



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

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April 8, 2009

FB09-022

NOAA Seeking Public Comment on Amendment 29 - Grouper and Tilefish Individual Fishing Quota (IFQ) Program in the Gulf of Mexico

NOAA Fisheries Service is seeking public comment on Amendment 29 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 29 to NOAA Fisheries Service for review, approval, and implementation. The Notice of Availability for public comment on this amendment was published in the *Federal Register* on March 8, 2009.

Background

Current commercial regulatory measures used to manage the grouper and tilefish complex include a license limitation system, quotas, trip limits, minimum size limits, area/gear restrictions, and seasonal closures. Nonetheless, the commercial grouper and tilefish fisheries have become overcapitalized causing commercial regulations to become increasingly restrictive. Under the current management structure, the commercial grouper and tilefish fisheries are expected to continue to have higher than necessary levels of capital investment, increased operating costs, increased likelihood of shortened seasons, reduced safety at-sea, wide fluctuations in supply, and depressed ex-vessel prices. Amendment 29 was developed to rationalize effort and reduce overcapacity in the commercial grouper and tilefish fisheries to achieve and maintain optimum yield.

Actions in Amendment 29

- Establish an IFQ program for groupers and tilefishes in the Gulf of Mexico exclusive economic zone.
- Establish design elements of the IFQ program.
- Allow consolidation of multiple reef fish commercial vessel permits.
- Establish dual classifications to the shallow water and deepwater management units for speckled hind and warsaw grouper.

Design Elements of the IFQ program:

- Restrict initial IFQ share distribution to commercial reef fish permit holders.
- Distribute shares proportionately among eligible participants based on landings during 1999-2004, but provide an allowance for dropping one year.
- Set species-specific share types, establishing red grouper, gag, other shallow water grouper, deepwater grouper, and tilefish shares.
- Convert some red grouper and gag allocation into multiuse allocation valid for harvesting red or gag grouper, with restrictions.
- Restrict transfer of shares and allocation to commercial reef fish permit holders during the first five years, but not thereafter.
- Set separate share caps for each type of IFQ share equal to the maximum share initially assigned to an IFQ participant.
- Set a cap on total annual allocation equivalent to the share caps.
- Use a proportional adjustment strategy for distributing commercial quota adjustments and reallocation among IFQ shareholders.
- Require the Regional Administrator to establish a formal appeals process and reserve three percent of the total available IFQ shares during the first year of the program for use in resolving disputes.
- Make IFQ share or allocation holders responsible for cost recovery fees and IFQ dealers responsible for fee collection and submission on a quarterly basis.
- Allow fishermen to select landing sites for IFQ programs, but require approval by NOAA Fisheries Service Office for Law Enforcement.

Other information on the implementation and functioning of the IFQ program is also discussed in the amendment. The administrative functions associated with this program, e.g., registration and account setup, landing transactions, and transfers are designed to be accomplished online; therefore, a participant must have

access to a computer and Internet access to participate.

Dates and Addresses

Written comments must be received no later than 5 p.m., Eastern Time, on **June 8, 2009**. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. To submit comments enter "NOAA-NMFS-2008-0223" in the keyword search and then check the box "send a comment or submission." Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Susan Gerhart, Southeast Regional Office, NOAA Fisheries Service, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

Amendment 29, which includes an Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, is available in electronic format from the Council's Web site at <http://www.gulfcouncil.org>, or by contacting the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone (813) 348-1630; fax (813) 348-1711; e-mail gulfcouncil@gulfcouncil.org.

Please Note: A proposed rule that would implement measures outlined in Amendment 29 has also been

developed. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NOAA Fisheries Service 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, NOAA Fisheries Service will publish the proposed rule in the *Federal Register* for public review and comment. NOAA Fisheries Service will also announce this request for comment through the release of another Southeast Fishery Bulletin.

Comments received by June 8, 2009, whether specifically directed to the amendment or the proposed rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

How can we improve these fishery bulletins?

If you have any suggestions on how we may improve future fishery bulletins, please contact:
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If you would like to receive these fishery bulletins via e-mail as soon as they are published, e-mail us at: SERO.Communications.Comments@noaa.gov. You will still receive a hard copy of these bulletins through the mail.

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FB09-022