

such refugia were accessible, local lynx populations could be easily extirpated by trapping, particularly if there are incentives such as high pelt prices (Carbyn and Patriquin 1983; Ward and Krebs 1985; Bailey *et al.* 1986; J. Weaver, pers. comm. 1994; Koehler and Aubry 1994).

Traffic on highways has been shown to pose a considerable mortality risk to Canada lynx (Brocke *et al.* 1991; B. Ruediger, U.S. Forest Service, pers. comm. 1997). Dispersing or transient lynx are more vulnerable to traffic deaths than residents, because their movement over large areas increases their contact with roads.

Canada lynx may be displaced or eliminated when competitors (e.g., bobcat (*Lynx rufus*) or coyote (*Canis latrans*)) expand into its range (de Vos and Matel 1952; Parker *et al.* 1983; Quinn and Parker 1987; M. DonCarlos, pers. comm. 1994; D. Major, U.S. Fish and Wildlife Service, pers. comm. 1994; J. Weaver, pers. comm. 1994). The Canada lynx is at a competitive disadvantage against these other species because it is a specialized predator, whereas the bobcat and coyote are generalists able to feed on a wide variety of prey. Some biologists believe competition has played a significant role in the decline of Canada lynx (Brocke 1982; Parker *et al.* 1983; E. Bangs, U.S. Fish and Wildlife Service, pers. comm. 1994).

Competition between Canada lynx and other species may be facilitated through alteration of forests by timber harvest or other human activities. Modified habitat may be more suitable to Canada lynx competitors or may facilitate the establishment of a competitor after local extirpation of the lynx (McCord and Cardoza 1982; Quinn and Parker 1987).

The threats to resident lynx from legal trapping for other species are reduced in many regions because there is probably limited overlap in the ranges of bobcats or coyotes with the range of lynx (M. DonCarlos, pers. comm. 1994; K. Elowe, Maine Department of Inland Fisheries and Wildlife, pers. comm. 1994; J. Lanier, pers. comm. 1994; D. Mech, pers. comm. 1994; Maine Department of Inland Fisheries and Wildlife, *in litt.* 1997). Hunting seasons for bobcats may be a potential threat because of hunters' difficulty in distinguishing between bobcat and lynx.

### Finding

Section 4(b)(3)(B)(iii) of the Act states that the Service may make warranted but precluded findings if it can demonstrate that an immediate proposed rule is precluded by other

pending proposals and that expeditious progress is being made on other listing actions. According to Service policy, such species are assigned candidate status and given a listing priority number. Guidelines for assigning listing priorities were published in the **Federal Register** on September 21, 1983 (48 FR 43098). The guidelines describe a system for considering three factors in assigning a species a numerical listing priority on a scale of 1 to 12. The three factors are magnitude of threat (high or moderate to low), immediacy of threat (imminent or nonimminent), and taxonomic distinctiveness (monotypic genus, species, or subspecies/population). For a population, such as the Canada lynx, listing priority numbers of 3, 6, 9, or 12 are possible.

The Service believes that several limiting factors pose threats to the continued existence of Canada lynx in the contiguous United States, including: (1) Habitat loss and/or modification (due to human alteration primarily through timber harvest, road construction, and fire suppression); (2) overutilization from past commercial harvest (trapping) that has resulted in extremely low populations that remain subject to incidental capture from legal trapping of other furbearers; (3) inadequate regulatory mechanisms to protect the remaining lynx habitat; and, (4) other factors such as increased human access into suitable habitat (refugia) and human-induced changes in interspecific competition. The Service has determined that the overall magnitude of all threats to the small population of Canada lynx in the contiguous United States is high and the threats are ongoing, thus they are imminent. A listing priority of 3 consequently has been assigned for the Canada lynx population in the contiguous United States.

Region 6 has determined that listing of the Canada lynx is warranted, but development of a proposed rule at this time is precluded by work on other higher priority species. The Service will reevaluate this warranted but precluded finding within 12 months of the date of publication of this notice of finding. The Service also may reevaluate the finding immediately if significant new information becomes available in the next 12 months.

Before making a warranted but precluded finding, the Service must show that it is making expeditious progress on listing species. A congressionally imposed moratorium on listing species was lifted on April 26, 1996. Since that date the Service has completed 131 final determinations, including publication of final rules for

endangered and threatened species and withdrawals of proposed rules. The Service believes these numbers show that expeditious progress is being made to list species within the resources available.

This warranted but precluded finding automatically elevates the Canada lynx to candidate species status. The Service will reevaluate this warranted but precluded finding 1 year from the date of the finding. If sufficient new data or information become available in the future regarding threats, status of the lynx, etc., the Service will reassess the status of the species.

The Service's 12-month finding contains more detailed information regarding the above decisions. A copy may be obtained from the Montana Field Office (see **ADDRESSES** section).

### References Cited

A complete list of references cited is available upon request from the Montana Field Office (see **ADDRESSES** section).

Authors: The primary authors of this document are Lori Nordstrom, Anne Vandehey and Kevin Shelley (Montana Field Office); Jeri Wood (Boise Field Office); Chris Warren (Spokane Field Office); and Ted Thomas (Olympia Field Office).

**Authority:** The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: May 21, 1997.

**J. L. Gerst,**

*Acting Director, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 970515117-7117-01; I.D. 050797D]

RIN 0648-AJ85

#### Proposed List of Fisheries for 1998

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This action proposes changes for 1998 to the List of Fisheries (LOF) required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 1998 reflects new information

on interactions between commercial fisheries and marine mammals. Under the MMPA, a commercial fishery is to be placed on the LOF in one of three categories based upon the level of serious injuries and mortalities that occur to marine mammals incidental to that fishery. The LOF informs the public of the level of interactions with marine mammals in various U.S. commercial fisheries and which fisheries are subject to certain provisions of the MMPA such as the requirement to register for Authorization Certificates.

**DATES:** Comments on the proposed rule must be received by August 25, 1997.

**ADDRESSES:** Send comments to Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding the burden-hour estimates or any other aspect of the collection of information requirements contained in this proposed rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, OMB, Attention: NOAA Desk Officer, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Robyn Angliss, Office of Protected Resources, 301-713-2322; Douglas Beach, Northeast Region, 508-281-9254; Charles Oravetz, Southeast Region, 813-570-5301; James Lecky, Southwest Region, 310-980-4015; Brent Norberg, Northwest Region, 206-526-6140; Steven Zimmerman, Alaska Region, 907-586-7235.

**SUPPLEMENTARY INFORMATION:**

**Background**

*History of the List of Fisheries*

Section 118 of the MMPA, as amended in 1994, requires the annual publication of a LOF placing all U.S. commercial fisheries into one of three categories based on the levels of incidental serious injury and mortality of marine mammals in the fishery. Proposed and final regulations implementing section 118 of the MMPA were published in 1995 (60 FR 31666, June 17, 1995, and 60 FR 45086, August 30, 1995, respectively). These regulations replaced those published to implement the old section 114 and established the procedures NMFS now uses to manage incidental interactions between marine mammals and U.S. commercial fisheries.

Definitions of the fishery classification criteria for Category I, II, and III fisheries are found in the implementing regulations for section 118 (50 CFR part 229). Because classification of fisheries in the LOF

depends on the definitions of the criteria, the following explanation of the criteria is provided. Although this information is available in the preambles to the final rule implementing section 118 (60 FR 45086, August 30, 1995) and to the final LOF for 1996 (60 FR 67063, December 28, 1995), it is repeated here because of the importance of this information to understanding how fisheries are classified.

*Fishery Classification Criteria*

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on the rate, in numbers of animals per year, of serious injuries and mortalities due to commercial fishing relative to the Potential Biological Removal (PBR) level for the each marine mammal stock.

**Tier 1**

If the total annual mortality and serious injury across all fisheries that interact with a stock is less than or equal to 10 percent of the PBR level of such a stock, then all fisheries interacting with this stock would be placed in Category III. Otherwise, these fisheries are subject to the next tier to determine their classification.

**Tier 2—Category I**

Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level.

**Tier 2—Category II**

Annual mortality and serious injury in a given fishery is greater than 1 percent and less than 50 percent of the PBR level.

**Tier 2—Category III**

Annual mortality and serious injury in a given fishery is less than or equal to 1 percent of the PBR level.

Tier 1, therefore, considers the cumulative fishery mortality and serious injury for a particular stock, while Tier 2 considers fishery-specific mortality for a particular stock. Additional details regarding how threshold percentages between the categories were determined are provided in the preamble to the final rule implementing section 118. Requirements for Vessels Participating in Category I and II Fisheries

The primary functions of the LOF are to inform the public of the levels of interactions with marine mammals in various commercial fisheries and to

identify fisheries for which efforts to reduce these interactions may be necessary. In addition, the LOF informs the fishing industry which fisheries are subject to certain provisions of the MMPA.

**Registration**

Fishers participating in Category I or II fisheries must be registered under the MMPA, as required by 50 CFR 229.4. Unless the Authorization Certificate program for a fishery is integrated and coordinated with existing fishery license, registration or permit systems and related programs, fishers must obtain a registration packet from NMFS and submit the completed registration form and the required registration fee to the NMFS Regional Office in which their fishery operates. Normally, NMFS will send the fisher an Authorization Certificate, program decal, and reporting forms within 60 days of receiving the registration form and registration fee.

NMFS has successfully integrated registration under the MMPA with state fishery registration in Washington, Oregon, Alaska, and certain New England fisheries and is actively pursuing integration with state fishery registration programs in North Carolina and California. The benefits of integration with existing programs have included a reduction or elimination of fees for some commercial fishers, a reduction in paperwork that must be completed by the fisher, and a reduction in paperwork that must be completed by NMFS.

**Reporting**

Vessel owners or operators, or fishers, in the case of non-vessel fisheries, in Category I, II, or III fisheries must comply with 50 CFR 229.6 and report all incidental mortalities and injuries of marine mammals during the course of commercial fishing operations to NMFS Headquarters. "Injury" is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear, or any animal that is released with fishing gear entangling, trailing or perforating any part of the body is considered injured and must be reported. Instructions for submission of reports are found at 50 CFR 229.6(a).

**Observers**

Fishers participating in Category I and II fisheries are required, upon request, to accommodate an observer aboard their vessels. Observer requirements may be found at 50 CFR 229.7.

*Sources of Information Reviewed During Development of the Proposed LOF for 1997 and 1998*

In 1996, few changes were made to the LOF for 1997, because little new information was available on the level of interaction between marine mammals and commercial fisheries. Instead, NMFS focused its analysis for the proposed LOF for 1997 on those fisheries that it committed to future review in the 1996 LOF. Similarly, the final LOF for 1997 (62 FR 33; January 2, 1997), focused only on certain fisheries NMFS had previously identified and used PBR levels from 1995.

In January 1997, NMFS made available draft Stock Assessment Reports (SARs) for 1996 (62 FR 3005; January 21, 1997). These SARs provide new estimates of total serious injury and mortality of marine mammals incidental to commercial fisheries and also provide new estimates of PBR levels for all U.S. stocks. Because these draft SARs provide the best available information on both the level of serious injury and mortality and the PBR levels, the proposed LOF for 1998 will be based on information provided in these documents. If information in the SARs changes as a result of public comments or additional review by the Scientific Review Groups, these updates will be incorporated in the final LOF for 1998.

**Proposed Changes to the LOF**

Marine mammal incidental serious injury and mortality information presented in the draft SARs was reviewed for all observed fisheries to determine whether proposed changes in fishery classification is warranted. Other sources of new information, such as documents provided to Take Reduction Teams, were also reviewed.

No changes to the classification of fisheries currently in the LOF are proposed in this LOF.

Pursuant to section 118, NMFS is required to determine the number of participants in each commercial fishery and the marine mammal species and/or stocks incidentally injured or killed in each fishery. The last comprehensive table that provided a list of all fisheries, the numbers of participants, and the interacting species/stocks was published in the final LOF for 1996 (December 28, 1995, 60 FR 67063). Because there were few changes to the LOF in 1997 (January 2, 1997, 62 FR 33), a comprehensive table was not published but was made available to people when requested. Because substantial new information has become available for construction of this proposed LOF for 1998, NMFS is now

proposing the following changes to the comprehensive table listing all fisheries:

*Changes Resulting From New Draft SARs*

Draft SARs for 1996 were made available to the public for review and comment on January 21, 1997. The table in the LOF that lists all U.S. commercial fisheries, the numbers of participants in each fishery, and the marine mammal species and/or stocks incidentally killed or injured in each fishery was updated to include the following changes proposed in the draft SARs:

- The Gulf of Alaska stock of harbor seals was proposed to be designated as strategic.
- The stock formerly known as the Alaska harbor porpoise stock was proposed to be divided into three stocks: The Southeast Alaska stock, the Gulf of Alaska stock, and the Bering Sea stock.
- The Cook Inlet stock of beluga whales was proposed to be designated as strategic.
- The Western North Atlantic stock of white-sided dolphins was proposed to be designated as non-strategic.

In addition, the draft SARs for Alaska and for the Pacific provided updates to the numbers of participants in many commercial fisheries that operate in Alaska and in California, respectively. When possible, the number of participants provided in the table reflects the number of active permit holders, rather than the number of permitted fishers, to better indicate the level of effort in a fishery. An active permit holder is one that meets the minimum landing requirements under that permit. Solicitation of Public Comments on Particular Aspects of Certain Commercial Fisheries.

Since the publication of the final LOF for 1997, certain Take Reduction Teams and the draft SARs have highlighted two fisheries, the U.S. mid-Atlantic coastal gillnet and a tuna drift gillnet fishery that may incur serious injuries or mortalities of marine mammals. NMFS is interested in soliciting public comments on specific aspects of the prosecution of these fisheries to aid in determining whether any changes to the LOF are necessary.

*U.S. Mid-Atlantic Coastal Gillnet Fishery: Description of the Fishery and Level of Incidental Serious Injury and Mortality*

The U.S. mid-Atlantic coastal gillnet fishery (including, but not limited to Atlantic croaker, Atlantic mackerel, Atlantic sturgeon, black drum, bluefish, herring, menhaden, scup, shad, striped bass, sturgeon, weakfish, white perch, yellow perch, dogfish and monkfish) as

described in the LOF for 1997 (January 2, 1997, 62 FR 33) includes all gillnet fishing from 72°30' W. long to the North Carolina-South Carolina border, except for gillnet fisheries in Category III that occur solely within bays, estuaries and rivers. This fishery was classified in Category II in the 1996 LOF, based on a level of incidental mortality and serious injury of mid-Atlantic coastal bottlenose dolphins determined through examination of stranded animals. Until 1995, this fishery had been largely unobserved and the only sources of information on the level of incidental mortality and serious injury were stranded animals and reports submitted by fishers.

New information on the level of incidental serious injury and mortality in the U.S. mid-Atlantic coastal gillnet fishery has recently become available to NMFS. The following describes this new information and specifically solicits comments on some aspects of this fishery.

*Observer Data*

The Northeast Fisheries Science Center presented preliminary data at a recent meeting of the Mid-Atlantic Take Reduction Team that estimated 192 harbor porpoise were killed annually in the observed portion of this fishery (NMFS, unpublished data). This estimate is thought to be a conservative estimate of the total mortality, because the observer effort was low (< 5 percent) and because fishing effort was calculated based on landings data obtained from individual state agencies from New York to North Carolina that may not represent total fishing effort. This level of incidental take may be more accurate for the segment of this fishery that targets dogfish and monkfish, because it is uncertain whether observer coverage in other segments of the fishery are representative of total fishing effort. The estimated serious injury and mortality of harbor porpoise in this segment of the fishery is under 50 percent of the PBR for harbor porpoise; thus, retaining this fishery in Category II at this time is justifiable based on extrapolations from the observer data.

*Data from Stranded Marine Mammals*

Since 1994, data on evidence of fishing interactions from stranded marine mammals has improved in certain mid-Atlantic states, particularly North Carolina and Virginia. This improvement in the available information has resulted from better training of stranding network volunteers in the recognition of scars and pathology associated with fishing

interactions and increases in beach survey and necropsy effort. Two reports that provide guidelines for determining whether a marine mammal likely died as a result of fishery interactions have been published in recent years. These improvements in the stranding network will greatly enhance the confidence with which NMFS may propose changes in the LOF based on stranding data alone.

Between 1994 and early March 1997, data were collected from stranded dead bottlenose dolphins in North Carolina that indicated an average of 17.9 (58 total interactions divide by 3.25 years) bottlenose dolphins strand annually with identifiable evidence of fishing interactions (NMFS, unpublished data). Of these, net marks or attached gear was found on an average of 10.5 stranded bottlenose dolphins per year, of which an average of 4 per year had evidence of monofilament gillnet. The majority of these strandings are of bottlenose dolphins from the mid-Atlantic coastal stock (NMFS, unpublished data). This level of incidental mortality (4 stranded bottlenose dolphins per year with evidence of monofilament gillnet) justifies placement of this fishery in Category II but not in Category I.

The evidence from stranding data clearly indicates that the mid-Atlantic coastal bottlenose dolphin stock has consistent interactions with monofilament gillnet fisheries. The majority of the strandings of bottlenose dolphins (both those with evidence of fishery interactions and those without evidence of fishery interactions) occur from February through May in North Carolina. This temporal distribution of strandings appears to correlate directly with nearshore gillnet effort in state waters for species such as weakfish and dogfish (NMFS, unpublished data).

*Solicitation of Public Comments*

NMFS has two sources of data on the level of serious injury and mortality in the mid-Atlantic coastal gillnet fishery: (1) Observed mortalities of harbor porpoise on vessels targeting monkfish and dogfish; and (2) evidence from bottlenose dolphin strandings that were likely caused by interactions with gillnet vessels. NMFS currently cannot use these data sources to evaluate takes in the entire U.S. mid-Atlantic coastal gillnet fishery, as it is currently defined, because the data sources appear to reflect interactions of different species in different segments of the fishery. NMFS specifically solicits public comments on the following:

- Whether it is appropriate to divide the U.S. mid-Atlantic coastal gillnet fishery into different components.
- If it is appropriate to separate the U.S. mid-Atlantic coastal gillnet fishery into different components, what criteria should be used to make that separation.
- In addition, NMFS seeks other relevant information from the public including specific geographic and temporal distribution of nearshore gillnet fisheries, including target species and type of gear used (e.g., mesh size, twine diameter).

*U.S. Mid-Atlantic Tuna Drift Gillnet*

NMFS has received reports that a new fishery using drift gillnet to target tuna may operate in U.S. mid-Atlantic waters between New Jersey and Virginia. Reports indicate that this fishery targets primarily yellowfin and albacore tunas using a mesh size smaller than that typically used in the Atlantic Ocean, Caribbean, and Gulf of Mexico large pelagics drift gillnet fishery. Because these reports are unsubstantiated to date, NMFS specifically solicits information on the following:

- The specific geographic location of the fishery.

- The type of gear, target species, and specific methods of fishing.
- Marine mammal species/stocks that are injured or killed incidental to this fishery.
- The number of participants in this fishery.
- In addition, NMFS seeks public comment on whether this fishery should be considered part of another fishery or a separate fishery.

Information provided on these issues may be used to determine whether this is an active fishery that should be included on the final LOF for 1998.

**List of Fisheries**

The following two tables list the commercial fisheries of the United States according to their assigned categories under Section 118. 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 1996 LOF is used. The information on which marine mammal species/stocks are involved is based on observer data, logbook data, stranding reports, and fisher's reports. Only those species or stocks known to incur injury or mortality are listed. There are a few fisheries that are in Category II and have no recent documented interactions with marine mammals. Justifications for placement of these fisheries are found in the final LOF for 1996 (December 28, 1995; 60 FR 45086).

An asterisk (\*) indicates that the stock is a strategic stock; a plus (+) indicates that the stock is listed as threatened or endangered under the Endangered Species Act.

TABLE 1.—LIST OF FISHERIES  
[Commercial Fisheries in the Pacific Ocean]

| Fishery description  | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed  |
|--|-------------------------------------|---|
| Category I:<br>Gillnet fisheries:<br>CA angel shark/halibut and other species large mesh (>3.5in) set gillnet fishery. | 58 .....                            | Harbor porpoise, central CA.<br>Common dolphin, short-beaked, CA/OR/WA.<br>Common dolphin, long-beaked CA.<br>California sea lion, U.S.<br>Harbor seal, CA.<br>Northern elephant seal, CA breeding. |

TABLE 1.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Pacific Ocean]

| Fishery description  | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed   |
|--|-------------------------------------|--|
| CA/OR thresher shark/swordfish drift gillnet fishery ..... | 130 .....                           | Steller sea lion, Eastern U.S.*+<br>Sperm whale, CA to WA.*+<br>Dall's porpoise, CA/OR/WA.<br>Pacific white sided dolphin, CA/OR/WA.<br>Risso's dolphin, CA/OR/WA.<br>Bottlenose dolphin, CA/OR/WA offshore.<br>Common dolphin, short-beaked, CA/OR/WA.<br>Common dolphin, long-beaked, CA.<br>Northern right whale dolphin, CA/OR/WA.<br>Short-finned pilot whale, CA/OR/WA.*<br>Baird's beaked whale, CA/OR/WA.<br>Mesoplodont beaked whales, CA to WA.*<br>Cuvier's beaked whale, CA/OR/WA.<br>Pygmy sperm whale, CA/OR/WA.*<br>California sea lion, U.S.<br>Harbor seal, CA.<br>Northern elephant seal, CA breeding.<br>Harbor porpoise, OR/WA coastal.<br>Humpback whale, CA/OR/WA-Mexico.<br>Minke whale, CA/OR/WA.* |
| Category II:<br>Gillnet fisheries:                         |                                     |  |
| AK Prince William Sound salmon drift gillnet .....         | 518 .....                           | Steller sea lion, Western U.S.*+<br>Northern fur seal, North Pacific.*<br>Harbor seal, GOA.*<br>Pacific white-sided dolphin, central North Pacific.<br>Harbor porpoise, GOA.<br>Dall's porpoise, AK.   |
| AK Peninsula/Aleutians salmon drift gillnet fishery .....  | 164 .....                           | Northern fur seal, North Pacific.<br>Harbor seal, GOA.<br>Harbor seal, Bering Sea.<br>Harbor porpoise, Bering Sea.<br>Dall's porpoise, AK.<br>Northern (Alaska) sea otter, Pacific.  |
| AK Peninsula/Aleutian Island salmon set gillnet .....      | 109 .....                           | Steller sea lion, Western U.S.*+<br>Harbor porpoise, Bering Sea.   |
| Southeast Alaska salmon drift gillnet fishery .....        | 452 .....                           | Steller sea lion, Eastern U.S.*+<br>Harbor seal, Southeast AK.<br>Pacific white-sided dolphin, central North Pacific.<br>Harbor porpoise, Southeast Alaska.<br>Dall's porpoise, AK.<br>Humpback whale, central North Pacific.*+  |
| AK Cook Inlet drift gillnet .....                          | 577 .....                           | Steller sea lion, Western U.S.*+<br>Harbor seal, GOA.*<br>Harbor porpoise, GOA.<br>Dall's porpoise, AK.  |
| AK Cook Inlet salmon set gillnet .....                     | 625 .....                           | Steller sea lion, Western U.S.*+<br>Harbor seal, GOA.*<br>Harbor porpoise, GOA.<br>Beluga, Cook Inlet.*  |
| AK Yakutat salmon set gillnet .....                        | 147 .....                           | Harbor seal, Southeast AK.   |
| AK Kodiak salmon set gillnet .....                         | 173 .....                           | Harbor seal, GOA.*<br>Harbor porpoise, GOA.  |
| AK Bristol Bay drift gillnet .....                         | 1,882 .....                         | Steller sea lion, Western U.S.*+<br>Northern fur seal, North Pacific.*<br>Harbor seal, Bering Sea.<br>Beluga, Bristol Bay.<br>Gray whale, Eastern North Pacific.<br>Spotted seal, AK.<br>Pacific white-sided dolphin, central North Pacific.   |
| AK Bristol Bay set gillnet .....                           | 967 .....                           | Harbor seal, Bering Sea.<br>Beluga, Bristol Bay.<br>Gray whale, Eastern North Pacific.<br>Northern fur seal, North Pacific.  |
| AK Metlakatla/Annette Island salmon drift gillnet .....    | 60 .....                            | None documented.   |

TABLE 1.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Pacific Ocean]

| Fishery description   | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed                                |
|---|-------------------------------------|---|
| WA Puget Sound Region salmon drift gillnet fishery (includes all inland waters south of U.S.-Canada border and eastward of the Bonilla-Tatoosh line—Treaty Indian fishing is excluded). | 900 .....                           | Harbor porpoise, inland WA.<br>Dall's porpoise, CA/OR/WA.<br>Harbor seal, WA inland.    |
| Purse seine fisheries:  |                                     |   |
| CA anchovy, mackerel, tuna purse seine .....  | 150 .....                           | Bottlenose dolphin, CA/OR/WA offshore.<br>California sea lion, U.S.<br>Harbor seal, CA. |
| CA squid purse seine .....  | 65 .....                            | Pilot whales, short-finned, CA/OR/WA.   |
| AK Southeast salmon purse seine .....   | 373 .....                           | Humpback whale, central North Pacific.* +   |
| Trawl fisheries:  |                                     |   |
| AK pair trawl .....   | 2 .....                             | None documented.  |
| Longline fisheries:   |                                     |   |
| OR swordfish floating longline fishery .....  | 2 .....                             | None documented.  |
| OR blue shark floating longline fishery .....   | 1 .....                             | None documented.  |
| Category III:   |                                     |   |
| Gillnet fisheries:  |                                     |   |
| AK Prince William Sound set gillnet .....   | 22 .....                            | Steller sea lion, Western U.S.* +<br>Harbor seal, GOA.*                                 |
| AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet.   | 1,690 .....                         | None documented.  |
| AK roe herring and food/bait herring gillnet .....  | 16 .....                            | None documented.  |
| WA, OR herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish gillnet.  | 913 .....                           | None documented.  |
| WA Willapa Bay drift gillnet .....  | 82 .....                            | Harbor seal, OR/WA coast.   |
| WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing).   | 24 .....                            | Northern elephant seal, CA breeding.<br>Harbor seal, OR/WA coast.                       |
| WA, OR lower Columbia River (includes tributaries) drift gillnet.   | 110 .....                           | California sea lion, U.S.<br>Harbor seal, OR/WA coast.                                  |
| CA set and drift gillnet fisheries that use a stretched mesh size of 3.5 in or less.  | 341 .....                           | None documented.  |
| AK miscellaneous finfish set gillnet .....  | 9 .....                             | Steller sea lion, Western U.S.* +   |
| Hawaii gillnet .....  | 115 .....                           | Bottlenose dolphin, Hawaiian.<br>Spinner dolphin, Hawaiian.                             |
| Purse seine, beach seine, round haul and throw net fisheries:   |                                     |   |
| AK salmon purse seine (except Southeast Alaska, which is in Category II).   | 763 .....                           | Harbor seal, GOA.*  |
| AK salmon beach seine .....   | 8 .....                             | None documented.  |
| AK roe herring and food/bait herring purse seine .....  | 480 .....                           | None documented.  |
| AK roe herring and food/bait herring beach seine .....  | 7 .....                             | None documented.  |
| AK Metlakatla purse seine .....   | 10 .....                            | None documented.  |
| AK octopus/squid purse seine .....  | 6 .....                             | None documented.  |
| CA herring purse seine .....  | 100 .....                           | Bottlenose dolphin, CA coastal.<br>California sea lion, U.S.<br>Harbor seal, CA.        |
| CA sardine purse seine .....  | 120 .....                           | None documented.  |
| CA squid purse seine .....  | 145 .....                           | California sea lion, U.S.   |
| AK miscellaneous finfish purse seine .....  | 7 .....                             | None documented.  |
| AK miscellaneous finfish beach seine .....  | 1 .....                             | None documented.  |
| WA salmon purse seine .....   | 440 .....                           | None documented.  |
| WA salmon reef net .....  | 53 .....                            | None documented.  |
| WA, OR herring, smelt, squid purse seine or lampara .....   | 130 .....                           | None documented.  |
| WA (all species) beach seine or drag seine .....  | 235 .....                           | None documented.  |
| HI purse seine .....  | 18 .....                            | None documented.  |
| HI opelu/akule net .....  | 16 .....                            | None documented.  |
| HI throw net, cast net .....  | 47 .....                            | None documented.  |
| Dip net fisheries:  |                                     |   |
| WA, OR smelt, herring dip net .....   | 119 .....                           | None documented.  |
| CA squid dip net .....  | 115 .....                           | None documented.  |
| Marine aquaculture fisheries:   |                                     |   |
| WA, OR salmon net pens .....  | 21 .....                            | California sea lion, U.S.   |
| CA salmon enhancement rearing pen .....   | >1 .....                            | None documented.  |
| OR salmon ranch .....   | 1 .....                             | None documented.  |
| Troll fisheries:  |                                     |   |
| AK salmon troll .....   | 1,278 .....                         | Steller sea lion, Eastern U.S.* +   |
| CA/OR/WA salmon troll .....   | 4,300 .....                         | None documented.  |

TABLE 1.—LIST OF FISHERIES—Continued  
[Commercial Fisheries in the Pacific Ocean]

| Fishery description  | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed   |
|--|-------------------------------------|--|
| AK north Pacific halibut, AK bottom fish, WA, OR, CA albacore, groundfish, bottom fish, CA halibut non-salmonid troll fisheries. | 1,354 .....                         | None documented.   |
| HI trolling, rod and reel .....  | 1,795 .....                         | None documented.   |
| Guam tuna troll .....  | 50 .....                            | None documented.   |
| Commonwealth of the Northern Mariana Islands tuna troll  | 50 .....                            | None documented.   |
| American Samoa tuna troll .....  | <50 .....                           | None documented.   |
| HI net unclassified .....  | 106 .....                           | None documented.   |
| Longline/set line fisheries:   |                                     |  |
| AK state waters sablefish long line/set line .....   | 240 .....                           | None documented.   |
| Miscellaneous finfish/groundfish longline/set line .....   | 1,220 .....                         | Harbor seal, GOA.*<br>Harbor seal, Bering Sea.<br>Northern elephant seal, CA breeding.<br>Dall's porpoise, AK.<br>Steller sea lion, Western U.S.<br>Harbor seal, Southeast AK.   |
| HI swordfish, tuna, billfish, mahi mahi, wahoo, oceanic sharks longline/set line.  | 140 .....                           | Hawaiian monk seal, HI.*+<br>Humpback whale, Central North Pacific.*+<br>Risso's dolphin, Hawaiian.<br>Bottlenose dolphin, Hawaiian.   |
| WA, OR North Pacific halibut longline/set line .....   | 350 .....                           | None documented.   |
| AK southern Bering Sea, Aleutian Islands, and Western Gulf of Alaska sablefish longline/set line (federally regulated waters).   | 226 .....                           | Northern elephant seal, CA breeding.<br>Killer whale, resident.<br>Killer whale, transient.<br>Steller sea lion, western U.S.<br>Pacific white-sided dolphin, central North Pacific.   |
| AK halibut longline/set line (state and Federal waters) .....  | 2,396 .....                         | Steller sea lion, Western U.S.*+   |
| WA, OR, CA groundfish, bottomfish longline/set line .....  | 367 .....                           | None documented.   |
| AK octopus/squid longline .....  | 2 .....                             | None documented.   |
| CA shark/bonito longline/set line .....  | 10 .....                            | None documented.   |
| Trawl fisheries:   |                                     |  |
| WA, OR, CA shrimp trawl .....  | 300 .....                           | None documented.   |
| AK shrimp otter trawl and beam trawl (statewide and Cook Inlet).   | 48 .....                            | None documented.   |
| AK Gulf of Alaska groundfish trawl .....   | 209 .....                           | Steller sea lion, Western U.S.*+<br>Northern fur seal, North Pacific.*<br>Harbor seal, GOA.*<br>Dall's porpoise, AK.<br>Northern elephant seal, CA breeding.   |
| AK Bering Sea and Aleutian Islands groundfish trawl .....  | 186 .....                           | Steller sea lion, Western U.S.*+<br>Northern fur seal, North Pacific.*<br>Killer whale, resident.<br>Killer whale, transient.<br>Pacific white-sided dolphin, central North Pacific.<br>Harbor porpoise, Bering Sea.<br>Harbor seal, Bering Sea.<br>Harbor seal, GOA.*<br>Bearded seal, AK.<br>Ringed seal, AK.<br>Dall's porpoise, AK.<br>Ribbon seal, AK.<br>Northern elephant seal, CA breeding.<br>Northern (Alaska) sea otter, Pacific.<br>Walrus, Pacific. |
| AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl.                        | 8 .....                             | None documented.   |
| AK miscellaneous finfish otter or beam trawl .....   | 391 .....                           | None documented.   |
| AK food/bait herring trawl .....   | 3 .....                             | None documented.   |
| WA, OR, CA groundfish trawl .....  | 585 .....                           | Steller sea lion, Western U.S.*+<br>Northern fur seal, North Pacific.*<br>Pacific white-sided dolphin, central North Pacific.<br>Dall's porpoise, CA/OR/WA.<br>California sea lion, U.S.<br>Harbor seal, OR/WA coast.  |
| Pot, ring net, and trap fisheries:   |                                     |  |
| AK crustacean pot .....  | 1,511 .....                         | None documented.   |

TABLE 1.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Pacific Ocean]

| Fishery description  | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed                            |
|--|-------------------------------------|---|
| AK Bering Sea, GOA finfish pot .....   | 486 .....                           | Harbor seal, GOA.*<br>Harbor seal, Bering Sea.<br>Northern (AK) sea otter, Pacific. |
| WA, OR, CA sablefish pot .....   | 176 .....                           | None documented.  |
| WA, OR, CA crab pot .....  | 1,478 .....                         | None documented.  |
| WA, OR shrimp pot & trap .....   | 254 .....                           | None documented.  |
| CA lobster, prawn, shrimp, rock crab, fish pot .....   | 608 .....                           | None documented.  |
| OR, CA hagfish pot or trap .....   | 25 .....                            | None documented.  |
| HI lobster trap .....  | 15 .....                            | Hawaiian monk seal, HI.*+   |
| HI crab trap .....   | 22 .....                            | None documented.  |
| HI fish trap .....   | 19 .....                            | None documented.  |
| HI shrimp trap .....   | 5 .....                             | None documented.  |
| Handline and jig fisheries:  |                                     |   |
| AK North Pacific halibut handline and mechanical jig .....   | 119 .....                           | None documented.  |
| AK other finfish handline and mechanical jig .....   | 598 .....                           | None documented.  |
| AK octopus/squid handline .....  | 2 .....                             | None documented.  |
| WA groundfish, bottomfish jig .....  | 679 .....                           | None documented.  |
| HI aku boat, pole and line .....   | 54 .....                            | None documented.  |
| HI inshore handline .....  | 650 .....                           | Bottlenose dolphin, HI.   |
| HI deep sea bottomfish .....   | 434 .....                           | Hawaiian monk seal, HI.*+   |
| HI tuna .....  | 144 .....                           | Rough-toothed dolphin, HI.<br>Bottlenose dolphin, HI.<br>Hawaiian monk seal, HI.*+  |
| Guam bottomfish .....  | < 50 .....                          | None documented.  |
| Commonwealth of the Northern Mariana Islands bottomfish .....  | <50 .....                           | None documented.  |
| American Samoa bottomfish .....  | <50 .....                           | None documented.  |
| Harpoon fisheries:   |                                     |   |
| CA swordfish harpoon .....   | 228 .....                           | None documented.  |
| Pound net/weir fisheries:  |                                     |   |
| AK Southeast Alaska herring food/bait pound net .....  | 4 .....                             | None documented.  |
| WA herring brush weir .....  | 1 .....                             | None documented.  |
| Bait pens:   |                                     |   |
| WA/OR/CA bait pens .....   | 13 .....                            | None documented.  |
| Dredge fisheries:  |                                     |   |
| Coastwide scallop dredge .....   | 106 .....                           | None documented.  |
| Dive, hand/mechanical collection fisheries:  |                                     |   |
| AK abalone .....   | 44 .....                            | None documented.  |
| AK dungeness crab .....  | 2 .....                             | None documented.  |
| AK herring spawn-on-kelp .....   | 314 .....                           | None documented.  |
| AK urchin and other fish/shellfish .....   | 17 .....                            | None documented.  |
| AK clam hand shovel .....  | 53 .....                            | None documented.  |
| AK clam mechanical/hydraulic fishery .....   | 104 .....                           | None documented.  |
| WA herring spawn-on-kelp .....   | 4 .....                             | None documented.  |
| WA/OR sea urchin, other clam, octopus, oyster, sea cucumber, scallop, ghost shrimp hand, dive, or mechanical collection. | 637 .....                           | None documented.  |
| CA abalone .....   | 111 .....                           | None documented.  |
| CA sea urchin .....  | 583 .....                           | None documented.  |
| HI squidding, spear .....  | 267 .....                           | None documented.  |
| HI lobster diving .....  | 6 .....                             | None documented.  |
| HI coral diving .....  | 2 .....                             | None documented.  |
| HI handpick .....  | 135 .....                           | None documented.  |
| WA shellfish aquaculture .....   | 684 .....                           | None documented.  |
| WA, CA kelp .....  | 4 .....                             | None documented.  |
| HI fish pond .....   | 10 .....                            | None documented.  |
| Commercial passenger fishing vessel (charter boat) fisheries:  |                                     |   |
| AK, WA, OR, CA commercial passenger fishing vessel .....   | >17,000<br>(16,276 AK only).        | None documented.  |
| AK octopus/squid "other" .....   | 19 .....                            | None documented.  |
| HI "other" .....   | 114 .....                           | None documented.  |
| Live finfish/shellfish fisheries:  |                                     |   |
| CA finfish and shellfish live trap/hook-and-line .....   | 93 .....                            | None documented.  |

\* Marine mammal stock is strategic.

+ Stock is listed as threatened or endangered under the ESA, or as depleted under the MMPA, or is proposed to be listed as strategic in the draft SARs for 1996.



List of Abbreviations Used in Table 1

AK—Alaska

CA—California

HI—Hawaii

GOA—Gulf of Alaska

OR—Oregon

WA—Washington

TABLE 2.—LIST OF FISHERIES

[Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean]

| Description of fishery   | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed  |
|--|-------------------------------------|---|
| Category I:<br>Gillnet fisheries:<br>Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics drift gillnet.                                     | 15 .....                            | North Atlantic right whale, WNA.*+<br>Humpback whale, WNA.*+<br>Sperm whale, WNA.*+<br>Dwarf sperm whale, WNA.*<br>Pygmy sperm whale, WNA.*<br>Cuvier's beaked whale, WNA.*<br>True's beaked whale, WNA.*<br>Gervais' beaked whale, WNA.*<br>Blainville's beaked whale, WNA.*<br>Risso's dolphin, WNA.<br>Long-finned pilot whale, WNA.*<br>Short-finned pilot whale, WNA.*<br>White-sided dolphin, WNA.<br>Common dolphin, WNA.*<br>Atlantic spotted dolphin, WNA.*<br>Pantropical spotted dolphin, WNA.*<br>Striped dolphin, WNA.<br>Spinner dolphin, WNA.<br>Bottlenose dolphin, WNA offshore.*<br>Harbor porpoise, GME/BF.* |
| Northeast multispecies sink gillnet (including species as defined in the Multispecies Fisheries Management Plan and spiny dogfish and monkfish). | 341 .....                           | North Atlantic right whale, WNA.*+<br>Humpback whale, WNA.*+<br>Minke whale, Canadian east coast.<br>Killer whale, WNA.<br>White-sided dolphin, WNA.<br>Striped dolphin, WNA.<br>Bottlenose dolphin, WNA offshore.<br>Harbor porpoise, GME/BF.*<br>Harbor seal, WNA.<br>Gray seal, Northwest North Atlantic.<br>Common dolphin.<br>Fin whale.<br>Spotted dolphin.<br>False killer whale.<br>Harp seal.  |
| Longline fisheries:<br>Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.  | 361 .....                           | Humpback whale, WNA.*+<br>Minke whale, Canadian east coast.<br>Risso's dolphin, WNA.<br>Long-finned pilot whale, WNA.*<br>Short-finned pilot whale, WNA.*<br>Common dolphin, WNA.*<br>Atlantic spotted dolphin, WNA.*<br>Pantropical spotted dolphin, WNA.<br>Striped dolphin, WNA.<br>Bottlenose dolphin, WNA offshore.*<br>Bottlenose dolphin, GMX Outer Continental Shelf.<br>Bottlenose dolphin, GMX Continental Shelf Edge and Slope.<br>Atlantic spotted dolphin, Northern GMX.<br>Pantropical spotted dolphin, Northern GMX.<br>Risso's dolphin, Northern GMX.<br>Harbor porpoise, GME/BF.*                              |
| Trap/pot fisheries—lobster:<br>Gulf of Maine, U.S. mid-Atlantic lobster trap/pot .....   | 13,000 .....                        | North Atlantic right whale, WNA.*+<br>Humpback whale, WNA.*+<br>Fin whale, WNA.*<br>Minke whale, Canadian east coast.<br>White-sided dolphin, WNA.<br>Harbor seal, WNA.   |

TABLE 2.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean]

| Description of fishery  | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed   |
|---|-------------------------------------|--|
| Category II:  |                                     |  |
| Gillnet fisheries:  |                                     |  |
| U.S. mid-Atlantic coastal gillnet fishery .....   | >655 .....                          | Humpback whale, WNA.*+<br>Minke whale, Canadian east coast.<br>Bottlenose dolphin, WNA offshore.*<br>Bottlenose dolphin, WNA coastal.*+<br>Harbor porpoise, GME/BF.*   |
| Gulf of Maine small pelagics surface gillnet .....  | 133 .....                           | Humpback whale, WNA.*+<br>White-sided dolphin, WNA.<br>Harbor seal, WNA.   |
| Southeastern U.S. Atlantic shark gillnet fishery .....  | 10 .....                            | Bottlenose dolphin, WNA coastal.*<br>North Atlantic right whale, WNA.*+  |
| Trawl fisheries:  |                                     |  |
| Atlantic squid, mackerel, butterfish trawl .....  | 620 .....                           | Common dolphin, WNA.*<br>Risso's dolphin, WNA.*<br>Long-finned pilot whale, WNA.*<br>Short-finned pilot whale, WNA.*<br>White-sided dolphin, WNA.  |
| Haul seine fisheries:   |                                     |  |
| North Carolina haul seine .....   | unknown .....                       | Bottlenose dolphin, WNA coastal.*<br>Harbor porpoise, GME/BF.*   |
| Stop net fisheries:   |                                     |  |
| North Carolina roe mullet stop net .....  | 13 .....                            | Bottlenose dolphin, WNA coastal.*  |
| Category III:   |                                     |  |
| Gillnet fisheries:  |                                     |  |
| Rhode Island, southern Massachusetts (to Monomoy Island), and New York Bight (Raritan and Lower New York Bays) inshore gillnet. | 32 .....                            | Humpback whale, WNA.*+<br>Bottlenose dolphin, WNA coastal.*+<br>Harbor porpoise, GME/BF.*  |
| Long Island Sound inshore gillnet .....   | 20 .....                            | Humpback whale, WNA.*+<br>Bottlenose dolphin, WNA coastal.*+<br>Harbor porpoise, GME/BF.*  |
| Delaware Bay inshore gillnet .....  | 60 .....                            | Humpback whale, WNA.*+<br>Bottlenose dolphin, WNA coastal.*+<br>Harbor porpoise, GME/BF.*  |
| Chesapeake Bay inshore gillnet .....  | 45 .....                            | None documented.   |
| North Carolina inshore gillnet .....  | 94 .....                            | None documented.   |
| Gulf of Mexico inshore gillnet (black drum, sheepshead, weakfish, mullet, spot, croaker).                                       | Unknown .....                       | None documented.   |
| Gulf of Maine, Southeast U.S. Atlantic coastal shad, sturgeon gillnet (includes waters of North Carolina).                      | 1,285 .....                         | Minke whale, Canadian east coast.<br>Harbor porpoise, GME/BF.*<br>Bottlenose dolphin, WNA coastal.*+<br>Bottlenose dolphin, Western GMX coastal.<br>Bottlenose dolphin, Northern GMX coastal.<br>Bottlenose dolphin, Eastern GMX coastal.<br>Bottlenose dolphin, GMX Bay, Sound, & Estuarine.* |
| Gulf of Mexico coastal gillnet (includes mullet gillnet fishery in LA and MS).  | Unknown .....                       | Bottlenose dolphin, WNA coastal.*+<br>Bottlenose dolphin, Western GMX coastal.<br>Bottlenose dolphin, Northern GMX coastal.<br>Bottlenose dolphin, Eastern GMX coastal.<br>Bottlenose dolphin, GMX Bay, Sound, & Estuarine.*   |
| Southeastern U.S. Atlantic coastal gillnet .....  | Unknown .....                       | Bottlenose dolphin, WNA coastal.*+<br>Bottlenose dolphin, Western GMX coastal.<br>Bottlenose dolphin, Northern GMX coastal.<br>Bottlenose dolphin, Eastern GMX coastal.<br>Bottlenose dolphin, GMX Bay, Sound, & Estuarine.*   |
| Florida east coast, Gulf of Mexico pelagics king and Spanish mackerel gillnet.  | 271 .....                           | Bottlenose dolphin, Western GMX coastal.<br>Bottlenose dolphin, Northern GMX coastal.<br>Bottlenose dolphin, Eastern GMX coastal.<br>Bottlenose dolphin, GMX Bay, Sound, & Estuarine.*   |
| Trawl fisheries:  |                                     |  |
| North Atlantic bottom trawl .....   | 1,052 .....                         | Long-finned pilot whale, WNA.*<br>Short-finned pilot whale, WNA.*<br>White-sided dolphin, WNA.<br>Striped dolphin, WNA.<br>Bottlenose dolphin, WNA offshore.*<br>Bottlenose dolphin, WNA coastal.*+  |
| Mid-Atlantic, Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl.  | >18,000 .....                       | Bottlenose dolphin, WNA coastal.*+   |
| Gulf of Maine northern shrimp trawl .....   | 320 .....                           | None documented.   |
| Gulf of Maine, Mid-Atlantic sea scallop trawl .....   | 215 .....                           | None documented.   |
| Gulf of Maine, Southern North Atlantic, Gulf of Mexico coastal herring trawl.   | 5 .....                             | None documented.   |
| Mid-Atlantic mixed species trawl .....  | >1,000 .....                        | None documented.   |
| Gulf of Mexico butterfish trawl .....   | 2 .....                             | Atlantic spotted dolphin, Northern GMX.<br>Pantropical spotted dolphin, Northern GMX.  |
| Georgia, South Carolina, Maryland whelk trawl .....   | 25 .....                            | None documented.   |
| Calico scallops trawl .....   | 200 .....                           | None documented.   |
| Bluefish, croaker, flounder trawl .....   | 550 .....                           | None documented.   |

TABLE 2.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean]

| Description of fishery   | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed  |
|--|-------------------------------------|---|
| Crab trawl .....   | 400 .....                           | None documented.  |
| U.S. Atlantic monkfish trawl .....   | Unknown .....                       | Common dolphins, WNA.*  |
| Marine aquaculture fisheries:  |                                     |   |
| Finfish aquaculture .....  | 48 .....                            | Harbor seals, WNA.  |
| Shellfish aquaculture .....  | Unknown .....                       | None documented.  |
| Purse seine fisheries:   |                                     |   |
| Gulf of Maine Atlantic herring purse seine .....   | 30 .....                            | Harbor porpoise, GME/BF.*<br>Harbor seal, WNA.<br>Gray seal, Northwest North Atlantic.<br>Bottlenose dolphin, WNA coastal.*+  |
| Mid-Atlantic menhaden purse seine .....  | 22 .....                            | None documented.  |
| Gulf of Maine menhaden purse seine .....   | 50 .....                            | None documented.  |
| Gulf of Mexico menhaden purse seine .....  | 50 .....                            | Bottlenose dolphin, Northern GMX coastal.   |
| Florida west coast sardine purse seine .....   | 10 .....                            | Bottlenose dolphin, Eastern GMX coastal.  |
| U.S. Atlantic tuna purse seine .....   | Unknown .....                       | None documented.  |
| U.S. mid-Atlantic hand seine .....   | > 250 .....                         | None documented.  |
| Longline/hook-and-line fisheries:  |                                     |   |
| Gulf of Maine tub trawl groundfish bottom longline/hook-and-line.  | 46 .....                            | Harbor seal, WNA.<br>Gray seal, Northwest North Atlantic.   |
| Southeastern U.S. Atlantic, Gulf of Mexico snapper-group-er and other reef fish bottom longline/hook-and-line. | 3,800 .....                         | None documented.  |
| Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line.                                | 124 .....                           | None documented.  |
| Gulf of Maine, U.S. mid-Atlantic tuna, shark swordfish hook-and-line/harpoon.                                  | 26,223 .....                        | None documented.  |
| Southeastern U.S. Atlantic, Gulf of Mexico & U.S. mid-Atlantic pelagic hook-and-line/harpoon.                  | 1,446 .....                         | None documented.  |
| Trap/pot fisheries—lobster and crab:   |                                     |   |
| Gulf of Maine, U.S. mid-Atlantic mixed species trap/pot .....  | 100 .....                           | North Atlantic right whale, WNA.*+<br>Humpback whale, WNA.*+<br>Minke whale, Canadian east coast.<br>Harbor porpoise, GME/BF.*<br>Harbor seal, WNA.<br>Gray seal, Northwest North Atlantic.   |
| U.S. mid-Atlantic and Southeast U.S. Atlantic black sea bass trap/pot.   | 30 .....                            | None documented.  |
| U.S. mid-Atlantic eel trap/pot .....   | >700 .....                          | None documented.  |
| Atlantic Ocean, Gulf of Mexico blue crab trap/pot .....  | 20,500 .....                        | Bottlenose dolphin, WNA coastal.*<br>Bottlenose dolphin, Western GMX coastal.<br>Bottlenose dolphin, Northern GMX coastal.<br>Bottlenose dolphin, Eastern GMX coastal.<br>Bottlenose dolphin, GMX Bay, Sound, & Estuarine.*<br>West Indian manatee, FL.*+<br>West Indian manatee, FL.*+ |
| Southeastern U.S. Atlantic, Gulf of Mexico, Caribbean spiny lobster trap/pot.                                  | 750 .....                           | West Indian manatee, FL.*+  |
| Stop seine/weir/pound fisheries:   |                                     |   |
| Gulf of Maine herring and Atlantic mackerel stop seine/weir  | 50 .....                            | North Atlantic right whale, WNA.*<br>Humpback whale, WNA.*+<br>Minke whale, Canadian east coast.<br>Harbor porpoise, GME/BF.*<br>Harbor seal, WNA.<br>Gray seal, Northwest North Atlantic.  |
| U.S. mid-Atlantic mixed species stop/seine/weir (except the North Carolina roe mullet stop net).               | 500 .....                           | None documented.  |
| U.S. mid-Atlantic crab stop seine/weir .....   | 2,600 .....                         | None documented.  |
| Dredge fisheries:  |                                     |   |
| Gulf of Maine, U.S. mid-Atlantic sea scallop dredge .....  | 233 .....                           | None documented.  |
| U.S. mid-Atlantic offshore surfclam and quahog dredge .....  | 100 .....                           | None documented.  |
| Gulf of Maine mussel .....   | > 50 .....                          | None documented.  |
| U.S. mid-Atlantic/Gulf of Mexico oyster .....  | 7,000 .....                         | None documented.  |
| Haul seine fisheries:  |                                     |   |
| Southeastern U.S. Atlantic, Caribbean haul seine .....   | 150 .....                           | None documented.  |
| Beach seine fisheries:   |                                     |   |
| Caribbean beach seine .....  | 15 .....                            | West Indian manatee, FL.+   |
| Dive, hand/mechanical collection fisheries:  |                                     |   |
| Gulf of Maine urchin dive, hand/mechanical collection .....  | > 50 .....                          | None documented.  |
| Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection.                          | 20,000 .....                        | None documented.  |

TABLE 2.—LIST OF FISHERIES—Continued  
 [Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean]

| Description of fishery   | Estimated number of vessels/persons | Marine mammal species/stocks incidentally injured/killed |
|--|-------------------------------------|--|
| Commercial passenger fishing vessel (charter boat) fisheries: Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel. | 4,000 .....                         | None documented.   |

\* Marine mammal stock is strategic  
 + Stock is listed as threatened or endangered under the ESA, or as depleted under the MMPA, or is proposed to be listed as strategic in the draft SARs for 1996.

*List of Abbreviations Used in Table 2*

- FL—Florida
- GA—Georgia
- GME/BF—Gulf of Maine/Bay of Fundy
- GMX—Gulf of Mexico
- NC—North Carolina
- SC—South Carolina
- TX—Texas
- WNA—Western North Atlantic

**Classification**

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed LOF for 1998, if adopted would not have a significant economic impact on a substantial number of small entities as follows:

Under existing regulations certain fishers must register, obtain an Authorization Certificate, and pay a fee of \$25. Such a certificate authorizes the taking of certain marine mammals incidental to commercial fishing operations. Currently, approximately 14,000 fishers are registered. Registration of 12,400 fishers has been coordinated with existing state or Federal registration

programs, so only approximately 1,600 fishers must register separately under this program. This proposed rule, if adopted, would not require the registration of additional fishers. The application fee, with respect to expected revenues, is not considered significant because it represents under 0.01 percent of the total revenue. As a result, a regulatory flexibility analysis was not prepared.

This action proposes changes to the current List of Fisheries and reflects new information on commercial fisheries, marine mammals and interactions between commercial fisheries and marine mammals. This proposed list informs the public which U.S. commercial fisheries may be required in 1998 to comply with certain parts of the MMPA including requirements to register for Authorization Certificates.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

This proposed rule does not contain new collection-of-information requirements subject to the Paperwork Reduction Act.

The collection of information required for reporting of marine mammal injuries or mortalities to NMFS and for registration of fishers under the MMPA has been approved by the Office of

Management and Budget (OMB) under OMB control numbers 0648-0292 (0.15 hours per report) and 0648-0293 (0.25 hours per registration). Those burdens are not expected to change significantly if this proposed rule is adopted and may actually decrease if additional registration system are integrated with existing programs. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

Dated: May 20, 1997.

**Rolland A. Schmitt**,

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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