

Washington Puget Sound region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gillnet. The name of this fishery has been modified from the name in the 1994 LOF in order to exclude set gillnet gear and commercial steelhead fishing since these fisheries are conducted only by treaty Indian fishers. The provisions of part 229, including the LOF, do not apply to Northwest treaty Indian tribal members exercising treaty fishing rights.

California Klamath River gill net. This fishery is proposed for removal from the LOF, because no commercial fishing has been conducted in recent years.

Washington, Oregon Upper Columbia River Basin (above Bonneville Dam) salmon and other finfish gillnet. This fishery is proposed to be removed from the LOF, because no marine mammals are expected to be encountered.

Other fisheries. There are many fisheries in Category III that were not mentioned above. Because no additional information is available that warrants reclassification for these fisheries, they are proposed to remain in Category III. Commercial Fisheries in the Atlantic Ocean and the Gulf of Mexico

Category I

Atlantic Ocean, Caribbean, Gulf of Mexico swordfish, tuna, shark pair trawl. This fishery was classified based on observer data. This fishery is proposed to be placed in Category I, because the annual estimated take of common dolphins (an average of 1992 and 1993 data was used) is equal to the PBR for this stock (PBR = 33). In addition, the annual estimated take of the offshore stock of bottlenose dolphin (79 animals) is 95 percent of PBR (83).

Atlantic Ocean, Caribbean, Gulf of Mexico swordfish, tuna, shark drift gill net. This fishery was classified based on observer data. This fishery was placed in Category I, because the annual estimated takes of common dolphins (424 animals), pilot whales (61 animals), spotted dolphins (23 animals), right whales (1 animal) and sperm whales (1 animal) exceed the PBRs for these stocks.

New England multispecies sink gill net. This fishery is directed primarily towards species covered by the Multispecies Fishery Management Plan and spiny dogfish. It was classified based on observer data. This fishery is proposed to remain in Category I, because the annual estimated take of harbor porpoise (an average of 1,300 animals for 1992 and 1993; average of

1,875 animals for 1990–93) exceeds the PBR for this stock (403 animals).

Gulf of Maine small pelagics. This fishery has been directed towards small pelagics including mackerel and herring, primarily for bait. Although there has been little or no effort in this fishery in recent years, this fishery is proposed to be retained in Category I, because there is no information currently available to place this fishery in a different category.

Atlantic Ocean, Caribbean, Gulf of Mexico tuna, shark, swordfish longline. This fishery was classified based on observer data. In 1994, this fishery was classified in Category II based on the classification system in section 114. Based on the proposed fishery classification criteria, this fishery is proposed to be placed in Category I, because the annual estimated take of pilot whales (26 animals) is at least 93 percent of the PBR (between 4 and 28 animals), an amount greater than the lower threshold for classification as a Category I fishery, this fishery is proposed to be placed in Category I.

Category II

U.S. Mid-Atlantic coastal gillnet. This fishery was categorized based on stranding information curated by the NMFS Northeast and Southeast Regions. The NMFS Northeast Fisheries Science Center has been focusing observer effort on this fishery from 1993 to the present but has not recorded any interactions. Classification of this fishery is based on the necropsy results of the harbor porpoise stranded in the mid-Atlantic in 1993–94. Of the 68 animals examined, 41 (59 percent) were in good enough condition to be evaluated as to whether or not they had been involved in a human interaction. Twenty-one of the 41 (51 percent) exhibited no signs of human interaction, and 19 (46 percent) were evaluated as having been involved in human interaction, based in each case on the presence of net marks. Therefore, approximately half of the stranded harbor porpoise in that area showed signs of having been involved in human interaction believed to be some kind of net gear. The average annual take of harbor porpoise in this fishery is then calculated at a minimum of ten animals, which is 2.5 percent of PBR. Because the annual take is between 1 percent and 50 percent of the PBR, this fishery is proposed to be placed in Category II.

U.S. South Atlantic shark gillnet fishery. Categorization of this fishery is based on a Category III report from a limited observer program. In 1992, one bottlenose dolphin was captured in this fishery. No takes were observed in 1993. This fishery is proposed to be placed in

Category II, because the annual take of the Western North Atlantic coastal bottlenose dolphin averaged over 1992 and 1993 is between 1 percent and 50 percent of the PBR (25 animals).

Atlantic mid-water trawl fishery. This fishery is directed towards species included in the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan and other species. This fishery is proposed to be renamed and would include the 1994 LOF descriptions “Mid-Atlantic squid trawl” and “Mid-Atlantic mackerel trawl”. The fishery is renamed, because the gear type and probability for interactions is similar for these mid-water trawl fisheries.

Categorization of this fishery is based on logbook data. Observer data exist for this fishery but are not currently available. In 1994, this fishery was classified in Category III based on the section 114 classification system. Based on the proposed fishery classification criteria, this fishery is proposed to be placed in Category II, because the annual take of pilot whales is between 1 percent and 50 percent of the PBR.

North Carolina roe mullet stop net. Categorization of this fishery is based on stranding information and visual observations. This is a new fishery proposed to be added to the LOF; stop nets for other target species and in other locations are included under Category III. This fishery is proposed to be placed in Category II, because the take of bottlenose dolphins (3 animals per year since 1990) is between 1 percent and 50 percent of the PBR for this stock (25 animals).

North Carolina haul seine fishery—new fishery. This fishery has the potential to take harbor porpoise and U.S. western North Atlantic coastal bottlenose dolphins. Because it is a new fishery to the LOF, and because of the high probability of takes of the above two stocks, this fishery is proposed to be classified in Category II.

Gulf of Maine, U.S. mid-Atlantic menhaden purse seine. This fishery is categorized based on Category III reports. This fishery is proposed to be placed in Category II due to mortality and serious injury of western North Atlantic coastal bottlenose dolphins (1.75 animals per year) that is 6 percent of the PBR for that stock. Because western North Atlantic coastal bottlenose dolphins do not occur in the Gulf of Maine, it may be appropriate to separate this fishery into northern and southern components.

Category III

North Atlantic bottom trawl. This fishery targets species included in, but