

fishers that previously fished in Florida waters may be working in Louisiana waters; what remains of this fishery is combined with the other Gulf of Mexico gillnet fisheries.

#### North Atlantic Bottom Trawl

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

*Tier 2 evaluation:* Annual incidental mortality and serious injury from this fishery reported by the observer program (averaged over 1989–93) is greater than 50 percent of the PBR level for striped dolphins, coastal bottlenose dolphins, and pilot whales. Therefore, this fishery would have been placed in Category I. However, because the observer coverage in this fishery is low, the estimated serious injury and mortality levels are statistically weak. Thus, NMFS believes this fishery should remain in Category III at this time. The proposed LOF included further justification for this decision (60 FR 31680–31681, June 16, 1995). NMFS anticipates having additional information from other observer programs that may result in a reclassification of this fishery in a future proposed LOF.

#### Mid-Atlantic, U.S. South Atlantic, Gulf of Mexico Shrimp Trawl

*Tier 1 evaluation:* Incidental annual mortality and serious injury across all fisheries for all marine mammal stocks interacting with this fishery is less than 10 percent of the PBR level.

Over 10,000 hours of observer effort in this fishery have been logged in the Atlantic, and over 17,000 have been logged in the Gulf. No takes of any marine mammal species have been observed. However, a Category III report submitted from a shrimp trawl fisher off Key West indicated a dolphin mortality occurred due to entanglement with the lazy line. This incident took place offshore, on the Gulf side of Key West, and thus likely involved the eastern coastal Gulf of Mexico stock of bottlenose dolphins.

#### Gulf of Maine Menhaden Purse Seine

This fishery was grouped with the Mid-Atlantic menhaden purse seine fishery in the proposed LOF. In this final LOF, the fishery is divided into “Gulf of Maine menhaden purse seine” and “Mid-Atlantic menhaden purse seine” because serious injuries and mortalities of bottlenose dolphins in the Gulf of Maine portion of this fishery are unlikely.

The Gulf of Maine menhaden purse seine fishery is placed in Category III based on a low probability of marine mammal encounters resulting in serious injury or mortality. This fishery may interact with harbor seals, minke whales, and humpback whales. However, NMFS believes that these interactions would not represent a serious injury or mortality level above 1 percent of PBR levels for these species and that the Gulf of Maine menhaden purse seine fishery is appropriately placed in Category III.

#### Mid-Atlantic Menhaden Purse Seine

This fishery was grouped with the Gulf of Maine menhaden purse seine fishery in the proposed LOF. In this final LOF, the fishery is divided into “Gulf of Maine menhaden purse seine,” and “Mid-Atlantic menhaden purse seine” because serious injuries and mortalities of bottlenose dolphins in the Gulf of Maine portion of this fishery are unlikely.

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 Mexico Menhaden Purse Seine

Information on bycatch studies in this fishery, recently made available to the NMFS Southeast Region, indicate that mortalities of bottlenose dolphin of the northern Gulf of Mexico coastal stock have been observed in this fishery (two observed mortalities in 1992, two caught live and released in 1994, and one mortality to date in 1995). Additionally, category III reports indicate that three dolphins were taken in 1993. Complete effort data for the bycatch study is not yet available; however, the available information indicates that reclassification of this fishery may be proposed in a future LOF. NMFS will continue to investigate available information as well as monitor future results of the bycatch study to determine whether reclassification is justified for this fishery.

#### Gulf of Maine, U.S. Mid-Atlantic Mixed Species Trap/Pot

#### U.S. Mid-Atlantic Black Sea Bass Trap/Pot

#### Gulf of Maine, U.S. Mid-Atlantic Inshore Lobster Pot

#### Gulf of Maine, U.S. Mid-Atlantic Offshore Lobster Trap/Pot

#### Atlantic Ocean, Gulf of Mexico Blue Crab Trap/Pot

#### U.S. South Atlantic, Gulf of Mexico, Caribbean Spiny Lobster Trap/Pot

Entanglements of cetacean stocks in pot and/or trap fisheries have been well documented. The degree to which marine mammals become entangled in pot and/or trap fisheries and whether a reclassification of some or all pot and/or trap fisheries is warranted, may be investigated in a future proposed LOF. Gulf of Maine Herring and Atlantic Mackerel Stop Seine/Weir

No new information has been received which would change or confirm the placement of this fishery in Category III. NMFS believes that if interactions of this fishery with harbor porpoise occur, there would not be a serious injury or mortality level that would represent greater than 1 percent of the PBR level for harbor porpoise.

#### U.S. Mid-Atlantic Mixed Species Stop Seine/Weir (Except the North Carolina Roe Mullet Stop Net)

This fishery includes the pound net fishery. The EA states that there is one report of a bottlenose dolphin mortality in the observed Chesapeake Bay pound net fishery. However, data indicates that more than one stranded dolphin has been found wrapped in pound net gear. In addition, a Kogia was recovered from pound net gear in North Carolina, in 1993. Classification of this fishery will be re-evaluated in a future proposed LOF.

#### List of Fisheries

The following two tables list the commercial fisheries of the United States according to their MMPA section 118 categories. The estimated number of vessels is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants in a fishery, the number from the 1994 LOF is used.

The information on which marine mammal species/stocks are involved in interactions with the fishery is based on observer data, logbook data, stranding reports, and fishers' reports. Only those species or stocks known to incur injury or mortality incidental to specific fisheries are listed. 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.