



# Southeast Fishery Bulletin

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

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## FOR IMMEDIATE RELEASE:

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## A Final Rule for Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico – Federal Shrimp Permit Moratorium Small Entity Compliance Guide

NOAA Fisheries Service has published a final rule to implement actions in Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council submitted Amendment 13 for review, approval, and implementation by the Secretary of Commerce (Secretary). On behalf of the Secretary, NOAA Fisheries Service approved Amendment 13 on February 21, 2006. The intended effect of the final rule is to stabilize participation in the shrimp fishery of the Gulf of Mexico, and to provide better information by which to manage the fishery.

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

### Federal Penaeid Shrimp Vessel Permit Moratorium:

The rule establishes a 10-year moratorium on the issuance of new federal shrimp vessel permits. Permits under the moratorium are fully transferable, allowing permittees the flexibility to enter or exit the fishery as they choose.

To be eligible for a commercial shrimp vessel permit under the moratorium, vessels must have been issued a valid commercial shrimp vessel permit prior to and including December 6, 2003. Additionally, an owner who sold his qualified vessel, had his qualified vessel repossessed, or otherwise lost use of his qualified vessel (i.e., damage, sinking, unaffordable repairs), but who obtained, prior to **September 26, 2006**, a valid commercial shrimp vessel permit for the same vessel or another vessel equipped for offshore shrimp fishing, of at least 5 net tons, and documented by the Coast Guard, is eligible for a permit under the moratorium.

NOAA Fisheries Service permit records are the sole basis for determining eligibility based on permit history. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

Owners of vessels who desire a commercial vessel permit for Gulf shrimp must submit an application to the Southeast Regional Office Permits Branch, postmarked or hand delivered not later than **October 26, 2007**. After October 26, 2007, no applications for commercial vessel permits for Gulf shrimp will be accepted. Failure to apply before October 26, 2007, will preclude permit issuance even when the applicant otherwise meets the permit eligibility criteria.

While there is a 1-year period to obtain a moratorium permit, the permit is needed if the vessel is shrimping in federal waters of the Gulf of Mexico beginning on **March 26, 2007**. Applications should be submitted at least 30 days in advance of when the permit is desired.

**Notification.** The Permits Branch will be sending certified letters to all active shrimp vessel owners letting them know of the new moratorium permit requirements, application procedures, and the time frame of the moratorium. This certified letter will be followed by another letter from the

Permits Branch to owners of current vessels permitted on or before the December 6, 2003, control date, who appear to qualify for a commercial vessel permit for Gulf shrimp under the moratorium. This second mailing will include all necessary application material as well.

Nevertheless, it is the responsibility of the vessel owner to ensure an application is obtained and submitted to NOAA Fisheries Service within the specified time frame. Owners of vessels who desire a commercial vessel permit for Gulf shrimp under the moratorium, but who do not receive application materials should contact:

**NOAA Fisheries Service  
Southeast Regional Office  
Permits Branch  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701  
Phone: 727-824-5326; FAX 727-551-5747**

A fee will be charged for each application for a permit or a written request for replacement of a permit. The applicable fee is specified on the appropriate form.

**Incomplete applications.** If an application postmarked or hand delivered before **October 26, 2007**, is incomplete, the Permits Branch will notify the applicant of the deficiency. If the deficiency is not corrected within 30 days of such notification, the application will be considered abandoned.

**Notification of ineligibility.** If the applicant does not meet the applicable eligibility requirements, the applicant will be notified in writing of such determination and the reasons for it.

**Permit transferability.** Commercial vessel permits for Gulf shrimp are fully transferable, with or without the sale of the vessel. To request a transfer of a commercial vessel permit for Gulf shrimp, the owner of a vessel who is to receive the transferred permit must complete the transfer information on the reverse of the permit and return the permit and a completed application for transfer to the Permits Branch. Transfer documents must be notarized for all permits.

**Renewal.** Renewal of a commercial vessel moratorium permit for Gulf shrimp is contingent upon compliance with the recordkeeping and reporting requirements also established by this final rule (see below). If a commercial vessel permit for Gulf shrimp is not renewed, the permit will be terminated and will not be reissued during the moratorium. A permit is considered to be not renewed when an application for renewal, as required, is not received within 1 year of the expiration date of the permit.

### Royal Red Shrimp Fishery Permit Endorsement:

Beginning **March 26, 2007**, vessels fishing for or possessing royal red shrimp in Gulf of Mexico federal waters must have onboard a commercial vessel permit for Gulf shrimp with a Gulf royal red shrimp endorsement. If the commercial vessel permit is transferred, expired, or otherwise not valid, the endorsement to the permit is no longer valid either. Specifically identifying royal red shrimp harvesters through a permit endorsement provides the opportunity to gather needed biological, social, and economic data to appropriately manage this fishery.

**Standardized Reporting:**

The rule establishes a standardized method to regularly monitor and report the catch, effort, and gear used in the shrimp fishery of the Gulf of Mexico. A program will be established where a sample of federally-permitted shrimp vessels will be equipped with electronic logbooks (ELBs) provided by NOAA Fisheries Service, and a sample of federally-permitted shrimp vessels will carry observers. The ELB program will provide better information regarding effort, and the observer program will provide information on catch, effort, and bycatch. Additional reporting requirements include mandatory reporting of landings and vessel and gear characteristics.

**Landings reporting.** The owner or operator of a vessel fishing for shrimp in federal Gulf waters, or in adjoining state waters, or who lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by NOAA Fisheries Service, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and the person to whom the shrimp was sold.

Additionally, the owner or operator of a vessel for which a federal commercial vessel permit for Gulf shrimp has been issued must annually report the permitted vessel's total annual landings of shrimp and value, by species, on a form provided by NOAA Fisheries Service. Compliance with this reporting requirement is necessary for permit renewal.

**Electronic logbook reporting.** The owner or operator of a vessel with a federal commercial vessel permit for Gulf shrimp, who is selected by NOAA Fisheries Service, must participate in the electronic logbook reporting program. The owner or operator also must provide information on the size and number of shrimp trawls deployed, and the type of bycatch reduction devices and turtle excluder device used, as requested. Compliance with this reporting requirement is necessary for permit renewal.

**Onboard observers.** A vessel for which a federal commercial vessel permit for Gulf shrimp has been issued must carry a NOAA Fisheries Service-approved observer, if the vessel is selected to participate in the onboard observer program. The owner and operator of any fishing vessel required to carry an observer as part of a mandatory observer program, such as this one, is required to comply with guidelines, regulations, and conditions to ensure their vessel is

adequate and safe to carry an observer, and to allow normal observer functions to collect scientific information as necessary. The observer has the right to check for major safety items, and if those items are absent or unserviceable, the observer may choose not to sail with the vessel until those deficiencies are corrected. To be in compliance with these safety requirements, the vessel must have a current Commercial Fishing Vessel Safety Examination decal from the Coast Guard. A vessel will not be allowed to depart with an observer until this requirement is met. Vessel permit renewal is contingent on compliance with this requirement.

**Vessel and Gear Characterization Form.** All owners or operators of vessels applying for or renewing a commercial vessel permit for Gulf shrimp must complete an annual Gulf Shrimp Vessel and Gear Characterization Form. The form will be provided by NOAA Fisheries Service at the time of permit application and renewal. Vessel permit issuance and renewal is contingent on compliance with this reporting requirement.

NOAA Fisheries Service is dedicated to protecting and preserving our nation's living marine resources and their habitats through scientific research, management, and enforcement. NOAA Fisheries Service provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public.

In 2007 the National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, celebrates 200 years of science and service to the nation. From the establishment of the Survey of the Coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Bureau of Commercial Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

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