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the Federal Register notice, and will include the best readily available information on:

- a. Affected area;
- b. Current and historical strandings, shrimp landings and shrimping effort (if available). Any unusual aspect of the strandings will be identified (e.g., species composition, size classes, and carcass anomalies);
- c. Enforcement efforts with emphasis on boardings and compliance;
- d. Other mortality factors if any, and unusual environmental conditions, with an evaluation of their significance; and
- e. Any fishing practices or gear types that may be contributing to the strandings (e.g., percent soft TEDs as determined from enforcement boardings).

Restrictions on the fishery will include any or all of the following:

- 1. The use of soft TEDs described in 50 CFR is prohibited.
- 2. The use of hard TEDs with bottom escape openings and special hard TEDs with bottom escape openings is prohibited. Approved hard TEDs and special hard TEDs must be configured with the slope of the deflector bars upward from forward to aft and with the escape opening at the top of the trawl.
- 3. The use of try nets with a headrope length greater than 12 ft (3.6 m) or a footrope length greater than 15 ft (4.6 m) is prohibited unless a NMFS-approved top-opening, hard TED or special hard TED is installed when the try nets are rigged for fishing. Try nets with a headrope length 12 ft (3.6 m) or less and a footrope length 15 ft (4.6 m) or less would be exempt from the TED-use requirement in accordance with 50 CFR 227.72 (e)(2)(ii)(B)(1).
- 4. The use of a webbing flap that completely covers the escape opening in the trawl is prohibited. Any webbing that is attached to the trawl, forward of the escape opening, be cut to such a length that the trailing edge of such webbing does not approach to within 2 inches (5.1 cm) of the posterior edge of the TED grid. The requirements for the size of the escape opening would be unchanged.

These restrictions will be implemented through emergency rulemaking pursuant to the regulations under 50 CFR 227.72(e)(6), and will remain in effect for 30 days. Changes to the restrictions, or to the size and extent of the area covered by the restrictions, and any extension of the restrictions may be required through additional 30-day rules. All restrictions will be predicated on ensuring protection to sea turtles.

Area Closures Within the Special Management Areas

Two consecutive weeks of elevated strandings, at 75 percent or more of the ITL after implementation of an emergency rule restricting shrimp fishing, will result in area closures from the COLREGS line, out to 10 nm (18.5 km) within the statistical zone of elevated strandings, and contiguous statistical zones or portions of contiguous zones, as necessary. Area closures will be implemented through emergency rulemaking notices pursuant to 50 CFR 227.72(e)(6), and will remain in effect for 30 days. Changes to the size and extent of the area closure, and any extension of the closure, may be required through additional 30-day rules.

Decision Not to Implement Restriction or Closures Within Special Management Areas

The Regional Director, in consultation with the SAC, SEA, and the OD, may make a determination that emergency rulemaking is not necessary despite stranding levels reaching or exceeding 75 percent of the ITL for 2 consecutive weeks within the Interim Special Management Areas. This determination will be summarized in a Memorandum for the Record, and must receive the concurrence of the AA. The Memorandum for the Record will include the information listed in a. through e., above, must demonstrate that sea turtle mortalities appear to be due to sources other than shrimping, and must identify actions that can be taken immediately to reduce nearshore mortalities.

B. Areas Outside of the Interim Special Management Areas

(Zones 1 through 11, 21 through 29, and 32 through 36)

The STSSN National Coordinator. with assistance from PSB staff and the NSTC as requested, will be responsible for communicating with the STSSN State Coordinators to evaluate local conditions and mortality factors present in the statistical zones of elevated strandings. The best available information will be solicited and reviewed through communication with appropriate NMFS laboratories as well as state and local marine scientists and managers. The local NMFS enforcement agent, Coast Guard and state enforcement agency may also be asked to increase enforcement efforts within statistical zones of elevated strandings.

A consensus Decision Memorandum to the RD will be prepared by PSB staff, the STSSN National Coordinator, and the NSTC regarding whether further action is warranted in any statistical zone within which strandings remain elevated above historical levels for 1 month. The Decision Memorandum must be timely and contain the following best readily available information:

a. Affected area;

b. Current and historical strandings, shrimp landings and shrimping effort (if available). Any unusual aspect of the strandings will be identified (e.g., species composition, size classes, and carcass anomalies);

c. Enforcement efforts with emphasis on boardings and compliance;

d. Other mortality factors if any, and unusual environmental conditions, with an evaluation of their significance;

e. Identification of any fishing practices or gear types that may be contributing to the strandings (for e.g., percent soft TEDs as determined from enforcement boardings); and

f. Recommended further actions, if any, which may include continued investigation, elevated enforcement, or implementation of emergency regulations restricting shrimping or closing areas. Restrictions if necessary, will be consistent with those described within the discussion of the interim special management areas under A., above.

The Regional Director, in consultation with the SAC, SEA, and the OD, will make a determination regarding further action within 48 hours of receipt of the Decision Memorandum. Actions contrary to those recommended in the Decision Memorandum must be summarized in a Memorandum for the Record, and receive the concurrence of the AA. Continued elevated strandings reaching or exceeding 75 percent of the ITL for more than 2 consecutive weeks after restrictions are taken, as noted in item f. under B. and listed in A., may result in area closures from the COLREGS line, out to 10 nm (18.5 km) within the statistical zone of elevated strandings, and contiguous zones or portions of contiguous zones, as necessary.

Request for Comments

Any emergency rulemaking that may be necessary to implement the ERP will be implemented pursuant to 50 CFR 227.72(e)(6) and the Administrative Procedure Act, 5 U.S.C. 551 et seq. Since NMFS received comments on the rule establishing 50 CFR 227.72(e)(6) in 1992, and since full opportunity for public comment may not exist if temporary restrictions must be implemented on an emergency basis, NMFS is requesting comments on this