

National Marine Sanctuary (GRNMS or Sanctuary). This action is being proposed by the National Marine Sanctuary Program (NMSP) of the National Oceanic and Atmospheric Administration (NOAA). A review and revision of the management plan for the GRNMS, located off the coast of Georgia in the federal exclusive economic zone (EEZ), was undertaken starting in 1999. Because the existing management plan for the Sanctuary dates back to 1983, the decision was made to prepare an entirely new management plan for the site. No boundary expansion is being proposed, but several regulatory clarifications and new regulations are included as part of the new management plan. The changes to clarify existing regulations are:

- Including submerged lands in the boundary of the Sanctuary, which is consistent with the National Marine Sanctuaries Act; and
- Revising existing regulations to address placing or abandoning structures on the submerged lands; using explosives or devices generating electrical current underwater; and moving, removing, damaging, or possessing historical resources. The permit regulations for the Sanctuary are also being revised and clarified. Prior to permit issuance, the Director of the NMSP would be required to consider the duration of the activity and its effects; the cumulative effects; and whether it is necessary to conduct the proposed activity in the Sanctuary. Permit holders would also be required to display a copy of the permit on board any vessel or aircraft used in the permitted activity.

The proposed new regulations are:

- Anchoring any vessel in the Sanctuary, except as provided in § 922.92 when responding to an emergency threatening life, property, or the environment, or except as may be permitted by the Director.
- (i) Injuring, catching, harvesting, or collecting, or attempting to injure, catch, harvest, or collect, any marine organism, or any part thereof, living or dead, within the Sanctuary by any means except by use of rod and reel and handline gear. (ii) There shall be a rebuttable presumption that any marine organism or part thereof found in the possession of a person within the Sanctuary has been collected or removed from the Sanctuary.
- Except for possessing fishing gear stowed and not available for use, possessing or using within the Sanctuary any fishing gear or means except rod and reel and handline gear.

The new regulations will help address the increase in fishing activities and

gear types that have a strong potential to damage the nationally significant bottom formations and the associated living marine resources at GRNMS that were the basis for the designation of the Sanctuary.

Summary of reasons why the action is being taken: The National Marine Sanctuaries Act (NMSA) requires that management plans for sanctuaries be reviewed every five years and that the management plans and regulations are revised, as necessary. This review provides the opportunity to ensure that management plans and regulations address current issues facing each site. The review undertaken at GRNMS indicates that the regulatory changes should be made.

Statement of the objectives and legal basis for such a rule: The legal basis for this action is the NMSA. The objective of preparing a new management plan, and its accompanying regulatory changes, is to meet the mandates of the NMSA, primarily the protection of the resources of the GRNMS.

Description/Estimate of the number of small entities to which the rule would apply:

Overview of Sanctuary Users

Based on current socioeconomic studies and on-site surveys of visitor use, NOAA has determined that the majority of users in GRNMS are fishing recreationally with rod and reel gear. These recreational fishermen primarily use personal boats originating from various locations along the Georgia coast. There are less than ten fishing charter operations along the Georgia coast that occasionally target GRNMS.

Commercial fishing activity is negligible in GRNMS. Most commercial gear, such as bottom trawls, specimen dredges, explosives, and wire fish traps, are already prohibited in GRNMS by existing Sanctuary and Magnuson-Stevens Act regulations due to the potential for damage to live bottom habitat. Surveys indicate that one charter boat captain may fish commercially on occasion using handline gear. Commercial hook-and-line fishermen targeting reef fish usually bypass the Sanctuary to fish well offshore along or just inside the shelf "break," which is 80 nautical miles off Georgia but much closer to shore off Cape Hatteras, North Carolina, and Cape Canaveral, Florida. Commercial boats typically work north and south along the "break" well offshore of GRNMS and normally land most of their catches in Florida and South Carolina since it is a shorter trip to and from the "break" to these ports.

While GRNMS is an important recreational fishing destination for Georgia, it has only limited use by SCUBA divers due to the depth, strong currents and frequent turbidity. Only one diving operation has been identified as offering trips to GRNMS (approximately 10 trips per year). This business was found to be the only one that offers diving trips on its own boat; the others simply provide retail services, instruction, and tank fills. Employees of other diving businesses do offer their services as guides on privately owned boats. Spearfishing activities also appear to be very limited at GRNMS for many of the same reasons that limit divers. The one dive operator, who offers trips to GRNMS, reported that spearfishing in the Sanctuary is rare. The new regulations would prohibit spearfishing and the removal of marine organisms or parts (e.g., seashells); all other non-extractive diving related activities such as underwater photography and nature would be unaffected.

Application and Impact of Regulations on Sanctuary Users

The regulations would apply to all users of the Sanctuary, including small entities. However, as described above, nearly all users already conduct their activities in such a manner as to already be in compliance with the proposed regulations (i.e., most fishermen and divers do not anchor within the area, and the large majority of recreational fishermen use rod and reel gear to fish in the area). There is only one known captain who occasionally fishes commercially in GRNMS using handline gear. Handline gear would continue to be authorized for use in the Sanctuary. Spearfishing, an occasional practice at the Sanctuary, is available throughout the EEZ off Georgia, particularly at the artificial reefs and other natural live bottom habitat areas. The protection of Sanctuary waters as the only restricted area for spearfishing in the South Atlantic Bight EEZ may have positive effects in attracting non spearfishing divers to GRNMS. The NMSP therefore expects that this rule would have no significant socioeconomic impacts.

Description of proposed reporting, record keeping and other compliance requirements: There are no new reporting, record keeping, or other compliance requirements proposed.

Identification of relevant federal rules that it may duplicate: The NMSP is not aware of any other duplicative laws. The Sanctuary lies within the South Atlantic Fishery Management Council's (SAFMC) region. The SAFMC develops, and NOAA Fisheries approves and