

Mar 18 07 10:17p Tracey

843-769-4520

**Tracey Ann Gore**  
221 Primo Drive  
Fort Myers Beach, FL 33931  
(239) 463-1714  
Email: Shoes@comcast.net

March 19, 2007

South Atlantic Fisheries Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

To Whom It May Concern:

Please accept this letter as my public comment regarding the amendment to the "Use It or Lose It" Rock Shrimp Permit.

My husband and I own two shrimp boats. Our company has a Rock Shrimp Permit and Endorsement. Instead of shrimping in Texas over the summers, my husband chose to go to the East Coast in order to keep up his landings for his permit; his home port is Fort Myers Beach, FL.

I have communicated via email with John Williams of Southern Shrimp Alliance regarding the matter of reinstating rock shrimp permits (**Attachment A**). I explained my concerns over the possibility of overfishing that could occur if the permits were available to anyone. He explained where I was mistaken, and said it would not be opening the Rock Shrimp Permits for those who don't already have them - just for those 150(?) who applied and received a permit, the ones who didn't keep it for whatever reason.

My feeling is this; if these boats followed the instructions and applied for the permit and received it due to their willingness to spend the time to catch the required landings - and if they still own a shrimpboat and are still in business, and have a good reason why they let their permit lapse, perhaps they should be able to have their permit reinstated - ONLY if the shrimpers on the East Coast who shrimp there year round also agree since that is their main territory. If a shrimp boat was not eligible to apply for a rock shrimp permit, or was eligible but didn't - then they should not be eligible now. There were many reasons the "use it or lose it" policy was implemented.

**Attachment B** is the Federal Register summary for the implementation of the limited access program. It clearly states that the intent is to (1) minimize additional increases in harvesting capacity in the rock shrimp fishery; (2) reduce the bycatch of small unmarketable rock shrimp; (3) enhance compliance with fishery management regulations; (4) improve protection of essential fish habitat, including an area that contains THE LAST 20 ACRES OF INTACT OCULINA CORAL IN THE WORLD; (5) and to ensure the long-term economic viability of the rock shrimp industry.

**Attachment C** are Comments and Responses from individuals and council. It also states that The Southeast Region NMFS determined that Amendment 5 is necessary for the conservation and management of the South Atlantic rock shrimp fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

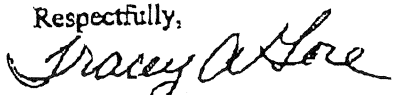
**Attachment D** is a copy of the Federal Register's final rule to implement Amendment 13 which establishes a 10-year moratorium on issuance of Federal Gulf shrimp vessel permits. Attachment E shows the Federal Register's comments and responses. One of which talks about shrimp stocks not being overfished, thus there is no biological reason for a moratorium .....". The NMFS disagreed saying that even though stocks are not overfished, shrimp effort directly impacts bycatch species and that the intent of the moratorium is to cap the fishery at its recent level of participants and reduce the possibility of future entry into the fishery should the currently poor economic situation change.

**Attachment F** shows the comment and response regarding the new Gulf of Mexico moratorium. Commenter states that there has been a decline in the number of participating shrimp vessels for the past 3 years due to economic conditions in the fishery. Many permitted vessels are not currently active in the fishery because they cannot do so profitably and that there is no reason for a moratorium in the foreseeable future. The response to that comment was, although the number of vessels has declined..., effort had remained high because of increased efficiency of the vessels in the fishery, including new and larger vessels that have replaced older smaller vessels. Even so, based on the number of permits issued in the fishery, NMFS estimates there are still excess capacity in the fishery, and fewer vessels could harvest the available crop in a more profitable manner. The intent of the moratorium is to cap the current participation and to prevent future expansion of the fishery should economic conditions improve.

I feel that putting a moratorium on Gulf Shrimp, then opening up the South Atlantic Rock Shrimp permits is a contradiction to what the intents are. (**Attachment G**) The SAFMC said that today's rock shrimp industry is significantly different from the one that existed four years ago and does not require the policy to protect the rock shrimp stocks from overfishing or the industry from overcapitalization.

I think that the reasons given to amend the "use it or lose it" rule are not valid. They do not address the original intent of the Amendment as shown in Attachment B. IF there is enough rock shrimp stock to allow more permits, there soon won't be after the East Coast is flooded with more boats. Economically, the current rock shrimpers cannot afford the competition of more shrimpboats on the East Coast. Thank you for your time.

Respectfully,



Tracey A. Gore

Cc: SSA, National Marine Fisheries, Rock Shrimp Advisory Panel, Habitat and Environmental Protection and Coral, Coral Reef, and Live/ Hard Bottom Habitat Advisory Panels, Department of Commerce, National Oceanic and Atmospheric Administration; Sherry

Council Summary Motions - March 8, 2007

**MACKEREL**

**MOTION #1:** THE COUNCIL APPROVED THE SCOPING DOCUMENT FOR AMENDMENT 16.

**MOTION #2:** THE COUNCIL VOTED TO CHANGE MACKEREL AMENDMENT SEQUENCE BY CHANGING AMENDMENT 16 TO AMENDMENT 19.

**JOINT HABITAT/ECOSYSTEM-BASED MANAGEMENT**

**MOTION #1:** THE COUNCIL VOTED TO CONTINUE TO ADDRESS THE AQUACULTURE POLICY BASED ON COMMENTS MADE BY MARK ROBSON AND MIKE RUBINO BEFORE TAKING ACTION AT THE JUNE COUNCIL MEETING.

**MOTION #2:** THE COUNCIL VOTED TO APPROVE THE DEEPWATER CORAL RESEARCH PLAN WITH SOME REVISIONS TO THE LANGUAGE. THE REVISED TIMELINE WILL BE APPROVED AT A LATER DATE.

**SHRIMP**

**MOTION #1:** THE COUNCIL VOTED TO ACCEPT THE REPORT OF THE SHRIMP REVIEW PANEL THAT ADDRESSED THE CONDITION OF THE PINK SHRIMP STOCK. (IT IS THE INTENT THAT THE STATUS REPORT BE FOOTNOTED WITH THE SHRIMP REVIEW PANEL'S CONCLUSION).

? ( **MOTION #2:** THE COUNCIL VOTED TO AMEND THE SHRIMP FMP TO REMOVE THE USE IT OR LOSE IT CLAUSE FOR ROCK SHRIMP IN SHRIMP AMENDMENT 5. (IT IS THE COUNCIL'S INTENT THAT ANY PERMITS THAT ARE REVOKED FOR NOT MEETING THE ROCK SHRIMP LANDINGS REQUIREMENT WHILE THE AMENDMENT IS BEING DEVELOPED WILL BE REINSTATED.) )

**JOINT EXECUTIVE/FINANCE**

**MOTION #1:** THE COUNCIL VOTED TO APPROVE THE DRAFT FMP/AMENDMENT/FRAMEWORK SCHEDULE WITH THE ADDITION OF GAG AND VERMILION SNAPPER TO THE FISHERY ECOSYSTEM PLAN COMPREHENSIVE AMENDMENT AND ROCK SHRIMP AS A SEPARATE AMENDMENT.

A

## 2188 Federal Register / Vol. 68, No. 11 / Thursday, January 16, 2003 / Rules and Regulations

26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since it has been determined that this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Federal airways are published in paragraph 6010(a) of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Federal airways listed in this document will be published subsequently in the Order.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E, AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

#### V-72 [Revised]

From Razorback, AR, Dogwood, MO; INT Dogwood 052° and Maples, MO, 230° radials; Maples; Farmington, MO; Centralia, IL; Bible Grove, IL; Mattoon, IL; to Bloomington, IL. From Rosewood, OH; Mansfield, OH; INT Mansfield 068° and Akron, OH, 233° radials; Akron; Youngstown, OH; Tidioute, PA; Bradford, PA; INT Bradford 078° and Elmira, NY, 252° radials; Elmira; Binghamton, NY; Rockdale, NY; Albany, NY; Cambridge, NY; INT Cambridge 063° and Lebanon, NH, 214° radials; to Lebanon.

\* \* \* \*

#### V-289 [Revised]

From Beaumont, TX; INT Beaumont 323° and Lufkin, TX, 181° radials; Lufkin; Gregg County, TX; Texarkana, AR; Fort Smith, AR; Harrison, AR; Dogwood, MO; INT Dogwood 052° and Maples, MO, 230° radials; INT Maples 230° and Vichy, MO, 198° radials; to Vichy. The airspace within R-4501A, R-4501B, R-4501C and R-4501D is excluded during their time of activation.

\* \* \* \*

Issued in Washington, DC, on January 6, 2003.

Reginald C. Matthews,  
Manager, Airspace and Rules Division.  
[FR Doc. 03-919 Filed 1-15-03; 8:45 am]  
BILLING CODE 4810-13-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 15 CFR Part 902

#### 50 CFR Part 622

[Docket No. 020818198-2315-02; LD, 071202A]

RIN 0648-AP41

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States; Amendment 5

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 5 to the Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States (FMP). This final rule establishes a limited access program for the rock shrimp fishery in the exclusive economic zone (EEZ) off Georgia and off the east coast of Florida (limited access area), establishes a minimum mesh size for a rock shrimp trawl net in the

limited access area, requires the use of an approved vessel monitoring system (VMS) by vessels allowed to fish for rock shrimp in the limited access program, and requires an operator of a vessel in the rock shrimp fishery in the EEZ off the southern Atlantic states (North Carolina through the east coast of Florida) to have an operator permit. In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections. The intended effects of this final rule are to minimize additional increases in harvesting capacity in the rock shrimp fishery; reduce the bycatch of small, unmarketable rock shrimp; enhance compliance with fishery management regulations; improve protection of essential fish habitat, including an area that contains the last 20 acres (8 hectares) of intact *Oculina* coral remaining in the world; and ensure the long-term economic viability of the rock shrimp industry.

DATES: This final rule is effective February 18, 2003.

ADDRESSES: Comments regarding the collection-of-information requirements contained in this final rule should be sent to Robert Sadler, 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).

Copies of the final regulatory flexibility analysis (FRFA) may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. FOR FURTHER INFORMATION CONTACT: Dr. Peter J. Eldridge; phone: 727-570-5305; fax: 727-570-5583; e-mail: Peter.Eldridge@noaa.gov.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

NMFS approved Amendment 5 on October 23, 2002. NMFS published a proposed rule to implement Amendment 5 and requested comments on the proposed rule through October 21, 2002 (67 FR 56516, September 4, 2002). The rationale for the measures in

Amendment 5 is provided in the preamble to the proposed rule and is not repeated here.

#### Comments and Responses

NMFS received seven comments, from three individuals and the Council, on the proposed rule (67 FR 56516, September 4, 2002). A summary of the comments received and NMFS' responses follows.

**Comment 1:** A vessel owner reported that she had fished for rock shrimp in the 1980's and helped to build the market for rock shrimp. She believes that she should be eligible for a permit even though she did not meet the eligibility requirements.

**Response:** The public was notified on April 4, 1994, that the South Atlantic Council was considering a limited access program for the rock shrimp fishery and that anyone entering the fishery after April 4, 1994, might not be assured of future participation in the fishery if a limited entry management regime were implemented. Since then, there is evidence that the fishery has become overcapitalized. For example, although the current estimate for optimum yield is 6.83 million lb (3.10 million kg), as many as 400 vessels have obtained a rock shrimp permit. The Advisory Panel of the Council believes that the fishery can support, at most, no more than 150 vessels, and it is evident that a much smaller number of vessels could take the annual harvest in most years. For these reasons, the Council limited access to the fishery to participants who could demonstrate that they had landed at least 15,000 lb (6,804 kg) of rock shrimp in any one calendar year between 1996 and 2000.

**Comment 2:** One fisherman and one vessel owner opposed the VMS requirement. They believe that the government should pay for the VMS system and that the VMS system was not needed. Also, they reported that they wanted to split trips between rock and penaeid shrimp without having to unload their rock shrimp catch before they could fish for penaeid "soft" shrimp.

**Response:** There is considerable evidence that illegal trawling by rock shrimp vessels has resulted in extensive damage to Oculina habitat. Further, national standard 9 of the Magnuson-Stevens Act requires that conservation and management measures shall, to the extent practicable, minimize bycatch. The use of an approved VMS will minimize inadvertent, as well as deliberate, trawling in protected Oculina habitat areas because vessel captains will know precisely the location of protected areas and will be

informed that trawling in such areas is prohibited. It should be noted that vessels with an approved VMS system will be able to split trips between rock and penaeid shrimp trips without having to land either type of shrimp first. The VMS will enable vessel owners to monitor vessel operations which should result in safer and more efficient fishing operations that will benefit the crew as well as the vessel owner.

**Comment 3:** One fisherman and one vessel owner opposed the limited access program for the rock shrimp fishery. They believe that fishing is a right that all Americans should be able to exercise.

**Response:** The Magnuson-Stevens Act mandates that fishery resources should be managed on a sustainable basis so that an optimal yield can be obtained. As noted earlier, there is evidence that overcapitalization has occurred in the rock shrimp fishery and, at most, no more than 150 vessels should be allowed to participate in the fishery. It is clear that the rock shrimp resource is limited and that an optimum economic yield is unlikely if open access to the fishery continues. As such, a limited access program is appropriate because it is prudent and reasonable to limit fishing pressure to the level which the resource can support without overfishing and without allowing the cost of fishing to exceed the revenues obtained by selling the catch.

**Comment 4:** One vessel owner opposed the minimum mesh size requirement.

**Response:** There is empirical evidence that the use of minimum mesh sizes less than 1 7/8 inches (4.76 cm) will result in an excessive catch of smaller, less valuable shrimp. It is believed that allowing shrimp to grow larger will result in more income to fishermen as well as a more attractive product for consumers. Also, the use of larger mesh should result in less bycatch of juvenile fish and other invertebrates. For this reason, the Council proposed and NMFS approved the 1 7/8-inch (4.76-cm) minimum mesh size.

**Comment 5:** One vessel owner did not want individuals to have to take a test to obtain a rock shrimp operator permit.

**Response:** NMFS will not require any performance or competency test to obtain an operator permit.

**Comment 6:** The Council's Habitat and Environmental Protection and Coral, Coral Reef and Live/Hard Bottom Habitat Advisory Panels endorsed the management measures in Amendment 5, especially the VMS and operator permit requirements and urged that

these measures be implemented as soon as possible.

**Response:** NMFS agrees.

**Comment 7:** The Council commented in support of the management measures proposed in Amendment 5.

**Response:** NMFS agrees.

#### Classification

The Administrator, Southeast Region, NMFS, determined that Amendment 5 is necessary for the conservation and management of the South Atlantic rock shrimp fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12886.

NMFS prepared a final regulatory flexibility analysis (FRFA) that describes the impact this proposed rule, if adopted, would have on small entities. The analysis is summarized as follows.

The Magnuson-Stevens Act provides the statutory basis for the rule. The objective of the final rule is to minimize additional increases in harvesting capacity in the rock shrimp fishery; reduce the bycatch of small, unmarketable rock shrimp; enhance compliance with fishery management regulations; improve protection of essential fish habitat; and ensure the long-term economic viability of the rock shrimp fishery. The final rule will: establish a limited access program for the rock shrimp fishery in the EEZ off Georgia and off the east coast of Florida (limited access area); establish a minimum mesh size for a rock shrimp trawl net in the limited access area; require the use of an approved VMS by vessels allowed to fish for rock shrimp in the limited access program; and, require an operator of a vessel in the rock shrimp fishery in the EEZ off the southern Atlantic states to have an operator permit.

No duplicative, overlapping, or conflicting Federal rules have been identified.

No comments were received regarding the economic impact of this final rule.

The number of vessels with permits for the South Atlantic rock shrimp fishery varies from year to year but has not exceeded 431. Since permits were required in the fishery in 1996, at least 540 different vessels have been permitted in the fishery. Similarly, the number of vessels that have landed rock shrimp varies from year to year. In 1996, the number of active vessels reached an historical peak of 153. From 1996 through 2000, at least 279 different vessels have recorded landings of South Atlantic rock shrimp. All of these

[DOCID:fr26se06-10]

MAR 19 2007 00:20

5796; fax: 727-824-5308; e-mail: [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On November 23, 2005, NMFS published a notice of availability of

[[Page 56040]]

Amendment 13 and requested public comment (70 FR 70780). On April 5, 2006, NMFS published the proposed rule to implement Amendment 13 and requested public comment on the proposed rule (71 FR 17062). NMFS approved Amendment 13 on February 21, 2006. The rationale for the measures in Amendment 13 is provided in the amendment and in the preamble to the proposed rule and is not repeated here.

#### Comments and Responses

Following is a summary of the comments NMFS received on Amendment 13 and the proposed rule and the respective NMFS' responses.

Comment 1: Penaeid shrimp stocks are not overfished or undergoing overfishing, thus, there is no biological reason for a moratorium on the issuance of new vessel permits in the Gulf penaeid shrimp fishery. The only rationale for such action is based on economics, in violation of national standard 5.

Response: NMFS disagrees there is no biological reason to establish a moratorium in the Gulf shrimp fishery. Although shrimp stocks are not overfished or undergoing overfishing, shrimp effort directly impacts bycatch species, such as the overfished red snapper stock. The intent of the moratorium is to cap the fishery at its recent level of participants and reduce the possibility of future entry into the fishery should the currently poor economic situation change. Capping participation in the fishery reduces the potential for future increases in red snapper bycatch and improves the probability of rebuilding this overfished stock.

Comment 2: The Council violated the National Environmental Policy Act and the Administrative Procedures Act by taking final action on an incomplete document. As requested by the Council, NMFS presented new information to the Council as a hand-out at the meeting. The Council members had little time to review the new information before taking final action on the amendment. The completed analyses were not incorporated into the document when the Council voted to submit the amendment to the Secretary of Commerce.

Response: At its March 2005 meeting, the Council added new alternatives to the document to consider a more recent control date for the fishery. One possible date was May 2, 2005. Analyses of the impacts of this potential control date could not be entirely completed prior to the Council's review of the document during its May 11-12, 2005, meeting. NMFS' preliminary results presented to the Council at the May 2005 meeting did provide comparative information among the various alternatives, and the results did not change with subsequent post-meeting completion of the analytical report. Therefore, the information before the Council at its May 2005 meeting was accurate, and provided the Council with a sound basis for making an informed decision. The verbatim minutes of the May 2005 Council meeting illustrate the extensive and informed discussions among Council members regarding the comparative impacts and benefits attributable to the various control date alternatives.

Comment 3: The Council considered more current control date alternatives based on public input at the March 2005 meeting from Asian American shrimp fishermen who were not aware permits had been required

Comment

Response

E



since December 5, 2002. By adding the new alternatives for a control date, including the May 2, 2005, date, the Council led the public to believe a change to a May 2, 2005, control date was likely. In previous actions to establish permit moratoria in the reef fish fishery, the Council revised control dates to more current dates to better ensure inclusion of active participants. Had the Council chosen the May 2, 2005, control date, an additional 285 vessels would have qualified for a moratorium permit. Maintaining the December 6, 2003, control date specifically affects small isolated fishing communities in violation of national standard 8.

Response: Between December 5, 2002, and May 2, 2005, 2,951 vessels had been issued Federal shrimp permits. Of those, 285 would not meet the December 6, 2003, control date; therefore, the number of permitted vessels under the moratorium would be 2,666. Of the 285 ineligible vessels, NMFS determined 126 were not active in the fishery during 2002 (the last year of data available during the time the Council deliberated on this issue), and may no longer be in the fishery. In addition, 87 of the remaining 159 active vessels only operated in state waters. Therefore, NMFS estimated 72 vessels active in the EEZ fishery would be excluded under the moratorium. Of these vessels, 45 are large and 27 are small, and NMFS estimated most of the impacts would be imposed on the 45 large vessels; the small vessels were more likely to continue fishing in state waters. Nevertheless, vessels can continue to fish in the EEZ by obtaining a moratorium permit through transfer. Given the number of inactive permits identified in the analysis, NMFS believes many latent permits currently exist. Although at the present time it is not possible to assess the impacts of the very active 2005 hurricane season on the shrimp fleet, many vessels were damaged or stranded on land. These vessels may or may not become active in the fishery again. It is unknown how many were already inactive. Nevertheless, under the moratorium, owners of vessels permitted prior to the December 6, 2003, control date will be eligible for a moratorium permit. Therefore, there is expected to be a surplus of moratorium permits available for those owners of vessels who did not qualify but wish to continue participating in the fishery. Thus, NMFS disagrees that the moratorium is in violation of national standard 8. The moratorium is intended to reduce speculation in the fishery, cap capacity, and provide for the sustained participation of dependent fishing communities. With the availability of moratorium permits through transfer from inactive vessels, the moratorium should not prohibit continued participation by those wishing to do so.

Comment 4: There has been a decline in the number of participating shrimp vessels for the past 3 years due to economic conditions in the fishery. NMFS estimates this trend is expected to continue through 2012. Many permitted vessels are not currently active in the fishery because they cannot do so profitably. Consequently, there is no justification for a moratorium in the foreseeable future.

Response: Although the number of vessels has declined, until the last 2 or 3 years, effort had remained high because of increased efficiency of the vessels in the fishery, including new and larger vessels that have replaced older smaller vessels. Even so, based on the number of permits issued in the fishery, NMFS estimates there is still excess capacity in the fishery, and fewer vessels could harvest the available crop in a more profitable manner. As noted in the previous responses, the intent of the moratorium is to cap the current participation and to prevent future expansion of the fishery should economic conditions improve.

Comment 5: There was insufficient notice to the industry in regard to the permit requirement, the subsequent control date, and the establishment of a moratorium.

Response: Until the shrimp vessel permit system was implemented, NMFS did not have a specific mechanism to contact shrimp vessel owners who fished in the EEZ. However, NMFS made numerous efforts to

F

Comment

Response



## Main Identity

From: "Southern Shrimp Alliance" <info@shrimpalliance.com>  
To: "Southern Shrimp Alliance" <info@shrimpalliance.com>  
Sent: Wednesday, March 14, 2007 9:33 AM  
Subject: E-Advocate Breaking News



## The Shrimp E-Advocate

Southern Shrimp Alliance  
Post Office Box 1577 Tarpon Springs, FL 34688  
Ph. 727.934.5090 Ex. 727.924.6362  
www.Shrimpalliance.com

- South Atlantic Fisheries Management Council
- Red Snapper Management Plan Legislative Report

### SAFMC Moves to Amend "Use It or Lose It" Policy

The South Atlantic Fisheries Management Council (SAFMC) Shrimp Committee passed unanimously a motion for a plan amendment that would remove the "use it or lose it" policy from the current rock shrimp criteria. The full council accepted the amendment, which means it will now go out for public comment.

SSA hopes you will join us in thanking the Initiative's supporters, which includes Dr. Roy Crabtree, regional administrator for the National Marine Fisheries Service Southeast Region, the SAFMC Council, and the Shrimp Committee.

### History

In 2003, the Rock Shrimp Advisory Panel addressed the potential overfishing of rock shrimp, latent permits, and infrastructure supply issues in the shrimp industry through the creation of a "use it or lose it" policy for rock shrimp permits. The policy requires that permit holders catch a minimum of 15,000 pounds of rock shrimp in any one year over 48-months in order to remain eligible for a rock shrimp permit.

At the time, 168 boats were eligible to apply for a rock shrimp permit. Of these, only 134 applied for and received a permit. Today, only 61



3/14/2007

boats remain eligible to purchase a rock shrimp permit under the "use it or lose it" criteria due to significant changes in the U.S. shrimp industry. An additional 51% reduction in the size of the rock shrimp fishery is unnecessary and the purpose of the "use it or lose it" policy is outdated.

SSA was instrumental to bringing the problem of the rock shrimp policy to the committee's attention. Over the past six months, SSA presented arguments to the Shrimp Committee that support the removal of the "use it or lose it" criteria.

### **Council Takes Action**

The SAFMC Shrimp Committee acknowledged that today's rock shrimp industry is significantly different from the one that existed four years ago and does not require the policy to protect the rock shrimp stocks from overfishing or the industry from overcapitalization. The full council seconded this opinion and proposed a plan amendment that will go out for public comment. The process of passing and implementing a plan amendment is typically around one year.

Assuming the plan amendment is ultimately approved, an unknown number of boats may tentatively lose their rock shrimp permit if their current permit is set to expire before the amendment is implemented. In such cases, the permits will be automatically reinstated if the amendment passes in its current form.

John Williams, Richard Vendetti and Glenn Delaney represented the SSA at the SAFMC meeting in Georgia on March 5-9. For more information on the proposed amendment, please contact the Southern Shrimp Alliance at 727.934.5090.

### **Federal Court Rules on Red Snapper Management Plan**

A federal judge found that a previous rebuilding plan for red snapper set forth by the National Marine Fisheries Service (NMFS) violates the Administrative Procedures Act and the Magnuson-Stevens Fishery Conservation and Management Act according to media reports. The ruling orders NMFS to issue a new red snapper rebuilding plan in the next nine months.

The case, filed in 2005 by Ocean Conservancy and the Gulf Restoration Network, deals with a rebuilding plan that is no longer relevant. An interim rule for the U.S. shrimp industry, commercial red snapper fishermen, and recreational fishermen is expected to go into effect shortly and proposed changes to the rebuilding plan are scheduled to be in effect within nine months. The next public hearing on the proposed plan is scheduled for March 26-30, 2007 in Destin, FL.

G  
B

3/14/2007