

Modification of the Vessel Position Data Collection Program for the Gulf of America Shrimp Fishery



Final Framework Action under the Fishery Management Plan for the Shrimp Fishery in the Gulf, U.S. Waters

**Including Environmental Assessment, Regulatory Impact Review, and
Regulatory Flexibility Act Analysis**

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Responsible Agencies Contact Persons

Gulf Fishery Management Council (Council) 4107 W. Spruce Street, Suite 200 Tampa, Florida 33607 Matt Freeman (matt.freeman@gulfcouncil.org)	813-348-1630 813-348-1711 (fax) gulfcouncil@gulfcouncil.org http://www.gulfcouncil.org
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National Marine Fisheries Service (Lead Agency) Southeast Regional Office 263 13 th Avenue South St. Petersburg, Florida 33701 Frank Helies (frank.helies@noaa.gov)	727-824-5305 http://sero.nmfs.noaa.gov 727-290-5988
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The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service Southeast Regional Office and the Council prepared this Environmental Assessment (EA) for the Framework Action under the Fishery Management Plan for the Shrimp Fishery of the Gulf, U.S. Waters (EAXX-006-48-1SE-1767672960) in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and NOAA's Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities: Companion Manual for NOAA Administrative Order 216-6A (June 30, 2025).

Certifications

NOAA has considered the factors mandated by NEPA and has determined that the EA represents NOAA's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits. This prioritization reflects NOAA's expert judgment and any considerations addressed briefly or left unaddressed were, in NOAA's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

The resulting EA also represents NOAA's good-faith effort to fulfill NEPA's requirements within the congressionally mandated timeline. The EA is substantially complete and, in NOAA's expert opinion, the agency has thoroughly considered the factors mandated by NEPA. In NOAA's judgment, the analysis contained herein is adequate to inform and reasonably explain NOAA's final decision regarding the proposed activity or decision.

ABBREVIATIONS USED IN THIS DOCUMENT

ACL	annual catch limit
AM	accountability measures
BiOp	biological opinion
BRD	bycatch reduction device
cELB	cellular electronic logbook
CFR	code of federal regulations
Council	Gulf Council
cVMS	cellular vessel monitoring system
DPS	distinct population segments
E.O.	Executive Order
EA	Environmental Assessment
EEZ	exclusive economic zone
EFH	Essential Fish Habitat
EIS	economic impact statement
ELB	electronic logbook
ESA	Endangered Species Act
FL	fork length
FMP	Fishery Management Plan
GDP	gross domestic product
GMFMC	Gulf of Mexico Fishery Management Council
Gulf	Gulf of America (Formerly Gulf of Mexico)
HAPC	habitat areas of particular concern
HMS	Highly Migratory Species
IRFA	initial regulatory flexibility analysis
LGL	LGL Ecological Research Associates, Inc.
lw	landed weight
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammals Protection Act
mp	million pounds
MSY	maximum sustainable yield
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OMB	Office of Management and Budget
OY	optimum yield
PAH	polycyclic aromatic hydrocarbons
RFA	Regulatory flexibility analysis

RFFA	reasonably foreseeable future actions
RIR	Regulatory Impact Review
SD	Secure Digital
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental Environmental Impact Statement
SERO	Southeast Regional Office
SPGM	Gulf of Mexico shrimp moratorium
SRD	Science and Research Director
STT	state trip ticket
TED	turtle excluder device
VMS	vessel monitoring system
ww	whole weight

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CHAPTER 1. INTRODUCTION

1.1 Background

The Gulf of America (Gulf) shrimp fishery is managed by the Gulf Council (Council)¹ through the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf, U.S. Waters (Shrimp FMP). Since 2006, the National Marine Fisheries Service (NMFS) has estimated shrimp fishing effort based on vessel position data collected through an electronic logbook (ELB) program to assess the status of Gulf shrimp stocks and the fishery's impacts to red snapper and sea turtles (Amendment 13 to the Shrimp FMP; GMFMC 2005). The ELBs are passive vessel tracking devices that collect vessel positional data in 10-minute intervals. Originally, the ELB boxes stored the positional data on Secure Digital (SD) cards, which were eventually collected in the field by NMFS port agents, with 577 vessels submitting data at some point between 2005 and 2013. The original sampling design began with shrimp vessels permitted to fish in Gulf federal waters as of December 31, 2004, that reported landings in either 2003 or 2004 (2,104 vessels). Vessels were then assigned to one of nine geographic zones across the Gulf coast, based on port, with the majority of landings in the most recent year with fishing activity. Five of the nine geographic zones with large numbers of both ice and freezer boats were split into two strata, for a total of 14 strata. The number of samples within each stratum were based on the proportion of total offshore landings, and the individual vessel selection probability within stratum was based on the weighted average of 2003 and 2004 landings, with twice as much weight assigned to 2004 landings (K. Dettloff, Southeast Fisheries Science Center, pers. comm., 2024).

In 2013, NMFS upgraded the original ELB design to gain efficiency, designing a device that could transmit the positional data to NMFS over a 3G cellular signal. These upgraded vessel tracking devices were named "cellular electronic logbooks" (cELB). The vessel position information transmitted from cELBs is combined with data from submitted dealer reports to estimate effort. A Shrimp ELB Framework Action (GMFMC 2013) later established a cost-sharing system for the cELB program, under which NMFS provided the hardware, software, data storage, effort estimation analysis, and archival activities while the selected permit holders covered the costs of installing and maintaining the units, as well as the monthly cellular service required for data transmission. In 2014, approximately 500 federally permitted shrimp vessels, accounting for roughly one-third of the offshore fleet, were selected by the Science and Research Director (SRD) and required to participate in the cELB program, although the Shrimp ELB Framework Action (GMFMC 2013) estimated cost sharing for a maximum number of 1,500 vessels. The sampling design for cELB devices followed that of the original ELB program.

In 2018, to account for vessels with cELBs that were no longer operating in the fishery (J. Nance, retired Southeast Fisheries Science Center, pers. comm., 2024), the Gulf States Marine Fisheries Commission and NMFS Southeast Fisheries Science Center (SEFSC) located and installed an additional 100 cELB devices on vessels for participation in the effort monitoring program for the Gulf shrimp fleet. Since 2018, there has not been an updated stratified sampling design of the Gulf shrimp fleet.

¹ The Gulf of Mexico was renamed the Gulf of America pursuant to Executive Order 14172, and Secretary of the Interior Order No. 3423.

The current regulations require participation in the cELB program if selected by the SRD and were implemented through Amendment 13 to the Shrimp FMP:

§ 622.51 Recordkeeping and reporting.

(a) Commercial vessel owners and operators--(1) General reporting requirement. The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, 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 person to whom sold.

(2) Electronic logbook reporting. The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued and who is selected by the SRD must participate in the NMFS-sponsored electronic logbook reporting program as directed by the SRD. In addition, such owner or operator must provide information regarding the size and number of shrimp trawls deployed and the type of bycatch reduction device (BRD) and turtle excluder device used, as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(2) is required for permit renewal.

(3) Vessel and Gear Characterization Form. All owners or operators of vessels applying for or renewing a commercial vessel moratorium permit for Gulf shrimp must complete an annual Gulf Shrimp Vessel and Gear Characterization Form. The form will be provided by NMFS at the time of permit application and renewal. Compliance with this reporting requirement is required for permit issuance and renewal.

Vessels selected to participate must carry time-stamped global positioning system (GPS) units that record and store data regarding a vessel's location at 10-minute time intervals (LGL Ecological Research Associates, Inc. 2009).² From these time-stamped locations, vessel speed between points can be estimated and then evaluated with mathematical algorithms to determine if a vessel is stopped, towing, or transiting. Fishing effort has historically been measured in terms of "fishing days," where a fishing day equals 24 hours of towing time.

Trip tickets provide NMFS with shrimp catch data for all trips, from which total weight is then aggregated to the level of season and fishing area and used to scale up estimated effort from vessels with GPS track log devices to the total fleet (Dettloff 2024). Shrimp fishery statistical zones in the Gulf are shown in Figure 1.1.1. Historically, GPS track logs stored on the cELBs were transmitted via a cellular signal to NMFS as soon as the vessel is within cellular range, whereas the complete trip ticket landings data for the year are not available to NMFS until the following year.³

² To specify if units record data all the time, such as when a vessel is in port, it is noted within LGL's 2009 *Procedures manual for electronic logbook (ELB)* that "A second programming change extended the observation period further by not recording position data where it has not changed during a 24 hour period. It is anticipated that this change, which will stop recording while a vessel is in port..." and that "Unplugging the unit causes no problems other than lost data. If you unplug a unit for a significant amount of time during a trip, the data from that trip may not be useful to the program because information about tows may be lost. Unplugging the unit when in port is never a problem."

³ Appendix A provides a diagram of how cELBs work and the role of cellular data transmission.

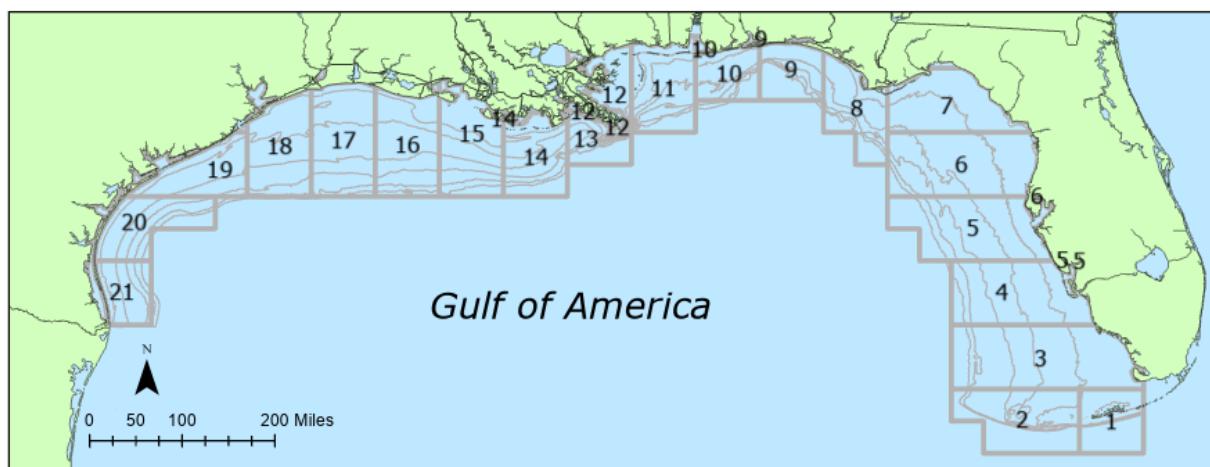


Figure 1.1.1. Statistical sub-areas and depth zones (ten fathom increments) for the U.S. Gulf.

In December 2020, 3G cellular technology was discontinued, precluding fishermen’s ability to electronically transmit positional data to NMFS through their cELB devices. Even though the data can no longer be transmitted via 3G cellular networks, the hardware devices on board vessels continue to collect and store vessel position data on SD cards, as long as they are still functioning, and fishermen are being directed to submit the SD cards to NMFS via mail until a new process is developed.

To meet the requirements of Section 7 of the Endangered Species Act (ESA), specifically the “Reasonable and Prudent Measures” included in the April 2021 “Reinitiation of ESA Section 7 Consultation on the Implementation of the Sea Turtle Conservation Regulations under the ESA and the Authorization of the Southeast U.S. Shrimp Fisheries in Federal Waters under the Magnuson-Stevens Fishery Management and Conservation Act” (Biological Opinion [BiOp]), NMFS must ensure that shrimp fishery effort monitoring is conducted at equivalent, or greater, levels as was conducted over the past 10 years. Through this framework action, the Council is exploring alternative ways to meet effort estimation and monitoring requirements in the shrimp fishery so that NMFS can effectively monitor the bycatch of sea turtles and other ESA-listed species, track compliance with the juvenile red snapper effort threshold established in Amendment 18 to the Shrimp FMP, and conduct assessments of shrimp and other species taken as bycatch in the shrimp fishery.

1.2 Purpose and Need

The purpose of this framework action is to transition from the expired 3G cellular electronic logbook program to a system that would maintain the Council's and NMFS' scientific ability to estimate and monitor fishing effort in the Gulf shrimp fishery while minimizing the economic burden on the industry and on the agency to the maximum extent practicable.

The need is to base conservation and management measures on the best scientific information available and to minimize bycatch to the extent practicable, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and minimize interactions with protected species as required by the ESA.

1.3 History of Management

The **Shrimp Fishery Management Plan** (GMFMC 1981a) defined the shrimp fishery management unit to include brown shrimp, white shrimp, pink shrimp, royal red shrimp, seabobs (*Xiphopenaeus kroyeri*), and brown rock shrimp (*Sicyonia brevirostris*). The purpose of the plan was to enhance yield in volume and value by deferring harvest of small shrimp to provide for growth. The main actions included establishing: 1) a cooperative Tortugas Shrimp Sanctuary with Florida to close a shrimp trawling area where small pink shrimp comprise the majority of the population most of the time; 2) a cooperative 45-day seasonal closure with Texas to protect small brown shrimp emigrating from bay nursery areas; and 3) a seasonal closure of an area east of the Dry Tortugas to avoid gear conflicts with stone crab fishermen.

Amendment 1/Environmental Assessment (EA) (GMFMC 1981b) provided the Regional Administrator (RA) with the authority (after conferring with the Council) to adjust by framework action the size of the Tortugas Sanctuary or the extent of the Texas closure, or to eliminate either closure for one year.

Amendment 2/EA (GMFMC 1981b) implemented mandatory reporting of statistical data by shrimp vessel owners and operators, dealers, and processors.

Amendment 3/EA (GMFMC 1982) resolved a shrimp-stone crab gear conflict on the west-central coast of Florida.

A **NMFS Rule** (50 FR 24244; June 27, 1987) required all shrimp trawlers 25 ft and longer in offshore waters to use qualified turtle excluder devices (TED) and all shrimp trawlers smaller than 25 ft to restrict tow times to 90 minutes or less. In inshore waters, at specified times, all shrimp trawlers were required to restrict tow times to 90 minutes or less. In both inshore and offshore waters, shrimp trawlers using TEDs are exempt from the tow time restrictions. The rule specified criteria and procedures for qualifying additional TEDs; specified vessel sizes, areas and seasons for which qualified TEDs or 90-minute tow times must be used; established reporting requirements; continued measures for resuscitation and release of captured sea turtles; and continued designated critical habitat. Initially, only four TED designs were approved: the NMFS' TED, the Cameron TED, the Matagorda TED, and the Georgia TED. The Morrison soft-TED was authorized later in the year.

Amendment 4/EA (GMFMC 1988) identified problems that developed in the fishery and revised the objectives of the FMP accordingly. The annual review process for the Tortugas Sanctuary was simplified, and the Council and RA review for the Texas closure was extended to February 1. A provision that white shrimp taken in the exclusive economic zone (EEZ) be landed in accordance with a state's size/possession regulations to provide consistency and facilitate enforcement with Louisiana was to have been implemented at such time when Louisiana provided for an incidental catch of undersized white shrimp in the fishery for seabobs. This provision was disapproved by NMFS with the recommendation that it be resubmitted after Louisiana provided for that bycatch. This resubmission was made in February of 1990 and applied to white shrimp taken in the EEZ and landed in Louisiana. It was approved and implemented in May of 1990.

Amendment 5/EA (GMFMC 1991) defined overfishing for Gulf brown, pink, and royal red shrimp and provided measures to restore overfished stocks if overfishing should occur. Action on the definition of overfishing for white shrimp was deferred, and seabobs and rock shrimp were removed from the management unit. The duration of the seasonal closure to shrimping off Texas was changed from June 1 through July 15 to May 15 through July 15 to conform to changes in state regulations.

Amendment 6/EA (GMFMC 1992) eliminated the annual reports and reviews of the Tortugas Shrimp Sanctuary in favor of monitoring and an annual stock assessment. Three seasonally opened areas within the sanctuary continue to open seasonally, without need for annual action. A proposed definition of overfishing of white shrimp was rejected by NMFS because it was not based on the best available data.

Amendment 7/EA (GMFMC 1994) defined overfishing for white shrimp and provided for future updating of overfishing indices for brown, white, and pink shrimp as new data became available. A total allowable level of foreign fishing for royal red shrimp was eliminated; however, a redefinition of overfishing for royal red shrimp was disapproved.

Amendment 8/EA (GMFMC 1995), implemented in early 1996, addressed management of royal red shrimp. It established a procedure that would allow total allowable catch for royal red shrimp to be set up to 30% above maximum sustainable yield (MSY) for no more than two consecutive years so that a better estimate of MSY could be determined. This action was subsequently negated by the 1996 Sustainable Fisheries Act amendment to the Magnuson-Stevens Act that defined overfishing as a fishing level that jeopardizes the capacity of a stock to maintain MSY and does not allow optimum yield to exceed MSY.

Amendment 9/supplemental EIS (GMFMC 1997) required the use of a NMFS certified BRD in shrimp trawls used in the EEZ from Cape San Blas, Florida to the Texas/Mexico border, and provided for the certification of BRDs and specifications for the placement and construction. The purpose of this action was to reduce the bycatch mortality of juvenile red snapper by 44% from the average mortality for the years 1984 through 1989. This amendment exempted shrimp trawls fishing for royal red shrimp seaward of the 100-fathom contour, as well as groundfish and butterfly trawls, from the BRD requirement. It also excluded small try nets and no more than

two ridged frame roller trawls of limited size. Amendment 9 also provided mechanisms to change the bycatch reduction criterion and to certify additional BRDs.

Amendment 10/EA (GMFMC 2002) required BRDs in shrimp trawls used in the Gulf east of Cape San Blas, Florida. Certified BRDs for this area were required to demonstrate a 30% reduction by weight of finfish.

Amendment 11/EA (GMFMC 2001a) required owners and operators of all vessels harvesting shrimp from the EEZ of the Gulf to obtain a federal commercial vessel permit. This amendment also prohibited the use of traps to harvest royal red shrimp from the Gulf and prohibited the transfer of royal red shrimp at sea.

Amendment 12/EA (GMFMC 2001b) was included as part of the Generic Essential Fish Habitat (EFH) Amendment that established EFH for shrimp in the Gulf.

A **NMFS ESA rule** (68 FR 8456, February 21, 2003) required the use of larger TED escape openings in otter trawl nets used to harvest shrimp to improve the exclusion of leatherback turtles and adult loggerheads and green turtles. Also, the double-cover escape opening was introduced, which consists of two mesh flaps covering the escape hole and provides enhanced turtle exclusion as well as improved shrimp retention.

Amendment 13/EA (GMFMC 2005) established an endorsement to the federal shrimp vessel permit for vessels harvesting royal red shrimp; defined the overfishing and overfished thresholds for royal red shrimp; defined MSY and an optimum yield (OY) for the penaeid shrimp stocks in the Gulf; established bycatch reporting methodologies and improved collection of shrimping effort data in the EEZ; required completion of a Gulf Shrimp Vessel and Gear Characterization Form by vessels with federal shrimp permits; established a moratorium on the issuance of federal commercial shrimp vessel permits; and required reporting and certification of annual landings during the moratorium.

August 2006 Regulatory Amendment (GMFMC 2006) changed the BRD certification criterion for penaeid shrimp trawling in the EEZ from being based on the expected reduction in the mortality of red snapper to the expected reduction in finfish catch. The change in the BRD certification criterion addressed shrimp trawl bycatch more comprehensively and increased flexibility, promoted innovation, and allowed for a wider variety of BRDs, which allowed fishermen to choose the most effective BRD for fishing conditions and therefore reduce overall finfish bycatch. This amendment also certified the Modified Jones-Davis BRD for use in the Gulf and South Atlantic shrimp fisheries, provisionally certified the extended funnel BRD for use in the Gulf shrimp fishery, and provisionally certified the composite panel BRD to be used in the Gulf and South Atlantic shrimp fisheries. The amendment also consolidated and made modifications to the BRD Testing Manuals for the Gulf and the South Atlantic regions.

Amendment 14/EIS (GMFMC 2007) was a joint amendment with Amendment 27 to the FMP for the Reef Fish Resources of the Gulf. It established a target red snapper bycatch mortality goal for the shrimp fishery in the western Gulf of 74% relative to the benchmark years of 2001-2003, reducing that target goal to 67% beginning in 2011 and eventually reducing the target to

60% by 2032. The amendment also defined seasonal closure restrictions that can be used to manage shrimp fishing effort in relation to the target red snapper bycatch mortality reduction goal. If necessary, a seasonal closure of the shrimp fishery in the 10 to 30-fathom zone of selected areas within statistical zones 10-21 in the Gulf will occur at the same time as the annual closure of federal waters, which occurs in conjunction with the Texas closure. The need for a closure will be determined by the RA based on an annual assessment by the SEFSC. The assessment will use shrimp effort data for the most recent 12-month period available and will include a recommendation regarding the geographical scope and duration of the closure. The SEFSC's assessment will be provided to the RA on or about March 1 of each year. It also established a framework procedure to streamline the management of shrimp fishing effort in the western Gulf.

A Framework Action (GMFMC 2008) made revisions to BRD specifications and testing protocols, including lowering the needed bycatch reduction for BRDs in the western Gulf from 44% to 30% to be consistent with the eastern Gulf and the South Atlantic.

A Framework Action (GMFMC 2009) decertified the expanded mesh and Gulf Fisheye BRDs. This action also modified the allowable configuration for the Fisheye BRD, such that it could not be placed farther forward than 9 ft from the tie-off rings.

The Generic Annual Catch Limit (ACL)/Accountability Measures (AM) Amendment/EIS (GMFMC 2011) set an ACL and AM for royal red shrimp. Penaeid shrimp were exempt from the ACL/AM requirements because of their annual life cycle.

A Framework Action (GMFMC 2012) certified the two BRDs that were provisionally certified in 2010. It also lowered the effort reduction threshold established in Amendment 14 from 72% to 67%.

The Shrimp ELB Framework Action (GMFMC 2013) established a cost-sharing system for the ELB program and described new equipment and procedures for the program.

Amendment 15/EA (GMFMC 2015) redefined stock status criteria for the three penaeid species of shrimp including MSY and overfished/overfishing thresholds. The general framework procedure was also updated.

Amendment 16/SEIS (GMFMC 2014) eliminated duplicative AMs and the quota for royal red shrimp. The ACL was set equal to the acceptable biological catch and a post-season AM was established.

Amendment 17A/EA (GMFMC 2017) extended the Gulf commercial shrimp permit moratorium for 10 more years through October 26, 2026.

Amendment 17B/EA (GMFMC 2017) defined the aggregate MSY of 112,531,374 pounds of tails for all shrimp species and an aggregate OY of 85,761,596 pounds of tails for all shrimp species. This amendment allows for the creation of a reserve permit pool when certain conditions are met, and mandates that the Council convene a review panel to review the details

of a permit pool if the number of permits reaches 1,175. This amendment also allows vessels possessing shrimp to transit through federal waters without a federal permit if their trawl doors and nets are out of the water and bag straps are removed.

Amendment 18/Categorical Exclusion (CE) (GMFMC 2019) reduced the target reduction goal for juvenile red snapper mortality in the federal Gulf penaeid shrimp trawl fishery from 67% to 60% and modified the FMP framework procedures to allow changes to the target reduction goal for juvenile red snapper mortality through the abbreviated framework documentation process.

A NMFS ESA Rule (EIS) (NMFS 2019, effective 2021) required skimmer trawl vessels 40 ft and greater in length that are rigged for harvesting shrimp to install and use TEDs designed to exclude small turtles in their nets. The space between the deflector bars of the new TEDs must not exceed 3 inches and escape openings must be oriented at the top of the net. There are webbing restrictions on the escape opening flap depending on the type of TED grid and escape opening configuration.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action - Modify the Method Used to Collect Vessel Position Data for the Gulf of America (Gulf) Shrimp Fishery

Note: The types of data and amount/timing of data collection would not vary between alternatives. Consistent with current requirements, the permitted vessels selected to participate in the data collection program established under any of the alternatives must also provide the National Marine Fisheries Service (NMFS) information on the size and number of shrimp trawls deployed for each set, and the type of bycatch reduction device and turtle excluder device used in the nets. As set forth in Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf, U.S. Waters (GMFMC 2005) and 50 C.F.R. § 622.51, compliance with these requirements and the requirement to submit vessel position data is required for permit renewal.

Alternative 1: No Action - Maintain the current method to collect vessel position data through the cellular electronic logbook (cELB) units supplied by NMFS. NMFS would collect the memory cards from the units via mail.

Alternative 2: Implement a vessel monitoring system (VMS) requirement for the Gulf shrimp fishery that provides, at a minimum, archived position data compatible with the Southeast Fisheries Science Center's (SEFSC) shrimp effort algorithm to a NMFS server. If selected by the Science and Research Director (SRD), the owner or operator of a vessel with a Gulf shrimp moratorium (SPGM) permit would be required to install a type-approved VMS unit (50 C.F.R. § 600.1501) that archives or transmits vessel position data to a NMFS server when on a fishing trip in the Gulf.

Preferred Alternative 3: Implement a cELB requirement for the Gulf shrimp fishery that provides archived position data to NMFS that is compatible with the SEFSC's shrimp effort algorithm. If selected by the SRD, the owner or operator of a vessel with a SPGM permit would be required to install a NMFS-approved cELB that archives vessel position data when on a shrimp fishing trip in the Gulf and automatically transmits those data via cellular service to a non-Office of Law Enforcement (OLE) NMFS server. NMFS-approved cELBs would be type-approved for the Gulf shrimp fishery through a process external to 50 C.F.R. § 600.1501.

Discussion:

Alternative 1 (No Action) would maintain the current method for collecting vessel position data. cELB units ceased transmitting information to NMFS on December 31, 2020, and the National Environmental Satellite Data and Information Service shut down the server receiving the data from cELB units on December 7, 2020. Because 3G cellular transmission is no longer possible, NMFS has been collecting the Secure Digital (SD) cards from the cELB units of participating vessels via mail until a new process is developed. However, NMFS is unable to determine if a cELB unit has stopped collecting data until the permit holders have returned the memory cards and NMFS has downloaded and analyzed the data. Analyses of the terminated cELB transmission method and mail-in process have shown problems with adequacy of the data

collected. With the cellular system, data were automatically transmitted and so nonfunctional cELB units could be identified and replaced in real time. The mail-in process requires manual transmission, where SD cards are only mailed to NMFS twice per year. As a result, data recovery with the mail-in process has ranged from approximately 58% to 86% for the five mailings from June 2021 to June 2023.⁴ Furthermore, as cELB units break down, overall coverage will continue to lag. Cost-sharing of the ELB program was previously established (GMFMC 2013) with vessel owners paying installation, maintenance, and transmission costs; cost-sharing for cellular VMS (cVMS) units is discussed under **Alternative 2**.

In September 2023, the Gulf States Marine Fisheries Commission, using FY2023 and FY2024 Congressional funding, contracted LGL Ecological Research Associates (LGL), to coordinate an “Early Adopter Program” for the federal Gulf shrimp fleet to support the development of an updated data collection process for Gulf shrimp fishing effort. LGL’s process for approving vendors for the Gulf shrimp fishery Early Adopter Program was based on two rounds of field testing completed by the SEFSC and is detailed in Appendix C. In November 2023, LGL completed pricing and purchasing agreements with Woods Hole Group (Nemo), Viatrax (Boat Command), and Atlantic Radio Telephone (ZenVMS) to provide cVMS units and 2 years of cellular transmission and services fees. As part of LGL’s approval process, vendors were required to maintain 24/7 customer service help for their application users. Other vendors are still able to apply for consideration and participation in the Gulf shrimp Early Adopter Program. While NMFS has not yet determined if the cVMS devices approved in the Early Adopter Program would meet type approval criteria, the Council anticipates they would meet requirements for **Alternative 2** and **Preferred Alternative 3**, which would offset some industry costs.

Alternative 2 would modify the current data collection system by requiring the owner or operator of a vessel with a SPGM permit, if selected by the SRD, to install a type-approved satellite or cellular VMS, which, at a minimum, archives vessel position data when on a fishing trip⁵ in the Gulf and transmits that data to NMFS.⁶ If a satellite VMS unit is installed, vessel position data would be automatically transmitted to a NMFS server. If a cVMS unit is installed, vessel position data would be archived when on a fishing trip in the Gulf and would be transmitted to a NMFS server when the vessel is within cellular range. As shown in Appendix B, the VMS type-approval regulations include the requirements for units that use satellite transmission as well as cellular transmission. Currently, VMS reimbursement is available

⁴ The listed percentages represent the percent range of returned SD cards during the five mailings that have occurred prior to January 2024: 64% from Mailing 1 in June 2021; 58% from Mailing 2 in January 2022; 68% from Mailing 3 in June 2022; 76% from Mailing 4 in January 2023; and 86% from Mailing 5 in June 2023. Of note, these percentages are reflective of the number of cards returned during each 6-month period and may have been in response to an earlier mailing, not necessarily reflecting a response to a mailing in a given 6-month period. In addition, data quality from returned SD cards is not represented in these percentages.

⁵ In 50 C.F.R. § 622.2, a trip is defined as “a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.”

⁶ Information on VMS type-approval can be found at <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=40795e9b7e80ab071d63d0f076d60d11&mc=true&r=SUBPART&n=sp50.12.600.q> and in Appendix B.

nationally for the purchase cost of the units,⁷ while installation, maintenance, and communication costs are covered by vessel owners, and reimbursement is currently capped at \$950 for programs that allow for the use of a cVMS. The cost per unit may be increased or decreased, and any VMS reimbursement is subject to available funding. While the language of **Alternative 2** refers to data being transmitted to a NMFS server, following the current national VMS regulations would result in NOAA OLE⁸ maintaining final storage of the collected confidential data, to which SEFSC would have access.

Owners or operators of Gulf shrimp vessels with more than one permit that require VMS would need to comply with all the requirements for each permit. As of September 20, 2024, there were 1,257 vessels with valid or renewable SPGM permits (NMFS SERO Sustainable Fisheries Access Permits Database, accessed 11/4/24). Of these 1,257 vessels, an estimated 104 vessels are required to comply with VMS requirements in other fisheries. Most of these 104 vessels have South Atlantic rock shrimp limited access permits (92), while others have commercial Gulf reef fish permits (12), or various Atlantic highly migratory species (HMS) permits (2). Only satellite VMS has been approved for use on vessels with these other permits. Atlantic HMS permits require VMS when various types of gear are on board (e.g., pelagic longline, bottom longline, gillnet), at certain times of year, or in certain areas. The Atlantic HMS VMS requirements would not apply when the vessel has shrimp trawl gear on board and HMS defined gear has been removed from the vessel, and thus the vessels with both SPGM and Atlantic HMS permits would not have to simultaneously comply with the Atlantic HMS requirements and any VMS requirements in the Gulf shrimp fishery. However, when Atlantic HMS gear is on board the vessel, the vessel would be required to abide by both Atlantic HMS and Gulf shrimp VMS requirements. The VMS requirements for South Atlantic rock shrimp limited access permits only apply while vessels are in the South Atlantic. The commercial Gulf reef fish VMS regulations require the unit to be reporting at all times, regardless of location.

Preferred Alternative 3 would modify the current data collection system by requiring the owner or operator of a vessel with a SPGM permit, if selected by the SRD, to install a cELB device⁹ that has been type-approved for the Gulf shrimp fishery, which archives vessel position data when on a shrimp fishing trip in the Gulf and automatically transmits that data via cellular service to NMFS. The NMFS type-approval process for cELB devices is yet to be determined and would be a process external to 50 C.F.R. § 600.1501. It is also yet to be determined by NMFS if the cVMS devices approved in the Early Adopter Program meet these criteria, although the Council anticipates they would meet these criteria and offset costs to industry. Of the vessels with the South Atlantic rock shrimp limited access permits, between 89-95% also hold the Gulf shrimp permit. Therefore, under **Preferred Alternative 3**, the majority of the vessels with the

⁷ Information on reimbursement of VMS units can be found at <https://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms>. Information on the VMS Funding Prioritization Process can be found at https://media.fisheries.noaa.gov/2022-03/06-102-Revision_Cap%20Update%20-%20Signed%20JC.pdf.

⁸ On March 4, 2025, correspondence from the Southeast Fisheries Science Center to the Gulf Council, National Marine Fisheries Service “has agreed to transition the administration of the VMS program from OLE to the Office of Science and Technology.” OLE is still referenced in discussion of the alternatives, as it is uncertain when the transition would begin or be completed.

⁹ Although the same type of devices would be used by the industry, the Gulf Council’s Shrimp AP expressed concern over labeling the devices in **Preferred Alternative 3** as a cVMS rather than a cELB, due to how a VMS is defined in federal regulations.

South Atlantic rock shrimp permit would be required to carry both a satellite VMS unit for the South Atlantic rock shrimp permit and a cellular unit for the Gulf shrimp permit. The collected data would be transmitted to a NMFS server that is not housed by OLE. However, similar to **Alternative 2**, OLE and enforcement partners (i.e., U.S. Coast Guard, Joint Enforcement Agreement state partners) would still be able to access these confidential data at any time.¹⁰

At the January 2022 Council meeting, NMFS presented an evaluation of the draft approval specifications (Appendix D) for reinstituting the historical cELB program. Under the current VMS type-approval process (**Alternative 2**), NMFS contracts with an industry expert who performs VMS testing and provides recommendations, and NMFS would maintain additional requirements for vendors and a list of approved vendors for the shrimp fishery on the VMS program website. If the national VMS type-approval process is not followed (**Preferred Alternative 3**), the SEFSC would need to develop a separate contract for shrimp-specific testing and certification processes, as well as maintain requirements for vendors on a new program website. In addition, NMFS may need to add the Gulf shrimp approval specifications to the regulations at 50 C.F.R. Part 622, Subpart C. A summary of the primary differences between **Alternative 2** and **Preferred Alternative 3** are shown in Table 2.1.1.

Table 2.1.1. Primary differences between Alternative 2 and Preferred Alternative 3.

	Alternative 2	Preferred Alternative 3
Allowed Data Transmission Type	Both cellular and satellite	Cellular only
Data Recipient	NMFS server	Non-OLE NMFS server*
Initial VMS Device Reimbursement through Pacific States Marine Fisheries Commission and NOAA OLE	Yes (up to \$950 if cellular and satellite are options)	No
Field Tests and At-sea Trials for VMS Devices	May be performed	Mandatory
Additional NMFS Costs from Not Utilizing 50 C.F.R. § 600.1501	No	Yes**

*OLE would be able to access these data.

**These are detailed in Chapter 4.

In comparing **Alternative 2** and **Preferred Alternative 3**, the types of data (i.e., HH:MM:SS; degrees, minutes, seconds), amount/timing of data collection, and minimum number of position fixes would not vary. Vessel position would be recorded every 10 minutes. The minimum number of position fixes that a unit can process and store would be 14,400.

Under **Alternative 2**, as part of its review for type-approval, OLE may perform field tests and at-sea trials that involve demonstrating every aspect of VMS and communications operation. As

¹⁰ 16 U.S.C. § 1861(b)(1)(A)(vi) Authorizes any officer to access directly or indirectly, for enforcement purposes any data or information required to be provided under this subchapter or regulations under this subchapter, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system.

part of the suggested review process for approval of devices under **Preferred Alternative 3** specified in Appendix D, NMFS would perform at-sea trials aboard an offshore commercial shrimp vessel (i.e., in federal waters of the Gulf) that involve demonstrating functionality of every aspect of the hardware/software device, cellular mobile communications service, or bundle operation.

At-sea testing aboard an offshore shrimp vessel includes, but is not limited to: ensuring the installed hardware/software device's GPS signal and connection is sufficient to attain and record at least 95% of the required 10-minute interval position fix data in a 24-hour period for each 24-hour day of at-sea testing, with a minimum of 7 days spent at-sea for these trials; comparing vessel speed and activity (trawling, transit, etc.), as recorded by a human observer, aboard the offshore shrimp vessel against speed and activity generated by NMFS shrimp effort algorithm programs using data from the hardware/software device, cellular mobile communications service or bundle seeking type-approval; and mounting of the hardware/software device in a location where similar/traditional marine electronics are mounted aboard working trawlers to troubleshoot any issues associated with potential mounting locations and/or wiring and battery capabilities.

Early Adopter Program

Congress appropriated funds to support the development of the shrimp ELB program in FY2023 and FY2024. The FY2023 directive stated: “*Within funds for Fisheries Data Collections, Surveys, and Assessments, the agreement provides \$850,000 for NMFS, in consultation with the Gulf of Mexico Fishery Management Council and shrimp industry stakeholders, to continue the development and implementation of the newly approved Electronic Logbook program (ELB) that archives vessel position and automatically transmits scientific shrimp fishing effort data via cellular service to NMFS.*”¹¹ The Council’s Shrimp Advisory Panel met with NMFS representatives in May 2023 to discuss the proposed spend plan for these funds.¹² NMFS designated \$360,000 of the funds for an Early Adopter Program of cVMS units on federally permitted shrimp vessels in the Gulf. The Early Adopter Program provides cVMS units and two years of cellular service to volunteers. The FY2024 directive stated: “*Within the funding provided in Fisheries Data Collections, Surveys, and Assessments, the Committee provides \$850,000 for NMFS, in consultation with the Gulf of Mexico Fishery Management Council and shrimp industry stakeholders, to continue the development and implementation of a newly approved ELB that archives vessel position and automatically transmits scientific shrimp fishing effort data via cellular service to NMFS.*”¹³

The Early Adopter Program is currently voluntary, and as of December 11, 2024, LGL has outfitted 116 federally permitted vessels across the Gulf with new devices as shown in Table 2.1.2. NMFS has not yet determined if the cVMS devices approved in the Early Adopter Program would meet type approval criteria, although the Council anticipates that device and installation costs supported by the Early Adopter Program will offset industry costs under **Alternative 2** and **Preferred Alternative 3**.

¹¹ <https://www.govinfo.gov/content/pkg/CREC-2022-12-20/html/CREC-2022-12-20-pt1-PgS7819-2.htm>

¹² The meeting summary is available at https://gulfcouncil.org/wp-content/uploads/02b.-Shrimp-AP-Summary-May-2023_Final_Revised.pdf

¹³ <https://www.congress.gov/118/crpt/srpt62/CRPT-118srpt62.pdf>

Table 2.1.2. Number of vessels homeported by state that have participated in the Early Adopter Program as of December 11, 2024.

Vendor	Unit	Florida	Alabama	Mississippi	Louisiana	Texas	Total Devices to Date
Woods Hole Group	NEMO	0	0	0	0	7	7
Viatrax	Boat Command	0	3	3	19	18	43
Remote Data Sensing	ZenVMS	19	6	9	10	22	66

Council Conclusions:

The Council acknowledged that the existing data collection program needs to be replaced and did not choose **Alternative 1**. The Council did not choose **Alternative 2**, as reimbursement for VMS units under **Alternative 2** through the National VMS Program is subject to available funding and the Council viewed future funding as uncertain, which could make costs to industry under **Alternative 2** and **Preferred Alternative 3** similar. The Council chose **Preferred Alternative 3** because it was supported by the Shrimp Advisory Panel and the public comment from those in the shrimp industry. The Council also had questions about the administrative costs that would be required to implement **Preferred Alternative 3**, relative to **Alternative 2**.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Physical Environment

General Description of the Physical Environment

The original Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf, U.S. Waters (Shrimp FMP) (GMFMC 1981a) and the Shrimp FMP as revised in 1981 (GMFMC 1981b) contains a description of the physical environment. The physical environment for penaeid shrimp is also detailed in the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a). This material is incorporated by reference and is not repeated here in detail.

The Gulf of America (Gulf) has a total area of approximately 600,000 square miles, including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel (Figure 3.1.1). Oceanographic conditions are affected by the Loop Current, discharge of freshwater into the northern Gulf, and a semi-permanent, anti-cyclonic gyre in the western Gulf. The Gulf includes both temperate and tropical waters (McEachran and Fechhelm 2005). Daily mean temperatures in the Gulf ranged from approximately 70° F--88° F from 1984 – 2023, with an average annual temperature ranging from approximately 79° F--81° F with no discernable trend over the same time period (NOAA Physical Oceanography Division of the Atlantic Oceanographic and Meteorological Laboratory, data from June 13, 2023). In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

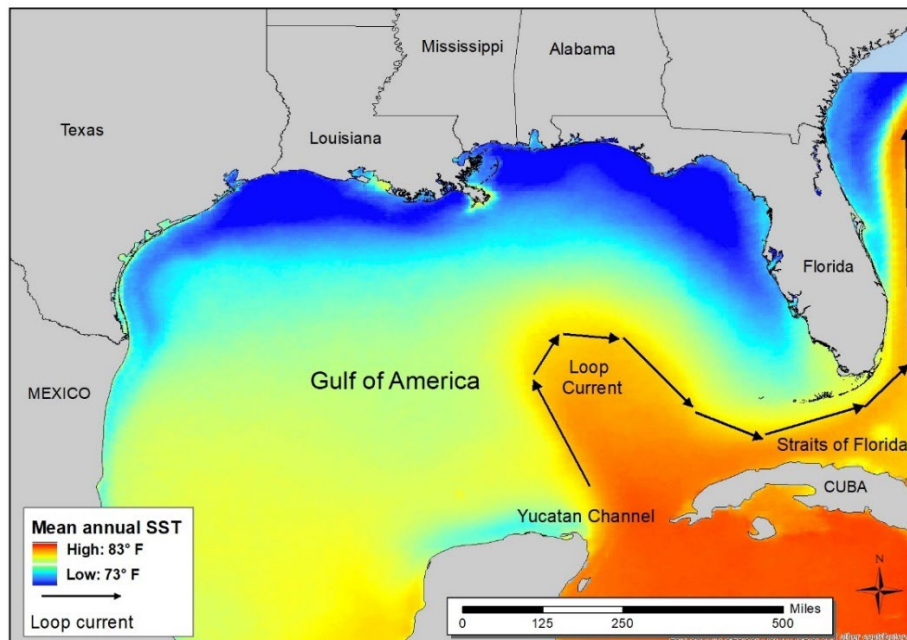


Figure 3.1.1. Physical environment of the Gulf including major feature names and mean annual sea surface temperature as derived from the Advanced Very High-Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://accession.nodc.noaa.gov/0072888>).

In the Gulf, adult penaeid shrimp are found nearshore and offshore on silt, mud, and sand bottoms; juveniles are found in estuaries. Primary fishing grounds for royal red shrimp are the Desoto Canyon about 75 miles off Mobile, Alabama; offshore of Tampa Bay, Florida; and the Dry Tortugas northwest of the Florida Keys.

Detailed information pertaining to habitat areas of particular concern (HAPC) is provided in Generic EFH Amendment (2004a) and Amendment 9 to the FMP for the Coral and Coral Reefs of the Gulf, U.S. Waters (GMFMC 2018). These reef and bank areas in the northwestern Gulf include: East and West Flower Garden Banks, Stetson Bank, Sonnier Bank, MacNeil Bank, 29 Fathom, Rankin Bright Bank, Geyer Bank, McGrail Bank, Bouma Bank, Rezak Sidner Bank, Alderice Bank, and Jakkula Bank, Florida Middle Grounds HAPC and Pulley Ridge HAPC.

Additional area closures, some that include gear restrictions, may affect targeted and incidental harvest of penaeid shrimp species in the Gulf. The areas include:

- Cooperative Texas Shrimp Closure
- Tortugas Shrimp Sanctuary
- Southwest Florida Seasonal Closure
- Central Florida Seasonal Closure
- Longline/Buoy Gear Area Closure
- Madison-Swanson and Steamboat Lumps Marine Reserves
- The Edges Marine Reserve
- Tortugas North and South Marine Reserves
- Alabama Special Management Zone

Northern Gulf Hypoxic Zone

Every summer in the northern Gulf, a large hypoxic zone forms. It is the result of allochthonous materials and runoff from agricultural lands resulting in increasing nutrient inputs to multiple rivers. These tributaries feed into the Mississippi River, which disperses to the Gulf, and creates a temperature and salinity dependent layering of waters. The nutrient rich fresh waters from the Mississippi create seasonal, large algal blooms at the surface that eventually die, sink to the bottom, and decompose. This creates the oxygen-poor, hypoxic, bottom water layer unless front or storm events occur, which allows for mixing of the layers (Rabalais and Turner 2019).

Mapping of the hypoxic zone began in 1985. For 2022, the extent of the hypoxic area was 3,275 square miles, almost double what it was in 2020 (2,116 square miles), but still less than the extent of the 2017 hypoxic area (8,776 square miles). However, the 2022 size is the eighth smallest in 36 years of coast wide hypoxia data. The changes in hypoxic area can be attributed to changing amounts of river discharge and its associated nutrient load and storm events. The major factor for the reduced size in 2020 was the active storm season with Hurricane Hanna passing right over the zone, allowing for mixing of the waters. The 2022 hypoxia area was lower than the 5-year hypoxic area average (5,408 square miles), but larger than the 1,930 square mile goal set by the Interagency Mississippi River and Gulf of America Hypoxia Task Force to be reached by 2035. The hypoxic conditions in the northern Gulf directly impact less mobile benthic macroinvertebrates (e.g., polychaetes) by influencing density, species richness, and community composition (Baustian and Rabalais 2009; Breitburg et al. 2018). However, more mobile macroinvertebrates and demersal fishes are able to detect lower dissolved oxygen levels

and move away from hypoxic conditions. Therefore, these organisms are indirectly affected by limited prey availability and constrained available habitat (Baustian and Rabalais 2009; Craig 2012).

Deepwater Horizon MC252 Oil Spill

The presence of polycyclic aromatic hydrocarbons (PAH), which are highly toxic chemicals that tend to persist in the environment for long periods of time, in marine environments can have detrimental impacts on marine finfish, especially during the more vulnerable larval stage of development (Whitehead et al. 2012). The future reproductive success of fish species may be negatively affected by episodic events resulting in high-mortality years or low recruitment. These episodic events could leave gaps in the age structure of the population, thereby affecting future reproductive output (Mendelssohn et al. 2012). Other studies have described the vulnerabilities of various marine finfish species, with morphological and/or life history characteristics similar to species found in the Gulf, to oil spills and dispersants (Hose et al. 1996; Carls et al. 1999; Heintz et al. 1999; Short 2003).

In addition to the crude oil, over a million gallons of the dispersant, Corexit 9500A®, was applied to the ocean surface and an additional hundreds of thousands of gallons of dispersant was pumped to the mile-deep wellhead (National Commission 2010). No large-scale applications of dispersants in deep water had been conducted until the Deepwater Horizon MC252 oil spill. Thus, no data exist on the environmental fate of dispersants in deep water. Twenty-first century dispersant applications are thought to be less harmful than their predecessors. However, the combination of oil and dispersants has proven to be more toxic to marine fishes than either dispersants or crude oil alone. Marine fish which are more active (e.g. a pelagic species versus a demersal species) appear to be more susceptible to negative effects from interactions with weathered oil/dispersant emulsions. These effects can include mobility impairment and inhibited respiration (Swedmark et al. 1973). The effect of oil, dispersants, and the combination of oil and dispersants on fishes of the Gulf remains an area of concern.

Environmental Variability

Projections predict increases in sea-surface temperature and sea level; decreases in sea-ice cover; and changes in salinity, wave climate, and ocean circulation (Intergovernmental Panel on Climate Change). These changes are likely to affect plankton biomass and fish larvae abundance that could adversely impact fish, marine mammals, seabirds, and ocean biodiversity. Kennedy et al. (2002) and Osgood (2008) have suggested global climate variation could affect temperature changes in coastal and marine ecosystems that can influence organism metabolism and alter ecological processes such as productivity and species interactions; change precipitation patterns and cause a rise in sea level which could change the water balance of coastal ecosystems; altering patterns of wind and water circulation in the ocean environment; and influence the productivity of critical coastal ecosystems such as wetlands, estuaries, and coral reefs.

3.2 Description of the Biological/Ecological Environment

The biological environment of the Gulf, including the species addressed in this framework action, is described below. Additional detail can be found in the Generic EFH Amendment (GMFMC 2004a).

Target Species

Brown, white, and pink shrimp use a variety of habitats as they grow from planktonic larvae to spawning adults (GMFMC 1981a). Brown shrimp eggs are demersal and occur offshore. Post-larvae migrate to estuaries through passes on flood tides at night mainly from February until April; there is another minor peak in the fall. Post-larvae and juveniles are common in all U.S. estuaries from Apalachicola Bay, Florida to the Mexican border. Brown shrimp post-larvae and juveniles are associated with shallow, vegetated, estuarine habitats, but may occur on silt, sand, and non-vegetated mud bottoms. Adult brown shrimp occur in marine waters extending from mean low tide to the edge of the continental shelf and are associated with silt, muddy sand, and sandy substrates. More detailed discussion on habitat associations of brown shrimp is provided in Nelson (1992) and Pattillo et al. (1997).

White shrimp eggs are demersal and larval stages are planktonic in nearshore marine waters. Post-larvae migrate through passes mainly from May until November with peaks in June and September. Juveniles are common in all Gulf estuaries from Texas to the Suwannee River in Florida. Post-larvae and juveniles commonly occur on bottoms with large quantities of decaying organic matter or vegetative cover such as mud or peat. Juvenile migration from estuaries occurs in late August and September and is related to juvenile size and environmental conditions (e.g., sharp temperature drops in fall and winter). Adult white shrimp are demersal and inhabit nearshore Gulf waters to depths of 16 fathoms (96 feet) on soft bottoms. More detailed information on habitat associations of white shrimp is available from Nelson (1992) and Pattillo et al. (1997).

Pink shrimp eggs are demersal, early larvae are planktonic, and post-larvae are demersal in marine waters. Juveniles inhabit almost every U.S. estuary in the Gulf but are most abundant in Florida. Juveniles are commonly found in estuarine areas with seagrass where they burrow into the substrate by day and emerge at night. Adults inhabit offshore marine waters, with the highest concentrations in depths of 5 to 25 fathoms (30 to 150 feet).

Royal red shrimp occur exclusively in the exclusive economic zone (EEZ) and live longer than penaeid shrimp; however, their detailed life history is poorly known. Royal red shrimp become mature at three years, do not fully recruit to the fishery until they are 2-3 years old, and many year classes may occur in the same location (i.e., fishing grounds) (Reed and Farrington 2010). Royal red shrimp decrease in size with increasing depth; juveniles likely occur in deeper habitats (Paramo and Saint-Paul 2011), and females are larger than males (Tavares 2002; Paramo and Saint-Paul 2011).

The three species of penaeid shrimp harvested by the shrimp fishery are short-lived and provide annual crops while royal red shrimp live longer (2-5 years). The condition of each shrimp stock

is monitored annually, and none has been classified as overfished or undergoing overfishing (Hart 2016a, 2016b, 2016c).

Bycatch

In this section, bycatch is defined as non-protected fish species that are discarded because the vessel owner does not want, cannot sell, or is not allowed to keep those species. Protected species (ESA-listed fish species, marine mammals, sea turtles, coral, and seabirds) accidentally encountered while fishing are described as incidental take and are addressed separately below.

Most bycatch in the shrimp fishery is composed of discards of no value to the vessel owner, with a limited amount being regulatory discards. Scott-Denton et al. (2020) found that about 27.4% of catch in the Gulf penaeid shrimp fishery was targeted shrimp (i.e., brown, white, pink). Between 2007 and 2010, 185 species were reported by observers as bycatch in the shrimp fishery (Scott-Denton et al. 2012). The majority of catch and reported bycatch between 2011 and 2016 was composed of unspecified fish, Atlantic croaker, other arthropods and invertebrates, and sea trout (Table 3.2.2). The species composition is spatially and bathymetrically dependent, but overall, for the Gulf, Atlantic croaker, sea trout, and longspine porgy are the dominant finfish species taken in trawls (approximately 26% of the total catch by weight). Other commonly occurring species include: portunid crabs, mantis shrimp, spot, inshore lizardfish, sea robins, and Gulf butterfish. Although red snapper comprises a very small percentage (0.3% by weight) of overall bycatch and natural mortality rates are much higher than previously estimated, the mortality associated with this bycatch (approximately 4%) can affect the recruitment of older fish (age-2 and above) to the directed fishery and ultimately the rebuilding plan for the red snapper stock (Gallaway et al. 2017).

Table 3.2.2. Most common catch and bycatch species from observed Gulf shrimp fisheries from 2011-2016. Values in percentage of observed catch.

Common Name	Scientific Name	Gulf Penaeid Shrimp Percentage	Gulf Rock Shrimp Percentage	Gulf Skimmer Trawl Percentage
Fish (Unspecified)	Pisces	31.8	22.0	32.7
Atlantic Croaker	<i>Micropogonias undulatus</i>	15.7	0.3	10.6
Brown Shrimp	<i>Farfantepenaeus aztecus</i>	12.6	1.3	32.5
White Shrimp	<i>Litopenaeus setiferus</i>	11.4	0.0	9.6
Arthropod Other	Crustacea	6.2	3.9	4.2
Seatrout	<i>Cynoscion</i> spp.	5.4	0.1	1.5
Invertebrates	Invertebrate	5.2	7.6	0.6
Pink Shrimp	<i>Farfantepenaeus duorarum</i>	3.4	1.7	-
Longspine Porgy	<i>Stenotomus caprinus</i>	3.1	-	-
Rock Shrimp	<i>Sicyonia</i> spp.	0.3	35.6	-
Other Important Species				
Red Snapper	<i>Lutjanus campechanus</i>	0.3	0.0	0.0
Spanish Mackerel	<i>Scomberomorus maculatus</i>	0.2	0.0	0.3
Red Drum	<i>Sciaenops ocellatus</i>	0.2	-	0.0
Lane Snapper	<i>Lutjanus synagris</i>	0.2	0.0	0.0

Source: Scott-Denton et al. 2020

To address finfish bycatch issues, especially bycatch of red snapper, the Council initially established regulations requiring bycatch reduction devices (BRD) specifically to reduce the bycatch of juvenile red snapper. In 1998, all shrimp trawlers operating in the EEZ, inshore of the 100-fathom contour, west of Cape San Blas, Florida were required to use BRDs; later BRDs were required in the eastern Gulf (GMFMC 2002). Only three Gulf states (Florida, Louisiana, and Texas) require the use of BRDs in state waters. Shrimp trawls fishing for royal red shrimp seaward of the 100-fathom (600 feet) contour are exempt from the requirement for BRDs.

Protected Species and Protected Species Incidental Take

The National Marine Fisheries Service (NMFS) manages marine protected species in the Southeast region under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). A brief summary of these two laws and more information is available on NMFS Office of Protected Resources website.¹⁴ Species that routinely occur in the Gulf protected under the ESA include: marine mammal species (sperm and Rice's whales, and manatees); sea turtles (Kemp's ridley, loggerhead (North Atlantic distinct population segment (DPS)), green (North Atlantic DPS), leatherback, and hawksbill); fish species (Gulf sturgeon, smalltooth sawfish, giant manta ray, oceanic whitetip shark, and Nassau grouper); and coral species (elkhorn coral, lobed star coral, boulder star coral, and mountainous star coral).

¹⁴ <https://www.fisheries.noaa.gov/about/office-protected-resources>

The impacts of the Gulf shrimp fishery on all ESA-listed species were most recently evaluated in the April 2021 “Reinitiation of ESA Section 7 Consultation on the Implementation of the Sea Turtle Conservation Regulations under the ESA and the Authorization of the Southeast U.S. Shrimp Fisheries in Federal Waters under the Magnuson-Stevens Fishery Management and Conservation Act” (Biological Opinion [BiOp]; NMFS 2021).¹⁵ The BiOp, which was based on the best available commercial and scientific data, concluded the continued authorization of the southeast U.S. shrimp fisheries in federal waters (including the Gulf shrimp fishery) is not likely to jeopardize the continued existence of threatened or endangered species (NMFS 2021). NMFS is preparing to reinitiate ESA section 7 consultation on the fishery to address new information related to impacts to giant manta ray and smalltooth sawfish.

Sea Turtles

Five species of sea turtles (Kemp’s ridley, loggerhead (Northwest Atlantic Ocean DPS), green (North Atlantic), leatherback, and hawksbill) occur in the Gulf. Green, hawksbill, Kemp’s ridley, leatherback, and loggerhead sea turtles are all highly migratory and are known to occur in areas subject to shrimp trawling. Incidental take of the species by commercial fisheries is a major contributor to past declines and a potential threat to future recovery (NMFS and USFWS 1991, 1992a, 1992b, 2008; NMFS 2011). Historically, southeastern U.S. shrimp fisheries (both Gulf and South Atlantic) have been the largest threat to benthic sea turtles. Regulations requiring turtle excluder devices (TED) have reduced mortalities from trawl fisheries on sea turtles. NMFS (2021), using data from 2007-2015, estimated the combined southeastern U.S. otter trawl shrimp fisheries results in 27,509 annual estimated captures in trynets and standard nets combined, and 1,085 sea turtle mortalities in trynets and standard nets combined.

Fish

Five species of fish (Gulf sturgeon, smalltooth sawfish, Nassau grouper, oceanic whitetip shark and giant manta ray) occur in the Gulf. Otter trawls directly affect smalltooth sawfish that are foraging within or moving through an active trawling location via direct contact with the gear. The long toothed rostrum of the smalltooth sawfish causes this species to be particularly vulnerable to entanglement in any type of netting gear, including the netting used in shrimp trawls. The giant manta ray faces many threats from trawl fishing including vessel strikes (due to time spent filter foraging at the surface) and entanglement with trawling gear. Overall, the predictable nature of their appearances, combined with slow swimming speed, and large size may increase their vulnerability to these fishing threats (Convention on Migratory Species 2014; O’Malley et al. 2013).

Coral

Six species of coral (elkhorn, staghorn, lobed star, mountainous star, boulder star, and rough cactus) occur in the Gulf, but only four species occur within U.S. waters of the Gulf (elkhorn, lobed star, mountainous star, and boulder star). However, the 2021 Shrimp BiOp determined that adverse effects from the Gulf shrimp fishery on these corals are extremely unlikely to occur, given differences between shrimp and coral preferred habitats, and protective regulations in place prohibiting or limiting trawling in areas where corals are most likely to occur.

¹⁵ [2021 Shrimp Fishery Biological Opinion](#)

Marine Mammals

The five whale species that may be present in the Gulf (blue, sperm, sei, fin, and Rice's) are listed as endangered under the ESA. Rice's whales are the only resident baleen whales in the Gulf recently being listed as endangered. Manatees, listed as threatened under the ESA, also occur in the Gulf and are the only marine mammal species in this area managed by the U.S. Fish and Wildlife Service.

The shrimp fishery is classified in the proposed 2025 List of Fisheries as a Category II fishery (89 FR 77789; September 24, 2024). This classification indicates the annual mortality and serious injury of a marine mammal stock is greater than 1% but less than 50% of the stocks potential biological removal, not including natural mortalities, which may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The classification is based on interactions reported through observer reports, stranding data, and fisheries research data, with multiple strategic and non-strategic marine mammal stocks. NMFS observed 12 dolphin takes (of which 11 were serious injuries or mortalities) since 1993; 11 of which were taken since 2002.

3.3 Description of the Economic Environment

Descriptions of the Gulf shrimp fishery are contained in previous amendments, as well as NMFS regulatory actions, and are incorporated herein by reference [see Amendments 17b and 18 to the Shrimp FMP (GMFMC 2017; GMFMC 2019)]. The following discusses certain key characteristics of the Gulf shrimp fishery.

The Gulf shrimp fishery consists of three major sectors: harvesting sector, dealer/wholesaler sector, and processing sector. The following discussion provides summary statistics and selected characteristics for the harvesting sector, shrimp dealers, and the processing sector. Imports are also presented. All monetary values presented throughout this section have been adjusted to 2023 dollars using the annual, not seasonally-adjusted gross domestic product (GDP) implicit price deflator provided by the U.S. Bureau of Economic Analysis.

The harvesting sector is composed of two types of fleets: 1) a small vessel fleet that is predominantly active in inshore and state offshore waters and very diverse with respect to gear and other operating characteristics; and 2) a large vessel fleet predominantly active in offshore waters, particularly the EEZ, and almost always using otter trawl gear. In 2003, a federal shrimp permit (SPGM) was instituted requiring vessels to possess the permit when fishing for penaeid shrimp in the Gulf EEZ. A moratorium on the issuance of new federal shrimp permits became effective in March 2007. Currently, vessels must possess a SPGM when fishing for penaeid shrimp in the Gulf EEZ. In addition, a royal red shrimp endorsement, which is an open access permit for those holding a SPGM, is required for harvesting royal red shrimp in the Gulf.

Selected Characteristics of Participating Vessels in the Shrimp Fishery

Selected characteristics of participating vessels in the Gulf shrimp fishery during 2019 through 2023 are summarized in Table 3.3.1. Estimates of the total number of active shrimp vessels are based on the number of unique vessels landing shrimp as recorded in the state trip ticket (STT)

data. The number of active permitted vessels was generated by cross referencing STT landings data with the NMFS permits database.

The number of permitted and non-permitted active vessels (i.e., vessels with reported landings in the Gulf shrimp fishery) steadily declined from 2019 through 2023 (Table 3.3.1). While shrimp landings over this period remained relatively stable, with an average of 111 million lbs, gross revenue decreased by 51%, driven by a steep reduction in average price from \$3.65 to \$1.91 (per lb, heads off). Despite being fewer in number, federally permitted vessels accounted for 68% of shrimp landings and 78% of shrimp revenue in the fishery on average from 2019 through 2023 (Table 3.3.1). The average annual price received per lb of shrimp was also significantly higher for vessels with a SPGM permit than those without one. On average (2019 through 2023), each active shrimp vessel with a SPGM permit earned approximately \$301,000 in gross revenue per year. The percent of all vessels with a SPGM permit that were active decreased over time, as did the average number of months that each active vessel fished (Table 3.3.1).

Table 3.3.1. Selected characteristics of participation in the Gulf shrimp fishery, 2019-2023.*

	2019	2020	2021	2022	2023	Average
Total Gulf shrimp fishery						
Number of active vessels	3,558	3,348	3,154	2,971	2,467	3,100
Landing (lbs, heads off)	115,092,015	108,521,986	114,217,843	110,844,516	107,021,123	111,139,497
Gross revenue (2023 \$)	\$419,971,258	\$385,240,167	\$471,294,385	\$341,043,074	\$204,439,084	\$364,397,594
Average Price (2023 \$)	\$3.65	\$3.55	\$4.13	\$3.08	\$1.91	\$3.26
Gulf shrimp vessels WITH federal SPGM permit						
Number of vessels	1,416	1,399	1,377	1,356	1,332	1,376
Number of active vessels	1,020	981	950	919	790	932
Percent active	72%	70%	69%	68%	59%	68%
Average active months per vessel	6.0	6.0	5.9	4.8	4.7	5.5
Landing (lbs, heads off)	76,012,854	76,382,286	79,937,847	74,093,166	72,160,111	75,717,253
Gross revenue (2023 \$)	\$318,966,619	\$306,505,939	\$372,958,493	\$259,860,103	\$161,231,726	\$283,904,576
Average Price (2023 \$)	\$4.20	\$4.01	\$4.67	\$3.51	\$2.23	\$3.72
Gulf shrimp vessels WITHOUT federal SPGM permit						
Number of active vessels	2,538	2,367	2,204	2,052	1,677	2,168
Average active months per vessel	4.3	4.1	4.1	3.8	3.9	4.1
Landing (lbs, heads off)	39,079,161	32,139,700	34,279,996	36,751,350	34,861,013	35,422,244
Gross revenue (2023 \$)	\$101,004,639	\$78,734,228	\$98,335,892	\$81,182,971	\$43,207,358	\$80,493,018
Average Price (2023 \$)	\$2.58	\$2.45	\$2.87	\$2.21	\$1.24	\$2.27

Source: C. Liese, Southeast Fisheries Science Center, pers. comm. 2024. STT data processed using SEDAR87 conventions. Permit data from SERO.

*These results are preliminary.

Note: Active in the context of this table means a vessel that landed at a Gulf port at least 1 lb of shrimp from offshore or inshore waters in the Gulf in a given year (or month, for active months).

Key Economic and Financial Characteristics of Federally Permitted Shrimp Vessels

The following descriptions are based on economic performance metrics of the federal Gulf shrimp fishery for the years 2019 through 2023 (C. Liese, Southeast Fisheries Science Center, pers. comm. 2024). These data are collected via the Annual Economic Survey of Federal Gulf Shrimp Permit Holders. The first survey, which was administered in 2007, collected data for the 2006 fishing year, and these surveys have been conducted every year since.

The type of economic data the survey collects is based on an accounting framework of money flows and values associated with the productive activity of commercial shrimping. With these data, three financial statements (the balance sheet, the cash flow statement, and the income statement) are prepared to give a comprehensive overview of the financial and economic situation of the offshore shrimp fishery. Table 3.3.2 shows a preliminary summary of these financial statements. Dollar values are averages in 2023 dollars.

From 2019 through 2023, owner's equity in the average active shrimp vessel was substantial and stable over time (Table 3.3.2). This resulted from a combination of a relatively high market value of the assets (vessel and permits being the main assets) and low liabilities (mainly loans). Net cash flows and net revenue from operations for the average active vessel were positive and increasing through 2021, but both turned negative in 2022 and remained so in 2023. This corresponds with the reduction in shrimp price seen in recent years (Table 3.3.1). Negative cash flows are troublesome and if they persist could lead to solvency issues for shrimp businesses. Approximately half of total expenses incurred by shrimp fishing businesses were non-labor costs (fuel and supplies) in 2022 and 2023, with the other half being split across labor and fixed costs (e.g., maintenance, repair, insurance, overhead, and vessel depreciation). Active shrimp vessels experienced losses, on average, in 2022 and 2023, which may affect the long-term viability of these businesses. Average government payments and non-operating revenue also shrank in 2022 and 2023, which exacerbated the overall decrease in profit before tax during those years. Individual businesses may be more or less profitable than others, depending on their operating characteristics.

Table 3.3.2. Economic and financial characteristics of an average active vessel with a federal Gulf commercial shrimp permit (SPGM), 2019-2023. Parentheses indicate negative values and all dollar values are averages in 2023 dollars.*

	2019	2020	2021	2022	2023	Average
Number of observations	268	274	271	238	204	251
Balance Sheet						
Assets	\$370,112	\$346,222	\$389,621	\$364,444	\$331,303	\$360,341
Liabilities	\$20,076	\$35,215	\$32,871	\$32,899	\$22,321	\$28,676
Equity	\$350,036	\$311,007	\$356,751	\$331,545	\$308,982	\$331,664
Cash Flow						
Inflow	\$356,777	\$332,748	\$447,461	\$313,750	\$242,796	\$338,706
Outflow	\$329,665	\$301,212	\$387,039	\$321,688	\$247,682	\$317,457
Net cash flow	\$27,112	\$31,537	\$60,422	(\$7,938)	(\$4,885)	\$21,249
Income Statement						
Revenue (commercial fishing operations)	\$342,207	\$324,548	\$441,829	\$313,347	\$241,334	\$332,653
Expenses						
Variable costs – Non-labor	47.36%	40.38%	44.80%	51.71%	50.53%	46.96%
Variable costs – Labor	30.03%	33.85%	33.72%	26.35%	25.12%	29.81%
Fixed costs	22.61%	25.78%	21.48%	21.94%	24.35%	23.23%
Net revenue from operations	\$918	\$9,887	\$43,497	(\$15,616)	(\$14,635)	\$4,810
Net receipts from non-operating activities	\$13,905	\$7,236	\$5,022	(\$314)	\$311	\$5,232
Profit or loss (before tax)	\$14,824	\$17,122	\$48,519	(\$15,930)	(\$14,324)	\$10,042
Returns						
Economic return on asset value	0.2%	2.9%	11.2%	(4.3%)	(4.4%)	1.1%
Return on equity	4.2%	5.5%	13.6%	(4.8%)	(4.6%)	2.8%

Source: C. Liese, Southeast Fisheries Science Center, pers. comm. 2024, as based on The Annual Economic Survey of Federal Gulf Shrimp Permit Holders, NMFS-SEFSC.

*These results are preliminary.

Dealers

The information in Table 3.3.3 illustrates the purchasing activities of seafood dealers that bought Gulf shrimp from vessels during 2019 through 2022, with preliminary data for 2023.¹⁶ During this period, the number of shrimp dealers, as well as total shrimp purchases, trended downwards modestly. On average, from 2019 through 2022, annual shrimp purchases accounted for around 84% of all purchases made by these dealers, suggesting a high level of specialization. The median annual value of Gulf shrimp purchases and total seafood purchases per Gulf shrimp dealer experienced an increasing trend from 2019 through 2021 and then a dip in 2022 (Table 3.3.3). Although the median values of Gulf shrimp and total seafood purchases per dealer appear

¹⁶ Because 2023 is preliminary and partial year data, trends will only be discussed for 2019-2022.

relatively small, \$18,143 and \$25,594, respectively on average, Gulf shrimp dealers are a very heterogeneous group. Many if not most “dealers” are actually vessel owners and fishermen who have chosen to act as their own dealers and bypass so-called “middlemen” so they can reduce costs and retain more of their net revenue (profit). A much smaller number of these dealers are also shrimp processors, and their operations generate much larger revenues, on average. Although not shown in the table, the maximum annual value of all purchases made by a single Gulf shrimp dealer from 2019 through 2022 was approximately \$19.9 million (2023 dollars), which occurred in 2021.

Table 3.3.3. Dealer statistics for dealers that purchased Gulf shrimp landings by year, 2019-2023. Pounds (lbs) are in whole weight (ww). All dollar estimates are in 2023 dollars.

Year	Number of Dealers	Gulf Shrimp** landed lbs ww (millions)	Gulf Shrimp Purchases (millions)	Other Gulf Seafood Purchases (millions)	South Atlantic Seafood Purchases (millions)	Median Gulf Shrimp purchases value per dealer	Median total seafood purchases value per dealer
2019	743	187.9	\$429.7	\$46.7	\$21.2	\$14,851	\$22,801
2020	684	175.5	\$394.2	\$37.1	\$18.7	\$17,959	\$23,694
2021	601	183.4	\$479.1	\$46.0	\$29.2	\$22,133	\$33,335
2022	642	178.0	\$346.6	\$32.0	\$22.1	\$17,630	\$22,545
2023*	420	105.6	\$157.5	\$34.4	\$16.6	\$25,458	\$36,508
Average (2019-2022)	668	181.2	\$412.4	\$40.5	\$22.8	\$18,143	\$25,594

Source: SEFSC Fishing Communities Web Query Tool (Version Feb 11, 2025 Years: 2014-2023).

*The values presented for 2023 are preliminary and may be incomplete. Therefore, these values are excluded from the table averages and should be interpreted with caution.

**Only shrimp species included in the STT database are included in these estimates.

Note: Medians, as opposed to means, are reported because the data distributions are highly skewed.

Selected characteristics for Gulf shrimp processors are provided in Table 3.3.4. The number of Gulf shrimp processors decreased steadily from 2019 through 2022, then rose slightly in 2023, averaging 49 during this time. The annual value of processed shrimp increased from 2019 through 2020, then declined steadily through 2023, with an overall decrease of 28% (Table 3.3.4). Like dealers, shrimp processors are also very specialized. Shrimp products accounted for more than 92% of the total value processed between 2019 and 2023. However, processors are much larger businesses on average (2019 through 2023) than dealers, with the value of processed shrimp and all processed products per processor having medians of \$4.92 million and \$5.64 million (2023 dollars), respectively. Economic trends in the processing sector do not exactly mirror trends in the harvesting and dealer sectors because processors process imported product in addition to domestic product.

Table 3.3.4. Selected characteristics of the Gulf shrimp processing industry by year, 2019-2023. Pounds (lbs) are in whole weight (ww). All dollar estimates are in 2023 dollars.

Year	Number of Processors	Processed shrimp* in lbs ww (millions)	Value of processed shrimp (millions)	Total value of all products processed by Gulf shrimp processors (millions)	Median value of processed shrimp per processor (millions)	Median total value of all products processed per Gulf shrimp processor (millions)	Median number of employees per processor
2019	52	232.37	\$839.90	\$908.33	\$5.87	\$7.00	24
2020	51	198.27	\$902.34	\$974.54	\$4.06	\$4.16	22
2021	49	196.91	\$840.11	\$907.99	\$5.42	\$6.66	23
2022	46	167.47	\$677.23	\$738.77	\$6.22	\$6.89	30
2023	49	174.79	\$604.65	\$662.64	\$3.00	\$3.48	30
Average (2019-2022)	49	193.96	\$772.85	\$838.45	\$4.92	\$5.64	26

Source: Office of Science and Technology, pers. comm. Feb 11, 2025.

*Includes all shrimp regardless of where harvested, but only includes shrimp processed for human consumption (i.e., shrimp processed for bait are excluded).

Note: Medians, as opposed to means, are reported because the data distributions are highly skewed.

Imports

Imports of seafood products compete in the domestic seafood market and have, in fact, dominated many segments of the seafood market. Imports affect the price for domestic seafood products and tend to set the price in the market segments in which they dominate. Seafood imports have downstream effects on local markets. At the harvest level for shrimp, imports affect the returns to fishermen through the ex-vessel prices they receive for their landings. As substitutes to the domestic production of shrimp, imports tend to cushion the adverse economic effects on consumers resulting from a reduction in domestic landings. The following describes the imports of products that directly compete with the domestic harvest of shrimp.

On average, between 2019 and 2023, the United States imported more than 1.3 billion pounds (product weight) of shrimp products annually, worth approximately \$5.8 billion. There was an increasing trend in shrimp imports from 2019 through 2021 and then a modest cool down through 2023 (Table 3.3.5). Three nations, including India, Ecuador, and Indonesia, have been responsible for the vast majority of shrimp imports in recent years. The top ports for receiving shrimp imports were New York, New York, Los Angeles, California, and Miami, Florida.

Table 3.3.5. Annual pounds and value of shrimp imports and share of imports by country, 2019-2023.

	2019	2020	2021	2022	2023
Pounds of shrimp imports (product weight, million pounds)*	1,235.1	1,268.8	1,554.3	1,401.6	1,351.7
Value of shrimp imports (millions, 2023 \$)	\$5,607	\$5,613	\$6,890	\$5,989	\$4,837
Share of Imports by Country					
India	49%	41%	43%	40%	41%
Ecuador	14%	21%	25%	30%	32%
Indonesia	18%	20%	17%	17%	15%
Vietnam	2%	4%	5%	4%	4%
Mexico	5%	4%	3%	3%	3%
Argentina	2%	3%	2%	3%	2%
Thailand	3%	3%	2%	2%	2%
Peru	1%	1%	1%	1%	0%
Guyana	1%	1%	0%	0%	0%
all others	3%	2%	2%	2%	1%

Source: Fisheries trade data from the Foreign Trade Division of the U.S. Census Bureau, as purchased by NOAA Fisheries (available at: <https://www.fisheries.noaa.gov/national/sustainable-fisheries/foreign-fishery-trade-data>).

*Excludes heavily processed shrimp products (e.g., frozen dinners).

Business Activity

The commercial harvest and subsequent sales and consumption of shrimp generate business activity as fishermen expend funds to harvest shrimp and consumers spend money on goods and services, such as shrimp purchased at a local seafood market or served during restaurant visits. These expenditures spur additional business activity in the region(s) where the harvest and purchases are made, such as jobs in local seafood markets, grocers, restaurants, and fishing supply establishments. In the absence of the availability of a given species for purchase, consumers would spend their money on substitute goods and services. As a result, the analysis presented below represents a distributional analysis only; that is, it only shows how economic effects may be distributed through regional markets and should not be interpreted to represent the impacts if these species are not available for harvest or purchase.

In addition to these types of impacts, economic impact models can be used to determine the sources of the impacts. Each impact can be broken down into direct, indirect, and induced economic impacts. “Direct” economic impacts are the results of the money initially spent in the study area (e.g., country, region, state, or community) by the fishery or industry being studied. This includes money spent to pay for labor, supplies, raw materials, and operating expenses. The direct economic impacts from the initial spending create additional activity in the local economy, i.e., “indirect” economic impacts. Indirect economic impacts are the results of business-to-business transactions indirectly caused by the direct impacts. For example, businesses initially

benefiting from the direct impacts will subsequently increase spending at other local businesses. The indirect economic impact is a measure of this increase in business-to-business activity, excluding the initial round of spending, which is included in the estimate of direct impacts. “Induced” economic impacts are the result of increased personal income caused by the direct and indirect economic impacts. For example, businesses experiencing increased revenue from the direct and indirect impacts will subsequently increase spending on labor by hiring more employees, increasing work hours, raising salaries/wage rates, etc. In turn, households will increase spending at local businesses. The induced impact is a measure of this increase in household-to-business activity.

Economic impact models are used to determine the current economic impacts of an industry or sector, as well as changes expected to occur if expenditures or gross revenues change in a particular industry or sector. Estimates of the U.S. average annual economic impacts associated with the commercial harvest of shrimp by federally permitted vessels in the Gulf were derived using the model developed for and applied in NMFS (2024) and are provided in Table 3.3.6.¹⁷ These economic impacts are characterized as jobs (full- and part-time), output impacts (gross business sales), income impacts (wages, salaries, and self-employed income), and value-added impacts, which represent the contribution made to the U.S. GDP. These impacts should not be added together because this would result in double counting. These results are based on average relationships developed through the analysis of many fishing operations that harvest many different species. Separate models to address individual species are not available. Average gross revenue from federally permitted shrimp vessels averaged about \$283.9 million (2023 dollars) between 2019 and 2023. This gross revenue generated employment, income, output impacts, and value-added impacts of approximately 29,297 jobs, \$1 billion, \$2.7 billion, and \$1.4 billion, respectively (Table 3.3.6).

¹⁷ A detailed description of the input/output model is provided in NMFS (2011).

Table 3.3.6. Average economic impacts (2019 through 2023) associated with the commercial harvest of shrimp by federally permitted vessels in the Gulf. All monetary estimates are in thousands of 2023 dollars.

Harvesters	Direct	Indirect	Induced	Total
Employment impacts	4,114	802	928	5,844
Income impacts	\$118,069	\$33,351	\$58,118	\$209,539
Total value-added impacts	\$125,856	\$119,513	\$100,365	\$345,733
Output Impacts	\$283,905	\$275,923	\$192,912	\$752,739
Primary dealers/processors	Direct	Indirect	Induced	Total
Employment impacts	1,113	444	771	2,328
Income impacts	\$50,014	\$46,091	\$43,594	\$139,699
Total value-added impacts	\$53,312	\$58,811	\$82,074	\$194,198
Output impacts	\$160,974	\$121,248	\$160,434	\$442,656
Secondary wholesalers/distributors	Direct	Indirect	Induced	Total
Employment impacts	281	62	272	615
Income impacts	\$16,201	\$4,818	\$17,039	\$38,059
Total value-added impacts	\$17,270	\$8,082	\$29,105	\$54,457
Output impacts	\$43,395	\$15,822	\$56,602	\$115,818
Grocers	Direct	Indirect	Induced	Total
Employment impacts	1,731	195	382	2,308
Income impacts	\$47,972	\$15,832	\$23,915	\$87,720
Total value-added impacts	\$51,136	\$25,511	\$40,488	\$117,135
Output impacts	\$81,989	\$41,435	\$79,489	\$202,913
Restaurants	Direct	Indirect	Induced	Total
Employment impacts	14,831	977	2,394	18,202
Income impacts	\$264,594	\$79,292	\$149,756	\$493,642
Total value-added impacts	\$282,044	\$141,735	\$252,321	\$676,100
Output impacts	\$515,722	\$221,795	\$497,904	\$1,235,422
Harvesters and seafood industry	Direct	Indirect	Induced	Total
Employment impacts	22,070	2,480	4,748	29,297
Income impacts	\$496,851	\$179,385	\$292,422	\$968,658
Total value-added impacts	\$529,618	\$353,652	\$504,353	\$1,387,623
Output impacts	\$1,085,984	\$676,222	\$987,341	\$2,749,548

Source: Calculated by NMFS SERO using the model developed for and applied in NMFS (2024).

3.4 Description of the Social Environment

This framework action affects the commercial management of shrimp in the Gulf. Shrimp permits and shrimp vessels that are dually permitted in fisheries with VMS requirements are included by state to provide information on the geographic distribution of permit holders. Descriptions of the top-ranking communities by the number of commercial shrimp permits are

included, top communities based on the number of dually permitted vessels, and commercial engagement and reliance for these top communities. Community level data are presented in order to meet the requirements of National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the consideration of the importance of fishery resources to human communities when changes to fishing regulations are considered.

Social Dimensions of the Shrimp Fishery

The recent Gulf penaeid shrimp stock assessment (SEDAR 87) includes an overview of the social dimensions of the Gulf shrimp fishery (Griffith 2023) and this description of the state and federal shrimp fishery is included herein by reference; however, some relevant portions are summarized here. The number of vessels and boats involved in shrimping in the Gulf in 1981, when the original Shrimp FMP was developed, was estimated at 4,585 vessels (displacing > 5 tons gross weight) and 5,475 boats (displacing < 5 tons gross weight). At that time, Texas included about 40% of the vessels and Louisiana comprised about 73% of the vessels.

Management and legislative efforts, such as limited entry and state buy-back programs to limit effort or added costs to shrimpers are noted as having been partially responsible for the reduction of the fleet. Most of the state and federal management efforts have been focused on protecting shrimp stocks and sustaining commercial and recreational shrimping, but additional measures to protect sea turtles and other bycatch, such as TEDs, have been implemented. Problems affecting Gulf shrimping include labor, both on shrimp boats and in the processing sector, and imported shrimp, which drives down the prices of shrimp while influencing the consumer appreciation of shrimp quality. There have been recent efforts by shrimpers to influence state legislators to ban sales of or tax imported shrimp which have resulted from fears that imported shrimp will put shrimpers out of business. The destruction of coastal habitat from sources such as gentrification, coastal erosion, sea level rise, industrial development, contamination, and pollution can influence shrimp spawning populations. An influx of refugees from Vietnam, who began moving into the area to take advantage of the region's fishing resources, and the passing of immigration reform which authorized guest workers from Mexico, Central America, Caribbean, and other parts of the world to work in seasons processing, changed the ethnic make-up of the Gulf shrimping industry starting in the 1970s and continuing through today. It is estimated that the current proportion of Vietnamese shrimpers ranges from about 20% to 40% of the fleet.

3.4.1 Commercial Sector

Permits

A Gulf shrimp moratorium (SPGM) permit is required for vessels to harvest shrimp in federal waters. The greatest proportion of Gulf shrimp moratorium permits are issued to vessels with homeports in Texas (average of 34.6% from 2019-2024), followed by Louisiana (28.6%), Florida (13.1%), Alabama (10.2%), and Mississippi (7.8%, Table 3.4.1.1). Vessels with homeports in other states (California, Georgia, Hawaii, Massachusetts, North Carolina, New Jersey, Oregon, South Carolina, Virginia, and Washington) also hold Gulf shrimp permits, but these states represent a small percentage of the issued permits (SERO Permit Office, 2019-2024).

The number of Gulf shrimp permits has decreased over time, with a recent loss of 131 permits from 2019 to 2024 (Table 3.4.1.1). During this time period, the number of permits decreased in

the majority of Gulf states with Texas experiencing the greatest loss in the number of permits (-54); whereas there was a slight gain in the number of permitted vessels with homeports in Alabama (+4). The total number of shrimp permits in Table 3.4.1.1 varies from the number of permits presented elsewhere in the document because it includes a total for each year, rather than a total for a particular date.

Table 3.4.1.1. Gulf shrimp permits by state and year, from 2019-2024.

	AL	FL	LA	MS	TX	Other	Total
2019	135	189	398	114	500	82	1418
2020	137	186	393	111	494	79	1400
2021	141	183	401	107	473	79	1384
2022	143	176	395	107	464	75	1360
2023	142	172	387	103	457	74	1335
2024	139	165	369	99	446	69	1287

Source: SERO Permits Office. Note: includes valid and renewable SPGM permits.

Gulf shrimp permits are held by those with homeports in 184 communities (SERO Permits Office, 2024). Communities with the most Gulf shrimp permits are located in Texas, Alabama, Louisiana, Mississippi, and Florida (Table 3.4.1.2). The communities with the most shrimp permits are Brownsville, Texas (8.6% of shrimp permits); Bayou La Batre, Alabama (7.5%); and New Orleans, Louisiana (7.2%).

Table 3.4.1.2. Top homeports by number of Gulf shrimp permits.

State	Community	Permits
TX	Brownsville	111
AL	Bayou La Batre	97
LA	New Orleans	93
MS	Biloxi	69
TX	Port Lavaca	64
TX	Port Isabel	47
TX	Palacios	44
LA	Chauvin	38
TX	Galveston	36
TX	Port Arthur	31
FL	Hernando Beach	29
FL	Fort Myers Beach	26
TX	Houston	22
LA	Abbeville	20
LA	Galliano	20
LA	Venice	20

Source: SERO Permits Office, 2024.

As described in Section 2.1, there are an estimated 104 vessels with Gulf shrimp permits that are dually permitted in other fisheries (South Atlantic rock shrimp, Gulf reef fish, and HMS) with VMS requirements. Within the Gulf states, the greatest proportion of dually permitted vessels have homeports in Alabama (31.7%), followed by Florida (25%), Louisiana (8.7%), Mississippi (7.7%), and Texas (6.7%; SERO Permit Office, November 14, 2024). Outside of the Gulf, North Carolina includes a sizable proportion of dually permitted vessels (15.4%). Vessels with homeports in other states (California, Georgia, and New Jersey) also are dually permitted, but these states represent a small percentage of the vessels that are dually permitted.

Dually permitted vessels have homeports in 44 communities (SERO Permits Office, November 14, 2024). Communities with the most dually permitted vessels are located in Alabama, North Carolina, Florida, Mississippi, and New Jersey (Table 3.4.1.3). The communities with the most dually permitted vessels are Bayou La Batre, Alabama (23.1%) and Beaufort, North Carolina (8.7%).

Table 3.4.1.3. Top communities by number of dually permitted vessels with Gulf shrimp permits and South Atlantic rock shrimp, Gulf reef fish, and/or HMS permits.

State	Community	Vessels
AL	Bayou La Batre	24
NC	Beaufort	9
FL	Jacksonville	5
MS	Pascagoula	5
FL	Fort Myers Beach	3
FL	Port Canaveral	3
FL	Southport	3
MS	Biloxi	3
NC	Lowland	3
NJ	Cape May	3

Source: SERO Permits Office, November 14, 2024.

Engagement and Reliance

Figure 3.4.1.1 is an overall measure of a community's commercial fishing engagement and reliance and includes the communities with the top number of shrimp permits and top number of dually permitted vessels as depicted in Tables 3.4.1.2 and 3.4.1.3. The majority of the communities in Figure 3.4.1.1 would be considered to be highly or moderately engaged in commercial fishing, as nearly all are at or above $\frac{1}{2}$ standard deviation of the mean factor score and most are at or above 1 standard deviation. Lowland, North Carolina shows the least amount of engagement in commercial fishing overall. Most of the included communities demonstrate low commercial reliance; however, several included communities demonstrate high or moderate commercial reliance (Bayou La Batre, Alabama; Chauvin, Louisiana; Venice, Louisiana; Beaufort, North Carolina; Cape May, New Jersey; Palacios, Texas; and Port Isabel, Texas).

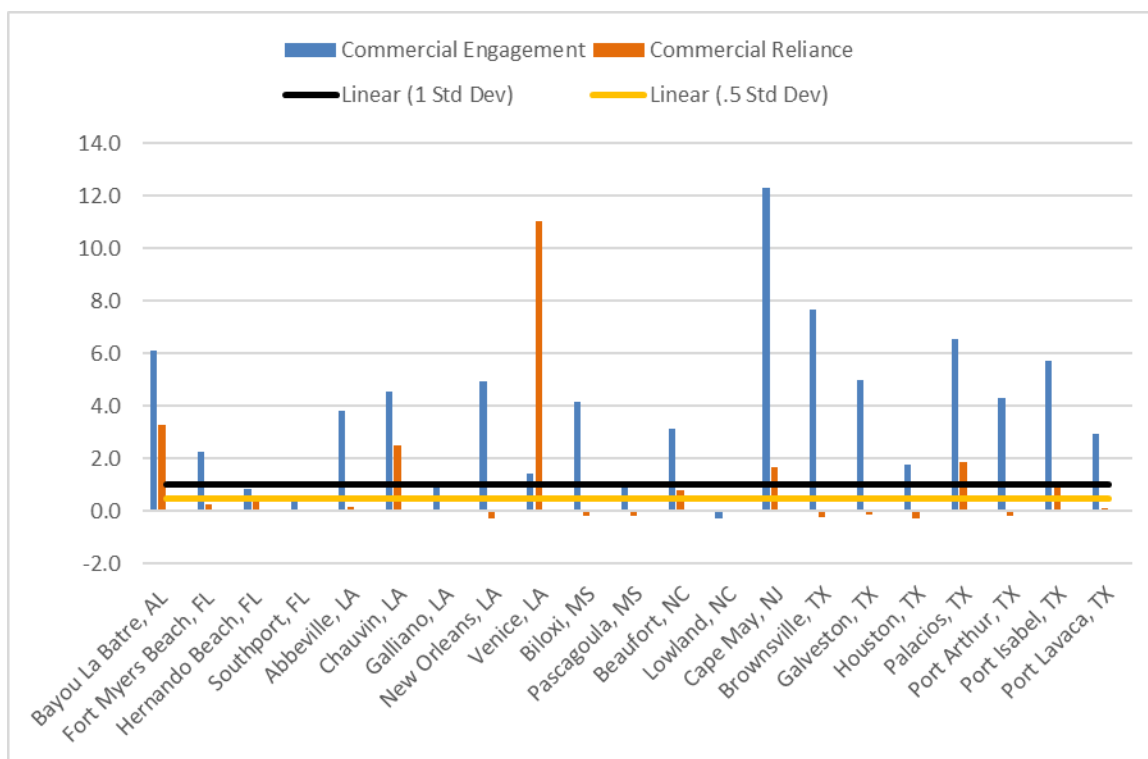


Figure 3.4.1.1. Commercial fishing engagement and reliance for top shrimp and dually permitted communities.

Source: SERO, Community Social Vulnerability Indicators Database 2019.

The description of fishing activities presented above highlights which communities may be most involved in Gulf shrimp fishing. It is expected that the impacts from the regulatory action in this framework action, whether positive or negative, will most likely affect those communities identified above.

3.5 Description of the Administrative Environment

3.5.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ. The EEZ is defined as an area extending 200 nautical miles from the seaward boundary of each of the coastal states. The Magnuson-Stevens Act also claims authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management decision-making is vested with the Secretary of Commerce (Secretary) who reviews and implements fishery management plans prepared by eight regional fishery management councils that represent the expertise and interests of constituent states. In most cases, the Secretary has delegated this authority to NMFS.

The Council is responsible for making recommendations on fishery resources in federal waters of the Gulf. These waters extend to 200 nautical miles offshore from the seaward boundaries of Alabama, Florida, Louisiana, Mississippi, and Texas, as those boundaries have been defined by law. The length of the Gulf coastline is approximately 1,631 miles. Florida has the longest coastline extending 770 miles along its Gulf coast, followed by Louisiana (397 miles), Texas (361 miles), Alabama (53 miles), and Mississippi (44 miles).

The Council consists of seventeen voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NMFS. The public is also involved in the fishery management process.

3.5.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments of Texas, Louisiana, Mississippi, Alabama, and Florida have the authority to manage their respective state fisheries. Each of the five states exercises legislative and regulatory authority over their states' natural resources through discrete administrative units. Although each agency is the primary administrative body with respect to the states' natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources. A more detailed description of each state's primary regulatory agency for marine resources is provided on their respective web pages (Table 3.5.2.1).

Table 3.5.2.1. State marine resource agencies and web pages.

State Marine Resource Agency	Web Page
Alabama Marine Resources Division	http://www.outdooralabama.com/
Florida Fish and Wildlife Conservation Commission	http://myfwc.com/
Louisiana Department of Wildlife and Fisheries	http://www.wlf.louisiana.gov/
Mississippi Department of Marine Resources	http://www.dmr.ms.gov/
Texas Parks and Wildlife Department	http://tpwd.texas.gov/

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Action: Modify the Method Used to Collect Vessel Position Data for the Gulf of America (Gulf) Shrimp Fishery

4.1.1 Effects on the Physical Environment and Biological Environment

The action would not change how the fishery is currently prosecuted. However, the alternatives may differ in the timeliness and accuracy of shrimp effort data reported to National Marine Fisheries Service (NMFS), which could have effects on the biological environment because the data are used in assessing the status of shrimp, red snapper, and other species taken as bycatch in the shrimp fishery, as discussed in more detail below. Under **Alternative 1** (No Action), positional data are recorded on a memory card, which program participants must mail to NMFS. Conversely, **Alternative 2** and **Preferred Alternative 3** would establish systems that electronically submit vessel position data to NMFS without the extra step of mailing memory cards. It is likely **Alternative 2** and **Preferred Alternative 3** would result in more timely and accurate data reporting relative to **Alternative 1** (No Action) since mailing equipment would not be required. Compliance is also expected to be higher for **Alternative 2** and **Preferred Alternative 3** relative to **Alternative 1** (No Action) since fixed position vessel monitoring system (VMS) hardware would be collecting position data constantly while engaged in fishing activity, then automatically transmitting that data to NMFS with no additional action required by the program participant. In sum, streamlining the data transmission process as considered in **Alternative 2** and **Preferred Alternative 3** aids in compliance and results in increased data accuracy relative to **Alternative 1** (No Action). As discussed below, this data collection is required to comply with the Gulf red snapper rebuilding plan and the biological opinion (BiOp) on the Southeast U.S. shrimp fisheries.

Juvenile red snapper bycatch

Juvenile red snapper (generally ages 0-1 years) are often captured in shrimp trawls as bycatch with assumed high mortality (Gallaway et al. 2017). Therefore, estimates of juvenile red snapper bycatch in the Gulf shrimp fleet are considered when assessing the status of red snapper in the Gulf. Gulf red snapper is undergoing a new stock assessment¹⁸ (SEDAR 98) that will consider the inclusion of discard mortality associated with shrimp bycatch. Specifically, SEDAR 98 will utilize new estimates of shrimp fishing effort and bycatch, as appropriate, based on the peer review of such data from the SEDAR 87 assessment¹⁹ of Gulf shrimp.

Amendment 22 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf (GMFMC 2004b) established the current rebuilding plan for red snapper that is scheduled to end in 2032. Bycatch of red snapper by the Gulf shrimp fishery was identified as a primary factor affecting the recovery of Gulf red snapper, with the highest red snapper fishing mortality rate attributed to the western portion of the Gulf shrimp fishery, followed by the eastern portion of the Gulf recreational red snapper fishery, and the western portion of the Gulf commercial red

¹⁸ <https://sedarweb.org/assessments/sedar-98-gulf-of-mexico-red-snapper/>

¹⁹ <https://sedarweb.org/assessments/sedar-87-gulf-of-mexico-white-pink-and-brown-shrimp/>

snapper fishery (SEDAR 7 2005). The SEDAR 7 (2005) assessment indicated a need for a 74% reduction in the red snapper bycatch mortality attributed to shrimp trawls, compared to levels of effort and mortality experienced during the 2001-2003 period. Amendment 14 to the FMP for the Shrimp Fishery of the Gulf, U.S. Waters (Shrimp FMP) capped shrimp fishing effort in statistical zones 10-21 in 10-30 fathom water depths of the western Gulf (i.e., the area monitored for juvenile red snapper bycatch) (GMFMC 2007). Amendment 14 established a shrimp fishing effort threshold of 74% below a baseline average of the years 2001-2003. The cap was reduced to 67% in 2011 (GMFMC 2012) and further reduced to 60% in 2019 (GMFMC 2019). Research indicated that the effect of the shrimp fishery on red snapper mortality is less than previously thought (Gallaway et al. 2017). The lower effort cap provides for additional allowable effort in the shrimp fishery, while not affecting the 2032 red snapper rebuilding plan.

To date, the Gulf shrimp fishery has not exceeded the allowable threshold effort level in the area monitored for juvenile red snapper since the implementation of the threshold, though it did come within two percentage points in 2016 and 2017, prior to implementation of the updated threshold level in 2018 (Figure 4.1.1.1, Table 4.1.1.1). The fishery has been contracting since the establishment of the federal commercial Gulf shrimp moratorium permit (SPGM) in 2006, which was extended until 2026 by Amendment 17A to the Shrimp FMP (GMFMC 2016). **Alternative 2** and **Preferred Alternative 3** are expected to improve monitoring of the effort threshold and result in continued rebuilding of the red snapper stock.

Western Gulf 10-30 ftm

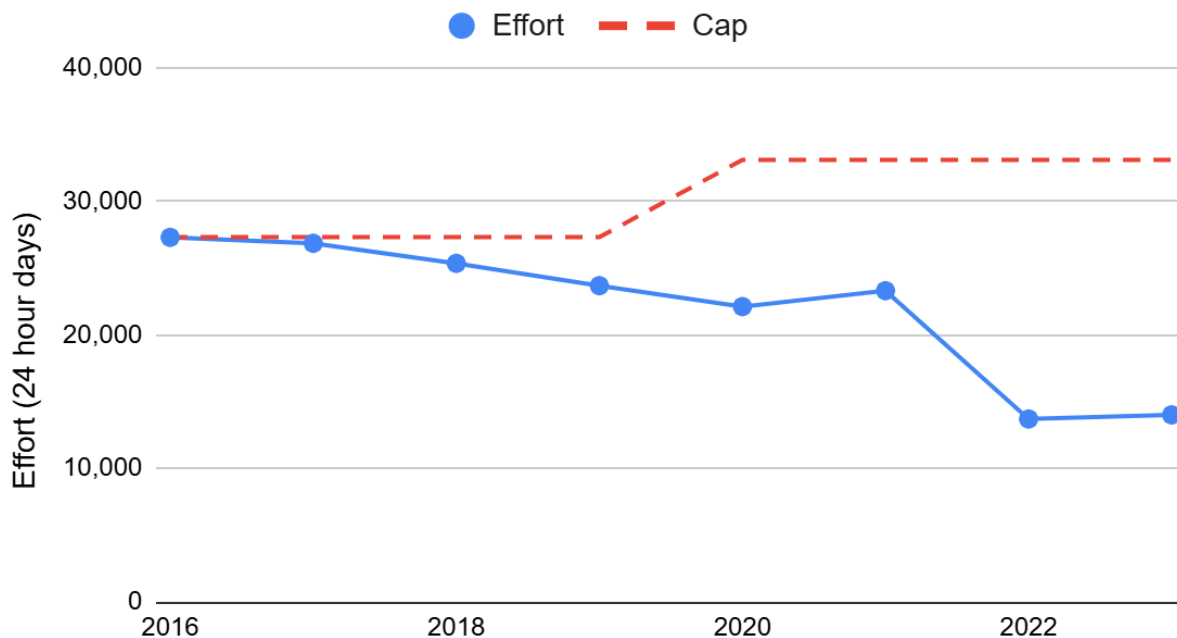


Figure 4.1.1.1. Shrimping effort within the red snapper restricted area (defined as depths between 10 and 30 fathoms in the Western Gulf, areas 10-21) from 2016 to 2023. Dashed line represents maximum shrimping effort, updated through Amendment 18 to the Shrimp FMP (33,124 days fished).

Source: SEFSC, Fisheries Statistics Division.

Table 4.1.1.1. Shrimping effort within the red snapper restricted area (defined as depths between 10 and 30 fathoms in the Western Gulf, areas 10-21) from 2016 to 2023. Effort and cap values in days fished.

Year	Effort	Cap
2016	27,313	27,328
2017	26,868	27,328
2018	25,366	27,328
2019	23,694	27,328
2020	22,124	33,124
2021	23,317	33,124
2022	13,704	33,124
2023	14,014	33,124

Source: SEFSC, Fisheries Statistics Division.

Expected effects to protected species and critical habitat

The shrimp fishery biological opinion (NMFS 2021) includes estimates of takes of sea turtles, smalltooth sawfish, and giant manta rays, and requires NMFS to ensure that shrimp fishery effort monitoring is conducted at equivalent, or greater, levels as was conducted over the past 10 years.

Alternative 1 (No Action) would be less likely to achieve this level of monitoring than **Alternative 2** and **Preferred Alternative 3** because it depends on active participation from those selected to report. **Alternative 2** and **Preferred Alternative 3** are expected to provide the same level of monitoring, which would meet the requirements of the biological opinion.

4.1.2 Effects on the Economic Environment

Alternative 1 (No Action) would maintain the current data collection program. Therefore, no changes in the costs incurred by the commercial sector would be expected.

As of September 20, 2024, there were 1,257 vessels with valid or renewable SPGM permits (NMFS SERO Sustainable Fisheries Access Permits Database, accessed 11/4/24). Of these 1,257 vessels, an estimated 104 vessels are required to comply with VMS requirements in other fisheries, with a satellite VMS being required. For the 104 permitted vessels described above, the vessels would be required to carry two vessel position data collection units under **Preferred Alternative 3**, as a cellular electronic logbook (cELB) and a satellite VMS would both be mandatory, whereas under **Alternative 2**, those 104 vessels might choose to carry only a satellite VMS if that is the most cost-efficient business decision. Furthermore, as detailed in Chapter 2, vessels may be eligible for reimbursement of VMS devices, which is currently capped at \$950 for programs that allow for the use of a cVMS; however, the 104 vessels described above are ineligible if they already received reimbursement for the satellite VMS required in another fishery. As of December 11, 2024, 116 vessels have participated in the Early Adopter Program, described in Chapter 2, with funding for 204 vessels.

Analysis of **Alternative 2** and **Preferred Alternative 3** incorporates several assumptions, including that the number of SPGM permits is constant (whereas that number has decreased over time), reimbursement of VMS devices remains available, cVMS devices installed in the Early

Adopter Program meet type-approval for **Alternative 2** and **Preferred Alternative 3**, and all vessels would be required to have a vessel position data collection unit²⁰. If the number of SPGM permits decreases over time or a subset of the industry is selected to participate (instead of a census-level approach), then the industry costs are expected to be lower than in this analysis;²¹ if reimbursement of VMS devices is unavailable to cover all selected vessels, then the industry costs are expected to be higher than in this analysis. The analysis also excludes the three years of cellular transmission included for volunteers with the Early Adopter Program, as those three years may have passed by the time of implementation of this framework action.

For **Alternative 2**, 949 vessels are expected to incur installation costs (\$300), annual cellular transmission costs (\$99 to \$179), and \$0 for cVMS device costs (after reimbursement²²) in Year 1, while the 204 vessels that participated in the Early Adopter Program are only expected to incur the annual cellular transmission costs. Following first year costs, all 1,153 vessels (excluding the 104 vessels permitted in fisheries requiring a satellite VMS) are only expected to incur annual cellular transmission costs (\$99 to \$179). Over a 10-year period and with a discount rate of 3%²³, the discounted net present value of costs for the 1,153 vessels is estimated to range from \$1,287,608 to \$2,098,039, depending on which of the three cVMS devices are utilized by vessels. For the 104 vessels permitted in fisheries requiring a satellite VMS, they are expected to incur annual satellite transmission costs ranging from \$360 to \$1,440 for a 10-minute ping rate. However, this does not account for the annual satellite transmission costs those 104 vessels are already paying, so the net increase in annual satellite transmission costs is expected to be less than the \$360 to \$1,440 range. With the assumption that the annual satellite transmission costs are incurred in full by the 104 vessels due to **Alternative 2**, over a 10-year period and with a discount rate of 3%, the discounted net present value of costs for those 104 vessels is estimated to range from \$328,952 to \$1,315,808, dependent on the type of satellite VMS device already installed. While these 104 vessels may choose to add a cVMS as part of a profit maximizing business strategy, they would be ineligible for the \$950 reimbursement if they previously received reimbursement for their satellite VMS; however, transmission costs are expected to be lower with a cVMS than a satellite VMS. Over a 10-year period and with a discount rate of 3%, the discounted net present value of costs for those 104 vessels employing a cVMS is expected to range from \$178,342 to \$250,803, which includes the cVMS device cost, installation, and cellular transmission. These estimated industry costs are totaled in Table 4.1.2.1.

For **Preferred Alternative 3**, 1,053 vessels would incur installation costs (\$300), annual cellular transmission costs (\$99 to \$179), and cELB device costs (\$199 to \$574) in Year 1, while the 204 vessels that participated in the Early Adopter Program²⁴ would only incur the annual cellular

²⁰ An additional assumption is made that none of the estimated 104 vessels required to comply with VMS requirements in other fisheries, with a satellite VMS being required, participate in the Early Adopter Program.

²¹ However, if a vessel is not selected in the initial sample, it may be selected in a subsequent resampling, such that all vessels will eventually need a VMS on board. Vessels not selected for a given time period may be able to forego transmission costs.

²² The costs of the three devices in Appendix F and in this analysis are all less than the \$950 for reimbursement.

²³ The 3% discount rate is recommended in Circular No. A-4. <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>

²⁴ An assumption is made that the remaining 88 available spots for participation in the Early Adopter Program are utilized, as additional vessels have signed up for those spots but have not yet had devices installed by LGL Ecological Research Associates in order to be participating in the program.

transmission costs. Following first year costs, all 1,257 vessels would incur annual expected costs from cellular transmission (\$99 to \$179). Over a 10-year period and with a discount rate of 3%, the discounted net present value of industry costs is estimated to range from \$1,983,155 to \$2,853,046, dependent on which of the three cELB devices are utilized by vessels.

Table 4.1.2.1. Total estimated industry costs from **Alternative 2** and **Preferred Alternative 3**.

	Alt 2 (949 cellular; 104 satellite)	Alt 2 (949 cellular; 104 that have both satellite and cellular)	Pref Alt 3 (1,053 cellular)
Discounted Net Present Value of Industry Costs	\$1,616,560 to \$3,413,846	\$1,465,950 to \$2,313,497	\$1,983,155 to \$2,853,046

Members of the Gulf Council’s Shrimp Advisory Panel expressed concerns over missed fishing opportunities if VMS devices malfunction. However, analyses of these potential scenarios cannot be completed for various reasons, including lack of information on the percentage of the fleet that may be affected annually or for what length of time.

4.1.3 Effects on the Social Environment

Alternative 1 (No Action) would maintain the current method for collecting vessel position data. While no new requirements would be placed on operators, the outdated cELB units and reliance on a mail-in process would likely continue to result in delays and gaps in data collection. These inefficiencies may contribute to frustration among stakeholders and diminished trust in the regulatory process.

Under **Alternative 2**, vessel operators would be required to install type-approved VMS devices, with the option of using either satellite or cellular systems. Satellite VMS would transmit position data automatically to a NMFS server, while cellular VMS would archive data during trips outside cellular range and transmit it upon returning to cellular coverage. This system would automate data collection, improving reporting efficiency and accuracy. However, the need for additional equipment and compliance requirements may create challenges for operators, particularly those already managing VMS obligations in other fisheries. The shrimp industry is already facing pressures, such as competition from imports and rising fuel prices, as well as a decline in participation over time. These additional costs could further strain some operators and may contribute to difficult business decisions for those operating on the margins, potentially impacting vessel owners, operators, and crew. Concerns about system intrusiveness could persist, potentially leading to resistance among some operators.

Preferred Alternative 3 would require vessel operators to install a cELB specific to the Gulf shrimp fishery. While potentially less costly than satellite-based systems in terms of transmission costs, the required initial and ongoing expenses may still pose challenges for smaller operators. Unlike **Alternative 2**, vessel operators under **Preferred Alternative 3** would not be eligible for national VMS reimbursement for the cELB device costs, meaning they would bear the full cost of purchasing the device in addition to installation and transmission expenses. However, participants in the Early Adopter Program could be excluded from the need to

purchase a new device under **Preferred Alternative 3**, if their devices are determined to meet type-approval criteria as assumed in Section 4.1.2. Similar to **Alternative 2**, **Preferred Alternative 3** may further strain some operators who are already experiencing pressures, such as those resulting from imports and rising fuel costs and may contribute to difficult business decisions for those operating at the margins and potentially impact vessel owners, operators, and crew. However, **Preferred Alternative 3** is expected to result in an even higher burden to the industry than **Alternative 2** with higher overall estimated costs to the industry (see Table 4.1.2.1).

In summary, the social effects of these alternatives are closely tied to their operational and economic implications. **Alternative 1** avoids new costs but perpetuates inefficiencies, may erode trust in the regulatory process, and could result in future restrictions if the information necessary to comply with the red snapper building plan and shrimp BiOp is not produced from this method. **Alternative 2** could improve data collection and regulatory outcomes but imposes higher costs than **Alternative 1**, disproportionately affecting smaller operators and potentially altering community dynamics. **Preferred Alternative 3** could lead to higher financial burdens compared to **Alternative 2**. These costs may pose challenges for smaller operators and those with multi-fishery permits. Overall, **Alternative 2** and **Preferred Alternative 3** present opportunities for improved data accuracy and management outcomes, which could result in indirect social benefits through better resource sustainability. The communities expected to be most affected by these changes are described in detail in Section 3.4.

4.1.4 Effects on the Administrative Environment

Alternative 1 (No Action) is not expected to result in additional administrative burden. However, because 3G cellular transmission is no longer possible, NMFS has been collecting the Secure Digital (SD) cards from the cELB units of participating vessels via mail until a new process is developed. This did result in additional costs through mailouts of new SD cards roughly every six months in contrast to when 3G cellular transmission for data was possible under **Alternative 1**. This method has also resulted in reduced compliance because it requires those selected to report to take additional action to mail the SD cards back to NMFS.

Both **Alternative 2** and **Preferred Alternative 3** share two cost categories for additional administrative burden: start-up and annual recurring.²⁵ **Preferred Alternative 3** requires NMFS to build a duplicative VMS-like system²⁶ and, therefore, results in additional costs to operate and maintain the system. As displayed in Table 4.1.4.1, the administrative burden, both in terms of the start-up cost as well as the annual recurring costs, is expected to be lower under **Alternative 2** than **Preferred Alternative 3** because **Alternative 2** would rely on the existing VMS infrastructure.

²⁵ The Council's Shrimp Advisory Panel received a copy of the letter from the SEFSC on updated administrative costs related to **Alternative 2** and **Preferred Alternative 3** at its March 4, 2025, meeting. The letter may be found at this link: <https://gulfcouncil.org/wp-content/uploads/18.-7226-Response-to-GMFMC-on-shrimp-administrative-costs.pdf>.

²⁶ The Department of Commerce, NOAA, and NMFS strategic plans emphasize eliminating duplicative data systems.

Table 4.1.4.1. Administrative Program Costs for Alternatives 2 and Preferred Alternative 3.

	Alt 2 (start-up)	Alt 2 (annual recurring)*	Pref Alt 3 (start-up)	Pref Alt 3 (annual recurring)*
Administrative Costs	\$30,000	\$375,000	\$700,000	\$850,000
Total Administrative Program Costs	\$30,000	\$375,000	\$700,000	\$850,000

*With both **Alternative 2** and **Preferred Alternative 3**, a cost of \$18,000 per device for vendor approval and testing is anticipated. No information is available on how many devices may be submitted for vendor approval and testing, but the cost is the same across both alternatives and would have the same effect on administrative costs.

4.2 Cumulative Effects Analysis

Cumulative effects are those effects that result from incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions (RFFA), regardless of which agency (federal or non-federal) or person undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions that take place over a period of time. The cumulative effects analysis in this environmental assessment use the following five criteria.

1. The area in which the effects of the proposed action will occur – The affected area of the proposed actions encompasses the state and federal waters of the Gulf, as well as Gulf communities that are dependent on shrimp fishing. For more information about the area in which the effects of this proposed action would occur are in Chapter 3, Affected Environment, which describes these resources and other relevant features of the human environment.
2. The impacts that are expected in that area from the proposed action – The proposed action would modify the method used to collect vessel position data for the Gulf shrimp fleet. The environmental consequences of the proposed action are analyzed in detail in Section 4.1. Overall, this action is not expected to have significant beneficial or adverse cumulative effects on the physical, biological/ecological, social, or economic environments, because the action is not expected to alter how the shrimp fishery as a whole is prosecuted.

The physical/biological consequences of the proposed actions analyzed in Section 4.1.1 are not expected to be significant. The action would not change how the fishery is currently prosecuted. However, the alternatives likely differ in the timeliness and accuracy of shrimp effort data reported to NMFS, which could affect the biological environment because the data are used in assessing the status of shrimp, red snapper, and other species taken as bycatch in the shrimp fishery. The proposed action is expected to have some negative effects on the social and economic environments (Sections 4.1.3 and 4.1.4). The action could lead to higher financial burdens compared to the status quo. These costs may pose challenges for smaller operators and those with multi-fishery permits. However, the action would present opportunities for improved data accuracy and management outcomes, which could result in indirect economic and social benefits through better resource sustainability.

3. Other past, present and RFFAs that have or are expected to have impacts in the area – There have been numerous management actions for Gulf shrimp since implementation of the Shrimp FMP in 1981 (Section 1.3). Management actions included permit requirements, bycatch reduction gear requirements, and vessel fishing effort data collection improvements. The Gulf Council recently approved for Secretarial review and implementation an action to extend the Gulf shrimp permit moratorium for an additional 10 years. If approved and implemented, the moratorium would continue to constrain maximum fishing effort. Other anticipated management actions include modifying optimum yield in response to a recent stock assessment on penaeid shrimp and evaluating the need for and role of the permit threshold implemented through Amendment 17B to the Shrimp FMP.

Since 2001, there has been a substantial decrease in fishing effort in the southeast U.S. shrimp fishery. The decline has been attributed to low shrimp prices, rising fuel costs, competition with imported products, and the impacts of multiple hurricanes in the Gulf. Given that the shrimp fishery still faces many of the challenges that contributed to the effort declines, effort is not expected to increase substantially in the near future.

Non-fishery related actions – Actions affecting the shrimp fishery have been described in previous cumulative effect analyses (GMFMC 2017). Important events include impacts of the Deepwater Horizon MC252 oil spill and the Northern Gulf Hypoxic Zone, as described in Chapter 3, Affected Environment.

4. The impacts or expected impacts from these other actions – The cumulative effects from managing the shrimp fishery have been analyzed in other actions (GMFMC 2017). They include detailed analyses of the shrimp fishery, cumulative effects on non-target species, protected species, and habitats in the Gulf. In general, the effects of these actions are positive as they are designed to maintain shrimp stocks at a level that would allow the fishery to maximize yield and reduce bycatch of other species to the extent practicable. The action is intended to maintain our ability to estimate and monitor fishing effort in the Gulf shrimp fishery while minimizing the economic burden on the industry and on the agency to the maximum extent practicable. None of the present and RFFAs under the Shrimp FMP, identified above, are expected to affect how the shrimp fishery as a whole is prosecuted.

Impacts from the Deepwater Horizon MC252 oil spill, as indicated in Section 3.1, had some adverse effects on the biological environment. Impacts on the food web from phytoplankton to zooplankton, mollusks, and to top predators may be significant. Similarly, effects from the Northern Gulf Hypoxic Zone could be substantial in that specific area.

5. The overall impact that can be expected if the individual impacts are allowed to accumulate: The action, combined with other past actions, present actions, and RFFAs, is not expected to have significant beneficial or adverse effects on the physical and biological environments. Long-term effects are expected to be positive, but are not expected to substantially change the manner in which the shrimp fishery is prosecuted as a whole (Sections 4.1.1-4.1.3). For the social and economic environments, some short-term negative effects are expected to result for fishing communities from the added costs expected from standing up the new program, however, positive effects are expected long term (Sections 4.1.2-4.1.4). Because it is unlikely there would

be any changes in how the shrimp fishery is prosecuted, this action, combined with past actions, present actions, and RFFAs, is not expected to have significant adverse effects on public health or safety.

CHAPTER 5. REGULATORY IMPACT REVIEW

5.1 Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: 1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action; 2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem; and, 3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost-effective way. The RIR also serves as the basis for determining whether the regulations are a “significant regulatory action” under the criteria provided in Executive Order (E.O.) 12866. This RIR analyzes the impacts this action would be expected to have on the federal Gulf of America (Gulf) shrimp fishery.

5.2 Problems and Objectives

The problems and objectives addressed by this action are discussed in Section 1.2.

5.3 Description of Fisheries

A description of the economic environment of the federal Gulf shrimp fishery is provided in Section 3.3.

5.4 Impacts of Management Measures

5.4.1 Action: Modify the Method Used to Collect Vessel Position Data for the Gulf Shrimp Fishery

Detailed analyses of the economic effects and impacts expected to result from this action are provided in Sections 4.1.2 and 4.1.4. The following discussion analyzes the expected economic effects and impacts of the preferred alternative relative to the No Action alternative.

Under **Preferred Alternative 3**, a cellular electronic logbook (cELB) requirement would be implemented for the Gulf shrimp fishery that provides archived position data to NMFS that are compatible with the Southeast Fisheries Science Center’s (SEFSC) shrimp effort algorithm. If selected by the Science and Research Director, the owner or operator of a vessel with a federal Gulf shrimp moratorium permit (SPGM) would be required to install a NMFS-approved cELB that archives vessel position when on a shrimp fishing trip in the Gulf and automatically transmits those data via cellular service to a non-Office of Law Enforcement NMFS server. NMFS-approved cELBs would be type-approved for the Gulf shrimp fishery through a process external to 50 C.F.R. § 600.1501.

As of September 20, 2024, there were 1,257 vessels with valid or renewable Gulf shrimp moratorium permits (SPGM; NMFS SERO Sustainable Fisheries Access Permits Database, accessed 11/4/24). Of these 1,257 vessels, an estimated 104 vessels are required to comply with vessel monitoring system (VMS) requirements in other fisheries, with a satellite VMS being required. For the 104 permitted vessels described above, the vessels would be required to carry two vessel position data collection units under **Preferred Alternative 3**, as a cELB device²⁷ would be mandatory. As of December 11, 2024, 116 vessels have participated in the Early Adopter Program, described in Chapter 2, with available funding for 204 vessels.

Analysis of **Preferred Alternative 3** incorporates several assumptions, including that the number of SPGM permits is constant (whereas that number has decreased over time), cVMS devices installed in the Early Adopter Program meet type-approval for **Preferred Alternative 3**²⁸, and all vessels would be required to have a cELB. If the number of SPGM permits decreases over time or a subset of the industry is selected to participate (instead of a census-level approach), then the industry costs are expected to be lower than in this analysis.²⁹ The analysis also excludes the three years of cellular transmission fees included for volunteers with the Early Adopter Program, as those three years may have passed by the time of implementation of this framework action.

For **Preferred Alternative 3**, 1,053 vessels would incur installation costs (\$300), annual cellular transmission costs (\$99 to \$179), and cELB device costs (\$199 to \$574) in Year 1, while the 204 vessels that participated in the Early Adopter Program would only incur the annual cellular transmission costs. Following first year costs, all 1,257 vessels would incur annual expected costs from cellular transmission (\$99 to \$179). Over a 10-year period and with a discount rate of 3%, the discounted net present value of industry costs is estimated to range from \$1,983,155 to \$2,853,046, dependent on which of the three cELB devices are utilized by vessels.

Administrative costs to the public sector are also incurred through **Preferred Alternative 3** and involve two cost categories for the additional administrative burden: start-up and annual recurring. **Preferred Alternative 3** may require NMFS to build a duplicative VMS-like system³⁰ and, therefore, may result in additional costs to operate and maintain the system. **Preferred Alternative 3** is expected to have \$700,000 in start-up costs and \$850,000 in annual recurring costs. A cost of \$18,000 per device for vendor approval and testing is expected, but no information on how many devices may be submitted for vendor approval and testing is available.

²⁷ Although the same type of devices would be used by the industry, the Gulf Council's Shrimp AP expressed concern over labeling the devices in **Preferred Alternative 3** as a cVMS rather than a cELB, due to how a VMS is defined in federal regulations.

²⁸ An additional assumption is made that none of the estimated 104 vessels required to comply with VMS requirements in other fisheries, with a satellite VMS being required, participate in the Early Adopter Program.

²⁹ However, if a vessel is not selected in the initial sample, it may be selected in a subsequent resampling, such that all vessels will eventually need a VMS on board. Vessels not selected for a given time period may be able to forego transmission costs.

³⁰ The Department of Commerce, NOAA, and NMFS strategic plans emphasize eliminating duplicative data systems.

5.5 Public and Private Costs of Regulations

The preparation, implementation, enforcement, and monitoring of this or any federal action involves the expenditure of public and private resources, which can be expressed as costs associated with the regulations. Costs to the private sector and program-related administrative costs to NMFS are discussed under the impacts of management measures (Section 5.4). Public costs associated with the development of this framework action, including Council costs of document preparation, meetings, public hearings, and information dissemination, as well as NMFS administrative costs of document preparation, meetings and review, are treated as sunk costs and excluded from this analysis per Office of Management and Budget (OMB) guidance. Council and NMFS administrative costs directly attributable to the development of this framework action and the rulemaking process would be incurred prior to the effective date of the final rule implementing this framework action.

Additionally, this analysis does not include any additional law enforcement costs. Any enforcement duties associated with this action would be expected to be covered under routine enforcement costs rather than an expenditure of new funds.

5.6 Net Benefits of the Regulatory Action

It is important to specify the time period being considered when evaluating benefits and costs. According to the OMB's Circular A-4,³¹ "The stream of annualized estimates should begin in the year in which the final rule will begin to have effects, even if the rule does not take effect immediately....The time frame for your analysis should cover a period long enough to encompass all the important benefits and costs likely to result from the rule."

For current purposes, the reasonably "foreseeable future" is considered to be the next 20 years (2026-2045). The reason that this analysis uses a 20-year timeframe is based on the initial establishment of the electronic logbook program 20 years ago in Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf, with a final rule effective in 2006.

Over a 20-year timeframe of 2026-2045, the expected decrease in the discounted net present value of economic benefits from this framework action would be \$16,521,954 to \$18,016,404 using a 3% discount rate and \$12,635,676 to \$13,749,126 with a 7% discount rate. As an annualized net present value, these expected decreases would be \$1,040,591 to \$1,134,715 with a 3% discount rate and \$1,089,845 to \$1,185,881 with a 7% discount rate.

Based on this information, this regulatory action is expected to decrease net economic benefits to the Nation.

5.7 Determination of Significant Regulatory Action

Pursuant to E.O. 12866, a regulation is considered a "significant regulatory action" if it is likely to result in: 1) an annual effect of \$100 million or more or adversely affect in a material way the

³¹ See <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, territorial, or tribal governments or communities; 2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or 4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this executive order (E.O). Based on the information in Sections 5.4 and 5.6, the annualized net present value of the costs resulting from this regulatory action are estimated to be \$1,040,591 to \$1,134,715 with a 3% discount rate and \$1,089,845 to \$1,185,881 with a 7% discount rate. The maximum annual costs in a single year would be \$2,564,228 which would occur in the first year of implementation, slated for 2026. There are no quantified economic benefits or economic transfers associated with this action. In summary, annual economic effects from this action are not expected to meet or exceed the \$100 million threshold. Thus, this action has been determined to not be economically significant for the purposes of E.O. 12866.

CHAPTER 6. INITIAL REGULATORY FLEXIBILITY ANALYSIS

The purpose of the Regulatory Flexibility Act (RFA) is to establish a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure such proposals are given serious consideration. The RFA does not contain any decision criteria; instead the purpose of the RFA is to inform the agency, as well as the public, of the expected economic effects of various alternatives contained in the regulatory action and to ensure the agency considers alternatives that minimize the expected economic effects on small entities while meeting the goals and objectives of the applicable statutes (e.g., the Magnuson-Stevens Fishery Conservation and Management Act [Magnuson-Stevens Act]).

With certain exceptions, the RFA requires agencies to conduct an initial regulatory flexibility analysis (IRFA) for each proposed rule. The IRFA is designed to assess the effects various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. An IRFA is primarily conducted to determine whether the proposed regulatory action would have a significant economic effect on a substantial number of small entities. In addition to analyses conducted for the Regulatory Impact Review (RIR), the IRFA provides: 1) a description of the reasons why action by the agency is being considered; 2) a succinct statement of the objectives of, and legal basis for, the proposed regulatory action; 3) a description and, where feasible, an estimate of the number of small entities to which the proposed regulatory action will apply; 4) a description of the projected reporting, record-keeping, and other compliance requirements of the proposed regulatory action, including an estimate of the classes of small entities which will be subject to the requirements of the report or record; 5) an identification, to the extent practicable, of all relevant federal rules, which may duplicate, overlap, or conflict with the proposed rule; and 6) a description of any significant alternatives to the proposed regulatory action which accomplish the stated objectives of applicable statutes and would minimize any significant economic effects of the proposed regulatory action on small entities.

In addition to the information provided in this section, additional information on the expected economic effects of the proposed action is included in Chapter 4 and the RIR.

6.1 Statement of the need for, objective of, and legal basis for the proposed action

A discussion of the reasons why action by the agency is being considered is provided in Chapter 1. In summary, there is a need to base conservation and management measures on the best scientific information available, to minimize bycatch to the extent practicable, and to minimize interactions with protected species. The objective of this proposed action is to transition from the expired 3G cellular electronic logbook program (cELB) to a system that would maintain the Gulf Council's and the National Marine Fisheries Service's (NMFS) ability to estimate and

monitor fishing effort in the Gulf of America (Gulf) shrimp fishery while minimizing the economic burden on the industry and on the agency to the maximum extent practicable. The Magnuson-Stevens Act provides the statutory basis for this proposed action. All monetary estimates in the following analysis are in 2023 dollars.

6.2 Description and estimate of the number of small entities to which the proposed action would apply

This proposed regulatory action would modify the method used to collect vessel position data for the Gulf shrimp fishery. Currently, this information is collected through the 3G cELB units supplied by NMFS and the physical memory cards from such units are sent to NMFS via mail. This proposed action would implement a new cELB requirement for the Gulf shrimp fishery that would provide archived position data to NMFS via new NMFS-approved cELB devices that archive vessel position data during shrimp fishing trips in the Gulf. Vessel position data would then be automatically transmitted via cellular service to a NMFS server that is housed and maintained outside the NMFS Office of Law Enforcement (OLE). This proposed regulatory action is expected to directly regulate all federally-permitted commercial fishing businesses that participate in the Gulf shrimp fishery. None of the proposed changes would directly apply to federally-permitted dealers or processors. Any change in the supply of shrimp available for purchase by dealers or processors because of the proposed action, and associated economic effects, would be indirect effects of the proposed regulatory action and would therefore fall outside the scope of the RFA.

From 2019 through 2023, the average number of vessels with valid Gulf shrimp moratorium permits per year was 1,376, though the number of vessels with permits declined each year during this time. As of September 20, 2024, there were 1,257 vessels with valid or renewable Gulf shrimp moratorium permits. From 2019 through 2023, the average number of vessels with valid permits that actively fished (i.e., had landings) in the Gulf shrimp fishery was 932. On average (2019 through 2023), each active shrimp vessel with a federal Gulf shrimp permit earned \$332,653 in gross revenue per year from commercial fishing operations. Net cash flow per vessel was \$21,249 and net operating revenue per vessel was \$4,810, on average, during this period. Average annual net cash flow and net revenue from operations for active vessels were positive and increasing through 2021; however, both turned negative in 2022 and remained so in 2023. In 2023, average net cash flow per vessel was -\$4,885 and average net operating revenue per vessel was -\$14,635. This corresponds with deteriorating economic conditions for the shrimp fishery seen in recent years, including low shrimp prices, increased foreign competition, and rising operating costs. From 2019 through 2023, the maximum annual gross revenue earned by a single federally-permitted commercial shrimp vessel was approximately \$1.51 million in 2020.

NMFS does not possess complete ownership data for businesses and vessels that participate in the federal Gulf shrimp fishery. Therefore, it is not currently feasible to accurately determine affiliations between these particular businesses. As a result of the incomplete ownership data, for purposes of this analysis, it is assumed that each of the aforementioned vessels is independently owned by a single business, which is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed regulatory action. Thus, this

proposed regulatory action is estimated to directly regulate up to 1,257 businesses in the commercial Gulf shrimp fishing industry.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR § 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed action are believed to be small entities based on the NMFS size standard. No other small entities that would be directly affected by this proposed action have been identified.

6.3 Description of the projected reporting, record-keeping and other compliance requirements of the proposed action

This proposed action would require the owner or operator of a vessel with a federal Gulf shrimp moratorium permit, if selected by the Southeast Fisheries Science Center (SEFSC) Science and Research Director (SRD), to install a NMFS-approved cELB that archives vessel position data when on a shrimp fishing trip in the Gulf and automatically transmits those data via cellular service to a non-OLE NMFS server. The estimated cost of each cELB device would be \$199 to \$574 and installation costs for these devices would be \$300. Annual transmission costs would be \$99 to \$179 per vessel. The installation and device purchase costs would be one-time expenses in the year of implementation, while the annual transmission costs would be recurring. These devices would not be reimbursable through the National Vessel Monitoring System (VMS) Reimbursement Program administered by the Pacific States Marine Fisheries Commission and the National Oceanic and Atmospheric Administration's (NOAA) OLE.

Of the 1,257 vessels directly regulated by this proposed action, an estimated 104 vessels are already mandated to comply with VMS regulations in other fisheries, with a satellite VMS being required. Under this proposed action, these 104 permitted vessels would be required to carry two VMS units, their existing satellite device and the new cELB device. Additionally, as of December 11, 2024, 116 vessels have participated in the Gulf shrimp fishery Early Adopter Program, with funding for up to 204 vessels. These participants already have installed devices as part of the program and NMFS assumes such devices will meet NMFS' type-approval. Note, this would be based on a new type-approval process specific to cELBs and external to the existing VMS type-approval process at 50 C.F.R. § 600.1501.

6.4 Identification of all relevant federal rules, which may duplicate, overlap or conflict with the proposed action

The proposed action to require a cELB for the Gulf Shrimp fishery overlaps with several existing federal regulations, including 50 CFR § 622.28 for the Gulf Reef Fish fishery, 50 CFR § 635.69 for Atlantic Highly Migratory Species (HMS), and 50 CFR § 622.205 for the South Atlantic Rock Shrimp fishery. For vessels that are dual-permitted, holding both a Gulf shrimp moratorium permit and a permit for these other managed fisheries, the overlap creates a

direct regulatory duplication of both hardware and reporting requirements. These vessels are already mandated to carry and maintain an operational VMS that transmits location data. Requiring a separate cELB device would force small entities to maintain redundant hardware and pay for duplicate data transmission of the same, or similar, vessel position information to NOAA.

6.5 Significance of economic impacts on a substantial number of small entities

Substantial number criterion

If implemented, this proposed action is expected to directly affect up to 1,257 vessels with federal commercial Gulf shrimp moratorium permits. All regulated commercial fishing businesses have been determined, for the purpose of this analysis, to be small entities. Based on this information, the proposed action is expected to affect a substantial number of small businesses.

Significant economic effects

The outcome of “significant economic impact” can be ascertained by examining two factors: disproportionality and profitability.

Disproportionality: Do the regulations place a substantial number of small entities at a significant competitive disadvantage to large entities?

All entities directly regulated by this proposed action have been determined to be small entities. Thus, the issue of disproportionality does not arise in the present case.

Profitability: Do the regulations significantly reduce profits for a substantial number of small entities?

A detailed analysis of the economic effects associated with this proposed regulatory action can be found in Chapter 4. The following information summarizes that analysis and, additionally, analyzes the effects of this proposed action on the profitability of small entities.

Under this proposed action, vessels with federal Gulf shrimp moratorium permits, if selected to participate by the SEFSC SRD, would incur initial costs of up to \$874 for the purchase and installation of a cELB device in the year of implementation, as well as annual transmission costs ranging from \$99 to \$179 per vessel. The upper bound year 1 costs would represent approximately 0.3% of average annual vessel-level gross revenue from 2019 through 2023 and 22% of average annual net operating revenue. NMFS assumes net operating revenue is the best available estimate of economic profit in this industry. As discussed earlier, in recent years, average net revenue has trended negative when accounting for variable and fixed costs and the added expense from this proposed action would exacerbate those losses. Some affected commercial fishing businesses would experience lower initial costs and less negative effects on profitability in year 1 than others if they participated in the Early Adopter Program. In

subsequent years, the upper bound recurring annual transmission costs of \$179 per vessel would represent a negligible percentage of average annual vessel-level gross revenue and 3.7% of average annual net operating revenue. Estimates of annual cELB maintenance costs are not available.

6.6 Description of the significant alternatives to the proposed action and discussion of how the alternatives attempt to minimize economic impacts on small entities

Two alternatives were considered for the proposed action to require the owner or operator of a vessel with a federal Gulf shrimp moratorium permit, if selected by the SEFSC SRD, to install a NMFS-approved cELB that archives vessel position data when on a shrimp fishing trip in the Gulf and automatically transmits those data via cellular service to a non-OLE NMFS server. The first alternative, the no action alternative, would maintain the current method to collect vessel position data through the 3G compatible cELB units supplied by NMFS. These outdated cELB units are unable to automatically transmit data due to decommissioned 3G cellular networks, leading to the inefficient and error-prone collection of vessel position information from physical memory cards mailed to NMFS. Because this alternative represents the status quo, it would not be expected to result in any direct economic effects. This alternative was not selected by the Council because it would jeopardize NMFS' ability to estimate and monitor fishing effort in the Gulf.

The second alternative to the proposed action would require the owner or operator of a vessel with a federal Gulf shrimp moratorium permit, if selected by the SEFSC SRD, to install a type-approved VMS unit (50 C.F.R. § 600.1501) that archives or transmits vessel position data to a NMFS server when on a fishing trip in the Gulf. If a satellite VMS unit is installed, vessel position data would be automatically transmitted to a NMFS server. If a cellular VMS unit is installed, vessel position data would be archived when on a fishing trip in the Gulf and would be transmitted to a NMFS server when the vessel is within cellular range. The installation costs for this alternative and the cost for a cellular VMS device would be the same as for the proposed action. However, under the second alternative, vessels may be eligible for reimbursement of the purchase cost of their VMS devices up to \$950 through the National VMS Reimbursement Program. The second alternative would provide more flexibility to choose what type of device (satellite or cellular) would be purchased and installed; however, the current type-approval process may limit the number of vendors and VMS devices that ultimately make it to market due to its stringent requirements (50 C.F.R. § 600.1501). Additionally, the 104 vessels that already have VMS units, as required by other fisheries, would be able to save on the costs of purchasing, installing, and maintaining a second device under the second alternative, although annual transmission costs would potentially be more expensive. These 104 vessels could still choose to purchase a cellular VMS device if it aligned with their profit maximization strategies; however, if they previously received reimbursement for their satellite devices from the National VMS Reimbursement Program, they would be ineligible for further assistance. This alternative was not chosen by the Council because of opposition from the Shrimp Advisory Panel and shrimp industry via public comment and the Council's view that future funding for the National VMS Reimbursement Program is uncertain.

CHAPTER 7. LIST OF PREPARERS

PREPARERS

Name	Expertise	Responsibility	Agency
Matthew Freeman	Economist	Co-Team Lead – Action development, economic analyses, Regulatory Impact Review	GMFMC
Frank Helies	Gulf Branch Chief	Co-Team Lead – Action development, biological environment	SERO/SF
Max Birdsong	Social Scientist	Social effects	GMFMC
Lisa Hollensead	Fishery Biologist	Biological effects	GMFMC
Christina Package-Ward	Anthropologist	Social environment, social effects	SERO/SF
David Records	Social Science Branch Chief	Economic environment, Regulatory Flexibility Analysis	SERO/SF

REVIEWERS (Preparers also serve as reviewers)

Name	Expertise	Responsibility	Agency
Manny Antonaras	Deputy Special Agent in Charge	Review	NOAA OLE
Mike Barnette	Fishery Biologist	Review	SERO/PR
Adam Bailey	Technical Writer and Editor	Regulatory writer	SERO/SF
John Froeschke	Deputy Director	Review	GMFMC
Alisha Gray	Data Analyst	Review	SERO/SF
Mara Levy	General Counsel	Legal review	NOAA GC
Christopher Liese	Economist	Review	SEFSC
Alan Lowther	Survey Statistician	Review	SEFSC
Rich Malinowski	Fishery Biologist	Review	SERO/SF
Michelle Masi	Fishery Biologist	Review	SEFSC
Jenny Ostroff	Fishery Biologist	Review	SERO/SF
Carrie Simmons	Executive Director	Review	GMFMC
Jessica Stephen	Fishery Biologist/Data Analyst	Review	SERO/SF
Matthew Walia	Compliance Liaison Analyst	Review	NOAA OLE

GMFMC = Gulf of Mexico Fishery Management Council; NOAA=National Oceanic and Atmospheric Administration, SERO = Southeast Regional Office, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, SEFSC=Southeast Fisheries Science Center, GC = General Counsel

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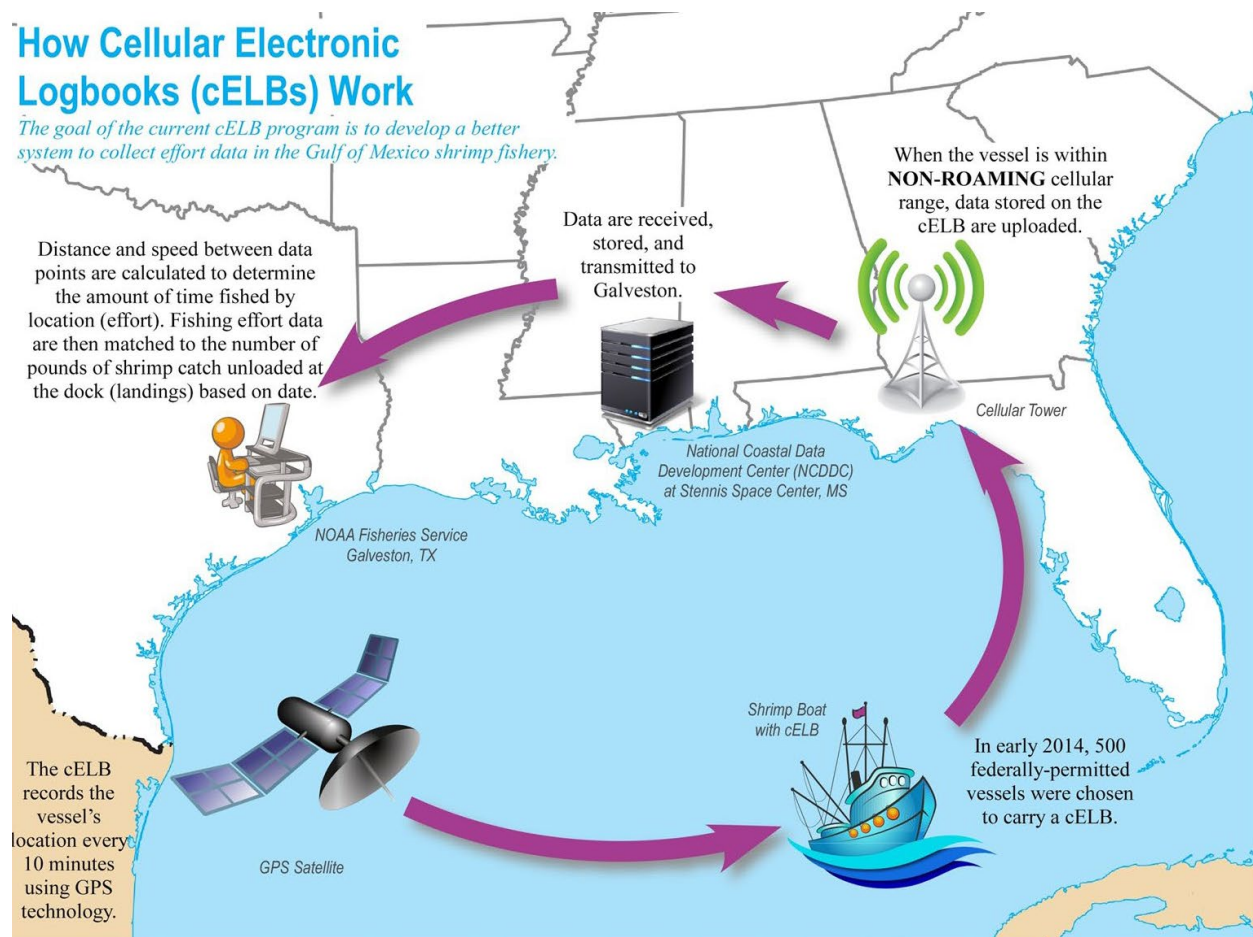
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APPENDIX A. DIAGRAM OF HOW A CELLULAR ELB WORKS

The following diagram shows five steps, beginning with the GPS satellite, noting that the cELB records the vessel's location every 10 minutes using GPS technology, and ending with the National Marine Fisheries Service in Galveston, Texas, where distance and speed between data points are calculated to determine the amount of time fished by location (effort) which is then scaled and then matching the fishing effort data to the number of pounds of total shrimp catch unloaded at the dock (landings) based on season and fishing area.



APPENDIX B. VESSEL MONITORING SYSTEM TYPE-APPROVAL

e-CFR data is current as of July 19, 2021

Title 50 → Chapter VI → Part 600 → Subpart Q

Title 50: Wildlife and Fisheries

PART 600—MAGNUSON-STEVENSON ACT PROVISIONS

Subpart Q—Vessel Monitoring System Type-Approval

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Source: 85 FR 40921, July 8, 2020, unless otherwise noted.

§600.1500 Definitions and acronyms.

In addition to the definitions in the Magnuson-Stevens Act and in §600.10, and the acronyms in §600.15, the terms and acronyms in this subpart have the following meanings:

Authorized entity means a person, defined at 16 U.S.C. 1802(36), authorized to receive data transmitted by a VMS unit.

Bench configuration means the configuration of a VMS unit after it has been customized to meet the Federal VMS requirements.

Bundle means a mobile communications service and VMS unit sold as a package and considered one product. If a bundle is type-approved, the requestor will be the type-approval holder for the bundled MCS and VMS unit.

Cellular communication means the wireless transmission of VMS data via a cellular network.

Communication class means the satellite or cellular communications operator from which communications services originate.

Electronic form means a pre-formatted message transmitted by a VMS unit that is required for the collection of data for a specific fishery program (e.g., declaration system, catch effort reporting).

Enhanced Mobile Transceiver Unit (EMTU) means a type of MTU that is capable of supporting two-way communication, messaging, and electronic forms transmission via satellite. An EMTU is a transceiver or communications device, including an antenna, and dedicated message terminal and display which can support a dedicated input device such as a tablet or keyboard, installed on fishing vessels participating in fisheries with a VMS requirement.

Enhanced Mobile Transceiver Unit, Cellular Based (EMTU-C) means an EMTU that transmits and receives data via cellular communications, except that it may not need a dedicated message terminal and display component at the time of approval as explained at §600.1502(a)(6). An EMTU-C only needs to be capable of transmission and reception when in the range of a cellular network.

Latency means the state of untimely delivery of Global Positioning System position reports and electronic forms to NMFS (i.e., information is not delivered to NMFS consistent with timing requirements of this subpart).

Mobile Communications Service (MCS) means the satellite and/or cellular communications services used with particular VMS units.

Mobile Communications Service Provider (MCSP) means an entity that sells VMS satellite and/or cellular communications services to end users.

Mobile Transmitter Unit (MTU) means a VMS unit capable of transmitting Global Positioning System position reports via satellite. (MTUs are no longer approved for new installations on VMS vessels).

Notification Letter means a letter issued by NMFS to a type-approval holder identifying an alleged failure of a VMS unit, MCS, or the type-approval holder to comply with the requirements of this subpart.

Position report means the unique global positioning system (GPS) report generated by a vessel's VMS unit, which identifies the vessel's latitude/longitude position at a point in time. Position reports are sent from the VMS unit via the MCS, to authorized entities.

Requestor means a vendor seeking type-approval.

Service life means the length of time during which a VMS unit remains fully operational with reasonable repairs.

Sniffing means the unauthorized and illegitimate monitoring and capture, through use of a computer program or device, of data being transmitted over a network.

Spoofing means the reporting of a false Global Positioning System position and/or vessel identity.

Time stamp means the time, in hours, minutes, and seconds in a position report. Each position report is time stamped.

Type-approval holder means an applicant whose type-approval request has been approved pursuant to this subpart.

Vendor means a commercial provider of VMS hardware, software, and/or mobile communications services.

Vessel Monitoring System (VMS) means, for purposes of this subpart, a satellite and/or cellular based system designed to monitor the location and movement of vessels using onboard VMS units that send Global Positioning System position reports to an authorized entity.

Vessel Monitoring System (VMS) data means the data transmitted to authorized entities from a VMS unit.

Vessel Monitoring System Program means the Federal program that manages the vessel monitoring system, data, and associated program-components, nationally and in each NMFS region; it is housed in the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service's Office of Law Enforcement.

Vessel Monitoring System (VMS) Unit means MTU, EMTU or EMTU-C, as well as the units that can operate as both an EMTU and an EMTU-C.

Vessel Monitoring System (VMS) Vessels means vessels that operate in federally managed fisheries with a requirement to carry and operate a VMS unit.

§600.1501 Vessel Monitoring System type-approval process.

(a) *Applicability.* Unless otherwise specified, this section applies to EMTUs, EMTU-Cs, units that operate as both an EMTU and EMTU-C, and MCSs. Units that can operate as both an EMTU and EMTU-C must meet the requirements for both an EMTU and an EMTU-C in order to gain type-approval as both. MTUs are no longer eligible for type-approval.

(b) *Application submission.* A requestor must submit a written type-approval request and electronic copies of supporting materials that include the information required under this section to the NMFS Office of Law Enforcement (OLE) at: U.S. Department of Commerce; National Oceanic and Atmospheric Administration; National Marine Fisheries Service; Office of Law Enforcement; Attention: Vessel Monitoring System Office; 1315 East-West Highway, SSMC3, Suite 3301, Silver Spring, Maryland 20910.

(c) *Application requirements.* (1) EMTU, EMTU-C, and MCS Identifying Information: In a type-approval request, the requestor should indicate whether the requestor is seeking approval for an EMTU, EMTU-C, MCS, or bundle and must specify identifying characteristics, as applicable: Communication class; manufacturer; brand name; model name; model number; software version and date; firmware version number and date; hardware version number and date; antenna type; antenna model number and date; tablet, monitor or terminal model number and date; MCS to be used in conjunction with the EMTU/EMTU-C; entity providing MCS to the end user; and current global and regional coverage of the MCS.

(2) Requestor-approved third-party business entities: The requestor must provide the business name, address, phone number, contact name(s), email address, specific services provided, and geographic region covered for the following third-party business entities:

(i) Entities providing bench configuration for the EMTU/EMTU-C at the warehouse or point of supply.

(ii) Entities distributing/selling the EMTU/EMTU-C to end users.

(iii) Entities currently approved by the requestor to install the EMTU/EMTU-C onboard vessels.

(iv) Entities currently approved by the requestor to offer a limited warranty.

(v) Entities approved by the requestor to offer a maintenance service agreement.

(vi) Entities approved by the requestor to repair or install new software on the EMTU/EMTU-C.

(vii) Entities approved by the requestor to train end users.

(viii) Entities approved by the requestor to advertise the EMTU/EMTU-C.

(ix) Entities approved by the requestor to provide other customer services.

(3) Regulatory Requirements and Documentation: In a type-approval request, a requestor must:

- (i) Identify the NMFS region(s) and/or Federal fisheries for which the requestor seeks type-approval.
- (ii) Include copies of, or citation to, applicable VMS regulations and requirements in effect for the region(s) and Federal fisheries identified under paragraph (c)(3)(i) of this section that require use of VMS.
- (iii) Provide a table with the type-approval request that lists in one column each requirement set out in §§600.1502 through 600.1509 and regulations described under paragraph (c)(3)(ii) of this section. NMFS OLE will provide a template for the table upon request. The requestor must indicate in subsequent columns in the table:
 - (A) Whether the requirement applies to the type-approval; and
 - (B) Whether the EMTU, EMTU-C, MCS, or bundle meets the requirement.
- (iv) Certify that the features, components, configuration and services of the requestor's EMTU/EMTU-C, MCS, or bundle comply with each requirement set out in §§600.1502 through 600.1509 and the regulations described under paragraph (c)(3)(ii) of this section.
- (v) Certify that, if the request is approved, the requestor agrees to be responsible for ensuring compliance with each requirement set out in §§600.1502 through 600.1509 and the regulations described under paragraph (c)(3)(ii) of this section over the course of the type-approval period.
- (vi) Provide NMFS OLE with two EMTU/EMTU-Cs loaded with forms and software, if applicable, for each NMFS region or Federal fishery, with activated MCS, for which a type-approval request is submitted for a minimum of 90 calendar days for testing and evaluation. For EMTU-Cs, the forms and software may be loaded onto a dedicated message terminal and display component to which the EMTU-C can connect. Copies of forms currently used by NMFS are available upon request. As part of its review, NMFS OLE may perform field tests and at-sea trials that involve demonstrating every aspect of EMTU/EMTU-C and communications operation. The requestor is responsible for all associated costs including paying for: Shipping of the EMTU/EMTU-C to the required NMFS regional offices and/or headquarters for testing; the MCS during the testing period; and shipping of the EMTU/EMTU-C back to the vendor.
- (vii) Provide thorough documentation for the EMTU/EMTU-C and MCS, including: EMTU/EMTU-C fact sheets; installation guides; user manuals; any necessary interfacing software; MCS global and regional coverage; performance specifications; and technical support information.
- (d) *Certification.* A requestor seeking type-approval of an EMTU/EMTU-C to operate with a class or type of communications, as opposed to type-approval for use with a specific MCS, shall certify that the EMTU/EMTU-C meets requirements under this subpart when using at least one MCSP within that class or type of communications.
- (e) *Notification.* Unless additional time is required for EMTU/EMTU-C testing, NMFS OLE will notify the requestor within 90 days after receipt of a complete type-approval request as follows:
 - (1) If a request is approved or partially approved, NMFS OLE will provide notice as described under §600.1510 and the type-approval letter will serve as official documentation and notice of type-approval. OLE will publish and maintain the list of type-approved units on their Vessel Monitoring System web page.
 - (2) If a request is disapproved or partially disapproved:
 - (i) OLE will send a letter to the requestor that explains the reason for the disapproval/partial disapproval.
 - (ii) The requestor may respond to NMFS OLE in writing with additional information to address the reasons for disapproval identified in the NMFS OLE letter. The requestor must submit this

response within 21 calendar days of the date of the OLE letter sent under paragraph (e)(2)(i) of this section.

(iii) If any additional information is submitted under paragraph (e)(2)(ii) of this section, NMFS OLE, after reviewing such information, may either take action under paragraph (e)(1) of this section or determine that the request should continue to be disapproved or partially disapproved. In the latter case, the NMFS OLE Director will send a letter to the requestor that explains the reasons for the continued disapproval/partial disapproval. The NMFS OLE Director's decision is final upon issuance of this letter and is not appealable.

§600.1502 Communications functionality.

(a) Unless otherwise specified, this subsection applies to all VMS units. Units that can operate as both an EMTU and EMTU-C must meet the requirements for both an EMTU and an EMTU-C in order to gain type-approval as both. The VMS unit must:

(1) Be able to transmit all automatically-generated position reports.

(2) Provide visible or audible alarms onboard the vessel to indicate malfunctioning of the VMS unit.

(3) Be able to disable non-essential alarms in non-Global Maritime Distress and Safety System (GMDSS) installations.

(4) EMTU/EMTU-Cs must be able to send communications that function uniformly throughout the geographic area(s) covered by the type-approval, except an EMTU-C only needs to be capable of transmission and reception when in the range of a cellular network.

(5) EMTU/EMTU-Cs must have two-way communications between the unit and authorized entities, via MCS, or be able to connect to a device that has two-way communications.

(6) EMTU/EMTU-Cs must be able to run or to connect to a dedicated message terminal and display component that can run software and/or applications that send and receive electronic forms and internet email messages for the purpose of complying with VMS reporting requirements in Federal fisheries. Depending on the reporting requirements for the fishery(s) in which the requester is seeking type-approval, an EMTU-C type-approval may not require the inclusion of a dedicated message terminal and display component at the time of approval, but the capability to support such a component must be shown.

(7) Have messaging and communications mechanisms that are completely compatible with NMFS vessel monitoring and surveillance software.

(b) In addition, messages and communications from a VMS unit must be able to be parsed out to enable clear billing of costs to the government and to the owner of a vessel or EMTU/EMTU-C, when necessary. Also, the costs associated with position reporting and the costs associated with other communications (for example, personal email or communications/reports to non-NMFS Office of Law Enforcement entities) must be parsed out and billed to separate parties, as appropriate.

§600.1503 Position report data formats and transmission.

Unless otherwise specified, this subsection applies to all VMS units, MCSs and bundles. Units that can operate as both an EMTU and EMTU-C must meet the requirements for both an EMTU and an EMTU-C in order to gain type-approval as both. To be type-approved in any given fishery, a VMS unit must also meet any additional positioning information as required by the applicable VMS regulations and requirements in effect for each fishery or region for which the type-approval applies. The VMS unit must meet the following requirements:

(a) Transmit all automatically-generated position reports, for vessels managed individually or grouped by fleet, that meet the latency requirement under §600.1504.

- (b) When powered up, must automatically re-establish its position reporting function without manual intervention.
- (c) Position reports must contain all of the following:
 - (1) Unique identification of an EMTU/EMTU-C and clear indication if the unit is an EMTU-C.
 - (2) Date (year/month/day with century in the year) and time stamp (GMT) of the position fix.
 - (3) Date (year/month/day with century in the year) and time stamp (GMT) that the EMTU-C position report was sent from the EMTU-C.
 - (4) Position fixed latitude and longitude, including the hemisphere of each, which comply with the following requirements:
 - (i) The position fix precision must be to the decimal minute hundredths.
 - (ii) Accuracy of the reported position must be within 100 meters (328.1 ft).
 - (d) An EMTU/EMTU-C must have the ability to: (1) Store 1,000 position fixes in local, non-volatile memory.
 - (2) Allow for defining variable reporting intervals between 5 minutes and 24 hours.
 - (3) Allow for changes in reporting intervals remotely and only by authorized users.
 - (e) An EMTU/EMTU-C must generate specially identified position reports upon:
 - (1) Antenna disconnection.
 - (2) Loss of positioning reference signals.
 - (3) Security events, power-up, power down, and other status data.
 - (4) A request for EMTU/EMTU-C status information such as configuration of programming and reporting intervals.
 - (5) The EMTUs loss of the mobile communications signals.
 - (6) An EMTU must generate a specially identified position report upon the vessel crossing of a pre-defined geographic boundary.

§600.1504 Latency requirement.

- (a) Ninety percent of all pre-programmed or requested Global Positioning System position reports during each 24-hour period must reach NMFS within 15 minutes or less of being sent from the VMS unit, for 10 out of 11 consecutive days (24-hour time periods).
- (b) NMFS will continually examine latency by region and by type-approval holder.
- (c) Exact dates for calculation of latency will be chosen by NMFS. Days in which isolated and documented system outages occur will not be used by NMFS to calculate a type-approval holder's latency.

§600.1505 Messaging.

- (a) Unless otherwise specified, this section applies to all VMS units, MCSs, and bundles. Units that can operate as both an EMTU and EMTU-C must meet the requirements for both an EMTU and an EMTU-C in order to gain type-approval as both. Depending on the reporting requirements for the fishery(s) in which the requester is seeking type-approval, an EMTU-C type-approval may not require the inclusion of a dedicated message terminal and display component at the time of approval, but the capability to support such a component must be shown. To be type-approved in any given fishery, a VMS unit must meet messaging information requirements under the applicable VMS regulations and requirements in effect for each fishery or region for which the type-approval applies. The VMS unit must also meet the following requirements:
 - (b) An EMTU must be able to run software and/or applications that send email messages for the purpose of complying with VMS reporting requirements in Federal fisheries that require email communication capability. An EMTU-C must be able to run or connect to a device that can run

such software and/or applications. In such cases, the EMTU/EMTU-C messaging must provide for the following capabilities:

- (1) Messaging from vessel to shore, and from shore to vessel by authorized entities, must have a minimum supported message length of 1 KB. For EMTU-Cs, this messaging capability need only be functional when in range of shore-based cellular communications.
- (2) There must be a confirmation of delivery function that allows a user to ascertain whether a specific message was successfully transmitted to the MCS email server(s).
- (3) Notification of failed delivery to the EMTU/EMTU-C must be sent to the sender of the message. The failed delivery notification must include sufficient information to identify the specific message that failed and the cause of failure (e.g., invalid address, EMTU/EMTU-C switched off, etc.).
- (4) The EMTU/EMTU-C must have an automatic retry feature in the event that a message fails to be delivered.
- (5) The EMTU/EMTU-C user interface must:
 - (i) Support an “address book” capability and a function permitting a “reply” to a received message without re-entering the sender's address.
 - (ii) Provide the ability to review by date order, or by recipient, messages that were previously sent. The EMTU/EMTU-C terminal must support a minimum message history of 50 sent messages—commonly referred to as an “Outbox” or “Sent” message display.
 - (iii) Provide the ability to review by date order, or by sender, all messages received. The EMTU/EMTU-C terminal must support a minimum message history of at least 50 messages in an inbox.

§600.1506 Electronic forms.

Unless otherwise specified, this subsection applies to all EMTUs, EMTU-Cs, MCSs, and bundles.

(a) *Forms.* An EMTU/EMTU-C must be able to run, or to connect to and transmit data from a device that can run electronic forms software. Depending on the reporting requirements for the fishery(s) in which the requester is seeking type-approval, an EMTU-C type-approval may not require the inclusion of a dedicated message terminal and display component at the time of approval, but the capability to support such a component must be shown. The EMTU/EMTU-C must be able to support forms software that can hold a minimum of 20 electronic forms, and it must also meet any additional forms requirements in effect for each fishery or region for which the type-approval applies. The EMTU/EMTU-C must meet the following requirements:

- (1) *Form Validation:* Each field on a form must be capable of being defined as Optional, Mandatory, or Logic Driven. Mandatory fields are those fields that must be entered by the user before the form is complete. Optional fields are those fields that do not require data entry. Logic-driven fields have their attributes determined by earlier form selections. Specifically, a logic-driven field must allow for selection of options in that field to change the values available as menu selections on a subsequent field within the same form.
- (2) A user must be able to select forms from a menu on the EMTU/EMTU-C.
- (3) A user must be able to populate a form based on the last values used and “modify” or “update” a prior submission without unnecessary re-entry of data. A user must be able to review a minimum of 20 past form submissions and ascertain for each form when the form was transmitted and whether delivery was successfully sent to the type-approval holder's VMS data processing center. In the case of a transmission failure, a user must be provided with details of the cause and have the opportunity to retry the form submission.

(4) VMS Position Report: Each form must include VMS position data, including latitude, longitude, date and time. Data to populate these fields must be automatically generated by the EMTU/EMTU-C and unable to be manually entered or altered.

(5) Delivery and Format of Forms Data: Delivery of form data to NMFS must employ the same transport security and reliability as set out in §600.1507 of this subpart. The forms data and delivery must be completely compatible with NMFS vessel monitoring software.

(b) *Updates to Forms.* (1) The EMTU/EMTU-C and MCS must be capable of providing updates to forms or adding new form requirements via wireless transmission and without manual installation.

(2) From time to time, NMFS may provide type-approved applicants with requirements for new forms or modifications to existing forms. NMFS may also provide notice of forms and form changes through the NMFS Work Order System. Type-approved applicants will be given at least 60 calendar days to complete their implementation of new or changed forms. Applicants will be capable of, and responsible for translating the requirements into their EMTU/EMTU-C-specific forms definitions and wirelessly transmitting the same to all EMTU/EMTU-C terminals supplied to fishing vessels.

§600.1507 Communications security.

Communications between an EMTU/EMTU-C and MCS must be secure from tampering or interception, including the reading of passwords and data. The EMTU/EMTU-C and MCS must have mechanisms to prevent to the extent possible:

(a) Sniffing and/or interception during transmission from the EMTU/EMTU-C to MCS.

(b) Spoofing.

(c) False position reports sent from an EMTU/EMTU-C.

(d) Modification of EMTU/EMTU-C identification.

(e) Interference with Global Maritime Distress and Safety System (GMDSS) or other safety/distress functions.

(f) Introduction of malware, spyware, keyloggers, or other software that may corrupt, disturb, or disrupt messages, transmission, and the VMS system.

(g) The EMTU/EMTU-C terminal from communicating with, influencing, or interfering with the Global Positioning System antenna or its functionality, position reports, or sending of position reports. The position reports must not be altered, corrupted, degraded, or at all affected by the operation of the terminal or any of its peripherals or installed-software.

(h) VMS data must be encrypted and sent securely through all associated cellular, satellite, and internet communication pathways and channels.

§600.1508 Field and technical services.

As a requirement of its type-approval, a type-approval holder must communicate with NMFS to resolve technical issues with a VMS Unit, MCS or bundle and ensure that field and technical services includes:

(a) Diagnostic and troubleshooting support to NMFS and fishers, which is available 24 hours a day, seven days per week, and year-round.

(b) Response times for customer service inquiries that shall not exceed 24 hours.

(c) Warranty and maintenance agreements.

(d) Escalation procedures for resolution of problems.

(e) Established facilities and procedures to assist fishers in maintaining and repairing their EMTU, EMTU-C, or MTU.

(f) Assistance to fishers in the diagnosis of the cause of communications anomalies.

(g) Assistance in resolving communications anomalies that are traced to the EMTU, EMTU-C, or MTU.

(h) Assistance to NMFS Office of Law Enforcement and its contractors, upon request, in VMS system operation, resolving technical issues, and data analyses related to the VMS Program or system.

§600.1509 General.

(a) An EMTU/EMTU-C must have the durability and reliability necessary to meet all requirements of §§600.1502 through 600.1507 regardless of weather conditions, including when placed in a marine environment where the unit may be subjected to saltwater (spray) in smaller vessels, and in larger vessels where the unit may be maintained in a wheelhouse. The unit, cabling and antenna must be resistant to salt, moisture, and shock associated with sea-going vessels in the marine environment.

(b) PII and Other Protected Information. Personally identifying information (PII) and other protected information includes Magnuson-Stevens Act confidential information as provided at 16 U.S.C. 1881a and Business Identifiable Information (BII), as defined in the Department of Commerce Information Technology Privacy Policy. A type-approval holder is responsible for ensuring that:

(1) All PII and other protected information is handled in accordance with applicable state and Federal law.

(2) All PII and other protected information provided to the type-approval holder by vessel owners or other authorized personnel for the purchase or activation of an EMTU/EMTU-C or arising from participation in any Federal fishery are protected from disclosure not authorized by NMFS or the vessel owner or other authorized personnel.

(3) Any release of PII or other protected information beyond authorized entities must be requested and approved in writing, as appropriate, by the submitter of the data in accordance with 16 U.S.C. 1881a, or by NMFS.

(4) Any PII or other protected information sent electronically by the type-approval holder to the NMFS Office of Law Enforcement must be transmitted by a secure means that prevents interception, spoofing, or viewing by unauthorized individuals.

§600.1510 Notification of type-approval.

(a) If a request made pursuant to §600.1501 (type-approval) is approved or partially approved, NMFS will issue a type-approval letter to indicate the specific EMTU/EMTU-C model, MCSP, or bundle that is approved for use, the MCS or class of MCSs permitted for use with the type-approved EMTU, and the regions or fisheries in which the EMTU/EMTU-C, MCSP, or bundle is approved for use.

(b) The NMFS Office of Law Enforcement will maintain a list of type-approved EMTUs/EMTU-C, MCSPs, and bundles on a publicly available website and provide copies of the list upon request.

§600.1511 Changes or modifications to type-approvals.

Type-approval holders must notify NMFS Office of Law Enforcement (OLE) in writing no later than 2 days following modification to or replacement of any functional component or piece of their type-approved EMTU, EMTU-C, or MTU configuration, MCS, or bundle. If the changes are substantial, NMFS OLE will notify the type-approval holder in writing within 60 calendar days that an amended type-approval is required or that NMFS will initiate the type-approval revocation process.

§600.1512 Type-approval revocation process.

(a) If at any time, a type-approved EMTU/EMTU-C, MCS, or bundle fails to meet requirements at §§600.1502 through 600.1509 or applicable VMS regulations and requirements in effect for the region(s) and Federal fisheries for which the EMTU/EMTU-C or MCS is type-approved, or if an MTU fails to meet the requirements under which it was type-approved, OLE may issue a Notification Letter to the type-approval holder that:

- (1) Identifies the MTU, EMTU, EMTU-C, MCS, or bundle that allegedly fails to comply with type-approval regulations and requirements;
- (2) Identifies the alleged failure to comply with type-approval regulations and requirements, and the urgency and impact of the alleged failure;
- (3) Cites relevant regulations and requirements under this subpart;
- (4) Describes the indications and evidence of the alleged failure;
- (5) Provides documentation and data demonstrating the alleged failure;
- (6) Sets a response date by which the type-approval holder must submit to NMFS OLE a written response to the Notification Letter, including, if applicable, a proposed solution; and
- (7) Explains the type-approval holder's options if the type-approval holder believes the Notification Letter is in error.

(b) NMFS will establish a response date between 30 and 120 calendar days from the date of the Notification Letter. The type-approval holder's response must be received in writing by NMFS on or before the response date. If the type-approval holder fails to respond by the response date, the type-approval will be revoked. At its discretion and for good cause, NMFS may extend the response date to a maximum of 150 calendar days from the date of the Notification Letter.

(c) A type-approval holder who has submitted a timely response may meet with NMFS within 21 calendar days of the date of that response to discuss a detailed and agreed-upon procedure for resolving the alleged failure. The meeting may be in person, conference call, or webcast.

(d) If the type-approval holder disagrees with the Notification Letter and believes that there is no failure to comply with the type-approval regulations and requirements, NMFS has incorrectly defined or described the failure or its urgency and impact, or NMFS is otherwise in error, the type-approval holder may submit a written objection letter to NMFS on or before the response date. Within 21 calendar days of the date of the objection letter, the type-approval holder may meet with NMFS to discuss a resolution or redefinition of the issue. The meeting may be in person, conference call, or webcast. If modifications to any part of the Notification Letter are required, then NMFS will issue a revised Notification Letter to the type-approval holder. However, the response date or any other timeline in this process would not restart or be modified unless NMFS decides to do so, at its discretion.

(e) The total process from the date of the Notification Letter to the date of final resolution should not exceed 180 calendar days, and may require a shorter timeframe, to be determined by NMFS, depending on the urgency and impact of the alleged failure. In rare circumstances, NMFS, at its discretion, may extend the time for resolution of the alleged failure. In such a case, NMFS will provide a written notice to the type-approval holder informing him or her of the extension and the basis for the extension.

(f) If the failure to comply with type-approval regulations and requirements cannot be resolved through this process, the NMFS OLE Director will issue a Revocation Letter to the type-approval holder that:

- (1) Identifies the MTU, EMTU, EMTU-C, MCS, or bundle for which type-approval is being revoked;

- (2) Summarizes the failure to comply with type-approval regulations and requirements, including describing its urgency and impact;
- (3) Summarizes any proposed plan, or attempts to produce such a plan, to resolve the failure;
- (4) States that revocation of the MTU, EMTU, EMTU-C, MCS, or bundle's type-approval has occurred;
- (5) States that no new installations of the revoked unit will be permitted in any NMFS-managed fishery requiring the use of VMS;
- (6) Cites relevant regulations and requirements under this subpart;
- (7) Explains why resolution was not achieved;
- (8) Advises the type-approval holder that:
 - (i) The type-approval holder may reapply for a type-approval under the process set forth in §600.1501, and
 - (ii) A revocation may be appealed pursuant to the process under §600.1513.

§600.1513 Type-approval revocation appeals process.

- (a) If a type-approval holder receives a Revocation Letter pursuant to §600.1512, the type-approval holder may file an appeal of the revocation to the NMFS Assistant Administrator.
- (b) An appeal must be filed within 14 calendar days of the date of the Revocation Letter. A type-approval holder may not request an extension of time to file an appeal.
- (c) An appeal must include a complete copy of the Revocation Letter and its attachments and a written statement detailing any facts or circumstances explaining and refuting the failures summarized in the Revocation Letter.
- (d) The NMFS Assistant Administrator may, at his or her discretion, affirm, vacate, or modify the Revocation Letter and send a letter to the type-approval holder explaining his or her determination, within 21 calendar days of receipt of the appeal. The NMFS Assistant Administrator's determination constitutes the final agency decision.

§600.1514 Revocation effective date and notification to vessel owners.

- (a) Following issuance of a Revocation Letter pursuant to §600.1512 and any appeal pursuant to §600.1513, NMFS will provide notice to all vessel owners impacted by the type-approval revocation via letter and Federal Register notice. NMFS will provide information to impacted vessel owners on:
 - (1) The next steps vessel owners should take to remain in compliance with regional and/or national VMS requirements;
 - (2) The date, 60-90 calendar days from the notice date, on which the type-approval revocation will become effective;
 - (3) Reimbursement of the cost of a new type-approved EMTU/EMTU-C, should funding for reimbursement be available pursuant to §600.1516.

§600.1515 Litigation support.

- (a) All technical aspects of a type-approved EMTU, EMTU-C, MTU, MCS, or bundle are subject to being admitted as evidence in a court of law, if needed. The reliability of all technologies utilized in the EMTU, EMTU-C, MTU, MCS, or bundle may be analyzed in court for, inter alia, testing procedures, error rates, peer review, technical processes and general industry acceptance.
- (b) The type-approval holder must, as a requirement of the holder's type-approval, provide technical and expert support for litigation to substantiate the EMTU/EMTU-C, MCS, or bundle capabilities to establish NMFS Office of Law Enforcement cases against violators, as needed. If the technologies have previously been subject to such scrutiny in a court of law, the type-

approval holder must provide NMFS with a brief summary of the litigation and any court findings on the reliability of the technology.

(c) The type-approval holder will be required to sign a non-disclosure agreement limiting the release of certain information that might compromise the effectiveness of the VMS operations.

§600.1516 Reimbursement opportunities for revoked Vessel Monitoring System type-approval products.

(a) Subject to the availability of funds, vessel owners may be eligible for reimbursement payments for a replacement EMTU/EMTU-C if:

(1) All eligibility and process requirements specified by NMFS are met as described in NMFS Policy Directive 06-102; and

(2) The replacement type-approved EMTU/EMTU-C is installed on the vessel, and reporting to NMFS Office of Law Enforcement; and

(3) The type-approval for the previously installed EMTU/EMTU-C has been revoked by NMFS; or

(4) NMFS requires the vessel owner to purchase a new EMTU/EMTU-C prior to the end of an existing unit's service life.

(b) The cap for individual reimbursement payments is subject to change. If this occurs, NMFS Office of Law Enforcement will publish a notice in the Federal Register announcing the change.

APPENDIX C. APPROVED CVMS UNITS FOR THE EARLY ADOPTER PROGRAM FOR THE FEDERAL GULF SHRIMP FISHERY

The following information was provided by LGL Ecological Research Associates on September 23, 2024.

VMS Vendor	Unit Name	Data Transmission
Remote Data Sensing	ZenVMS	Cellular
Viatrax	Boat Command	Cellular
Woods Hole Group	NEMO	Cellular

The requirements for vendors in the Early Adopter Program were to provide devices that:

- A. Record latitude and longitude at 10-minute intervals when vessel is powered
- B. Store ~60 days of latitude/longitude data (at 10-minute intervals) while out of cell service range
- C. Automatically transmit positional data to the Application Programming Interface (API) of NOAA Fisheries when in cell service range (not necessarily at 10-minute intervals, bulk uploads at an hour or longer latency could have been allowed)
- D. Are configured so that Vessel ID and Permit Number are transmitted along with position data to the NOAA Fisheries API
- E. Provide 2-years of transmission service for each vessel that volunteers to the program

APPENDIX D. DRAFT TECHNICAL SPECIFICATIONS FOR HISTORICAL CELB PROGRAM

To monitor shrimping effort in the Gulf of America (Gulf), hardware/software is needed to record date, time, latitude and longitude from a global positioning system (GPS) installed upon the vessel at 10-minute intervals, throughout the duration of each shrimping trip in the Gulf. The data should be locally stored until it can be remotely uploaded when in range of a non-roaming cellular mobile communications service to a National Marine Fisheries Service (NMFS) server. The data recorded and transmitted should be compatible with existing inputs to NMFS effort analysis algorithms for the cELB program. Any system that meets the technical specifications must first be field tested aboard an offshore shrimp vessel to ensure reliability prior to its type-approval and implementation in the shrimping fleet.

To accomplish this the following specifications are needed:

Definitions and Acronyms

This section will be completed after finalization of technical specifications.

Vessel Monitoring System Type Approval Process

Applicability. This section applies to hardware/software devices, cellular mobile communications services, and bundles installed upon vessels with a federal Gulf shrimp permit which collect time stamped vessel position fix data at 10-minute intervals when shrimping in the Gulf, and then automatically transmits recorded data to NMFS when in range of a non-roaming cellular mobile communications service for the purpose of NMFS Southeast Fisheries Science Center (SEFSC) shrimp effort analysis. At no time, shall these data be transmitted automatically to the National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement (OLE). This includes direct automatic transmission to NOAA OLE as well as secondary automatic transmission to NOAA OLE (i.e., transmission to an intermediary which is then subsequently automatically transmitted to NOAA OLE).

Application submission: A requestor must submit a written type-approval request and electronic copies of supporting materials that include the information required under this section to NMFS Southeast Regional Office at: (insert appropriate mailing address and attention line here).

Application requirements:

- Hardware/software identifying information: In a type-approval request, the requestor should indicate whether the requestor is seeking approval for a hardware/software device, cellular mobile communications service, or bundle and must specify identifying characteristics as applicable: communication class; manufacturer; brand name; model name; model number; software version and date; firmware version number and date;

hardware version number and date; antenna type; antenna model number and date; tablet, monitor or terminal number and date; cellular mobile communications service to be used in conjunction with hardware/software; entity providing cellular mobile communications service to the end user; and current global and regional coverage of the cellular mobile communications service.

- Requestor-approved third-party business entities: The requestor must provide the business name, address, phone number, contact name(s), email address, specific services provided, and geographic region covered for the following third-party business entities:
 - Entities providing bench configuration for the hardware/software at the warehouse or point of supply.
 - Entities distributing/selling the hardware/software to end users.
 - Entities currently approved by the requestor to install the hardware/software onboard vessels.
 - Entities currently approved by the requestor to offer a limited warranty.
 - Entities approved by the requestor to offer a maintenance service agreement.
 - Entities approved by the requestor to repair or install new software.
 - Entities approved by the requestor to train end users.
 - Entities approved by the requestor to advertise the hardware/software.
 - Entities approved by the requestor to provide other customer services.
- Regulatory Requirements and Documentation: In a type-approval request, a requestor must:
 - Identify the NMFS region(s) and/or federal fisheries for which the requestor seeks type approval.
 - Provide a table with the type-approval request that lists in one column each requirement set out in the regulations. NMFS will provide a template for the table upon request. The requestor must indicate in subsequent columns in the table whether the hardware/software device, cellular mobile communications service, or bundle meets the requirement.
- Certify that the features, components, configurations and services of the requestor's hardware/software device, cellular mobile communications service, or bundle comply with each requirement set out in ____ through ____ and the regulations described under paragraph ____ of this section.
- Certify that, if the request is approved, the requestor agrees to be responsible for ensuring compliance with each requirement set out in ____ through ____ and the regulations described under paragraph ____ of this section over the course of the type-approval period.
- Provide NMFS with two devices loaded with appropriate software/hardware, with activated cellular mobile communications service, for which a type-approval request is submitted for a minimum of 90 calendar days for testing and evaluation. As part of its review, NMFS will perform at-sea trials aboard an offshore commercial shrimp vessel (i.e., in federal waters of the Gulf) that involve demonstrating functionality of every aspect of the hardware/software device, cellular mobile communications service, or bundle operation. At-sea testing aboard an offshore shrimp vessel includes, but is not limited to: ensuring the installed hardware/software device's GPS signal and connection is sufficient to attain and record at least 95% of the required 10 minute interval position fix data in a 24-hour period for each 24-hour day of at-sea testing, with a minimum of 7

days spent at-sea for these trials; comparing vessel speed and activity (trawling, transit, etc.) as recorded by human observer aboard the offshore shrimp vessel against speed and activity generated by NMFS shrimp effort algorithm programs using data from the hardware/software device, cellular mobile communications service or bundle seeking type-approval; and mounting of the hardware/software device in a location where similar/traditional marine electronics are mounted aboard working trawlers to troubleshoot any issues associated with potential mounting locations and/or wiring and battery capabilities. The requestor is responsible for all associated costs including paying for: shipping of the hardware/software device to the required NMFS office for testing; the cellular mobile communications service during the testing period; and shipping of the hardware/software device back to the vendor.

- Provide thorough documentation for the hardware/software device, cellular mobile communications service or bundle, including: hardware/software fact sheets; installation guides; user manuals; any necessary interfacing software; cellular mobile communications service global and regional coverage; performance specifications; and technical support information.

Certification. A requestor seeking type-approval of a hardware/software device to operate with a class or type of cellular communications, as opposed to type-approval for use with a specific cellular mobile communications service, shall certify that the hardware/software meets requirements under this subpart when using at least one cellular mobile communications service provider within that class or type of communications.

Notification. Unless additional time is required for hardware/software testing, NMFS will notify the requestor within 90 days after receipt of a complete type-approval request as follows:

- If a request is approved or partially approved, NMFS will provide notice as described under ____ (section number) and the type-approval letter will serve as official documentation and notice of type-approval. NMFS will publish and maintain the list of type-approved units on their web page.
- If a request is disapproved or partially disapproved:
 - NMFS will send a letter to the requestor that explains the reason for the disapproval/partial disapproval.
 - The requestor may respond to NMFS in writing with additional information to address the reasons for disapproval identified in the NMFS letter. The requestor must submit this response within 21 calendar days of the date of the NMFS letter sent under paragraph ____ of this section.
 - If any additional information is submitted under paragraph ____ of this section, NMFS, after reviewing such information, may either take action under paragraph ____ of this section or determine that the request should continue to be disapproved or partially disapproved. In the latter case, NMFS will send a letter to the requestor that explains the reasons for the continued disapproval/partial disapproval. NMFS's decision is final upon issuance of this letter and is not appealable.

Communications functionality

- The hardware/software device, cellular mobile communications service, or bundle must:
 - Be able to transmit automatically generated, 10-minute interval, time-stamped vessel position fix data from hardware/software when within range of a non-roaming cellular mobile communications service network/signal.
 - Have one-way communications, with transmission from the vessel to NMFS, that function uniformly throughout the geographic area covered by the type-approval when in range of a non-roaming cellular mobile communications network signal.
 - Have data and communications mechanisms that are compatible with NMFS SEFSC shrimp cELB effort analysis programs.

Position fix data formats and transmission

The hardware/software device must meet the following requirements:

- Store and then transmit all automatically-generated time-stamped vessel position fixes such that it meets the latency requirements under ____ (insert number here).
- When powered up, must automatically re-establish recording time-stamped position fixes at 10-minute intervals without manual intervention.
- Time-stamped position fix data is automatically transmitted to NMFS when within range of a non-roaming cellular mobile communications service network. At no time, are these data to be transmitted automatically to NOAA Office of Law Enforcement. This includes direct automatic transmission to NOAA OLE as well as secondary automatic transmission to NOAA OLE (i.e., transmission to an intermediary which is then subsequently automatically transmitted to NOAA OLE).
- If time-stamped position fix data fails to transmit, an automatic retry feature is enabled.
- Time-stamped position fixes are recorded every 10 minutes (600 seconds), 144 times a day, and must contain all of the following:
 - Unique identification of the hardware/software device.
 - Date (year/month/day) and time stamp (GMT) of the position fix.
 - Position fixed latitude and longitude, which comply with the following requirements:
 - The position fix precision must be to the decimal minute hundredths.
 - Accuracy of the reported position must be within 100 meters (328.1 ft).
 - Hardware/software device must have the ability to:
 - Store at least 14,400 position fixes in local, non-volatile memory.
 - Allow for interval of 10 minutes between position fixes. Have the ability to be pre-programmed for 10-minute intervals by the type-approval holder prior to sale to fishers.
 - Time-stamped position fix data and transmission must be in a format compatible with NMFS SEFSC shrimp cELB effort analysis programs.

Latency requirement

- Ninety percent of all pre-programmed time-stamped position fixes during each 24-hour period must reach NMFS within 15 minutes or less of being sent from the hardware/software device.
- NMFS will continually examine latency by type-approval holder.
- Exact dates for calculation of latency will be chosen by NMFS. Days in which isolated and documented system outages occur will not be used by NMFS to calculate a type-approval holder's latency.

Communications Security

To the extent possible, communications between a hardware/software device and the cellular mobile communications service should have mechanisms to prevent:

- Sniffing and/or interception during transmission from the hardware/software device to the cellular mobile communications service.
- Spoofing.
- False time-stamped position fix data sent from the hardware/software device.
- Modification of the hardware/software identification.
- Interference with Global Maritime Distress and Safety System (GMDSS) or other safety/distress functions.
- Introduction of malware, spyware, keyloggers, or other software that may corrupt, disturb, or disrupt transmission, and the hardware/software device.
- Position fix data should be encrypted and sent securely through associated cellular mobile communications service pathway or channel.

Field and technical services

As a requirement of type-approval, a type-approval holder must communicate with NMFS to resolve technical issues with a hardware/software device or cellular mobile communication service and ensure that field and technical services include:

- Diagnostic and troubleshooting support to NMFS and fishers.
- Established facilities and procedures to assist fishers in maintaining and repairing the hardware/software device.
- Assist fishers in the diagnosis of the cause of communications anomalies.
- Assistance in resolving communications anomalies that are traced to the hardware/software device.
- Assistance to NMFS and its contractors, upon request, in device operation, resolving technical issues, and data analysis related to the device.
- Warranty and maintenance agreements as applicable.

General

- Hardware/software device must have the durability and reliability necessary to meet all requirements regardless of weather conditions. The cabling, antenna and any portion of

the device intended to be installed outdoors must be resistant to salt, moisture and shock associated with sea-going vessels in the marine environment and have reliable functionality aboard vessels which can remain offshore for up to 60 days at a time and vessels constructed of steel, wood, fiberglass or other material, especially if a portion of the device is intended to be installed inside of a steel cabin/wheelhouse.

- PII and Other Protected Information. Personally identifying information (PII) and other protected information includes Magnuson-Stevens Act confidential information as provided at 6 U.S.C. 1881a and Business Identifiable Information (BII), as defined in the Department of Commerce Information Technology Privacy Policy. A type-approval holder is responsible for ensuring that:
 - All PII and other protected information is handled in accordance with applicable state and Federal law.
 - All PII and other protected information provided to the type-approval holder by vessel owners or other authorized personnel for the purchase or activation of a hardware/software device or arising from participation in any Federal fishery are protected from disclosure not authorized by NMFS or the vessel owner or other authorized personnel.
 - Any release of PII or other protected information beyond authorized entities must be requested and approved in writing, as appropriate, by the submitter of the data in accordance with 16 U.S.C. 1881a, or by NMFS.
 - Any PII or other protected information sent electronically by the type-approval holder to NMFS must be transmitted by secure means that prevents interception, spoofing, or viewing by unauthorized individuals to the extent possible.

Notification of type-approval

- If a request made pursuant to ____ (insert number) is approved or partially approved, NMFS will issue a type-approval letter to indicate the specific hardware/software device(s), cellular mobile communications service provider, or bundle that is approved for use, the cellular mobile communications or class of cellular mobile communications permitted for use with the type-approved device(s), and the regions or fisheries in which the hardware/software device(s), cellular mobile communications provider, or bundle is approved for use.
- NMFS will maintain a list of the type-approved devices, cellular mobile communications service providers, and bundles on a publicly available website and provide copies of the list upon request.

Changes or modifications to type-approvals

Type-approval holders must notify NMFS in writing no later than 7 days following modification to or replacement of any functional component or piece of their type-approved hardware/software device, cellular mobile communications service, or bundle. If the changes are substantial, NMFS will notify the type-approval holder in writing within 60 calendar days that an amended type-approval is required or that NMFS will initiate the type-approval revocation process.

Type-approval revocation process

- If at any time, a type-approved hardware/software device, cellular mobile communications service, or bundle fails to meet requirements at ____ (insert number) through ____ (insert number) and requirements in effect for the region(s) and Federal fisheries for which the device or cellular mobile communications service is type-approved, or if a device fails to meet the requirements under which it was type-approved, NMFS may issue a Notification Letter to the type-approval holder that:
 - Identifies the hardware/software device, cellular mobile communications service, or bundle that allegedly fails to comply with type-approval regulations and requirements;
 - Identifies the alleged failure to comply with type-approval regulations and requirements, and the urgency and impact of the alleged failure;
 - Cites relevant regulations and requirements under this subpart;
 - Describes the indications and evidence of the alleged failure;
 - Provides documentation and data demonstrating the alleged failure;
 - Sets a response date by which the type-approval holder must submit to NMFS a written response to the Notification Letter, including, if applicable, a proposed solution; and
 - Explains the type-approval holder's options if the type-approval holder believes the Notification Letter is in error.
- NMFS will establish a response date between 30 and 120 calendar days from the date of the Notification Letter. The type-approval holder's response must be received in writing by NMFS on or before the response date. If the type-approval holder fails to respond by the response date, the type-approval will be revoked. At its discretion and for good cause, NMFS may extend the response date to a maximum of 150 calendar days from the date of the Notification Letter.
- A type-approval holder who has submitted a timely response may meet with NMFS within 21 calendar days of the date of that response to discuss a detailed and agreed-upon procedure for resolving the alleged failure. The meeting may be in person, conference call, or webcast.
- If the type-approval holder disagrees with the Notification Letter and believes that there is no failure to comply with the type-approval regulations and requirements, NMFS has incorrectly defined or described the failure or its urgency and impact, or NMFS is otherwise in error, the type-approval holder may submit a written objection letter to NMFS on or before the response date. Within 21 calendar days of the date of the objection letter, the type-approval holder may meet with NMFS to discuss a resolution or redefinition of the issue. The meeting may be in person, conference call, or webcast. If modifications to any part of the Notification Letter are required, then NMFS will issue a revised Notification Letter to the type-approval holder. However, the response date or any other timeline in this process would not restart or be modified unless NMFS decides to do so, at its discretion.
- The total process from the date of the Notification Letter to the date of final resolution should not exceed 180 calendar days, and may require a shorter timeframe, to be determined by NMFS, depending on the urgency and impact of the alleged failure. In

rare circumstances, NMFS, at its discretion, may extend the time for resolution of the alleged failure. In such a case, NMFS will provide a written notice to the type-approval holder informing him or her of the extension and the basis for the extension.

- If the failure to comply with type-approval regulations and requirements cannot be resolved through this process, NMFS will issue a Revocation Letter to the type-approval holder that:
 - Identifies the hardware/software device, cellular mobile communications service, or bundle for which type-approval is being revoked;
 - Summarizes the failure to comply with type-approval regulations and requirements, including describing its urgency and impact;
 - Summarizes any proposed plan, or attempts to produce such a plan, to resolve the failure;
 - States that revocation of the hardware/software device, cellular mobile communications service, or bundle's type-approval has occurred;
 - States that no new installations of the revoked unit will be permitted in any NMFS managed fishery requiring the use of this type of device;
 - Cites relevant regulations and requirements under this subpart;
 - Explains why resolution was not achieved;
 - Advises the type-approval holder that:
 - The type-approval holder may reapply for a type-approval under the process set forth in ____ (insert number here), and
 - A revocation may be appealed pursuant to the process under ____ (insert number here)

Type-Approval revocation appeals process

- If a type-approval holder received a Revocation Letter pursuant to ____ (insert number), the type-approval holder may file an appeal of the revocation to the NMFS.
- An appeal must be filed within 14 calendar days of the date of the Revocation Letter. A type-approval holder may not request an extension of time to file an appeal.
- An appeal must include a complete copy of the Revocation Letter and its attachments and a written statement detailing any facts or circumstances explaining and refuting the failures summarized in the Revocation Letter.
- The NMFS may, at its discretion, affirm, vacate, or modify the Revocation Letter and send a letter to the type-approval holder explaining his or her determination, within 21 calendar days of receipt of the appeal. The NMFS's determination constitutes the final agency decision.

Revocation effective date and notification to vessel owners

- Following issuance of a Revocation Letter pursuant to ____ (insert number) and any appeal pursuant to ____ (insert number), NMFS will provide notice to all vessel owners impacted by the type-approval revocation via letter and Federal Register Notice. NMFS will provide information to impacted vessel owners on:

- The next steps vessel owners should take to remain in compliance with regional and/or national requirements;
- The date, 60-90 calendar days from the notice date, on which the type-approval revocation will become effective.

APPENDIX E. COMPARISON TABLE OF CELB AND OLE VMS TECHNICAL SPECIFICATIONS

Element within Type-Approval Specifications	Draft Type-Approval Specifications for Reinstating Historical cELB Program for Shrimp Fishery	Type-Approval Specifications for Instituting NOAA OLE VMS Requirement for Shrimp Fishery
Vessel Monitoring System Type-Approval Process	This section of cELB draft specifications and the NOAA OLE VMS specifications are largely the same, with the following exceptions: - Any reference to EMTU, EMTU-C, VMS, or MTU in the VMS specifications is replaced with “hardware/software device” in the cELB specifications. - Any reference to NMFS Office of Law Enforcement in the VMS specifications is replaced with “NMFS” in the cELB specifications; NOAA OLE is specifically excluded for transmission purposes in the cELB specifications. - Applicability subsection of cELB specifications is amended to reflect devices on federally permitted shrimp vessels utilized to collect position data when shrimping for use in NMFS shrimp effort algorithms. - In the cELB specifications, at-sea testing was made a requirement rather it being optional, as it is in the VMS specifications, and several specific testing protocols were detailed to ensure they are addressed.	
Communications Functionality	Must be able to: Transmit automatically generated 10-minute interval time-stamped position fix data from a hardware/software device installed upon the vessel when in range of non-roaming cellular communications service. Have one-way communication from the vessel to NMFS. Have communication and data mechanisms that are compatible with NMFS SEFSC cELB effort analysis programs.	Must be able to: Transmit automatically generated position reports, have visible/audible alarms, have two-way communications between unit and authorized entities, run/connect to dedicated message terminal and display component capable of running software that sends and receives electronic forms and internet email messages, messaging and communications that are completely compatible with NOAA vessel monitoring surveillance software, enable billing to be parsed out to show costs for government and owner of vessel.
Position Report/Fix Data Formats & Transmission	Upon installation of the hardware/software device, position fix must be automatically recorded at 10-minute intervals to	Must transmit all automatically generated position reports & automatically re-establish position reporting function when powered.

Element within Type-Approval Specifications	Draft Type-Approval Specifications for Reinstating Historical cELB Program for Shrimp Fishery	Type-Approval Specifications for Instituting NOAA OLE VMS Requirement for Shrimp Fishery
	a file on the device's local hard drive anytime the device is powered on. Accuracy of the reported position must be within 100 meters (328.1 ft). Must store minimum of 14,400 position fixes on local hard drive. When hardware/software device is powered up, it must automatically re-establish recording required data. Transmitted position fix data must include date, time, latitude, longitude and a unique identifying number for the device. Data transmitted automatically to NMFS (excludes NOAA OLE) when within range of a non-roaming cellular mobile communications network. If program fails to transmit data, an automatic retry feature is enabled. Time-stamped position fix data must be in a format compatible with NMFS cELB effort analysis programs.	Position reports must contain unique identification of the device, position fixed latitude and longitude with date and time stamp, position accurate to within 100 meters (328.1 ft). Must store 1,000 position fixes in local non-volatile memory. Must allow for authorized user to remotely change reporting/ping interval from the standard pre-programmed interval for the fishery. In addition to the automatically generated position reports, additional position reports must be generated when: antenna is disconnected, loss of position reference signal, power-up, power-down, loss of mobile communications signals, vessel crossing a pre-defined geographic boundary
Latency Requirement	"Position reports" (in the VMS specifications) are referred to as "time stamped position fixes" in the cELB specifications. Otherwise, these two sections are the same in both specifications.	
Messaging	Not applicable. Not required to reinstate the historical cELB program.	Must be able to run or connect to software/applications that can send email messages, must support message length of 1 KB, must have confirmation of delivery function for email messages, must be failed delivery notification for email messages, must support an "address book" and a "reply" function, must be able to review messages previously sent/received, must have minimum email message

Element within Type-Approval Specifications	Draft Type-Approval Specifications for Reinstating Historical cELB Program for Shrimp Fishery	Type-Approval Specifications for Instituting NOAA OLE VMS Requirement for Shrimp Fishery
		history of at least 50 messages to an inbox
Electronic Forms	Not applicable. Not required to reinstate the historical cELB program.	Must be able to run and transmit electronic forms, support forms software that holds a minimum of 20 electronic forms, fields must be capable of being defined as Optional/Mandatory/Logic Driven, be able to select forms from menu, be able to populate forms based on prior submission, be able to review minimum of 20 past form submissions, reporting of forms transmission failure/success, forms data compatible with NFMS vessel monitoring software, position reports unable to be manually entered or altered, capable of providing updates to forms or adding new forms
Communications Security	Must have mechanisms to prevent to the extent possible: sniffing or interception during transmission, spoofing, false position reports, modification of hardware/software identification, or introduction of malware/spyware/etc., data shall be encrypted and sent securely. Acceptable for hardware/software device to interface with GPS antenna.	Must have mechanisms to prevent to extent possible: sniffing or interception during transmission, spoofing, false position reports, modification of identification, interference with safety functions, introduction of malware/spyware/etc., terminal from interfering with GPS antenna. Data must be encrypted and sent securely through all associated cellular, satellite and internet communication pathways and channels.
Field & Technical Services	Hardware/software developers must have established facilities and procedures to assist fishers in maintaining and repairing the device/program, provide assistance to fishers in the diagnosis of the cause of communications anomalies, and provide assistance to NMFS to	Must ensure field and technical services include: diagnostic and troubleshooting support to NMFS and fishers 24/7 and 365 days a year, response time for customer service inquiry no more than 24 hours, warranty and maintenance agreements, escalation procedures for problem resolution, established

Element within Type-Approval Specifications	Draft Type-Approval Specifications for Reinstating Historical cELB Program for Shrimp Fishery	Type-Approval Specifications for Instituting NOAA OLE VMS Requirement for Shrimp Fishery
	resolve technical issues with the transmission or format of data, warranty and maintenance agreements.	facilities & procedures to assist fishers in maintaining and repairing equipment, assistance for diagnosis/resolution of communications anomalies, assistance to OLE
General	Device must have the durability and reliability necessary to meet all requirements regardless of weather conditions. The cabling, antenna and any portion of the device intended to be installed outdoors must be resistant to salt, moisture and shock associated with sea-going vessels in the marine environment and have functionality aboard vessels remaining offshore for up to 60 days and constructed of steel, wood, fiberglass, or other material. Remainder of this section of cELB draft specifications is largely the same as section 600.1509 of the NOAA OLE VMS specifications, with the following exceptions: - any reference to EMTU, EMTU-C, VMS, or MTU in the VMS specifications is replaced with “hardware/software” in the cELB specifications - any reference to NMFS Office of Law Enforcement in the VMS specifications is replaced with NMFS in the cELB specifications	EMTU/EMTU-C must have the durability and reliability necessary to meet all requirements regardless of weather conditions, including in a marine environment where the unit may be subject to saltwater (spray) in smaller vessels, and in larger vessels where the unit may be maintained in a wheelhouse. The unit, cabling and antenna must be resistant to salt, moisture, and shock associated with sea-going vessels in the marine environment. Remainder of this section of the NOAA OLE VMS specifications is largely the same as the cELB draft specifications, with the following exceptions: - any reference to EMTU, EMTU-C, VMS, or MTU in the VMS specifications is replaced with “hardware/software” in the cELB specifications - any reference to NMFS Office of Law Enforcement in the VMS specifications is replaced with NMFS in the cELB specifications

Element within Type-Approval Specifications	Draft Type-Approval Specifications for Reinstating Historical cELB Program for Shrimp Fishery	Type-Approval Specifications for Instituting NOAA OLE VMS Requirement for Shrimp Fishery
5 Sections: • Notification of Type-Approval • Changes or Modifications to Type-Approvals • Type-Approval Revocation Process • Type-Approval Revocation Appeals Process • Revocation Effective Date and Notification to Vessel Owners	These sections of cELB draft specifications and the NOAA OLE VMS specifications are largely the same, with the following exceptions: • Any reference to EMTU, EMTU-C, VMS, or MTU in the VMS specifications is replaced with “hardware/software” in the cELB specifications. • Any reference to NMFS Office of Law Enforcement in the VMS specifications is replaced with “NMFS” in the cELB specifications.	
Litigation Support	Not applicable. Not Included in cELB specifications as cELB is a scientific data collection program and not a program designed for law enforcement purposes intended to be routinely utilized in a court of law.	All technical aspects of device subject to being admitted as evidence in court. Type approval holder must provide technical and expert support for litigation to establish NMFS OLE cases against violators. Type approval holder required to sign non-disclosure agreement limiting release of information that might compromise effectiveness of VMS operations.
Reimbursement Opportunities for Revoked Vessel Monitoring System Type-Approval Products	Not applicable. cELB’s do not have a designated reimbursement fund, therefore this section does not apply.	When an EMTU/EMTU-C approval has been revoked by NMFS, vessel owners may be eligible for reimbursement.
Definitions	Not currently included in cELB draft specifications, but would be added upon finalization.	Definitions of terms included in NOAA OLE VMS specifications.

APPENDIX F. VMS DEVICE PRICING AND TRANSMISSION COSTS

Compiled by Alan Lowther, NOAA Fisheries Southeast Fisheries Science Center

Cellular devices (based on prices from the LGL/GSMFC/SEFSC Early Adopter Program with 10-minute ping intervals)

Device	Device charge	Transmission charge	Note
Zen VMS	\$545	\$99 per year	Price reduced due to new vendor (was \$1095)
NEMO VMS	\$574	\$175 per year	
Boat Command VMS	\$199	\$179 per year	

Satellite devices (based on an informal survey)

Device	Device charge	Transmission charge	Note
MetOcean	\$1750 (was \$1850)	\$120 per month (was \$100)	Small differences from December 2025 Shrimp AP presentation
SkyMate ALON	\$1000- \$1500	\$30-\$80/month	Solar powered unit. Speculated costs

Note all prices are subject to change.