



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

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Dear Dr. Crabtree:

The Gulf of Mexico Fishery Management Council (Council) recently took final action on Coral Amendment 9, which creates new habitat areas of particular concern (HAPCs) throughout the Gulf of Mexico and prohibits fishing with bottom-tending gear in 13 of the HAPCs. This prohibition on fishing with bottom-tending gear is consistent with the prohibition currently in place for a several other coral HAPCs as stated in the regulations at 50 C.F.R. § 622.74. However, the Council has determined that because of the broad definition of “fishing” in the Magnuson-Stevens Fishery Conservation and Management Act and the Code of Federal Regulations, the prohibition on fishing with these gears in these areas may unnecessarily restrict activities that will have no impact on these habitats. Therefore, the Council requests, through the abbreviated framework procedure for the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico (FMP), that the prohibitions on fishing with bottom-tending gear in 50 C.F.R. § 622.74, including those newly proposed in Amendment 9, be changed to prohibitions on the deployment of bottom-tending gear. Further, “deploy” be defined for the purpose of these prohibitions to mean that the gear is in contact with the water. The Council has determined that this clarification to the gear restrictions in these areas is routine or insignificant as required for use of the abbreviated documentation process. The Council has also provided the proposed regulations deemed necessary and appropriate to make this modification.

Coral Amendment 9, with the integrated environmental impact statement, includes the relevant biological, social, and economic information and analysis to support the creation of the new HAPCs with the prohibition. The existing HAPCs with the prohibition on fishing with bottom-tending gear were established in the original FMP or Generic Amendment 3 Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Adverse Effects of Fishing. The relevant biological, social, and economic information and analysis supporting the creation of those HAPCs are included in the original FMP, the Generic Amendment, and the environmental impact statement for the Generic Amendment. The clarification of the scope of the prohibition, as proposed through this abbreviated framework action, will not result in any impacts that were not previously addressed in the relevant amendments and supporting documents. These documents all discuss the prohibition in terms of the use of bottom-tending gear. Thus, the proposed change to the regulations is intended to reduce potential uncertainty with respect to the scope of the prohibited activity.

Sincerely,

Leann Bosarge
Council Chair

Attachments: Draft codified text for “deployment of fishing gear.”

cc: Gulf Council,
Coral SSC
Coral AP
Technical Staff
Susan Gerhart
Lauren Waters
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