



MARINE MAMMAL COMMISSION

12 November 2019

Dr. Shannon Bettridge, Chief
Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Dr. Bettridge:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's (NMFS) notice regarding the proposed List of Fisheries (LOF) for 2020 (84 Fed. Reg. 54543). The Commission generally concurs with the proposed changes for the 2020 LOF, and provides the following comments and recommendation for your consideration.

In its 2016 stock assessment report (SAR), NMFS reported a new abundance estimate for the Southeast Alaska (SEAK) stock of harbor porpoises based on shipboard, stratified, line-transect surveys conducted from 2010 to 2012. That SAR also reported a population-size estimate of 975 porpoises and an estimated minimum population size (N_{\min}) of 896 ($CV=0.10$), which produced a potential biological removal level (PBR) of 8.9 porpoises.

In the 2016 and previous SARs, SEAK harbor porpoise mortality and serious injury estimates (M&SI) were reported for two Category II SEAK salmon gillnet fisheries. Low levels of observer coverage of the Yakutat salmon set gillnet fishery in 2007 and 2008 (5.3 and 7.6 percent, respectively) documented four deaths, which, when extrapolated, yielded an estimated mean annual M&SI of 22 porpoises. Similarly, observations of portions of the SE Alaska salmon drift gillnet fishery (districts 6, 7 and 8, only) in 2012 and 2013 (6.4 and 6.6 percent observer coverage, respectively) documented two deaths, which, when extrapolated, yielded an estimated mean annual M&SI of 12 porpoises. Thus, the total M&SI estimate was 34 porpoises per year. These findings have not changed in subsequent SARs.

Although these stock-size and M&SI estimates are considered to be minimum estimates by NMFS,¹ they are based on the best available science. Thus, it is apparent that M&SI for the SEAK harbor porpoise stock is nearly four times larger than its PBR, and the M&SI for each fishery exceeds PBR individually. Accordingly, NMFS has designated the SEAK harbor porpoise stock as 'strategic' (M&SI>PBR). Further, according to NMFS's fishery classification criteria (Tier 2), the two SEAK salmon gillnet fisheries should be, but have not been, classified as a Category I fisheries (M&SI>0.5PBR). Despite the uncertainty in the stock-size (and therefore PBR) and M&SI

¹ The population size is likely larger than the estimate because the entire range of the SEAK harbor porpoise stock was not surveyed, and because an accurate estimate of $g(0)$, the probability of sighting porpoises on survey track lines, was not available. Likewise, the M&SI estimate is considered a minimum value because some districts of the fisheries that were observed were not covered observed, and other gillnet fisheries within their range were not observed.

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estimates, they are the best available estimates, as reported in NMFS's SARs for this stock, and clearly meet the Category I criteria. Therefore, the Commission recommends that NMFS classify the Category II Yakutat salmon set gillnet and SE Alaska salmon drift gillnet fisheries as Category I fisheries.

Thank you for the opportunity to comment on the draft 2020 List of Fisheries. Please contact me if you have any questions about our recommendations or rationale.

Sincerely,



Peter O. Thomas, Ph.D.,
Executive Director