



Southeast Fishery Bulletin

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NOAA Fisheries Announces Changes to Regulations for the Red Snapper and Grouper-Tilefish Individual Fishing Quota Programs

NOAA Fisheries announces a new rule, effective October 27, 2014, which makes changes to the Gulf of Mexico reef fish fishery. The final rule published in the *Federal Register* on September 26, 2014 (79 FR 57830). The rule includes administrative revisions to the commercial red snapper and grouper-tilefish Individual Fishing Quota (IFQ) programs that improve enforcement, monitoring, and administration, and clarifies existing regulatory requirements. The final rule makes numerous changes to requirements for landing notifications, offloading, landing transactions, and administrative changes. For detailed information on the final rule please refer to the [Frequently Asked Questions](#) on the NOAA Fisheries Web site.

ELEMENTS OF THE RULE

The final rule includes changes to landing notifications:

- Allows allocation to be held in either a vessel account or the linked shareholder account at the time the landing notification is submitted.
- Extends the landing notification reporting window from 12 to 24 hours.
- Requires that a vessel must land within 1 hour after the arrival time given in the landing notification.
 - NOAA Fisheries modified the final rule based on input from fishers who indicated that 30 minutes would not be sufficient time, but that 1 hour would be sufficient.
- Specifies that any changes to a landing notification (time of landing, landing location, dealer, or change in estimated pounds) would require a new landing notification which would supersede a previous notification.
 - The captain will *not* be required to wait an additional 3 hours if only one superseding landing notification has been submitted for the trip. If more than one superseding notification has been made for a trip or the landing location is changed, the vessel will be required to provide at least 3 hours' notice before landing.

- Allows vessels to land prior to a 3-hour notification if an authorized officer is present, is available to meet the vessel at the landing site, and authorizes the owner or operator of the vessel to land early.

The final rule includes a change to the offloading process:

- Allows offloads beginning before 6 p.m. to continue after 6 p.m. if an authorized officer is present, is available to remain at the offloading site while the offloading continues, and authorizes the vessel to continue offloading.

The final rule includes changes to landing transactions:

- Requires vessels to complete a landing transaction for IFQ species within 96 hours of landing.
 - NOAA Fisheries has determined that to address the timeliness and accuracy of landing transactions it is more appropriate to require a timeframe for the landing transaction as opposed to a timeframe for completing the offload. Additionally, based on public comment, NOAA Fisheries has determined that the timeframe should be 96 hours.
- Prohibits the deduction of ice and water weight when reporting an IFQ landing transaction unless the actual weight of ice and water is determined using a scale.
- Requires a dealer to complete a landing transaction for IFQ species on the day of offload, and within 96 hours of the landing (as specified above). The intent of this regulation is to improve the timeliness and accuracy of landing transactions.

The final rule includes administrative changes which:

- Allow IFQ account holders to close an IFQ account by submitting a Close Account Form to NOAA Fisheries. *Accounts will only be closed if they no longer hold shares and allocation, or a dealer account has paid all cost recovery fees.* If an

account holder is deceased, a death certificate will also need to be provided with the Close Account Form.

- Allow NOAA Fisheries IFQ Customer Service staff to close an IFQ account if no landing transactions or IFQ transfers have been completed by the IFQ account holder in at least 1 year. *Accounts will only be closed if they no longer hold shares and allocation, or a dealer account has paid all cost recovery fees.* Accounts closed by NMFS staff may be reopened at the request of the account holder.
- Clarify that fish must be sold to a federally permitted dealer and dealers must report all landings and their actual ex-vessel value via the IFQ online Web site. These regulations ensure all landings and sales of IFQ species are accounted for and fish are not kept by a captain and/or crew without first being reported.
- Clarify that a dealer may only receive IFQ fish that have a corresponding transaction approval code. This is intended to improve accountability of the IFQ species that are transported to a dealer by a vehicle or a trailered vessel.

- Removed a phrase stating NOAA Fisheries will “add other methods of complying with the advance notice of landing requirement” because NOAA Fisheries has already identified numerous methods for submitting landing notifications.
- Removed regulatory language that prevents dealers from completing a landing transaction if a landing notification is not submitted.
- Clarified and explicitly stated that IFQ species must be landed at an approved landing location.

Electronic copies of the final rule and frequently asked questions may be obtained from the [NOAA Fisheries Catch Share Web site](#).

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*.