As described in the ERP, restrictions in addition to those already imposed by 50 CFR 227.72(e) will be placed on shrimping in the Interim Special Management Areas if 75 percent or more of the ITL is reached for 2 consecutive weeks. The restrictions originally identified in the ERP (60 FR 19885) April 21, 1995) and imposed in certain statistical areas in the Gulf of Mexico (60 FR 21741, May 3, 1995) were modified subsequently (60 FR 26691, May 18, 1995). A detailed discussion of those restrictions, the modification, and reasons therefor, is provided in those notices and is not repeated here.

As described in the ERP, when strandings remain elevated for 1 month in zones outside the Interim Special Management Areas, NMFS, upon the determination of the Director, Southeast Region, NMFS (Regional Director), may implement management actions, similar to those specified for the Interim Special Management Areas.

Recent Stranding Events

Sea turtle strandings on offshore beaches in a number of NMFS fishery statistical zones in the southeastern U.S. have exceeded the established ITLs specified in the November 14, 1994, BO, during 1995. Temporary restrictions on shrimp fishing were imposed in some zones of Texas and western Louisiana on April 27, 1995 (60 FR 21741, May 3, 1995), in response to elevated strandings within those zones. Recent strandings in Georgia and South Carolina appear to be closely correlated with the opening of state waters to shrimp fishing, as delineated below.

South Carolina

South Carolina waters, which fall within NMFS statistical Zones 32 and 33, were opened to shrimping on May 16, 1995. Reported strandings on offshore beaches of South Carolina increased beginning on May 17, and exceeded the ITL in Zone 32 by the end of the week of May 28. Strandings again reached the ITL during the week beginning May 28. The ITL was exceeded in Zone 33, beginning May 21, and approached the ITL for the week beginning May 28. Many of the strandings reported in Zone 33 earlier in the spring occurred in North Carolina in the northern portion of the Zone. Four weekly averages (May 7 through June 3) for Zones 32 and 33, have approached 75 percent of, or exceeded, the ITL; however, the strandings have not remained elevated throughout the entire period. Enforcement efforts have been increased in response to strandings, and as described in the ERP, restrictions will be initiated in the waters off South

Carolina if stranding levels remain elevated. Shrimping effort was elevated during the week following the May 16 opening of South Carolina waters, with 280 trawlers observed, including 200 in the vicinity of Charleston on May 17, 1995. During an aerial survey conducted on May 23, 1995, 95 vessels were observed. Georgia waters opened to shrimp fishing on June 1, 1995, which may have resulted in reduced effort off South Carolina as vessels moved south. Additionally, tropical storm Allison, which prevented an aerial survey in early June, may also have reduced effort. An aerial survey conducted on June 7, 1995, documented 120 shrimp vessels operating within 1 mile (1.9 km) of the South Carolina offshore beaches.

Georgia

The Georgia coastline encompasses the northern 18 miles (29.0 km) of NMFS shrimp statistical Zone 30, all of Zone 31, and a few miles of the southern portion of Zone 32. Zones 30 and 31 are both within the Atlantic Interim Special Management Area. Georgia waters were opened to shrimping on Thursday, June 1, 1995. During the week beginning May 28, 21 strandings were reported on Georgia offshore beaches, including 1 Kemp's ridley. Fifteen of these strandings, including the ridley, occurred in Zone 31, compared to an ITL of 8. While a number of these turtles stranded before the June 1, 1995, opening, reports of vessels fishing within state waters prior to the opening have been received and are being investigated by enforcement personnel. During an aerial survey conducted over nearshore Georgia waters on June 1, 1995, 351 shrimp vessels were observed. Between June 4 and June 8, 1995, 24 strandings were reported on Georgia offshore beaches, including 6 Kemp's ridleys. The combined ITL for Zones 30 and 31 (which includes a small, northern portion of the Florida coastline) is 16.

Enforcement observations suggest that compliance with the TED requirements of the sea turtle conservation regulations is high in Georgia and South Carolina. Soft TEDs were observed in almost 50 percent of the nets inspected by enforcement agents in Georgia and South Carolina waters this year, and all hard-grid TEDs observed had bottom escape openings. State enforcement personnel and resource managers confirm these observations. As discussed herein, although soft TEDs and bottom-opening hard TEDs have been generally approved for use under the sea turtle conservation regulations, based on the best available information, NMFS concludes that they are not as

effective in releasing turtles, under some conditions, as top-opening hard TEDs. Additionally, anecdotal accounts suggest that shrimpers off Georgia are taking high numbers of sea turtles in try nets. Law enforcement personnel stated that a fisherman reported that another individual caught 25 sea turtles in try nets with a headrope length of 20 ft (6.1 m) in 2 days of fishing.

Analysis of Other Factors

NMFS and state personnel have investigated factors other than shrimping that may contribute to sea turtle mortality in Georgia and South Carolina, including other fisheries and environmental factors. Gillnet effort in North Carolina waters is being investigated in association with strandings in North Carolina as well as in northern South Carolina. Shrimp fishermen have suggested that crabbers in Georgia waters may be intentionally killing sea turtles based on their belief that sea turtles cause damage to crab pots. Two loggerheads stranded on Wassaw Island, GA, had apparent gun shot wounds. Georgia law enforcement personnel are investigating these reports but currently have no information identifying participants of any particular fishery in these intentional mortalities

An algae bloom with red tide organisms has been transported along the Gulf Stream into nearshore North Carolina waters where the coastline projects out near the Gulf Stream. However, there is no information to suggest that red tide or other environmental conditions have contributed to sea turtle strandings in Georgia and South Carolina thus far in 1995. Additionally, accounts of the successful rehabilitation of loggerhead turtles in pools containing red tide organisms suggest that sea turtles are not adversely affected solely by the occurrence of red tide organisms in the environment. Crustaceans, which are the primary forage species of loggerhead and ridley sea turtles in the Atlantic, are not considered bioaccumulators of red tide toxins.

In summary, no new activity or environmental condition has been identified in the nearshore southeast U.S. Atlantic waters to account for high stranding levels except for increased shrimping effort associated with the opening of South Carolina and Georgia waters to shrimping.

Restrictions on Fishing by Shrimp Trawlers

The November 14, 1994, BO provides a reasonable and prudent alternative requiring conservation measures be