

TED in the offshore waters of the Atlantic and Gulf of Mexico. NMFS received two comments on the proposed rule.

Public Comments

Comment 1: The University of Georgia Marine Extension Service is concerned that the codified text specifying construction materials for TEDs in the proposed rule requires that if steel rod is used to construct a single grid hard TED or an inshore hooped hard TED the steel rod used must have an outside diameter of 1/2 inch (1.27 cm). This is a significant change from the required 1/4 inch (.64 cm) currently required.

Response: NMFS thanks the commenter for bringing this to our attention. This is a typographical error in the proposed rule and has been corrected in this final rule.

Comment 2: An environmental organization stated that although they do not oppose NMFS allowing the use of the Coulon TED, they asserted that any certified TED must continue to be reviewed, monitored and enforced to ensure that it is effectively releasing sea

turtles. The commenter stated that NMFS must increase the monitoring and enforcement of the TED regulations to ensure that these devices are performing as specified.

Response: NMFS agrees that any TED certified for use in the shrimp fishery should be monitored to ensure proper performance. NMFS Southeast Fisheries Science Center's Harvesting Systems and Engineering Branch works closely with the industry, net manufacturers, observer program, and enforcement to ensure that any problems encountered with the performance of TEDs during fishing conditions is addressed through further gear development and testing. NMFS enforcement will continue to enforce and monitor the TED requirements, including the Coulon TED. However given the anticipated limited use of the Coulon TED, NMFS does not intend to commit extra resources towards monitoring this device.

Provisions of the Final Rule

NMFS is issuing a rule allowing the use of an offshore hooped hard TED that

has to meet certain minimum construction standards, in addition to the construction standards specified for hard TEDs generally. The frame for this TED must be made of aluminum rod with a minimum outside diameter of 5/8 inch (1.59 cm) or aluminum tubing with a minimum outside diameter of 1 inch (2.54 cm) and a minimum wall thickness of 1/8 inch (0.32 cm). The escape opening must have a horizontal measurement of no less than 40 inches (102 cm) wide and a forward measurement of no less than 35 inches (89 cm). The front hoop on an offshore hooped hard TED must have an inside horizontal measurement of at least 40 inches (102 cm) and an inside vertical measurement of at least 30 inches (76 cm). The minimum clearance between the deflector bars and the forward edge of the escape opening must be at least 23 1/4 inches (59 cm). The measurement between support bars must be no less than 40 inches (102 cm) (see Figure 1 for illustrations of the offshore hooped hard TED and its dimensions)

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