

bycatch was not reduced to the extent practicable for the entire Gulf of Mexico shrimp fishery because no additional bycatch reduction methods had been proposed for the areas east of Cape San Blas, Florida (eastern Gulf of Mexico). NMFS urged the Council to develop additional management actions to address bycatch in the shrimp fishery of the eastern Gulf of Mexico to be in compliance with National Standard 9. NMFS also did not approve that portion of the Council's Generic SFA Amendment regarding bycatch reporting methodologies, and urged the Council to develop standardized procedures that would comply with provisions of the Magnuson-Stevens Act.

Amendment 10, if implemented, would establish a requirement for shrimp vessels fishing in the EEZ in the eastern Gulf of Mexico (east of 85°30' North Longitude) to use BRDs capable of reducing at least 30 percent of the total finfish catch by weight. This measure is intended to complete the Council's responsibilities to meet Magnuson-Stevens Act requirements to reduce bycatch in the Gulf of Mexico shrimp fishery to the extent practicable.

Additional alternatives considered but rejected by the Council included effort reductions and area and seasonal closures. The Council concluded that effort reduction is not a viable option until the Federal permit system, implemented through Amendment 11 (67 FR 51074, August 7, 2002), is operational and more detailed analyses

can be conducted on the current size, distribution, and effort of the shrimp fishery of the Gulf of Mexico. The Council also concluded that limited area and season closures, which may shift effort instead of reducing it, would not provide the magnitude of bycatch reduction that would be achieved from the use of BRDs in all areas all year.

Amendment 10, if implemented, also would establish a method of reporting and estimating the bycatch in the shrimp fishery of the Gulf of Mexico by using data collected by an existing fishery independent survey, the Southeast Area Monitoring and Assessment Program (SEAMAP), combined with NMFS' best available estimates of shrimp fishing effort. The Council determined that this method would provide the most practicable solution to meet Magnuson-Stevens Act bycatch reporting requirements.

Additional alternatives considered but rejected by the Council included the expanded use of observers or establishment of a logbook reporting system. The Council determined that an observer program that would document only five percent of the fishing effort would be too expensive (\$13–57 million) to implement, and still would require substantial extrapolations of bycatch for the remaining 95 percent of all shrimp fishing effort. The Council rejected a logbook alternative to record bycatch because it would require a substantial time commitment and burden on the part of vessel captains

and crews, and because quality control in the logbook data would be difficult to maintain. Over 450 species have been identified in Gulf of Mexico shrimp trawls, which would require extensive training in species identification for vessel crews.

A proposed rule that would implement measures outlined in Amendment 10 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by October 14, 2003 will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: August 7, 2003.

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