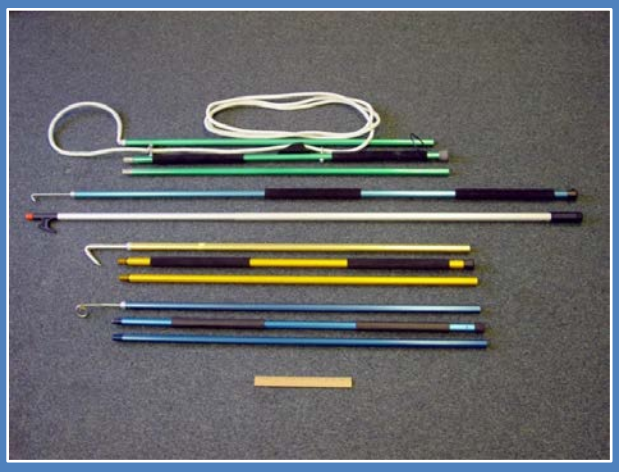

Amendment 42

to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Modifications to Sea Turtle Release Gear and Framework Procedure for the Snapper Grouper Fishery

Regulatory Impact Review | Regulatory Flexibility Analysis

April 2019

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Definitions, Abbreviations and Acronyms Used in the FMP

ABC	acceptable biological catch
ACL	annual catch limit
AM	accountability measure
ACT	annual catch target
B	a measure of stock biomass in either weight or other appropriate unit
B_{MSY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
B_{OY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
B_{CURR}	The current stock biomass
CPUE	catch per unit effort
DEIS	draft environmental impact statement
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
F	a measure of the instantaneous rate of fishing mortality
$F_{30\%SPR}$	fishing mortality that will produce a static SPR = 30%
F_{CURR}	the current instantaneous rate of fishing mortality
F_{MSY}	the rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
F_{OY}	the rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	final environmental impact statement
FMP	fishery management plan
FMU	fishery management unit
M	natural mortality rate
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
OY	optimum yield
RIR	regulatory impact review
SAFMC	South Atlantic Fishery Management Council
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SIA	social impact assessment
SPR	spawning potential ratio
SSC	Scientific and Statistical Committee

Amendment 42 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Proposed actions:	Modify the sea turtle handling and release gear requirements for the snapper grouper fishery; and expand the snapper grouper framework procedure to include sea turtle and other protected resources handling and release gear requirements.
Lead agency:	Amendment – South Atlantic Fishery Management Council (Council) Categorical Exclusion – National Marine Fisheries Service (NMFS), Southeast Regional Office
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associated with the regulations. Costs to the private sector are discussed in the effects of management measures. Estimated public costs associated with this action include:

South Atlantic Fishery Management Council (Council) costs of document preparation, meetings, public hearings, and information dissemination	$15,000
NMFS administrative costs of document preparation, meetings and review	$15,000
TOTAL	$30,000

The estimate provided above does not include any law enforcement costs. Any enforcement duties associated with this action would be expected to be covered under routine enforcement costs rather than an expenditure of new funds. Council and NMFS administrative costs directly attributable to this amendment and the rulemaking process would be incurred prior to the effective date of the final rule implementing this amendment.

Net Benefits of Regulatory Action

In terms of net benefits, actions identified to decrease costs may also be expected to increase net economic benefits. It is important to specify the time period being considered when evaluating benefits and costs. According to the Office of Management and Budget's FAQs regarding Circular A-4,[12] "When choosing the appropriate time horizon for estimating costs and benefits, agencies should consider how long the regulation being analyzed is likely to have resulting effects. The time horizon begins when the regulatory action is implemented and ends when those effects are expected to cease. Ideally, analysis should include all future costs and benefits. Here as elsewhere, however, a 'rule of reason' is appropriate, and the agency should consider for how long it can reasonably predict the future and limit its analysis to this time period. Thus, if a regulation has no predetermined sunset provision, the agency will need to choose the endpoint of its analysis on the basis of a judgment about the foreseeable future."

For current purposes, the reasonably "foreseeable future" is considered to be the next 10 years. There are two primary reasons for considering the next 10 years the appropriate time period for evaluating the benefits and costs of this regulatory action rather than a longer (or shorter) time period. First, this regulatory action does not include a predetermined sunset provision. Second, based on the history of management in the snapper grouper fishery, regulations regarding sea turtle release gear are revisited about once every 10 years or so.

The analyses of the quantified net changes in economic benefits through cost savings indicates an annual increase in benefits of $10,008. In discounted terms and over a 10-year time period, the total net present value of this increase in benefits is $70,292 using a 7% discount rate and $85,370 using a 3% discount rate. The estimated non-discounted public costs resulting from the regulation are $30,000. The costs resulting from the amendment and the associated rulemaking process should not be discounted as they will be incurred prior to the effective date of the final rule.

[12] See p. 4 at https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a004/a-4_FAQ.pdf

Required Item	Where to Get It
Hank of Rope	• Any hardware supply store
Set of (4) PVC Splice Couplings	• Any hardware supply store
Large Avian Oral Speculum	• https://www.kruuse.com/en/ecom/Konsult_Diagnostik/Spekulum_fugle/prod_273117.aspx • https://www.pattersonvet.com/ProductItem/078023455

Table B3. Additional sea turtle release gear required for vessels with a federal commercial and/or charter vessel/headboat South Atlantic snapper grouper permit(s) and a freeboard height of greater than 4 ft.

Required Item	Where to Get It
Long-Handled Line Cutter (6 ft or 150% of freeboard height)	• https://dehooker4arc.com/store/product.cfm/mode/details/id/417/4-noaa-laforce-middle-section-extended-reach • Hi -Liner Tackle • Fisherman's Ideal Supply House
Long-Handled (6 ft or 150% of freeboard height) Dehooker for Internal Hooks	• https://dehooker4arc.com/store/product.cfm/mode/details/id/409/arc-6-pole-big-game-dehooker-perfect-for-billfish • https://dehooker4arc.com/store/product.cfm/mode/details/id/410/arc-8-pole-breakdown-2-4-sections-big-game-dehooker • https://dehooker4arc.com/store/product.cfm/mode/details/id/411/arc-12-pole-breakdown-2-6-sections-big-game-dehooker
Long-Handled (6 ft or 150% of freeboard height) Dehooker for External Hooks	• https://dehooker4arc.com/store/product.cfm/mode/details/id/429/commercial-6-pole-j-style-dehooker
Long-handled Device to pull an ''Inverted V'' (6 ft (1.83 m) or 150% of freeboard height)	• https://www.westmarine.com/buy/davis-instruments--telescoping-3-section-boat-hook--4545216?recordNum=2 • https://www.westmarine.com/buy/aftco--6-taper-tip-aluminum-gaff--14535546?cm_sp=Onsite-Recs-_-DY-_-Search-Results-Test • https://www.basspro.com/shop/en/deluxe-telescopic-boat-hooks • https://www.basspro.com/shop/en/offshore-angler-ocean-master-carbon-fiber-gaff

Appendix C. Snapper Grouper Framework Procedure

I. Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specifications:

2. At times determined by the SEDAR Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments or assessment updates will be conducted under the SEDAR process for stocks or stock complexes managed under the Snapper Grouper FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

3. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. The Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

   For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve snapper grouper population levels at or above B_{MSY} within the rebuilding periods specified by the Council and approved by NOAA Fisheries Service. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a B_{MSY} level and a MSST from B_{MSY}. The report may also recommend more

appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

4. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rational why it believes that level of fishing will not exceed MFMT.

5. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Snapper Grouper Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

6. The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:
    a. Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.

    b. May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.

    c. Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if

one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

7. The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NOAA Fisheries Service Regional Administrator for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and Regional Administrator. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

8. The Regional Administrator will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The Regional Administrator will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and Regional Administrator.

9. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:
    a. ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
    b. ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
    c. AMs or sector AMs.
    d. Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
    e. The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
    f. New levels or statements of MSY (or proxy) and OY for any stock.
    g. New levels of total allowable catch (TAC).
    h. Adjust fishing seasons/years.

10. Adjustments to ABCs, ACLs, and ACTs according to the existing ABC Control Rule(s) and formulas for specifying ACLs and ACTs that have been approved by the Council and that were implemented in a fishery management plan amendment to the FMP. This abbreviated process is authorized as follows:
    a. Following the Scientific and Statistical Committee's (SSC's) review of the stock assessment, the Council will determine if changes are needed to ABC, ACL, and/or ACT and will so advise the RA.

b. The Council will first hold a public hearing during the Council meeting during which they will review the stock assessment and the SSC's recommendations. In addition, the public will be advised prior to the meeting that the Council is considering potential changes to the ABC, ACL, and/or ACT and the Council will provide the public the opportunity to comment on the potential changes prior to and during the Council meeting.
c. If the Council then determines that modifications to the ABC, ACL, and/or ACT are necessary and appropriate, they will notify the RA of their recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.
d. The RA will review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and all other applicable law, the RA is authorized to implement the Council's proposed action through publication of appropriate notification in the Federal Register, providing appropriate time for additional public comment as necessary.
e. If the Council chooses to deviate from the ABC control rule(s) and formulas for specifying ACLs and ACTs that the Council previously approved and that were implemented in a fishery management plan amendment to the FMP, this abbreviated process would not apply, and either the framework procedure would apply with the preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the previously approved ABC control rule(s) and formulas for specifying ACLs and ACTs.

11. The NMFS Regional Administrator is authorized, through notice action, to conduct the following activities.
    a. Close the commercial fishery of a snapper grouper species or species group that has a commercial quota or sub-quota at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
    b. Close the recreational fishery of a snapper grouper species or species group at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
    c. Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

12. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the Regional Administrator must notify the Council of its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation

concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

II. Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern:

This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or adjusted at any time during the year. The process is as follows:

1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions. The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.

2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on issues/problems/information that surface separate from the Panel. The steps are as follows:
    A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
    B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:

    A. Advance notice of the availability of the recommendation.
    B. The appropriate justifications, and biological, economic, and social analyses.

C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.

4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.

5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:

    A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.
    B. Whether regulations have to be in place for an entire harvest/fishing season.
    C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.
    D. Whether there is an immediate need to protect the resource.
    E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.

6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:

    A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or
    B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or
    C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.

7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

    A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.
    B. Establishment of or modification of EFH-HAPCs for managed species or species complex.
    C. Establishment of or modifications of Coral-HAPCs.

D. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.
E. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.
F. Regulations of EFH-HAPCs.

From the Code of Federal Regulations (6/28/17):

§622.194 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Snapper-Grouper Fishery of the South Atlantic Region, the RA may establish or modify the following items specified in paragraph (a) of this section for South Atlantic snapper-grouper and wreckfish.

(a) Biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY (or proxy), OY, ABC, TAC, quotas (including a quota of zero), annual catch limits (ACLs), annual catch targets (ACTs), AMs, maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), trip limits, bag limits, size limits, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, fishing year, rebuilding plans, definitions of essential fish habitat, essential fish habitat, essential fish habitat HAPCs or Coral HAPCs, and restrictions on gear and fishing activities applicable in essential fish habitat and essential fish habitat HAPCs.

Appendix D. Fishery Impact Statement (FIS)

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires a FIS be prepared for all amendments to Fishery Management Plans (FMPs). The FIS contains an assessment of the likely biological, social, and economic effects of the conservation and management measures on: 1) fishery participants and their communities; 2) participants in the fisheries conducted in adjacent areas under the authority of another Council; and 3) the safety of human life at sea.

Actions Contained in Amendment 42 to the Snapper Grouper FMP (Amendment 42)

Amendment 42 proposes changes to sea turtle handling and release requirements for owners and operators of vessels with federal South Atlantic commercial or charter vessel/headboat snapper grouper permits and modifications to the Snapper Grouper FMP framework procedure. The first action would allow three additional sea turtle release gear types, approved by the National Marine Fisheries Service (NMFS) Southeast Fisheries Science Center (SEFSC), for use in handling and releasing incidentally caught sea turtles when fishing for snapper grouper species. There are also several clarifications that would be made by removing the word "approximately" from the regulations for currently required release gear and establishing a range or minimum requirement. The second action would modify the Snapper Grouper FMP framework procedure to allow for future changes to release gear requirements and handling protocols for sea turtles and other protected resources.

Assessment of Biological Effects

The action to allow three additional sea turtle release gear types is anticipated to assist with compliance and aid in the safe release of sea turtles and other protected species, thus providing positive biological effects. The increased compliance would result from fishermen being able to select the gear which is most appropriate for their vessel and fishing method to safely handle and release sea turtles, and therefore, result in an indirect biological benefit. Additionally, by clearly defining the release gear, fishermen are more likely to have the proper gear on board if an interaction occurs. This will result in positive indirect biological benefits.

The action to modify the snapper grouper framework is primarily an administrative action, and would only have indirect impacts on the biological environment, all of which would be expected to be beneficial in that they would facilitate effective release of incidentally captured protected species.

Assessment of Economic Effects

Allowing additional gear for sea turtle release and clarifying dimension requirements for currently required release gear would result in direct economic effects for commercial vessels

and charter vessels/headboats with federal snapper grouper permits. In the case of a vessel owner purchasing release gear for the first time (such as with a new vessel) or replacement release gear for broken or otherwise unusable gear, the owner would examine the net economic benefits of the three new release gear types in relation to the current, available gear. The net economic benefits would include not only the cost of that particular device, but also any added benefits, such as saved space on board due to the collapsible nature of the collapsible hoop net.

For replacement of a dip net, vessel owners may expect estimated cost reductions from $15 to $65, or about $40 on average per vessel, based on self-construction costs of the collapsible hoop net and PVC small hoist. Using the estimated 2,502 vessels that may be affected by modifications to sea turtle release gear requirements, a total cost savings of $100,080 may occur, assuming all affected vessels will eventually need replacement dip net gear and go with the lower cost options. This estimate of total cost savings would occur over several years rather than annually. Assuming that dipnet gear must be replaced at least once every 10 years, the quantified estimated cost savings that would result from the modifications to sea turtle release gear requirements is $10,008 annually.

Regarding the clarification of dimension requirements for currently required release gear, regulations currently state that, for design standards, needle-nose or long-nose pliers "should be approximately 12 inches in length" and this amendment would set the minimum length at 11 inches. Setting a specific minimum length limit removes ambiguity for fishermen in terms of compliance and thereby reduces risk of a non-compliance fine. As a result, allowing of the proposed additional release gear and clarifying dimension requirements would be expected to generate net economic benefits. There may be some additional costs associated with purchasing new gear if fishermen did not already have gear that was in compliance with the regulations.

If the regulations are modified to allow for the use of the three proposed gear types for sea turtle release, then as an indirect effect, producers of the proposed gear as well as producers of currently allowed gear may see some changes over time in the demand for their specific brand of product, as vessel owners take into consideration the net economic benefits already mentioned when deciding whether to switch gear. Thus, producers of gear that would provide a net economic benefit to vessels owners could be expected to see an increase in demand for their specific gear, whereas producers of gear that would not provide a net economic benefit to vessels owners could be expected to see a decrease in demand for their specific gear. Since allowing additional gear options for sea turtle release would not be expected to impact the number of vessels using sea turtle release gear, no impacts would be expected to the overall demand for this category of products.

Assessment of Social Effects

Allowing fishermen to carry and use the three new release gear types is expected to result in small, direct social benefits to fishing businesses and communities by providing additional flexibility. Allowing more compact gear to be used addresses stakeholder concerns regarding space for release gear on their vessels. Snapper grouper commercial and charter vessel/headboat fishermen are already required to have release gear on board that serves the same function as the proposed new types of release gear and would not be required to purchase or construct the new

types of release gear, thus avoiding any negative social effects associated with additional business expenses. Clarifying the dimension requirements for current release gear and aligning requirements for South Atlantic snapper grouper commercial and for-hire vessels with those for Gulf of Mexico reef fish commercial and for-hire vessels is anticipated to result in positive social effects. Reducing ambiguity and creating consistency in the regulations by removing language like "approximately" and replacing it with specific size limits will aid fishermen when purchasing or replacing release gear and will aid law enforcement in determining release gear compliance again resulting in small but positive social effects to fishing businesses and communities.

Modifying the snapper grouper framework procedure to allow for release gear and handling protocols to be modified through an abbreviated framework procedure is expected to result in small, but positive social effects. Quick adoption of new types of release gear is expected to provide greater benefit and flexibility to fishermen.

Assessment of Effects on Safety as Sea

Amendment 42 is not expected to result in direct impacts to safety at sea.