

00.NOV.82*002207

AMENDMENT NUMBER 3

TO

THE FISHERY MANAGEMENT PLAN
FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO,
UNITED STATES WATERS

OCTOBER 14, 1982

THE GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
LINCOLN CENTER, SUITE 881
5401 WEST KENNEDY BOULEVARD
TAMPA, FLORIDA 33609

Amendment to the Fishery Management Plan and Proposed Regulations for the Shrimp Fishery of the Gulf of Mexico, United States Waters.

Summary: The fishery management plan (FMP) for shrimp as amended is based largely on the premise that restraint of harvest of small shrimp until they reach a more optimum size will produce more pounds of shrimp and a greater total value. To accomplish this the Council as one management measure established a closed area in the fishery conservation zone (FCZ) off Florida inhabited by small pink shrimp. The sanctuary is compatible with Florida's Tortugas Shrimp Sanctuary in its territorial sea.

The FMP recognizes that the boundary is imperfect because harvestable size shrimp may occasionally occur in abundance within the sanctuary just as small shrimp may move beyond the sanctuary. The FMP now provides for regulatory amendment to adjust the boundary by up to ten percent of the sanctuary size or to eliminate the sanctuary for one season. These actions, however, require a period of about 120 days for implementation and thus are not responsive enough to allow in-season changes.

The Secretary has used this authority on the recommendation of the Council to open a portion of the sanctuary for a period of about nine months to allow fishing while the National Marine Fisheries Service (NMFS) conducts its second year of monitoring the size distribution of shrimp in that area.

In this amendment the Council proposes to establish within the sanctuary two areas which are to be opened to fishing when the prevailing size of shrimp meets or exceeds the optimum size determined by the FMP. NMFS would monitor the size of shrimp in the sanctuary for the determination of shrimp size.

The FMP also requires an annual calculation and publication of maximum sustainable yield (MSY), domestic annual harvest (DAH), domestic annual processing capacity (DAPC), optimum yield (OY), and total allowable level of foreign fishing (TALFF). A technical change is proposed to require publication only when a parameter changes and to allow use of best current methodology in the calculation.

Changes to the FMP

Proposed changes to the FMP revised November, 1981, and approved by the Secretary on April 26, 1982:

I. Section 8.5.1.1, Measure 1

A. Page 8-4. Add the following after paragraph three:

"For the purpose of seasonal adjustment of the sanctuary boundary, the northern and western control areas are established. These portions of the sanctuary may be temporarily opened to shrimp fishing by the Regional Director. These areas are defined in Table 8.5-1 and Figure 8.5-2.

"NMFS using commercial shrimp trawls of design commonly used in the fishery will sample at a minimum within 30-day intervals and within the northern and western control areas. When 55 percent by number of all pink shrimp taken in a control area exceed 103 mm in total length, the

Regional Director shall by field order open either the north or west area or both to shrimp fishing for a 30-day period. Appropriate public notice of not less than 48 hours is to be provided. The duration of opening may be extended for additional periods not to exceed 30-days each based on the results of continued sampling."

- B. Page 8-5, Table 8.5-1. Delineation of suggested Tortugas Shrimp Sanctuary, add the following at the end:

"North Control Area: Bounded by a line beginning at Point F at Latitude $24^{\circ}-50.7'N$ and Longitude $81^{\circ}-51.3'W$; extending in a SSW direction for approximately five miles to Point Q at Latitude $24^{\circ}-46.0'N$ and Longitude $81^{\circ}-52.4'W$; thence extending W for approximately 17.3 miles to Point R at Latitude $24^{\circ}-44.6'N$ and $82^{\circ}-11.3'W$; thence extending in an ENE direction for approximately 19 miles to origin at Point F.

"Western Control Area: Bounded by a line beginning at Point R at Latitude $24^{\circ}-44.6'N$ and Longitude $82^{\circ}-11.3'W$ and extending SW for approximately 15.3 miles to Point G, New Grounds Shoal Light at Latitude $24^{\circ}40.1'N$ and Longitude $82^{\circ}-26.7'W$ thence SSW for approximately 8.7 miles to Point H, Rebecca Shoals Light at Latitude $24^{\circ}-34.7'N$ and Longitude $82^{\circ}35.1'W$; thence E for approximately 7.6 miles to Point T at Latitude $24^{\circ}-34.7'$ and Longitude $82^{\circ}-26.7'$ thence NE for approximately 17 miles to Point R at origin."

- C. Add Figure 8.5-2, as page 8-6a.

- D. Page 8-8, insert the following as the fifth complete paragraph:

"As inseason opening and closing of portions of the sanctuary based on the prevailing size of the shrimp at that time will provide needed flexibility to allow harvest of shrimp of the preferred size of about 70 tail count (103 mm). By opening for a fixed period of 30 days the Regional Director provides ample notice of the date of reclosure to reduce the possible inadvertent infraction of the sanctuary. This action will allow harvest in accord with Objective 1, taking the preferred size and not contributing to growth overfishing."

- E. Page 9-1, Section 9.0 is revised to read as follows:

"9.0 STATEMENT OF COUNCIL INTENTION TO REVIEW THE PLAN AFTER APPROVAL BY THE SECRETARY

"It is the intention of the Gulf of Mexico Fishery Management Council to monitor and review the plan and implementing regulations on a continuing basis, after its approval by the Secretary. The Council intends that the Secretary of Commerce, after consultation with the Council, develop as appropriate estimates of MSY, DAH, DAPC, OY and TALFF. The Secretary will publish as appropriate any changes as a notice for public review. The Council will monitor the management regime closely to assure that it attains the desired objectives of the management plan."

Relationship of the Recommended Changes to Existing Applicable Laws and Policies

I. MAGNUSON ACT

The Amendment is consistent with the National Standards of the Magnuson Act. In addition, the administrative record developed in support of the Amendment demonstrates its necessity and appropriateness.

II. NATIONAL ENVIRONMENTAL POLICY ACT

An Environmental Assessment was prepared in accordance with Section 1501.3 of the Council on Environmental Quality Regulations for supplementing the procedural provisions of the National Environmental Policy Act. Based on Section 1508.13 of the Regulations, a determination was made that the Amendment will not have a significant effect on the human environment and, consequently, a finding of no significant impact was made.

III. ENDANGERED SPECIES ACT OF 1973

[Reserved]

IV. REGULATORY FLEXIBILITY ACT

The Amendment does not require a regulatory flexibility analysis under the requirement of the Regulatory Flexibility Act. All vessels that could participate in the fishery under a no action alternative would be able to fish in the area proposed to be temporarily opened under the Amendment. Furthermore, the Amendment does not impose a significant negative impact although the number of vessels affected is substantial.

The Amendment permits a reduction in regulatory burden at appropriate periods in order to allow maximum utilization of an available resource while maintaining the objectives of the establishment of the sanctuary. Thus, the Amendment is designed such that the impacts on vessels and processors (small businesses) will be positive and no negative impacts are expected.

V. PAPERWORK REDUCTION ACT

Since no information collection is being proposed under the Amendment, or would be included in regulatory implementation, the Paperwork Reduction Act does not apply.

VI. EXECUTIVE ORDER 12291

Executive Order 12291 establishes guidelines for the promulgation of regulations. The intent of Executive Order 12291 is to insure that an adequate information base exists which will justify the need for, and determine the consequences of the proposed action. Additionally, the potential benefits to society from the regulation must outweigh the detriments. To comply with this Executive Order, a Regulatory Impact Review has been prepared which concludes that this Amendment is not a major rule making.

VI. COASTAL ZONE MANAGEMENT ACT OF 1972

The Amendment must be consistent with approved coastal zone management programs which might be affected. In this case the only state to be affected is Florida which borders the entire sanctuary. The Amendment was determined by the Council to be consistent with the Florida program without objection by that State. (Tentative wording subject to approval.)