

and tuna drift gillnet fishery (mesh size > 3.5 inches and < 14 inches) to the LOF as a Category II fishery based on this fishery's similarity to other drift gillnet fisheries, and therefore, its potential to entangle marine mammals. California Department of Fish and Game logbook and landings data for 1999–2001 indicate that there are approximately 24 vessels that use drift gillnets of greater than 3.5 inches and less than 14 inches to target yellowtail, barracuda, and white seabass of southern California, as well as to target bluefin and albacore tuna primarily off central California. These drift gillnets are up to 6,000 feet long and are set at the surface. Of the 24 vessels known to participate in this fishery in 1999–2001, 19 vessels targeted white seabass during 1999 and 2000, making a total of 277 sets; 7 vessels targeted yellowtail during 1999 and 2000, making a total of 45 sets; and 7 vessels targeted tuna, making a total of 43 sets in 2001.

NMFS does not currently have observer data on the mortality or serious injury of marine mammals incidental to this fishery. Nonetheless, this fishery has a potential to entangle marine mammals because other drift gillnet fisheries with similar characteristics are known to entangle marine mammals. The CA/OR thresher shark/swordfish drift gillnet fishery, for instance, which uses a larger mesh size, historically resulted in frequent incidental mortality and serious injury of marine mammals and is currently subject to take reduction plan regulations. These regulations include requirements to use acoustic pingers on drift gillnets and to set gillnets at least 36 feet below the surface in order to reduce the likelihood of entanglement of marine mammals. While NMFS is uncertain of the likelihood that this new smaller mesh drift gillnet fishery will entangle marine mammals, there are similarities between this fishery and the CA/OR thresher shark/swordfish drift gillnet fishery. As a result, NMFS proposes that this fishery be placed in Category II, based on analogy with the CA/OR thresher shark/swordfish fishery and other gillnet fisheries. This fishery would include all vessels using drift gillnets of mesh size greater than 3.5 inches and less than 14 inches to target yellowtail, barracuda, white seabass and tuna off California.

In July 2002, NMFS began placing observers on some vessels in this fishery to better assess its potential to entangle marine mammals. Based on information collected by observers, NMFS will reassess the categorization of this fishery in a future LOF and evaluate whether this fishery should be

addressed by the Pacific Offshore Cetacean Take Reduction Team.

Removals of Fisheries from the LOF

CA Shark/Bonito Longline/Set Line Fishery

In the final LOF for 1998 (63 FR 5748, 5750, February 4, 1998), NMFS revised the name of the CA shark/bonito longline/set line fishery to the CA offshore longline fishery because the fishery primarily targeted swordfish and tunas. Because of a technical error, this name change was not carried forward into the LOF for subsequent years and the fishery remained listed as the CA shark/bonito longline/set line fishery. NMFS is not proposing to implement this name change at this time as it would be duplicative of the CA pelagic longline fishery discussed below. Additionally, there is no evidence that this fishery currently operates. Rather, NMFS proposes to remove the CA shark/bonito longline/set line from the LOF.

Fishery Name and Organizational Changes and Clarifications

Alaska Crustacean Pot Fishery

All shrimp and crab pot fisheries in Alaska are grouped into the Category III Alaska crustacean pot fishery. Since 1996, there have been at least 11 reports of humpback whales entangled in pot gear from the Alaska crustacean pot fishery. Of these entanglements, at least 2 likely caused serious injuries leading to the mortality of the entangled humpback whale. While all 11 of the entanglements were observed in areas where the central North Pacific stock of humpback whales is found, it is not clear whether the entangling gear originated in these same areas. For example, one report identified the gear as tanner crab gear, but the tanner crab fishery has not been active in the known range of the central North Pacific stock of humpback whales since 1996.

NMFS has been studying the stock structure of central North Pacific humpback whales and may propose to separate a portion of the stock that forages in southeast Alaska from the remainder of the stock in the draft 2003 Stock Assessment Report. During this revision, additional effort will be made to determine the likely sources of the pot gear entanglements for central North Pacific humpback whales. NMFS proposes to retain the Alaska crustacean pot fishery in Category III at this time, but will evaluate whether or not to reclassify this fishery in the 2004 LOF, once more information is obtained about humpback whale stock structure.

CA Angel Shark/Halibut and Other Species Large Mesh (>3.5 in. mesh) Set Gillnet Fishery

The CA angel shark/halibut and other species large mesh set gillnet fishery includes all vessels using set gillnets of greater than 3.5 inches stretched mesh to target angel shark and halibut, as well as other species, such as yellowtail and white seabass. This fishery operates off southern and central California. It is a Category I fishery because the average estimated annual mortality and serious injury of the Monterey Bay stock of harbor porpoise in this fishery exceeds 50 percent of the PBR level (11 animals per year) for this stock.

NMFS proposes to remove the reference to “large mesh” in the name of this fishery, and rename it the “CA angel shark/halibut and other species set gillnet fishery (>3.5 in. mesh).” According to 50 CFR Part 229.2, a large mesh gillnet is a gillnet with a mesh size of 7 to 18 inches. Since the CA angel shark/halibut and other species set gillnet fishery uses a mesh size of greater than 3.5 inches, NMFS believes that the term “large mesh” is not applicable to this fishery.

In September 2002, the California Department of Fish and Game issued permanent regulations prohibiting set gillnet fishing in ocean waters that are 60 fathoms or less in depth in central California from Point Reyes to Point Arguello, citing concerns over the incidental take of seabirds and sea otters. NMFS expects that this closure will result in a significant reduction in effort in this fishery off central California, and subsequently, in incidental mortality and serious injury of harbor porpoise.

CA Longline Fishery

NMFS proposes to revise the name of the “CA longline fishery” to the “CA pelagic longline fishery.” As was explained in the proposed LOF for 2001 (66 FR 6545, 6552, January 22, 2001), this fishery is directed primarily toward swordfish caught outside the U.S. Exclusive Economic Zone off California but unloaded in California ports. The name “CA pelagic longline fishery” more accurately describes this fishery and will eliminate confusion between this fishery and the WA/OR/CA groundfish, bottomfish longline/set line fishery, which is a demersal longline fishery.

CA Set and Drift Gillnet Fisheries that Use a Stretched Mesh Size of 3.5 Inches or Less

NMFS is not proposing to change the definition or categorization of this