

§ 8(a) Reporting for Nanoscale Materials: Information Submission Form.

(2) *Electronic submission.* You must submit the required information to EPA electronically via CDX and using the CISS tool.

(i) To access the CDX portal, go to <https://cdx.epa.gov>.

(ii) The CISS tool is accessible in CDX.

(f) *When to report.* (1) Persons specified in paragraph (b)(1) of this section must report the information specified in paragraph (d) of this section within one year after the final effective date of the rule.

(2) Persons specified in paragraph (b)(2) of this section must report the information specified in paragraph (d) of this section at least 135 days before commencing manufacture or processing of a discrete form of the reportable chemical substance, except where the person has not formed an intent to manufacture or process that discrete form at least 135 days before commencing such manufacture or processing, in which case the information must be filed within 30 days of the formation of such an intent.

(g) *Recordkeeping.* Any person subject to the reporting requirements of this section is subject to the recordkeeping requirements in § 704.11(a) and (b).

(h) *Confidential business information.* (1) Persons submitting a notice under this rule are subject to the requirements for confidential business information claims in § 704.7(a) through (c).

(2) In submitting a claim of confidentiality, a person attests to the truth of the following four statements concerning all information which is claimed confidential:

(i) My company has taken measures to protect the confidentiality of the information,

(ii) I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law.

(iii) I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person.

(iv) I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

[FR Doc. 2017-00052 Filed 1-11-17; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 160219129-6999-02]

RIN 0648-BF78

List of Fisheries for 2017

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

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes its final List of Fisheries (LOF) for 2017, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2017 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: The effective date of this final rule is February 13, 2017.

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

FOR FURTHER INFORMATION CONTACT: Lisa White, Office of Protected Resources, 301-427-8494; Allison Rosner, Greater Atlantic Region, 978-281-9328; Jessica Powell, Southeast Region, 727-824-5312; Penny Ruvelas, West Coast Region (CA), 562-980-4197; Lynne Barre, West Coast Region (WA/OR), 206-526-4745; Suzie Teerlink, Alaska Region, 907-586-7240; Dawn Golden, Pacific Islands Region, 808-725-5000. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental

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

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

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

Fishery Classification Criteria

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

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

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

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

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

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

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

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

Other Criteria That May Be Considered

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

and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries" (50 CFR 229.2).

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

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

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes "serious" and "non-serious" documented injuries as described later in the List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and the Atlantic Ocean, Gulf of Mexico, and Caribbean sections. To determine which species or stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs reviewed for the 2017 LOF generally summarizes data from 2009–2013. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (*i.e.*, MMPA reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF, but in an effort to be consistent with the most recent SARs and across the LOF, NMFS typically restricts the analysis to data within the five-year time period summarized in the current SAR.

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

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

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

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each 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 generally do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: Level of observer coverage; target species; levels of fishing effort; spatial and temporal distribution of fishing effort; characteristics of fishing gear and operations; management and regulations; and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources Web site at: <http://www.nmfs.noaa.gov/pr/sars/>. Information on observer coverage levels in Category I, II, and III fisheries can be found in the fishery fact sheets on the NMFS Office of Protected Resources' Web site: <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>. Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's Web site: <http://www.st.nmfs.gov/observer-home/>.

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

This rule includes three tables that list all U.S. commercial fisheries by LOF 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 (TRTs).

Are high seas fisheries included on the LOF?

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (e.g., trawl, longline, purse seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2 and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 by a "*" after the fishery's name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

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

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

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: When the fishery was added to the LOF; the basis for the fishery's initial classification; classification changes to the fishery; changes to the list of species and/or stocks incidentally killed or injured in the fishery; fishery gear and methods used; observer coverage levels; fishery management and regulation; and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under "How Do I Find Out if a Specific Fishery is in Category I, II, or III?" on the NMFS Office of Protected Resources' Web site: <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>, linked to the "List of Fisheries by Year" table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

Am I required to register under the MMPA?

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

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

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

Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their state or Federal license or permit at the time of issuance or renewal. In the West Coast Region, authorization certificates may be obtained from the Web site http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/fisheries_interactions.html. In the Alaska Region, authorization certificates may be obtained from the Web site <https://alaskafisheries.noaa.gov/pr/mmapregistration>. In the Greater Atlantic Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Certificates may also be obtained by visiting the Greater Atlantic Regional Office Web site <http://www.greateratlantic.fisheries.noaa.gov/Protected/mmp/mmap/>. In the Southeast Region, NMFS will issue vessel or gear owners notification of registry and vessel or gear owners may receive their authorization certificate by contacting the Southeast Regional Office at 727-209-5952 or by visiting the Southeast Regional Office Web site http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/ and following the instructions for printing the certificate.

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal license or permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries. Individuals fishing in Category I and II fisheries for which no state or Federal license or permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

How do I renew my registration under the MMAP?

In Alaska regional and Greater Atlantic regional fisheries, registrations of vessel or gear owners are automatically renewed and participants should receive an authorization certificate by January 1 of each new year. In Pacific Islands regional

fisheries, vessel or gear owners receive an authorization certificate by January 1 for state fisheries and with their permit renewal for Federal fisheries. In West Coast regional fisheries, vessel or gear owners receive authorization either with each renewed state fishing license in Washington and Oregon, with their permit renewal for Federal fisheries, the timing of which varies based on target species, or via U.S. mail. Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by January 1 or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

In Southeast regional fisheries, vessel or gear owners' registrations are automatically renewed and participants will receive a letter in the mail by January 1 instructing them to contact the Southeast Regional Office to have an authorization certificate mailed to them or to visit the Southeast Regional Office Web site http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/ to print their own certificate.

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

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

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at: <http://www.nmfs.noaa.gov/pr/interactions/mmap/#form> or by contacting the appropriate regional office (see **FOR FURTHER INFORMATION CONTACT**). Forms may be submitted via any of the following means: (1) Online using the electronic form; (2) emailed as an attachment to nmfs.mireport@noaa.gov;

(3) faxed to the NMFS Office of Protected Resources at 301-713-0376; or (4) mailed to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed from the web address listed above). Reporting requirements and procedures can be 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 accommodate an observer from this requirement. However, U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)) will not be exempted from observer requirements, regardless of their size. Observer requirements can be found in 50 CFR 229.7.

Am I required to comply with Any marine mammal TRP regulations?

Table 4 in this rule provides a list of fisheries affected by TRPs and TRTs. TRP regulations can be found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: <http://www.nmfs.noaa.gov/pr/interactions/trt/teams.html>. 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: <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>, or from any NMFS Regional Office at the addresses listed below:

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

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

NMFS, West Coast Region, Seattle Office, 7600 Sand Point Way NE., Seattle, WA 98115, Attn: Lynne Barre, Protected Resources Division;

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

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: Dawn Golden.

Sources of Information Reviewed for the 2017 LOF

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

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

The LOF for 2017 was based on, among other things, stranding data; fisher self-reports; and SARs, primarily the 2015 SARs, which are based on data from 2009-2013 and the draft 2016 SARs, which cover 2010-2014. The SARs referenced in this LOF include: 2014 (80 FR 50599; August 20, 2015), 2015 (81 FR 38676; June 14, 2016), and draft 2016 (81 FR 70097; October 11, 2016). The SARs are available at: <http://www.nmfs.noaa.gov/pr/sars/>.

Comments and Responses

NMFS received four comment letters on the proposed LOF for 2017 (81 FR 54019; August 15, 2016). Comments were received from the Alaska Commercial Fisheries Entry Commission (CFEC), Alaska Trollers Association (ATA), Center for Biological Diversity (CBD), and West Coast Fisheries Consultants, LLC (WCFC). *Comments on Commercial Fisheries in the Pacific Ocean*

Comment 1: CBD recommends NMFS add Guadalupe fur seals to the list of species and/or stocks incidentally killed or injured in the Hawaii shallow-set longline fishery based on 2015 documented interactions.

Response: The 2017 LOF is based on information on marine mammals and fisheries from the 2015 SARs and draft 2016 SARs. The recently observed Guadalupe fur seal interaction from 2015 has not yet been included in the SARs and has not yet been evaluated as part of the tier analysis for this fishery. This species will be included in a future LOF, as appropriate.

Comment 2: CBD recommends that NMFS add Guadalupe fur seals to the list of species and/or stocks incidentally killed or injured in the CA drift gillnet and the gillnet fisheries that operate from Tillamook County, Oregon, to Jefferson County, Washington, such as the WA Willapa Bay drift gillnet, WA/OR lower Columbia River drift gillnet, and the WA Grays Harbor salmon drift gillnet based on seven documented interactions from 2010–2014.

Response: As described in the 2016 Sources of human-related injury and mortality for U.S. Pacific West Coast marine mammal stocks, 2010–2014, there have been 16 records of deaths and/or serious injuries to Guadalupe fur seals from stranding data from 2010–2014 (Carretta *et al.*, 2016a). These strandings included entanglement in marine debris and gillnet of unknown origin, and shootings. The available data, including observer information from the CA drift gillnet fishery and the draft 2016 SAR, have been reviewed and the source(s) of those entanglements could not be determined; thus we have not made any changes to the LOF based on this information.

Comment 3: CBD concurs with NMFS that the CA spiny lobster fishery should be classified as Category II and recommends NMFS list humpback whale, CA/OR/WA stock, as a species/stock driving classification.

Response: NMFS agrees that the Category II reclassification of the CA spiny lobster fishery is warranted. In the proposed 2010 LOF (74 FR 27739; June

11, 2009), NMFS proposed to add humpback whale, CA/OR/WA stock, to the species or stocks incidentally killed or injured in the CA spiny lobster fishery and to reclassify the fishery as Category II due to a 2007 report of a humpback whale entanglement that had been attributed to the fishery. However, during public comment on the proposed 2010 LOF, NMFS received information from the California Department of Fish and Game (the agency that reported the entanglement) that the report of the gear type and fishery was not considered reliable. Further, the entanglement was observed in July and the CA spiny lobster fishery occurs October through March. Based upon these public comments, NMFS did not add humpback to the species or stock incidentally killed or injured in the CA spiny lobster fishery and did not reclassify it in the final 2010 LOF (73 FR 73032; December 1, 2008). The original 2007 entanglement report, attributing the entanglement to the spiny lobster fishery, was used in the SAR for the 2013 humpback whale, CA/OR/WA stock and includes a mortality/serious injury of humpback whale in this fishery. The entanglement information in the SAR was not updated following public comment on the 2010 LOF. Based upon NMFS' review of this entanglement and input from the reporting agency during the 2010 LOF process, we are not using this humpback whale entanglement to recategorize the CA spiny lobster fishery. NMFS agrees that the new distinct population segment listings may change the way we identify the humpback whale stock along the U.S. West Coast. However, at this time we continue to use the CA/OR/WA stock of humpbacks, and associated PBR, as described in the MMPA for the LOF.

Comment 4: CBD recommends NMFS add harbor seals to the list of species and/or stocks incidentally killed or injured in the CA spiny lobster fishery based on a 2010 documented injury.

Response: NMFS disagrees with this recommendation. We reviewed all sources of human-related injury and mortality of harbor seals from 2010 through 2014 and there were no interactions with pot/trap gear. Although the record for this specific incident does indicate that a piece of lobster trap gear was attached to the line on the animal, lobster trap was not indicated as the cause of the interaction, the interaction type was a hook and line fishery. Entanglement in hook and line, not pot/trap, gear is consistent with other documented interactions with harbor seals.

Comment 5: WCFC recommends NMFS classify CA spiny lobster as Category III. WCFC believes the 2008 bottlenose dolphin injury, which is driving the classification of this fishery, did not warrant serious injury designation. WCFC notes that there have been no documented interactions with bottlenose dolphins in the most recent five-year period.

Response: The commenter's first point is outside the scope of the LOF. Serious injury determinations are made by NMFS consistent with the current Guidelines for Assessing Marine Mammal Stocks (GAMMS) and the 2012 policy on assessing serious injury. The commenter should make any comments on injury determinations during the annual comment period for the relevant stock's SAR change. On the commenter's second point, there are no observers in the CA spiny lobster fishery. The interaction with the common bottlenose dolphin was based upon a stranding report and disentanglement effort. In 2015, there was an entanglement of a humpback whale in spiny lobster gear. This incident was not used in making our recommendations for the 2017 LOF because it was outside the 5-year data period (2009–2013) we relied upon. When the 2015 entanglement is included in the SAR and accounted for on the LOF, the entanglement will keep the spiny lobster trap fishery in Category II.

Comment 6: CBD recommends NMFS reclassify the Gulf of Alaska sablefish longline fishery as a Category II fishery and add the western U.S. stock of Steller sea lions to the list of species incidentally killed or injured in the fishery. CBD stated their proposed reclassification should be based on the total annual mortality and serious injury of this stock due to fisheries (31), which is more than 10 percent of the PBR (297). Therefore, the fishery should be listed as Category II. In addition, CBD reiterates its 2016 comment (81 FR 40874; June 23, 2016) about incidental take of sperm whales in the sablefish longline fishery. Four sperm whales were observed seriously injured incidental to the Gulf of Alaska sablefish longline fishery (two each observed in 2012 and 2013). However, NMFS did not provide extrapolated estimates of sperm whale mortality and serious injury. Nonetheless, using the extrapolation applied in 2012 for the mortality of western U.S. stock of Steller sea lions in this fishery would result in an estimated 11 sperm whales seriously injured in 2012. Observer coverage in 2013 (13 percent) was slightly less than in 2012 (14 percent), which according to

CBD means that a conservative estimate of sperm whales seriously injured in 2013 would likely be approximately 11. CBD expressed concern that PBR is said to be unknown for this stock of sperm whales in the stock assessment report. CBD noted the response to their 2016 comment said that NMFS would “conduct a full evaluation of this stock and this fishery pursuant to the LOF” and predicted that it would be done “for the next annual LOF, likely the 2017 LOF.” CBD requests NMFS now consider the information.

Response: The single observed Steller sea lion mortality in 2012 referenced in this comment is extrapolated and averaged over five years to account for inter-annual variability in the 5-year window being considered for the 2017 LOF (2009–2013). Therefore, the 5-year average annual mortality and serious injury estimate for the western U.S. stock of Steller sea lions specific to the Gulf of Alaska sablefish longline is 1.1 (CV = 0.91). Please refer to the preamble supplementary information of this Rule for clarification on the complete process under which commercial fisheries are annually categorized for the LOF. In short, the LOF analysis is conducted in a two-tier process. The Tier 1 analysis assesses potential impacts to a particular marine mammal stock from all fisheries. NMFS compares the average annual mortality and serious injury estimates across fisheries to that stock’s PBR. If the average annual mortality and serious injury estimate is greater than 10 percent of the PBR, NMFS considers the contribution of individual fisheries in the Tier 2 analysis. The Tier 2 analysis then compares mortality and serious injury by individual fisheries to that marine mammal stock’s PBR and places the fishery in the appropriate LOF Category in accordance with established thresholds for Category I to III.

The Tier 1 analysis of the western U.S. stock of Steller sea lions indicates the annual mortality and serious injury estimate from all fisheries (31) is greater than 10 percent of the PBR (297). Therefore, fisheries that interact with this stock are subject to a Tier 2 analysis. The Tier 2 analysis for the Gulf of Alaska sablefish longline with an average annual mortality and serious injury of 1.1 western U.S. Steller sea lions (0.37 percent of PBR) results in the fishery being placed in Category III, as it is below the Category II threshold of 1 percent of PBR.

In regards to sperm whales, since the close of the proposed 2017 LOF comment period, NMFS published the

draft 2016 SARs (81 FR 70097; October 11, 2016). The sperm whale SAR now includes an average annual mortality and serious injury estimate (2.2). NMFS will consider this new estimate and evaluate the fishery for the 2018 LOF when the 2016 SAR should be final.

Comment 7: CFEC and ATA recommend NMFS leave the AK miscellaneous finfish handline/hand troll and mechanical jig fishery classified as Category III. The commenters note that there is no documentation to link the vessel to a commercial fishing trip and that the vessel was at anchor in safe harbor and not involved in the act of commercial fishing.

Response: NMFS reviewed the available reports and data surrounding this incident. The vessel’s crew identified themselves as Pacific cod jig fishermen, but it appears that this vessel did not land any Pacific cod fished by jig during the year that the incident took place (2013). Further, this vessel had only 7 reported landings in 2013, all in the Pacific cod pot fishery. However, these landings occurred outside the time frame of the incident. Specifically, the vessel landed Pacific cod (using pot gear) two weeks prior to the incident and not again until five months after the incident. Therefore, the interaction will not be assigned to the AK miscellaneous finfish handline/hand troll and mechanical jig fishery. This fishery will not be reclassified as Category II and will remain in Category III in the 2017 LOF Final Rule.

Comment 8: CFEC and ATA recommend NMFS consider re-characterizing the fisheries grouped together in the AK miscellaneous finfish handline/hand troll and mechanical jig fishery.

Response: NMFS agrees that AK miscellaneous finfish handline/hand troll and mechanical jig is currently grouped to include gear and fishing techniques too diverse to effectively evaluate potential risk to marine mammals. NMFS will review the characteristics of these fisheries and will propose a more appropriate characterization in the 2018 LOF.

Comments on Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Comment 9: CBD recommends NMFS add humpback whales to the list of species and/or stocks incidentally killed or injured in the Southeastern U.S. Atlantic shark gillnet fishery based on a 2012 injury.

Response: The 2012 gillnet entanglement of the humpback whale

occurred in the Mid-Atlantic Gillnet Fishery (Waring *et al.*, 2015). The humpback whale, Gulf of Maine stock is currently listed as a “marine mammal species and/or stock incidentally killed or injured” in the Mid-Atlantic gillnet fishery in the LOF.

Summary of Changes From the Proposed Rule

NMFS retains AK miscellaneous finfish handline/hand troll and mechanical jig fishery as Category III and does not reclassify the fishery to Category II as proposed.

Summary of Changes to the LOF for 2017

The following summarizes changes to the LOF for 2017, 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 re-classifies one fishery in the LOF for 2017. Additionally, NMFS adds one fishery to the LOF. NMFS is aware a new fishery, AK Gulf of Alaska sablefish pot, will be starting in 2017 and will characterize this fishery on the 2018 LOF. NMFS makes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. The classifications and definitions of U.S. commercial fisheries for 2017 are identical to those provided in the LOF for 2016 with the changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), BSAI (Bering Sea and Aleutian Islands), CA (California), DE (Delaware), FL (Florida), GMX (Gulf of Mexico), HI (Hawaii), MA (Massachusetts), ME (Maine), NC (North Carolina), NY (New York), OR (Oregon), RI (Rhode Island), SC (South Carolina), VA (Virginia), WA (Washington), and WNA (Western North Atlantic).

Commercial Fisheries in the Pacific Ocean

Classification of Fisheries

NMFS reclassifies the CA spiny lobster fishery from Category III to Category II. NMFS makes an administrative correction to list this fishery under Category II in Table 1. In the proposed rule, the fishery was mistakenly left as Category III.

Number of Vessels/Persons

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

| Category | Fishery | Number of vessels/persons (2016 LOF) | Number of vessels/persons (2017 LOF) |
|----------|------------------------------------|--------------------------------------|--------------------------------------|
| I | HI deep-set longline | 135 | 139 |
| II | HI shallow-set longline | 15 | 20 |
| II | American Samoa longline | 22 | 20 |
| III | American Samoa bottomfish handline | 17 | 24 |

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

NMFS adds the Hawaii stock of pygmy killer whale and removes the Hawaii pelagic stock of pantropical spotted dolphin on the list of stocks incidentally killed or injured in the Category I Hawaii deep-set longline fishery.

NMFS adds the Hawaii stock of rough-toothed dolphin and removes the

Hawaii stock of *Kogia spp.* on the list of stocks killed or injured in the Category II Hawaii shallow-set longline fishery.

NMFS adds the Northeast Pacific stock of fin whale to the list of stocks killed or injured in the AK miscellaneous finfish handline/hand troll and mechanical jig fishery.

NMFS adds the CA/OR/WA stock of short-finned pilot whale to the list of stocks incidentally killed or injured in the CA thresher shark/swordfish drift gillnet (≥14 in mesh) fishery.

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

Addition of Fisheries

NMFS adds the Northeast and Mid-Atlantic fyke net fishery to the list of Category III fisheries.

Number of Vessels/Persons

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

| Category | Fishery | Number of vessels/persons (2016 LOF) | Number of vessels/persons (2017 LOF) |
|----------|--|--------------------------------------|--------------------------------------|
| I | Mid-Atlantic Gillnet | 4063 | 3950 |
| II | Chesapeake Bay Inshore Gillnet | 272 | 248 |
| II | Gulf of Mexico Gillnet | 724 | 248 |
| II | NC Inshore Gillnet | 1323 | 2850 |
| II | Northeast Anchored Gillnet | 995 | 852 |
| II | Northeast Drift Gillnet | 1567 | 1036 |
| II | Southeast Atlantic Gillnet | 357 | 273 |
| II | Mid-Atlantic Mid-water Trawl | 507 | 382 |
| II | Mid-Atlantic Bottom Trawl | 994 | 785 |
| II | Northeast Bottom Trawl | 3132 | 2238 |
| II | Southeastern U.S. Atlantic, Gulf of Mexico Stone Crab Trap/Pot | 1282 | 1384 |
| II | Atlantic Mixed Species Trap/Pot | 3284 | 3436 |
| II | Atlantic Blue Crab Trap/Pot | 8557 | 7714 |
| II | Mid-Atlantic Haul Beach Seine | 243 | 359 |
| II | NC Long Haul Seine | 372 | 30 |
| II | NC Roe Mullet Stop Net | 13 | 1 |
| II | VA Pound Net | 47 | 26 |

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

NMFS removes the Western North Atlantic stock of harbor seal from the list of species incidentally killed or injured in the Category I Northeast/Mid-Atlantic American lobster trap/pot fishery.

NMFS removes Risso's dolphin, Western North Atlantic stock, and adds the Western North Atlantic stocks of harbor seal and gray seal to the list of species incidentally killed or injured in the Category II Mid-Atlantic Mid-water trawl fishery.

NMFS adds the Canadian East coast stock of minke whale to the list of species incidentally killed or injured in the Category II Northeast midwater trawl fishery.

NMFS removes the Canadian East coast stock of minke whale from the list of species incidentally killed or injured in the Category II Northeast bottom trawl fishery.

NMFS removes the Western North Atlantic stock of short-finned pilot whale from the list of species incidentally killed or injured in the Category II Northeast sink gillnet fishery.

NMFS removes the following stocks from the list of species incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery: Western North Atlantic stock of Atlantic spotted dolphin, Gulf of Mexico stock of Gervais beaked whale, Gulf of Mexico oceanic stock of killer whale, Western North Atlantic stock of Pantropical spotted dolphin, and Gulf of Mexico oceanic stock of sperm whale.

NMFS adds unknown stock (likely Northern migratory coastal or Southern migratory coastal) of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category II Chesapeake Bay inshore gillnet fishery.

NMFS adds the Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category II Gulf of Mexico menhaden purse seine fishery.

NMFS adds the Florida Keys stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Florida spiny lobster trap/pot fishery.

NMFS adds the Baratavia Bay stock and the Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Gulf of Mexico blue crab trap/pot fishery.

Commercial Fisheries on the High Seas

Number of Vessels/Persons

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

| Category | Fishery | Number of vessels/persons (2016 LOF) | Number of vessels/persons (2017 LOF) |
|----------|---|--------------------------------------|--------------------------------------|
| I | Western Pacific pelagic longline (HI deep-set component) | 135 | 139 |
| II | Atlantic highly migratory species drift gillnet | 1 | 0 |
| II | South Pacific tuna purse seine | 39 | 38 |
| II | South Pacific albacore troll longline | 15 | 10 |
| II | South Pacific tuna longline | 8 | 2 |
| II | Western Pacific pelagic longline (HI shallow-set component) | 15 | 20 |
| II | Pacific highly migratory species handline/pole and line | 50 | 46 |
| II | South Pacific albacore troll handline/pole and line | 9 | 7 |
| II | Western Pacific pelagic handline/pole and line | 5 | 2 |
| II | South Pacific albacore troll troll | 38 | 30 |
| II | South Pacific tuna troll | 5 | 4 |
| II | Western Pacific pelagic troll | 21 | 17 |
| III | Pacific highly migratory species longline | 126 | 114 |
| III | Pacific highly migratory species purse seine | 8 | 6 |
| III | Pacific highly migratory species troll | 243 | 187 |

List of Species and/or Stocks

Incidentally Killed or Injured on the High Seas

NMFS adds the Hawaii stock of pygmy killer whale and removes the Hawaii pelagic stock of pantropical spotted dolphin on the list of stocks incidentally killed or injured in the Category I Western Pacific pelagic longline (HI deep-set component) fishery.

NMFS adds the Hawaii stock of rough-toothed dolphin and removes the Hawaii stock of *Kogia spp.* on the list of stocks killed or injured in the Category II Western Pacific pelagic longline (HI shallow-set component) fishery.

NMFS adds the CA breeding stock of northern elephant seal to the list of stocks killed or injured in the Category II Western Pacific pelagic longline (HI shallow-set component) fishery.

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 fisher used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery’s potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the

relevant regional office (contact information included above in **SUPPLEMENTARY INFORMATION**).

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

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (*i.e.*, MMPA reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2012. This list includes all species and/or stocks known to be killed or injured in a given fishery but also includes species and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or

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

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a

mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, as discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995), and according to factors listed in the definition of a "Category II fishery" in 50 CFR 229.2 (*i.e.*, fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species

and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by a "2" after the fishery's name.

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

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

| Fishery description | Estimated number of vessels/ persons | Marine mammal species and/or stocks incidentally killed or injured |
|---|--------------------------------------|--|
| CATEGORY I | | |
| <i>LONGLINE/SET LINE FISHERIES:</i> | | |
| HI deep-set longline * ^ | 139 | Bottlenose dolphin, HI Pelagic. False killer whale, MHI Insular. ¹ False killer whale, HI Pelagic. ¹ False killer whale, NWHI. Pygmy killer whale, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI. |
| <i>GILLNET FISHERIES:</i> | | |
| CA thresher shark/swordfish drift gillnet (≥14 in mesh) * | 18 | Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Humpback whale, CA/OR/WA. Long-beaked common dolphin, CA. Minke whale, CA/OR/WA. Northern elephant seal, CA breeding. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, CA/OR/WA. Sperm Whale, CA/OR/WA. ¹ |
| CATEGORY II | | |
| <i>GILLNET FISHERIES:</i> | | |
| CA halibut/white seabass and other species set gillnet (≤3.5 in mesh). | 50 | California sea lion, U.S. Harbor seal, CA. Humpback whale, CA/OR/WA. ¹ Long-beaked common dolphin, CA. Northern elephant seal, CA breeding. Sea otter, CA. Short-beaked common dolphin, CA/OR/WA. |
| CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) ² . | 30 | California sea lion, U.S. Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA. |
| AK Bristol Bay salmon drift gillnet ² | 1,862 | Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Spotted seal, AK. Steller sea lion, Western U.S. |

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 ² | 979 | Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Spotted seal, AK. |
| AK Kodiak salmon set gillnet | 188 | Harbor porpoise, GOA. ¹ Harbor seal, GOA. Sea otter, Southwest AK. Steller sea lion, Western U.S. |
| AK Cook Inlet salmon set gillnet | 736 | Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Humpback whale, Central North Pacific. ¹ Sea otter, South central AK. Steller sea lion, Western U.S. |
| AK Cook Inlet salmon drift gillnet | 569 | Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. ¹ Harbor seal, GOA. Steller sea lion, Western U.S. |
| AK Peninsula/Aleutian Islands salmon drift gillnet ² | 162 | Dall's porpoise, AK Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific. |
| AK Peninsula/Aleutian Islands salmon set gillnet ² | 113 | Harbor porpoise, Bering Sea. Northern sea otter, Southwest AK. Steller sea lion, Western U.S. |
| AK Prince William Sound salmon drift gillnet | 537 | Dall's porpoise, AK. Harbor porpoise, GOA. ¹ Harbor seal, GOA. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific Sea otter, South central AK. Steller sea lion, Western U.S. ¹ |
| AK Southeast salmon drift gillnet | 474 | Dall's porpoise, AK. Harbor porpoise, Southeast AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific. ¹ Pacific white-sided dolphin, North Pacific. Steller sea lion, Eastern U.S. |
| AK yakutat salmon set gillnet ² | 168 | Gray whale, Eastern North Pacific. Harbor Porpoise, Southeastern AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific (Southeast AK). |
| WA Puget Sound Region salmon drift gillnet (includes all inland waters south of U.S.-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded). | 210 | Dall's porpoise, CA/OR/WA. Harbor porpoise, inland WA. ¹ Harbor seal, WA inland. |
| <i>TRAWL FISHERIES:</i> | | |
| AK Bering Sea, Aleutian Islands flatfish trawl | 32 | Bearded seal, AK. Gray whale, Eastern North Pacific. Harbor porpoise, Bering Sea. Harbor seal, Bering Sea. Humpback whale, Western North Pacific. ¹ Killer whale, AK resident. ¹ Killer whale, GOA, AI, BS transient. ¹ Northern fur seal, Eastern Pacific. Ringed seal, AK. Ribbon seal, AK. Spotted seal, AK. Steller sea lion, Western U.S. ¹ Walrus, AK. |

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 Bering Sea, Aleutian Islands pollock trawl | 102 | Bearded Seal, AK. Dall's porpoise, AK. Harbor seal, AK. Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Northern fur seal, Eastern Pacific. Ribbon seal, AK. Ringed seal, AK. Spotted seal, AK. Steller sea lion, Western U.S. ¹ |
| AK Bering Sea, Aleutian Islands rockfish trawl | 17 | Killer whale, ENP AK resident. ¹ Killer whale, GOA, AI, BS transient. ¹ |
| <i>POT, RING NET, AND TRAP FISHERIES:</i> | | |
| CA spiny lobster | 194 | Bottlenose dolphin, CA/OR/WA offshore. Humpback whale, CA/OR/WA. Gray whale, Eastern North Pacific. |
| CA spot prawn pot | 25 | Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA. ¹ |
| CA Dungeness crab pot | 570 | Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA. ¹ |
| OR Dungeness crab pot | 433 | Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA. ¹ |
| WA/OR/CA sablefish pot | 309 | Humpback whale, CA/OR/WA. ¹ |
| WA coastal Dungeness crab pot | 228 | Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA. ¹ |
| <i>LOGLINE/SET LINE FISHERIES:</i> | | |
| AK Bering Sea, Aleutian Islands Pacific cod longline | 45 | Dall's Porpoise, AK. Killer whale, GOA, BSAI transient. ¹ Northern fur seal, Eastern Pacific. Ringed seal, AK. |
| HI shallow-set longline * ^ | 20 | Blainville's beaked whale, HI. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. ¹ Humpback whale, Central North Pacific. Risso's dolphin, HI. Rough-toothed dolphin, HI. Short-finned pilot whale, HI. Striped dolphin, HI. |
| American Samoa longline ² | 22 | Bottlenose dolphin, unknown. Cuvier's beaked whale, unknown. False killer whale, American Samoa. Rough-toothed dolphin, American Samoa. Short-finned pilot whale, unknown. |
| HI shortline ² | 9 | None documented. |

CATEGORY III

| | | |
|---|-------|---|
| <i>GILLNET FISHERIES:</i> | | |
| AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet. | 1,778 | Harbor porpoise, Bering Sea. |
| AK miscellaneous finfish set gillnet | 54 | Steller sea lion, Western U.S. |
| AK Prince William Sound salmon set gillnet | 29 | Harbor seal, GOA. Sea otter, South central AK. Steller sea lion, Western U.S. |
| AK roe herring and food/bait herring gillnet | 920 | None documented. |
| CA set gillnet (mesh size <3.5 in) | 296 | None documented. |
| HI inshore gillnet | 36 | Bottlenose dolphin, HI. Spinner dolphin, HI. |
| WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing). | 24 | Harbor seal, OR/WA coast. |
| WA/OR Mainstem Columbia River eulchon gillnet | 15 | None documented. |
| WA/OR lower Columbia River (includes tributaries) drift gillnet. | 110 | California sea lion, U.S. Harbor seal, OR/WA coast. |
| WA Willapa Bay drift gillnet | 82 | Harbor seal, OR/WA coast. Northern elephant seal, CA breeding. |
| <i>MISCELLANEOUS NET FISHERIES:</i> | | |
| AK Cook Inlet salmon purse seine | 83 | Humpback whale, Central North Pacific. |
| AK Kodiak salmon purse seine | 376 | Humpback whale, Central North Pacific. |
| AK Southeast salmon purse seine | 315 | None documented in the most recent five years of data. |
| AK Metlakatla salmon purse seine | 10 | 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 miscellaneous finfish beach seine | 2 | None documented. |
| AK miscellaneous finfish purse seine | 2 | None documented. |
| AK octopus/squid purse seine | 0 | None documented. |
| AK roe herring and food/bait herring beach seine | 10 | None documented. |
| AK roe herring and food/bait herring purse seine | 356 | None documented. |
| AK salmon beach seine | 31 | None documented. |
| AK salmon purse seine (excluding salmon purse seine fisheries listed elsewhere). | 936 | Harbor seal, GOA. Harbor seal, Prince William Sound. |
| WA/OR sardine purse seine | 42 | None documented. |
| CA anchovy, mackerel, sardine purse seine | 65 | California sea lion, U.S. Harbor seal, CA. |
| CA squid purse seine | 80 | Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA. |
| CA tuna purse seine * | 10 | None documented. |
| WA/OR Lower Columbia River salmon seine | 10 | None documented. |
| WA/OR herring, smelt, squid purse seine or lampara | 130 | None documented. |
| WA salmon purse seine | 75 | None documented. |
| WA salmon reef net | 11 | None documented. |
| HI lift net | 17 | None documented. |
| HI inshore purse seine | <3 | None documented. |
| HI throw net, cast net | 23 | None documented. |
| HI seine net | 24 | None documented. |
| <i>DIP NET FISHERIES:</i> | | |
| CA squid dip net | 115 | None documented. |
| <i>MARINE AQUACULTURE FISHERIES:</i> | | |
| CA marine shellfish aquaculture | unknown | None documented. |
| CA salmon enhancement rearing pen | >1 | None documented. |
| CA white seabass enhancement net pens | 13 | California sea lion, U.S. |
| HI offshore pen culture | 2 | None documented. |
| WA salmon net pens | 14 | California sea lion, U.S. Harbor seal, WA inland waters. |
| WA/OR shellfish aquaculture | 23 | None documented. |
| <i>TROLL FISHERIES:</i> | | |
| WA/OR/CA albacore surface hook and line/troll | 705 | None documented. |
| CA halibut hook and line/handline | unknown | None documented. |
| CA white seabass hook and line/handline | unknown | None documented. |
| AK salmon troll | 1,908 | Steller sea lion, Eastern U.S. Steller sea lion, Western U.S. |
| American Samoa tuna troll | 13 | None documented. |
| CA/OR/WA salmon troll | 4,300 | None documented. |
| HI troll | 2,117 | Pantropical spotted dolphin, HI. |
| HI rod and reel | 322 | None documented. |
| Commonwealth of the Northern Mariana Islands tuna troll. | 40 | None documented. |
| Guam tuna troll | 432 | None documented. |
| <i>LONGLINE/SET LINE FISHERIES:</i> | | |
| AK Bering Sea, Aleutian Islands rockfish longline | 3 | None documented. |
| AK Bering Sea, Aleutian Islands Greenland turbot longline. | 4 | Killer whale, AK resident. |
| AK Bering Sea, Aleutian Islands sablefish longline | 22 | None documented. |
| AK Gulf of Alaska halibut longline | 855 | None documented. |
| AK Gulf of Alaska Pacific cod longline | 92 | Steller sea lion, Western U.S. |
| AK Gulf of Alaska rockfish longline | 25 | None documented. |
| AK Gulf of Alaska sablefish longline | 295 | Sperm whale, North Pacific. |
| AK halibut longline/set line (state and Federal waters) .. | 2,197 | None documented in the most recent five years of data. |
| AK octopus/squid longline | 3 | None documented. |
| AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish). | 464 | None documented. |
| WA/OR/CA groundfish, bottomfish longline/set line | 367 | Bottlenose dolphin, CA/OR/WA offshore. |
| WA/OR Pacific halibut longline | 350 | None documented. |
| CA pelagic longline | 1 | None documented in the most recent five years of data. |
| HI kaka line | 15 | None documented. |
| HI vertical line | 3 | None documented. |
| <i>TRAWL FISHERIES:</i> | | |
| AK Bering Sea, Aleutian Islands Atka mackerel trawl | 13 | Ribbon seal, AK. Steller sea lion, Western U.S. |
| AK Bering Sea, Aleutian Islands Pacific cod trawl | 72 | Ringed seal, AK. Steller sea lion, Western U.S. |
| AK Gulf of Alaska flatfish trawl | 36 | Northern elephant seal, North Pacific. |
| AK Gulf of Alaska Pacific cod trawl | 55 | Steller sea lion, Western U.S. |

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 Gulf of Alaska pollock trawl | 67 | Dall's porpoise, AK. Fin whale, Northeast Pacific. Northern elephant seal, North Pacific. Steller sea lion, Western U.S. |
| AK Gulf of Alaska rockfish trawl | 43 | None documented. |
| AK food/bait herring trawl | 4 | None documented. |
| AK miscellaneous finfish otter/beam trawl | 282 | None documented. |
| AK shrimp otter trawl and beam trawl (statewide and Cook Inlet). | 38 | None documented. |
| AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl. | 2 | None documented. |
| CA halibut bottom trawl | 47 | California sea lion, U.S. Harbor porpoise, unknown. Harbor seal, unknown. Northern elephant seal, CA breeding. Steller sea lion, unknown. |
| CA sea cucumber trawl | 16 | None documented. |
| WA/OR/CA shrimp trawl | 300 | None documented. |
| WA/OR/CA groundfish trawl | 160–180 | California sea lion, U.S. Dall's porpoise, CA/OR/WA. Harbor seal, OR/WA coast. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, CA/OR/WA. Steller sea lion, Eastern U.S. |
| <i>POT, RING NET, AND TRAP FISHERIES:</i> | | |
| AK statewide miscellaneous finfish pot | 4 | None documented. |
| AK Aleutian Islands sablefish pot | 4 | None documented. |
| AK Bering Sea, Aleutian Islands Pacific cod pot | 59 | None documented. |
| AK Bering Sea, Aleutian Islands crab pot | 540 | Gray whale, Eastern North Pacific. |
| AK Bering Sea sablefish pot | 2 | None documented. |
| AK Gulf of Alaska crab pot | 381 | None documented. |
| AK Gulf of Alaska Pacific cod pot | 128 | Harbor seal, GOA. |
| AK Southeast Alaska crab pot | 41 | Humpback whale, Central North Pacific (Southeast AK). |
| AK Southeast Alaska shrimp pot | 269 | Humpback whale, Central North Pacific (Southeast AK). |
| AK shrimp pot, except Southeast | 236 | None documented. |
| AK octopus/squid pot | 26 | None documented. |
| AK snail pot | 1 | None documented. |
| CA/OR coonstripe shrimp pot | 36 | Gray whale, Eastern North Pacific. Harbor seal, CA. |
| CA rock crab pot | 124 | Gray whale, Eastern North Pacific. Harbor seal, CA. |
| WA/OR/CA hagfish pot | 54 | None documented. |
| WA/OR shrimp pot/trap | 254 | None documented. |
| WA Puget Sound Dungeness crab pot/trap | 249 | None documented. |
| HI crab trap | 5 | Humpback whale, Central North Pacific. |
| HI fish trap | 9 | None documented. |
| HI lobster trap | <3 | None documented in recent years. |
| HI shrimp trap | 10 | None documented. |
| HI crab net | 4 | None documented. |
| HI Kona crab loop net | 33 | None documented. |
| <i>HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:</i> | | |
| AK miscellaneous finfish handline/hand troll and mechanical jig. | 456 | Fin whale, Northeast Pacific. |
| AK North Pacific halibut handline/hand troll and mechanical jig. | 180 | None documented. |
| AK octopus/squid handline | 7 | None documented. |
| American Samoa bottomfish | 24 | None documented. |
| Commonwealth of the Northern Mariana Islands bottomfish. | 28 | None documented. |
| Guam bottomfish | >300 | None documented. |
| HI aku boat, pole, and line | <3 | None documented. |
| HI bottomfish handline | 578 | None documented in recent years. |
| HI inshore handline | 357 | None documented. |
| HI pelagic handline | 534 | None documented. |
| WA groundfish, bottomfish jig | 679 | None documented. |
| Western Pacific squid jig | 0 | None documented. |
| <i>HARPOON FISHERIES:</i> | | |
| CA swordfish harpoon | 6 | None documented. |
| <i>POUND NET/WEIR 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 herring spawn on kelp pound net | 409 | None documented. |
| AK Southeast herring roe/food/bait pound net | 2 | 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> | | |
| Alaska scallop dredge | 108 (5 AK) | None documented. |
| <i>DIVE, HAND/MECHANICAL COLLECTION FISHERIES:</i> | | |
| AK abalone | 0 | None documented. |
| AK clam | 130 | None documented. |
| AK Dungeness crab | 2 | None documented. |
| AK herring spawn on kelp | 339 | None documented. |
| AK urchin and other fish/shellfish | 398 | None documented. |
| HI black coral diving | <3 | None documented. |
| HI fish pond | 5 | None documented. |
| HI handpick | 46 | None documented. |
| HI lobster diving | 19 | None documented. |
| HI spearfishing | 163 | None documented. |
| WA/CA kelp | 4 | None documented. |
| WA/OR bait shrimp, clam hand, dive, or mechanical collection. | 201 | None documented. |
| OR/CA sea urchin, sea cucumber hand, dive, or mechanical collection. | 10 | None documented. |
| <i>COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:</i> | | |
| AK/WA/OR/CA commercial passenger fishing vessel | >7,000 (2,702 AK) | Killer whale, unknown. Steller sea lion, Eastern U.S. Steller sea lion, Western U.S. |
| <i>LIVE FINFISH/SHELLFISH FISHERIES:</i> | | |
| CA nearshore finfish live trap/hook-and-line | 93 | None documented. |
| HI aquarium collecting | 90 | None documented. |

List of Abbreviations and Symbols Used in Table 1: AI—Aleutian Islands; AK—Alaska; BS—Bering Sea; CA—California; ENP—Eastern North Pacific.; GOA—Gulf of Alaska; HI—Hawaii; MHI—Main Hawaiian Islands; OR—Oregon; WA—Washington; ¹ 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; ² Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3; ^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks that have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

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

| Fishery description | Estimated number of vessels/persons | Marine mammal species and/or stocks incidentally killed or injured |
|----------------------------|-------------------------------------|---|
| CATEGORY I | | |
| <i>GILLNET FISHERIES:</i> | | |
| Mid-Atlantic gillnet | 3,950 | Bottlenose dolphin, Northern Migratory coastal. ¹ Bottlenose dolphin, Southern Migratory coastal. ¹ Bottlenose dolphin, Northern NC estuarine system. ¹ Bottlenose dolphin, Southern NC estuarine system. ¹ 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. |

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 |
|--|-------------------------------------|---|
| Northeast sink gillnet | 4,332 | Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Fin whale, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. ¹ Harbor seal, WNA. Harp seal, WNA. Hooded seal, WNA. Humpback whale, Gulf of Maine. Long-finned pilot whale, WNA. Minke whale, Canadian east coast. North Atlantic right whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA. |
| <i>TRAP/POT FISHERIES:</i> Northeast/Mid-Atlantic American lobster trap/pot | 10,163 | Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA. ¹ |
| <i>LOONGLINE FISHERIES:</i> Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline*. | 234 | Atlantic spotted dolphin, GMX continental and oceanic. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Harbor porpoise, GME, BF. Kogia spp. (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. ¹ Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, Northern GMX. Pygmy sperm whale, GMX. Risso's dolphin, Northern GMX. Risso's dolphin, WNA. Short-finned pilot whale, Northern GMX. Short-finned pilot whale, WNA. ¹ |
| CATEGORY II | | |
| <i>GILLNET FISHERIES:</i> Chesapeake Bay inshore gillnet ² | 248 | Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal). |
| Gulf of Mexico gillnet ² | 248 | Bottlenose dolphin, GMX bay, sound, and estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal. |
| NC inshore gillnet | 2,850 | Bottlenose dolphin, Northern NC estuarine system. ¹ Bottlenose dolphin, Southern NC estuarine system. ¹ |
| Northeast anchored float gillnet ² | 852 | Harbor seal, WNA. Humpback whale, Gulf of Maine. White-sided dolphin, WNA. |
| Northeast drift gillnet ² | 1,036 | None documented. |
| Southeast Atlantic gillnet ² | 273 | Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern migratory coastal. |
| Southeastern U.S. Atlantic shark gillnet | 30 | 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) | 382 | Gray seal, WNA. Harbor seal, WNA. White-sided dolphin, WNA. ¹ |
| Mid-Atlantic bottom trawl | 785 | Bottlenose dolphin, WNA offshore. Common dolphin, WNA. ¹ Gray seal, WNA. Harbor seal, WNA. Risso's dolphin, WNA. ¹ |

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 |
|---|-------------------------------------|--|
| Northeast mid-water trawl (including pair trawl) | 1,087 | Common dolphin, WNA. Gray seal, WNA. Harbor seal, WNA. |
| Northeast bottom trawl | 2,238 | Long-finned pilot whale, WNA. ¹ Minke whale, Canadian East Coast. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Long-finned pilot whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA. ¹ |
| Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl | 4,950 | Atlantic spotted dolphin, GMX continental and oceanic. Bottlenose dolphin, Charleston estuarine system. Bottlenose dolphin, Eastern GMX coastal. ¹ Bottlenose dolphin, GMX bay, sound, estuarine. ¹ Bottlenose dolphin, GMX continental shelf. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, SC/GA coastal. ¹ Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Western GMX coastal. ¹ West Indian manatee, Florida. |
| <i>TRAP/POT FISHERIES:</i> | | |
| Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot ² . | 1,384 | Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion). Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern GMX coastal. |
| Atlantic mixed species trap/pot ² | 3,436 | Fin whale, WNA. Humpback whale, Gulf of Maine. |
| Atlantic blue crab trap/pot | 7,714 | Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Central GA estuarine system. Bottlenose dolphin, Charleston estuarine system. ¹ Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern FL coastal. ¹ Bottlenose dolphin, Northern GA/Southern SC estuarine system. Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Northern NC estuarine system. ¹ Bottlenose dolphin, Northern SC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern GA estuarine system. Bottlenose dolphin, Southern Migratory coastal. Bottlenose dolphin, Southern NC estuarine system. West Indian manatee, FL. |
| <i>PURSE SEINE FISHERIES:</i> | | |
| Gulf of Mexico menhaden purse seine | 40–42 | Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal. ¹ Bottlenose dolphin, Western GMX coastal. ¹ |
| Mid-Atlantic menhaden purse seine ² | 19 | 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. ¹ Bottlenose dolphin, Northern NC estuarine system. ¹ Bottlenose dolphin, Southern Migratory coastal. ¹ |
| NC long haul seine | 30 | Bottlenose dolphin, Northern NC estuarine system. ¹ Bottlenose dolphin, Southern NC estuarine system. |
| <i>STOP NET FISHERIES:</i> | | |

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 |
|--|-------------------------------------|--|
| 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 | 26 | Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, Southern Migratory coastal. ¹ |
| CATEGORY III | | |
| <i>GILLNET FISHERIES:</i> | | |
| Caribbean gillnet | >991 | None documented in the most recent five years of data. |
| DE River inshore gillnet | unknown | None documented in the most recent five years of data. |
| Long Island Sound inshore gillnet | unknown | None documented in the most recent five years of data. |
| RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet. | unknown | None documented in the most recent five years of data. |
| Southeast Atlantic inshore gillnet | unknown | Bottlenose dolphin, Northern SC estuarine system. |
| <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> | | |
| Finfish aquaculture | 48 | Harbor seal, WNA. |
| Shellfish aquaculture | unknown | None documented. |
| <i>PURSE SEINE FISHERIES:</i> | | |
| Gulf of Maine Atlantic herring purse seine | >7 | Harbor seal, WNA. Gray seal, WNA. |
| Gulf of Maine menhaden purse seine | >2 | None documented. |
| FL West Coast sardine purse seine | 10 | Bottlenose dolphin, Eastern GMX coastal. |
| U.S. Atlantic tuna purse seine* | 5 | Long-finned pilot whale, WNA. Short-finned pilot whale, WNA. |
| <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. | 428 | Bottlenose dolphin, WNA offshore. 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. | <125 | Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, Northern GMX continental shelf. |
| Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon. | 1,446 | None documented. |
| U.S. Atlantic, Gulf of Mexico trotline | unknown | None documented. |
| <i>TRAP/POT FISHERIES:</i> | | |
| Caribbean mixed species trap/pot | >501 | None documented. |
| Caribbean spiny lobster trap/pot | >197 | None documented. |
| FL spiny lobster trap/pot | 1,268 | Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay estuarine. Bottlenose dolphin, FL Keys. |
| Gulf of Mexico blue crab trap/pot | 4,113 | Bottlenose dolphin, Baratavia Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal. West Indian manatee, FL. |
| Gulf of Mexico mixed species trap/pot | unknown | None documented. |
| Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot. | 10 | None documented. |
| U.S. Mid-Atlantic eel trap/pot | unknown | None documented. |
| <i>STOP SEINE/WEIR/POUND NET/FLOATING TRAP/FYKE NET FISHERIES:</i> | | |

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 Maine herring and Atlantic mackerel stop seine/weir. | >1 | Harbor porpoise, GME/BF. Harbor seal, WNA. Minke whale, Canadian east coast. Atlantic white-sided dolphin, WNA. |
| U.S. Mid-Atlantic crab stop seine/weir | 2,600 | None documented. |
| U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net). | unknown | Bottlenose dolphin, Northern NC estuarine system. |
| RI floating trap | 9 | None documented. |
| Northeast and Mid-Atlantic fyke net | unknown | None documented. |
| DREDGE FISHERIES: | | |
| 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. |
| HAUL/BEACH SEINE FISHERIES: | | |
| Caribbean haul/beach seine | 15 | None documented in the most recent five years of data. |
| Gulf of Mexico haul/beach seine | unknown | None documented. |
| Southeastern U.S. Atlantic haul/beach seine | 25 | None documented. |
| DIVE, HAND/MECHANICAL COLLECTION FISHERIES: | | |
| 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. |
| COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES: | | |
| Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel. | 4,000 | Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Choctawhatchee Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, 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, Southern 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.

¹ 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.

² Fishery classified by analogy.

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

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

| Fishery description | Number of HSFCA permits | Marine mammal species and/or stocks incidentally killed or injured |
|----------------------------|-------------------------|--|
| Category I | | |
| LONGLINE FISHERIES: | | |

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 |
|--|-------------------------|--|
| Atlantic Highly Migratory Species * | 86 | Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Killer whale, GMX oceanic. Kogia spp. whale (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, WNA. Risso's dolphin, GMX. Risso's dolphin, WNA. Short-finned pilot whale, WNA. |
| Western Pacific Pelagic (HI Deep-set component) * ^ | 139 | Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Pygmy killer whale, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI. |
| <i>DRIFT GILLNET FISHERIES:</i> | | |
| Pacific Highly Migratory Species ^ | 5 | Long-beaked common dolphin, CA. Humpback whale, CA/OR/WA. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. |
| Category II | | |
| <i>DRIFT GILLNET FISHERIES:</i> | | |
| Atlantic Highly Migratory Species | 0 | Undetermined. |
| <i>TRAWL FISHERIES:</i> | | |
| Atlantic Highly Migratory Species ** | 1 | Undetermined. |
| CCAMLR | 0 | Antarctic fur seal. |
| <i>PURSE SEINE FISHERIES:</i> | | |
| South Pacific Tuna Fisheries | 38 | Undetermined. |
| Western Pacific Pelagic | 3 | Undetermined. |
| <i>LONGLINE FISHERIES:</i> | | |
| CCAMLR | 0 | None documented. |
| South Pacific Albacore Troll | 10 | Undetermined. |
| South Pacific Tuna Fisheries ** | 2 | Undetermined. |
| Western Pacific Pelagic (HI Shallow-set component) * ^ | 20 | Blainville's beaked whale, HI. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Humpback whale, Central North Pacific. Northern elephant seal, CA breeding. Risso's dolphin, HI. Rough-toothed dolphin, HI. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, HI. Striped dolphin, HI. |
| <i>HANDLINE/POLE AND LINE FISHERIES:</i> | | |
| Atlantic Highly Migratory Species | 3 | Undetermined. |
| Pacific Highly Migratory Species | 46 | Undetermined. |
| South Pacific Albacore Troll | 7 | Undetermined. |
| Western Pacific Pelagic | 2 | Undetermined. |
| <i>TROLL FISHERIES:</i> | | |
| Atlantic Highly Migratory Species | 2 | Undetermined. |
| South Pacific Albacore Troll | 30 | Undetermined. |
| South Pacific Tuna Fisheries ** | 4 | Undetermined. |
| Western Pacific Pelagic | 17 | Undetermined. |
| Category III | | |
| <i>LONGLINE FISHERIES:</i> | | |
| Northwest Atlantic Bottom Longline | 1 | None documented. |
| Pacific Highly Migratory Species | 114 | None documented in the most recent 5 years of data. |
| <i>PURSE SEINE 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 * ^ | 6 | None documented. |
| <i>TRAWL FISHERIES:</i> | | |
| Northwest Atlantic | 1 | None documented. |
| <i>TROLL FISHERIES:</i> | | |
| Pacific Highly Migratory Species * | 187 | None documented. |

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

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

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

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

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

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS

| Take reduction plans | Affected fisheries |
|--|---|
| Atlantic Large Whale Take Reduction Plan (ALWTRP)—50 CFR 229.32 | <i>Category I</i> Mid-Atlantic gillnet. Northeast/Mid-Atlantic American lobster trap/pot. Northeast sink gillnet. <i>Category II</i> Atlantic blue crab trap/pot. Atlantic mixed species trap/pot. Northeast anchored float gillnet. Northeast drift gillnet. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet*. Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot ^. |
| Bottlenose Dolphin Take Reduction Plan (BDTRP)—50 CFR 229.35 | <i>Category I</i> Mid-Atlantic gillnet. <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 ^. VA pound net. |
| False Killer Whale Take Reduction Plan (FKWTRP)—50 CFR 229.37 .. | <i>Category I</i> HI deep-set longline. <i>Category II</i> HI shallow-set longline. |
| Harbor Porpoise Take Reduction Plan (HPTRP)—50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic). | <i>Category I</i> Mid-Atlantic gillnet. Northeast sink gillnet. |
| Pelagic Longline Take Reduction Plan (PLTRP)—50 CFR 229.36 | <i>Category I</i> Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline. |
| Pacific Offshore Cetacean Take Reduction Plan (POCTRP)—50 CFR 229.31. | <i>Category I</i> CA thresher shark/swordfish drift gillnet (≥14 in mesh). |
| Atlantic Trawl Gear Take Reduction Team (ATGTRT) | <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). |

* Only applicable to the portion of the fishery operating in U.S. waters.

^ Only applicable to the portion of the fishery operating in the Atlantic Ocean.

Classification

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) at the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received on that certification, and no new information has been discovered to change that conclusion. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

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

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

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

An environmental assessment (EA) was prepared under the NEPA in 1995 and 2005. The 1995 EA examined the effects of regulations implementing section 118 of the 1994 Amendments of the MMPA on the affected environment. The 2005 EA analyzed the environmental impacts of continuing the existing scheme (as described in the 1995 EA) for classifying fisheries on the LOF. The 1995 EA and the 2005 EA concluded that implementation of MMPA section 118 regulations would not have a significant impact on the human environment. NMFS reviewed the 2005 EA in 2009 and 2014. NMFS concluded that because there were no changes to the process used to develop

the LOF and implement section 118 of the MMPA, there was no need to update the 2005 EA. This rule would not change NMFS' current process for classifying fisheries on the LOF. Therefore, this rule is not expected to change the analysis or conclusion of the 2005 EA and Finding of No Significant Impact (FONSI), and no update is needed. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an environmental document, as required under NEPA, specific to that action.

This 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 rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

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

This 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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Dated: January 5, 2017.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2017-00250 Filed 1-11-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151211999-6343-02]

RIN 0648-XF133

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession Prohibition for the Common Pool Fishery

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

ACTION: Temporary rule; area closure and inseason adjustment.

SUMMARY: This action closes the Georges Bank Cod Trimester Total Allowable Catch Area to Northeast multispecies common pool vessels and prohibits the possession of Georges Bank cod by common pool vessels for the remainder of the fishing year, through April 30, 2017. The common pool fishery has exceeded its annual quota for Georges Bank cod. The closure and possession prohibition are intended to prevent further overage of the common pool's quota for this stock.

DATES: This action is effective January 9, 2017, through April 30, 2017.

FOR FURTHER INFORMATION CONTACT: Kyle Molton, Fishery Management Specialist, (978) 281-9236.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. The closure applies to all common pool vessels on a groundfish trip using gear capable of catching that stock for the remainder of the trimester.

As of December 26, 2016, the common pool fishery has exceeded its annual TAC for Georges Bank (GB) cod by 0.3 mt, or 2.7 percent. Additionally, any overages in Trimesters 1 and 2 must be deducted from the Trimester 3 TAC. The combined overages in Trimesters 1 and 2 (4.7 mt) exceed the Trimester 3 TAC of 4.3 mt. As a result, there is no TAC available to be harvested in Trimester 3.

Effective January 9, 2017, the GB Cod Trimester TAC Area is closed for the remainder of the fishing year, through April 30, 2017, to all common pool vessels fishing on a groundfish trip with trawl gear, sink gillnet gear, and longline/hook gear. The GB Cod Trimester TAC Area consists of statistical areas 521, 522, 525, and 561. The area reopens at the beginning of fishing year 2017 on May 1, 2017.

Data indicates that common pool vessels have caught a significant portion of the total catch from outside the statistical areas that will be affected by the closure described above. The Regional Administrator is authorized under 50 CFR 648.86(o)(1) to adjust possession and trip limits for common pool vessels to prevent exceeding the pertinent common pool quotas during the fishing year. To prevent the common pool from further exceeding its quota and discourage fishing behavior that results in bycatch of GB cod in areas not affected by the closure, the possession of GB cod by all common pool vessels is prohibited, effective January 9, 2017, through April 30, 2017.

If a vessel declared its trip through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to January 9, 2017, it may complete its trip within the Trimester TAC Area. Additionally, such vessels are not subject to the new possession prohibition for that trip. A vessel that has set gillnet gear prior to January 9, 2017, may complete its trip by hauling such gear and will not be subject to the new possession limit on that trip for fish caught with that gear.

Weekly quota monitoring reports for the common pool fishery are on our Web site at:

www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm. Because the common pool fishery has exceeded its annual quota for GB cod in the 2016 fishing year, the overage will be deducted from the common pool's annual quota for fishing year 2017. The final 2016 overage, and the adjustment to the 2017 common pool quota, will be announced as close to May 1, 2017, as possible, once final catch information for the 2016 fishing year are available. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

Regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information only recently became available indicating that the common pool fishery had exceeded its annual quota for GB cod. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, prevents the immediate closure of the GB Cod Trimester 3 TAC Area and prohibition of GB cod possession. Delaying the effective date of a closure and possession prohibition may increase the overage in fishing year 2016 that will need to be deducted from next year's quota. This would be to the detriment of the GB cod stock, and could undermine management objectives of the Northeast Multispecies Fishery Management Plan. Additionally, the overage of the common pool quota could cause negative economic impacts to the common pool fishery as a result of required catch limit deductions in the 2017 fishing year.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 6, 2017.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017-00484 Filed 1-9-17; 8:45 am]

BILLING CODE 3510-22-P