not limited to, all species described in the Multispecies, Summer Flounder, and Scup and Sea Bass Fishery Management Plans. This fishery is renamed from the 1994 LOF designation "Gulf of Maine, Mid-Atlantic groundfish trawl" to include a specific list of species targeted. This fishery was classified based on observer data.

Six takes of marine mammals incidental to this fishery have been observed from 1989 to 1992. Three of the takes were marine mammals known or suspected to have been dead prior to being caught in the bottom trawl gear. Two takes of striped dolphin were observed in December 1991 along the continental shelf edge off Rhode Island in 50 fathoms of water. Extrapolation of these takes to the entire groundfish bottom trawl fishery generate an estimated mortality level of 45 animals which is 62 percent of this species' PBR. However, several complicating factors exist:

• The observed coverage in the Category III groundfish bottom trawl fishery is small (under 1 percent) and was designed to monitor fishery management related issues. Therefore, the coefficient of variation of the mortality estimate is very high and is derived from nonrandom observer effort.

• The known distribution of the striped dolphin is along the shelf edge from Georges Bank to Cape Hatteras and extends further south.

• Since the species only exists in a small portion of the area fished by North Atlantic Bottom Trawl gear, extrapolation of the observed mortality to the entire fishery produces a substantial overestimate of the total mortality.

• Fishing effort in this fishery will be reduced by 50 percent in 5 years under Amendment nos. 5 and 7 to the Fishery Management Plan for the Northeast Multispecies Fishery, which may be implemented as early as next year, may reduce effort by 80 percent in the first year of implementation.

The mortality estimates derived from two takes of striped dolphin over 4 years of less than 10 percent observer effort are statistically weak and, due to the marginal overlap of the fishery with this species distribution, likely to be an overestimate. The fishery is facing severe cutbacks in effort under ongoing and proposed Magnuson Act actions, further reducing the likelihood of interactions. Therefore, the fishery is proposed to remain in Category III.

U.S. Mid-Atlantic, U.S. South Atlantic, Gulf of Mexico shrimp trawl. Categorization of this fishery is based on observer data. There has been one observed serious injury or mortality in this fishery from 1979 to 1993. Because this is a low level of mortality, this fishery is proposed to be placed in Category III.

Finfish aquaculture. The name of this fishery is proposed to be changed from the 1994 LOF designation "Gulf of Maine Atlantic salmon" to broaden the definition to include other regions and species. Classification of this fishery is based on logbook data and the proposed reclassification due to the prohibition of intentional lethal takes. Incidental takes of harbor seals are less than 1 percent of the PBR. Thus, this fishery is proposed to be placed in Category III.

Shellfish aquaculture. This is a new fishery that is proposed to be added to the LOF. This fishery is classified by analogy to other aquaculture fisheries that have a remote likelihood of serious injury and mortality of marine mammals.

Gulf of Mexico inshore gillnet (black drum, sheepshead). This is a new fishery proposed to be added to the LOF. This fishery is classified by analogy to other inshore gillnet fisheries, specifically the inshore fisheries that occur in the U.S. mid-Atlantic.

U.S. mid-Atlantic hand seine. This is a new fishery proposed to be added to the LOF. This fishery is placed in Category III by analogy with other hand seine fisheries.

Offshore monkfish bottom gillnet. This is a new fishery that is proposed to be added to the LOF. This fishery involves a small number (under 50) of vessels operating along the shelf edge off Rhode Island. Because this fishery uses gear that is set very deep and a remote likelihood of serious injury and mortality of marine mammals is expected, it is proposed to be placed in Category III.

Georgia, South Carolina, Maryland whelk trawl. This fishery is renamed from the 1994 LOF designation "Georgia, South Carolina whelk trawl" to include the extended range of the fishery.

U.Š. mid-Atlantic offshore surfclam and quahog dredge. This fishery is renamed from the 1994 LOF designation "Mid-Atlantic offshore clam" to include the dredge fishery for quahogs.

U.S. mid-Atlantic/Gulf of Mexico oyster. This fishery is renamed from the 1994 LOF designation "Mid-Atlantic oyster" to include the Gulf of Mexico oyster fishery.

U.S. mid-Atlantic mixed species stop/ seine/weir (except the North Carolina roe mullet stop net). This fishery includes all fixed or staked net fisheries from Nantucket Sound to the Chesapeake Bay. One bottlenose dolphin was found entangled in a pound net lead during the five years of data collection under the Exemption Program. This occurred in a Chesapeake Bay fishery for which bycatch survey information has been available throughout the 5-year Exemption Program. Bycatch surveys are also carried out in other regions where this gear is used. Therefore, we believe that the remote possibility of marine mammal mortality and serious injury occurring in these fisheries is verifiable, and the fishery remain in Category III.

Gulf of Mexico menhaden purse seine. This fishery is proposed to be defined as separate from the U.S. South Atlantic menhaden purse seine fishery. This fishery is proposed to be placed in Category III based on an expectation of low levels of interaction with marine mammals.

U.S. South Atlantic menhaden purse seine. This fishery is proposed to be defined as separate from the Gulf of Mexico menhaden purse seine fishery. This fishery is proposed to be placed in Category III based on an expectation of low levels of interaction with marine mammals.

Proposed List of Fisheries

The following two tables list the commercial fisheries of the United States in their proposed categories. The estimated number of vessels is expressed in terms of the number of active participants in the fishery, when possible, and, as the estimated number of vessels or persons when information on the number of active participants is not available, these values have been updated from the 1994 LOF when possible. The information on which marine mammal species/stocks are involved in interactions with the fishery is based on observer data, logbook data, stranding reports, fisher's reports, and the 1994 LOF. If there is no information indicating which stocks of marine mammals might be involved in fishery interactions, analogy is used to provide a list of stocks with which interactions may occur, if appropriate. An asterisk (*) indicates that the stock is a strategic stock; a plus (+) indicates that the stock is listed as threatened or endangered under the ESA.

Pursuant to section 101(a)(5)(E), NMFS must determine which fisheries have a negligible impact on species or stocks of marine mammals that are listed under the ESA. NMFS is therefore specifically seeking public comments that address those fisheries in the proposed LOF (Tables 1 and 2) that interact with species or stocks of marine mammals listed under the ESA and the information on the magnitude of the