

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.21, revise paragraph (a)(4), and add paragraphs (a)(6) and (7) to read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

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(a) * * *

(4) *IFQ allocation.* IFQ allocation is the amount of Gulf red snapper, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf red snapper. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the

Commented [AB1]: Action 1 - Commercial RF Vessel Hail-in Requirement - Pref. Alt. 2
Action 2.1 - Returning Inactivated IFQ Shares to NMFS - Pref. Alts. 2, 3, Pref. Options 2a, 3a.
Action 2.2 - Redistribute Shares from Inactivated Accounts - Pref. Alt. 2.
Action 3 - Retaining Annual Allocation Before a Quota Reduction - Pref. Alt. 2, Pref. Option a.
Action 4 - Dealer Notification Requirement for Beginning to Offload IFQ Species - Pref. Alt. 1 - NO ACTION - no codified text

Commented [AB2]: Action 3, Pref. Alt. 2a.

time of the quota increase by the amount the annual commercial quota for red snapper is increased. If a reduction in the commercial quota specified in § 622.39(a)(1)(i) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation on January 1. The amount of IFQ allocation withheld from distribution will equal the amount of the expected commercial quota reduction. If a final rule to implement the commercial quota reduction is not published in the **Federal Register** and effective by June 1, NMFS will distribute withheld IFQ allocation of red snapper commercial quota to current shareholders based on shareholdings on the date the withheld IFQ allocation is distributed.

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(6) *Returning IFQ shares.* Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned from those respective shareholders permanently to NMFS on [effective date of a final rule implementing Amendment 36A].

Commented [AB3]: Action 2.1, Pref. Alt. 2a.

(7) *Redistribution of returned IFQ shares.* Any shares

Commented [AB4]: Action 2.2, Pref. Alt. 2.

from shareholder accounts returned to NMFS, according to paragraph (a) (6) in this section, will be redistributed equally among the remaining shareholders as of the date of the redistribution, subject to the share cap restrictions specified in paragraph (b) (8) of this section.

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3. In § 622.22, revise paragraph (a) (4), and add paragraphs (a) (9) and (10) to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

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(a) * * *

(4) *IFQ allocation.* IFQ allocation is the amount of Gulf grouper-tilefish, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf grouper-tilefish. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the time of the quota increase by the amount the annual

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commercial quota for grouper-tilefish is increased. If a reduction in the applicable commercial quota specified in § 622.39(a)(1) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation of the applicable grouper-tilefish commercial quota on January 1. The amount of IFQ allocation withheld from distribution will equal the amount of the expected commercial quota reduction. If a final rule to implement the commercial quota reduction is not published in the **Federal Register** and effective by June 1, NMFS will distribute withheld IFQ allocation of the applicable grouper-tilefish commercial quota to current shareholders based on the date the withheld IFQ allocation is distributed.

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(9) *Returning IFQ shares.* Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned permanently to NMFS on [effective date of a final rule implementing Amendment 36A].

Commented [AB6]: Action 2.1, Pref. Alt. 3a.

(10) *Redistribution of returned IFQ shares.* Any shares

Commented [AB7]: Action 2.2, Pref. Alt. 2.

from shareholder accounts returned to NMFS, according to paragraph (a) (9) in this section, will be redistributed equally among the remaining shareholders of that share category. The applicable shareholders will be calculated prior to the redistribution, subject to the share cap restrictions specified in paragraph (b) (8) of this section.

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4. In § 622.26, revise paragraph (a) to read as follows:

Commented [AB8]: Action 1, Pref. Alt. 2.

§ 622.26 Recordkeeping and reporting.

(a) *Commercial vessel owners and operators.* (1) The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.20(a)(1), or whose vessel fishes for or lands reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD. These completed fishing records must be submitted to the SRD postmarked no later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked no later than 7 days after the end of that month. Information

to be reported is indicated on the form and its accompanying instructions.

(2) *Advance notice of landing--(i) General requirement.* For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing Gulf reef fish not managed under an IFQ program or Florida Keys/East Florida hogfish harvested in the Gulf is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time, date, and location of landing, and the vessel identification number (e.g., Coast Guard registration number or state registration number). The vessel must land within 1 hour after the time given in the landing notification except as provided in paragraph (b) (5) (i) (C) of this section. A vessel landing Gulf reef fish managed under an IFQ program must also comply with the requirements in §§ 622.21 and 622.22, as applicable.

(ii) *Submitting an advanced landing notification.*

Authorized methods for contacting NMFS and submitting the landing notification include completing and submitting to NMFS a landing notification provided through the VMS unit

Commented [AB9]: Other notification options to be determined.

or providing the required information to NMFS through the web-based form available on [Web site location TBD].

(iii) *Landing prior to the notification time.* The owner or operator of a vessel that has completed a landing notification and submitted it to NMFS may land prior to the notification time, only if an authorized officer is present at the landing site, is available to meet the vessel, and has authorized the owner or operator of the vessel to land prior to the notification time.

(iv) *Changes to a landing notification.* The owner or operator of a vessel who has submitted a landing notification to NMFS may make changes to the notification by submitting a superseding notification. If the initial superseding notification makes changes to the time of landing (if landing more than 1 hour after the time on the notification), the vessel does not need to wait an additional 3 hours to land. If the initial superseding notification makes changes to the landing location, the time of landing is earlier than previously specified, or more than one superseding notification is submitted on a trip, the vessel must wait an additional 3 hours to land, except as provided in paragraph (a) (2) (iii) of this

section.

(v) *Approved landing locations.* Gulf reef fish not managed under an IFQ program, and Florida Keys/East Florida hogfish harvested in the Gulf, must be landed at an approved landing location. Landing locations must be approved by the NOAA Office of Law Enforcement prior to a vessel landing these species at these sites. Proposed landing locations may be submitted online via [a NMFS Web site TBD]; however, new landing locations will be approved only at the end of each calendar-year quarter. To have a landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the following criteria:

(A) Landing locations must have a street address. If there is no street address on record for a particular landing location, global positioning system (GPS) coordinates for an identifiable geographic location must be provided.

(B) Landing locations must be publicly accessible by land and water, and must satisfy the following criteria:

(1) Vehicles must have access to the site via public roads.

(2) Vessels must have access to the site via navigable waters.

(3) No other condition may impede free and immediate access to the site by an authorized law enforcement officer. Examples of such conditions include, but are not limited to a locked gate, fence, wall, or other barrier preventing 24-hour access to the site; a gated community entry point; a guard animal; a posted sign restricting access to the site; or any other physical deterrent.

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