



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

4107 West Spruce St. Suite 200

Tampa, Florida 33607

Phone: 813.348.1630 • Toll free: 888.833.1844 • Fax: 813.348.1711

www.gulfcouncil.org

November 19, 2018

006733NOV2018

RE: Abbreviated Framework Action Identifying Deployment of Fishing Gear

Dear Dr. Crabtree:

The Gulf of Mexico Fishery Management Council (Council) recently took final action on Coral Amendment 9, which creates new habitat areas of particular concern (HAPCs) throughout the Gulf of Mexico and prohibits fishing with bottom-tending gear in 13 of the HAPCs. This prohibition on fishing with bottom-tending gear is consistent with the prohibition currently in place for a several other coral HAPCs as stated in the regulations at 50 C.F.R. § 622.74. However, the Council has determined that because of the broad definition of “fishing” in the Magnuson-Stevens Fishery Conservation and Management Act and the Code of Federal Regulations, the prohibition on fishing with these gears in these areas may unnecessarily restrict activities that will have no impact on these habitats. Therefore, the Council requests, through the abbreviated framework procedure for the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico (FMP), that the prohibitions on fishing with bottom-tending gear in 50 C.F.R. § 622.74, including those newly proposed in Amendment 9, be changed to prohibitions on the deployment of bottom-tending gear. Further, “deploy” be defined for the purpose of these prohibitions to mean that the gear is in contact with the water. The Council has determined that this clarification to the gear restrictions in these areas is routine or insignificant as required for use of the abbreviated documentation process. The Council has also provided the proposed regulations deemed necessary and appropriate to make this modification.

Coral Amendment 9, with the integrated environmental impact statement, includes the relevant biological, social, and economic information and analysis to support the creation of the new HAPCs with the prohibition. The existing HAPCs with the prohibition on fishing with bottom-tending gear were established in the original FMP or Generic Amendment 3 Addressing Essential Fish Habitat Requirements, Habitat Areas of Particular Concern, and Adverse Effects of Fishing. The relevant biological, social, and economic information and analysis supporting the creation of those HAPCs are included in the original FMP, the Generic Amendment, and the environmental impact statement for the Generic Amendment. The clarification of the scope of the prohibition, as proposed through this abbreviated framework action, will not result in any impacts that were not previously addressed in the relevant amendments and supporting documents. These documents all discuss the prohibition in terms of the use of bottom-tending gear. Thus, the proposed change to the regulations is intended to reduce potential uncertainty with respect to the scope of the prohibited activity.

Sincerely,

Thomas K. Frazer, PhD
Council Chair

cc: Gulf Council,
Coral SSC
Coral AP
Technical Staff
Susan Gerhart
Lauren Waters
Mara Levy

Appendix: Draft codified text for “deployment of fishing gear approved at August 2018 Council Meeting.”

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.74, revise the section to read as follows:

§ 622.74 Area closures to protect Gulf corals.

For the purposes of this section, fishing gear is deployed if any part of the gear is in contact with the water.

(a) *Florida Middle Grounds HAPC.* Deployment of a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the area bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	28°42.500'	84°24.800'
B	28°42.500'	84°16.300'
C	28°11.000'	84°00.000'
D	28°11.000'	84°07.000'
E	28°26.600'	84°24.800'
A	28°42.500'	84°24.800'

(b) *Tortugas marine reserves HAPC*. Fishing for any species and bottom anchoring by fishing vessels are prohibited year-round in the areas of the HAPC.

(1) *EEZ portion of Tortugas North HAPC*. The area is bounded by rhumb lines connecting the following points in order: From point A at 24°40.000' N. lat., 83°06.000' W. long. to point B at 24°46.000' N. lat., 83°06.000' W. long. to point C at 24°46.000' N. lat., 83°00.000' W. long.; then along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11434, to point A at 24°40.000' N. lat., 83°06.000' W. long.

(2) *Tortugas South HAPC*. The area is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	24°33.000'	83°09.000'
B	24°33.000'	83°05.000'
C	24°18.000'	83°05.000'
D	24°18.000'	83°09.000'
A	24°33.000'	83°09.000'

(c) *Pulley Ridge South HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	24°58.300'	83°38.550'
B	24°58.300'	83°37.000'
C	24°41.183'	83°37.000'
D	24°40.000'	83°41.367'

E	24°43.917'	83°47.250'
A	24°58.300'	83°38.550'

(d) *Pulley Ridge South Portion A HAPC*. Deployment of a bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	24°40.000'	83°41.366'
B	24°39.666'	83°42.648'
C	24°47.555'	83°55.240'
D	24°57.065'	83°48.405'
E	24°52.859'	83°41.841'
F	24°43.917'	83°47.250'
A	24°40.000'	83°41.366'

(e) *West Florida Wall HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited

year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	26°28.835'	84°47.955'
B	26°28.816'	84°46.754'
C	26°10.471'	84°42.076'
D	26°10.528'	84°44.577'
E	26°25.028'	84°47.986'
F	26°25.100'	84°47.980'
A	26°28.835'	84°47.955'

(f) *Alabama Alps Reef HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	29°16.160'	88°20.525'
B	29°15.427'	88°18.990'

C	29°13.380'	88°19.051'
D	29°14.140'	88°20.533'
A	29°16.160'	88°20.525'

(g) *L & W Pinnacles and Scamp Reef HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	29°18.595'	87°48.757'
B	29°18.484'	87°50.688'
C	29°19.754'	87°52.484'
D	29°20.401'	87°51.449'
E	29°20.095'	87°50.933'
F	29°20.832'	87°46.631'
G	29°21.473'	87°46.326'
H	29°21.314'	87°45.535'
I	29°22.518'	87°43.465'

J	29°21.144'	87°42.632'
K	29°19.269'	87°45.525'
A	29°18.595'	87°48.757'

(h) *Mississippi Canyon 118 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	28°53.183'	88°30.789'
B	28°53.216'	88°27.819'
C	28°50.602'	88°27.782'
D	28°48.944'	88°27.759'
E	28°48.962'	88°30.727'
A	28°53.183'	88°30.789'

(i) *Roughtongue Reef HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited

year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	29°27.596'	87°37.527'
B	29°27.621'	87°31.552'
C	29°25.007'	87°31.539'
D	29°24.981'	87°37.510'
A	29°27.596'	87°37.527'

(j) *Viosca Knoll 826 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	29°10.920'	88°03.509'
B	29°10.877'	87°59.460'
C	29°07.974'	87°59.448'
D	29°08.017'	88°03.532'

A	29°10.920'	88°03.509'
---	------------	------------

(k) *Viosca Knoll 862/906 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC. This prohibition does not apply to a fishing vessel issued a Gulf royal red shrimp endorsement, as specified in § 622.50(c), and while the vessel is fishing for royal red shrimp. The HAPC is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	29°07.640'	88°23.608'
B	29°07.603'	88°20.590'
C	29°03.749'	88°20.554'
D	29°03.734'	88°22.016'
E	29°02.367'	88°21.998'
F	29°02.281'	88°24.972'
G	29°07.568'	88°25.044'
H	29°07.592'	88°25.044'

I	29°07.676'	88°25.045'
A	29°07.640'	88°23.608'

(l) *McGrail Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°59.100'	92°37.320'
B	27°59.100'	92°32.290'
C	27°55.925'	92°32.290'
D	27°55.925'	92°37.320'
A	27°59.100'	92°37.320'

(m) *AT 047 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°54.426'	89°49.404'
B	27°54.486'	89°46.464'
C	27°51.874'	89°46.397'
D	27°51.814'	89°49.336'
A	27°54.426'	89°49.404'

(n) *AT 357 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°36.259'	89°43.068'
B	27°36.315'	89°40.136'
C	27°33.703'	89°40.073'
D	27°33.646'	89°43.004'
A	27°36.259'	89°43.068'

(o) *Green Canyon 852 HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°08.354'	91°08.929'
B	27°05.740'	91°08.963'
C	27°05.762'	91°10.610'
D	27°08.376'	91°10.567'
A	27°08.354'	91°08.929'

(p) *West Flower Garden Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°55.380'	93°53.160'
B	27°55.380'	93°46.767'

C	27°49.050'	93°46.767'
D	27°49.050'	93°53.160'
A	27°55.380'	93°53.160'

(q) *East Flower Garden Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°59.240'	93°38.970'
B	27°59.240'	93°34.058'
C	27°52.608'	93°34.058'
D	27°52.608'	93°38.970'
A	27°59.240'	93°38.970'

(r) *Stetson Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited

year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	28°10.638'	94°18.608'
B	28°10.638'	94°17.105'
C	28°09.310'	94°17.105'
D	28°09.310'	94°18.608'
A	28°10.638'	94°18.608'

(s) *Harte Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	26°40.826'	96°36.590'
B	26°40.789'	96°32.220'
C	26°37.992'	96°32.308'
D	26°38.043'	96°36.636'

A	26°40.826'	96°36.590'
---	------------	------------

(t) *Southern Bank HAPC*. Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

Point	North lat.	West long.
A	27°26.923'	96°31.902'
B	27°26.989'	96°30.881'
C	27°25.958'	96°31.134'
D	27°25.958'	96°31.892'
A	27°26.923'	96°31.902'