

---

**DEPARTMENT OF COMMERCE**
**National Oceanic and Atmospheric Administration**
**50 CFR Part 653**
**(Docket No. 70616-7116)**
**Red Drum Fishery of the Gulf of Mexico**
**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Proposed rule.

---

**SUMMARY:** NOAA issues this proposed rule amending the regulations for the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP). The proposed rule: (1) Establishes primary and secondary fishing areas and prohibits harvest of red drum from secondary areas, (2) revises the quota requirement to include allocations for shrimp vessels and recreational fishing vessels, (3) revises the closure requirement to apply to shrimp and recreational vessels, (4) prohibits the sale of fish landed under the bag limit, (5) requires that fish be landed in conformance with State laws, and (6) revises the allocation procedure. The intended effect is to integrate State and Federal management and to prevent overfishing while achieving optimum yield (OY) from the red drum fishery on a continuing basis.

**DATE:** Written comments on the proposed rule will be received until Saturday, July 25, 1987.

**ADDRESS:** Comments on the proposed rule and requests for copies of Amendment 1 and its associated documents should be sent to William R. Turner, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** William R. Turner, 813 893-3722.

**SUPPLEMENTARY INFORMATION:** The Secretary of Commerce (Secretary) prepared the FMP under section 304(c) of the Magnuson Fishery Conservation and Management Act (Magnuson) Act). Implementing regulations (51 FR 46678, December 24, 1986) were effective December 19, 1986. Earlier, the Secretary promulgated an emergency rule (51 FR 23553, June 30, 1986) that limited directed net harvest of red drum from the exclusive economic zone (EEZ) to

one million pounds during its 90-day effective period (June 25 to September 23, 1986); it also limited non-directed fisheries (incidental bycatch) to five percent of red drum by weight of the total catch aboard a vessel. The directed fishery was closed on July 20, 1986 (51 FR 26554, July 24, 1986; corrected at 51 FR 27413, July 31, 1986). The Secretary extended the emergency rule (51 FR 34220, September 26, 1986) for a second 90-day period, until December 22, 1986.

The Gulf of Mexico Fishery Management Council (Council) prepared Amendment 1 to the FMP and this proposed rule to amend the regulations implementing the FMP. Utilizing the advice and expertise of its Scientific and Statistical Committee (SSC) and its Red Drum Advisory Panel (AP), the Council has revised and restated the management unit, problems in the fishery, management objectives, OY, the procedure for specifying harvest levels from the EEZ, allowable harvest levels, and other provisions of the FMP.

**Management Unit**

Amendment 1 divides the EEZ into areas for which management measures differ. These areas consist of a "primary area", the EEZ between the Florida/Alabama border and the Texas/Louisiana border, and two "secondary areas", the EEZ off Florida and the EEZ off Texas (Figure 2). Retention or harvest of red drum from the secondary areas will be prohibited. This rule applies only to these areas, unless otherwise specified. The States will be requested to adopt compatible regulations for their fisheries where applicable.

Different management measures in the primary and secondary areas are based on differing historic stock trends in the fishery, differing geographic jurisdictional limits, and other socioeconomic considerations. Historically, more than 98 percent of catch in the EEZ has been from NMFS statistical areas 11 through 16 (Figure 2) off Alabama, Mississippi, and Louisiana (see 8-10 and 12-1 in the FMP). Biological and fishery data suggest that there is no significant migration and mixing of offshore adult fish. They also suggest that there is a higher standing stock abundance of adults in the primary area than in the secondary areas, which probably results from a higher historical escapement rate of juveniles (or subadults) from the estuarine areas inshore of the primary area (Amendment 1, section 12.2).

Conversely, fishing and total mortality rates for the west coast of Florida, derived from tagging studies conducted

in the early 1960s, were extremely high, suggesting a low escapement rate (less than one percent of each year class) to the offshore spawning stock biomass (SSB) even at that time. No harvest restrictions were applied to the Florida fishery until 1984, even though fishing pressure in terms of participants increased significantly over the two decades. Similarly, historic mortality rates in the Texas fishery were high and escapement was low. The much more limited data from other States suggests a higher historic escapement rate. These data suggest a longer-term reduced escapement from Texas and Florida fisheries which, considering that the fish live 25 years or more, should have resulted in reduced SSB offshore.

In addition to these apparent differences in stock structure, both Texas and Florida have fishery jurisdictions of nine nautical miles, versus three nautical miles for the other States. Therefore, Texas and Florida exercise control over a greater portion of the offshore SSB. Both Texas and Florida currently prohibit harvest of adult fish; there is a complete moratorium on all harvest in Florida. The Council, desiring to support these State programs to restore the SSB, approved the management measure for the secondary areas where retention of red drum is prohibited. Since historically, 98 percent of all catch in the EEZ has come from the primary area, the Council felt that economic considerations also supported the division into primary and secondary areas. From a sociological standpoint, only fishermen fishing the primary area had a historic dependence on the EEZ fishery.

#### 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 to offshore spawning stock, will likely cause eventual recruitment failure, if not corrected. (2) the potential for recruitment overfishing from reduction of the offshore spawning stock by increased offshore fishing mortality; (3) uncertainty regarding the condition and age composition 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; (4) increasing demand for red drum and increasing competition among harvesters of the resource; (5) inconsistency between State and Federal government measures which may reduce enforceability of regulations

and which could result in inadequate protection of red drum resources in both State and Federal waters, and (6) a historic and continuing trend in degradation and reduction of red drum habitat.

The higher fishing mortality historically characteristic of the Texas and Florida fisheries appears to have become, or is becoming, characteristic of the entire inshore fishery in state waters (See section 5.1.4.4 of the FMP). This causes concern for the long-term stability of the SSB, which has been declining due to decreased recruitment (escapement) to the SSB. Also, the SSB has been impacted by the greatly increased level of fishing mortality in the EEZ during 1985 and 1986 (12 million pounds), raising the potential for recruitment overfishing of the SSB. Additional scientific information is needed to clarify the current size of the SSB, its relation to virgin SSB (before exploitation), and the size of the SSB that must be maintained to optimize recruitment to the inshore fisheries. Until these data become available, there is considerable uncertainty about the condition of the SSB and the risk associated with continuing harvest of the SSB, especially from the secondary areas. Degradation of inshore habitat has also reduced its capability to support a population of juveniles comparable to that supported in earlier years.

Because of changing market conditions, increased consumer demand for red drum, and the continually increasing migration of human populations to the coastal areas of the Gulf States there is increasing demand for red drum by recreational and commercial fishermen. The result is increased competition and inability of the stock to satisfy the harvesting capacity of the fisheries without being overfished. Therefore, increased State and Federal regulation of the fisheries is required. Additional social and economic information is needed to clarify the value of red drum to each user group. Until these data become available, the effect of regulations on the value of the resource to society will remain unknown. The current inconsistencies in management between State and Federal regulatory entities may result in poor enforceability of existing regulatory measures and inadequate protection of the stock.

#### Management Objectives

The proposed management objective of Amendment 1 are as follows: (1) Cooperatively with the States, provide at least a 20 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 so 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 catch in the EEZ, allocate the EEZ portion of the TAC fairly among users of the resource. (4) maximize the economic and social benefits of the resources to the nation, and (5) identify and encourage actions which conserve, restore, and enhance the red drum habitat.

In addressing objective (1), the Council has requested the States to modify their rules regulating the fisheries in their waters to achieve a minimum escapement of juveniles to the offshore SSB of 20 percent of the number that would have escaped had there been no inshore fishery. The Council's SSC (Minutes, September, 1986) and NMFS (see sections 5.3.1 and 5.5 in the FMP) concluded that the SSB should not be reduced below 20 to 40 percent of the stock size before exploitation (virgin biomass). They also concluded that current inshore exploitation rates are and have been higher than the level which maintain the SSB at 20 to 40 percent of virgin biomass and, if these exploitation rates are not reduced, the spawning stock will be overexploited, even if no fishing occurs on the offshore SSB. The Council has proposed the 20 percent minimum escapement as an interim target level, realizing that in the long term the percentage may have to be increased to assure the stability of the SSB. In computing the maximum sustainable yield, (MSY), a spawning stock biomass per recruit (SSBR) ratio of 30 percent as used (see FMP section 5.3.3. of the FMP). The Council has included (Amendment 1, section 12.6.2) procedures for an annual stock assessment and an assessment of juvenile escapement by State. These assessments will keep the Council apprised of the status of the SSB and the need for increased escapement levels. To achieve the 20 percent target level of escapement, each State will have to assess its current escapement and adjust its rules. Since current escapement levels differ by State, the rules necessary to attain this 20 percent escapement will vary. The Council will control fishing on the SSB through this Amendment 1 and subsequent FMP amendments. To assess the condition of the stock, specify the acceptable biological catch (ABC) range, set TAC.

and identify the social and economic impacts, a comprehensive and continuing research and data gathering program is required.

The harvesting capability of recreational and commercial use groups greatly exceeds the ability of the resource to satisfy the potential demand if unregulated harvesting were allowed. Current stock assessments indicate that the resource is currently fully exploited or overexploited throughout much (or all) of its range. In allocating TAC, the Council will attempt to maximize the economic and social benefits to the Nation. The Council, through its Habitat and Environmental Protection Committee and Advisory Panels, will continue to address habitat issues to prevent, reduce, or mitigate man-made alterations to red drum habitat.

#### Optimum Yield (OY)

OY is defined as: (1) All red drum recreationally and commercially harvested from State waters and landed consistent with State laws and regulations, under a goal of allowing 20 percent escapement of the juvenile population, and (2) all red drum commercially or recreationally harvested from the primary area of the EEZ, under the TAC and allocations specified according to the FMP, and a zero retention level from the secondary areas of the EEZ.

This statement of OY acknowledges that the optimum harvest level from State-controlled fisheries is consistent with obtaining an escapement level of juveniles to the SSB of 20 percent of those that would have escaped if there had been no fishery, to assure long-term stabilization of the SSB throughout its range. Consistent with this goal is the OY statement limiting offshore harvest to the primary area and within the TAC range set by the Council. Historically, escapement to the SSB in the EEZ from waters bordering the secondary areas has been less than from waters bordering the primary area. Data on red drum migration suggest little or no mixing of the SSB between these areas. Therefore, the prohibition on retention from the secondary areas is consistent with State and Federal actions to increase the SSB in these areas.

#### Procedure for Specifying Harvest Levels

The FMP procedure for specifying harvest and allocation levels by notice in the *Federal Register* by the Regional Director (RD) would be revised by Amendment 1.

The FMP procedure was rejected because it addresses only the directed and non-directed commercial fishery allocations and because the RD sets the

harvest levels. The preferred alternative allows the Council to set allocations by an FMP amendment after considering new stock assessment information, recommendations of its AP and SSC, and public comment. The proposed FMP amendment process allows the Council to update and revise the FMP based on new information and to formulate allocations based on analysis of the new scientific information, social and economic impacts of alternatives, and public input. The present FMP procedure sets a TAC for the entire EEZ, whereas under Amendment 1, TAC will be set only for the primary area because scientific information indicates that the SSBs of the secondary areas have been significantly reduced due to long-term high inshore fishing mortality.

#### Allowable Harvest Levels

The primary area of the EEZ will remain closed to directed commercial harvest until such time as the States bordering the primary area have attained a minimum aggregate escapement of juveniles of 20 percent of each year-class. The incidental bycatch quota of red drum for the non-directed commercial fishery (excluding shrimp vessels) of 100,000 pounds established by the FMP is maintained, but such fish must be landed in conformance with State laws. The incidental bycatch quota for shrimp vessels of 200,000 pounds established by the FMP is maintained; it must be landed in conformance with State laws. Incidental bycatch of red drum in the shrimp fishery and the non-directed commercial fishery is defined as not exceeding five percent by weight of the total catch landed for each trip. The recreational harvest from the primary area of the EEZ will be limited to one red drum per person per trip which must be landed in conformance with State laws. Sale of fish landed under the bag limit is prohibited. All annual harvest levels will remain unchanged until new allocations are specified through a subsequent FMP amendment. No retention of red drum will be allowed in or from the secondary areas of the EEZ.

After reviewing the stock assessment information, the Council's SSC concluded that the high rate of inshore fishing under equilibrium yield conditions has reduced or will reduce the SSB below an amount where recruitment overfishing occurs. They further concluded that the SSB will continue to decline over time from fishing mortality in State waters and offshore natural mortality even if no fishing occurs in the EEZ. The States have been requested to modify their rules to achieve a minimum 20 percent

escapement of juveniles to the offshore SSB, so that the trends detected by the SSC are alleviated. Corrective actions by the States have been initiated. The benefits of these actions would be minimized or greatly delayed if significant harvests of red drum from the EEZ are allowed. The Council has, therefore, taken a prudent conservation position by prohibiting directed commercial harvest from the primary area until the desired escapement occurs and by prohibiting any harvest from the secondary areas, where the SSB has been more severely impacted. The Council recognized that, historically, red drum are taken from the EEZ as bycatch in the shrimp fishery and that red drum have been and will be taken by commercial vessels targeting other species. Therefore, the Council retained a 300,000-pound allowance for such bycatch. Landings must be in conformance with State laws so that State restoration efforts are not circumvented. Landings of bycatch will be prohibited when the 200,000-pound and the 100,000-pound quotas are reached for the shrimp fishery and the non-directed commercial fishery, respectively.

As provided for under the FMP, the one-fish recreational bag limit is anticipated to result in a harvest of 325,000 pounds, which is almost equal to the allowable commercial bycatch harvest of 300,000 pounds. The bag limit will become zero when the 325,000-pound quota is reached. The risk analyses of the stock assessment show significant risk to the SSB associated with harvest levels as high as the middle of the range of ABC (0.34–2.5 million pounds). The combined recreational and commercial allocations of 625,000 pounds are one-fourth of the maximum level of ABC. To allow harvest beyond this level, considering the risk, would not be in the best interests of the resource.

#### Exemption From State Laws

The FMP section (12.6.9) providing for exemption from State laws is deleted by Amendment 1. This section, which provided an exemption to State landing, possession, or sales laws for fish legally harvested from the EEZ, would result in supercession of State laws which are designed to rebuild and maintain the stock. It is deleted because such a measure would adversely affect the cooperative State/Federal approach to restoration and maintenance of the stock proposed under this amendment. It is not necessary since section 12.6.6 of the amendment provides for marketing fish caught in the directed commercial

fishery in the EEZ (when that fishery is allowed) by requiring a documentation trail for legally harvested fish. This provision of the regulations at § 653.22(h) is reserved until a quota is provided for that fishery.

The proposed rule differs from that submitted by the Council in that the definition of "Dealer" in § 653.2 has been omitted to avoid the unintended and unnecessary expansion of the FMP's currently approved reporting system. This action is consistent with Amendment 1.

#### Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 99-659, requires the Secretary to publish regulations proposed by the Council within 15 days of receipt. At this time the Secretary has not determined that the FMP amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for Amendment 1 and concluded that there will be no significant impact on the environment as a result of this rule. You may obtain a copy of the EA from the Southeast Region of NMFS (see ADDRESS).

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291. The amendment's management measures are designed to maintain the productivity of each user group to the maximum extent possible while preventing overfishing of and restoring the red drum stock. The major benefit of this rule is restoration and maintenance of the red drum stock.

The Council prepared a supplemental regulatory impact review (SRIR) which concluded that this proposed rule will have the following economic effects. Greater long-term benefits, in terms of overall poundage produced, will result than from the other alternatives. The impact of the prohibition of harvest from the secondary areas is expected to be negligible since, historically, 98 percent of recreational and commercial catch from the EEZ has been from the primary area. The impact of a bag limit of one fish and the impact of prohibiting directed commercial fishing for red drum, continued in Amendment 1, were described in the RIR and initial regulatory flexibility analysis (IRFA). No additional costs to participants for

permits are anticipated as a result of the amendment.

Federal enforcement costs of the regulatory actions are not changed by the proposed rule. Annual State enforcement costs, estimated to be as high as \$1 million, are anticipated to be significantly reduced by deletion of the FMP exemption to State laws.

You may obtain a copy of the RIR/IRFA for the FMP and SRIR from the Southeast Region of NMFS (see ADDRESS).

The proposed rule is exempt from the procedure of Executive Order 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The Council prepared an IRFA as part of the SRIR which concluded that this proposed rule will have an insignificant effect on fishing entities. These effects are included in the SRIR, which is summarized above. The General Counsel has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule will not have a significant economic impact on a substantial number of small entities. This is because the only action of consequence in Amendment 1 is the deletion of the exemption from State landing laws. Although fishermen will now be required to conform to State law, landings will not be affected since harvesting will be permitted in those States (Alabama, Mississippi, Louisiana) where 98 percent of the historical catch has occurred, and fish can continue to be landed where permitted by State law. The action will enhance enforcement activities and will provide benefits in the form of an improved resource and higher landings in the long term.

This rule does not contain a collection of information requirement subject to the Paperwork Reduction Act (PRA). Other collection-of-information requirements of the FMP have been approved under OMB Control Number 0648-0177.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, Alabama, Mississippi, and Louisiana. Texas does not have an approved coastal zone management program. These determinations have been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

#### List of Subjects in 50 CFR Part 653

Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 11, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 653 is proposed to be amended as follows:

#### PART 653—RED DRUM FISHERY OF THE GULF OF MEXICO

1. The authority citation for Part 653 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 653.1 is revised to read as follows:

##### § 653.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico as prepared by the Secretary of Commerce and amended by the Gulf of Mexico Fishery Management Council.

(b) The regulations of this part, except for §§ 653.5 and 653.22(g), apply only to the fishery in the EEZ in the Gulf of Mexico.

(1) The reporting requirements in § 653.5 apply to vessels and persons in the fishery in both the EEZ and State jurisdictions.

(2) Section 653.22(g) provides that red drum from the EEZ must be landed in conformance with law of the State where landed.

3. In § 653.2, a phrase is added to the definition for *Exclusive economic zone (EEZ)* between the word "means" and the word "that" and new definitions for *Primary area*, *Secondary areas*, and *Total allowable catch (TAC)* are added in alphabetical order to read as follows:

##### § 653.2 Definitions.

\* \* \* \* \*

*Exclusive economic zone (EEZ)* means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that \* \* \*

\* \* \* \* \*

*Primary area* means the EEZ seaward of the fishery jurisdictions of the Alabama, Mississippi, and Louisiana and bounded on the east by a line directly south from the boundary between Alabama and Florida (87°31'06" W. longitude) to its intersection with the outer limit of the EEZ and on the west by a line, comprising the boundary between Texas and Louisiana (midpoint of the pass to Sabine Lake to 29°32.1' N. latitude, 93°47.7' W. longitude) and thence

directly south to its intersection with the outer limit of the EEZ (Figure 2).

\* \* \* \* \*

*Secondary areas* means (1) the EEZ in the Gulf of Mexico seaward of the fishery jurisdiction of Florida and (2) the EEZ seaward of the fishery jurisdiction

of Texas, with boundaries as described for the primary area (Figure 2).

\* \* \* \* \*

*Total allowable catch (TAC)* means the maximum permissible annual harvest from the primary area set from within or below the ABC range after

consideration of biological, economic, and social factors and the risk of inducing recruitment overfishing associated with that harvest level.

\* \* \* \* \*

BILLING CODE 3510-22-M

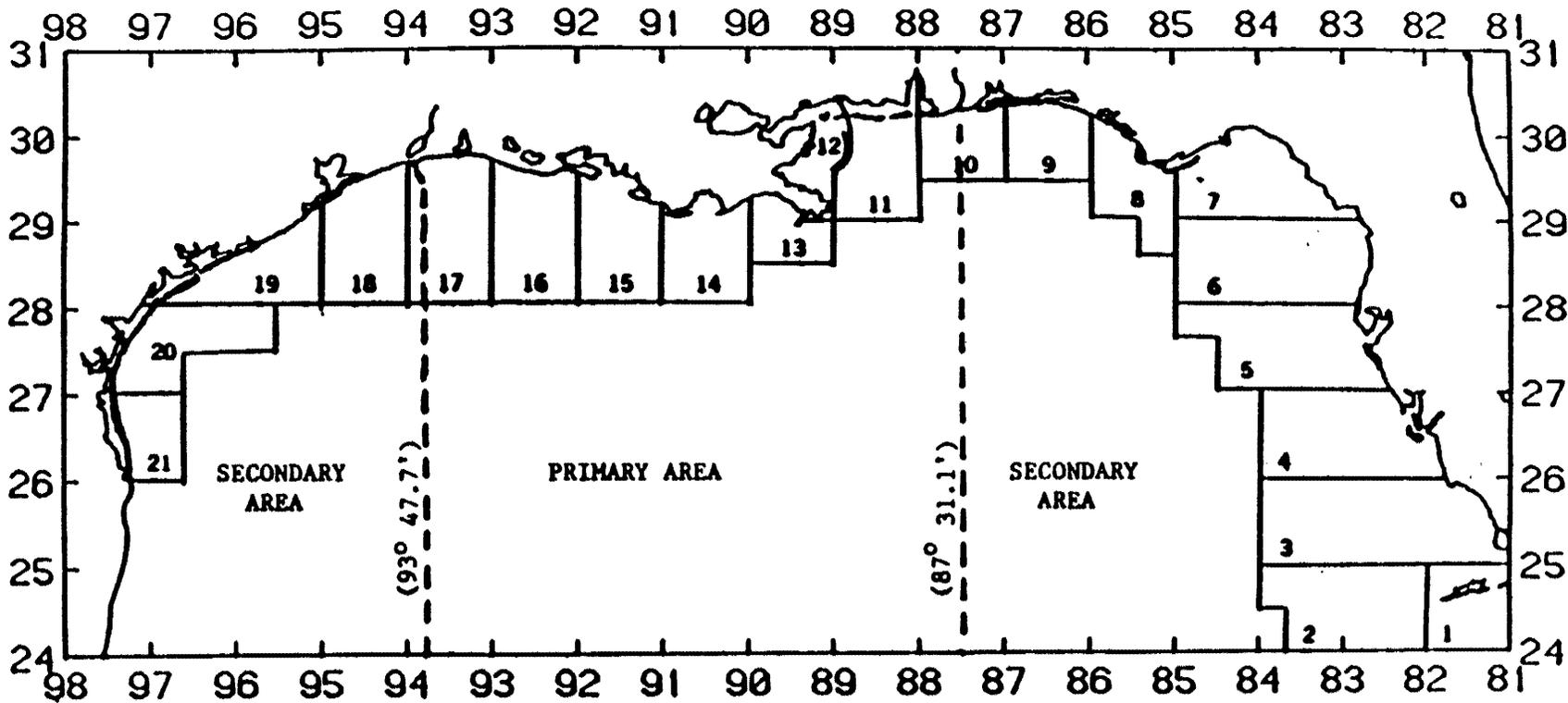


Figure 2. Statistical zones in the Gulf of Mexico

BILLING CODE 3510-22-C

4. In § 653.3, a new paragraph (d) is added to read as follows:

§ 653.3 Relation to other laws.

(d) Persons landing red drum from the non-directed commercial red drum fishery or from shrimp vessels as bycatch, or from recreational fishing must comply with the landing, possession, and other fishery laws of the State where landed.

5. In § 653.4, paragraph (a) is revised to read as follows:

§ 653.4 Permits and fees.

(a) Applicability. A permit is required for a vessel fishing in the EEZ in the non-directed commercial red drum fishery which possesses or lands red drum.

6. In § 653.7, paragraph (a)(1) is revised to read as follows:

§ 653.7 Prohibitions.

(1) Fish for, take, retain, or land red drum in the non-directed red drum commercial fishery without a permit as required by § 653.4(a), or in violation of the Magnuson Act, this part, or any regulation or permit issued under the Magnuson Act or this part;

7. In § 653.21, the section title and paragraph (b) are revised and new paragraphs (c), (d) and (e) are added to read as follows:

§ 653.21 Quotas.

(b) The total allowable harvest of red drum for the non-directed commercial red drum fishery in the primary area is 100,000 pounds for each fishing season (as specified in § 653.20).

(c) The total allowable harvest of red drum for shrimp vessels taking red drum as incidental bycatch in the primary area is 200,000 pounds for each fishing season.

(d) The total allowable harvest of red drum for persons fishing recreationally in the primary area is 325,000 pounds for each fishing season.

(e) The TAC in the primary area is 625,000 pounds for each fishing season.

8. Section 653.22 is revised to read as follows:

§ 653.22 Harvest and landing limitations.

(a) Harvest from secondary areas. No red drum may be harvested from or possessed in the secondary area. Red drum caught in the secondary areas must be released immediately with a minimum of harm.

(b) Directed commercial red drum fishery. No red drum may be harvested from the primary area in the directed commercial red drum fishery.

(c) Non-directed commercial red drum fishery and shrimp vessels. A vessel fishing for shrimp or in the non-directed commercial red drum fishery taking red drum as an incidental bycatch may not land red drum in excess of five percent of the total weight of all other fish and/or shrimp on board. Such a vessel must conduct its operations in a way that minimizes wastage of red drum.

(d) Recreational red drum fishery. A person fishing recreationally may not possess red drum in or from the primary area in excess of one red drum per person per trip. Red drum in excess of this bag limit must be released immediately with a minimum of harm. Red drum harvested under the bag limit may not be sold.

(e) Transfer at sea. Red drum harvested from or possessed in the EEZ may not be transferred from a fishing vessel to any other vessel.

(f) Red drum possessed in the EEZ, or harvested from the primary area and landed, must have heads and fins intact.

(g) The landing and possession laws of the State where landed will apply to red drum taken from the primary area by a shrimp vessel, by a vessel in the non-directed commercial red drum fishery, and by a recreational fishing vessel.

(h) Landing restrictions for directed commercial red drum fishery. [Reserved]

9. In § 653.23, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 653.23 Closures.

(b) The Secretary, by publishing a notice in the Federal Register, will prohibit the landing of red drum from the non-directed commercial red drum fishery or by shrimp vessels when the respective quota as specified in § 653.21(b) or (c) is reached or is projected to be reached.

(c) The Secretary, by publishing a notice in the Federal Register, will set the recreational bag limit specified in § 653.22(d) to zero when the quota specified in § 653.21(d) is reached or is projected to be reached.

10. Section 653.24 is revised to read as follows:

§ 653.24 Allowable catch and allocation procedures.

(a) Prior to October 1 each year, the Center Director will

(1) Update the stock assessment for red drum;

(2) Reassess the MSY level;  
(3) Specify the best estimate of the standing stock and its age compositions;  
(4) Reexamine and specify the level of offshore standing stock necessary to optimize larval recruitment to the inshore fishery;

(5) Specify the geographical variations in stock abundance, mortality, juvenile escapement and recruitment;

(6) Summarize current and historical information on migratory movements of the stock; and

(7) Analyze social and economic data available in the fishery.

(b) The council will appoint a scientific assessment group that will review the Center Director's report, current harvest statistics, and economic, social, and other relevant data and will prepare a written assessment report to the Council specifying a range of ABC for the primary area. The report will

(1) Include 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;

(2) Include consideration of the fishing mortality rates relative to  $F_{MSY}$  and  $F_{0.1}$ , abundance relative to optimum SSB, trends in recruitment, and whether overfishing is occurred upon the stock as a whole or upon a portion of the stock in any geographical area;

(3) In specifying ABC, identify the quantity of the offshore population, in excess of the SSB necessary to optimize recruitment, that may be harvested; and

(4) When requested by the Council, include the bag limits, size limits, specific gear harvest limits, and other restrictions, required to prevent a user group from exceeding its allocation or quota under a TAC specified by the Council for the primary area, along with the economic and social imports of such restrictions.

(c) The Council will consider the reports and recommendations of the scientific assessment group and relevant public comments. A public hearing will be held at the time and place the Council takes action on the report. Other public hearings may held. The Council may convene its Red Drum Advisory Panel and Scientific and Statistical Committee to provide advice before taking action.

(d) In specifying TAC, the Council will consider the recommendations, comments, and advice provided for in paragraphs (b) and (c) of this section and will set TAC from within or below the ABC range.

(e) If an offshore population (above annual surplus production) exceeds an

SSB necessary to optimize recruitment, the percentage of the excess which may be included in the TAC will be set by the Council periodically or annually.

(f) The Council will make changes in user group allocations for the primary area, if any, by subsequent FMP amendment.

[FR Doc. 87-13713 Filed 6-11-87; 4:23 pm]

BILLING CODE 3510-22-M