

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____ %</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
SOUTHEAST REGION DEALER AND INTERVIEW FAMILY OF FORMS
OMB CONTROL NO. 0648-0013**

A. JUSTIFICATION

Introduction

This request for OMB review is for a new data collection activity associated with the proposed rulemaking for the dolphin-wahoo fishery management plan in the South Atlantic. This reporting activity will be part of the Southeast Region Dealer and Interview Family of Forms (OMB Control No. 00648-0013).

Historically, catches of dolphin and wahoo fishery in the South Atlantic have been predominately made by recreational anglers. However, the commercial landings for dolphin and wahoo have increased in the last several years and this has raised some concern regarding the potential for excessive fishing mortality. In order to collect sufficient data to monitor the commercial fishing activity in this fishery, the proposed rulemaking includes several data collection activities. First, vessels that are issued a permit for the dolphin-wahoo fishery will be required to submit a logbook that provides data on the catches, fishing areas, and effort. Second, the commercial fishermen must sell their catch to a dealer that has been issued a Federal permit. The proposed rulemaking requires that all dealers that have been issued a Federal permit must report all purchases of these species.

The purpose of this supporting statement is to present the background information to justify the approval of the dealer reporting requirement for this rulemaking.

1. Explain the circumstances that make the collection of information necessary.

The landings statistics that will be collected by the dealer reporting requirements are necessary to assure the National Marine Fisheries Service (NMFS) that sufficient data are collected to provide comprehensive and accurate data to estimate the potential effects of proposed management on the market conditions and prices of commercially landed dolphin and wahoo. Without these data, the NMFS will not be able to estimate the economic and social impacts of future regulations.

Overall the data collection for market and economic analyses are authorized as part of the Magnuson-Stevens Fishery Conservation and Management Act as amended. Specifically, the proposed rulemaking will expand the existing reporting and record keeping requirements in 50 CFR 622.5 (a) and (c), Fisheries of the Caribbean, Gulf of Mexico and South Atlantic.

The proposed rulemaking will impose little or no additional reporting burden on seafood dealer that will be issued Federal permits. The NMFS has cooperative agreements with all of the states in the South Atlantic region (North Carolina, South Carolina, Georgia and Florida), and the

receipt of dolphin and wahoo (referred to as landings statistics) are currently being collected by the respective fishery agencies in these states. Consequently, it will not be necessary for the Science and Research Director (SRD) to select any of the permitted dealers. However, in the unlikely event that it is necessary for the SRD to select dealers to report landings of dolphin and wahoo, the Highly Migratory Species Dealer Reporting form will be used. This form is part of 0648-0013.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Landings statistics provided by seafood dealer are used by various offices of NMFS, Regional Fishery Management Council staff, the U.S. Coast Guard and state fishery agencies under contract to NMFS to develop, implement and monitor fishery management strategies. Analyzes and summarizations of landings statistics are used by NMFS, the Regional Councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public to answer questions about the nature of our fisheries resources, market conditions, prices and community impacts.

Landings statistics include information on the quantity and price of seafood products that are caught and landed. Monthly and/or annual summaries of these data are routinely made available to the public in many forms, e.g., annual publications by the NMFS, the NMFS website, periodic publications by state fishery agencies. In all situation where the data are disseminated to the public, the information is aggregated to assure that confidential data are not released.

As explained in the preceding paragraphs, the information gathered has utility. NMFS and the respective state fishery agency retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measure and a pre-dissemination review pursuant to Section 515 of the Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Currently no electronic reporting is being utilized to report data to the SEFSC. The SEFSC is investigating various methods of recording and reporting landings from seafood dealers. The SEFSC is also working with various state fishery agencies to develop electronic reporting methods. The SEFSC will accept any data in an electronic format that can be easily read and inputted into the existing data base management system employed by the SEFSC.

4. Describe efforts to identify duplication.

As noted above, landings statistics are collected by the state fishery agencies and the NMFS will not impose reporting requirements on seafood dealers that are already complying with the state reporting regulations. However, NMFS retains the authority to impose reporting requirement in the event dealers are not complying with or reporting to the state fishery agencies.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Because almost all seafood dealers in the Southeast Region are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet reporting objectives are required from the respondents.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Landings statistics, that are collected from seafood dealers, provide the fundamental data that are used to determine the market conditions and trends in ex-vessel prices. The quantity and price are essential input to determining potential impact on the markets for these species as a result of future regulatory actions considered by the NMFS. Without the landings statistics, it would be impossible to track the changes in the market conditions and prices and estimate the impacts of any proposed regulations.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Landings statistics are collected for individual trips. Aggregated data for multiple trips make it difficult to provide complete data on prices to be used in market and community impact analyses for potential regulations. Consequently, it is necessary for this activity to deviate from the quarterly requirement established in the OMB Guidelines for Information Collections.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice of this reporting requirement will be issued as part of the Federal Register notice for this rulemaking.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or other remuneration are provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All data collected via this family of forms are treated in accord with NOAA Administrative Order 216-100, Confidential Fisheries Statistics. Dealer reports are considered confidential under the Trade Secrets Act. In addition, landings statistics are considered to be in an entrepreneurial capacity and will be exempt from the Privacy Act concerns. It is the policy of the NMFS that confidential data are not to be released to non-authorized users, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the pecuniary business activity of a particular vessel is not identified.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

Dealers that are issued a dolphin/wahoo permit are currently reporting the landings data (i.e., quantity of product that is sold or unloaded at the dock and the ex-vessel price) required by this rulemaking and will not be selected by the SRD. However, 1 hour is included in the reporting burden for the unlikely event that the SRD needs to select a dealer or dealers to report.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There are no anticipated costs beyond the opportunity cost of completing the dealer forms. If selected by the SRD dealers are provided with addressed, postage-paid envelopes that they use to return the completed forms.

14. Provide estimates of annualized cost to the Federal government.

Because the SEFSC already has an established, fully staff program for processing other data received from dealer (e.g., quota monitoring forms), there will be no cost to process any additional forms required if dealers are selected by the SRD.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This request will result in an program increase of 1 hour in the reporting burden for the 0648-0013).

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results from the data collection using the forms in this family are not planned for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The OMB number and expiration number will be displayed on each of the forms.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

INSTRUCTIONS FOR COMPLETING THE HIGHLY MIGRATORY SPECIES DEALER FORM

Under Federal regulation, as specified in section 50 CFR 630.5, dealers issued a swordfish, shark or tuna permit by the National Marine Fisheries Service are required to report all purchases of these species from U.S. flag vessels. Only dealers, whose business address is in a south Atlantic coastal states from North Carolina through Florida, in the Gulf of Mexico, Puerto Rico or the US Virgin Islands, are required to complete the **DEALER REPORTING FOR HIGHLY MIGRATORY SPECIES**. The form must be submitted within 5 days of the end of each two-week reporting period to the Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, Florida 33149. The reporting periods are the 1st through the 15th, and the 16th through the end of each month. If your business is located in a state north of North Carolina, do not report to the Southeast Science Center. Please follow the reporting requirements established by the Northeast Regional Office.

This form is to be used to report the total quantity of highly migratory species during each two-week reporting period. Only one form should be submitted for each period. Do not submit separately for individual trips or vessels.

If labels have been included with your dealer reports, please attach one to the form in the upper left-hand area indicated by "*Affix label here*" for the reporting period specified. Please check the accuracy of the information on the label and contact us if any errors are found.

The following are the instructions that apply to the completion of the form. Please do not forget to report the vessel information on the back of the form. Do not write in the space labeled **Schedule No. NMFS Use Only**, on the front or back of the form.

- | | |
|----------------------|--|
| Dealer Name | Please use the labels if they have been provided and attach one to the form in the area indicated by " <i>Affix label here</i> ". If the name of the business is incorrect or labels were not provided, print the name of the company as it appears on the permit application. Please avoid abbreviations or aliases. |
| SE Dealer Permit No. | If a label has not been provided or the permit number on the label is incorrect, print the permit number that has been issued by the NMFS, Southeast Regional Office in this space. Put one letter/number in each box. If the provided label has been affixed to the form, this portion of the form should be covered. Please check the accuracy of the label. If you do not have a SE Dealer No., leave this blank. |
| NE Dealer Permit No. | If a label has not been provided or the permit number is incorrect, print the permit number issued by the NMFS, Northeast Regional Office in this space. Put one number in each box. If the label has been affixed to the form, this portion of the form should be covered. If you do not have a NE Dealer No., leave this blank. If your facility has both SE and NE Dealer Permit Numbers, please include both on this form. |

- Facility location** Print the county and state of the dealer facility in the spaces labeled as such. Only print one letter in each box.
- Begin Date** If the affixed label correctly reflects the reporting period, please leave this blank. If labels have not been provided or the dates are different, print the number for the month, day, then year (all four digits) for the beginning of the reporting period covered by this report. Only print one number in each box.
- End Date** If the affixed label correctly reflects the reporting period, please leave this blank. If labels have not been provided or the dates are different, print the number for the month, day, then year (all four digits) for the end of the reporting period covered by this report. Only print one number in each box.
- Purchased Fish** If **no** purchases of highly migratory species (swordfish, sharks and tunas) were made during the reporting period, check (darken) the **No** circle beside the question, "Were any fish purchased for this period?".
- Phone No.** Please include a phone number of the facility. This is useful information when the identity of the dealer cannot be determined, or incomplete information is provided. If the attached label contains the correct phone number, please leave this blank.
- Contact** Please provide a contact who can answer any questions pertaining to the Dealer Report for Highly Migratory Species.

Record the dressed weights (in whole pounds) for all species that were purchased during the reporting period in the column labeled **Dressed Weight**. Do not use fractions of pounds.

Record the price per pound that was paid for purchases of HMS on the last day of the reporting period. This price should be entered in the column labeled **Price/Pound**.

Vessel information is reported on the **Back of the form**. For each vessel/boat from which highly migratory species were purchased during the reporting period, record the date that the fish were purchased (month, day and year), the name of the vessel, the vessel id. number (which is either the U.S. Coast Guard documentation or the state registration number), the port, and state (please use the 2 character abbreviation) where the vessel/boat landed.

The reports can be mailed in the pre-addressed, postage paid enveloped supplied by the Southeast Fisheries Science Center or can be sent via FAX to (305) 361-4497. As another option, you can send the above information via e-mail to john.poffenberger@noaa.gov. If you have any questions concerning this form, or need additional forms or envelopes, please contact John Poffenberger at (305) 361-4263 or at the above e-mail address. Thank you for your continued cooperation in the management of our Nation's fisheries.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.