

# PROPOSED RULE CHANGES TO THE RED SNAPPER AND GROUPER-TILEFISH INDIVIDUAL FISHING QUOTA (IFQ) PROGRAMS

## Frequently Asked Questions

March 2014



### Why is the proposed rule necessary?

- The proposed rule contains administrative revisions to the red snapper and grouper-tilefish IFQ programs that will improve enforcement, administration, and monitoring of the program.
- The proposed rule also clarifies existing regulations.

### Who proposed the changes?

- Some of the recommended changes were proposed at a Law Enforcement Advisory Panel meeting that was held in Grand Isle, Louisiana, in July 2012.
- Additional changes were suggested by fishermen, dealers, NOAA Fisheries Law Enforcement, and IFQ Program staff.
  - Workshops were held throughout the Gulf in the fall of 2012 requesting industry feedback.
  - Written suggestions and suggestions received by NOAA Fisheries IFQ Customer Support staff were also considered.
  - The Gulf of Mexico Fishery Management Council approved and deemed the proposed rule at their August 2013 meeting.

### What changes would occur to the landing notification process should the proposed rule become effective?

- *VESSEL ACCOUNTS*: The proposed rule would allow allocation to be held in either a vessel account *or* the linked shareholder account at the time the landing notification is submitted.
  - Current regulations specify that a vessel account must hold sufficient IFQ allocation from the time of landing through the landing transaction.
  - However, before completing a landing transaction the shareholder would need to transfer allocation to the vessel account if sufficient allocation does not exist in the vessel account to allow the dealer to complete the landing transaction.
- *NOTIFICATION WINDOW*: The proposed rule would extend the landing notification reporting window for IFQ species from 12 to 24 hours.

- Currently, the owner or operator of a vessel landing IFQ species is responsible for providing at least 3 hours, but no more than 12 hours, advance notice of landing.
- Extending the notification window provides vessel owners and operators additional flexibility when making landing notifications, while still providing law enforcement advance notice to meet vessels at the landing location for inspection.
- *LANDING WINDOW:* The proposed rule would require that a vessel must land *within 30 minutes after the time given in the landing notification.*
  - If a vessel is landing more than 30 minutes after the time given in the landing notification, the owner or operator of the vessel would be required to submit a new landing notification.
  - The captain would *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 would be required to wait an additional 3 hours before landing.
  - During the August 2013 Gulf of Mexico Fishery Management Council meeting and November 2013 Red Snapper Advisory Panel (AP) meeting, both the Council and AP discussed extending the landing window from 30 minutes to 1 hour based on public comments received.
  - **NMFS is specifically interested in input from fishermen regarding** if 30 minutes is a sufficient window of time to land after the time specified on the advance notice of landing. If it is not a sufficient window of time to land, NMFS is interested in knowing if 1 hour would be sufficient for landing.
- *CHANGES TO A LANDING NOTIFICATION:* Current regulations do not specify procedures for making changes to landing notifications. The proposed rule would specify that any changes to a landing notification would require a new landing notification, which would override a previous notification.
  - If the landing location or the time of landing is earlier than previously specified
    - a new landing notification would require at least 3 hours' notice prior to landing.
  - If the dealer(s) purchasing the fish or the estimated weights of fish to be landed are changed
    - a new landing notification would be required but would not require a vessel to wait an additional 3 hours to land as long as the landing time is later than the previous notification.
- *LANDING PRIOR TO THE NOTIFICATION TIME:* The proposed rule would allow vessels to land prior to a 3 hour notification if an authorized law enforcement officer is present at the landing site *and* authorizes the owner or operator of the vessel to land early.

**What changes would occur to the offloading process should the proposed rule become effective?**

- *TIME RESTRICTION OF OFFLOADING:* The proposed rule would authorize offloads beginning before 6 p.m. to continue after 6 p.m. if an authorized law enforcement officer is present and authorizes the offload to continue.
  - Offloading is currently prohibited from 6 p.m. to 6 a.m. local time.

- *TIMEFRAME FOR COMPLETING OFFLOAD:* The proposed rule would require vessels to offload IFQ species within 72 hours of landing.
  - The intent of this regulation is to ensure IFQ species are offloaded and landing transactions are completed in a timely manner.
  - During the August 2013 Council meeting and November 2013 Red Snapper AP meeting, both the Council and AP discussed providing exceptions to the offloading window to account for Sundays and holiday weekends. It was also suggested that the offloading window be extended from the proposed 72 hours to 96 hours.
  - **NMFS is specifically interested in receiving input from fishermen and dealers regarding** the sufficiency of the 72-hour allotted timeframe for completing an offload or whether 96 hours would be a better timeframe for completing an offload after landing.

**What changes would occur to the landing transaction process should the proposed rule become effective?**

- *PROHIBIT DEDUCTION OF ICE AND WATER WEIGHT:* The proposed rule would prohibit the deduction of ice and water weight when reporting an IFQ landing transaction.
  - Input received from dealers and fishermen indicates some dealers deduct 1 to 3 percent of the total amount landed. This results in those dealers purchasing more fish each year and paying less in cost recovery fees per transaction than other dealers that are not making these same deductions.
- *TIMEFRAME FOR SUBMITTING LANDING TRANSACTION:* This rule would require a dealer to complete a landing transaction for IFQ species on the day of offload.
  - In some instances, landing transactions are entered days to weeks after landing and offload. The intent of this regulation is to improve the timeliness and accuracy of landing transactions.

**What administrative changes are being proposed?**

- *CLOSE ACCOUNT FORM:* The proposed rule would add procedures for an account holder to close an IFQ account.
  - Only accounts without shares or allocation or dealer accounts who have paid all cost recovery fees can close their account.
  - If an account holder is deceased, a death certificate must be provided with the Close Account Form to NMFS.
  - The rule would also allow NMFS 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.
  - Closing accounts will reduce the number of records NMFS must maintain. Accounts closed by NMFS staff may be reopened at the request of the account holder.
- *IFQ LANDING SALES:* The proposed rule would 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.
- *LANDING TRANSACTION APPROVAL CODE:* To improve accountability of the IFQ species that are transported to a dealer by a vehicle or a trailered vessel, this rule clarifies that a dealer may only receive IFQ fish that have a corresponding transaction approval code.
- *REMOVAL OF LANGUAGE:* The proposed rule would remove language stating:
  - “NMFS will add other methods of complying with the advance notice of landing requirement” because NMFS has already identified numerous methods for submitting landing notifications.
  - Regulatory language would also be removed that prevents dealers from completing a landing transaction if a landing notification is not submitted. There are numerous circumstances when a landing notification may be properly submitted, however, the landing notification is not received due to technical problems.
- *LANDING LOCATIONS:* This rule would clarify and explicitly state that IFQ species must be landed at an approved landing location.

### **How can I submit comments regarding the proposed rule?**

SERO will be taking public comments on the proposed rule until April 18, 2014. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: [www.regulations.gov](http://www.regulations.gov). All comments received are part of the public record and will generally be posted to [www.regulations.gov](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 through the federal e-rulemaking portal: <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0122> and click the “Comment Now!” icon. To view posted comments during the comment period, enter "NOAA-NMFS-2013-0122" in the keyword search and click on "search". You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Catherine Hayslip, NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

### **When will these new the management measures be implemented?**

- The proposed changes are expected to be implemented in summer 2014.

### **Related Links:**

IFQ Homepage: <http://ifq.sero.nmfs.noaa.gov/ifqgt/>