

NMFS has not identified information sufficient to make any such determination for this group of beluga whales. The MMPA also requires NMFS to prepare a conservation plan and restore any stock designated as depleted to its optimum sustainable population, unless NMFS determines that such a plan would not promote the conservation of the stock. NMFS has determined that a conservation plan would not promote the conservation of the Sakhalin Bay-Nikolaya Bay-Amur River stock of beluga whales and therefore does not plan to implement a conservation plan. In summary, this rule, if implemented, would not directly regulate the public. If any subsequent restrictions placed on the public to protect the Sakhalin Bay-Nikolaya Bay-Amur River stock of beluga whales are included in separate regulations, appropriate analyses under the Regulatory Flexibility Act would be conducted during those rulemaking procedures.

The MMPA prohibits the importation of any marine mammal designated as depleted for purposes of public display (see 16 U.S.C. 1371(a)(3)(B) and 1372(b)). Therefore, this rule, if implemented, would have the indirect effect of prohibiting the future importation of any marine mammal from this stock into the United State for public display. There are 104 facilities in the United States that house marine mammals for the purposes of public display. Of these, only six facilities house beluga whales. There are currently twenty-seven beluga whales at these facilities. None of these beluga whales were taken in the wild from the Sakhalin Bay-Nikolaya Bay-Amur River stock; three whales are progeny of animals taken in the wild from this stock. NMFS receives very few requests to import beluga whales into the United States for purposes of public display, and has no pending requests to import beluga whales for public display. NMFS notes the small number of U.S. entities that house beluga whales and the small number of beluga whales from this stock that are currently permitted for public display in the United States. Because this rule, if implemented, would not prevent an entity from requesting to import a beluga whale from a non-depleted stock for purposes of public display, NMFS finds that this rule, if implemented, would not result in a significant economic impact on a substantial number of small entities.

Accordingly, this proposed rule, if implemented, would not result in a significant economic impact on a substantial number of small entities. As a result, no regulatory flexibility

analysis for this proposed rule has been prepared. NMFS invites comment from members of the public who believe this rule, if implemented, will result in a significant economic impact on a substantial number of small entities, or who have additional information relevant to NMFS' analysis.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act of 1980.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

#### List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Exports, Imports, Marine mammals, Transportation.

Dated: March 30, 2016.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 216 is proposed to be amended as follows:

#### PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 216 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.* unless otherwise noted.

■ 2. In § 216.15, paragraph (j) is added to read as follows:

##### § 216.15 Depleted species.

\* \* \* \* \*

(j) Sakhalin Bay-Nikolaya Bay-Amur River beluga whales (*Delphinapterus leucas*). The stock includes all beluga whales primarily occurring in, but not limited to, waters of Sakhalin Bay, Nikolaya Bay, and Amur River in the Sea of Okhotsk.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

RIN 0648-BF77

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 17A

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Gulf of Mexico (Gulf) Fishery Management Council (Council) has submitted Amendment 17A to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Amendment 17A includes actions to extend the Gulf commercial shrimp permit moratorium and retain the royal red endorsement to the Gulf shrimp permit.

**DATES:** Written comments must be received on or before June 6, 2016.

**ADDRESSES:** You may submit comments on Amendment 17A, identified by "NOAA-NMFS-2016-0018" by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0018](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0018), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 17A, which includes an environmental

assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_fisheries/shrimp/2016/am17a/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2016/am17a/index.html).

**FOR FURTHER INFORMATION CONTACT:**

Susan Gerhart, telephone: 727-824-5305, or email: [Susan.Gerhart@noaa.gov](mailto:Susan.Gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

The FMP being revised by Amendment 17A was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

**Background**

In 2002, through Amendment 11 to the FMP, the Council established a Federal commercial open access permit for all vessels harvesting shrimp from federal waters of the Gulf (67 FR 51074, August 7, 2002). Approximately 2,951 vessels had been issued these permits by 2006. After the establishment of the permit, the shrimp fishery experienced economic losses, primarily because of high fuel costs and reduced shrimp prices caused by competition from imports. These economic losses resulted in decreasing numbers of vessels in the

fishery, and consequently, reduction of effort. The Council determined that the number of vessels in the offshore shrimp fleet would likely decline to a point where the fishery again became profitable for the remaining participants, and new vessels might want to enter the fishery. That additional effort could negate, or at least lessen, profitability for the fleet as a whole. Consequently, through Amendment 13 to the FMP, the Council established a 10-year moratorium on the issuance of new Federal commercial shrimp vessel permits and established a royal red shrimp endorsement to the Gulf shrimp permit (71 FR 56039, September 26, 2006). The moratorium on permits also indirectly controls shrimping effort in Federal waters and thereby, bycatch levels of juvenile red snapper and sea turtles. The final rule implementing the moratorium was effective October 26, 2006, and the moratorium permits became effective in March 2007. Amendment 17A would extend the moratorium for an additional 10 years until October 26, 2026. Extending the moratorium is expected to maintain the biological, social, and economic benefits to the shrimp fishery achieved under the moratorium over the past 10 years.

The purpose of establishing the royal red shrimp endorsement was to help inform data collectors about who the royal red shrimpers were and collect better information about the fishery. These endorsements are available to anyone with a Federal Gulf commercial shrimp permit and many more royal red shrimp endorsements are issued than the number of vessels actually harvesting royal red shrimp. Royal red shrimp are primarily harvested from deep waters requiring greater capital

investment; therefore, historically only a small number of boats have been engaged in harvesting royal red shrimp. In Amendment 17A, the Council considered eliminating the royal red shrimp endorsement to the Gulf shrimp permit. However, the Council chose to retain the endorsement because it may be useful in the future to identify shrimpers who could be exempt from closed areas and for enforcement.

A proposed rule that would implement measures outlined in Amendment 17A has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

**Consideration of Public Comments**

The Council has submitted Amendment 17A for Secretarial review, approval, and implementation. Comments on Amendment 17A must be received by June 6, 2016. Comments received during the respective comment periods, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment and will be addressed in the final rule.

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

Dated: March 31, 2016.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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