Southeast Fishery Bulletin

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Rule Changes to the Gulf of Mexico Reef Fish Individual Fishing Quota (IFQ) Programs

Small Entity Compliance Guide

On July 2, 2009, NOAA Fisheries Service approved Amendment 29, which creates an IFQ program for grouper and tilefish species in the Gulf of Mexico. A final rule implementing the amendment published on August 31, 2009. On March 1, 2010, a supplement to this rule published in the *Federal Register*. This supplemental rule removes several measures constraining harvest of shallow-water grouper species that were inadvertently not removed in the final rule for Amendment 29, further specifies criteria for approval of new landing locations for both the red snapper IFQ program and grouper and tilefish IFQ program, and provides a definition of "offloading" for IFQ participants. The grouper and tilefish IFQ program began January 1, 2010.

Removal of measures that constrain commercial harvest

The following accountability measures for shallow-water groupers were implemented in May 2009:

- If 80 percent of either the gag or the red grouper quota is reached, and 100 percent of the quota is projected to be reached prior to the end of the fishing year, a 200-pound trip limit will be implemented for the applicable species.
- If 100 percent of any one of the gag, red grouper, or shallow-water grouper quotas is reached, the entire shallow-water grouper sector of the commercial fishery will close for the remainder of the fishing year.

This rule removes these provisions as they are no longer needed with the implementation of the grouper and tilefish IFQ program.

Clarification of IFQ landing location criteria

NOAA Fisheries Service Office for Law Enforcement must approve landing locations prior to landing or offloading red snapper, groupers, or tilefishes. Current regulations state that landing locations must be publicly accessible by land and water, and a street address must be provided for a landing location. To assist law enforcement in determining eligibility of landing locations submitted for review, more specific criteria are established providing greater clarification of the publicly accessible requirement, including but not limited to the following: The site must be accessible for vehicles via public roads; the site must be accessible for vessels via navigable waters; and no other condition may impede free and immediate access to the landing location, such as locked gates, guard dogs, or any other physical barrier.

Definition of offloading

Previous regulations defined "landing" specifically for the IFQ program; however, "offloading" was not defined in the regulations for IFQ participants. For the purposes of the IFQ program, "landing" is defined as arriving at a dock, berth, beach, seawall, or ramp. For the purposes of the IFQ program, "offloading" is defined as removing IFQ fish from a vessel.

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Copies of the final rule are available by contacting NOAA Fisheries Service's Southeast Regional Office at 263 13th Avenue South, St. Petersburg, Florida 33701. The final rule can be obtained in electronic form from the *Federal Register* Web site: http://www.gpoaccess.gov/fr/index.html (use advanced search for final rules using "AX39" as a keyword). For questions about the IFQ program, please call customer service at 1-866-425-7627.

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