



Southeast Fishery Bulletin

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

FOR INFORMATION CONTACT:
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FOR IMMEDIATE RELEASE:
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NOAA FISHERIES SERVICE IS SEEKING COMMENTS ON A PROPOSED RULE REGARDING REFERENDA GUIDELINES FOR IFQ PROGRAMS

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) is seeking comment on a proposed rule that would establish referendum guidelines and procedures for the Gulf of Mexico Fishery Management Council (Council). These guidelines and procedures are for the Council to follow in determining procedures and voting eligibility requirements for referenda on Individual Fishing Quota (IFQ) programs. The intended effect of these procedures and guidelines is to ensure IFQ program referenda are fair and equitable. The proposed rule was published in the *Federal Register* on April 23, 2008, with the comment period ending June 23, 2008.

Proposed Guidelines and Procedures

Initiating Referenda

To initiate a referendum on a proposed IFQ program, the Council must have:

- Held public hearings on the proposed IFQ program;
- Considered public comments on the proposed IFQ program;
- Selected preferred alternatives for the proposed IFQ program; and
- The chair of the Council must request a referendum in a letter to the Regional Administrator.

The Council's referendum initiation letter must include:

- Recommended voter eligibility and vote weighting criteria; and
- Rationale supporting the Council's recommendation.

If the letter initiates referenda of multispecies permit holders, such as Gulf reef fish, it must include alternatives identifying permit holders who have substantially fished.

Voter Eligibility

Councils must consider the following when developing criteria for voter eligibility:

- The full range of entities (i.e., persons, businesses, or organizations) likely to be eligible for initial allocations under the proposed IFQ program;
- Current and historical harvest and participation in the fishery; and
- Any other factors determined by the Council to be relevant.

Substantially Fished Criterion

The Council must consider the following when developing criteria for identifying multispecies permit holders who have substantially fished:

- Current and historical harvest and participation in the fishery;
- Economic value of and employment practices in the fishery; and
- Any other factors determined by the Council to be relevant.

Ensuring Referenda are Fair and Equitable

When determining if the Council's criteria will provide for a fair and equitable referendum, NOAA Fisheries Service will consider the following, whether:

- Criteria are rationally connected to the objectives of the program;
- Criteria prevent a single entity from obtaining an excessive share of voting privileges;
- Documentary evidence exists to validate a participant's eligibility; and
- The referendum can be conducted in a reasonable amount of time.

Conducting Referenda

NOAA Fisheries Service will publish a proposed rule to seek public comment on the specific schedule,

procedures, and other requirements for the referendum process. A Gulf Council IFQ program referendum shall be considered approved only if a majority of those voting submit valid ballots in favor of the referendum. Any changes modifying an IFQ program proposal that was reviewed by referendum voters may invalidate the results of the referendum.

Following a referendum that has failed to approve the IFQ proposal, any request from the Council for a new referendum in the same fishery must include an explanation of the substantive changes to the proposed IFQ program or changes of circumstances in the fishery that would warrant initiation of an additional referendum.

This bulletin provides only a summary of the information pertinent to the rule. Any discrepancies between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

DATES: Written comments must be received no later than 5 p.m., Eastern time, on June 23, 2008.

ADDRESSES: 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. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- **Mail:** Alan Risenhoover, Director, Office of Sustainable Fisheries, NMFS, Attn: IFQ Referenda Guidelines, 1315 East-West Highway, SSMC3, Silver Spring, Maryland 20910.
- **Fax:** 301-713-1193, Attention: Robert Gorrell.

The proposed rule is also available via the Internet at <http://www.gpoaccess.gov/fr/index.html> (do an advanced search under proposed rules for “page 21893”). Printed or electronic copies of the rule can be obtained from the Office of Sustainable Fisheries by contacting Robert Gorrell at NMFS-SF, 1315 East-West Highway, Silver Spring, Maryland 20910.

Comments must be received by June 23, 2008, to be considered by NOAA Fisheries Service in its decision on the final rule. All comments received by NOAA Fisheries Service specific to the proposed rule will be addressed in the final rule.

How Can We Improve These Fishery Bulletins?

If you have any suggestions on how we may improve the contents of future fishery bulletins, please contact: Kim Amendola, Communication Specialist, Phone: 727-551-5707, FAX: 727-824-5320, e-mail: SERO.Communications.Comments@noaa.gov