



**U.S. DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**  
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May 21, 2015

Keith Lovell  
Assistant Secretary - Office of Coastal Management  
Louisiana Department of Natural Resources  
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Keith.Lovell@la.gov

Dear Mr. Lovell:

The Natural Resource Trustees for the *Deepwater Horizon* Oil Spill are proposing two early restoration projects for implementation with the potential to affect the coastal zone of Louisiana. These projects are proposed as Phase IV early restoration actions for the *Deepwater Horizon* oil spill in a just released document titled "Draft Phase IV Early Restoration Plan and Environmental Assessments" (Draft Plan). The U. S. Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), the United States Department of Agriculture, and the United States Environmental Protection Agency (the undersigned Federal Trustees), have reviewed these projects for consistency with the Louisiana Coastal Resources Program (LCRP) and have found that, as best as can be determined at this level of planning, that the proposed restoration actions are consistent to the maximum extent practicable with the applicable, enforceable policies of the State's program. This letter submits that determination for State review.

**Background**

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico. These events resulted in the discharge of several millions of barrels of oil into the Gulf over a period of approximately three months. In addition, various response actions were undertaken, including, but not limited to the application of approximately hundreds of thousands or more gallons of dispersants to the waters of the spill area in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The magnitude of the Oil Spill and the U.S. Coast Guard-directed efforts to contain and clean up the oil across the Gulf were massive and unprecedented. The Oil Spill and associated response efforts impacted coastal and oceanic ecosystems ranging from the deep ocean floor, through the oceanic water column, to the highly productive coastal habitats of the northern Gulf of Mexico, including estuaries, shorelines and

coastal marsh as well as ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas. These fish and wildlife species and their supporting habitats provide a number of important ecological and recreational services.

The Federal Trustees and the designated natural resource trustee agencies for each of the five states on the Gulf coast, (collectively, the Trustees), including for Louisiana, the Coastal Protection and Restoration Authority (CPRA), the Oil Spill Coordinator's Office (LOSCO), the Department of Wildlife and Fisheries (LDWF), the Department of Environmental Quality (LDEQ), and the Department of Natural Resources (LDNR), are each authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal or state laws to assess and assert a natural resource damages claim for this Oil Spill, in order to fully restore and compensate the public for the harm the spill caused to natural resources, including lost use of these resources by the public. Consistent with their authority and their claim, the Trustees are investigating the resource injuries and losses that occurred and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured resources and to make the public whole for the injuries and losses that occurred. That process, known as a Natural Resource Damage Assessment (NRDA), was initiated in the earliest days of the Oil Spill and is on-going at this time.

On April 20, 2011, DOI, NOAA, and the State Trustees entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. That agreement, entitled "Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill" (Framework Agreement)<sup>1</sup>, established a process under which the Trustees and BP are working together "to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable" prior to completion of the NRDA process or full resolution of the Trustees' natural resource damages claims. Fifty-four early restoration projects have already been selected for this purpose across the Gulf (See Phase I Final Early Restoration Plan, April 18, 2012; Phase II Early Restoration Plan, December 21, 2012; and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement, (Phase III Plan), June, 2014<sup>2</sup>). Implementation of these projects is underway.<sup>3</sup>

The Trustees are now proposing a fourth set of early restoration projects (Phase IV) for implementation across the Gulf. The proposed Phase IV projects include two that would have a potential to affect resources within the coastal zone of Louisiana. These two projects are described in Appendix A to this letter. The Trustees are presently seeking public review and comment on these projects in the Draft Plan released on May 20, 2015. The Draft Plan is available for public review and comment until June 19, 2015. The notice announcing the comment period on the Draft Plan may be found at:

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<sup>1</sup> The Framework Agreement is available at: <http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/2011/05/framework-for-early-restoration-04212011.pdf>

<sup>2</sup> The Phase III Plan sets forth the Trustees' programmatic plan for early restoration decisions under the Oil Pollution Act and the Framework Agreement. It identified the suite of project types suitable for early restoration going forward. It also identified the third phase of approved early restoration projects. The Phase III Plan was approved by the Trustees in a Record of Decision dated October 2, 2014.

<sup>3</sup> Additional information about these projects is available at: <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/>

<https://www.federalregister.gov/articles/2015/05/20/2015-11945/deepwater-horizon-oil-spill-draft-phase-iv-early-restoration-plan-and-environmental-assessments>.

The projects previously chosen and the projects the Trustees are now proposing do not represent the full extent of restoration needed to satisfy the Trustees' natural resource damages claims against the responsible parties for the Oil Spill. They are intended only to help accelerate meaningful restoration in the Gulf prior to completion of the full NRDA.

#### **Proposed Phase IV Early Restoration Projects:**

The following proposed early restoration actions would have the potential to affect resources that may use Louisiana's coastal zone:

1. Sea Turtle Early Restoration Project - This project is a multi-faceted approach to restoration that collectively addresses identified needs for a variety of species and life stages of sea turtles, consistent with long-term recovery plans and plan objectives for sea turtles in the Gulf of Mexico. The Sea Turtle Early Restoration project consists of four complementary project components:
  - The Kemp's Ridley Sea Turtle Nest Detection and Enhancement component would provide needed additional staff, infrastructure, training, education activities, equipment, supplies, and vehicles over a 10-year period in both Texas and Mexico for Kemp's ridley sea turtle nest detection and protection.
  - The Enhancement of the Sea Turtle Stranding and Salvage Network (STSSN) and Development of an Emergency Response Program component would enhance the existing STSSN beyond current capacities for 10 years in Texas and across the Gulf as well as develop a formal Emergency Response Program within the Gulf of Mexico.
  - The Gulf of Mexico Shrimp Trawl Bycatch Reduction component would enhance two existing NOAA programs which would work to reduce the bycatch of sea turtles in shrimp trawls in the Gulf of Mexico. The two programs are the Gear Monitoring Team (GMT), which provides education and outreach efforts to encourage fisher compliance with existing federal Turtle Excluder Devices (TED), and the Southeast Shrimp Trawl Fisheries Observer Program (Observer Program), which monitors sea turtle bycatch in commercial shrimp trawls.
  - The Texas Enhanced Fisheries Bycatch Enforcement component would enhance TPWD enforcement activities for fisheries that incidentally catch sea turtles while they operate primarily in Texas State waters within the Gulf of Mexico for a 10-year period.
2. Pelagic Longline Bycatch Reduction Project – This proposed project aims to restore pelagic fish by reducing fish mortality from bycatch and other dead fish discards in the U.S. Atlantic pelagic longline fishery (PLL) operating in the Gulf of Mexico. The proposed project is comprised of two integrated actions: an annual 6-month repose for PLL fishing in the Gulf of Mexico, to coincide with bluefin tuna spawning season, to be implemented via a volunteer- and compensation-based program in the PLL fishery and provisioning of gear alternatives with lower bycatch rates for use by participating fishermen to continue to fish for target species during the repose period.

Appendix A to this letter contains a more detailed summary of each of these proposed projects, and

provides the location (Chapter, section) of the proposed project description appearing in the Draft Plan. The Draft Plan is available at: <http://www.gulfspillrestoration.noaa.gov> or <http://www.doi.gov/deepwaterhorizon>.

Our evaluation of the principal enforceable policies of the LCRP that are potentially applicable to the listed Phase IV early restoration projects and the basis of our determination of consistency with these policies is summarized in Appendix B.

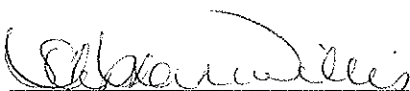
**Conclusion:**

Based on review of the requirements of the State's coastal zone management program, and after evaluating the applicable factors associated with activities affecting the coastal zone, a determination has been made that the proposed projects listed above are consistent to the maximum extent practicable with the applicable, enforceable policies of the LCRP.

For the Federal Trustees, this represents the earliest opportunity for consideration of the consistency of the proposed Phase IV early restoration projects with the LCRP. Early consideration of the consistency of these projects with the LCRP will provide support for finalizing the selection of projects and help the participating federal, state and local agencies in expeditiously implementing restoration in keeping with the goals of early restoration for the Oil Spill. If selected, implementation of these projects will remain subject to any additional consistency reviews for these projects that would be required or might otherwise occur under the LCRP at a later stage of planning.

Because the projects are being proposed as part of the early restoration process, i.e., are intended to accelerate the restoration of resources and services impacted by the Oil Spill, the Federal Trustees are requesting and would deeply appreciate a response to this determination of consistency as soon as is practicable. We thank you in advance for your efforts to accommodate this request.

Sincerely,



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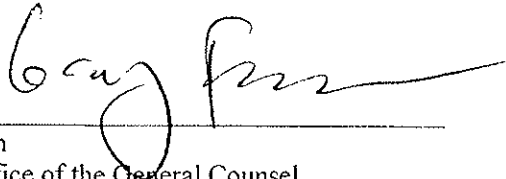
Stephanie L. Willis  
Senior Attorney  
National Oceanic & Atmospheric Administration

Deepwater Spill Draft Phase IV Early Restoration Plan  
Letter Concerning Louisiana Coastal Resources Program



Harriet M. Deal  
Attorney-Advisor  
United States Department of the Interior

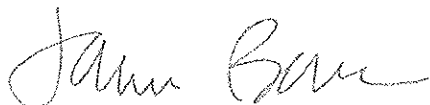
Deepwater Spill Draft Phase IV Early Restoration Plan  
Letter Concerning Louisiana Coastal Resources Program

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Gary M. Freinerman  
Senior Counsel, Office of the General Counsel  
United States Department of Agriculture

Deepwater Spill Draft Phase IV Early Restoration Plan  
Letter Concerning Louisiana Coastal Resources Program

A handwritten signature in cursive script that reads "James Bove". The signature is written in dark ink and is positioned above a horizontal line.

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James Bove  
Senior Attorney  
United States Environmental Protection Agency

## APPENDIX A:

### DESCRIPTIONS OF PROPOSED PHASE IV EARLY RESTORATION PROJECTS FOR LCRP CONSISTENCY REVIEW

**Sea Turtle Early Restoration Project** (*See PHASE IV DERP, Chapter 13, Section 13.1, for more detailed project description*) – The proposed Sea Turtle Early Restoration project consists of four complementary project components: (1) Kemp’s Ridley Sea Turtle Nest Detection and Enhancement; (2) Enhancement of the Sea Turtle Stranding and Salvage Network (STSSN) and Development of an Emergency Response Program; (3) Gulf of Mexico Shrimp Trawl Bycatch Reduction; and (4) Texas Enhanced Fisheries Bycatch Enforcement, each of which would aid in the recovery of sea turtles. Two of those components - the proposed Enhancement of the Sea Turtle Stranding and Salvage Network (STSSN) and Development of an Emergency Response Program and the proposed Gulf of Mexico Shrimp Trawl Bycatch Reduction Project - include proposed actions within or likely to affect resources within the coastal zone of Louisiana.<sup>4</sup> The following summarizes the activities proposed for these two components that have the potential to affect resources within the coastal zone of Louisiana:

- Gulf of Mexico Sea Turtle Stranding and Salvage Network Enhancement (STSSN) and Development of an Emergency Response Program Component<sup>5</sup> – This proposed component includes actions to enhance and improve the STSSN’s response capabilities for dead and injured sea turtles in the Gulf of Mexico. These proposed actions are intended to increase the STSSN’s capacity for effective response and coordination of conservation activities, and to increase the survival rate of live stranded sea turtles, particularly during cold stun events.

The proposed component would enhance the infrastructure of the Gulf of Mexico STSSN across all five states to increase and improve the capability for response, coordination, data handling and reporting, and streamlined data dissemination for use in conservation management programs. Participants in the Gulf-wide STSSN enhancement would include NOAA and the state STSSN coordinators for each of the five Gulf states. The project would provide funding for positions in each of the Gulf states and three positions hired by NOAA to focus on Gulf-wide STSSN coordination. Enhancement of the STSSN would result in more rapid response to unusual stranding events, allowing mortality sources to be identified and addressed more rapidly and solutions to be implemented where possible.

The proposed Establishment of a Sea Turtle Emergency Response Program would develop and implement a comprehensive sea turtle emergency response program in the Gulf of Mexico. The

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<sup>4</sup> The Kemp’s Ridley Sea Turtle Nest Detection and Enhancement Component and the Texas Enhanced Fisheries Bycatch Enforcement Component would be implemented entirely on shorelines and/or coastal waters in Mexico and Texas.

<sup>5</sup> This component in the Draft Plan also includes proposed additional activities to expand the STSSN in Texas (described in the Draft Plan under proposed “Enhancement of the Sea Turtle Stranding and Salvage Network and Rehabilitation Efforts in Texas”). These activities are not described or considered further in this letter as all such proposed activities would occur entirely within Texas.



primary focus of this proposed action would be creating a formal plan and necessary infrastructure (i.e. Mobile Aquatic Sea Turtle Hospital (MASH) units, supplies and equipment) and a robust training program to provide increased STSSN capacity for rapid response to cold stun and other emergency events with the potential to kill or injure large numbers of sea turtles. These events require search and rescue operations, triage, treatment, temporary holding, and eventual release of turtles. The program would work to increase response capacity by decreasing response times and increasing search areas during emergency events. Five MASH units and trailers would be purchased. Each contains twelve 500-gal tanks with filtration, UV filters, tents and setup equipment. This component would also include the use of contracts for vessel support during events.

- Gulf of Mexico Shrimp Trawl Bycatch Reduction Component-- This proposed project component would enhance two existing NOAA programs in the Gulf of Mexico: the Gear Monitoring Team (GMT) program and the Shrimp Trawl Observer Program.

The proposed GMT program would be expanded from one to three teams (each consisting of two staff) for deployment throughout the Gulf of Mexico. The proposed new GMT teams would work closely with TED manufacturers and net shops to assist and ensure that TEDs are properly built and installed to required standards, and would work with the fishing industry to improve their knowledge and understanding of how to effectively build, use, and maintain TEDs. This would be achieved through workshops and courtesy dock-side and at-sea TED inspections. The proposed expanded GMT program would increase capacity for education and outreach to the shrimp fishing community to improve compliance with existing federal TED regulations. The expanded GMT would also work closely with the Observer Program and the STSSN to identify specific areas of bycatch concern within the Gulf. The proposed expanded GMT is intended to provide direct benefits to sea turtles by decreasing the likelihood of capture mortality through greater use of properly built, installed, and maintained TEDs.

This proposed component also includes expansion of the capacity of NOAA's Southeast Shrimp Trawl Fisheries Observer Program (Observer Program) to place trained observers on shrimping vessels in the Gulf of Mexico to monitor sea turtle bycatch. The primary goal of the expanded Observer Program is to improve capacity to collect data on bycatch of sea turtles in the shrimp trawl fishery in the Gulf. The proposed project component would add approximately 300 observer sea days annually, for a period of 10-years. This additional coverage would focus on specific times and areas identified as priorities for monitoring sea turtle bycatch to allow for better characterization and assessment of this bycatch. Information on sea turtle interactions with fishing activities will help target, refine, and improve conservation management and recovery of sea turtles in the Gulf.

**Pelagic Longline Bycatch Reduction Project** (See PHASE IV DERP, Chapter 14, Section 14.1 for more detailed project description) - The goal of the proposed Pelagic Longline Bycatch Reduction Project is to restore open-ocean (pelagic) fish that were affected by the spill. The Gulf pelagic longline (PLL) fishery primarily targets yellowfin tuna and swordfish, but incidentally catches and discards other fish, including marlin, sharks, bluefin tuna, and smaller individuals of the target species. Pelagic longline gear is indiscriminate in regard to species caught, resulting in the catch of non-target species. Due to the soak time

of the gear, this bycatch is often dead when the gear is hauled-back. This proposed project aims to reduce bycatch fish associated with the Gulf PLL fishery by compensating PLL fishermen who agree to voluntarily refrain from PLL fishing in the Gulf during an annual 6 month repose period which coincides with the bluefin tuna spawning season.

The project would also provide participating fishermen with two alternative gear types -- green stick or buoy gear - for their use to continue to fish for yellowfin tuna and swordfish during the repose period. Green-stick gear is trolled to target yellowfin tuna. Buoy gear is set to target swordfish. These two fishing gear types have been widely discussed for their potential effectiveness in reducing dead discards associated with directed fisheries for yellowfin tuna and swordfish in the Gulf of Mexico. Allowing use of these alternative gears during a PLL repose period would help reduce adverse financial impact to fishers and assist in maintaining local economies during the PLL repose periods. The proposed project would include technical extension services (research, outreach, and training on the use of the alternative gear types) to educate users and tune gears to achieve maximize effectiveness. The duration of the PLL Program is dependent upon the number of fishermen volunteering to participate each year, but is expected to be in place from 5 to 10 years, with the first year focused on establishing contracts and/or other arrangements necessary to support implementation.

## APPENDIX B:

### SUMMARY OF LCRP CONSISTENCY REVIEW FOR PROPOSED PHASE IV EARLY RESTORATION PROJECTS

**Sea Turtle Early Restoration Project** - The proposed Sea Turtle Early Restoration Project consists of four project components, only two of which have been determined to potentially affect the coastal zone and resources of the state of Louisiana because some activities associated with these components would be conducted within the Louisiana coastal zone: (1) Enhancement of the Sea Turtle Stranding and Salvage Network and Development of an Emergency Response Program; and (2) Gulf of Mexico Shrimp Trawl Bycatch Reduction. A fuller description of these two components is set forth in Appendix A (hereafter, use of the term Sea Turtle Early Restoration Project will refer only to these two components).

The overall goal of the LCRP is to protect, develop, and restore or enhance the resources of the state's coastal zone through the regulation of uses in the Louisiana coastal zone, especially those which have a direct and significant impact on coastal waters. The Sea Turtle Early Restoration Project does not appear to implicate any of the specific Coastal Use Guidelines categories included in Louisiana Administrative Code - 43:7(B) (Coastal Use Guidelines). The LCRP, however, also includes §701 Guidelines Applicable to All Uses.

With respect to the coastal zone of Louisiana, the Sea Turtle Early Restoration Project has the potential to:

- Reduce or have no effect on air quality, noise, surface water quality, and contaminant loadings to surface waters from vessels that normally operating for shrimp trawling in Louisiana.

and has no potential to:

- disturb or impact any shorelines, habitats or substrates or cause any other physical change to the State's coastal environment<sup>6</sup>
- disturb or change any aesthetics in the State's coastal environment
- change any existing physical infrastructure in the State's coastal environment, including in any coastal port
- affect health and safety at ports or related to any vessels operating in or transiting the State's coastal environment (no aspect of the project would require or result in a necessity to operate vessels or fish at times of risk)
- affect public access or enjoyment of the coastal zone
- disturb natural and cultural settings

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<sup>6</sup>Response to sea turtle strandings might involve some minimal disturbance of areas where sea turtles or sea turtle carcasses are found sufficient to remove the turtle or the carcass, if required. Such disturbance seems so insignificant as to be negligible.

The proposed project activities are consistent with general factors the LCMP uses to evaluate whether proposed activities are in compliance with the Guidelines Applicable to All Uses, to the extent these could be applicable. The proposed project includes activities that would enhance the existing STSSN infrastructure in Louisiana. The proposed project activities serve state, Gulf-wide and national interests in the conservation of sea turtles. They are also consistent, and would be implemented in a manner that would conform with all laws, standards and regulations for the protection and conservation of sea turtles, including programs for those purposes that may be incorporated into the LCMP. Some of the proposed projects activities involve interaction with commercial fishermen on a voluntary basis, notably through education efforts at docks and on vessels and participation in a current NOAA fisheries observer program. While the proposed Sea Turtle Early Restoration Project may result in increased interactions with fishermen and vessels, that will not result in any adverse economic impacts or disrupt existing social patterns as these will be voluntary and/or part of existing programs. None of the proposed activities have a potential to result in any adverse impact to uses of the Louisiana that the LCMP seeks to avoid.

The Trustees do not believe that, if this project is selected for implementation, any of its proposed activities will require additional approval under any state permitting authority, but if that is the case, then such approval would be sought prior to implementation.

**Pelagic Longline Bycatch Reduction Project (PLL Project)** - The overall goal of the LCRP is to protect, develop, and restore or enhance the resources of the state's coastal zone through the regulation of uses in the Louisiana coastal zone, especially those which have a direct and significant impact on coastal waters. The PLL Project does not appear to implicate any of the specific Coastal Use Guideline categories included in the LCRP<sup>7</sup> as:

With respect to the coastal zone of Louisiana, the PLL Project has the potential to:

- Reduce or have no effect on air quality, noise, surface water quality, and contaminant loadings to surface waters from vessels that normally homeport or land catch in Louisiana.

and has no potential to:

- disturb or impact any shorelines, habitats or substrates or cause any other physical change to the State's coastal environment, including natural supplies of sediment and nutrients, to the coastal system
- disturb or change any aesthetics in the State's coastal environment
- change any existing infrastructure in the State's coastal environment, including in any coastal port
- affect health and safety at ports or related to any PLL vessels operating in or transiting the State's coastal environment (no aspect of the project would require or result in a necessity to operate vessels or fish at times of risk)

The LCRP, however, also includes §701 Guidelines Applicable to All Uses. A review of these guidelines reveals only a few that could be applicable to PLL Project. These are the guidelines with respect to activities being designed and operated to avoid significant adverse economic impacts on the locality of the use or disruption of existing social patterns. The PLL Project is fully consistent with these policies to the extent they may be applicable to the proposed actions.

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<sup>7</sup>These are listed in Louisiana Administrative Code - 43:7(B) (Coastal Use Guidelines).

The proposed PLL Project is primarily aimed at reducing the amount of fish lost as bycatch and dead discards associated with the Pelagic Longline (PLL) fishery in the Gulf of Mexico. The PLL fishery operates in the pelagic, oceanic waters of the U.S. Exclusive Economic Zone (EEZ) in the Gulf and uses pelagic longline gear to target yellowfin tuna and swordfish. The gear is indiscriminate, resulting in bycatch of non-target species (including marlin and sharks), smaller individuals of the target species, and regulatory discards<sup>8</sup> that, due to the soak time of the gear, are often dead when the gear is hauled in. PLL gear is also known to interact with protected species such as marine mammals, sea turtles, and seabirds and occasionally to result in injury to or loss of individuals.

The proposed PLL Project is comprised of two companion actions: (1) instituting a compensation-based, voluntary annual 6-month repose from PLL fishing in the Gulf (to coincide with bluefin tuna spawning season) and (2) providing participating fishermen with one of two gear alternative for their use during the repose period to continue to fish for yellowfin tuna and swordfish (greenstick gear and buoy gear, respectively) in the Gulf of Mexico EEZ. Use of the alternative gears is intended to reduce adverse financial impact to fishers and help maintain local economies during the PLL repose periods, but these gears are also monitored more closely and frequently by fishermen and have been shown to be more discriminate than PLL gear with respect to targeted species, to result in less bycatch and other discards, to have lower mortality of bycatch and regulatory discards post-release, and to result in fewer interactions with protected species. The proposed PLL Project will reduce the use of PLL gear, and result in less bycatch and dead fish discards as well as fewer instances of injury or loss of protected species.

The principle actions that would be undertaken to implement the PLL Project are (1) the identification of and creation of compensation-based agreements with willing PLL vessel owners to enact individual 6 month repose period(s) from PLL fishing, and (2) the provisioning of one of the two alternative gears, and the associated extension services, to each participant. Neither of these actions are of a type that would directly “occur” or “take place” within the coastal zone of Louisiana. However, during the life of the project, these actions are expected to result in less use of PLL gear in the Gulf of Mexico EEZ (fewer hook sets during the 6 month repose period, beginning in project year two) and increased use of two other gears by PLL fishermen as they continue to fish for target species.

Together, these voluntary changes in PLL fishery practice in the Gulf would reduce fish lost because of PLL bycatch and dead discards in the Gulf (and partially restore pelagic fish biomass in the Gulf of Mexico) and result in even fewer occasions of injury to or loss of protected species such as marine mammals, sea turtles and sea birds. Reducing incidental PLL catch mortalities will benefit the stocks of the species caught by PLL fishing gear by allowing more fish to remain alive, to continue to grow, and potentially to reproduce and contribute to the propagation of future year classes. Some stocks of fish

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<sup>8</sup> Bycatch, as defined in MSFCMA Section 3 is, “Fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards.” Regulatory discards are, “fish harvested in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.” Economic discards are, “fish which are the target of a fishery, but which are not retained because of an undesirable size, sex, or quality, or other economic reasons” (Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), Public Law 94-265, Sec. 3 Definitions, as Amended October 11, 1996, <http://www.nmfs.noaa.gov/sfa/magact/magl.html#s3>)

caught by PLL fishing gear are overfished and the reduction in dead discards from the PLL repose may help to improve the overall status of these stocks. Bluefin tuna is one of the pelagic species for which dead discards are anticipated to be reduced. Lower protected species mortalities and injuries are also expected to result from experiencing fewer harmful interactions with PLL gear. As with fishery resources, protected species may benefit from the individuals that remain in the population and continue to grow and/or contribute to the propagation of their respective species. All such benefits have the potential to be of benefit to these same fishery and protected resources as are or may be present in the coastal zone of Louisiana. Further, the provisions for compensation and for ensuring participants can continue to fish for target species is specifically included in the Project to avoid adverse financial impacts to participants and to help maintain local economies (e.g., fish dealers, fuel suppliers, and shore-side ice, bait, equipment suppliers, etc) at those Gulf ports that normally receive landings of catch by PLL vessels<sup>9</sup>, including those in Louisiana.

Implementation of the proposed PLL Project would not conflict with any efforts underway to manage and preserve marine fishery resources under other authorities, including the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Atlantic Tunas Convention Act (ATCA), and Amendment 7 to the 2006 Consolidated HMS Fishery Management Plan: Bluefin Tuna Management.

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<sup>9</sup> The top five ports of landing in the Gulf states (as measured by the number of gear sets made from 2006 to 2012) include Dulac, LA; Panama City, FL; Golden Meadow, LA; Venice, LA and Galveston, TX.