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Supplemental Information Report 7  
June 2008

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In response, refer to:  
**151423SWR2008PR00143:EP**

Dr. Donald McIsaac  
Executive Director  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97200-1384

Dear Dr. McIsaac:

The purpose of this letter is to make you and the Pacific Fishery Management Council (Council) aware of the upcoming publication of the proposed 2009 List of Fisheries (LOF). A copy of proposed rule as filed with the Federal Register is attached; this should be published on June 13<sup>th</sup>. I will have an electronic copy of the proposed LOF sent to you when it publishes. As required under Section 118 of the Marine Mammal Protection Act (MMPA), NOAA's National Marine Fisheries Service (NMFS) annually develops a proposed and final LOF categorizing all commercial fisheries based upon levels of interactions with marine mammal stocks. A complete list of all Pacific fisheries can be found in Table 1 of the proposed 2009 LOF.

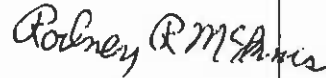
An important change to the 2009 LOF is the proposed re-categorization of some west coast pot and trap fisheries, including the sablefish pot fishery. During the public comment period on the 2007 and 2008 LOFs, NMFS received comments requesting that the agency address entanglements of humpback whales in pot and trap gear. Entanglements with humpback whales and other large cetaceans had been reported to the regional stranding coordinators and had been published in the Marine Mammal Stock Assessment Reports. In the final 2007 LOF, published March 28, 2007 (72FR 14466), NMFS committed to working with the states and Council staff in developing a characterization of the pot and trap fisheries and analyzing the available data to determine which fisheries were most likely interacting with humpback whales. NMFS completed this characterization in the spring of 2008 and used it to make the fishery re-categorization and re-naming changes described in the proposed 2009 LOF. An explanation of the analysis done to support the proposed changes is provided in the supplementary information section of the proposed rule. Copies of the pot and trap fishery characterization are available through the Southwest Region's Protected Resources Division.



Another proposed change to the 2009 LOF is the addition of high seas fisheries. During the public comment period for the 2007 and 2008 LOF, NMFS received comments requesting that high seas fisheries be included on the LOF. NMFS determined that there is adequate statutory authority under the MMPA to include on the LOF U.S. fishermen who fish on the high seas. NMFS developed a list of all U.S. authorized fisheries on the high seas using data from the High Seas Fishing Compliance Act permit program (see Table 3).

I encourage Council members to review the background material, supplementary information, and the proposed changes to the 2009 LOF and provide comments during the 60 day public comment period. The final 2009 LOF is scheduled to publish in late 2008 and will be effective as of January 1, 2009. Information on submitting comments can be found in the addresses section of the attached document. Please contact Elizabeth Petras of my staff at (562) 980-3238 or via electronic mail at [Elizabeth.Petras@noaa.gov](mailto:Elizabeth.Petras@noaa.gov) if we can be of further assistance.

Sincerely yours,



Rodney R. McInnis  
Regional Administrator

Attachment

cc: Robert D. Lohn, Regional Administrator, Northwest Region  
Brent Norberg, Protected Resources Division, Northwest Region