

Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

June 4, 2009

FOR INFORMATION CONTACT:

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NOAA Seeking Public Comment on the Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

NOAA Fisheries Service is seeking public comment on the Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (FMP). The Gulf of Mexico Fishery Management Council (Council) has submitted the FMP to NOAA Fisheries Service for review, approval, and implementation. The Notice of Availability for public comment on this FMP was published in the *Federal Register* on June 4, 2009.

Background

Currently, NOAA Fisheries Service requires an exempted fishing permit to conduct aquaculture in federal waters. This permit is of limited duration and is not intended for commercial production of fish and shellfish, making aquaculture in federal waters not viable under the current permitting process. If implemented through rulemaking, this FMP would establish a comprehensive permitting and regulatory framework to manage the development of an environmentally sound and economically sustainable aquaculture industry in federal waters of the Gulf of Mexico.

Actions in the FMP

- Establish aquaculture permit requirements, eligibility, and transferability.
- Establish application requirements, operational requirements, and restrictions for aquaculture permits.
- Establish permit duration and renewal periods.
- Specify allowable species for aquaculture purposes.
- Evaluate proposed aquaculture systems on a case by-case basis.
- Establish marine aquaculture siting requirements and conditions.
- Create a restricted access zone for each aquaculture facility.
- Establish recordkeeping and reporting requirements.
- Establish biological reference points and status determination criteria.
- Specify framework procedures for modifying biological reference points and management measures for offshore marine aquaculture in the Gulf.

Other information on the Gulf aquaculture permit is also discussed in the FMP. If this aquaculture program is implemented, the administrative functions associated with it (e.g., registration and account setup, landing transactions, and most reporting requirements) are intended to be accomplished online via the aquaculture Web site. A participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate.

Dates and Addresses

Written comments must be received no later than 5 p.m., Eastern time, on August 3, 2009. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. To submit comments enter "NOAA-NMFS-2008-0233" in the keyword search and then check the box "send a comment or submission." Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Jess Beck, Southeast Regional Office, NOAA Fisheries Service, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

The FMP, which includes an Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, is available in electronic format from the Council's Web site at <http://www.gulfcouncil.org>, or by contacting the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone (813) 348-1630; fax (813) 348-1711; e-mail gulfcouncil@gulfcouncil.org.

Please Note: A proposed rule that would implement measures outlined in the FMP has also been developed. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NOAA Fisheries Service is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NOAA Fisheries Service will publish the proposed rule in the *Federal Register* for public review and comment. NOAA Fisheries Service will also announce this request for comment through the release of another Southeast Fishery Bulletin.

Comments received by August 3, 2009, whether specifically directed to the FMP or the proposed rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the FMP. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the FMP or the proposed rule during their respective comment periods will be addressed in the final rule.

How can we improve these fishery bulletins?

If you have any suggestions on how we may improve future fishery bulletins, please contact:

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If you would like to receive these fishery bulletins via email as soon as they are published, e-mail us at: SERO.Communications.Comments@noaa.gov. You will still receive a hard copy of these bulletins through the mail.

This bulletin provides only a summary of the information regarding the existing regulations. Any discrepancies between this bulletin and the regulations as published in the *Federal Register* will be resolved in favor of the *Federal Register*.