

DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
50 CFR Parts 223, 224, and 226  
[Docket No. 190925-0039]  
RIN 0648-B106

Endangered and Threatened Wildlife and Plants: Proposed Rule to Designate  
Critical Habitat for the Central America, Mexico, and Western North Pacific  
Distinct Population Segments of Humpback Whales

# Background

- 2016 Final Rule listed multiple populations of humpback whales on ESA
  - Hawaii – Not listed
  - Western Pacific - Endangered
  - Mexico – Threatened
  - Central America – Endangered
- Listing triggered requirement to identify and list Critical Habitat
  - CH not identifiable at time of listing
  - Allowed for one-year extension to designation
  - Settlement of lawsuit required submission of Proposed Rule by 9/26/2019 and Final Rule by 9/28/2020

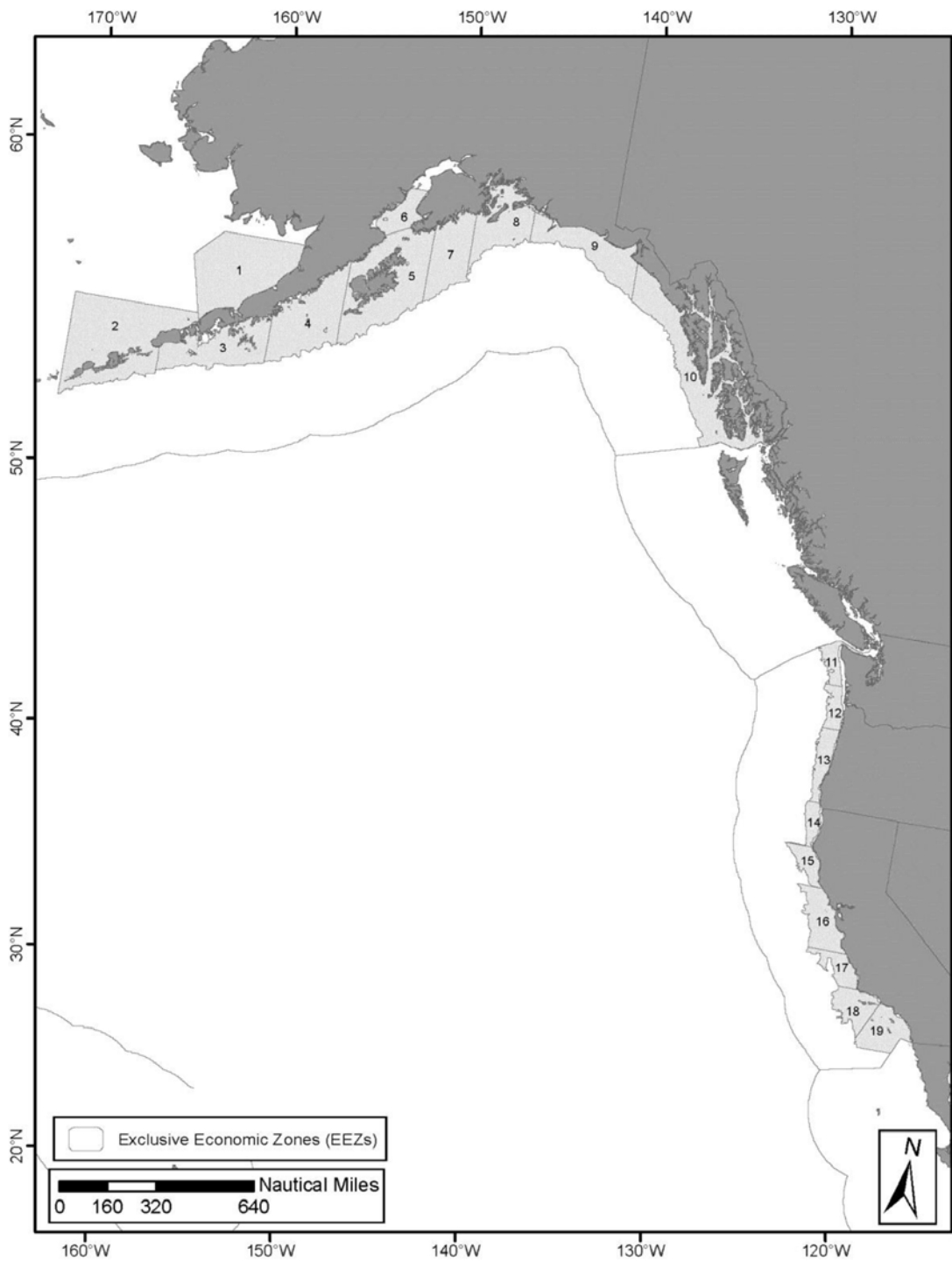
# Geographic Area Occupied

- Area that may generally be delineated around species' occurrences
- Includes areas used throughout all or part of the species' life cycle

# Physical and Biological Features

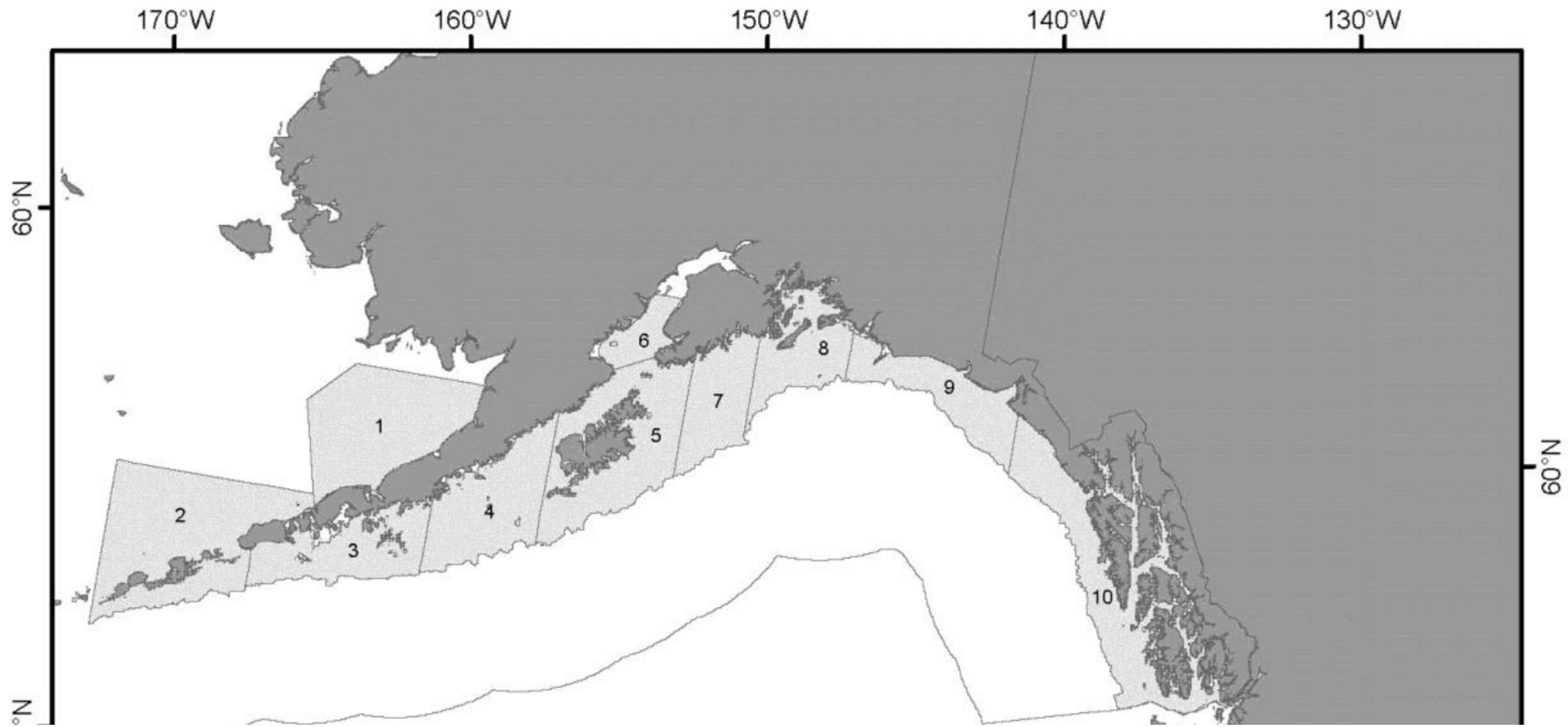
- Features that occur in specific areas and are essential to support the life-history needs of the species
  - Prey – identified as “essential”
  - Migratory Corridors and Passage – could not be identified
  - Sound or Soundscape – could not be identified

CH only if physical and biological feature occurs in an area occupied by species



**Figure 1. Specific areas (Units 1-19) occupied by one or more of the listed humpback whales DPSs. Units 1-9 are occupied by the WNP DPS; Units 1-19 are occupied by the MX PSs; and Units 11-19 are occupied by the CAM DPS.**

“Each of these areas meets the definition of “critical habitat” because the best available scientific data indicate that the essential feature is present, as evidenced by documented feeding behavior of the whales in these areas, humpback whale sightings data, and/or presence of humpback whale prey.”



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170°W

160°W

150°W

140°W

130°W

120°W

# Critical Habitat for the Mexico DPS of Humpback Whales

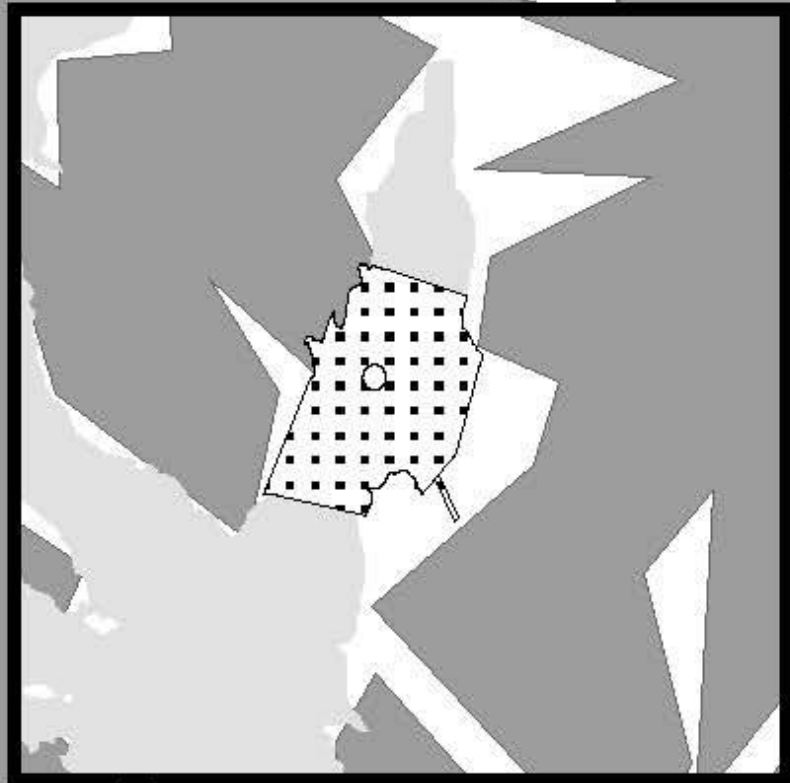
Alaska

70°N

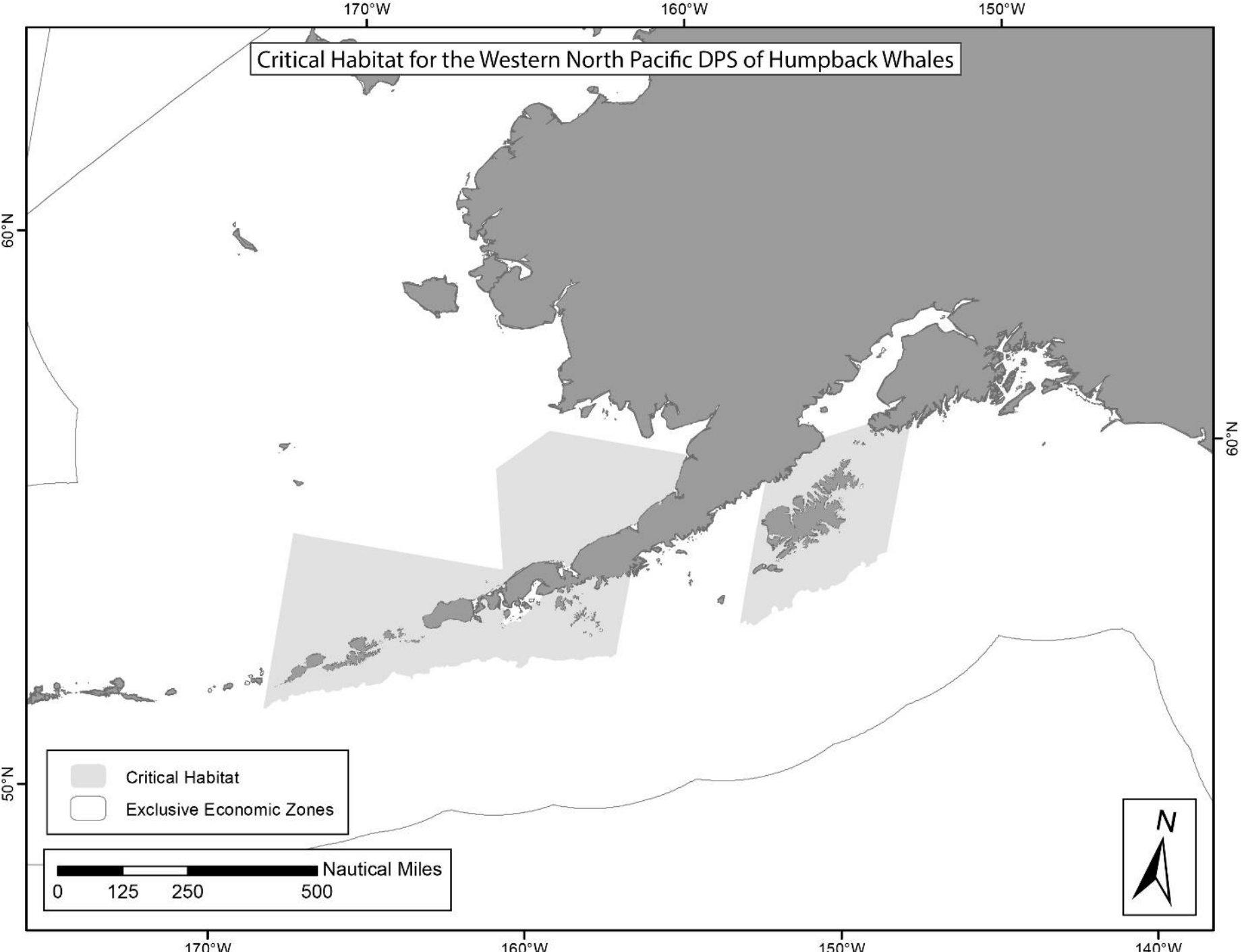
60°N

60°N

50°N



Critical Habitat for the Western North Pacific DPS of Humpback Whales



- Critical Habitat
- Exclusive Economic Zones



# Activities That May Be Affected

1. Commercial fishing
2. Oil and gas activities
3. Alternative energy development
4. In-water construction
5. Vessel traffic
6. Aquaculture
7. Military activities
8. Liquefied Natural Gas
9. Space vehicle and missile launch
10. Water quality management
11. Forest Service activities
12. Inland activities



# Commercial fishing

- No new prohibitions proposed
- Many potential impacts already addressed by other measures
  - Forage Fish prohibition
  - Marine Mammal Protection Act
- Consultations already required

