

Category III fishery, but provides the following explanation for clarification and comparison with gillnet fisheries for which changes are proposed. This fishery includes CA gillnet fisheries that use a mesh size of 3.5 inches or less that target white croaker, bonito, flying fish, herring, smelt, shad, bottomfish, mullet, perch, and rockfish. There have been no observed or reported incidental takes of marine mammals in this fishery. Due to the small mesh used in this fishery, the likelihood of incidental marine mammal mortality and serious injury is very low. For these reasons, this fishery remains in Category III.

CA/OR Thresher Shark/Swordfish Drift Gillnet Fishery

NMFS proposes to modify the name of this Category I (proposed Category II) fishery to clarify that it includes drift gillnets of greater than or equal to 14 inches stretched mesh only. NMFS proposes to rename the fishery the "CA/OR thresher shark/swordfish drift gillnet fishery (≥ 14 in. mesh).

Number of Vessels/Persons

AK Bering Sea Aleutian Islands Groundfish Longline/Set Line Fishery

NMFS proposes to change the number of participants in this fishery from 115 to 148 based on 2000 data.

AK Gulf of Alaska Groundfish Longline/Set Line Fishery

NMFS proposes to change the number of participants in this fishery from 876 to 1030 based on 2000 data.

AK Bering Sea Aleutian Islands Groundfish Trawl Fishery

NMFS proposes to change the number of participants in this fishery from 166 to 157 based on 2000 data.

AK Gulf of Alaska Groundfish Trawl Fishery

NMFS proposes to change the number of participants in this fishery from 198 to 145 based on 2000 data.

AK Bering Sea, Gulf of Alaska Finfish Pot Fishery

NMFS proposes to change the number of participants in this fishery from 257 to 314 based on 2000 data.

CA Longline Fishery

NMFS proposes to change the number of participants in this fishery from 45 to 30 to reflect current effort in this fishery.

CA/OR Thresher Shark/Swordfish Drift Gillnet Fishery

NMFS proposes to revise the number of participants in this fishery to 113,

which is the number of permits issued for this fishery by the California Department of Fish and Game in 2001.

List of Species that are Incidentally Injured or Killed

AK Bering Sea Aleutian Islands Groundfish Trawl Fishery

NMFS proposes to remove the Gulf of Alaska stock of harbor seal from the list of marine mammal species and stocks incidentally injured or killed by the AK BSAI groundfish trawl fishery because there is no known interaction between this stock of harbor porpoise and this fishery.

NMFS proposes to add the Northeast Pacific stock of fin whales to the list of marine mammal species and stocks incidentally injured or killed by the AK Bering Sea Aleutian Islands groundfish trawl fishery because this stock is known to interact with this fishery and was inadvertently omitted from the list of marine mammal species in the past.

CA Herring Purse Seine Fishery

NMFS proposes to remove the CA coastal stock of bottlenose dolphins from the list of marine mammal species and stocks incidentally injured or killed in the CA herring purse seine fishery. The designation of this stock as interacting with this fishery was based on one interaction from the early 1990s reported in a logbook; however, neither the species identification, nor the location of the take, was ever verified. No other bottlenose dolphins are known to have interacted with this fishery.

CA/OR Thresher Shark/Swordfish Drift Gillnet Fishery (≥ 14 in. mesh)

NMFS proposes to add the CA/OR/WA stock of fin whales and the eastern North Pacific stock of gray whales to the list of marine mammals incidentally injured or killed in the CA/OR thresher shark/swordfish drift gillnet fishery (≥ 14 in. mesh). Interactions between each of these marine mammal stocks and this fishery have been documented in previous Stock Assessment Reports. The absence of these marine mammals from previous LOFs was in error. Therefore, NMFS proposes to correct this oversight in the 2003 LOF.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean: Fishery Classification

Atlantic Mixed Species Trap/Pot Fishery

NMFS proposes to add the "Atlantic mixed species trap/pot fishery" to the LOF to encompass the Northeast trap/pot fishery, the Mid-Atlantic mixed species trap/pot fishery, and the U.S. Mid-Atlantic and Southeast U.S.

Atlantic black sea bass trap/pot fisheries and include any other trap/pot gear that is not included in other trap/pot fisheries specifically identified in the LOF. Additionally, NMFS proposes to list the Atlantic mixed species trap/pot fishery as a Category II fishery. This fishery would extend throughout U.S. Atlantic waters from Maine to Florida.

NMFS has documented entanglement of whales, pinnipeds, and small cetaceans in fixed gear. Often, however, the gear involved in whale entanglements cannot be attributed to a specific fixed gear fishery. Lobster pot gear, in particular, has been identified in whale entanglements. Between 1995 and 1999, at least two serious injuries or mortalities of right whales were attributed to lobster trap/pot gear. Trap/pot gear is generally fished either as single pots with one buoy line or as strings of pots with one or more buoy lines. Whales may become entangled in the vertical or horizontal components of the gear (e.g., buoy lines and groundlines). The Gulf of Maine/ U.S. Mid-Atlantic lobster trap/pot fishery was elevated to Category I in the 1997 LOF (62 FR 33, January 2, 1997) because of evidence of incidental take resulting in serious injury and mortality of right whales, and the fishery was renamed the Northeast/Mid-Atlantic American lobster trap/pot fishery in the 2001 LOF (66 FR 42780, August, 15, 2001). Additionally, small cetaceans and pinnipeds occasionally become entangled in buoy lines and traps. The Atlantic blue crab trap/pot fishery was elevated to Category II in the 2001 LOF (66 FR 42780, August 15, 2001) based on a review of fishery interaction data from bottlenose dolphin strandings.

Other trap/pot fisheries in the Northeast, Mid-Atlantic, and South Atlantic use gear components similar to those used in the Northeast/Mid-Atlantic American lobster trap/pot fishery and the Atlantic blue crab trap/pot fishery, and therefore, may take marine mammals where fishing effort overlaps with marine mammal distribution. While the majority of records of entanglements in fixed gear cannot be attributed to a specific fishery, it is likely that some entanglements occurred in trap/pot fisheries other than lobster and blue crab trap/pot fisheries. These other trap/pot fisheries may occasionally result in incidental serious injury and mortality to marine mammals. Therefore, NMFS proposes to reclassify these fixed gear fisheries based on analogy with the Northeast/Mid-Atlantic American lobster trap/pot fishery and the Atlantic blue crab trap/pot fishery. NMFS does not believe that the rate of incidental