

Science, Service, Stewardship



Southeast Region – Dolphin and Wahoo / Rock Shrimp Operator Permit

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What is an operator permit?

- An operator permit is required for all fisheries in the Greater Atlantic and two fisheries within the Southeast.
- Operator permits are generic, one permit is good for all fisheries within the region that require them.
- An operator is defined as the master or other individual aboard and in charge of that vessel.
(see 50 CFR 600.10)
- Operator permits are valid for up to three years.



Who is required to have an operator permit?

- Southeast Region – Shrimp Fishery of the South Atlantic Region – Rock Shrimp
(Shrimp Amendment 5, May 16, 2003)
- Southeast and Greater Atlantic Regions – Dolphin and Wahoo off the Atlantic States
(Dolphin – Wahoo FMP, Nov 23, 2004)
- Greater Atlantic Region 50 CFR 658.5 – All federally managed fisheries
- Atlantic Coastal Fisheries Cooperative Management Act – American Lobster 50 CFR 648.5



Operator permit applications

- Operator permits may be obtained through NMFS Southeast Regional Office (\$50) or through the Greater Atlantic Regional Office for free.



How are operator permits useful?

Operator permits may aid in enforcement:

- In education and outreach because, with a universe of operator names and addresses provided in permit applications, fishery managers may provide operators with notices/bulletins on federal fishery regulations.
- In voluntary compliance through the education and outreach component above and because operator permits are potentially subject to sanction for federal fishery violations
- In helping to establish knowledge of the regulations through the education and outreach component above.
- In helping to hold operators who, through due process, have been found to have violated federal fishery regulations, responsible for those violations through potential permit sanctions for the violations in addition to potential monetary penalties and for non-payment of a monetary penalty.



Dolphin and Wahoo FMP

The implementing action states:

Require that the operator of a commercial or for-hire vessel obtain an operator's permit issued by the National Marine Fisheries Service to harvest or possess dolphin or wahoo in or from the Atlantic EEZ. On each federally permitted dolphin/wahoo commercial or for-hire vessel, there must be on board at least one operator who has been issued a federal operator's permit for the dolphin/wahoo fishery. The federally permitted operator will be held accountable for violations of fishing regulations and also may be subject to a permit sanction. If an operator's permit has been sanctioned, during the permit sanction period the individual operator may not work in any capacity aboard a federally permitted fishing vessel.



Dolphin and Wahoo FMP cont.

The action analysis states: “This action will improve enforcement and aid in data collection. It should decrease costs to vessel owners from fisheries violations.” “Will make vessel captains more accountable for damaging habitat or violating regulations intended to protect the long-term viability of the stock.”



Dolphin and Wahoo FMP cont.

- Council Conclusion: “The Council concluded that requiring an operator’s permit will make vessel captains more responsible for complying with fishery regulations, thus helping to achieve optimum yield. The Counsel addressed Advisory Panel member concerns by allowing the possession of any operator permit under any FMP to meet this requirement. This action will especially reduce the impact on all HMS and many Mid-Atlantic and New England fishermen. Many Mid-Atlantic and New England fishermen are already required to have operator permits.”



Shrimp Amendment 5

- The operator permits in the rock shrimp fishery were requested by industry (mostly vessel owners) because in this fishery many owners are not the operators.
- Owners wanted a way for the vessel operator rather than the vessel owner to be held liable for violations.
- Rock Shrimp Amendment 5 indicates the Council was leaning toward applying operator permits to all fisheries.

“In the long run NMFS will have to deal with the issue of operator permits across all fisheries.”



How many operator permits are active?

- The Southeast Region currently has 1,552 active operator permits.
- The Greater Atlantic Region has issued over 7,000 operator permits since 2012.



How are operator permits being used?

Greater Atlantic Region

- Operator permits are required for anyone operating a vessel in a federally managed fishery.
- Operator permit data base is linked with the electronic reporting system (VTR).
- The system requires operators to enter the permit holder's name and the operator permit number.
- Greater Atlantic Region uses the operator permit number to link an individual with every trip report for compliance purposes.



How are operator permits being used?

Southeast Region

- Currently operator permits are not used for gathering data, distributing information, or enforcement to a large extent.
- The permits office process approximately 15 operator permit issuances and renewals per day.



Southeast operator permit GCES/SE cases

Dolphin-Wahoo operator permit cases:

3 NOVAs for failure to have dolphin-operator permit - the years of violation were - 1 each in 2005, 2006, & 2007.

Rock Shrimp operator permit cases:

2 NOVAs for failure to display the operator permit, both for 2004 violations (permits were either issued or at least applied for, but not displayed).

Permit sanctions in at least 7 operator permits for cause (as part of the initial penalty and/or settlement) (5 2004 cases and 2 2006 cases)

Permit sanctions in at least 2 operator permits for failure to pay a final penalty (2 2004 cases - both of which also are included in the for cause sanctions above)