lenth and curvilinear lenth. the sealion was a male because its penile slit was about half way between its naval and anus. it also lacked nipple slits. I took 4 or 5 pictures and removed the snout. Camera lost prior to debriefing, thus no photos NMML

				Killed by gear		"THE ANIMAL WAS 2.11 M LONG, HAD LIGHT BROWN HAIR, VISIBLE EARS, AND A BOXY SNOUT. PHOTOGRAPHS AND THE SNOUT WERE TAKEN. NO SIGN OF DECAY WAS DETECTED. THE BLOOD WAS BRIGHT RED AND FLUID, FOAM WAS IN THE MOUTH, AND RIGOR HAD SET IN. THE ORGANISM WAS IN THE STARBOARD TANK AND HAD TO BE CRANED OUT. ACCESS TO THE BELLY OF THE ANIMAL WAS CURTAILED BY POSITION AND WEIGHT. "
				Killed by gear		"carcass observed during dumping of net. Carcass removed to forward deck for sampling. Carcass was in good condition, though obviously dead. There was no movement and no response to stimuli. Saliva was dripping rapidly from mouth. Blood flowed from incision during snout removal. I collected a snout sample as instructed by manual and I also retained flesh samples from face. The color of the body was uniform grey brown. There were pinnae, long front flippers, three claws on hind flippers and 0 on front. Many photos taken."
	2002	58.4	1	Killed by gear	2	"I was sampling in the factory when the crew removed a (dead) Steller sea lion from the live tank. The animal was not observed during the dumping of the codend into the live tank. I identified the animal as a Steller sea lion because of the shape of the head; squared snout and pinnae, the color; light brown back and darker brown underneath. I identified the animal as an Otariid because it had ears, large front flippers and articulated back flippers. The animal was pulled from the live tank and I removed the snout. I skinned the snout first, then placed it in a bag with salt and put it in the freezer. " Pictures were taken on MM camera frames approx. 5-14.
	2003	63.9	1	Killed by gear	1	"Carcass brought on board, it has a slight putrid smell however body is in good condition, does not have evidence of wounds. Does not show evidence of fresh kill; it is not bleeding and does not have flowing of body fluids. The specimen has visible external ear flaps and long flippers. Its skin color is brown and the flipper's color is darker. Its curvilinear size is 240 cm. According to its body shape and features could be a female of Northern Fur Seal or a California Sea Lion. However females of Northern Fur Seal are not bigger than 130 cm. In the other hand this specimen was caught out of the range of geographical distribution for California Sea Lion. The reasons conduct me to identify the specimen as Northern Steller Sea Lion. I did not observe any tag, brand or tattoo. " {From comments during debriefing, it seems likely that this animal was a fresh kill. Observer stated that there was no bloating, no wounds, and that there was no malodor (except from when they hoisted the animal by rear...). When snout was removed, observer stated that there was a significant blood flow with distinctive arterial and venous blood coloration
				Killed by gear		caught in codend; hauled back dead

BSAI pollock trawl	1999	75.2	3	Killed by gear Killed by gear	3	TBD "The factory foreman and I noticed a very large animal in live tank. Thinking that it was a shark, 5 deckhands went into live tank to hoist it out via crane, but discovered it was a sea lion. I identified using manual and marine mammal i.d. book, and verified it with the other observer. It was a very large female (235 cm. long, around 650-700 pounds). It had external ears, large foreflippers, long hindflippers and dark tan fur, especially around neck area. Snout was stout and square-like, not pointy like the fur sea. It had no external testes, a small opening above the anus and a pair of teats. It appeared to be in excellent condition with no visible wounds. It had white foam extruding from nose. Snout was collected; blood was bright red. The mate told me that during that haul, the net was on the surface longer than usual because the boat had trouble with its steering and had to raise the net and circle around. No marine mammals were spotted while towing or haulback.
				Killed by gear		"ANIMAL WAS FOUND TOWARDS REAR OF CODEND, GOT TRAPPED IN LIVETANK GRATING ON DECK. IT HAD EARS, DARK COLORED FUR, WAS ABOUT 2 METERS LONG, AND HAD HIND FLIPPERS THAT COULD BE WALKED ON. TOOK SNOUT, CURVILINEAR LENGTH AND DID A STOMACH CONTENT SURVEY."
	2000	76.2	3	Killed by gear	4	"While Haul 433 was being dumped into the live tank, a Steller's sea lion came out of the codend and was stopped from going into the live tank by the bars across the tank. The animal was dead. It was determined that it was freshly killed when taking the snout sample (red meat, freely flowing blood). Both observers agree that it was a Steller's sea lion - tan coloration of the fur, obvious pinnae, flippers appeared dark. Curvilinear length - 2.05 m. Sex was determined to be male (juvenile - no obvious scrotum though). Pictures were taken with marine mammal camera - frames 1,2,3. "
				Killed by gear Killed by gear		When the crew was dumping haul #16 into the hatches I saw what I thought was a clump of mud. Upon closer examination I saw that the mud had whiskers. The crew removed the dead Steller sea lion which was recently killed. I measured him and determined the sex, looked for scars, tags, tattoos or any other distinguishing features (none). I took pictures from all sides and cut off the snout. The only thing unusual was a hook caught in its mouth.
	2001	79	3	Killed by gear	3	Before taking samples and measuring the Steller sea lion, I grabbed my marine mammal book and I photocopied the sections of the manual regarding measurement, tooth/tissue collection, and sexing marine mammals, so that I might have the information on deck with me. - Sex determined by orifice located midway between umbilicus and anus which indicates a male while with a female the vaginal opening would be located closer to the anus. - Snout obtained. The sea lion was missing canine teeth on the right side of the jaw. Left side teeth were collected. I used a hack saw and cut as far back, and very near the eyes, as possible. After obtaining the top of the snout it appears I cut between the first and the second tooth rather than the second and the third. I inspected the snout closely and do not believe I cut into the canine tooth. - snout was stored in the galley freezer. - Photos collected 37 to 11. I labeled the camera with my name and cruise number. Haul 135 was shortwired (net left the fishing area and depth and was towed shallow behind the boat- net

				Killed by gear		At the end of the pump out of haul 30. XXX (skipper) Told me in the shelter deck that there was a sea lion that had been the brailer. I went down to the stern and saw the carcass. The hind end of the animal had been mangled by the fish pump. It had external ears, large fore flipper, light brown coloration. I used mammal guide for identification and took pictures and snout.
				Killed by gear		Female Steller sea lion caught in net. Was a freshly killed. Gap between canines. It was female at 1.81m long. Pictures were taken.
	2002	80	3	Killed by gear	3	"The Steller sea lion was caught by the net. At the time of dumping the bag it came out of the codend. It was kept on deck. I measured it and it was a 2.73 meters long male and I estimated the weight at 450 kilograms. I cut the snout with a saw and save it in a plastic bag with salt. The animal had a robust body, thick neck and head with pinna. The color was light brown and the flippers were dark brown."
				Killed by gear		"I am not sure if sealion was already dead prior to bringing on board, but it was foaming from the mouth and had definate signs of rigor mortis. Front flippers were difficult to move. Large round snout measured 2.30 meters standard length. Identified as male, because of penile opening about 10 to 12 inches above anus. Also when I was cutting snout animal began to bleed a lot (color was dark red) so this may indicate that animal drowned in net. There was no putrid smell. It came from the middle portion of the codend. Duration of tow was five hours and ten minutes with shortwire. Collected Skin sample as well as a tissue sample right above mussle. Wanted to make sure I collected the right one, placed them in seperate vials with DMSO. I am under the impression that the correct sample was the one with the fur attached with blubber trimmed off. Collected skin sample from the back of the animal in between the front flippers. Took pictures of animal. There were no signs of predation or entanglement that I could see."
				Killed by gear		" Stellar Sea lion (female) was brought up in the codend with only minor external wounds that should be visible in photograph of brand/tatoo. Cause of death appears to be drowning. Identified as an Otariidae by presence of external pinnae; as a Stellar sea lion by size, brownish coat color and head shape. Branded or tatoored specimen-see 10-B."
	2003		0		0	
BSAI Pacific cod longline	1999		0		0	
	2000		0		0	
	2001		0		0	
	2002	29.6	1	Killed by gear	4	Male Steller sea lion was brought up on a hook while the gear was being hauled. Animal was dead. As soon as the head broke the surface either the gangion broke or the hook straightened. Ear flaps were prominent and snout was blunt and squared off. Neck was large indicating that it was a male. After
	2003		0		0	

Humpback Whale						
BSAI pollock trawl	1999	75.2	1	Killed by gear	1	I observed 1 humpback whale entangled in the larger mesh of the trawl before the codend. I determined it to be a humpback by the large white (Underside) Flippers with scalloped edges, small dorsal fin, and scalloped fluk. Although the underside of fluke was not white. the whale was entangledby the tale and was parially pulled up the stern ramp. the animal was presumed dead (no movement, no blow out the hole) But appeared in good condition. the crew used an electric "Saw-all" to cut the whale's tail off (With Dark Red blood) at the "Caudal peduncle" and the whale was released.
	2000		0		0	
	2001		0		0	
	2002		0		0	
	2003		0		0	
BS sablefish pot	1999		0		0	
	2000		0		0	
	2001		0		0	
	2002	40.6	1	Trailing Gear	1	On November 3, 2002 I was witness to a marine mammal interaction aboard the fishing vessel [vessel name]. The incident occurred on the 51st haul in the captain log book or the 108th haul in my records. The location of this gear retrieval according to the captain's logbook was [xxx]. The [vessel name] was fishing for Black Cod using pot gear in sets of about 30-40 pots per string. <input type="checkbox"/> I was alerted about the incident by a crew member and came out on deck to see that the gear line was dangerously taught and that something was obviously awry. Apparently a whale had wrapped its tail in the line and could not get free. The crew attempted to bring the animal close to the boat in order to free the line, but it thrashed about violently creating a dangerous situation. The line connecting the pots and the buoys attached at the end of each set of gear had become wrapped around the caudal peduncle area of the animal. With very little experience in identifying marine mammals I was not able to identify the whale myself. I did see that there were bumps around the blowhole region and that
2003		0		0		
Killer Whale						
BSAI flatfish trawl	1999		0		0	
	2000		0		0	
	2001	57.6 ^b	1	Hit propeller	2	" In haul # 650 there was a freshly dead Orca (< 24 hrs. deceased). I am not sure if this boat killed it, I was sleeping prior to haul back. The mate chris says that he never felt or heard anything hit the prop but even if he had I highly doubt he would admit it to me. It was definately killed by a prop. and recently. There was still blood oozing from the whale when first set aside for me and ~two hours latter from muscle tissue when I pressed on it. The carcass was spiral sliced and laid wide open from end to end. The dorsal fin and tail fluke were completely severed and missing. Description: It was a black and white colored large cetacean. The carcas was ~3 meters in length, obviously a young killer whale."
	2002		0		0	
	2003		0		0	

BSAI pollock trawl	1999	75.2	1	Killed by gear	1	"I had just finished sampling a tow when the factory foreman came to tell me that there was a killer whale on deck. Sure enough, hanging from the crane was a large killer whale. It came out tail first from the middle of the bag. It was a female: The dorsal fin was short and hooked back, and there was a vulva opening above anus. Saddle markings were light white on both sides of the dorsal fin. It appeared to be in excellent condition, with no visible scars or wounds except small markings dispersed about body that appeared to be from cling fishes. No one has noticed any orcas since we have been fishing. "
	2000		0		0	
	2001		0		0	
	2002	80	1	Killed by gear	1	"While codend was being dumped I was notified that a killer whale was caught in the net. I was in the factory getting ready to process the haul when I was notified. I immediately went to my bunk and notified my second observer that a whale was caught. I then read the section on marine mammal interactions. I then went down to the gear room and got the observer camera, DMSO, and measuring tape. I then went out on deck and took several (roughly seven) snap shots of the orca before I took a tissue sample. One of the crew (xxx) took three digital photos and gave me copies. I was unable to get a length on the whale because my second did not come down and I forgot to do it. I noticed there were scars on the orca and there was a hole in the small mesh of the net (in the intermediate portion of the net) possibly from the whale trying to escape or from other whales trying to help it. I did not observe any other whales in the area during haul backs. I filled out a form 10 A, B and form 11 US.
	2003	82.2	1	Killed by gear	1	"A killer whale pod was spotted earlier in the day. They were not seen by any of the observers, but spotted by members of the crew. Later, a catcher boat ([vessel name]) delivered tow 472 which contained a dead killer whale in it. This was a 4.1 meter female, and a 2 by 1cm biopsy sample was taken from its back just posterior of the dorsal fin. Specimen had a large, curved, tall dorsal fin and a grey saddle patch with a white eye patch. Several photographs were taken for ID purposes, and the whale was discarded upon completion of sampling."
BSAI turbot longline	1999	30.8	1	Killed by gear	3	During gear retrieval at 0800, Orca were spotted, the haul was stopped, and the anchor replaced on the line. 2 males and 3 females were observed diving around the area where the gear was released. At 1740, when the gear was again being retrieved, a male orca was found dead, entangled in the groundline. When the carcass was cut free, it floated with the right side of the head and the right flipper above the surface. The dorsal fin was occasionally in sight, allowing identification off the sex as male. Estimated size 20-23'. Photographs: head, mouth closeup, flipper closeup with attached groundline. Location [xxx]
	2000		0		0	
	2001		0		0	
	2002		0		0	
	2003		0		0	
BSAI Pacific cod longline	1999		0		0	
	2000		0		0	

2001	0	0	0			
2002	0	0	0			
2003	1	29.8	4	Killed by gear		

A female juvenile killer whale (*O. orca*) was entangled in the groundline of mag number 17. The whale measured 430 centimeters in length and weighed approximately 800 kilograms (based on estimates made using the "Guide to Marine Mammals of Alaska" (Wynne). I identified the sex based on the shape of the dorsal fin. The whale was dead when it was brought on board the vessel at my request, presumably as a result of drowning from being submerged for an extended period of time. I collected three separate tissue samples directly posterior to the dorsal fin. The first two were immersed in DMSO solvent after cleaning the sample area with a sponge, exchanging fishing gloves for the non-latex plastic gloves provided in my sampling equipment and producing a sterile scalpel. Upon completing these tasks I called the NMFS field office in Dutch Harbor where I was instructed to cut an additional piece of tissue and blubber and freeze it. (More in Daily Notes).

a-not in observed haul, but witnessed by observer

b-additional kill in observed haul, but not witnessed by observer