

AMENDMENT 3

TO THE

FISHERY MANAGEMENT PLAN FOR

THE RED DRUM FISHERY OF THE

GULF OF MEXICO (Includes

Environmental Assessment Review

MAY 1992

**Gulf of Mexico Fishery Management Council
Lincoln Center, Suite 331 5401 West Kennedy
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1. PUBLIC REVIEW

A public hearing was scheduled to obtain public comments on this plan amendment with one additional hearing held during the Gulf Council meeting on Wednesday, May 13, 1992, in Tampa, Florida. The public comment period for this amendment ended on May 4, 1992.

The public hearing, with the exception of the one conducted during the Council meeting, was held at the following date and place beginning at 7:00 p.m.:

Royal d'Iberville Hotel
1980 Beach Boulevard
Biloxi, Mississippi April 6,
1992

LIST OF AGENCIES AND PERSONS CONSULTED

Gulf of Mexico Fishery Management Council: Scientific and Statistical
Committee Red Drum Advisory Panel

Coastal Zone Management Programs: Louisiana
Mississippi Alabama Florida

National Marine Fisheries Service: Southeast Fisheries Center
Southeast Regional Office

2. HISTORY OF MANAGEMENT

During the mid-1980's, directed commercial harvest of red drum in the Gulf of Mexico increased substantially in response to escalating market demands to satiate the growing appetite for "blackened redfish". The Council and the Gulf States Marine Fisheries Commission utilized a state/federal task force to develop a fishery profile for red drum. The document produced by the task force concluded that red drum were growth overfished in Texas and Florida; however, evidence of recruitment overfishing did not exist. Based on this conclusion, the Council elected not to proceed with an FMP.

The offshore fishery continued to escalate in terms of landings of adult fish, which peaked during the 1985-1986 fishing seasons. In 1986, Congressman John Breaux held a hearing in New Orleans on behalf of the House Subcommittee on Fisheries, Wildlife Conservation and the Environment, to hear testimony on the expanding fishery and the need for future management. Congressman Breaux subsequently introduced H.R. 4690 to require the Secretary to implement emergency regulations to manage the fishery.

As a result of the hearing and escalating offshore catches of adult fish, on June 25, 1986, the Secretary promulgated an emergency rule to limit commercial harvest from the EEZ to one million pounds while National Marine Fisheries Service (NMFS) prepared a fishery management plan (FMP) for the fishery. The FMP was implemented on December 19, 1986, and prohibited directed commercial harvest from the EEZ for 1987. The FMP provided for a recreational bag limit of one fish per person per trip, and an incidental catch allowance for commercial net and shrimp fishermen. Total harvest was estimated at 625,000 pounds; 300,000 by the commercial sector, and 325,000 by the recreational sector. The stock assessment sections of the FMP documented high inshore (state waters) fishing mortality on juvenile and sub-adult red drum and provided analysis that indicated significant long-term risks to the spawning stock biomass (SSB) associated with reduced juvenile recruitment to the adult population and with continued exploitation of adults.

The Gulf of Mexico Fishery Management Council (Council) prepared Amendment 1 to the FMP which was implemented on October 16, 1987. The amendment continued the prohibition of a directed commercial EEZ fishery, but converted the commercial and recreational estimated catch allowances into quotas that were restricted to EEZ waters off Louisiana, Mississippi, and Alabama (the primary area); harvest was prohibited from the EEZ off Florida and Texas (secondary areas). The Council also requested that all Gulf states implement rules within their jurisdictions that would provide for an escapement rate of juvenile fish to the SSB equivalent to 20 percent of those that would have escaped had there been no inshore fishery. Such an escapement rate was judged as necessary to maintain a SSB level that would prevent recruitment failure and collapse of the fishery.

Amendment 2 implemented in 1988 prohibited retention and possession of red drum from the EEZ. This action was based on a Southeast Fisheries Center (SEFC) stock assessment (Goodyear, 1987) which concluded annual fishing mortality (F) for 1986 on the juvenile population was on the order of 2.0, and consequently escapement rates to the spawning stock biomass (SSB) were likely less than 2.0 percent which would not maintain the SSB at a 20 percent spawning stock biomass per recruit (SSBR) relative to the unfished stock. In addition, fishing mortality on the offshore stock was estimated to be about 0.25 (22 percent annually). The 1987 Stock Assessment Panel report recommended that acceptable biological catch (ABC) be set at zero for the EEZ and that the states increase the escapement rate from the estuaries to 20 percent. The 1989 SEFC Stock Assessment report (Goodyear) indicated the SSBR would likely decline to 13 percent. The 1989 Stock Assessment Panel report recommended ABC for the EEZ be maintained at zero, and that the states increase escapement to 30 percent.

During 1991, the Red Drum Stock Assessment Panel (panel) reviewed stock assessments prepared by NMFS (Goodyear, 1991), the Louisiana Department of Wildlife and Fisheries (1991), and the State of Florida (Murphy, et. al. 1990). The panel (Condrey, et. ai, 1991) recommendation was that ABC be set at zero. The Council recommended to NMFS that total allowable catch (TAC) be zero for 1992, and that a more comprehensive assessment of a SSBR level be provided in 1992.

3. PROBLEMS REQUIRING PLAN AMENDMENT

A new problem recently identified in the fishery involves the framework procedures annual stock assessment requirement. Rebuilding the red drum spawning stock is a long-range project since fishes begin being recruited to the offshore spawning stock biomass at age four¹ and until they become fully sexually mature at seven years of age. Wilson, et. al. (1988) noted that the proportion of individuals within each age class exhibiting late-stage oocytes increased from age three to age seven when all of the individuals sampled displayed vitellogenesis. These data suggest that not all females achieve maturity until age seven. These authors also noted that there does not appear to be a strong relation between length or weight and maturity. Gaps occur in several successive age classes of the offshore population. Therefore, red drum stocks need not be assessed every year, as currently required by the framework procedure. The Council recognizes the present annual assessment schedule as an unnecessary burden and determined that a two-year time frame, starting in 1993, would still allow comprehensive monitoring of recovery of the red drum stock, while allowing NMFS stock assessment personnel to devote scarce resources to other fisheries in need of evaluation. "

4. PROVISIONS OF THE FMP

The following provisions and management measures of the FMP (as amended) are presented as background to discussions in this amendment.

Problems in the Fishery

The problems in the fishery identified by the Council are as follows:

1. Intense fishing mortality on the inshore juvenile red drum population resulting in decreased recruitment of offshore spawning stock which will likely cause eventual recruitment failure if not corrected.
2. Potential for recruitment overfishing from reduction of the offshore spawning stock by increased offshore fishing mortality.
3. Uncertainty regarding the condition, age composition, and movements of the offshore spawning stock and the size of such stock necessary to provide optimum recruitment to and maintenance (or restoration) of the inshore populations.²
4. Increasing demand for red drum and increased competition among harvesters of the resource.

¹ More recent data from Wilson, et. al. (1992) indicate some fish are recruited at age 3.

² Note: "and movements" was added to this problem as the lateral movement of the offshore stock is unknown.

5. Inconsistency between the states and federal regulatory agencies may disrupt enforceability of management regulation which could result in inadequate protection of red drum resources in both state and federal waters.

6. An historic and continuing trend in degradation and reduction of red drum habitat.

Management Objectives

1. Cooperatively with the states provide at least a 30 percent level of escapement of juvenile red drum to the offshore spawning stock, and control offshore fishing mortality to assure optimum recruitment and enhancement of the inshore and offshore populations.

2. Establish, implement, and maintain research and data gathering programs to ensure that appropriate data will be available to formulate management measures and monitor the condition of the stock.

3. If a total allowable catch (TAC) is determined which provides for an EEZ catch, then the TAC will be fairly allocated between EEZ users of the resource.

4. Maximize the economic and social benefits of the resource to the nation.

5. Identify and encourage actions resulting in the conservation, restoration, and enhancement of red drum habitat.

Optimum Yield (OY)

OY is defined as:

1. All red drum recreationally and commercially harvested from state waters landed consistent with state laws and regulations under a goal of allowing 30 percent escapement of the juvenile population.

2. All red drum commercially or recreationally harvested from the Primary Area (Figure 1) of the EEZ under the TAC level and allocations specified under the provisions of the FMP, and a zero retention level from the Secondary Areas of the EEZ.

Current Procedure for Specification of TAC in the Primary Area and for Allocations

1. Prior to October 1 each year, the SEFC will: a) update the stock assessment for red drum; b) reassess the MSY level; c) specify the best estimate of the standing stock and its age composition; d) re-examine the spawning stock requirements and specify escapement levels needed to achieve these requirements; e) specify the geographical variations in stock abundance, mortality, juvenile escapement and recruitment, and summarize current and historical information on migratory movements of the stock; and f) analyze social and economic data available in the fishery.

2. The Council will convene a scientific stock assessment panel, appointed by the Council, that will review the SEFC report(s), current harvest statistics, economic, social, and other relevant data and who will prepare a written assessment report to the Council specifying a range of acceptable biological catch (ABC) for the Primary Area. The report will set forth a risk analysis showing the probabilities of adversely impacting the spawning stock biomass (SSB) through fishing at each level of ABC and the economic and social impacts of those levels. Such a report shall include consideration of the fishing mortality rate(s), abundance relative to the spawning stock goal or threshold, trends in recruitment and whether overfishing³ is occurring for the stock as a whole or upon a portion of the stock for any geographical area. The specification of ABC shall separately identify that quantity of the offshore population in excess of the spawning stock goal or threshold and in excess of annual surplus production that may be harvested. Such report will, when requested by the Council, include information on the levels of bag limits, size limits, specific gear harvest limits, and other restrictions required to attain the escapement goal or prevent a user group from exceeding their allocation or quota under TAC specified by the Council for the Primary Area, along with the economic and social impacts of such restrictions.

3. The Council will consider the report and recommendations of the assessment panel and such public comment as may be relevant. A public hearing will be held at the time and place where the Council takes action on the report. Other public hearings may be held. The Council may convene its Red Drum Advisory Panel and Scientific and Statistical Committee to provide advice prior to taking action.

4. In selecting a TAC level, the Council will, in addition to consideration of the recommendations, comments, and advice provided for in (1), (2), and (3) and the objectives of the FMP, utilize the following criteria:

Set TAC from within or below the ABC range, and

Given a total specified quantity of offshore population (above annual surplus production) which is greater than a SSB necessary to optimize recruitment, the percentage of this quantity which may be included in the TAC shall be set by the Council periodically or annually.

5. Specification of TAC and user group allocations for the Primary Area, if any, will be by subsequent plan amendment.

Harvest levels for the Primary Area of the EEZ

The primary area shall remain closed to all harvest of red drum until the spawning stock goal or threshold (currently set at 20 percent SSBR) is attained and until such time as a TAC is specified that provides for harvest. Retention or possession of red drum from the EEZ is prohibited.

³ Overfishing is defined as a fishing mortality that prohibits attaining the spawning stock goal or threshold which is currently set at a 20 percent SSBR ratio.

FMP Rationale: The 1987 stock assessment and scientific stock assessment panel's report accepted by the Council provide for a spawning stock goal or threshold of a SSBR level of 20 percent or greater in order to assure that there is adequate recruitment to maintain the spawning stock. Consistent with this goal is the need for an escapement rate of juveniles of approximately 30 percent which has been recommended by the Council to the states. Reopening the EEZ fishery to harvest is conditional on first attaining a SSBR level greater than 20 percent, a SEFC stock assessment that indicates that this goal has been achieved and that a portion of the SSB may be harvested from the EEZ, a stock assessment panel report specifying an ABC range and the risks associated with harvest at each level, and finally specification of a TAC level acceptable to the Council considering such risks.

The Council has reviewed stock assessments and panel reports in years subsequent to 1987 and has annually set TAC at zero for the following year as part of its recovery program. When the stock has recovered, the Council will set EEZ TAC and allocations by plan amendment.

5. PROPOSED MANAGEMENT ACTION AND REGULATORY IMPACT REVIEW (RIR)

The Executive Order 12291 (E.O. 12291) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: (1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action, (2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem, and (3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives to enhance the public welfare in the most efficient and cost effective way.

The RIR also serves as the basis for determining whether any proposed regulations are major under criteria provided in E.O. 12291 and whether the proposed regulations will have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Act of 1980 (RFA).

This RIR analyzes the probable impacts that the proposed alternatives for the Red Drum Fishery Management Plan, as amended, would have on the directed commercial and recreational red drum fishery.

In this document, the "Regulatory Impacts" statements under each of the management options comprise the bulk of the RIR. The "Discussion" sections describe the nature of the various options and Council's rationale for proposing or rejecting an option.

The problems and objectives are described in previous sections of this amendment document as part of the RIR by reference. In those instances where an expanded discussion of the problems and/or objectives is required in the context of the various management measures, the expanded language is included in the appropriate "Regulatory Analysis" section in the balance of the RIR.

To a large degree, the changes which are expected to result from this action are not amenable to quantitative analysis because the management measures do not typically affect the quantity of landings. Instead, the measure to modify the framework procedure is directed at improvements in administrative efficiency. A more qualitative approach is, thus, undertaken.

A. FRAMEWORK PROCEDURE MODIFICATION (See current procedure for specifying TAC on page 5).

Preferred Option: Modify the leading phrase first sentence of Section 1 of the procedure to read as follows: Prior to October 1 every other year or at such time as agreed upon by the Council and Regional Director, the SEFC will: (changes underlined)

Discussion/Rationale: The changes proposed under this alternative would provide that stock assessments, panel reports, and TAC setting actions are done every two years, unless otherwise agreed upon by the Council and Regional Director. The NMFS proposes this be done in odd numbered years, with the exception that a comprehensive assessment will be done in 1992. This would be similar to action on stock assessments proposed for the Mackerel FMP. The effect of such biennial assessment actions is that SEFC personnel have the time to do comprehensive assessments for other species, such as reef fish, and the measures set under TAC remain in place for a two-year period, simplifying state actions for compatible rules and public awareness of the rules.

Assessments on a biennial basis also are more practical in that changes on an annual basis are more difficult to measure. The additional time also provides greater flexibility to the state in assessing escapement rates through studies and gathering other assessment information.

Regulatory Impacts: Stock assessments have been the major driving force in management changes for the red drum fishery as well as for many fisheries in the Gulf EEZ. The current framework procedure in the fishery plan for red drum provides for an annual stock assessment. The stock assessment, as reviewed by the stock assessment panel, provides the sole basis for establishing first the ABC and then the TAC. The TAC is specified by the Council and submitted to the Secretary of Commerce by FMP amendment for approval and implementation. Stock assessments since the closure of the red drum fishery in the EEZ have concluded that the stock is highly overfished, and ABC and TAC at zero have been proposed and adopted. The most recent stock assessment supported previous findings that it would take several years before the target SPR of 20 percent could be attained, and a great deal of effort has to come from the Gulf states to allow at least a 30 percent escapement rate. As a consequence, the most likely ABC and TAC for a good number of years would be zero. Given the above scenario, a change from an annual to a biennial stock assessment would reduce cost more than it would reduce the potential benefits. Actually, foregoing any stock assessment until a year or two when the stock has been projected to have reached the target SPR could even further reduce the cost. The biennial cost saving from this option is equivalent to what would be spent by the Council and NMFS when there is a stock assessment, and is as follows:

Council costs of document preparation, meetings, and public hearings	.	\$18,830
NMFS administrative costs of document preparation, meetings and review	.	\$50,000
TOTAL	.	\$68.830

The Council costs reflect what are expended annually under the current procedure for specification of TAC. At such time as a TAC greater than zero is specified, additional public hearings will have to be done, and these could cost about \$6,000. Costs of performing the stock assessment comprise the bulk of the annual costs to NMFS.

Since the stock assessment is the major source of changes in management, it provides both commercial and recreational resource users avenues for taking part in fishery management decisions. Reducing the frequency of stock assessments to once every two years concomitantly reduces the resource users' opportunity to directly impact management decisions. During the period when the target SPR is below 20 percent and the TAC is expected to be zero, public participation in the decision making can only be considered as costs to them without immediate benefits. At the time when the fishery is open, there could be potential benefits to the users in an annual consideration of the TAC as prompted by the stock assessment. These benefits could come in the form of an annual increase in the TAC if the stock so allows. However, annual changes can also result in TAC reduction. Under the possibility of an upward or downward change in TAC, a biennial stock assessment can introduce some stability in the fishery in terms of some definite expected harvest. In addition, a longer period without rule changes enhances public compliance and state actions for compatible rules.

Over the short run, this option is likely to reduce public and private cost. Over the long run, this option introduces a certain level of stability in the fishery. This stability, however, may not be totally beneficial to resource users under an open access system of management. In sum, a biennial (in contrast to annual) stock assessment is expected to result in benefits to resource users.

Rejected Option: (Status quo -no action.)

Discussion/Rationale: The Council rejected this alternative for reasons cited above.

Regulatory Impacts: In principle, maintaining the status quo does not have any impacts on the resource users. Relative, however, to the preferred option, maintaining the status quo would be more costly over the short run, and may also result in foregoing certain benefits described above in connection with the discussion of the preferred option.

6. PUBLIC AND PRIVATE COSTS OF MANAGEMENT

The preparation, implementation, enforcement and monitoring of this or any Federal action involves the expenditure of public and private resources which can be expressed as costs associated with the regulations. Costs associated with this specific action include:

Council costs of document preparation, meetings, and public hearings . \$ 7,730

NMFS administrative costs of document preparation, meetings and review . \$ 5,000

Public burden associated with permits . \$ **none**

Federal costs associated with permits . \$ **none**

TOTAL . \$12,730

The Council and Federal costs of document preparation are based on staff time, travel, printing and any other relevant items where funds were expended directly for this specific action. There will be no increase in public burden associated with the action because it does not involve changes in permit requirements. No additional Federal costs associated with permits are expected. The Council and Federal costs are one-time costs associated with the preparation of this amendment.

The change in the frequency of stock assessment from an annual to a biennial activity is expected to bring about public and private cost saving. For each year when there is no stock assessment, Council and Federal cost savings would amount to a total of \$68,830 during the period when the TAC is expected to remain at zero and \$74,830 thereafter. In addition, there will be an unquantifiable cost saving to fishermen due to attending less number of Council meetings and public hearings.

7. SUMMARY OF REGULATORY IMPACTS

Table 1 presents a general summary of impacts of the various measures contained in this amendment. The total administrative costs associated with the proposed action is estimated to be about \$12,730. Due to the nature of the measures and the availability of limited information, the results are mainly qualitative. The only quantifiable effect is the annual cost saving attributable to the proposed change in stock assessment frequency, and is estimated to range from \$68,830 to \$74,830. The net impact of the proposed set of regulations inclusive of administrative costs is expected to be positive.

Pursuant to E.O. 12291, a regulation is considered a "major rule" if it is likely to result in: a) an annual effect on the economy of \$100 million or more; b) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with

foreign-based enterprises in domestic or export markets. The nature of the proposed management measures are such that none of these criteria would be met. Hence, it is concluded that the proposed regulation, if enacted, would not constitute a "major rule" under any of the mentioned criteria.

8. INITIAL REGULATORY FLEXIBILITY ANALYSES

The purpose of the Regulatory Flexibility Act is to relieve small businesses, small organizations, and small governmental entities from burdensome regulations and record keeping requirements. Since small businesses will be affected by the regulations to be promulgated under FMPs and plan amendments, this document also serves as the Initial Regulatory Flexibility Analysis (IRFA). In addition to analyses conducted for the Regulatory Impact Review (RIR), the IRFA provides an estimate of the number of small businesses affected, a description of the small businesses affected, and a discussion of the nature and size of the impacts.

The Small Business Administration (SBA) defines a small business in the commercial fishing activity as a firm with receipts of up to \$2.0 million annually. The SBA defines a small business in the charter boat activity as a firm with receipts up to \$3.5 million per year.

Determination of Significant Impact on a Substantial Number of Small Entities: In general, a regulation affecting more than 20 percent of subject small entities is construed to impact a "substantial number" of small entities (NMFS Guidelines on Regulatory Analyses of Fishery Management Actions, 1989). One of the criteria for a regulation to have a "significant impact" on small business entities that has direct relevance on the matter at hand is that such regulation is likely to result in an impact of more than 5 percent of the industry's annual gross revenues. The proposed framework modification changing the frequency of stock assessment from an annual to a biennial activity would more likely affect most of the fishery participants. The impact, however, would not be immediate considering that the red drum fishery in the EEZ is closed to both commercial and recreational users of the resource and it would take several years before there is the possibility of opening the fishery. In view of the foregoing, the proposed measure is concluded not to impact a substantial number of small entities. In addition, the proposed set of measures is not expected to affect more than 5 percent of the gross revenue of the for-hire sector. Thus, it is concluded that the proposed regulation would not have a significant impact on a substantial number of small entities. Therefore, an IRFA is not required. Nevertheless, an abbreviated IRFA is included herein. An RIR was done to satisfy the requirements of E.O. 12291 and the results of that analysis apply for the purposes of the IRFA since all the firms involved are small business entities. Therefore, most of this IRFA will consist of references to the RIR. Other information required for the IRFA is contained either in other sections of this framework adjustment or in the FMP, as amended, and will be referenced as appropriate.

Explanation of Why the Action is Being Considered: Refer to Section 3: Problem Requiring Framework Adjustment in this amendment.

Objectives and Legal Basis for the Rule: Refer to Section 2: (Management Objectives and Optimum Yield).

Identification of Alternatives: Refer to Section 5 (Proposed Management Action) and Section 6 (Regulatory Impact Review).

Cost Analysis: Refer to Section 5 (Proposed Management Action), Section 6 (Regulatory Impact Review), and Section 7 (Public and Private Costs of Management).

Competitive Effects Analysis: The industry is composed of small businesses, and therefore there are no disproportional small vs. large business effects.

Identification of Overlapping Regulations: The proposed regulation does not create overlapping regulations with any state regulations or other Federal laws.

9. ENVIRONMENTAL ASSESSMENT

Physical Environment

The proposed action consists solely of specifying TAC biennially rather than annually and will have no impact on the physical environment of the ocean and coastal habitats.

Fishery Resource

The proposed action will improve the cost effectiveness (See Section 6) of management's actions to assess and regulate the stock and will benefit the resource in the long-term. Shortterm impacts on the resource are not anticipated. Neither short-term or long-term impacts on other fishery stocks or their productive capability will result from the proposed action.

Human Environment

The proposed action will have no effect on persons in the fishery or upon their health or safety. (See Section 5 and 6). The proposed action is neither controversial or creates any socioeconomic effects.

Effect on Endangered Species and Marine Mammals

A Section 7 consultation under the Endangered Species Act was held during February 1992. The conclusion was that populations of endangered or threatened species would not be affected by the proposed action of this amendment or by the fishery.

Effect on Wetlands

The proposed action will have no effect on flood plains, wetlands, or rivers.

Mitigating Measures Related to the Proposed Action

No environmental impacts are expected with the proposed action, therefore, no mitigating actions are proposed.

Unavoidable Adverse Effects

There are no unavoidable adverse effects resulting from this proposed action.

Irreversible and Irretrievable Commitments of Resources

There are no irreversible commitments of resources caused by implementation of this action.

Finding of No Significant Environmental Impact

The proposed amendment is not a major action having significant impact on the quality of the marine or human environment of the Gulf of Mexico. The proposed action creates a greater degree of cost efficiency in the regulatory regime. The proposed action should not result in impacts significantly different in context or intensity from those described in the Environmental Impact Statement of the FMP and Environmental Assessments published with the regulations implementing Amendments 1 and 2.

Having reviewed the environmental assessment and available information relative to the proposed actions, I have determined that there will be no significant environmental impact resulting from the proposed actions. Accordingly, the preparation of a formal environmental impact statement on these issues is not required for this amendment by Section 102(2)(c) of the National Environmental Policy Act or its implementing regulations.

Approved: _ Assistant Administrator for Fisheries Date

RESPONSIBLE AGENCY: LIST OF PREPARERS

Gulf of Mexico Fishery Management Council Gulf of Mexico Fishery Management Council Lincoln Center, Suite 331 -Wayne E. Swingle -Biologist 5401 West Kennedy Boulevard -Antonio B. Lamberte -Economist Tampa, Aorida 33609 813-228-2815

10. OTHER APPLICABLE LAW

Impacts on Other Fisheries

The proposed action will not directly affect other fisheries; however, indirectly it will have a beneficial impact on other fisheries, by freeing technical personnel who will do stock assessments for other species during alternate years.

Habitat Concerns

Habitats and related concerns were described in the FMP and Amendment 2.

Vessel Safety Considerations

Retention and possession of red drum in the EEZ is prohibited. Therefore, there is no fishing activity carried out by vessels in the EEZ.

Coastal Zone Consistency

Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 requires that all federal activities which directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The proposed changes in federal regulations governing red drum in the EEZ of the Gulf of Mexico will make no changes in federal regulations that are inconsistent with either existing or proposed state regulations.

This amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, and Mississippi to the maximum extent possible; Texas does not have an approved Coastal Zone Management program. This determination has been submitted to the responsible state agencies under Section 307 of the Coastal Zone Management Act administering approved Coastal Zone Management programs in the states of Alabama, Florida, Mississippi, and Louisiana. These agencies have concurred with the determination.

Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to control paperwork requirements imposed on the public by the federal government. The authority to manage information collection and record keeping requirements is vested with the Director of the Office of Management and Budget. This authority encompasses establishment of guidelines and policies, approval of information collection requests, and reduction of paperwork burdens and duplications.

The Council proposes, through this amendment, to establish no additional permit or data collection programs. Therefore, no increased reporting burden on the public or cost to the government will be incurred through this amendment.

Federalism

No federalism issues have been identified relative to the actions proposed in this amendment and associated regulations. The affected states have been closely involved in developing the proposed management measures and the principal state officials responsible for fisheries management in their respective states have not expressed federalism related opposition to adoption of this amendment. Therefore, preparation of a federalism assessment under Executive Order 12612 is not necessary.

11. REFERENCES AND RELATED LITERATURE

Condrey, R. (Chairman). 1991. Report of the Third Red Drum Stock Assessment Panel Meeting. GMFMC. memo. rpt. 5p.

Goodyear, C. P. 1989. Status of the Red Drum Stocks of the Gulf of Mexico, Report for 1989. NMFS. SEFC. Contrib. CRD. 88/89-14, 62p.

_____. 1990. Status of the Red Drum Stocks of the Gulf of Mexico, Report for 1990. NMFS. SEFC. Contrib. MIA-89/90-26, 23p.

1987. Status of the Red Drum Stocks of the Gulf of Mexico,

1991. Status of the Red Drum Stocks of the Gulf of Mexico, Report for 1991. NMFS. SEFC. Contrib. MIA-90/91-87, 23p.

Green, T. G. 1989. The economic value and policy implications of recreational red drum success rate in the Gulf of Mexico. Final report for MARFIN award NA87WC-H-06146 submitted to the National Marine Fisheries Service, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Gulf of Mexico Fishery Management Council. 1989. Report of the Second Red Drum Scientific Assessment Panel. 10p.

Louisiana Department of Wildlife and Fisheries. 1991. A stock assessment for Louisiana red drum, *Sciaenops ocellatus*. Office of Fisheries. Fishery Management Plan Series. No.4 Part 2, 103p.

1991. A biological and fisheries profile of Louisiana Red Drum, *Sciaenops ocellatus*. Office of Fisheries. Fishery Management Plan Series No.4. Part 1, 84p.

Murphy, M.D. and R.G. Taylor. 1990. Reproduction, growth and mortality of red drum, *Sciaenops ocellatus*, Florida waters. U.S. Fishery Bulletin 85: 531-542.

_____, B. Mahmoudi, J.J. Kimmel, R.H. McMichael, R.G. Muller, F.S. Kennedy Jr., and D.E. Roberts Jr. 1990. Assessment of the Current Status of Red Drum in Florida. Florida Marine Research Institute, Florida Department of Natural Resources. mimeo report, 28p.

Wilson, C.A., D.W. Beckman, D.L. Nieland, and A.L. Stanley. 1988. Age, growth rate and reproductive biology of red drum landed in Louisiana. Final report for 1987-1988 to Louisiana Department of Wildlife and Fisheries and MARFIN, LSU-CFI-88-18, 29 pp.

_____ 1992. The variation of year class strength and annual reproductive output of red drum, *Sciaenops ocellatus*, and black drum, *Pogonias cromis*, from the northern Gulf of Mexico and age structure and reproductive potential of the northern Gulf of Mexico offshore population of red drum not vulnerable to purse seine capture: the missing fish. Final report for 1990-1991 to MARFIN. LSU-CFI-92-2. 34 p.

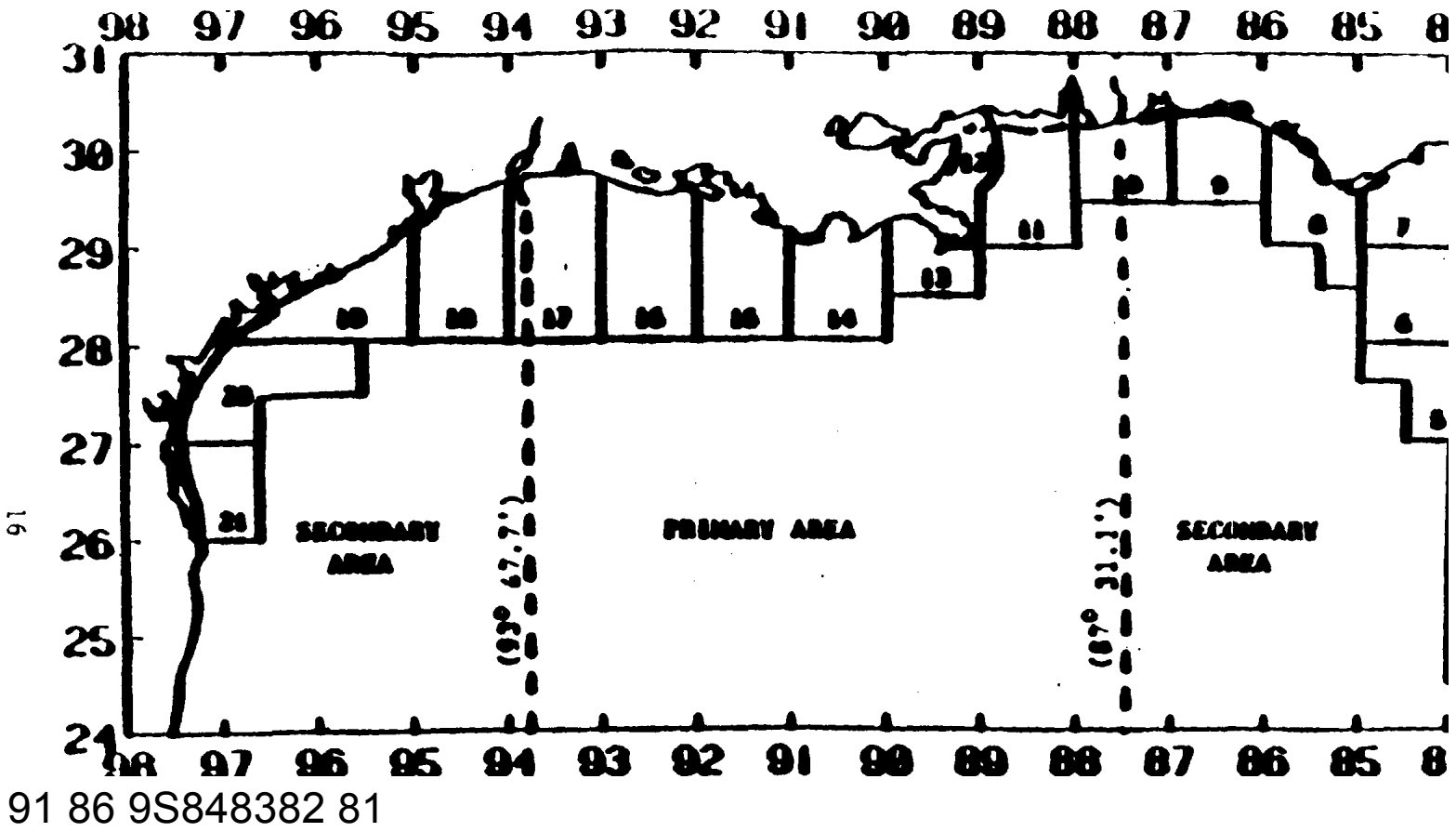


Figure 1. Primary, and Secondary, and Tertiary Areas in the Gulf of Mexico

Table 1 Summary of Regulatory

Impacts

Management Alternatives

Impacts

Framework Modification

Proposed Alternative: Provide for a biennial stock assessment
Rejected Alternative: Status quo -provide for an annual stock assessment

Positive net impacts due to reduction in public and private costs and certain stability in management
No short-term impacts