

Amend. #1

SUMMARY: NOAA issues a final rule amending the regulations for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. NOAA is modifying, temporarily, the boundary of the Tortugas Shrimp Sanctuary to reduce the area closed to trawl fishing. This action will enable fishermen to harvest marketable-sized shrimp from a small area that was previously closed. NOAA also corrects a definition for the phrase "fishery conservation zone".

EFFECTIVE DATES: April 15, 1983.

ADDRESS: A copy of the regulatory impact review may be obtained from Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813-893-3141.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was prepared by the Gulf of Mexico Fishery Management Council (Council) and was approved by the Assistant Administrator for Fisheries, NOAA, on November 7, 1980, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Final regulations implementing the FMP were effective May 20, 1981 (46 FR 27489). The Council prepared an FMP amendment that provides for modification of the closed area, identified in 50 CFR 658.22 as the Tortugas Shrimp Sanctuary (Sanctuary). The FMP amendment was approved on December 28, 1981. A notice of availability and a request for comments on the amendment was published on January 28, 1982 (47 FR 4104). No written comments were received on the FMP amendment during the public comment period which ended on March 15, 1982. A proposed rule which would amend the regulations under the provisions of the

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 30316-39]

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

FMP amendment was published for public comment on November 28, 1982 (FR 53427).

The proposed rulemaking discussed in detail the reason for the management measure (i.e., temporary geographic modification of the Sanctuary through August 14, 1983, and correction of the definition of the fishery conservation zone). This information is not repeated here.

Response to Comments

The Council was the only commenter on the proposed regulations during the 45-day public comment period which ended January 10, 1983. The Council requested that the proposed termination date for the temporary geographic modification of the Sanctuary be extended from August 14, 1983, to August 14, 1984. NOAA has complied with this request because there would not be sufficient time to evaluate the modification if the termination date remained August 14, 1983.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the regulations complies with the national standards, provisions of the Magnuson Act, and other applicable law.

The Administrator, NOAA, has determined that this amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291. The regulatory impact review indicated that potential benefits are significantly greater than expected costs. The rule reduces a restriction on fishermen, slightly reduces enforcement requirements and costs, and is expected to increase shrimp landings.

The Assistant Administrator has determined that there is good cause to

waive the 30-day period of delayed effectiveness required under the Administrative Procedure Act (APA). The regulations re-define the geographic scope of the Sanctuary and permit fishing within a portion of the Sanctuary as it is currently defined. The primary purpose of this modification is to obtain data on the migration patterns of shrimp as they move out of the Sanctuary. It is necessary to implement this geographic modification as quickly as possible for fishing to take place during the peak spring season this year. Since the modification to the geographic scope of the Sanctuary will be in effect only through August 14, 1984, information collected this spring will significantly increase the effectiveness of this action.

The Coastal Zone Office for the State of Florida, which is the only State adjacent to the management area, was provided a copy of coastal zone consistency statement for review as to consistency with its approved Coastal Zone Management Program. NOAA concluded that, to the maximum extent practicable, implementation of these rules is consistent with the Coastal Zone Management Program of Florida.

List of Subjects in 50 CFR Part 658
Fish, fisheries, Fishing.

Dated: April 14, 1983.

Roland Finch,
Director, Office of Fisheries Management,
National Marine Fisheries Service.

PART 658—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 658 is amended as follows:

1. The authority citation for Part 658 reads as follows:

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

2. The definition of fishery conservation zone in § 658.2 is revised to read as follows:

§ 658.2 Definitions.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

3. Section 658.22 and Figure 1 are revised to read and appear as follows:

§ 658.22 Tortugas shrimp sanctuary.

(a) The area commonly known as the "Tortugas Shrimp Sanctuary," off the State of Florida, is closed to all trawl fishing. The area is that part of the fishery conservation zone shoreward of a line connecting the following points (see Figure 1):

Point	Latitude	Longitude	Common name
M	25°52.9'N	81°37.95'W	Coon Key Light
F	24°50.7'N	81°51.3'W	
G	24°40.1'N	82°26.7'W	New Grounds Shoals Light
H	24°34.7'N	82°35.1'W	Rebecca Shoals Light
P	24°35'N	82°08'W	Marquesas Keys

(b) Notwithstanding the provisions of paragraph (a), effective through August 14, 1984, trawl fishing is allowed within that portion of the Sanctuary circumscribed by lines connecting the following points:

Point	Latitude	Longitude
F	24°50.7'N	81°51.3'W
G	24°40.0'N	81°52.4'W
R	24°44.6'N	82°11.3'W
F	24°50.7'N	81°51.3'W