

with this fishery is greater than 10 percent of the PBR level.

Tier 2 evaluation: Extrapolation of observer data results in an estimated total incidental serious injury and mortality of 79 offshore bottlenose dolphins and 33 common dolphins per year from 1992–93. These take levels represent an annual incidental mortality and serious injury that is greater than 50 percent of the PBR levels for both species.

Atlantic Ocean, Caribbean, Gulf of Mexico Large Pelagics Drift Gillnet Fishery

Tier 1 evaluation: Incidental annual mortality and serious injury across all fisheries for all stocks (with known PBR levels) interacting with this fishery is greater than 10 percent of the PBR level.

Tier 2 evaluation: Extrapolation of observer data results in an annual estimated total serious injuries and mortalities of 59 Risso's dolphins, 424 common dolphins, 61 pilot whales, and 53 offshore bottlenose dolphins per year from 1989–1993. These serious injury and mortality levels represent an annual incidental mortality and serious injury that is greater than 50 percent of the PBR levels for these species.

The serious injury of a right whale in 1993 was reported by the observer program. It was not an observed mortality; therefore it was not reported as an "observed kill." NMFS believes, however, that this whale probably died from injuries sustained in this incident. One serious injury or mortality of a right whale is greater than 50 percent of the PBR level for this species. Therefore, this fishery would also fall into Category I based on interactions with right whales. New England multispecies sink gillnet (including species as defined in the Multispecies Fisheries Management Plan and spiny dogfish and monkfish)

Tier 1 evaluation: Incidental annual mortality and serious injury across all fisheries for all stocks interacting with this fishery—with the exception of grey seals—is greater than 10 percent of the PBR level.

Tier 2 evaluation: Extrapolation of observer data results in an estimated total serious injury and mortality of 102 Atlantic white-sided dolphins and 1,875 harbor porpoise per year from 1990–93. These serious injury and mortality levels represent an annual incidental mortality and serious injury that is greater than 50 percent of the PBR levels for these species.

Atlantic Ocean, Caribbean, Gulf of Mexico Large Pelagics Longline Fishery

This fishery was listed as Category II in the previous LOF and is moved to

Category I in this LOF and re-named "Atlantic Ocean, Caribbean, Gulf of Mexico Large Pelagics Longline."

Tier 1 evaluation: Incidental annual mortality and serious injury across all fisheries for pilot whale stock(s) interacting with this fishery is greater than 10 percent of the PBR level.

Tier 2 evaluation: Extrapolation of observer data results in an estimated total incidental mortality and serious injury of 26 pilot whales per year from 1992–93. This represents an annual incidental mortality and serious injury that is greater than 50 percent of the PBR level for either long-finned or short-finned pilot whales. Therefore, this fishery is moved from Category II to Category I.

This reclassification is supported by MMEP logbook data, which includes reports of injury or mortality of an average of nine pilot whales (stock unspecified) per year for the years 1990 to 1992. NMFS has also received sighting reports (both at sea and stranded) of whales carrying gear that may be attributable to the pelagic longline fishery.

Category II

U.S. Mid-Atlantic Coastal Gillnet Fishery

Tier 1 evaluation: Incidental mortality and serious injury across all fisheries for harbor porpoise, coastal bottlenose dolphins, and humpback whales, which are known to interact with this fishery, is greater than 10 percent of the PBR levels for these stocks. Therefore this fishery is subject to Tier 2 analysis.

Tier 2 evaluation: Little observer coverage occurred in this fishery between 1989 and 1993. No serious injuries and mortalities were observed during those years. Therefore, no annual incidental mortality and serious injury from this fishery can be reported from observer data for these years. Based on observer coverage in 1994, entanglements of humpback whales and dolphins observed by NMFS and the public (not the observer program) and evidence of gillnet entanglement observed in stranded harbor porpoise, bottlenose dolphins, and humpback whales, NMFS believes that annual serious injury and mortality for these species due to this fishery is greater than 1 percent but less than 50 percent of the PBR levels for these stocks. Therefore this fishery is placed in Category II. For clarification of how the stranding data were used in this analysis, see the proposed LOF (60 FR 31680, June 16, 1995).

Gulf of Maine Small Pelagics Surface Gillnet

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 is placed in Category II.

Southeast U.S. Atlantic Shark Gillnet Fishery

Tier 1 evaluation: Incidental annual mortality and serious injury across all fisheries for the western North Atlantic coastal bottlenose dolphin stock interacting with this fishery are greater than 10 percent of the PBR level.

Tier 2 evaluation: Observer data for this fishery indicate that mortality to the western North Atlantic coastal bottlenose dolphin stock due to this fishery is 4 percent; thus, the fishery belongs in Category II.

In addition, a young right whale calf was observed off the northern coast of Florida, which had wounds indicative of interaction with gillnet gear in February 1994. The animal also exhibited propeller wounds believed by researchers investigating the incident to have been inflicted by the fishery vessel responsible for the net wounds. It was concluded that the shark gillnet fishery was the only large mesh gillnet fishery operating in that area at the time. The animal has not been sighted since, and is presumed to be dead. Another suspected interaction between this fishery and a right whale cow was also reported in this same year, although it is believed that this particular interaction was not fatal.

Atlantic Squid, Mackerel, Butterfish Trawl

This fishery was proposed to combine "Mid-Atlantic Squid Trawl" and "Mid-Atlantic Mackerel Trawl" from the 1994 LOF. The proposed LOF called this fishery the "Atlantic mid-water trawl." In the final LOF, the fishery is renamed "Atlantic Squid, Mackerel, Butterfish Trawl" with no reference to whether fishermen are using bottom or mid-water gear.

Tier 1 evaluation: Based on MMEP logbook reports from the squid and mackerel trawl fisheries, incidental annual mortality and serious injury across all fisheries for all stocks reported to interact with this fishery are greater than 10 percent of the PBR level.

Tier 2 evaluation: MMEP logbook data averaged over 1990–92 result in reported serious injuries and mortalities of five pilot whales per year. This represents a minimum serious injury and mortality level of greater than 1