



NOAA Technical Memorandum NMFS-NE-182

U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments -- 2003

**U. S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
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Northeast Fisheries Science Center
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U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments -- 2003

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About This Report:

Report History: This report is the eighth in a series—which began in 1995—compiling marine mammal stock assessments for U.S. Atlantic and Gulf of Mexico waters. The first report was issued in the *NOAA Technical Memorandum NMFS-SEFSC* series. The seven subsequent reports were issued in the *NOAA Technical Memorandum NMFS-NE* series.

Editorial Treatment: To distribute this report quickly, it has not undergone the normal technical and copy editing by the Northeast Fisheries Science Center's (NEFSC's) Editorial Office as have most other issues in the *NOAA Technical Memorandum NMFS-NE* series. Other than the four covers and first two preliminary pages, all writing and editing have been performed by – and all credit for such writing and editing rightfully belongs to – those so listed on the title page.

Species Names: The NEFSC Editorial Office's policy on the use of species names in all technical communications is generally to follow the American Fisheries Society's lists of scientific and common names for fishes (*i.e.*, Robins *et al.* 1991^a,^b) mollusks (*i.e.*, Turgeon *et al.* 1998^c), and decapod crustaceans (*i.e.*, Williams *et al.* 1989^d), and to follow the Society for Marine Mammalogy's guidance on scientific and common names for marine mammals (*i.e.*, Rice 1998^e). Exceptions to this policy occur when there are subsequent compelling revisions in the classifications of species, resulting in changes in the names of species (*e.g.*, Cooper and Chapleau 1998^f, McEachran and Dunn 1998^g).

Obtaining/Viewing Copies: Paper copies of the first report can be obtained from the NMFS Southeast Fisheries Science Center's headquarters (75 Virginia Beach Dr., Miami, FL 33149; 305-361-4284). Paper copies of the second-through-seventh reports, as well as copies of this report, can be obtained from the NEFSC's headquarters (166 Water St., Woods Hole, MA 02543; 508-495-2311). Additionally, all eight reports are available (as of the publication date of this issue) online in PDF format at: <http://www.nefsc.noaa.gov/psb/assesspdfs.htm>.

^aRobins, C.R. (chair); Bailey, R.M.; Bond, C.E.; Brooker, J.R.; Lachner, E.A.; Lea, R.N.; Scott, W.B. 1991. Common and scientific names of fishes from the United States and Canada. 5th ed. *Amer. Fish. Soc. Spec. Publ.* 20; 183 p.

^bRobins, C.R. (chair); Bailey, R.M.; Bond, C.E.; Brooker, J.R.; Lachner, E.A.; Lea, R.N.; Scott, W.B. 1991. World fishes important to North Americans. *Amer. Fish. Soc. Spec. Publ.* 21; 243 p.

^cTurgeon, D.D. (chair); Quinn, J.F., Jr.; Bogan, A.E.; Coan, E.V.; Hochberg, F.G.; Lyons, W.G.; Mikkelsen, P.M.; Neves, R.J.; Roper, C.F.E.; Rosenberg, G.; Roth, B.; Scheltema, A.; Thompson, F.G.; Vecchione, M.; Williams, J.D. 1998. Common and scientific names of aquatic invertebrates from the United States and Canada: mollusks. 2nd ed. *Amer. Fish. Soc. Spec. Publ.* 26; 526 p.

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^eRice, D.W. 1998. Marine mammals of the world: systematics and distribution. *Soc. Mar. Mammal. Spec. Publ.* 4; 231 p.

^fCooper, J.A.; Chapleau, F. 1998. Monophyly and interrelationships of the family Pleuronectidae (Pleuronectiformes), with a revised classification. *Fish. Bull. (Washington, DC)* 96:686-726.

^gMcEachran, J.D.; Dunn, K.A. 1998. Phylogenetic analysis of skates, a morphologically conservative clade of elasmobranchs (Chondrichthyes: Rajidae). *Copeia* 1998(2):271-290.

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EXECUTIVE SUMMARY

Under the 1994 amendments to the U. S. Marine Mammal Protection Act of 1972 (MMPA), the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) are required to generate stock assessment reports (SAR) for all marine mammal stocks in waters within the U.S. Exclusive Economic Zone (EEZ). The first reports for stocks in the Atlantic (including the Gulf of Mexico) were published in July 1995 (Blaylock *et al.* 1995). The MMPA requires NMFS and USFWS to review these reports at least annually for stocks which are specified as strategic¹ and at least once every 3 years for stocks determined to be non-strategic. The second edition of the SAR (1996 assessments) was published in October 1997 and contained all the previous reports, but major revisions and updating were completed only for strategic stocks (Waring *et al.* 1997). Updated reports were identified by a 1997 date-stamp at the top right corner of the first page of each report. The 3rd edition of the SAR (1998 assessments) only contained reports for Atlantic stocks, and updated reports were identified by a 1998 date-stamp (Waring *et al.* 1999a). The 4th edition of the SAR (1999 assessments) only contained reports for Atlantic stocks, with the updated reports identified by a 1999 date-stamp (Waring *et al.* 1999b). The 5th, 6th, and 7th editions of the SAR contained reports for the Atlantic stocks (including the Gulf of Mexico) as well as the USFWS West Indian manatee assessments. Updated reports were identified, respectively, by 2000, 2001, and 2002 date-stamps (Waring *et al.* 2000, 2001, 2002). The current report (2003) report contains updated assessments for Atlantic and Gulf of Mexico strategic stocks and for any additional stocks for which significant new information was available. These reports are identified by a December 2003 date-stamp on the first page of the report. Appendix I presents serious injury/mortality estimates of marine mammals in U. S. observed fisheries during 1997-2001. Appendix II summarizes NMFS records of large whale/human interactions (entanglements and vessel collisions) reported along the U.S. Atlantic and Gulf coasts and in the Canadian Maritimes during 1997-2001. Appendices III and IV, respectively, contain stock assessments not updated in the year 2002 and the West Indian Manatees stock assessments.

This report was prepared by staff of the Northeast Fisheries Science Center (NEFSC), Southeast Fisheries Science Center (SEFSC), and USFWS. NMFS and USFWS staff presented the reports at the November 2002 meeting of the Atlantic Scientific Review Group (ASRG), and subsequent revisions were based on the Group's contributions and constructive criticism.

Table 1 contains a summary, by species, of the information included in the stock assessments, and indicates those that have been revised (43 of the 60 Atlantic and Gulf of Mexico stocks) in this report. Most of the sections incorporate new information on population size and/or mortality estimates. The revised SAR includes 10 strategic and 33 non-strategic stocks. Information on human interactions (fishery and ship strikes) involving the right whale, humpback whale, fin whale, and minke whale stocks was re-reviewed and updated. The SAR is a working document and individual stock assessment reports will be updated as new information becomes available and as changes to marine mammal stocks and fisheries occur. The authors solicit any new information or comments which would improve future stock assessment reports.

¹ A strategic stock is defined as a marine mammal stock for
(a) which the level of direct human-caused mortality exceeds the potential biological removal (PBR) level;
(b) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the U.S. Endangered Species Act of 1973 (ESA) within the foreseeable future; or
(c) which is listed as a threatened species or endangered species under the ESA, or is designated as depleted under the MMPA.

INTRODUCTION

Section 117 of the U. S. Marine Mammal Protection Act of 1972 (MMPA), as Amended through 1997, requires that a stock assessment be prepared for each marine mammal stock that occurs in waters under USA jurisdiction in consultation with regional Scientific Review Groups (SRGs). The SRGs consist of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, and commercial fishing technology and practices and are mandated to review the marine mammal stock assessments and provide advice to the Secretary of Commerce. The reports are then made available on the *Federal Register* for public review and comment before final publication.

The MMPA requires that each stock assessment contain several items, including: (1) a description of the stock, including its geographic range; (2) a minimum population estimate, current and maximum net productivity rates and current population trend, including a description upon which these are based; (3) an estimate of the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey; (4) a description of the commercial fisheries that interact with the stock, including the approximate number of vessels actively participating in the fishery and the estimated level of incidental mortality and serious injury of the stock by each fishery on an annual basis; (5) a statement categorizing the stock as strategic or not, and why; and (6) an estimate of the potential biological removal (PBR) level for the stock, describing the information used to calculate it including the recovery factor. The MMPA also requires that stock assessments be updated at least annually for stocks specified as strategic stocks, or for which significant new information is available, and at least once every three years for non-strategic stocks.

Following enactment of the 1994 amendments to the MMPA, the NMFS and USFWS held a series of workshops to develop guidelines for preparing the stock assessment reports (SARs). The first set of assessments for the Atlantic Coast marine mammal stocks (including the Gulf of Mexico) were published in July 1995 in the *NOAA Technical Memorandum* series (Blaylock *et al.* 1995). In April 1996, the NMFS held a workshop to review proposed additions and revisions to the guidelines for preparing SARs (Wade and Angliss 1997). Guidelines developed at the workshop were followed in preparing the 1996 (Waring *et al.* 1997), 1998 (Waring *et al.* 1999a), 1999 (Waring *et al.* 1999b), 2000 (Waring *et al.* 2000), 2001 (Waring *et al.* 2001), and 2002 (Waring *et al.* 2002) reports. A 1997 SAR was not produced.

In this document, major revisions and updating of the SARs were completed for ten Atlantic and Gulf of Mexico strategic stocks and for 33 other stocks for which significant new information was available (Table 1). The revised assessments are identified by December 2003 date-stamp at the top right corner on the first page of each report.

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TABLE 1. A SUMMARY(including footnotes) OF ATLANTIC MARINE MAMMAL STOCK ASSESSMENT REPORTS FOR STOCKS OF MARINE MAMMALS UNDER NMFS AUTHORITY THAT OCCUPY WATERS UNDER USA JURISDICTION. The “SAR revised” column indicates 2003 stock assessment reports that have been revised relative to the 2002 reports (Y=yes N=no). If abundance, mortality or PBR estimates have been revised, they are indicated with the letters “a”, “m” and “p” respectively. For those species not updated in this edition, the year of last revision is indicated.

Species	Stock Area	SRG Region	NMFS Center	Nmin	Rmax	Fr	PBR	Total Annual Mort.	Annual Fish. Mort.	Strategic Status	SAR Revised
North Atlantic right whale	Western	ATL	NEC	291	0	0.1	0.0	2.0 ¹	1.2 ¹	Y	Y m
Humpback whale	Gulf of Maine	ATL	NEC	647	0.04	0.1	1.3	2.6 ²	2.2 ²	Y	Y a, m, p
Fin whale	Western North Atlantic	ATL	NEC	2,362	0.04	0.1	4.7	2.0 ³	0.6	Y	Y m
Sei whale	Nova Scotia	ATL	NEC	N/A	0.04	0.1	N/A	0.2	0.0	Y	Y m
Minke whale	Canadian east coast	ATL	NEC	3,515	0.04	0.5	35	3.6 ⁴	3.4 ⁴	N	Y m
Blue whale	Western North Atlantic	ATL	NEC	308	0.04	0.1	N/A	0.2	0.0	Y	N (2002)
Sperm whale	North Atlantic	ATL	NEC	3,505	0.04	0.1	7.0	0.0	0.2	Y	N (2002)
Dwarf sperm whale	Western North Atlantic	ATL	SEC	470 ⁵	0.04	0.5	4.7	0	0	N	Y a, m, p
Pygmy sperm whale	Western North Atlantic	ATL	SEC	470 ⁵	0.04	0.5	4.7	6	6	Y	Y a, m, p
Killer whale	Western North Atlantic	ATL	NEC	N/A	0.04	N/A	N/A	0.0	0.0	N	N (1995)
Pygmy killer whale	Western North Atlantic	ATL	SEC	N/A	0.04	0.5	N/A	0.0	0.0	N	Y m
Mellon-headed whale	Western North Atlantic	ALT	SEC	N/A	0.04	.5	N/A	0.0	0.0	N	Y m
Northern bottlenose whale	Western North Atlantic	ATL	NEC	N/A	0.04	N/A	N/A	0.0	0.0	N	N (1998)
Cuvier's beaked whale	Western North Atlantic	ATL	NEC	2,419 ⁶	0.04	0.5	24	0	0 ⁷	Y	N (2002)
<i>Mesoplodon</i> beaked whales	Western North Atlantic	ATL	NEC	2,419 ⁶	0.04	0.5	24	0	0 ⁷	Y	N (2002)
Risso's dolphin	Western North Atlantic	ATL	NEC	22,916	0.04	0.48	220	51	51	N	N (2002)
Pilot whale, long-finned	Western North Atlantic	ATL	NEC	11,343 ⁸	0.04	0.48	108	215 ⁹	215 ⁹	Y	Y m
Pilot whale, short-finned	Western North Atlantic	ATL	SEC	11,343 ⁸	0.04	0.48	108	199 ⁹	199 ⁹	Y	N (2002)
Atlantic white-sided dolphin	Western North Atlantic	ATL	NEC	37,904	0.04	0.48	364	102	102	N	Y m
White-beaked dolphin	Western North Atlantic	ATL	NEC	N/A	0.04	0.5	N/A	0.0	0.0	N	Y stranding text
Common dolphin	Western North Atlantic	ATL	NEC	23,655	0.04	0.48	227	190	190	N	Y m

Species	Stock Area	SRG Region	NMFS Center	Nmin	Rmax	Fr	PBR	Total Annual Mort.	Annual Fish. Mort.	Strategic Status	SAR Revised
Atlantic spotted dolphin	Western North Atlantic	ATL	NEC	27,785 ¹⁰	0.04	0.5	278	7.8 ¹¹	7.8 ¹¹	N	N (2000)
Pantropical spotted dolphin	Western North Atlantic	ATL	SEC	8,450	0.04	0.5	84	1 ¹¹	1 ¹¹	N	N (2002)
Striped dolphin	Western North Atlantic	ATL	NEC	44,500	0.04	0.5	445	7.3	7.3	N	N (2000)
Spinner dolphin	Western North Atlantic	ATL	NEC	0.04	0.04	N/A	N/A	0.31	0.31	N	N (1998)
Clymene's dolphin	Western North Atlantic	ALT	SEC	3,132	0.04	0.5	31	0.0	0.0	N	Y a, p
Fraser's dolphin	Western North Atlantic	ALT	SEC	N/A	0.04	N/A	N/A	0.0	0.0	N	Y m
Bottlenose dolphin	Western North Atlantic, offshore	ATL	SEC	24,897 ¹⁰	0.04	0.5	249	27	27	N	Y m
Bottlenose dolphin	Western North Atlantic, coastal	ATL	SEC	N/A ¹⁵	0.04	0.5	N/A ¹⁶	N/A ¹⁶	N/A ¹⁶	Y	N (2002)
Harbor porpoise	Gulf of Maine/ Bay of Fundy	ATL	NEC	74,695	0.04	0.5	747	365 ¹²	318 ¹²	N	Y m
Harbor seal	Western North Atlantic	ATL	NEC	91,546	0.12	1.0	5,493	972	955	N	Y a, m, p
Gray seal	Western North Atlantic	ATL	NEC	NA	0.12	1.0	NA	309	131	N	Y m
Harp seal	Western North Atlantic	ATL	NEC	N/A	0.12	0.5	N/A	287,949	109	N	Y m, p
Hooded seal	Western North Atlantic	ATL	NEC	N/A	0.12	0.5	N/A	10,393 ¹⁴	16	N	Y m
Sperm whale	Northern Gulf of Mexico	ATL	SEC	1035	0.04	0.1	2.1	0.0	0.0	Y	Y a, m, p
Bryde's whale	Northern Gulf of Mexico	ATL	SEC	25	0.04	0.5	0.3	0.0	0.0	N	Y a, m, p
Cuvier's beaked whale	Northern Gulf of Mexico	ATL	SEC	65	0.04	0.5	0.7	0.0	0.0	Y	Y a, m, p
Blainville's beaked whale	Northern Gulf of Mexico	ATL	SEC	70 ¹⁵	0.04	0.5	0.7 ¹⁵	0.0	0.0	Y	Y a, m, p
Gervais' beaked whale	Northern Gulf of Mexico	ATL	SEC	70 ¹⁵	0.04	0.5	0.7 ¹⁵	0.0	0.0	Y	Y a, m, p
Bottlenose dolphin	Northern Gulf of Mexico Outer continental shelf	ATL	SEC	20,414	0.04	0.5	204	0.0	0.0	N	Y a, m, p
Bottlenose dolphin	Northern Gulf of Mexico Continental shelf edge and slope	ATL	SEC	4,530	0.04	0.5	45	2.8	2.8	N	N (1995)
Bottlenose dolphin	Western Gulf of Mexico	ATL	SEC	2,938	0.04	0.5	29	13	13	N	N (1996)

Species	Stock Area	SRG Region	NMFS Center	Nmin	Rmax	Fr	PBR	Total Annual Mort.	Annual Fish. Mort.	Strategic Status	SAR Revised
Bottlenose dolphin	Northern Gulf of Mexico Oceanic	ATL	SEC	1,607	0.04	0.5	16	0.0	0.0	N	Y a, m, p
Bottlenose dolphin	Eastern Gulf of Mexico	ATL	SEC	8,963	0.04	0.5	90	8	8	N	N (1996)
Bottlenose dolphin	Gulf of Mexico bay, sound, and estuarine	ATL	SEC	3,933	0.04	0.5	39	N/A	N/A	Y	N (2000)
Atlantic spotted dolphin	Northern Gulf of Mexico	ATL	SEC	24,752 ¹⁷	0.04	0.5	248 ¹⁷	0.0	0.0	N	Y a, m, p
Pantropical spotted dolphin	Northern Gulf of Mexico	ATL	SEC	79,879	0.04	0.5	799	0.0	0.0	N	Y a, m, p
Striped dolphin	Northern Gulf of Mexico	ATL	SEC	4,599	0.04	0.5	46	0.0	0.0	N	Y a, m, p
Spinner dolphin	Northern Gulf of Mexico	ATL	SEC	6,990	0.04	0.5	70	0.0	0.0	N	Y a, m, p
Rough-toothed dolphin	Northern Gulf of Mexico	ATL	SEC	1,595 ¹⁸	0.04	0.5	16 ¹⁸	0.0	0.0	N	Y a, m, p
Clymene's dolphin	Northern Gulf of Mexico	ATL	SEC	10,528	0.04	0.5	105	0.0	0.0	N	Y a, m, p
Fraser's dolphin	Northern Gulf of Mexico	ATL	SEC	726	0.04	0.5	4.3	0.0	0.0	N	Y a, m, p
Killer whale	Northern Gulf of Mexico	ATL	SEC	90	0.04	0.5	0.9	0.0	0.0	N	Y a, m, p
False killer whale	Northern Gulf of Mexico	ATL	SEC	606	0.04	0.5	6.1	1.0	1.0	N	Y a, m, p
Pygmy killer whale	Northern Gulf of Mexico	ATL	SEC	256	0.04	0.5	2.6	0.0	0.0	N	Y a, m, p
Dwarf sperm whale	Northern Gulf of Mexico	ATL	SEC	584 ⁵	0.04	0.5	5.8 ⁵	0.0	0.0	N	Y a, m, p
Pygmy sperm whale	Northern Gulf of Mexico	ATL	SEC	584 ⁵	0.04	0.5	5.8 ⁵	0.0	0.0	N	Y a, m, p
Melon-headed whale	Northern Gulf of Mexico	ATL	SEC	2,238	0.04	0.5	22	0.0	0.0	N	Y a, m, p
Risso's dolphin	Northern Gulf of Mexico Oceanic	ATL	SEC	1,668	0.04	0.5	17	0.0	0.0	N	Y a, m, p
Pilot whale, short-finned ¹⁹	Northern Gulf of Mexico	ATL	SEC	1,628	0.04	0.5	16	0.0	0.0	N	Y a, m, p

1. The total estimated human-caused mortality and serious injury to right whales is estimated at 2.0 per year (USA waters, 1.2; Canadian waters, 0.8). This is derived from two components: 1) non-observed fishery entanglement records at 1.2 per year (USA waters, 0.6 ; Canadian waters, 0.6), and 2) ship strike records at 0.8 per year (USA waters, 0.6 ; Canadian waters, 0.2).
2. The total estimated human-caused mortality and serious injury to the Gulf of Maine humpback whale stock is estimated as 2.6 per year (USA waters, 2.0; Canadian waters, 0.6). This average is derived from two components: 1) incidental fishery interaction records 2.2 (USA waters, 1.6; Canadian waters, 0.6); and 2) records of vessel collisions, 0.4 (USA waters, 0.4; Canadian waters, 0).
3. This is based on a review of NMFS records from 1997-2001, that yielded an average of 2.0 human caused mortality; 1.4 ship strikes (all USA waters) and 0.6 fishery interactions/entanglements (0.2 in USA waters; 0.2 in Canadian waters; 0.2 in Bermudian waters).
4. During 1997 to 2001, the USA total annual estimated average human-caused mortality is 3.6 minke whales per year. This is derived from three components: 0 minke whales per year (CV=0.0) from USA fisheries using observer data, 3.4 minke whales per year from USA fisheries using strandings and entanglement data, and 0.2 minke whales per year from ship strikes.
5. This estimate may include both the dwarf and pygmy sperm whales.
6. This estimate includes Cuvier's beaked whales and undifferentiated *Mesoplodon* spp. beaked whales.
7. This is the average mortality of undifferentiated beaked whales (*Mesoplodon* spp.)
8. This estimate may include both long-finned and short-finned pilot whales.
9. Mortality data are not separated by species; therefore, species-specific estimates are not available. This mortality estimate represents both long-finned and short-finned pilot whales.
10. Estimates may include sightings of the coastal form.
11. Mortality data are not separated by species; therefore, species-specific estimates are not available. The mortality estimate represents both Atlantic and Pantropical spotted dolphins
12. The total annual estimated average human-caused mortality is 365 (CV=0.23) harbor porpoises per year. This is derived from four components: 310 harbor porpoise per year (CV=0.23) from USA fisheries using observer data, 46 per year (unknown CV) from Canadian fisheries using observer data, 8 per year from USA unknown fisheries using strandings data, and 1 per year from unknown human-caused mortality (a mutilated stranded harbor porpoise).
13. The total estimated human caused annual mortality and serious injury to harp seals was 287,949. This is derived from four components: 1) the 1997-2001 average catches of Northwest Atlantic harp seals by Canada and Greenland was 268,337; 2) the 1997-2001 average bycatches in the Newfoundland lumpfish fishery (16,000 - 23,000 annually); 3) the 1997-2001 observed bycatch in USA fisheries was 109 harp seals (CV= 0.31); and 4) the average 1997 to 2001 stranding mortalities showing signs of human interaction was 3.
14. For the period 1997 to 2001, the total estimated human caused mortality and serious injury to hooded seals was 10,393. This is derived from two components: 1) 10,377 from 1997-2001 (1997=14,558; 1998=16,476; 1999^a= 7,287; 2000^b= 6,717; and 2001^b= 6,847) average catches of Northwest Atlantic population of hooded seals by Canada and Greenland; and 2) 16 hooded seals (CV=1.14) from the observed USA fisheries. [^a 1999 Greenland catches are provisional; ^b 1998-1999 average Greenland catches]
15. This estimate includes all *Mesoplodon* spp.
16. Several seasonal management units have been defined for the coastal bottlenose dolphin. Each has a unique abundance estimate, PBR and mortality estimate provided in the Western North Atlantic coastal bottlenose dolphin species section of the text.
17. The combined estimated abundance of Atlantic spotted dolphins, pooled from 1998 through 2001, for the outer continental shelf shipboard surveys was 30,772 (CV=0.27) (Fulling *et al.*, 2003).
18. The combined estimated abundance of rough-toothed dolphins, pooled from 1998 through 2001, for the outer continental shelf shipboard surveys was 1,238 (CV=0.65).
19. This estimate includes all *Globicephala* sp., though it is presumed that only short-finned pilot whales are present in the Gulf of Mexico.

NORTH ATLANTIC RIGHT WHALE (*Eubalaena glacialis*): Western Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Individuals of the western North Atlantic right whale population range from wintering and calving grounds in coastal waters of the southeastern United States to summer feeding and nursery grounds in New England waters and northward to the Bay of Fundy and the Scotian Shelf. Knowlton *et al.* (1992) reported several long-distance movements as far north as Newfoundland, the Labrador Basin, and southeast of Greenland; in addition, recent resightings of photographically identified individuals have been made off Iceland and arctic Norway. The latter (in September 1999) represents one of only two sightings this century of a right whale in Norwegian waters, and the first since 1926. Together, these long-range matches indicate an extended range for at least some individuals and perhaps the existence of important habitat areas not presently well described. Similarly, records from the Gulf of Mexico (Moore and Clark 1963; Schmidly *et al.* 1972) represent either geographic anomalies or a more extensive historic range beyond the sole known calving and wintering ground in the waters of the southeastern United States. Whatever the case, the location of a large segment of the population is unknown during the winter. Offshore surveys flown off the coast of northeastern Florida and southeastern Georgia from 1996 to 2001 had 3 sightings in 1996, 1 in 1997, 13 in 1998, 6 in 1999, 11 in 2000 and 6 in 2001 (within each year, some were repeat sightings of previously recorded individuals). The frequency with which right whales occur in offshore waters in the southeastern U.S. remains unclear.

Research results to date suggest the existence of 6 major habitats or congregation areas for western North Atlantic right whales; these are the coastal waters of the southeastern United States, the Great South Channel, Georges Bank/Gulf of Maine, Cape Cod and Massachusetts Bays, the Bay of Fundy, and the Scotian Shelf. However, movements within and between habitats may be more extensive than is sometimes thought. Results from satellite tags clearly indicate that sightings separated by perhaps two weeks should not necessarily be assumed to indicate a stationary or resident animal. Instead, telemetry data have shown rather lengthy and somewhat distant excursions, including into deep water off the continental shelf (Mate *et al.* 1997). These findings indicate that movements and habitat use are more complex than previously thought.

New England waters are a primary feeding habitat for the right whale, which appears to feed primarily on copepods (largely of the genera *Calanus* and *Pseudocalanus*) in this area. Research suggests that right whales must locate and exploit extremely dense patches of zooplankton to feed efficiently (Mayo and Marx 1990). These dense zooplankton patches are likely a primary characteristic of the spring, summer, and fall right whale habitats (Kenney *et al.* 1986, 1995). Acceptable surface copepod resources are limited to perhaps 3% of the region during the peak feeding season in Cape Cod and Massachusetts Bays (C. Mayo pers. comm.). While feeding in the coastal waters off Massachusetts has been better studied than in most areas, feeding by right whales has also been observed on the margins of Georges Bank, in the Gulf of Maine, in the Bay of Fundy, and over the Scotian Shelf. The characteristics of acceptable prey distribution in these areas are not well known. In addition, New England waters serve as a nursery for calves and perhaps also as a mating ground. NMFS and Center for Coastal Studies aerial surveys in the spring of 1999, 2000, 2001 and 2002 found substantial numbers of right whales along the Northern Edge of Georges Bank, in Georges Basin, and in various locations in the Gulf of Maine including Cashes Ledge, Platts Bank and Wilkinson Basin. The predictability with which right whales occur in such locations remains unclear, and these new data highlight the need for more extensive surveys of habitats which have previously received minimal coverage.

Genetic analyses based upon direct sequencing of mitochondrial DNA (mtDNA) have identified five mtDNA haplotypes in the western North Atlantic population (Malik *et al.* 1999). Schaeff *et al.* (1997) compared the genetic variability of North Atlantic and southern right whales (*E. australis*), and found the former to be significantly less diverse, a finding broadly replicated from sequence data by Malik *et al.* (2000). These findings might be indicative of inbreeding in the population, but no definitive conclusion can be reached using current data. Additional work comparing modern and historic genetic population structure in right whales, using DNA extracted from museum and archaeological specimens of baleen and bone, is also underway (Rosenbaum *et al.* 1997, 2000). Preliminary results suggest that the eastern and western North Atlantic populations were not genetically distinct (Rosenbaum *et al.* 2000). However, the virtual extirpation of the eastern stock and its lack of recovery in the last hundred years strongly suggests population subdivision over a protracted (but not evolutionary) timescale. Results also suggest that, as expected, the principal loss of genetic diversity occurred during major exploitation events prior to the 20th century.

To date, skin biopsy sampling has resulted in the compilation of a DNA library of more than 280 North Atlantic right whales. When work is completed, a genetic profile will be established for each individual, and an assessment provided on the level of genetic variation in the population, the number of reproductively active individuals, reproductive fitness, the basis for associations and social units in each habitat area, and the mating system. Tissue analysis has also aided in sex identification: the sex ratio of the photo-identified and catalogued

population does not differ significantly from parity (M.W. Brown, pers. comm.). Analyses based on both genetics and sighting histories of photographically identified individuals also suggest that approximately one-third of the population utilizes summer nursery grounds other than the Bay of Fundy. As described above, a related question is where individuals other than calving females and a few juveniles overwinter. One or more additional wintering and summering grounds may exist in unsurveyed locations, although it is also possible that “missing” animals simply disperse over a wide area at these times. Identification of such areas, and the possible threats to right whales there, is recognized as a priority for research efforts.

POPULATION SIZE

Based on a census of individual whales identified using photo-identification techniques, the western North Atlantic population size was estimated to be 295 individuals in 1992 (Knowlton *et al.* 1994); an updated analysis using the same method gave an estimate of 291 animals in 1998 (Kraus *et al.* 2001). Because this was a nearly complete census, it is assumed that this represents a minimum population size estimate. However, no estimate of abundance with an associated coefficient of variation has been calculated for this population. Calculation of a reliable point estimate is likely to be difficult given the known problem of heterogeneity of distribution in this population. An IWC workshop on status and trends of western North Atlantic right whales gave a minimum direct-count estimate of 263 right whales alive in 1996 and noted that the true population was unlikely to be substantially greater than this (Best *et al.* 2001).

Historical Abundance

An estimate of pre-exploitation population size is not available. Basque whalers may have taken substantial numbers of right whales at times during the 1500s in the Strait of Belle Isle region (Aguilar 1986), and the stock of right whales may have already been substantially reduced by the time whaling was begun by colonists in the Plymouth area in the 1600s (Reeves and Mitchell 1987). A modest but persistent whaling effort along the coast of the eastern USA lasted three centuries, and the records include one report of 29 whales killed in Cape Cod Bay in a single day during January 1700. Based on incomplete historical whaling data, Reeves and Mitchell (1987) could conclude only that there were at least some hundreds of right whales present in the western North Atlantic during the late 1600s. In a later study (Reeves *et al.* 1992), a series of population trajectories using historical data and an estimated present population size of 350 were plotted. The results suggest that there may have been at least 1,000 right whales in this population during the early to mid-1600s, with the greatest population decline occurring in the early 1700s. The authors cautioned, however, that the record of removals is incomplete, the results were preliminary, and refinements are required. Based on back calculations using the present population size and growth rate, the population may have numbered fewer than 100 individuals by the time international protection for right whales came into effect in 1935 (Hain 1975; Reeves *et al.* 1992; Kenney *et al.* 1995). However, too little is known about the population dynamics of right whales in the intervening years to state anything with confidence.

Minimum Population Estimate

The western North Atlantic population size was estimated to be 291 individuals in 1998 (Kraus *et al.* 2001), based on a census of individual whales identified using photo-identification techniques. A bias that might result from including catalogued whales that had not been seen for an extended period of time and therefore might be dead, was addressed by assuming that an individual whale not sighted for five or more years was dead (Knowlton *et al.* 1994). It is assumed that the census of identified and presumed living whales represents a minimum population size estimate. The true population size in 1998 may have been higher if: 1) there were animals not photographed and identified, and/or 2) some animals presumed dead were not.

Current Population Trend

The population growth rate reported for the period 1986-92 by Knowlton *et al.* (1994) was 2.5% (CV=0.12), suggesting that the stock was showing signs of slow recovery. However, work by Caswell *et al.* (1999) has suggested that crude survival probability declined from about 0.99 in the early 1980's to about 0.94 in the late 1990's. The decline was statistically significant. Additional work conducted in 1999 was reviewed by the IWC workshop on status and trends in this population (Best *et al.* 2001); the workshop concluded based on several analytical approaches that survival had indeed declined in the 1990's. Although heterogeneity of capture could negatively bias survival estimates, the workshop concluded that this factor could not account for all of the observed decline, which appeared to be particularly marked in adult females.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

During 1980-1992, 145 calves were born to 65 identified cows. The number of calves born annually ranged from 5 to 17, with a mean of 11.2 (SE=0.90). The reproductively active female pool was static at approximately 51 individuals during 1987-1992. Mean calving interval, based on 86 records, was 3.67 years. There was an indication that calving intervals may have been increasing over time, although the trend was not statistically significant (P=0.083) (Knowlton *et al.* 1994).

Since that report, total reported calf production in 92/93 was 6; 93/94, 9; 94/95, 7; 95/96, 21; 96/97, 20; 97/98, 6; 98/99, 4; 99/00, 1; 00/01, 31; and 01/02, 22. The total calf production was reduced by reported calf mortalities: 2 mortalities in 1993, 3 in 1996, 1 in 1997, 1 in 1998, and 3 in 2001. Of the three calf mortalities in 1996, available data suggested one was not included in the reported 20 mother/calf pairs, resulting in a total of 21 calves born. Eleven of the 21 mothers in 1996 were observed with calves for the first time (*i.e.*, were "new" mothers) that year. Three of these were at least 10 years old, 2 were 9 years old, and 6 were of unknown age. An updated analysis of calving interval through the 1997/98 season suggests that mean calving interval increased since 1992 from 3.67 years to more than 5 years, a significant trend (Kraus *et al.* 2001). This conclusion is supported by modeling work reviewed by the IWC workshop on status and trends in this population (Best *et al.* 2001); the workshop agreed that calving intervals had indeed increased and further that the reproductive rate was approximately half that reported from studied populations of *E. australis*. The low calf production in subsequent years (4 in 1999 and only 1 in 2000) gives added cause for concern, although a record 31 calves were born in 2001. A workshop on possible causes of reproductive failure was held in April 2000 (Reeves *et al.* 2001). Factors considered included contaminants, biotoxins, nutrition/food limitation, disease and inbreeding problems. While no conclusions were reached, a research plan to further investigate this topic was developed.

The annual population growth rate during 1986-1992 was estimated to be 2.5% (CV=0.12) using photo-identification techniques (Knowlton *et al.* 1994). A population increase rate of 3.8% was estimated from the annual increase in aerial sighting rates in the Great South Channel, 1979-1989 (Kenney *et al.* 1995). However, as noted above, more recent work indicated that the population was in decline in the 1990's (Caswell *et al.* 1999, Best *et al.* 2001).

An analysis of the age structure of this population suggests that it contains a smaller proportion of juvenile whales than expected (Hamilton *et al.* 1998a; Best *et al.* 2001), which may reflect lowered recruitment and/or high juvenile mortality. In addition, it is possible that the apparently low reproductive rate is due in part to unstable age structure or to reproductive senescence on the part of some females. However, data on either factor are poor; senescence has been demonstrated in relatively few mammals (including humans, pilot whales and killer whales) and is currently undocumented for any baleen whale.

The relatively low population size indicates that this stock is well below its optimum sustainable population size (OSP); therefore, the current population growth rate should reflect the maximum net productivity rate for this stock. The population growth rate reported by Knowlton *et al.* (1994) of 2.5% (CV=0.12) was assumed to reflect the maximum net productivity rate for this stock for purposes of previous assessments. However, review by the IWC workshop of modeling and other work indicates that the population was in decline in the 1990's (Best *et al.* 2001); consequently, a zero growth rate is used for western North Atlantic right whales.

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) is specified as the product of minimum population size, one-half the maximum net productivity rate and a "recovery" factor for endangered, depleted, threatened stocks, or stocks of unknown status relative to OSP (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The recovery factor for right whales is 0.10 because this species is listed as endangered under the Endangered Species Act (ESA). However, in view of the population decline indicated by recent demographic analyses (Caswell *et al.* 1999, Best *et al.* 2001), the PBR for this population is set to zero.

ANNUAL HUMAN-CAUSED SERIOUS INJURY AND MORTALITY

For the period 1997 through 2001, the total estimated human-caused mortality and serious injury to right whales is estimated at 2.0 per year (USA waters, 1.2; Canadian waters, 0.8). This is derived from two components: 1) non-observed fishery entanglement records at 1.2 per year (USA waters, 0.6 ; Canadian waters, 0.6), and 2) ship strike records at 0.8 per year (USA waters, 0.6; Canadian waters, 0.2). Note that in the 1996 and 1998 stock assessment reports, a six-year time frame was used to calculate these averages. A five-year period has since been used to be consistent with the time frames used for calculating the averages for other species. Beginning with the 2001 Stock Assessment Report, Canadian records were incorporated into the mortality and serious injury rates of this report to reflect the effective range of this stock. It is also important to stress that serious injury determinations are made based upon the best available information; these determinations may change with the availability of new information. For the purposes of this report, discussion is primarily limited to those records considered confirmed human-caused mortalities or serious injuries.

Background

The details of a particular mortality or serious injury record often require a degree of interpretation. The assigned cause is based on the best judgement of the available data; additional information may result in revisions. When reviewing Table 1 below, several factors should be considered: 1) a ship strike or entanglement may occur at some distance from the reported location; 2) the mortality or injury may involve multiple factors; for example, whales that have been both ship struck and entangled are not uncommon; 3) the actual vessel or gear type/source is often uncertain; and 4) in entanglements, several types of gear may be involved.

The serious injury determinations are most susceptible to revision. There are several records where a struck and injured whale was re-sighted later, apparently healthy, or where an entangled or partially disentangled whale was re-sighted later free of gear. The reverse may also be true: a whale initially appearing in good condition after being struck or entangled is later re-sighted and found to have been seriously injured by the event. Entanglements of juvenile whales are typically considered serious injuries because the constriction on the animal is likely to become increasingly harmful as the whale grows.

We have limited the serious injury designation to only those reports that had substantiated evidence that the injury, whether from entanglement or vessel collision, was likely to lead to the whale's death. Injuries that impeded the whale's locomotion or feeding were not considered serious injuries unless they were likely to be fatal in the foreseeable future. There was no forecasting of how the entanglement or injury may increase the whale's susceptibility to further injury, namely from additional entanglements or vessel collisions. This conservative approach likely underestimates serious injury rates.

With these caveats, the total estimated annual average human-induced mortality and serious injury incurred by this stock (including fishery and non-fishery related causes) was 0 right whales per year (USA waters 1.2; Canadian waters, 0.8). As with entanglements, some injury or mortality due to ship strikes almost certainly passes undetected, particularly in offshore waters. Decomposed and/or unexamined animals (e.g., carcasses reported but not retrieved or necropsied) represent 'lost data', some of which may relate to human impacts. For these reasons, the figure of 20-old right whale killed by a ship off Amelia Island, Florida, in March 1991 after having carried gillnet gear wrapped around its tail region since the previous summer (Kenney and Kraus 1993). A similar fate befell right whale #2220, found dead on Cape Cod in 1996.

For waters of the northeastern USA, a present concern not yet completely defined, is the possibility of habitat degradation in Massachusetts and Cape Cod Bays due to a Boston sewage outfall which came on-line in September 2000.

Fishery-Related Serious Injury and Mortality

Reports of mortality and serious injury relative to PBR as well as total human impacts are contained in records maintained by the New England Aquarium and the NMFS Northeast and Southeast Regional Offices (Table 1). From 1997 through 2001, 6 of 10 records of mortality or serious injury (including records from both USA and Canadian waters) involved entanglement or fishery interactions. The reports often do not contain the detail necessary to assign the entanglements to a particular fishery or location. However, based on re-examination of the records for the right whale observed entangled in pelagic drift gillnet in July 1993, which included the observer's documentation of lobster gear on the whale's tail stock, and subsequent entanglement reports of this whale, the suspected mortality of this whale was reassigned to the Gulf of Maine and USA mid-Atlantic lobster pot fisheries. In this case, the pre-existing entanglement of lobster gear was judged to have been sufficient cause of eventual mortality independent of the drift net entanglement. In another instance, a two-year-old dead male right whale with lobster line through the mouth and deeply embedded at the base of the right flipper beached in Rhode Island in July 1995. This individual had been sighted previously, entangled, east of Georgia in December 1993, and again in August 1994 in Cape Cod Bay. In this case, the entanglement became a serious injury and (directly or indirectly) the cause of the mortality.

Although disentanglement is either unsuccessful or not possible for the majority of cases, during the period 1997 through 2001, there were at least five documented cases of entanglements for which the intervention of disentanglement teams averted a likely serious injury determination. On 6/5/99, a two-year-old female, #2753, was found with a line through the mouth and trailing a Norwegian ball and highflyer. The nature of the entanglement would likely not have allowed the whale to shed the gear, and over a prolonged period, the rope's chafing likely would have caused systemic infection. Another two-year-old female, #2710, was sighted on 7/21/1999 wrapped in Canadian pot gear. A line passed through the mouth and around at least the right flipper. This entanglement would have become more constrictive as the whale grew. On 7/9/00, #2746, a three-year-old of unknown gender was seen with a line running through either side of the mouth and bridled behind the blowholes, while another portion of the line pinned the left flipper to the whale's flank. A nine-year-old female, #2223, was sighted on 8/18/00 with line tightly wrapped across her back, running through the mouth, and possibly wrapped on the left flipper. Subsequent sightings prior to the disentanglement revealed that the line across the back was beginning to tighten. On 7/20/01, #2427, a seven-year-old male was sighted off Portsmouth, New Hampshire, with line wrapped tightly around the rostrum and through the mouth. The whale was disentangled later that day, and subsequent resightings indicated that the injuries were healing. However, observers also noted that the whale's baleen was damaged, and that the whale was holding its head high out of the water and not diving nearly as frequently as other whales in the area. Its swimming and diving behavior was still unusual during the most recent resighting we have on record.

In January 1997, NMFS changed the classification of the Gulf of Maine and USA mid-Atlantic lobster pot fisheries from Category III to Category I based on examination of stranding and entanglement records of large whales from 1990 to 1994 (62 FR 33, Jan. 2, 1997).

Fishery Information

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Sea Sampling Observer Program was initiated in 1989, and since that year, several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks), and currently provides observer coverage of vessels fishing south of Cape Hatteras. Bycatch of a right whale has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in any of the other fisheries monitored by NMFS. The only bycatch of a right whale documented by NMFS Sea Samplers was a female released from a pelagic drift gillnet in 1993, as noted above.

In a recent analysis of the scarification of right whales, a total of 61.6% of the whales bore evidence of entanglements with fishing gear (Hamilton *et al.* 1998b). Further research using the North Atlantic Right Whale Catalogue has indicated that, each year, between 10% and 28% of right whales are involved in entanglements (Knowlton *et al.* 2001). Entanglement records maintained by NMFS Northeast Regional Office (NMFS, unpublished data) from 1970 through 2000 included at least 72 right whale entanglements or possible entanglements, including right whales in weirs, entangled in gillnets, and trailing line and buoys. An additional record (M. J. Harris, pers. comm.) reported a 9.1-10.6 m right whale entangled and released south of Ft. Pierce, Florida, in March 1982 (this event occurred during a sampling program and was not related to a commercial fishery). Incidents of entanglements in groundfish gillnet gear, cod traps, and herring weirs in waters of Atlantic Canada and the USA east coast were summarized by Read (1994). In six records of right whales becoming entangled in groundfish gillnet gear in the Bay of Fundy and Gulf of Maine between 1975 and 1990, the right whales were either released or escaped on their own, although several whales have been observed carrying net or line fragments. A right whale mother and calf were released alive from a herring weir in the Bay of Fundy in 1976. For all areas, specific details of right whale entanglement in fishing gear are often lacking. When direct or indirect mortality occurs, some carcasses come ashore and are subsequently examined, or are reported as "floaters" at sea; however, the number of unreported and unexamined carcasses is unknown, but may be significant in the case of floaters. More information is needed about fisheries interactions and where they occur.

Other Mortality

Ship strikes are a major cause of mortality and injury to right whales (Kraus 1990; Knowlton and Kraus 2001). Records from 1997 through 2001 have been summarized in Table 1. For this time frame, the average reported mortality and serious injury to right whales due to ship strikes was 0.8 whales per year (USA waters, 0.6; Canadian waters, 0.2).

In the period January to March 1996, an 'unusual mortality event' was declared for right whales in southeastern USA waters. Five mortalities were reported, at least one of which (on 1/30/96) was attributable to ship strike. A second mortality (on 2/22/96) showed evidence of barotrauma but no proximate cause of death could be determined. Of the remaining three mortalities, two were calves (and 2/19/96), one of which may have died from birthing trauma (inconclusive). The third (2/7/96) was decomposed and could not be towed in for examination. In 2000, two right whales were sighted in the Bay of Fundy with large open wounds that were likely the result of collisions with vessels. Right whale #2820, a male of unknown age, was first seen injured on 7/9/00. He was sighted intermittently throughout the remainder of that summer, and was seen again in the Bay of Fundy in 2001. The second whale, #2660, is a five-year-old female who was sighted with a wound on the left side of her head, just forward of the blowholes. She has not been resighted since. Although both of these injuries have a gruesome appearance, in the absence of a chronic stressor (i.e., entangling fishing gear), they are not likely to be fatal.

In 2002, six mortalities and 8 entanglements had been reported at the time of this writing. A comprehensive review of all available information pertaining to these reports has not been completed, and therefore determinations of the total levels of anthropogenic mortality and serious injury for these years have yet to be done.

Table 1. Summarized records of mortality and serious injury likely to result in mortality, North Atlantic right whales, January 1997 through December 2001. Causes of mortality or injury, assigned as primary or secondary, are based on records maintained by NMFS.

Date	Report Type	Sex, age, ID	Location	Assigned Cause: P=primary, S=secondary		Notes
				Ship strike	Entang./ Fsh inter	
8/19/97	mortality	female, age unknown #2450	Bay of Fundy	P		necropsy found evidence of traumatic impact on left side and lower jaw
8/23/97	serious injury	5 yr old male #2212	Bay of Fundy		P	reports from subsequent observations indicate the whale ingested some gear of an unknown type
8/29/97	serious injury	2 yr old female #2557	Bay of Fundy Canada		P	Line of unknown origin tightly wrapped on body and one flipper, whale emaciated
4/20/99	mortality	27+ yr. old female, #1014	Cape Cod, MA	P		Fractures to mandible and vertebral column, abrasion and edema around right flipper
5/10/99	mortality, offshore	adult female, #2030	80mi east of Cape Cod, MA		P	Constricting sink gillnet gear created deep, extensive lacerations
3/01/00	serious injury	adult male, #1130	6mi east of Manomet, MA		P	Line apparently constricting left flipper; flipper discolored; abnormal cyamid distribution; bullet buoy trailing, line weighted down between whale and buoy
3/17/01	mortality	male calf	Assateague, VA	P		Large fresh propeller gashes on dorsal caudal and acute muscular hemorrhage
6/8/01	serious injury	adult male, #1102	58 mi east of Cape Cod, MA		P	Entangling gear deeply embedded; whale showing numerous signs of poor health including emaciation, skin discoloration, and abnormal cyamid distribution
6/18/01	mortality	female calf	Long Island, NY	P		Dorsal propeller wounds, sub-dermal hemorrhage
11/3/01	mortality	14 m male, #1238	Magdalen Islands, Canada		P	Thoroughly wrapped up in gear, whale seen alive and well five months earlier

STATUS OF STOCK

The size of this stock is considered to be extremely low relative to OSP in the US Atlantic EEZ, and this species is listed as endangered under the ESA. The North Atlantic right whale is considered one of the most critically endangered populations of large whales in the world (Clapham *et al.* 1999). A Recovery Plan has been published and is in effect (NMFS 1991), and a revised plan is under review. Three critical habitats, Cape Cod Bay/Massachusetts Bay, Great South Channel, and the Southeastern USA, were designated by NMFS (59 FR 28793, June 3, 1994). The NMFS ESA 1996 Northern Right Whale Status Review concluded that the status of the western North Atlantic population of the northern right whale remains endangered; this conclusion was reinforced by the International Whaling Commission (Best *et al.* 2001), which expressed grave concern regarding the status of this stock. The total level of human-caused mortality and serious injury is unknown, but reported human-caused mortality and serious injury has been a minimum of 2.07 through 2001. Given that PBR has been set to zero, no mortality or serious injury for this stock can be considered insignificant. This is a strategic stock because the average annual fishery-related mortality and serious injury exceeds PBR, and because the North Atlantic right whale is an endangered species. Relative to populations of southern right whales, there are also concerns about growth rate, percentage of reproductive females, and calving intervals in this population.

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HUMPBACK WHALE (*Megaptera novaeangliae*): Gulf of Maine Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

In the western North Atlantic, humpback whales feed during spring, summer and fall over a range which encompasses the eastern coast of the United States (including the Gulf of Maine), the Gulf of St. Lawrence, Newfoundland/Labrador, and western Greenland (Katona and Beard 1990). Other North Atlantic feeding grounds occur off Iceland and northern Norway, including off Bear Island and Jan Mayen (Christensen *et al.* 1992; Palsbøll *et al.* 1997). These six regions represent relatively discrete subpopulations, fidelity to which is determined matrilineally (Clapham and Mayo 1987). Genetic analysis of mitochondrial DNA (mtDNA) has indicated that this fidelity has persisted over an evolutionary timescale in at least the Icelandic and Norwegian feeding grounds (Palsbøll *et al.* 1995; Larsen *et al.* 1996).

Previously, the North Atlantic humpback whale population was treated as a single stock for management purposes (Waring *et al.* 1999). Indeed, earlier genetic analyses (Palsbøll *et al.* 1995), based upon relatively small sample sizes, had failed to discriminate among the four western North Atlantic feeding areas. However, genetic analyses often reflect a timescale of thousands of years, well beyond those commonly used by managers. Accordingly, the decision was recently made to reclassify the Gulf of Maine as a separate feeding stock; this was based upon the strong fidelity by individual whales to this region, and the attendant assumption that, were this subpopulation wiped out, repopulation by immigration from adjacent areas would not occur on any reasonable management timescale. This reclassification has subsequently been supported by new genetic analysis based upon a much larger collection of samples than those utilized by Palsbøll *et al.* (1995). These analyses have found significant differences in mtDNA haplotype frequencies of the four western feeding areas, including the Gulf of Maine (Palsbøll *et al.* 2001). During the recent Comprehensive Assessment of North Atlantic humpback whales, the International Whaling Commission acknowledged the evidence for treating the Gulf of Maine as a separate stock for the purpose of management (IWC 2002).

During the summers of 1998 and 1999, the Northeast Fisheries Science Center conducted surveys for humpback whales on the Scotian Shelf. The objective of these surveys was to establish the occurrence and population identity of the animals found in this region, which lies between the well-studied populations of the Gulf of Maine and Newfoundland. Photographs from both surveys have now been compared to both the overall North Atlantic Humpback Whale Catalogue and a large regional catalogue from the Gulf of Maine (maintained by the College of the Atlantic and the Center for Coastal Studies, respectively); this work is summarized in Clapham *et al.* (2002). The match rate between the Scotian Shelf and the Gulf of Maine was 27% (14 of 52 Scotian Shelf individuals from both years). Comparable rates of exchange were obtained from the southern (26%, $n=10$ of 36 whales) and northern (27%, $n=4$ of 15 whales) ends of the Scotian Shelf, despite the additional distance of nearly 100 nautical miles (one whale was observed in both areas). In contrast, all (36 of 36) humpback whales identified by the same NMFS surveys elsewhere in the Gulf of Maine (including Georges Bank, southwestern Nova Scotia and the Bay of Fundy) had been previously observed in the Gulf of Maine region. The sighting histories of the 14 Scotian Shelf whales matched to the Gulf of Maine suggested that many of them were transient through the latter area. There were no matches between the Scotian Shelf and any North Atlantic feeding ground, except the Gulf of Maine; however, instructive comparisons are compromised by the often low sampling effort in other regions in recent years. Overall, while it is not possible to define the Gulf of Maine population by drawing a strict geographical boundary, it appears that the effective range of many members of this stock does not extend onto the Scotian Shelf. Further work on the Scotian Shelf was conducted in August 2002; the results of this cruise are expected to further clarify the issue of stock identity from this region. The very low match rate between the two sampled years (only one animal was resighted in the region in both 1998 and 1999) suggests that the Scotian Shelf is host to a larger population of humpback whales than was previously thought.

In winter, whales from all feeding areas (including the Gulf of Maine) mate and calve primarily in the West Indies, where spatial and genetic mixing among subpopulations occurs (Clapham *et al.* 1993; Katona and Beard 1990; Palsbøll *et al.* 1997; Stevick *et al.* 1998). A few whales of unknown northern origin migrate to the Cape Verde Islands (Reiner *et al.*, 1996). In the West Indies, the majority of whales are found in the waters of the Dominican Republic, notably on Silver Bank, on Navidad Bank, and in Samana Bay (Balcomb and Nichols 1982; Whitehead and Moore 1982; Mattila *et al.* 1989, 1994). Humpback whales are also found at much lower densities throughout the remainder of the Antillean arc, from Puerto Rico to the coast of Venezuela (Winn *et al.* 1975; Levenson and Leapley 1978; Price 1985; Mattila and Clapham 1989).

It is apparent that not all whales migrate to the West Indies every winter, and that significant numbers of animals are found in mid- and high-latitude regions at this time (Clapham *et al.* 1993; Swingle *et al.* 1993). An increased number of sightings of humpback whales in the vicinity of the Chesapeake and Delaware Bays occurred in 1992 (Swingle *et al.* 1993). Wiley *et al.* (1995) reported 38 humpback whale strandings which occurred during 1985-1992 in the US mid-Atlantic and southeastern states. Humpback whale strandings increased, particularly along the Virginia and North Carolina coasts, and most stranded animals were sexually immature; in addition, the small size of many of these whales strongly suggested that they had only recently separated from their mothers. Wiley *et*

al. (1995) concluded that these areas are becoming an increasingly important habitat for juvenile humpback whales and that anthropogenic factors may negatively impact whales in this area. There have also been a number of wintertime humpback sightings in coastal waters of the southeastern USA (NMFS unpublished data; New England Aquarium unpublished data; Florida DEP unpublished data). Whether the increased sightings represent a distributional change, or are simply due to an increase in sighting effort and/or whale abundance, is presently unknown.

A key question with regard to humpback whales off the southeastern and mid-Atlantic states is their population identity. This topic was recently investigated using fluke photographs of living and dead whales observed in the region (Barco *et al.* 2002). In this study, photographs of 40 whales (live or dead) were of sufficient quality to be compared to catalogues from the Gulf of Maine (the closest feeding ground) and other areas in the North Atlantic. Of 21 live whales, 9 (42.9%) matched to the Gulf of Maine, 4 (19.0%) to Newfoundland and 1 (4.8%) to the Gulf of St Lawrence. Of 19 dead humpbacks, 6 (31.6%) were known Gulf of Maine whales. Although the population composition of the mid-Atlantic is apparently dominated by Gulf of Maine whales, lack of recent photographic effort in Newfoundland makes it likely that the observed match rates under-represent the true presence of Canadian whales in the region. Barco *et al.* (2002) suggested that the mid-Atlantic region primarily represents a supplemental winter feeding ground that is used by humpbacks for more than one purpose.

Feeding is the principal activity of humpback whales in New England waters, and their distribution in this region has been largely correlated to prey species and abundance, although behavior and bottom topography are factors in foraging strategy (Payne *et al.* 1986, 1990). Humpback whales are frequently piscivorous when in these waters, feeding on herring (*Clupea harengus*), sand lance (*Ammodytes* spp.), and other small fishes. In the northern Gulf of Maine, euphausiids are also frequently taken (Paquet *et al.* 1997). Commercial depletion of herring and mackerel led to an increase in sand lance in the southwestern Gulf of Maine in the mid 1970s with a concurrent decrease in humpback whale abundance in the northern Gulf of Maine. Humpback whales were densest over the sandy shoals in the southwestern Gulf of Maine favored by the sand lance during much of the late 1970s and early 1980s, and humpback distribution appeared to have shifted to this area (Payne *et al.* 1986). An apparent reversal began in the mid 1980s, and herring and mackerel increased as sand lance again decreased (Fogarty *et al.* 1991). Humpback whale abundance in the northern Gulf of Maine increased dramatically during 1992-1993, along with a major influx of herring (P. Stevick, pers. comm.). Humpback whales were few in nearshore Massachusetts waters in the 1992-1993 summer seasons. They were more abundant in the offshore waters of Cultivator Shoal and the Northeast Peak on Georges Bank, and on Jeffreys Ledge; these latter areas are more traditional locations of herring occurrence. In 1996 and 1997, sand lance, and thus humpback whales, were once again abundant in the Stellwagen Bank area. However, unlike previous cycles, where an increase in sand lance corresponded to a decrease in herring, herring remained relatively abundant in the northern Gulf of Maine, and humpbacks correspondingly continued to occupy this portion of the habitat, where they also fed on euphausiids (unpublished data, Center for Coastal Studies and College of the Atlantic).

In early 1992, a major research initiative known as the Years of the North Atlantic Humpback (YONAH) (Smith *et al.* 1999) was initiated. This project was a large-scale, intensive study of humpback whales throughout almost their entire North Atlantic range, from the West Indies to the Arctic. During two primary years of field work, photographs for individual identification and biopsy samples for genetic analysis were collected from summer feeding areas and from the breeding grounds in the West Indies. Additional samples were collected from certain areas in other years. Results pertaining to the estimation of abundance and to genetic population structure are summarized below.

POPULATION SIZE

The overall North Atlantic population (including the Gulf of Maine) was estimated from genetic tagging data collected by the YONAH project in the breeding range at 4,894 males (95% CI=3,374-7,123) and 2,804 females (95% CI=1,776-4,463) (Palsbøll *et al.* 1997). Since the sex ratio in this population is known to be even (Palsbøll *et al.* 1997), the excess of males is presumed to be a result of sampling bias, lower rates of migration among females or sex-specific habitat partitioning in the West Indies; whatever the reason, the combined total is an underestimate of overall population size in this ocean. Photographic mark-recapture analyses from the YONAH project gave an ocean-basin-wide estimate of 11,570 for 1992/93 (CV=0.069, Stevick *et al.* 2001), and an additional genotype-based analysis yielded a similar but less precise estimate of 10,400 (95% CI=8,000 to 13,600) (Smith *et al.* 1999). The estimate of 11,570 (CV=0.069) is regarded as the best available estimate for the North Atlantic, although because YONAH sampling was not spatially representative in the feeding grounds, this figure is negatively biased. In the northeastern North Atlantic, Øien (2001) estimated from sighting survey data that there were 889 (CV=0.32) humpback whales in the Barents and Norwegian Seas region.

Estimating abundance for the Gulf of Maine stock has proved problematic. Three approaches have been investigated: mark-recapture estimates, minimum population size, and line-transect estimates. Most of the mark-recapture estimates were affected by heterogeneity of sampling, which was heavily focused on the southwestern Gulf of Maine. However, an estimate of 652 (CV=0.29) derived from the more extensive and representative YONAH sampling in 1992 and 1993 was probably less subject to this bias.

The second approach uses photo-identification data to establish the minimum number of humpback whales known to be alive in a particular year, 1997. By determining the number of identified individuals seen either in that year, or in both a previous and subsequent year, it is possible to determine that at least 497 humpbacks were alive in 1997. This figure is also likely to be negatively biased, again because of heterogeneity of sampling. A similar calculation for 1992 (which would correspond to the YONAH estimate for the Gulf of Maine) yields a figure of 501 whales.

In the third approach, data were used from a 28 July to 31 August 1999 line-transect sighting survey conducted by a ship and airplane covering waters from Georges Bank to the mouth of the Gulf of St. Lawrence. Total track line length was 8,212 km. However, in light of the information on stock identity of Scotian Shelf humpback whales noted above, only the portions of the survey covering the Gulf of Maine were used; surveys blocks along the eastern coast of Nova Scotia were excluded. Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$ (Palka 2000). These surveys yielded an estimate of 816 humpbacks (CV=0.45). However, given that the rate of exchange between the Gulf of Maine and both the Scotian Shelf and mid-Atlantic region is not zero, this estimate is likely to be somewhat conservative. Accordingly, inclusion of data from 25% of the Scotian Shelf survey area (to reflect the match rate of 25% between the Scotian Shelf and the Gulf of Maine) gives an estimate of 902 whales (CV=0.41). Since the mark-recapture figures for abundance and minimum population size given above falls above the lower bound of the CV of the line transect estimate, and given the known exchange between the Gulf of Maine and the Scotian Shelf, we have chosen to use the latter as the best estimate of abundance for Gulf of Maine humpback whales.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for Gulf of Maine humpback whales is 902 (CV=0.41). The minimum population estimate for this stock is 647.

Table 1. Summary of abundance estimates for Gulf of Maine humpback whales. CCS = Center for Coastal Studies. COA = College of the Atlantic.

Month/Year	Type	N	CV	Source
1992/93	Mark-recapture estimate	652	0.29	Clapham <i>et al.</i> (2002)
1997	Minimum known to be alive	497	-	CCS + COA data
July/August 1999	Line transect, including a portion of the Scotian Shelf stratum	902	0.41	Palka 2000, Clapham <i>et al.</i> 2002

Current Population Trend

As detailed below, current data suggest that the Gulf of Maine humpback whale stock is steadily increasing in size. This is consistent with an estimated average trend of 3.2% (SE=0.005) in the North Atlantic population overall for the period 1979–1993 (Stevick *et al.* 2001), although there are no other feeding-area-specific estimates.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Barlow and Clapham (1997) applied an interbirth interval model to photographic mark-recapture data and estimated the population growth rate of the Gulf of Maine humpback whale stock at 6.5% (CV=0.012). Maximum net productivity is unknown for this population, although a theoretical maximum for any humpback population can be calculated using known values for biological parameters (Brandão *et al.* 2000; Clapham *et al.* 2001b). For the Gulf of Maine, data supplied by Barlow and Clapham (1997) and Clapham *et al.* (1995) gives values of 0.96 for survival rate, 6y as mean age at first parturition, 0.5 as the proportion of females, and 0.42 for annual pregnancy rate. From this, a maximum population growth rate of 0.072 is obtained according to the method described by Brandão *et al.* (2000). This suggests that the observed rate of 6.5% (Barlow and Clapham 1997) was close to the maximum for this stock.

Clapham *et al.* (2002) updated the Barlow and Clapham (1997) analysis using data from the period 1992 to 2000. The estimate was either 0% (for a calf survival rate of 0.51) or 4.0% (for a calf survival rate of 0.875). Although confidence limits are not available (because maturation parameters could not be estimated), both estimates of population growth rate are outside the 95% confidence intervals of the previous estimate of 6.5% for the period 1979 to 1991 (Barlow and Clapham 1997). It is unclear whether this apparent decline is an artifact resulting from a shift in distribution; indeed, such a shift occurred during exactly the period (1992-95) in which survival rates declined. It is possible that this shift resulted in calves born in those years imprinting on (and thus subsequently returning to) areas other than those in which intensive sampling occurs. If the decline is a real phenomenon it may

be related to known high mortality among young-of-the-year whales in the waters of the U.S. mid-Atlantic states. However, calf survival appears to have increased since 1996, presumably accompanied by an increase in population growth.

In light of the uncertainty accompanying the more recent estimate of population growth rate for the Gulf of Maine, for purposes of this assessment the maximum net productivity rate was assumed to be the default value for cetaceans of 0.04 (Barlow *et al.* 1995).

Current and maximum net productivity rates are unknown for the North Atlantic population overall. As noted above, Stevick *et al.* (2001) calculated an average population growth rate of 3.2% (SE=0.005) for the period 1979–1993.

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 647. The maximum productivity rate is the default value of 0.04. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.10 because this stock is listed as an endangered species under the Endangered Species Act (ESA). PBR for the Gulf of Maine humpback whale stock is 1.3 whales.

ANNUAL HUMAN-CAUSED SERIOUS INJURY AND MORTALITY

For the period 1997 through 2001, the total estimated human-caused mortality and serious injury to the Gulf of Maine humpback whale stock is estimated as 2.6 per year (USA waters, 2.0; Canadian waters, 0.6). This average is derived from two components: 1) incidental fishery interaction records, 2.2 (USA waters, 6; Canadian waters, 0.6); and 2) records of vessel collisions, 0.4 (USA waters, 0.4; Canadian waters, 0). There were additional humpback mortalities and serious injuries that occurred in the southeastern and mid-Atlantic states that could not be confirmed as involving members of the Gulf of Maine stock. These records represent an additional minimum annual average of 1.6 human-caused mortalities and serious injuries to humpbacks over the time period, of which 1.2 per year are attributable to incidental fishery interactions and 0.4 per year are attributable to vessel collisions.

Note that in the 1998 stock assessment report, a six-year time frame was used to calculate the averages for fishery interactions and vessel collisions. A five-year period has been used since to be consistent with the time frames used for calculating the averages for the observed fishery and for other species. Beginning with the 2001 Stock Assessment Report, Canadian records were incorporated into the mortality and serious injury rates, to reflect the effective range of this stock as described above. In addition, records from the southeastern and mid-Atlantic states involving individuals that could not be identified as members of the Gulf of Maine stock were tallied separately. Conversely, records involving unidentified individuals reported between New York and the Bay of Fundy were assumed to be whales from the Gulf of Maine stock. It is also important to stress that serious injury determinations are made based upon the best available information at the time of writing; these determinations may change with the availability of new information. For the purposes of this report, discussion is primarily limited to those records considered confirmed human-caused mortalities or serious injuries.

To better assess human impacts (both vessel collision and gear entanglement), and considering the number of decomposed and incompletely or unexamined animals in the records, there needs to be greater emphasis on the timely recovery of carcasses and complete necropsies. The literature and review of records described here suggest that there are significant human impacts beyond those recorded in the fishery observer data. For example, a study of entanglement-related scarring on the caudal peduncle of 134 individual humpback whales in the Gulf of Maine suggested that between 48% and 65% had experienced entanglements (Robbins and Mattila 2001). Decomposed and/or unexamined animals (e.g., carcasses reported but not retrieved or necropsied) represent ‘lost data’, some of which may relate to human impacts.

In addition, we have limited the serious injury designation to only those reports that had substantiated evidence that the injury, whether from entanglement or vessel collision, was likely to lead to the whale’s death. Injuries that impeded the whale’s locomotion or feeding were not considered serious injuries unless they were likely to be fatal in the foreseeable future. There was no forecasting of how the entanglement or injury may increase the whale’s susceptibility to further injury, namely from additional entanglements or vessel collisions. For these reasons, the human impacts listed in this report must be considered a minimum estimate.

Background

As with right whales, human impacts (vessel collisions and entanglements) are factors which may be slowing recovery of the humpback whale population. There is an average of 4 to 6 entanglements of humpback whales a year in waters of the southern Gulf of Maine and additional reports of vessel-collision scars (unpublished data, Center for Coastal Studies). Of 20 dead humpback whales (principally in the mid-Atlantic, where decomposition did not preclude examination for human impacts), Wiley *et al.* (1995) reported that 6 (30%) had major injuries possibly attributable to ship strikes, and 5 (25%) had injuries consistent with possible entanglement in fishing gear. One whale displayed scars that may have been caused by both ship strike and entanglement. Thus, 60% of the whale carcasses which were suitable for examination showed signs that anthropogenic factors may have

contributed to, or been responsible for, their death. Wiley *et al.* (1995) further reported that all stranded animals were sexually immature, suggesting a winter or migratory segregation and/or that juvenile animals are more susceptible to human impacts.

An updated analysis of humpback whale mortalities from the mid-Atlantic states region has recently been produced by Barco *et al.* (2002). Between 1990 and 2000, there were 52 known humpback whale mortalities in the waters of the U.S. mid-Atlantic states. Length data from 48 of these whales (18 females, 22 males and 8 of unknown sex) suggested that 39 (81.2%) were first-year animals, 7 (14.6%) were immature and 2 (4.2%) were adults. However, sighting histories of 5 of the dead whales indicate that some were small for their age, and histories of live whales further indicate that the population contains a greater percentage of mature animals than is suggested by the stranded sample.

In their study of entanglement rates estimated from caudal peduncle scars, Robbins and Mattila (2001) found that males were more likely to be entangled than females. The scarring data also suggested that yearlings were more likely than other age classes to be involved in entanglements. Finally, female humpbacks showing evidence of prior entanglements produced significantly fewer calves, suggesting that entanglement may significantly impact reproductive success.

Humpback whale entanglements also occur in relatively high numbers in Canadian waters. Reports of collisions with fixed fishing gear set for groundfish around Newfoundland averaged 365 annually from 1979 to 1987 (range 174-813). An average of 50 humpback whale entanglements (range 26-66) were reported annually between 1979 and 1988, and 12 of 66 humpback whales that were entangled in 1988 died (Lien *et al.* 1988). Volgenau *et al.* (1995) also summarized existing data and concluded that in Newfoundland and Labrador, cod traps caused the most entanglements and entanglement mortalities (21%) of humpbacks between 1979 and 1992. They also reported that gillnets are the gear that has been the primary cause of entanglements and entanglement mortalities (20%) of humpbacks in the Gulf of Maine between 1975 and 1990.

Disturbance by whalewatching may prove to be an important habitat issue in some areas of this population's range, notably the coastal waters of New England where the density of whalewatching traffic is seasonally high. No studies have been conducted to address this question, and its impact (if any) on habitat occupancy and reproductive success is unknown.

Fishery-Related Serious Injuries and Mortalities

Two mortalities were observed in the pelagic drift gillnet fishery since 1989. In winter 1993, a juvenile humpback was observed entangled and dead in a pelagic drift gillnet along the 200 m isobath northeast of Cape Hatteras; in early summer 1995, a humpback was entangled and dead in a pelagic drift gillnet on southwestern Georges Bank (see below).

Additional reports of mortality and serious injury relevant to comparison to PBR, as well as description of total human impacts, are contained in records maintained by NMFS. A number of these records (11 entanglements involving lobster gear) from the 1990-1994 period were used in the 1997 List of Fisheries classification (62 FR 33, Jan. 2, 1997). For this report, the records of dead, injured, and/or entangled humpbacks (either found stranded or at sea) for the period 1997 through 2001 were reviewed. Out of 106 records, 85 were eliminated from further consideration due to an absence of any evidence of human impact or, in the case of an entangled whale, it was documented that the animal had become disentangled. Of the remaining records, the Gulf of Maine stock sustained 3 mortalities attributable to fishery interactions and 8 cases of serious injuries — 1 records in the five-year period (Table 2). In addition, 4 mortalities and 2 serious injuries were documented in the southeastern and mid-Atlantic states that involved interactions with fisheries. At the time of this writing, no genetic results were available to identify which of these cases may have involved whales from the Gulf of Maine stock. While these records are not statistically quantifiable in the same way as the observed fishery records, they provide some indication of the frequency of entanglements.

Fishery Information

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Sea Sampling Observer Program was initiated in 1989, and several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras. Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in other fisheries monitored by NMFS.

In January 1997 (62 FR 33, Jan. 2, 1997), NMFS changed the classification of the Gulf of Maine and USA mid-Atlantic lobster pot fisheries from Category III to Category I based on examination of stranding and entanglement records of large whales from 1990 to 1994 (including 11 serious injuries or mortalities of humpback whales).

Pelagic Drift Gillnet

In 1996 and 1997, the NMFS issued management regulations which prohibited the operation of this fishery in 1997. The fishery was active during 1998. Then, in January 1999, NMFS issued a Final Rule to prohibit the use of drift net gear in the North Atlantic swordfish fishery (50 CFR Part 630). The estimated total number of hauls in the Atlantic pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995 and 1996 were 233, 243, 232, 197, 164 and 149, respectively. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. In 1994 to 1998, there were 12, 11, 10, 0 and 11 vessels, respectively, in the fishery. Observer coverage, expressed as percent of sets, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, no fishery in 1997 and 99% coverage during 1998. Observer coverage dropped during 1996 because some vessels were deemed too small or unsafe by the contractor that provided observer coverage to NMFS. Fishing effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Total annual bycatches after 1993 were estimated separately for each year by summing the observed caught with the product of the average bycatch per haul and number of unobserved hauls as recorded in SEFSC logbooks. Variances were estimated using bootstrap resampling techniques. Estimated annual fishery-related mortality and serious injury (CV in parentheses) was 0 in 1994 (0), 1.0 in 1995 (0), 0 in 1996 (0), and 0 in 1998 (0). Since this fishery no longer exists, records of its incidental takes have been excluded from Table 2.

Table 2. Summarized records of mortality and serious injury likely to result in mortality, for North Atlantic humpback whales, January 1997 - December 2001. Causes of mortality or injury, assigned as primary or secondary, are based on records maintained by NMFS. Records counted as from the Gulf of Maine humpback whale stock are indicated by an asterisk (*) following the date.

Date	Report Type	Sex, age, ID length	Location	Assigned Cause: P=primary, S=secondary		Notes
				Ship strike	Entang./ Fsh.inter	
12/10/97	mortality	9.0 m male	Beaufort Inlet, NC	P		massive hemorrhage consistent with forceful blunt trauma
3/4/98	mortality	8.6 m female	Ocracoke Island, NC (35° 12' 75° 40')		P	Coast Guard present when whale drowned entangled in croaker gillnet gear
5/3/98*	mortality	10.2 m male	Cape Cod, MA		P	fresh entanglement lesions around head and flippers
7/19/98*	serious injury	age and sex unknown	Bay of Fundy, Canada		P	whale partially disentangled from gillnet gear, but swam away still badly wrapped
8/4/98*	serious injury	age and sex unknown	Mount Desert Rock (44° 06' 67° 44')		P	line through mouth and several wraps around tail with fresh chafing
8/23/98*	serious injury	adult, sex unknown	Montauk Pt., NY (40° 36' 70° 43')		P	whale anchored by offshore lobster gear, struggling to breathe; not relocated by Coast Guard search
11/5/98	mortality	8.9 m male	Nags Head, NC (35° 59' 75° 38')		P	Deep abrasions around tail stock with subdermal hemorrhaging
1/12/99*	mortality	9.7 m male	Martha's Vineyard, MA		P	Fresh and extensive rope marks on carcass with associated hemorrhaging

Date	Report Type	Sex, age, ID length	Location	Assigned Cause: P=primary, S=secondary		Notes
				Ship strike	Entang./ Fsh.inter	
8/2/99*	serious injury	9.4 m estimated	Bay of Fundy, Canada		P	Single wrap of ½ inch poly line pinning flippers
9/23/99*	serious injury	unknown	off Chatham, MA		P	Line out of mouth and several wraps around body; possibly anchored
1/8/00	serious injury	9.9 m estimated	30mi east Cape Lookout, NC		P	whale swam off with 600' of sea trout sink gillnet, a chain anchor and a high flyer in tow
8/4/00*	serious injury	10.7 m estimated	Bay of Fundy, Canada		P	gillnet wrapped on head with weighted trailing line giving tension
9/6/00*	serious injury	<1 yr old, calf of "Giraffe"	Stellwagen Bank, MA		P	single line wrapped across back; constriction will increase as whale grows
10/14/00	serious injury	9.9 m estimated	off Ocean City Inlet, MD		P	Heavily entangled in line and netting; constrictive--fresh wounds noted
10/20/00*	serious injury	10 yr old male "Tribble"	Stellwagen Bank, MA		P	Entangled in green poly line on multiple body parts; appears constrictive
1/25/01	mortality	6.9 m estimated	Avon, NC	P		extensive hemorrhaging along left thoracic, clean cut through center of vertebrae; ship strike
4/8/01	mortality	7.9 m juvenile male	Myrtle Beach, SC	S	P	pre-mortem evidence of chronic line entanglement; severe prop wounds
4/8/01	mortality	7.6 m juvenile male	Emerald Isle, NC		P	entanglement around peduncle caused extensive edema, hemorrhaging
4/9/01*	mortality	8.8 m juvenile female "Inland"	offshore of Sandbridge, Virginia Beach		P	found anchored in gillnet gear; line wraps around rostrum had immobilized the whale
7/29/01*	mortality	8.5 m juvenile female	floating south of Verazano Bridge, NY	P		large laceration on left side of head, extensive fracturing of skull
10/1/01*	mortality	11.4 m 3 yr old female "Pitfall"	Duxbury Beach, MA	P		massive fracturing to skull, focal bruising indicative of pre-mortem ship strike

Table notes:

1. The date sighted and location provided in the table are not necessarily when or where the serious injury or mortality occurred; rather, this information indicates when and where the whale was first reported beached, entangled, or injured.
2. National guidelines for determining what constitutes a serious injury have not been finalized. Interim criteria as established by NERO/NMFS (62 FR 33, Jan. 2, 1997) have been used here. Some assignments may change as new information becomes available and/or when national standards are established.
3. Assigned cause based on best judgement of available data. Additional information may result in revisions.
4. Entanglements of juvenile whales may become more serious as the whale grows.

Other Mortality

Between November 1987 and January 1988, at least 14 humpback whales died after consuming Atlantic mackerel containing a dinoflagellate saxitoxin (Geraci *et al.* 1989). The whales subsequently stranded or were recovered in the vicinity of Cape Cod Bay and Nantucket Sound, and it is highly likely that other mortalities occurred during this event which went unrecorded. During the first six months of 1990, seven dead juvenile (7.6 to 9.1 m long) humpback whales stranded between North Carolina and New Jersey. The significance of these strandings is unknown, but is a cause for some concern.

As reported by Wiley *et al.* (1995), injuries possibly attributable to ship strikes are more common and probably more serious than those from entanglements. In the NMFS records for 1997 through 2001, 11 records had some evidence of a collision with a vessel. Of these, 4 were mortalities as a result of the collision, 5 did not have sufficient information to confirm the collision as the cause of death. Of the remaining 2, one incident occurred on 10/4/01 and involved a whale watch vessel. Photos taken at the time of the collision confirmed that the injury was minor and follow-up documentation provided evidence that the injury sustained had healed. The last record involved a whale watch vessel that collided with a humpback on 8/2/98; the seriousness of the injury could not be assessed. The whale was sighted after the collision with a large gash in its back, but was reported as “not struggling to breathe”. It was seen in the company of other humpbacks several times over three weeks following the incident. However, among the members of this cohort with similar sighting history patterns through 1998, this injured animal was the only one that has not been resighted in subsequent years. Two out of the 4 cases of mortality from a vessel collision involved whales identified as members of the Gulf of Maine stock (7/29/01 and 10/1/01; see Table 2).

STATUS OF STOCK

The status of the North Atlantic humpback whale population was the topic of an International Whaling Commission Comprehensive Assessment in June 2001, and again in May 2002; these meetings conducted a detailed review of all aspects of this population (IWC 2002). Although the most recent estimates of abundance indicate continued population growth, the size of the humpback whale stock may be below OSP in the US Atlantic EEZ. This is a strategic stock because the humpback whale is listed as an endangered species under the ESA. A Recovery Plan has been published and is in effect (NMFS 1991). There are insufficient data to reliably determine population trends for humpback whales in the North Atlantic overall. The average annual rate of population increase was estimated at 3.2% (SE=0.005, Stevick *et al.* 2001). As noted above, a recent analysis of demographic parameters for the Gulf of Maine (Clapham *et al.* 2002) suggested a lower rate of increase than the 6.5% reported by Barlow and Clapham (1997), but results may have been confounded by distribution shifts. The total level of human-caused mortality and serious injury is unknown, but current data indicate that it is significant. In particular, the continued high level of mortality among humpback whales off the U.S. mid-Atlantic states (Barco *et al.* 2002), is cause for considerable concern given that at least some of these animals are known to be from the Gulf of Maine. This is a strategic stock because the average annual fishery-related mortality and serious injury exceeds PBR, and because the North Atlantic humpback whale is an endangered species.

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FIN WHALE (*Balaenoptera physalus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The Scientific Committee of the International Whaling Commission (IWC) has proposed stock boundaries for North Atlantic fin whales. Fin whales off the eastern USA, north to Nova Scotia and the southeastern coast of Newfoundland are believed to constitute a single stock under the present IWC scheme (Donovan 1991). However, the stock identity of North Atlantic fin whales has received relatively little attention, and whether the current stock boundaries define biologically isolated units has long been uncertain. The existence of a subpopulation structure was suggested by local depletions that resulted from commercial overharvesting (Mizroch *et al.* 1984).

A genetic study conducted by Bérubé *et al.* (1998) using both mitochondrial and nuclear DNA provided strong support for an earlier population model proposed by Kellogg (1929) and others. This postulates the existence of several subpopulations of fin whales in the North Atlantic and Mediterranean, with limited gene flow among them. Bérubé *et al.* (1998) also proposed that the North Atlantic population showed recent divergence due to climatic changes (*i.e.* postglacial expansion), as well as substructuring over even relatively short distances. The genetic data are consistent with the idea that different subpopulations use the same feeding ground, a hypothesis that was also originally proposed by Kellogg (1929).

Fin whales are common in waters of the US Atlantic Exclusive Economic Zone (EEZ), principally from Cape Hatteras northward (Figure 1). Fin whales accounted for 46% of the large whales and 24% of all cetaceans sighted over the continental shelf during aerial surveys (CETAP 1982) between Cape Hatteras and Nova Scotia during 1978-82. While a great deal remains unknown, the magnitude of the ecological role of the fin whale is impressive. In this region fin whales are probably the dominant large cetacean species in all seasons, with the largest standing stock, the largest food requirements, and therefore the largest impact on the ecosystem of any cetacean species (Kenney *et al.* 1997; Hain *et al.* 1992).

There is little doubt that New England waters represent a major feeding ground for the fin whale. There is evidence of site fidelity by females, and perhaps some segregation by sexual, maturational or reproductive class on the feeding range (Agler *et al.* 1993). Seipt *et al.* (1990) reported that 49% of identified fin whales on Massachusetts Bay area feeding grounds were resighted within the same year, and 45% were resighted in multiple years. While recognizing localized as well as more extensive movements, these authors suggested that fin whales on these grounds exhibited patterns of seasonal occurrence and annual return that are in some respects similar to those shown for humpback whales. This was reinforced by Clapham and Seipt (1991), who showed maternally directed site fidelity by fin whales in the Gulf of Maine. Information on life history and vital rates is also available in data from the Canadian fishery, 1965-1971 (Mitchell 1974). In seven years, 3,528 fin whales were taken at three whaling stations. The station at Blandford, Nova Scotia, took 1,402 fin whales.

Hain *et al.* (1992), based on an analysis of neonate stranding data, suggested that calving takes place during approximately four months from October to January in latitudes of the US mid-Atlantic region; however, it is unknown where calving, mating, and wintering for most of the population occurs. Results from the Navy's SOSUS program (Clark 1995) indicate a substantial deep-ocean component to fin whale distribution. It is likely that fin whales occurring in the US Atlantic EEZ undergo migrations into Canadian waters, open-ocean areas, and perhaps even subtropical or tropical regions. However, the popular notion that entire fin whale populations make distinct

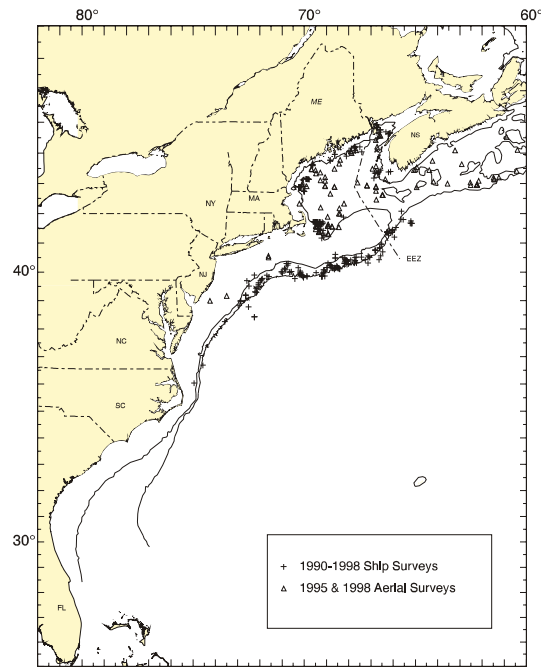


Figure 1. Distribution of fin whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

annual migrations like some other mysticetes has questionable support in the data; in the North Pacific, year-round monitoring of fin whale calls found no evidence for large-scale migratory movements (Watkins *et al.* 2000).

POPULATION SIZE

Two estimates of abundance from line-transect surveys are available. An abundance of 2,200 (CV=0.24) fin whales was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence. Data collection and analysis methods used were described in Palka (1995).

A more recent estimate of 2,814 (CV=0.21) fin whales was derived from a 28 July to 31 August 1999 line-transect sighting survey conducted by a ship and airplane covering waters from Georges Bank to the mouth of the Gulf of St. Lawrence. Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$ (Palka 2000).

The latter abundance estimate is considered the best available for the western North Atlantic fin whale because it is relatively recent. However, this estimate must be considered extremely conservative in view of the known range of the fin whale in the entire western North Atlantic, the uncertainties regarding population structure and exchange between surveyed and unsurveyed areas, and aerial data having not been corrected for $g(0)$.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for fin whales is 2,814 (CV=0.21). The minimum population estimate for the western North Atlantic fin whale is 2,362.

Current Population Trend

There are insufficient data to determine population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Based on photographically identified fin whales, Agler *et al.* (1993) estimated that the gross annual reproduction rate was at 8%, with a mean calving interval of 2.7 years.

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 2,362. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.10 because the fin whale is listed as endangered under the Endangered Species Act (ESA). PBR for the western North Atlantic fin whale is 4.7.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The number of fin whales taken at three whaling stations in Canada from 1965 to 1971 totaled 3,528 whales (Mitchell 1974). Reports of non-directed takes of fin whales are fewer over the last two decades than for other endangered large whales such as right and humpback whales. There was no reported fishery-related mortality or serious injury to fin whales in fisheries observed by NMFS during 1997 through 2001. A review of NMFS records from 1997 through 2001 yielded an average of 2.0 human-caused mortalities per year – 0.6 per year resulting from fishery interactions/entanglements (USA waters, 0.2; Canadian waters, 0.2; Bermudian waters, 0.2), and 1.4 due to vessel collisions--all in USA waters (Table 1).

Fishery-Related Serious Injury and Mortality

No confirmed fishery-related mortality or serious injury of fin whales was reported in the Fisheries Observer bycatch database; therefore, no detailed fishery information is presented here. A review of the records of stranded, floating or injured fin whales for the period 1997 through 2001 on file at NMFS found three records with substantial evidence of fishery interactions causing mortality or serious injury (Table 1). There was a live fin whale sighted entangled on 6/24/97 with line wrapped over its back. The animal appeared emaciated, and scarring visible on the leading edge of the dorsal fin and the whale's left flank suggests this was a prolonged entanglement. Whether the entanglement initiated the whale's decline in health is unclear, but the chronic stress of the entanglement was likely lethal given the whale's depressed condition.

The three substantiated records provide a minimum annual rate of serious injury and mortality of 0.6 fin whales from fishery interactions. While these records are not statistically quantifiable in the same way as the observed fishery records, they give a minimum estimate of the frequency of entanglements for this species. In addition to the records above, there are four records within the period that lacked substantial evidence of the severity of the entanglement for a serious injury determination, or that did not provide the detail necessary to determine if an entanglement had been a contributing factor in the mortality.

Table 1. Summarized records of mortality and serious injury likely to result in mortality, Western North Atlantic fin whale stock, January 1997 - December 2001. Causes of mortality or injury, assigned as primary or secondary, are based on records maintained by NMFS.

Date	Report Type	Sex, age, ID length	Location	Assigned Cause: P=primary, S=secondary		Notes
				Ship strike	Entang./ Fsh.inter	
6/24/97	serious injury	unknown	20 mi east Nantucket Island, MA		P	line wrapped over back; whale emaciated; scarring indicative of prolonged entanglement
8/4/97	mortality	16.8 m female	Eastham, MA	P		exhumed skeleton with broken jaw, cracked scapula partially healed
3/21/98	mortality	16.9 m female	Salvo County, NC	P		large hematoma, disarticulated spine and numerous broken vertebrae
9/28/98	mortality	unknown	Digby Neck, Nova Scotia		P	gear wrapped through mouth and ten wraps on tail stock
2/10/99	mortality	15.5 m male	Virginia Beach, VA	P		large external wound, extensive fractures to vertebral column, hemorrhaging
11/5/99	mortality	16.2 m male	Elizabeth, NJ	P		large wound anterior of the blowhole, severed left flipper, shattered bones
12/11/00	mortality	10.9 m female	New York harbor	P		hemorrhage and fractured bones on right side
1/2/01	mortality	18.1 m female	New York harbor	P		dorsal abrasion marks, hematoma
2/1/01	mortality	14.5 m female	Port Elizabeth, NJ	P		Very fresh carcass hung on ship's bow
9/19/01	mortality	10.7 m unknown	off Bermuda		P	Extensive fresh entanglement marks

Table notes:

1. The date sighted and location provided in the table are not necessarily when or where the serious injury or mortality occurred; rather, this information indicates when and where the whale was first reported beached, entangled, or injured.
2. National guidelines for determining what constitutes a serious injury have not been finalized. Interim criteria as established by NERO/NMFS (62 FR 33, Jan. 2, 1997) have been used here. Some assignments may change as new information becomes available and/or when national standards are established.
3. Assigned cause based on best judgement of available data. Additional information may result in revisions.

Other Mortality

After reviewing NMFS records for 1997 through 2001, seven were found that had sufficient information to confirm the cause of death as collisions with vessels (Table 1). One record (8/4/97) had been omitted from previous reports, but is inserted here following an examination of the exhumed skeletal remains which found a broken jaw and cracked scapula which had partially healed. The partial healing indicates the whale was alive at the time of the incident.

The above records constitute an annual rate of serious injury or mortality of 1.4 fin whales from collisions with vessels. NMFS data holdings include four additional records of fin whale collisions with vessels, but the available supporting documentation was insufficient to determine if the whales sustained mortal injuries from the encounters.

STATUS OF STOCK

The status of this stock relative to OSP in the US Atlantic EEZ is unknown, but the species is listed as endangered under the ESA. There are insufficient data to determine the population trend for fin whales. The total level of human-caused mortality and serious injury is unknown. The records on hand at NMFS represent coverage of only a portion of the area surveyed for the population estimate for the stock. Despite this, the total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching a zero mortality and serious injury rate. This is a strategic stock because the fin whale is listed as an endangered species under the ESA. A Recovery Plan for fin whales has been prepared and is currently awaiting legal clearance.

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SEI WHALE (*Balaenoptera borealis*): Nova Scotia Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Indications are that, at least during the feeding season, a major portion of the Northwest Atlantic sei whale population is centered in northerly waters, perhaps on the Scotian Shelf (Mitchell and Chapman 1977). The southern portion of the species' range during spring and summer includes the northern portions of the US Atlantic Exclusive Economic Zone (EEZ) — the Gulf of Maine and Georges Bank. The period of greatest abundance there is in spring, with sightings concentrated along the eastern margin of Georges Bank and into the Northeast Channel area, and along the southwestern edge of Georges Bank in the area of Hydrographer Canyon (CETAP 1982). NMFS aerial surveys in 1999, 2000 and 2001 found concentrations of sei and right whales along the Northern Edge of Georges Bank in the spring. The sei whale is often found in the deeper waters characteristic of the continental shelf edge region (Hain *et al.* 1985), and NMFS aerial surveys found substantial numbers of sei whales in this region, south of Nantucket, in the spring of 2001. Similarly, Mitchell (1975) reported that sei whales off Nova Scotia were often distributed closer to the 2,000 m depth contour than were fin whales.

This general offshore pattern of sei whale distribution is disrupted during episodic incursions into more shallow and inshore waters. Although known to take piscine prey, sei whales (like right whales) are largely planktivorous, feeding primarily on euphausiids and copepods. In years of reduced predation on copepods by other predators, and thus greater abundance of this prey source, sei whales are reported in more inshore locations, such as the Great South Channel (in 1987 and 1989) and Stellwagen Bank (in 1986) areas (R.D. Kenney, pers. comm.; Payne *et al.* 1990). An influx of sei whales into the southern Gulf of Maine occurred in the summer of 1986 (Schilling *et al.* 1993). Such episodes, often punctuated by years or even decades of absence from an area, have been reported for sei whales from various places worldwide.

Based on analysis of records from the Blandford, Nova Scotia, whaling station, where 825 sei whales were taken between 1965 and 1972, Mitchell (1975) described two "runs" of sei whales, in June-July and in September-October. He speculated that the sei whale population migrates from south of Cape Cod and along the coast of eastern Canada in June and July, and returns on a southward migration again in September and October; however, such a migration remains unverified.

Mitchell and Chapman (1977) reviewed the sparse evidence on stock identity of northwest Atlantic sei whales, and suggested two stocks — a Nova Scotia stock and a Labrador Sea stock. The range of the Nova Scotia stock includes the continental shelf waters of the northeastern USA, and extends northeastward to south of Newfoundland. The Scientific Committee of the IWC, while adopting these general boundaries, noted that the stock identity of sei whales (and indeed all North Atlantic whales) was a major research problem (Donovan 1991). In the absence of evidence to the contrary, the proposed IWC stock definition is provisionally adopted, and the "Nova Scotia stock" is used here as the management unit for this stock assessment. The IWC boundaries for this stock are from the USA east coast to Cape Breton, Nova Scotia, thence east to longitude 42° W.

POPULATION SIZE

The total number of sei whales in the US Atlantic EEZ is unknown. However, two abundance estimates are available for portions of the sei whale habitat: from Nova Scotia during the 1970's, and in the US Atlantic EEZ during the springs of 1979-1981.

Mitchell and Chapman (1977), based on tag-recapture data, estimated the Nova Scotia, Canada, stock to contain between 1,393 and 2,248 sei whales. Based on census data, they estimated a minimum Nova Scotian population of 870 sei whales.

An abundance of 280 sei whales was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). The estimate is based on data collected during the spring when the greatest proportion of the population off the northeast USA coast appeared in the study area. This estimate does not include a correction for dive-time or $g(0)$, the probability of detecting an animal group on the track line. The CETAP report suggested, however, that correcting the estimated abundance for dive time would increase the estimate to approximately the same as Mitchell and Chapman's (1977) tag-recapture estimate. This estimate is more than 20 years out of date and thus almost certainly does not reflect the current true population size; in addition, the estimate has a high degree of uncertainty (i.e., it has a large CV), and it was estimated just after cessation of extensive foreign fishing operations in the region. There are no recent abundance estimates for the sei whale.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). A current minimum population size cannot be estimated because there are no current abundance estimates (within the last 10 years).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.10 because the sei whale is listed as endangered under the Endangered Species Act (ESA). PBR for the Nova Scotia stock of the sei whale is unknown because the minimum population size is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There was no reported fishery-related mortality or serious injury to sei whales in fisheries observed by NMFS during 1997-2001. A review of NMFS stranding and entanglement records from 1997 through 2001 yielded an average of 0.2 human-caused mortalities per year as a result of one confirmed record from May 2, 2001 when a sei whale carcass was recovered in New York harbor after it slid off the bow of an arriving ship. Freshness of carcass and hemorrhaging around the dorsal impact area indicated the strike was pre-mortem. The only other NMFS record of a human-caused sei whale mortality was from November 17, 1994, when a sei whale carcass was observed on the bow of a container ship as it docked in Boston, Massachusetts.

Fishery Information

There have been no reported entanglements or other interactions between sei whales and commercial fishing activities monitored for interactions.

STATUS OF STOCK

The status of this stock relative to OSP in the US Atlantic EEZ is unknown, but the species is listed as endangered under the ESA. There are insufficient data to determine the population trends for sei whales. The total level of human-caused mortality and serious injury is unknown, but the rarity of mortality reports for this species suggests that this level is insignificant and approaching a zero mortality and serious injury rate. This is a strategic stock because the sei whale is listed as an endangered species under the ESA. A Recovery Plan for sei whales has been written and is awaiting legal clearance.

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MINKE WHALE (*Balaenoptera acutorostrata*): Canadian East Coast Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Minke whales have a cosmopolitan distribution in polar, temperate and tropical waters. In the North Atlantic there are four recognized populations — Canadian east coast, west Greenland, central North Atlantic, and northeastern North Atlantic (Donovan 1991). These four population divisions were defined by examining segregation by sex and length, catch distributions, sightings, marking data and pre-existing ICES boundaries; however, there are very few data from the Canadian east coast population.

Minke whales off the eastern coast of the United States are considered to be part of the Canadian east coast stock, which inhabits the area from the eastern half of the Davis Strait (45°W) to the Gulf of Mexico. The relationship between this and the other three stocks is uncertain. It is also uncertain if there are separate stocks within the Canadian east coast stock.

The minke whale is common and widely distributed within the USA Atlantic Exclusive Economic Zone (EEZ) (CETAP 1982). There appears to be a strong seasonal component to minke whale distribution. Spring and summer are times of relatively widespread and common occurrence, and during this time they are most abundant in New England waters. During fall in New England waters, there are fewer minke whales, while during winter, the species appears to be largely absent. Like most other baleen whales, the minke whale generally occupies the continental shelf proper, rather than the continental shelf edge region. Records summarized by Mitchell (1991) hint at a possible winter distribution in the West Indies and in mid-ocean south and east of Bermuda. As with several other cetacean species, the possibility of a deep-ocean component to distribution exists but remains unconfirmed.

POPULATION SIZE

The total number of minke whales in the Canadian East Coast population is unknown.

However, seven estimates are available for portions of the habitat — a 1978-1982 estimate, a shipboard survey estimate from the summers of 1991 and 1992, a shipboard estimate from June-July 1993, an estimate made from a combination of shipboard and aerial surveys conducted during July to September 1995, an aerial survey estimate of the entire Gulf of St. Lawrence conducted in August to September 1995, an aerial survey estimate from the northern Gulf of St. Lawrence conducted during July and August 1996, and an aerial/shipboard survey conducted from Georges Bank to the mouth of the Gulf of St. Lawrence during July and August 1999 (Table 1; Figure 1).

An abundance of 320 minke whales (CV=0.23) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982).

An abundance of 2,650 (CV=0.31) minke whales was estimated from two shipboard line-transect surveys conducted during July to September 1991 and 1992 in the northern Gulf of Maine-lower Bay of Fundy region. This abundance estimate is a weighted-average of the 1991 and 1992 estimates, where each annual estimate was weighted by the inverse of its variance, using methods as described in Palka (1995).

An abundance of 330 minke whales (CV=0.66) was estimated from a June and July 1993 shipboard line-transect sighting survey conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993).

An abundance of 2,790 (CV=0.32) minke whales was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters

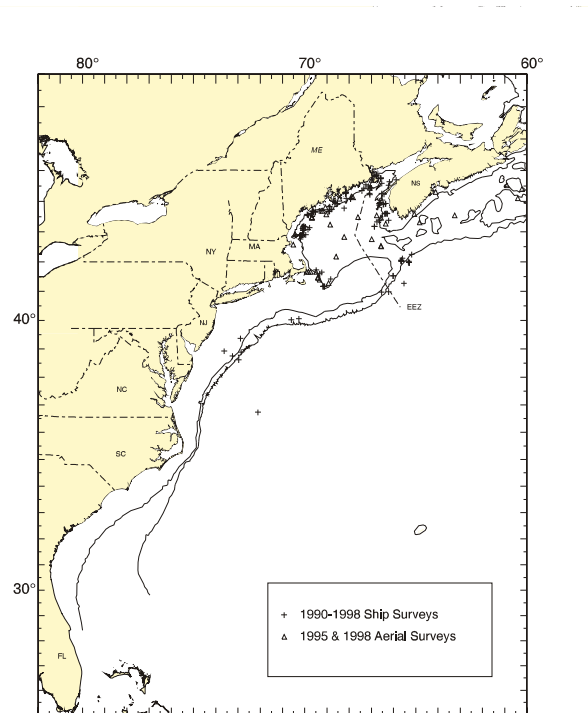


Figure 1. Distribution of minke whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

between the 50 and 1000 fathom depth contour isobaths, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods were described in Palka (1996).

Kingsley and Reeves (1998) estimated there were 1,020 (CV=0.27) minke whales in the entire Gulf of St. Lawrence in 1995 and 620 (CV=0.52) in the northern Gulf of St. Lawrence in 1996. During the 1995 survey, 8,427 km of track lines were flown in an area of 221,949 km² during August and September. During the 1996 survey, 3,993 km of track lines were flown in an area of 94,665 km² during July and August. Data were analyzed using Quenouille's jackknife bias reduction procedure on line-transect methods that model the left truncated sighting curve. These estimates were uncorrected for visibility biases such as $g(0)$, the probability of detecting a group on the track line.

An abundance of 2,998 (CV=0.19) minke whales was estimated from a July to August 1999 sighting survey conducted by a ship and airplane covering waters from Georges Bank to the mouth of the Gulf of St. Lawrence (Table 1; D. Palka, pers. comm.). Total track line length was 8,212 km. Using methods similar to that used in the above 1995 Virginia to Gulf of St. Lawrence survey, shipboard data were analyzed using the modified direct duplicate method that accounts for school size bias and $g(0)$. Aerial data were not corrected for $g(0)$ (Palka 2000).

The best available current abundance estimate for minke whales is the sum of the 1999 Georges Bank to Gulf of St. Lawrence survey (2,998 (CV=0.19)) and the 1995 Gulf of St. Lawrence survey (1,020 (CV=0.27)), 4,018 (CV=0.16), because these surveys are recent and provided the most complete coverage of the known habitat.

Table 1. Summary of abundance estimates for Canadian East Coast minke whales. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Row Number	Month/Year	Area	N_{best}	CV
1	Jul-Sep 1995	Virginia to mouth of Gulf of St. Lawrence	2,790	0.32
2	Aug-Sep 1995	Gulf of St. Lawrence	1,020	0.27
3	Jul-Sep 1995	Virginia to Gulf of St. Lawrence (SUM OF ROWS 2 and 3)	3,810	0.25
4	Jul-Aug 1996	northern Gulf of St. Lawrence	620	0.52
5	July-Aug 1999	Georges Bank to mouth of Gulf of St. Lawrence	2,998	0.19
6	Aug-Sep 1995 + July-Aug 1999	Georges Bank to Gulf of St. Lawrence (SUM OF ROWS 2 and 5)	4,018	0.16

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for minke whales is 4,018 (CV=0.16). The minimum population estimate for the Canadian East Coast minke whale is 3,515 (CV=0.16).

Current Population Trend

There are insufficient data to determine population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Life history parameters that could be used to estimate net productivity include: females mature when 6-8 years old; pregnancy rates are approximately 0.86 to 0.93; thus, the calving interval is between 1 and 2 years; calves are probably born during October to March, after 10 to 11 months gestation; nursing lasts for less than 6 months; maximum ages are not known, but for Southern Hemisphere minke whales the maximum age appears to be about 50 years (Katona *et al.* 1993; IWC 1991).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 3,515 (CV=0.16). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened, or stocks of unknown status relative to

optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the Canadian east coast minke whale is 35.

ANNUAL HUMAN-CAUSED MORTALITY AND INJURY

Recent minke whale takes have been observed or attributed to the Atlantic tuna purse seine, Gulf of Maine and mid-Atlantic lobster trap/pot, mid-Atlantic coastal gillnet, and unknown fisheries; though all takes have not resulted in mortalities (Tables 2-5).

Data to estimate the mortality and serious injury of minke whales come from the USA Fisheries Observer Program and from records of strandings and entanglements in USA waters. Estimates using the Fisheries Observer Program data are discussed by fishery under the Fishery Information section below (Table 2). Strandings and entanglement records are discussed under the lobster trap fishery, mid-Atlantic coastal gillnet fishery, and "Unknown Fisheries" within the Fishery Information section and under the Other Mortality section (Tables 3 and 4). Ship strike mortalities and serious injuries are discussed under the Other Mortality section. For the purposes of this report, only those strandings and entanglement records considered confirmed human-caused mortalities or serious injuries are discussed.

During 1997 to 2001, the USA total annual estimated average human-caused mortality was 3.6 minke whales per year. This is derived from three components: 0 minke whales per year (CV=0.0) from USA fisheries using observer data, 3.4 minke whales per year from USA fisheries using strandings and entanglement data, and 0.2 minke whales per year from ship strikes. During 1997 to 2001, there were no confirmed mortalities or serious injuries in Canadian waters as reported by the various, small scale stranding and observer data collection programs in Atlantic Canada.

Fishery Information Earlier Interactions

Little information is available about fishery interactions that took place before the 1990's. Read (1994) reported that a minke whale was found dead in a Rhode Island fish trap in 1976.

Distant-water Fleet

Prior to 1977, there was no documentation of marine mammal bycatch in the distant-water fleet (DWF) activities off the northeast coast of the USA. With implementation of the Magnuson Fisheries Conservation and Management Act in that year, an observer program was established which recorded fishery data and information on incidental bycatch of marine mammals. A minke whale was caught and released alive in the Japanese tuna longline fishery in 3,000 m of water, south of Lydonia Canyon on Georges Bank, in September 1986 (Waring *et al.* 1990). In 1982, there were 112 different foreign vessels; 16%, or 18, were Japanese tuna longline vessels operating along the USA east coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. Between 1983 and 1988, the numbers of Japanese longline vessels operating within the US Atlantic EEZ each year were 3, 5, 7, 6, 8, and 8, respectively. Observer coverage was 100%.

Northeast Sink Gillnet

Two minke whales were observed taken in the Northeast sink gillnet fishery between 1989 and the present. The take in July 1991, south of Penobscot Bay, Maine resulted in a mortality, and the take in October 1992, off the coast of New Hampshire near Jeffreys Ledge was released alive. There were approximately 349 vessels (full and part time) in the Northeast sink gillnet fishery in 1993 (Walden 1996) and 301 full and part time vessels in 1998. Observer coverage as a percentage of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6% and 4% for years 1990 to 2001, respectively. Because no mortalities have been observed since 1991, the annual estimated average Northeast sink gillnet fishery-related mortality for minke whales is zero.

Herring Weir

A minke whale got trapped and was released alive from a herring weir off northern Maine in 1990. In USA and Canadian waters the herring weir fishery occurred from May to September each year along the southwestern shore of the Bay of Fundy, and was scattered along the coasts of western Nova Scotia and northern Maine. In 1990 there were 56 active weirs in Maine (Read 1994). According to state officials, in 1998, the number of weirs in Maine waters dropped to nearly nothing due to the limited herring market (Jean Chenoweth, pers. comm.) and in 2000 only 11 weirs were built (Molyneaux 2000). The number of active weirs in the USA is unknown. It is also unknown if the active weirs incidentally take any marine mammals.

Pelagic Drift Gillnet

In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. The fishery was active during 1998. Then, in January 1999, NMFS issued a Final Rule to prohibit the use of drift net gear in the North Atlantic swordfish fishery (50 CFR Part 630). Four minke whale mortalities were observed in the Atlantic pelagic drift gillnet fishery during 1995. The estimated total number of hauls in the Atlantic pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991 to 1996 were 233, 243, 232, 197, 164 and 149, respectively. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. In 1994 to 1998, there were 12, 11, 10, 0 and 11 vessels, respectively, in the fishery. Observer coverage, expressed as percent of sets, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, no fishery in 1997 and 99% coverage during 1998. Observer coverage dropped during 1996

because some vessels were deemed too small or unsafe by the contractor that provided observer coverage to NMFS. Fishing effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Total annual bycatch after 1993 was estimated separately for each year by summing the observed caught with the product of the average bycatch per haul and number of unobserved hauls as recorded in SEFSC logbooks. Variances were estimated using bootstrap re-sampling techniques. Estimated annual fishery-related mortality and serious injury (CV in parentheses) was 0 for 1989 to 1994, 4.5 (0) for 1995, 0 for 1996 (Bisack 1997) and 0 for 1998. The fishery was closed during 1997. Estimated average annual mortality and serious injury related to this fishery during 1994 to 1996, and 1998 was 1.1 minke whales (CV=0.0). There is no current mortality related to this fishery because the fishery closed in 1999.

Atlantic Tuna Purse Seine

In an Atlantic tuna purse seine off Stellwagen Bank, one minke whale was reported caught and released uninjured in 1991 (D. Beach, NMFS NE Regional Office, pers. comm.) and in 1996. The minke whale caught during 1991 escaped after a crew member cut the rope that was wrapped around the tail. The minke whale caught during 1996 escaped by diving beneath the net (Table 2). The tuna purse seine fishery occurring between Cape Hatteras and Cape Cod is directed at small and medium bluefin and skipjack for the canning industry, while the fishery north of Cape Cod is directed at large medium and giant bluefin tuna (NMFS 1995). These two fisheries are entirely separate from other Atlantic tuna purse seine fisheries. Spotter aircraft were used to locate fish schools. The official start date, set by regulation, was August 15. Individual vessel quotas (IVQs) and a limited access system prevent a derby fishery situation. Catch rates for large mediums and giant tuna are high and consequently, the season usually only lasts a few weeks. The 1996 regulations allocated 250 MT (5 IVQs) with a minimum of 90% giants and 10% large mediums.

Limited observer data are available for the Atlantic tuna purse seine fishery. Out of 45 total trips made in 1996, 43 trips (95.6%) were observed. Forty-four sets were made on the 43 observed trips and all sets were observed. A total of 136 days were covered. No trips were observed during 1997 through 1999. Two trips (seven hauls) were observed in October 2000 in the Great South Channel region. Four trips were observed in September 2001. No marine mammals were observed taken during these trips. If there are no minke whale takes during 2002, then this section will be put into the "Earlier Interactions" section, because there will be no takes observed within the previous five years.

Gulf of Maine and mid-Atlantic Lobster Trap/Pot Fishery

The strandings and entanglement database, maintained by the New England Aquarium and the Northeast Regional Office/NMFS, reported seven minke whale mortalities and serious injuries that were attributed to the lobster fishery during 1990 to 1994; 1 in 1990 (may be serious injury), 2 in 1991 (one mortality and one serious injury), 2 in 1992 (both mortalities), 1 in 1993 (serious injury) and 1 in 1994 (mortality) (1997 List of Fisheries 62FR33, January 2, 1997). The one confirmed minke whale mortality during 1995 was attributed to the lobster fishery (Tables 3 and 4). No confirmed mortalities or serious injuries of minke whales occurred in 1996. From the four confirmed 1997 records, one minke whale mortality was attributed to the lobster trap fishery. No minke whale mortalities were attributed to this fishery for other years.

There are three distinctly identified stock areas for the American lobster: 1) Gulf of Maine, 2) south of Cape Cod to Long Island Sound, and 3) Georges Bank and south to Cape Hatteras. In 1997, there were 3,431 vessels holding licenses to harvest lobsters in federal waters, 2,674 vessels licensed to use lobster pot gear in state waters, 675 vessels licensed to use bottom trawls and approximately 100 licenses to use dredge gear to harvest lobsters. In 2000, there were 7,539 vessels from Maine to North Carolina holding licenses. Lobsters are taken primarily by traps, with about 2-3% of the harvest being taken by mobile gear (trawlers and dredges). About 80% of lobsters were harvested from state waters. The offshore fishery in federal waters has developed in the past 10 to 15 years, largely due to technological improvements in equipment and lower competition in the offshore areas. In January 1997, NMFS changed the classification of the Gulf of Maine and USA mid-Atlantic lobster pot fisheries from Category III to Category I (1997 List of Fisheries 62FR33, January 2, 1997) based on examination of 1990 to 1994 stranding and entanglement records of large whales (including right, humpback and minke whales). This fishery is operating under regulations from the Large Whale Take Reduction Plan (July 22, 1997; 62 FR 39157) and the federal American Lobster fishery plan (December 6, 1999; 64 FR 68228). Annual mortalities due to this fishery, as determined from strandings and entanglement records that have been audited, were 1 in 1991, 2 in 1992, 1 in 1994, 1 in 1995, 0 in 1996, 1 in 1997 and 0 in 1998 to 2001. Estimated average annual mortality related to this fishery during 1997 to 2001 was 0.2 minke whales per year (Table 3).

Mid-Atlantic Coastal Gillnet

One minke whale, reported in the strandings and entanglement database, maintained by the New England Aquarium and the Northeast Regional Office/NMFS, was taken in a 6-inch gill net on 06 July 1998 off Long Island, New York (Tables 3 and 4). This take was assigned to the mid-Atlantic coastal gillnet fishery. No minke whales have been taken from this fishery during observed trips in 1993 to 2001. In July 1993, an observer program was initiated in the USA Atlantic coastal gillnet fishery by the NEFSC Fisheries Observer program. Twenty trips were observed during 1993. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of

fish species. Some of these vessels operate right off the beach, some use drift nets and others use sink nets. During 1998, it was estimated that 302 full- and part-time sink gillnet vessels and an undetermined number of drift gillnet vessels participated in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from fisheries during 1998 from the states of Connecticut to North Carolina. This does not include a small percentage of records where the vessel number was missing. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2% and 2% for 1995 to 2001, respectively. Observed fishing effort was concentrated off New Jersey and scattered between Delaware and North Carolina from the beach to 50 miles off the beach.

Annual mortalities due to this fishery, as determined from strandings and entanglement records were 0 in 1991, 1992, 1994 to 1997, 1 in 1998 and 0 in 1999 to 2001. Estimated average annual mortality related to this fishery during 1997 to 2001 was 0.2 minke whales per year (Tables 3 and 4).

Unknown Fisheries

The strandings and entanglement database, maintained by the New England Aquarium and the Northeast Regional Office/NMFS, included 36 records of minke whales within USA waters for 1975-1992. The gear included unspecified fishing net, unspecified cable or line, fish trap, weirs, seines, gillnets, and lobster gear. A review of these records is not complete. One confirmed entanglement was an immature female minke whale, entangled with line around the tail stock, that came ashore on the Jacksonville, Florida jetty on 31 January 1990 (R. Bonde, USFWS, Gainesville, FL, pers. comm.).

The audited NE Regional Office/NMFS entanglement/stranding database for 1995 to 2001 contains 43 records of minke whales, of which the confirmed mortalities and serious injuries are reported in Table 4. Mortalities (and serious injuries) that were likely a result of a fishery interaction with an unknown fishery include 3 (0) in 1997, 3 (0) in 1999, 1 (1) in 2000, 3 (2) in 2001, and 0 in other years. The examination of the minke entanglement records from 1997 indicate that 4 out of 4 confirmed records of mortality are likely a result of fishery interactions, one attributed to the lobster pot fishery (see above), and three not attributed to any particular fishery because the reports do not contain the necessary details. Of the 5 mortalities in 1999, 2 were attributed to an unknown trawl fishery and 3 to some other fishery. One of the interactions with an unknown fishery in 2000 was a mortality and one was a serious injury (Tables 3 and 4). In 2001, of the 5 confirmed fishery interactions, 3 interactions were mortalities in an unknown fishery and 2 were serious injuries in an unknown fishery.

In general, an entangled or stranded cetacean could be an animal that is part of an expanded bycatch estimate from an observed fishery and thus it is not possible to know if an entangled or stranded animal is an additional mortality. During 1997 to 2001, there were no minke whales observed taken in any fishery that participated in the Fisheries Observer Program, therefore, the strandings where mortality was due to a fishery interaction can be added into the human-caused mortality estimate. During 1997 to 2001, as determined from strandings and entanglement records, the estimated average annual mortality is 0.4 minke whales per year in unknown trawl fisheries, and 2.6 minke whales per year in unknown fisheries (Table 3).

CANADA

In Canadian waters, information about minke whale interactions with fishing gear is not well quantified or recorded, though some records are available. Read (1994) reported interactions between minke whales and gillnets in Newfoundland and Labrador, cod traps in Newfoundland, and herring weirs in the Bay of Fundy. Hooker *et al.* (1997) summarized bycatch data from a Canadian fisheries observer program that placed observers on all foreign fishing vessels operating in Canadian waters, on between 25% and 40% of large Canadian fishing vessels (greater than 100 feet long), and on approximately 5% of smaller Canadian fishing vessels. During 1991 through 1996, no minke whales were observed taken.

Herring Weirs

During 1980 to 1990, 15 of 17 minke whales were released alive from herring weirs in the Bay of Fundy. Due to the formation of a cooperative program between Canadian fishermen and biologists it is expected that now most minke whales will be able to be released alive.

During January 1991 to September 2002, 26 minke whales were trapped in herring weirs in the Bay of Fundy. Of these 26, 1 died (H. Koopman, pers. comm.) and several (number unknown) were released alive and unharmed (A. Westgate, pers. comm.).

In USA and Canadian waters, the herring weir fishery occurs from May to October along the southwestern shore of the Bay of Fundy, and is scattered along the coasts of western Nova Scotia and northern Maine. In 1990 there were 180 active weirs in western Bay of Fundy (Read 1994). According to Canadian Dept. of Fisheries and Oceans (DFO) officials, for 1998, there were 225 licenses for herring weirs on the New Brunswick and Nova Scotia sides of the Bay of Fundy (60 from Grand Manan Island, 95 from Deer and Campobello Islands, 30 from Passamaquoddy Bay, 35 from East Charlotte area, and 5 from the Saint John area). The number of licenses has been fairly consistent since 1985 (Ed Trippel, pers. comm.), but the number of active weirs is less than the number of licenses, and the number has been decreasing every year, primarily due to competition with salmon mariculture sites (A. Read, pers. comm.). Around Grand Manan, there were 25 active weirs in 2001, and 21 in 2002 (H. Koopman, pers. comm.). But numbers of weirs for the Nova Scotia shore, Campobello, Deer and the Wolves Islands, or the New Brunswick mainland shore are unknown (H. Koopman, pers. comm.).

Other Fisheries

Six minke whales were reported entangled during 1989 in the now non-operational groundfish gillnet fishery in Newfoundland and Labrador (Read 1994). One of these animals escaped and was still towing gear, the remaining 5 animals died.

Salmon gillnets in Canada, now no longer being used, had taken a few minke whales. In Newfoundland in 1979, one minke whale died in a salmon net. In Newfoundland and Labrador, between 1979 and 1990, it was estimated that 15% of the Canadian minke whale takes were in salmon gillnets. A total of 124 minke whale interactions were documented in cod traps, groundfish gillnets, salmon gillnets, other gillnets and other traps. This fishery ended in 1993 as a result of an agreement between the fishermen and North Atlantic Salmon Fund (Read 1994).

Five minke whales were entrapped and died in Newfoundland cod traps during 1989. The cod trap fishery in Newfoundland closed in 1993 due to the depleted groundfish resources (Read 1994).

Table 2. Summary of minke whales (*Balaenoptera acutorostrata*) released alive, by commercial fishery, years sampled (Years), ratio of observed mortalities recorded by on-board observers to the estimated mortality (Ratio), the number of observed animals released alive and injured (Injured), and the number of observed animals released alive and uninjured (Uninjured).

Fishery	Years	Ratio	Injured	Uninjured
Tuna purse seine	97-01	NA ¹ , NA ¹ , NA ¹ , 0/0, 0/0	NA ¹ , NA ¹ , NA ¹ , 0 ² , 0 ³	NA ¹ , NA ¹ , NA ¹ , 0 ² , 0 ³

NA=Not Available.

¹ No observer coverage during 1997 through 1999.

² Two trips were observed during October 2000.

³ Four trips were observed during September 2001.

Table 3. From strandings and entanglement data, summary of confirmed incidental mortalities and serious injuries of minke whales (*Balaenoptera acutorostrata*) by commercial fishery: includes years sampled (Years), number of vessels active within the fishery (Vessels), type of data used (Data Type), mortalities and serious injuries assigned to this fishery (Assigned Mortality), and mean annual mortality and serious injuries. See Table 4 for details.

Fishery	Years	Vessels	Data Type ¹	Assigned Mortality	Mean Annual Mortality
GOM and mid-Atlantic Lobster Trap/Pot	97-01	1997=6880 2000=7539 licenses ²	Entanglement & Strandings	1, 0, 0, 0, 0	0.2
mid-Atlantic Coastal Gillnet	97-01	1998=302 ³	Entanglement & Strandings	0, 1, 0, 0, 0	0.2
Unknown Trawl	97-01	NA	Entanglement & Strandings	0, 0, 2, 0, 0	0.4
Unknown Fisheries	97-01	NA	Entanglement & Strandings	3, 0, 3, 2, 5	2.6
TOTAL					3.4 (unk)

NA=Not Available.

¹ Data from records in the entanglement and strandings data base maintained by the New England Aquarium and the Northeast Regional Office/NMFS (Entanglement and Strandings).

² Number of vessels licensed to harvest lobsters in federal and state waters, with lobster traps/pots, bottom trawls, and dredge gear.

³ Number of sink gillnet vessels.

Table 4. Summarized records of mortality and serious injury likely to result in mortality. Canadian East Coast stock of minke whales, January 1997 - December 2001. This listing includes only confirmed records related to USA commercial fisheries and/or ship strikes in USA waters. Causes of mortality or injury, assigned as primary or secondary, are based on records maintained by NMFS/NER and NMFS/SER.

Date	Report Type	Sex, age, ID	Location	Assigned Cause: P=primary, S=secondary			Notes
				Ship strike	Entang./ Fsh.inter	Unk/ uncertain	
5/15/97	mortality	female 5.5 m (est)	Gloucester, MA (42°36' N 70°38' W)		P		Unknown fishery. Deep lacerations around tail stock, abrasions around flukes and mouth
5/16/97	mortality	female 5.5 m (est)	Rockport, MA (42°40' N 70°35' W)		P		Unknown fishery. Abrasions around flukes; feeding prior to entanglement
8/14/97	mortality	female 2.8 m	Jewell Island, ME (43°39' N 70°02' W)		P		Unknown fishery. Fresh lacerations on flukes and pectoral fins
8/30/97	mortality	female 8 m (est)	Cape Small, ME (43°40' N 69°57' W)		P		Lobster fishery. Observed entangled in lobster gear by ME Marine Patrol
6/24/98	mortality	male 3.4 m	Long Beach, NY (40° 34' N 73° 42' W)		P		mid-Atlantic coastal gillnet fishery. Alive initially, then died in a 6-inch mesh gillnet.
12/12/98	mortality	unk sex and size	Cape Cod Bay, MA	P			Body of whale seen in wake of a whale watching vessel.
5/9/99	mortality	female 5.6 m	Cape Lookout Bight (34° 61'N 76° 54'W)		P		Unknown fishery. Fresh open wounds around fluke and line marks from pectoral fins through mouth.
6/16/99	mortality	female 6.9 m	Orleans, MA (41° 48'N 65° 56'W)		P		Unknown fishery. Extensive rope markings with hemorrhaging.
7/3/99	mortality	unk sex and size	Sakonnet River, RI (41°48'N 71°12'W)		P		Trawl fishery. 4.5 inch stretched mesh driven into rostrum.
8/2/99	mortality	unk sex and size	Point Judith Light, RI (41°23'N 71°28'W)		P		Trawl fishery. 6 inch stretched mesh tightly wrapped around rostrum.
10/2/99	mortality	female 7.2 m	Provincetown, MA (42°03'N 70°21'W)		P		Unknown fishery. Rope marks on left gape of mouth, left pectoral fin, caudal peduncle, and dorsal and ventral surfaces of fluke blades.

Date	Report Type	Sex, age, ID	Location	Assigned Cause: P=primary, S=secondary			Notes
				Ship strike	Entang./ Fsh.inter	Unk/ uncertain	
8/11/00	serious injury	unk sex and size	Port Clyde, ME (43°55'N 69°11'W)		P		Unknown fishery. Dark line with several bullet buoys. Unusual minke behavior - whale probably anchored.
8/26/00	mortality	unk sex and size	Rockland ME (44°05'N 69°01'W)		P		Unknown fishery. Very fresh carcass with fresh entanglement wounds on tail stock.
6/13/01	serious injury	unk sex, 7.6 m (est)	Cape Cod (42°06'N 70°08'W)		P		Unknown fishery. Animal free-swimming with tangle of line behind blowhole, trailing line on left side.
7/27/01	mortality	female, 3.9 m (est)	Whale Rock, RI (41°26'N 71°25'W)		P		Unknown fishery. Line wrapped behind head and dorsal fin.
8/17/01	mortality	male, 3.9 m	Middletown, RI (41°28'N 71°15'W)		P		Unknown fishery. Severe rope entanglement around mouth and rostrum caused malnutrition and infection.
10/20/01	serious injury	unk sex, 6.1 m (est)	Stellwagen Bank (42°11'N 70°10'W)		P		Unknown fishery. Line with high flyer attached.
12/13/01	mortality	unk sex, 7 m (est)	Massachusetts Bay (42° 21'N 70°43'W)		P		Unknown fishery. Pictures show evidence of fairly fresh entanglement marks on tail stock and across tail flukes.

Other Mortality

Minke whales have been and are still being hunted in the North Atlantic. From the Canadian East Coast population, documented whaling occurred from 1948 to 1972 with a total kill of 1,103 animals (IWC 1992). Animals from other North Atlantic populations are presently still being harvested at low levels.

USA

Minke whales inhabit coastal waters during much of the year and are subject to collision with vessels. According to the NMFS/NER marine mammal entanglement and stranding database, on 7 July 1974, a necropsy of a minke whale suggested a vessel collision occurred; on 15 March 1992, a juvenile female minke whale with propeller scars was found floating east of the St. Johns Channel entrance (R. Bonde, USFWS, Gainesville, FL, pers. comm.); and on 15 July 1996 the captain of a vessel reported they hit a minke whale offshore of Massachusetts. After reviewing this record, it was concluded the animal struck was not a serious injury or mortality. On 12 December 1998, a minke whale was struck and presumed killed by a whale watching vessel in Cape Cod Bay off Massachusetts.

During 1997 to 2001, one minke whale was confirmed struck by a ship, thus, there is an annual average of 0.2 minke whales per year struck by ships (Table 4).

CANADA

Whales and dolphins stranded between 1991 and 1996 on the coast of Nova Scotia were documented by the Nova Scotia Stranding Network (Hooker *et al.* 1997). Strandings on the beaches of Sable Island were documented

by researchers with Dept. of Fisheries and Oceans, Canada (Lucas and Hooker 2000). Sable Island is approximately 170 km southeast of mainland Nova Scotia. Lucas and Hooker (2000) report 4 minke whales stranded on Sable Island between 1970 and 1998, 1 in spring 1982, 1 in January 1992, and a mother/calf in December 1998 (Table 5). On the mainland of Nova Scotia, a total of 7 reported minke whales stranded during 1991 to 1996 (Table 5). The 1996 stranded minke whale was released alive off Cape Breton on the Atlantic Ocean side, the rest were found dead. All the minke whales stranded between July and October. One was from the Atlantic Ocean side of Cape Breton, 1 from Minas Basin, 1 was at an unknown location, and the rest stranded in the vicinity of Halifax, Nova Scotia. It is unknown how many of the strandings can be attributed to fishery interactions.

Table 5. Documented number of stranded minke whales along the coast of Nova Scotia and on Sable Island by month and year, according to Hooker *et al.* (1997) and Lucas and Hooker (2000).

Year	Month	Number of strandings	
		Sable Isl.	Nova Scotia
1991	Sept		1
1992	Jan	1	
	July		1
1993	July		1
	Oct		2
1994	Aug		1
1996	July		1
1998	Dec	1	
TOTAL		2	7

STATUS OF STOCK

The status of minke whales, relative to OSP, in the US Atlantic EEZ is unknown. The minke whale is not listed as endangered under the Endangered Species Act (ESA). The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because estimated fishery-related mortality and serious injury does not exceed PBR and the minke whale is not listed as a threatened or endangered species under the ESA.

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DWARF SPERM WHALE (*Kogia sima*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The dwarf sperm whale (*Kogia sima*) appears to be distributed worldwide in temperate to tropical waters (Caldwell and Caldwell 1989). There are no stranding records for the east Canadian coast (Willis and Baird 1998). Sightings of these animals in the western North Atlantic occur in oceanic waters (Mullin and Fulling 2003; NMFS unpublished data). Dwarf sperm whales and pygmy sperm whales (*K. breviceps*) are difficult to distinguish and sightings of either species are often categorized as *Kogia* sp. There is no information on stock differentiation for the Atlantic population. In a recent study using hematological and stable-isotope data, Barros *et al.* (1998) speculated that dwarf sperm whales may have a more pelagic distribution than pygmy sperm whales and/or dive deeper during feeding bouts.

POPULATION SIZE

An abundance of 115 (CV=0.61) *Kogia* spp. was estimated from a line-transect survey conducted from July 6 to September 6, 1998, by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Fig. 1; Palka *et al.*, in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 580 (CV=0.57) *Kogia* spp. was estimated from a shipboard line-transect survey conducted between 8 July and 17 August 1998 that surveyed 4,163 km of track line in waters south of Maryland (38°N) (Fig. 1; Mullin and Fulling 2003). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 2001; Thomas *et al.* 1998).

The best available abundance estimate for *Kogia* spp. is the sum of the estimates from the two 1998 U.S. Atlantic surveys, 695 (CV=0.49), where the estimate from the northern U.S. Atlantic is 115 (CV=0.61) and from the southern U.S. Atlantic is 580 (CV=0.57). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for *Kogia* spp. is 695 (CV=0.49). The minimum population estimate for *Kogia* spp. is 470.

Current Population Trend

The available information is insufficient to evaluate trends in population size for this species in the western North Atlantic.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

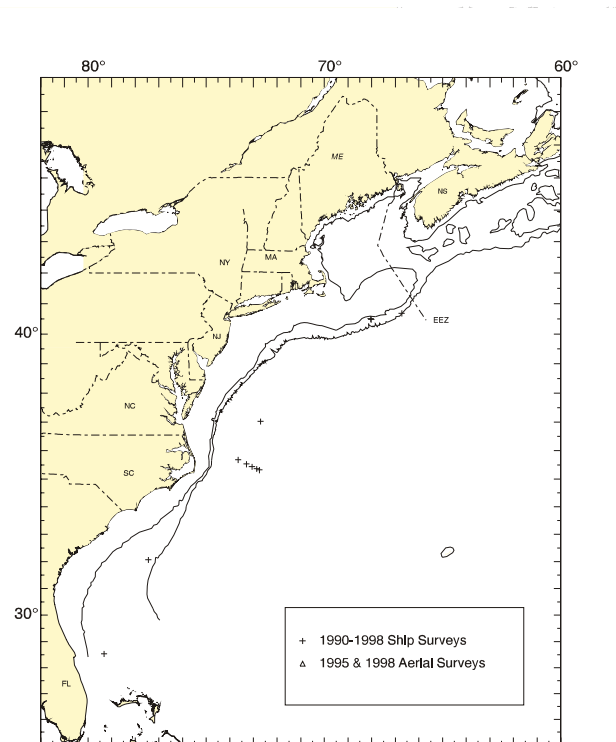


Figure 1. Distribution of *Kogia* spp. whale sightings from NEFSC and SEFSC vessel and aerial summer surveys during 1990-1998. Isobaths are at 100 m and 1,000 m.

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (Wade and Angliss 1997). The minimum population size is 470. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic *Kogia* spp. is 4.7.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The level of past or current, direct, human-caused mortality of dwarf sperm whales in the U.S. Atlantic EEZ is unknown. Available information indicates there is likely little fisheries interaction with dwarf sperm whales in the U.S. Atlantic EEZ. Total annual estimated average fishery-related mortality or serious injury to this stock during 1996-2000 was 0 dwarf sperm whales (Table 1).

Fishery Information

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in other fisheries.

Pelagic Drift Gillnet

There was one report of mortality or serious injury to a dwarf sperm whale attributable to the pelagic drift gillnet fishery. Estimated annual fishery-related mortality and serious injury (CV in parentheses) was 0 dwarf sperm whales from 1991-1994, 1.0 in 1995 (CV=0), and 0 from 1996-1998. Estimated average annual mortality and serious injury related to this fishery during 1994-1998 was 0.25 dwarf sperm whales (CV=0).

Other Mortality

Historical stranding records (1883-1988) of dwarf sperm whales in the southeastern U.S. (Credle 1988) and strandings recorded during 1988-1997 (Barros *et al.* 1998) indicate that this species accounts for about 17% of all *Kogia* strandings in this area. During the period 1990-October 1998, 3 dwarf sperm whale strandings occurred in the northeastern U.S. (Maryland, Massachusetts, and Rhode Island), whereas 43 strandings were documented along the U.S. Atlantic coast between North Carolina and the Florida Keys in the same period. A pair of latex examination gloves was retrieved from the stomach of a dwarf sperm whale stranded in Miami in 1987 (Barros *et al.* 1990). In the period 1987-1994, 1 animal had possible propeller cuts on or near the flukes. Three dwarf sperm whales and 3 undifferentiated *Kogia* spp. stranded in the U.S. Atlantic Ocean during 2002. In each case, signs of human interaction could not be assessed or were not identified.

STATUS OF STOCK

The status of this stock relative to OSP in the U.S. Atlantic EEZ is unknown. This species is not listed as endangered or threatened under the Endangered Species Act. There is insufficient information with which to assess population trends. Total fishery-related mortality and serious injury for this stock is less than 10% of PBR and therefore can be considered insignificant and approaching zero mortality and serious injury rate.

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PYGMY SPERM WHALE (*Kogia breviceps*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The pygmy sperm whale (*Kogia breviceps*) appears to be distributed worldwide in temperate to tropical waters (Caldwell and Caldwell 1989). Sightings of these animals in the Western North Atlantic occur in oceanic waters (Mullin and Fulling 2003; SEFSC unpublished data). Pygmy sperm whales and dwarf sperm whales (*K. sima*) are difficult to distinguish and sightings of either species are often categorized as *Kogia* spp. There is no information on stock differentiation for the Atlantic population. In a recent study using hematological and stable-isotope data, Barros *et al.* (1998) speculated that dwarf sperm whales may have a more pelagic distribution than pygmy sperm whales, and/or dive deeper during feeding bouts.

POPULATION SIZE

An abundance of 115 (CV=0.61) for *Kogia* spp. was estimated from a line-transect survey conducted from July 6 to September 6, 1998, by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Fig. 1; Palka *et al.*, in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 580 (CV=0.57) for *Kogia* spp. was estimated from a shipboard line-transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 4,163 km of track line in waters south of Maryland (38°N) (Fig. 1; Mullin and Fulling 2003). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 2001; Thomas *et al.* 1998).

The best available abundance estimate for *Kogia* spp. is the sum of the estimates from the two 1998 U.S. Atlantic surveys, 695 (CV=0.49), where the estimate from the northern U.S. Atlantic is 115 (CV=0.61) and from the southern U.S. Atlantic is 580 (CV=0.57). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for *Kogia* spp. is 695 (CV=0.49). The minimum population estimate for *Kogia* spp. is 470.

Current Population Trend

The available information is insufficient to evaluate trends in population size for this species in the western North Atlantic.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

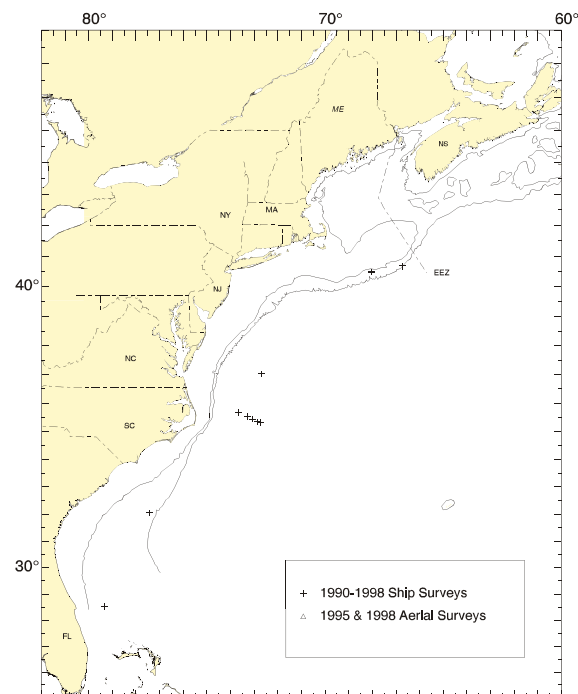


Figure 1. Distribution of *Kogia* spp. whale sightings from NEFSC and SEFSC vessel and aerial summer surveys during 1990-1998. Isobaths are at 100 m and 1,000 m.

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (Wade and Angliss 1997). The minimum population size is 470. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic *Kogia* spp. is 4.7.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been one logbook report of fishery-related serious injury recorded off the east coast of Florida in 2000 (Table 1) (Yeung 2001). The resultant estimated mean annual mortality is 6 pygmy sperm whales (CV=1.00) for the years 1996-2000.

Fisheries Information

One observed serious injury was reported in 2000 in the pelagic longline fishery (Table 1).

Table 1. Summary of the incidental mortality of pygmy sperm whales (*Kogia breviceps*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the observed mortalities and serious injuries recorded by on-board observers, the estimated annual mortality and serious injury, the combined annual estimates of mortality and serious injury (Estimated Combined Mortality), the estimated CV of the combined estimates (Estimated CVs) and the mean of the combined estimates (CV in parentheses).

Fishery	Years	Vessels ³	Data Type ¹	Observer Coverage	Observed Serious Injury	Observed Mortality	Estimated Serious Injury	Estimated Mortality	Estimated Combined Mortality	Estimated CVs	Mean Annual Mortality
Pelagic Longline ²	96-00	253, 245, 205, 193, 186	Obs. Data Logbook	.03, .03, .03, .04, .04	0, 0, 0, 0, 1	0, 0, 0, 0, 0	0, 0, 0, 0, 28	0, 0, 0, 0, 0	0, 0, 0, 0, 28 ²	0, 0, 0, 0, 1.0	6 (1.0)
TOTAL											6 (1.0)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Southeast Fisheries Science Center (SEFSC) Observer Program. NEFSC collects landings data (Weighout), and total landings are used as a measure of total effort for the coastal gillnet fishery. Observed bycatch rates are raised to total fishing effort reported to the SEFSC Atlantic Large Pelagic Logbook.

² The 2000 mortality estimates were taken from Table 10 in Yeung 2001(NMFS Miami Laboratory PRD 00/01-17), and exclude the Gulf of Mexico.

³ Number of vessels in the fishery are based on vessels reporting effort to the pelagic longline logbook.

There were no documented strandings of pygmy sperm whales along the U.S. Atlantic coast during 1987-2002 which were classified as likely caused by fishery interactions. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured may wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

Other Mortality

Historical stranding records (1883-1988) of pygmy sperm whales in the southeastern U.S. (Credle 1988) and strandings recorded during 1988-1997 (Barros *et al.* 1998) indicate that this species accounts for about 83% of all *Kogia* strandings in this area. During the period 1990-October 1998, 21 pygmy sperm whale strandings occurred in the northeastern U.S. (Delaware, New Jersey, New York and Virginia), whereas 194 strandings were documented along the U.S. Atlantic coast between North Carolina and the Florida Keys in the same period. Remains of plastic bags and other marine debris have been retrieved from the stomachs of 13 stranded pygmy sperm whales in the southeastern U.S. (Barros *et al.* 1990, 1998), and at least on one occasion the ingestion of plastic debris is believed to have been the cause of death. During the period 1987-1994, 1 animal had possible propeller cuts on its flukes. In 2002, 28 pygmy sperm whales and 3 undifferentiated *Kogia* spp. stranded on the U.S. Atlantic. In one of the strandings of a pygmy sperm whale, red plastic debris was found in the stomach along with squid beaks. In the other 2002 strandings, signs of human interactions were not present or could not be assessed.

STATUS OF STOCK

The status of the pygmy sperm whale relative to OSP in the U.S. Atlantic EEZ is unknown. This species is not listed as endangered or threatened under the Endangered Species Act. There is insufficient information with which to assess population trends. Total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and therefore, cannot be considered to be insignificant and approaching zero mortality

and serious injury rate. This is a strategic stock because the 1996-2000 estimated average annual fishery-related mortality to pygmy sperm whales exceeds PBR.

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PYGMY KILLER WHALE (*Feresa attenuata*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The pygmy killer whale is distributed worldwide in tropical to sub-tropical waters (Jefferson *et al.* 1994). A group of six pygmy killer whales was sighted during a 1992 vessel survey of the western North Atlantic off of Cape Hatteras, North Carolina, in waters >1500 m deep (Hansen *et al.* 1994), but this species was not sighted during subsequent surveys in 1998, 1999 or 2002 (Anon. 1999; Anon. 2002; Mullin and Fulling 2003). Pygmy killer whales are assumed to be part of the cetacean fauna of the tropical western North Atlantic. The paucity of sightings is probably due to a naturally low number of groups compared to other cetacean species. Sightings in the more extensively surveyed northern Gulf of Mexico occur in oceanic waters (Mullin *et al.* 1994; Mullin and Fulling, in review). Sightings of pygmy killer whales were documented in all seasons during aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The western North Atlantic population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Abundance was not estimated for pygmy killer whales from the 1992 vessel survey in the western North Atlantic (Hansen *et al.* 1994) because the sighting was not made during line-transect sampling effort; therefore, the population size of pygmy killer whales is unknown.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for pygmy killer whales is unknown. The minimum population estimate for the western North Atlantic stock of pygmy killer whales is unknown.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OPS), is assumed to be 0.5. PBR for the western North Atlantic stock of pygmy killer whales is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a pygmy killer whale between 1997 and 2001 (Yeung 1999; Yeung 2001).

Fisheries Information

The level of past or current, direct, human-caused mortality of pygmy killer whales in the western North Atlantic is unknown. There has historically been some take of this species in small cetacean fisheries in the Caribbean (Caldwell and Caldwell 1971). Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the western North Atlantic. There were no reports of mortality or serious injury to pygmy killer whales by this fishery.

Other Mortality

There were three reported strandings of pygmy killer whales in the western North Atlantic between 1997 and 2002. There was no evidence of human interactions for these stranded animals. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery

interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of pygmy killer whales in the western North Atlantic, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock.

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MELON-HEADED WHALE (*Peponocephala electra*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The melon-headed whale is distributed worldwide in tropical to sub-tropical waters (Jefferson *et al.* 1994). A group of melon-headed whales was sighted during both a 1999 (20 whales) and 2002 (80 whales) vessel survey of the western North Atlantic off of Cape Hatteras, North Carolina in waters >2500 m deep (Figure 1; Anon. 1999; Anon. 2002). Melon-headed whales are assumed to be part of the cetacean fauna of the tropical western North Atlantic. The paucity of sightings is probably due to a naturally low number of groups compared to other cetacean species.

Sightings in the more extensively surveyed northern Gulf of Mexico occur in oceanic waters (Mullin *et al.* 1994; Mullin and Fulling in review). Sightings of melon-headed whales in the northern Gulf of Mexico were documented in all seasons during aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The western North Atlantic population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Abundances have not been estimated from the 1999 and 2002 vessel surveys in western North Atlantic (Anon. 1999; Anon. 2002); therefore the population size of melon-headed whales is unknown.

Minimum Population Estimate

The minimum population estimate for the western North Atlantic stock of melon-headed whales unknown.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OPS), is assumed to be 0.5. PBR for the western North Atlantic stock of melon-headed whales is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a melon-headed whale between 1997 and 2001 (Yeung 1999; Yeung 2001).

Fisheries Information

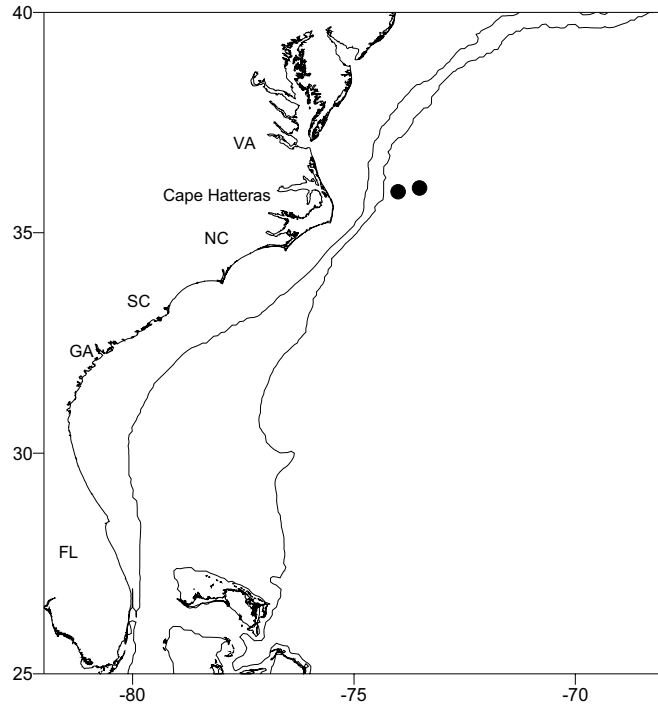


Figure 1. Distribution of melon-headed whales from SEFSC vessel surveys during 1998-2002. All sightings are shown. Solid lines indicate the 200 and 2000 m isobaths.

The level of past or current, direct, human-caused mortality of melon-headed whales in the western North Atlantic is unknown. There has historically been some take of this species in small cetacean fisheries in the Caribbean (Caldwell *et al.* 1976). Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the western North Atlantic. There were no reports of mortality or serious injury to melon-headed whales by this fishery.

Other Mortality

There was one reported stranding of a melon-headed whale in the western North Atlantic between 1997 and 2002, though there was no evidence of human interaction for this stranded animal. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of melon-headed whales in the western North Atlantic, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock.

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LONG-FINNED PILOT WHALE (*Globicephala melas*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

There are two species of pilot whales in the Western Atlantic — the Atlantic or long-finned pilot whale, *Globicephala melas*, and the short-finned pilot whale, *G. macrorhynchus*. The distribution of long-finned pilot whales, a northern species, overlaps with that of the short-finned pilot whales, a predominantly southern species, between 35°30'N to 38°00'N (Leatherwood *et al.* 1976). Although long-finned pilot whales are most likely the species bycaught in the waters north of Delaware Bay, many of the pilot whale takes are not identified to species and bycatch does occur in the overlap area. In this summary, therefore, long-finned pilot whales (*Globicephala melas*) and unidentified pilot whales (*Globicephala* sp.) are considered together.

Pilot whales (*Globicephala* sp.) are distributed principally along the continental shelf edge in the winter and early spring off the northeast USA coast, (CETAP 1982; Payne and Heinemann 1993; Abend and Smith 1999). In late spring, pilot whales move onto Georges Bank and into the Gulf of Maine and more northern waters, and remain in these areas through late autumn (CETAP 1982; Payne and Heinemann 1993). In general, pilot whales occupy areas of high relief or submerged banks. They are also associated with the Gulf Stream north wall and thermal fronts along the continental shelf edge (Waring *et al.* 1992; NMFS unpublished data).

The long-finned pilot whale is distributed from North Carolina to North Africa (and the Mediterranean) and north to Iceland, Greenland and the Barents Sea (Sergeant 1962; Leatherwood *et al.* 1976; Abend 1993; Buckland *et al.* 1993; Abend and Smith 1999). The stock structure of the North Atlantic population is uncertain (Anon. 1993a; Fullard *et al.* 2000). Recent morphometrics (Bloch and Lastein 1993) and genetics (Siemann 1994; Fullard *et al.* 2000) studies have provided little support for stock structure across the Atlantic (Fullard *et al.* 2000). However, Fullard *et al.* (2000) have proposed a stock structure that is correlated to sea surface temperature: 1) a cold-water population west of the Labrador/North Atlantic current and 2) a warm-water population that extends across the Atlantic in the Gulf Stream.

POPULATION SIZE

The total number of long-finned pilot whales off the eastern USA and Canadian Atlantic coast is unknown, although ten estimates from selected regions of the habitat do exist for select time periods.

Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). Two estimates were derived from catch data and population models that estimated the abundance of the entire stock. Seven seasonal estimates are available from selected regions in USA waters during spring, summer and autumn 1978-82, August 1990, June-July 1991, August-September 1991, June-July 1993, July-September 1995, and July-August 1998. Because long-finned and short-finned pilot whales are difficult to identify at sea, seasonal abundance estimates were reported for *Globicephala* sp., both long-finned and short-finned pilot whales. One estimate is available from the Gulf of St. Lawrence.

Mitchell (1974) used cumulative catch data from the 1951-1961 drive fishery off Newfoundland to estimate the initial population size (ca. 50,000 animals).

Mercer (1975), used population models to estimate a population in the same region of between 43,000 and 96,000 long-finned pilot whales, with a range of 50,000-60,000 being considered the best estimate.

An abundance of 11,120 (CV=0.29) *Globicephala* sp. was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 3,636 (CV=0.36) *Globicephala* sp. was estimated from a June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000 m isobaths

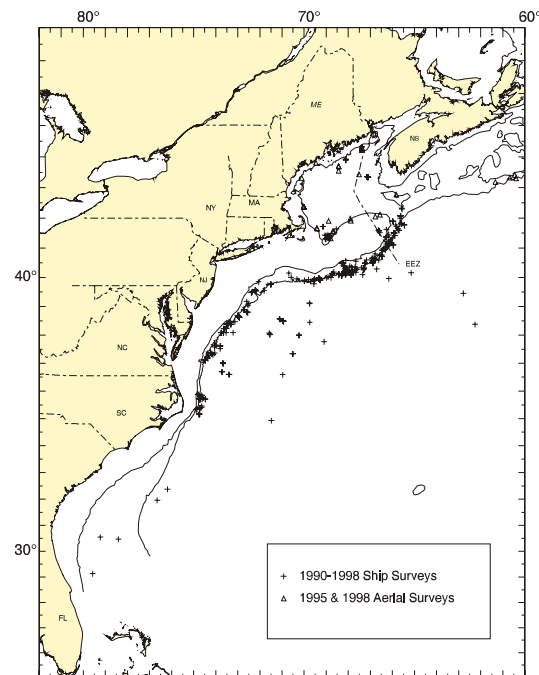


Figure 1. Distribution of pilot whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). Abundances of 3,368 (CV=0.28) and 5,377 (CV=0.53) *Globicephala* sp. were estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11 aircrafts, respectively (Anon. 1991). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations. Further, due to changes in survey methodology, these data should not be used to make comparisons to more current estimates.

An abundance of 668 (CV=0.55) *Globicephala* sp. was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993b). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$, the probability of detecting a group on the track line, or for dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 8,176 (CV=0.65) *Globicephala* sp. was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom isobath. Data collection and analysis methods used were described in Palka (1996).

Kingsley and Reeves (1998) obtained an abundance estimate of 1,600 long-finned pilot whales (CV=0.65) from a late August and early September aerial survey of cetaceans in the Gulf of St. Lawrence in 1995 and 1998 (Table 1). Based on an examination of long-finned pilot whale summer distribution patterns and information on stock structure, it was deemed appropriate to combine these estimates with NMFS 1995 summer survey data. The best 1995 abundance estimate for *Globicephala* sp. is 9,776 (CV=0.55), the sum of the estimates from the USA and Canadian surveys, where the estimate from the USA survey is 8,176 (CV=0.65) and from the Canadian 1,600 (CV=0.65).

An abundance of 9,800 (CV=0.34) *Globicephala* sp. was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 4,724 (CV=0.61) *Globicephala* sp. was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in press). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for *Globicephala* sp. is 14,524 (CV=0.30), the sum of the estimates from the two 1998 USA Atlantic surveys, where the estimate from the northern USA Atlantic is 9,800 (CV=0.34) and from the southern USA Atlantic is 4,724 (CV=0.61). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for the western North Atlantic *Globicephala* sp. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	8,176	0.65
Aug-Sep 1995	Gulf of St. Lawrence	1,600	0.65
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	9,776	0.55
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	9,800	0.34
Jul-Aug 1998	Florida to Maryland	4,724	0.61
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	14,524	0.30

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for *Globicephala* sp. is 14,524 (CV=0.30). The minimum population estimate for *Globicephala* sp. is 11,343 (CV=0.30).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Life history parameters that could be used to estimate net productivity include those from animals taken in the Newfoundland drive fishery: calving interval 3.3 years; lactation period about 21-22 months; gestation period 12 months; births mainly from June to November; length at birth is 177 cm; mean length at sexual maturity is 490 cm for males and 356 cm for females; age at sexual maturity is 12 years for males and 6 years for females; mean adult length is 557 cm for males and 448 cm for females; and maximum age was 40 for males and 50 for females (Sergeant 1962; Kasuya *et al.* 1988). Analysis of data recently collected from animals taken in the Faroe Islands drive fishery produced higher values for all parameters (Bloch *et al.* 1993; Desportes *et al.* 1993; Martin and Rothery 1993). These differences are likely related, at least in part, to larger sample sizes and newer analytical techniques.

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for *Globicephala* sp. is 11,343 (CV=0.30). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.48 because the CV of the average mortality estimate is between 0.3 and 0.6 (Wade and Angliss 1997) and because this stock is of unknown status. PBR for the western North Atlantic *Globicephala* sp. is 108.

ANNUAL HUMAN-CAUSED MORTALITY

Total fishery-related mortality and serious injury cannot be estimated separately for the two species of pilot whales in the US Atlantic EEZ because of the uncertainty in species identification by fishery observers. The Atlantic Scientific Review Group advised adopting the risk-averse strategy of assuming that either species might have been subject to the observed fishery-related mortality and serious injury. Total annual estimated average fishery-related mortality or serious injury to this stock during 1997-2001 in the USA fisheries listed below was 215 pilot whales (CV=0.37) (Table 2).

Fishery Information

USA

Prior to 1977, there was no documentation of marine mammal bycatch in distant-water fleet (DWF) activities off the northeast coast of the USA. A fishery observer program, which has collected fishery data and information on incidental bycatch of marine mammals, was established in 1977 with the implementation of the Magnuson Fisheries Conservation and Management Act (MFCMA). DWF effort in the US Atlantic EEZ under MFCMA has been directed primarily towards Atlantic mackerel and squid. An average of 120 different foreign vessels per year (range 102-161) operated within the US Atlantic EEZ during 1977 through 1982. In 1982, there were 112 different foreign vessels; 18 (16%) were Japanese tuna longline vessels operating along the USA Atlantic coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. The number of foreign vessels operating within the US Atlantic EEZ each year between 1983 and 1991 averaged 33 and ranged from 9 to 67. The number of Japanese longline vessels included among the DWF vessels averaged 6 and ranged from 3 to 8 between 1983 and 1988. MFCMA observer coverage on DWF vessels was 25-35% during 1977-1982, increased to 58%, 86%, 95%, and 98%, respectively, during 1983-1986, and 100% observer coverage was maintained from 1987 to 1991. Foreign fishing operations for squid ceased at the end of the 1986 fishing season and, for mackerel, at the end of the 1991 fishing season.

During 1977-1991, observers in this program recorded 436 pilot whale mortalities in foreign-fishing activities (Waring *et al.* 1990; Waring 1995). A total of 391 (90%) were taken in the mackerel fishery, and 41 (9%) occurred during *Loligo* and *Illex* squid-fishing operations. This total includes 48 documented takes by USA vessels involved in joint-venture fishing operations in which USA captains transfer their catches to foreign processing vessels. Due to temporal fishing restrictions, the bycatch occurred during winter/spring (December to May) in continental shelf and continental shelf edge waters (Fairfield *et al.* 1993; Waring 1995); however, the majority of the takes occurred in late spring along the 100 m isobath. Two animals were also caught in both the hake and tuna longline fisheries (Waring *et al.* 1990).

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet, pelagic longline, pelagic pair trawl, bluefin tuna purse seine, North Atlantic bottom trawl, Atlantic squid, mackerel, butterfish trawl, and mid-Atlantic coastal gillnet fisheries, but no mortalities or serious injuries have been documented in the Northeast multispecies sink gillnet fishery.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996 and 1998 were 233, 243, 232, 197, 164, 149 and 113, respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994 to 1998, between 10 and 13 vessels participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, no fishery in 1997, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch from 1989 to 1993 were obtained using the aggregated (pooled 1989-1993) catch rates, by stratum (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Between 1989 and 1998, 87 mortalities were observed in the large pelagic drift gillnet fishery. The annual fishery-related mortality (CV in parentheses) was 77 in 1989 (0.24), 132 in 1990 (0.24), 30 in 1991 (0.26), 33 in 1992 (0.16), 31 in 1993 (0.19), 20 in 1994 (0.06), 9.1 in 1995 (0), 11 in 1996 (.17), no fishery in 1997, and 12 in 1998 (0). Since this fishery no longer exists it has been excluded from Table 2. Pilot whales were taken along the continental shelf edge, northeast of Cape Hatteras in January and February. Takes were recorded at the continental shelf edge east of Cape Charles, Virginia, in June. Pilot whales were taken from Hydrographer Canyon along the Great South Channel to Georges Bank from July to November. Takes occurred at the Oceanographer Canyon continental shelf break and along the continental shelf northeast of Cape Hatteras in October-November.

Pelagic Pair Trawl

The pelagic pair trawl fishery operated as an experimental fishery from 1991 to 1995, with an estimated 171 hauls in 1991, 536 in 1992, 586 in 1993, 407 in 1994, and 440 in 1995. This fishery ceased operations in 1996 when NMFS rejected a petition to consider pair trawl gear as an authorized gear type in the Atlantic tunas fishery. The fishery operated in August to November in 1991, June to November in 1992, June to October in 1993, and mid-summer to November in 1994 and 1995. Fisheries Observer began in October 1992 (Gerrior *et al.* 1994), and 48 sets (9% of the total) were sampled in that season; 102 hauls (17% of the total) were sampled in 1993. In 1994 and 1995, 212 (52%) and 238 (54%), respectively, of the sets were observed. Twelve vessels have operated in this fishery. The fishery extended from 35°N to 41°N, and from 69°W to 72°W. Approximately 50% of the total effort was within a one degree square at 39°N, 72°W, around Hudson Canyon. Examination of the 1991-1993 locations and species composition of the bycatch showed little seasonal change for the six months of operation and did not warrant any seasonal or areal stratification of this fishery (Northridge 1996). Five pilot whale (*Globicephala* sp.) mortalities were reported in the self-reported fisheries information in 1993. In 1994 and 1995 observers reported 1 and 12 mortalities, respectively. The estimated fishery-related mortality to pilot whales in the USA Atlantic attributable to this fishery in 1994 was 2.0 (CV=0.49) and 22 (CV=0.33) in 1995. Since this fishery no longer exists, it has been excluded from Table 2.

During the 1994 and 1995 experimental fishing seasons, fishing gear experiments were conducted to collect data on environmental parameters, gear behavior, and gear handling practices to evaluate factors affecting catch and bycatch (Goudey 1995, 1996), but the results were inconclusive.

Pelagic Longline

Total effort, excluding the Gulf of Mexico, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 10,311 sets in 1992, 10,444 sets in 1993, 11,082 sets in 1994, 11,493 sets in 1995, 9,864 sets in 1996, 9,499 sets in 1997, 7,589 sets in 1998, 6,786 sets in 1999, and 6,582 sets in 2000 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a; Yeung *et al.* 2000). In the 2001 SAR, the annual effort has been recalculated to include those sets targeting other species in conjunction with tuna/swordfish, instead of just effort that exclusively targeted tuna/swordfish as in previous reports (Johnson *et al.* 1999; Yeung 1999a). The result was an average increase in self-reported effort of roughly 10% (Yeung *et al.* 2000). The fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. This fishery has been monitored with 3-6% observer coverage, in terms of sets observed, since 1992. The 1993-1997 estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replace previous estimates for the 1990-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999). Further, Yeung (1999b) revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998 and 1999 bycatch estimates were from Yeung (1999a) and Yeung *et al.* (2000), respectively. Most of the estimated marine mammal bycatch was from US Atlantic EEZ waters between South

Carolina and Cape Cod (Johnson *et al.* 1999). Pilot whales are frequently observed to feed on hooked fish, particularly big-eye tuna (NMFS unpublished data). Between 1992 and 2000, 62 pilot whales (including 2 identified as a short-finned pilot whales) were released alive, including 32 that were considered seriously injured (of which 1 was identified as a short-finned pilot whale), and 2 mortalities were observed. January-March bycatch was concentrated on the continental shelf edge northeast of Cape Hatteras. Bycatch was recorded in this area during April-June, and takes also occurred north of Hydrographer Canyon off the continental shelf in water over 1,000 fathoms during April-June. During the July-September period, takes occurred on the continental shelf edge east of Cape Charles, Virginia, and on Block Canyon slope in over 1,000 fathoms of water. October-December bycatch occurred between the 20 and 50 fathom contour lines between Barnegat Bay and Cape Hatteras. The estimated fishery-related mortality to pilot whales in the USA Atlantic (excluding the Gulf of Mexico) attributable to this fishery was: 127 in 1992 (CV=1.00), 93 in 1999 (CV=1.00), and 24 in 2000 (CV=1.0). The estimated serious injuries were 40 (CV=0.71) in 1992, 19 (CV=1.00) in 1993, 232 (CV=0.53) in 1994, 345 (includes 37 estimated short-finned pilot whales, (CV= 0.51)) in 1995, 0 from 1996 to 1998, 288 (CV=0.74) in 1999, 109 (CV=1.0) in 2000, and 117 (CV=0.55) in 2001; average annual mortality in 1997-2001 was 117 pilot whales (CV=0.55) (Table 2). Animals released alive but judged to have been seriously injured are combined with mortalities in the category 'combined mortality'.

Bluefin Tuna Purse Seine

The tuna purse seine fishery between Cape Hatteras and Cape Cod is directed at small and medium bluefin and skipjack for the canning industry, while north of Cape Cod, purse seine vessels are directed at large medium and giant bluefin tuna. . The latter fishery is entirely separate from any other Atlantic tuna purse seine fishery. Spotter aircraft are used to locate fish schools. The official start date is August 15, set by regulation. Individual vessel quotas (IVQs) and a limited access system prevent a derby fishery situation. Catch rates are high with this gear and consequently the season usually only lasts a few weeks for large mediums and giants. The 1996 regulations allocated 250 MT (5 IVQs) with a minimum of 90% giants and no more than 10% large mediums. Limited observer data are available for the bluefin tuna purse seine fishery. Out of 45 total trips made in 1996, 43 trips (95.6%) were observed. Forty-four sets were made on the 43 observed trips and all sets were observed. A total of 136 days were covered. Two interactions with pilot whales were observed in 1996. In one interaction, the net was actually pursued around one pilot whale, the rings were released and the animal escaped alive, condition unknown. This set occurred east of the Great South Channel and just north of the Cultivator Shoals region on Georges Bank. In a second interaction, 5 pilot whales were encircled in a set. The net was opened prior to pursuing to let the whales swim free, apparently uninjured. This set occurred on the Cultivator Shoals region on Georges Bank. Since 1996, this fishery has not been observed.

Southern New England/Mid-Atlantic Squid, Mackerel, Butterfish Trawl Fisheries

In 1996, mackerel, squid, and butterfish trawl fisheries were combined into one Atlantic squid, mackerel, and butterfish fishery management plan and designated as a Category II fishery. Because of spatial and temporal differences in the harvesting of *Illex* and *Loligo* squid, and Atlantic mackerel, each one of these sub-fisheries are described separately. Butterfish (*Peprilus triacanthus*) undergo a northerly inshore migration during the summer months and southerly offshore migration during the winter months and are mainly caught as incidental bycatch to the directed squid and mackerel fisheries. Fishery observers suggest that a significant amount of butterfish discarding occurs at sea. The *Illex* and *Loligo* squid fisheries are managed by moratorium permits, gear and area restrictions, quotas, and trip limits. The Atlantic mackerel and butterfish fisheries are managed by an annual quota system.

Historically, the mid-Atlantic mackerel and squid trawl fisheries were combined into the Atlantic mid-water trawl fishery in the revised proposed list of fisheries in 1995. The mackerel trawl fishery was classified as a Category II fishery since 1990 and the squid fishery was originally classified as a Category II fishery in 1990, but was reclassified as a Category III fishery in 1992. The combined fishery was then reclassified as a Category II fishery in 1995.

***Illex* Squid**

The USA domestic fishery, ranging from Southern New England to Cape Hatteras North Carolina, reflects patterns in the seasonal distribution of *Illex* squid (*Illex illecebrosus*). *Illex* are harvested offshore mainly by small mesh otter trawlers during the summer months (June-September) when they are distributed in continental shelf and slope waters. Since 1996, 45% of all pilot whale takes observed were caught incidental to *Illex* squid fishing operations; 1 in 1996, 1 in 1998, and 2 in 2000. Annual observer coverage of this fishery has varied widely and reflects only the months when the fishery is active. Between 1996 and 2001, annual observer coverage was 3.7%, 6.21%, 0.97%, 2.84%, 11.11%, and 0.00%, respectively. The estimated fishery-related mortality of pilot whales attributable to this fishery was: 45 in 1996 (CV=1.27), 0 in 1997, 85 in 1998 (CV=0.65), 0 in 1999, 34 in 2000 (CV=0.65), and unknown in 2001. The average annual mortality between 1997 and 2001 was 30 pilot whales (CV=0.50) (Table 2).

***Loligo* Squid**

The USA domestic fishery for *Loligo* squid (*Loligo pealeii*) occurs mainly in Southern New England and mid-Atlantic waters. Fishery patterns reflect *Loligo* seasonal distribution, where most effort is directed offshore near the edge of the continental shelf during the fall and winter months (October-March), and inshore during the spring and summer months (April-September). This fishery is dominated by small-mesh otter trawlers, but substantial landings are also taken by inshore pound nets and fish traps during the spring and summer months. Only one pilot whale incidental take has been observed in *Loligo* squid fishing operations since 1996. The one take was observed

in 1999 in the offshore fishery. No pilot whale takes have been observed in the inshore fishery. Between 1996 and 2001, observer coverage of the fall/winter offshore fishery was .03%, 0.50%, 0.78%, 0.86%, 1.08%, and 1.25%, respectively (Table 2). Observer coverage of the spring/summer inshore fishery was .02%, 2.10%, 0.47%, 0.51%, 0.59%, and 0.47% between 1996-2001, respectively. The estimated fishery-related mortality of pilot whales attributable to the fall/winter offshore fishery was 0 between 1996 and 1998, 49 in 1999 (CV=0.97), and 0 between 2000 and 2001. The average annual mortality between 1997 and 2001 was 10 pilot whales (CV=0.97) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

Atlantic Mackerel

The USA domestic fishery for Atlantic mackerel (*Scomber scombrus*) occurs primarily in the Southern New England and mid-Atlantic waters between the months of January and May. This fishery is dominated by mid-water (pelagic) trawls. Observer coverage of this fishery was 0.79%, 0.00%, 1.13%, 4.9%, and 3.4% between 1997 and 2001, respectively. No incidental takes of pilot whales have been observed in the domestic mackerel fishery.

A USA joint venture (JV) fishery was conducted in the mid-Atlantic region from February to May 1998. NMFS maintained 100% observer coverage of the foreign joint venture vessels where 152 transfers from the USA vessels were observed. No incidental takes of pilot whales have been observed in the mackerel fishery. The former distant water fleet fishery has been non-existent since 1977. There is also a mackerel trawl fishery in the Gulf of Maine that generally occurs during the summer and fall months, May-December. There have been no observed incidental takes of pilot whales reported for the Gulf of Maine fishery.

Southern New England/Mid-Atlantic Mixed Groundfish Trawl Fisheries

This fishery occurs year round, ranging from Cape Cod Massachusetts to Cape Hatteras North Carolina. It represents a variety of individual sub-fisheries that include but are not limited to; monkfish, summer flounder (fluke), winter flounder, silver hake (whiting), spiny and smooth dogfish, scup, and black sea bass. Observer coverage of this fishery was 0.24%, 0.22%, 0.15%, 0.14%, 0.35%, and 0.41% between 1996-2001, respectively. There was one observed take in this fishery reported in 1999. The estimated fishery-related mortality for pilot whales attributable to this fishery was: 0 in 1996-1998, 228 in 1999, and 0 in 2000-2001. The average annual mortality between 1997 and 2001 was 46 pilot whales (CV=1.03) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

Northeast Atlantic (Gulf of Maine/Georges Bank) Herring Fishery

Historically, the Atlantic herring resource was harvested by the distant water fleet until the fishery collapsed in the late 1970's. There has been no distant water fleet since the collapse. A domestic fleet has been harvesting the herring resource utilizing both fixed and mobile gears. Only a small percentage of the resource is currently harvested by fixed gear due to a combination of reduced availability and less use of fixed gear. The majority of the resource is currently harvested by domestic mid-water (pelagic) trawls and (single and paired) purse seines. Atlantic Herring are managed jointly by the MAFMC and ASMFC as one migratory stock complex. There has been a domestic resurgence in a directed fishery on the adult stock due to the recovery of the adult stock biomass. The current fishery occurs during the summer months when the resource is spatially distributed throughout the Gulf of Maine and Georges Bank regions. The stock continues on a southerly migration into mid-Atlantic waters during the winter months. The Atlantic herring mid-water trawl fishery is a Category II fishery and the Atlantic herring purse seine fishery is a Category III fishery. There were no domestic mid-water trawl trips observed in 1997-1998, 3 trips observed in 1999 (1 single; 2 paired), 13 trips in 2000 (12 single; 1 paired), and no trips in 2001. There were no marine mammal takes observed from the domestic mid-water trawl fishing trips during 1997-2001.

A USA joint venture (JV) mid-water (pelagic) trawl fishery was conducted on Georges Bank from August - December 2001. A Total Allowable Level of Foreign Fishing (TALFF) was also granted during the same time period. Ten vessels (3 foreign and 7 American), fishing both single and paired mid-water trawls, participated in the 2001 Atlantic herring JV fishery. Two out of the three foreign vessels also participated in the 2001 TALFF and fished with paired mid-water trawls. NMFS maintained 74% observer coverage (243 hauls) of the JV transfers and 100% observer coverage (114 hauls) of the foreign vessels granted a TALFF. Eight pilot whales were incidentally captured in a single mid-water trawl during JV fishing operations. Three pilot whales were incidentally captured in a single mid-water trawl during foreign fishing operations (TALFF) (Table 2). The total mortality attributed to the Atlantic herring mid-water trawl fishery in 2001 was 11 animals (Table 2).

Mobile Gear Restricted Areas

Mobile gear restricted areas (GRA's) were put in place for fishery management purposes in November 2000. The intent of the GRA is to reduce bycatch of scup. The GRA's are spread out in time and space along the edge of the Southern New England and mid-Atlantic continental shelf region (between 100-1000 meters). These seasonal closures are targeted at trawl gear with small mesh sizes (<4.5 inches). The Atlantic herring and Atlantic mackerel trawl fisheries are exempt from the GRA's. A temporary exemption was also granted for the *Loligo* squid fishery. For detailed information regarding GRA's refer to FR/Vol. 66, No. 41.

Mid-Atlantic Coastal Gillnet

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer Program in July 1993 and from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown, because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish

landed, was 5%, 4%, 3%, 5%, 2%, 2%, and 2% for 1995, 1996, 1997, 1998, 1999, 2000, and 2001, respectively (Table 2).

No pilot whales were taken in observed trips during 1993-1997. One pilot whale was observed taken in 1998, 0 during 1999-2001 (Table 2). Observed effort was scattered between New York and North Carolina from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality (CV in parentheses) attributed to this fishery was 7 in 1998 (1.1). Average annual estimated fishery-related mortality attributable to this fishery between 1997 and 2001 was 1 pilot whale (CV=1.1)

CANADA

An unknown number of pilot whales have also been taken in Newfoundland and Labrador, and Bay of Fundy groundfish gillnets, Atlantic Canada and Greenland salmon gillnets, and Atlantic Canada cod traps (Read 1994). The Atlantic Canadian and Greenland salmon gillnet fishery is seasonal, with the peak from June to September, depending on location. During 1989, in southern and eastern Newfoundland and in Labrador, 2,196 nets 91 m long were used. There are no effort data available for the Greenland fishery; however, the fishery was terminated in 1993 under an agreement between Canada and North Atlantic Salmon Fund (Read 1994).

There were 3,121 cod traps operating in Newfoundland and Labrador during 1979, and about 7,500 in 1980 (Read 1994). This fishery was closed at the end of 1993 due to collapse of Canadian groundfish resources.

Between January 1993 and December 1994, 36 Spanish deep-water trawlers, covering 74 fishing trips (4,726 fishing days and 14,211 sets), were observed in NAFO Fishing Area 3 (off the Grand Banks) (Lens 1997). A total of 47 incidental catches were recorded, which included 1 long-finned pilot whale. The incidental mortality rate for pilot whales was 0.007/set.

In Canada, the fisheries observer program places observers on all foreign fishing vessels, on between 25% and 40% of large Canadian vessels (greater than 100 ft), and on approximately 5% of small vessels (Hooker *et al.* 1997). Fishery observer effort off the coast of Nova Scotia during 1991-1996 varied on a seasonal and annual basis, reflecting changes in fishing effort (see Figure 3, Hooker *et al.* 1997). During the 1991-1996 period, long-finned pilot whales were bycaught (number of animals in parentheses) in bottom trawl (65); midwater trawl (6); and longline (1) gear. Recorded bycatches by year were: 16 in 1991, 21 in 1992, 14 in 1993, 3 in 1994, 9 in 1995, and 6 in 1996. Pilot whale bycatches occurred in all months except January-March and September (Hooker *et al.* 1997).

Table 2. Summary of the incidental mortality of pilot whales (*Globicephala sp.*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the observed mortalities and serious injuries recorded by on-board observers, the estimated annual mortality and serious injury, the combined annual estimates of mortality and serious injury (Estimated Combined Mortality), the estimated CV of the combined estimates (Estimated CVs) and the mean of the combined estimates (CV in parentheses).

Fishery	Years	Vessels ⁴	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Serious Injury	Estimated Mortality	Estimated Combined Mortality	Estimated CVs	Mean Annual Mortality
SNE/mid-Atlantic <i>Illex</i> Squid Trawl	97-01	73 ⁵	Obs. Data Dealer	.062, .009, .028, .111, NA	0, 0, 0, 0, NA	0, 1, 0, 2, NA	0, 0, 0, 0, NA	0, 85, 0, 34, NA	0, 85, 0, 34, NA	0, 0.65, 0, 0.65, NA	30 (0.50)
SNE/mid-Atlantic <i>Loligo</i> Squid Trawl (offshore)	97-01	384 ⁵	Obs. Data Dealer	.005, .008, .009, .011, .012	0, 0, 0, 0, 0	0, 0, 1, 0, 0	0, 0, 0, 0, 0	0, 0, 49, 0, 0	0, 0, 49, 0, 0	0, 0, 0.97, 0, 0	10 (0.97)
SNE/ mid-Atlantic Bottom Trawl	97-01	NA	Obs. Data Dealer	.002, .001, .003, .003, .004	0, 0, 0, 0, 0	0, 0, 1 ⁶ , 0, 0	0, 0, 0, 0, 0	0, 0, 228, 0, 0	0, 0, 228, 0, 0	0, 0, 1.03, 0, 0	46 (1.03)
GOM/GB Herring Mid-Water Trawl JV and TALFF	2001	10 ⁸	Obs. Data	1.00 ⁷	0	11	0	11	11	NA	11 (NA)
Pelagic ³ Longline	97-01	245, 205, 193, tbd	Obs. Data Logbook	.03, .03, .04, .04, .04	0, 0, 4, 4, 1	0, 0, 1, 1, 1	0, 0, 288, 109, 57	0, 0, 93, 24, 29	0, 0, 381, 133, 79	0, 0, .79, .88, .48	117 (0.55)
Mid-Atlantic Coastal Gillnet	97-01	NA	Obs. Data Dealer	.03, .05, .02, .02, .02	0, 0, 0, 0, 0	0, 1, 0, 0, 0	0, 0, 0, 0, 0	0, 7, 0, 0, 0	0, 7, 0, 0, 0	0, 1.1, 0, 0, 0	1 (1.1)
TOTAL											215 (.37)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. Mandatory logbook data were used to

measure total effort for the longline fishery. These data are collected at the Southeast Fisheries Science Center (SEFSC).

2 Observer coverage of the mid-Atlantic coastal gillnet fishery is measured in tons of fish landed. Observer coverage for the longline fishery are in terms of sets. The trawl fisheries are measured in trips.

3 1997-1998 mortality estimates were taken from Table 9a in Yeung *et al.* (2000), and excludes the Gulf of Mexico. 1999-2000 mortality estimates were taken from Table 10 in Yeung 2001.

4 Number of vessels in the fishery are based on vessels reporting effort to the pelagic longline logbook.

5 These are numbers of potential fishing vessels based on permit holders in the 2002 fishery. Many of these vessels participate in the other fisheries and therefore the reported number of vessels are not additive across the squid, mackerel and butterfish fisheries. (67FR 65937).

6 The incidental take was observed on a trip than landed silver hake as the primary species.

7 During joint venture fishing operations, nets that are transferred from the domestic vessel to the foreign vessels for processing are observed on board the foreign vessel. There may be nets fished by domestic vessels that do not get transferred to a foreign vessel for processing and therefore would not be observed.

8 During TALFF fishing operations all nets fished by the foreign vessel are observed.

Three foreign vessels and seven American vessels.

Other Mortality

Pilot whales have a propensity to mass strand throughout their range, but the role of human activity in these events is unknown. Between 2 and 120 pilot whales have stranded annually, either individually or in groups, in NMFS Northeast Region (Anon. 1993b) since 1980. From 1997 to 2001, 79 pilot whales (*Globicephala sp.*) have been reported stranded between Maine and Florida (Table 3), including 11 animals that mass stranded in 2000 along the Massachusetts coast (NMFS unpublished data), and 13 animals (in two groups of 5 and 8) along the Florida coast in 1998. Four of 6 animals from one live stranding event in Massachusetts in 2000 were rehabilitated and released. In addition, 11 pilot whales that live stranded on Nantucket were returned to the water. However, certain studies have shown that frequently, animals that are returned to the water swim away and strand someplace else (Fehring and Wells 1976; Irvine *et al.* 1979; Odell *et al.* 1980)

Short-finned pilot whales (*Globicephala macrorhynchus*) have been reported stranded as far north as Block Island, Rhode Island (2001) and long-finned pilot whales (*Globicephala melas*) as far south as South Carolina. Rarely is there a distinction made between these two species within the U.S. east coast regional stranding records.

In eastern Canada, 37 strandings of long-finned pilot whales (173 individuals) were reported on Sable Island, Nova Scotia from 1970 to 1998 (Lucas and Hooker 1997; Lucas and Hooker 2000). This included 130 animals that mass stranded in December 1976, and 2 smaller groups (<10 each) in autumn 1979 and summer 1992. Fourteen strandings were also recorded along Nova Scotia in 1991-1996 (Hooker *et al.* 1997).

Table 3. Pilot Whale (*Globicephala sp.*) strandings along the U.S. Atlantic coast 1997-2001. No distinction has been made between short-finned (*Globicephala macrorhynchus*) and long-finned pilot whale (*G. melas*).

State	1997	1998	1999	2000	2001	TOTAL S
Maine	1	1	0	0	5	7
New Hampshire	0	0	0	0	0	0
Massachusetts	3 ³	3 ³	6	13 ¹	3	28
Rhode Island	0	1	0	0	1	2
Connecticut	0	0	0	0	0	0
New York	0	0	1	1	1	3
New Jersey	1	1	1	0	0	3
Delaware	0	0	0	0	0	0
Maryland	0	0	1	0	0	1
Virginia	1	0	2	0	0	3
North Carolina	0	1	2	0	2	5
South Carolina	0	1	0	0	1	2
Georgia	0	2	0	1	0	3
Florida	2	18 ²	2	0	0	22
TOTALS	8	28	15	15	13	79

- ¹ Massachusetts mass stranding (11- animals, July 2000)
² Florida mass Stranding (5 and 8 animals in 1998)
³ Fishery Interactions: In Dec. 1998, a pilot whale stranded in Massachusetts contained a 7.25 inch mesh inside its stomach causing peritonitis/tumor abscess. In Dec. 1997, the Coast Guard boarded a vessel 70 miles east of Provincetown, Massachusetts and reported a drowned pilot whale in haul back. (No tissues collected but photos and entanglement log was filled out).

A potential human-caused source of mortality is from polychlorinated biphenyls (PCBs) and chlorinated pesticides (DDT, DDE, dieldrin, etc.), moderate levels of which have been found in pilot whale blubber (Taruski 1975; Muir *et al.* 1988; Weisbrod *et al.* 2000). Weisbrod *et al.* (2000) reported that bioaccumulation levels were more similar in whales from the same standing group than animals of the same sex or age. Also, high levels of toxic metals (mercury, lead, cadmium) and selenium were measured in pilot whales harvested in the Faroe Islands drive fishery (Nielsen *et al.* 2000). Similarly, Dam and Bloch (2000) found very high PCB levels in pilot whales in the Faroes. The population effect of the observed levels of such contaminants is unknown.

STATUS OF STOCK

The status of long-finned pilot whales relative to OSP in US Atlantic EEZ is unknown, but stock abundance may have been affected by reduction in foreign fishing, curtailment of the Newfoundland drive fishery for pilot whales in 1971, and increased abundance of herring, mackerel, and squid stocks. There are insufficient data to determine the population trends for this species. The species is not listed under the Endangered Species Act. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because the 1997-2001 estimated average annual fishery-related mortality, excluding Nova Scotia bycatches of pilot whales, *Globicephala* sp., exceeds PBR. The status has gone back and forth, because mortality has been close to PBR. In the last five editions of this stock assessment report, it has been designated as non-strategic in 1998 and 1999. However, it is not possible to determine whether mortality and serious injury have fluctuated or the estimate have fluctuated due to lack of precision in observer data.

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ATLANTIC WHITE-SIDED DOLPHIN (*Lagenorhynchus acutus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily on continental shelf waters to the 100 m depth contour. The species inhabits waters from central west Greenland to North Carolina (about 35° N) and perhaps as far east as 43° W (Evans 1987). Distribution of sightings, strandings and incidental takes suggest the possible existence of three stocks units: a Gulf of Maine, Gulf of St. Lawrence and Labrador Sea stock (Palka *et al.* 1997). A genetic study is currently being conducted to test this proposed population structure and should be available during 2002. Evidence for a separation between the well documented unit in the southern Gulf of Maine and a Gulf of St. Lawrence population comes from a hiatus of summer sightings along the Atlantic side of Nova Scotia. This has been reported in Gaskin (1992), is evident in Smithsonian stranding records, and was seen during abundance surveys conducted in the summers of 1995 and 1999 that covered waters from Virginia to the entrance of the Gulf of St. Lawrence. White-sided dolphins were seen frequently in eastern Gulf of Maine waters and in waters at the mouth of the Gulf of St. Lawrence, but only a few sightings were recorded in the waters between these two regions.

The Gulf of Maine stock of white-sided dolphins is most common in continental shelf waters from Hudson Canyon (approximately 39°N) north through Georges Bank, and in the Gulf of Maine to the lower Bay of Fundy. Sightings data indicate seasonal shifts in distribution (Northridge *et al.* 1997). During January to April, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), and even lower numbers are south of Georges Bank, as documented by a few strandings collected on beaches of Virginia and North Carolina. From June through September, large numbers of white-sided dolphins are found from Georges Bank to lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, have been seen at all times of the year but at low densities. The Virginia and North Carolina observations appear to represent the southern extent of the species range.

Prior to the 1970's, white-sided dolphins in USA waters were found primarily offshore on the continental slope, while white-beaked dolphins (*L. albirostris*) were found on the continental shelf. During the 1970's, there was an apparent switch in habitat use between these two species. This shift may have been a result of the decrease in herring and increase in sand lance in the continental shelf waters (Katona *et al.* 1993; Kenney *et al.* 1996).

POPULATION SIZE

The total number of white-sided dolphins along the eastern USA and Canadian Atlantic coast is unknown, although five estimates from select regions are available from: 1) spring, summer and autumn 1978-82; 2) July-September 1991-92; 3) June-July 1993; 4) July-September 1995 (Figure 1); and 5) July-August 1999 (Table 1).

An abundance of 28,600 white-sided dolphins (CV=0.21) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982).

An abundance of 20,400 (CV=0.63) white-sided dolphins was estimated from two shipboard line transect surveys conducted during July to September 1991 and 1992 in the northern Gulf of Maine-lower Bay of Fundy region (Palka *et al.* 1997). This population size is a weighted-average of the 1991 and 1992 estimates, where each annual estimate was weighted by the inverse of its variance.

An abundance of 729 (CV=0.47) white-sided dolphins was estimated from a June and July 1993 shipboard line transect sighting survey

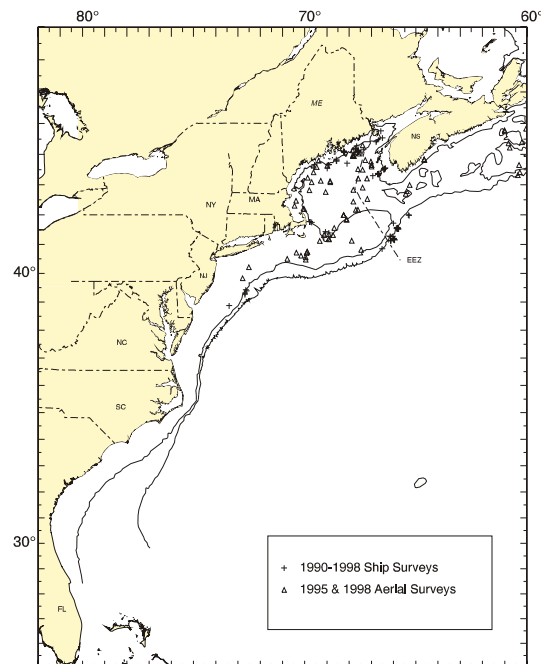


Figure 1. Distribution of white-sided dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993).

An abundance of 27,200 (CV=0.43) white-sided dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et.al.* (in press). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 51,640 (CV=0.38) white-sided dolphins was estimated from a 28 July to 31 August 1999 line-transect sighting survey conducted from a ship and an airplane covering waters from Georges Bank to the mouth of the Gulf of St. Lawrence (Table 1; Figure 1; D. Palka, pers. comm.). Total track line length was 8,212 km. Using methods similar to that used in the above 1995 survey, shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$ (Palka 2000). The 1999 estimate is larger than the 1995 estimate due to, at least in part, the fact that the 1999 survey covered the upper Bay of Fundy and the northern edge of Georges Bank for the first time and white-sided dolphins were seen in both areas.

Kingsley and Reeves (1998) estimated that there were 11,740 (CV=0.47) white-sided dolphins in the Gulf of St. Lawrence during 1995, and 560 (CV=0.89) white-sided dolphins in the northern Gulf of St. Lawrence during 1996 (Table 1). It is assumed these estimates apply to the Gulf of St. Lawrence stock. During the 1995 survey, 8,427 km of track lines were flown in an area of 221,949 km² during August and September. During the 1996 survey, 3,993 km of track lines were flown in an area of 94,665 km² during July and August. Data were analyzed using Quenouille's jackknife bias reduction procedure on line transect methods that model the left-truncated sighting curve. These estimates were uncorrected for visibility biases, such as $g(0)$.

The best available current abundance estimate for white-sided dolphins in the Gulf of Maine stock is 51,640 (CV=0.38) as estimated from the July to August 1999 line transect survey because this survey is recent and provided the most complete coverage of the known habitat.

Table 1. Summary of abundance estimates for western North Atlantic white-sided dolphins. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Gulf of Maine stock			
Jul-Sep 1995	Virginia to mouth of Gulf of St. Lawrence	27,200	0.43
Jul-Aug 1999	Georges Bank to mouth of Gulf of St. Lawrence	51,640	0.38
Gulf of St. Lawrence stock			
Aug-Sep 1995	entire Gulf of St. Lawrence	11,740	0.47
July-Aug 1996	northern Gulf of St. Lawrence	560	0.89

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for the Gulf of Maine stock of white-sided dolphins is 51,640 (CV=0.38). The minimum population estimate for these white-sided dolphins is 37,904 (CV=0.38).

Current Population Trend

There are insufficient data to determine population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Life history parameters that could be used to estimate net productivity include: calving interval is 2-3 years; lactation period is 18 months; gestation period is 10-12 months and births occur from May to early August, mainly in June and July; length at birth is 110

cm; length at sexual maturity is 230-240 cm for males, and 201-222 cm for females; age at sexual maturity is 8-9 years for males and 6-8 years for females; mean adult length is 250 cm for males and 224 cm for females (Evans 1987); and maximum reported age for males is 22 years and for females, 27 years (Sergeant *et al.* 1980).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 37,904 (CV=0.38). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.48 because this stock is of unknown status and the CV of the mortality estimate is between 0.3 and 0.6. PBR for the Gulf of Maine stock of the western North Atlantic white-sided dolphin is 364.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Fishery Information

Recently, within USA waters, white-sided dolphins have been observed caught in the Northeast sink gillnet, mid-Atlantic coastal gillnet, North Atlantic bottom trawl, and Atlantic squid, mackerel, butterfish trawl fisheries (Table 2). Estimated average annual fishery-related mortality and serious injury to the Gulf of Maine stock of the western North Atlantic white-sided dolphin from these USA fisheries during 1997-2001 was 102 (CV=0.56) dolphins per year.

Earlier Interactions

In the past, incidental takes of white-sided dolphins have been recorded in the Atlantic foreign mackerel fishery and pelagic drift gillnet fishery. In the mid 1980's, during a University of Maine study, gillnet fishermen reported 6 takes of white-sided dolphins of which 2 carcasses were necropsied for biological studies (Gilbert and Wynne 1987; Gaskin 1992).

Atlantic foreign mackerel

NMFS foreign fishery observers have reported 44 takes of Atlantic white-sided dolphins incidental to fishing activities in the continental shelf and continental slope waters between March 1977 and December 1991 (Waring *et al.* 1990; NMFS unpublished data). Of these animals, 96% were taken in the Atlantic mackerel fishery. This total includes 9 documented takes by USA vessels involved in joint-venture fishing operations in which USA captains transfer their catches to foreign processing vessels. Prior to 1977, there was no documentation of marine mammal bycatch in distant-water fleet (DWF) activities off the northeast coast of the USA. With implementation of the Magnuson Fisheries Conservation and Management Act (MFCMA) in that year, an observer program was established which recorded fishery data and information of incidental bycatch of marine mammals. DWF effort in the USA Atlantic Exclusive Economic Zone (EEZ) under MFCMA had been directed primarily towards Atlantic mackerel and squid. From 1977 through 1982, an average of 120 different foreign vessels per year (range 102-161) operated within the US Atlantic EEZ. In 1982, there were 112 different foreign vessels; 16%, or 18, were Japanese tuna longline vessels operating along the USA east coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. Between 1983 and 1991, the numbers of foreign vessels operating within the US Atlantic EEZ each year were 67, 52, 62, 33, 27, 26, 14, 13 and 9, respectively. Between 1983 and 1988, the numbers of DWF vessels included 3, 5, 7, 6, 8 and 8, respectively, Japanese longline vessels. Observer coverage on DWF vessels was 25-35% during 1977-1982, and increased to 58%, 86%, 95% and 98%, respectively, in 1983-1986. One hundred percent observer coverage was maintained during 1987-91. Foreign fishing operations for squid ceased at the end of the 1986 fishing season and for mackerel at the end of the 1991 season.

Pelagic Drift Gillnet

In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. The fishery operated during 1998. Then, in January 1999 NMFS issued a Final Rule to prohibit the use of drift net gear in the North Atlantic swordfish fishery (50 CFR Part 630). During 1991 to 1998, 2 white-sided dolphins were observed taken in the Atlantic pelagic drift gillnet fishery, both in 1993. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The estimated total number of hauls in the Atlantic pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991 to 1996 were 233, 243, 232, 197, 164 and 149, respectively. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. In 1994 to 1998, there were 11, 12, 10, 0 and 11 vessels, respectively, in the fishery. Observer coverage, expressed as percent of sets observed was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, no fishery in 1997 and 99% coverage during 1998. Observer coverage dropped during 1996 because some vessels were deemed too small or unsafe by the contractor that provided observer coverage to NMFS. Fishing effort

was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggest that the drift gillnet fishery is stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by stratum (Northridge 1996). Total annual bycatch after 1993 were estimated for each year separately by summing the observed caught with the product of the average bycatch per haul and the number of unobserved hauls as recorded in logbooks. Variances were estimated using bootstrap re-sampling techniques (Bisack 1997b). Estimated annual fishery-related mortality and serious injury (CV in parentheses) was 4.4 (.71) in 1989, 6.8 (.71) in 1990, 0.9 (.71) in 1991, 0.8 (.71) in 1992, 2.7 (0.17) in 1993 and 0 in 1994 to 1998. There was no fishery during 1997.

USA

Northeast Sink Gillnet

Between 1990 and 2001 there were 46 mortalities observed in the Northeast sink gillnet fishery. The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year this fishery has been covered by the program. In 1993 there were approximately 349 vessels (full and part time) in the Northeast sink gillnet fishery (Walden 1996). During 1998, it was estimated there were 301 full and part-time vessels participating in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Rhode Island and north. This does not include a small percentage of records where the vessel number was missing. Observer coverage, expressed as a percentage of the number of trips, has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6% and 4% for years 1990 to 2001, respectively. Most white-sided dolphins have been taken in waters south of Cape Ann during April to December. In recent years, the majority of the takes have been east and south of Cape Cod. Estimated annual fishery-related mortalities (CV in parentheses) were 49 (0.46) in 1991, 154 (0.35) in 1992, 205 (0.31) in 1993, 240 (0.51) in 1994, 80 (1.16) in 1995, 114 (0.61) in 1996 (Bisack 1997a), 140 (0.61) in 1997, 34 (0.92) in 1998, 69 (0.70) in 1999, 26 (1.00) in 2000 and 26 (1.00) in 2001. Average annual estimated fishery-related mortality during 1997-2001 was 59 white-sided dolphins per year (0.37) (Table 2).

Mid-Atlantic Coastal Gillnet

One white-sided dolphin was observed taken in this fishery during 1997 (Table 2). None were taken in observed trips during 1993 to 1996, and none during 1998 to 2001. In July 1993, an observer program was initiated in the USA mid-Atlantic coastal gillnet fishery by the NEFSC Fisheries Observer program. Twenty trips were observed during 1993. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species. Some of the vessels operate right off the beach with some using drift nets, and others using sink nets attached to the bottom. During 1998, it was estimated that 302 full and part-time sink gillnet vessels and an undetermined number of drift gillnet vessels participated in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Connecticut to North Carolina. This does not include a small percentage of records where the vessel number was missing. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2% and 2% for 1995 to 2001, respectively (Table 2). Observed fishing effort was from New York to North Carolina, from the beach to 50 miles off the beach. Bycatch estimates were determined using methods similar to that used for bycatch estimates in the Northeast gillnet fishery (Bravington and Bisack 1996; Bisack 1997a). Using the observed takes of white-sided dolphins, the estimated annual mortality (CV in parentheses) attributed to this fishery was 0 for 1993 to 1996, 0 for 1998 to 2001 and 45 (0.82) for 1997. However, because the spatial-temporal distribution of observer coverage did not cover all types of gillnet fisheries in the mid-Atlantic region during all times of the year, it is likely that these figures are under-estimates. Average estimated white-sided dolphin mortality and serious injury from the mid-Atlantic coastal gillnet fishery during 1997 to 2001 was 9 (CV=0.82) (Table 2).

Southern New England/Mid-Atlantic Squid, Mackerel, Butterfish Trawl Fisheries

The mid-Atlantic mackerel and squid trawl fisheries were combined into the Atlantic mid-water trawl fishery in the revised proposed list of fisheries in 1995. The mackerel trawl fishery was classified as a Category II fishery since 1990 and the squid fishery was originally classified as a Category II fishery in 1990, but was reclassified as a Category III fishery in 1992. The combined fishery was then reclassified as a Category II fishery in 1995.

In 1996, mackerel, squid, and butterfish trawl fisheries were combined into one Atlantic squid, mackerel, and butterfish fishery management plan and designated as a Category II fishery. Because of spatial and temporal differences in the harvesting of *Illex* and *Loligo* squid, and Atlantic Mackerel, each one of these sub-fisheries are described separately. Butterfish (*Peprilus triacanthus*) undergo a northerly inshore migration during the summer months and southerly offshore migration during the winter months and are mainly caught as incidental bycatch to the directed squid and mackerel fisheries. Fishery observers suggest that a significant amount of butterfish discarding occurs at sea. The *Illex* and *Loligo* squid fisheries are managed by moratorium permits, gear and area restrictions, quotas, and trip limits. The Atlantic mackerel and butterfish fisheries are managed by an annual quota system.

***Illex* Squid**

The USA domestic fishery, ranging from Southern New England to Cape Hatteras North Carolina, reflects patterns in the seasonal distribution of *Illex* squid (*Illex illecebrosus*). *Illex* are harvested offshore (100 m isobath) mainly by small mesh otter trawlers when they are distributed in continental shelf and slope waters during the summer months, June-September. Annual observer coverage of this fishery has varied widely, and reflect only the months when the fishery is active. Between 1996-2001 annual observer coverage was 3.7%, 6.21%, 0.97%, 2.84%, 11.11% and unknown, respectively. No white-sided dolphin takes have been observed taken incidental to *Illex* squid fishing operations since 1996.

***Loligo* Squid**

The USA domestic fishery for *Loligo* squid (*Loligo pealeii*) occurs mainly in Southern New England and mid-Atlantic waters. Fishery patterns reflect *Loligo* seasonal distribution where most effort is directed offshore near the edge of the continental shelf during the fall and winter months (October-March), and inshore during the spring and summer months, April-September. This fishery is dominated by small-mesh otter trawlers, but substantial landings also are taken by inshore pound nets and fish traps during the spring and summer months. Between 1996-2001, observer coverage of the fall/winter offshore fishery was 0.03%, 0.50%, 0.78%, 0.86%, 1.08% and 1.25%, respectively. Observer coverage of the spring/summer inshore fishery was 0.02%, 2.10%, 0.47%, 0.51%, 0.59% and 0.47% between 1996-2001, respectively. No white-sided dolphin takes have been observed taken incidental to *Loligo* squid fishing operations since 1996.

Atlantic Mackerel

A recent JV mackerel fishery was conducted in the mid-Atlantic region from February-May 1998. NMFS maintained 100% observer coverage on the foreign joint venture vessels where one hundred and fifty-two transfers from the USA vessels were observed. No incidental takes of white-sided dolphin were observed in Atlantic mackerel JV fishery. There is also an Atlantic mackerel trawl fishery in the Gulf of Maine that generally occurs during the summer and fall months (May-December). There have been no observed incidental takes of white-sided dolphins reported for the Gulf of Maine fishery.

The USA domestic fishery for Atlantic mackerel (*Scomber scombrus*) occurs primarily in the Southern New England and mid-Atlantic waters between the months of January and May. This fishery is prosecuted by both mid-water (pelagic) and bottom trawls. Observer coverage of this fishery was 0.79%, 0.00%, 1.13%, 4.9%, and 3.4% between 1997-2001, respectively. One white-sided dolphin incidental take was observed in 1997. The estimated mortality in 1997 was 161 (CV=1.58) animals (Table 2).

Northeast Atlantic (Gulf of Maine/Georges Bank) Herring Fishery

Historically, the Atlantic herring resource was harvested by distant water fleet until the fishery collapsed in the late 1970's. There has been no distant water fleet since then. A domestic fleet has been harvesting the herring resource utilizing both fixed and mobile gears. Only a small percentage of the resource is currently harvested by fixed gear due to a combination of reduced availability and less use of fixed gear. The majority of the resource is currently harvested by domestic mid-water (pelagic) trawls (single and paired) and purse seines. Atlantic herring are managed jointly by the MAFMC and ASMFC as one migratory stock complex. There has been a domestic resurgence in a directed fishery on the adult stock due to the recovery of the adult stock biomass. The current fishery occurs during the summer months when the resource is spatially distributed throughout the Gulf of Maine and Georges Bank regions. The stock continues on a southerly migration into mid-Atlantic waters during the winter months. The Atlantic herring mid-water trawl fishery is a category II fishery. The Atlantic herring purse seine fishery is a Category III fishery. There were no domestic mid-water trawl trips observed in 1997-1998, 3 trips in 1999 (1 single; 2 paired), 13 trips in 2000 (12 single; 1 paired), and no trips in 2001. There were no marine mammal takes observed from the domestic mid-water trawl fishing trips during the period 1997-2001.

A USA joint venture (JV) mid-water (pelagic) trawl fishery was conducted on Georges Bank from August - December 2001. A total allowable landings of foreign fishery (TALFF) was also granted during the same time period. Ten vessels (3 foreign and 7 American), fishing both single and paired mid-water trawls, participated in the 2001 Atlantic herring JV fishery. Two out of the three foreign vessels also participated in the 2001 TALFF and fished with paired mid-water trawls. The NMFS maintained 74% observer coverage (243 hauls) on the JV transfers and 100% observer coverage (114 hauls) on the foreign vessels granted a TALFF. No white-sided dolphins were incidentally captured in the mid-water trawl during JV fishing operations. Two white-sided dolphins were incidentally captured in a single mid-water trawl during foreign fishing operations (TALFF) (Table 2). The total mortality attributed to the Atlantic herring mid-water trawl fishery in 2001 was 2 animals (Table 2).

Mobile Gear Restricted Areas

Mobile gear restricted areas (GRA's) were put in place for fishery management purposes in November 2000. The intent of the GRA's is to reduce bycatch of scup. The GRA's are spread out in time and space along the edge of the Southern New England and mid-Atlantic continental shelf region (between 100-1000 meters). These seasonal closures are targeted at trawl gear with small mesh sizes (<4.5 inches). The Atlantic herring and Atlantic mackerel trawl fisheries are exempt from the GRA's. A temporary exemption was also granted for the *Loligo* squid fishery. For detailed information regarding GRA's refer to FR/Vol. 66, No. 41.

One moderately decomposed dolphin was brought up during a monkfish trawl in April 2001 east of Cape Cod. This moderately decomposed animal could not have been killed during this haul because the haul duration was only 4.6 hours. Three mortalities were documented between 1991 and 2001 in the North Atlantic bottom trawl fishery; one during 1992 and two during 1994. The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989, and since that year this fishery has been covered by the program, though at a low level. The observer coverage was 0.4% in 1994, 1.1% in 1995, 0.2% in 1996, 0.2% in 1997, 0.1% in 1998, 0.3% in 1999, 0.4% in 2000, 1. Vessels in the North Atlantic bottom trawl fishery, a Category III fishery under the MMPA, were observed in order to meet fishery management needs rather than marine mammal management needs. An average of 970 (CV= 0.04) vessels (full and part time) participated annually in the fishery during 1989-1993. The fishery is active in New England waters in all seasons. The 1 white-sided dolphin taken in 1992 was taken in a haul that was composed of 43% cod, 20% silver hake, and 17% pollock. One of the 1994 takes was in a haul that was composed of 42% white hake, 19% pollock, and 16% monkfish. The other 1994 take was in a haul that kept seven species of which none were dominant. The estimated fishery-related mortality in 1992 was 110 (CV=0.97), in 1994 it was 182 (CV=0.71), and it was 0 in other years (Bisack 1997b). The average annual estimate fishery-related mortality during 1997 to 2001 was 0 white-sided dolphins.

Table 2. Summary of the incidental mortality of white-sided dolphins (*Lagenorhynchus acutus*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses)

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northeast Sink Gillnet	97-01	1993=349 1998=301	Obs. Data Weighout Trip Logbook	.06, .05, .06, .06, .04	4 ³ , 1 ³ , 4 ³ , 1 ³ , 1 ³	140 ³ , 34 ³ , 69 ³ , 26 ³ , 26 ³	.61, .92, .70, 1.00, 1.00	59 (0.37)
mid-Atlantic Coastal Gillnet	97-01	1998=302	Obs. Data Weighout	.03, .05, .02, .02, .02	1, 0, 0, 0, 0	45, 0, 0, 0, 0	.82, 0, 0, 0, 0	9 (0.82)
SNE/Mid-Atlantic Mackerel Trawl-domestic	97-01	2,242 ⁴	Obs. Data Weighout	.007, .00, .01, .04, .03	1, 0, 0, 0, 0	161, 0, 0, 0, 0	1.58, 0, 0, 0, 0	32 (1.58)
GOM/GB Herring Trawl-TALFF	2001	2 ⁵	Obs. Data	1.00 ⁵	2	2	0	2 (0)
Total								102 (.56)

¹ Observer data (Obs. Data), used to measure bycatch rates, are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects landings data (Weighout) which is used as a measure of total effort. Mandatory vessel trip reports (VTR) (Trip Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast sink gillnet fishery.

² Observer coverage for the Northeast sink gillnet and both trawl fisheries are measured in trips and the mid-Atlantic coastal gillnet fishery is measured in tons of fish landed.

³ White-sided dolphins taken before 1997 in observed pinger trips were added directly to the estimated total bycatch for that year. After 1998, a weighted bycatch rate was applied to effort from both pingered and non-pingered hauls within the stratum where white-sided dolphins were observed taken. During the years 1997, 1999, and 2001, respectively, there were 2, 1, and 1 observed white-sided dolphins taken on pingered trips. No takes were observed on pinger trips during 1995, 1996, 1998, and 2000.

⁴ These are numbers of potential fishing vessels based on permit holders in the 2002 fishery. Many of these vessels participate in the other fisheries and therefore the reported number of vessels are not additive across the squid, mackerel and butterfish fisheries. (67FR 65937).

⁵ There were two foreign vessels that harvested Atlantic herring in the US fishery under a TALFF quota. During TALFF fishing operations all nets fished by the foreign vessel are observed.

CANADA

There is little information available which quantifies fishery interactions involving white-sided dolphins in Canadian waters. Two white-sided dolphins were reported caught in groundfish gillnet sets in the Bay of Fundy during 1985 to 1989, and 9 were reported taken in West Greenland between 1964 and 1966 in the now non-operational salmon drift nets (Gaskin 1992). Several (number not specified) were also taken during the 1960's in the

now non-operational Newfoundland and Labrador groundfish gillnets. A few were taken in an experimental drift gillnet fishery for salmon off West Greenland which took place from 1965 to 1982 (Read 1994).

Hooker *et al.* (1997) summarized bycatch data from a Canadian fisheries observer program that placed observers on all foreign fishing vessels operating in Canadian waters, on between 25-40% of large Canadian fishing vessels (greater than 100 feet long), and on approximately 5% of smaller Canadian fishing vessels. By-caught marine mammals were noted as weight in kilos rather than by the numbers of animals caught. Thus the number of individuals was estimated by dividing the total weight per species per trip by the maximum recorded weight of each species. During 1991 through 1996, an estimated 6 white-sided dolphins were observed taken. One animal was from a longline trip south of the Grand Banks (43° 10'N 53° 08'W) in November 1996 and the other 5 were taken in the bottom trawl fishery off Nova Scotia in the Atlantic Ocean; 1 in July 1991, 1 in April 1992, 1 in May 1992, 1 in April 1993, 1 in June 1993 and 0 in 1994 to 1996.

Herring Weirs

During the last several years, one white-sided dolphin was released alive and unharmed from a herring weir in the Bay of Fundy (A. Westgate, pers. comm.). Due to the formation of a cooperative program between Canadian fishermen and biologists, it is expected that most dolphins and whales will be able to be released alive.

In USA and Canadian waters, the herring weir fishery occurred from May to October each year along the southwestern shore of the Bay of Fundy, and was scattered along the coasts of western Nova Scotia and northern Maine. In 1990 there were 180 active weirs in western Bay of Fundy (Read 1994). According to Canadian DFO officials, for 1998, there were 225 weir licenses for herring weirs on the New Brunswick and Nova Scotia sides of the Bay of Fundy (60 from Grand Manan Island, 95 from Deer and Campobello Islands, 30 from Passamaquoddy Bay, 35 from East Charlotte area, and 5 from the Saint John area). The number of licenses has been fairly consistent since 1985 (Ed Trippel, pers. comm.), but the number of active weirs is less than the number of licenses, and the number has been decreasing every year, primarily due to competition with salmon mariculture sites (A. Read, pers. comm.). Around Grand Manan, there were 25 active weirs in 2001, and 21 in 2002 (H. Koopman, pers. comm.). But numbers of weirs for the Nova Scotia shore, Campobello, Deer and the Wolves Islands, or the New Brunswick mainland shore are unknown (H. Koopman, pers. comm.).

Other Mortality

USA

Mass strandings involving up to a hundred or more animals at one time are common for this species. From 1968 to 1995, 349 Atlantic white-sided dolphins were known to have stranded on the New England coast (Hain and Waring 1994; Smithsonian stranding records 1996). The causes of these strandings are not known. Because such strandings have been known since antiquity, it could be presumed that recent strandings are a normal condition (Gaskin 1992). It is unknown whether human causes, such as fishery interactions and pollution, have increased the number of strandings. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because all of the marine mammals which die or are seriously injured may not wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

White-sided dolphin stranding records from 1997 to 2001 that are in the NE Regional Office/NMFS strandings and entanglement database have been reviewed, updated, and reported in Table 3. Cause of death was investigated and it was determined that the only documented human interaction was 1 animal that was possibly killed by a boat collision off Maine during 2001 (Table 3).

Mass strandings in Massachusetts occur frequently (Table 3). There were 80 animals in a mass stranding near Wellfleet, Massachusetts, during the week of 29 January to 3 February 1998. Of these, 2 were released alive. Of the 4 found in Massachusetts during the November 1998 mass stranding, 1 was released alive. Fifty-three animals stranded in Wellfleet, Massachusetts during 19-24 March 1999.

Stranded white-sided dolphins have been released alive. In addition, to those mentioned above, during 1999, of the 70 strandings, 38 were found alive, and 3 of these animals were released alive, and during 2000, 5 were found alive (3 in April and 2 in August), and 2 of these were released alive (from August).

CANADA

Whales and dolphins stranded during 1991 and 1996 on the coast of Nova Scotia were documented by the Nova Scotia Stranding Network (Hooker *et al.* 1997). Strandings on the beaches of Sable Island during 1970 to 1998 were documented by researchers with Dept. of Fisheries and Oceans (DFO), Canada (Lucas and Hooker 2000). Sable Island is approximately 170 km southeast of mainland Nova Scotia. The white-sided dolphins stranded at nearly all times of the year on the mainland and on Sable Island. On the mainland of Nova Scotia, a total of 34 stranded white-sided dolphins was recorded between 1991 and 1996: 2 in 1991 (August and October), 26 in July 1992, 1 in Nov 1993, 2 in 1994 (February and November), 2 in 1995 (April and August) and 1 in October 1996. During July 1992, 26 white-sided dolphins stranded on the Atlantic side of Cape Breton. Of these 26, 11 were released alive and the rest were found dead. Among the rest of the Nova Scotia strandings, 1 was found in Minas Basin, 2 near Yarmouth and the rest near Halifax. On Sable Island, 10 stranded white-sided dolphins were

documented between 1991 and 1998; all were males, 7 were young males (< 200 cm), 1 in January 1993, 5 in March 1993, 1 in August 1995, 1 in December 1996, 1 in April 1997 and 1 in February 1998.

Table 3. Summary of number of stranded white-sided dolphins during January 1, 1997 to December 31, 2001, by state and year.

State						Total
	1997	1998	1999	2000	2001	
Maine ²	1		1		2	4
New Hampshire						0
Massachusetts ¹	10	88	65	24	16	203
Rhode Island	1					1
Connecticut						0
New York	2					2
New Jersey			3			3
Delaware						0
Maryland	1	1				2
Virginia	1		1			2
North Carolina						0
TOTAL	16	89	70	24	18	217

¹ Records of mass strandings in Massachusetts included in this table are:
 Jan. to Feb 1998 - 80 animals; Nov. 1998 - 4 animals; March 1999 - 53 animals
 April 2000 - 5 animals; August 2000 - 11 animals; April 2001 - 6 animals

² Strandings that appear to involve a human interaction are: 1 animal from Maine in 2001 that was a possible boat collision.

STATUS OF STOCK

The status of white-sided dolphins, relative to OSP, in the US Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine population trends for this species. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is a non-strategic stock because estimated average annual fishery-related mortality and serious injury does not exceed PBR.

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WHITE-BEAKED DOLPHIN (*Lagenorhynchus albirostris*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

White-beaked dolphins are the more northerly of the two species of *Lagenorhynchus* in the Northwest Atlantic (Leatherwood *et al.* 1976). The species is found in waters from southern New England, north to western and southern Greenland and Davis Straits (Leatherwood *et al.* 1976; CETAP 1982), in the Barents Sea and south to at least Portugal (Reeves *et al.* 1999). Differences in skull features indicate that there are at least two separate stocks, one in the eastern and one in the western North Atlantic (Mikkelsen and Lund 1994). No genetic analyses have been conducted to distinguish the stock structure.

In waters off the northeastern U.S. coast, white-beaked dolphin sightings have been concentrated in the western Gulf of Maine and around Cape Cod (CETAP 1982). The limited distribution of this species in U.S. waters has been attributed to opportunistic feeding (CETAP 1982). Prior to the 1970's, white-sided dolphins (*L. acutus*) in U.S. waters were found primarily offshore on the continental slope, while white-beaked dolphins were found on the continental shelf. During the 1970's, there was an apparent switch in habitat use between these two species. This shift may have been a result of the increase in sand lance in the continental shelf waters (Katona *et al.* 1993; Kenney *et al.* 1996).

More recently, during late March of 2001, two groups of white-beaked dolphins stranded on Cape Cod beaches (see Other Mortality section below), and one group of 18 animals was seen about 60 nautical miles east of Provincetown, MA during a NEFSC aerial marine mammal survey (NEFSC unpubl data).

POPULATION SIZE

The total number of white-beaked dolphins in U.S. and Canadian waters is unknown, although one abundance estimate is available for part of the known habitat in U.S. waters, and two estimates are available from Canadian waters (Table 1).

A population size of 573 white-beaked dolphins (CV=0.69) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). The estimate is based on spring data because the greatest proportion of the population off the northeast U.S. coast appeared in the study area during this season, according to the CETAP data. This estimate does not include a correction for dive-time or $g(0)$, the probability of detecting an animal group on the track line. This estimate may not reflect the current true population size because of its high degree of uncertainty (e.g., large CV), its old age, and it was estimated just after cessation of extensive foreign fishing operations in the region.

A population size of 5,500 white-beaked dolphins was based on an aerial survey off eastern Newfoundland and southeastern Labrador (Alling and Whitehead 1987).

A population size of 3,486 white-beaked dolphins (95% confidence interval (CI) = 2,001-4,971) was estimated from a ship-based survey of a small segment of the Labrador Shelf in August 1982 (Alling and Whitehead 1987). A CV was not given, but assuming a symmetric CI, it would be 0.22.

There are no abundance estimates for this species in waters between the Gulf of Maine and the Newfoundland/Labrador region.

Minimum Population Estimate

Present data are insufficient to calculate a minimum population estimate in U.S. Exclusive Economic Zone (EEZ) waters.

Current Population Trend

There are insufficient data to determine population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The minimum population size of white-beaked dolphins is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic white-beaked dolphin is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

White-beaked dolphins have been taken in cod traps and the Canadian groundfish gillnet fisheries off Newfoundland and Labrador and in the Gulf of St. Lawrence (Alling and Whitehead 1987; Read 1994; Hai *et al.* 1996); however, the total number of animals taken is not known. Of three by-caught white-beaked dolphins reported off Newfoundland during 1987-1988, one died in a groundfish gill net, one in a herring gill net, and one in a cod trap (Reeves *et al.* 1999).

There are no documented reports of fishery-related mortality or serious injury to this stock in the U.S. EEZ.

Fishery Information

Because of the absence of observed fishery-related mortality and serious injury to this stock in the U.S. and Canadian waters, no fishery information is provided.

Other Mortality

White-beaked dolphins were hunted for food by residents in Newfoundland and Labrador (Alling and Whitehead 1987). These authors, based on interview data, estimated that 366 white-beaked dolphins were taken each year. The same authors reported that 25-50% of the killed dolphins were lost. Hunting that now occurs in Canadian waters is believed to be opportunistic and in remote regions of Labrador where enforcement of regulations is minimal (Lien *et al.* 2001).

White-beaked dolphins regularly become caught in ice off the coast of Newfoundland during years of heavy pack ice. A total of 21 ice entrapments involving approximately 350 animals were reported in Newfoundland from 1979 to 1990; known mortality as a result of entrapment was about 55% (Lien *et al.* 2001).

Mass strandings of white-beaked dolphins are less common than for white-sided dolphins. White-beaked dolphins more commonly strand as individuals or in small groups (Reeves *et al.* 1999). In Newfoundland, five strandings of white-beaked dolphins between 1979 and 1990 involved groups of two to seven animals. On three occasions live dolphins came ashore, including groups of three and four (Reeves *et al.* 1999).

White-beaked dolphin stranding records from 1997 to 2001 that are in the Northeast Regional Office/NMFS strandings and entanglement database include three records that clearly identify the species to be the white-beaked dolphin. All these strandings were collected from Cape Cod, Massachusetts beaches, where one animal stranded during May 1997, and two animals stranded during March 2001. Samples from the two 2001 strandings have been archived. It was not possible to determine the cause of death for any of these stranded animals.

STATUS OF STOCK

The status of white-beaked dolphins, relative to OSP, in U.S. Atlantic coast waters is unknown. They are not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine population trends for this species. Because there are insufficient data to calculate PBR it is not possible to determine if stock is strategic and if the total fishery-related mortality and serious injury for this stock is significant and approaching zero mortality and serious injury rate. However, because this stock has a marginal occurrence in U.S. waters and there are no documented takes in U.S. waters, this stock has been designated as non strategic.

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COMMON DOLPHIN (*Delphinus delphis*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The common dolphin may be one of the most widely distributed species of cetaceans, as it is found world-wide in temperate, tropical, and subtropical seas. In the North Atlantic, common dolphins appear to be present along the coast over the continental shelf along the 200-2000m isobaths or over prominent underwater topography from 50° N to 40° S latitude (Evans 1994). The species is less common south of Cape Hatteras, although schools have been reported as far south as eastern Florida (Gaskin 1992). At least some of the reported sightings of common dolphins in the Gulf of Mexico may have been *Stenella clymene*, which has a color pattern similar to that of common dolphins (Evans 1994). NMFS is currently funding genetic and skull morphometric studies, which will provide information on common dolphin stock structure in the western North Atlantic. Preliminary work had documented a high variance in skull morphometric measurements, suggesting the existence of more than a single stock (J. G. Mead, pers. comm.). Common dolphins are distributed along the continental slope (100 to 2,000 meters), and are associated with Gulf Stream features in waters off the northeastern USA coast (CETAP 1982; Selzer and Payne 1988; Waring *et al.* 1992). They are widespread from Cape Hatteras northeast to Georges Bank (35° to 42° North latitude) in outer continental shelf waters from mid-January to May (Hain *et al.* 1981; CETAP 1982; Payne *et al.* 1984). Common dolphins move northward onto Georges Bank and the Scotian Shelf from mid-summer to autumn (Palka *et al.* in review). Selzer and Payne (1988) reported very large aggregations (greater than 3,000 animals) on Georges Bank in autumn. Common dolphins are rarely found in the Gulf of Maine, where temperature and salinity regimes are lower than on the continental slope of the Georges Bank/mid-Atlantic region (Selzer and Payne 1988). Migration onto the Scotian Shelf and continental shelf off Newfoundland occurs during summer and autumn when water temperatures exceed 11°C (Sergeant *et al.* 1970; Gowans and Whitehead 1995).

POPULATION SIZE

Total numbers of common dolphins off the USA or Canadian Atlantic coast are unknown, although five estimates from selected regions of the habitat do exist for selected time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). An abundance of 29,610 common dolphins (CV=0.39) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 22,215 (CV=0.40) common dolphins was estimated from a June and July 1991 shipboard line-transect sighting survey conducted primarily between the 200 and 2,000m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 1,645 (CV=0.47) common dolphins was estimated from a June and July 1993 shipboard line-transect sighting survey conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school size-bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

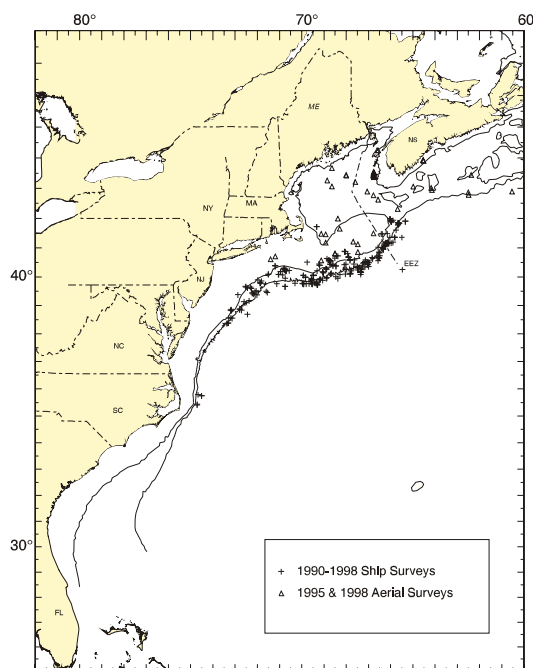


Figure 1. Distribution of common dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

An abundance of 6,741 (CV=0.69) common dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom isobath. Data collection and analysis methods used were described in Palka (1996).

An abundance of 30,768 (CV=0.32) common dolphins was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

No common dolphins were encountered during the SEFSC component of the joint surveys. That shipboard line transect sighting survey was conducted between 8 July and 17 August 1998 and surveyed 5,570 km of track line in waters south of Maryland (38°N) (Mullin 2003).

Although the 1991, 1993, 1995, and 1998 surveys did not sample the same areas or encompass the entire common dolphin habitat (e.g., little effort in Scotian shelf edge waters), they did focus on segments of known or suspected high-use habitats off the northeastern USA coast. The 1993, 1995 and 1998 data suggest that, seasonally, at least several thousand common dolphins are occupying continental shelf edge waters, with perhaps highest abundance in the Georges Bank region.

The best available abundance estimate for common dolphins is 30,768 (CV=0.32) as estimated from the July 6 to September 6, 1998 USA Atlantic surveys. This estimate is considered best because these surveys have the most complete coverage of the species' habitat. The previous best estimate of 22,215 (CV=0.40) is nearly eight years old.

Table 1. Summary of abundance estimates for western North Atlantic common dolphin. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	6,741	0.69
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	30,768	0.32

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for common dolphins is 30,768 (CV=0.32). The minimum population estimate for the western North Atlantic common dolphin is 23,655 (CV=0.32).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 23,655 (CV=0.32). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.48 because the CV of the average mortality estimate is between 0.3 and 0.6 (Wade and Angliss 1997), and because this stock is of unknown status. PBR for the western North Atlantic common dolphin is 227.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total annual estimated average fishery-related mortality or serious injury to this stock during 1997-2001 was 190 common dolphins (CV=0.30; Table 2).

Fishery Information

USA

Prior to 1977, there was no documentation of marine mammal bycatch in distant-water fleet (DWF) activities off the northeast coast of the USA. With implementation of the Magnuson Fisheries Conservation and Management Act (MFCMA), an observer program was established which has recorded fishery data and information of incidental bycatch of marine mammals. DWF effort in the Atlantic coast Exclusive Economic Zone (EEZ) under MFCMA has been directed primarily towards Atlantic mackerel and squid. From 1977 through 1982, an average of 120 different foreign vessels per year (range 102-161) operated within the US Atlantic EEZ. In 1982, there were 112 different foreign vessels; 16%, or 18, were Japanese tuna longline vessels operating along the USA east coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. Between 1983 and 1991, the numbers of foreign vessels operating within the US Atlantic EEZ each year were 67, 52, 62, 33, 27, 26, 14, 13 and 9, respectively. Between 1983 and 1988, the numbers of DWF vessels included 3, 5, 7, 6, 8 and 8, respectively, Japanese longline vessels. Observer coverage on DWF vessels was 25-35% during 1977-1982, and increased to 58%, 86%, 95% and 98%, respectively, in 1983-1986. From 1987 to 1991, 100% observer coverage was maintained. Foreign fishing operations for squid and mackerel ceased at the end of the 1986 and 1991 fishing seasons, respectively.

During the period 1977-1986, observers recorded 123 mortalities in foreign *Loligo* squid-fishing activities (Waring *et al.* 1990). In 1985 and 1986, Italian vessels took 56 and 54 animals, respectively, which accounts for 89% (n=110) of the total takes in foreign *Loligo* squid-fishing operations. No mortalities were reported in foreign *Illex* squid fishing operations. Because of spatial/temporal fishing restrictions, most of the bycatch occurred along the continental shelf edge (100 m) isobath during winter (December to February).

From 1977 to 1991, observers recorded 110 mortalities in foreign mackerel-fishing operations (Waring *et al.* 1990; NMFS unpublished data). This total includes one documented take by a USA vessel involved in joint-venture fishing operations in which USA captains transfer their catches to foreign processing vessels. The bycatch occurred during winter/spring (December to May).

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet, pelagic pair trawl, pelagic longline, mid-Atlantic coastal gillnet, North Atlantic bottom trawl, Northeast multispecies sink gillnet, and Atlantic squid, mackerel, butterflyfish trawl fisheries.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996 and 1998 were 233, 243, 232, 197, 164, 149 and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994 to 1998, between 10 and 13 vessels participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996 and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by stratum (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Eight hundred and sixty-one common dolphin mortalities were observed between 1989 and 1998 in this fishery. Mortalities were observed in all seasons and areas. Seven animals were released alive, but 6 were injured. Estimated annual mortality and serious injury attributable to this fishery (CV in parentheses) was 540 in 1989 (0.19), 893 in 1990 (0.18), 223 in 1991 (0.12), 227 in 1992 (0.09), 238 in 1993 (0.08), 163 in 1994 (0.02), 83 in 1995 (0), 106 in 1996 (0.07) and 255 in 1998 (0). Since this fishery no longer exists, it has been excluded from Table 2 (see Waring *et al.* 1999).

Pelagic Pair Trawl

The pelagic pair trawl fishery operated as an experimental fishery from 1991 to 1995, with an estimated 171 hauls in 1991, 536 in 1992, 586 in 1993, 407 in 1994 and 440 in 1995. This fishery ceased operations in 1996, when NMFS rejected a petition to consider pair trawl gear as an authorized gear type in the Atlantic tuna fishery. The fishery operated in August to November in 1991, from June to November in 1992, from June to October in 1993 (Northridge 1996), and from mid-summer to December in 1994 and 1995. Fisheries Observer began in October of

1992 (Gerrior *et al.* 1994) where 48 sets (9% of the total) were sampled. In 1993, 102 hauls (17% of the total) were sampled. In 1994 and 1995, 52% (212) and 55% (238), respectively, of the sets were observed. Nineteen vessels have operated in this fishery. The fishery operates in the area between 35°N to 41°N and 69°W to 72°W. Approximately 50% of the total effort was within a one degree square at 39°N, 72°W, around Hudson Canyon from 1991 to 1993. Examination of the 1991-1993 locations and species composition of the bycatch, showed little seasonal change for the six months of operation and did not warrant any seasonal or areal stratification of this fishery (Northridge 1996). Twelve mortalities were observed between 1991 and 1995. The estimated annual fishery-related mortality and serious injury attributable to this fishery (CV in parentheses) was 5.6 in 1991 (0.53), 32 in 1992 (0.48), 35 in 1993 (0.43), 0 in 1994 and 5.6 in 1995 (0.35). Since this fishery is no longer in operation it has been deleted from Table 2. During the 1994 and 1995 experimental pelagic pair trawl fishing seasons, fishing gear experiments were conducted to collect data on environmental parameters, gear behavior, and gear handling practices to evaluate factors affecting catch and bycatch (Goudey 1995, 1996), but the results were inconclusive.

Pelagic Longline

Total effort, excluding the Gulf of Mexico and fishing regions east of 60°W longitude, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 8,579 sets in 1992, 8,644 sets in 1993, 9,191 sets in 1994, 9,124 sets in 1995, 7,818 sets in 1996, 7,707 sets in 1997, 6,305 sets in 1998, 5,832 sets in 1999 and 6,582 in 2000 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a; Yeung *et al.* 2000; Yeung 2001). Since 1992, this fishery has been monitored with about 5% observer coverage, in terms of trips observed, within every statistical reporting area within the US Atlantic EEZ and beyond. Off the USA Atlantic coast, the fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. The 1994-1998 estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replace previous estimates for the 1992-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999). Further, Yeung (1999b) revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998 bycatch estimates were from Yeung (1999a). Most of the estimated marine mammal bycatch was from US Atlantic EEZ waters between South Carolina and Cape Cod (Johnson *et al.* 1999). Between 1990 and 2000 sixteen common dolphins were hooked and released alive (Yeung *et al.* 2000; Yeung 2001).

Northeast Multispecies Sink Gillnet

In 1993, there were approximately 349 full and part-time vessels in the Northeast multispecies sink gillnet fishery, which covered the Gulf of Maine and southern New England (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6% and 4% for 1990 to 2001 respectively. The fishery has been observed in the Gulf of Maine and in Southern New England. In 1996, the first observed mortality of common dolphins in this fishery was recorded. The estimated annual fishery-related mortality and serious injury attributable to this fishery (CV in parentheses) was 0 in 1995, 63 in 1996 (CV=1.39), 0 in 1997, 0 in 1998, 146 in 1999 (0.97) and 0 in both 2000 and 2001; estimated annual mortality (1997-2001) was 29 common dolphins (CV= 0.97) (Table 2).

Mid-Atlantic Coastal Gillnet

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer program in July, 1993; and from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown, because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2% and 2% for 1995, 1996, 1997, 1998, 1999, 2000 and 2001, respectively (Table 2).

No common dolphins were taken in observed trips during 1993 and 1994. Two common dolphins were observed taken in 1995, 1996, and 1997, and no takes were observed from 1998-2001 (Table 2). Observed effort was concentrated off New Jersey and scattered between Delaware and North Carolina from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality (CV in parentheses) attributed to this fishery was 7.4 in 1995 (CV=0.69), 43 in 1996 (0.79), 16 in 1997 (0.53), and 0 in 1998-2001. Average annual estimated fishery-related mortality attributable to this fishery during 1997-2001 was 3 common dolphins (CV=0.53).

Southern New England/Mid-Atlantic Squid, Mackerel, Butterfish Trawl Fisheries

In 1996, mackerel, squid, and butterfish trawl fisheries were combined into one Atlantic squid, mackerel, and butterfish fishery management plan and designated as a Category II fishery. Because of spatial and temporal differences in the harvesting of *Illex* and *Loligo* squid, and Atlantic Mackerel, each one of these sub-fisheries are described separately. Butterfish (*Peprilus triacanthus*) undergo a northerly inshore migration during the summer months and southerly offshore migration during the winter months and are mainly caught as incidental bycatch to the directed squid and mackerel fisheries. Fishery observers suggest that a significant amount of butterfish discarding

occurs at sea. The *Illex* and *Loligo* squid fisheries are managed by moratorium permits, gear and area restrictions, quotas, and trip limits. The Atlantic mackerel and butterfish fisheries are managed by an annual quota system.

Historically, the mid-Atlantic mackerel and squid trawl fisheries were combined into the Atlantic mid-water trawl fishery in the revised proposed list of fisheries in 1995. The mackerel trawl fishery was classified as a Category II fishery since 1990 and the squid fishery was originally classified as a Category II fishery in 1990, but was reclassified as a Category III fishery in 1992. The combined fishery was then reclassified as a Category II fishery in 1995.

***Illex* Squid**

The USA domestic fishery, ranging from Southern New England to Cape Hatteras North Carolina, reflects patterns in the seasonal distribution of *Illex* squid (*Illex illecebrosus*). *Illex* are harvested offshore mainly by small mesh otter trawlers when they are distributed in continental shelf and slope waters during the summer months, June-September. No incidental takes of common dolphins have been observed in the *Illex* fishery. Annual observer coverage of this fishery has varied widely and reflect only the months when the fishery is active. Between 1996-2001 annual observer coverage was 3.7%, 6.21%, 0.97%, 2.84%, 11.11% and unknown, respectively.

***Loligo* Squid**

The USA domestic fishery for *Loligo* squid (*Loligo pealeii*) occurs mainly in Southern New England and mid-Atlantic waters. Fishery patterns reflect *Loligo* seasonal distribution where most effort is directed offshore near the edge of the continental shelf during the fall and winter months (October-March), and inshore during the spring and summer months, April-September. This fishery is dominated by small-mesh otter trawlers, but substantial landings also are taken by inshore pound nets and fish traps during the spring and summer months (Clark 1998). All incidental takes attributed to this fishery were observed during the first quarter of the year (Jan-Mar), exclusively in the offshore fishery. Between 1996-2001, observer coverage of the fall/winter offshore fishery was .03%, 0.50%, 0.78%, 0.86%, 1.08% and 1.25%, respectively. Observer coverage of the spring/summer inshore fishery was .02%, 2.10%, 0.47%, 0.51%, 0.59% and 0.47% between 1996-2001, respectively. The estimated fishery-related mortality of common dolphins attributable to the fall/winter offshore fishery was 0 between 1997-1998, 49 in 1999 (CV=0.97), 273 in 2000 (CV=0.57) and 126 in 2001 (CV=1.09). The average annual mortality between 1997-2001 was 90 common dolphins (CV=0.47) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

Atlantic Mackerel

The USA domestic fishery for Atlantic mackerel (*Scomber scombrus*) occurs primarily in the southern New England and mid-Atlantic waters between the months of January and May (Clark 1998). This fishery is dominated by mid-water (pelagic) trawls. Observer coverage of this fishery was 0.79%, 0.00%, 1.13%, 4.9% and 3.4% between 1997-2001, respectively. One common dolphin take was observed in 1997. The estimated fishery-related mortality attributed to this fishery was 161 (CV=0.49) animals in 1997, and 0 between 1998-2001. The average annual mortality between 1997-2001 was 32 common dolphins (CV=0.49) (Table 2).

A USA joint venture (JV) fishery was conducted in the mid-Atlantic region from February-May 1998. NMFS, maintained 100% observer coverage on the foreign JV vessels where one hundred and fifty-two transfers from the USA vessels were observed. Seventeen incidental takes of common dolphin were observed in the 1998 JV mackerel fishery. This fishery did not operate in 1999-2001. The former distant water fleet fishery has been non-existent since 1977. There is also a mackerel trawl fishery in the Gulf of Maine that generally occurs during the summer and fall months, May-December.

Southern New England/Mid-Atlantic Mixed Groundfish Trawl Fisheries

This fishery occurs year round ranging from Cape Cod Massachusetts to Cape Hatteras North Carolina. It represents a variety of individual sub-fisheries that include but are not limited to; monkfish, summer flounder (fluke), winter flounder, silver hake (whiting), spiny and smooth dogfish, scup, and black sea bass. Observer coverage of this fishery was 0.24%, 0.22%, 0.15%, 0.14%, 0.35% and 0.41% between 1996-2001, respectively. There was one observed take in this fishery reported in 1997. The estimated fishery-related mortality for common dolphins attributable to this fishery was 93 (CV=1.06) animals in 1997 and 0 between 1998-2001. The average annual mortality between 1997-2001 was 19 common dolphins (CV=1.06) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

CANADA

Between January 1993 and December 1994, 36 Spanish deep water trawlers, covering 74 fishing trips (4,726 fishing days and 14,211 sets), were observed in NAFO Fishing Area 3 (off the Grand Banks) (Lens 1997). A total of 47 incidental catches were recorded, which included 1 common dolphin. The incidental mortality rate for common dolphins was 0.007/set.

Table 2. Summary of the incidental mortality of common dolphins (*Delphinus delphis*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels ³	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Serious Injury	Estimated Mortality	Estimated Combined Mortality	Estimated CVs	Mean Annual Mortality
Northeast Multispecies Sink Gillnet	97-01	349	Obs. Data Dealer, Logbooks	.06, .05, .06, .06, .04	0, 0, 0, 0, 0	0, 0, 2, 0, 0	0, 0, 0, 0, 0	0, 0, 146, 0, 0	0, 0, 146, 0, 0	.0, 0, .97, 0, 0	29 (.97)
Mid-Atlantic Coastal Gillnet	97-01	NA	Obs. Data Dealer	.03, .05, .02, .02, .02	0, 0, 0, 0, 0	2, 0, 0, 0, 0	0, 0, 0, 0, 0	16, 0, 0, 0, 0	16, 0, 0, 0, 0	.53, 0, 0, 0, 0	3 (.53)
SNE/mid-Atlantic Loligo Squid Trawl (offshore)	97-01	384 ⁴	Obs. Data Dealer	.005, .008, .009, .011, .012	0, 0, 0, 0, 0	0, 0, 1, 6, 2	0, 0, 0, 0, 0	0, 0, 49, 273, 126	0, 0, 49, 273, 126	0, 0, .78, .57, 1.09	90 (.47)
SNE/ mid-Atlantic Bottom Trawl	97-01	NA	Obs. Data Dealer	.002, .001, .003, .003, .004	0, 0, 0, 0, 0	1 ⁴ , 0, 0, 0, 0	0, 0, 0, 0, 0	93, 0, 0, 0, 0	93, 0, 0, 0, 0	1.06, 0, 0, 0, 0	19 (1.06)
SNE/Mid-Atlantic Mackerel Trawl-domestic	97-01	2,242 ⁴	Obs. Data Dealer	.007, .00, .01, .04, .03	0, 0, 0, 0, 0	1, 0, 0, 0, 0	0, 0, 0, 0, 0	161, 0, 0, 0, 0	161, 0, 0, 0, 0	.49, 0, 0, 0, 0	32 (.49)
SNE/Mid-Atlantic Mackerel Trawl-JV	1998	4	Obs. Data	1.00	0	17	0	17	17	0	17 (0)
TOTAL											190 (.30)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects dealer reported landings data. Total landings are used as a measure of total effort for the coastal gillnet, Northeast sink gillnet and the SNE/Mid-Atlantic and squid, mackerel, butterfish trawl fisheries.

² The observer coverage for the Northeast multispecies sink gillnet fishery are measured in trips. Observer coverage for the Mid Atlantic coastal sink gillnet fishery is measured in tons of fish landed. Observer coverage of the SNE/Mid-Atlantic and squid, mackerel, butterfish trawl fisheries are measured in trips.

³ These are numbers of potential fishing vessels based on permit holders in the 2002 fishery. Many of these vessels participate in the other fisheries and therefore the reported number of vessels are not additive across the squid, mackerel and butterfish fisheries. (67FR 65937).

⁴ The incidental take was observed on a trip than landed scup as the primary species.

Other Mortality

From 1997 to 2001, 164 common dolphins were reported stranded between Maine and Florida (Table 3). The total includes mass stranded common dolphins in Massachusetts during 1997 (10 animals); 1998 (9 animals and 5 animals); and 1999 (3 animals), and in North Carolina in 2001 (7 animals). Three common dolphins which had stranded alive in Massachusetts in 2000 were released. In 1999, 1 stranding mortality in New Jersey was designated as a human interaction (fishing gear). In 2001, the cause of death of 1 stranding mortality in Virginia and another animal in North Carolina were designated as human interactions/fishing interactions.

Four common dolphin strandings (6 individuals) were reported on Sable Island, Nova Scotia from 1970 to 1998, with all having occurred since 1996 (Lucas and Hooker 1997; Lucas and Hooker 2000.)

Table 3. Common dolphin (*Delphinus delphis*) strandings along the US Atlantic coast, 1997-2001

STATE	1997	1998	1999	2000	2001	TOTALS
Maine	0	0	0	0	1	1
Massachusetts ¹	17	21	11	10	8	67
Rhode Island	1 ²	2	5	5	0	13
Connecticut	0	0	0	1	0	1
New York	7	1	6	4	6	24
New Jersey	2	1	3 ³	5	5	16
Delaware	0	0	1	1	1	3
Maryland	0	0	0	3	2	5
Virginia	0	2	2	1	4 ³	9
North Carolina ⁴	2	2	0	6	14 ³	24
Georgia	0	0	0	1	0	1
TOTALS	29	29	28	37	41	164

¹ Massachusetts mass strandings (1997 - 10 animals, 1998 - 9 and 5 animals, 1999 - 3 animals)

² Boat collision (14 Feb 1997 - Rhode Island)

³ Fishery/Human Interactions (North Carolina - 1 H.I., fishing gear, April 2001; Virginia - 1 F.I. March 2001, New Jersey - 1 F.I. reported with net marks January 1999)

⁴ North Carolina mass stranding (2001 - 7 animals)

STATUS OF STOCK

The status of common dolphins, relative to OSP, in the US Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because the 1997-2001 average annual fishery-related mortality and serious injury does not exceed PBR. The status has changed, but mortality is close to PBR. In the last five editions of this stock assessment report, it has been designated as non-strategic solely in 2002.

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CLYMENE DOLPHIN (*Stenella clymene*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The Clymene dolphin is endemic to tropical and sub-tropical waters of the Atlantic (Jefferson and Curry 2003). Clymene dolphins have been commonly sighted in the Gulf of Mexico since 1990 (Mullin *et al.* 1994; Fertl *et al.* 2003), and a Gulf of Mexico stock has been designated since 1995. Four Clymene dolphin groups were sighted during summer 1998 in the western North Atlantic (Mullin and Fulling 2003), and two groups were sighted in the same general area during a 1999 bottlenose dolphin survey (NMFS unpublished). These sightings and stranding records (Fertl *et al.* 2003) indicate that this species routinely occurs in the western North Atlantic. The western North Atlantic population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the northern Gulf of Mexico stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. Data were collected using standard line-transect techniques conducted from NOAA Ship *Relentless* during July and August 1998 between Maryland (38.00°N) and central Florida (28.00°N) from the 10 m isobath to the seaward boundary of the U.S. EEZ. Transect lines were placed perpendicular to bathymetry in a double saw-tooth pattern. Sightings of Clymene dolphins were primarily on the continental slope east of Cape Hatteras, North Carolina (Fig. 1). The best estimate of abundance for the Clymene dolphin was 6,086 (CV=0.93) (Mullin and Fulling 2003) and represents the first estimate for this species in the U.S. Atlantic EEZ.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for the western North Atlantic Clymene dolphin stock is 6,086 (CV=0.93). The minimum population estimate for the western North Atlantic stock is 3,132 Clymene dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum productivity rates are unknown for this species. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) is the product of minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 3,132. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5. PBR for the western North Atlantic Clymene dolphin stock is 31.

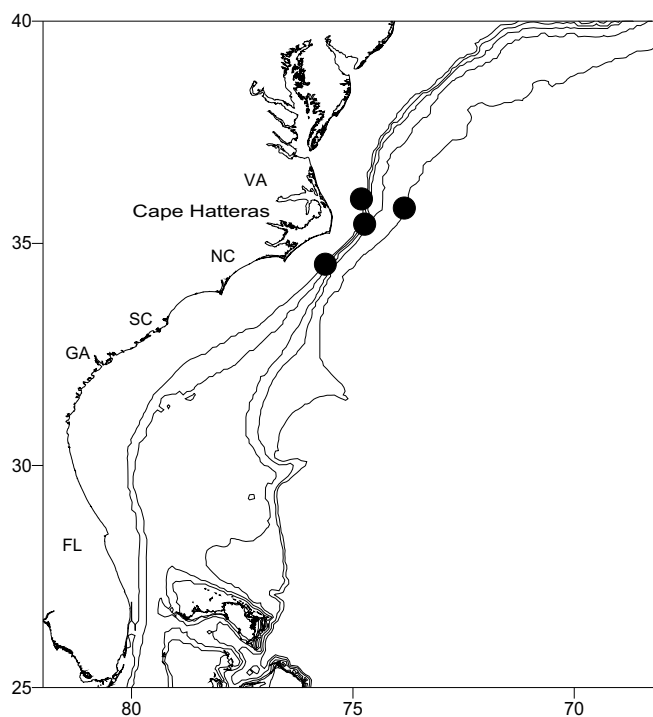


Figure 5. Distribution of Clymene dolphin sightings from SEFSC vessel surveys during summer 1998. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid line indicates the 200, 500, 1000, 2000, and 5000 m isobaths.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Annual human-caused mortality and serious injury is unknown for this species.

Fisheries Information

Fishery-related mortality or serious injury is unknown for this species.

Other Mortality

There have been 2 reported strandings of Clymene dolphins in the western North Atlantic between 1997-2002. No signs of human interactions were noted in either stranding. There may be some uncertainty in the identification of this species due to similarities with other *Stenella* species.

STATUS OF STOCK

The status of the Clymene dolphin stock in the western North Atlantic EEZ, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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FRASER'S DOLPHIN (*Lagenodelphis hosei*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Fraser's dolphin is distributed worldwide in tropical waters (Perrin *et al.* 1994). A group of an estimated 250 Fraser's dolphins was sighted in waters 3300 m deep in the western North Atlantic off Cape Hatteras during a 1999 vessel survey (Figure 1; Anon. 1999). Fraser's dolphins are assumed to be part of the cetacean fauna of the tropical western North Atlantic. The paucity of sightings is probably due to naturally low abundance compared to other cetacean species. Sightings in the more extensively surveyed northern Gulf of Mexico are uncommon but occur on a regular basis. Fraser's dolphins have been observed in oceanic waters (>200 m) in the northern Gulf of Mexico during all seasons (Leatherwood *et al.* 1993; Hansen *et al.* 1996; Mullin and Hoggard 2000). The western North Atlantic population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Abundances have not been estimated from the 1999 vessel survey in western North Atlantic (Anon. 1999); therefore the population size of Fraser's dolphins is unknown.

Minimum Population Estimate

The minimum population estimate for Fraser's dolphins in the western North Atlantic is unknown.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the western North Atlantic Fraser's dolphin stock is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a Fraser's dolphin (Yeung 1999, Yeung 2001).

Fisheries Information

The level of past or current, direct, human-caused mortality of Fraser's dolphins in the western North Atlantic is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the western North Atlantic. There were no reports of mortality or serious injury to Fraser's dolphins by this fishery.

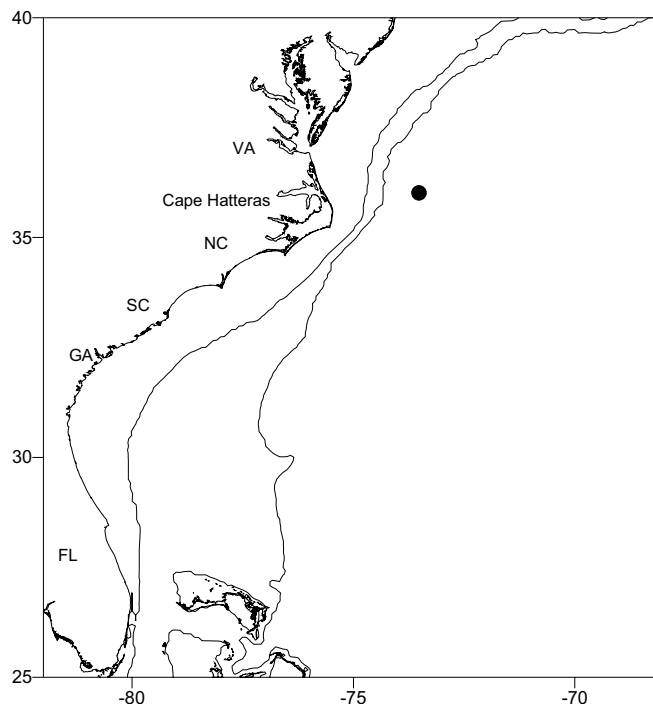


Figure 1. Distribution of Fraser's dolphins from SEFSC vessel surveys during 1998-2002. All sightings are shown. Solid lines indicate the 200 and 2000 m isobaths.

Other Mortality

There were no reported strandings of Fraser's dolphins in the western North Atlantic during 1997-2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Fraser's dolphins in the northern western North Atlantic, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Western North Atlantic Offshore Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

There are two hematologically and morphologically distinct bottlenose dolphin ecotypes (Duffield *et al.* 1983; Duffield 1986) which correspond to a shallow water or nearshore/coastal ecotype and a deep water or offshore ecotype; both ecotypes have been shown to inhabit waters in the western North Atlantic Ocean (Hersh and Duffield 1990; Mead and Potter 1995; Curry and Smith 1997). The offshore and nearshore ecotypes are genetically distinct using both mitochondrial and nuclear markers (Hoelzel *et al.* 1998).

Bottlenose dolphins which stranded alive in the western North Atlantic in areas with direct access to deep oceanic waters had hemoglobin profiles which matched that of the deep, cold water ecotype (Hersh and Duffield 1990). Hersh and Duffield (1990) also described morphological differences between the deep, cold water ecotype dolphins and dolphins with hematological profiles matching the shallow, warm water ecotype which had stranded in the Indian/Banana River in Florida. Based on the distribution of sightings during ship-based surveys (Figure 1) and survey personnel observations (NMFS unpublished data), the western North Atlantic offshore stock is believed to consist of primarily of the offshore ecotype. However, the range of the coastal and offshore ecotypes overlap to some degree. Torres *et al.* (2003) found a statistically significant break in the distribution of the ecotypes at 34 km from shore. The offshore ecotype was found exclusively seaward of 34 km and in waters deeper than 34 m. Within 7.5 km of shore, all animals were of the coastal ecotype.

Extensive aerial surveys in 1979-1981 indicated that the stock extended along the entire continental shelf break from Georges Bank to Cape Hatteras during spring and summer (CETAP 1982; Kenney 1990). The distribution of sightings contracted towards the south in the fall and the central portion of the survey area was almost devoid of sightings in the winter, although there were still sightings as far north as the southern edge of Georges Bank. The offshore stock is concentrated along the continental shelf break in waters of depths >25 m and extends beyond the continental shelf into continental slope waters in lower concentration (Figure 1) consistent with Kenney (1990). In Canadian waters, bottlenose dolphins have occasionally been sighted on the Scotian Shelf, particularly in the Gully (Gowans and Whitehead 1995; NMFS unpublished data). Recent information from Wells *et al.* (1999) indicates that the range of the offshore bottlenose dolphin may include waters beyond the continental slope and that offshore bottlenose dolphins may move between the Gulf of Mexico and the Atlantic. Dolphins with characteristics of the offshore type have been stranded as far south as the Florida Keys, but there are no abundance or distribution estimates available for this stock in U.S. Exclusive Economic Zone (EEZ) waters south of Cape Hatteras.

POPULATION SIZE

An abundance of 16,689 (CV=0.32) bottlenose dolphins was estimated from a line-transect sighting survey conducted during July 6 to September 6, 1998, by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.*, in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 13,085 (CV=0.40) bottlenose dolphins was estimated from a shipboard line-transect survey conducted between 8 July and 17 August 1998 that surveyed 4,163 km of track line in waters south of Maryland (38°N) (Fig. 1; Mullin and Fulling

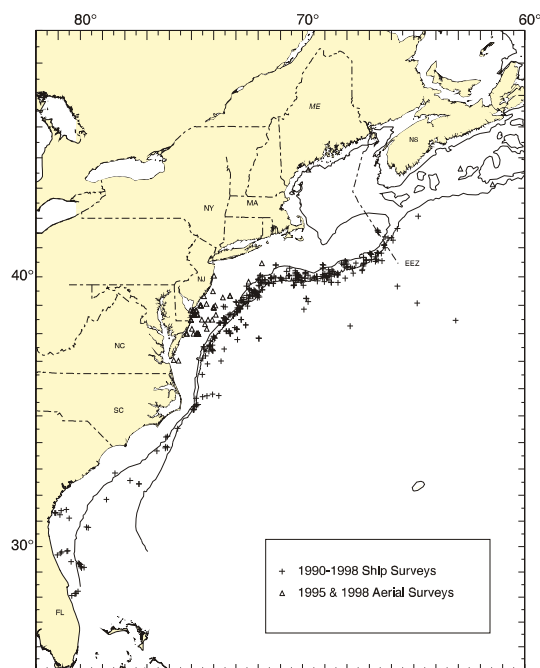


Figure 1. Distribution of bottlenose dolphin sightings from NEFSC and SEFSC vessel and aerial summer surveys during 1990-1998. Isobaths are at 100 m and 1,000 m.

2003). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 2001; Thomas *et al.* 1998) where school size bias was accounted for.

The best available abundance estimate for bottlenose dolphins is the sum of the estimates from the two 1998 U.S. Atlantic surveys, 29,774 (CV=0.25), where the estimate from the northern U.S. Atlantic is 16,689 (CV=0.32) and from the southern U.S. Atlantic is 13,085 (CV=0.40). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for offshore bottlenose dolphins is 29,774 (CV=0.25). The minimum population estimate for the western North Atlantic offshore bottlenose dolphin is 24,199.

Current Population Trend

The data are insufficient to determine population trends. Previous estimates cannot be applied to this process because previous survey coverage of the species' habitat was incomplete.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for offshore bottlenose dolphins is 24,199. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic offshore bottlenose dolphin is 242.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total estimated mean annual fishery-related mortality for this stock during 1996-2000 was 27 (CV=1.12) bottlenose dolphins.

Fisheries Information

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet, pelagic pair trawl, New England multispecies sink gillnet, North Atlantic bottom trawl, and pelagic longline fisheries.

Pelagic Longline

The pelagic longline fishery operates in the U.S. Atlantic (including Caribbean) and Gulf of Mexico EEZ (SEFSC unpublished data). Interactions between the pelagic longline fishery and bottlenose dolphins have been reported; however, a vessel may fish in more than one statistical reporting area and it is not possible to separate estimates of fishing effort other than to subtract Gulf of Mexico effort from Atlantic fishing effort, which includes the Caribbean Sea. During 1993-1998, in waters not including the Gulf of Mexico, 1 bottlenose dolphin was caught and released alive during 1993, and 1 was caught and released alive during 1998.

Pelagic Drift Gillnet

Estimated bottlenose dolphin mortalities (CV in parentheses) extrapolated for each year were 72 in 1989 (0.18), 115 in 1990 (0.18), 26 in 1991 (0.15), 28 in 1992 (0.10), 22 in 1993 (0.13), 14 in 1994 (0.04), 5 in 1995 (0), 0 in 1996, and 3 in 1998 (0). Since this fishery no longer exists, it has been excluded from Table 1.

Pelagic Pair Trawl

Thirty-two bottlenose dolphin mortalities were observed between 1991 and 1995. Estimated annual fishery-related mortality (CV in parentheses) was 13 dolphins in 1991 (0.52), 73 in 1992 (0.49), 85 in 1993 (0.41), 4 in 1994 (0.40) and 17 in 1995 (0.26). Since this fishery no longer exists, it has been excluded from Table 1.

North Atlantic Bottom Trawl

One bottlenose dolphin mortality was documented in 1991 and the total estimated mortality in this fishery in 1991 was 91 (CV=0.97). Since 1992 there were no bottlenose dolphin mortalities observed in this fishery.

Squid, Mackerel and Butterfish

Although there were reports of bottlenose dolphin mortalities in the foreign fishery during 1977-1988, there were no fishery-related mortalities of bottlenose dolphins reported in the self-reported fisheries information from the mackerel trawl fishery during 1990-1992.

New England Multispecies Sink Gillnet

In 2000, the first observed mortality of bottlenose dolphins was recorded. This was genetically identified as an offshore, deep-water ecotype. The estimated annual fishery-related serious injury and mortality attributable to this fishery (CV in parentheses) was 0 from 1996-1999, and 132 (CV=1.16) in 2000 (Table 1).

Mid-Atlantic Coastal Gillnet

Bottlenose dolphins were only reported during the trips in 1998, when 1 mortality was observed as a result of this fishery. Though this dolphin was not genetically identified, it is being treated as an offshore, deep-water ecotype because it was caught in the offshore habitat and statistical analyses of all biopsied bottlenose dolphins caught in this offshore habitat indicate this animal has a high probability of being the offshore ecotype. Observed effort was concentrated off New Jersey and scattered between Delaware and North Carolina from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality attributed to this fishery was 0 in 1995 through 1997, 4 (CV=0.7) in 1998, and 0 from 1999 through 2000 (Table1).

Table 1. Summary of the incidental mortality of bottlenose dolphins (*Tursiops truncatus*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
New England Multisp. Sink Gillnet	96-00	301	Obs. Data Dealer Reports, Logbooks	.04, .06, .05, .06, .06	0, 0, 0, 0, 0	0, 0, 0, 0, 1	0, 0, 0, 0, 132	0, 0, 0, 0, 1.16	26 (1.16)
mid-Atlantic Coastal Gillnet	96-00	Unk ³	Obs. Data Dealer Reports	.04, .03, .05, .02, .02	0, 0, 0, 0, 0	0, 0, 1, 0, 0	0, 0, 4, 0, 0	0, 0, 0.7, 0, 0	1 (0.7)
TOTAL									27 (1.12)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Sea Sampling Program. Mandatory logbook (logbook) data collected by the Southeast Fisheries Science Center (SEFSC) are used to measure total effort for the pelagic drift gillnet fishery. The NEFSC collects landings data (Dealer Reports), and total landings are used as a measure of total effort for the gillnet fisheries. Mandatory vessel trip reports (Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast multispecies sink gillnet fishery.

² Observer coverage of the Northeast multispecies sink gillnet fishery is measured as the percentage of trips observed. Observer coverage of the mid-Atlantic coastal gillnet fishery is measured as the percentage of tons of fish landed.

³ Number of vessels is not known.

Other Mortality

Bottlenose dolphins are one of the most frequently stranded small cetaceans along the Atlantic coast. Many of the animals show signs of human interaction (*i.e.*, net marks, mutilation, etc.). The estimated number of animals that represent the offshore stock is presently under evaluation.

STATUS OF STOCK

The status of this stock relative to OSP in the U.S. Atlantic EEZ is unknown. The western North Atlantic offshore bottlenose dolphin is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. Average 1996-2000 annual fishery-related mortality and serious injury does not exceed the PBR therefore this is not a strategic stock. However, the total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate.

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HARBOR PORPOISE (*Phocoena phocoena*): Gulf of Maine/Bay of Fundy Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

This stock is found in USA and Canadian Atlantic waters. The distribution of harbor porpoises has been documented by sighting surveys, strandings, and takes reported by NMFS observers in the Fisheries Observer Program. During summer (July to September), harbor porpoises are concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Gaskin 1977; Kraus *et al.* 1983; Palka 1995a, b), with a few sightings in the upper Bay of Fundy and on the northern edge of Georges Bank (Palka 2000). During fall (October-December) and spring (April-June), harbor porpoises are widely dispersed from New Jersey to Maine, with lower densities farther north and south. They are seen from the coastline to deep waters (> 1800 m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf. During winter (January to March), intermediate densities of harbor porpoises can be found in waters off New Jersey to North Carolina, and lower densities are found in waters off New York to New Brunswick, Canada. There does not appear to be a temporally coordinated migration or a specific migratory route to and from the Bay of Fundy region. Though, during the fall, several satellite tagged harbor porpoises did favor the waters around the 92 m isobath, which is consistent with observations of high rates of incidental catches in this depth range (Read and Westgate 1997). There were two stranding records from Florida (Smithsonian strandings data base).

Gaskin (1984, 1992) proposed that there were four separate populations in the western North Atlantic: the Gulf of Maine/Bay of Fundy, Gulf of St. Lawrence, Newfoundland and Greenland populations. Recent analyses involving mtDNA (Wang *et al.* 1996; Rosel *et al.* 1999a, 1999b), organochlorine contaminants (Westgate *et al.* 1997; Westgate and Tolley 1999), heavy metals (Johnston 1995), and life-history parameters (Read and Hohn 1995) support Gaskin's proposal. Genetic studies using mitochondrial DNA (Rosel *et al.* 1999a) and contaminant studies using total PCBs (Westgate and Tolley 1999) indicate that the Gulf of Maine/Bay of Fundy females were distinct from females from the other populations in the Northwest Atlantic. Gulf of Maine/Bay of Fundy males were distinct from Newfoundland and Greenland males, but not from Gulf of St. Lawrence males according to studies comparing mtDNA (Rosel *et al.* 1999a; Palka *et al.* 1996) and CHLORs, DDTs, PCBs and CHBs (Westgate and Tolley 1999). Analyses of stranded animals from the mid-Atlantic states suggest that this aggregation of harbor porpoises consists of animals from more than just the Gulf of Maine/Bay of Fundy stock (Rosel *et al.* 1999a). However, the majority of the samples used in the Rosel *et al.* (1999a) study were from stranded juvenile animals. Further work is underway to examine adult animals from this region. Nuclear microsatellite markers have also been applied to samples from these four populations, but this analysis failed to detect significant population subdivision in either sex (Rosel *et al.* 1999a). This pattern may be indicative of female philopatry coupled with dispersal of males. This report follows Gaskin's hypothesis on harbor porpoise stock structure in the western North Atlantic; Gulf of Maine and Bay of Fundy harbor porpoises are recognized as a single management stock separate from harbor porpoise populations in the Gulf of St. Lawrence, Newfoundland, and Greenland.

POPULATION SIZE

To estimate the population size of harbor porpoises in the Gulf of Maine/Bay of Fundy region, four line-transect sighting surveys were conducted during the summers of 1991, 1992, 1995, and 1999 (Table 1; Figure 1). The estimates were 37,500 harbor porpoises in 1991 (CV=0.29, 95% confidence interval (CI)=26,700-86,400) (Palka 1995a), 67,500 harbor porpoises in 1992 (CV=0.23, 95% CI=32,900-104,600), 74,000 harbor porpoises in 1995

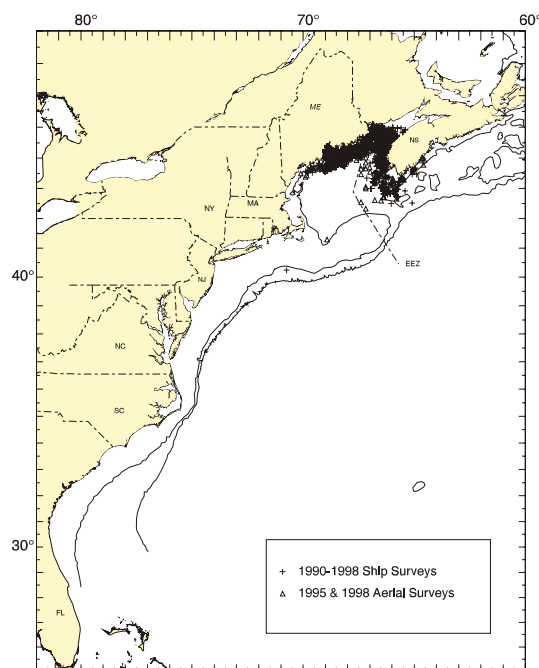


Figure 1. Distribution of harbor porpoise sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

(CV=0.20, 95% CI=40,900-109,100) (Palka 1996), and 89,700 in 1999 (CV=0.22, 95% CI=53,400 - 150,900) (Palka 2000). The inverse variance weighted-average abundance estimate (Smith *et al.* 1993) of the 1991 to 1995 estimates was 54,300 harbor porpoises (CV=0.14, 95% CI=41,300-71,400). Possible reasons for inter-annual differences in abundance and distribution include experimental error, inter-annual changes in water temperature and availability of primary prey species (Palka 1995b), and movement among population units (e.g., between the Gulf of Maine and Gulf of St. Lawrence). One of the reasons the 1999 estimate is larger than previous estimates is that, for the first time, the upper Bay of Fundy and northern Georges Bank were surveyed and harbor porpoises were seen in both areas. This indicates the harbor porpoise summer habitat is larger than previously thought (Palka 2000).

The shipboard sighting survey procedure used in all four surveys involved two independent teams on one ship that searched using the naked eye in non-closing mode. Abundance, corrected for $g(0)$, the probability of detecting an animal group on the track line, was estimated using the direct-duplicate method (Palka 1995a) and variability was estimated using bootstrap re-sampling methods. Potential biases not explicitly accounted for include ship avoidance and submergence time. The effects of these two potential biases are unknown. During 1995 and 1999 a section of the region was surveyed by airplane while the rest of the region was surveyed by ship, as in previous years (Palka 1996; 2000). During 1995, in addition to the Gulf of Maine/Bay of Fundy area, waters from Virginia to the mouth of the Gulf of St. Lawrence were surveyed and harbor porpoises were seen only in the vicinity of the Gulf of Maine/Bay of Fundy. During 1999, waters from south of Cape Cod to the mouth of the Gulf of St. Lawrence were surveyed (Palka 2000).

The best current abundance estimate of the Gulf of Maine/Bay of Fundy harbor porpoise stock is 89,700 (CV=0.22), based on the 1999 survey results not averaged with other years. This is because the 1999 estimate is the most current, and this survey discovered portions of the harbor porpoise range not covered previously.

Kingsley and Reeves (1998) estimated there were 12,100 (CV=0.26) harbor porpoises in the entire Gulf of St. Lawrence during 1995, and 21,700 (CV=0.38) in the northern Gulf of St. Lawrence during 1996. These estimates are presumed to be of the Gulf of St. Lawrence stock of harbor porpoises. The highest densities were north of Anticosti Island, with lower densities in the central and southern Gulf. During the 1995 survey, 8,427 km of track lines were flown in an area of 221,949 km² during August and September. During the 1996 survey, 3,993 km of track lines were flown in an area of 94,665 km² during July and August. Data were analyzed using Quenouille's jackknife bias reduction procedure on line transect methods that modeled the left truncated sighting curve. These estimates were not corrected for visibility biases such as $g(0)$.

Table 1. Summary of abundance estimates for the Gulf of Maine/Bay of Fundy harbor porpoise for the entire area that was surveyed and a common area that was surveyed in all years. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	Entire survey area		Common survey area
		N_{best}	CV	N
Jul-Sep 1995	N. Gulf of Maine & lower Bay of Fundy	74,000	0.20	71,900
Inverse variance-weighted average of above 1991, 1992 and 1995 estimates		54,300	0.14	-
Jul-Aug 1999	S. Gulf of Maine to upper Bay of Fundy	89,700	0.22	67,600

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for harbor porpoises is 89,700 (CV=0.22). The minimum population estimate for the Gulf of Maine/Bay of Fundy harbor porpoise is 74,695 (CV=0.22).

Current Population Trend

Analyses are underway to determine if trend information can be obtained from the four NEFSC surveys. Previous abundance estimates for harbor porpoises in the Gulf of Maine/Bay of Fundy are available from earlier studies, (e.g., 4,000 animals (Gaskin 1977), and 15,800 animals (Kraus *et al.* 1983)). These estimates cannot be used in a trends analysis because they were for selected small regions within the entire known summer range and, in some cases, did not incorporate an estimate of $g(0)$ (NEFSC 1992).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Although current population growth rates of Gulf of Maine/Bay of Fundy harbor porpoises have not been estimated due to lack of data, several attempts have been made to estimate potential population growth rates. Barlow and Boveng (1991), who used a re-scaled human life table, estimated the upper bound of the annual potential growth

rate to be 9.4%. Woodley and Read (1991) used a re-scaled Himalayan tahr life table to estimate a likely annual growth rate of 4%. In an attempt to estimate a potential population growth rate that incorporates many of the uncertainties in survivorship and reproduction, Caswell *et al.* (1998) used a Monte Carlo method to calculate a probability distribution of growth rates. The median potential annual rate of increase was approximately 10%, with a 90% confidence interval of 3-15%. This analysis underscored the considerable uncertainty that exists regarding the potential rate of increase in this population. Consequently, for the purposes of this assessment, the maximum net productivity rate was assumed to be 4%, consistent with values used for other cetaceans for which direct observations of maximum rate of increase are not available, and following a recommendation from the Atlantic Scientific Review Group. The 4% value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 74,695 (CV=0.22). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the Gulf of Maine/Bay of Fundy harbor porpoise is 747.

ANNUAL HUMAN-CAUSED MORTALITY

Data to estimate the mortality and serious injury of harbor porpoise come from USA and Canadian Fisheries Observer Programs, from records of strandings in USA waters, and from records in the Marine Mammal Authorization Program (MMAP). Estimates using Fisheries Observer Program and MMAP data are discussed by fishery under the Fishery Information section (Table 2). Strandings records are discussed under the Unknown Fishery in the Fishery Information section (Table 3) and under the Other Mortality section (Tables 4 to 5).

A take reduction plan was implemented 01 January 1999 to reduce takes of harbor porpoises in USA Atlantic gillnet fisheries. In addition, several New England and Mid-Atlantic Fishery Management Council plans that apply to parts of the gillnet fisheries were also implemented during 1999. Because these plans changed the USA gillnet fisheries, only 1999 to 2001 USA mortality estimates are representative of the current USA mortality.

The total annual estimated average human-caused mortality is 365 (CV=0.23) harbor porpoises per year. This is derived from four components: 310 harbor porpoise per year (CV=0.23) from USA fisheries using observer and MMAP data, 46 per year (unknown CV) from Canadian fisheries using observer data, 8 per year from USA unknown fisheries using strandings data, and 1 per year from unknown human-caused mortality (a mutilated stranded harbor porpoise).

Fishery Information

Recently, Gulf of Maine/Bay of Fundy harbor porpoise takes have been documented in the USA Northeast sink gillnet, mid-Atlantic coastal gillnet, and in the Canadian Bay of Fundy groundfish sink gillnet and herring weir fisheries (Table 2).

Earlier Interactions

Pelagic Drift Gillnet

In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. The fishery operated during 1998. Then, in January 1999 NMFS issued a Final Rule to prohibit the use of drift net gear in the North Atlantic swordfish fishery (50 CFR Part 630). One harbor porpoise was observed taken from the Atlantic pelagic drift gillnet fishery during 1991-1998. The estimated total number of hauls in the Atlantic pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. In 1994 to 1998 there were 11, 12, 10, 0, and 11 vessels, respectively, in the fishery. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995 and 1996 were 233, 243, 232, 197, 164, and 149 respectively. Observer coverage, expressed as percent of sets observed was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. The decline in observer coverage in 1996 is attributable to trips made by vessels that were deemed unsafe for observers due to the size or condition of the fishing vessel. Fishing effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year suggested that the drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by stratum (Northridge 1996). Estimates of total annual bycatch after 1993 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in logbooks. Variances were estimated using bootstrap re-sampling techniques (Bisack 1997b). The one observed bycatch was notable because it occurred in continental shelf edge waters adjacent to Cape Hatteras (Read *et al.* 1996). Estimated annual fishery-related mortality (CV in parentheses) attributable to this fishery was 0.7 in 1989

(7.00), 1.7 in 1990 (2.65), 0.7 in 1991 (1.00), 0.4 in 1992 (1.00), 1.5 in 1993 (0.34), 0 in 1994 to 1996, and 0 in 1998. The fishery was closed during 1997. Average estimated harbor porpoise mortality and serious injury in the Atlantic pelagic drift gillnet fishery during 1994-1998 was 0.0.

USA

Recent data on incidental takes in USA fisheries are available from several sources. The only source that documented harbor porpoise bycatch is the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program that was initiated in 1990, and since that year, several fisheries have been covered by the program.

Northeast Sink Gillnet

Before 1998 most of the documented harbor porpoise takes from USA fisheries were from the Northeast sink gillnet fishery. In 1984 the Northeast sink gillnet fishery was investigated by a sampling program that collected information concerning marine mammal bycatch. Approximately 10% of the vessels fishing in Maine, New Hampshire, and Massachusetts were sampled. Among the eleven gillnetters who received permits and logbooks, 30 harbor porpoises were reported caught. It was estimated, using rough estimates of fishing effort, that a maximum of 600 harbor porpoises were killed annually in this fishery (Gilbert and Wynne 1985, 1987).

In 1990, an observer program was started by NMFS to investigate marine mammal takes in the Northeast sink gillnet fishery. There have been 454 harbor porpoise mortalities related to this fishery observed between 1990 and 2001 and one was released alive and uninjured. In 1993, there were approximately 349 full- and part-time vessels in the Northeast sink gillnet fishery (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. During 1998, an estimated 301 full- and part-time vessels participated in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Rhode Island to Maine. This does not include a small percentage of records where the vessel number was missing. Observer coverage in terms of trips was 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6% and 4% for 1990 to 2001, respectively. Bycatch in the northern Gulf of Maine occurs primarily from June to September, while in the southern Gulf of Maine, bycatch occurs from January to May and September to December. Annual estimates of harbor porpoise bycatch in the Northeast sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Bycatch estimates included a correction factor for the under-recorded number of by-caught animals that occurred during unobserved hauls on trips with observers on the boat, when applicable. Need for such a correction became evident following re-analysis of data from the Fisheries Observer program indicating that for some years bycatch rates from unobserved hauls were lower than that for observed hauls. Further analytical details are given in Palka (1994), CUD (1994), and Bravington and Bisack (1996). These revised bycatch estimates replace those published earlier (Smith *et al.* 1993). Estimates presented here are still negatively biased because they do not include harbor porpoises that fell out of the net while still underwater. This bias cannot be quantified at this time. Estimated annual bycatch (CV in parentheses) from this fishery during 1990-2001 was 2,900 in 1990 (0.32), 2,000 in 1991 (0.35), 1,200 in 1992 (0.21), 1,400 in 1993 (0.18) (Bravington and Bisack 1996; CUD 1994), 2100 in 1994 (0.18), 1400 in 1995 (0.27) (Bisack 1997a), 1200 in 1996 (0.25), 782 in 1997 (0.22), 332 in 1998 (0.46), 270 in 1999 (0.28) (Rossman and Merrick 1999), 507 in 2000 (0.37), and 51 (0.97) in 2001. The increase in the 1998 and 2001 CV is mainly due to the small number of observed takes.

In November 2001, there were two takes reported through the Marine Mammal Authorization Program (MMAP) that were taken in one sink gillnet haul located near Jeffrey's Ledge. These two takes were then added to the 2 observed takes and 51 estimated total take that was derived from the observer data because the MMAP takes were in a time and area not included in any of the above observer-based bycatch estimates. This then results in 4 observed takes and 53 (0.97) total takes in 2001 from this fishery (Table 2).

There appeared to be no evidence of differential mortality in USA or Canadian gillnet fisheries by age or sex in animals collected before 1994, although there was substantial inter-annual variation in the age and sex composition of the bycatch (Read and Hohn 1995). Using observer data collected during 1990 to 1998 and a logit regression model, females were 11 times more likely to be caught in the offshore southern Gulf of Maine region, males were more likely to be caught in the south Cape Cod region, and the overall proportion of males and females caught in a gillnet and brought back to land were not significantly different from 1:1 (Lamb 2000).

Two preliminary experiments, using acoustic alarms (pingers) attached to gillnets, were conducted in the Gulf of Maine during 1992 and 1993 and took 10 and 33 harbor porpoises, respectively. During fall 1994, a controlled scientific experiment was conducted in the southern Gulf of Maine, where all nets with and without active pingers were observed (Kraus *et al.* 1997). In this experiment 25 harbor porpoises were taken in 423 strings with non-active pingers (controls) and 2 harbor porpoises were taken in 421 strings with active pingers. In addition, 17 other harbor porpoises were taken in nets that did not follow the experimental protocol (Table 2). From 1995 to 1997, experimental fisheries were conducted where all nets in a designated area were required to use pingers and only a sample of the nets were observed. During November-December 1995, an experimental fishery was conducted in the southern Gulf of Maine (Jeffreys Ledge) region, where no harbor porpoises were observed taken in 225 pingered nets. During 1995, all takes from pingered nets were added directly to the estimated total bycatch for that year. During April 1996, 3 other experimental fisheries occurred. In the Jeffreys Ledge area, in 88 observed hauls using pingered

nets, 9 harbor porpoises were taken. In the Massachusetts Bay region, in 171 observed hauls using pingered nets, 2 harbor porpoises were taken. And, in a region just south of Cape Cod, in 53 observed hauls using pingered nets, no harbor porpoises were taken. During 1997, experimental fisheries were allowed in the mid-coast region during March 25 to April 25 and November 1 to December 31. During the 1997 spring experimental fishery, 180 hauls were observed with active pingers and 220 hauls were controls (silent). All observed harbor porpoise takes were in silent nets: 8 in nets with control (silent) pingers, and 3 in nets without pingers. Thus, there was a statistical difference between the catch rate in nets with pingers and silent nets (Kraus and Brault, 1997). During the 1997 fall experimental fishery, out of 125 observed hauls using pingered nets no harbor porpoises were taken.

From 95 stomachs of harbor porpoises collected in groundfish gillnets in the Gulf of Maine between September and December 1989-94, Atlantic herring (*Clupea harengus*) was the most important prey. Pearlsides (*Maurollicus weitzmani*), silver hake (*Merluccius bilinearis*) and red and white hake (*Urophycis* spp.) were the next most common prey species (Gannon *et al.* 1998).

Average estimated harbor porpoise mortality and serious injury in the Northeast sink gillnet fishery during 1994-1998 before the Take Reduction Plan was 1,163 (0.11). Because of the Take Reduction Plan to reduce takes in USA Atlantic gillnets, and the NEFMC fishery management plans to manage groundfish, fishing practices changed during 1999. Subsequently, the average annual harbor porpoise mortality and serious injury in the Northeast sink gillnet fishery from 1999 to 2001 was 277 (0.25).

Mid-Atlantic Coastal Gillnet

Before an observer program was in place, Polacheck *et al.* (1995) reported one harbor porpoise incidentally taken in shad nets in the York River, Virginia. In July 1993 an observer program was initiated in the mid-Atlantic coastal gillnet fishery by the NEFSC Fisheries Observer program. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species. Some of the vessels operate right off the beach, some using drift nets and others using sink nets. During 1998, it was estimated that there were 302 full and part-time sink gillnet vessels and an undetermined number of drift gillnet vessels participating in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Connecticut to North Carolina. This does not include a small percentage of records where the vessel number was missing. Twenty trips were observed during 1993. During 1994 and 1995, 221 and 382 trips were observed, respectively. Observer coverage, expressed as percent of tons of fish landed, was 5% for 1995, 4% for 1996, 3% for 1997, 5% for 1998, 2% for 1999, 2% for 2000 and 2% for 2001 (Table 2). No harbor porpoises were taken in observed trips during 1993 and 1994. During 1995 to 2001, respectively, 6, 19, 32, 53, 3, 1 and 1 harbor porpoises were observed taken (Table 2). Observed fishing effort has been scattered between New York and North Carolina from the beach to 50 miles off the beach. Documented bycatches after 1995 were from December to May. Bycatch estimates were calculated using methods similar to that used for bycatch estimates in the Northeast gillnet fishery (Bravington and Bisack 1996; Bisack 1997a). After 1998, a separate bycatch estimate was made for the drift gillnet and set gillnet sub-fisheries. The number presented here is the sum of these two sub-fisheries. The estimated annual mortality (CV in parentheses) attributed to this fishery was 103 (0.57) for 1995, 311 (0.31) for 1996, 572 (0.35) for 1997, 446 (0.36) for 1998, 53 (0.49) for 1999, 21 (0.76) for 2000. Annual average estimated harbor porpoise mortality and serious injury from the mid-Atlantic coastal gillnet fishery before the Take Reduction Plan (during 1995 to 1998) was 358 (CV=0.20) (Table 2). Because of the Take Reduction Plan to reduce takes in USA Atlantic gillnets, and the fishery management plans to manage groundfish, fishing practices changed during 1999. Subsequently, the average annual harbor porpoise mortality and serious injury in the mid-Atlantic coastal gillnet fishery from 1999 and 2001 was 33 (0.39).

Unknown Fishery

The strandings and entanglement database, maintained by the New England Aquarium and the Northeast Regional Office/NMFS, reported 228, 27 and 113 stranded harbor porpoises during 1999 to 2001, respectively (see Other Mortality section for more details). Of these, it was determined that the cause of death of 19, 1 and 3 stranded harbor porpoises in 1999 to 2001, respectively, were due to gillnets (Tables 3 and 5). The average harbor porpoise mortality and serious injury in this unknown fishery category from 1999 to 2001 is 8 (CV is unknown).

North Atlantic Bottom Trawl

Two harbor porpoise mortalities were observed in the North Atlantic bottom trawl fishery between 1989 and 2001. Vessels in this fishery, a Category III fishery under the MMPA, were observed in order to meet fishery management needs rather than marine mammal management needs. An average of 970 (CV=0.04) vessels (full- and part-time) participated annually in the fishery during 1989-1993. This fishery is active in New England waters in all seasons.

The first take occurred in February 1992 east of Barnegat Inlet, New Jersey at the continental shelf break. The animal was clearly dead prior to being taken by the trawl, because it was severely decomposed and the tow duration of 3.3 hours was insufficient to allow extensive decomposition.

The second take occurred in January 2001 off New Hampshire in a haul trawling for flounder. This animal was clearly dead prior to being taken by the trawl, because it was severely decomposed (the skull broke off while the net was emptying) and the tow duration was 3.1 hours. This take was observed in the same time and area stratum that had documented gillnet takes.

In conclusion, the estimated bycatch of harbor porpoises due to this fishery is 0.

CANADA

Hooker *et al.* (1997) summarized bycatch data from a Canadian fisheries observer program that placed observers on all foreign fishing vessels operating in Canadian waters, on 25-40% of large Canadian fishing vessels (greater than 100 feet long), and on approximately 5% of smaller Canadian fishing vessels. No harbor porpoises were observed taken.

Bay of Fundy Sink Gillnet

During the early 1980's, Canadian harbor porpoise bycatch in the Bay of Fundy sink gillnet fishery, based on casual observations and discussions with fishermen, was thought to be low. The estimated harbor porpoise bycatch in 1986 was 94-116 and in 1989 it was 130 (Trippel *et al.* 1996). The Canadian gillnet fishery occurs mostly in the western portion of the Bay of Fundy during the summer and early autumn months, when the density of harbor porpoises is highest. Polacheck (1989) reported there were 19 gillnetters active in 1986, 28 active in 1987, and 21 in 1988.

More recently, an observer program implemented in the summer of 1993 provided a total bycatch estimate of 424 harbor porpoises (± 1 SE: 200-648) from 62 observed trips, (approximately 11.3% coverage of the Bay of Fundy trips) (Trippel *et al.* 1996).

During 1994, the observer program was expanded to cover 49% of the gillnet trips (171 observed trips). The bycatch was estimated to be 101 harbor porpoises (95% confidence limit: 80-122), and the fishing fleet consisted of 28 vessels (Trippel *et al.* 1996).

During 1995, due to groundfish quotas being exceeded, the gillnet fishery was closed from July 21 to August 31. During the open fishing period of 1995, 89% of the trips were observed, all in the Swallowtail region.

Approximately 30% of these observed trips used pingered nets. The estimated bycatch was 87 harbor porpoises (Trippel *et al.* 1996). No confidence interval was computed due to lack of coverage in the Wolves fishing grounds.

During 1996, the Canadian gillnet fishery was closed during July 20-31 and August 16-31 due to groundfish quotas. From the 107 monitored trips, the bycatch in 1996 was estimated to be 20 harbor porpoises (Trippel *et al.* 1999; DFO 1998). Trippel *et al.* (1999) estimated that during 1996, gillnets equipped with acoustic alarms reduced harbor porpoise bycatch rates by 68% over nets without alarms in the Swallowtail area of the lower Bay of Fundy.

During 1997, the fishery was closed to the majority of the gillnet fleet during July 18-31 and August 16-31, due to groundfish quotas. In addition a time-area closure to reduce porpoise bycatch in the Swallowtail area occurred during September 1-7. From the 75 monitored trips during 1997, 19 harbor porpoises were observed taken. After accounting for total fishing effort, the estimated bycatch in 1997 was 43 animals (DFO 1998). Trippel *et al.* (1999) estimated that during 1997, gillnets equipped with acoustic alarms reduced harbor porpoise bycatch rates by 85% over nets without alarms in the Swallowtail area of the lower Bay of Fundy.

During 1998, the number of fishing vessels was appreciably lower than in previous years due to very poor groundfish catch rates, even though the fishery was open July to September. The observer program monitored 111 trips and observed 5 harbor porpoise mortalities. Preliminary analyses indicate that the total mortality estimate is 38 harbor porpoises (Trippel and Shepard, in press). Estimates of variance are not available ().

During 1999, observer coverage was from July to early September. The observer program monitored 93 trips and observed 3 harbor porpoise mortalities. Preliminary analyses indicate the total mortality estimate is 32 harbor porpoises (Trippel and Shepard, in press)

During 2000, 194 trips were monitored and 5 harbor porpoise mortalities were observed. Preliminary analyses indicate that the total mortality estimate is 28 harbor porpoises (Trippel and Shepard, in press).

During 2001, 285 trips were monitored and 39 harbor porpoise mortalities were observed. Preliminary analyses indicate that the total mortality is 73 harbor porpoises (Trippel and Shepard, in press).

There was no observer program during the summer of 2002 in the Bay of Fundy region.

Average estimated harbor porpoise mortality in the Canadian groundfish sink gillnet fishery during 1997-2001 was 242 (Table 2). An estimate of variance is not possible.

Herring Weirs

Harbor porpoises are taken frequently in Canadian herring weirs, but there have been no recent efforts to observe takes in the USA component of this fishery. Weirs operate from May to October along the southwestern shore of the Bay of Fundy, and the coasts of western Nova Scotia and northern Maine. In 1990, there were 180 active weirs in the western Bay of Fundy and 56 active weirs in Maine (Read 1994). According to state officials, in 1998, the number of weirs in Maine waters dropped to nearly zero due to the limited herring market (Jean Chenoweth, pers. comm.), and in 2000, only 11 weirs were built (Molyneaux 2000). According to Canadian officials, for 1998, there were 225 licenses for herring weirs on the New Brunswick side and 30 from the Nova Scotia side of the Bay of Fundy (in New Brunswick: 60 from Grand Manan Island, 95 from Deer and Campobello Islands, 30 from Passamaquoddy Bay, 35 from East Charlotte area, and 5 from the Saint John area).

The number of licenses has been fairly consistent since 1985 (Ed Trippel, pers. comm.), but the number of active weirs is less than the number of licenses, and has been decreasing every year, primarily due to competition with salmon mariculture sites (A. Read, pers. comm.). In 2001, there were 25 active weirs around Grand Manan (H. Koopman pers. comm), numbers for the Nova Scotia shore,

Campobello, Deer and the Wolves Islands, or the New Brunswick mainland shore are unknown. In 2002 there were 21 active weirs around Grand Manan (H. Koopman pers. comm).

Smith *et al.* (1983) estimated that, in the 1980's, approximately 70 harbor porpoises became trapped annually and, on average, 27 died annually. In 1990, at least 43 harbor porpoises were trapped in Bay of Fundy weirs (Read 1994). In 1993, after a cooperative program between fishermen and Canadian biologists was initiated, over 100 harbor porpoises were released alive (Read 1994). Between 1992 and 1994, this cooperative program resulted in the live release of 206 of 263 harbor porpoises caught in herring weirs. Mortalities (and releases) were 11 (and 50) in 1992, 33 (and 113) in 1993, and 13 (and 43) in 1994 (Neimanis *et al.* 1995). Since that time, an additional 488 harbor porpoises have been documented in Canadian herring weirs, of which 460 were released or escaped and 28 died. Mortalities (and releases) were 5 (and 60) in 1995; 2 (and 4) in 1996; 2 (and 24) in 1997; 2 (and 26) in 1998; 3 (and 89) in 1999; 0 (and 13) in 2000 (A. Read, pers. comm), and 14 (and 244) in 2001 (H. Koopman, pers. comm.). In addition, it is known that in 2001, an additional fifty-two animals swam out of weirs on their own (H. Koopman, pers. comm).

Clinical hematology values were obtained from 29 harbor porpoises released from Bay of Fundy herring weirs (Koopman *et al.* 1999). These data represent a baseline for free-ranging harbor porpoises that can be used as a reference for long-term monitoring of the health of this population, a mandate by the MMPA. Blood for both hematology and serum chemistry, including stress and reproductive hormones, is currently being collected; with 57 samples from 2001 and 13 from 2002 (H. Koopman, pers. comm).

Average estimated harbor porpoise mortality in the Canadian herring weir fishery during 1997-2001 was 4.2 (Table 2). An estimate of variance is not possible.

Table 2. From observer program data, summary of the incidental mortality of harbor porpoise (*Phocoena phocoena*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality	
USA									
Northeast Sink Gillnet	Before TRP ⁶ 94-98	1993=349 1998=301	Obs. Data Weighout, Trip Logbook	.07, .05, .04, .06, .05	99 ³ , 43 ³ , 52 ³ , 47 ³ , 12 ³	2100 ³ , 1400 ³ , 1200 ³ , 782 ³ , 332 ³	.18, .27, .25, .22, .46	1163 (0.11)	
	After TRP ⁶ 99-01	NA	Obs. Data, Weighout, Trip Logbook	.06, .06, .04	14 ³ , 15 ³ , 4 ^{3,8}	270 ³ , 507 ³ , 53 ^{3,8}	.28, .37, .97	277 (0.25)	
mid-Atlantic Coastal Gillnet	Before TRP ⁶ 95-98 ⁴	1998=302 ⁷	Obs. Data Weighout	.05, .04, .03, .05	6, 19, 32, 53	103, 311, 572, 446	.57, .31, .35, .36	358 (0.20)	
	After TRP ⁶ 99-01	NA	Obs. Data Weighout	.02, .02, .02	3, 1, 1	53, 21, 26	.49, .76, .95	33 (0.39)	
USA TOTAL	1999-2001 only								(0.23)
CANADA									
Groundfish Sink Gillnet	97-01			.8, .4, .36, .77, NA	19, 5, 3, .5, 39	43, 38, 32 ⁷ , 28 ⁹ , 73	NA	42 (NA)	
Herring Weir	97-01	1998=255 licenses ⁵	Coop. Data	NA	2, 2, 3, 0, 14	2, 2, 3, 0, 14	NA	4.2 (NA)	
CANADIAN TOTAL	1997 - 2001								46 (NA)
GRAND TOTAL									356 (NA)

NA = Not available.

1 Observer data (Obs. Data) are used to measure bycatch rates; the USA data are collected by the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program, the Canadian data are collected by DFO. NEFSC collects Weighout (Weighout) landings data, that are used as a measure of total effort for the USA gillnet fisheries. The Canadian DFO catch and effort statistical system collected the total number of trips fished by the Canadians (Can. trips), which was the measure of total effort for the Canadian groundfish gillnet fishery. Mandatory trip logbook (VTR) (Trip Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast sink gillnet fishery. Observed mortalities from herring weirs are collected by a cooperative program between fishermen and Canadian biologists (Coop. Data).

2 The observer coverage for the USA and Canadian sink gillnet fishery is measured in trips, and for the mid-Atlantic coastal gillnet fishery, the unit of effort is tons of fish landed.

3 Harbor porpoise taken before 1997 in observed pinger trips were added directly to the estimated total bycatch for that year. During 1997, harbor porpoises were taken on non-pingered scientific experimental strings within a time/area stratum that required pingers; during 1998, harbor porpoises were taken on a pingered string within a stratum that did not require pingers; during 2000, a harbor porpoise was taken on a non-pingered string within a stratum that did not require pingers but that stratum had other trips where strings with pingers were observed; and during 1999-2001, harbor porpoises were taken on pingered strings within strata that required pingers but that stratum also had observed strings without pingers. For estimates made during 1998 and after, a weighted bycatch rate was applied to effort from both pingered and non-pingered hauls within a stratum. The weighted bycatch rate was:

$$\sum_i^{\text{ping, non-ping}} \frac{\# \text{porpoise}_i}{\text{sslandings}_i} \cdot \frac{\# \text{hauls}_i}{\text{total\#hauls}}$$

There were 10, 33, 44, 0, 11, 0, 2, 8, 6, and 2 observed harbor porpoise takes on pinger trips from 1992 to 2001, respectively, that are included in the observed mortality column. In addition, there were 9, 0, 2, 1, 1, 4, and 0 observed harbor porpoise takes in 1995 to 2001, respectively, on trips dedicated to fish sampling versus dedicated to watching for marine mammals; these are included in the observed mortality column (Bisack 1997a).

4 Only data after 1994 are reported because the observed coverages during 1993 and 1994 were negligible during the times of the year when harbor porpoise takes were possible.

5 There were 255 licenses for herring weirs in the Canadian Bay of Fundy region.

6 Effective 01 January 1999, a take reduction plan (TRP) was put into place to reduce bycatch of harbor porpoises in gillnets. See the section “USA Management Measures Taken to Reduce Bycatch” for more details.

7 Sink gillnet vessels only. Number of drift gillnet vessels presently undetermined.

8 During 2001 in the US Northeast sink gillnet fishery, there were 2 takes observed in the NEFSC observer program, this resulted in an estimate of 51 total bycaught harbor porpoises. In November 2001, there were two takes reported through the Marine Mammal Authorization Program that were from one sink gillnet haul that was located near Jeffrey’s Ledge. These two takes were then added to the 2 observed takes and 51 estimated total take derived from the observer data, resulting in 4 observed takes and 53 total takes for the fishery during 2001.

Table 3. From strandings and entanglement data, summary of confirmed incidental mortality of harbor porpoises (*Phocoena phocoena*) by fishery: includes years sampled (Years), number of vessels active within the fishery (Vessels), type of data used (Data Type), mortalities assigned to this fishery (Assigned Mortality), and mean annual mortality.

Fishery	Years	Vessels	Data Type ¹	Assigned Mortality	Mean Annual Mortality
Unknown gillnet fishery	99-01	NA	Entanglement & Strandings	19, 1, 3	8
TOTAL					8

NA=Not Available.

¹ Data from records in the entanglement and strandings data base maintained by the New England Aquarium and the Northeast Regional Office/NMFS (Entanglement and Strandings).

Other Mortality USA

There is evidence that harbor porpoises were harvested by natives in Maine and Canada before the 1960's, and the meat was used for human consumption, oil, and fish bait (NEFSC 1992). The extent of these past harvests is unknown, though it is believed to have been small. Up until the early 1980's, small kills by native hunters (Passamaquoddy Indians) were reported. In recent years it was believed to have nearly stopped (Polacheck 1989) until media reports in September 1997 depicted a Passamaquoddy tribe member dressing out a harbor porpoise. Further articles describing use of porpoise products for food and other purposes were timed to coincide with ongoing legal action in state court.

During 1993, 73 harbor porpoises were reported stranded on beaches from Maine to North Carolina (Smithsonian Marine Mammal Database). Sixty-three of those harbor porpoises were reported stranded in the USA mid-Atlantic region from New York to North Carolina between February and May. Many of the mid-Atlantic carcasses recovered in this area during this time period had cuts and body damage suggestive of net marking (Haley and Read 1993). Five out of 8 carcasses and 15 heads from the strandings that were examined showed signs of human interactions (net markings on skin and missing flippers or flukes). Decomposition of the remaining animals prevented determination of the cause of death. Earlier reports of harbor porpoise entangled in gillnets in Chesapeake Bay and along the New Jersey coast and reports of apparent mutilation of harbor porpoise carcasses raised concern that the 1993 strandings were related to a coastal net fishery, such as the American shad coastal gillnet fishery (Haley and Read 1993). Between 1994 and 1996, 107 harbor porpoise carcasses were recovered from beaches in Maryland, Virginia, and North Carolina and investigated by scientists. Only juvenile harbor porpoises were present in this sample. Of the 40 harbor porpoises for which cause of death could be established, 25 displayed definitive evidence of entanglement in fishing gear. In 4 cases it was possible to determine that the animal was entangled in monofilament nets (Cox *et al.* 1998).

Records of harbor porpoise strandings prior to 1997 are stored in the Smithsonian's Marine Mammal Database and records from 1997 to present are stored in the NE Regional Office/NMFS strandings and entanglement database. According to these records, the numbers of harbor porpoises that stranded on beaches from North Carolina to Maine during 1994 to 2001 were 106, 86, 94, 118, 59, 228, 27 and 113 respectively (Table 4). Of these, 3 stranded alive on a Massachusetts beach in 1996, were tagged, and subsequently released. In 1998, 2 porpoises that stranded on a New Jersey beach had tags on them indicating they were originally taken on an observed mid-Atlantic coastal gill net vessel. During 1999, 6 animals stranded alive and were either tagged and released or brought to Mystic Aquarium for rehabilitation (Table 4).

During 1999, over half of the strandings occurred on beaches of Massachusetts and North Carolina. The states with the next largest numbers were Virginia, New Jersey, and Maryland, in that order. The cause of death was investigated for all the 1999 strandings (Table 5). Of these, it was possible to determine that the cause of death of 38 animals was fishery interactions. Of these 38, 19 animals were in an area and time that were not part of a bycatch estimate derived using observer data. Thus, these 19 mortalities are attributed to an unknown gillnet fishery (Table 3). One additional animal was found mutilated (right flipper and fluke was cut off) and cause of death was attributed to an unknown human-caused mortality (Table 5).

During 2000, only 27 harbor porpoises stranded on beaches from Maine to North Carolina (Table 4). Of these, most came from Massachusetts (8) or North Carolina (6). The cause of death for 1 animal was in an area and time that was not part of a bycatch estimate derived from observer data, and thus was attributed to an unknown gillnet fishery (Tables 3 and 5). This animal was found on a beach in Virginia during May with mono-filament line wrapped around it. In addition, 1 animal was found mutilated and so cause of death was attributed to an unknown human-caused mortality (Table 5).

During 2001, 113 harbor porpoises were reported stranded, of these most came from Massachusetts (39), Virginia (28), and North Carolina (21). Thirteen of these stranding displayed signs of fishery interactions, of these 3 animals were in an area and time that were not part of a bycatch estimate derived from the observer data (Tables 3 and 5).

Averaging 1999 to 2001, there was 1 animal per year that was stranded and mutilated and so cause of death was attributed to an unknown human-caused mortality (Table 5).

Stranding data probably underestimate the extent of fishery-related mortality and serious injury because all of the marine mammals which die or are seriously injured may not wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

Table 4. Summary of number of stranded harbor porpoises during January 1, 1994 to December 31, 2001, by state and year.

State	Year								Total
	1994	1995	1996	1997	1998	1999	2000	2001	
Maine	0	0	5	6	5	3	2	4	25
New Hampshire	0	0	2	0	0	0	0	0	2
Massachusetts ^{1,3}	9	26	31	28	18	60	8	39	219
								1	9
Connecticut	0	0	1	0	0	0	0	0	1
New York ⁴	7	6	3	10	5	10	2	7	50
New Jersey ²	17	18	12	21	16	23	2	6	115
Delaware	3	5	4	4	7	9	1	3	36
Maryland	10	4	3	10	1	21	3	4	56
Virginia	42	18	20	12	3	40	3	28	166
North Carolina	15	9	12	26	4	59	6	21	152
TOTAL	103	86	93	118	59	228	27	113	831

- ¹ During 1996 three animals stranded alive on a Massachusetts beach. They were tagged and released.
² Two of the porpoises that stranded on a New Jersey beach in 1998 had been previously tagged and released from an observed mid-Atlantic coastal gill net fishing vessel.
³ Five animals stranded alive in 1999 and were tagged and released.
⁴ One animal stranded alive in 1999, rehabilitated at Mystic Aquarium and died at the aquarium in April 2000.

Table 5. Cause of mortality of USA stranded harbor porpoises during January 1, 1999 to December 31, 2001. “Unique FI” is a fishery interaction that is in a time and area that could not be part of the mortality estimate derived from the observer program. “Not unique FI” is a fishery interaction that was in a time and area that may be part of the observer program derived mortality estimate. “No FI” is the cause of death was determined not to be related to a fishery interaction. “Alive” is stranded animal not dead. “CBD/Unk” is could not be determined or unknown cause of death.

Year	Unique FI ¹	Mutilation ²	Not unique FI	No FI	Emaciated	CBD/Unk	Alive	Total
1999	19	1	19	41	30	112	6	228
2000	1	1	0	2	0	22	0	26
2001	3	1	10	32	0	64	3	113
Avg 99-01	8	1	11	25	10	66	3	122

- ¹ Attributed to an unknown gillnet fishery.
² Attributed to an unknown human-caused mortality.

CANADA

Whales and dolphins stranded between 1991 and 1996 on the coast of Nova Scotia were documented by the Nova Scotia Stranding Network (Hooker *et al.* 1997). Strandings on the beaches of Sable Island during 1970 to 1998 were documented by researchers with Dept. of Fisheries and Oceans, Canada (Lucas and Hooker 2000). Sable Island is approximately 170 km southeast of mainland Nova Scotia. On the mainland of Nova Scotia, a total of 8 stranded harbor porpoises were recorded between 1991 and 1996: 1 in May 1991, 2 in 1993 (July and September), 1 in August 1994 (released alive), 1 in August 1994, and 3 in 1996 (March, April, and July (released alive)). On Sable Island, 8 stranded dead harbor porpoises were documented, most in January and February; 1 in May 1991, 1 in January 1992, 1 in January 1993, 3 in February 1997, 1 in May 1997, and 1 in June 1997. Two strandings during May-June 1997

were neonates (> 80 cm). The harbor porpoises that stranded in the winter (January-February) were on Sable Island, those in the spring (March to June) were in the Bay of Fundy (2 in Minas Basin and 1 near Yarmouth) and on Sable Island (2), and those in the summer (July to September) were scattered along the coast from the Bay of Fundy to Halifax.

USA Management Measures Taken to Reduce Bycatch

A ruling to reduce harbor porpoise bycatch in USA Atlantic gill nets was published in the Federal Register (63 FR 66464) on 01 December 1998 and became effective 01 January 1999. The Gulf of Maine portion of the plan pertains to all fishing with sink gillnets and other gillnets capable of catching multispecies in New England waters, from Maine through Rhode Island. This portion of the rule includes time and area closures, some of which are complete closures; others are closed to multispecies gillnet fishing unless pingers are used in the prescribed manner. Also, the rule requires those who intend to fish using pingers must attend training and certification sessions on the use of the technology. The mid-Atlantic portion of the plan pertains to waters west of 72° 30' W longitude to the mid-Atlantic shoreline from New York to North Carolina. This portion of the rule includes time and area closures, some of which are complete closures; others are closed to gillnet fishing unless the gear meets certain specifications.

STATUS OF STOCK

The status of harbor porpoises, relative to OSP, in the US Atlantic EEZ is unknown. On January 7, 1993, the National Marine Fisheries Service (NMFS) proposed listing the Gulf of Maine harbor porpoise as threatened under the Endangered Species Act (NMFS 1993). On January 5, 1999, NMFS determined the proposed listing was not warranted (NMFS 1999). On August 2, 2001, NMFS made available a review of the biological status of the Gulf of Maine/Bay of Fundy harbor porpoise population. The determination was made that listing under the Endangered Species Act (ESA) was not warranted and this stock was removed from the ESA candidate species list (50 CFR Part 233). There are insufficient data to determine population trends for this species. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last three years.

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HARBOR SEAL (*Phoca vitulina*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The harbor seal is found in all nearshore waters of the Atlantic Ocean and adjoining seas above about 30°N (Katona *et al.* 1993). In the western North Atlantic, they are distributed from the eastern Canadian Arctic and Greenland south to southern New England and New York, and occasionally to the Carolinas (Mansfield 1967; Boulva and McLaren 1979; Katona *et al.* 1993; Gilbert and Guldager 1998; Baird 2001). Stanley *et al.* (1996) examined worldwide patterns in harbor seal mitochondrial DNA, which indicate that western and eastern North Atlantic harbor seal populations are highly differentiated. Further, they suggested that harbor seal females are only regionally philopatric, thus population or management units are on the scale of a few hundred kilometers. Although the stock structure of the western North Atlantic population is unknown, it is thought that harbor seals found along the eastern USA and Canadian coasts represent one population (Temte *et al.* 1991). In USA waters, breeding and pupping normally occur in waters north of the New Hampshire/Maine border, although breeding occurred as far south as Cape Cod in the early part of the twentieth century (Temte *et al.* 1991; Katona *et al.* 1993).

Harbor seals are year-round inhabitants of the coastal waters of eastern Canada and Maine (Katona *et al.* 1993), and occur seasonally along the southern New England and New York coasts from September through late May (Schneider and Payne 1983). In recent years, their seasonal interval along the southern New England to New Jersey coasts has increased (Barlas 1999; Hoover *et al.* 1999; Slocum *et al.* 1999; deHart 2002). Scattered sightings and strandings have been recorded as far south as Florida (NMFS unpublished data). A general southward movement from the Bay of Fundy to southern New England waters occurs in autumn and early winter (Rosenfeld *et al.* 1988; Whitman and Payne 1990; Barlas 1999; Jacobs and Terhune 2000). A northward movement from southern New England to Maine and eastern Canada occurs prior to the pupping season, which takes place from mid-May through June along the Maine Coast (Richardson 1976; Wilson 1978; Whitman and Payne 1990; Kenney 1994; deHart 2002). No pupping areas have been identified in southern New England (Payne and Schneider 1984; Barlas 1999). More recent information suggests that pupping is occurring at high-use haulout sites off Manomet, Massachusetts (B. Rubinstein, pers. comm., New England Aquarium). The overall geographic range throughout coastal New England has not changed significantly during the last century (Payne and Selzer 1989).

Prior to spring 2001 live capture and radio tagging of adult harbor seals, including a pregnant female, in Chatham, Massachusetts (NMFS unpub. data), it was believed that the majority of seals moving into southern New England and mid-Atlantic waters are subadults and juveniles (Whitman and Payne 1990; Katona *et al.* 1993; Slocum *et al.* 1999).

POPULATION SIZE

Since passage of the MMPA in 1972, the observed count of seals along the New England coast has increased nearly nine-fold. Six coast-wide aerial surveys along the Maine coast have been conducted in May/June during pupping. Annual counts, with number of pups in parentheses, between 1981 to 2001 were 10,540 (676) in 1981, 9,331 (1,198) in 1982, 12,940 (1,713) in 1986, 28,810 (4,250) in 1993, 30,990 (5,359) in 1997, and 99,340 (23,723) in 2001 (Table 1; Gilbert and Stein 1981; Gilbert and Wynne 1983, 1984; Kenney 1994; Gilbert and Guldager 1998; J. Gilbert, pers. comm.). As recommended in the GAMMS Workshop Report (Wade and Anglis 1997), estimates older than eight years and are deemed unreliable, therefore should not be used for PBR determinations. Prior to 2001, the numbers are considered to be a minimum abundance estimate because they are uncorrected for animals in the water or outside the survey area. A coast-wide survey, which included replicate surveys and radio tagged seals to obtain a correction factor for animals not hauled out, was conducted in May/June 2001. The 2001 observed count of 38,011 was 22.7% greater than the 1997 count. Increased abundance of seals in the northeast region has also been documented during aerial and boat surveys of overwintering haul-out sites from the Maine/New Hampshire border to eastern Long Island and New Jersey (Payne and Selzer 1989; Rough 1995; Barlas 1999; Hoover *et al.* 1999; Slocum *et al.* 1999; deHart 2002).

Canadian scientists counted 3,500 harbor seals during an August 1992 aerial survey in the Bay of Fundy (Stobo and Fowler 1994), but noted that the survey was not designed to obtain a population estimate. The Sable Island population was the largest in eastern Canada in the late 1980's, however, recently the number has drastically declined (Baird 2001). Similarly, pup production declined from 600 in 1989 to 30 in 1997 (Baird 2001).

Table 1. Summary of abundance estimates for the western Atlantic harbor seal. Month, year, and area covered during each abundance survey, resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best} ¹	CV
May/June 1997	Maine coast	30,990 (5,359)	None reported
May/June 2001	Maine coast	99,340 (21,732) ²	CV = .097

¹Pup counts are in brackets

²Uncorrected count of 38,011 (8,814)

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for harbor seals is 99,340 (CV = .097). The minimum population estimate is 91,546 (CV = .097) based on corrected total counts along the Maine coast in 2001.

Current Population Trend

The average increase in uncorrected counts over the 1981-2001 survey period (e.g., 1981, 1982, 1986, 1993, 1997, and 2001) has been . 6.6 % (J. Gilbert, pers. comm.). The 1981 survey was in early June and the 1986 survey was in mid- to late June; therefore, peak pupping period was likely missed in both years. Possible factors contributing to harbor seal population increase include MMPA protection, fishery management regulations (e.g., closed areas, fishing effort reduction) designed to rebuild groundfish stocks, and habitat protection of important haulout sites (e.g., National Park Service and National Wildlife Refuge lands).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

A reliable estimate of the maximum net productivity rate is currently unavailable for this population. Based on uncorrected haulout counts over the 1981 to 2001 survey period, the harbor seal population was approximately 6.6 % (J. Gilbert, pers. comm.). However, a population grows at the maximum growth rate (R_{MAX}) only when it is at a very low level; thus the 6.6% growth rate is not considered to be a reliable estimate of (R_{MAX}). For purposes of this assessment, the maximum net productivity rate was assumed to be 0.12. This value is based on theoretical modeling showing that pinniped populations may not grow at rates much greater than 12% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate ($\frac{1}{2}$ of 12%), and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 91,546. The recovery factor (F_R) for this stock is 1.0, the value for stocks of unknown status, but known to be increasing. PBR for USA waters is 5,493.

ANNUAL HUMAN-CAUSED MORTALITY

For the period 1997-2001, the total estimated human caused mortality and serious injury to harbor seals is estimated to be 972 per year. The average is derived from two components: 1) 955 (CV= 0.18; Table 2) from the 1997-2001 observed fishery; and 2) 17 from average 1997-2001 stranding mortalities resulting from boat strikes, power plant entrainments, shooting, and other sources.

Researchers and fishery observers have documented incidental mortality in several fisheries, particularly within the Gulf of Maine (see below). An unknown level of mortality also occurred in the mariculture industry (*i.e.*, salmon farming), and by deliberate shooting (NMFS unpublished data). However, no data are available to determine whether shooting still takes place.

Fishery Information

USA

Historical: Incidental takes of harbor seals have been recorded in groundfish gillnet, herring purse seine, halibut tub trawl, and lobster fisheries (Gilbert and Wynne, 1985 and 1987). A study conducted by the University of Maine reported a combined average of 22 seals entangled annually by 17 groundfish gillnetters off the coast of Maine (Gilbert and Wynne 1987). All seals were young of the year and were caught from late June through August and in early October. Interviews with a limited number of mackerel gillnetters indicated only one harbor seal entanglement and a negligible loss of fish to seals. Net damage and fish robbing were not reported to be a major economic concern to gillnetters interviewed (Gilbert and Wynne 1987).

Herring purse seiners have reported accidentally entrapping seals off the mid-coast of Maine, but indicated that the seals were rarely drowned before the seine was emptied (Gilbert and Wynne 1985). Capture of seals by halibut tub trawls is rare. One vessel captain indicated that he took one or two seals a year. These seals were all

hooked through the skin and released alive, indicating they were snagged as they followed baited hooks. Infrequent reports suggest seals may rob bait off longlines, although this loss is considered negligible (Gilbert and Wynne 1985).

Incidental takes in lobster traps in inshore waters off Maine are reportedly rare. Captures of approximately two seal pups per port per year were recorded by mid-coastal lobstermen off Maine (Gilbert and Wynne 1985). Seals have been reported to rob bait from inshore lobster traps, especially in the spring, when fresh bait is used. These incidents may involve only a few individual animals. Lobstermen claim that seals consume shedding lobsters, but there is no data to support this.

Current: Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Northeast Multispecies Sink Gillnet:

In 1993, there were approximately 349 full and part-time vessels in the Northeast multispecies sink gillnet fishery, which covered the Gulf of Maine and southern New England (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. In 1998, there were approximately 301 vessels in this fishery (NMFS unpublished data). Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6%, and 4% for 1990 to 2001, respectively. The fishery has been observed in the Gulf of Maine and in southern New England (Williams 1999). There were 394 harbor seal mortalities observed in the Northeast multispecies sink gillnet fishery between 1990 and 2001, excluding three animals taken in the 1994 pinger experiment (NMFS unpublished data). Williams (1999) aged 261 harbor seals caught in this fishery from 1991 to 1997, and 93% were juveniles (e.g. less than four years old). Annual estimates of harbor seal bycatch in the Northeast multispecies sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Estimated annual mortalities (CV in parentheses) from this fishery during 1990-2001 were 602 in 1990 (0.68), 231 in 1991 (0.22), 373 in 1992 (0.23), 698 in 1993 (0.19), 1,330 in 1994 (0.25), 1,179 in 1995 (0.21), 911 in 1996 (0.27), 598 in 1997 (0.26), 332 in 1998 (0.33), 1446 in 1999 (0.34), 917 (0.43) in 2000, and 1471 (.38) in 2001. The 1994 and 1995 bycatches, respectively, include 14 and 179 animals from the estimated number of unknown seals (based on observed mortalities of seals that could not be identified to species). The unknown seals were prorated, based on spatial/temporal patterns of bycatch of harbor seals, gray seals, harp seals, and hooded seals. Since 1997, unidentified seals have not been prorated to a species. This is consistent with the treatment of other unidentified mammals that do not get prorated to a specific species. There were 0, 1, 5, and 8 unidentified seals observed during 1998 through 2001, respectively. Average annual estimated fishery-related mortality and serious injury to this stock attributable to this fishery during 1997-2001 was 953 harbor seals (CV=0.18). The stratification design used is the same as that for harbor porpoise (Bravington and Bisack 1996). The bycatch occurred in Massachusetts Bay, south of Cape Ann and west of Stellwagen Bank during January-March. Bycatch locations became more dispersed during April-June from Casco Bay to Cape Ann, along the 30 fathom contour out to Jeffreys Ledge, with one take location near Cultivator Shoal and one off southern New England near Block Island. Incidental takes occurred from Frenchman's Bay to Massachusetts Bay during July-September. In inshore waters, the takes were aggregated while offshore takes were more dispersed. Incidental takes were confined from Cape Elizabeth out to Jeffreys Ledge and south to Nantucket Sound during October-December.

Mid-Atlantic Coastal Gillnet

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer program in July, 1993; and from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown, because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2%, and 2% for 1995, 1996, 1997, 1998, 1999, 2000, and 2001, respectively (Table 2).

No harbor seals were taken in observed trips during 1993-1997, and 1999-2001. Two harbor seals were observed taken in 1998 (Table 2). Observed effort was concentrated off NJ and scattered between DE and NC from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality (CV in parentheses) attributed to this fishery was 0 in 1995-1997 and 1999-2001 and 11 in 1998 (0.77). Average annual estimated fishery-related mortality attributable to this fishery during 1997-2001 was 2 harbor seals (CV=0.77).

CANADA

Currently, scant data are available on bycatch in Atlantic Canada fisheries due to a lack of observer programs (Baird 2001). An unknown number of harbor seals have been taken in Newfoundland, Labrador, Gulf of St. Lawrence and Bay of Fundy groundfish gillnets, Atlantic Canada and Greenland salmon gillnets, Atlantic Canada cod

traps, and in Bay of Fundy herring weirs (Read 1994). Furthermore, some of these mortalities (e.g., seals trapped in herring weirs) are the result of direct shooting.

In 1996, observers recorded 7 harbor seals (one released alive) in Spanish deep-water trawl fishing on the southern edge of the Grand Banks (NAFO Areas 3) (Lens, 1997). Seal bycatches occurred year-round, but interactions were highest during April-June. Many of the seals that died during fishing activities were unidentified. The proportion of sets with mortality (all seals) was 2.7 per 1,000 hauls (0.003).

Table 2. Summary of the incidental mortality of harbor seals (*Phoca vitulina*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northeast ³ Multispecies Sink Gillnet	97-01	301	Obs. Data Weighout, Logbooks	.06, .05, .06, .06, .04	48, 15, 49, 26, 32	598, 332, 1446, 917, 1471	.26, .33, .34, .43, .38	953 (0.18)
mid-Atlantic Coastal Sink Gillnet	97-01	Unk ⁴	Obs. Data Weighout	.03, .05, .02, .02, .02	0, 2, 0, 0, 0	0, 11, 0, 0, 0	0, .77, 0, 0, 0	2 (.77)
TOTAL								955 (0.18)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects landings data (Weighout), and total landings are used as a measure of total effort for the sink gillnet fishery. Mandatory logbook (Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast multispecies sink gillnet fishery.

² The effort for the Northeast multispecies sink gillnet fishery is measured in trips. Observer coverage of the mid-Atlantic coastal gillnet fishery is measured in tons of fish landed.

³ In 1997, 1998, 1999, 2000, and 2001 respectively, observed mortality on “marine mammal trips” was 43, 13, 45, 26, and 27 animals. Only these mortalities were used to estimate total harbor seal bycatch. See Bisack (1997) for “trip” type definitions. From 1997 to 2001, respectively, 1, 2, 4, 3, and 5 harbor seals were observed on dedicated fish sampling trips. From 1997 to 2001, respectively, 14, 1, 5, 8, and 10 harbor seals were observed taken in nets equipped with pingers. Since 1998, takes from non-pingered nets within a marine mammal time/area closure that required pingers, and takes from pingered nets not within a marine mammal time/area closure that did not require pingers were pooled with the takes from nets with and without pingers from the same stratum. The pooled bycatch rate was weighted by the total number of samples taken from the stratum and used to estimate the mortality.

⁴ Number of vessels is not known.

Other Mortality

Harbor seals were bounty hunted in New England waters until the mid-1960's, which may have caused the demise of this stock in USA waters (Katona *et al.* 1993).

Annually, small numbers of harbor seals regularly strand throughout their migratory range. Most reported strandings, however, occur during the winter period in southern New England and mid-Atlantic regions (NMFS unpublished data). Sources of mortality include human interactions (boat strikes and fishing gear, power plant intake (12-20 per year; NMFS unpublished data), oil, shooting, storms, abandonment by the mother, and disease (Katona *et al.* 1993; Jacobs and Terhune 2000; NMFS unpublished data). Interactions with Maine salmon aquaculture operations appears to be increasing, although the magnitude of interactions and seal mortalities has not been quantified (Anon 1996). Aquaculture operations in eastern Canada are licensed to shoot nuisance seals, but issuance of personal “Fishing Licence” to hunt seals is closed for harbour seals (Baird 2001). In 1980, more than 350 seals were found dead in the Cape Cod area from an influenza outbreak (Geraci *et al.* 1981).

Reported harbor seal strandings from 1997 to 2001 were: 153 in 1997, 256 in 1998, 150 in 1999, 219 in 2000, and 246 in 2001. Strandings were reported in all states between Maine and North Carolina, and in 1997 one each was reported in Georgia and Florida. Of 1024 strandings, Maine (446), Massachusetts (258), New York (104) and New Jersey (61) accounted for most of the strandings, reflecting both long coastlines and habitat use. Eighty-six (8.4%) of the stranded animals during this five year period showed signs of human interactions: fishery (24), vessel strike (8), power plant (22), and other (32). Further, many live strandings are euthanized due to condition of the animals. Some

sick and injured seals are transported to rehabilitation facilities, and some human harassed (e.g., attempted feeding, petting, etc) seals are relocated.

Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured may wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction.

Stobo and Lucas (2000) have documented shark predation as an important source of natural mortality at Sable Island, Nova Scotia. They suggest that shark-inflicted mortality in pups, as a proportion of total production, was less than 10% in 1980-1993, approximately 25% in 1994-1995, and increased to 45% in 1996. Also, shark predation on adults was selective towards mature females. They suggest that the combined predation mortality is likely impacting the Sable Island population growth, and may be contributing to the observed population decline.

STATUS OF STOCK

The status of harbor seals, relative to OSP, in the US Atlantic EEZ is unknown, but the population is increasing. The species is not listed as threatened or endangered under the Endangered Species Act. Gilbert and Guldager (1998) estimated a 4.4% annual rate of increase of this stock in Maine coastal waters based on 1981, 1982, 1986, 1993, 1997 surveys conducted along the Maine coast. The population is increasing despite the known fishery-related and other human sources of mortality. Total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be approaching zero mortality and serious injury rate. This is not a strategic stock because fishery-related mortality and serious injury does not exceed PBR.

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GRAY SEAL (*Halichoerus grypus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The gray seal is found on both sides of the North Atlantic, with three major populations: eastern Canada, northwestern Europe and the Baltic Sea (Katona *et al.* 1993). The western North Atlantic population occurs from New England to Labrador and is centered in the Sable Island region of Nova Scotia (Mansfield 1966; Katona *et al.* 1993; Davies 1957; Lesage and Hammill 2001). This stock is separated by geography, differences in the breeding season, and mitochondrial DNA variation from the eastern Atlantic stock (Bonner 1981; Boskovic *et al.* 1996; Lesage and Hammill 2001). There are two breeding concentrations in eastern Canada; one at Sable Island, and a second that breeds on the pack ice in the Gulf of St. Lawrence (Laviguer and Hammill 1993). Tagging studies indicate that there is little intermixing between the two breeding groups (Zwanenberg and Bowen 1990) and, for management purposes, they are treated as separate populations (Mohn and Bowen 1996). However, small numbers of animals and pupping have been observed on several isolated islands along the Maine coast and in Nantucket-Vineyard Sound, Massachusetts (Katona *et al.* 1993; Rough 1995; J. R. Gilbert, pers. comm., University of Maine, Orono, ME). In the late 1990's, a year-round breeding population of approximately 400+ animals was documented on outer Cape Cod and Muskeget Island (Dennis Murley, pers. comm., Mass. Audubon Society, Wellfleet, MA). In December 2001, NMFS initiated aerial surveys to monitor gray seal pup production on Muskeget Island and at the Monomoy National Wildlife Refuge (NWR). Gilbert (pers. comm.) has also documented resident colonies and pupping in Maine since 1994.

POPULATION SIZE

Current estimates of the total western Atlantic gray seal population are not available; although four estimates of portions of the stock are available for select time periods. In 1993 an estimate of the Sable Island and Gulf of St. Lawrence stocks was 143,000 animals (Mohn and Bowen 1996). The population in waters off Maine has increased from about 30 in the early 1970's to 500-1,000 in 1993 and 1,500-1,700 in 2001 (J. R. Gilbert, pers. comm.). Recently, 29-49 pups/year have been recorded at one pupping site in Penobscot Bay, and in the winter of 2000, approximately 150 gray seals (adults and pups) were recorded at a second pupping site (J. R. Gilbert, pers. comm.). Maximum counts of individuals obtained during the spring molt at a winter breeding colony on Muskeget Island, west of Nantucket Island, did not exceed 13 in any year during the 1970s, but rose to 61 in 1984, 192 in 1988, 503 in 1992, and 1,549 in 1993. Aerial surveys in April and May of 1994 recorded a peak count of 2,010 gray seals for Muskeget Island and Monomoy combined (Rough 1995). From December 1998 to July 1999 the Northeast Fisheries Science Center conducted aerial surveys in the same region surveyed by Payne and Selzer (1989) and Rough (1995). The peak gray seal count in the region between Isle of Shoals, New Hampshire and Woods Hole, Massachusetts was 5,611 (5/21/99; Table 1). No gray seals were recorded at haulout sites between Newport, Rhode Island and Montauk Pt., New York (Barlas 1999), although, more recently small numbers of gray seals have been recorded in this region (deHart 2002; R. DiGiovanni, pers. comm., Riverhead Foundation, Riverhead, NY). The 1999 count is 2.8 times greater than the 1994 count. Ninety three percent of the gray seals were located at two sites in the eastern end of Nantucket Sound. Fifty-four percent of the seasonal count was on Muskeget Island and adjacent sand bars in Nantucket Sound, and 39% was on Monomoy Island. Recently, a small number of gray seals have maintained a winter presence in the Woods Hole region (Vineyard Sound) (deHart 2002).

Table 1. Summary of abundance estimates for the western North Atlantic gray seal. Month, year, and area covered during each abundance survey, resulting abundance estimate (N_{\min}) and coefficient of variation (CV).

Month/Year	Area	N_{\min} ¹	CV
Spring 1999	Muskeget Island and Monomoy, MA	5,611	none reported
May 2001	Maine coast	1,600	none reported
1999 + 2001	Muskeget Is, Monomoy, and Maine	7,200	none reported

¹ These counts pertain to animals seen in USA waters, and the stock relationship to animals in Canadian waters is unknown.

Minimum Population Estimate

At the November 1998 meeting of the Atlantic Scientific Review Group (ASRG), the ASRG recommended that the minimum estimate (2,010) used in previous assessments be discontinued, because it can not be determined what part of the mortality comes from the Massachusetts, Maine, and Sable Island portions of the population. Therefore, present data are insufficient to calculate the minimum population estimate for USA waters. It is estimated that there are at least 143,000 gray seals in Canada (Mohn and Bowen 1996).

Current Population Trend

Gray seal abundance is likely increasing in the USA Atlantic Exclusive Economic Zone (EEZ), but the rate of increase is unknown. The population in eastern Canada was greatly reduced by hunting and bounty programs, and in the 1950's the gray seal was considered rare (Lesage and Hammill 2001). The Sable Island population was less affected and has been increasing for several decades. Pup production on Sable Island, Nova Scotia, has been about 13% per year since 1962 (Stobo and Zwanenberg 1990; Mohn and Bowen 1996); whereas, in the Gulf of St. Lawrence it is increasing at a slower rate of 7.4% per year (Hammill *et al.* 1998). Approximately 57% of the western North Atlantic population is from the Sable Island stock. In recent years pupping has been established on Hay Island, off the Cape Breton coast (Lesage and Hammill 2001).

Winter breeding colonies in Maine and on Muskeget Island may provide some measure of gray seal population trends and expansion in distribution. Sightings in New England increased during the 1980s as the gray seal population and range expanded in eastern Canada. Five pups were born at Muskeget in 1988. The number of pups increased to 12 in 1992, 30 in 1993, and 59 in 1994 (Rough 1995). Gray seal pups were recorded on three flight days during the 1998/1999 winter surveys (26 January, 9 February, and 10 March). On 9 February, 77 gray seal pups (59 on Muskeget Island and 18 on South Monomoy) were recorded (Barlas 1999). The 1999 NMFS flights only surveyed the Muskeget shoreline and are believed to be negatively biased, since recent anecdotal information suggests that peak pupping occurs by mid-January. In January 2002, between 467-1,023 pups were counted on Muskeget Island and surrounding shoals (S. Wood, pers. comm., University of Massachusetts, Boston, MA). These observations continue the increasing trend in pup production reported by Rough (1995). NMFS recently initiated a collaborative program with the University of Massachusetts, Boston and University of Maine, Orono to monitor gray seal population trends and pup production in New England waters. The change in gray seal counts at Muskeget and Monomoy from 2,010 in 1994 to 5,611 in 1999 represents an annual increase rate of 20.5%, however, it can not be determined what proportion of the increase represents growth or immigration.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. One study that estimated pup production on Sable Island estimated an annual or net productivity increase in pup numbers of 13% (Mohn and Bowen 1996).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.12. This value is based on theoretical modeling showing that pinniped populations may not grow at rates much greater than 12% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.12, the default value for pinnipeds. The recovery factor (F_R) for this stock is 1.0, the value for stocks of unknown status, but is known to be increasing. PBR for the western North Atlantic gray seals in USA waters is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

For the period 1997-2001, the total estimated human caused mortality and serious injury to gray seals is estimated to be 309 per year. The average is derived from three components: 1) 131 (CV=0.26; Table 2) from the 1997-2001 USA observed fishery; 2) 4.6 from average 1997-2001 stranding mortalities in USA waters resulting from power plant entrainments, oil spill, shooting, and other sources, and 3) 173 from average 1997-2001 kill in the Canadian hunt (Anon. 2001).

Fishery Information

USA

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Northeast Multispecies Sink Gillnet

In 1993, there were approximately 349 full and part-time vessels in the Northeast multispecies sink gillnet fishery, which covered the Gulf of Maine and southern New England (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. In 1998, there were approximately 301 vessels in this fishery (NMFS unpublished data). Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 6%, and 4% for 1990- 2001, respectively. The fishery has been observed in the Gulf of Maine and in southern New England. There were 47 gray seal mortalities observed in the

Northeast multispecies sink gillnet fishery between 1993 and 2001. Twenty-one of the observed mortalities occurred in winter (January - May), 9 in the southern Gulf of Maine, 2 in the "mid-coast closed area", and 2 in the South Cape closure. Only 1 mortality was observed in northern Maine waters, which occurred in autumn (September-December) 1995. One of the 1993 observed mortalities was in May and was from SE of Block Island. Both observed mortalities in 2001 were during the summer (June-Aug).

Annual estimates of gray seal bycatch in the Northeast multispecies sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Estimated annual mortalities (CV in parentheses) from this fishery was 0 in 1990-1992, 18 in 1993 (1.00), 19 in 1994 (0.95), 117 in 1995 (0.42), 49 in 1996 (0.49), 131 in 1997 (0.50), 61 in 1998 (0.98), 155 in 1999 (0.51), 193 in 2000 (.55), and 117 in 2001 (.59). The 1995 bycatch includes 28 animals from the estimated number of unknown seals (based on observed mortalities of seals that could not be identified to species). The unknown seals were prorated, based on spatial/temporal patterns of bycatch of harbor seals, gray seals, harp seals, and hooded seals. Since 1997, unidentified seals have not been prorated to a species. This is consistent with the treatment of other unidentified mammals that do not get prorated to a specific species. There were 0, 1, 5, and 8 unidentified seals observed during 1998 through 2001, respectively. Average annual estimated fishery-related mortality and serious injury to this stock attributable to this fishery during 1997-2001 was 131 gray seals (CV=0.26). The stratification design used is the same as that for harbor porpoise (Bravington and Bisack 1996).

Mid-Atlantic Coastal Gillnet

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer program in July 1993; and from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown, because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2%, and 2% for 1995, 1996, 1997, 1998, 1999, and 2000, and 2001, respectively (Table 2).

No gray seals were taken in observed trips during 1995-2000. One gray seal was observed taken during a "fish trip" (not "marine mammal trip") in 2001 (Table 2). The gray seal was taken at 44 fathom depth during the month of April off the coast of New Jersey near Hudson Canyon. Observed effort was scattered between Delaware and North Carolina from 1 to 50 miles off the beach. The annual (2001) and mean mortality was not estimated.

CANADA

An unknown number of gray seals have been taken in Newfoundland and Labrador, Gulf of St. Lawrence, and Bay of Fundy groundfish gillnets, Atlantic Canada and Greenland salmon gillnets, Atlantic Canada cod traps, and in Bay of Fundy herring weirs (Read 1994). In addition to incidental catches, some mortalities (e.g., seals trapped in herring weirs) were the result of direct shooting, and there were culls of about 1,700 animals annually during the 1970's and early 1980's on Sable Island (Anon. 1986).

There were 3,121 cod traps operating in Newfoundland and Labrador during 1979, and about 7,500 in 1980 (Read 1994). This fishery was closed at the end of 1993 due to collapse of Canadian groundfish resources.

Herring weirs are also distributed throughout the Bay of Fundy; and, it has been reported that 180 weirs were operating in the Bay of Fundy in 1990 (Read 1994).

In 1996, observers recorded 3 gray seals (1 released alive) in Spanish deep-water trawl fishing on the southern edge of the Grand Banks (NAFO Areas 3) (Lens, 1997). Seal bycatches occurred year-round, but interactions were highest during April-June. Many of the seals that died during fishing activities were unidentified. The proportion of sets with mortality (all seals) was 2.7 per 1,000 hauls (0.003).

Table 2. Summary of the incidental mortality of gray seal (*Halichoerus grypus*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northeast Multispecies Sink Gillnet ³	97-01	301	Obs. Data Weighout, Logbooks	.06, .05, .06, .06, .04	16, 4, 5, 5, 2	131, 61, 155, 193, 117	.50, .98, .51, .55, .59	131 (.26)
Mid-Atlantic Coastal Gillnet ⁴	97-01	Unk ⁵	Obs. Data Weighout	.03, .05, .02, .02, .02	0, 0, 0, 0, 1	0, 0, 0, 0, 0	0, 0, 0, 0, 0	0 (0.00)
TOTAL								131(.26)

Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects landings data (Weighout), and total landings are used as a measure of total effort for the sink gillnet fishery. Mandatory logbook (Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast multispecies sink gillnet fishery.

² The observer coverage for the Northeast multispecies sink gillnet fishery is measured in trips. Observer coverage of the mid-Atlantic coastal gillnet fisheries are measured in tons of fish landed.

³ In 1998, 2000, and 2001 respectively, observed mortality on “marine mammal trips” was 3, 3, and 2 animals. In 1997 and 1999 all observed takes were on marine mammal trips. In 1998, 2000, and 2001 there was 1, 2, and 1 mortalities recorded on “fish trips”. Only mortalities observed on “marine mammal trips” are used to estimate bycatch. See Bisack (1997) for “trip” type definitions. Since 1998, takes from pingered and non-pingered nets within a marine mammal time/area closure that required pingers, and takes from pingered and non-pingered nets not within a marine mammal time/area closure were pooled respectively. The pooled bycatch rate was weighted by the total number of samples taken from the stratum and used to estimate the mortality. In 1998, 1 take was observed in a net without a pinger that was within a marine mammal closure that required pingers. In 1997, 1999 and 2000, respectively, 12, 2 and 2 takes were observed in nets with pingers. In 2001 no gray seals were observed taken in nets equipped with pingers.

⁴ The one observed take in the mid-Atlantic gillnet fisheries (2001) was on a “fish trip”, therefore no mortality estimate was extrapolated. See Bisack (1997) for “trip” type definitions.

⁵ Number of vessels is not known.

Other Mortality

Gray seals, like harbor seals, were hunted for bounty in New England waters until the late 1960's. This hunt may have severely depleted this stock in USA waters (Rough 1995). In addition, the Cape Cod stranding network has documented several animals with netting or plastic debris around their necks in the Cape Cod/Nantucket area. An unknown level of mortality also occurs in the mariculture industry (*i.e.*, salmon farming) and by deliberate shooting (NMFS unpublished data).

In Canada, gray seals were hunted for several centuries by indigenous people and European settlers in the Gulf of St. Lawrence and along the Nova Scotia eastern shore, and were locally extirpated (Lavigne and Hammill 1993). By the mid-1900s gray seals were considered to be rare, and in the mid-1960s the population in eastern Canada was estimated to be 5,600 (Mansfield 1966). Since the mid-1960s the population has been increasing. During a bounty program (1976-1983) and a culling program (1967-1983), the average annual removals were 720 and 1,000 seals, respectively (Anon 2001). Between 1993-2000, the annual kill of gray seals by hunters was: 1993 (0), 1994 (40), 1995 (364), 1996 (132), 1997 (72), 1998 (275), 1999 (98), and 2000 (342) (Anon 2001). The traditional hunt of a few hundred animals is expected to continue in 2001 (Anon 2001) off the Magdalen Islands and in other areas, except Sable Island, where commercial hunting is not permitted.

Canada also issues personal hunting licenses, which allows the holder to take 6 grey seals annually (Lesage and Hammill 2001). Hunting is not permitted during the breeding season and some additional seasonal/spatial restrictions are in effect (Lesage and Hammill 2001).

From 1997 to 2001, 197 gray seal strandings were recorded, extending from Maine (25) to North Carolina (1). Most of the strandings were in Massachusetts (72), New York (55), and Maine (25). Twenty-three animals showed signs of human interactions: fishery (8), power plant (3), oil spill (6), shot (1), mutilated (1), boat strike (1) and other (3). Further, some live strandings are euthanized due to the animal's condition, and some sick and injured seals are transported to rehabilitation facilities. Stranding data probably underestimate the extent of fishery-related

mortality and serious injury because not all of the marine mammals which die or are seriously injured wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction.

STATUS OF STOCK

The status of the gray seal population, relative to OSP, in US Atlantic EEZ waters is unknown, but the populations appear to be increasing in Canadian and USA waters. The species is not listed as threatened or endangered under the Endangered Species Act. Recent data indicate that this population is increasing. The total fishery-related mortality and serious injury for this stock is believed to be very low relative to the population size in Canadian waters and can be considered insignificant and approaching zero mortality and serious injury rate. The level of human-caused mortality and serious injury in the US Atlantic EEZ is unknown, but believed to be very low relative to the total stock size; therefore, this is not a strategic stock.

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HARP SEAL (*Phoca groenlandica*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The harp seal occurs throughout much of the North Atlantic and Arctic Oceans (Ronald and Healey 1981; Lavigne and Kovacs 1988); however, in recent years, numbers of sightings and strandings have been increasing off the east coast of the United States from Maine to New Jersey (Katona *et al.* 1993; Stevick and Fernald 1998; B. Rubinstein, pers. comm., New England Aquarium; McAlpine 1999; Lacoste and Stenson 2000). These extralimital appearances usually occur in January-May (Harris *et al.* 2002), when the western North Atlantic stock of harp seals is at its most southern point of migration. Concomitantly, a southward shift in winter distribution off Newfoundland was observed during the mid-1990s, which was attributed to abnormal environmental conditions (Lacoste and Stenson 2000). The world's harp seal population is divided into three separate stocks, each identified with a specific breeding site (Bonner 1990; Lavigne and Kovacs 1988). The largest stock is located in the western North Atlantic off eastern Canada and is divided into two breeding herds which breed on the pack ice. The Front herd breeds off the coast of Newfoundland and Labrador, and the Gulf herd breeds near the Magdalen Islands in the middle of the Gulf of St. Lawrence (Sergeant 1965; Lavigne and Kovacs 1988). The second stock breeds in the White Sea off the coast of the Soviet Union, and the third stock breeds on the West Ice off eastern Greenland (Lavigne and Kovacs 1988; Anon 1998). Harp seals are highly migratory (Sergeant 1965; Stenson and Sjare 1997). Breeding occurs at different times for each stock between mid-February and April. Adults then assemble north of their whelping patches to undergo the annual molt. The migration then continues north to Arctic summer feeding grounds. In late September, after a summer of feeding, nearly all adults and some of the immature animals migrate southward along the Labrador coast, usually reaching the entrance to the Gulf of St. Lawrence by early winter. There they split into two groups, one moving into the Gulf and the other remaining off the coast of Newfoundland.

The extreme southern limit of the harp seal's habitat extends into the USA Atlantic Exclusive Economic Zone (EEZ) during winter and spring. Support for the increase in numbers and geographic distribution of harp seals in New England to mid-Atlantic waters is based primarily on strandings, and secondarily on fishery bycatch (McAlpine and Walker 1990; Rubinstein 1994).

POPULATION SIZE

The total population size of harp seals is unknown; however, three seasonal abundance estimates are available which use a variety of methods including aerial surveys and mark-recapture (Table 1). Generally, these methods include surveying the whelping concentrations and modeling pup production. Harp seal pup production in the 1950s was estimated at 645,000 decreasing to 225,000 by 1970 (Sergeant 1975). Estimates began to increase at that time and have continued to rise, reaching 478,000 in 1979 (Bowen and Sergeant 1983; Bowen and Sergeant 1985), 577,900 in 1990 (Stenson *et al.* 1993), and 998,000 in 1999 (Stenson *et al.* 2000).

Roff and Bowen (1983) developed an estimation model to provide a more precise estimate of total abundance. This technique incorporates recent pregnancy rates and estimates of age-specific hunting mortality. Shelton *et al.* (1992) applied a harp seal estimation model to the 1990 pup production and obtained an estimate of 3.1 million (range 2.7-3.5 million; Stenson 1993). Using a revised population model, 1994 pup count data, and two assumptions regarding pup mortality rates, Shelton *et al.* (1996) estimated pup production and total population size for the period 1955-1994. The 1994 total population estimate was 4.8 million (95% CI = 4.1 - 5.5 million) harp seals (Warren *et al.* 1997). The 1999 population estimate was 5.2 million (95% CI = 4.0 - 6.4 million) harp seals (Healey and Stenson 2000) (Table 1).

Table 1. Summary of abundance estimates (pups and total) for western North Atlantic harp seals. Year and area covered during each abundance survey, resulting abundance estimate (N_{\min}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
1999	Eastern Atlantic Canada - Labrador	998,000 pups	±200,000 (95% CI)
1999	Eastern Atlantic Canada - Labrador	5.2 million	±1,200,000 (95% CI)

Minimum population estimate

Present data are insufficient to calculate the minimum population estimate for USA waters. It is estimated there are at least 5.2 million (±1.2 million) harp seals in Canada (Healey and Stenson 2000).

Current population trend

The population appears to be increasing in USA waters, judging from the increased number of stranded harp seals, but the magnitude of the suspected increase is unknown. In Canada, since 1996 the population has been stable (5.2 million; ± 1.2 million) due to large harvests of young animals in recent years (Healey and Stenson 2000).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. The best data are based on Canadian studies. Recent studies indicate that pup production has increased, but the rate of population increase cannot be quantified at this time (Stenson *et al.* 1996). The mean age of sexual maturity was 5.8 yrs in the mid-1950's, declining to 4.6 yrs in the early 1980's and then increasing to 5.6 yrs in the mid-1990s (Sjare *et al.* 1996; Sjare and Stenson 2000b).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.12. This value is based on theoretical modeling showing that pinniped populations may not grow at rates much greater than 12% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size in USA waters is unknown. The maximum productivity rate is 0.12, the default value for pinnipeds. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) was set at 1.0 because it was believed that harp seals are within OSP. PBR for the western North Atlantic harp seal in USA waters is unknown. Applying the formula to the minimum population estimate for Canadian waters results in a "PBR" of 312,000 harp seals. However, Johnston *et al.* (2000) suggests that catch statistics from the Canadian hunt are negatively biased due to under reporting; therefore, an F_R of 0.5 may be appropriate. Using the lower F_R results in a "PBR" of 156,000 harp seals.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

For the period 1997-2001, the total estimated human caused mortality and serious injury to harp seals was 287,949. This is derived from four components: 1) 268,337 from 1997 to 2001 (1997=333,873; 1998=365,115; 1999=324,606; 2000=91,602 and 2001= 226,493) average catches of Northwest Atlantic harp seals by Canada and Greenland; 2) 16,000 - 23,000 (annually) from average bycatches in the Newfoundland lumpfish fishery; 3) 109 harp seals CV=0.31 from the observed USA fisheries (Table 2), and 4) 3 from average 1997 to 2001 stranding mortalities showing signs of human interaction.

Fishery Information

USA

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Recent bycatch has been observed by NMFS Sea Samplers in the Northeast multispecies sink gillnet fisheries, but no mortalities have been documented in the mid-Atlantic coastal gillnet, Atlantic drift gillnet, pelagic pair trawl or pelagic longline fisheries.

Northeast Multispecies Sink Gillnet:

In 1993, there were approximately 349 full and part-time vessels in the Northeast multispecies sink gillnet fishery which covered the Gulf of Maine and southern New England (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. In 1998, there were approximately 310 vessels in this fishery (NMFS unpublished data). Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6%, and 4% for 1990 to 2001, respectively. The fishery has been observed in the Gulf of Maine and in Southern New England. There were 122 harp seal mortalities observed in the Northeast multispecies sink gillnet fishery between 1990 and 2001. Annual estimates of harp seal bycatch in the Northeast multispecies sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Estimated annual mortalities (CV in parentheses) from this fishery during 1990-2001 were 0 during 1990-1993, 861 in 1994 (0.58), 694 in 1995 (0.27), 89 in 1996 (0.55), 269 in 1997 (0.50), 78 in 1998 (0.48), 81 in 1999 (0.78), 24 in 2000 (1.57) and 26 in 2001 (1.04). The 1994 and 1995 bycatches include 16 and 153 animals, respectively, from the estimated number of unknown seals (based on observed mortalities of seals that could not be identified to species). The unknown seals were prorated, based on spatial/temporal patterns of bycatch of harbor seals, gray seals, harp seals, and hooded seals. Since 1997, unidentified seals have not been prorated to a species. This is consistent with the treatment of other unidentified mammals that do not get prorated to a specific species.

There were 0, 1, 5, and 8 unidentified seals observed during 1998 through 2001, respectively. Average annual estimated fishery-related mortality and serious injury to this stock attributable to this fishery during 1997-2001 was 96 harp seals (CV=0.33). The stratification design used is the same as that for harbor porpoise (Bravington and Bisack 1996). The bycatch occurred principally in winter (January-May) and was mainly in waters between Cape Ann and New Hampshire. One observed winter mortality was in waters south of Cape Cod.

Mid-Atlantic Coastal Gillnet:

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer program in July 1993 and, from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish landed, was 5%, 4%, 3%, 5%, 2%, 2%, and 2% for 1995, 1996, 1997, 1998, 1999, 2000, and 2001, respectively (Table 2).

No harp seals were taken in observed trips during 1993-1997, and 1999-2001. One harp seal was observed taken in 1998 (Table 2). Observed effort was scattered between New York and North Carolina from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality (CV in parentheses) attributed to this fishery was 0 in 1995-1997, 17 in 1998 (1.02), and 0 in 1999-2001. Average annual estimated fishery-related mortality attributable to this fishery during 1997-2001 was 3.0 harp seals (CV=1.02).

North Atlantic Bottom Trawl

Vessels in the North Atlantic bottom trawl fishery, a Category III fishery under MMPA, were observed in order to meet fishery management needs, rather than marine mammal management needs. An average of 970 vessels (full and part time) participated annually in the fishery during 1991-1995. The fishery is active in all seasons in New England waters. No mortalities were observed between 1991-2000 and one mortality was observed in 2001. Observer coverage, expressed as number of trips, was < 1% from 1997 to 2001 (Table 2). The estimated annual fishery-related mortality and serious injury attributable to this fishery (CV in parentheses) was 0 between 1991- 2000, and 49 (CV=1.10) in 2001. Average annual estimated fishery-related mortality attributable to this fishery in 2001 was 10 harp seals (CV=1.10) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

CANADA

An unknown number of harp seals have been taken in Newfoundland and Labrador groundfish gillnets (Read 1994). Harp seals are being taken in Canadian lumpfish and groundfish gillnets and trawls, but estimates of total removals have not been calculated to date (Read, 1994). A recent analysis of bycatch in the Newfoundland lumpfish fishery indicates that fewer than 10,000 seals were taken annually from the start of the fishery in 1968 until 1984 (Walsh et al. 2000). Between 1984 and 1995, annual bycatches have been more variable, ranging between 3,000 and 36,000 animals. Since 1996, bycatches have varied between 16,000 and 23,000 seals annually (DFO 2000).

There were 3,121 cod traps operating in Newfoundland and Labrador during 1979, and about 7,500 in 1980 (Read 1994). This fishery was closed at the end of 1993 due to collapse of Canadian groundfish resources.

In 1996, observers recorded 4 harp seals (1 released alive) in Spanish deep-water trawl fishing on the southern edge of the Grand Banks (NAFO Areas 3) (Lens 1997). Seal bycatches occurred year-round, but interactions were highest during April-June. Many of the seals that died during fishing activities were unidentified. The proportion of sets with mortality (all seals) was 2.7 per 1,000 hauls (0.003).

Table 2. Summary of the incidental mortality of harp seal (*Phoca groenlandica*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality ³	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northeast Multispecies Sink Gillnet	97-01	301	Obs. Data Weighout, Logbooks	.06, .05, .06, .06, .04	40, 4, 4, 3, 1	269, 78, 81, 24, 26	.50, .48, .78, 1.57, 1.04	96 (.33)
Mid Atlantic Coastal Sink Gillnet	97-01	Unk ⁴	Obs. Data Weighout	.03, .05, .02, .02, .02	0, 1, 0, 0, 0	0,17, 0, 0, 0	0, 1.02, 0, 0, 0	3 (1.02)
North Atlantic Bottom Trawl	97-01	970	Obs. Data Weighout	.002, .001, .003, .003, .004	0, 0, 0, 0, 1	0, 0, 0, 0, 0, 49	0, 0, 0, 0, 1.10	10 (1.10)
TOTAL								109 (.31)

Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects landings data (Weighout) and total landings are used as a measure of total effort for the sink gillnet fishery. Mandatory logbook (Logbook) data are used to determine the spatial distribution of fishing effort in the Northeast multispecies sink gillnet fishery.

² The observer coverage for the Northeast multispecies sink gillnet fishery is measured in trips. Observer coverage for the Mid Atlantic coastal sink gillnet fishery is measured in tons of fish landed. North Atlantic bottom trawl fishery coverage is measured in trips.

³ In the New England sink gillnet fishery, 31 and 0 harp seals were taken on pingered trips during 1997 and 1998, respectively. During 1997, 1998, 1999, 2000, and 2001, there were 31, 4, 2, 2, and 1 harp seals observed on "mammal trips", respectively. See Bisack (1997) for "trip" type definitions. Between 1999 and 2001, 2, 1, and 0 harp seals, respectively, were observed on "fish trips" and 3, 2, and 1 were observed taken from pingered nets.

⁴ Number of vessels is not known.

Other Mortality

Harp seals have been commercially hunted since the mid-1800's in the Canadian Atlantic (Stenson 1993). A total allowable catch (TAC) of 200,000 harp seals was set for the large vessel hunt in 1971. The TAC varied until 1982 when it was set at 186,000 seals and remained at this level through 1995 (Stenson 1993; Anon 1998). The TAC was increased to 250,000 and 275,000, respectively, in 1996 and 1997 (Anon 1998). The 1997 TAC has remained in effect through 2001 (Anon 2001a). In 2001, the Canadian Minister of Fisheries and Oceans established a panel of eminent persons to provide advice on a long-term strategy for the management of seal populations (Anon 2001). Catches ranged from 124,000 to 231,000 from 1971 to 1982, declined to a range of 19,000 to 94,000 between 1983 and 1995, and increased dramatically to 243,000 in 1996 and 282,000 in 1998 (Stenson 1993; Anon 1998; Anon 2001). Catches declined to 92,000 in 2000 (Anon 2001b). Harp seals are also hunted in the Canadian Arctic and in Greenland (DFO 2000). There are no recent statistics for the Canadian Arctic, but during the late 1970's annual catches ranged between 1,200 and 6,500 animals. Prior to 1980, Greenland catches were fewer than 20,000 annually, but in recent years have dramatically increased to around 100,000 (DFO 2000). The commercial catches do not account for subsistence takes and animals that are killed but not landed (struck and lost) (Lavigne 1999). A recent analysis of the struck and lost rates suggests that the rate for young seals (majority of Canadian take) is less than 5%, while losses of older seals are higher (approximately 50%) (DFO 2000; Sjare and Stenson 2000a).

From 1988 to 1993 strandings each year were under 50, approaching 100 animals in 1994, and exceeding 100 animals in 1995-1996 (Rubinstein 1994; B. Rubinstein, New England Aquarium, pers. comm.). In addition, in 1996 there was a stranding in North Carolina. From 1997 to 2001, 980 strandings were recorded, of which 50% (495) were in 2001. Fifty-two percent (n=258) of the 2001 strandings were carcasses, and the remaining 48% were live strandings. Strandings were recorded from Maine (166/17%) to North Carolina (1), and the highest numbers were in Massachusetts (339/35%) and New York (277/28%). Many were live strandings and some were euthanized due to the animal's condition. Some sick and injured seals were transported to rehabilitation facilities, and some

subsequently died. Few harp seals showed signs of human interactions and, except for 4 shot animals, 8 fishery interactions, 1 mutilated animal, 1 boat strike, and 1 ingested plastic, the interactions were classified as other (e.g., no signs of human interaction). Changes in environmental conditions, collapse of fish stocks, and changes in the distribution of prey off Atlantic Canada have been suggested as causes of the southward and extralimital seasonal shift in harp seal distribution since the mid 1990's (McAlpine *et al.* 1999; Lacoste and Stenson 2000). Factors contributing to a dramatic increase in strandings in 2001 are unknown (Harris *et al.* 2002), but may indicate a possible shift in distribution or expansion southward into USA waters.

STATUS OF STOCK

The status of the harp seal stock, relative to OSP, in the US Atlantic EEZ is unknown, but the population appears not to be increasing in Canadian waters. The species is not listed as threatened or endangered under the Endangered Species Act. The total fishery-related mortality and serious injury for this stock is believed to be very low relative to the population size in Canadian waters and can be considered insignificant and approaching zero mortality and serious injury rate. The level of human-caused mortality and serious injury in the USA Atlantic EEZ is believed to be very low relative to the total stock size; therefore, this is not a strategic stock.

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HOODED SEAL (*Cystophora cristata*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The hooded seal occurs throughout much of the North Atlantic and Arctic Oceans (King 1983) preferring deeper water and occurring farther offshore than harp seals (Sergeant 1976a; Campbell 1987; Lavigne and Kovacs 1988; Stenson *et al.* 1996). Hooded seals tend to wander far out of their range and have been seen as far south as Puerto Rico (Mignucci-Giannoni and Odell 2001), with increased occurrences from Maine to Florida. These appearances usually occur between January and May in New England waters, and in summer and autumn off the Southeast USA coast and in the Caribbean (McAlpine *et al.* 1999; Harris *et al.* 2001; Mignucci-Giannoni and Odell 2001). Although it is not known which stock these seals come from, it is known that during spring, the Northwest Atlantic stock of hooded seals are at their southern most point of migration in the Gulf of St. Lawrence. The world's hooded seal population is divided into three separate stocks, each identified with a specific breeding site (Lavigne and Kovacs 1988; Stenson *et al.* 1996). One stock, which whelps off the coast of eastern Canada, is divided into two breeding herds (Front and Gulf) which breed on the pack ice. The Front herd (largest) breeds off the coast of Newfoundland and Labrador and the Gulf herd breeds in the Gulf of St. Lawrence. The second stock breeds in the Davis Strait, and the third stock occurs on the West Ice off eastern Greenland.

Hooded seals are a highly migratory species. Hooded seals remain on the Newfoundland continental shelf during winter/spring (Stenson *et al.* 1996). Breeding occurs at about the same time in March for each stock. Adults from all stocks then assemble in the Denmark Strait to molt between late June and August (King 1983; Anon 1995), and following this, the seals disperse widely. Some move south and west around the southern tip of Greenland, and then north along the west coast of Greenland. Others move to the east and north between Greenland and Svalbard during late summer and early fall (Lavigne and Kovacs 1988). Little else is known about the activities of hooded seals during the rest of the year until they assemble again in February for breeding.

POPULATION SIZE

The number of hooded seals in the western North Atlantic is unknown. Seasonal abundance estimates are available based on a variety of analytical methods based on commercial catch data, and including aerial surveys. These methods often include surveying the whelping concentrations and modeling the pup production. Several estimates of pup production at the Front are available. Hooded seal pup production between 1966 and 1977 was estimated at 25,000 - 32,000 annually (Benjaminsen and Oritsland 1975; Sergeant 1976b; Lett 1977; Winters and Bergflodt 1978; Stenson *et al.* 1996). Estimated pup production dropped to 26,000 hooded seal pups in 1978 (Winters and Bergflodt 1978). Pup production estimates began to increase after 1978, reaching 62,000 (95% CI. 43,700 - 89,400) by 1984 (Bowen *et al.* 1987). Bowen *et al.* (1987) also estimated pup production in the Davis Strait at 18,600 (95% C.I. 14,000 - 23,000). A 1985 survey at the Front (Hay *et al.* 1985) produced an estimate of 61,400 (95% C.I. 16,500 - 119,450). Hammill *et al.* (1992) estimated pup production to be 82,000 (SE=12,636) in 1990. Assuming a ratio of pups to total population of 1:5, pup production in the Gulf and Front herds would represent a total population of approximately 400,000-450,000 hooded seals (Stenson 1993). Based on the 1990 survey, Stenson *et al.* (1996) suggested that pup production may have increased at about 5% per year since 1984. However, because of exchange between the Front and the Davis Strait stocks, the possibility of a stable or slightly declining level of pup production is also likely (Stenson 1993; Stenson *et al.* 1996). In 1998 and 1999, surveys were conducted to estimate pup production in the southern Gulf of St. Lawrence, which is the smallest component of the NW Atlantic stock (Anon. 2001a). The estimate of 2,000 was similar to the previous published 1990 estimate (Hammill *et al.* 1992; Anon. 2001a). The impact of the lack of ice in the Gulf in recent years on pup production is unknown (Anon. 2001a). There are no current estimates of pup production for the Davis Strait or the Front breeding groups. The Joint ICES/NAFO Working Group on Harp and Hooded Seals recommended that new surveys be conducted to obtain a current assessment of the Northwest Atlantic stock (Anon. 2001a).

Minimum population estimate

Present data are insufficient to calculate the minimum population estimate for U.S. waters. Since there are no recent comprehensive pup production counts it is not possible to assess current population size (Anon. 2001a).

Current population trend

There are no current data to assess the status of the population in either Canadian or USA. waters.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. The most appropriate data are based on Canadian studies. The most recent comprehensive pup production survey (1990) is nearly 13 years old, which exceeds the GAMMS (Wade and Angliss 1997) criterion (e.g., >8 years) for reliable abundance data.

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.12. This value is based on theoretical modeling showing that pinniped populations may not grow at rates much greater than 12% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.12, the default value for pinnipeds. The recovery factor (F_R) for this stock is 0.5, the value for stocks with unknown population status. PBR for the western North Atlantic hooded seal in U.S. waters is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

For the period 1997 to 2001, the total estimated human caused mortality and serious injury to hooded seals was 10,393. This is derived from two components: 1) 10,377 from 1997-2001 (1997=14,558; 1998=16,476; 1999¹= 7,287; 2000²= 6,717; and 2001²= 6,847) average catches of Northwest Atlantic population of hooded seals by Canada and Greenland; and 2) 16 hooded seals (CV=1.14) from the observed USA fisheries (Table 2).

[¹ 1999 Greenland catches are provisional; ² 1998-1999 average Greenland catches]

In 1974 total allowable catch (TAC) was set at 15,000, and reduced to 12,000 in 1983 and to 2,340 in 1984 (Stenson 1993; Anon 1998). From 1991- 1992 the TAC was increased to 15,000. A TAC of 8,000 was set for 1993, and held at that level through 1997. From 1974 through 1982, the average catch was 12,800 animals, mainly pups. Since 1983 catches ranged from 33 in 1986 to 6,425 in 1991, with a mean catch of 1,001 between 1983 and 1995. In 1996 catches (25,754) were more than three times the allowable quota (Anon 1998). The high catch was attributable to good ice conditions and strong market demand. Catches in 1997 were 7,058, slightly below the TAC.

Hunting in the Gulf of St. Lawrence (below 50°N) has been prohibited since 1964. No commercial hunting of hooded seals is permitted in the Davis Strait.

Total annual estimated average fishery-related mortality or serious injury to this stock in U.S. waters during 1997-2001 was 16 hooded seals (CV = 1.14) Table 1.

Fishery Information

USA

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fishery information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Recent by-catch has been observed by NMFS Sea Samplers in the New England multispecies sink gillnet fisheries, but no mortalities have been documented in the mid-Atlantic coastal gillnet, Atlantic drift gillnet, pelagic pair trawl or pelagic longline fisheries.

In 1993, there were approximately 349 full- and part-time vessels in the New England multispecies sink gillnet fishery, which covered the Gulf of Maine and southern New England (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6%, 5%, 6%, 6% and 4% for 1990 to 2001, respectively. The fishery has been observed in the Gulf of Maine and in southern New England. There were 2 hooded seal mortalities observed in the New England multispecies sink gillnet fishery between 1990 and 2001. Annual estimates of hooded seal by-catch in the New England multispecies sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Estimated annual mortalities (CV in parentheses) from this fishery during 1990-2001 was 0 in 1990-1994, 28 in 1995 (0.96), 0 in 1996-2000 and 82 in 2001 (1.14). The 1995 by-catch includes 5 animals from the estimated number of unknown seals (based on observed mortalities of seals that could not be identified to species). The unknown seals were prorated, based on spatial/temporal patterns of by-catch of harbor seals, gray seals, harp seals, and hooded seals. Since 1997, unidentified seals have not been prorated to a species. This is consistent with the treatment of other unidentified mammals that do not get prorated to a specific species. There were 0, 1, 5 and 8 unidentified seals observed during 1998 through 2001, respectively. Average annual estimated fishery-related mortality and serious injury to this stock attributable to this fishery during 1992-2001 was 16 hooded seals (CV = 1.14). The stratification design used is the same as that for harbor porpoise (Bravington and Bisack 1996). The by-catch in 1995 occurred in winter (January-May), and the 2001 bycatch occurred in summer (July-September). All bycatch was in waters between Cape Ann and New Hampshire.

CANADA

An unknown number of hooded seals have been taken in Newfoundland and Labrador groundfish gillnets (Read 1994). Hooded seals are being taken in Canadian lumpfish and groundfish gillnets and trawls; however, estimates of total removals have not been calculated to date.

Table 1. Summary of the incidental mortality of hooded seal (*Cystophora cristata*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northeast Multispecies Sink Gillnet	97-01	1993=349 1998=301	Obs. Data Weighout, Logbooks	.06, .05, .06,.06, .04	0, 0, 0, 0, 1	0, 0, 0, 0, 82	0, 0, 0, 0, 1.14	16 (1.14)
TOTAL								16 (1.14)

¹ Observer data (Obs. Data) are used to measure by-catch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects Weighout (Weighout) landings data, and total landings are used as a measure of total effort for the sink gillnet fishery. Mandatory logbook (Logbook) data are used to determine the spatial distribution of some fishing effort in the New England multispecies sink gillnet fishery.

² The observer coverage for the New England multispecies sink gillnet fishery is measured in trips.

³ Only mortalities observed on marine mammal trips were used to estimate total harbor seal bycatch. See Bisack (1997) for "trip" type definitions. The one hooded seal mortality observed in 2001 was taken in a net equipped with pingers.

Other Mortality

In Atlantic Canada, hooded seals have been commercially hunted at the Front since the late 1800's. In 1974 total allowable catch (TAC) was set at 15,000, and reduced to 12,000 in 1983 and to 2,340 in 1984 (Stenson 1993; Anon 1998). From 1991 to 1992 the TAC was increased to 15,000. A TAC of 8,000 was set for 1993, and held at that level through 1997. From 1974 through 1982, the average catch was 12,800 animals, mainly pups. Since 1983 catches ranged from 33 in 1986 to 6,425 in 1991, with a mean catch of 1,001 between 1983 and 1995. In 1996 catches (25,754) were more than three times the allowable quota (Anon 1998). The high catch was attributable to good ice conditions and strong market demand. The TAC has remained at 10,000 since 1998 but catches have been very low (e.g., 10 seals in 2000; Anon. 2001b). Greenland catches remained below 5,000 during the period 1954-1975, but increased to 5,000 - 7,000 and 6,300 - 9,900, respectively, during the periods 1976-1992 and 1993-1998 (Anon. 2001a). A series of management regulations have been implemented since 1960. For example, hunting in the Gulf of St. Lawrence (below 50°N) has been prohibited since 1965, no commercial hunting of hooded seals is permitted in the Davis Strait, and in 2000, the taking of bluebacks was prohibited (Anon. 2001a).

In 1988-1993, strandings were fewer than 20 per year, and from 1994 to 1996 they increased to about 50 per year (Rubinstein 1994; Rubinstein, pers. comm). From 1997 to 2001, (1997=41; 1998=108; 1999=36; 2000=30, and 2001=86), 301 hooded seal strandings were reported to NOAA Fisheries Northeast Region Stranding Program. Strandings were recorded from Maine to Virginia, and highest numbers were in Maine (101/36%), Massachusetts (92/31%), New York (53/18%), and New Jersey (27/9%). Extralimital strandings have also been reported off the southeast USA, North Carolina to Florida, and in the Caribbean (McAlpine *et al.* 1999; Mignucci-Giannoni and Odell 2001; NMFS, unpubl. data). Many were live strandings and some were euthanized due to the animal's condition. Some sick and injured seals were transported to rehabilitation facilities, and some subsequently died. Few hooded seals showed signs of human interactions. The increased number of strandings since the early 1990's may indicate a possible seasonal shift in distribution or range expansion southward into U.S. waters; if so, fishery interactions may increase.

STATUS OF STOCK

The status of hooded seals relative to OSP in U.S. Atlantic EEZ is unknown, but the population appears to be increasing in Canada. They are not listed as threatened or endangered under the Endangered Species Act. The total fishery-related mortality and serious injury for this stock is believed to be very low relative to the population size in Canadian waters and can be considered insignificant and approaching zero mortality and serious injury rate. This is

not a strategic stock because the level of human-caused mortality and serious injury is believed to be very low relative to overall stock size.

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SPERM WHALE (*Physeter macrocephalus*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Sperm whales are found throughout the world's oceans in deep waters to the edge of the ice at both poles (Leatherwood and Reeves 1983; Rice 1989; Whitehead 2002). Seasonal aerial surveys confirm that sperm whales are present in the northern Gulf of Mexico in all seasons (Mullin *et al.* 1994; Hansen *et al.* 1996; Mullin and Hoggard 2000).

There has been speculation, based on year-round occurrence of strandings, opportunistic sightings, and whaling catches, that sperm whales in the Gulf of Mexico may constitute a distinct stock (Schmidly 1981). Recent research supports distinct stock status for the Gulf of Mexico. Genetic analysis of skin biopsies from 89 Gulf sperm whales indicates that of four mtDNA haplotypes found in the Gulf, two are unique to the Gulf on a global scale (D. Engelhaupt, pers. comm.; Mullin *et al.* 2003). A satellite-tagged sperm whale tracked for 137 days in 2001, remained in the Gulf of Mexico the entire time (Mate 2002). Results of photo-identification studies showed that four sperm whales identified in 1994 were sighted in 2001 at distances between resightings of 26.4 to 111.8 km (C. Cates, pers. comm.; Mullin *et al.* 2003). The Gulf of Mexico population is provisionally being considered a separate stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

Disturbance by anthropogenic noise may prove to be an important habitat issue in some areas of this population's range, notably in areas of oil and gas activities or where shipping activity is high. Limited studies are currently being conducted to address this issue and its impact, if any, on this and other marine species. The potential impact, if any, of coastal pollution may be an issue for this species in portions of its habitat, though little is known on this to date.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of sperm whales for all surveys combined was 530 (CV=0.31) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Figure 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for sperm whales in oceanic waters, pooled from 1996 to 2001, is 1,349 (CV=0.23) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. A re-analysis of the 1991-1994 data using the same spatial stratification of survey effort as Mullin and Fulling (in review) resulted in an estimate of 805 sperm whales (CV=0.27) (SEFSC unpublished).

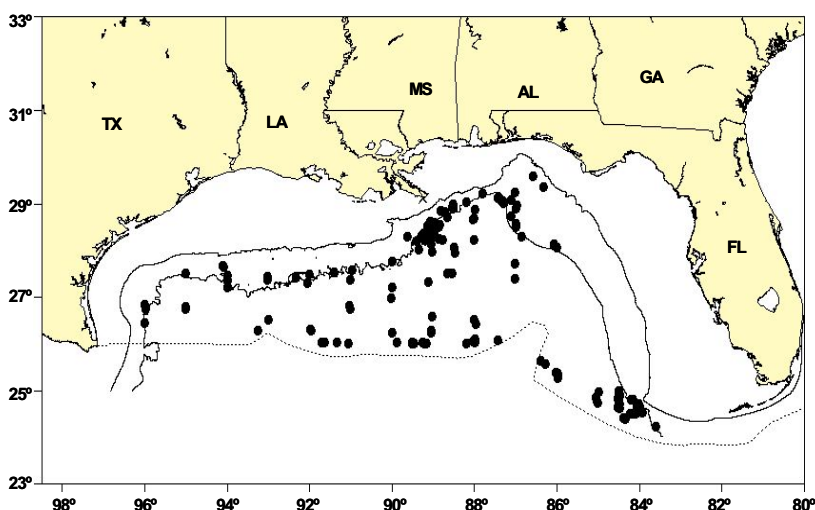


Figure 1. Distribution of sperm whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for sperm whales is 1,349 (CV=0.23). The minimum population estimate for the northern Gulf of Mexico is 1,114 sperm whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 1,114 (CV=0.23). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.1 because sperm whales are an endangered species. PBR for the northern Gulf of Mexico sperm whale is 2.2.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a sperm whale between 1997 and 2001 (Yeung 1999; Yeung 2001).

A commercial fishery for sperm whales operated in the Gulf of Mexico in deep waters between the Mississippi River delta and DeSoto Canyon during the late 1700's to the early 1900's (Mullin *et al.* 1991), but the exact number of whales taken is not known (Townsend 1935; Lowery 1974). Townsend (1935) reported many records of sperm whales from April through July in the north-central Gulf (Petersen and Hoggard 1996).

Fisheries Information

The level of past or current, direct, human-caused mortality of sperm whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to sperm whales by this fishery.

Other Mortality

A total of 17 sperm whale strandings were documented in the northern Gulf of Mexico between 1997 and 2002. One of the whales had deep, parallel cuts posterior to the dorsal ridge that were believed to be caused by the propeller of a large vessel. This trauma was assumed to be the proximate cause of this stranding. However, there have been no recent strandings with indications of human interactions. Petersen and Hoggard (1996) indicated a total of 22 sperm whale strandings were recorded in Texas, Louisiana, and Florida prior to 1992. In addition, one three-year old female live stranded in Mississippi in March 1994, and was subsequently euthanized to prevent further suffering due to its compromised body condition (Peterson and Hoggard 1996). Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of sperm whales in the northern Gulf of Mexico, relative to OSP, is unknown. This species is listed as endangered under the Endangered Species Act (ESA). There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because the sperm whale is listed as an endangered species under the ESA.

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BRYDE'S WHALE (*Balaenoptera edeni*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Bryde's whales are considered the tropical and sub-tropical baleen whale of the world's oceans. In the western Atlantic, Bryde's whales are reported from off the southeastern United States and the southern West Indies to Cabo Frio, Brazil (Leatherwood and Reeves 1983). Most of the sighting records of Bryde's whales in the Gulf of Mexico are from NMFS abundance surveys that were conducted during the spring (Figure 1; Hansen *et al.* 1995; Hansen *et al.* 1996; Mullin and Hoggard 2000; Mullin and Fulling, in review). However, there are stranding records from throughout the year (Würsig *et al.* 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation. It has been postulated that the Bryde's whales found in the Gulf of Mexico may represent a resident stock (Schmidly 1981; Leatherwood and Reeves 1983), but there is no information on stock differentiation.

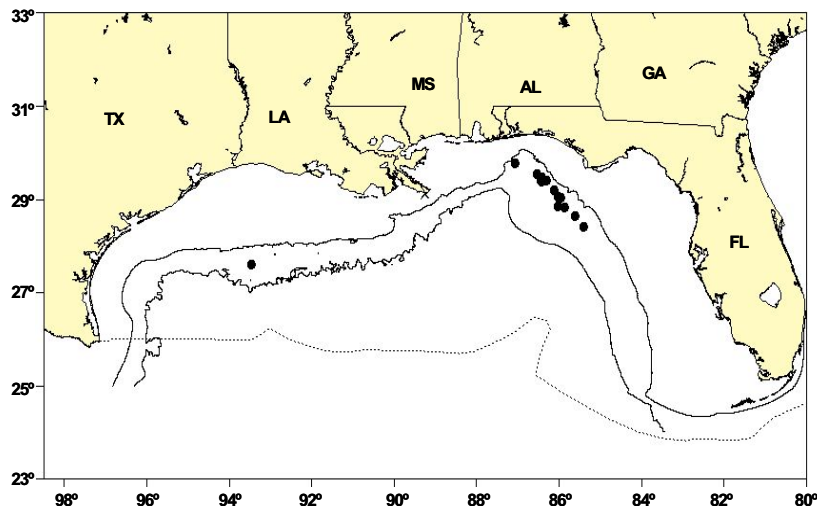


Figure 1. Distribution of Bryde's whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data.

From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995).

Survey effort-weighted estimated average abundance of Bryde's whales for all surveys combined from 1991 through 1994 was 35 (CV=1.10) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for Bryde's whales in oceanic waters, pooled from 1996 to 2001, is 40 (CV=0.61) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Bryde's whales is 40 (CV=0.61). The minimum population estimate for the northern Gulf of Mexico is 25 Bryde's whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 25. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico Bryde’s whale is 0.3.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been one reported longline fishing-related entanglement of a Bryde’s whale (Yeung 1999; Yeung 2001), but the line was removed and the animal released alive. Observed fishery-related mortality and serious injury for Bryde’s whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of Bryde’s whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Bryde’s whales by this fishery.

Other Mortality

There were no reported strandings of Bryde’s whales in the Gulf of Mexico between 1997 and 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Bryde’s whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years..

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CUVIER'S BEAKED WHALE (*Ziphius cavirostris*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Cuvier's beaked whales are distributed throughout the world's oceans except for the polar regions (Leatherwood and Reeves 1983; Heyning 1989). Strandings have occurred in all months along the east coast of the U.S. (Schmidly 1981) and throughout the year in the Gulf of Mexico (Würsig *et al.* 2000). Beaked whales were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico (Hansen *et al.* 1996; Mullin and Hoggard 2000). Some of the aerial survey sightings may have included Curvier's beaked whale, but identification of beaked whale species from aerial surveys is problematic.

Strandings of Cuvier's beaked whales along the west coast of North America, based on skull characteristics, are thought to represent members of a panmictic population (Mitchell 1968), but there is no information on stock differentiation in the Gulf of Mexico and nearby waters. In the absence of adequate information on stock structure, a species' range within an ocean should be divided into defensible management units, and such management units include distinct oceanographic regions (Wade and Angliss 1997).

Biological information upon which to base stock structure of Cuvier's beaked whales in the Atlantic Ocean and Gulf of Mexico is not adequate; therefore, Cuvier's beaked whales in the northern Gulf of Mexico are considered a separate stock for management purposes.

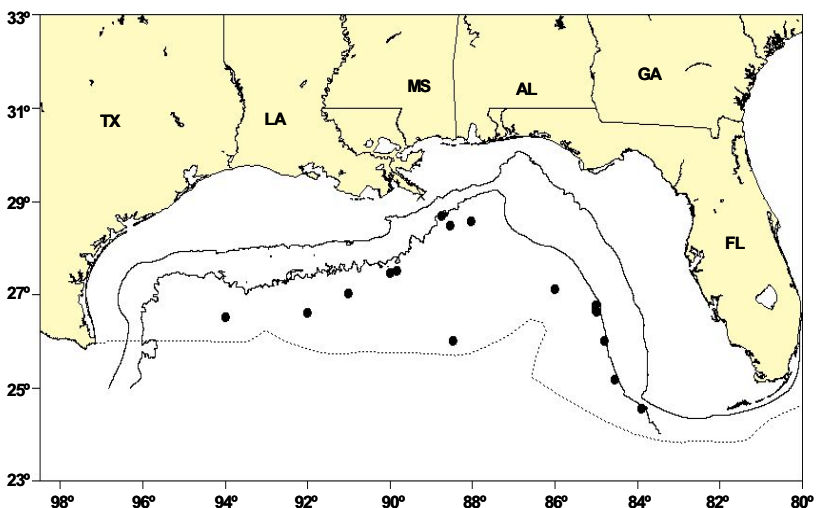


Figure 1. Distribution of Cuvier's beaked whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of Cuvier's beaked whale for all surveys combined was 30 (CV=0.50). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for Cuvier's beaked whales in oceanic waters, pooled from 1996 to 2001, is 95 (CV=0.47) (Mullin and Fulling, in review), which is the best available abundance estimate for these species in the northern Gulf of Mexico. The estimated abundance of Curvier's beaked whales is negatively biased because only sightings of beaked whales which could be positively identified to species were used.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Cuvier's beaked

whales is 95 (CV=0.47). The minimum population estimate for the northern Gulf of Mexico is 65 Cuvier's beaked whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the Cuvier's beaked whale is 65 (CV=0.47). The maximum productivity rate is 0.04, the default value for cetaceans. The recovery factor for this stock is 0.5, the default value for species of unknown status. PBR for the northern Gulf of Mexico Cuvier's beaked whale is 0.7.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a Cuvier's beaked whale (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for Cuvier's beaked whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of Cuvier's beaked whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Cuvier's beaked whales by this fishery.

Other Mortality

Cuvier's beaked whales were taken occasionally in a small, directed fishery for cetaceans that operated out of the Lesser Antilles (Caldwell and Caldwell 1971). There were no reported strandings of Cuvier's beaked whales in the Gulf of Mexico between 1997 and 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

Several unusual mass strandings of beaked whales in North Atlantic marine environments have been associated with military naval activities. During the mid- to late 1980's multiple mass strandings of Cuvier's beaked whales (4 to about 20 per event) and small numbers of Gervais' beaked whales and Blainville's beaked whales occurred in the Canary Islands (Simmonds and Lopez-Jurado (1991). Twelve Cuvier's beaked whales that live stranded and subsequently died in the Mediterranean Sea on 12-13 May 1996 were associated with low frequency acoustic sonar tests conducted by the North Atlantic Treaty Organization (Frantzis 1998). In March 2000, 14 beaked whales live stranded in the Bahamas; 6 beaked whales (5 Cuvier's and 1 Blainville's) died (Balcomb and Claridge 2001; Anon. 2001). Four Cuvier's, 2 Blainville's, and 2 unidentified beaked whales were returned to sea. The fate of the animals returned to sea is unknown. Necropsies of 6 dead beaked whales revealed evidence of tissue trauma associated with an acoustic or impulse injury that caused the animals to strand. Subsequently, the animals died due to extreme physiologic stress associated with the physical stranding (i.e., hyperthermia, high endogenous catecholamine release) (Anon. 2001).

STATUS OF STOCK

The status of Cuvier's beaked whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because of evidence of human induced mortality and serious injury associated with acoustic activities.

Disturbance by anthropogenic noise may prove to be an important habitat issue in some areas of this population's range, notably in areas of oil and gas activities or where shipping or naval activities are high. Limited studies are currently being conducted to address this issue and its impact, if any, on this and other marine species.

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BLAINVILLE'S BEAKED WHALE (*Mesoplodon densirostris*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Three species of *Mesoplodon* are known to occur in the Gulf of Mexico, based on stranding or sighting data (Hansen *et al.* 1995; Würsig *et al.* 2000). These are Blainville's beaked whale (*M. densirostris*), Gervais' beaked whale (*M. europaeus*), and Sowerby's beaked whale (*M. bidens*). Sowerby's beaked whale in the Gulf of Mexico is considered extralimital because there is only one known stranding of this species (Bonde and O'Shea 1989) and because it normally occurs in northern temperate waters of the North Atlantic (Mead 1989). Identification of *Mesoplodon* to species in the Gulf of Mexico is very difficult, and in many cases, *Mesoplodon* and Cuvier's beaked whale (*Ziphius cavirostris*) cannot be distinguished; therefore, sightings of beaked whales (Family Ziphiidae) are identified as *Mesoplodon* sp., Cuvier's beaked whale, or unidentified Ziphiidae.

Blainville's beaked whales appear to be widely but sparsely distributed in temperate and tropical waters of the world's oceans (Leatherwood *et al.* 1976;

Leatherwood and Reeves 1983). Strandings have occurred along the northwestern Atlantic coast from Florida to Nova Scotia (Schmidly 1981), and there have been four documented strandings and two sightings of this species in the northern Gulf

of Mexico (Hansen *et al.* 1995; Würsig *et al.* 2000). Beaked whales were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico from 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of undifferentiated beaked (*Mesoplodon* spp. and unidentified Ziphiidae) whales for all surveys combined was 117 (CV=0.38) (Hansen *et al.* 1995). Hansen *et al.* (1995) did not estimate the abundance of *Mesoplodon* spp. As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for *Mesoplodon* spp. in oceanic waters, pooled from 1996 to 2001, is 106 (CV=0.41) (Mullin and Fulling, in review), which is the best available abundance estimate for these species in the northern Gulf of Mexico. This estimate may contain an unknown number of Gervais' beaked whale and it is not possible estimate the number of Blainville's beaked whale alone. The estimate for the same time period for

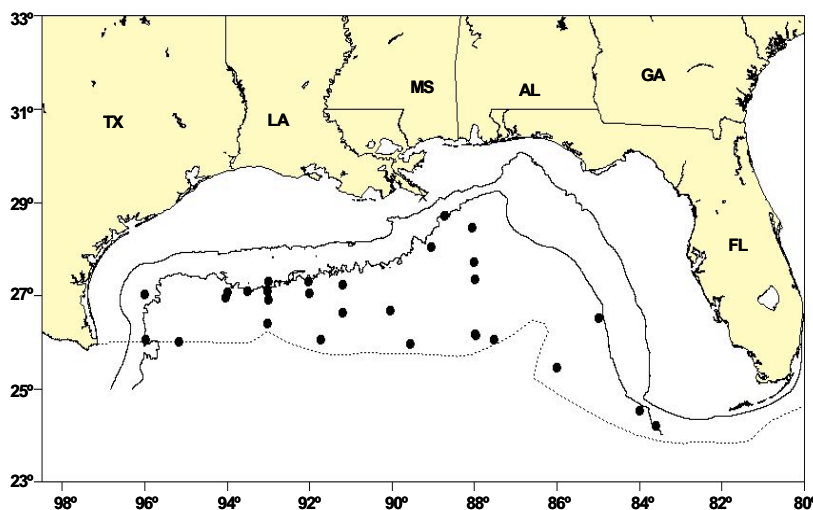


Figure 1. Distribution of beaked whale sightings (*Mesoplodon* spp.) from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

unidentified Ziphiidae is 146 (CV=0.46). This estimate may also include an unknown number of Cuvier's beaked whales.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for *Mesoplodon* spp. is 106 (CV = 0.41). The minimum population estimate for *Mesoplodon* spp. in the northern Gulf of Mexico is 76.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the undifferentiated complex of beaked whales is 70 (CV=0.42). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico *Mesoplodon* spp. is 0.8. It is not possible to determine the PBR for only Blainville's beaked whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a beaked whale (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for beaked whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of beaked whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Blainville's or other beaked whales by this fishery.

Other Mortality

There were no reported strandings of beaked whales in the Gulf of Mexico between 1997 and 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

Several unusual mass strandings of beaked whales in North Atlantic marine environments have been associated with military naval activities. During the mid- to late 1980's multiple mass strandings of Cuvier's beaked whales (4 to about 20 per event) and small numbers of Gervais' beaked whales and Blainville's beaked whales occurred in the Canary Islands (Simmonds and Lopez-Jurado 1991). Twelve Cuvier's beaked whales that live stranded and subsequently died in the Mediterranean Sea on 12-13 May 1996 were associated with low frequency acoustic sonar tests conducted by the North Atlantic Treaty Organization (Frantzis 1998). In March 2000, 14 beaked whales live stranded in the Bahamas; 6 beaked whales (5 Cuvier's and 1 Blainville's) died (Balcomb and Claridge 2001; Anon. 2001). Four Cuvier's, 2 Blainville's and 2 unidentified beaked whales were returned to sea. The fate of the animals returned to sea is unknown. Necropsies of 6 dead beaked whales revealed evidence of tissue trauma associated with an acoustic or impulse injury that caused the animals to strand. Subsequently, the animals died due to extreme physiologic stress associated with the physical stranding (i.e., hyperthermia, high endogenous catecholamine release) (Anon. 2001).

STATUS OF STOCK

The status of Blainville's beaked whales or other beaked whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be

insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because of uncertainty regarding stock size and evidence of human induced mortality and serious injury associated with acoustic activities.

Disturbance by anthropogenic noise may prove to be an important habitat issue in some areas of this population's range, notably in areas of oil and gas activities or where shipping or naval activities are high. Limited studies are currently being conducted to address this issue and its impact, if any, on this and other marine species.

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GERVAIS' BEAKED WHALE (*Mesoplodon europaeus*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Three species of *Mesoplodon* are known to occur in the Gulf of Mexico, based on stranding or sighting data (Hansen *et al.* 1995; Würsig *et al.* 2000). These are Blainville's beaked whale (*M. densirostris*), Gervais' beaked whale (*M. europaeus*), and Sowerby's beaked whale (*M. bidens*). Sowerby's beaked whale in the Gulf of Mexico is considered extralimital because there is only one known stranding of this species (Bonde and O'Shea 1989) and because it normally occurs in northern temperate waters of the North Atlantic (Mead 1989). Identification of *Mesoplodon* to species in the Gulf of Mexico is very difficult, and in many cases, *Mesoplodon* and Cuvier's beaked whale (*Ziphius cavirostris*) cannot be distinguished; therefore, sightings of beaked whales (Family Ziphiidae) are identified as *Mesoplodon* sp., Cuvier's beaked whale, or unidentified Ziphiidae.

Gervais' beaked whales appear to be widely but sparsely distributed in temperate and tropical waters of the world's oceans (Leatherwood *et al.* 1976; Leatherwood and Reeves 1983). Strandings have occurred along the northwestern Atlantic coast from Florida to Nova Scotia (Schmidly 1981), and there have been 16 documented strandings in the Gulf of Mexico (Würsig *et al.* 2000). Beaked whales were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico from 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

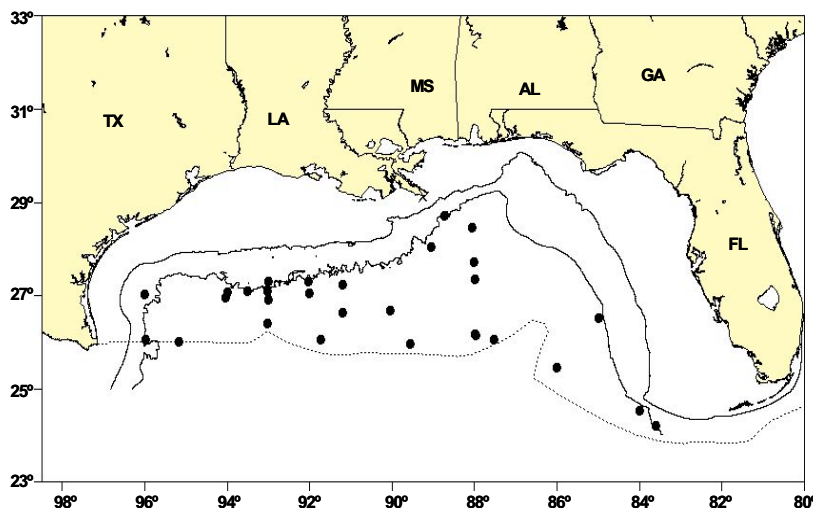


Figure 1. Distribution of beaked whale sightings (*Mesoplodon* spp.) from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of undifferentiated beaked whales (*Ziphius* and *Mesoplodon* spp.) for all surveys combined was 117 (CV=0.38) (Hansen *et al.* 1995). Hansen *et al.* (1995) did not estimate the abundance of *Mesoplodon* spp. As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for *Mesoplodon* spp. in oceanic waters, pooled from 1996 to 2001, is 106 (CV=0.41) (Mullin and Fulling, in review), which is the best available abundance estimate for these species in the northern Gulf of Mexico. This estimate may contain an unknown number of Blainville's beaked whale and it is not possible to estimate the number of Gervais' beaked whale alone. The estimate for the same time period for unidentified Ziphiidae is 146 (CV=0.46). This estimate may also include an unknown number of Cuvier's beaked whales.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for *Mesoplodon* spp. is 106 (CV = 0.41). The minimum population estimate for *Mesoplodon* spp. in the northern Gulf of Mexico is 76.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the undifferentiated complex of beaked whales is 70 (CV=0.42). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico *Mesoplodon* spp. is 0.8. It is not possible to determine the PBR for only Gervais’ beaked whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a beaked whale (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for beaked whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of beaked whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Gervais’ or other beaked whales by this fishery.

Other Mortality

There were no reported strandings of beaked whales in the Gulf of Mexico between 1997 and 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

Several unusual mass strandings of beaked whales in North Atlantic marine environments have been associated with military naval activities. During the mid- to late 1980's multiple mass strandings of Cuvier’s beaked whales (4 to about 20 per event) and small numbers of Gervais’ beaked whales and Blainville’s beaked whales occurred in the Canary Islands (Simmonds and Lopez-Jurado 1991). Twelve Cuvier’s beaked whales that live stranded and subsequently died in the Mediterranean Sea on 12-13 May 1996 were associated with low frequency acoustic sonar tests conducted by the North Atlantic Treaty Organization (Frantzis 1998). In March 2000, 14 beaked whales live stranded in the Bahamas; 6 beaked whales (5 Cuvier’s and 1 Blainville’s) died (Balcomb and Claridge 2001; Anon. 2001). Four Cuvier’s, 2 Blainville’s, and 2 unidentified beaked whales were returned to sea. The fate of the animals returned to sea is unknown. Necropsies of 6 dead beaked whales revealed evidence of tissue trauma associated with an acoustic or impulse injury that caused the animals to strand. Subsequently, the animals died due to extreme physiologic stress associated with the physical stranding (i.e., hyperthermia, high endogenous catecholamine release) (Anon. 2001).

STATUS OF STOCK

The status of Gervais’ beaked whales or other beaked whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because of uncertainty regarding stock size and evidence of human induced mortality and serious injury associated with acoustic activities.

Disturbance by anthropogenic noise may prove to be an important habitat issue in some areas of this population's range, notably in areas of oil and gas activities or where shipping or naval activities are high. Limited studies are currently being conducted to address this issue and its impact, if any, on this and other marine species.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Northern Gulf of Mexico Continental Shelf Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The Gulf of Mexico continental shelf bottlenose dolphin stock inhabits waters from 20 to 200 m deep in the northern Gulf from the U.S.-Mexican border to the Florida Keys (Figure 1). Both “coastal” and “offshore” ecotypes of bottlenose dolphins (Hersh and Duffield 1990) occur in the Gulf of Mexico (LeDuc and Curry 1998). The continental shelf stock probably consists of a mixture of both the coastal and offshore ecotypes. The offshore and nearshore ecotypes are genetically distinct using both mitochondrial and nuclear markers (Hoelzel *et al.* 1998). In the northwestern Atlantic, Torres *et al.* (2003) found a statistically significant break in the distribution of the ecotypes at 34 km from shore. The offshore ecotype was found exclusively seaward of 34 km and in waters deeper than 34 m. Within 7.5 km of shore, all animals were of the coastal ecotype. The continental shelf stock range may extend into Mexican and Cuban territorial waters; however, there are no available estimates of either abundance or mortality from those countries.

The bottlenose dolphins inhabiting waters <20 m deep in the U.S. Gulf are believed to constitute 36 inshore or coastal stocks. An oceanic stock is provisionally defined for bottlenose dolphins inhabiting waters >200 m. Both inshore and coastal stocks and the oceanic stock are separate from the continental shelf stock. However, the continental shelf stock may overlap with coastal stocks and the oceanic stock in some areas and may be genetically indistinguishable from those stocks. Limited biopsy samples have been obtained from bottlenose dolphins in the shelf region, which are awaiting analysis. However, studies have shown significant genetic differentiation between inshore stocks and coastal/continental shelf stocks (Sellas 2002).

Based on research currently being conducted on bottlenose dolphins in the Gulf of Mexico, as well as the western North Atlantic Ocean, the structure of these stocks is uncertain, but appears to be complex. The multi-disciplinary research programs conducted over last two decades (e.g., Wells 1994) have begun to shed light on the structure of some of the stocks of bottlenose dolphins, though additional analyses are needed before stock structures can be elaborated on in the Gulf of Mexico. As research is completed, it may be necessary to revise all the stocks of bottlenose dolphins in the Gulf of Mexico.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. Data were collected from 1998 to 2001 during fall plankton surveys conducted from NOAA ships *Oregon II* (1998, 1999) and *Gordon Gunter* (2000, 2001). Tracklines, which were perpendicular to the bathymetry, covered shelf waters from the 20 m to the 200 m isobaths. (Fig. 1 and Table 1; Fulling *et al.* 2003). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate for both areas.

The best abundance estimate of bottlenose dolphins, pooled from 1998 through 2001, for continental shelf vessel surveys was 25,320 (CV=0.26) (Fulling *et al.* 2003). This estimate is considered the best because these surveys have the most complete coverage of the species' habitat. The differences between the older estimate (50,247; CV = 0.18) based on aerial surveys from 1992 to 1994 (Blaylock and Hoggard 1994) and the more recent (1998-2001) vessel-based abundance estimates are being investigated. However, Blaylock and Hoggard (1994) estimated from aerial surveys that about 31% of the bottlenose dolphins in shelf waters west of Mobile Bay were in rather small

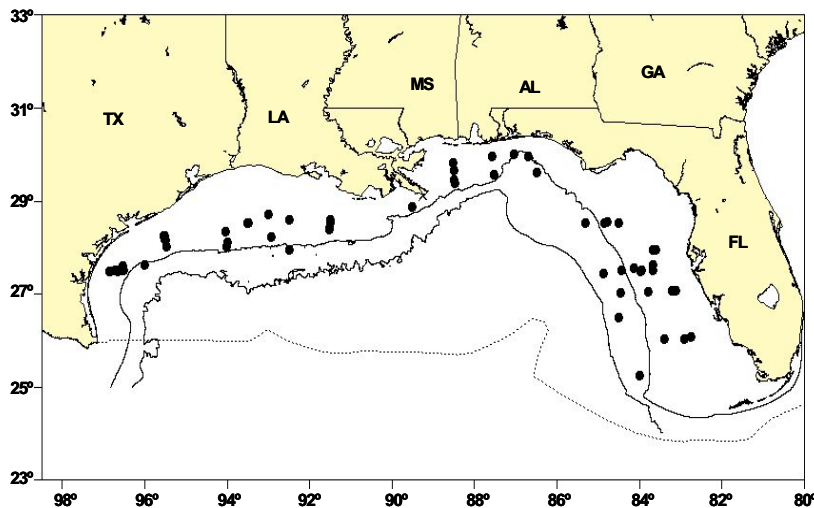


Figure 1. Distribution of bottlenose dolphin sightings from SEFSC fall vessel surveys during 1998-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line shows the offshore extent of the U.S. EEZ.

area from the Mississippi River Delta west to about 90.5°W. Vessel survey effort in this area was small and resulted in only one sighting of bottlenose dolphins. Therefore, vessel-based estimates may have underestimated the abundance of bottlenose dolphins in the western shelf. Aerial abundances were based on survey lines that extended from 9.3 km past the 18 m (10 fm) curve to 9.3 km past 183 m (100 fm) curve so the area surveyed was somewhat different than from the study area (20-200 m) for vessel surveys. Also, Atlantic spotted dolphins are very common in shelf waters and are similar in length and shape to bottlenose dolphins. Atlantic spotted dolphins are born without spots and become progressively more spotted with age, but young animals look very similar to bottlenose dolphins. Therefore, depending on the composition of the group, from a distance Atlantic spotted are not always easily distinguished from bottlenose dolphins so it is possible that some groups were misidentified during aerial surveys, leading to bias in the relative abundance of each species.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for bottlenose dolphins is 25,320 (CV=0.26). The minimum population estimate for the northern Gulf of Mexico is 20,414 bottlenose dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a “recovery” factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 20,414 (CV=0.26). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5. PBR for the northern Gulf of Mexico bottlenose dolphin is 204.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There are no observed cases of human-caused mortality and serious injury in this stock; however, based on an observed non-lethal take in U.S. Atlantic waters in 1993 in the pelagic longline fishery, this stock may be subject to incidental take resulting in serious injury or mortality. Fishery interactions have been reported to occur between bottlenose dolphins and the longline swordfish/tuna fishery in the Gulf of Mexico (SEFSC unpublished logbook data), and annual fishery-related mortality and serious injury to bottlenose dolphins was estimated to be 2.8 per year (CV=0.74) during 1992-1993. This could include bottlenose dolphins from the oceanic stock. There has been no reported fishing-related mortality of bottlenose dolphins since 1994 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for bottlenose dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of bottlenose dolphins in the northern Gulf of Mexico is unknown; however, interactions between bottlenose dolphins and fisheries have been observed in the northern Gulf of Mexico. There have been no reports of incidental mortality or injury associated with the shrimp trawl fishery in this area. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no observed incidental takes or releases of bottlenose dolphins in the Gulf of Mexico from 1997 to 2001. A trawl fishery for butterfish was monitored by NMFS observers for a short period in the 1980's with no records of incidental take of marine mammals (Burn and Scott 1988; NMFS unpublished data), although an experimental set by NMFS resulted in the death of two bottlenose dolphins (Burn and Scott 1988). There are no other data available.

Other Mortality

The use of explosives to remove oil rigs in portions of the continental shelf in the western Gulf of Mexico has the potential to cause serious injury or mortality to marine mammals. These activities have been closely monitored by NMFS observers since 1987 (Gitschlag and Herczeg 1994). There have been no reports of either serious injury or mortality to bottlenose dolphins (NMFS unpublished data).

STATUS OF STOCK

The status of bottlenose dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Northern Gulf of Mexico Oceanic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Thirty-eight stocks have been provisionally identified for Gulf of Mexico bottlenose dolphins (Waring *et al.* 2001). Gulf of Mexico inshore habitat has been separated into 33 bay, sound and estuarine stocks. Three northern Gulf of Mexico coastal stocks include nearshore waters from the shore to the 20 m isobath. The continental shelf stock encompasses waters from 20 to 200 m deep. The Gulf of Mexico oceanic stock encompasses the waters from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ; Figure 1).

Both “coastal/nearshore” and “offshore” ecotypes of bottlenose dolphins (Hersh and Duffield 1990) occur in the Gulf of Mexico (LeDuc and Curry 1998). The offshore and nearshore ecotypes are genetically distinct using both mitochondrial and nuclear markers (Hoelzel *et al.* 1998). In the northwestern Atlantic, Torres *et al.* (2003) found a statistically significant break in the distribution of the ecotypes at 34 km from shore. The offshore ecotype was found exclusively seaward of 34 km and in waters deeper than 34 m. Within 7.5 km of shore, all animals were of the coastal ecotype. If the distribution of ecotypes found by Torres *et al.* (2003) is similar in the northern Gulf of Mexico, the oceanic stock consists of the offshore ecotype.

Based on research currently being conducted on bottlenose dolphins in the Gulf of Mexico, as well as the western North Atlantic Ocean, the structure of these stocks is uncertain, but appears to be complex. The multi-disciplinary research programs conducted over the last two decades (e.g., Wells 1994) are beginning to shed light on stock structures of bottlenose dolphins, though additional analyses are needed before stock structures can be elaborated on in the Gulf of Mexico. As research is completed, it may be necessary to revise all the stocks of bottlenose dolphins in the Gulf of Mexico.

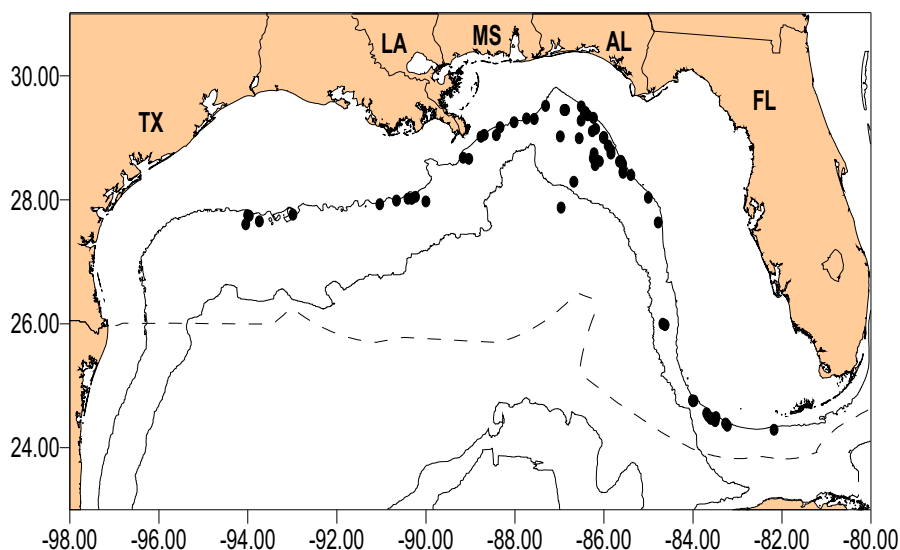


Figure 1. Distribution of bottlenose dolphin sightings from SEFSC shipboard surveys during spring 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 200 m and 2000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001)

and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. Surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Tracklines, which were perpendicular to the bathymetry, covered the waters from 200 m to the offshore extent of the U.S. EEZ. Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for bottlenose dolphins in oceanic waters, pooled from 1996 to 2001, is 2,239 (CV=0.41) (Mullin and Fulling in review), which is the best available abundance estimate for this species in the oceanic Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for bottlenose dolphins is 2,239 (CV=0.41) taken from Mullin and Fulling (in review). The minimum population estimate for the northern Gulf of Mexico oceanic stock is 1,607 bottlenose dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this stock.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum productivity rates are unknown for this stock. For purposes of this assessment, the maximum productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a recovery factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 1,607 (CV=0.41). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5. PBR for the Gulf of Mexico oceanic bottlenose dolphin is 16.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Annual human-caused mortality and serious injury is unknown for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of bottlenose dolphins in the Gulf of Mexico is unknown; however, interactions between bottlenose dolphins and fisheries have been observed in the Gulf of Mexico. There have been no reports of incidental mortality or injury associated with the shrimp trawl fishery in this area. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to bottlenose dolphins in the Gulf of Mexico from 1997 to 2002. Fishery interactions have previously been reported to occur between bottlenose dolphins and the longline swordfish/tuna fishery in the Gulf of Mexico (SEFSC unpublished logbook data), with annual fishery-related mortality and serious injury to bottlenose dolphins estimated to be 2.8 per year (CV=0.74) during 1992-1993. This could include bottlenose dolphins from the continental shelf and oceanic stocks. However, there has been no recent mortality of a bottlenose dolphin in this fishery (Yeung 1999; Yeung 2001).

A trawl fishery for butterfish was monitored by NMFS observers for a short period in the 1980's with no records of incidental take of marine mammals (Burn and Scott 1988; NMFS unpublished data), although an experimental set by NMFS resulted in the death of two bottlenose dolphins (Burn and Scott 1988). There are no other data available with regard to this fishery.

Other Mortality

The use of explosives to remove oil rigs in the portions of the continental shelf in the western Gulf of Mexico has the potential to cause serious injury or mortality to marine mammals. These activities have been closely monitored by NMFS observers since 1987 (Gitschlag and Herczeg 1994). There have been no reports of either serious injury or mortality to bottlenose dolphins in the oceanic Gulf of Mexico (NMFS unpublished data).

STATUS OF STOCK

The status of bottlenose dolphins, relative to OSP, in the U.S. Gulf of Mexico oceanic waters is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because annual fishery-related mortality and serious injury has not exceeded PBR.

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ATLANTIC SPOTTED DOLPHIN (*Stenella frontalis*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The Atlantic spotted dolphin is endemic to the Atlantic Ocean in temperate to tropical waters (Perrin *et al.* 1987, 1994). In the Gulf of Mexico, Atlantic spotted dolphins occur primarily from continental shelf waters 10-200 m deep to slope waters <500 m deep (Fulling *et al.* 2003; Mullin and Fulling, in review). This species has also been reported around oceanic islands and far offshore in other areas (Perrin *et al.* 1994). Atlantic spotted dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico from 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2003). It has been suggested that this species may move inshore seasonally during spring, but data supporting this hypothesis are limited (Caldwell and Caldwell 1966; Fritts *et al.* 1983).

In a recent study, Bero (2001) presented strong genetic support for differentiation between Gulf of Mexico and western North Atlantic management stocks using both mitochondrial and nuclear markers. However, this study did not test for further population subdivision within the Gulf of Mexico. Perrin *et al.* (1994) suggested that island and offshore form of the Atlantic spotted dolphin may be a different stock from those occurring on the continental shelf. However, the Atlantic spotted dolphin has not been sighted in the deep waters of the northern Gulf of Mexico (Mullin and Fulling, in review).

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of Atlantic spotted dolphins for all surveys combined was 3,213 (CV=0.44) (Hansen *et al.* 1995). This is probably an underestimate and should be considered a partial stock estimate because the continental shelf was not entirely covered during these surveys. As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Data were collected from 1996 to 2001 during spring and fall plankton surveys conducted from NOAA ships *Oregon II* (1996, 1997, 1999, 2000) and *Gordon Gunter* (1998, 2000, 2001). Tracklines, which were perpendicular to the bathymetry, covered shelf waters from the 20 m to the 200 m isobaths in the fall of 1998 and 1999 (Fig. 1, Table 1; Fulling *et al.*, 2003). Surveys were also conducted from April to May 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico from 200 m to the offshore extent of the U.S. EEZ. Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1 and Table 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate for both areas.

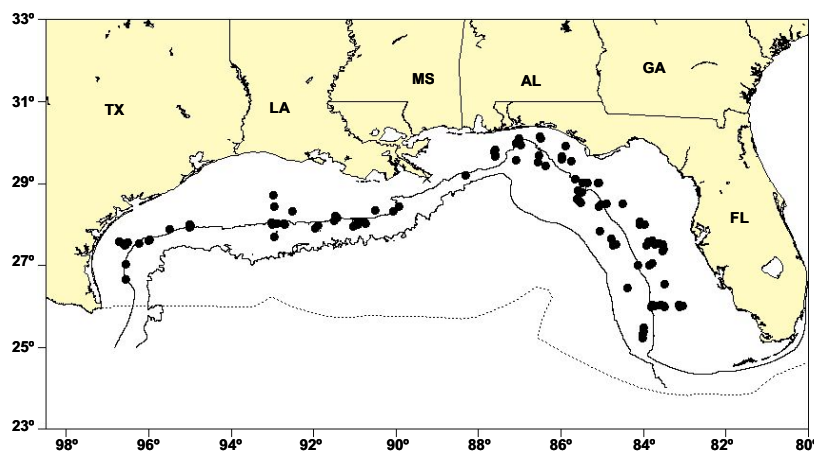


Figure 1. Distribution of Atlantic spotted dolphin sightings from SEFSC spring and fall vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line shows the offshore extent of the U.S. EEZ.

Table 1. Abundance estimates (N_{best}) and Coefficient of Variation (CV) of Atlantic spotted dolphins in the northern U.S. Gulf of Mexico outer continental shelf (OCS) (waters 20-200 m deep) during fall 1998-2001 and oceanic waters (200m to the offshore extent of the EEZ) during spring 1996-2001 (excluding 1998).

Month/Year	Area	N_{best}	CV
Fall 1998-2001	Outer Continental Shelf	30,772	0.27
Spring 1996-2001	Oceanic	175	0.84
Spring & Fall 1996-2001	OCS & Oceanic	30,947	0.27

The combined estimated abundance of Atlantic spotted dolphins, pooled from 1998 through 2001, for the outer continental shelf shipboard surveys was 30,772 (CV=0.27) (Fulling *et al.*, 2003). The estimate of abundance for Atlantic spotted dolphins in oceanic waters, pooled from 1996 through 2001, is 175 (CV=0.84) (Mullin and Fulling, in review).

The best available abundance estimate for the Atlantic spotted dolphin in the northern Gulf of Mexico is the combined estimate of abundance for both the outer continental shelf and oceanic waters from 1996 to 2001, which is 30,947 (CV=0.27). This estimate is considered the best because these surveys have the most complete coverage of the species' habitat. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates occurred because the 1991-1994 estimate was based vessel surveys that occurred in waters >100 m deep and therefore covered very little of the range of Atlantic spotted dolphins in the northern Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Atlantic spotted dolphins is 30,947 (CV=0.27). The minimum population estimate for the northern Gulf of Mexico is 24,752 Atlantic spotted dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a "recovery" factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 24,752. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico Atlantic spotted dolphin is 248.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a spotted dolphin since 1994 (Yeung 1999; Yeung 2001), when two incidental takes and releases were recorded.

Fisheries Information

The level of past or current, direct, human-caused mortality of Atlantic spotted dolphins in the northern Gulf of Mexico is unknown; however, interactions between spotted dolphins and fisheries have been observed in the northern Gulf of Mexico. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were two observed incidental takes and releases of spotted dolphins in the Gulf of Mexico during 1994, but no recent reported takes of Atlantic spotted dolphins by this fishery in the Gulf of Mexico. Either spotted dolphin species may have been involved in the observed fishery-related mortality and serious injury incidents, but because of the uncertainty in species identification by fishery observers, they cannot currently be separated. Estimated average annual fishing-related mortality and serious injury of spotted dolphins attributable to this fishery during 1991-1993 was 1.5 annually (CV=0.33).

Other Mortality

A total of 12 Atlantic spotted dolphins stranded in the Gulf of Mexico between 1997 and 2002. There were no indications of human interactions in any of these stranded animals. Some of these stranded animals may have been confused with pantropical spotted dolphins due to similarities with this species. There were two documented strandings of Atlantic spotted dolphins in the northern Gulf of Mexico during 1987-1994 which were classified as likely caused by fishery interactions. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Atlantic spotted dolphins in the northern Gulf of Mexico relative to OSP is unknown, and there are insufficient data to evaluate trends in abundance. Atlantic spotted dolphins are not listed as “threatened” or “endangered” under the Endangered Species Act (1973), nor as “depleted” under the MMPA. The northern Gulf of Mexico stock is not considered a strategic stock under the 1994 amendments to the MMPA, because the estimated rate of serious injury within the U.S. EEZ, is less than the PBR. However, there is no systematic monitoring of all fisheries that may take this species. Insufficient information is available to determine whether the total fishery mortality and serious injury for Atlantic spotted dolphins is insignificant and approaching zero mortality and serious injury rate. The potential impact, if any, of coastal pollution may be an issue for this species in portions of its habitat, though little is known on this to date.

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PANTROPICAL SPOTTED DOLPHIN (*Stenella attenuata*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The pantropical spotted dolphin is distributed worldwide in tropical and some sub-tropical oceans (Perrin *et al.* 1987; Perrin and Hohn 1994). Sightings of this species occur in oceanic waters of the northern Gulf of Mexico (Mullin and Fulling, in review).

Pantropical spotted dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

Some of the Pacific Ocean populations have been divided into different geographic stocks based on morphological characteristics (Perrin *et al.* 1987; Perrin and Hohn 1994). The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic Ocean stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

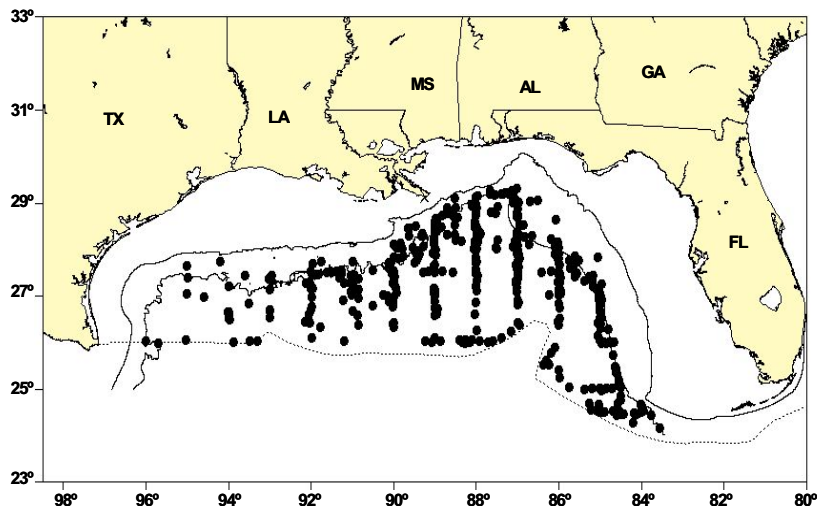


Figure 1. Distribution of pantropical spotted dolphin sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of pantropical spotted dolphins for all surveys combined was 31,320 (CV=0.20) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for pantropical spotted dolphins in oceanic waters, pooled from 1996 to 2001, is 91,321 (CV=0.16) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for pantropical spotted dolphins is 91,321 (CV=0.16). The minimum population estimate for the northern Gulf of Mexico is 79,879 pantropical spotted dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 79,879 (CV=0.16). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico pantropical spotted dolphin is 799.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There was one documented stranding of a pantropical spotted dolphin in the northern Gulf of Mexico during 1987-1994 which was classified as likely caused by fishery interactions. There has been no reported fishing-related mortality of pantropical spotted dolphins between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for pantropical spotted dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of pantropical spotted dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to pantropical spotted dolphins by this fishery during 1997-2001.

Other Mortality

Three pantropical spotted dolphins stranded in the Gulf of Mexico between 1997-2002. There was no evidence of human interactions for the stranded animals. These may have been confused with Atlantic spotted dolphin due to similarities with this species. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of pantropical spotted dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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STRIPED DOLPHIN (*Stenella coeruleoalba*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The striped dolphin is distributed worldwide in tropical to temperate oceanic waters (Leatherwood and Reeves 1983; Perrin *et al.* 1994). Sightings of these animals in the northern Gulf of Mexico occur in oceanic waters (Mullin and Fulling, in review). Striped dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of striped dolphins for all surveys combined was 4,858 (CV=0.44) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for striped dolphins in oceanic waters, pooled from 1996 to 2001, is 6,505 (CV=0.43) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for striped dolphins is 6,505 (CV=0.43). The minimum population estimate for the northern Gulf of Mexico is 4,599 striped dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

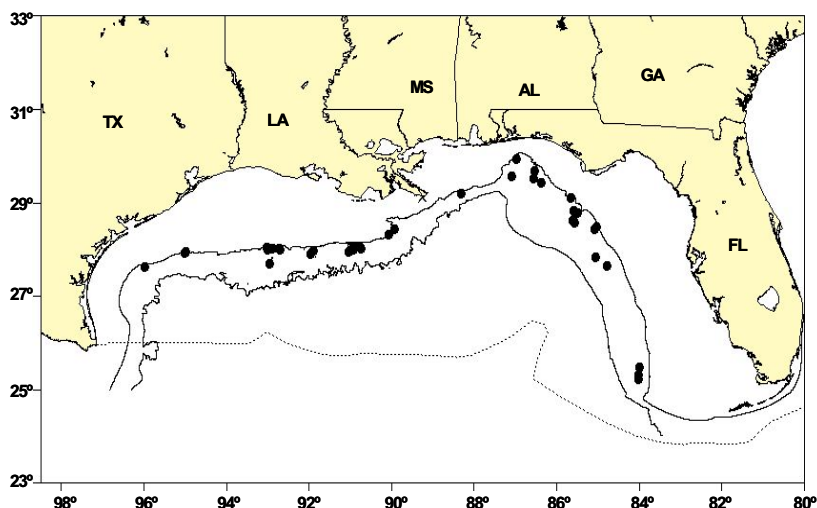


Figure 1. Distribution of striped dolphin sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 4,599 (CV=0.43). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico striped dolphin is 46.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of striped dolphins between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for striped dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of striped dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to striped dolphins by this fishery.

Other Mortality

There was one reported stranding of a striped dolphin in the Gulf of Mexico between 1997 and 2002. There was no evidence of human interaction for this stranded animal. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of striped dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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SPINNER DOLPHIN (*Stenella longirostris*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The spinner dolphin is distributed worldwide in tropical to temperate oceanic waters (Leatherwood and Reeves 1983; Perrin and Gilpatrick 1994). Sightings of these animals in the northern Gulf of Mexico occur in oceanic waters (Mullin and Fulling, in review). Spinner dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of spinner dolphins for all surveys combined was 6,316 (CV=0.43) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for spinner dolphins in oceanic waters, pooled from 1996 to 2001, is 11,971 (CV=0.71) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. This estimate is considered the best because these surveys have the most complete coverage of the species' habitat. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for spinner dolphins is 11,971 (CV=0.71). The minimum population estimate for the northern Gulf of Mexico is 6,990 spinner dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

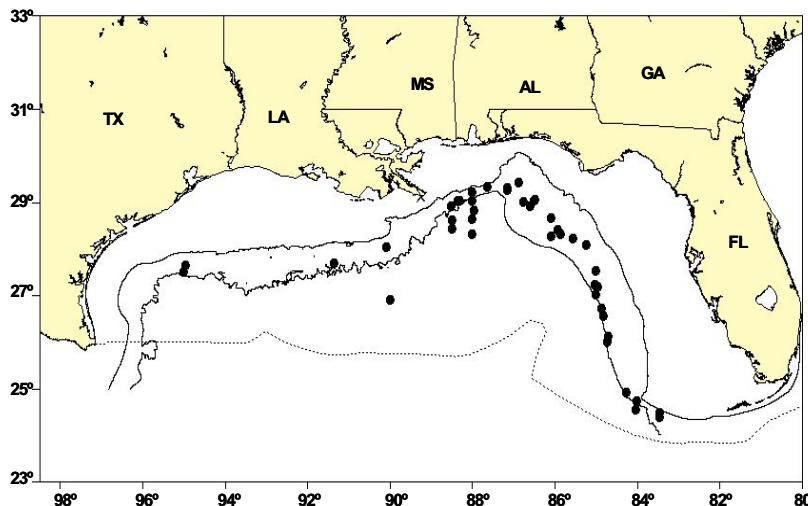


Figure 1. Distribution of spinner dolphin sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 6,990 (CV=0.71). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico spinner dolphin is 70.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of spinner dolphins between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for spinner dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of spinner dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to spinner dolphins by this fishery.

Other Mortality

There were two reported strandings of spinner dolphins in the Gulf of Mexico between 1997 and 2002. There was no evidence of human interactions for these stranded animals. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of spinner dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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ROUGH-TOOTHED DOLPHIN (*Steno bredanensis*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The rough-toothed dolphin is distributed worldwide in tropical to warm temperate waters (Leatherwood and Reeves 1983; Miyazaki and Perrin 1994). Rough-toothed dolphins occur in both oceanic and continental shelf waters in the northern Gulf of Mexico (Fulling *et al.* 2003; Mullin and Fulling, in review). Rough-toothed dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of rough-toothed dolphins for all surveys combined was 852 (CV= 0.31) (Hansen *et al.* 1995). This was probably an underestimate and should be considered a partial stock estimate because the continental shelf areas were not entirely covered by either the vessel or GulfCet aerial surveys. As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Data were collected from 1996 to 2001 during spring and fall plankton surveys conducted from NOAA ships *Oregon II* (1996, 1997, 1999, 2000) and *Gordon Gunter* (1998, 1999, 2000, 2001). Tracklines, which were perpendicular to the bathymetry, covered shelf waters from 20 to 200 m deep in the fall of 1998 and 1999 (Fig. 1 and Table 1; Fulling *et al.* 2003). Surveys were also conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico from 200 m to the offshore extent of the U.S. EEZ. Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1 and Table 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate for both areas.

Table 1. Abundance estimates (N_{best}) and Coefficient of Variation (CV) of rough-toothed dolphins in the northern U.S. Gulf of Mexico outer continental shelf (OCS) (waters 20-200 m deep) during fall 1998-2001 and oceanic waters (200 m to the offshore extent of the EEZ) during spring 1996-2001 (excluding 1998).

Month/Year	Area	N_{best}	CV
Fall 1998-2001	Outer Continental Shelf	1,238	0.65
Spring 1996-2001	Oceanic	985	0.44
Spring & Fall 1996-2001	OCS & Oceanic	2,469	0.40

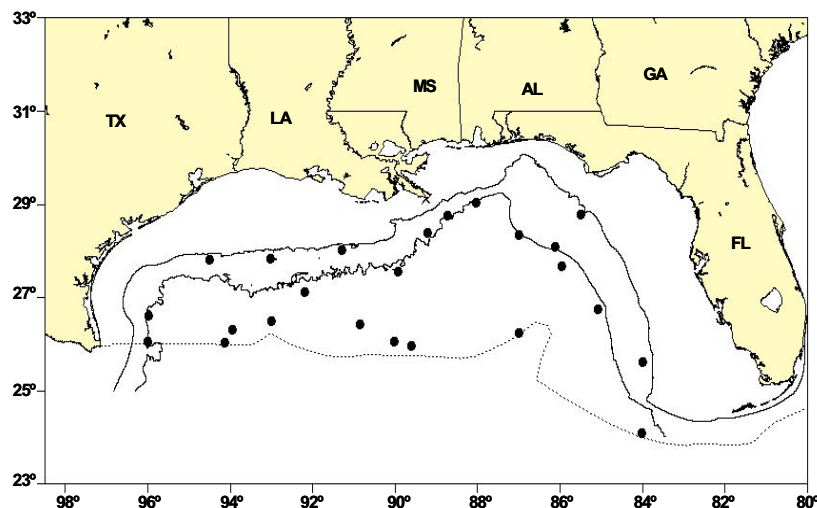


Figure 1. Distribution of rough-toothed dolphin sightings from SEFSC spring and fall vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line shows the offshore extent of the U.S. EEZ.

The combined estimated abundance of rough-toothed dolphins, pooled from 1998 through 2001, for the outer continental shelf shipboard surveys was 1,238 (CV=0.65) (Fulling *et al.* 2003). The estimate of abundance for rough-toothed dolphins in oceanic waters, pooled from 1996 through 2001, is 985 (CV=0.44) (Mullin and Fulling, in review).

The best available abundance estimate for the rough-toothed dolphin in the northern Gulf of Mexico is the combined estimate of abundance for both the outer continental shelf and oceanic waters from 1996 to 2001, which is 2,223 (CV=0.41). This estimate is considered the best because these surveys have the most complete coverage of the species' habitat. This species was observed in shelf waters, with two sightings occurring off the coast of Texas and one sighting off the southern Florida Panhandle (Fulling *et al.* 2003). Group sizes recorded for rough-toothed dolphins in shelf waters were 8, 11 and 20 individuals. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are a result of including an estimate from shelf waters.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for rough-toothed dolphins is 2,223 (CV=0.41). The minimum population estimate for the northern Gulf of Mexico is 1,595 rough-toothed dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a "recovery" factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 1,595 (CV=0.41). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5. PBR for the northern Gulf of Mexico rough-toothed dolphin is 16.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There were two documented strandings of rough-toothed dolphins in the northern Gulf of Mexico during 1987-1994 which were classified as likely caused by fishery interactions.

Fisheries Information

The level of past or current, direct, human-caused mortality of rough-toothed dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to rough-toothed dolphins by this fishery in the Gulf of Mexico (Yeung 1999; Yeung 2001).

Other Mortality

There was one reported stranding of a rough-toothed dolphin in the northern Gulf of Mexico between 1997 and 2002 which was classified as likely caused by fishery interactions or other human-related causes. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of rough-toothed dolphins in the northern Gulf of Mexico relative to OSP is unknown, and there are insufficient data to evaluate trends in abundance. Rough-toothed dolphins are not listed as "threatened" or "endangered" under the Endangered Species Act (1973), nor as "depleted" under the MMPA. The northern Gulf of Mexico stock is not considered a strategic stock under the 1994 amendments to the MMPA, because the estimated rate of serious injury within the U.S. EEZ, is less than the PBR. However, there is no systematic monitoring of all fisheries that may take this species. Insufficient information is available to determine whether the total fishery mortality and serious injury for rough-toothed dolphins is insignificant and approaching zero mortality and serious

injury rate. The potential impact, if any, of coastal pollution may be an issue for this species in portions of its habitat, though little is known on this to date.

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CLYMENE DOLPHIN (*Stenella clymene*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The Clymene dolphin is endemic to tropical and sub-tropical waters of the Atlantic (Leatherwood and Reeves 1983; Perrin and Mead 1994). Sightings of these animals in the northern Gulf of Mexico occur primarily over the deeper waters off the continental shelf (Mullin *et al.* 1994). Clymene dolphins were seen in the winter, spring and summer during GulfCet aerial surveys of the northern Gulf of Mexico during 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of Clymene dolphins for all surveys combined was 5,571 (CV=0.37) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for Clymene dolphins in oceanic waters, pooled from 1996 to 2001, is 17,355 (CV=0.65) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Clymene's dolphins is 17,355 (CV=0.65). The minimum population estimate for the northern Gulf of Mexico is 10,528 Clymene dolphins.

Current Population Trend

There are insufficient data to determine the population trend for this species.

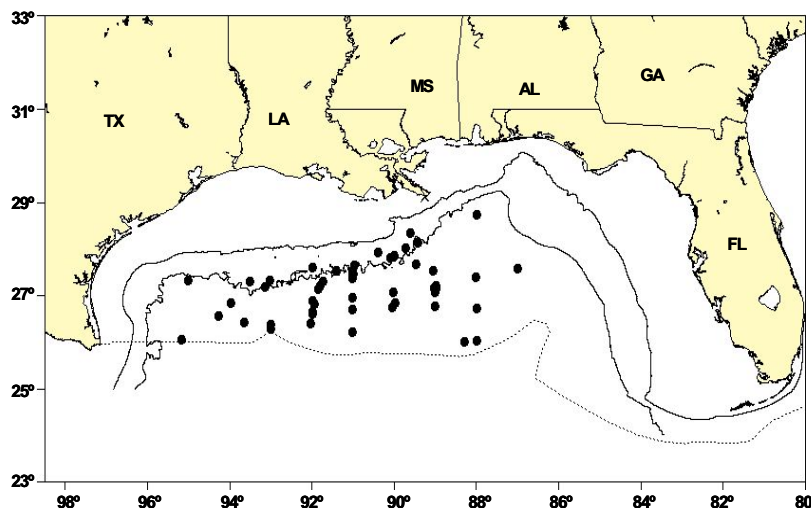


Figure 1. Distribution of Clymene dolphin sightings from SEFSC shipboard spring surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 10,528 (CV=0.65). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico Clymene dolphin is 105.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing related mortality of Clymene dolphins (Yeung 1999; Yeung, 2001). Observed fishery-related mortality and serious injury for Clymene dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of Clymene dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Clymene dolphins by this fishery.

Other Mortality

There was one reported stranding of a Clymene’s dolphin in the Gulf of Mexico between 1997 and 2002. There was no indication of human interactions. There is some uncertainty in the identification of this specimen due to similarities with other *Stenella* species. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Clymene dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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FRASER'S DOLPHIN (*Lagenodelphis hosei*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Fraser's dolphin is distributed worldwide in tropical waters (Perrin *et al.* 1994). Sightings in the northern Gulf of Mexico occur in oceanic waters (>200 m) (Figure 1). Fraser's dolphins have been observed in the northern Gulf of Mexico during all seasons (Leatherwood *et al.* 1993; Hansen *et al.* 1996; Mullin and Hoggard 2000). The Gulf of Mexico population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of Fraser's dolphins for all surveys combined was 127 (CV = 0.90) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for Fraser's dolphins in oceanic waters, pooled from 1996 to 2001, is 726 (CV=0.70) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Fraser's dolphins is 726 (CV=0.70). The minimum population estimate for the northern Gulf of Mexico is 427 Fraser's dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that

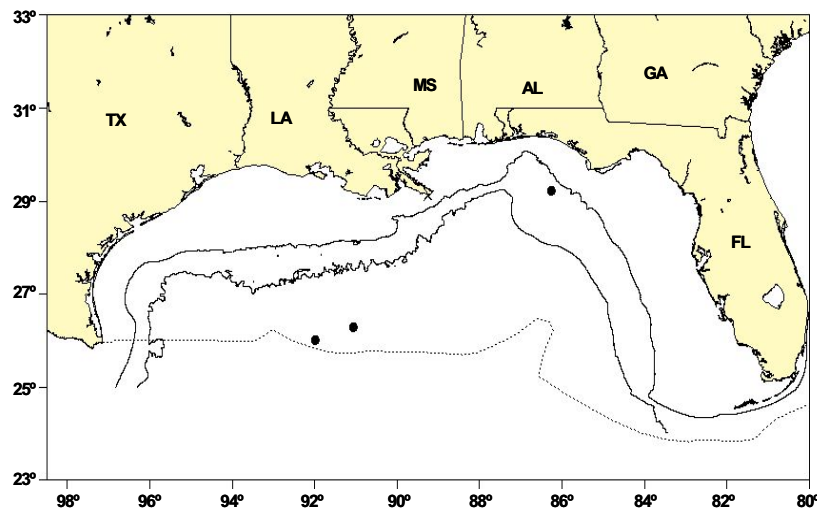


Figure 1. Distribution of Fraser's dolphin sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 427 (CV=0.70). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico Fraser's dolphin is 4.3.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a Fraser's dolphin (Yeung 1999, Yeung 2001). Observed fishery-related mortality and serious injury for Fraser's dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of Fraser's dolphins in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Fraser's dolphins by this fishery.

Other Mortality

There were no reported strandings of Fraser's dolphins in the Gulf of Mexico during 1997-2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Fraser's dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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KILLER WHALE (*Orcinus orca*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The killer whale is distributed worldwide from tropical to polar regions (Leatherwood and Reeves 1983). Sightings of these animals in the northern Gulf of Mexico during 1951-1995 occurred primarily in oceanic waters ranging from 256 to 2,652 m (averaging 1,242 m) in the north-central Gulf of Mexico (O'Sullivan and Mullin 1997). Despite extensive shelf surveys (O'Sullivan and Mullin 1997), no killer whales have been reported on the Gulf of Mexico shelf waters other than those reported in 1921, 1985 and 1987 by Katona *et al.* (1988). Killer whales were seen only in the summer during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000), were reported from May through June during vessel surveys (Mullin and Fulling, in review), and recorded in May, August, September and November by earlier opportunistic ship-based sources (O'Sullivan and Mullin 1997).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock

delineation. Different stocks were identified in the northeastern Pacific based on morphological, behavioral, and genetic characteristics (Bigg *et al.* 1990; Hoelzel 1991). There is no information on stock differentiation for the Atlantic population, although an analysis of vocalizations of killer whales from Iceland and Norway indicated that whales from these areas may represent different stocks (Moore *et al.* 1988). Thirty-two individuals have been photographically identified to date, with 6 individuals having been sighted over a 5 year period, and 1 whale resighted over 10 years. Three animals have been sighted over a range of more than 1,100 km (O'Sullivan and Mullin 1997).

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during summer in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of killer whales for all surveys combined was 277 (CV=0.42) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for killer whales in oceanic waters, pooled from 1996 to 2001, is 133 (CV=0.49) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

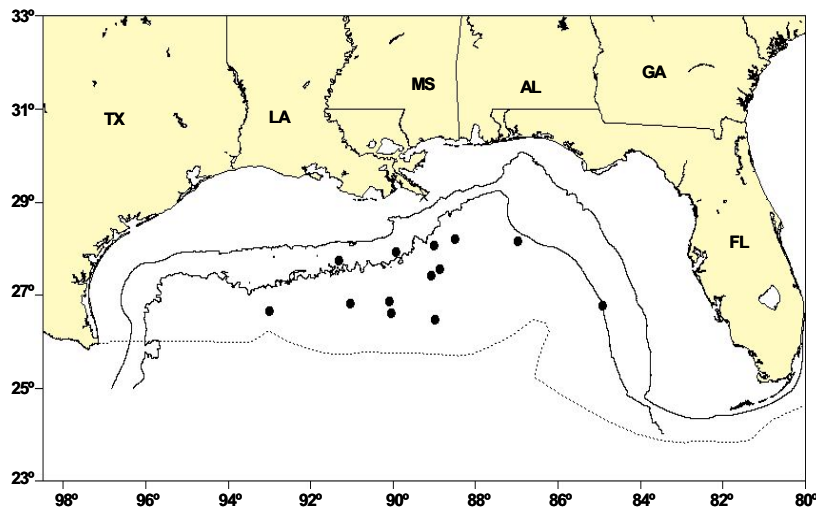


Figure 1. Distribution of killer whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for killer whales is 133 (CV=0.49). The minimum population estimate for the northern Gulf of Mexico is 90 killer whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 90 (CV=0.40). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico killer whale is 0.9.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a killer whale between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for killer whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of killer whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to killer whales by this fishery.

Other Mortality

There were no reported strandings of killer whales in the Gulf of Mexico between 1997 and 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of killer whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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FALSE KILLER WHALE (*Pseudorca crassidens*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The false killer whale is distributed worldwide throughout warm temperate and tropical oceans (Leatherwood and Reeves 1983). Sightings of this species in the northern Gulf of Mexico occur in oceanic waters (Fig. 1; Mullin and Fulling, in review). False killer whales were seen only in the spring and summer during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000) and in the spring during vessel surveys (Mullin and Fulling, in review).

The Gulf of Mexico population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of false killer whales for all surveys combined was 381 (CV=0.62) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for false killer whales in oceanic waters, pooled from 1996 to 2001, is 1,038 (CV=0.71) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for false killer whales is 1,038 (CV=0.71). The minimum population estimate for the northern Gulf of Mexico is 606 false killer whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

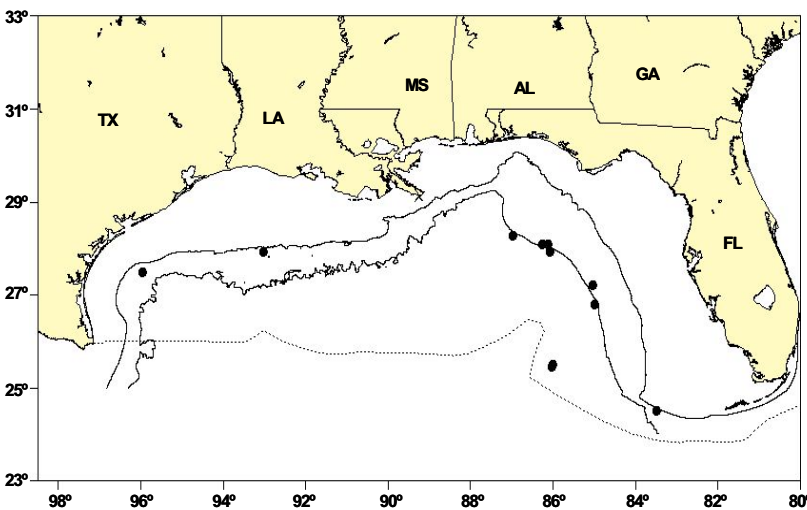


Figure 1. Distribution of false killer whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 606 (CV=0.71). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico false killer whale is 6.1.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been one reported fishing-related mortality of a false killer whale during 1997-2001, which was a stranding in 1999 classified as likely caused by fishery interactions or other human-related causes due to mutilation of limbs (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for false killer whales is 1, which is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of false killer whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to false killer whales by this fishery.

Other Mortality

There was one reported stranding of a false killer whale in the Gulf of Mexico, namely in Alabama in 1999, which was classified as likely caused by fishery interactions or other human-related causes. The fins and flukes of the animal had been amputated. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of false killer whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is not strategic stock because the 1997-2001 estimated average annual fishery-related mortality and serious injury does not exceed PBR.

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PYGMY KILLER WHALE (*Feresa attenuata*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The pygmy killer whale is distributed worldwide in tropical and subtropical waters (Ross and Leatherwood 1994). Sightings of these animals in the northern Gulf of Mexico occur in oceanic waters (Mullin and Fulling, in review). Sightings of pygmy killer whales were documented in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of pygmy killer whales for all surveys combined was 518 (CV=0.81) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for pygmy killer whales in oceanic waters, pooled from 1996 to 2001, is 408 (CV=0.60) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for pygmy killer whales is 408 (CV=0.60). The minimum population estimate for the northern Gulf of Mexico is 256 pygmy killer whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that

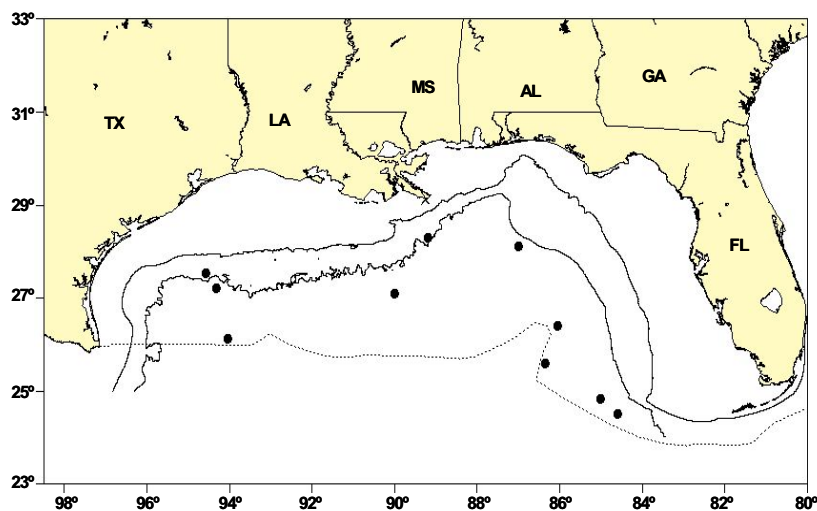


Figure 1. Distribution of pygmy killer whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 256 (CV=0.60). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico pygmy killer whale is 2.6.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a pygmy killer whale between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for pygmy killer whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of pygmy killer whales in the northern Gulf of Mexico is unknown. There has historically been some take of this species in small cetacean fisheries in the Caribbean (Caldwell and Caldwell 1971). Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to pygmy killer whales by this fishery.

Other Mortality

There were two reported strandings of pygmy killer whales in the Gulf of Mexico during 1997-2002. There was no evidence of human interactions for these stranded animals. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of pygmy killer whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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DWARF SPERM WHALE (*Kogia sima*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The dwarf sperm whale appears to be distributed worldwide in temperate to tropical waters (Caldwell and Caldwell 1989). Sightings of these animals in the northern Gulf of Mexico occur primarily in oceanic waters (Figure 1; Mullin *et al.* 1991; Mullin and Fulling, in review). Dwarf sperm whales and pygmy sperm whales (*Kogia breviceps*) are difficult to differentiate at sea, and sightings of either species are usually categorized as *Kogia* spp. Sightings of this category were documented in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico from 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The difficulty in sighting dwarf and pygmy sperm whales may be exacerbated by their avoidance reaction towards ships, and change in behavior towards approaching survey aircraft (Würsig *et al.* 1998).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation. In a study using hematological and stable-isotope data, Barros *et al.* (1998) speculated that dwarf sperm whales may have a more pelagic distribution than pygmy sperm whales and/or dive deeper during feeding bouts.

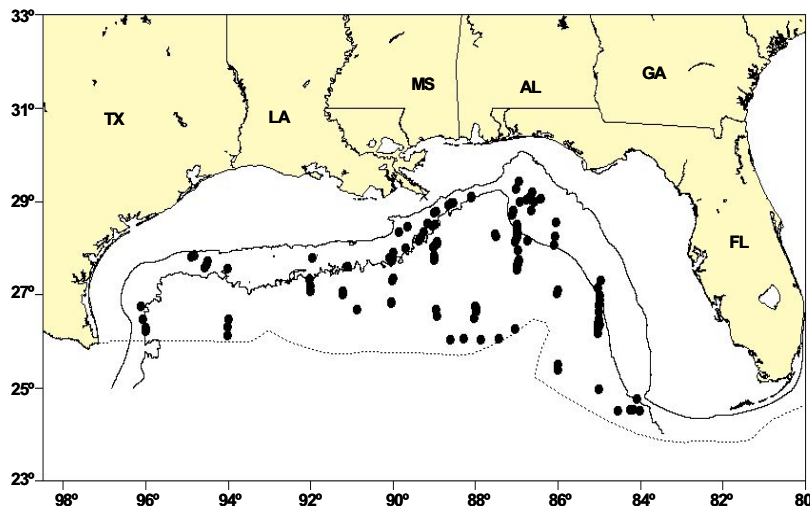


Figure 1. Distribution of dwarf and pygmy sperm whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of dwarf and pygmy sperm whales for all surveys combined was 547 (CV=0.28) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for dwarf and pygmy sperm whales in oceanic waters, pooled from 1996 to 2001, is 742 (CV=0.29) (Mullin and Fulling, in review), which is the best available abundance estimate for these species in the northern Gulf of Mexico. A separate estimate of abundance for dwarf sperm whales cannot be estimated due to uncertainty of species identification at sea.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for dwarf and pygmy sperm whales is 742 (CV=0.29). It is not possible to determine the minimum population estimate for only dwarf

sperm whales. The minimum population estimate for the northern Gulf of Mexico is 584 dwarf and pygmy sperm whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for dwarf and pygmy sperm whales is 574 (CV=0.29). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OPS), is assumed to be 0.5. PBR for the northern Gulf of Mexico dwarf and pygmy sperm whales is 5.8. It is not possible to determine the PBR for only dwarf sperm whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of dwarf or pygmy sperm whales (Yeung 1999; Yeung 2001).

Fisheries Information

The level of past or current, direct, human-caused mortality of dwarf sperm whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to dwarf sperm whales by this fishery.

Other Mortality

There were no documented strandings of dwarf sperm whales in the northern Gulf of Mexico during 1997-2002, which were classified as likely caused by fishery interactions, but there have been stranding investigation reports of dwarf sperm whales which may have died as a result of other human-related causes. A total of at least 21 dwarf sperm whale strandings were documented in the northern Gulf of Mexico from 1990 through 2002. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of dwarf sperm whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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PYGMY SPERM WHALE (*Kogia breviceps*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The pygmy sperm whale appears to be distributed worldwide in temperate to tropical waters (Caldwell and Caldwell 1989). Sightings of these animals in the northern Gulf of Mexico occur primarily in oceanic waters (Fig. 1; Mullin *et al.* 1991; Mullin and Fulling, in review). Pygmy sperm whales and dwarf sperm whales (*Kogia sima*) are difficult to differentiate at sea, and sightings of either species are often categorized as *Kogia* sp. Sightings of this category were documented in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico from 1992 to 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000). The difficulty in sighting pygmy and dwarf sperm whales may be exacerbated by their avoidance reaction towards ships, and change in behavior towards approaching survey aircraft (Würsig *et al.* 1998).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation. In a study using hematological and stable-isotope data, Barros *et al.* (1998) speculated that dwarf sperm whales may have a more pelagic distribution than pygmy sperm whales, and/or dive deeper during feeding bouts.

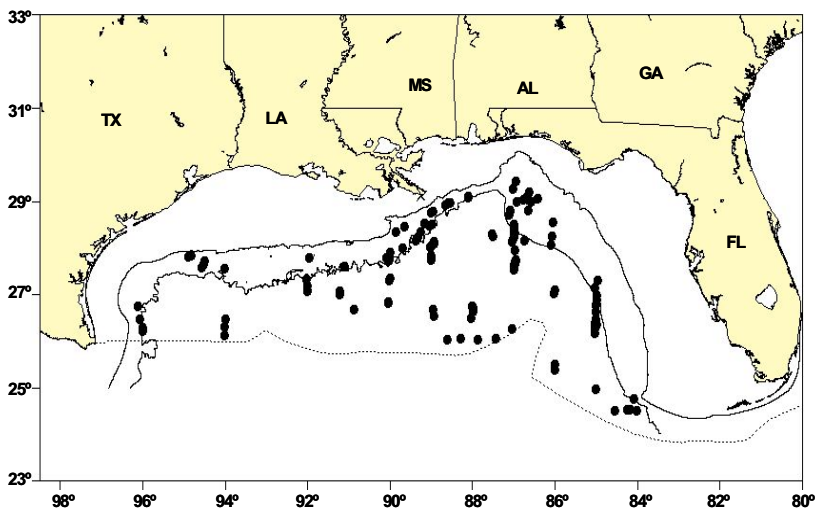


Figure 1. Distribution of pygmy and dwarf sperm whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of pygmy and dwarf sperm whales for all surveys combined was 547 (CV=0.28) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for pygmy and dwarf sperm whales in oceanic waters, pooled from 1996 to 2001, is 742 (CV=0.29) (Mullin and Fulling, in review), which is the best available abundance estimate for these species in the northern Gulf of Mexico. A separate estimate of abundance for pygmy sperm whales cannot be estimated due to uncertainty of species identification at sea.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for pygmy and dwarf sperm whales is 742 (CV=0.29). It is not possible to determine the minimum population estimate for only pygmy

sperm whales. The minimum population estimate for the northern Gulf of Mexico is 584 pygmy and dwarf sperm whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for pygmy and dwarf sperm whales is 584 (CV=0.29). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico pygmy and dwarf sperm whales is 5.8. It is not possible to determine the PBR for only pygmy sperm whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of dwarf or pygmy sperm whales (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for pygmy and dwarf sperm whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of dwarf sperm whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to dwarf sperm whales by this fishery.

Other Mortality

At least 27 pygmy sperm whale strandings were documented in the northern Gulf of Mexico from 1990 through 2002. Two of these animals had a plastic bag or pieces thereof in their stomachs (Tarpley and Marwitz 1993; Barros, unpublished data). Another animal stranded apparently due to injuries inflicted by impact, possibly with a vessel. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of dwarf sperm whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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MELON-HEADED WHALE (*Peponocephala electra*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The melon-headed whale is distributed worldwide in tropical to sub-tropical waters (Jefferson *et al.* 1994). Sightings in the northern Gulf of Mexico occur in oceanic waters (Mullin *et al.* 1994; Mullin and Fulling in review). Sightings of melon-headed whales were documented in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered one stock for management purposes. Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of melon-headed whales for all surveys combined was 3,965 (CV=0.39) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for melon-headed whales in oceanic waters, pooled from 1996 to 2001, is 3,451 (CV=0.55) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for melon-headed whales is 3,451 (CV=0.55). The minimum population estimate for the northern Gulf of Mexico is 2,238 melon-headed whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

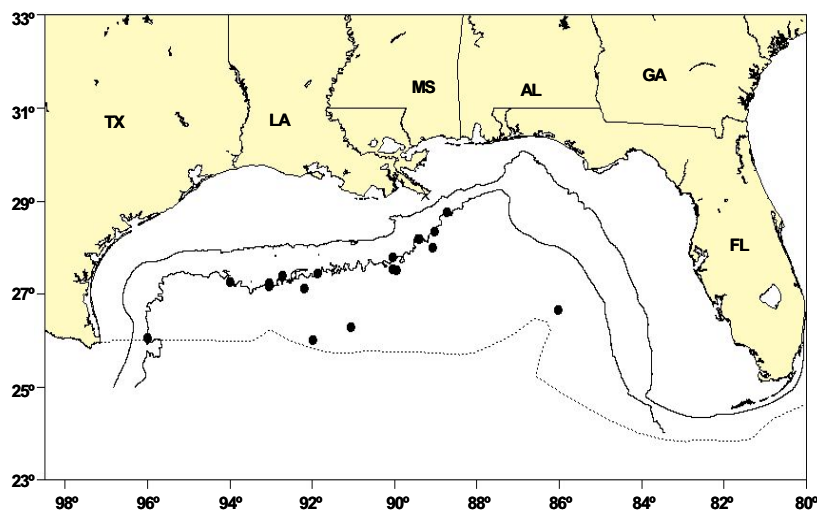


Figure 1. Distribution of melon-headed whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 2,238 (CV=0.55). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OPS), is assumed to be 0.5. PBR for the northern Gulf of Mexico melon-headed whale is 22.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a melon-headed whale between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for melon-headed whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of melon-headed whales in the northern Gulf of Mexico is unknown. There has historically been some take of this species in small cetacean fisheries in the Caribbean (Caldwell *et al.* 1976). Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to melon-headed whales by this fishery.

Other Mortality

There was one reported stranding of a melon-headed whale in the Gulf of Mexico between 1997 and 2002, though there was no evidence of human interaction for this stranded animal. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of melon-headed whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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RISSE'S DOLPHIN (*Grampus griseus*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Risso's dolphin is distributed worldwide in tropical to warm temperate waters (Leatherwood and Reeves 1983). Risso's dolphins in the northern Gulf of Mexico occur throughout oceanic waters but are concentrated in continental slope waters

(Baumgartner 1997). Risso's dolphins were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of Risso's dolphins for all surveys combined was 2,749 (CV=0.27) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for Risso's dolphins in oceanic waters, pooled from 1996 to 2001, is 2,169 (CV=0.32) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for Risso's dolphins is 2,169 (CV=0.32). The minimum population estimate for the northern Gulf of Mexico is 1,668 Risso's dolphins.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that

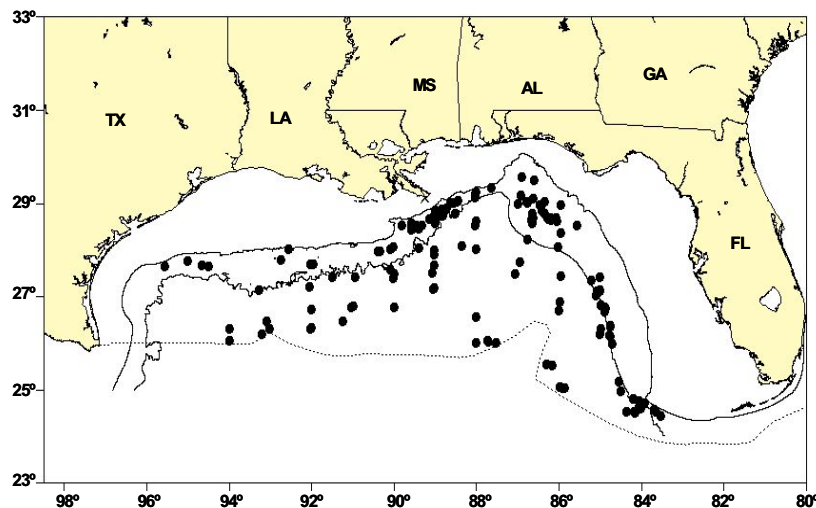


Figure 1. Distribution of Risso's dolphin sightings from SEFSC vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 1,668. The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico Risso’s dolphin is 17.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of a Risso’s dolphin between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for Risso’s dolphins is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of Risso’s dolphins in the northern Gulf of Mexico is unknown. This species has been taken in the U.S. longline swordfish/tuna fishery in the northern Gulf of Mexico and in the U.S. Atlantic (Lee *et al.* 1994). Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to Risso’s dolphins by this fishery between 1997 and 2001 (Yeung 1999; Yeung 2001). One Risso’s dolphin was observed taken and released alive during 1992; the extent of injury to the animal was unknown (SEFSC, unpublished data). One lethal take of a Risso’s dolphin by the fishery was observed in the Gulf of Mexico during 1993 (SEFSC, unpublished data). Estimated average annual fishery-related mortality and serious injury attributable to the longline swordfish/tuna fishery in the Gulf of Mexico during 1992-1993 was 19 Risso’s dolphins (CV=0.20).

Other Mortality

There were two reported strandings of Risso’s dolphin in the Gulf of Mexico between 1997 and 2002. There was no evidence of human interactions for these stranded animals. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of Risso’s dolphins in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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SHORT-FINNED PILOT WHALE (*Globicephala macrorhynchus*): Northern Gulf of Mexico Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The short-finned pilot whale is distributed worldwide in tropical to temperate waters (Leatherwood and Reeves 1983). Sightings of these animals in the northern Gulf of Mexico occur primarily on the continental slope (Mullin and Fulling, in review). Short-finned pilot whales were seen in all seasons during GulfCet aerial surveys of the northern Gulf of Mexico between 1992 and 1998 (Hansen *et al.* 1996; Mullin and Hoggard 2000).

The Gulf of Mexico population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the Atlantic Ocean stock(s). Additional morphological, genetic and/or behavioral data are needed to provide further information on stock delineation.

POPULATION SIZE

Estimates of abundance were derived through the application of distance sampling analysis (Buckland *et al.* 2001) and the computer program DISTANCE (Thomas *et al.* 1998) to sighting data. From 1991 through 1994, line-transect vessel surveys were conducted during spring in the northern Gulf of Mexico from the 200 m isobath to the seaward extent of the U.S. Exclusive Economic Zone (EEZ) (Hansen *et al.* 1995). Survey effort-weighted estimated average abundance of short-finned pilot whales for all surveys combined was 353 (CV=0.89) (Hansen *et al.* 1995). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations.

Similar surveys were conducted during April/May from 1996 to 2001 (excluding 1998) in oceanic waters of the northern Gulf of Mexico, using NOAA ships *Oregon II* (1996, 1997, 1999) and *Gordon Gunter* (2000, 2001). Estimates for all oceanic strata were summed, as survey effort was not uniformly distributed, to calculate a total estimate for the entire northern Gulf of Mexico oceanic waters (Fig. 1; Mullin and Fulling, in review). Due to limited survey effort in any given year, survey effort was pooled across all years to develop an average abundance estimate.

The estimate of abundance for short-finned pilot whales in oceanic waters, pooled from 1996 to 2001, is 2,388 (CV=0.48) (Mullin and Fulling, in review), which is the best available abundance estimate for this species in the northern Gulf of Mexico. The differences between the older (1991-1994) and the more recent (1996-2001) abundance estimates are being investigated. The analytical methods were not completely similar and may have contributed to these differences. A re-analysis of the earlier data is underway so that valid comparisons can be made to look for population trends.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distributed abundance estimate as specified by Wade and Angliss (1997). The best estimate of abundance for short-finned pilot whales is 2,388 (CV=0.48). The minimum population estimate for the northern Gulf of Mexico is 1,628 short-finned pilot whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

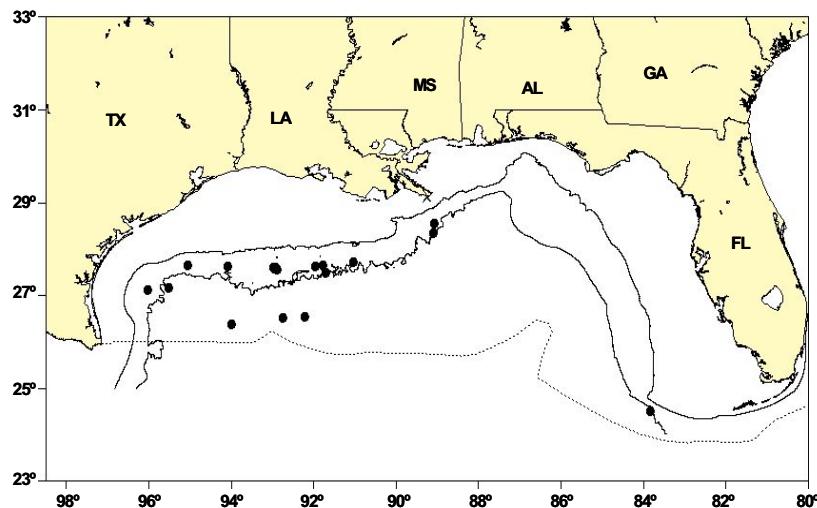


Figure 1. Distribution of short-finned pilot whale sightings from SEFSC spring vessel surveys during 1996-2001. All the on-effort sightings are shown, though not all were used to estimate abundance. Solid lines indicate the 100 m and 1000 m isobaths and the dotted line indicates the offshore extent of the U.S. EEZ.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal level (PBR) is the product of the minimum population size, one half the maximum net productivity rate, and a recovery factor (MMPA Sec. 3.16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 1,628 (CV=0.48). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5. PBR for the northern Gulf of Mexico short-finned pilot whale is 16.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There has been no reported fishing-related mortality of short-finned pilot whales between 1997 and 2001 (Yeung 1999; Yeung 2001). Observed fishery-related mortality and serious injury for short-finned pilot whales is less than 10% of PBR and can be considered insignificant and approaching zero mortality and serious injury rate for this stock.

Fisheries Information

The level of past or current, direct, human-caused mortality of short-finned pilot whales in the northern Gulf of Mexico is unknown. Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. There were no reports of mortality or serious injury to short-finned pilot whales by this fishery. There was one logbook report of a fishery-related injury of a pilot whale in the northern Gulf of Mexico in 1991.

Other Mortality

There were two reported strandings of short-finned pilot whales in the Gulf of Mexico between 1997 and 2002. There was no evidence of human interactions for these stranded animals. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured in fishery interactions wash ashore, not all that wash ashore are discovered, reported or investigated, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interactions.

STATUS OF STOCK

The status of short-finned pilot whales in the northern Gulf of Mexico, relative to OSP, is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is unknown, but assumed to be less than 10% of the calculated PBR and can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because average annual fishery-related mortality and serious injury has not exceeded PBR for the last two years.

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APPENDIX I. Estimated serious injury and mortality (SI&M) of Western North Atlantic marine mammals listed by U.S. observed fisheries for 1997-2001. Marine mammal species with zero (0) observed SI&M during 1997 to 2001 are not shown in this table.

(tbd = to be determined; n/a = not available; JV = Joint Venture; TALFF = Total Allowable Level of Foreign Fishing; SNE = Southern New England).

Fishery (Estimated # of vessels/persons)	Species	% observer coverage	Yrs. observed	Total annual estimated SI&M (CV)	Ave est. SI&M (CV)	PBR
CATEGORY I						
Gillnet Fisheries:						
Northeast sink gillnet (341)	Harbor porpoise	.06, .05	1997-1998	782 (.22), 332 (.46)	277 (.25)	747
	Harbor porpoise - after Take Reduction Plan	.06, .06, .04	1999-2001	270(.28), 507 (.37), 53(.97)	277 (.25)	747
	White sided dolphin	.06, .05, .06, .06, .04	1997-2001	140 (.61), 34 (.92), 69 (.70), 26 (1.0), 26 (1.0)	59 (.37)	364
	Common dolphin	.06, .05, .06, .06, .04	1997-2001	0, 0, 146 (.97), 0, 0	29 (.97)	227
	Risso's dolphin	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 15 (1.06), 0	3 (1.06)	220
	** Bottlenose dolphin (offshore)	.04, .06, .05, .06, .06	1996-2000	0, 0, 0, 0, 132 (1.16)	26 (1.16)	249
	¹ No. Atl. Right whale	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 0, 0	0	0
	² Humpback whale	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 0, 0	0	1.3
	³ Fin whale	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 0, 0	0	4.7
	⁴ Minke whale	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 0, 0	0	35
	Harbor seal	.06, .05, .06, .06, .04	1997-2001	598(.26), 332(.33), 1,446(.34), 917(.43), 1,471 (.38)	953 (.18)	5,493
	Gray seal	.06, .05, .06, .06, .04	1997-2001	131(.50), 61(.98), 155(.51), 193(.55), 117 (.59)	131 (.26)	n/a
	Harp seal	.06, .05, .06, .06, .04	1997-2001	269(.50), 78(.48), 81(.78), 24(1.57), 26(1.04)	96 (.33)	n/a
	Hooded seal	.06, .05, .06, .06, .04	1997-2001	0, 0, 0, 0, 82(1.14)	16 (1.14)	n/a
Longline Fisheries:						
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline (<200)	Risso's dolphin	.03, .03, .04, .04, .04	1997-2001	0, 57 (1.0), 22 (1.0), 64 (1.0), 0	41 (.46)	220
	Long and short-finned pilot whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 381 (.79), 133 (.88), 79 (.48)	117 (.55)	221
	¹ No. Atl. Right whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 0, 0, 0	0	0
	² Humpback whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 0, 0, 0	0	1.3
	³ Fin whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 0, 0, 0	0	4.7
	⁴ Minke whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 0, 0, 0	0	35
	⁵ Pygmy Sperm Whale	.03, .03, .04, .04, .04	1997-2001	0, 0, 0, 0, 28(1.0), 0	6 (1.0)	3.7
Trap/Pot Fisheries:						
Northeast/mid-Atlantic American lobster (13,000)	¹ No. Atl. Right whale	.062, .010, .028, .111, 0	1997-2001	0, 85 (.65), 0, 34 (.65), n/a	30 (.50)	108
	² Humpback	.005, .008, .009, .011, .012	1997-2001	0, 0, 49 (.97), 0, 0	10 (.97)	108
	³ Fin whale	.005, .008, .009, .011, .012	1997-2001	0, 0, 49 (.78), 273 (.57), 126 (1.09)	90 (.47)	227
	⁴ Minke whale	.007, .00, .01, .04, .03	1997-2001	161 (.49), 0, 0, 0, 0	32 (.49)	227
	Common dolphin	.007, .00, .01, .04, .03	1997-2001	161 (1.58), 0, 0, 0, 0	32 (1.58)	364
	White-sided dolphin					
	Common dolphin (joint venture (JV))	1.00	1998	17 (0)	17 (0)	227
Trawl Fisheries:						
Squid, mackerel, butterfish (620)	Long and short-finned pilot whale					
SNE mid-Atlantic <i>Illex</i>	Long and short-finned pilot whale					
	Common dolphin					
SNE mid-Atlantic <i>Loligo</i>	Common dolphin					
	White-sided dolphin					
SNE mid-Atlantic mackerel domestic	Common dolphin					
	White-sided dolphin					
SNE mid-Atlantic mackerel - foreign ⁶	Common dolphin (joint venture (JV))					

Fishery (Estimated # of vessels/persons)	Species	% observer coverage	Yrs. observed	Total annual estimated SI&M (CV)	Ave. est. SI&M (CV)	PBR
CATEGORY II						
Trawl Fisheries:						
Gulf of Maine/Georges Bank herring mid-water trawl - Domestic (17)	No marine mammal takes observed	0, 0, 3 trips, 13 trips, 0	1997-2001	0, 0, 0, 0, 0	0	
Gulf of Maine/Georges Bank herring mid-water trawl - Foreign ⁶	Long and short-finned pilot whale (JV and TALFF)	1.00	2001	11 (n/a)	11 (n/a)	108
Gillnet Fisheries:	White-sided dolphin (TALFF)	1.00	2001	2 (0)	2 (0)	364
SE U.S. Atlantic shark gillnet (12)	** ⁷ Bottlenose dolphin (coastal)		1999-2000	No. Florida 0, 0, Central Florida 43 (.78), 4 (1)	24 (.89)	n/a
US Mid-Atlantic coastal sink gillnet (<655)	Harbor porpoise	.03, .05	1997-1998	572 (.35), 446 (.36)	33 (.39)	747
	Harbor porpoise - after Take Reduction Plan	.02, .02, .02	1999-2001	53 (.49), 21 (.76), 26 (.95)	9 (.82)	747
	White-sided dolphin	.03, .05, .02, .02, .02	1997-2001	45 (.82), 0, 0, 0	3 (.53)	364
	Common dolphin	.03, .05, .02, .02, .02	1997-2001	16 (.53), 0, 0, 0, 0	1 (.70)	227
	** Bottlenose dolphin (offshore)	.04, .03, .05, .02, .02	1996-2000	0, 0, 4 (.70), 0, 0	233 (.16)	249
	** ⁷ Bottlenose dolphin (coastal)	.04, .03, .05, .02, .02	1996-2000	n/a ⁷	1 (1.1)	n/a ⁷
	Long and short-finned pilot whale	.03, .05, .02, .02, .02	1997-2001	0, 7 (1.1), 0, 0, 0	0	108
	¹ No. Atl. Right whale	.03, .05, .02, .02, .02	1997-2001	0, 0, 0, 0, 0	0	0
	² Humpback whale	.03, .05, .02, .02, .02	1997-2001	0, 0, 0, 0, 0	0	1.3
	³ Fin whale	.03, .05, .02, .02, .02	1997-2001	0, 0, 0, 0, 0	0	4.7
	⁴ Minke whale	.03, .05, .02, .02, .02	1997-2001	0, 1, 0, 0, 0	0.2 (n/a)	35
	Harbor seal	.03, .05, .02, .02, .02	1997-2001	0, 11 (.77), 0, 0, 0	2 (.77)	5,493
	Harp seal	.03, .05, .02, .02, .02	1997-2001	0, 17 (1.02), 0, 0, 0	3 (1.02)	n/a
CATEGORY III						
Trawl Fisheries:						
SNE mid-Atlantic mixed groundfish trawl (>1000)	Common dolphin	.002, .001, .003, .003, .004	1997-2001	93 (1.06), 0, 0, 0, 0	19 (1.06)	227
	Long and short-finned pilot whale	.002, .002, .003, .003, .004	1997-2001	0, 0, 228 (1.03), 0, 0	46 (1.03)	108
North Atlantic bottom trawl (1052)	¹ No. Atl. Right whale		1997-2001	0, 0, 0, 0, 0	0	0
	² Humpback		1997-2001	0, 0, 0, 0, 0	0	1.3
	³ Fin whale		1997-2001	0, 0, 0, 0, 0	0	4.7
	⁴ Minke whale		1997-2001	0, 0, 0, 0, 0	0	35
	Harp seals	.002, .001, .003, .003, .004	1997-2001	0, 0, 0, 0, 49 (1.10)	10 (1.10)	n/a

NOTES: The estimated number of vessels/participants 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. Beginning with the 2001 Stock Assessment Report, Canadian records were incorporated into the mortality and serious injury rates to reflect the effective range of this stock. It is also important to stress that serious injury determinations are made based upon the best available information; these determinations may change with the availability of new information. Several factors must be considered: 1) a ship strike or entanglement may occur at some distance from the reported location; 2) the mortality or injury may involve multiple factors; for example, whales that have been both ship struck and entangled are not uncommon; 3) the actual vessel or gear type/source is often uncertain; and 4) in entanglements, several types of gear may be involved. For the purposes of this report, discussion is primarily limited to those records considered confirmed human-caused mortalities or serious injuries.

** 2001 bycatch data analysis is incomplete and mortality/serious injury estimates are not yet available.

¹ No. Atlantic Right Whales - Between 1997-2001, 6 of 10 records of mortality or serious injury (including both U.S. and Canada) involved entanglement or fishery interaction. There were 4 reported serious injuries from unknown gear: 1 east of Manomet, MA, 1 east of Cape Cod and 1 in Bay of Fundy, Canada. There was 1 serious injury from ingestion of unknown gear in Bay of Fundy. One offshore mortality from sink gillnet gear 80 mi. east of Cape Cod and 1 mortality of an animal thoroughly wrapped in gear from the Madgele Islands, Canada. The other 4 were mortalities from injuries indicating ship strike. The total estimated annual average human-induced mortality and serious injury incurred by this stock was 2.0 right whales per year (USA

waters 1.2; Canadian waters, 0.8). This is derived from two components: 1) non-observed fishery entanglement records at 1.2 per year (USA waters, 0.6 ; Canadian waters, 0.6), and 2) ship strike records at 0.8 per year (USA waters, 0.6; Canadian waters, 0.2). As with entanglements, some injury or mortality due to ship strikes almost certainly passes undetected, particularly in offshore waters. Decomposed and/or unexamined animals (e.g., carcasses reported but not retrieved or necropsied) represent 'lost data', some of which may relate to human impacts. For these reasons, the figure of 1.8 right whales per year must be regarded as a minimum estimate.

2 Humpback Whales - For the period 1997 through 2001, 106 records were reviewed and 85 were eliminated from further consideration due to an absence of any evidence of human impact or in the case of an entangled whale, it was documented that the animal had become disentangled. Of the remaining records, the Gulf of Maine stock sustained 3 mortalities attributable to fishery interactions and 8 cases of serious injuries — 1 records in the five-year period. In addition, 4 mortalities and 2 serious injuries were documented in the southeastern and mid-Atlantic states that involved interactions with fisheries. The total estimated human-caused mortality and serious injury to the Gulf of Maine humpback whale stock for 1997 to 2001 is estimated as 2.6 per year (USA waters, 2.0; Canadian waters, 0.6). This average is derived from two components: 1) incidental fishery interaction records, 2.2 (USA waters, 1.6; Canadian waters, 0.6); and 2) records of vessel collisions, 0.4 (USA waters, 0.4; Canadian waters, 0). Additional humpback mortalities and serious injuries that occurred in the southeastern and mid-Atlantic states could not be confirmed as involving members of the Gulf of Maine stock. These records represent an additional minimum annual average of 1.6 human-caused mortalities and serious injuries to humpbacks over the time period, of which 1.2 per year are attributable to incidental fishery interactions and 0.4 per year are attributable to vessel collisions.

3 There was no reported fishery-related mortality or serious injury to fin whales in fisheries observed by NMFS during 1997 through 2001. A review of anecdotal NMFS records from 1997 through 2001 yielded an average of 2.0 human-caused mortalities per year — 0.6 per year resulting from fishery interactions/entanglements (USA waters, 0.2; Canadian waters, 0.2; Bermudian waters, 0.2), and 1.4 due to vessel collisions—all in USA waters.

4 Minke Whales - There was 1 reported mortality in the mid-Atlantic coastal gillnet fishery in 1998. Confirmed mortalities that were likely a result of a fishery interaction with an unknown fishery included 3 in 1997, 5 in 1999, 2 in 2000 and 0 in other years. The examination of the minke entanglement records from 1997 indicate that 4 out of 4 confirmed records of mortality were likely a result of fishery interactions, one attributed to the lobster pot fishery, and three not attributed to any particular fishery because the reports do not contain the necessary details. Of the 5 mortalities in 1999, 2 were attributed to an unknown trawl fishery and 3 to some other fishery. One of the interactions with an unknown fishery in 2000 was a mortality and one was a serious injury. NMFS anecdotal records for 2001 included 3 mortalities and 2 serious injuries attributed to unknown fisheries. Two of the mortalities were reported off Rhode Island and 1 in Massachusetts Bay. One serious injury was reported off Cape Cod and the other on Stellwagen Bank. During 1997 to 2001, the USA total annual estimated average human-caused mortality was 3.6 minke whales per year. This is derived from three components: 0 minke whales per year (CV=0.0) from USA fisheries using observer data, 3.4 minke whales per year from USA fisheries using strandings and entanglement data, and 0.2 minke whales per year from ship strikes. During 1997 to 2001, there were no confirmed mortalities or serious injuries in Canadian waters.

5 Pygmy Sperm Whales - Twenty-eight seriously injured pygmy sperm whales were reported in 2000 in the pelagic longline fishery. The 2000 mortality estimates were taken from Table 10 in Yeung 2001 (NMFS Miami Laboratory PRD 00/01-17). There have been no observed mortalities or serious injuries by NMFS Sea Samplers in the pelagic drift gillnet, pelagic longline, pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal sink gillnet, nor North Atlantic bottom trawl fisheries.

6 Ten vessels (3 foreign, 7 American) participated in the 2001 joint venture (JV) fishing operations and 2 of the foreign vessels participated in the 2001 Total Allowable Level of Foreign Fishing (TALFF) operations. Nets that are transferred from domestic to foreign vessels (JV) for processing are observed on board the foreign vessel. There may be nets fished by domestic vessels that do not get transferred to the foreign vessels and would therefore not be observed. During TALFF fishing operations, all the nets fished by a foreign fishing vessel are observed.

7 Coastal Bottlenose Dolphins - Last year, as an interim measure, pending additional results, several "management units" of the coastal morphotype of bottlenose dolphin along the U.S. Atlantic coast were defined. Annual estimated mortality/serious injury and PBR for each management unit can be found in the Coastal Bottlenose Dolphin chapter (Tables 2 and 3) of the 2002 assessment report.

APPENDIX II. Numbers of confirmed and unconfirmed large whale mortality and serious injury ('SI') events reported along the U.S. Gulf coasts, the U.S. East coast and adjacent Canadian Maritimes from 1997 - 2001, including a break down of the number of events attributed to entanglement and/or collision with a vessel.

Species	Total number of events ¹	Entanglements			Vessel Collisions		
		Total number of events ² (1997, 1998, 1999, 2000, 2001)	Confirmed mortalities ³ (1997, 1998, 1999, 2000, 2001)	Confirmed SI's ⁴ (1997, 1998, 1999, 2000, 2001)	Total number of events ⁵ (1997, 1998, 1999, 2000, 2001)	Confirmed mortalities ⁶ (1997, 1998, 1999, 2000, 2001)	Confirmed SI's
Right whale	46	32 (7, 4, 7, 10, 4)	3 (0, 0, 1, 0, 1)	3 (2, 0, 0, 1, 1)	7 (1, 1, 1, 2, 2)	4 (1, 0, 1, 0, 2)	0
Humpback whale ⁷	115	62 (3, 18, 10, 17, 12)	7 (0, 3, 1, 0, 3)	10 (0, 3, 2, 5, 0)	12 (2, 1, 0, 2, 7)	4 (1, 0, 0, 0, 3)	0
Fin whale	40	12 (5, 3, 2, 0, 2)	2 (0, 1, 0, 0, 1)	1 (1, 0, 0, 0, 0)	11 (3, 2, 2, 1, 3)	7 (1, 1, 2, 1, 2)	0
Sei whale	2	0	0	0	1 (0, 0, 0, 0, 1)	1 (0, 0, 0, 0, 1)	0
Blue whale	1	0	0	0	1 (0, 1, 0, 0, 0)	1 (0, 1, 0, 0, 0)	0
Minke whale	68	27 (6, 2, 8, 6, 5)	14 (4, 1, 5, 1, 3)	1 (0, 0, 0, 1, 0)	4 (1, 2, 1, 0, 0)	1 (0, 1, 0, 0, 0)	0
Unidentified whale	50	20 (4, 6, 4, 2, 6)	0	0	1 (0, 0, 0, 0, 1)	0	0

¹ Includes all large whale events, both confirmed and unconfirmed, as well as strandings attributed to natural or unknown causes. It should be noted that the sum of the entanglement and vessel collision totals will not equal the values found in this column because events caused by natural or unknown causes are included here. In a few instances, a single event was attributed to both entanglement and vessel collision, and was therefore included in both the entanglement and vessel collision tallies.

² Includes both confirmed and unconfirmed events of live entangled whales, as well as dead whales found with gear attached or indications that gear had been on the whale near the time of death. Whales with healed entanglement marks were not included. Numbers in parentheses are tallies for 1996, 1997, 1998, 1999, and 2000, respectively.

³ Includes only events with substantiated evidence that entanglement was the cause of death.

⁴ Includes only events with substantiated evidence that the injury from entanglement is likely to lead to the whale's death.

⁵ Includes both confirmed and unconfirmed reports of vessel collisions with live whales, as well as recovered carcasses with some evidence of collision with a vessel.

⁶ Includes only events with substantiated evidence that collision with a vessel was the cause of death.

⁷ Includes all reported humpback events, including an unknown portion of whales not from the Gulf of Maine stock.

BLUE WHALE (*Balaenoptera musculus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The distribution of the blue whale, *Balaenoptera musculus*, in the western North Atlantic generally extends from the Arctic to at least mid-latitude waters. Blue whales are most frequently sighted in the waters off eastern Canada, with the majority of recent records from the Gulf of St. Lawrence (Sears *et al.* 1987). The species was hunted around Newfoundland in the first half of the 20th century (Sergeant 1966). The present Canadian distribution, broadly described, is spring, summer, and fall in the Gulf of St. Lawrence, especially along the north shore from the St. Lawrence River estuary to the Strait of Belle Isle and off eastern Nova Scotia. The species occurs in winter off southern Newfoundland and also in summer in Davis Strait (Mansfield 1985). Individual identification has confirmed the movement of a blue whale between the Gulf of St. Lawrence and western Greenland (R. Sears and F. Larsen, unpublished data), although the extent of exchange between these two areas remains unknown. Similarly, a blue whale photographed by a NMFS large whale survey in August 1999 had previously been observed in the Gulf of St. Lawrence in 1985 (R. Sears and P. Clapham, unpublished data).

The blue whale is best considered as an occasional visitor in US Atlantic Exclusive Economic Zone (EEZ) waters, which may represent the current southern limit of its feeding range (CETAP 1982; Wenzel *et al.* 1988). All of the five sightings described in the foregoing two references were in August. Yochem and Leatherwood (1985) summarized records that suggested an occurrence of this species south to Florida and the Gulf of Mexico, although the actual southern limit of the species' range is unknown.

Using the U.S. Navy's SOSUS program, blue whales have been detected and tracked acoustically in much of the North Atlantic, including in subtropical waters north of the West Indies and in deep water east of the US Atlantic EEZ (Clark 1995). Most of the acoustic detections were around the Grand Banks area of Newfoundland and west of the British Isles. Sigurjónsson and Gunnlaugsson (1990) note that North Atlantic blue whales appear to have been depleted by commercial whaling to such an extent that they remain rare in some formerly important habitats, notably in the northern and northeastern North Atlantic.

POPULATION SIZE

Little is known about the population size of blue whales except for in the Gulf of St. Lawrence area. Here, 308 individuals have been catalogued (Sears *et al.* 1987), but the data were deemed to be unusable for abundance estimation (Hammond *et al.* 1990). Mitchell (1974) estimated that the blue whale population in the western North Atlantic may number only in the low hundreds. R. Sears (pers. comm.) suggests that no present evidence exists to refute this estimate.

Minimum Population Estimate

The 308 recognizable individuals from the Gulf of St. Lawrence area which were catalogued by Sears *et al.* (1987) is considered to be a minimum population estimate for the western North Atlantic stock.

Current Population Trend

There are insufficient data to determine population trends for this species. Off western and southwestern Iceland, an increasing trend of 4.9% a year was reported for the period 1969-1988 (Sigurjónsson and Gunnlaugsson 1990), although this estimate should be treated with caution given the effort biases underlying the sightings data on which it was based.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 308. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.10 because the blue whale is listed as endangered under the

Endangered Species Act (ESA). However, the minimum population size figure given above is now 14 years old and thus is not usable for the calculation of PBR (see Wade and Angliss 1997). Consequently, no PBR can be calculated for this stock because of lack of any data on current minimum population size.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There are no confirmed records of mortality or serious injury to blue whales in the US Atlantic EEZ. However, in March 1998 a dead 20 m (66ft) male blue whale was brought into Rhode Island waters on the bow of a tanker. The cause of death was determined to be ship strike. Although it appears likely that the vessel concerned was responsible, the necropsy revealed some injuries that were difficult to explain in this context. The location of the strike was not determined; given the known rarity of blue whales in US Atlantic waters, and the vessel's port of origin (Antwerp), it seems reasonable to suppose that the whale died somewhere to the north of the US Atlantic EEZ. However, this incident was used in calculating the total annual mortality rate of 0.2 used in the summary table on page 2.

Fishery Information

No fishery information is presented because there are no observed fishery-related mortalities or serious injury.

STATUS OF STOCK

The status of this stock relative to OSP in the US Atlantic EEZ is unknown, but the species is listed as endangered under the ESA. There are insufficient data to determine population trends for blue whales. The total level of human-caused mortality and serious injury is unknown, but it is believed to be insignificant and approaching a zero mortality and serious injury rate. This is a strategic stock because the blue whale is listed as an endangered species under the ESA. A Recovery Plan has been published (Reeves *et al.* 1998) and is in effect.

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SPERM WHALE (*Physeter macrocephalus*): North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The distribution of the sperm whale in the USA Exclusive Economic Zone (EEZ) occurs on the continental shelf edge, over the continental slope, and into mid-ocean regions (Figure 1). Waring *et al.* (1993) suggest that this offshore distribution is more commonly associated with the Gulf Stream edge and other features.

However, the sperm whales that occur in the eastern US Atlantic EEZ likely represent only a fraction of the total stock. The nature of linkages of the USA habitat with those to the south, north, and offshore is unknown. Historical whaling records compiled by Schmidly (1981) suggested an offshore distribution off the southeast USA, over the Blake Plateau, and into deep ocean. In the southeast Caribbean, both large and small adults, as well as calves and juveniles of different sizes are reported (Watkins *et al.* 1985). Whether the northwestern Atlantic population is discrete from northeastern Atlantic is currently unresolved. The International Whaling Commission recognizes one stock for the North Atlantic. Based on reviews of many types of stock studies, (*i.e.*, tagging, genetics, catch data, mark-recapture, biochemical markers, etc.) Reeves and Whitehead (1997) and Dufault *et al.* (1999) suggest that sperm whale populations have no clear geographic structure. Recent ocean wide genetic studies (Lyrholm and Gyllensten 1998; Lyrholm *et al.* 1999) indicate low genetic diversity, but strong differentiation between potential social (matrilineally related) groups. Further, the ocean-wide findings, combined with observations from other studies, indicate stable social groups, site fidelity, and latitudinal range limitations in groups of females and juveniles. Whereas, males migrate to polar regions to feed and return to more tropical waters to breed. There exists one tag return of a male tagged off Browns Bank (Nova Scotia) in 1966 and returned from Spain in 1973 (Mitchell 1975). Another male taken off northern Denmark in August 1981 had been wounded the previous summer by whalers off the Azores (Reeves and Whitehead 1997).

In the US Atlantic EEZ waters, there appears to be a distinct seasonal cycle (CETAP 1982; Scott and Sadove 1997). In winter, sperm whales are concentrated east and northeast of Cape Hatteras. In spring, the center of distribution shifts northward to east of Delaware and Virginia, and is widespread throughout the central portion of the mid-Atlantic bight and the southern portion of Georges Bank. In summer, the distribution is similar but now also includes the area east and north of Georges Bank and into the Northeast Channel region, as well as the continental shelf (inshore of the 100m isobath) south of New England. In the fall, sperm whale occurrence south of New England on the continental shelf is at its highest level, and there remains a continental shelf edge occurrence in the mid-Atlantic bight. Similar inshore (<200m) observations have been made on the southwestern (Kenney, pers. comm) and eastern Scotian Shelf, particularly in the region of "the Gully" (Whitehead *et al.* 1991).

Geographic distribution of sperm whales may be linked to their social structure and their low reproductive rate and both of these factors have management implications. Several basic groupings or social units are generally recognized — nursery schools, harem or mixed schools, juvenile or immature schools, bachelor schools, bull schools or pairs, and solitary bulls (Best 1979; Whitehead *et al.* 1991). These groupings have a distinct geographical distribution, with females and juveniles generally based in tropical and subtropical waters, and males more wide-ranging and occurring in higher latitudes. Male sperm whales are present off and sometimes on the continental shelf along the entire east coast of Canada south of Hudson Strait, whereas, females rarely migrate north of the southern limit of the Canadian EEZ (Reeves and Whitehead 1997). Whereas, off the northeast USA, CETAP and NMFS/NEFSC sightings in shelf-edge and off-shelf waters included many social groups with calves/juveniles

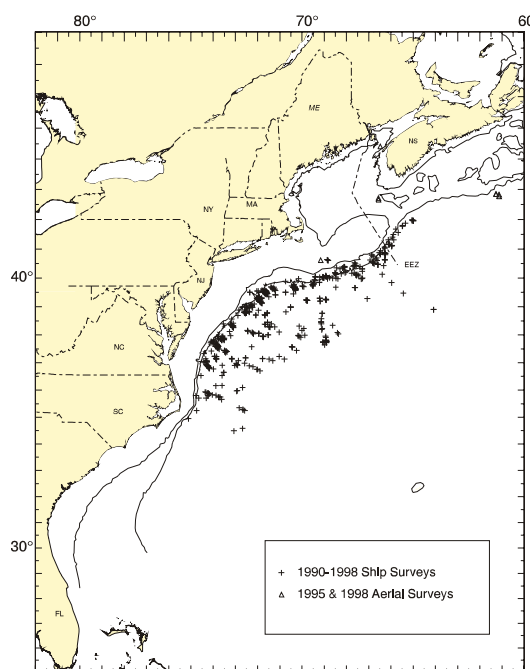


Figure 1. Distribution of sperm whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

(CETAP 1981; Waring *et al.* 1992, 1993). The basic social unit of the sperm whale appears to be the mixed school of adult females plus their calves and some juveniles of both sexes, normally numbering 20-40 animals in all. There is evidence that some social bonds persist for many years.

POPULATION SIZE

Total numbers of sperm whales off the USA or Canadian Atlantic coast are unknown, although eight estimates from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). An abundance of 219 (CV=0.36) sperm whales was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 338 (CV=0.31) sperm whales was estimated from an August 1990 shipboard line transect sighting survey, conducted principally along the Gulf Stream north wall between Cape Hatteras and Georges Bank (Anon. 1990; Waring *et al.* 1992). An abundance of 736 (CV=0.33) sperm whales was estimated from a June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). An abundance of 705 (CV=0.66) and 337 (CV=0.50) sperm whales was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 116 (CV=0.40) sperm whales was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 623 (CV=0.52) sperm whales was estimated from an August 1994 shipboard line transect survey conducted within a Gulf Stream warm-core ring located in continental slope waters southeast of Georges Bank (Table 1; Anon. 1994). Data were collected by two alternating teams that searched with 25x150 binoculars and an independent observer who searched by naked eye from a separate platform on the bow. Data were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 2,698 (CV=0.67) sperm whales was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 2,848 (CV=0.49) sperm whales was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 1,854 (CV=0.53) sperm whales was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for sperm whales is the sum of the estimates from the two 1998 USA Atlantic surveys, 4,702 (CV=0.36), where the estimate from the northern USA Atlantic is 2,848 (CV=0.49) and from the southern USA Atlantic is 1,854 (CV=0.53). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Because all the sperm whale estimates presented here were not corrected for dive-time, they are likely downwardly biased and an underestimate of actual abundance. The average dive-time of sperm whales is approximately 45 min (Whitehead *et al.* 1991; Watkins *et al.* 1993), therefore, the proportion of time that they are at the surface and available to visual observers is assumed to be low.

Although the stratification schemes used in the 1990-1998 surveys did not always sample the same areas or encompass the entire sperm whale habitat, they did focus on segments of known or suspected high-use habitats off the northeastern USA coast. The collective 1990-1998 data suggest that, seasonally, at least several thousand sperm whales are occupying these waters. The 1998 estimate is 1.7 times greater than the 1995 estimate, reflecting the contribution from the southern USA Atlantic. Sperm whale abundance may increase offshore, particularly in

association with Gulf Stream and warm-core ring features; however, at present there is no reliable estimate of total sperm whale abundance in the western North Atlantic.

Table 1. Summary of abundance estimates¹ for the western North Atlantic sperm whale. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Aug 1994	warm-core ring SE of Georges Bank	623	0.52
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	2,698	0.67
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	2,848	0.49
Jul-Aug 1998	Florida to Maryland	1,854	0.53
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	4,702	0.36

¹ As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore are not reported in this table.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for sperm whales is 4,702 (CV=0.36). The minimum population estimate for the western North Atlantic sperm whale is 3,505 (CV=0.36).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. While more is probably known about sperm whale life history in other areas, some life history and vital rates information is available for the northwest Atlantic. These include: calving interval is 4-6 years; lactation period is 24 months; gestation period is 14.5-16.5 months; births occur mainly in July to November; length at birth is 4.0 m; length at sexual maturity 11.0-12.5 m for males and 8.3-9.2 m for females; mean age at sexual maturity is 19 years for males and 9 years for females; and mean age at physical maturity is 45 years for males and 30 years for females (Best 1974; Best *et al.* 1984; Lockyer 1981; Rice 1989).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 3,505 (CV=0.36). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.10 because the sperm whale is listed as endangered under the Endangered Species Act (ESA). PBR for the western North Atlantic sperm whale is 7.0.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Four hundred twenty-four sperm whales were harvested in the Newfoundland-Labrador area between 1904-1972 and 109 male and no female sperm whales were taken near Nova Scotia in 1964-1972 (Mitchell and Kozicki 1984) in a Canadian whaling fishery. There was also a well-documented sperm whale fishery based on the west coast of Iceland. Other sperm whale catches occurred near West Greenland, the Azores, Madeira, Spain, Spanish Morocco, Norway (coastal and pelagic), Faroes, and British coastal. At present, because of their general offshore distribution, sperm whales are less likely to be impacted by humans and those impacts that do occur are less likely to be recorded. There has been no complete analysis and reporting of existing data on this topic for the western North Atlantic.

Total annual estimated average fishery-related mortality or serious injury to this stock during 1996-2000 was 0.2 sperm whales based on the 2000 stranding of a sperm whale off Florida which had fishing gear in its blow hole. In 1995 one sperm whale was entangled in a pelagic drift gillnet and was released alive with gear around several body parts. Presently, this injury has not been used to estimate mortality.

Fishery Information

Three sperm whale entanglements have been documented from August 1993 to May 1998. In August 1993, a dead sperm whale, with longline gear wound tightly around the jaw, was found floating about 20 miles off Mt Desert Rock. In October 1994, a sperm whale was successfully disentangled from a fine mesh gillnet in Birch Harbor, Maine. In May 1997, a sperm whale entangled in net with three buoys trailing was sighted 130 nmi northwest of Bermuda. No information on the status of the animal was provided.

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and currently provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in the pelagic longline, pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, or North Atlantic bottom trawl fisheries by NMFS Sea Samplers.

Pelagic Drift Gillnet

Only two records exist in the present NEFSC bycatch database. In July 1990, a sperm whale was entangled and subsequently released (injured) from a pelagic drift gillnet near the continental shelf edge on southern Georges Bank. During June 1995, one sperm whale was entangled with "gear in/around several body parts" then released injured from a pelagic drift gillnet haul located on the shelf edge between Oceanographer and Hydrographer Canyons on Georges Bank.

The estimated total number of hauls in the pelagic drift net fishery increased from 714 in 1989 to 1144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine vessels participated in this fishery between 1989 and 1993. Since 1994, between 10 and 13 vessels have participated in the fishery. Observer coverage, percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. The greatest concentrations of effort were located along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata, assuming the 1990 injury was a mortality (Northridge 1996). Estimated annual fishery-related mortality and serious injury (CV in parentheses) was 2.2 sperm whales in 1989 (2.43), 4.4 in 1990 (1.77), 0 in 1991, 0 in 1992, 0 in 1993, 0 in 1994, 0 in 1995, 0 in 1996, no fishery in 1997, and 0 in 1998.

Other Mortality

Eighteen sperm whale strandings have been documented along the USA Atlantic coast between Maine and Miami, Florida, during 1994-2000 (NMFS unpublished data). One 1998 and one 2000 stranding off Florida showed signs of human interactions. The 1998 animal's head was severed, but it is unknown if it occurred pre or post-mortem. The 2000 animal had fishing gear in the blowhole. In October 1999, a live sperm whale calf stranded on eastern Long Island, and was subsequently euthanized. Also, a dead calf was found in the surf off Florida in 2000.

In eastern Canada, five dead strandings were reported in Newfoundland/Labrador from 1987-1995; thirteen dead strandings along Nova Scotia from 1988-1996; seven dead strandings on Prince Edward Island from 1988-1991; two dead strandings in Quebec in 1992; and thirteen animals in eight stranding events on Sable Island, Nova Scotia from 1970-1998 (Reeves and Whitehead 1997; Hooker *et al.* 1997; Lucas and Hooker 1997; Lucas and Hooker 2000). Sex was recorded for eleven of the thirteen animals, and all were male, which is consistent with sperm whale distribution patterns (Lucas and Hooker 2000).

Recent mass strandings have also been reported in the North Sea, including; winter 1994/95 (21); winter 1995/96 (16); and winter 1997/98 (20). Reasons for the stranding are unknown, although multiple causes (e.g., unfavorable North Sea topography, ship strikes, global changes in water temperature and prey distribution, and pollution) have been suggested (Holsbee *et al.* 1999).

Ship strikes are another source of human induced mortality. In May 1994 a ship-struck sperm whale was observed south of Nova Scotia (Reeves and Whitehead 1997), and in May 2000 a merchant ship reported a strike in

Block Canyon (NMFS, unpublished data). In spring, Block Canyon is a major pathway for sperm whales entering southern New England continental shelf waters in pursuit of migrating squid (CETAP 1982; Scott and Sadove 1997).

A potential human-caused source of mortality is from accumulation of stable pollutants (e.g., polychlorobiphenyls (PCBs), chlorinated pesticides (DDT, DDE, dieldrin, etc.), polycyclic aromatic hydrocarbons (PAHs), and heavy metals) in long lived high trophic level animals. Analysis of tissue samples obtained from 21 sperm whales that mass stranded in the North Sea in 1994/95 indicated that mercury, PCB, DDE, and PAH levels were low and similar to levels reported for other marine mammals (Holsbeek *et al.* 1999). Whereas, cadmium levels were high and double reported levels in North Pacific sperm whales. Although the 1994/95 strandings were not attributable to contaminant burdens, Holsbeek *et al.* (1999) suggest that the stable pollutants might affect the health or behavior of North Atlantic sperm whales.

STATUS OF STOCK

The status of this stock relative to OSP in USA Atlantic EEZ is unknown, but the species is listed as endangered under the ESA. There are insufficient data to determine population trends. The current stock abundance estimate was based upon a small portion of the known stock range. Total fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR, and therefore can be considered to be insignificant and approaching a zero mortality and serious injury rate. This is a strategic stock because the species is listed as endangered under the ESA.

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KILLER WHALE (*Orcinus orca*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Killer whales are characterized as uncommon or rare in waters of the U.S. Atlantic Exclusive Economic Zone (EEZ) (Katona *et al.* 1988). The 12 killer whale sightings constituted 0.1% of the 11,156 cetacean sightings in the 1978-81 CETAP surveys (CETAP 1982). The same is true for eastern Canadian waters, where the species has been described as relatively uncommon and numerically few (Mitchell and Reeves 1988). Their distribution, however, extends from the Arctic ice-edge to the West Indies. They are normally found in small groups, although 40 animals were reported from the southern Gulf of Maine in September 1979, and 29 animals in Massachusetts Bay in August 1986 (Katona *et al.* 1988). In the U.S. Atlantic EEZ, while their occurrence is unpredictable, they do occur in fishing areas, perhaps coincident with tuna, in warm seasons (Katona *et al.* 1988; NMFS unpublished data). In an extensive analysis of historical whaling records, Reeves and Mitchell (1988) plotted the distribution of killer whales in offshore and mid-ocean areas. Their results suggest that the offshore areas need to be considered in present-day distribution, movements, and stock relationships.

Stock definition is unknown. Results from other areas (e.g., the Pacific Northwest and Norway) suggest that social structure and territoriality may be important.

POPULATION SIZE

The total number of killer whales off the eastern U.S. coast is unknown.

Minimum Population Estimate

Present data are insufficient to calculate a minimum population estimate.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are not known for this stock. The maximum net productivity rate was assumed to be 0.04 for purposes of this assessment. This value is based on theoretical calculations showing that cetacean populations may not generally grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown. PBR for the western North Atlantic killer whale is unknown because the minimum population size cannot be determined.

ANNUAL HUMAN-CAUSED MORTALITY

In 1994, one killer whale was caught in the New England multispecies sink gillnet fishery but released alive. No takes were documented in a review of Canadian gillnet and trap fisheries (Read 1994).

Fishery Information

Data on current incidental takes in U.S. fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fishery information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

There have been no observed mortalities or serious injuries by NMFS Sea Samplers in the pelagic drift gillnet, pelagic longline, pelagic pair trawl, New England multispecies sink gillnet, mid-Atlantic coastal sink gillnet, and North Atlantic bottom trawl fisheries.

STATUS OF STOCK

The status of killer whales relative to OSP in U.S. Atlantic EEZ is unknown. Because there are no observed mortalities or serious injury between 1990 and 1995, the total fishery-related mortality and serious injury for this stock is considered insignificant and approaching zero mortality and serious injury rate. The species is not

listed as threatened or endangered under the Endangered Species Act. In Canada, the Cetacean Protection Regulations of 1982, promulgated under the standing Fisheries Act, prohibit the catching or harassment of all cetacean species. There are insufficient data to determine the population trends for this species. This is not a strategic stock because, although PBR could not be calculated, there is no evidence of human-induced mortality.

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NORTHERN BOTTLENOSE WHALE (*Hyperoodon ampullatus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Northern bottlenose whales are characterized as extremely uncommon or rare in waters of the U.S. Atlantic Exclusive Economic Zone. The two sightings of three individuals constituted less than 0.1% of the 11,156 cetacean sightings in the 1978-82 CETAP surveys. Both sightings were in the spring, along the 2,000 m isobath (CETAP 1982). In 1993 and 1996, two sightings of single animals, and in 1996, a single sighting of six animals (one juvenile), were made during summer shipboard surveys conducted along the southern edge of Georges Bank (Anon. 1993; Anon. 1996).

Northern bottlenose whales are distributed in the North Atlantic from Nova Scotia to about 70° in the Davis Strait, along the east coast of Greenland to 77° and from England to the west coast of Spitzbergen. It is largely a deep-water species and is very seldom found in waters less than 2,000 m deep (Mead 1989).

There are two main centers of bottlenose whale distribution in the western north Atlantic, one in the area called "The Gully" just north of Sable Island, Nova Scotia, and the other in Davis Strait off northern Labrador (Reeves *et al.* 1993). Studies at the entrance to the Gully from 1988-1995 identified 237 individuals and estimated the local population size at about 230 animals (95% C.I. 160-360) (Whitehead *et al.* 1997). These individuals are believed to be year-round residents and all age and sex classes are present (Gowans and Whitehead 1998). Mitchell and Kozicki (1975) documented stranding records in the Bay of Fundy and as far south as Rhode Island. Stock definition is unknown.

POPULATION SIZE

The total number of northern bottlenose whales off the eastern U.S. coast is unknown.

Minimum Population Estimate

Present data are insufficient to calculate a minimum population estimate.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic northern bottlenose whale is unknown because the minimum population size cannot be determined.

ANNUAL HUMAN-CAUSED MORTALITY

No mortalities have been reported in U.S. waters. A fishery for northern bottlenose whales existed in Canadian waters during both the 1800s and 1900s. Its development was due to the discovery that bottlenose whales contained spermaceti. A Norwegian fishery expanded from east to west (Labrador and Newfoundland) in several episodes. The fishery peaked in 1965. Decreasing catches led to the cessation of the fishery in the 1970s, and provided evidence that the population was depleted. A small fishery operated by Canadian whalers from Nova Scotia operated in the Gully, and took 87 animals from 1962 to 1967 (Mead 1989; Mitchell 1977).

Fishery Information

Data on current incidental takes in U.S. fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fishery information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered

by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

There have been no observed mortalities or serious injuries by NMFS Sea Samplers in the pelagic drift gillnet, pelagic longline, pelagic pair trawl, New England multispecies sink gillnet, mid-Atlantic coastal sink gillnet, and North Atlantic bottom trawl fisheries.

STATUS OF STOCK

The status of northern bottlenose whales relative to OSP in U.S. Atlantic EEZ is unknown; however, a depletion in Canadian waters in the 1970's may have impacted U.S. distribution and may be relevant to current status in U.S. waters. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. Because there are no observed mortalities or serious injury, the total fishery-related mortality and serious injury for this stock is considered to be approaching zero mortality and serious injury rate. This is not a strategic stock because there are no recent records of fishery-related mortality or serious injury.

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CUVIER'S BEAKED WHALE (*Ziphius cavirostris*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The distribution of Cuvier's beaked whales is poorly known, and is based mainly on stranding records (Leatherwood *et al.* 1976). Strandings have been reported from Nova Scotia along the eastern USA coast south to Florida, around the Gulf of Mexico, and within the Caribbean (Leatherwood *et al.* 1976; CETAP 1982; Heyning 1989; Houston 1990; Mignucci-Giannoni *et al.* 1999). Stock structure in the North Atlantic is unknown.

Cuvier's beaked whale sightings have occurred principally along the continental shelf edge in the mid-Atlantic region off the northeast USA coast (CETAP 1982; Waring *et al.* 1992; NMFS unpublished data). Most sightings were in late spring or summer. Based on sighting data, this species is a rare inhabitant of waters off the northeast USA coast (CETAP 1982).

POPULATION SIZE

The total number of Cuvier's beaked whales off the eastern USA Canadian Atlantic coast is unknown.

However, eight estimates of the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). An abundance of 120 undifferentiated beaked whales (CV=0.71) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 442 (CV=0.51) undifferentiated beaked whales was estimated from an August 1990 shipboard line transect sighting survey, conducted principally along the Gulf Stream north wall between Cape Hatteras and Georges Bank (Anon. 1990; Waring *et al.* 1992). An abundance of 262 (CV=0.99) undifferentiated beaked whales was estimated from a June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). An abundance of 370 (CV=0.65) and 612 (CV=0.73) undifferentiated beaked whales was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 330 (CV=0.66) undifferentiated beaked whales was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 99 (CV=0.64) undifferentiated beaked whales was estimated from an August 1994 shipboard line transect survey conducted within a Gulf Stream warm-core ring located in continental slope waters southeast of Georges Bank (Table 1; Anon. 1994). Data were collected by two alternating teams that searched with 25x150 binoculars and an independent observer who searched by naked eye from a separate platform on the bow.

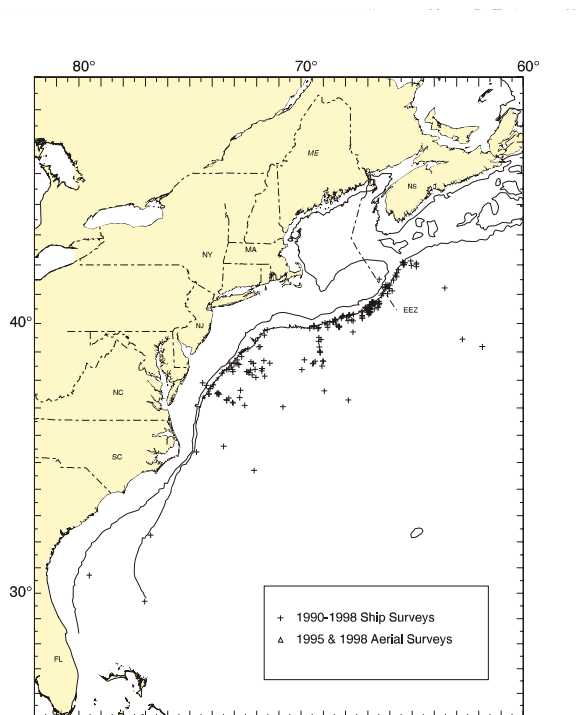


Figure 1. Distribution of beaked whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

Data were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 1,519 (CV=0.69) undifferentiated beaked whales was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 2,600 (CV=0.40) undifferentiated beaked whales was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 596 (CV=0.50) undifferentiated beaked whales was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for undifferentiated beaked whales is the sum of the estimates from the two 1998 USA Atlantic surveys, 3,196 (CV=0.34), where the estimate from the northern USA Atlantic is 2,600 (CV=0.40) and from the southern USA Atlantic is 596 (CV=0.50). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Because the estimates presented here were not dive-time corrected, they are likely negatively biased and probably underestimate actual abundance. Given that *Mesoplodon* spp. prefers deep-water habitats (Mead 1989) the bias may be substantial.

Table 1. Summary of abundance estimates for the undifferentiated complex of beaked whales which include *Ziphius* and *Mesoplodon* spp. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Aug 1994	warm-core ring SE of Georges Bank	99	0.64
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	1,519	0.69
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	2,600	0.40
Jul-Aug 1998	Florida to Maryland	596	0.50
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	3,196	0.34

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for undifferentiated beaked whales is 3,196 (CV=0.34). The minimum population estimate for the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) is 2,419 (CV=0.34). It is not possible to determine the minimum population estimate of only Cuvier's beaked whales.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Life history parameters that could be used to estimate net productivity include: length at birth is 2 to 3 m, length at sexual maturity is 6.1 m for females, and 5.5 m for males, maximum age for females were 30 growth layer groups (GLG's) and for males was 36 GLG's, which may be annual layers (Mitchell 1975; Mead 1984; Houston 1990).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the undifferentiated complex of beaked whales is 2,419 (CV=0.34). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for all species in the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) is 24. It is not possible to determine the PBR for only Cuvier’s beaked whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The 1996-2000 total average estimated annual fishery-related mortality of beaked whales in open fisheries in the US Atlantic EEZ was zero.

Fishery Information

There is no historical information available that documents incidental mortality in either USA or Canadian Atlantic coast fisheries (Read 1994).

Current data on incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993 the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and currently provides observer coverage of vessels fishing south of Cape Hatteras.

Total fishery-related mortality and serious injury cannot be estimated separately for each beaked whale species because of the uncertainty in species identification by fishery observers. The Atlantic Scientific Review Group advised adopting the risk-averse strategy of assuming that any beaked whale stock which occurred in the US Atlantic EEZ might have been subject to the observed fishery-related mortality and serious injury.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in the pelagic longline, pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, or North Atlantic bottom trawl fisheries by NMFS Sea Samplers.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 143, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994 - 1998, between 10 and 13 vessels have participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994 - 1998 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Bycatch of beaked whales has only occurred from Georges Canyon to Hydrographer Canyon along the continental shelf break and continental slope during July to October. Forty-six fishery-related beaked whale mortalities were observed between 1989 and 1998. These included: 24 Sowerby’s; 4 True’s; 1 Cuvier’s; and 17 undifferentiated beaked whales. Recent analysis of biological samples (genetics and morphological analysis) have been used to determine species identifications for some of the by-caught animals. Estimation of by-catch mortalities by species are available for the 1994-1998 period. Prior estimates are for undifferentiated beaked whales. The estimated annual fishery-related mortality (CV in parentheses) was 60 in 1989 (0.21), 76 in 1990 (0.26), 13 in 1991 (0.21), 9.7 in 1992 (0.24), and 12 in 1993 (0.16).

The 1994-1998 estimates by 'species' are:

Year	Cuvier's	Sowerby's	True's	<i>Mesoplodon</i> spp.
1994	1 (0.14)	3 (0.09)	0	0
1995	0	6 (0)	1 (0)	3 (0)
1996	0	9 (0.12)	2 (0.26)	2 (0.25)
1997	NA	NA	NA	NA
1998	0	2 (0)	2 (0)	7 (0)

During July 1996, one beaked whale was entangled and released alive with "gear in/around a single body part". Annual mortality estimates do not include any animals injured and released alive.

Other Mortality

From 1992- to 2000, a total of 53 beaked whales stranded along the USA Atlantic coast between Florida and Massachusetts (NMFS unpublished data). This includes: 28 (includes one tentative identification) Gervais' beaked whales (one 1997 animal had plastics in esophagus and stomach, and Sargassum in esophagus; 2 animals that stranded in September 1998 in South Carolina showed signs of fishery interactions); 2 True's beaked whales; 5 Blainville's beaked whales; 1 Sowerby's beaked whales; 13 Cuvier's beaked whales (one 1996 animal had propeller marks, and one 2000 animal had a longline hook in the lower jaw) and 4 unidentified animals.

Also, several unusual mass strandings of beaked whales in North Atlantic marine environments have been associated with naval activities. During the mid- to late 1980's multiple mass strandings of Cuvier's beaked whales (4 to about 20 per event) and small numbers of Gervais' beaked whale and Blainville's beaked whale occurred in the Canary Islands (Simmonds and Lopez-Jurado (1991). Twelve Cuvier's beaked whales that live stranded and subsequently died in the Mediterranean Sea on 12-13 May 1996 were associated with low frequency acoustic sonar tests conducted by the North Atlantic Treaty Organization (Frantzis 1998). In March 2000, 14 beaked whales live stranded in the Bahamas; 6 beaked whales (5 Cuvier's and 1 Blainville's) died (Balcomb and Claridge 2001; Anon. 2002). Four Cuvier's, 2 Blainville's, and 2 unidentified beaked whales were returned to sea. The fate of the animals returned to sea is unknown. Necropsies of 6 dead beaked whales revealed evidence of tissue trauma associated with an acoustic or impulse injury that caused the animals to strand. Subsequently, the animals died due to extreme physiologic stress associated with the physical stranding (i.e., hyperthermia, high endogenous catecholamine release) (Anon. 2002).

STATUS OF STOCK

The status of Cuvier's beaked whale relative to OSP in US Atlantic EEZ is unknown. This species is not listed as threatened or endangered under the Endangered Species Act. Although a species specific PBR cannot be determined, the permanent closure of the pelagic drift gillnet fishery has eliminated the principal known source of incidental fishery mortality. The total fishery mortality and serious injury for this group is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because of uncertainty regarding stock size and evidence of human induced mortality and serious injury associated with acoustic activities.

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MESOPLODON BEAKED WHALES (*Mesoplodon* spp.): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Within the genus *Mesoplodon*, there are four species of beaked whales that reside in the northwest Atlantic. These include True's beaked whale, *Mesoplodon mirus*; Gervais' beaked whale, *M. europaeus*; Blainville's beaked whale, *M. densirostris*; and Sowerby's beaked whale, *M. bidens* (Mead 1989). These species are difficult to identify to the species level at sea; therefore, much of the available characterization for beaked whales is to genus level only. Stock structure for each species is unknown.

The distribution of *Mesoplodon* spp. in the northwest Atlantic is known principally from stranding records (Mead 1989; Nawojchik 1994; Mignucci-Giannoni *et al.* 1999). Off the northeast USA coast, beaked whale (*Mesoplodon* spp.) sightings have occurred principally along the southern edge of Georges Bank (CETAP, 1982; Waring *et al.* 1992; NMFS unpublished data). Most sightings were in late spring and summer. In addition, beaked whales were also sighted in Gulf Stream features during NEFSC 1990-1995 surveys (Waring *et al.* 1992; Anon 1994; Tove 1995; NMFS unpublished data).

True's beaked whale is a temperate-water species that has been reported from Cape Breton Island, Nova Scotia, to the Bahamas (Leatherwood *et al.* 1976; Mead 1989). It is considered rare in Canadian waters (Houston 1990).

Gervais' beaked whales are believed to be principally oceanic, and strandings have been reported from Cape Cod Bay to Florida, into the Caribbean and the Gulf of Mexico (Leatherwood *et al.* 1976; Mead 1989; NMFS unpublished data). This is the most common species of *Mesoplodon* to strand along the USA Atlantic coast. The northernmost stranding was on Cape Cod.

Blainville's beaked whales have been reported from southwestern Nova Scotia to Florida, and are believed to be widely but sparsely distributed in tropical to warm-temperate waters (Leatherwood *et al.* 1976; Mead 1989, Nicolas *et al.* 1993). There are two records of strandings in Nova Scotia which probably represent strays from the Gulf Stream (Mead 1989). They are considered rare in Canadian waters (Houston 1990).

Sowerby's beaked whales have been reported from New England waters north to the ice pack, and individuals are seen along the Newfoundland coast in summer (Leatherwood *et al.* 1976; Mead 1989). Furthermore, a single stranding occurred off the Florida west coast (Mead 1989). This species is considered rare in Canadian waters (Lien *et al.* 1990).

POPULATION SIZE

The total number of *Mesoplodon* spp. beaked whales off the eastern USA and Canadian Atlantic coast is unknown.

However, eight estimates of the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). An abundance of 120 (CV=0.71) undifferentiated beaked whales was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 442 (CV=0.51) undifferentiated beaked whales was estimated from an August 1990 shipboard line transect sighting survey, conducted principally along the Gulf Stream north wall between Cape Hatteras and Georges Bank (Anon. 1990; Waring *et al.* 1992). An abundance of 262 (CV=0.99) undifferentiated beaked whales was estimated from a

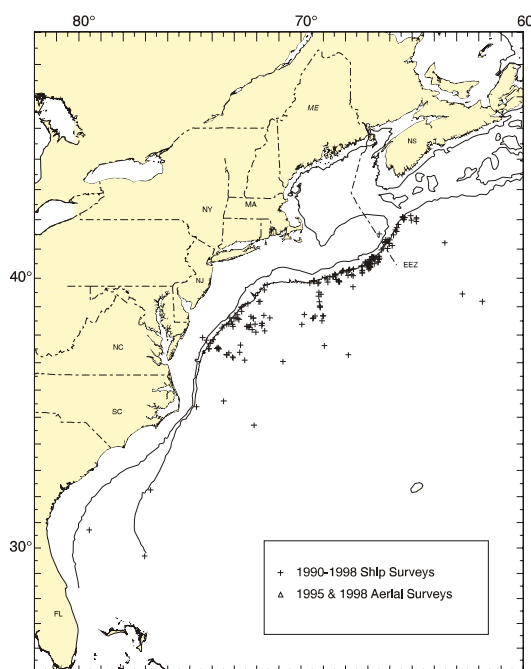


Figure 1. Distribution of beaked whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). An abundance of 370 (CV=0.65) and 612 (CV=0.73) undifferentiated beaked whales was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). As recommended in the GAMMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 330 (CV=0.66) undifferentiated beaked whales was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 99 (CV=0.64) undifferentiated beaked whales was estimated from an August 1994 shipboard line transect survey conducted within a Gulf Stream warm-core ring located in continental slope waters southeast of Georges Bank (Table 1; Anon. 1994). Data were collected by two alternating teams that searched with 25x150 binoculars and an independent observer who searched by naked eye from a separate platform on the bow. Data were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 1,519 (CV=0.69) undifferentiated beaked whales was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 2,600 (CV=0.40) undifferentiated beaked whales was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 596 (CV=0.50) for undifferentiated beaked whales was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for undifferentiated beaked whales is the sum of the estimates from the two 1998 USA Atlantic surveys, 3,196 (CV=0.34), where the estimate from the northern USA Atlantic is 2,600 (CV=0.40) and from the southern USA Atlantic is 596 (CV=0.50). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Although the 1990-1998 surveys did not sample exactly the same areas or encompass the entire beaked whale habitat, they did focus on segments of known or suspected high-use habitats off the northeastern USA coast. The collective 1990-98 data suggest that, seasonally, at least several thousand beaked whales are occupying these waters, with highest levels of abundance in the Georges Bank region. Recent results suggest that beaked whale abundance may be highest in association with Gulf Stream and warm-core ring features.

Because the estimates presented here were not dive-time corrected, they are likely negatively biased and probably underestimate actual abundance. Given that *Mesoplodon* spp. prefers deep-water habitats (Mead 1989) the bias may be substantial.

Table 1. Summary of abundance estimates for the undifferentiated complex of beaked whales which include *Ziphius* and *Mesoplodon* spp. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
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Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	3,196	0.34

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for undifferentiated beaked whales is 3,196 (CV=0.34). The minimum population estimate for the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) is 2,419 (CV=0.34). It is not possible to determine the minimum population estimate of only *Mesoplodon* beaked whales.

Current Population Trend

There are insufficient data to determine the population trends for these species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. Life history parameters that could be used to estimate net productivity include: length at birth is 2 to 3 m, length at sexual maturity 6.1 m for females, and 5.5 m for males, maximum age for females were 30 growth layer groups (GLG's) and for males was 36 GLG's, which may be annual layers (Mead 1984).

For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the undifferentiated complex of beaked whales is 2,419 (CV=0.34). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for all species in the undifferentiated complex of beaked whales (*Ziphius* and *Mesoplodon* spp.) is 24. It is not possible to determine the PBR for only *Mesoplodon* beaked whales.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The 1996-2000 total average estimated annual fishery-related mortality of beaked whales in open fisheries in the US Atlantic EEZ was zero.

Fishery Information

There is no historical information available that documents incidental mortality in either USA or Canadian Atlantic coast fisheries (Read 1994).

Current data on incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993 the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and currently provides observer coverage of vessels fishing south of Cape Hatteras.

Total fishery-related mortality and serious injury cannot be estimated separately for each beaked whale species because of the uncertainty in species identification by fishery observers. The Atlantic Scientific Review

Group advised adopting the risk-averse strategy of assuming that any beaked whale stock which occurred in the US Atlantic EEZ might have been subject to the observed fishery-related mortality and serious injury.

Bycatch has been observed by NMFS sea samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in the pelagic longline, pelagic trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, or North Atlantic bottom trawl fisheries by NMFS sea samplers.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 143, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999, NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994 to 1998, between 10 and 13 vessels have participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994-1998 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Bycatch of beaked whales has only occurred from Georges Canyon to Hydrographer Canyon along the continental shelf break and continental slope during July to October. Forty-six fishery-related beaked whale mortalities were observed between 1989 and 1998. These included: 24 Sowerby's; 4 True's; 1 Cuvier's; and 17 undifferentiated beaked whales. Recent analysis of biological samples (genetics and morphological analysis) have been used to determine species identifications for some of the by-caught animals. Estimation of bycatch mortality by species are available for the 1994-1998 period. Prior estimates are for undifferentiated beaked whales. The estimated annual fishery-related mortality (CV in parentheses) was 60 in 1989 (0.21), 76 in 1990 (0.26), 13 in 1991 (0.21), 9.7 in 1992 (0.24), and 12 in 1993 (0.16).

The 1994-1998 estimates by 'species' are:

Year	Cuvier's	Sowerby's	True's	<i>Mesoplodon</i> spp.
1994	1 (0.14)	3 (0.09)	0	0
1995	0	6 (0)	1 (0)	3 (0)
1996	0	9 (0.12)	2 (0.26)	2 (0.25)
1997	NA	NA	NA	NA
1998	0	2 (0)	2 (0)	7 (0)

During July 1996, one beaked whale was entangled and released alive with "gear in/around a single body part". Annual mortality estimates do not include any animals injured and released alive.

Other Mortality

From 1992-2000, a total of 53 beaked whales stranded along the USA Atlantic coast between Florida and Massachusetts (NMFS unpublished data). This includes: 28 (includes one tentative identification) Gervais' beaked whales (one 1997 animal had plastics in esophagus and stomach, and Sargassum in esophagus; 2 animals that stranded in September 1998 in South Carolina showed signs of fishery interactions); 2 True's beaked whales; 5 Blainville's beaked whales; 1 Sowerby's beaked whale; 13 Cuvier's beaked whales (one 1996 animal had propeller marks, and one 2000 animal had a longline hook in the lower jaw) and 4 unidentified animals. The 1999 strandings data are still under review.

One stranding of Sowerby's beaked whale was recorded on Sable Island between 1970-1998 (Lucas and Hooker 2000). The whale's body was marked by wounds made by the cookiecutter shark (*Isistius brasiliensis*), which has previously been observed on beaked whales (Lucas and Hooker 2000).

Also, several unusual mass strandings of beaked whales in North Atlantic marine environments have been associated with naval activities. During the mid- to late 1980's multiple mass strandings of Cuvier's beaked whales (4 to about 20 per event) and small numbers of Gervais' beaked whale and Blainville's beaked whale occurred in the Canary Islands (Simmonds and Lopez-Jurado (1991). Twelve Cuvier's beaked whales that live stranded and subsequently died in the Mediterranean Sea on 12-13 May 1996 was associated with low frequency acoustic sonar tests conducted by the North Atlantic Treaty Organization (Frantzis 1998). In March 2000, fourteen beaked whales live stranded in the Bahamas; six beaked whales (5 Cuvier's and 1 Blainville's) died (Balcomb and Claridge 2001;

Anon. 2002). Four Cuvier's, 2 Blainville's, and 2 unidentified beaked whales were returned to sea. The fate of the animals returned to sea is unknown. Necropsy of six dead beaked whales revealed evidence of tissue trauma associated with an acoustic or impulse injury that caused the animals to strand. Subsequently, the animals died due to extreme physiologic stress associated with the physical stranding (i.e., hyperthermia, high endogenous catecholamine release) (Anon. 2002).

STATUS OF STOCK

The status of *Mesoplodon* beaked whales relative to OSP in US Atlantic EEZ is unknown. These species are not listed as threatened or endangered under the Endangered Species Act. Although a species specific PBR cannot be determined, the permanent closure of the pelagic drift gillnet fishery has eliminated the principal known source of incidental fishery mortality. The total fishery mortality and serious injury for this group is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because of uncertainty regarding stock size and evidence of human induced mortality and serious injury associated with acoustic activities.

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RISSO'S DOLPHIN (*Grampus griseus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Risso's dolphins are distributed worldwide in tropical and temperate seas. They generally have an oceanic range, and occur along the Atlantic coast of North America from Florida to eastern Newfoundland (Leatherwood *et al.* 1976; Baird and Stacey 1990). Off the northeast USA coast, Risso's dolphins are distributed along the continental shelf edge from Cape Hatteras northward to Georges Bank during the spring, summer, and autumn (CETAP 1982; Payne *et al.* 1984). In winter, the range begins at the mid-Atlantic bight and extends further into oceanic waters (Payne *et al.* 1984). In general, the population occupies the mid-Atlantic continental shelf edge year round, and is rarely seen in the Gulf of Maine (Payne *et al.* 1984). During 1990, 1991 and 1993, spring/summer surveys conducted in continental shelf edge and deeper oceanic waters had sightings of Risso's dolphins associated with strong bathymetric features, Gulf Stream warm-core rings, and the Gulf Stream north wall (Waring *et al.* 1992; Waring 1993). There is no information on stock differentiation of Risso's dolphin in the western North Atlantic.

POPULATION SIZE

Total numbers of Risso's dolphins off the USA or Canadian Atlantic coast are unknown, although eight estimates from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). An abundance of 4,980 Risso's dolphins (CV=0.34) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 11,017 (CV=0.58) Risso's dolphins was estimated from a June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). An abundance of 6,496 (CV=0.74) and 16,818 (CV=0.52) Risso's dolphins was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). As recommended in the GAMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 212 (CV=0.62) Risso's dolphins was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Anon. 1993). Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 5,587 (CV=1.16) Risso's dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

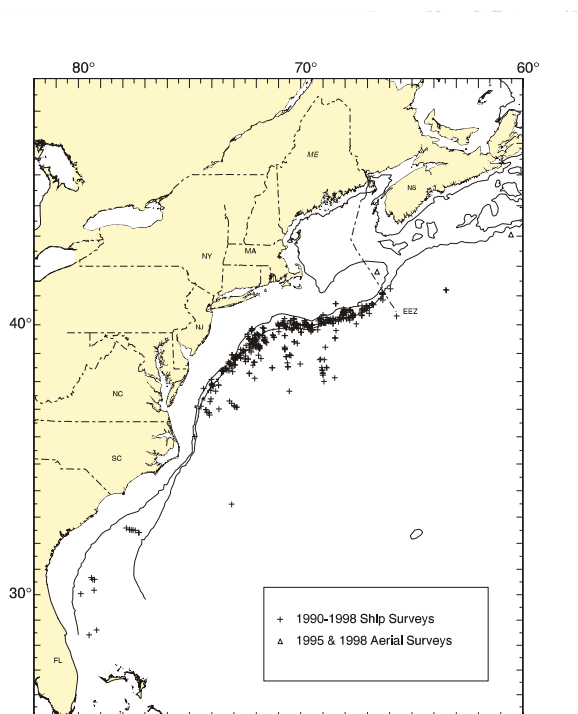


Figure 1. Distribution of Risso's dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

An abundance of 18,631 (CV=0.35) Risso's dolphins was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 10,479 (CV=0.51) Risso's dolphins was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for Risso's dolphins, 29,110 (CV=0.29), is the sum of the estimates from the two 1998 USA Atlantic surveys where the estimate from the northern USA Atlantic is 18,631 (CV=0.35) and from the southern USA Atlantic is 10,479 (CV=0.51). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for the western North Atlantic Risso's dolphin. Month, year, and area covered during each abundance survey, resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	5587	1.16
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	18,631	0.35
Jul-Aug 1998	Florida to Maryland	10,479	0.51
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	29,110	0.29

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for Risso's dolphins is 29,110 (CV=0.29). The minimum population estimate for the western North Atlantic Risso's dolphin is 22,916 (CV=0.29).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 22,916 (CV=0.29). The maximum productivity rate is 0.04, the default value for cetaceans (Barlow *et al.* 1995). The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.48 because the CV of the average mortality estimate is between 0.3 and 0.6 (Wade and Angliss 1997). PBR for the western North Atlantic Risso's dolphin is 220.

ANNUAL HUMAN-CAUSED MORTALITY

Total annual estimated average fishery-related mortality or serious injury to this stock during 1996-2000 was 51 Risso's dolphins (CV=0.52; Table 2).

Fishery Information

Prior to 1977, there was no documentation of marine mammal bycatch in distant-water fleet (DWF) activities off the northeast coast of the USA. With implementation of the Magnuson Fisheries Conservation and Management Act (MFCMA) in that year, an observer program was established which has recorded fishery data and information of incidental bycatch of marine mammals. DWF effort in the USA Atlantic Exclusive Economic Zone (EEZ) under MFCMA has been directed primarily towards Atlantic mackerel and squid. From 1977 through 1982, an average of 120 different foreign vessels per year (range 102-161) operated within the US Atlantic EEZ. In 1982,

there were 112 different foreign vessels; 16%, or 18, were Japanese tuna longline vessels operating along the USA east coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. Between 1983 and 1991, the numbers of foreign vessels operating within US Atlantic EEZ each year were 67, 52, 62, 33, 27, 26, 14, 13, and 9, respectively. Between 1983 and 1988, the numbers of DWF vessels included 3, 5, 7, 6, 8, and 8, respectively, Japanese longline vessels. Observer coverage on DWF vessels was 25-35% during 1977-82, and increased to 58%, 86%, 95%, and 98%, respectively, in 1983-86. From 1987-91, 100% observer coverage was maintained. Foreign fishing operations for squid and mackerel ceased at the end of the 1986 and 1991 fishing seasons, respectively. NMFS foreign-fishery observers have reported four deaths of Risso's dolphins incidental to squid and mackerel fishing activities in the continental shelf and continental slope waters between March 1977 and December 1991 (Waring *et al.* 1990; NMFS unpublished data). Three animals were taken by squid trawlers and a single animal was killed in longline fishing operations.

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, pelagic pair trawl fishery, and pelagic longline fishery, but no mortalities or serious injuries have been documented in the Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, or North Atlantic bottom trawl observed fisheries.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994-1998, between 10 and 13 vessels have participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Fifty-one Risso's dolphin mortalities were observed between 1989 and 1998. One animal was entangled and released alive. Bycatch occurred during July, September and October along continental shelf edge canyons off the southern New England coast. Estimated annual mortality and serious injury (CV in parentheses) attributable to the drift gillnet fishery was 87 in 1989 (0.52), 144 in 1990 (0.46), 21 in 1991 (0.55), 31 in 1992 (0.27), 14 in 1993 (0.42), 1.5 in 1994 (0.16), 6 in 1995 (0), 0 in 1996, no fishery in 1997, 9 in 1998 (0). Since this fishery no longer exists, it has been excluded from Table 2.

Pelagic Pair Trawl

Effort in the pelagic pair trawl fishery increased during the period 1989 to 1993, from zero hauls in 1989 and 1990, to an estimated 171 hauls in 1991, and then to an estimated 536 hauls in 1992, 586 in 1993, 407 in 1994, and 440 in 1995, respectively. This fishery ceased operations in 1996, when NMFS rejected a petition to consider pair trawl gear as an authorized gear type in the Atlantic tuna fishery. The fishery operated from August-November in 1991, from June-November in 1992, from June-October in 1993 (Northridge 1996), and from mid-summer to November in 1994 and 1995. Fisheries Observer began in October 1992 (Gerrior *et al.* 1994), and 48 sets (9% of the total) were sampled in that season, 102 hauls (17% of the total) were sampled in 1993. In 1994 and 1995, 52% and 55%, respectively, of the sets were observed. Nineteen vessels have operated in this fishery. The fishery extends from 35°N to 41°N, and from 69°W to 72°W. Approximately 50% of the total effort was within a one degree square at 39°N, 72°W, around Hudson Canyon. Examination of the 1991-1993 locations and species composition of the bycatch, showed little seasonal change for the six months of operation and did not warrant any seasonal or areal stratification of this fishery (Northridge 1996). One mortality was observed in 1992. Estimated annual fishery-related mortality (CV in parentheses) was 0.6 dolphins in 1991 (1.0), 4.3 in 1992 (0.76), 3.2 in 1993 (1.0), 0 in 1994 and 3.7 in 1995 (0.45). Since this fishery no longer exists, it has been excluded from Table 2.

During the 1994 and 1995 experimental fishing seasons, fishing gear experiments were conducted to collect data on environmental parameters, gear behavior, and gear handling practices to evaluate factors affecting catch and bycatch (Goudey 1995, 1996). Results of these studies were inconclusive in identifying factors responsible for marine mammal bycatch.

Pelagic Longline

Total effort, excluding the Gulf of Mexico, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 10,311 sets in 1992, 10,444 sets in 1993, 11,082 sets in 1994, 11,493 sets in 1995, 9,864 sets in 1996, 9,499 sets in 1997, 7,589 sets in 1998, 6,786 sets in 1999, and 6,582 sets in 2000 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a; Yeung *et al.* 2000; Yeung 2001). This annual effort has been recalculated to include those sets targeting other species in conjunction with tuna/swordfish, instead of just effort that exclusively targeted tuna/swordfish as in previous reports (Johnson *et al.* 1999; Yeung 1999a). The result is an average increase in self-reported effort of roughly 10% on the average (Yeung *et al.* 2000). The fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. This fishery has been monitored with 3-6% observer coverage, in terms of sets observed, since 1992. The 1993-1997 estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replaces previous estimates for the 1990-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999). Further, Yeung (1999b), revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998, 1999, and 2000 bycatch estimates were from Yeung (1999a), Yeung *et al.* (2000), and Yeung (2001), respectively. Most of the estimated marine mammal bycatch was from US Atlantic EEZ waters between South Carolina and Cape Cod. Excluding the Gulf of Mexico, from 1992-2000 one mortality was observed in both 1994 and 2000, and 0 in other years. The observed number of seriously-injured but released alive individuals from 1992- 2000 was respectively 2, 0, 6, 4, 1, 0, 1, 1, and 1 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a; Yeung *et al.* 2000; Yeung 2001) (Table 2). Estimated annual fishery-related mortality (CV in parentheses) was 17 in 1994 (1.0), 41 in 2000 (1.0), and 0 in other years (Table 2). Seriously injured and released alive animals were estimated to be 54 (0.7) in 1992, 0 in 1993, 120 (0.57) in 1994, 103 (0.68) in 1995, 99 (1.0) in 1996, 0 in 1997, 57 (1.0) in 1998, 22 (1.0) in 1999, and 23 (1.0) in 2000 (Table 2).

Table 2. Summary of the incidental mortality of Risso's dolphin (*Grampus griseus*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the observed mortalities and serious injuries recorded by on-board observers, the estimated annual mortality and serious injury, the combined annual estimates of mortality and serious injury (Estimated Combined Mortality), the estimated CV of the combined estimates (Estimated CVs) and the mean of the combined estimates (CV in parentheses).

Fishery	Years	Vessels ³	Data Type ¹	Observer Coverage	Observed Serious Injury	Observed Mortality	Estimated Serious Injury	Estimated Mortality	Estimated Combined Mortality	Estimated CVs	Mean Annual Mortality
Pelagic Longline ²	96-00	253, 245, 205, 193, 186	Obs. Data Logbook	.03, .03, .03, .04, .04	1, 0, 1, 1, 1	0, 0, 0, 0, 1	99, 0, 57, 22, 23	0, 0, 0, 0, 41	99, 0, 57, 22, 64	1.0, 0, 1.0, 1.0, 1.0	48 (.55)
Northeast Multispecies Sink Gillnet	96-00	1993=349 1998=301	Obs. Data Weighout Trip Logbook	.04, .06, .05, .06, .06		0, 0, 0, 0, 1		0, 0, 0, 0, 15		0, 0, 0, 0, 1.06	3 (1.06)
TOTAL											51 (.52)

¹ Observer data (Obs. Data) are used to measure bycatch rates and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. NEFSC collects landings data (Weighout), and total landings are used as a measure of total effort for the coastal gillnet fishery.

² 1996-1999 mortality estimates were taken from Table 9 in Yeung *et al.* (NMFS Miami Laboratory PRD 99/00-13), and exclude the Gulf of Mexico. 2000 mortality estimates were taken from Table 10 in Yeung (2001).

³ Number of vessels in the fishery are based on vessels reporting effort to the pelagic longline logbook.

Other mortality

From 1995-2000, thirteen Risso's dolphin strandings were recorded along the USA Atlantic coast (NMFS unpublished data). In eastern Canada, one Risso's dolphin stranding was reported on Sable Island, Nova Scotia from 1970-1998 (Lucas and Hooker 2000).

STATUS OF STOCK

The status of Risso's dolphins relative to OSP in the US Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, can not be considered to be insignificant and approaching a zero mortality and serious injury rate. The 1996-2000 average annual fishery-related mortality does not exceed PBR; therefore, this is not a strategic stock.

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SHORT-FINNED PILOT WHALE (*Globicephala macrorhynchus*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

There are two species of pilot whales in the Western Atlantic: the Atlantic or long-finned pilot whale, *Globicephala melas*, and the short-finned pilot whale, *G. macrorhynchus*. These species are difficult to identify to the species level at sea; therefore, some of the descriptive material below refers to *Globicephala* sp. and is identified as such. The species boundary is considered to be in the New Jersey to Cape Hatteras area. Sightings north of this area are likely *G. melas*. The short-finned pilot whale is distributed worldwide in tropical to warm temperate waters (Leatherwood and Reeves 1983). The northern extent of the range of this species within the USA Atlantic Exclusive Economic Zone (EEZ) is generally thought to be Cape Hatteras, North Carolina (Leatherwood and Reeves 1983). Sightings of these animals in US Atlantic EEZ occur primarily within the Gulf Stream [Southeast Fisheries Science Center (SEFSC) unpublished data], and along the continental shelf and continental slope in the northern Gulf of Mexico (Mullin *et al.* 1991; SEFSC unpublished data). There is no information on stock differentiation for the Atlantic population.

POPULATION SIZE

The total number of short-finned pilot whales off the eastern USA and Canadian Atlantic coast is unknown, although ten estimates from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas (Figure 1). Two estimates were derived from catch data and population models that estimated the abundance of the entire stock. Seven seasonal estimates are available from selected regions in USA waters during spring, summer and autumn 1978-82, August 1990, June-July 1991, August-September 1991, June-July 1993, July-September 1995, and July-August 1998. Because long-finned and short-finned pilot whales are difficult to identify at sea, seasonal abundance estimates were reported for *Globicephala* sp., both long-finned and short-finned pilot whales. One estimate is available from the Gulf of St. Lawrence.

Mitchell (1974) used cumulative catch data from the 1951-61 drive fishery off Newfoundland to estimate the initial population size (ca. 50,000 animals).

Mercer (1975), used population models to estimate a population in the same region of between 43,000-96,000 long-finned pilot whales, with a range of 50,000-60,000 being considered the best estimate.

An abundance of 11,120 (CV=0.29) *Globicephala* sp. was estimated from an aerial survey program conducted from 1978 to 1982 on the continental shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 3,636 (CV=0.36) *Globicephala* sp. was estimated from a June and July 1991 shipboard line transect sighting survey conducted primarily between the 200 and 2,000 m isobaths from Cape Hatteras to Georges Bank (Waring *et al.* 1992; Waring 1998). An abundance of 3,368 (CV=0.28) and 5,377 (CV=0.53) *Globicephala* sp. was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). As recommended in the GAMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, and therefore should not be used for PBR determinations. Further, due to changes in survey methodology, these data should not be used to make comparisons to more current estimates.

An abundance of 668 (CV=0.55) *Globicephala* sp. was estimated from a June and July 1993 shipboard line transect sighting survey conducted principally between the 200 and 2,000 m isobaths from the southern edge of Georges Bank, across the Northeast Channel to the southeastern edge of the Scotian Shelf (Table 1; Anon. 1993b).

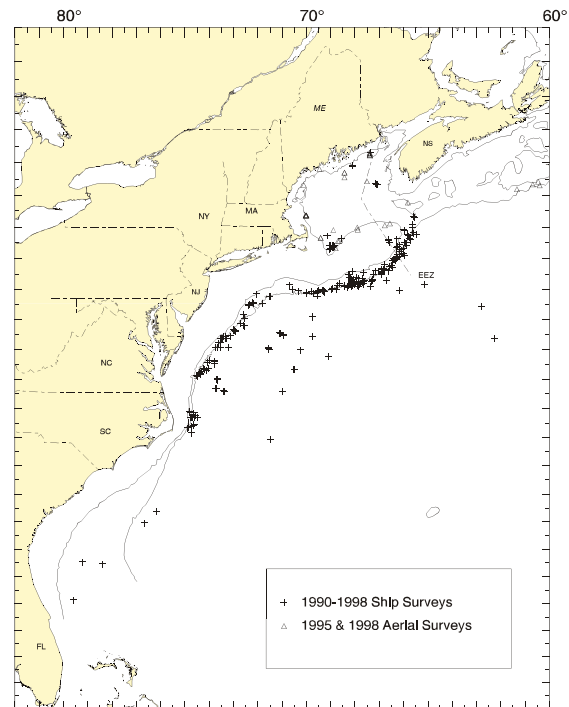


Figure 1. Distribution of pilot whale sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

Data were collected by two alternating teams that searched with 25x150 binoculars and were analyzed using DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993). Estimates include school-size bias, if applicable, but do not include corrections for $g(0)$ or dive-time. Variability was estimated using bootstrap resampling techniques.

An abundance of 8,176 (CV=0.65) *Globicephala* sp. was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

Kingsley and Reeves (1998) obtained an abundance estimate of 1,600 long-finned pilot whales (CV=0.65) from a late August and early September aerial survey of cetaceans in the Gulf of St. Lawrence in 1995 and 1998 (Table 1). Based on an examination of long-finned pilot whale summer distribution patterns and information on stock structure, it was deemed appropriate to combine these estimates with NMFS 1995 summer survey data. The best 1995 abundance estimate for *Globicephala* sp., 9,776 (CV=0.55), is the sum of the estimates from the USA and Canadian surveys, where the estimate from the USA survey is 8,176 (CV=0.65) and from the Canadian, 1,600 (CV=0.65).

An abundance of 9,800 (CV=0.34) *Globicephala* sp. was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 4,724 (CV=0.61) *Globicephala* sp. was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for *Globicephala* sp., 14,524 (CV=0.30), is the sum of the estimates from the two 1998 USA Atlantic surveys, where the estimate from the northern USA Atlantic is 9,800 (CV=0.34) and from the southern USA Atlantic is 4,724 (CV=0.61). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for the western North Atlantic *Globicephala* sp. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jun-Jul 1993	Georges Bank to Scotian shelf, shelf edge only	668	0.55
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	8,176	0.65
Aug-Sep 1995	Gulf of St. Lawrence	1,600	0.65
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	9,776	0.55
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	9,800	0.34
Jul-Aug 1998	Florida to Maryland	4,724	0.61
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	14,524	0.30

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for *Globicephala* sp. is 14,524 (CV=0.30). The minimum population estimate for *Globicephala* sp. is 11,343 (CV=0.30).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a “recovery” factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for *Globicephala* sp. is 11,343 (CV=0.30). The maximum productivity rate is 0.04, the default value for cetaceans. The “recovery” factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be .48 because the CV of the average mortality estimate is between 0.3-0.6 (Wade and Angliss 1997), and because this stock is of unknown status. PBR for the western North Atlantic *Globicephala* sp. is 108.

ANNUAL HUMAN-CAUSED MORTALITY

Total fishery-related mortality and serious injury cannot be estimated separately for the two species of pilot whales in the US Atlantic EEZ because of the uncertainty in species identification by fishery observers. The Atlantic Scientific Review Group advised adopting the risk-averse strategy of assuming that either species might have been subject to the observed fishery-related mortality and serious injury. Total annual estimated average fishery-related mortality or serious injury of this stock during 1996-2000 in the USA fisheries listed below was 193 pilot whales (CV=0.43) (Table 2). The Canadian average annual mortality estimate for 1996 from the Nova Scotia trawl fisheries is 6 long-finned pilot whales. It is not possible to estimate variance of the Canadian estimate. The total average annual mortality estimate for 1996-2000 from the USA and Nova Scotia trawl fisheries is 199 (CV = 0.43) (Table 2).

Fishery Information

USA

The level of past or current, direct, human-caused mortality of short-finned pilot whales in the US Atlantic EEZ is unknown. The short-finned pilot whale has been taken in the pelagic longline fishery in Atlantic waters off the southeastern USA (Lee *et al.* 1994; SEFSC unpublished data).

Prior to 1977, there was no documentation of marine mammal bycatch in distant-water fleet (DWF) activities off the northeast coast of the USA. A fishery observer program, which has collected fishery data and information on incidental bycatch of marine mammals, was established in 1977 with the implementation of the Magnuson Fisheries Conservation and Management Act (MFCMA). DWF effort in the US Atlantic EEZ under MFCMA has been directed primarily towards Atlantic mackerel and squid. An average of 120 different foreign vessels per year (range 102-161) operated within the US Atlantic EEZ during 1977 through 1982. In 1982, there were 112 different foreign vessels; 18 (16%) were Japanese tuna longline vessels operating along the USA Atlantic coast. This was the first year that the Northeast Regional Observer Program assumed responsibility for observer coverage of the longline vessels. The number of foreign vessels operating within the US Atlantic EEZ each year between 1983 and 1991 averaged 33 and ranged from 9 to 67. The number of Japanese longline vessels included among the DWF vessels averaged 6 and ranged from 3 to 8 between 1983 and 1988. MFCMA observer coverage on DWF vessels was 25-35% during 1977-82, increased to 58%, 86%, 95%, and 98%, respectively, during 1983-86, and 100% observer coverage was maintained from 1987-91. Foreign fishing operations for squid ceased at the end of the 1986 fishing season and, for mackerel, at the end of the 1991 fishing season.

During 1977-1991, observers in this program recorded 436 pilot whale mortalities in foreign-fishing activities (Waring *et al.* 1990; Waring 1995). A total of 391 (90%) were taken in the mackerel fishery, and 41 (9%) occurred during *Loligo* and *Illex* squid-fishing operations. This total includes 48 documented takes by USA vessels involved in joint venture fishing operations in which USA captains transfer their catches to foreign processing vessels. Due to temporal fishing restrictions, the bycatch occurred during winter/spring (December to May) in continental shelf and continental shelf edge waters (Fairfield *et al.* 1993; Waring 1995); however, the majority of the takes occurred in late spring along the 100 m isobath. Two animals were also caught in both the hake fishery and tuna longline fisheries (Waring *et al.* 1990).

The distribution of long-finned pilot whale, a northern species, overlaps with that of the short-finned pilot whale, a predominantly southern species, between 35°30'N to 38°00'N (Leatherwood *et al.* 1976). Although long-finned pilot whales are most likely taken in the waters north of Delaware Bay, many of the pilot whale takes are not identified to species and bycatch does occur in the overlap area. In this summary, therefore, long-finned pilot whales (*Globicephala melas*) and unidentified pilot whales (*Globicephala* sp.) are considered together.

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989, and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet, pelagic longline, and pelagic pair trawl, bluefin tuna purse seine, North Atlantic bottom trawl, Atlantic squid, mackerel, butterfish trawl, and Mid-Atlantic coastal gillnet fisheries, but no mortalities or serious injuries have documented in the Northeast multispecies sink gillnet fishery.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. From 1994 to 1998, between 10 and 13 vessels participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, no fishery in 1997, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Between 1989 and 1998, 87 mortalities were observed in the large pelagic drift gillnet fishery. The annual fishery-related mortality (CV in parentheses) was 77 in 1989 (0.24), 132 in 1990 (0.24), 30 in 1991 (0.26), 33 in 1992 (0.16), 31 in 1993 (0.19), 20 in 1994 (0.06), 9.1 in 1995 (0), 11 in 1996 (.17), no fishery in 1997, and 12 in 1998 (0). Since this fishery no longer exists it has been excluded from Table 2. Pilot whales were taken along the continental shelf edge, northeast of Cape Hatteras in January and February. Takes were recorded at the continental shelf edge east of Cape Charles, Virginia, in June. Pilot whales were taken from Hydrographer Canyon along the Great South Channel to Georges Bank from July-November. Takes occurred at the Oceanographer Canyon continental shelf break and along the continental shelf northeast of Cape Hatteras in October-November.

Pelagic Pair Trawl

Effort in the pelagic pair trawl fishery has increased during the period 1989 to 1993, from zero hauls in 1989 and 1990, to an estimated 171 hauls in 1991, and then to an estimated 536 hauls in 1992, 586 in 1993, 407 in 1994, and 440 in 1995. This fishery ceased operations in 1996, when NMFS rejected a petition to consider pair trawl gear as an authorized gear type in the Atlantic tunas fishery. The fishery operated from August-November in 1991, from June-November in 1992, from June-October in 1993, and from mid-summer to November in 1994 and 1995. Fisheries Observer began in October 1992 (Gerritor *et al.* 1994), and 48 sets (9% of the total) were sampled in that season, 102 hauls (17% of the total) were sampled in 1993. In 1994 and 1995, 52% and 54%, respectively, of the sets were observed. Twelve vessels have operated in this fishery. The fishery extends from 35°N to 41°N, and from 69°W to 72°W. Approximately 50% of the total effort was within a one degree square at 39°N, 72°W, around Hudson Canyon. Examination of the 1991-1993 locations and species composition of the bycatch, showed little seasonal change for the six months of operation and did not warrant any seasonal or areal stratification of this fishery (Northridge 1996). Five pilot whale (*Globicephala* sp.) mortalities were reported in the self-reported fisheries information in 1993. In 1994 and 1995 observers reported 1 and 12 mortalities, respectively. Since this fishery no longer exists, it has been excluded from Table 2.

During the 1994 and 1995 experimental fishing seasons, fishing gear experiments were conducted to collect data on environmental parameters, gear behavior, and gear handling practices to evaluate factors affecting catch and bycatch (Goudey 1995, 1996). Results of these studies were inconclusive in identifying factors responsible for marine mammal bycatch.

Pelagic Longline

Total effort, excluding the Gulf of Mexico, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 10,311 sets in 1992, 10,444 sets in 1993, 11,082 sets in 1994, 11,493 sets in 1995, 9,864 sets in 1996, 9,499 sets in 1997, 7,589 sets in 1998, 6,770 sets in 1999, and 6,582 sets in 2000 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a; Yeung *et al.* 2000; Yeung, 2001). This annual effort has been recalculated to include those sets targeting other species in conjunction with tuna/swordfish, instead of just effort that exclusively targeted tuna/swordfish as in previous reports (Johnson *et al.* 1999; Yeung 1999a). The result is an average increase in self-reported effort of roughly 10% (Yeung *et al.* 2000). The fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. This fishery has been monitored with 3-6% observer coverage, in terms of sets observed, since 1992. The 1993-1997 estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replaces previous estimates for the 1990-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999). Further, Yeung (1999b) revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998, 1999 and 2000 bycatch estimates were from Yeung (1999a), Yeung *et al.* (2000), and Yeung (2001), respectively. Most of the estimated marine mammal bycatch was from US Atlantic EEZ waters between South Carolina and Cape Cod (Johnson *et al.* 1999). Pilot whales are frequently observed feeding on hooked fish, particularly big-eye tuna (NMFS unpublished data). Between 1992-2000, 70 pilot whales (including

2 identified as a short-finned pilot whales) were released alive, including 36 that were considered seriously injured (of which 1 was identified as a short-finned pilot whale), and 4 mortalities were observed. January-March bycatch was concentrated on the continental shelf edge northeast of Cape Hatteras. Bycatch was recorded in this area during April-June, and takes also occurred north of Hydrographer Canyon off the continental shelf in water over 1,000 fathoms during April-June. During the July-September period, takes occurred on the continental shelf edge east of Cape Charles, Virginia, and on Block Canyon slope in over 1,000 fathoms of water. October-December bycatch occurred along the 20 to 50 fathom contour lines between Barnegatt Bay and Cape Hatteras. The estimated fishery-related mortality to pilot whales in the US Atlantic (excluding the Gulf of Mexico) attributable to this fishery was: 127 in 1992 (CV=1.00) and 93 in 1999 (CV=1.00). The estimated serious injuries were 40 (CV=0.71) in 1992, 19 (CV=1.00) in 1993, 232 (CV=0.53) in 1994, 345 (CV=0.51) in 1995, 0 from 1996 to 1998, 288 (CV=0.79) in 1999, and 109 (CV=0.88) in 2000. This includes 37 estimated short-finned pilot whales in 1995 (CV=1.00). The average annual mortality between 1996 and 2000 was 103 pilot whales (CV=0.63) (Table 2). Seriously injured and released alive animals are combined with mortalities in the category 'combined mortality'.

Bluefin Tuna Purse Seine

The tuna purse seine fishery between Cape Hatteras and Cape Cod is directed at small and medium bluefin and skip jack for the canning industry, while north of Cape Cod purse seine vessels are directed at large medium and giant bluefin tuna (NMFS 1995). The latter fishery is entirely separate from any other Atlantic tuna purse seine fishery. Spotter aircraft are used to locate fish schools. The official start date is August 15, set by regulation. Individual vessel quotas (IVQs) and a limited access system prevent a derby fishery situation. Catch rates are high with this gear and consequently, the season usually only lasts a few weeks for large mediums and giants. The 1996 regulations allocated 250 MT (5 IVQs) with a minimum of 90% giants and 10% large mediums. Limited observer data are available for the bluefin tuna purse seine fishery. Out of 45 total trips made in 1996, 43 trips (95.6%) were observed. Forty-four sets were made on the 43 observed trips and all sets were observed. A total of 136 days were covered. Two interactions with pilot whales were observed in 1996. In one interaction, the net was actually pursed around 1 pilot whale, the rings were released and the animal escaped alive, condition unknown. This set occurred east of the Great South Channel and just north of the Cultivator Shoals region on Georges Bank. In a second interaction, 5 pilot whales were encircled in a set. The net was opened prior to pursuing to let the whales swim free, apparently uninjured. This set occurred on the Cultivator Shoals region on Georges Bank. Since 1996, this fishery has not been observed.

North Atlantic Bottom Trawl

Vessels in the North Atlantic bottom trawl fishery, a Category III fishery under the MMPA, were observed in order to meet fishery management needs, rather than marine mammal management needs. An average of 970 (CV=0.04) vessels (full and part time) participated annually in the fishery during 1989-1993. The fishery is active in New England in all seasons. One mortality was documented in 1990, and one animal was released alive and uninjured in 1993. The estimated fishery-related mortality to pilot whales in the USA Atlantic attributable to this fishery was: 0 in 1994-1998, 228 in 1999, and 0 in 2000. The average annual mortality between 1996-2000 was 46 pilot whales (CV=1.03) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

Atlantic Squid, Mackerel, Butterfish Trawl

The mid-Atlantic mackerel and squid trawl fisheries were combined into the Atlantic mid-water trawl fishery in the revised proposed list of fisheries in 1995. The fishery occurs along the USA mid-Atlantic continental shelf region between New Brunswick, Canada, and Cape Hatteras year around. The mackerel trawl fishery was classified as a Category II fishery since 1990 and the squid fishery was originally classified as a Category II fishery in 1990, but was reclassified as a Category III fishery in 1992. The combined fishery was then reclassified as a Category II fishery in 1995. In 1996, mackerel, squid, and butterfish trawl fisheries were combined into the Atlantic squid, mackerel, butterfish trawl fishery, and maintained a Category II classification. Three fishery-related mortalities of pilot whales were reported in self-reported fisheries information from the mackerel trawl fishery between 1990-1992. Six mortalities were observed in 1996, and one in years 1998 and 1999. The 1996 and 1998 bycatch occurred in the *Illex* squid fishery, and the 1999 in the *Loligo* fishery. The estimated fishery-related mortality to pilot whales in the USA Atlantic attributable to this fishery was: 45 in 1996 (CV=1.27), 0 in 1997, 85 in 1998 (CV=0.65), 49 in 1999 (CV=0.97) and 34 in 2000 (CV=0.65); average annual mortality between 1996 and 2000 was 43 pilot whales (CV=0.45) (Table 2). However, these estimates should be viewed with caution due to the extremely low (<1%) observer coverage.

Mid-Atlantic Coastal Gillnet

Observer coverage of the USA Atlantic coastal gillnet fishery was initiated by the NEFSC Fisheries Observer program in July 1993; and from July to December 1993, 20 trips were observed. During 1994 and 1995, 221 and 382 trips were observed, respectively. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of which operate right off the beach. The number of vessels in this fishery is unknown, because records which are held by both state and federal agencies have not been centralized and standardized. Observer coverage, expressed as percent of tons of fish landed, was 5% 4%, 3%, 5%, 2%, and 2% for 1995, 1996, 1997, 1998, 1999, and 2000, respectively (Table 2).

No pilot whales were taken in observed trips during 1993-1997. One pilot whale was observed taken in 1998, 0 in 1999 and 2000 (Table 2). Observed effort was concentrated off NJ and scattered between DE and NC from 1 to 50 miles off the beach. All bycatches were documented during January to April. Using the observed takes, the estimated annual mortality (CV in parentheses) attributed to this fishery was 7 in 1998 (1.1). Average annual estimated fishery-related mortality attributable to this fishery during 1996-2000 was 1 pilot whale (CV=1.1).

CANADA

An unknown number of pilot whales have also been taken in Newfoundland, Labrador, and in Bay of Fundy groundfish gillnets, Atlantic Canada and Greenland salmon gillnets, and Atlantic Canada cod traps (Read 1994). The Atlantic Canadian and Greenland salmon gillnet fishery is seasonal, with the peak from June to September, depending on location. During 1989 in southern and eastern Newfoundland and in Labrador, 2,196 nets 91 m long were used. There are no effort data available for the Greenland fishery; however, the fishery was terminated in 1993 under an agreement between Canada and North Atlantic Salmon Fund (Read 1994).

There were 3,121 cod traps operating in Newfoundland and Labrador during 1979, and about 7,500 in 1980 (Read 1994). This fishery was closed at the end of 1993 due to collapse of Canadian groundfish resources.

Between January 1993 and December 1994, 36 Spanish deep-water trawlers, covering 74 fishing trips, were observed in NAFO Fishing Area 3 (off the Grand Bank) (Lens 1997). A total of 47 incidental catches were recorded, which included 1 long-finned pilot whale. The incidental mortality rate for pilot whales was 0.007/set.

In Canada, the fisheries observer program places observers on all foreign fishing vessels, on between 25-40% of large Canadian vessels (greater than 100 ft), and on approximately 5% of small vessels (Hooker *et al.* 1997). Fishery observer effort off the coast of Nova Scotia during 1991-1996 varied on a seasonal and annual basis, reflecting changes in fishing effort (see Figure 3, Hooker *et al.* 1997). During the 1991-96 period, long-finned pilot whales were bycaught (number of animals in parentheses) in bottom trawl (65); midwater trawl (6); and longline (1) gear. Recorded bycatches by year were: 16 in 1991, 21 in 1992, 14 in 1993, 3 in 1994, 9 in 1995, and 6 in 1996. Pilot whale bycatches occurred in all months except January-March and September (Hooker *et al.* 1997).

Table 2. Summary of the incidental mortality of pilot whales (*Globicephala sp.*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the observed mortalities and serious injuries recorded by on-board observers, the estimated annual mortality and serious injury, the combined annual estimates of mortality and serious injury (Estimated Combined Mortality), the estimated CV of the combined estimates (Estimated CVs) and the mean of the combined estimates (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Serious Injury	Estimated Mortality	Estimated Combined Mortality	Estimated CVs	Mean Annual Mortality
Atlantic ⁵ squid, mackerel, butterfish trawl	1996-2000	NA	Obs. Data Weighouts	.007, .008, .003, .004, .007	0, 0, 0, 0, 0	6, 0, 1, 1, 1	0, 0, 0, 0, 0	45, 0, 85, 49, 34	45, 0, 85, 49, 34	1.27, 0, .65, .97, .65	43 (.45)
No. Atlantic Bottom Trawl ³	1996-2000	NA	Obs. Data Weighouts	.002, .002, .001, .003, .003	0, 0, 0, 0, 0	0, 0, 0, 1, 0	0, 0, 0, 0, 0	0, 0, 0, 228, 0	0, 0, 0, 228, 0	0, 0, 0, 1.03, 0	46 (1.03)
Pelagic ⁴ Longline	1996-2000	253, 245, 205, 193 ³ , 186	Obs. Data Logbook	.03, .03, .03, .04, .04	0, 0, 0, 4, 4	0, 0, 0, 1, 1	0, 0, 0, 288, 109	0, 0, 0, 93, 24	0, 0, 0, 381, 133	0, 0, 0, 0.79, 0.88	103 (0.63)
Mid-Atlantic Coastal Gillnet	1996-2000	NA	Obs. Data Weighouts	.04, .03, .05, .02, .02	0, 0, 0, 0, 0	0, 0, 1, 0, 0	0, 0, 0, 0, 0	0, 0, 7, 0, 0	0, 0, 7, 0, 0	0, 0, 1.1, 0, 0	1 (1.1)
Nova Scotia trawl fisheries	1996	NA	Obs. Data	NA	0	6		6		NA	6 (NA)
TOTAL											199 (0.43)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. Mandatory logbook data were used to measure total effort for the longline fishery. These data are collected at the Southeast Fisheries Science Center (SEFSC).

² Observer coverage of the mid-Atlantic coastal gillnet fishery is measured in tons of fish landed. Observer coverage for the longline fishery are in terms of sets. The trawl fisheries are measured in trips.

³ In 1997, 1998, and 2000, the observed pilot whales were taken from the *Illex* squid otter trawl subfishery. The 1999 observed pilot whales were taken from the *Loligo* squid and N. Atlantic otter trawl subfisheries.

- ⁴ 1996-2000 mortality estimates were taken from Table 9a in Yeung *et al.* (NMFS Miami Laboratory PRD 99/00-13), and exclude the Gulf of Mexico. 2000 mortality estimates were taken from Table 10 in Yeung 2000 (NMFS, Miami Lab. Ref. Doc. 00/01-17) and excludes the Gulf of Mexico.
- ⁵ Number of vessels in the fishery are based on vessels reporting effort to the pelagic longline logbook.

Other Mortality

Pilot whales have a propensity to mass strand throughout their range, but the role of human activity in these events is unknown. Between 2 and 120 pilot whales have stranded annually either individually or in groups in NMFS Northeast Region (Anon. 1993b) since 1980. From 1992-2000, 98 long-finned pilot whale stranded between South Carolina and Maine, including 22 and 11 animals that mass stranded in 1992 and 2000, respectively, along the Massachusetts coast (NMFS unpublished data). Four of 6 animals from 1 live stranding event in Massachusetts in 2000 were rehabilitated and released. In addition 11 pilot whales that live stranded on Nantucket were returned to the water.

In eastern Canada, 37 strandings of long-finned pilot whales (173 individuals) were reported on Sable Island, Nova Scotia from 1970-1998 (Lucas and Hooker 1997; Lucas and Hooker 2000). This included 130 animals that mass stranded in December 1976, and 2 smaller groups (<10 each) in autumn 1979 and summer 1992. Fourteen strandings were also recorded along Nova Scotia from 1991-1996 (Hooker *et al.* 1997).

A potential human-caused source of mortality is from polychlorinated biphenyls (PCBs) and chlorinated pesticides (DDT, DDE, dieldrin, etc.) moderate levels of which have been found in pilot whale blubber (Taruski 1975; Muir *et al.* 1988; Weisbrod *et al.* 2000). Weisbrod *et al.* (2000) reported that bioaccumulation levels were more similar in whales from the same standing group than animals of the same sex or age. Also, high levels of toxic metals (mercury, lead, cadmium) and selenium were measured in pilot whales harvested in the Faroe Island drive fishery (Nielsen *et al.* 2000). Similarly, Dam and Bloch (2000) found very high PCB levels in pilot whales in the Faroes. The population effect of the observed levels of such contaminants is unknown.

STATUS OF STOCK

The status of long-finned pilot whales relative to OSP in US Atlantic EEZ is unknown, but stock abundance may have been affected by reduction in foreign fishing, curtailment of the Newfoundland drive fishery for pilot whales in 1971, and increased abundance of herring, mackerel, and squid stocks. There are insufficient data to determine the population trends for this species. The species is not listed under the Endangered Species Act. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because the 1996-2000 estimated average annual fishery-related mortality, excluding Nova Scotia bycatches to pilot whales, *Globicephala* sp., exceeds PBR.

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ATLANTIC SPOTTED DOLPHIN (*Stenella frontalis*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

There are two species of spotted dolphin in the Western Atlantic — the Atlantic spotted dolphin, *Stenella frontalis*, formerly *S. plagiodon* (Perrin *et al.* 1987), and the pantropical spotted dolphin, *S. attenuata*. These species are difficult to differentiate at sea.

Atlantic spotted dolphins are distributed in tropical and warm temperate waters of the western North Atlantic (Leatherwood *et al.* 1976). Their distribution is from southern New England, south through the Gulf of Mexico and the Caribbean to Venezuela (Leatherwood *et al.* 1976; Perrin *et al.* 1994). The large, heavily spotted form of the Atlantic spotted dolphin along the southeastern and Gulf coasts of the United States, which may warrant designation as a distinct sub-species (Rice 1998), inhabits the continental shelf, usually being found inside or near the 200 m isobath (within 250-350 km of the coast) but sometimes coming into very shallow water adjacent to the beach (Figure 1). Off the northeast USA coast, spotted dolphins are widely distributed on the continental shelf, along the continental shelf edge, and offshore over the deep ocean south of 40° N (CETAP 1982). Atlantic spotted dolphins regularly occur in the inshore waters south of Chesapeake Bay and near the continental shelf edge and continental slope waters north of this region (Payne *et al.* 1984; Mullin *in review*). Sightings have also been made along the north wall of the Gulf Stream and warm-core ring features (Waring *et al.* 1992). Stock structure in the western North Atlantic is unknown.

POPULATION SIZE

Total numbers of Atlantic spotted dolphins off the USA or Canadian Atlantic coast are unknown, although three estimates from selected regions of the habitat do exist for select time periods. Because *S. frontalis* and *S. attenuata* are difficult to differentiate at sea, the reported abundance estimates, prior to 1998, are for both species of spotted dolphins combined. Sightings were almost exclusively in the continental shelf edge and continental slope areas west of Georges Bank (Figure 1). An abundance of 6,107 undifferentiated spotted dolphins (CV=0.27) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental, shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). As recommended in the GAMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 4,772 (CV=1.27) undifferentiated spotted dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* *in review*). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 32,043 (CV=1.39) for offshore Atlantic spotted dolphins was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* *in review*). Shipboard data were analyzed

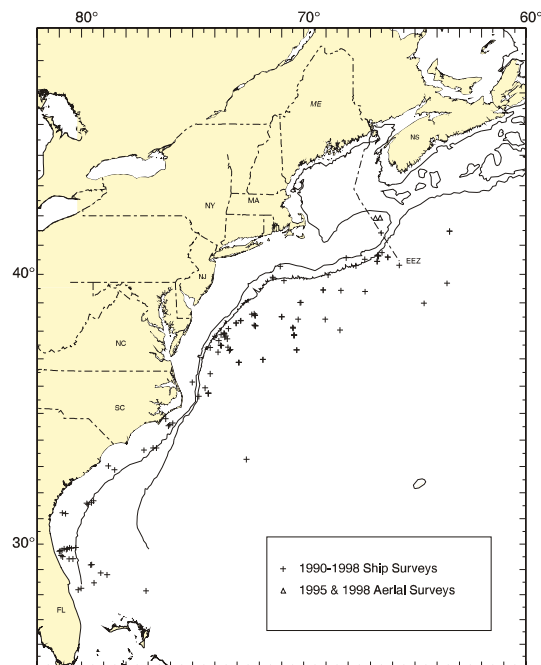


Figure 1. Distribution of spotted dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 4,396 (CV=0.62) for offshore, and 15,840 (CV=0.60) for coastal Atlantic spotted dolphins was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for the Atlantic spotted dolphins is the sum of the estimates from the two 1998 USA Atlantic surveys, 52,279 (CV=0.87), where the estimate from the northern USA Atlantic is 32,043 (CV=1.39) and estimates from the southern USA Atlantic are 4,396 (CV=0.62) and 15,840 (CV=0.60). At their November 1999 meeting, the Atlantic SRG recommended that, without a genetic determination of stock structure, the abundance estimates for the coastal and offshore forms should be combined. This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for both undifferentiated spotted dolphins (1995), and differentiated Atlantic spotted dolphins (1998). Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	4,772 ¹	1.27
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	32,043 ²	1.39
Jul-Aug 1998	Florida to Maryland	4,396 ²	0.62
Jul-Sep 1998	Gulf of St. Lawrence to Florida (COMBINED)	36,439 ³	1.22
Jul-Aug 1998	Florida to Maryland	15,840 ⁴	0.60

¹ Because of uncertain species identification in the 1995 survey, all spotted dolphins were lumped together.

² This represents the first estimate for the offshore Atlantic spotted dolphin.

³ This is the combined estimate for the two survey regions

⁴ This represents the first estimate for the coastal Atlantic spotted dolphin

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). Until more definitive stock identification (*i.e.*, genetic analysis) work is completed, the Atlantic Scientific Review Group recommends that the best estimate of abundance for Atlantic spotted dolphins is the combined estimates for the offshore 15,840 (CV=0.60) and coastal 36,439 (CV=1.22) forms of Atlantic spotted dolphins. This estimate is 52,279 (CV=0.87). The minimum population estimates based on the combined offshore and coastal abundance estimates is 27,785 (CV=0.87).

Current Population Trend

There are insufficient data to determine the population trends for this species, given that surveys prior to 1998 did not differentiate between species of spotted dolphins.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for the combined offshore and coastal 'forms' of Atlantic spotted dolphins is 52,279 (CV=0.87). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is set to 0.5 because this stock is of unknown status. PBR for the combined offshore and coastal forms of Atlantic spotted dolphins is 278 (CV=0.87).

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total annual estimated average fishery-related mortality or serious injury to this stock during 1994-1998 was 7.8 undifferentiated spotted dolphins (*Stenella* spp.) CV=0.01; Table 2).

Fishery Information

No spotted dolphin mortalities were observed in 1977-1991 foreign fishing activities. Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989 and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras. Total fishery-related mortality and serious injury cannot be estimated separately for the two species of spotted dolphins in the USA Atlantic Exclusive Economic Zone (EEZ) because of the uncertainty in species identification by fishery observers. The Atlantic Scientific Review Group advised adopting the risk-averse strategy of assuming that either species might have been subject to the observed fishery-related mortality and serious injury.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet and pelagic longline fisheries, but no mortalities or serious injuries have been documented in the pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, and North Atlantic bottom trawl fisheries; and no takes have been documented in a review of Canadian gillnet and trap fisheries (Read 1994).

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. Since 1994, between 10- and 13 vessels have participated in the fishery (Table 2). Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Forty-nine undifferentiated spotted dolphins mortalities were observed in the drift gillnet fishery between 1989 and 1998 and occurred northeast of Cape Hatteras within the 183 m isobath in February-April, and near Lydonia Canyon in October. Six whole animal carcasses that were sent to the Smithsonian were identified as Pantropical spotted dolphins (*S. attenuata*). The remaining animals were not identified to species. Estimated annual mortality and serious injury attributable to this fishery (CV in parentheses) was 25 in 1989 (.65), 51 in 1990 (.49), 11 in 1991 (.41), 20 in 1992 (0.18), 8.4 in 1993 (0.40), 29 in 1994 (0.01), 0 in 1995, 2 in 1996 (0.06), NA in 1997, and 0 in 1998; average annual mortality and serious injury during 1994-1998 was 7.8 (0.01) (Table 2).

Pelagic Longline

The pelagic longline fishery operates in the USA Atlantic (including Caribbean) and Gulf of Mexico EEZ (SEFSC unpublished data). Interactions between the pelagic longline fishery and spotted dolphins have been reported; however, a vessel may fish in more than one statistical reporting area and it is not possible to separate estimates of fishing effort other than to subtract Gulf of Mexico effort from Atlantic fishing effort, which includes the Caribbean Sea. This fishery has been monitored with about 5% observer coverage, in terms of trips observed, since 1992. Total effort, excluding the Gulf of Mexico, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 9,869 sets in 1992, 9,862 sets in 1993, 9,481 sets in 1994, 10,129 sets in 1995, 9,885 sets in 1996, 8,023 sets in 1997, and 6,675 sets in 1998 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999b). Since 1992, this fishery has been monitored with about 5% observer coverage, in terms of trips observed, within every statistical reporting area within the EEZ and beyond. Off the USA Atlantic coast, the fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. The 1994-1998, estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replace previous estimates for the 1992-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999a). Further, Yeung (1999b), revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998 bycatch estimates were from Yeung (1999a). Most of the estimated marine mammal bycatch was from EEZ waters between South Carolina and

Cape Cod (Johnson *et al.* 1999). Excluding the Gulf of Mexico where one animal was hooked and released alive (Appendix 1), no Atlantic spotted dolphin bycatches were observed for 1992-1998.

Table 2. Summary of the incidental mortality of undifferentiated spotted dolphins (*Stenella* sp.) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type ¹	Observed Serious Injury	Observer Coverage ²	Observed Mortality	Estimated Mortality ⁵	Estimated CVs	Mean Annual Mortality
Pelagic Drift Gillnet ⁶	94-98	1994=11 ³ 1995=12 1996=10 1998=13	Obs. Data Logbook	0, 0, 0, 0, 0	.87, .99, .64, NA, .99	29, 0, 2, NA, 0	29, 0, 2 ⁴ , NA, 0	.01, 0, 0, NA, 0	7.75 (0.01)
TOTAL									7.8 (0.01)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. Mandatory logbook (Logbook) data are used to measure total effort for the pelagic drift gillnet fishery, and these data are collected at the Southeast Fisheries Science Center (SEFSC).

² The observer coverage for the pelagic drift gillnet and pair trawl fishery is measured in terms of sets, and the longline fishery is in trips. 1994, 1995, 1996, and 1998 shown, other years not available on an annual basis.

³ Estimates were based on two seasons. The two observed takes were during the winter season when observer coverage was 100%.

⁴ Annual mortality estimates include animals seriously injured and released alive.

⁵ The fishery did not operate in 1997; the average annual mortality is based on the number of years (4; 1994-1998) that the fishery operated.

Other Mortality

From 1995-1998, thirteen Atlantic spotted dolphins were stranded between North Carolina and Florida (NMFS unpublished data).

STATUS OF STOCK

The status of Atlantic spotted dolphins, relative to OSP in the USA Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. Total fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. Average annual fishery-related mortality and serious injury does not exceed the PBR; therefore, this is not a strategic stock.

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PANTROPICAL SPOTTED DOLPHIN (*Stenella attenuata*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

There are two species of spotted dolphin in the Western Atlantic — the Atlantic spotted dolphin, *Stenella frontalis*, formerly *S. plagiodon* (Perrin *et al.* 1987), and the pantropical spotted dolphin, *S. attenuata*. These species are difficult to differentiate at sea.

The pantropical spotted dolphin is distributed worldwide in tropical and some sub-tropical oceans (Perrin *et al.* 1987; Perrin and Hohn 1994). Sightings of this species in the northern Gulf of Mexico occur over the deeper waters, and rarely over the continental shelf or continental shelf edge (Mullin *et al.* 1991; SEFSC, unpublished data). Pantropical spotted dolphins were seen in all seasons during recent seasonal aerial surveys of the northern Gulf of Mexico, and during recent winter aerial surveys offshore of the southeastern USA Atlantic coast (SEFSC unpublished data). Some of the Pacific populations have been divided into different geographic stocks based on morphological characteristics (Perrin *et al.* 1987; Perrin and Hohn 1994); however, there is no information on stock differentiation in the Atlantic population.

POPULATION SIZE

Total numbers of pantropical spotted dolphins off the USA or Canadian Atlantic coast are unknown, although three estimates from selected regions of the habitat do exist for select time periods. Because *S. frontalis* and *S. attenuata* are difficult to differentiate at sea, the reported abundance estimates, prior to 1998, are for both species of spotted dolphins combined. Sightings were almost exclusively in the continental shelf edge and continental slope areas west of Georges Bank (Figure 1). An abundance of 6,107 undifferentiated spotted dolphins (CV=0.27) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental, shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). As recommended in the GAMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates.

An abundance of 4,772 (CV=1.27) undifferentiated spotted dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 343 (CV=1.03) for pantropical spotted dolphins was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 12,774 (CV=0.57) for pantropical spotted dolphins was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in

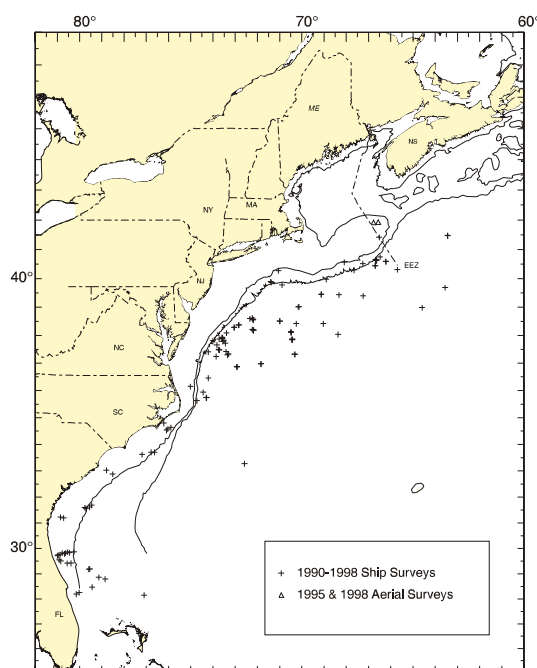


Figure 1. Distribution of spotted dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for pantropical spotted dolphins is the sum of the estimates from the two 1998 USA Atlantic surveys, 13,117 (CV=0.56), where the estimate from the northern USA Atlantic is 343 (CV=1.03) and from the southern USA Atlantic is 12,774 (CV=0.57). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for both undifferentiated spotted dolphins (1995) and differentiated pantropical spotted dolphins (1998). Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	4,772 ¹	1.27
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	343 ²	1.03
Jul-Aug 1998	Florida to Maryland	12,774 ²	0.57
Jul-Aug 1998	Gulf of St. Lawrence to Florida (COMBINED)	13,117 ³	0.56

¹ Because of uncertain species identification in the 1995 survey, all spotted dolphins were lumped together.

² This represents the first estimates for pantropical spotted dolphin.

³ This represents the combined estimates for both regions.

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for pantropical spotted dolphins is 13,117 (CV=0.56). The minimum population estimate for pantropical spotted dolphins is 8,450 (CV=0.56).

Current Population Trend

There are insufficient data to determine the population trends for this species, because prior to 1998 spotted dolphins (*Stenella* spp) were not differentiated during surveys.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size for pantropical spotted dolphins is 8,450 (CV=0.56). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for pantropical dolphins is 84.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total annual estimated average fishery-related mortality or serious injury to this stock during 1996-2000 was 0 undifferentiated spotted dolphin (*Stenella* sp.).

Fisheries Information

No spotted dolphin mortalities were observed in 1977-1991 foreign fishing activities. Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fisheries information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989 and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras. Total fishery-related mortality and serious injury cannot be estimated separately for the two species of spotted dolphins in the USA Atlantic Exclusive Economic Zone (EEZ) because of the uncertainty in species identification by fishery observers. The Atlantic

Scientific Review Group advised adopting the risk-averse strategy of assuming that either species might have been subject to the observed fishery-related mortality and serious injury.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet and pelagic longline fisheries, but no mortalities or serious injuries have been documented in the pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, and North Atlantic bottom trawl fisheries; and no takes have been documented in a review of Canadian gillnet and trap fisheries (Read 1994).

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. Since 1994, between 10 and 13 vessels have participated in the fishery. Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. Effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch from 1989 to 1993 were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fisheries information. Variances were estimated using bootstrap re-sampling techniques. Forty-nine spotted dolphin mortalities were observed in the drift gillnet fishery between 1989 and 1998 and occurred northeast of Cape Hatteras within the 183 m isobath in February-April, and near Lydonia Canyon in October. Six whole animal carcasses that were sent to the Smithsonian were identified as Pantropical spotted dolphins (*S. attenuata*). The remaining animals were not identified to species. Estimated annual mortality and serious injury attributable to this fishery (CV in parentheses) was 25 in 1989 (.65), 51 in 1990 (.49), 11 in 1991 (.41), 20 in 1992 (0.18), 8.4 in 1993 (0.40), 29 in 1994 (0.01), 0 in 1995, 2 in 1996 (0.06), no fishery in 1997, and 0 in 1998.

Pelagic Longline

The pelagic longline fishery operates in the USA Atlantic (including Caribbean) and Gulf of Mexico EEZ (SEFSC unpublished data). Interactions between the pelagic longline fishery and spotted dolphins have been reported; however, a vessel may fish in more than one statistical reporting area and it is not possible to separate estimates of fishing effort other than to subtract Gulf of Mexico effort from Atlantic fishing effort, which includes the Caribbean Sea. This fishery has been monitored with about 5% observer coverage, in terms of trips observed, since 1992. Total effort, excluding the Gulf of Mexico, for the pelagic longline fishery, based on mandatory self-reported fisheries information, was 11,279 sets in 1991, 9,869 sets in 1992, 9,862 sets in 1993, 9,481 sets in 1994, 10,129 sets in 1995, 9,885 sets in 1996, 8,023 sets in 1997, and 6,675 sets in 1998 (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung, 1999a). Since 1992, this fishery has been monitored with about 5% observer coverage, in terms of trips observed, within every statistical reporting area within the US Atlantic EEZ and beyond. Off the US Atlantic coast, the fishery has been observed from January to March off Cape Hatteras, in May and June in the entire mid-Atlantic, and in July through December in the mid-Atlantic Bight and off Nova Scotia. The 1994-1998, estimated take was based on a revised analysis of the observed incidental take and self-reported incidental take and effort data, and replaces previous estimates for the 1992-1993 and 1994-1995 periods (Cramer 1994; Scott and Brown 1997; Johnson *et al.* 1999; Yeung 1999b). Further, Yeung (1999b) revised the 1992-1997 fishery mortality estimates in Johnson *et al.* (1999) to include seriously injured animals. The 1998 bycatch estimates were from Yeung (1999a). Most of the estimated marine mammal bycatch was from US Atlantic EEZ waters between South Carolina and Cape Cod (Johnson *et al.* 1999). Excluding the Gulf of Mexico where one animal was hooked and released alive, no pantropical spotted dolphin bycatches were observed for 1992-1998.

Other Mortality

From 1995-1998, 15 pantropical spotted dolphins were stranded between North Carolina and Florida (NMFS unpublished data). The 15 mortalities includes the 1996 mass stranding of 11 animals in Florida (NMFS unpublished data).

STATUS OF STOCK

The status of pantropical spotted dolphins, relative to OSP in the US Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. Total fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. Average annual fishery-related mortality and serious injury does not exceed the PBR; therefore, this is not a strategic stock

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STRIPED DOLPHIN (*Stenella coeruleoalba*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The striped dolphin, *Stenella coeruleoalba*, is distributed worldwide in warm-temperate to tropical seas (Archer and Perrin 1997). Striped dolphins are found in the western North Atlantic from Nova Scotia south to at least Jamaica and in the Gulf of Mexico. In general, striped dolphins appear to prefer continental slope waters offshore to the Gulf Stream (Leatherwood *et al.* 1976; Perrin *et al.* 1994; Schmidly 1981). There is very little information concerning striped dolphin stock structure in the western North Atlantic (Archer and Perrin 1997).

In waters off the northeastern USA coast, striped dolphins are distributed along the continental shelf edge from Cape Hatteras to the southern margin of Georges Bank, and also occur offshore over the continental slope and rise in the mid-Atlantic region (CETAP 1982). Continental shelf edge sightings in this program were generally centered along the 1,000 m depth contour in all seasons (CETAP 1982). During 1990 and 1991 cetacean habitat-use surveys, striped dolphins were associated with the Gulf Stream north wall and warm-core ring features (Waring *et al.* 1992). Striped dolphins seen in a survey of the New England Sea Mounts (Palka 1997) were in waters that were between 20^o and 27^oC and deeper than 900 m.

Although striped dolphins are considered to be uncommon in Canadian Atlantic waters (Baird *et al.* 1993), recent summer sightings (2-125 individuals) in the deeper and warmer waters of the Gully (submarine canyon off eastern Nova Scotia shelf) suggest that this region may be an important part of their range (Gowans and Whitehead 1995; Baird *et al.* 1997).

POPULATION SIZE

Total numbers of striped dolphins off the USA or Canadian Atlantic coast are unknown, although four estimates from selected regions of the habitat do exist for select time periods. Sightings were almost exclusively in the continental shelf edge and continental slope areas west of Georges Bank (Figure 1). An abundance of 36,780 striped dolphins (CV=0.27) was estimated from an aerial survey program conducted from 1978 to 1982 on the continental, shelf and shelf edge waters between Cape Hatteras, North Carolina and Nova Scotia (CETAP 1982). An abundance of 25,939 (CV=0.36) and 13,157 (CV=0.45) striped dolphins was estimated from line transect aerial surveys conducted from August to September 1991 using the Twin Otter and AT-11, respectively (Anon. 1991). The study area included that covered in the CETAP study plus several additional continental slope survey blocks. Due to weather and logistical constraints, several survey blocks south and east of Georges Bank were not surveyed. As recommended in the GAMS Workshop Report (Wade and Angliss 1997), estimates older than eight years are deemed unreliable, therefore should not be used for PBR determinations. Further, due to changes in survey methodology these data should not be used to make comparisons to more current estimates

An abundance of 31,669 (CV=0.73) striped dolphins was estimated from a July to September 1995 sighting survey conducted by two ships and an airplane that covered waters from Virginia to the mouth of the Gulf of St. Lawrence (Table 1; Palka *et al.* in review). Total track line length was 32,600 km. The ships covered waters between the 50 and 1000 fathom depth contour lines, the northern edge of the Gulf Stream, and the northern Gulf of Maine/Bay of Fundy region. The airplane covered waters in the mid-Atlantic from the coastline to the 50 fathom depth contour line, the southern Gulf of Maine, and shelf waters off Nova Scotia

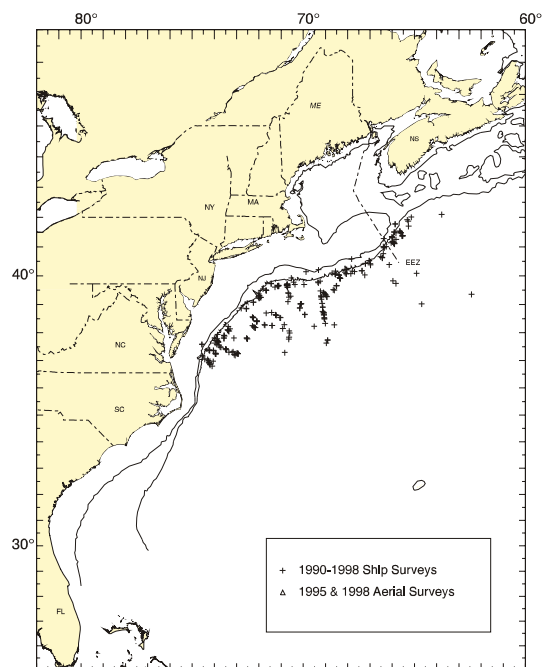


Figure 1. Distribution of striped dolphin sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.

from the coastline to the 1000 fathom depth contour line. Data collection and analysis methods used were described in Palka (1996).

An abundance of 39,720 (CV=0.45) for striped dolphins was estimated from a line transect sighting survey conducted during July 6 to September 6, 1998 by a ship and plane that surveyed 15,900 km of track line in waters north of Maryland (38° N) (Figure 1; Palka *et al.* in review). Shipboard data were analyzed using the modified direct duplicate method (Palka 1995) that accounts for school size bias and $g(0)$, the probability of detecting a group on the track line. Aerial data were not corrected for $g(0)$.

An abundance of 21,826 (CV=0.78) for striped dolphins was estimated from a shipboard line transect sighting survey conducted between 8 July and 17 August 1998 that surveyed 5,570 km of track line in waters south of Maryland (38°N) (Figure 1; Mullin in review). Abundance estimates were made using the program DISTANCE (Buckland *et al.* 1993; Laake *et al.* 1993) where school size bias and ship attraction were accounted for.

The best available abundance estimate for striped dolphins is the sum of the estimates from the two 1998 USA Atlantic surveys, 61,546 (CV=0.40), where the estimate from the northern USA Atlantic is 39,720 (CV=0.45) and from the southern USA Atlantic is 21,826 (CV=0.78). This joint estimate is considered best because together these two surveys have the most complete coverage of the species' habitat.

Table 1. Summary of abundance estimates for western North Atlantic striped dolphins. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Sep 1995	Virginia to Gulf of St. Lawrence	31,669	0.73
Jul-Sep 1998	Maryland to Gulf of St. Lawrence	39,720	0.45
Jul-Aug 1998	Florida to Maryland	21,826	0.78
Jul-Sep 1998	Florida to Gulf of St. Lawrence (combined)	61,546	0.40

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for striped dolphins is 61,546 (CV=0.40). The minimum population estimate for the western North Atlantic striped dolphin is 44,500 (CV=0.40).

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 44,500 (CV=0.40). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is 0.5 because this stock is of unknown status. PBR for the western North Atlantic striped dolphin is 445.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total annual estimated average fishery-related mortality to this stock during 1994-1998 was 7.3 striped dolphins; CV=0.08)Table 2).

Fishery Information

USA

No mortalities were observed in 1977-1991 foreign fishing activities off the northeast USA coast. Nineteen mortalities were documented between 1989 and 1993 (see below) in the pelagic drift gillnet fishery, and two mortalities were documented in 1991 in the North Atlantic bottom trawl fishery.

Data on current incidental takes in USA fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported fishery information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program was initiated in 1989 and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

Bycatch has been observed by NMFS Sea Samplers in the pelagic drift gillnet and North Atlantic bottom trawl fisheries but no mortalities or serious injuries have been documented in the pelagic longline fisheries, pelagic pair trawl, Northeast multispecies sink gillnet, and mid-Atlantic coastal sink gillnet fisheries.

Pelagic Drift Gillnet

The estimated total number of hauls in the pelagic drift net fishery increased from 714 in 1989 to 1144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, 1996, and 1998 were 233, 243, 232, 197, 164, 149, and 113 respectively. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. Further, in January 1999 NMFS issued a Final Rule to prohibit the use of driftnets (*i.e.*, permanent closure) in the North Atlantic swordfish fishery (50 CFR Part 630). Fifty-nine vessels participated in this fishery between 1989 and 1993. Since 1994, between 10 and 13 vessels have participated in the fishery. Observer coverage, percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, NA in 1997, and 99% in 1998. The greatest concentrations of effort were located along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata, assuming the 1990 injury was a mortality (Northridge 1996). Estimates of total annual bycatch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported fishery information. Variances were estimated using bootstrap re-sampling techniques. Forty striped dolphin mortalities were observed in this fishery between 1989 and 1998 and occurred east of Cape Hatteras in January and February, and along the southern margin of Georges Bank in summer and autumn. Estimated annual mortality and serious injury (CV in parentheses) attributable to this fishery was 39 striped dolphins in 1989 (0.31), 57 in 1990 (0.33), 11 in 1991 (0.28), 7.7 in 1992 (0.31), 21 in 1993 (0.11), 13 in 1994 (0.06), 2 in 1995 (0), 7 in 1996 (CV=0.22), NA in 1997, and 4 in 1998 (CV=0). The 1994-1998 average annual mortality and serious injury to striped dolphins in the pelagic drift gillnet fishery was 7.25 (CV=0.08) (Table 2).

North Atlantic Bottom Trawl

Vessels in the North Atlantic bottom trawl fishery, a Category III fishery under the MMPA, were observed in order to meet fishery management needs, rather than marine mammal management needs. An average of 970 vessels (full and part time) participated annually in the fishery during 1989-1995. The fishery is active in New England waters in all seasons. The only reported fishery-related mortalities (two) occurred in 1991. Total estimated mortality and serious injury attributable to this fishery in 1991 was 181 (CV=0.97); average annual mortality and serious injury during 1994-1998 was zero.

Total estimated average annual fishery-related mortality and serious injury to this stock in the Atlantic during 1994-1998 was 7.3 (CV=0.08) (Table 2).

CANADA

No mortalities were documented in review of Canadian gillnet and trap fisheries (Read 1994). However, in a recent review of striped dolphins in Atlantic Canada two records of incidental mortality have been reported (Baird *et al.* 1997). In the late 1960's and early 1970's two mortalities each, were reported in trawl and salmon net fisheries.

Between January 1993 and December 1994, 36 Spanish deep-water trawlers, covering 74 fishing trips (4,726 fishing days and 14,211 sets), were observed in NAFO Fishing Area 3 (off the Grand Bank) (Lens 1997). A total of 47 incidental catches were recorded, which included two striped dolphins. The incidental mortality rate for striped dolphins was 0.014/set.

Table 2. Summary of the incidental mortality of striped dolphins (*Stenella coeruleoalba*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Number Vessel	Data Type ¹	Range of Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Mortality	CVs	Mean Annual Mortality
Pelagic Drift Gillnet	94-98	1994=12 1995=11 1996=10 1998=13	Obs Data Logbook	.87, .99, .64, NA, .99	0, 0, 0, 0, 0	12, 2, 7, NA, 4	13, 2.0 ³ , 10, NA, 4	.06, 0, .22, NA, 0	7.3 (0.08)
TOTAL									7.3 (0.08)

¹ Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. Mandatory logbook (Logbook) data are used to measure total effort for the pelagic drift gillnet and longline fishery, and these data are collected at the Southeast Fisheries Science Center (SEFSC).

² Observer coverage for the pelagic drift gillnet and bottom trawl fishery are in terms of sets.

³ One vessel was not observed and recorded 1 set in a 10 day trip (in the logbook). If you assume 1 set, the point estimate would increase by 0.01 animals.

Other Mortality

From 1995- 1998, seven striped dolphins were stranded between Massachusetts and Florida (NMFS unpublished data).

In eastern Canada, ten strandings were reported off eastern Canada from 1926-1971, and nineteen from 1991-1996 (Sergeant *et al.* 1970; Baird *et al.* 1997; Lucas and Hooker 1997). In both time periods, most of the strandings were on Sable Island, Nova Scotia.

STATUS OF STOCK

The status of striped dolphins, relative to OSP, in the USA Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. The total fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR, therefore can be considered to be insignificant and approaching zero mortality and serious injury rate. Average annual fishery-related mortality and serious injury does not exceed the PBR; therefore, this is not a strategic stock.

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SPINNER DOLPHIN (*Stenella longirostris*): Western North Atlantic Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Spinner dolphins are distributed in oceanic and coastal tropical waters (Leatherwood *et al.* 1976). This is presumably an offshore, deep-water species (Schmidly 1981; Perrin and Gilpatrick 1994), and its distribution in the Atlantic is very poorly known. In the western North Atlantic, these dolphins occur in deep water along most of the U.S. coast south to the West Indies and Venezuela, including the Gulf of Mexico. Spinner dolphin sightings have occurred exclusively in deeper (>2,000 m) oceanic waters (CETAP 1982; Waring *et al.* 1992) off the northeast U.S. coast. Stranding records exist from North Carolina, South Carolina, and Florida in the Atlantic and in Texas and Florida in the Gulf of Mexico. The North Carolina strandings represent the northernmost documented distribution of this species in the Atlantic. Stock structure in the western North Atlantic is unknown.

POPULATION SIZE

The number of spinner dolphins inhabiting the U.S. Atlantic Exclusive Economic Zone (EEZ) is unknown and seasonal abundance estimates are not available for this species since it was rarely seen in any of the surveys.

Minimum Population Estimate

Present data are insufficient to calculate a minimum population estimate.

Current Population Trend

There are insufficient data to determine the population trends for this species.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are unknown for this stock. For purposes of this assessment, the maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is unknown. The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the western North Atlantic spinner dolphin is unknown because the minimum population size is unknown.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total average annual estimated average fishery-related mortality and serious injury to this stock in the Atlantic during 1992-1996 was 0.38 spinner dolphin (CV = 0.35).

Fishery Information

There was no documentation of spinner dolphin mortality or serious injury in distant-water fleet (DWF) activities off the northeast U.S. coast (Waring *et al.* 1990). No takes were documented in a review of Canadian gillnet and trap fisheries (Read 1994).

Data on current incidental takes in U.S. fisheries are available from several sources. In 1986, NMFS established a mandatory self-reported Fishery information system for large pelagic fisheries. Data files are maintained at the Southeast Fisheries Science Center (SEFSC). The Northeast Fisheries Science Center (NEFSC) Fisheries Observer Observer Program was initiated in 1989 and since that year several fisheries have been covered by the program. In late 1992 and in 1993, the SEFSC provided observer coverage of pelagic longline vessels fishing off the Grand Banks (Tail of the Banks) and provides observer coverage of vessels fishing south of Cape Hatteras.

By-catch has been observed by NMFS Sea Samplers in the pelagic drift gillnet fishery, but no mortalities or serious injuries have been documented in the pelagic longline, pelagic pair trawl, Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, and North Atlantic bottom trawl fisheries.

The estimated total number of hauls in the pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. The estimated number of hauls in 1991, 1992, 1993, 1994, 1995, and 1996 were 233, 243, 232, 197, 164, and 149 respectively. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. Since 1994, between 10-12 vessels have participated in the fishery (Table 2). Observer coverage, expressed as percent of sets observed, was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, and 64% in 1996. Effort

was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year, suggested that the pelagic drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total by-catch, from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual by-catch for 1994 and 1995 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in self-reported Fishery information. Variances were estimated using bootstrap re-sampling techniques. One spinner dolphin mortality was observed between 1989 and 1993 and occurred east of Cape Hatteras in March 1993. Estimated annual fishery-related mortality and serious injury attributable to this fishery (CV in parentheses) was 0.7 in 1989 (1.00), 1.7 in 1990 (1.00), 0.7 in 1991 (1.00), 1.4 in 1992 (0.31), 0.5 in 1993 (1.00), and zero from 1994-1996. Total average annual estimated average fishery-related mortality and serious injury to this stock in the Atlantic during 1992-1996 was 0.38 spinner dolphin (CV = 0.35) (Table 1). The 1992-1996 period provides a better characterization of this fishery (i.e., fewer vessels and increased observer coverage).

Table 1. Summary of the incidental mortality of spinner dolphins (*Stenella longirostris*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels ¹	Data Type ²	Observer Coverage ³	Observed Mortality	Estimated Mortality ⁴	Estimated CVs ⁴	Mean Annual Mortality
Pelagic Drift Gillnet	92-96	1994=12 1995=11 1996=10	Obs. Data Logbook	.40, .42, .87, .99, .64	1, 0, 0, 0, 0	1.4, 0.5, 0, 0 ⁵ , 0	.31, 1.0, 0, 0, 0	0.31 (.35)
TOTAL								0.31 (.35)

¹ 1994 and 1995 - 1996 shown, other years not available on an annual basis.

² Observer data (Obs. Data) are used to measure bycatch rates, and the data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. Mandatory logbook (Logbook) data are used to measure total effort, and the data are collected at the Southeast Fisheries Science Center (SEFSC). The observer coverage and unit of effort for the Pelagic Drift Gillnet is a set.

³ For 1991-1993, pooled bycatch rates were used to estimate bycatch in months that had fishing effort but did not have observer coverage. This method is described in Northridge (1996). In 1994 and 1995, observer coverage increased substantially, and bycatch rates were not pooled for this period.

⁴ One vessel was not observed and recorded 1 set in a 10 day trip in the SEFSC mandatory logbook. If you assume the vessel fished 1.4 sets per day as estimated from the 1995 SS data, the point estimate may increase by 0.8 animals. However, the SEFSC mandatory logbook data was taken at face value, and therefore it was assumed that 1 set was fished within this trip, and the point estimate would then increase by 0.1 animals.

STATUS OF STOCK

The status of spinner dolphins relative to OSP in the U.S. Atlantic EEZ is unknown. The species is not listed as threatened or endangered under the Endangered Species Act. There are insufficient data to determine the population trends for this species. PBR cannot be calculated for this stock, but no fishery-related mortality and serious injury has been observed since 1992; therefore, total fishery-related mortality and serious injury can be considered insignificant and approaching zero mortality and serious injury rate. Population size and PBR cannot be estimated, but fishery-related mortality is very low; therefore, this stock is not a strategic stock.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Western North Atlantic Coastal Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

Stock Structure of the Coastal Morphotype

A. Latitudinal distribution and structure along the coast

The coastal morphotype is continuously distributed along the Atlantic coast south of Long Island, around peninsula Florida and along the Gulf of Mexico coast. On the basis of differences in mtDNA haplotype frequencies, however, Curry (1997) concluded that the nearshore animals in the northern Gulf of Mexico and the western North Atlantic were significantly different and represent separate stocks.

Within the western North Atlantic, the stock structure of coastal bottlenose dolphins is complex. Scott *et al.* (1988) hypothesized a single coastal migratory stock ranging seasonally from as far north as Long Island, NY, to as far south as central Florida, citing stranding patterns during a high mortality event in 1987-88 and observed density patterns along the US Atlantic coast. The continuous distribution of dolphins along the coast seemed to support this hypothesis. It was recognized that bottlenose dolphins were resident in some estuaries; these were considered to be separate from the coastal migratory animals. More recent studies suggest that the single coastal migratory stock hypothesis is incorrect and that there is likely a complex mosaic of stocks. For example, year-round resident populations have been reported at a variety of sites in the southern part of the range, from Charleston, South Carolina (Zolman 1996) to central Florida (Odell and Asper 1990); seasonal residents and migratory or transient animals also occur in these areas (summarized in Hohn 1997). In the northern part of the range the patterns reported include seasonal residency, year-round residency with large home ranges, and migratory or transient movements (Barco and Swingle 1996, Sayigh *et al.* 1997). Communities of dolphins have been recognized in embayments and coastal areas of the Gulf of Mexico (Wells *et al.* 1996; Scott *et al.* 1990; Weller 1998) so it is not surprising to find similar situations along the Atlantic coast.

Recent genetic analyses of samples from Jacksonville, FL, southern South Carolina (primarily the estuaries around Charleston), southern North Carolina, and coastal Virginia, using both mitochondrial DNA and nuclear microsatellite markers, indicate that a significant amount of the overall genetic variation can be explained by differences between the groups (NMFS 2001). The degree of population subdivision, estimated using the parameter F_{ST} , between each of the groups was statistically significant. These results indicate a minimum of four populations of coastal bottlenose dolphins in the Northwest Atlantic and reject the null hypothesis of one homogeneous population of bottlenose dolphins.

Another potential population has been identified from stable isotope ratios of oxygen (NMFS 2001). Animals sampled along the beaches of North Carolina between Cape Hatteras and Bogue Inlet during the months of February and March show very low stable isotope ratios of ^{18}O relative to ^{16}O (referred to as depleted ^{18}O or depleted oxygen) (Cortese 2000). One possible explanation for the depleted oxygen signature is that there is a resident group of dolphins in Pamlico Sound. Alternatively, these animals may represent a component of the migratory animals that spend their summers at the northernmost end of the range of bottlenose dolphins and winter in North Carolina. Either possibility suggests they represent a separate stock. Stable isotope ratios of ^{18}O from samples taken in estuarine waters around Charleston, SC, showed little variation and none were at depleted levels.

Photo-identification studies also support the existence of multiple stocks (NMFS 2001). A coastwide photographic catalogue has been established using contributions from 15 sites from Cape May, NJ, to Cape Canaveral, FL (Urian *et al.* 1999). No matches have been found between the northernmost and southernmost sites. However, there appears to be a high rate of exchange among northern field sites, where dolphins occur only seasonally, and central North Carolina including the Beaufort area. Other areas of frequent exchange include Beaufort and Wilmington, NC. In contrast to the patterns found in the northern end of the range, there appears to be less movement between southern field sites – there are only two confirmed matches between the relatively large catalogs of Jacksonville, FL, and Hilton Head, SC, for example, and no matches between the Charleston, SC site and other sites.

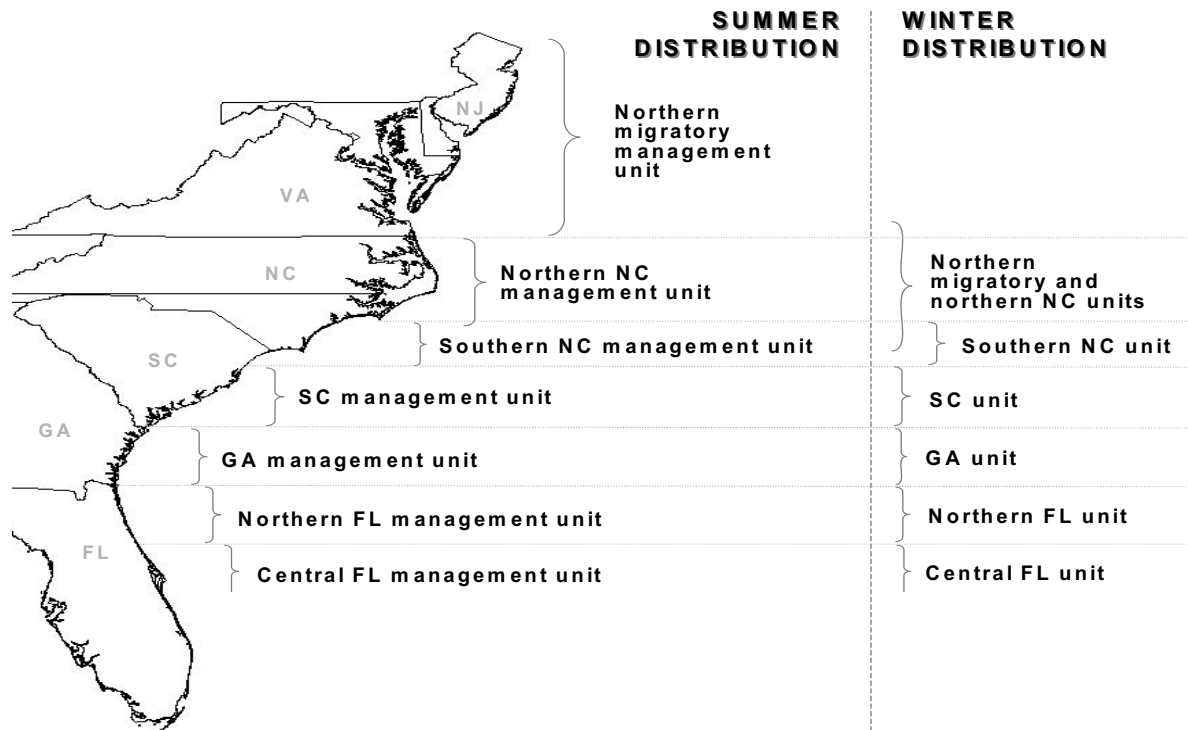
Satellite-linked radio transmitters have been deployed on dolphins in Virginia Beach, VA, Beaufort, NC, and Charleston, SC. The movement patterns of animals with satellite tags provided additional information that was complementary to the photo-identification, genetic, and stable isotope studies. The results, along with photo-identification of freeze-branded animals, indicate that a significant number of dolphins reside in NC in summer and do not migrate. Satellite telemetry results reinforced the photo-identification results from Charleston, SC, indicating a resident population there. Finally, a dolphin tagged in Virginia Beach, VA, spent the winter between Cape Hatteras and Cape Lookout, NC, rather than migrating to Florida as would have been expected in the single coastal-migratory-stock hypothesis (NMFS 2001).

Stable isotope ratios of oxygen suggested the possibility of a resident group of bottlenose dolphins in Pamlico Sound, NC (NMFS 2001). Animals sampled along the beaches of North Carolina between Cape Hatteras and Bogue Inlet during the months of February and March show very low stable isotope ratios of ^{18}O relative to ^{16}O (referred to as depleted ^{18}O or depleted oxygen) (Cortese 2000). One possible explanation for the depleted oxygen

signature is that there is a resident group of dolphins in Pamlico Sound that move into nearby nearshore areas in the winter when Pamlico Sound may have an inadequate resource base. The possibility of a resident group of bottlenose dolphins in Pamlico Sound is supported by the results from satellite telemetry and photo-identification results. Alternatively, however, these animals may represent a component of the migratory animals that spend their summers at the northernmost end of the range of bottlenose dolphins and winter in North Carolina. Either possibility suggests they represent a separate stock. Stable isotope ratios of ^{18}O from samples taken in estuarine waters around Charleston, SC, showed little variation and none were at depleted levels.

In summary, integration of the preliminary results from genetics, photo-identification, satellite telemetry, and stable isotope studies confirms a complex mosaic of stocks of coastal bottlenose dolphins in the western North Atlantic. As an interim measure, pending additional results, seven management units within the range of the “coastal migratory stock” have been defined (Figure 1). The true population structure is likely more than the seven units identified in this report; research efforts continue in an attempt to identify that structure.

Figure 1. Management units of the coastal morphotype of bottlenose dolphins along the Atlantic coast of the U.S. as defined from recent results from genetic, stable isotope ratio, photo-identification, and telemetry studies (per Hohn 1997; NMFS 2001).



B. Longitudinal distribution

Earlier aerial (CETAP 1982) and shipboard (NMFS unpublished data) surveys north of Cape Hatteras identified two concentrations of bottlenose dolphins, one inshore of the 25 m isobath and the other offshore of the 25 m isobath. The lowest density of bottlenose dolphins was observed over the continental shelf, with higher densities along the coast and near the continental shelf edge. It was suggested, therefore, that the coastal morphotype is restricted to waters < 25 m in depth north of Cape Hatteras (Kenney 1990). There was no apparent longitudinal discontinuity in bottlenose dolphin herd sightings during aerial surveys south of Cape Hatteras in the winter (Blaylock and Hoggard 1994). NMFS surveys conducted from 1992-1998 show a clustering of bottlenose dolphins nearshore and then additional bottlenose dolphins in the offshore areas. However, the morphotype of bottlenose dolphins (WNA offshore or WNA coastal) can not be determined from the air so attributing each sighting to a specific morphotype cannot be done. There is also a potential for confusing immature spotted dolphins, with few or no spots dorsally, with bottlenose dolphins where the two species are sympatric.

In 1995, NMFS conducted two aerial surveys along the Atlantic coast (Blaylock 1995; Garrison and Yeung 2001). One survey was conducted during summer 1995 between Cape Hatteras, NC, and Sandy Hook, NJ, and included three replicate surveys. The second survey was conducted during winter 1995 between Cape Hatteras,

NC, and Ft. Pierce, FL. A distributional analysis identified a significant spatial pattern in bottlenose dolphin sightings as a function of distance from shore (Garrison 2001a). During the northern (summer) surveys, the significant spatial boundary occurred at 12 km from shore. During the southern (winter) survey, the significant spatial boundary occurred at 27 km from shore. The gap in sightings best defines, for the time being, the eastern extent of the coastal morphotype for purposes of habitat definition and abundance estimates. NMFS continues to collect biopsy samples from *Tursiops* throughout the possible range of the coastal morphotype so that stock boundaries can be confirmed or modified on the basis of a more comprehensive data set.

POPULATION SIZE

The 1995 aerial surveys were conducted to estimate population size of the hypothesized single coastal migratory stock (Blaylock 1995; Garrison and Yeung 2001). The summer aerial survey was conducted between July 1 and August 14, 1995, covering Cape Hatteras, NC, to Sandy Hook, NJ, (35.23°N-40.5°N), and from the mainland shore to the 25 m isobath. This survey provided coverage and abundance estimates for the Northern Migratory (NM) and Northern North Carolina (NNC) management units. However, coverage of the NNC unit was incomplete as the surveys did not cover the region south of Cape Hatteras, NC, to Cape Lookout, NC. Abundance was estimated for each stratum pooling across the three replicate surveys. The winter survey was conducted between January 27 and March 6, covering from Fort Pierce, FL, to Cape Hatteras, NC, (27.30°N-35.23°N), from the mainland shore to 9.25 km (5 Nautical Miles) beyond the inshore edge of the Gulf Stream or <200 km offshore. This survey included coverage of the NNC, Southern North Carolina (SNC), South Carolina (SC), Georgia (GA), Northern Florida (NFL) and Central Florida (CFL) management units. However, the coverage of the NNC management unit was incomplete and did not include the region north of Cape Hatteras, NC. These abundance estimates also include NM unit animals that have migrated south of the NC/VA border during winter. Abundance for each management unit was estimated using line transect methods and the program DISTANCE (Buckland *et al.* 1993) for both the winter and summer surveys (Table 1). There was no significant difference between the abundance estimates for the combined NM and NNC management units in summer and the combined NM, NNC, and SNC stocks in winter.

Another set of aerial surveys was conducted parallel to the coastline from the North Carolina/South Carolina border to the Maryland/Delaware border during 1998 and 1999 to document the distribution of dolphins and fishing gear in nearshore waters (Hohn *et al.* unpubl. data). These strip transect surveys were conducted weekly, weather permitting, over 12 months in most of North Carolina and for six months (May to December) in Virginia and Maryland. In retrospect, they provide seasonal coverage of the Southern North Carolina, Northern North Carolina, and Northern Migratory management units (Figure 1; Hohn *et al.* unpubl. data). The strip transect surveys cannot be used directly for abundance estimation because they did not follow the design constraints of line transect survey methods and covered only a small proportion of the habitat of coastal bottlenose dolphin. The density of dolphins near the coastline is high relative to habitats further offshore, and the use of density estimates in this region to calculate overall abundance would likely result in significant positive bias. However, these surveys do provide information on the relative abundance of dolphins between regions that may be used to supplement the abundance estimates from the line transect surveys conducted in 1995 (Garrison and Hohn 2001). Both sets of aerial surveys covered ocean coasts only. An abundance estimate was generated for bottlenose dolphins in estuarine waters of North Carolina using mark-recapture methodology (Read *et al.* In review). It is possible to post-stratify the mark-recapture estimates consistent with management unit definitions (Palka *et al.* 2001) (Table 1).

Table 1. Estimates of abundance and the associated CV, n_{min} , and PBR for each management unit of WNA coastal bottlenose dolphins (from Palka *et al.* 2001). The PBR for the Northern Migratory, Northern NC, and Southern NC management units are applied biannually. For management units south of NC, the PBR is applied annually.

Management Unit	Best Abundance		N_{min}	PBR	
	Estimate	CV		Annual	½ Yr
SUMMER (May - October)					
Northern migratory	5681	24.4	4,640	(46)	23
Northern NC					
oceanic	3,383	41.8	2,413	(24)	12
estuary	919	12.5	828	(8.3)	4.2
BOTH	4,302	33	3,281	(33)	16
Southern NC					
oceanic	1,157	50	777	(7.8)	3.9

	estuary	141	15.2	124	(1.2)	0.6
	BOTH	1,298	44.6	907	(9.1)	4.5
WINTER (November - April)						
	NC mixed*	6,474	39.7	4,691	(47)	23
	South Carolina	3,513	47	2,412	24	na
	Georgia	767	78.4	428	4.3	na
	Northern Florida	354	56	228	2.3	na
	Central Florida	10,652	45.8	7,377	74	na

NC mixed* = northern migratory, Northern NC, and Southern NC

Abundance estimates for each management unit are the sum of estimates, where appropriate, from the recent analyses. Estimated overall abundance was 9,206 from summer surveys and 19,459 from winter surveys. However, for consistency with achieving the goals of the MMPA, such as maintaining marine mammals as functioning components of their ecosystems, it is more appropriate to establish abundance estimates for each management unit. Abundance for each management unit was estimated by post-stratifying sightings and effort data consistent with geographic and seasonal management unit boundaries (Table 1) (Garrison and Yeung 2001; Palka *et al.* 2001). Although these estimates are better than previous abundance estimates for coastal bottlenose dolphins, there remain potential biases. The aerial survey estimates are not corrected for $g(0)$, the probability of detecting a group on the track line as a function of perception bias and availability bias. The exclusion of $g(0)$ from the abundance estimate results in a negative bias of unknown magnitude. The relatively large herd sizes in the summer surveys north of Cape Hatteras likely reduce this bias; however, herd sizes were smaller south of Cape Hatteras during winter, likely resulting in greater negative bias (Palka, unpub. data). A positive bias may occur if the longitudinal boundaries have been extended too far offshore resulting in offshore dolphins being included in the abundance estimates for the coastal morphotype or if estuarine dolphins were overrepresented in coastal waters during the time of the survey. Further uncertainties in the abundance estimates result from incomplete coverage of some seasonal management units during the line transect surveys. While the strip transect surveys were used to supplement the survey coverage, uncertainties associated with that analysis also introduce uncertainty in the overall abundance estimate (Garrison and Hohn 2001). The SEFSC intends to conduct both winter and summer coastwide aerial surveys during 2002 to obtain more robust abundance estimates.

Minimum Population Estimate

The minimum population size (NMIN) for each management was calculated according to Equation 1 from the PBR Guidelines (Wade and Angliss 1997): $NMIN = N / \exp(0.842 \times [\ln(1 + [CV(N)]^2)]^{1/2})$ (Table 1). It is recognized that these estimates may be negatively biased because they do not include corrections for $g(0)$ and, for some of the managements units, do not include the entire spatial range of the unit during that season. The strip transect surveys compensate for some of the abundance omitted during line-transect survey; nonetheless, for some management units the entire range was not covered.

Current Population Trend

There are insufficient data to determine the population trend for this stock.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are not known for the WNA coastal morphotype. The maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of the minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The "recovery" factor is assumed to be 0.50, the default for depleted stocks and stocks of unknown status. At least part of the range-wide stock complex is depleted; for the remainder, status is unknown. For consistency with achieving the goals of the MMPA, such as maintaining marine mammals as functioning components of their ecosystems, it is more appropriate to establish separate PBRs for each management unit (Table 1).

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

Total estimated average annual fishery-related mortality or serious injury resulting from observed fishing trips during 1996-2000 was 233 bottlenose dolphins (CV=0.16) in the mid-Atlantic coastal gillnet fishery. The

management units affected by this fishery would be the NM, NNC, and SC. An estimated 24 (CV=0.89) were taken in the shark drift gillnet fishery off the coast of Florida during 1999-2000, affecting the Central and Northern Florida management units. No estimates of mortality from observed trips are available for any of the other fisheries that interact with WNA coastal bottlenose dolphins. Therefore, the total average annual mortality estimate is considered to be a lower bound of the actual annual human-caused mortality and serious injury.

Fishery Information

Bottlenose dolphins are known to interact with commercial fisheries and occasionally are taken in various kinds of fishing gear including gillnets, seines, long-lines, shrimp trawls, and crab pots (Read 1994; Wang *et al.* 1994) especially in near-shore areas where dolphin densities and fishery efforts are greatest. There are nine Category II commercial fisheries that interact with WNA coastal bottlenose dolphins in the 2001 MMPA List Of Fisheries (LOF), six of which occur in North Carolina waters. Category II fisheries include the mid-Atlantic coastal gillnet, NC inshore gillnet, mid-Atlantic haul/beach seine, NC long haul seine, NC stop net, Atlantic blue crab trap/pot, Southeast Atlantic gillnet, Southeastern U.S. Atlantic shark gillnet and the Virginia pound net (Table 1.1) (see 2001 List of Fisheries, 66 FR 42780, August 15, 2001). The mid-Atlantic haul/beach seine fishery also includes the haul seine and swipe net fisheries. The term mid-Atlantic refers to the geographic area south of Long Island, landward to the 72° 30' W. line, and north of the line extending due east from the North Carolina/South Carolina border (66 FR 6545, January 22, 2001).

There are five Category III fisheries that may interact with WNA coastal bottlenose dolphins. Three of these are inshore gillnet fisheries: the Delaware Bay inshore gillnet, the Long Island Sound inshore gillnet, and the Rhode Island, southern Massachusetts, and New York Bight inshore gillnet. The remaining two are the shrimp trawl and mid-Atlantic menhaden purse seine fisheries. There are have been no takes observed by the NMFS observer programs in any of these fisheries.

Mid-Atlantic Coastal Gillnet

The mid-Atlantic coastal gillnet fishery is actually a combination of small-vessel fisheries that target a variety of fish species, including bluefish, croaker, spiny and smooth dogfish, kingfish, Spanish mackerel, spot, striped bass, and weakfish (Steve *et al.* 2001). It operates in different seasons targeting different species in different states throughout the range of the coastal morphotype. Most nets are set gillnets without anchors and are fished close to shore. Anchored set gillnets or drift gillnets are used in some fisheries (e.g., monkfish or dogfish). A comprehensive description of coastal gillnet gear and fishing effort in North Carolina is available in Steve *et al.* (2001). This fishery has the highest documented level of mortality of WNA coastal bottlenose dolphins; the North Carolina sink gillnet fishery is its largest component in terms of fishing effort and observed takes. Bycatch estimates are available for the past five years, 1996-2000 (Table 2). Of 12 observed mortalities from 1995-2000, 5 occurred in sets targeting spiny or smooth dogfish and another in a set targeting “shark” species, 2 occurred in striped bass sets, 2 occurred in Spanish mackerel sets, and the remainder were in sets targeting kingfish, weakfish, or finfish generically (Rossman and Palka 2001).

Table 2. Summary of the 1996-2000 incidental mortality of bottlenose dolphins (*Tursiops truncatus*) by management unit in the commercial mid-Atlantic coastal gillnet fisheries. Data include the years sampled (Years), the number of vessels active within the fishery (Vessels), type of data used (Data Type), observer coverage (Observer Coverage), mortalities recorded by on-board observers (Observed Mortality), estimated annual mortality (Estimated Mortality), estimated CV of the annual mortality (Estimated CVs), and mean annual mortality (CV in parentheses).

Seasonal Management Unit	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Mortality	Estimated CVs ³	Mean Annual Mortality
Summer Northern Migratory	1996-2000	NA	Obs. Data, NER Dealer Data	.05, .03, .02, .03, .03	0, 0, 0, 0, 0	0, 0, 1, 1, 1	33, 30, 37, 19, 30	0.48	30 (0.22)
Summer Northern NC	1996-2000	NA	Obs. Data, NCDMF Dealer Data	.01, .00, <.01, .01, .03	0, 0, 0, 0, 0	1, 0, 0, 0, 0	27, 33, 17, 13, 26	0.61	23 (0.29)
Summer Southern NC	1996-2000	NA	Obs. Data, NCDMF Dealer Data	.00, .00, .01, .03, .03	0, 0, 0, 0, 0	0, 0, 0, 0, 0	0, 0, 0, 0, 0	NA	0 (NA)
Winter NC mixed	1996-2000	NA	Obs. Data, NCDMF Dealer Data	.01, .01, .02, .02, .02	0, 0, 0, 0, 0	1, 0, 1, 2, 2	173, 211, 175, 196, 146	0.46	180 (0.21)
Total									233 (0.16)

NA=Not Available

¹ Observer data (Obs. data) are used to measure bycatch rates; the USA data are collected within the Northeast Fisheries Science Center (NEFSC) Fisheries Observer Program. The NEFSC collects weighout (Weighout) landings data that are used as a measure of total effort for the USA sink gillnet fisheries.

² The observer coverage for the mid-Atlantic coastal sink gillnet fishery is measured in tons of fish landed.

³ The annual estimates of mortality were generated by applying one bycatch rate per management unit as estimated by a GLM (Palka and Rossman 2001). The CV does not account for variability that may exist in the unit of total landings (mt) from each year that are used to expand the bycatch rate. Therefore, the CV is the same for all five annual estimates.

A sink gillnet fishery for American shad operates seasonally from Connecticut to Georgia, with nets being moved from coastal ocean waters into fresh water with the shad spawning migration. It has been considered likely that a few bottlenose dolphins are taken in this fishery each year (Read 1994) but no takes have been observed (NEFSC observer data). The portion of the fishery which operates along the South Carolina coast was sampled by observers during 1994 and 1995, and no fishery interactions were observed (McFee *et al.* 1996).

South Atlantic Shark Gillnet

The shark gillnet fishery operates in federal waters from southern Florida to southern Georgia. The fishery is defined by vessels using relatively large mesh nets (>10 inches) and net lengths typically greater than 1500 feet. The fishery primarily uses drifting nets that are set overnight, however recently it has been employing a small number of shorter duration “strike” sets that encircle targeted schools of sharks. Since 1999, the Atlantic Large Whale Take Reduction Plan restricted the activities of the fishery to waters south of 27° 51' N latitude during the critical right whale season from 15 November – 31 March and mandated 100% observer coverage during this period. During the remainder of the year, these vessels generally operate north of Cape Canaveral, FL and there is little observer coverage of the fleet.

The fishery potentially interacts with the Georgia, Northern Florida, and Central Florida management units of coastal bottlenose dolphin. During an observer program in 1993 and 1994 and limited observer coverage during summer 1998, no takes of bottlenose dolphin were observed (Trent *et al.* 1997; Carlson and Lee, 2000). However, takes resulting in mortality were observed in the central Florida management unit during 1999 and 2000. Total bycatch mortality for this management unit has been estimated for 1999 and 2000 (Table 3) (Garrison 2001b).

Table 3. Summary of the 1999-2000 incidental mortality of bottlenose dolphins (*Tursiops truncatus*) by management unit in the driftnet fishery in federal waters off the coast of Florida. Data include years sampled (Years), number of vessels active within the fishery (Vessels), type of data used (Data Type), annual observer coverage (Observer Coverage), mortalities recorded by on-board observers (Observed Mortality), estimated annual mortality (Estimated Mortality), estimated CV of the annual mortality (Estimated CVs), and mean annual mortality (CV in parentheses).

Seasonal Management Unit	Years	Vessels	Data Type ¹	Observer Coverage ²	Observed Serious Injury	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
Northern Florida	1999-2000	6	Obs. Data, SEFSC FVL	0.31, 0.05	0, 0	0, 0	0, 0	NA	0
Central Florida	1999-2000	6	Obs. Data, SEFSC FVL	0.09, 0.24	0, 0	4, 1	43, 4	0.78, 1	24 (0.89)

NA=Not Available

¹ Observer data are used to estimate bycatch rates. The SEFSC Fishing Vessel Logbook (FVL) is used to estimate effort as total number of vessel trips per bottlenose dolphin management unit.

² Observer coverage in the central Florida management unit is largely restricted to the period between January - March south of 27° 51' N.

Beach Haul Seine

A beach seine fishery operates along northern North Carolina beaches targeting striped bass, mullet, spot, weakfish, sea trout, and bluefish. The fishery operates on the Outer Banks of North Carolina primarily in the spring (April through June) and fall (October through December). It uses two primary gear types: a “beach anchored gill net” and a “beach seine”. Both systems utilize a small net anchored to the beach. The beach seine system also uses a bunt and a wash net that are attached to the beach and are in the surf (Steve *et al.* 2001). The North Carolina beach seine fishery has been observed since April 7, 1998 by the NMFS fisheries sampling program (observer program) based at the Northeast Fisheries Science Center. Through 2001, there were 101 sets observed during the winter season (Nov-Apr) and 65 sets observed during the summer season (May-Oct). There were no sets observed during the summer of 2001. A total of 2 coastal bottlenose dolphin takes were observed, 1 in May 1998 and 1 in December 2000. The beach seine observer data are currently being reviewed but estimates of mortality are not yet available.

Crab Pots

Between 1994 and 1998, 22 bottlenose dolphin carcasses (4.4 dolphins per year on average) recovered by the Stranding Network between North Carolina and Florida's Atlantic coast displayed evidence of possible interaction with a trap/pot fishery (i.e., rope and/or pots attached, or rope marks). Additionally, at least 5 dolphins were reported to be released alive (condition unknown) from blue crab traps/pots during this time period. In recent years, reports of strandings with evidence of interactions between bottlenose dolphins and both recreational and commercial crab-pot fisheries have been increasing in the Southeast Region (McFee and Brooks 1998). The increased reporting may result from increased effort towards documenting these marks or increases in mortality.

Virginia Pound Nets

Data from the Chesapeake Bay suggest that the likelihood of bottlenose dolphin entanglement in pound net leads may be affected by the mesh size of the lead net (Bellmund *et al.* 1997), but the information is not conclusive. Stranding data for 1993-1997 document interactions between WNA coastal bottlenose dolphins and pound nets in Virginia. Two bottlenose dolphin carcasses were found entangled in the leads of pound nets in Virginia during 1993-1997, for an average of 0.4 bottlenose dolphin strandings per year. A third record of an entangled bottlenose dolphin in Virginia in 1997 may have been applicable to this fishery. This entanglement involved a bottlenose dolphin carcass found near a pound net with twisted line marks consistent with the twine in the nearby pound net lead rather than with monofilament gillnet gear. Given that other sources of annual serious injury and mortality estimates (e.g., observer data) are not available, the stranding data (0.4 bottlenose dolphins per year) were used as a minimum estimate of annual serious injury and mortality and this fishery was classified as a Category II fishery in the 2001 List of Fisheries.

Shrimp Trawl

The shrimp trawl fishery operates from North Carolina through northern Florida virtually year around, moving seasonally up and down the coast. One bottlenose dolphin was recovered dead from a shrimp trawl in Georgia in 1995 (Southeast USA Marine Mammal Stranding Network unpublished data), and another was taken in 1996 near the mouth of Winyah Bay, SC, during a research survey. No other bottlenose dolphin mortality or serious injury has been previously reported to NMFS.

Menhaden Purse Seine

The Atlantic menhaden purse seine fishery targets the Atlantic menhaden in Atlantic coastal waters. Smith (1999) summarized menhaden fishing patterns by the Virginia-North Carolina vessels from 1985-1996. Most of the catch and sets during that time occurred within three miles of the shore. Between 1994 and 1997, menhaden were processed at only three facilities, two in Reedville Beach, VA, and one in Beaufort, NC. Each of the Virginia facilities had a fleet of 9-10 vessels while the Beaufort facility is supported by 2-6 vessels. Since 1998, only one plant has operated in Virginia and the number of vessels has been reduced to ten in Virginia and two in North Carolina (Vaughan *et al.* 2001). The fishery moves seasonally, with most effort occurring off of North Carolina from November-January and moving northward to southern New England during warmer months. Menhaden purse seiners have reported an annual incidental take of 1 to 5 bottlenose dolphins (NMFS 1991, pp. 5-73), although observer data are not available.

Other Mortality

From 1997-1999, 995 bottlenose dolphins were reported stranded along the Atlantic coast from New York to Florida (Table 4) (Hohn and Martone 2001; Hohn *et al.* 2001; Palka *et al.* 2001). Of these, it was possible to determine whether a human interaction had occurred for 449 (45%); for the remainder it was not possible to make that determination. The proportion of carcasses determined to have been involved in a human interaction averaged 34%, but ranged widely from 11-12% in Delaware and Georgia to 49% and 53% in Virginia and North Carolina, respectively.

The nearshore habitat occupied by the coastal morphotype is adjacent to areas of high human population and in the northern portion of its range is highly industrialized. The blubber of stranded dolphins examined during the 1987-88 mortality event contained anthropogenic contaminants in levels among the highest recorded for a cetacean (Geraci 1989). There are no estimates of indirect human-caused mortality resulting from pollution or habitat degradation.

Table 4. Summary of bottlenose dolphins stranded along the Atlantic Coast of the US. Total Stranded is further stratified into carcasses with signs of human interaction, those without any signs, and those where human interaction could not be determined (CBD). Human Interaction is stratified into stranded animals with line or nets marks or gear attached (Fishery Interaction), cleanly removed (cut off) appendages or cuts on the body (Mutilation), and other indications of human interactions such as propellor wounds. Florida strandings include only the Atlantic coast of Florida but extending to Key West.

STATE	1997	1998	1999	STATE	1997	1998	1999
New York Total Stranded	2	3	3	N. Carolina Total Stranded	123	104	94
Human Interaction				Human Interaction			
---- Fishery Interaction	1	0	0	---- Fishery Interaction	28	23	24
---- Mutilation	0	0	0	---- Mutilation	5	3	1
---- Other	0	0	0	---- Other	1	0	0
No Human Interaction	0	2	3	No Human Interaction	21	16	19
CBD	1	1	0	CBD	68	62	50
New Jersey Total Stranded	10	11	15	S. Carolina Total Stranded	41	41	34
Human Interaction				Human Interaction			
---- Fishery Interaction	0	1	3	---- Fishery Interaction	8	4	1
---- Mutilation	0	0	0	---- Mutilation	2	0	1
---- Other	0	0	0	---- Other	0	1	2
No Human Interaction	2	3	2	No Human Interaction	15	10	10
CBD	8	7	10	CBD	16	26	20
Delaware Total Stranded	14	8	18	Georgia Total Stranded	18	26	14
Human Interaction				Human Interaction			
---- Fishery Interaction	1	1	1	---- Fishery Interaction	1	1	1
---- Mutilation	0	0	0	---- Mutilation	0	0	0
---- Other	2	1	0	---- Other	0	0	0
No Human Interaction	4	0	4	No Human Interaction	8	6	8
CBD	7	6	13	CBD	9	19	5
Maryland Total Stranded	2	2	5	Florida Total Stranded	104	80	87
Human Interaction				Human Interaction			
---- Fishery Interaction	0	0	1	---- Fishery Interaction	7	3	4
---- Mutilation	0	0	0	---- Mutilation	0	0	0
---- Other	0	0	0	---- Other	0	1	0
No Human Interaction	1	0	1	No Human Interaction	34	29	28
CBD	1	2	3	CBD	63	47	55
Virginia Total Stranded	44	42	50	Total	358	317	320
Human Interaction							
---- Fishery Interaction	11	8	18				
---- Mutilation	0	2	3				
---- Other	0	1	0				
No Human Interaction	15	12	6				
CBD	18	19	23				

STATUS OF STOCKS

The coastal migratory stock is designated as depleted under the MMPA. From 1995-2001, NMFS recognized only a single migratory stock of coastal bottlenose dolphins in the WNA and, therefore, the entire stock was listed as depleted. The management units in this report now replace the single coastal migratory stock. A re-analysis of the depletion designation on a management unit basis needs to be undertaken. In the interim, because one or more of the management units may be depleted, all management units retain the depleted designation. In addition, mortality in multiple units exceed PBR (Table 1). There are no rigorous results that would provide reliable information on current abundance relative to historical abundance. All prior estimates cover only part of the range of management units spatially or temporally, include the offshore morphotype, or are otherwise compromised. Population trends cannot be determined due to insufficient data.

Over the past five years, estimated average annual mortality exceeded PBR in the mid-Atlantic gillnet fisheries for the northern migratory and northern NC management units during summer and for the NC mixed management units in winter (Tables 1 and 2).

The species is not listed as threatened or endangered under the Endangered Species Act, but because, as noted above, the stock is listed as depleted under the MMPA it is a strategic stock. This stock is also considered strategic under the MMPA because fishery-related mortality and serious injury exceed the potential biological removal level.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Gulf of Mexico Continental Shelf Edge and Continental Slope Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

This bottlenose dolphin stock is defined as the stock which occupies the outer edge of the U.S. Gulf of Mexico Outer Continental Shelf (OCS) and waters over the continental slope within the U.S. Exclusive Economic Zone (EEZ), from the latitude and longitude of the U.S. EEZ off the U.S.-Mexico border to the latitude of the U.S. EEZ south of Key West, Florida. Close observation by experienced NMFS observers from shipboard surveys conducted throughout much of its range (Fig. 1) indicates that most of the dolphins sighted during ship-based surveys over the continental shelf edge and continental slope were the relatively large and robust dolphins assumed to be of the deep water ecotype hypothesized by Hersh and Duffield (1990). These dolphins were reported to be larger and darker in color than bottlenose dolphins seen over the continental shelf closer to shore (NMFS unpublished data). This stock's range may extend into Mexican and Cuban waters; however, there are no estimates available for bottlenose dolphin abundance or mortality from those countries.

POPULATION SIZE

Preliminary estimates of abundance were derived using distance sampling analysis (Buckland et al. 1993) and the computer program DISTANCE (Laake et al. 1993) with sighting data collected during shipboard line-transect surveys conducted during the spring of 1992-1994 (Fig. 1). These surveys were conducted throughout the area from approximately the 200 m isobath along the U.S. coast to the seaward extent of the U.S. Exclusive Economic Zone. The seasonal GulfCet aerial surveys included only a small portion of the stock range and these data were not used for abundance estimation. Average bottlenose dolphin abundance over six surveys was estimated at 5,618 dolphins with coefficient of variation (CV) = 0.26. In this analysis, it was assumed that all of the bottlenose dolphins sighted during the ship-based surveys were of this stock. The survey area overlapped in some areas with the OCS stock which was assumed to occur from approximately 9 km seaward of the 18 m isobath to approximately 9 km seaward of the 183 m isobath; however, the amount of overlap is considered insignificant and its effect on the abundance estimate is not known.

Minimum Population Estimate

The minimum population estimate was based on the average bottlenose dolphin abundance estimate of 5,618 bottlenose dolphins (CV = 0.26). The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normal distributed abundance estimate, which is equivalent to the 20th percentile of the log-normal distribution as specified by NMFS (Anon. 1994). The minimum population estimate is 4,530 bottlenose dolphins.

Current Population Trend

The data are insufficient to determine population trends.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates for this stock are unknown. The maximum net productivity rate for purposes of this assessment, was assumed to be 0.04. This value is based on theoretical calculations showing that cetacean populations may not generally grow at rates much greater than 4% given the constraints of their reproductive life history (Reilly and Barlow, 1986).

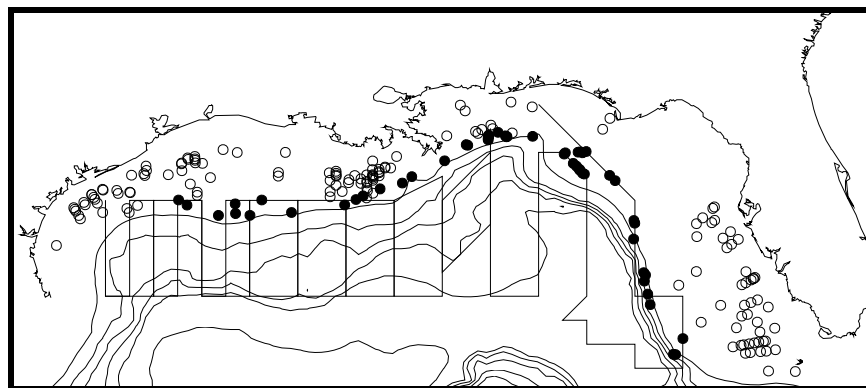


Figure 1. Distribution of sightings of bottlenose dolphins during NOAA Ship Oregon II marine mammal surveys in the Gulf of Mexico outer continental shelf (OCS) edge and continental slope waters (filled circles). Sightings of the OCS bottlenose dolphin stock made during GOMEX regional aerial surveys (unfilled circles) are shown for comparison. The bottlenose dolphin on the OCS are believed to be a separate stock. The straight lines show transects during two ship surveys and are examples of typical ship survey transects. Isobaths are in 183 m (100 fm) intervals.

POTENTIAL BIOLOGICAL REMOVAL

Potential biological removal (PBR) has been specified as the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP). The recovery factor was 0.50 because of the stock's unknown status relative to OSP. PBR for this stock is 45 bottlenose dolphins.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There are no observed cases of human-caused mortality and serious injury in this stock; however, based on an observed non-lethal take in U.S. Atlantic waters in 1993 in the pelagic longline fishery, this stock may be subject to incidental take resulting in serious injury or mortality. Fishery interactions have been reported to occur between bottlenose dolphins and the longline swordfish/tuna fishery in the Gulf of Mexico [Southeast Fisheries Science Center (SEFSC) unpublished logbook data] and annual fishery-related mortality and serious injury to bottlenose dolphins is estimated to be 2.8 per year (CV = 0.74) during 1992-1993. This estimate could include bottlenose dolphins from the OCS stock.

The total fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. This determination cannot be made for specific fisheries until the implementing regulations for Section 118 of the MMPA have been reviewed by the public and finalized.

Fishery Interaction

Pelagic swordfish, tunas, and billfish are the targets of the longline fishery operating in the U.S. Gulf of Mexico. Total longline effort for the Gulf of Mexico pelagic fishery, including OCS edge, continental slope, and Mexican territorial waters, based on mandatory logbook reporting, was 4,400 sets in 1991, 4,850 sets in 1992, and 3,260 sets in 1993 (Cramer 1994). This fishery has been monitored with about 5% observer coverage, in terms of trips observed, since 1992. Estimated take was based on a generalized linear model (Poisson error assumption) fit to the available observed incidental take and self-reported incidental take and effort data for the fishery. The following estimates were based on observed takes across the Atlantic longline swordfish/tuna fishery (which includes the Gulf of Mexico). All observed takes were used because the species occurs generally throughout the area of the fishery, but observed takes were infrequent in any given region of the fishery. There were no lethal takes of bottlenose dolphins observed or reported in 1992 and 1993, and only one non-lethal take was reported in 1993, which is assumed to have caused serious injury. The estimated level of fishery-related mortality and serious injury for the entire fishery, including waters outside of the Gulf of Mexico, in 1993 was 16 bottlenose dolphins (CV = 0.19). No take was observed in the Gulf of Mexico, but there are logbook reports of interactions between bottlenose dolphins and this fishery (SEFSC unpublished logbook data).

Given the fact that fishery interactions have been reported to occur between bottlenose dolphins and the longline swordfish/tuna fishery in the Gulf of Mexico, a probable level of fishery-related mortality and serious injury rate can be estimated. Under the assumption that the probability of an incidental take is proportional to fishing effort (number of sets), the estimated level of incidental mortality and serious injury partitioned to include only the Gulf of Mexico stock would be 5.5 bottlenose dolphins in 1993 (CV = 0.19). Average annual fishery-related mortality and serious injury during 1992-1993 would be 2.8 bottlenose dolphins (CV = 0.74). This estimate could include dolphins from the OCS stock.

Pair trawl fishing gear has the potential to capture marine mammals, but there have been no reports of mortality or serious injury to marine mammals in the Gulf of Mexico. This fishery has not been observed by NMFS observers, and there are no other data available as to the extent of this fishery in the Gulf of Mexico. It is assumed that it is very limited in scope and duration.

A trawl fishery for butterfish was monitored by NMFS observers for a short period in the 1980's with no records of incidental take of marine mammals (Burn and Scott 1988; NMFS unpublished data), although an experimental NMFS set resulted in the death of two bottlenose dolphins (Burn and Scott 1988). There are no other data available.

Other Mortality

No direct or indirect human-caused mortality has been reported for this stock.

STATUS OF STOCK

The status of this stock relative to OSP is not known and the population trend cannot be determined due to insufficient data. This species is not listed as threatened or endangered under the Endangered Species Act. This is not a strategic stock because fishery-related mortality or serious injury does not exceed PBR.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Western Gulf of Mexico Coastal Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The western Gulf of Mexico coastal bottlenose dolphin stock has been defined for management purposes as the bottlenose dolphins inhabiting the nearshore coastal waters in the U.S. Gulf of Mexico from the Texas border to the Mississippi River mouth, from shore or presumed bay boundaries to 9.3 km seaward of the 18.3 m isobath (Fig. 1). As a working hypothesis, it is assumed that the dolphins occupying habitats with dissimilar climactic, coastal, and oceanographic characteristics might be restricted in their movements between habitats and, thus, constitute separate stocks. The western coastal area is characterized by an arid to temperate climate, sand beaches, and low fresh water input. The northern coastal stock area which is characterized by a temperate climate, barrier islands, sand beaches, coastal marshes and marsh islands, and has a relatively high level of fresh water input from rivers and streams. The eastern coastal stock area is temperate to subtropical in climate, is bordered by a mixture of coastal marshes, sand beaches, marsh and mangrove islands, and has an intermediate level of freshwater input.

The stock occurs trans-boundary with Mexico; however, there is no information available for abundance estimation, nor for estimating fishery-related mortality in Mexican waters. The ratio of DDE to DDT was extraordinarily high in tissues of one bottlenose dolphin stranded on the Texas coast (Varanasi et al. 1992), suggesting recent exposure to DDT which is still in use in Mexico.

The Mississippi River outflow may constitute an effective ecological barrier to stock migration at the eastern boundary. This assumption has not been tested and interbreeding may, in fact, occur between this and the northern coastal stock at this boundary; therefore, the definition of this stock may be revised and the stock may be incorporated with the northern coastal stock when more data become available. There are data which suggest that there is considerable alongshore movement by some members of the western coastal stock (NMFS unpublished data), but the extent of this movement is unknown.

Some of this stock may co-occur with the resident bay, sound, and estuarine stocks, and breeding may occur among these stocks. For instance, two bottlenose dolphins previously seen in the South Padre Island area in Texas were seen in Matagorda Bay, 285 km north, in May 1992 and May 1993 (Lynn 1995). These sightings suggest that some bay stocks dolphins occasionally traverse the coastal stock area.

Portions of this stock may co-occur with the U.S. Gulf of Mexico outer continental shelf (OCS) stock. The seaward boundary for this stock corresponds to aerial survey strata (NMFS unpublished data) and thus, represents a management boundary rather than an ecological boundary. Anecdotal evidence suggests that both the coastal and OCS stocks consist of the shallow, warm water ecotype described by Hersh and Duffield (1990). Data are not currently available to determine genetically if the two stocks should be separated or, if so, where; and interbreeding may occur at the boundary interface.

POPULATION SIZE

Preliminary abundance estimates were derived using distance sampling analysis (Buckland et al. 1993) and the computer program DISTANCE (Laake et al. 1993) with sighting data collected during aerial line-transect surveys in September-October 1992 (Blaylock and Hoggard 1994). Sampling transects extended orthogonally from shore out to approximately 9 km past the 18 m isobath. The 1992 coastal survey area extended from the U.S. - Mexican border to the Mississippi River mouth. Systematic transects were placed randomly with respect to bottlenose dolphin distribution and provided approximately 5% visual coverage of the survey area. Bottlenose dolphin abundance was estimated to be 3,499 dolphins (CV = 0.21) (Blaylock and Hoggard 1994).

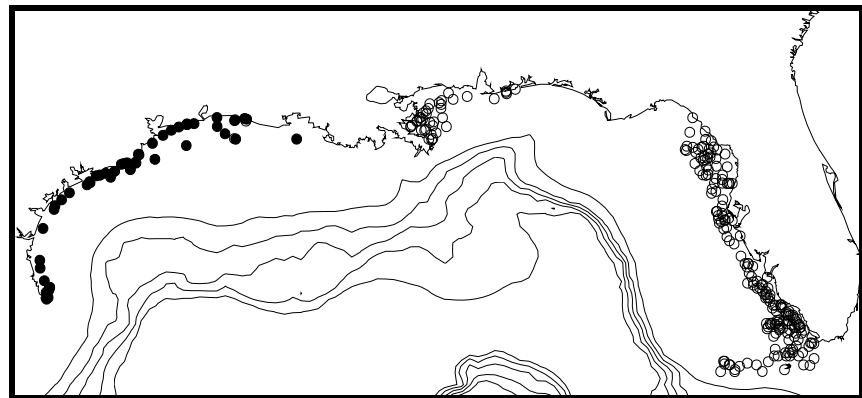


Figure 1. Sightings of coastal bottlenose dolphins during GOMEX aerial surveys of the Gulf of Mexico in 1992-1994. Western Gulf of Mexico coastal bottlenose dolphin stock is shown with filled circles. Isobaths are in 183 m (100 fm) intervals.

Minimum Population Estimate

The minimum population estimate was based on the 1992 abundance estimate of 3,499 bottlenose dolphins (CV = 0.21) (Blaylock and Hoggard 1994). The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The minimum population estimate is 2,938 bottlenose dolphins.

Current Population Trend

Aerial surveys of this area conducted by NMFS in autumn 1983 resulted in an estimated bottlenose dolphin abundance of 4,718 (CV = 0.10). The data are not sufficient to conduct a statistical trend analysis, but the current population size estimate is significantly lower than the 1983 estimate (Student's t-test, $P < 0.001$) and suggests a decline in stock abundance.

This stock was subject to higher than usual mortality levels in 1990, 1992, and 1993-94, and the incidence of bottlenose dolphin strandings along the Texas coast in those years was significantly higher than the 1984-94 mean stranding rate (Southeast U.S. Marine Mammal Stranding Network unpublished data). Some of these mortalities may have been related to accumulation of anthropogenic hydrocarbon contaminants. A recent study indicated an inverse relationship between hydrocarbon contaminant levels and certain bacterial and viral antigen titers in bottlenose dolphins from Matagorda Bay, Texas (Reif et al., in review).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are not known for this stock. The maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The "recovery" factor, which accounts for endangered, depleted, and threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status, because of an undetermined level of fishery-related mortality, and because of the recent occurrence of three anomalous mortality events. PBR for this stock is 29 dolphins.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The level of direct human-caused mortality in this stock is unknown. An annual mean of 13 (CV = 0.46) bottlenose dolphins stranded on the Texas coast during the period 1988-1993, showing signs of fishery interactions such as net entanglement, mutilation, gunshot wounds, etc. (Southeast U.S. Marine Mammal Stranding Network unpublished data). This was 10.3% of the total bottlenose dolphin strandings reported for this area. There were 283 reported bottlenose dolphin strandings in Texas (1994), of these 7 (2%) showed signs of human interaction. Three had evidence of fishery entanglement, one of which was found in a shrimp trawl, three were mutilated and one was shot. In 1995 the total number of reported bottlenose dolphins in Texas for 1995 was 110 and 3 (3%) were human interactions. One was found in a shrimp trawl. The total bottlenose dolphin strandings from January through August 31, 1996 was 175 and 1 (0.5%) had evidence of human interaction (entanglement).

There are a number of difficulties associated with the interpretation of stranding data. It is possible that some or all of the stranded dolphins may have been from a bay, sound or estuarine stock; however, the proportion of the stranded dolphins belonging to another stock cannot be determined because of the difficulty of determining from where the stranded carcass originated. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the dolphins which die or are seriously injured in fishery interactions wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

Fisheries Information

Annual fishing effort for the shrimp trawl fishery in the western Gulf of Mexico coastal stock area during 1988-1993 averaged approximately 0.35 million hours of tows (CV = 0.16) (NMFS unpublished data). This fishery was monitored by NMFS observers in 1992 and 1993, but less than 1% of the fishing effort was observed (NMFS unpublished data). There have been no reports of incidental mortality or injury in the western Gulf of Mexico coastal bottlenose dolphin stock associated with the shrimp trawl fishery in this area.

The menhaden purse seine fishery targets the Gulf menhaden, *Brevoortia patronus*, in Gulf of Mexico coastal waters approximately 3-18 m in depth (NMFS 1991). Seventy-five menhaden vessels operate within 1.6 km of shore from Apalachicola, Florida to Freeport, Texas, from April-October. Lethal takes of bottlenose dolphins reported by the menhaden fishery during the period 1982-1988 ranged between 0-4 dolphins annually (NMFS unpublished data).

Gillnets are not used in Texas, and gillnets over 46 m³ in area will not be allowed in Florida past July 1995, but fixed and runaround gillnets are currently in use in Louisiana, Mississippi, and Alabama. These fisheries, for the most part, operate year around. They are state-controlled and licensed, and vary widely in intensity and target species. No marine mammal mortalities associated with gillnet fisheries have been reported in these states, but stranding data suggest that gillnet and marine mammal interaction does occur, causing mortality and serious injury.

The fishery for blue crabs operates in estuarine areas throughout the Gulf coast employing traps attached to a buoy with rope. Bottlenose dolphins have been reported stranded in Mississippi with polypropylene rope around their flukes indicating the possibility of entanglement with crab pot lines (NMFS 1991); however, this fishery has not been monitored by observers.

Two bottlenose dolphins were entangled and died in a scientific research net fishery for sea turtles in Sabine Pass in 1993 (A. Landry, Texas A&M University, report to Texas Marine Mammal Stranding Network, August 1993). The nets used in this Endangered Species Act (ESA) permitted research activity were two 4.9 m deep x 91.5 m in length stationary entanglement nets adjacent to each other. They were fished in shallow water (0.9-2.5 m depth), monitored continuously throughout the day, and removed at night.

Other Mortality

The coast adjacent to the nearshore habitat occupied by this stock varies from agricultural to industrial and, in some places, such as Galveston Island, is dense in human population. Concentrations of chlorinated hydrocarbons and metals were relatively low in most of the bottlenose dolphins examined in conjunction with an anomalous mortality event in Texas bays in 1990; however, some had concentrations at levels of possible toxicological concern (Varanasi et al. 1992). Agricultural runoff following periods of high rainfall in 1992 was implicated in a high level of bottlenose dolphin mortalities in Matagorda Bay, which is adjacent to the western coastal stock area (NMFS unpublished data). A recent study of hydrocarbon contaminant levels was conducted in conjunction with a health assessment study of 35 live-captured bottlenose dolphins in Matagorda Bay which adjoins the coastal stock area. Alpha-HCB, p,p,DDE, and PCB concentrations were inversely related to the magnitude of the serum antibody titer to *Erysipelas* spp. and *Staphylococcus* spp. bacteria (Reif et al., in review.). A similar and more pronounced trend was seen in relationship to the pseudorabies virus; however, since pseudorabies virus is not known to infect bottlenose dolphins, the significance of this finding is not clear. Concentrations of contaminants were higher in dolphins having evidence of exposure to the cetacean morbillivirus. The reason for the difference in the relationship between antibody titers to bacteria and pseudorabies and antibody titers to cetacean morbillivirus is not understood.

STATUS OF STOCK

The status of this stock relative to OSP is unknown. A population trend analysis is not available due to insufficient information. This species is not listed as threatened or endangered under the ESA. The occurrence of three anomalous mortality events among bottlenose dolphins along the Texas coast since 1990 (NMFS unpublished data) is cause for concern and the available evidence suggests that bottlenose dolphin stocks in the northern and western portion of the U.S. Gulf of Mexico may have experienced a morbillivirus epidemic in 1993 (Lipscomb 1993); however, the effects of these events on stock abundance has yet to be determined. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because the known level of fishery-related mortality or serious injury does not exceed PBR.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Eastern Gulf of Mexico Coastal Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

The eastern Gulf of Mexico coastal bottlenose dolphin stock has been defined for management purposes as the bottlenose dolphins occupying the area which extends from approximately 84° W Longitude to Key West, Florida, from shore, barrier islands, or presumed bay boundaries to 9.3 km seaward of the 18.3 m isobath (Fig. 1). As a working hypothesis, it is assumed that the dolphins occupying habitats with dissimilar climactic, coastal, and oceanographic characteristics might be restricted in their movements between habitats and, thus, constitute separate stocks. The eastern coastal stock area is temperate to subtropical in climate, is bordered by a mixture of coastal marshes, sand beaches, marsh and mangrove islands, and has an intermediate level of freshwater input. It is bordered on the north by an extensive area of coastal marsh and marsh islands typical of Florida's Apalachee Bay. The western coastal area is characterized by an arid to temperate climate, sand beaches, and low fresh water input. The northern coastal stock area is characterized by a temperate climate, barrier islands, sand beaches, coastal marshes and marsh islands, and has a relatively high level of fresh water input from rivers and streams.

Portions of this stock may co-occur with the U.S. Gulf of Mexico outer continental shelf (OCS) stock. The seaward boundary for this stock corresponds to aerial survey strata (NMFS unpublished data) and thus, represents a management boundary rather than an ecological boundary. Anecdotal evidence suggests that both the coastal and OCS stocks consist of the shallow, warm water ecotype described by Hersh and Duffield (1990). Data are not currently available to determine genetically if the two stocks should be separated or, if so, where; and interbreeding may occur at the boundary interface.



Figure 1. Sightings of coastal bottlenose dolphins during GOMEX aerial surveys of the Gulf of Mexico in 1992-1994. Eastern Gulf of Mexico coastal bottlenose dolphin stock is shown with filled circles. Isobaths are in 183 m (100 fm) intervals.

POPULATION SIZE

Preliminary estimates of abundance were derived using distance sampling analysis (Buckland et al. 1993) and the computer program DISTANCE (Laake et al. 1993) with sighting data collected during aerial line-transect surveys conducted during autumn 1994 (NMFS unpublished data). Systematic sampling transects, placed randomly with respect to the bottlenose dolphin distribution, extended orthogonally from shore out to approximately 9 km past the 18 m isobath. Approximately 5% of the total survey area was visually searched. Bottlenose dolphin abundance was estimated to be 9,912 dolphins with coefficient of variation (CV) = 0.12.

Minimum Population Estimate

The minimum population estimate was based on the 1994 abundance estimate of 9,912 (CV = 0.12) (NMFS unpublished data). The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The minimum population estimate is 8,963 bottlenose dolphins.

Current Population Trend

Aerial surveys of this area conducted by NMFS in autumn 1985, resulted in an estimated bottlenose dolphin abundance of 4,711 (CV = 0.05). The data are not sufficient to conduct a statistical trend analysis, but the current population size estimate is significantly higher than the 1985 estimate (Student's t-test, $P < 0.0005$).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are not known for this stock. The maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The "recovery" factor, which accounts for endangered, depleted, and threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for this stock is 90 dolphins.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

The level of direct human-caused mortality in this stock is unknown. An annual mean of eight bottlenose dolphins (CV = 0.41) stranded on the Florida Gulf coast during the period 1988-1993, showing signs of fishery interactions such as net entanglement, mutilation, gunshot wounds, etc. (Southeast U.S. Marine Mammal Stranding Network unpublished data). This was 8.9% of the total bottlenose dolphin strandings reported for this area. Morgan and Patton (1990) reported that 12.9% of 116 cetaceans examined by Mote Marine Laboratory's marine mammal stranding response program on the west coast of Florida between 1984 and 1990 exhibited evidence of human-caused mortality or serious injury. The stranding networks reported a total of 62 bottlenose dolphin strandings in 1994 with only one reported human interaction. Eighty-three strandings were reported in 1995 and 2 had evidence of human interactions. One was found entangled in a gillnet, and one was a boat strike. The network reported 111 bottlenose dolphins from January through August 31, 1996. Three showed signs of human interaction (one entanglement-gillnet, one boat strike and one mutilation).

There are a number of difficulties associated with the interpretation of stranding data. It is possible that some or all of the stranded dolphins may have been from a bay, sound or estuarine stock; however, the proportion of the stranded dolphins belonging to another stock cannot be determined because of the difficulty of determining from where the stranded carcass originated. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the dolphins which die or are seriously injured in fishery interactions wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

Fisheries Information

Annual fishing effort for the shrimp trawl fishery in the eastern Gulf of Mexico coastal stock area during 1988-1993 averaged approximately 0.102 million hours of tows (CV = 0.30) (NMFS unpublished data). This fishery was monitored by NMFS observers in 1992 and 1993, but less than 1% of the fishing effort was observed (NMFS unpublished data). There was one report in 1992 of an incidental mortality in the eastern Gulf of Mexico coastal bottlenose dolphin stock which was associated with the shrimp trawl fishery in this area.

Gillnets are not used in Texas, and gillnets over 46 m² in area will not be allowed in Florida past July 1995, but fixed and runaround gillnets are currently in use in Louisiana, Mississippi, and Alabama. These fisheries, for the most part, operate year around. They are state-controlled and licensed, and vary widely in intensity and target species. No marine mammal mortalities associated with gillnet fisheries have been reported in these states, but stranding data suggest that gillnet and marine mammal interaction does occur, causing mortality and serious injury. A coastal gillnet fishery for menhaden was reported to have taken one bottlenose dolphin in 1991 (NMFS unpublished data). There are no effort data available for this fishery.

The menhaden purse seine fishery targets the Gulf menhaden, *Brevoortia patronus*, in Gulf of Mexico coastal waters approximately 3-18 m in depth (NMFS 1991). Seventy-five menhaden vessels operate within 1.6 km of shore from Apalachicola, Florida to Freeport, Texas, from April-October. Lethal takes of bottlenose dolphins reported by the menhaden fishery during the period 1982-1988 ranged between 0-4 dolphins annually (NMFS unpublished data).

Other clupeid purse seiners opportunistically target Spanish sardine, thread herring, ladyfish, cigarfish, and blue runners. There are no effort data available for this fishery and there are no estimates of dolphin mortality associated with this fishery.

A fishery for blue crabs operates in estuarine areas throughout the Gulf coast employing traps attached to a buoy with rope. Bottlenose dolphins have been reported stranded in other coastal locations in the Gulf of Mexico with polypropylene rope around their flukes indicating the possibility of entanglement with crab pot lines (NMFS 1991); however, this fishery has not been monitored by observers.

Other Mortality

The nearshore habitat occupied by this stock is adjacent to areas of high human population and in some areas of Florida, such as the Tampa Bay area, is highly industrialized. PCB concentrations in three stranded

dolphins sampled from this stock ranged from 16-46 µg/g wet weight. Concentrations of α -HCB, p,p,DDE, and PCB's were inversely related to the magnitude of the serum antibody titer to *Erysipelas* spp. and *Staphylococcus* spp. bacteria in a study of bottlenose dolphins in Texas (Reif et al., in review). A similar and more pronounced trend was seen in relationship to the pseudorabies virus; however, since pseudorabies virus is not known to infect bottlenose dolphins, the significance of this finding is not clear. Concentrations of contaminants were higher in dolphins having evidence of exposure to the cetacean morbillivirus. The reason for the difference in the relationship between antibody titers to bacteria and pseudorabies and antibody titers to cetacean morbillivirus is not understood.

STATUS OF STOCK

The status of this stock relative to OSP is not known and population trends cannot be determined due to insufficient data. This species is not listed as threatened or endangered under the Endangered Species Act. The total known fishery-related mortality and serious injury for this stock is less than 10% of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. This is not a strategic stock because the known level of fishery-related mortality or serious injury does not exceed PBR.

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BOTTLENOSE DOLPHIN (*Tursiops truncatus*): Gulf of Mexico Bay, Sound, and Estuarine Stocks

STOCK DEFINITION AND GEOGRAPHIC RANGE

Bottlenose dolphins are distributed throughout the bays, sounds, and estuaries of the Gulf of Mexico (Mullin 1988). The identification of biologically-meaningful “stocks” of bottlenose dolphins in these waters is complicated by the high degree of behavioral variability exhibited by this species (Shane *et al.* 1986; Wells and Scott 1999), and by the lack of requisite information for much of the region.

Previous stock assessment reports have provisionally identified distinct stocks in each of 33 areas of contiguous, enclosed, or semi-enclosed bodies of water adjacent to the Gulf of Mexico (Table 1, Waring *et al.* 1997), based on descriptions of relatively discrete dolphin “communities” in some of these areas. A “community” includes resident dolphins that regularly share large portions of their ranges, exhibit similar distinct genetic profiles, and interact with each other to a much greater extent than with dolphins in adjacent waters. The term, as adapted from Wells *et al.* (1987), emphasizes geographic, genetic, and social relationships of dolphins. Bottlenose dolphin communities do not constitute closed demographic populations, as individuals from adjacent communities are known to interbreed. Nevertheless, the geographic nature of these areas and long-term stability of residency patterns suggest that many of these communities exist as functioning units of their ecosystems and, under the Marine Mammal Protection Act, must be maintained as such. Also, the stable patterns of residency observed within communities suggest that long periods would be required to repopulate the home range of a community were it eradicated or severely depleted. Thus, in the absence of information supporting management on a larger scale, it is appropriate to adopt a risk-averse approach and focus management efforts at the level of the community rather than at some larger demographic scale. Support for this risk-averse approach derives from several sources. Long-term (year-round, multi-year) residency by at least some individuals has been reported from nearly every site where photographic identification or tagging studies have been conducted in the Gulf of Mexico. In Texas, some of the dolphins in the Matagorda-Espiritu Santo Bay area (Gruber 1981; Lynn 1995; Würsig and Lynn 1996), Aransas Pass (Shane 1977; Weller 1998), San Luis Pass (Maze 1997), and Galveston Bay (Bräger 1993; Bräger *et al.* 1994; Fertl 1994) have been reported as long-term residents. Hubard (1998) reported sightings of dolphins tagged 12-15 years previously in Mississippi Sound. In Florida, long-term residency has been reported from Choctawhatchee Bay (1989-1993, F. Townsend unpublished data), Tampa Bay (Wells 1986a; Wells *et al.* 1996a), Sarasota Bay (Irvine and Wells 1972; Irvine *et al.* 1981; Wells 1986a, 1991; Scott *et al.* 1990; Wells *et al.* 1987), Lemon Bay (Wells *et al.* 1996b), and Charlotte Harbor/Pine Island Sound (Shane 1990; Wells *et al.* 1996b, 1997). In many cases, residents emphasize use of the bay, sound, or estuary waters, with limited movements through passes to the Gulf of Mexico (Shane 1977, 1990; Gruber 1981; Irvine *et al.* 1981; Lynn 1995, Maze 1997). These habitat use patterns are reflected in the ecology of the dolphins in some areas; for example, residents of Sarasota Bay, Florida lacked squid in their diet, unlike non-resident dolphins stranded on nearby Gulf beaches (Barros and Wells 1998).

Genetic data also support the concept of relatively discrete bay, sound, and estuary stocks. Analyses of mitochondrial DNA haplotype distributions indicate the existence of clinal variations along the Gulf of Mexico coastline (Duffield and Wells In press). Differences in reproductive seasonality from site to site also suggest genetic-based distinctions between communities (Urian *et al.* 1996). Mitochondrial DNA analyses suggest finer-scale structural levels as well. For example, Matagorda Bay, Texas dolphins appear to be a localized population (NMFS unpublished data), and differences in haplotype frequencies distinguish between adjacent communities in Tampa Bay, Sarasota Bay, and Charlotte Harbor/Pine Island Sound, along the central west coast of Florida (Duffield and Wells 1991; in press). Examination of protein electrophoretic data resulted in similar conclusions for the Florida dolphins (Duffield and Wells 1986).

The long-term structure and stability of at least some of these communities is exemplified by the residents of Sarasota Bay, Florida. This community has been observed since 1970 (Irvine and Wells 1972; Scott *et al.* 1990; Wells 1991). The number of dolphins regularly occupying the Sarasota Bay area has remained consistently at about 100. At least four generations of identifiable residents currently inhabit the region, including half of those first identified in 1970. Maximum immigration and emigration rates of about 2-3% have been estimated (Wells and Scott 1990).

Genetic exchange occurs between resident communities; hence the application of the demographically and behaviorally-based term “community” rather than “population” (Wells 1986a). Some of the calves in Sarasota Bay apparently have been sired by non-residents (Duffield and Wells, in press). A variety of potential exchange mechanisms occur in the Gulf. Small numbers of inshore dolphins traveling between regions have been reported, with patterns ranging from traveling through adjacent communities (Wells 1986b; Wells *et al.* 1996a,b) to movements over distances of several hundred km in Texas waters (Gruber 1981; Würsig and Lynn 1996; Würsig unpublished data). In many areas year-round residents co-occur with non-resident dolphins, providing potential opportunities for genetic exchange. About 17% of group sightings involving resident Sarasota Bay dolphins include at least one non-resident as well (Wells *et al.* 1987). Similar mixing of inshore residents and non-residents is seen off San Luis Pass, Texas (Maze 1997). Non-residents exhibit a variety of patterns, ranging from apparent nomadism

recorded as transience in a given area, to apparent seasonal or non-seasonal migrations. Passes, especially the mouths of the larger estuaries, serve as mixing areas. For example, several communities mix at the mouth of Tampa Bay, Florida (Wells 1986a), and most of the dolphins identified in the mouths of Galveston Bay and Aransas Pass, Texas were considered transients (Henningsen 1991; Bräger 1993; Weller 1998).

Seasonal movements of dolphins into and out of some of the bays, sounds, and estuaries provide additional opportunities for genetic exchange with residents, and complicate the identification of stocks in coastal and inshore waters. In small bay systems such as Sarasota Bay, Florida and San Luis Pass, Texas residents move into Gulf coastal waters in fall/winter, and return inshore in spring/summer (Irvine *et al.* 1981; Maze 1997). In larger bay systems, seasonal changes in abundance suggest possible migrations, with increases in more northerly bay systems in summer, and in more southerly systems in winter. Fall/winter increases in abundance have been noted for Matagorda Bay (Gruber 1981; Lynn 1995; Würsig and Lynn 1996), Aransas Pass (Shane 1977; Weller 1998), Tampa Bay (Scott *et al.* 1989), and Charlotte Harbor/Pine Island Sound (Thompson 1981; Scott *et al.* 1989). Spring/summer increases in abundance have been reported for Galveston Bay (Henningsen 1991; Bräger 1993; Fertl 1994) and Mississippi Sound (Hubard 1998).

Much uncertainty remains regarding the structure of bottlenose dolphin stocks in many of the Gulf of Mexico bays, sounds, and estuaries. Given the apparent co-occurrence of resident and non-resident dolphins in these areas, and the demonstrated variations in abundance, it appears that consideration should be given to the existence of a complex of stocks, and to the roles of bays, sounds, and estuaries for stocks emphasizing Gulf of Mexico coastal waters. A starting point for management strategy should be the protection of the long-term resident communities, with their multi-generational geographic, genetic, demographic, and social stability. These localized units would be at greatest risk from geographically-localized impacts. Complete characterization of many of these basic units would benefit from additional photo-identification, telemetry, and genetic research (Wells 1994).

The current provisional stocks follow the designations in Table 1, with a few revisions. Available information suggests that Block B35, Little Sarasota Bay, can be subsumed under Sarasota Bay, and B36, Caloosahatchee River, can be considered a part of Pine Island Sound. As more information becomes available, additional combination or division may be warranted. For example, a number of geographically and socially distinct subgroupings of dolphins in regions such as Tampa Bay, Charlotte Harbor, Pine Island Sound, Aransas Pass, and Matagorda Bay have been identified, but the importance of these distinctions to stock designations remain undetermined (Shane 1977; Gruber 1981; Wells *et al.* 1996a,b, 1997; Würsig and Lynn 1996).

Understanding the full complement of the stock complex using the bay, sound, and estuarine waters of the Gulf of Mexico will require much additional information. The development of biologically-based criteria to better define and manage stocks in this region should integrate multiple approaches, including studies of ranging patterns, genetics, morphology, social patterns, distribution, life history, stomach contents, isozyme analyses, and contaminant concentrations. Spatially-explicit population modeling could aid in evaluating the implications of community-based stock definition. As these studies provide new information on what constitutes a bottlenose dolphin "biological stock," current provisional definitions will likely need to be revised. As stocks are more clearly identified, it will be possible to conduct abundance estimates using standardized methodology across sites (thereby avoiding some of the previous problems of mixing results of aerial and boat-based surveys), identify fisheries and other human impacts relative to specific stocks, and perform individual stock assessments. As recommended by the Atlantic Scientific Review Group (November 1998, Portland, Maine), a workshop was held from March 13-15, 2000 in Sarasota, FL to review current information pertaining to bottlenose dolphin stock structure in Gulf of Mexico bays, sounds, and estuaries. As a result of this, efforts are being made to conduct simulations of alternative stock structure and, if warranted, propose a new stock structure.

Table 1. Bottlenose dolphin abundance (N_{BEST}), coefficient of variation (CV), minimum population estimate (N_{MIN}), and Potential Biological Removal (PBR) in USA Gulf of Mexico bays, sounds, and other estuaries. Blocks refer to aerial survey blocks illustrated in Fig. 1. Blocks with an abundance of zero were surveyed but not considered stocks at this time (but see Note 1 below).

Blocks	Gulf of Mexico Estuary	N_{BEST}	CV	N_{MIN}	PBR	Year	Reference
B51	Laguna Madre	80	1.57	31	0.3	1992	A
B52	Nueces Bay, Corpus Christi Bay	58	0.61	36	0.4	1992	A
B50	Compano Bay, Aransas Bay, San Antonio Bay, Redfish Bay, Espiritu Santo Bay	55	0.82	30	0.3	1992	A
B54	Matagorda Bay, Tres Palacios Bay, Lavaca Bay	61	0.45	42	0.4	1992	A
B55	West Bay	29	1.10	14	0.1	1992	A
B56	Galveston Bay, East Bay, Trinity Bay	152	0.43	107	1.1	1992	A
B57	Sabine Lake	0 ¹	-			1992	A
B58	Calcasieu Lake	0 ¹	-			1992	A
B59	Vermillion Bay, West Cote Blanche Bay, Atchafalaya Bay	0 ¹	-			1992	A
B60	TerreBonne Bay, Timbalier Bay	100	0.53	66	0.7	1993	A
B61	Barataria Bay	219	0.55	142	1.4	1993	A
B30	Mississippi River Delta	0 ¹	-			1993	A
B02-05, 29,31	Bay Boudreau, Mississippi Sound	1,401	0.13	1,256	13	1993	A
B06	Mobile Bay, Bonsecour Bay	122	0.34	92	0.9	1993	A
B07	Perdido Bay	0 ¹	-			1993	A
B08	Pensacola Bay, East Bay	33	0.80	18	0.2	1993	A
B09	Choctawhatchee Bay	242	0.31	188	1.9	1993	A
B10	St. Andrew Bay	124	0.57	79	0.8	1993	A
B11	St. Joseph Bay	0 ¹	-			1993	A
B12-13	St. Vincent Sound, Apalachicola Bay, St. Georges Sound	387	0.34	293	2.9	1993	A
B14-15	Apalachee Bay	491	0.39	358	3.6	1993	A
B16	Waccasassa Bay, Withlacoochee Bay, Crystal Bay	100	0.85	54	0.5	1994	A
B17	St. John's Sound, Clearwater Harbor	37	1.06	18	0.2	1994	A
B32-34	Tampa Bay	559	0.24	458	4.6	1994	A
B20	Sarasota Bay	97	na ³	97	1.0	1992	B
B35	Little Sarasota Bay	2 ²	0.24	2	0.0	1985	C
B21	Lemon Bay	0 ¹	-			1994	A
B22-23	Pine Sound, Charlotte Harbor, Gasparilla Sound	209	0.38	153	1.5	1994	A
B36	Caloosahatchee River	0 ^{1,2}	-			1985	C
B24	Estero Bay	104	0.67	62	0.6	1994	A
B25	Chokoloskee Bay, Ten Thousand Islands, Gullivan Bay	208	0.46	144	1.4	1994	A
B27	Whitewater Bay	242	0.37	179	1.8	1994	A
B28	Florida Keys (Bahia Honda to Key West)	29	1.00	14	0.1	1994	A

References: A- Blaylock and Hoggard 1994; B- Wells 1992; C- Scott *et al.* 1989

Notes:

¹ During earlier surveys (Scott *et al.* 1989), the range of seasonal abundances was as follows: B57, 0-2 (CV= 0.38); B58, 0-6 (0.34); B59, 0-0; B30, 0-182(0.14); B07, 0-0; B21, 0-15(0.43); and B36, 0-0.

² Block not surveyed during surveys reported in Blaylock and Hoggard 1994.

³ No CV because N_{BEST} was a direct count of known individuals.

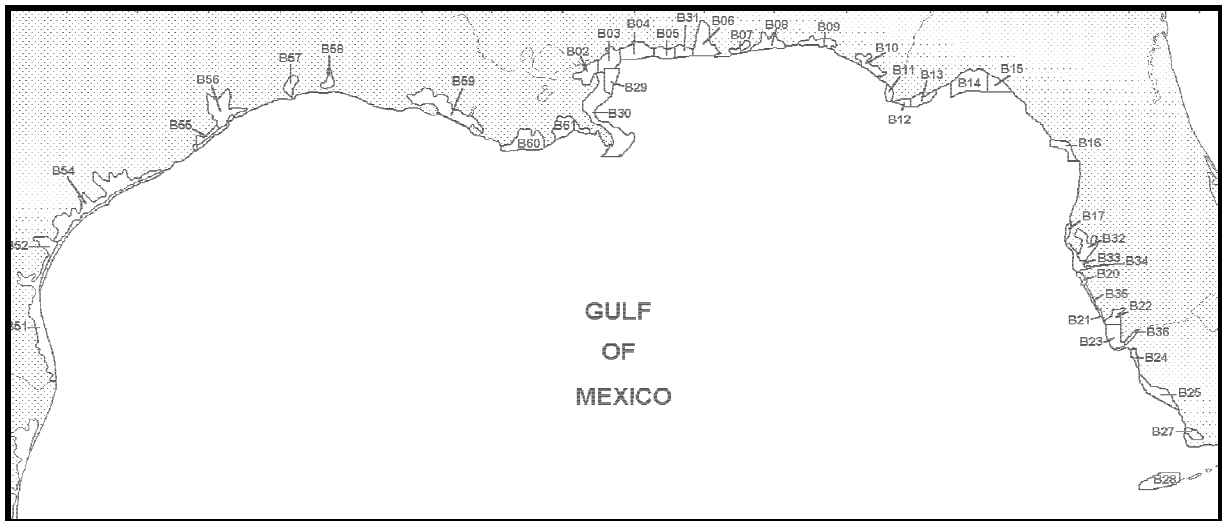


Figure 1. USA Gulf of Mexico bays and sounds. Each of the alpha-numerically designated blocks corresponds to one of the NMFS Southeast Fisheries Science Center logistical aerial survey areas listed in Table 1. The bottlenose dolphins inhabiting each bay and sound are considered to comprise a unique stock for purposes of this assessment.

POPULATION SIZE

Population size (Table 1) for all of the stocks except Sarasota Bay, Florida, was estimated from preliminary analyses of line-transect data collected during aerial surveys conducted in September-October 1992 in Texas and Louisiana; in September-October 1993 in Louisiana, Mississippi, Alabama, and the Florida panhandle (Blaylock and Hoggard 1994); and in September-November 1994 along the west coast of Florida (NMFS unpublished data). Standard line-transect perpendicular sighting distance analytical methods (Buckland *et al.* 1993) and the computer program DISTANCE (Laake *et al.* 1993) were used. Stock size in Sarasota Bay, Florida, was obtained through direct count of known individuals (Wells 1992).

Minimum Population Estimate

The minimum population estimate (Table 1) is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The minimum population estimate was calculated for each block from the estimated population size and its associated coefficient of variation. Where the population size resulted from a direct count of known individuals, the minimum population size was identical to the estimated population size.

Current Population Trend

The data are insufficient to determine population trends for all of the Gulf of Mexico bay, sound, and estuary bottlenose dolphin communities. The Sarasota Bay community, however, has been monitored since 1970 and has remained relatively constant over the last 20+ years at approximately 105 animals (Wells 1998). Three anomalous mortality events have occurred among portions of these dolphin communities between 1990 and 1994; however, it is not possible to accurately partition the mortalities between bay and coastal stocks, thus the impact of these mortality events on communities is not known.

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Current and maximum net productivity rates are not known for the dolphin communities that comprise these stocks. While productivity rates may be estimated for individual females within communities, such estimates are confounded at the stock level due to the influx of dolphins from adjacent areas which balance losses, and the unexplained loss of some individuals which offset births and recruitment (Wells 1998). Continued monitoring and expanded survey coverage will be required to address and develop estimates of productivity for these dolphin communities. The maximum net productivity rate was assumed to be 0.04. This value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (Wade and Angliss 1997). The "recovery" factor, which accounts for endangered, depleted, and threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP), is assumed to be 0.5 because these stocks are of unknown status. PBR for each stock is given in Table 1.

ANNUAL HUMAN-CAUSED MORTALITY AND SERIOUS INJURY

There are a number of difficulties associated with the interpretation of stranding data. It is possible that some or all of the stranded dolphins may have been from a nearby coastal stock; however, the proportion of stranded dolphins belonging to another stock cannot be determined because of the difficulty of determining from where the stranded carcass originated. Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the dolphins which die or are seriously injured in fishery interactions wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction, and the condition of the carcass if badly decomposed can inhibit the interpretation of cause of death.

A total of 1,881 bottlenose dolphins were found stranded in the USA Southeast Gulf of Mexico from 1993 to 1997 (Table 2) (NMFS unpublished data). Of these, 57 or 3% showed evidence of human interactions as the cause of death (*e.g.*, gear entanglement, mutilation, gunshot wounds). Bottlenose dolphins are known to become entangled in recreational and commercial fishing gear (Wells *et al.* 1998; Gorzelany 1998; Wells and Scott 1994) and some are struck by recreational and commercial vessels (Wells and Scott 1997). In 1998 alone, two resident bottlenose dolphins and an associated calf were killed by vessel strikes and a resident young-of-the-year died from entanglement in a crab-pot float line (R.S. Wells, pers. comm.).

The Gulf of Mexico menhaden fishery was observed to take 9 bottlenose dolphins (three fatally) between 1992 and 1995 (NMFS unpublished data). There were 1,366 sets observed out of 26,097 total sets, which if extrapolated for all years suggests that as many as 172 bottlenose dolphins could have been taken in this fishery with up to 57 animals killed. An observer program is urgently needed to obtain statistically reliable information for this fishery on the number of sets annually, the incidental take and mortality rates, and the communities from which bottlenose dolphins are being taken.

Some of the bay, sound and estuarine communities were the focus of a live-capture fishery for bottlenose dolphins which supplied dolphins to the U.S. Navy and to oceanaria for research and public display for almost two decades (NMFS unpublished data). During the period between 1972-89, 490 bottlenose dolphins, an average of 29 dolphins annually, were removed from a few locations in the Gulf of Mexico, including the Florida Keys. Mississippi Sound sustained the highest level of removals with 202 dolphins taken from this stock during this period, representing 41% of the total and an annual average of 12 dolphins (compared to a current PBR of 13). The annual average number of removals never exceeded current PBR levels, but it may be biologically significant that 73% of the dolphins removed during 1982-88 were females. The impact of those removals on the stocks is unknown.

Fishery Information

Annual fishing effort for the shrimp trawl fishery in the USA Gulf of Mexico bays, sounds, and estuaries during 1988-1993 averaged approximately 2.20 million hours of tows ($CV=0.11$) (NMFS unpublished data). There have been very low numbers of incidental mortality or injury in the stocks associated with the shrimp trawl fishery.

A fishery for blue crabs operates in estuarine areas throughout the Gulf of Mexico coast employing traps attached to a buoy with rope. Bottlenose dolphins have been reported stranded with polypropylene rope around their flukes (NMFS 1991; McFee and Brooks, Jr. 1998; NMFS unpublished data), indicating the possibility of entanglement with crab pot lines. This fishery has not been monitored by observers and there are no estimates of bottlenose dolphin mortality or serious injury for this fishery.

Gillnets are not used in Texas, and gillnets over 46 m³ in area were not allowed in Florida past July 1995, but fixed and runaround gillnets are currently in use in Louisiana, Mississippi, and Alabama. These fisheries, for the most part, operate year around. They are state-controlled and licensed, and vary widely in intensity and target species. No marine mammal mortalities associated with gillnet fisheries have been reported in these states, but stranding data suggest that gillnet and marine mammal interaction does occur, causing mortality and serious injury.

Table 2. Bottlenose dolphin strandings in the USA Gulf of Mexico (West Florida to Texas) from 1993 to 1997. Data are from the Southeast Marine Mammal Stranding Database (SESUS).

State		1993	1994	1995	1996	1997	Total
Florida	No. Stranded	134	51	101	133	63	482
	No. Human Interactions	4	2	3	2	0	11
	% With Human Interactions	3%	4%	3%	2%	0%	2%
Alabama	No. Stranded	48	16	15	17	14	110
	No. Human Interactions	1	0	1	0	1	3
	% With Human Interactions	2%	0%	7%	0%	7%	3%
Mississippi	No. Stranded	64	25	32	59	42	222
	No. Human Interactions	4	0	4	2	2	12
	% With Human Interactions	6%	0%	12%	3%	5%	5%
Louisiana	No. Stranded	14	74	31	92	42	253
	No. Human Interactions	0	0	1	3	1	5
	% With Human Interactions	0%	0%	3%	3%	2%	2%
Texas	No. Stranded	133	227	110	208	136	814
	No. Human Interactions	4	6	7	7	2	26
	% With Human Interactions	0%	3%	6%	3%	0%	3%
Totals	No. Stranded	393	393	289	509	297	1881
	No. Human Interactions	13	8	16	14	6	57
	% With Human Interactions	3%	2%	6%	3%	2%	3%

Other Mortality

The near shore habitat occupied by many of these stocks is adjacent to areas of high human population, and in some bays, such as Mobile Bay in Alabama and Galveston Bay in Texas, is highly industrialized. The area surrounding Galveston Bay, for example, has a coastal population of over 3 million people. More than 50% of all chemical products manufactured in the USA are produced there and 17% of the oil produced in the Gulf of Mexico is refined there (Henningsen and Würsig 1991). Many of the enclosed bays in Texas are surrounded by agricultural lands which receive periodic pesticide applications.

Concentrations of chlorinated hydrocarbons and metals were examined in conjunction with an anomalous mortality event of bottlenose dolphins in Texas bays in 1990 and found to be relatively low in most; however, some had concentrations at levels of possible toxicological concern (Varanasi *et al.* 1992). No studies to date have determined the amount, if any, of indirect human-induced mortality resulting from pollution or habitat degradation. However, a recent health assessment of 35 bottlenose dolphins from Matagorda Bay, Texas associated high levels of chlorinated hydrocarbons with low health assessment scores (Reif *et al.* in review). Morbillivirus has also been implicated in the deaths of bottlenose dolphins in some of these communities (Duignan *et al.* 1996).

STATUS OF STOCK

The status of these stocks relative to OSP is unknown and this species is not listed as threatened or endangered under the Endangered Species Act. The occurrence of three anomalous mortality events among bottlenose dolphins along the USA Gulf of Mexico coast since 1990 (NMFS unpublished data) is cause for concern; however, the effects of the mortality events on stock abundance have not yet been determined. The available evidence suggests that bottlenose dolphin stocks in the northern and western coastal portion of the USA Gulf of Mexico may have experienced a morbillivirus epidemic in 1993 (Lipscomb 1993; Lipscomb *et al.* 1994). Seven of 35 live-captured bottlenose dolphins (20%) from Matagorda Bay, Texas, in 1992, tested positive for previous

exposure to cetacean morbillivirus (Reif *et al.* in review), and it is possible that other estuarine resident stocks have been exposed to the morbillivirus (Duignan *et al.* 1996).

The relatively high number of bottlenose dolphin deaths which occurred during the mortality events in the last decade suggests that some of these stocks may be stressed. Fishery-related mortality and serious injury for each of these stocks is not known, but considering the evidence from stranding data, the total fishery-related mortality and serious injury exceeds 10% of the total PBR, and, therefore, it is not insignificant and approaching the zero mortality and serious injury rate. For these reasons, and because the PBR for most of these stocks would be exceeded with the incidental capture of a single dolphin, each of these stocks is a strategic stock.

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WEST INDIAN MANATEE (*Trichechus manatus latirostris*) FLORIDA STOCK

U.S. Fish and Wildlife Service, Jacksonville, Florida

STOCK DEFINITION AND GEOGRAPHIC RANGE

Manatees are typically found in the temperate and equatorial waters of the southeastern U.S., the Caribbean basin, northern and northeastern South America, and equatorial West Africa. Their near relative, the dugong (*Dugong dugon*), is found in the Indo-Pacific region. At present, manatees of the genus *Trichechus* are represented by three allopatric species: *T. senegalensis*, the West African manatee, *T. inunguis*, the Amazonian manatee, and *T. manatus*, the West Indian manatee. The West Indian species is subdivided into two subspecies, the Antillean manatee (*Trichechus manatus manatus*) and the Florida manatee (*Trichechus manatus latirostris*) (U.S. Fish and Wildlife Service, 1989). Such subspeciation may reflect reproductive isolation brought on by the temperate northern coast of the Gulf of Mexico and characteristically strong currents found in the Straits of Florida (Domning and Hayek, 1986).

Historically, the winter range of the Florida manatee (*Trichechus manatus latirostris*) was thought to focus on south Florida, with some animals ranging north of Charlotte Harbor on Florida's west coast and north of Sebastian on Florida's east coast. Extralimital movements occurred and were typically seasonal, with animals travelling north during warmer periods and travelling south as temperatures declined. While most manatees wintered in south Florida, some were known to winter in natural spring areas to the north (Hartman, 1974). With the advent of artificial warm water refugia, the spread of exotic submerged aquatic vegetation, and increased protective measures, the manatee's winter range has expanded significantly (Beeler and O'Shea, 1988). On the east coast, manatees are now known to winter as far north as southeastern Georgia and, on the west coast, as far north as Crystal River, Florida. Documentation of manatee movements between Gulf and Atlantic coast populations in far south Florida is lacking, presumably because lack of suitable habitat in Florida Bay is not conducive to such movements, but significant genetic variation between coastal populations has not been demonstrated (McClenaghan and O'Shea 1988). Range extremes extend north to Virginia on the Atlantic coast and west to Louisiana on the Gulf coast. The number of sighting reports outside of Florida has increased in recent years.

POPULATION SIZE

Minimum Population Estimate

The exact population size for Florida manatees is unknown but the minimum population is estimated at 1,822 animals, based on intensive statewide winter aerial surveys at warm-water refuges coordinated by the Florida Department of Environmental Protection in early February of 1995 (FDEP 1995). A previous high count of 1856 manatees was obtained in a survey conducted in 1992 (Ackerman, 1992). While not a statistical estimate, this count provides the best available data on the minimum size of the population.

Population Trends

Manatee population trends are poorly known but, based on the results of a carcass recovery program, deaths have increased by an average of 5.9 percent per year in Florida from 1976 through 1992 (Ackerman et al. In press). Garrott et al.'s (1994) analysis of trends at winter aggregation sites suggest a mean annual increase of 7-12 percent in adjusted counts at sites on the east coast from 1978-1992, noting that this figure exceeds Packard's conservative estimate of maximum potential rate of increase for manatees of 2-7 percent annually (Packard 1985). Reynolds and Wilcox (1994) reported a decline in the percentage and number of calves seen at power plant aggregation sites during recent winter aerial surveys. It is not clear at this time whether this is related to increases in perinatal mortality or to some other factor.

Marmontel (1994) conducted a population viability analysis through computer simulations using 16 years of data and material collected by the carcass recovery program. This study yielded information on age-related aspects of mortality and reproduction for the Florida manatee population. A scenario, calculated from the data, having an initial population size of 2,000 individuals resulted in a gradually declining population ($r = -0.003$), a probability of persistence of 44 percent in 1,000 years, and a mean final population size of less than 10 percent of the original value. When adult mortality was reduced by 10 percent in the model, population growth improved considerably, but when adult mortality was increased by 10 percent the population quickly dwindled. These results clearly indicate that the Florida manatee population is still at high risk of extinction in the long term. Any negative change in the population parameters, caused by environmental changes or a catastrophe, might tip the balance towards greater risk of extinction.

ANNUAL HUMAN-CAUSED MORTALITY

Manatee deaths resulting from human activities are well documented through a carcass recovery program, initiated in 1974. Causes of death include collisions with large and small boats, crushing by barges and man made

water control structures (flood gates/canal locks), entanglement in nets and lines, entrapment in culverts, poaching, entanglement in, and ingestion of marine debris (e.g., monofilament), and others (Ackerman et al., In press).

From 1974 through 1994, 2,456 manatee carcasses were recovered in the southeastern U.S. Eight hundred and two (33 percent) were attributed to human-related causes. Of these, 613 were caused by collisions with watercraft, 111 were flood gate/canal lock-related, and another 78 were categorized as other human-related.

In Florida, human-related mortality accounted for the greatest proportion of deaths with identifiable causes (45 percent, with another 24 percent of deaths resulting from undetermined causes) from 1986-1992. Collisions with watercraft accounted for 83 percent of human-related causes of death during this period (Ackerman et al. 1994, Wright et al. 1994). Watercraft-related deaths increased by an average of 9.3 percent per year from 1974 to 1992, increasing as a percentage of total deaths from 21 percent in 1976-1980 to 28 percent from 1986-1992 (Ackerman et al., In press). Overall, watercraft collisions account for approximately 25% of all manatee deaths.

The highest known annual mortality for the Florida manatee in any given year occurred in 1990 when 214 deaths (206 of which occurred in Florida) were recorded (Ackerman et al. 1994). In 1994, the second highest annual level of mortality on record occurred, when 193 carcasses were recovered (FDEP 1995).

FISHERIES INFORMATION

Manatee deaths have been attributed to inshore and nearshore commercial fishing activity. Fisheries gear involved in these incidents include shrimp nets, crab trap lines, hoop nets, and a trotline (National Marine Fisheries Service, 1992; Beck, C.A. and N.B. Barros, 1991). Recreational fishing activities have also been implicated in manatee deaths; manatees have died as a result of ingesting monofilament line and fishing tackle and from entanglement in monofilament line, crab trap lines, and cast nets. Non-lethal entanglement associated with these gear types, sometimes resulting in the loss of a flipper due to constriction, is also known to occur. Collisions with fishing boats probably occur; however, it is not possible to determine the extent to which this occurs.

While fisheries have been implicated in the deaths of manatees, the number of such incidents is low. The manatee carcass recovery program has identified 17 manatee deaths which are directly attributable to commercial fisheries gear (FDEP Manatee Mortality Database, 1994). Fishing gear is suspected in three additional deaths. "Because total annual manatee mortality is increasing, the population is small, and reproduction is low, incidental mortality from commercial fisheries, when added to other human-related mortality, could be significant if not critical to the manatee population" (Young et al., 1993).

The majority of the manatee deaths attributed to commercial fisheries involve the shrimping industry. Mortalities have occurred in northeast Florida (Duval County), east central Florida (Volusia County), and the Florida Panhandle area (Franklin County), as well as in coastal waters of Georgia and South Carolina where shrimping is permitted. Other fishery interactions have occurred throughout the manatee's range in Florida. No distinct seasonality has been associated with these events (FDEP Manatee Mortality Database, 1994).

STATUS OF STOCK

The Florida manatee is listed as "endangered" under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. The manatee is considered a "strategic stock" as defined in Section 12 of the Marine Mammal Protection Act of 1972, as amended. The basis for this designation is the high level of documented mortality (natural and human-related) relative to the estimated population level and continuing, severe threats to critical manatee habitats in the southeastern U.S.

POTENTIAL BIOLOGICAL REMOVAL

Because of its endangered status, the recovery factor for the Florida manatee should be 0.1, the lowest allowable figure. Given a minimum population estimate of 1,822 and an R_{max} (maximum net productivity rate) of 0.04, the Potential Biological Removal (PBR) rate for manatees is as follows:

$$PBR = (1822)(.02, \text{ or } 1/2 R_{max})(.1) = 3$$

The calculated PBR level is greatly exceeded by known human-related manatee mortality (primarily watercraft collisions and water control structure deaths) every year in Florida. For this reason, and because current efforts of the Florida Manatee Recovery Team focus intensively on the reduction of these major types of mortality, the determination of the PBR level for manatees is of limited value. The excessive level of documented manatee mortality and the resulting unlikelihood of attaining Optimum Sustainable Population (OSP) make the calculation of meaningful PBR for manatees a difficult exercise. Marmontel's (1994) estimate of net productivity is essentially zero (-0.003). Substituting this value for the default value for maximum net productivity rate (0.04) in the above equation results in a PBR level of 0.

The U.S. Fish and Wildlife Service has consistently concluded in Section 7 Biological Opinions, pursuant to the Endangered Species Act, that the take of a single manatee would "jeopardize the continued existence" of the species. We therefore believe that designating any level of take for manatees would be inappropriate and inconsistent with the revised Florida Manatee Recovery Plan.

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WEST INDIAN MANATEE (*Trichechus manatus manatus*) ANTILLEAN STOCK

U.S. Fish and Wildlife Service, Jacksonville, Florida

STOCK DEFINITION AND GEOGRAPHIC RANGE

Manatees are typically found in the temperate and equatorial waters of the southeastern U.S., the Caribbean basin, northern and northeastern South America, and equatorial West Africa. Their nearest relative, the dugong (*Dugong dugon*), is found in the Indo-Pacific region. At present, manatees of the genus *Trichechus* are represented by three allopatric species: *T. senegalensis*, the West African manatee, *T. inunguis*, the Amazonian manatee, and *T. manatus*, the West Indian manatee (U.S. Fish and Wildlife Service, 1986). The West Indian species is subdivided into two subspecies, the Antillean manatee (*Trichechus manatus manatus*) and the Florida manatee (*Trichechus manatus latirostris*). Such subspeciation may reflect reproductive isolation brought on by the intemperate northern coast of the Gulf of Mexico and characteristically strong currents found in the Straits of Florida (Domning and Hayek, 1986).

The Antillean manatee is found in eastern Mexico, Central America, northern and eastern South America, and in the Greater Antilles (Lefebvre et al., 1989). In Puerto Rico, the manatee is most abundant along the south and east coasts, particularly in the area of Fajardo and Ceiba (Roosevelt Roads Naval Station) and in the Jobos Bay area between Guayama and Salinas. In general, manatees are not abundant on the north coast although they are infrequently seen in areas immediately to the west of San Juan (Mignucci Giannoni, 1989, Caribbean Stranding Network, unpubl. data). Manatees are rarely seen near Culebra Island and are generally absent from Mona Island and the Virgin Islands (Caribbean Stranding Network, unpubl. data). The U.S. has jurisdictional responsibilities for the Antillean subspecies only in Puerto Rico and the U.S. Virgin Islands.

POPULATION SIZE

The exact number of Antillean manatees known to occur in Puerto Rico is unknown but, based on aerial surveys conducted on July 16 and 17, 1994, this population includes at least 86 individuals (Oland, pers. comm.). Manatees are virtually unknown from the U.S. Virgin Islands (Lefebvre et al., 1989). A rare sighting and stranding was reported here in 1988 (Caribbean Stranding Network, unpubl. data).

Population Trends

Quantitative information is limited regarding trends in the abundance of the Antillean manatee, although "[h]istorical accounts indicate that manatees were once more common and that hunting has been responsible for declining numbers throughout much of their range" (Lefebvre et al., 1989).

In Puerto Rico, efforts have been made to assess the status of the Antillean manatee by conducting aerial surveys and by means of a carcass salvage program. Aerial surveys were initiated in 1978 and have continued sporadically to the present. Carcass salvage efforts were initiated in April 1974, by the U.S. Fish and Wildlife Service (Rathbun et al., 1986). In 1989, the Caribbean Stranding Network initiated a dedicated salvage, rescue, and rehabilitation program and has assumed responsibility for all carcass recovery efforts in Puerto Rico. Despite these assessments, limited information exists by which to determine trends in this population of manatees.

Based largely on historical accounts and increasing human pressures, the Antillean manatee as a subspecies appears to be in decline. However, efforts to quantify population levels and trends are preliminary and there are no conclusive indications as to whether or not the population of Antillean manatees is stable, increasing, or decreasing either in Puerto Rico or throughout its range.

ANNUAL HUMAN-CAUSED MORTALITY

Since the inception of Puerto Rico's manatee carcass salvage program, 70 manatee deaths have been recorded from that area (Caribbean Stranding Network, unpubl. data). Many of the deaths have been attributed to human-related causes. Carcass collection efforts have documented mortalities associated with nets and watercraft (N=37). Many net-related mortalities involve poaching and are not substantiated by the presence of a carcass (Rathbun et al., 1985). From 1974 until 1988, 41.5 percent of the documented mortality was attributed to poaching. Watercraft-related mortalities are increasing. During the period 1988 to 1991, watercraft-related mortalities accounted for 43 percent of the known mortalities (U.S. Fish and Wildlife Service, 1992).

FISHERIES INFORMATION

In Puerto Rico, fisheries interactions have been documented through the carcass recovery program and in numerous anecdotal reports. Manatees are captured primarily in gill and/or turtle nets either intentionally or inadvertently during fishing activities. Reports indicate that manatee meat is sold to ready buyers, although the extent to which this occurs is unknown (Mignucci et al., 1993). Given the scarcity of detailed information, little is known about capture sites, seasonality of occurrence, etc. (Rathbun et al., 1985). Because these deaths account for a substantial proportion of known human-related mortalities (and because of the prevalence of fishery reports), it is apparent that fisheries interactions significantly affect the status of the manatee in Puerto Rico.

STATUS OF STOCK

The manatee is listed as "endangered" under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. The manatee is considered a "strategic stock" as defined in Section 12 of the Marine Mammal Protection Act of 1972, as amended. The basis for this designation is the high level of documented mortality relative to the estimated population level and continuing, severe threats to critical manatee habitats throughout its range.

POTENTIAL BIOLOGICAL REMOVAL

Because of its endangered status, the recovery factor for the Antillean manatee in Puerto Rico should be 0.1, the lowest allowable figure. Given a minimum population estimate of 86 and an R_{max} (maximum net productivity rate) of 0.04, the Potential Biological Removal (PBR) rate for Antillean manatees in Puerto Rico and the U.S. Virgin Islands is as follows:

$$PBR = (86)(.02, \text{ or } 1/2 R_{max})(.1) = 0$$

We currently have insufficient knowledge of the Puerto Rican manatee population to determine the Optimum Sustainable Population. Inadequate information on population size and net productivity rate for manatees in Puerto Rico render the calculation of a PBR level for this population an exercise of limited value. Marmontel (1994) estimated net productivity for the Florida manatee population. This estimate, based largely on a long term sex and age dataset for that population, suggested that the net productivity was essentially zero (-0.003). When the default value above (0.2) is replaced with this empirical value, the equation results in a PBR level of zero.

The U.S. Fish and Wildlife Service has consistently concluded in Section 7 Biological Opinions, pursuant to the Endangered Species Act, that the take of a single manatee would "jeopardize the continued existence" of the species. We therefore believe that designating any level of take for Antillean manatees would be inappropriate and inconsistent with manatee recovery plans.

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