

50 CFR Part 659

[Docket No. 960409106-6106-01; LD.
031196A]

RIN 0648-AG26

**Shrimp Fishery Off the Southern
Atlantic States; Amendment 1**

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Proposed rule; request for
comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 1 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). Amendment 1 would: add rock shrimp to the FMP's management unit; prohibit trawling for rock shrimp in an area off the Florida east coast; require permits for dealers, vessels, and vessel operators involved in the rock shrimp fishery; require dealers to report information needed to monitor the fishery; and require that the initial sale, trade, barter, or transfer of rock shrimp harvested from the exclusive economic zone (EEZ) occur only between permitted dealers and permitted vessels. Based on a preliminary evaluation of Amendment 1, NMFS disapproved the measure requiring a vessel operator permit. The proposed rule would implement the remaining measures in Amendment 1. The intended effect is to protect critical habitat and conserve and manage the rock shrimp fishery.

DATES: Written comments must be received on or before June 7, 1996.

ADDRESSES: Comments on the proposed rule must be sent to the Southeast

Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 1, which includes a regulatory impact review, an initial regulatory flexibility analysis (IRFA), a social impact analysis, and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, (South Atlantic Council) One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 803-571-4366, FAX: 803-769-4520.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT:
Peter J. Eldridge, 813-570-5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the South Atlantic Council and is implemented through regulations at 50 CFR part 659 under the authority of the Magnuson Act. Add Rock Shrimp to the Management Unit

In the FMP, rock shrimp are included as part of the fishery, but they are not included in the management unit, because there are no management measures specific to rock shrimp. Amendment 1 contains management measures applicable to rock shrimp, including closing one area to trawling, and permitting and reporting requirements; therefore, rock shrimp would be included in the management unit.

Area Closed to Rock Shrimp Trawling

Amendment 1 proposes to prohibit trawling for rock shrimp between 27°30' N. lat. and 28°30' N. lat. in the area extending shoreward of the 100-fathom (183-m) depth contour (as shown on the latest edition of NOAA chart 11460) to 80°00' W. long. The Council is proposing this measure to minimize the impacts of rock shrimp trawling on important live-bottom habitat, including the slow-growing, fragile *Oculina* coral species in and adjacent to the *Oculina* Bank Habitat Area of Particular Concern (HAPC).

Oculina coral is fragile and particularly vulnerable to damage due to bottom trawling. The largest known concentrations of *Oculina* occur in a narrow band extending from Cape Canaveral, FL south through the HAPC. The *Oculina* formations provide

important habitat for rock shrimp, fishes in the snapper-grouper fishery, and numerous other species.

Testimony at public hearings indicated that some rock shrimp trawl activity has shifted south of Cape Canaveral since 1991, exposing the *Oculina* to trawl damage. Prohibition of rock shrimp trawling in the designated area would extend protection of the valuable *Oculina* habitat to the north and east of the existing HAPC, thereby preventing trawl damage to habitat that is currently unprotected and also enhancing the integrity of the existing HAPC.

Dealer Permit Requirement

Amendment 1 would require a dealer involved in the rock shrimp fishery to obtain an annual dealer permit. A dealer would be defined as the person who first receives rock shrimp harvested from the EEZ. To be eligible for a dealer permit, an applicant would be required to have a valid state wholesaler's license in the state where he or she operates if a license is required by that state, and have a physical facility for the receipt of rock shrimp at a fixed location in that state. A fee would be charged to cover the administrative cost of issuing the permit. A dealer permit would not be transferable and would expire upon change of ownership of the business.

Dealer permits are proposed to identify the universe of dealers involved in the rock shrimp fishery and to facilitate collection of data necessary to manage the fishery. The Council believes that this permit requirement would help ensure accurate dealer reporting, improve enforcement of the regulations by increasing dealer accountability, provide a means to improve communications among participants in the fishery management process, and improve understanding of the economic characteristics of the fishery.

Vessel Permit Requirement

For a person aboard a vessel to fish for or possess rock shrimp from the EEZ, an annual vessel permit would be required. A fee would be charged to cover the administrative costs associated with issuing the permit. The vessel permit requirement would identify the universe of participants in the harvesting sector of the fishery. The Council believes that the permit requirement would also help provide information necessary to assess impacts of fishing on the resource and associated habitats.

Vessel Operator Permit Requirement—Disapproved Measure

One measure in Amendment 1 would have required a vessel operator fishing for rock shrimp in the EEZ to obtain a vessel operator permit. An operator would have been defined as the master or other individual aboard who is in charge of the vessel. No performance or competency testing would be required to obtain a permit. A fee would have been charged to cover the administrative costs associated with issuing the permit.

The vessel operator permit requirement was proposed initially by the Council's Ad Hoc Rock Shrimp Advisory Panel and was subsequently adopted by the Council for inclusion in Amendment 1. The permit requirement was intended to instill vessel operators with greater responsibility and accountability regarding compliance with fishery regulations. The Council believes that revocation of an operator's permit would be more effective than existing penalties in deterring fishery violations.

NMFS has determined that the requirement for a vessel operator permit would not minimize costs and is inconsistent with the Magnuson Act's national standard 7 that requires conservation and management measures to minimize costs and avoid unnecessary duplication where practicable. NMFS believes that adequate regulatory compliance can be achieved via the existing penalty schedule without incurring the additional costs and public paperwork burden that would be associated with implementing a new class of permits. Accordingly, the Director, Southeast Region, NMFS (Regional Director) has disapproved this provision of Amendment 1, and it is not included in this proposed rule. The Regional Director has determined that this provision is not a matter of sufficient scope and substance warranting review under section 304(a)(1)(A) of the Magnuson Act.

Dealer Reporting

Permitted dealers would be required to maintain and submit basic information essential for proper management of the fishery. Additional data may be collected by authorized statistical reporting agents or authorized officers as necessary to address specific issues.

A permitted dealer who is selected by the Science and Research Director, Southeast Fisheries Center, NMFS (Science and Research Director) would be required to provide information on receipts and prices paid for rock shrimp

to the Science and Research Director in accordance with instructions provided on the reporting form. Such information would be submitted at monthly intervals, or more frequently if requested, postmarked not later than 5 days after the end of each month. The Council intends that, to the extent possible, the required information be provided through existing state/Federal cooperative agreements for data collection. To minimize duplication, the Science and Research Director would select a dealer to report only if the essential information were not otherwise available through the state/Federal cooperative data collection system.

Restrictions on Sale

Restrictions on sale of rock shrimp are proposed to ensure that the fishery is conducted only by properly permitted individuals and to assure that all landings are documented through the proposed data collection system. The proposed rule would require that rock shrimp harvested in the EEZ by a permitted vessel be sold, traded, bartered, or transferred only to a permitted dealer. Similarly, a permitted dealer would be allowed to purchase, barter, trade, or transfer rock shrimp harvested from the EEZ only from a permitted vessel.

Availability of Amendment 1

Additional background and rationale for the measures discussed above are contained in Amendment 1, the availability of which was announced in the Federal Register on March 19, 1996 (61 FR 11181).

Classification

Section 304(a)(1)(D) of the Magnuson Act requires publication of regulations proposed by a regional fishery management council within 15 days of receipt of an amendment and regulations. At this time, NMFS has not determined that Amendment 1 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws, except for the provision of Amendment 1 specifically disapproved, as discussed above. NMFS, in making that determination with respect to the remaining parts of Amendment 1, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Council prepared an IRFA which describes the impacts this proposed rule would have on small entities, if adopted. The Council concluded that

the proposed measures in Amendment 1 would have a significant economic impact on a substantial number of small entities. These impacts, as assessed in the IRFA, may be summarized as follows. All of the commercial rock shrimp vessel owners and dealers are small entities that would be affected by one or more actions in the proposed rule. The south Atlantic rock shrimp fishery may have as many as 108 active vessels according to Florida's landings data, although industry representatives indicate that the number of vessels participating throughout the season may be closer to 65. The Council estimates that currently there are about 12 dealers actively buying rock shrimp from fishing vessels. It is noted that over 95 percent of rock shrimp harvested in the south Atlantic region occur in the EEZ off the east coast of Florida.

The IRFA identified the following impacts on small entities in terms of costs and revenues: (1) The addition of rock shrimp to the FMP management unit should not result in any changes in operating revenues or costs for individual vessels in the commercial fishery; (2) the prohibition of trawling for rock shrimp in the closed area off the Florida east coast may cause a reduction in annual gross revenues of current rock shrimp fishery participants by more than 5 percent. Although total annual rock shrimp catches by area are not available from NMFS or State sources, 34 participants in the fishery reported their 1994 landings by area fished during the public hearings process. These participants reported a catch of 1,128,624 pounds of rock shrimp from the area to be closed. This represents 25 percent of their total 1994 catch of rock shrimp from the South Atlantic and is 17 percent of the total 1994 catch of rock shrimp of all harvesters as reported in NMFS data. Using an average ex-vessel price of \$1.25 per pound, the value of the harvest by the 34 participants reporting catch by area is expected to decline \$1.41 million in the first year. These data do not indicate the total estimated catch or revenue effect from closing the area since, as indicated above, reliable data on catch locations for all fishery participants are not available. The IRFA indicates that many of the freezer-trawler vessels participating in the fishery in 1994 may show a reduction in harvest income somewhat in excess of \$40,000 per vessel during the first year of the area closure. Rock shrimp are known to move throughout the area off the east coast of Florida. Thus, it is likely that some of the shrimp initially located within the closed area may move to

other areas where they may be harvested. The impacted rock shrimp vessels are expected to shift fishing effort away from the closed area to open areas. The extent to which they can successfully shift effort will determine how well they can minimize adverse impacts. If vessels have to travel extra distances to the open fishing areas, they would incur additional operating costs. This may not result in a reduction in net revenue for vessels that can catch larger size shrimp yielding higher exvessel prices. Also, many vessels participate in other fisheries when they are not fishing for rock shrimp; it is likely that they may switch effort to these other fisheries during the time they would have been trawling for shrimp in the closed area. For these reasons, the above estimates of adverse economic impacts on small entities from the closed area should be considered maximum levels. Nevertheless, it is reasonable to assume that the 5 percent criterion for significant effects will be met for the small entities participating in the rock shrimp fishery in the U.S. South Atlantic. Finally, no small entities are expected to be forced to cease operations; (3) permit requirements for vessel owners, vessel operators, and dealers would increase costs for those sectors; (4) dealer reporting requirements would increase dealer costs marginally; and (5) restrictions on the sale of rock shrimp (i.e., permitted vessels may sell rock shrimp only to permitted dealers) would decrease revenues and increase costs marginally.

In deciding on its preferred management measures for this rule, the Council attempted to balance the competing objectives of providing protection for important habitat areas known to support important populations of juvenile rock shrimp and other valuable species, such as snappers, with the possible adverse economic effects on current fishery participants. The Council believes that Amendment 1 will reduce fishery related habitat damage and ensure successful recruitment of rock shrimp to the fishery over the long run as well as protecting the biological productivity of the snapper-grouper complex. The Council believes that without these conservation measures, the potential long-term, adverse economic effects on small entities would outweigh the short-term effects. A copy of the IRFA is available from the Council (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the

requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains new collection-of-information requirements subject to the PRA—namely, vessel permit applications, dealer permit applications, dealer reports regarding rock shrimp receipts, and vessel identification requirements. These requirements have been submitted to OMB for approval. The public reporting burdens for these collections of information are estimated to average 20, 5, 10, and 45 minutes per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 659

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 659 is proposed to be amended as follows:

PART 659—SHRIMP FISHERY OFF THE SOUTHERN ATLANTIC STATES

1. The authority citation for part 659 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

§ 659.1 [Amended]

2. In § 659.1, paragraph (b) is amended by adding the phrase "rock shrimp," after "pink shrimp,".

3. In § 659.2, definitions for "Authorized statistical reporting agent", "Dealer", "Regional Director", "Rock shrimp", and "Science and Research Director" are added, in alphabetical order, to read as follows:

§ 659.2 Definitions.

Authorized statistical reporting agent means:

- (1) Any person so designated by the Science and Research Director; or
- (2) Any person so designated by the head of any Federal or state agency that has entered into an agreement with the Assistant Administrator to collect fishery data.

Dealer, for the purposes of this part 659, means the person who first receives rock shrimp harvested from the EEZ upon transfer ashore.

Regional Director means the Director, Southeast Region, NMFS, or a designee.

Rock shrimp means the species *Sicyonia brevirostris*.

Science and Research Director means the Science and Research Director, Southeast Fisheries Science Center, NMFS, or a designee.

4. Section 659.3 is revised to read as follows:

§ 659.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Regulations governing the taking of endangered and threatened marine mammals and sea turtles appear at 50 CFR parts 222 and 227.

§§ 659.4, 659.5, 659.6 [Redesignated as §§ 659.7, 659.8, 659.9]

5. In subpart A, §§ 659.4, 659.5, and 659.6 are redesignated as §§ 659.7, 659.8, and 659.9, respectively; new §§ 659.4, 659.5, and 659.6 are added; and newly redesignated § 659.7 is revised to read as follows:

§ 659.4 Permits and fees.

(a) **Applicability**—(1) **Annual vessel permit for rock shrimp.** For a person aboard a fishing vessel to fish for rock shrimp in the EEZ or possess rock shrimp in or from the EEZ, a vessel permit for rock shrimp must be issued for the vessel and be on board.

(2) **Annual dealer permit for rock shrimp.** A dealer who receives rock shrimp harvested from the EEZ must obtain an annual dealer permit for rock shrimp. To be eligible for such permit, an applicant must have a valid state wholesaler's license, if required in the state where the applicant operates, and must have a physical facility for receipt of rock shrimp at a fixed location in that state.

(b) **Application for an annual vessel permit for rock shrimp.** (1) Applications are available from the Regional Director. An application must be signed and submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner) or operator of the vessel. The application should be submitted to the Regional Director at least 30 days prior to the date the applicant desires the permit to be effective.

(2) A permit applicant must provide the following information:

(i) A copy of the vessel's valid U.S. Coast Guard certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(ii) Vessel name and official number.

(iii) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(iv) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas requested by the Regional Director.

(v) Any other information that may be necessary for the issuance or administration of the permit, as requested by the Regional Director and included on the application form.

(c) **Application for an annual dealer permit for rock shrimp.** (1) Applications are available from the Regional Director. An application for a dealer permit must be submitted and signed by the dealer or an officer of a corporation acting as a dealer. The application should be submitted to the Regional Director at least 30 days prior to the date the applicant desires the permit to be effective.

(2) A permit applicant must provide the following information:

(i) A copy of each state seafood wholesaler's license held by the dealer.

(ii) Business name; mailing address, including zip code, of the principal office of the business; telephone number; employer identification number, if one has been assigned by the Internal Revenue Service; and date the business was formed.

(iii) The address of each physical facility at a fixed location where the business receives rock shrimp.

(iv) Applicant's name; official capacity in the business; address; including zip code; telephone number; and identifying information specified on the application form.

(v) Any other information that may be necessary for the issuance or administration of the permit, as requested by the Regional Director and included on the application form.

(d) **Fees.** A fee is charged for each permit application submitted pursuant to this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(e) **Initial issuance.** (1) The Regional Director will issue an initial permit at any time to an applicant if the application is complete and the specific

requirements for the requested permit have been met. An application is complete when all required forms, information, documentation, and fees have been received.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(f) **Duration.** A permit remains valid for the period for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(g) **Renewal.** (1) A permit required by this section will be effective for 1 year. Application for permit renewal is required only every 2 years. In the interim year, a permit will be renewed automatically (without application) if a vessel owner or a dealer has met the renewal requirements under paragraph (g)(2) of this section. The owner of a permitted vessel or a permitted dealer who does not meet the renewal requirements will be notified by the Regional Director approximately 2 months prior to the expiration of the current permit. The notification will specify the reasons the permit is not eligible for renewal and will provide an opportunity for correction of any deficiencies. For a year in which permit renewal application is required, the Regional Director will mail an application form to each owner of a permitted vessel or permitted dealer approximately 2 months prior to expiration of the current permit. A vessel owner or dealer who does not receive a renewal application in that time frame must contact the Regional Director to obtain a renewal application.

(2) The permit renewal requirements are:

(i) All reports required of an owner of a vessel or a dealer under the Magnuson Act have been submitted.

(ii) The permit has not been revoked, suspended, or denied under paragraph (j) of this section.

(h) **Transfer.** A vessel or dealer permit issued pursuant to this section is not transferable or assignable. A person obtaining a permitted vessel or dealership who desires to conduct activities for which a permit is required must apply for a permit in accordance with the provisions of paragraph (b) or (c) of this section, as appropriate.

(i) **Display.** A vessel permit issued pursuant to this section must be carried on board the vessel and such vessel must be identified as provided for in § 659.6. A dealer permit issued pursuant

to this section must be available on the dealer's premises. The operator of a vessel or a dealer must present the permit for inspection upon request of an authorized officer.

(j) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(k) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(l) *Replacement.* The Regional Director may issue a replacement permit. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement permit.

(m) *Change in application information.* The owner or operator of a vessel with a permit for rock shrimp or a dealer with a permit for rock shrimp must notify the Regional Director within 15 days after any change in the application information required by paragraph (b) or (c) of this section, respectively. The permit is void if any change in the information is not reported within 15 days.

§ 659.5 Recordkeeping and reporting.

(a) *Dealers.* A dealer who has been issued a permit required by § 659.4(a)(2) and who is selected by the Science and Research Director must provide information on receipts of rock shrimp and prices paid, to the Science and Research Director in accordance with instructions on the reporting form. The required information must be submitted at monthly intervals, or more frequently if requested, postmarked not later than 5 days after the end of each month.

(b) *Additional data and inspection.*
(1) Additional data will be collected by authorized statistical reporting agents or by authorized officers. A dealer is required, upon request, to make rock shrimp, or parts thereof, available for inspection by the Science and Research Director or an authorized officer.

(2) On demand, a dealer must make available to an authorized officer all records of off-loadings, purchases, barter, or sales of rock shrimp.

§ 659.6 Vessel identification.

(a) *Official number.* The owner and operator of a vessel with a valid permit, as required under § 659.4(a)(1) must ensure that the vessel's official number is displayed—

(1) On the port and starboard sides of the deckhouse or hull and on a weather

deck so as to be clearly visible from an enforcement vessel or aircraft:

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches (45.7 cm) in height for fishing vessels over 65 feet (19.8 m) in length and at least 10 inches (25.4 cm) in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel specified in paragraph (a) of this section must—

(1) Keep the official number clearly legible and in good repair; and
(2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number from an enforcement vessel or aircraft.

§ 659.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for rock shrimp in the EEZ or possess rock shrimp in or from the EEZ, on board a vessel that does not have a vessel permit for rock shrimp, as specified in § 659.4(a)(1).

(b) As a dealer, receive rock shrimp harvested from the EEZ without a dealer permit, as specified in § 659.4(a)(2).

(c) Falsify information specified in § 659.4(b)(2), or (c)(2) on an application for a permit.

(d) Fail to display a permit, as specified in § 659.4(h).

(e) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 659.5(a) or (b), or as may be required as a condition of an authorized activity under § 659.22.

(f) Fail to make rock shrimp, or parts thereof, available for inspection, as specified in § 659.5(b)(1).

(g) Falsify or fail to display and maintain vessel identification, as specified in § 659.6(a) and (b).

(h) Trawl for white shrimp, pink shrimp, or brown shrimp in a closed area or possess such shrimp in or from a closed area, as specified in § 659.20(a)(2)(i)(A), except possession authorized under § 659.20(a)(2)(ii).

(i) Use or have on board a vessel trawling in that part of a closed area specified under § 659.20(a)(1) that is within 25 nautical miles (46.30 km) of the baseline from which the territorial sea is measured, a trawl net with a mesh size less than 4 inches (10.2 cm), as specified in § 659.20(a)(2)(i)(B).

(j) Trawl for rock shrimp in the closed area specified in § 659.20(b) or possess on board a fishing vessel rock shrimp in or from that closed area.

(k) Transfer, receive, sell, purchase, barter, or trade, or attempt to transfer, receive, sell, purchase, barter, or trade a rock shrimp harvested from the EEZ from a vessel that does not have a valid permit, as specified in § 659.21(a).

(l) Transfer, sell, trade, or barter or attempt to transfer, sell, trade, or barter from a vessel rock shrimp harvested from the EEZ to a dealer who does not have a permit, as specified in § 659.21(b).

(m) As a permitted dealer, receive, purchase, barter, or trade or attempt to receive, purchase, barter, or trade rock shrimp harvested from the EEZ from a vessel that does not have a valid permit, as specified in § 659.21(c).

(n) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

(o) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of brown shrimp, pink shrimp, rock shrimp, or white shrimp.

6. In § 659.20, paragraphs (a), (b), (b)(1), (b)(1)(i), (b)(1)(ii), and (b)(2) are redesignated as paragraphs (a)(1), (a)(2), (a)(2)(i), (a)(2)(i)(A), (a)(2)(i)(B), and (a)(2)(ii), respectively; in newly redesignated paragraph (a)(2)(ii), introductory text, the reference "paragraph (a)" is removed and "paragraph (a)(1)" is added in its place; in newly redesignated paragraphs (a)(2)(i)(A) and (a)(2)(ii), the reference "paragraph (b)(2)" is removed and the reference "paragraph (a)(2)(ii)" is added in its place; and a new paragraph (a) heading and new paragraph (b) are added to read as follows:

§ 659.20 Closures.

(a) *Seasonal closures for brown, pink, and white shrimp.*

(b) *Area closure for rock shrimp.* No person may trawl for rock shrimp in the closed area east of 80°00' W. long. between 27°30' N. lat. and 28°30' N. lat. shoreward of the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460; and no person may possess rock shrimp in or from this closed area on board a fishing vessel.

7. Section 659.21 is redesignated as § 659.22 and a new § 659.21 is added to read as follows:

§ 659.21 Restrictions on sale/purchase of rock shrimp.

(a) No person may transfer, receive, purchase, barter, trade, or sell, or attempt to transfer, receive, purchase,

barter, trade, or sell, rock shrimp harvested in the EEZ by a vessel for which a valid permit has not been issued under § 659.4(a)(1).

(b) No person may transfer, sell, trade, or barter or attempt to transfer, sell, trade, or barter, rock shrimp harvested in the EEZ by a vessel permitted under § 659.4(a)(1) to a dealer who does not have a valid permit issued under § 659.4(a)(2).

(c) No dealer who has a valid permit issued under § 659.4(a)(2) may receive, purchase, trade, or barter or attempt to receive, purchase, trade, or barter rock shrimp harvested in the EEZ from a vessel for which a valid permit has not been issued under § 659.4(a)(1).

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