



Purpose

Section 101(a)(5)(E) of the Marine Mammal Protection Act (MMPA) requires National Marine Fisheries Service (NMFS) to authorize the incidental take of marine mammals listed under the Endangered Species Act (ESA) in a commercial fishery for a period of up to three years if NMFS determines the following criteria have been met:

1. Incidental mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species/stock;
2. A recovery plan has been developed or is being developed for such species/stock; and
3. Where required under MMPA Section 118, a monitoring program has been established, vessels are registered, and a take reduction plan has been developed or is being developed for such species/stock.

This form documents NMFS' evaluation of whether a fishery can be authorized under MMPA Section 101(a)(5)(E). To determine if M/SI incidental to a specific commercial fishery will have a negligible impact on a specific stock(s), this evaluation employs the process and standards laid out in [NMFS Procedure 02-204-02, Criteria for Determining Negligible Impact under MMPA Section 101\(a\)\(5\)\(E\)](#), and is based on the most recent final [MMPA List of Fisheries](#) (LOF) and the most recent [Marine Mammal Stock Assessment Reports](#) (SARs).

Commercial Fishery Information

Commercial Fishery: AK Gulf of Alaska sablefish longline

Region: Alaska

Final List of Fisheries (LOF) Year: 2024 LOF Category: II Fishery Management: Federal

ESA-Listed Marine Mammal Stock(s) Seriously Injured or Killed Incidental to this Fishery:

- | | |
|--|----------|
| 1) <u>Sperm whale, North Pacific</u> | 4) _____ |
| 2) <u>Steller sea lion, Western U.S.</u> | 5) _____ |
| 3) _____ | 6) _____ |

ESA-Listed Marine Mammal Stock(s) Driving LOF Classification:

Sperm whale, North Pacific

Additional Fishery Information:

Available on Fishery Fact Sheet

Fact Sheet Link: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/ak-gulf-alaska-sablefish-longline-fishery-mmpa-list-fisheries>

Fishery Fact Sheet Not Available (if applicable)

Information from Other Source:

Criterion #1: Negligible Impact Determination

Stock #1 Information

Stock: Sperm whale, North Pacific Transboundary: Yes

N_{min} : _____ Not Applicable R_{max} : 0.0400

Data Source: Final SAR Year: 2020

Negligible Impact Analysis

Tier 1 analysis is not applicable because the stock is transboundary *Only conduct Tier 2 analysis if this option is selected*

Tier 1 analysis is applicable *Continue below to Tier 1 Analysis if this option is selected*

Tier 1 Analysis

Average Annual Human-Caused M/SI

Including SIs averted (i.e., human intervention or self-release)

Date Range: _____ Total Human-Caused M/SI: _____

Tier 1 Analysis (i.e., NIT Threshold #1) Formula: $NIT_t = N_{min} \times 0.5R_{max} \times 0.1$

N_{min} Available:	N_{min} Unavailable:
NIT_t : _____	N_{min} Threshold for NIT_t : _____
Total Human-Caused M/SI > NIT_t Total <input type="checkbox"/>	N_{min} likely > Threshold N_{min} for NIT_t <input type="checkbox"/>
Human-Caused M/SI \leq NIT_t <input type="checkbox"/>	N_{min} likely \leq Threshold N_{min} for NIT_t <input type="checkbox"/>

Result from Tier 1 Analysis: _____

Tier 2 Analysis

Average Annual Human-Caused M/SI

Including SIs averted (i.e., human intervention or self-release)

Date Range: 2014-2018 Individual Comm. Fishery M/SI: 1.1

Individual M/SI unavailable or likely underestimated due to M/SI from unidentified fishing gear:

No, Tier 2 Analysis needed

If yes, explain below:

The SAR also includes unattributed fishery-related M/SI (_____) for the stock, which is not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of _____ including, the _____

fishery. In accordance with NMFS Procedural Directive 02-204-02, because the data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for the NID Tier 2 analysis (NMFS 2020).

Tier 2 Analysis (i.e., NIT Threshold #2) Formula: $NIT_s = N_{min} \times 0.5R_{max} \times 0.013$

N_{min} Available:	N_{min} Unavailable:
NIT_s : _____	N_{min} Threshold for NIT_s : <u>4230.8</u>
Individual Fishery M/SI > NIT_s <input type="checkbox"/>	N_{min} likely > Threshold N_{min} for NIT_s <input checked="" type="checkbox"/>
Individual Fishery M/SI \leq NIT_s <input type="checkbox"/>	N_{min} likely \leq Threshold N_{min} for NIT_s <input type="checkbox"/>

Result from Tier 2 Analysis: Negligible impact

Criterion #1: Negligible Impact Determination

Stock#2 Information

Stock: Steller sea lion, Western U.S. Transboundary: Yes

N_{min} : 49,837.00 Not Applicable R_{max} : 0.1200

Data Source: Draft SAR Year: 2023

Negligible Impact Analysis

Tier 1 analysis is not applicable because the stock is transboundary *Only conduct Tier 2 analysis if this option is selected*

Tier 1 analysis is applicable *Continue below to Tier 1 Analysis if this option is selected*

Tier 1 Analysis

Average Annual Human-Caused M/SI

Including SIs averted (i.e., human intervention or self-release)

Date Range: _____ Total Human-Caused M/SI: _____

Tier 1 Analysis (i.e., NIT Threshold #1) Formula: $NIT_t = N_{min} \times 0.5R_{max} \times 0.1$

N _{min} Available:	N _{min} Unavailable:
NIT _t : _____	N _{min} Threshold for NIT _t : _____
Total Human-Caused M/SI > NIT _t Total <input type="checkbox"/>	N _{min} likely > Threshold N _{min} for NIT _t <input type="checkbox"/>
Human-Caused M/SI ≤ NIT _t <input type="checkbox"/>	N _{min} likely ≤ Threshold N _{min} for NIT _t <input type="checkbox"/>

Result from Tier 1 Analysis: _____

Tier 2 Analysis

Average Annual Human-Caused M/SI

Including SIs averted (i.e., human intervention or self-release)

Date Range: 2017-2021 Individual Comm. Fishery M/SI: 1.9

Individual M/SI unavailable or likely underestimated due to M/SI from unidentified fishing gear:

Yes

If yes, explain below:

The SAR also includes unattributed fishery-related M/SI (1.90) for the stock, which is not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of **commercial, recreational, or tribal fisheries,** including, the **AK Gulf of Alaska sablefish longline** fishery. In accordance with NMFS Procedural Directive 02-204-02, because the data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for the NID Tier 2 analysis (NMFS 2020).

Tier 2 Analysis (i.e., NIT Threshold #2) Formula: $NIT_s = N_{min} \times 0.5R_{max} \times 0.013$

N _{min} Available:	N _{min} Unavailable:
NIT _s : <u>38.87</u>	N _{min} Threshold for NIT _s : _____
Individual Fishery M/SI > NIT _s <input type="checkbox"/>	N _{min} likely > Threshold N _{min} for NIT _s <input type="checkbox"/>
Individual Fishery M/SI ≤ NIT _s <input checked="" type="checkbox"/>	N _{min} likely ≤ Threshold N _{min} for NIT _s <input type="checkbox"/>

Result from Tier 2 Analysis: Negligible impact

Summary of Negligible Impact Determination(s)

Commercial Fishery: AK Gulf of Alaska sablefish longline

Stock:	Negligible Impact:
1) Sperm whale, North Pacific	Yes
2) Steller sea lion, Western U.S.	Yes
3)	
4)	
5)	
6)	

Overall Negligible Impact Determination:

Based on criteria outlined in [NMFS Procedure 02-204-02, Criteria for Determining Negligible Impact under MMPA Section 101\(a\)\(5\)\(E\)](#), and the best scientific information and data available, the mortality and serious injury of ESA-listed marine mammals incidental to the fishery evaluated here will have a negligible impact on all relevant ESA-listed marine mammal stocks or species.

Criterion #2: Recovery Plan Status

Stock:	Recovery Plan Status:
1) Sperm whale, North Pacific	Already Developed
2) Steller sea lion, Western U.S.	Already Developed
3)	
4)	
5)	
6)	

Criterion #3: MMPA Section 118 Requirements

Monitoring program: Yes

Vessel registration: Yes

Take reduction plan: Included on Take Reduction Team Priority List

References

Muto, M.M., V.T. Helker, B.J. Delean, N.C. Young, J.C. Freed, R.P. Angliss, N.A. Friday, P.L. Boveng, J.M. Breiwick, B.M. Brost, M.F. Cameron, P.J. Clapham, J.L. Crance, S.P. Dahle, M.E. Dahlheim, B.S. Fadely, M.C. Ferguson, L.W. Fritz, K.T. Goetz, R.C. Hobbs, Y.V. Ivashchenko, A.S. Kennedy, J.M. London, S.A. Mizroch, R.R. Ream, E.L. Richmond, K.E. W. Sheldon, K.L. Sweeney, R.G. Towell, P.R. Wade, J.M. Waite, and A.N. Zerbini. 2021. Alaska marine mammal stock assessments, 2020. U.S. Department of Commerce, NOAA Tech. Memo. NMFS-AFSC-421. 398 p.

Young, N. C., Brower, A. A., Muto, M. M., Freed, J. C., Angliss, R. P., Friday, B.D Birkemeier, N. A., Boveng, P. L., Brost, B. M., Cameron, M. F., Crance, J. L., Dahle, S. P., Fadely, B. S., Ferguson, M. C., Goetz, K. T., London, Oleson, E. M., J. M., Ream, R. R., Richmond, E. L., Sheldon, K. E. W., Sweeney, K. L., Towell, R. G., Wade, P. R., Waite, J. M., and Zerbini, A. N. In Press. Draft Alaska marine mammal stock assessments, 2023. U.S. Department of Commerce. NMFS-AFSC-XXX.