

of this incident clearly show that the unidentified animal was not a humpback whale. Further examination of the photographs may provide additional insight as to the species. Preliminary data from 2000 also indicate that the numbers of Steller sea lions seriously injured or killed remained roughly comparable to the numbers in previous years (approximately 6–7 animals per year).

For the reasons listed above, NMFS proposes to elevate the AK BSAI groundfish trawl fishery to Category II.

California/Oregon Thresher Shark/Swordfish Drift Gillnet Fishery (≥14 in. mesh)

NMFS proposes to reclassify the Category I California/Oregon (CA/OR) thresher shark/swordfish drift gillnet fishery (≥14 in. mesh) as Category II. This fishery includes all vessels using drift gillnets of greater than or equal to 14 inch stretched mesh to target thresher shark and swordfish off California and Oregon. It operates primarily outside of state waters to about 150 miles offshore, and ranges from the U.S./Mexico border north to the Columbia River in Oregon. Observer coverage in this fishery ranged from 22.7 percent to 20.4 percent from 1997 to 2001.

The Pacific Offshore Cetacean Take Reduction Team (Team) was convened in 1996 to address incidental mortality and serious injury of marine mammals in this fishery. NMFS implemented a Pacific Offshore Cetacean Take Reduction Plan (Plan) in 1997 based on the Team's recommendations. As a result of the Plan, serious injury and mortality of marine mammals has been reduced to below 50 percent of the PBR level for the marine mammal stocks interacting with this fishery. Therefore, NMFS proposes to reclassify this fishery as Category II. NMFS will continue to place observers on vessels participating in this fishery and work with the Team to monitor and address entanglement of marine mammals in the fishery. The Team supported the reclassification of this fishery at their meeting in May 2002.

NMFS' analysis of the incidental mortality and serious injury of marine mammals in this fishery is based on observer data collected between 1997 and 2001. Marine mammals incidentally injured or killed in the CA/OR thresher shark/swordfish drift gillnet fishery between 1997 and 2001 include: U.S. stock of CA sea lions, CA breeding stock of northern elephant seals, California/Oregon/Washington (CA/OR/WA) stock of Dall's porpoise, CA/OR/WA Northern and Southern stocks of Pacific white-

sided dolphin, CA/OR/WA stock of Risso's dolphin, CA/OR/WA stock of short-beaked common dolphin, CA/OR/WA stock of long-beaked common dolphin, CA/OR/WA stock of northern right-whale dolphin, CA/OR/WA stock of short-finned pilot whales, CA/OR/WA stock of sperm whales, CA/OR/WA stock of fin whales, and eastern North Pacific stock of gray whales. There are approximately 113 participants in this fishery, which is the number of permits issued for this fishery by California Department of Fish and Game in 2001. Following is the Tier analysis supporting the reclassification of this fishery.

Tier 1 Evaluation: The estimated total annual incidental mortality and serious injury across all fisheries is greater than 10 percent of the PBR levels for the following stocks: U.S. stock of CA sea lions, CA/OR/WA stock of northern right-whale dolphin, CA/OR/WA stock of short-finned pilot whales, CA/OR/WA stock of sperm whales, and CA/OR/WA stock of fin whales. Therefore, this fishery is subject to Tier 2 analysis for these stocks.

Tier 2 Evaluation: The average annual estimated mortality and serious injury of California sea lions incidental to the CA/OR thresher shark/swordfish drift gillnet fishery during 1997–2001 was 82 animals per year, or 1.2 percent of the PBR level for California sea lions (6,591 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

The average annual estimated mortality and serious injury of northern right-whale dolphins incidental to this fishery during this period was 23.8 animals per year, or 24.5 percent of the PBR level for this stock (97 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

The average annual estimated mortality and serious injury of short-finned pilot whales incidental to this fishery from 1997–2001 was 1.2 animals per year, or 21.1 percent of the PBR level for this stock (5.7 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

The average annual estimated mortality and serious injury of sperm whales incidental to this fishery during

this period was 1 animal per year, or 47.8 percent of the PBR level for this stock (2.1 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

The average annual estimated mortality and serious injury of fin whales incidental to this fishery from 1997 to 2001 was 1 animal per year, or 31.3 percent of the PBR level for this stock (3.2 animals per year). Because this level of mortality and serious injury exceeds 1 percent of the PBR level but is less than 50 percent of the PBR level, this fishery qualifies for reclassification as a Category II fishery.

Since the annual estimated level of marine mammal mortality and serious injury incidental to this fishery is less than 50 percent and greater than 1 percent of the PBR level for all marine mammal stocks described in the Tier 2 analysis, NMFS proposes to reclassify this fishery as Category II.

AK Cook Inlet Salmon Drift Gillnet Fishery

NMFS proposes to reclassify the Cook Inlet salmon drift gillnet fishery from Category II to Category III. The Category II Cook Inlet salmon drift gillnet fishery was observed in 1999 and 2000. One serious injury of a Gulf of Alaska harbor porpoise was observed in the drift gillnet fishery during the 2000 fishing season. This take constitutes less than 1 percent of the PBR for Gulf of Alaska harbor porpoise (PBR = 166). There were no other marine mammal stocks reported interacting with this fishery during the 1999–2000 fishing seasons. Based on the observed level of take in this fishery, NMFS proposes to reclassify the fishery as Category III at this time. An analysis of all takes in this fishery from 1995–2000, relative to the classification criteria support a reclassification from Category III to Category II.

AK Cook Inlet Salmon Set Gillnet Fishery

The Category II Cook Inlet set gillnet fishery was observed in 1999 and 2000. No serious injuries or mortalities of marine mammals were observed in this fishery. Therefore, NMFS proposes to reclassify this fishery from Category II to Category III.

Addition of Fisheries to the LOF

CA Yellowtail, Barracuda, White Seabass, and Tuna Drift Gillnet Fishery (mesh size > 3.5 inches and <14 inches)

NMFS proposes to add the CA yellowtail, barracuda, white seabass,