

the preamble or response to comments section, or that were made for editorial consistency:

*Marine mammal species list.* According to statute, the LOF must include a description of the marine mammal stocks that interact with each commercial fishery. The proposed LOF included marine mammals that are known, reported, or strongly suspected to be injured, killed, entangled, or harassed in a particular commercial fishery. All marine mammals listed as interacting with a particular commercial fishery in the 1994 LOF were also included. In this final LOF, the list of marine mammals specified as interacting with commercial fisheries is limited to those that have had documented incidental injuries or mortalities in commercial fisheries between 1989 and 1995. Information from observer programs, logbook data, stranding reports, and anecdotal reports were used to develop the species list. In addition, the names of the marine mammal species/stock involved are listed instead of a code.

*Alaskan Bering Sea and Aleutian Islands groundfish trawl fishery.* This fishery was proposed to move from Category III to Category II in the proposed LOF based on the serious injury and mortality of killer whales that is over 50 percent of the PBR. However, because the population estimates of both the resident and transient stocks of killer whales are known to be biased low, and because NMFS has good estimates of the level of mortality and serious injury in this observed fishery, this fishery will be placed in Category III.

*AK southern Bering Sea, Aleutian Islands, and Western Gulf of Alaska sablefish longline/set line (federally regulated waters).* This fishery was placed in Category II in the 1994 LOF and was proposed to remain in Category II in the proposed LOF. The proposed classification was based on an annual level of serious injury and mortality of both the resident and transient stocks of killer whales that is greater than 10 percent of the PBR level for all fisheries, and greater than 1 percent of the PBR level for this fishery. However, because the population estimates of both the resident and transient stocks of killer whales are known to be biased low, this fishery is placed in Category III.

*Mid-Atlantic Menhaden Purse Seine.* This fishery was erroneously proposed to be placed in Category II in the proposed LOF, because incidental takes of bottlenose dolphins that occurred in the Gulf of Mexico menhaden purse seine were attributed to the Mid-Atlantic menhaden purse seine. This

error has been corrected, and the Mid-Atlantic menhaden purse seine is placed in Category III in this final LOF.

*Gulf of Maine small pelagics surface gillnet.* This fishery was identified in Category I in the 1994 LOF, and was proposed to remain in Category I in the proposed LOF, based on a lack of available information that could be used to place the fishery in a different category. Because only two reports of serious injury and mortality of marine mammals incidental to this fishery have been reported, Category I is not warranted. Thus, this fishery has been placed in Category II.

Occasional anecdotal reports of mortalities and injuries of marine mammals incidental to this fishery have been reported. Because there have been reports of mortalities in this fishery, it will be placed in Category II.

*Atlantic squid, mackerel, butterfish trawl.* The name of this fishery was the "Atlantic mid-water trawl" in the proposed LOF. In the proposed LOF, this fishery was defined as including those mid-water trawlers that target fish managed by the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). Because both mid- and bottom-trawl gear are used to harvest squid, the name of this fishery has been changed to reflect the target species in lieu of the technique. Thus, this fishery is now called the "Atlantic squid, mackerel, butterfish trawl" in the final LOF.

*Atlantic Ocean, Gulf of Mexico large pelagics drift gillnet fishery.* The name of this fishery was the "Atlantic Ocean, Caribbean, Gulf of Mexico swordfish, tuna, shark drift gillnet" in the proposed LOF. The name of this fishery has been changed in the final LOF because the species targeted in this fishery have changed in the past and may change in the future.

*U.S. Atlantic large pelagics pair trawl.* The name of this fishery was proposed as the "Atlantic Ocean, Caribbean, Gulf of Mexico Swordfish, Tuna, Shark Pair trawl" in the proposed LOF. The name has been changed in the final LOF to encompass all large pelagic species targeted using this gear.

*Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.* The name of this fishery was proposed as the "Atlantic Ocean, Caribbean, Gulf of Mexico tuna, shark, swordfish longline" in the proposed LOF. The name has been changed in the final LOF to encompass all large pelagic species targeted using this gear.

To remain consistent throughout the United States, the Atlantic Ocean, Gulf of Mexico, and Caribbean commercial passenger fishing vessel fishery has

been added to the LOF. This fishery is placed in Category III, because there are no documented or suspected serious injuries or mortalities of marine mammals incidental to this fishery.

*Number of participants in commercial fisheries.* The LOF tables include estimates of the number of participants in each commercial fishery. Comments were received updating the number of participants in certain commercial fisheries, and these updates are reflected in Tables 1 and 2. The number of participants was updated for the following fisheries: Gulf of Mexico menhaden purse seine, Florida west coast purse seine, Southeast U.S. Atlantic, Gulf of Mexico snapper-grouper and other reef fish bottom longline/hook&line, and the Southeast U.S. Atlantic, Gulf of Mexico, Caribbean spiny lobster trap/pot.

All occurrences of "South Atlantic" in the fishery names in the LOF have been changed to "Southeast U.S. Atlantic" to more appropriately designate the geographic location of the commercial fisheries as occurring in southern U.S. waters and not south of the equator.

"Weakfish, mullet, spot, croaker" were added to the list of target species in the "Gulf of Mexico inshore gillnet" fishery to better reflect the nature of the fishery.

The name of the Gulf of Maine, South Atlantic coastal shad, sturgeon gillnet has been changed to "Gulf of Maine, Southeast U.S. Atlantic coastal shad, sturgeon gillnet fishery" to better reflect the geographical range of this fishery, and to specifically include the waters of North Carolina.

The Gulf of Mexico, Southeast U.S. Atlantic coastal gillnet (includes mullet gillnet fishery in Louisiana and Mississippi) fishery has been separated into a Gulf of Mexico component and a Southeast U.S. Atlantic coastal gillnet, because the marine mammal stocks with which the fisheries interact are different.

The Florida mullet gillnet fishery has been removed from the LOF. This fishery no longer operates due to the net ban in Florida state waters. Some participants in this fishery have moved their operations to Louisiana and Mississippi; thus, the phrase "includes mullet gillnet fishing in LA and MS" has been added to the name of the Southeast U.S. Atlantic, Gulf of Mexico coastal gillnet fishery.