

Commission was unable to issue the Demurrage and Detention Billing Requirements final rule until February 26, 2024. This was in large part because the agency needed the time, as required by the Administrative Procedure Act, to carefully analyze and respond to the 191 public comments submitted on the proposed rule. In the interest of fairness, based on those public comments, the agency granted an additional 60 days beyond the required 30-day period before the final rule became effective, with the final rule having an effective date of May 28, 2024. Granting the Petitioner's request—which was not effectively filed with the Commission until the day the rule went into effect—would result in pushing the rule's effective date even further beyond the explicit statutory deadline. **Federal Register** documents would need to be drafted, and comments analyzed and responded to. If, after analyzing comments on a notice of proposed rulemaking, the agency was to move forward with a final rule to temporarily delay the effective date, the final, permanent effective date of the rule would most likely be at least two years past the specified Congressional deadline. Courts have found that granting significant extensions to rules in direct contradiction to clear statutory deadlines is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right,” under 5 U.S.C. 706(2)(C). For example, in *Sierra Club v. Pruitt*, the court found that the Environmental Protection Agency violated the Formaldehyde Act by extending a rule's compliance deadline well beyond the deadline set out in the statute.<sup>13</sup>

2. Petitioner asserts that the Correction created confusion about what the rule requires of regulated parties, but that claim is unpersuasive. While

<sup>13</sup> 293 F. Supp. 3d 1050, 1060 (N.D. Cal. 2018) (“The clear purpose of the Act and the plain meaning of its core provisions was to set expeditious emission compliance standards (not to exceed 180 days past the promulgation of implementing regulations) and to allow the sell off or use of preexisting noncompliant inventory but to prohibit stockpiling. This clear purpose and plain meaning cannot be reconciled with the EPA's suggestion that a year-long extension of the designated date of manufacture in the sell-through provisions permissibly leads to a commensurate year-long extension of the mandatory compliance deadlines. The EPA's interpretation creates inconsistency within the full text of the Act, renders the 180-day compliance deadline superfluous, leads to the absurd result of permitting the perpetual delay of the effectiveness of the Formaldehyde Rule, and fails to satisfy the stated purpose of the Act.”); cf. *Pennsylvania v. DeVos*, 480 F. Supp. 3d 47, 66 (D.D.C. 2020) (“And ‘when the statute authorizing agency action fails to specify a timetable for effectiveness of decisions, the agency normally retains considerable discretion to choose an effective date.’” (internal citations omitted)).

the Commission acknowledged in the Correction that the original preamble language was *potentially* “ambiguous”, the Correction was not a “reversal” of position. The Correction was for the preamble language only; it did not change any of the regulatory text. The regulatory text is clear and unambiguous: “A properly issued invoice is a demurrage or detention invoice issued by a billing party to: (1) The person for whose account the billing party provided ocean transportation or storage of cargo *and* who contracted with the billing party for the ocean transportation or storage of cargo; or (2) the consignee.” 46 CFR 541.4(a). A rule's preamble cannot be used to create ambiguity and contradict regulatory text.<sup>14</sup> As summarized by the U.S. District Court for the District of Columbia in *Texas Children's Hosp. v. Azar*: “To be clear, the preamble to a statute or rule may be used to help inform the proper interpretation of an ambiguous text. The preamble cannot, however, be used to contradict the text of the statute or rule at issue.”<sup>15</sup> Furthermore, the comments submitted in response to this petition are counterweights to Petitioner's claims. Sixteen of the seventeen comments that were submitted in response to the **Federal Register** notice of the filing petition argued that the petition should be denied and that billing parties are largely in compliance with the rule.

3. Granting the requested delay would lead to greater confusion in the regulated community than what the Petitioner claims was caused by the Correction. Because the rule would have to continue in effect until such time as a delay could be effectuated by rulemaking, the rule would be in effect at least six months, then be temporarily stayed, and then go back into effect. As commenters discussed in their submissions, this has the potential for massive disruption and confusion, as billing parties switch between systems, and would likely raise questions about what rules apply to any given transaction.<sup>16</sup>

4. By the time such a delay could take effect, after completion of the required administrative procedures, the Petitioner's justification for delay would no longer be present, as the Petitioner

<sup>14</sup> *Texas Children's Hosp. v. Azar*, 315 F. Supp. 3d 322, 334 (D.D.C. 2018).

<sup>15</sup> *Id.* (citations omitted).

<sup>16</sup> E.g., comments of the Shippers Coalition (FMC-2024-0010-0001), ContainerPort Group Inc. (FMC-2024-0010-0002), Agriculture Transportation Coalition (FMC-2024-0010-0011), Intermodal Motor Carriers Conference (FMC-2024-0010-0012).

would have had ample time to make any necessary adjustments to their practices.

## V. Conclusion

For the reasons explained above, the Commission *denies* the petition filed by the Ocean Carrier Equipment Management Association for a delay of the effective date of the Demurrage and Detention Billing Requirements final rule.

By the Commission.

David Eng,  
Secretary.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 240911-0235]

RIN 0648-BM91

#### Marine Mammal Protection Act List of Fisheries for 2025

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

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

**SUMMARY:** NMFS is publishing its proposed List of Fisheries (LOF) for 2025, as required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 2025 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based on the level of mortality and serious injury (M/SI) of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as those regarding registration, observer coverage, and take reduction plan (TRP) requirements.

**DATES:** Comments must be received by October 24, 2024.

**ADDRESSES:** A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0037>. You may submit comments on this document, identified by NOAA-NMFS-2024-0037, by either of the following methods:

**Electronic Submission:** Submit all electronic public comments via the

Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2024–0037 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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

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

**FOR FURTHER INFORMATION CONTACT:**

Jaclyn Taylor, Office of Protected Resources, 301–427–8402; Cheryl Cross, Greater Atlantic Region, 978–281–9100; Jessica Powell, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 206–526–4740; Suzie Teerlink, Alaska Region, 907–586–7240; Jamie Marchetti 808–725–5108, Pacific Islands Region, 808–725–5085. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**What is the List of Fisheries?**

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

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

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

*Fishery Classification Criteria*

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock, while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

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

*Tier 2:* Tier 2 considers fishery-specific M/SI for a particular stock.

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

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

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

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

Because fisheries are classified on a per-stock basis, a fishery may qualify as one category for one marine mammal stock and another category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (e.g., a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). The superscript “1” in tables 1 and 2 identifies stocks whose incidental M/SI determines a fishery’s higher classification.

*Other Criteria That May Be Considered*

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

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

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

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes serious and non-serious documented injuries as described below in the *List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean sections*. To determine which species or stocks

are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. SARs are brief reports summarizing the status of each stock of marine mammals occurring in waters under U.S. jurisdiction. Information includes the identity and geographic range of the stock, population statistics related to abundance, trend, and annual productivity, notable habitat concerns, and estimates of human-caused M/SI by source. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs and reviewed for the 2025 LOF generally summarizes data from 2017–2021. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.*, MMPA mortality/injury reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF.

For fisheries with observer coverage, species or stocks are generally removed from the list of marine mammal species and/or stocks incidentally killed or injured if no interactions are documented in the 5-year timeframe summarized in that year's LOF. For fisheries with no observer coverage and for observed fisheries with evidence indicating that undocumented interactions may be occurring (*e.g.*, fishery has low observer coverage and stranding network data include evidence of fisheries interactions that cannot be attributed to a specific fishery), species and stocks may be retained for longer than 5 years. For these fisheries, NMFS will review the other sources of information listed above and use its discretion to decide when it is appropriate to remove a species or stock.

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

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal M/SI in commercial fishing operations.

Starting with the 2005 SARs, each Pacific and Alaska SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. The SARs do not provide detailed information on observer coverage in Category III fisheries because under the MMPA, Category III fisheries are not required to accommodate observers aboard vessels due to the remote likelihood of M/SI of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include the level of observer coverage, target species, levels of fishing effort, spatial and temporal distribution of fishing effort, characteristics of fishing gear and operations, management and regulations, and interactions with marine mammals. The SARs are available on the NMFS Office of Protected Resources website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. Information on observer coverage levels in Category I, II, and III fisheries and detailed descriptions of each Category I and II fishery on the LOF can be found in the fishery fact sheets on the NMFS Office of Protected Resources' website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>. Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's website: <https://www.fisheries.noaa.gov/national/fisheries-observers/national-observer-program>.

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

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

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

NMFS includes high seas fisheries in table 3 of the LOF along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. Many fisheries operate in both U.S. waters and on the high seas,

creating some overlap between the fisheries listed in tables 1 and 2 and those in table 3. In these cases, the high seas component of the fishery is not considered a separate fishery but an extension of a fishery operating within U.S. waters (listed in table 1 or 2). NMFS designates those fisheries in tables 1, 2, and 3 with an asterisk (\*) after the fishery's name. The number of HSFCA permits listed in table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort not accounted for in tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in tables 1 and 2. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the final 2009 LOF (73 FR 73032, December 1, 2008). Additional information about HSFCA permits can be found at <https://www.fisheries.noaa.gov/permit/high-seas-fishing-permits>.

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

Starting with the 2010 LOF, NMFS developed summary documents or fishery fact sheets for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: (1) when the fishery was added to the LOF; (2) the basis for the fishery's initial classification; (3) classification changes to the fishery; (4) changes to the list of species and/or stocks incidentally killed or injured in the fishery; (5) fishery gear and methods used; (6) observer coverage levels; (7) fishery management and regulation; and (8) applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under "How Do I Find Out if a Specific Fishery is in Category I, II, or III?" on the NMFS Office of Protected Resources' website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>, linked to the "List of Fisheries Summary" table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

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

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take marine mammals incidental to commercial fishing operations. The take of threatened or endangered marine mammals requires additional authorization. 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, renew, and receive my Marine Mammal Authorization Program (MMAP) authorization certificate?

NMFS has integrated the MMPA registration process, implemented through the MMAP, with existing State and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials.

In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their State or Federal license or permit at the time of issuance or renewal. In the Greater Atlantic and Southeast Regions, NMFS will issue vessel or gear owners an authorization certificate electronically. The certificate can be downloaded and/or printed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate>. Printed copies can be mailed upon request by contacting [nmfs.gar.mmapcert@noaa.gov](mailto:nmfs.gar.mmapcert@noaa.gov) or 978-281-9120 in the Greater Atlantic Region or the MMAP Hotline at 727-209-5952 in the Southeast Region.

Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by the beginning of the calendar year or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION CONTACT**). Authorization certificates may also be obtained by visiting the MMAP website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate>.

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

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

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

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

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#reporting-a-death-or-injury-of-a-marine-mammal-during-commercial-fishing-operations> or by contacting the appropriate regional office (see **FOR FURTHER INFORMATION CONTACT**). Forms may be submitted online using the electronic form, emailed as an attachment to [nmfs.mireport@noaa.gov](mailto:nmfs.mireport@noaa.gov), faxed to the NMFS Office of Protected Resources at 301-713-0376, or mailed

to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed from the web address listed above). Reporting requirements and procedures are found in 50 CFR 229.6.

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

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 States that the Secretary is not required to place an observer on a vessel if the facilities for quartering an observer or performing observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized, thereby authorizing the exemption of vessels too small to safely accommodate an observer from this requirement. Observer requirements are found in 50 CFR 229.7.

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

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

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

Information regarding the LOF and the MMAP including registration procedures and forms, current and past LOFs, descriptions of each Category I and II fishery and some Category III fisheries, observer requirements, and marine mammal mortality/injury reporting forms and submittal procedures may be obtained at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries> or from any NMFS Regional Office at the addresses listed below:

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

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

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

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

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

#### Sources of Information Reviewed for the 2025 LOF

NMFS reviewed the marine mammal incidental M/SI information presented in the SARs for all fisheries to determine whether changes in fishery classification were warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of M/SI of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were established by the MMPA to review the science that informs the SARs and to advise NMFS on marine mammal population status, trends, and stock structure, as well as on uncertainties in the science, research needs, and other issues (see 16 U.S.C. 1386(d)).

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

The LOF for 2025 was based on, among other things, stranding data, fishermen self-reports, and SARs (primarily the draft 2023 SARs, which are based on data from 2017–2021). The SARs referenced in this LOF include 2022 (88 FR 54592, August 11, 2023) and 2023 (89 FR 5495, January 29, 2024). The SARs are available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. We expect that the 2023 SARs will be finalized before the final 2025 LOF is published.

#### Summary of Changes to the LOF for 2025

The following summarizes proposed changes to the LOF for 2025, including the classification of fisheries, fisheries listed, the estimated number of vessels/persons in a particular fishery, and the species and/or stocks that are incidentally killed or injured in a

particular fishery. NMFS proposes to add seven fisheries, remove one fishery and reclassify one fishery in the LOF for 2025. NMFS also proposes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. The classifications and definitions of U.S. commercial fisheries for 2025 are identical to those provided in the LOF for 2024, except for the changes discussed below. State and regional abbreviations used in the following paragraphs include AK (Alaska), CA (California), HI (Hawaii), MA (Massachusetts) OR (Oregon), and WA (Washington).

#### Commercial Fisheries in the Pacific Ocean

##### Classification of Fisheries

NMFS proposes to reclassify the Category I CA Dungeness crab pot fishery to a Category II fishery. The most recent estimate of annual M/SI of the Central America/Southern Mexico-CA/OR/WA stock of humpback whales from 2017 through 2021 is 1.18, which is 33.8 percent of this stock's PBR of 3.5 (Carretta *et al.*, 2023; Carretta *et al.*, 2023a). Because the estimated M/SI is between 1 and 50 percent of the stock's PBR, NMFS proposes to reclassify the CA Dungeness crab pot fishery from a Category I to a Category II fishery.

##### Addition of Fisheries

NMFS proposes to add the AK invertebrate aquaculture fishery as a Category III fishery. Operations occur statewide but are primarily in Southeast Alaska, Prince William Sound, and Kachemak Bay. Invertebrate aquaculture in Alaska is generally stationary aquatic farms for commercial production of oysters. Gear is stagnant in the water and generally occurs in shallow depths with an average aquatic farm depth 15 feet. Invertebrate aquaculture is managed and permitted by the State of Alaska. There are 46 active permits for invertebrate aquaculture in Alaska.

Marine invertebrate species cultivated include Pacific oyster (*Magallana gigas*), blue mussel (*Mytilus trossulus*), Arctic razor clam (*Siliqua alta*), Pacific razor clam (*Siliqua patula*), littleneck clam (*Leukoma staminea*), butter clam (*Saxidomus giganteus*), Pacific geoduck (*Panopea abrupta*), cockle species, scallop species, sea urchin species, King crab species, pinto abalone and red sea cucumber.

Currently, the majority of invertebrate aquaculture farms in Alaska use stacked wire-mesh trays hanging from rafts or longlines with minimal horizontal lines on the surface. There are a number of

different methods of invertebrate aquaculture, including onshore or floating hatcheries/nurseries, bottom planting, on-bottom culture, and suspended culture. Each of these methods may employ a variety of gear types and materials.

Bottom planting methods involve seeding the substrate with larvae. These "clam beds" are often protected from predators and environmental stressors by mesh netting, PVC tubes, or other materials. Harvest methods may include hand collection, raking, and use of divers and water jets.

On-bottom culture methods generally use cages, racks, or bags attached to the substrate in shallow waters. Suspended culture methods are used in shallow and deeper waters and generally employ racks, cages, nets, and/or bags attached to longlines or floating rafts that are anchored to the substrate. Harvests of on-bottom and suspended methods may be manual or mechanically assisted (e.g., cranes or winches attached to work skiffs or barges).

Commercial invertebrate aquaculture has been permitted by the State of Alaska since the 1980s, and there are no known marine mammal M/SI incidental to invertebrate aquaculture in Alaska. Therefore, no marine mammal species/stocks are identified in table 1. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

NMFS proposes to add the AK macroalgae aquaculture fishery as a Category III fishery. Operations occur statewide but are primarily in Southeast Alaska, Prince William Sound, and Kachemak Bay. Macroalgae aquaculture gear is stagnant in the water and generally occurs in shallow depths with an average aquatic farm depth 15 feet. Macroalgae aquaculture is managed and permitted by the State of Alaska. There are 39 active permits for macroalgae aquaculture in Alaska.

Species cultivated are species native to Alaska, including bull kelp, giant kelp, red ribbon-dulse ribbon kelp, black seaweed-nori, sugar kelp, dragon kelp, sea lettuce, three-ribbed kelp, and seagrass laver.

Gear used for macroalgae production varies depending on the species cultured, scale of operations, environmental conditions, cost of gear, maintenance requirements, and harvest strategy. Production can be as small as a single line with an anchor on bottom and a buoy on top or as complex as industrial longline production systems. Most macroalgae is grown close to shore in shallow waters and close to the surface for sufficient sunlight for photosynthesis. The primary methods

are longlines, grid/array systems, and raft/net systems.

Commercial macroalgae aquaculture has been permitted by the State of Alaska since 2016, and there are no known marine mammal M/SI incidental to macroalgae aquaculture in Alaska. In addition, University of Alaska Southeast (UAS) and the University of Alaska Fairbanks (UAF) provided comments on the proposed LOF for 2024 (88 FR 62748, September 13, 2023) in response to NMFS' request for public input on aquaculture fishery descriptions. UAS and UAF have ongoing aquaculture research, including longline kelp installments near Juneau, Alaska. They both provided their observations of marine mammals near their aquaculture research locations. UAS and UAF commented that there are reports of marine mammals near the longline kelp gear but no entanglements or known physical interactions have occurred. Therefore, no marine mammal species/stocks are identified in table 1. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

#### *Fishery Name and Organizational Changes and Clarifications*

NMFS proposes to add the superscript "1" to the Central America/Southern Mexico-CA/OR/WA stocks of humpback whale to indicate that M/SI of the stock is determining the Category II classification of the CA thresher shark/swordfish drift gillnet ( $\geq 14$  inch (in) mesh) fishery. NMFS also proposes to remove the superscript "1" from the CA/OR/WA stock of sperm whale to indicate that M/SI of the stock is no longer determining in the Category II classification of the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh) fishery.

NMFS proposes to add the superscript "1" to the Eastern North Pacific stock of blue whale to indicate that M/SI of the stock is determining the Category II classification of the CA Dungeness crab pot fishery.

#### *Number of Vessels/Persons*

NMFS updates the estimated number of vessels/persons in the Pacific Ocean (table 1) as follows:

##### Category II

- CA Dungeness crab pot fishery from 471 to 469 vessels/persons;
- CA halibut/white seabass and other species set gillnet ( $\leq 3.5$  in mesh) fishery from 39 to 41 vessels/persons;
- CA yellowtail, barracuda, and white seabass drift gillnet (mesh size  $\geq 3.5$  in and  $< 14$  in) fishery from 20 to eight 8 vessels/persons;

- CA spiny lobster fishery from 189 to 174 vessels/persons;
- CA spot prawn pot fishery from 22 to 20 vessels/persons;
- OR Dungeness crab pot fishery from 323 to 352 vessels/persons;
- WA/OR/CA sablefish pot fishery from 144 to 133 vessels/persons;
- HI shallow-set longline fishery from 14 to 17 vessels/persons;
- American Samoa longline fishery from 11 to 9 vessels/persons;
- HI shortline fishery from 8 to 11 vessels/persons;

##### Category III

- CA herring set gillnet fishery from 11 to 9 vessels/persons;
- WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing) fishery from 19 to 20 vessels/persons;
- WA/OR Mainstem Columbia River eulachon gillnet fishery from 10 to 8 vessels/persons;
- WA/OR lower Columbia River (includes tributaries) drift net fishery from 244 to 207 vessels/persons;
- WA Willapa Bay drift gillnet fishery from 57 to 47 vessels/persons;
- WA/OR sardine purse seine fishery from six to zero vessels/persons;
- CA anchovy, mackerel, sardine purse seine fishery from 53 to 56 vessels/persons;
- WA/OR Lower Columbia River salmon seine fishery from one to zero vessels/persons;
- WA/OR herring, anchovy, smelt, squid purse seine or lampara fishery from 41 to 48 vessels/persons;
- HI lift net fishery from 14 to 13 vessels/persons;
- HI throw net, cast net fishery from 13 to 12 vessels/persons;
- WA/OR/CA albacore surface hook and line/troll fishery from 556 to 538 vessels/persons;
- CA halibut, white seabass, and yellowtail hook and line/handline fishery from 388 435 vessels/persons;
- American Samoa tuna troll fishery from six to five vessels/persons;
- CA/OR/WA salmon troll fishery from 1,030 to 808 vessels/persons;
- HI troll fishery from 1,124 to 1,186 vessels/persons;
- HI rod and reel fishery from 235 to 208 vessels/persons;
- Guam tuna troll fishery from 450 to 546 vessels/persons;
- WA/OR/CA groundfish, bottomfish longline/set line fishery from 314 to 296 vessels/persons;
- HI kaka line fishery from 17 to 12 vessels/persons;
- HI vertical line fishery from six to less than three vessels/persons;
- CA sea cucumber trawl fishery from 11 to 9 vessels/persons;

- WA/OR/CA shrimp trawl fishery from 130 to 114 vessels/persons;
- WA/OR/CA groundfish trawl fishery from 118 to 104 vessels/persons;
- CA Tanner crab pot fishery from one to two vessels/persons;
- WA/OR/CA hagfish pot fishery from 63 to 57 vessels/persons;
- WA Puget Sound Dungeness crab pot/trap fishery from 145 to 139 vessels/persons;
- HI fish trap fishery from four to less than three vessels/persons;
- HI crab net fishery from four to less than three vessels/persons;
- HI Kona crab loop net fishery from 13 to 17 vessels/persons;
- American Samoa bottomfish fishery from 44 to 87 vessels/persons;
- Commonwealth of the Northern Mariana Islands bottomfish fishery from seven to three vessels/persons;
- Guam bottomfish fishery from 63 to 93 vessels/persons;
- HI bottomfish handline fishery from 392 to 299 vessels/persons;
- HI pelagic handline fishery from 271 to 382 vessels/persons;
- CA/OR/WA dive collection fishery from 186 to 157 vessels/persons;
- HI black coral diving fishery from none recorded to less than three;
- HI handpick fishery from 25 to 24 vessels/persons;
- HI lobster diving fishery from 12 to 8 vessels/persons;
- HI spearfishing fishery from 67 to 58 vessels/persons;
- WA/OR/CA hand/mechanical collection fishery from 320 to 258 vessels/persons;
- CA nearshore finfish trap fishery from 42 to 43 vessels/persons, and
- HI aquarium collecting fishery from none recorded to 12.

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

NMFS proposes to correct an administrative error in table 1. Based on public comment, NMFS added the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale to the list of species/stocks incidentally killed or injured in the Category III WA/OR/CA groundfish/finfish hook and line fishery in the final 2024 LOF (89 FR 12257, February 16, 2024) based on a 2021 humpback whale entanglement (Carretta *et al.*, 2023a). Upon further review of the entanglement report, NMFS determined the 2021 humpback whale entanglement was not a confirmed entanglement. Because the entanglement was not confirmed, following NMFS' Process for Distinguishing Serious from Non-

Serious Injury of Marine Mammals an injury determination was not conducted for this event (NMFS, 2023). Therefore, NMFS proposes to remove the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale from the list of species/stocks incidentally killed or injured in the Category III WA/OR/CA groundfish/finfish hook and line fishery.

NMFS proposes to add the North Pacific stock of fin whale to the list of species/stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands pollock trawl fishery based on a self-reported mortality in 2019 (Freed *et al.*, 2023).

NMFS proposes to add the CA/OR/WA stock of minke whale to the list of species/stocks incidentally killed or injured in the Category II OR Dungeness crab pot fishery. In 2021, a minke whale was reported entangled in OR Dungeness crab pot gear off the coast of San Diego, CA, with line bridled through the mouth and trailing buoys (Carretta *et al.*, 2023a).

NMFS proposes to add the unknown stock of beaked whale to the list of species/stocks incidentally killed or injured in the Category II HI shallow-set longline fishery based on an observed serious injury in 2021 (McCracken and Cooper 2022).

NMFS proposes to add the Beringia stock of bearded seal to the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod longline fishery based on an observed mortality in 2021 (Freed *et al.*, 2023).

NMFS proposes to remove the Bering Sea stock of harbor porpoise and the Western North Pacific stock of humpback whale from the list of species/stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery. This fishery has 100 percent observer coverage, and from 2016–2021 there have been no reported or observed M/SI of these two stocks in the AK Bering Sea, Aleutian Islands flatfish trawl fishery (Freed *et al.*, 2023 and Young *et al.*, 2023).

NMFS proposes to remove the Alaska stock of bearded seal from the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod trawl fishery. Observer coverage for this fishery is between 67 and 80 percent, and from 2014–2021 there have been no reported or observed M/SI of this stock in the AK Bering Sea, Aleutian Islands Pacific cod trawl fishery (Freed *et al.*, 2023).

NMFS proposes to remove the Western U.S. stock of Steller sea lion from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod trawl fishery. Observer coverage for this fishery is between 11 and 100 percent, and from 2017–2021 there have been no reported or observed M/SI of this stock in the AK Gulf of Alaska Pacific cod trawl fishery (Young *et al.*, In press). The list of species/stocks incidentally killed or injured in this fishery is updated to state that none have been documented in the most recent 5 years of data.

NMFS proposes to remove the Western U.S. stock of Steller sea lion from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska rockfish trawl fishery. Observer coverage for this fishery is between 93 and 98 percent, and from 2017–2021 there have been no reported or observed M/SI of this stock in the AK Gulf of Alaska rockfish trawl fishery (Young *et al.*, In press). The list of species/stocks incidentally killed or injured in this fishery is proposed to be updated to state that none have been documented in the most recent 5 years of data.

NMFS proposes to remove the Western U.S. stock of Steller sea lion from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod longline fishery. Observer coverage for this fishery is between 0 and 39 percent, and from 2017–2021, there have been no reported or observed M/SI of this stock in the AK Gulf of Alaska Pacific cod longline fishery (Young *et al.*, In press).

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

#### *Addition of Fisheries*

NMFS received comments on the proposed LOF for 2024 (88 FR 62748, September 13, 2023) in response to NMFS' request for public input on aquaculture fishery descriptions. NMFS reviewed and considered the public submission of the publication Bath *et al.*, 2023 when proposing the addition and associated classification of the four aquaculture fisheries described below.

The regulatory definition of a Category II fishery (50 CFR 229.2) provides for NMFS to evaluate 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 when there is no reliable

information on the frequency of incidental M/SI in a given fishery. In the absence of reliable information on incidental M/SI, NMFS proposes to classify the aquaculture rafts fishery, bottom culture (trays/cages) with buoys fishery, and longline aquaculture as Category II fisheries based on analogy to other Category II fisheries that use vertical buoy lines. Vertical buoy lines pose a known entanglement risk for large whales that can result in mortality and serious injury. Additional information for the aquaculture rafts fishery, bottom culture (trays/cages) with buoys fishery and longline aquaculture are provided below.

NMFS proposes to add the aquaculture rafts fishery as a Category II fishery (50 CFR 229.2) and proposes to add the superscript “2” to indicate this fishery is classified by analogy. This fishery operates in Maine State waters and harvests mussels. Gear consists of a steel beam frame with wooden crossbeams supporting vertical lines with floats. This fishery has less than 15 active permits.

There is no information on marine mammal M/SI incidental to this fishery. Therefore, no marine mammal species/stocks are identified in table 2. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

NMFS proposes to add the bottom culture (trays/cages) with buoys fishery as a Category II fishery (50 CFR 229.2) and proposes to add the superscript “2” to indicate this fishery is classified by analogy. This fishery operates in the Atlantic from Maine through Florida. Gear consists of a cage resting on the seafloor to seed or further grow out shellfish. The cages are attached with a vertical line to a floating buoy on the surface; vertical buoy lines present a known risk of entanglement of large whales in many other fisheries. Harvest species in this fishery include mussels, oysters and other shellfish. The number of participants in this fishery is unknown.

There is no information on marine mammal M/SI incidental to this fishery. Therefore, no marine mammal species/stocks are identified in table 2. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

NMFS proposes to add the longline aquaculture fishery as a Category II fishery (50 CFR 229.2) and proposes to add the superscript “2” to indicate this fishery is classified by analogy. This fishery operates in the Atlantic from Maine through Florida. Gear consists of a main horizontal longline that is moored, anchored or supported by

poles. From this line extend any of the following: (1) bags or cages that are supported by floats/buoys (suspended floating gear), (2) vertical lines with bags or cages usually hung in horizontal rows at the surface (suspended gear), and (3) a series of vertically aligned nets or compartments (e.g. lantern/pearl nets). These three gear types contain shellfish seed. The fourth gear configuration has target species hung directly from the lines or seeded/grown on vertical hanging lines (drop or continuous). Any of these arrangements could use vertical buoys to support the horizontal longline. Harvest species in this fishery include oysters, scallops, mussels and macroalgae. The number of participants in this fishery is unknown.

There is no information on marine mammal M/SI incidental to this fishery. Therefore, no marine mammal species/stocks are identified in table 2. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

NMFS proposes to add the on-bottom/off-bottom culture (trays/cages) fishery without buoys as a Category III fishery. This fishery operates in the Atlantic from Maine through Florida. Gear consists of the following: (1) mesh bags, stacked mesh bags, or cages containing shellfish seed placed directly on the seafloor that require mesh predator netting (of a variety of sizes) used as a deterrent; (2) stiff plastic mesh bags or trays resting above the seafloor on racks (a rigid table-like frame) to seed or further grow out shellfish; and (3) shell on bottom, whereby shellfish are grown in natural conditions with no containment. Harvest species in this fishery include oysters and shellfish. The number of participants in this fishery is unknown.

There is no information on marine mammal M/SI incidental to this fishery. Therefore, no marine mammal species/stocks are identified in table 2. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery. This fishery is proposed as a Category III fishery because it has a remote likelihood of risk to marine mammals given the gear used (i.e., lack of loose or vertical lines, which have been implicated in documented entanglement cases (Bath *et al.*, 2023)).

NMFS proposes to add the Massachusetts green crab pot fishery as a Category III fishery. This fishery is managed by the State of Massachusetts. It operates entirely in shallow (4 to 15 feet), inshore Massachusetts State waters in estuaries, harbors, tidal creeks and salt marshes from April to November and targets green crab

(*Carcinus maenas*). This fishery uses wire, mesh pots that are discernible from other crab pot gear because the pots have a top entry design and are often homemade. Because the green crab is an invasive species, permits are not required to participate in the fishery; however, letters of authorization are currently issued to 78 commercial participants.

This fishery has been operating and regulated in MA for over 60 years (Annotated Laws of Massachusetts, GL ch. 130, section 37A, 2024) and there are no documented marine mammal M/SI incidental to this fishery. Therefore, NMFS proposes to classify the Massachusetts green crab pot fishery as a Category III fishery and no marine mammal species/stocks are identified in table 2. Marine mammal species/stocks will be added to the list if incidental mortalities or injuries are documented in this fishery.

#### *Fishery Name and Organizational Changes and Clarifications*

NMFS proposes to revise the fishery description, distribution and name for the Category III finfish aquaculture fishery. This fishery operates in Maine State waters and harvests salmon species. The fishery uses net pens with rigid, circular or polygonal frames that provide overall stability and support for the netting that contains the target species. A net pen can be fixed at the surface or lowered/raised in the water column. Vertical mooring lines are used to attach the net pens to the seafloor. This fishery has approximately 25 active permits. NMFS proposes to revise the name of the Category III finfish aquaculture fishery to the Category III net pen aquaculture fishery to clarify the gear type used in this fishery.

NMFS proposes to add the superscript “1” to the Gulf of Maine stock of humpback whale to indicate that M/SI of the stock is determining the Category II classification of the Chesapeake Bay inshore gillnet fishery.

NMFS proposes to add the superscript “1” to the Western North Atlantic stock of common dolphin to indicate that M/SI of the stock is determining the Category II classification of the Northeast bottom trawl fishery. NMFS also proposes to remove the superscript “1” from the Western North Atlantic stock of Risso’s dolphin to indicate that M/SI of the stock is no longer determining the Category II classification of the Northeast bottom trawl fishery.

NMFS proposes to add the superscript “1” to the Gulf of Maine stock of humpback whale to indicate that M/SI of the stock is determining the Category

II classification of the MA mixed species trap/pot fishery.

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

NMFS proposes to add the Gulf of Maine, Bay of Fundy stock of harbor porpoise to the list of species/stocks incidentally killed or injured in the Category I Northeast/mid-Atlantic American lobster and Jonah crab trap/pot fishery based on a self-reported mortality in 2023.

NMFS proposes to add the Gulf of Maine stock of humpback whale and Canadian East Coast stock of minke whale to the list of species/stocks incidentally killed or injured in the Category II Chesapeake Bay inshore gillnet fishery. In January 2020, a dead humpback whale was reported in Virginia heavily entangled in gillnet gear (Henry *et al.*, 2022). Also in February 2020, a minke whale was reported in Virginia entangled in gillnet gear resulting in a mortality (Hayes *et al.*, In press).

NMFS proposes to add the Western North Atlantic stock of white-sided dolphin to the list of species/stocks incidentally killed or injured in the Category II mid-Atlantic mid-water trawl (including pair trawl) fishery based on a self-reported mortality in 2020.

NMFS proposes to add the Western North Atlantic stock of *Globicephala spp.* (long-finned or short-finned pilot whale) to the list of species/stocks incidentally killed or injured in the Category II mid-Atlantic bottom trawl fishery based on an observed injury in 2021 (Josephson and Lyssikatos 2023).

NMFS proposes to add the Northern Georgia/Southern South Carolina estuarine system stock of bottlenose dolphin to the list of species/stocks incidentally killed or injured in the Category II Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery based on a self-reported injury in 2023.

NMFS proposes to add the Gulf of Maine stock of humpback whale to the list of species/stocks incidentally killed or injured in the Category II MA mixed species trap/pot fishery. In June 2020, a humpback whale was reported entangled off Chatham, MA. The whale was partially disentangled and determined to be a prorated (0.75) serious injury (Henry *et al.*, 2022).

NMFS proposes to remove the Western North Atlantic stock of hooded seal from the list of species/stocks incidentally killed or injured in the Category I mid-Atlantic gillnet fishery. This fishery was observed between 1



and 13 percent; from 2017–2021, there have been no reported or observed M/SI of this stock in this fishery.

NMFS proposes to remove six stocks from the list of species/stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. The six stocks are (1) Western North Atlantic stock of false killer whale; (2) Gulf of Maine, Bay of Fundy stock of harbor porpoise; (3) Canadian East coast stock of minke whale; (4) Gulf of Mexico stock of pygmy sperm whale; (5) Northern Gulf of Mexico stock of Risso's dolphin; and (6) Northern Gulf of Mexico stock of sperm whale. This fishery was observed between 8.7 and 13.3 percent; from 2017–2021, there have been no reported or observed M/SI of these stocks in this fishery (Hayes *et al.*, In press; Garrison and Stokes 2023).

NMFS proposes to remove the Western North Atlantic stock of short-finned pilot whale from the list of species/stocks incidentally killed or injured in the Category III Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel fishery. From 2017–2021, there have been no reported or observed M/SI of these stocks in this fishery (Hayes *et al.*, In press).

### Commercial Fisheries on the High Seas

#### Number of Vessels/Persons

NMFS updates the estimated number of HSFCA permits for high seas fisheries (table 3) as follows:

#### Category I

- Atlantic Highly Migratory Species longline fishery from 30 to 35 HSFCA permits;

#### Category II

- South Pacific albacore troll longline fishery from six to five HSFCA permits;
- Western Pacific Pelagic (HI Shallow-set component) fishery from 14 to 17 HSFCA permits;
- Pacific highly migratory species handline/pole and line fishery from 36 to 39 HSFCA permits;
- South Pacific albacore troll handline/pole and line fishery from one to two HSFCA permits;
- South Pacific albacore troll fishery from 23 to 24 HSFCA permits;

#### Category III

- Northwest Atlantic bottom longline fishery from one to zero HSFCA permits;
- Pacific highly migratory species longline fishery from 119 to 104 HSFCA permits;

- Northwest Atlantic trawl fishery from one to zero HSFCA permits; and
- Pacific highly migratory species troll fishery from 95 to 98 HSFCA permits.

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

NMFS proposes to update the humpback whale stocks on the list of species/stocks incidentally killed or injured in the Category II Pacific highly migratory species drift gillnet fishery from humpback whale, CA/OR/WA to humpback whale, Central America/Southern Mexico-CA/OR/WA and humpback whale, Mainland Mexico-CA/OR/WA stock based on the revised stock structures in the 2022 SAR (Carretta *et al.*, 2023).

NMFS proposes to add the unknown stock of beaked whale to the list of species/stocks incidentally killed or injured in the Category II Western Pacific Pelagic longline fishery (HI shallow-set component) based on an observed serious injury in 2021 (McCracken and Cooper, 2022). As noted in table 3, the list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in the U.S. waters component of the fishery minus species and/or stocks that have geographic ranges exclusively in coastal waters.

#### List of Fisheries

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

In tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. For example, the State of Hawaii

does not issue fishery-specific licenses, and the number of participants reported in the LOF represents the number of commercial marine license holders who reported using a particular fishing gear type/method at least once in a given year without considering how many times the gear was used. For these fisheries, effort by a single participant is counted the same whether the fisherman used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several State permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery's potential effort (State and Federal). If NMFS is able to gather more accurate information on the gear types used by State permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on table 1 or 2, contact the relevant regional office (contact information included above in the section: Where can I find more information about the LOF and the MMAP?).

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

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.*, MMAP reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2021. This list includes all species and/or stocks known to be killed

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

In tables 1 and 2, there are several fisheries classified as Category II that have no recent documented M/SI of marine mammals or fisheries that did not result in a M/SI rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause M/SI 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 and III fisheries in 50 CFR 229.2 (*i.e.*, fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative

data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in tables 1 and 2 by adding a "2" after the fishery's name.

There are several fisheries in tables 1, 2, and 3 in which a portion of the fishing vessels cross the Exclusive Economic Zone (EEZ) boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately on tables 1, 2, or 3, are considered the same fisheries on either side of the EEZ boundary. NMFS has designated those fisheries in each table with an asterisk (\*) after the fisheries' names.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
<b>Category I</b>		
<i>Longline/Set Line Fisheries:</i> HI deep-set longline* <sup>1</sup> .....	146 .....	Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. <sup>1</sup> False killer whale, MHI Insular. False killer whale, NWHI. Kogia spp. (Pygmy or dwarf sperm whale), HI. Risso's dolphin, HI. Rough-toothed dolphin, HI. Short-finned pilot whale, HI.
<i>Gillnet Fisheries:</i> AK Southeast salmon drift gillnet .....	474 .....	Dall's porpoise, AK. Harbor porpoise, northern Southeast Alaska inland waters. Harbor porpoise, southern Southeast Alaska inland waters. <sup>1</sup> Harbor seal, Southeast AK. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Pacific white-sided dolphin, North Pacific. Steller sea lion, Eastern U.S.
<b>Category II</b>		
<i>Gillnet Fisheries:</i> CA thresher shark/swordfish drift gillnet (≥14 in mesh)* .....	21 .....	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Dall's porpoise, CA/OR/WA. Gray whale, Eastern North Pacific. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Long-beaked common dolphin, CA. Minke whale, CA/OR/WA. Northern elephant seal, CA breeding. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, CA/OR/WA. <sup>1</sup> Sperm Whale, CA/OR/WA. California sea lion, U.S.
CA halibut/white seabass and other species set gillnet (>3.5 in mesh).	41 .....	Gray whale, Eastern North Pacific. Harbor seal, CA. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Long-beaked common dolphin, CA. Northern elephant seal, CA breeding. Southern sea otter, CA. Short-beaked common dolphin, CA/OR/WA. California sea lion, U.S.
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) <sup>2</sup> .	8 .....	Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA.
AK Bristol Bay salmon drift gillnet <sup>2</sup> .....	1,521 .....	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bristol Bay.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bristol Bay salmon set gillnet <sup>2</sup> .....	855 .....	Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Spotted seal, Bering. Steller sea lion, Western U.S. Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bristol Bay.
AK Kodiak salmon set gillnet .....	128 .....	Northern fur seal, Eastern Pacific. Spotted seal, Bering. Harbor porpoise, GOA. <sup>1</sup> Harbor seal, GOA. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Humpback whale, Western North Pacific. Northern sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet <sup>2</sup> .....	479 .....	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, Cook Inlet/Shelikof Strait. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Northern sea otter, Southcentral AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet .....	355 .....	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. <sup>1</sup> Harbor seal, GOA. Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet <sup>2</sup> .....	148 .....	Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific. Harbor porpoise, Bering Sea. Northern sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon set gillnet <sup>2</sup> .....	75 .....	Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific. Harbor porpoise, Bering Sea. Northern sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet .....	483 .....	Dall's porpoise, AK. Gray whale, Eastern North Pacific. Harbor porpoise, GOA. <sup>1</sup> Harbor seal, Prince William Sound. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Northern sea otter, Southcentral AK. Steller sea lion, Western U.S. <sup>1</sup>
AK Yakutat salmon set gillnet .....	95 .....	Gray whale, Eastern North Pacific. Harbor Porpoise, Yakutat/Southeast Alaska offshore waters. <sup>1</sup> Harbor seal, Southeast AK. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Dall's porpoise, CA/OR/WA.
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).	136 .....	Harbor porpoise, inland WA. <sup>1</sup> Harbor seal, WA inland.
<i>Trawl Fisheries:</i>		
AK Bering Sea, Aleutian Islands flatfish trawl .....	29 .....	Bearded seal, Beringia. Gray whale, Eastern North Pacific. Harbor seal, Bristol Bay. Killer whale, Eastern North Pacific Alaska resident. <sup>1</sup> Killer whale, Eastern North Pacific GOA, AI, BS transient. <sup>1</sup> Northern fur seal, Eastern Pacific. Ringed seal, Arctic. Ribbon seal. Spotted seal, Bering. Steller sea lion, Western U.S. <sup>1</sup> Walrus, AK.
AK Bering Sea, Aleutian Islands pollock trawl .....	116 .....	Bearded seal, Beringia. Fin whale, North Pacific. Harbor seal, Bristol Bay. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Humpback whale, Western North Pacific. Pacific white-sided dolphin, North Pacific. Ribbon seal. Ringed seal, Arctic. Steller sea lion, Western U.S. <sup>1</sup>
<i>Pot, Ring Net, and Trap Fisheries:</i>		
CA Dungeness crab pot .....	469 .....	Blue whale, Eastern North Pacific. <sup>1</sup>

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
CA coonstripe shrimp pot .....	9 .....	Gray whale, Eastern North Pacific. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Killer whale, Eastern North Pacific GOA, BSAI transient. Killer whale, West Coast transient. Northern elephant seal, CA breeding. Gray whale, Eastern North Pacific. Harbor seal, CA.
CA spiny lobster .....	174 .....	Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S.
CA spot prawn pot .....	20 .....	Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Gray whale, Eastern North Pacific. Southern sea otter, CA.
OR Dungeness crab pot .....	352 .....	Gray whale, Eastern North Pacific. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Long-beaked common dolphin, CA.
WA/OR/CA sablefish pot .....	133 .....	Gray whale, Eastern North Pacific. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. Minke whale, CA/OR/WA.
WA coastal Dungeness crab pot .....	204 .....	Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA. <sup>1</sup> Gray whale, Eastern North Pacific. Humpback whale, Central America/Southern Mexico-CA/OR/WA. <sup>1</sup> Humpback whale, Mainland Mexico-CA/OR/WA.
<i>Longline/Set Line Fisheries:</i>		
AK Gulf of Alaska sablefish longline .....	177 .....	Northern elephant seal, California breeding. Sperm whale, North Pacific. <sup>1</sup> Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
HI shallow-set longline * ^ .....	17 .....	Beaked whale, unknown. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. <sup>1</sup> Guadalupe fur seal. Risso's dolphin, HI. Striped dolphin, HI.
American Samoa longline <sup>2</sup> .....	9 .....	False killer whale, American Samoa. Rough-toothed dolphin, American Samoa. Striped dolphin, unknown.
HI shortline <sup>2</sup> .....	11 .....	None documented.
<i>Marine Aquaculture Fisheries:</i>		
HI offshore pen culture .....	1 .....	Hawaiian monk seal.
<b>Category III</b>		
<i>Gillnet Fisheries:</i>		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet .....	360 .....	Harbor porpoise, Bering Sea.
AK Prince William Sound salmon set gillnet .....	25 .....	Harbor seal, GOA. Northern sea otter, Southcentral AK. Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet .....	15 .....	None documented.
CA herring set gillnet .....	9 .....	None documented.
HI inshore gillnet .....	26 .....	Bottlenose dolphin, HI. Spinner dolphin, HI.
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing) .....	20 .....	Harbor seal, OR/WA coast.
WA/OR Mainstem Columbia River eulachon gillnet .....	8 .....	None documented.
WA/OR lower Columbia River (includes tributaries) drift net .....	207 .....	California sea lion, U.S. Harbor seal, OR/WA coast. Harbor seal, OR/WA coast.
WA Willapa Bay drift gillnet .....	47 .....	Northern elephant seal, CA breeding.
<i>Miscellaneous Net Fisheries:</i>		
AK Cook Inlet salmon purse seine .....	16 .....	Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific.
AK Kodiak salmon purse seine .....	159 .....	Dall's porpoise, AK. Harbor seal, North Kodiak. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Humpback whale, Western North Pacific. Steller sea lion, Western U.S.
AK Southeast salmon purse seine .....	206 .....	Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific.
AK roe herring and food/bait herring purse seine .....	31 .....	None documented.
AK salmon beach seine .....	2 .....	None documented.
AK salmon purse seine (Prince William Sound, Chignik, Alaska Peninsula) .....	298 .....	Harbor seal, GOA.  Harbor seal, Prince William Sound.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
WA/OR sardine purse seine .....	0 .....	None documented.
CA anchovy, mackerel, sardine purse seine .....	56 .....	California sea lion, U.S. Harbor seal, CA.
CA squid purse seine .....	68 .....	California sea lion, U.S. Long-beaked common dolphin, CA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
CA tuna purse seine * .....	14 .....	None documented.
WA/OR Lower Columbia River salmon seine .....	0 .....	None documented.
WA/OR herring, anchovy, smelt, squid purse seine or lampara ...	48 .....	None documented.
WA salmon seine .....	81 .....	None documented.
WA salmon reef net .....	11 .....	None documented.
HI lift net .....	13 .....	None documented.
HI inshore purse seine .....	None recorded .....	None documented.
HI throw net, cast net .....	12 .....	None documented.
HI seine net .....	17 .....	None documented.
<i>Dip Net Fisheries:</i>		
CA squid dip net .....	19 .....	None documented.
<i>Marine Aquaculture Fisheries:</i>		
AK invertebrate aquaculture .....	46 .....	None documented.
AK macroalgae aquaculture .....	39 .....	None documented.
CA marine shellfish aquaculture .....	unknown .....	None documented.
CA salmon enhancement rearing pen .....	>1 .....	None documented.
CA white seabass enhancement net pens .....	13 .....	California sea lion, U.S.
WA salmon net pens .....	14 .....	California sea lion, U.S. Harbor seal, WA inland waters.
WA/OR shellfish aquaculture .....	23 .....	None documented.
<i>Troll Fisheries:</i>		
WA/OR/CA albacore surface hook and line/troll .....	538 .....	None documented.
CA halibut, white seabass, and yellowtail hook and line/handline	435 .....	None documented.
CA/OR/WA non-albacore HMS hook and line .....	124 .....	None documented.
AK Gulf of Alaska groundfish hand troll and dinglebar troll .....	4 .....	None documented.
AK salmon troll .....	850 .....	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll .....	5 .....	None documented.
CA/OR/WA salmon troll .....	808 .....	None documented.
HI troll .....	1,186 .....	Pantropical spotted dolphin, HI.
HI rod and reel .....	208 .....	None documented.
Commonwealth of the Northern Mariana Islands tuna troll .....	9 .....	None documented.
Guam tuna troll .....	546 .....	None documented.
<i>Longline/Set Line Fisheries:</i>		
AK Bering Sea, Aleutian Islands Greenland turbot longline .....	4 .....	Killer whale, GOA, AI, BS transient. Bearded seal, Beringia.
AK Bering Sea, Aleutian Islands Pacific cod longline .....	26 .....	Northern fur seal, Eastern Pacific. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands sablefish longline .....	8 .....	None documented.
AK Bering Sea, Aleutian Islands halibut longline .....	84 .....	Northern fur seal, Eastern Pacific. Sperm whale, North Pacific.
AK Gulf of Alaska halibut longline .....	689 .....	Harbor seal, Clarence Strait. Harbor seal, Cook Inlet. Steller sea lion, Eastern U.S.
AK Gulf of Alaska Pacific cod longline .....	23 .....	Harbor seal, Cook Inlet/Shelikof Strait.
AK octopus/squid longline .....	0 .....	None documented.
AK State-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish).	464 .....	None documented.
WA/OR/CA groundfish, bottomfish longline/set line .....	296 .....	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Northern elephant seal, California breeding. Sperm whale, CA/OR/WA. Steller sea lion, Eastern U.S.
WA/OR/CA Pacific halibut longline .....	130 .....	None documented.
West Coast pelagic longline .....	4 .....	None documented in the most recent 5 years of data.
HI kaka line .....	12 .....	None documented.
HI vertical line .....	Less than 3 .....	None documented.
<i>Trawl Fisheries:</i>		
AK Bering Sea, Aleutian Islands Atka mackerel trawl .....	17 .....	Harbor seal, Aleutian Islands. Northern elephant seal, California. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl .....	64 .....	Ribbon seal. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands rockfish trawl .....	22 .....	Harbor seal, Aleutian Islands. Ribbon seal.
AK Gulf of Alaska flatfish trawl .....	16 .....	Harbor seal, Cook Inlet/Shelikof Strait. Harbor seal, North Kodiak. Harbor seal, South Kodiak. Steller sea lion, Western U.S.
AK Gulf of Alaska Pacific cod trawl .....	12 .....	None documented in most recent 5 years of data.
AK Gulf of Alaska pollock trawl .....	60 .....	Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl .....	35 .....	None documented in most recent 5 years of data.
AK Kodiak food/bait herring otter trawl .....	0 .....	None documented.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
AK shrimp otter trawl and beam trawl .....	12 .....	None documented.
CA halibut bottom trawl .....	23 .....	California sea lion, U.S. Harbor porpoise, unknown. Harbor seal, unknown. Northern elephant seal, CA breeding. Steller sea lion, unknown.
CA sea cucumber trawl .....	9 .....	California sea lion, U.S.
WA/OR/CA shrimp trawl .....	114 .....	California sea lion, U.S.
WA/OR/CA groundfish trawl .....	104 .....	California sea lion, U.S. Dall's porpoise, CA/OR/WA. Harbor seal, OR/WA coast. Northern elephant seal, CA breeding. Northern fur seal, Eastern Pacific. Northern right whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Steller sea lion, Eastern U.S.
<i>Pot, Ring Net, and Trap Fisheries:</i>		
AK Bering Sea, Aleutian Islands Pacific cod pot .....	80 .....	Harbor seal, Bristol Bay. Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Humpback whale, Western North Pacific. Sperm whale, North Pacific.
AK Bering Sea, Aleutian Islands sablefish pot .....	15 .....	Bowhead whale, Western Arctic.
AK Bering Sea, Aleutian Islands crab pot .....	73 .....	Gray whale, Eastern North Pacific. None documented.
AK Gulf of Alaska crab pot .....	86 .....	None documented in most recent 5 years of data.
AK Gulf of Alaska Pacific cod pot .....	48 .....	None documented.
AK Gulf of Alaska sablefish pot .....	129 .....	Humpback whale, Hawai'i.
AK Southeast Alaska crab pot .....	375 .....	Humpback whale, Mexico-North Pacific. Humpback whale, Hawai'i.
AK Southeast Alaska shrimp pot .....	104 .....	Humpback whale, Mexico-North Pacific.
AK shrimp pot, except Southeast .....	77 .....	None documented.
AK octopus/squid pot .....	0 .....	None documented.
CA rock crab pot .....	113 .....	Gray whale, Eastern North Pacific. Harbor seal, CA.
CA Tanner crab pot fishery .....	2 .....	None documented.
WA/OR/CA hagfish pot .....	57 .....	None documented.
WA/OR shrimp pot/trap .....	28 .....	None documented.
WA Puget Sound Dungeness crab pot/trap .....	139 .....	None documented.
HI crab trap .....	4 .....	Humpback whale, Hawai'i.
HI fish trap .....	Less than 3 .....	None documented.
HI lobster trap .....	Less than 3 .....	None documented in recent years.
HI shrimp trap .....	3 .....	None documented.
HI crab net .....	Less than 3 .....	None documented.
HI Kona crab loop net .....	17 .....	None documented.
<i>Hook and Line, Handline, and Jig Fisheries:</i>		
AK Bering Sea, Aleutian Islands groundfish jig .....	2 .....	None documented.
AK Gulf of Alaska groundfish jig .....	68 .....	None documented in most recent 5 years of data.
AK halibut jig .....	5 .....	None documented.
American Samoa bottomfish .....	87 .....	None documented.
Commonwealth of the Northern Mariana Islands bottomfish .....	3 .....	None documented.
Guam bottomfish .....	93 .....	None documented.
HI aku boat, pole, and line .....	None recorded .....	None documented.
HI bottomfish handline .....	299 .....	None documented in recent years.
HI inshore handline .....	158 .....	None documented.
HI pelagic handline .....	382 .....	None documented.
WA/OR/CA groundfish/finfish hook and line .....	689 .....	California sea lion, U.S.
Western Pacific squid jig .....	0 .....	None documented.
<i>Harpoon Fisheries:</i>		
CA swordfish harpoon .....	21 .....	None documented.
<i>Pound Net/Weir Fisheries:</i>		
AK herring spawn on kelp pound net .....	143 .....	None documented.
AK Southeast herring roe/food/bait pound net .....	1 .....	None documented.
HI bullpen trap .....	<3 .....	None documented.
<i>Bait Pens:</i>		
WA/OR/CA bait pens .....	13 .....	California sea lion, U.S.
<i>Dredge Fisheries:</i>		
AK scallop dredge .....	108 (5 AK) .....	None documented.
<i>Dive, Hand/Mechanical Collection Fisheries:</i>		
AK clam .....	57 .....	None documented.
AK miscellaneous invertebrates handpick .....	188 .....	None documented.
CA/OR/WA dive collection .....	157 .....	None documented.
CA/WA kelp, seaweed, and algae .....	4 .....	None documented.
HI black coral diving .....	Less than 3 .....	None documented.
HI fish pond .....	None recorded .....	None documented.
HI handpick .....	24 .....	None documented.
HI lobster diving .....	8 .....	None documented.
HI spearfishing .....	58 .....	None documented.
WA/OR/CA hand/mechanical collection .....	258 .....	None documented.
<i>Commercial Passenger Fishing Vessel (Charter Boat) Fisheries:</i>		

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
AK/WA/OR/CA commercial passenger fishing vessel .....	>7,000 (1,006 AK) .....	Humpback whale, Hawai'i. Humpback whale, Mexico-North Pacific. Humpback whale, Western North Pacific. Killer whale, unknown. Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
<i>Live Finfish/Shellfish Fisheries:</i>		
CA nearshore finfish trap .....	43 .....	None documented.
HI aquarium collecting .....	12 .....	None documented.

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

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
<b>Category I</b>		
<i>Gillnet Fisheries:</i>		
Mid-Atlantic gillnet .....	4,020 .....	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal. <sup>1</sup> Bottlenose dolphin, Northern NC estuarine system. <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system. <sup>1</sup> Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast.
Northeast sink gillnet .....	4,924 .....	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Fin whale, WNA. Gray seal, WNA. <sup>1</sup> Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA.
<i>Trap/Pot Fisheries:</i>		
Northeast/Mid-Atlantic American lobster and Jonah crab trap/pot .....	8,485 .....	Harbor porpoise, GME/BF. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA. <sup>1</sup>
<i>Longline Fisheries:</i>		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline* .....	201 .....	Atlantic spotted dolphin, Northern GMX.  Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. Kogia spp. (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Pantropical spotted dolphin, Northern GMX. Risso's dolphin, WNA. Rough-toothed dolphin, Northern GMX. Short-finned pilot whale, Northern GMX. Short-finned pilot whale, WNA. <sup>1</sup>
<b>Category II</b>		
<i>Gillnet Fisheries:</i>		
Chesapeake Bay inshore gillnet <sup>2</sup> .....	265 .....	Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal). Humpback whale, Gulf of Maine. <sup>1</sup>

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
Gulf of Mexico gillnet <sup>2</sup> .....	248 .....	Minke whale, Canadian East Coast. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, and estuarine. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, MS Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal.
NC inshore gillnet .....	1,157 .....	Bottlenose dolphin, Northern NC estuarine system. <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system. <sup>1</sup>
Northeast drift gillnet <sup>2</sup> .....	1,036 .....	None documented.
Southeast Atlantic gillnet <sup>2</sup> .....	273 .....	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Northern FL coastal.
Southeastern U.S. Atlantic shark gillnet .....	21 .....	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal). North Atlantic right whale, WNA.
<i>Trawl Fisheries:</i>		
Mid-Atlantic mid-water trawl (including pair trawl) .....	320 .....	Bottlenose dolphin, WNA offshore. Harbor seal, WNA.
Mid-Atlantic bottom trawl .....	633 .....	White-sided dolphin, WNA. Bottlenose dolphin, WNA offshore. <sup>1</sup> Common dolphin, WNA. <sup>1</sup> <i>Globicephala spp.</i> (long-finned or short-finned pilot whale), WNA. Gray seal, WNA. <sup>1</sup> Harbor seal, WNA. Risso's dolphin, WNA. <sup>1</sup> White-sided dolphin, WNA.
Northeast mid-water trawl (including pair trawl) .....	542 .....	Common dolphin, WNA. Gray seal, WNA. Harbor seal, WNA. Long-finned pilot whale, WNA.
Northeast bottom trawl .....	968 .....	White-sided dolphin, WNA. Bottlenose dolphin, WNA offshore. <sup>1</sup> Common dolphin, WNA. <sup>1</sup> Gray seal, WNA. <sup>1</sup> Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Long-finned pilot whale, WNA. <sup>1</sup> Risso's dolphin, WNA.
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl .....	10,824 .....	White-sided dolphin, WNA. <sup>1</sup> Atlantic spotted dolphin, Northern Gulf of Mexico. Bottlenose dolphin, Barataria Bay Estuarine System. Bottlenose dolphin, Eastern GMX coastal. <sup>1</sup> Bottlenose dolphin, GMX bay, sound, estuarine. <sup>1</sup> Bottlenose dolphin, GMX continental shelf. Bottlenose dolphin, Mississippi River Delta. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, Northern GA/Southern SC estuarine system. Bottlenose dolphin, Northern GMX coastal. <sup>1</sup> Bottlenose dolphin, Pensacola Bay, East Bay. Bottlenose dolphin, Perdido Bay. Bottlenose dolphin, SC/GA coastal. <sup>1</sup> Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Western GMX coastal. <sup>1</sup>
Virginia shrimp trawl .....	12 .....	None documented.
<i>Trap/Pot Fisheries:</i>		
MA mixed species trap/pot .....	1,240 .....	Humpback whale, Gulf of Maine. <sup>1</sup>
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot <sup>2</sup> .....	1,101 .....	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion). Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Sarasota Bay, Little Sarasota Bay.
Atlantic mixed species trap/pot <sup>2</sup> .....	3,493 .....	Fin whale, WNA.
Atlantic blue crab trap/pot .....	6,679 .....	Humpback whale, Gulf of Maine. Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Central GA estuarine system. <sup>1</sup> Bottlenose dolphin, Charleston estuarine system. <sup>1</sup> Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern FL coastal. <sup>1</sup> Bottlenose dolphin, Northern GA/Southern SC estuarine system. Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Northern NC estuarine system. <sup>1</sup> Bottlenose dolphin, Northern SC estuarine system.



TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
<i>Purse Seine Fisheries:</i> Gulf of Mexico menhaden purse seine .....	40–42 .....	Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern GA estuarine system. Bottlenose dolphin, Southern Migratory coastal. <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system. West Indian manatee, FL.
Mid-Atlantic menhaden purse seine <sup>2</sup> .....	17 .....	Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi River Delta. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal. <sup>1</sup> Bottlenose dolphin, Western GMX coastal. <sup>1</sup> Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal.
<i>Haul/Beach Seine Fisheries:</i> Mid-Atlantic haul/beach seine .....	359 .....	Bottlenose dolphin, Northern Migratory coastal. <sup>1</sup> Bottlenose dolphin, Northern NC estuarine system. <sup>1</sup> Bottlenose dolphin, Southern Migratory coastal. <sup>1</sup> Bottlenose dolphin, Northern NC estuarine system. <sup>1</sup> Bottlenose dolphin, Southern NC estuarine system.
NC long haul seine .....	10 .....	
<i>Stop Seine/Weir/Pound Net:</i> U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net).	unknown .....	Bottlenose dolphin, Northern NC estuarine system.
<i>Stop Net Fisheries:</i> NC roe mullet stop net .....	1 .....	Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system).
<i>Pound Net Fisheries:</i> VA pound net .....	20 .....	Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, Southern Migratory coastal. <sup>1</sup>
<i>Marine Aquaculture Fisheries:</i> Aquaculture rafts <sup>2</sup> .....	<15 .....	None documented. None documented. None documented.
Bottom culture (trays/cages) with buoys <sup>2</sup> .....	Unknown .....	
Longline aquaculture <sup>2</sup> .....	Unknown .....	

Category III

<i>Gillnet Fisheries:</i>		
Caribbean gillnet .....	127 .....	None documented in the most recent 5 years of data.
DE River inshore gillnet .....	unknown .....	None documented in the most recent 5 years of data.
Long Island Sound inshore gillnet .....	unknown .....	None documented in the most recent 5 years of data.
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet.	unknown .....	None documented in the most recent 5 years of data.
Southeast Atlantic inshore gillnet .....	unknown .....	Bottlenose dolphin, Northern SC estuarine system.
<i>Trawl Fisheries:</i>		
Atlantic shellfish bottom trawl .....	>58 .....	None documented.
Gulf of Mexico butterfish trawl .....	2 .....	Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, Northern GMX continental shelf.
Gulf of Mexico mixed species trawl .....	20 .....	None documented.
GA cannonball jellyfish trawl .....	1 .....	Bottlenose dolphin, SC/GA coastal.
<i>Marine Aquaculture Fisheries:</i>		
Net pen aquaculture .....	~25 .....	Harbor seal, WNA.
On-bottom/off-bottom culture (trays/cages) without buoys .....	Unknown .....	None documented.
Shellfish aquaculture .....	Unknown .....	None documented.
<i>Purse Seine Fisheries:</i>		
Gulf of Maine Atlantic herring purse seine .....	>7 .....	Harbor seal, WNA.
Gulf of Maine menhaden purse seine .....	>2 .....	None documented.
FL West Coast sardine purse seine .....	10 .....	None documented.
<i>Longline/Hook and Line Fisheries:</i>		
Northeast/Mid-Atlantic bottom longline/hook-and-line .....	>1,207 .....	None documented.
Gulf of Maine, U.S. Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon.	2,846 .....	Humpback whale, Gulf of Maine.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line.	>5,000 .....	Bottlenose dolphin, GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line.	39 .....	Bottlenose dolphin, Eastern GMX coastal.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon.	680 .....	Bottlenose dolphin, Northern GMX continental shelf. None documented.
U.S. Atlantic, Gulf of Mexico trotline .....	unknown .....	Bottlenose dolphin, Galveston Bay, East Bay, Trinity Bay.
<i>Trap/Pot Fisheries:</i>		
Caribbean mixed species trap/pot .....	154 .....	Bottlenose dolphin, Puerto Rico and United States Virgin Islands.
Caribbean spiny lobster trap/pot .....	40 .....	None documented.
FL spiny lobster trap/pot .....	1,268 .....	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal.
Gulf of Mexico blue crab trap/pot .....	4,113 .....	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, FL Keys.
		Bottlenose dolphin, Barataria Bay.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/persons	Marine mammal species and/or stocks incidentally killed or injured
		Bottlenose dolphin, Caloosahatchee River. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Waccasassa Bay, Withlacoochee Bay, Crystal Bay. Bottlenose dolphin, Western GMX coastal. West Indian manatee, FL.
Gulf of Mexico mixed species trap/pot .....	unknown .....	None documented.
MA green crab pot .....	78 .....	None documented.
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot .....	10 .....	None documented.
U.S. Mid-Atlantic eel trap/pot .....	unknown .....	None documented.
<i>Stop Seine/Weir/Pound Net/Floating Trap/Fyke Net Fisheries:</i>		
Gulf of Maine herring and Atlantic mackerel stop seine/weir .....	>1 .....	Harbor porpoise, GME/BF. Harbor seal, WNA. Minke whale, Canadian east coast. Atlantic white-sided dolphin, WNA.
U.S. Mid-Atlantic crab stop seine/weir .....	2,600 .....	None documented.
RI floating trap .....	9 .....	None documented.
Northeast and Mid-Atlantic fyke net .....	unknown .....	None documented.
<i>Dredge Fisheries:</i>		
Gulf of Maine sea urchin dredge .....	unknown .....	None documented.
Gulf of Maine mussel dredge .....	unknown .....	None documented.
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge .....	>403 .....	None documented.
Mid-Atlantic blue crab dredge .....	unknown .....	None documented.
Mid-Atlantic soft-shell clam dredge .....	unknown .....	None documented.
Mid-Atlantic whelk dredge .....	unknown .....	None documented.
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge .....	7,000 .....	None documented.
New England and Mid-Atlantic offshore surf clam/quahog dredge .....	unknown .....	None documented.
<i>Haul/Beach Seine Fisheries:</i>		
Caribbean haul/beach seine .....	38 .....	West Indian manatee, Puerto Rico.
Gulf of Mexico haul/beach seine .....	unknown .....	None documented.
Southeastern U.S. Atlantic haul/beach seine .....	25 .....	None documented.
<i>Dive, Hand/Mechanical Collection Fisheries:</i>		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection.	20,000 .....	None documented.
Gulf of Maine urchin dive, hand/mechanical collection .....	unknown .....	None documented.
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net.	unknown .....	None documented.
<i>Commercial Passenger Fishing Vessel (Charter Boat) Fisheries:</i>		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel.	4,000 .....	Bottlenose dolphin, Barataria Bay estuarine system.  Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Charleston estuarine system. Bottlenose dolphin, Choctawhatchee Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, Northern GA/Southern SC estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine. Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Southern NC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Western GMX coastal.

List of Abbreviations and Symbols Used in table 2:

DE—Delaware; FL—Florida; GA—Georgia; GME/BF—Gulf of Maine/Bay of Fundy; GMX—Gulf of Mexico; MA—Massachusetts; NC—North Carolina; NY—New York; RI—Rhode Island; SC—South Carolina; VA—Virginia; WNA—Western North Atlantic;

<sup>1</sup> Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR;

<sup>2</sup> Fishery classified by analogy; and

\* Fishery has an associated high seas component listed in table 3.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
<b>Category I</b>		
<i>Longline Fisheries:</i>		

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS—Continued

Fishery description	Number of HSFCAs permits	Marine mammal species and/or stocks incidentally killed or injured
Atlantic Highly Migratory Species * .....	35	Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Killer whale, GMX oceanic. Kogia spp. whale (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, WNA. Risso's dolphin, GMX. Risso's dolphin, WNA.
Western Pacific Pelagic (HI Deep-set component) * ^ .....	146	Short-finned pilot whale, WNA. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Kogia spp. (Pygmy or dwarf sperm whale), HI. Risso's dolphin, HI. Rough-toothed dolphin, HI. Short-finned pilot whale, HI.
<b>Category II</b>		
<i>Drift Gillnet Fisheries:</i> Pacific Highly Migratory Species * ^ .....	2	Long-beaked common dolphin, CA. Humpback whale, Central America/Southern Mexico-CA/OR/WA. Humpback whale, Mainland Mexico-CA/OR/WA. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
<i>Trawl Fisheries:</i> CCAMLR .....	0	Antarctic fur seal.
<i>Purse Seine Fisheries:</i> Western and Central Pacific Ocean Tuna Purse Seine .....	14	Bottlenose dolphin, unknown. Blue whale, unknown. Bryde's whale, unknown. False killer whale, unknown. Fin whale, unknown. Indo-Pacific dolphin. Long-beaked common dolphin, unknown. Melon-headed whale, unknown. Minke whale, unknown. Pantropical spotted dolphin, unknown. Risso's dolphin, unknown. Rough-toothed dolphin, unknown. Sei whale, unknown. Short-finned pilot whale, unknown. Sperm whale, unknown. Spinner dolphin, unknown.
Western Pacific Pelagic .....	0	No information.
<i>Longline Fisheries:</i>		
CCAMLR .....	0	None documented.
South Pacific Albacore Troll .....	5	No information.
Western Pacific Pelagic (HI Shallow-set component) * ^ .....	17	Beaked whale, unknown. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Guadalupe fur seal. Risso's dolphin, HI. Striped dolphin, HI.
<i>Handline/Pole and Line Fisheries:</i>		
Atlantic Highly Migratory Species .....	0	No information.
Pacific Highly Migratory Species .....	39	No information.
South Pacific Albacore Troll .....	2	No information.
Western Pacific Pelagic .....	1	No information.
<i>Troll Fisheries:</i>		
Atlantic Highly Migratory Species .....	0	No information.
South Pacific Albacore Troll .....	24	No information.
Western Pacific Pelagic .....	6	No information.
<b>Category III</b>		
<i>Longline Fisheries:</i>		
Northwest Atlantic Bottom Longline .....	0	None documented.
Pacific Highly Migratory Species .....	104	None documented in the most recent 5 years of data.
<i>Purse Seine Fisheries:</i>		
Pacific Highly Migratory Species * ^ .....	1	None documented.
<i>Trawl Fisheries:</i>		
Northwest Atlantic .....	0	None documented.
<i>Troll Fisheries:</i>		

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS—Continued

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Pacific Highly Migratory Species * .....	98	None documented.

List of Terms, Abbreviations, and Symbols Used in table 3:  
 CA—California; GMX—Gulf of Mexico; HI—Hawaii; OR—Oregon; WA—Washington; WNA—Western North Atlantic;  
 \* Fishery is an extension/component of an existing fishery operating within U.S. waters listed in table 1 or 2. The number of permits listed in table 3 represents only the number of permits for the high seas component of the fishery; and  
 ^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS

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

List of Symbols Used in table 4:  
 \* Only applicable to the portion of the fishery operating in U.S. waters; and  
 ^ Only applicable to the portion of the fishery operating in the Atlantic Ocean.

**Classification**

*Regulatory Flexibility Act*

The Chief Counsel for Regulation of the Department of Commerce certified

to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule would not have a significant economic impact on a substantial number of small entities. As

a result of this certification, an initial regulatory flexibility analysis is not required and none has been prepared. The certification is based on the following analysis.

Any entity with combined annual fishery landing receipts less than \$11 million is considered a small entity for purposes of the Regulatory Flexibility Act. Under the size standard, all entities subject to this action were considered small entities; thus, they all would continue to be considered small under the new standards.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an authorization certificate. The authorization certificate authorizes the taking of marine mammals incidental to commercial fishing operations under the MMPA. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 53,590 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. The MMPA registration process is integrated with existing State and Federal licensing, permitting, and registration programs. Therefore, individuals who have a State or Federal fishing permit or landing license or who are authorized through another related State or Federal fishery registration program are currently not required to register separately under the MMPA or pay the \$25 registration fee. Through this integrated process, registration under the MMPA, including the \$25 registration fee, is only required for vessels participating in a Category I or II non-permitted fishery. All Category I and II fisheries listed on the 2025 proposed LOF are permitted through State or Federal processes, and registration under the MMPA is covered through the integrated process. Therefore, this proposed rule would not impose any direct costs on small entities.

The MMPA requires any vessel owner or operator to report to NMFS, within 48 hours of the end of the fishing trip, all marine mammal incidental mortalities and injuries that occur during commercial fishing operations. These marine mammal mortalities and injuries are reported using a postage-paid, Office of Management and Budget (OMB) approved form (OMB Control Number 0648-0292). This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox, faxed, emailed, or completed online within 48 hours of the vessel's return to port. Therefore, recordkeeping and reporting costs associated with this LOF are minimal and would not have a

significant impact on a substantial number of small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

#### *Paperwork Reduction Act*

This proposed rule contains existing collection-of-information (COI) requirements subject to the Paperwork Reduction Act but would not impose additional or new COI requirements. The COI for the registration of individuals under the MMPA has been approved by the OMB under OMB Control Number 0648-0293 (0.15 hours per report for new registrants). The requirement for reporting marine mammal mortalities or injuries has been approved by OMB under OMB Control Number 0648-0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the COI. Send comments regarding these reporting burden estimates or any other aspect of the COI, including suggestions for reducing burden, to NMFS (see **ADDRESSES**). You may also submit comments on these or any other aspects of the collection of information at <https://www.reginfo.gov/public/do/PRAMain>.

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

#### *E.O. 12866*

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

#### *National Environmental Policy Act*

In accordance with the Companion Manual for NOAA Administrative Order (NAO) 216-6A, NMFS determined that the publishing this proposed LOF qualifies to be categorically excluded from further National Environmental Policy Act (NEPA) review, consistent with categories of activities identified in Categorical Exclusion G7 ("Preparation of policy directives, rules, regulations, and guidelines of an administrative, financial, legal, technical, or procedural

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

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

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

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

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