

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.

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

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 or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature



Date

5-30-01

Signature of NOAA Clearance Officer

Signature



Date

6/13/01

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

Introduction

This request for OMB review is for renewal of existing requirements previously approved under control number 0648-0013, Dealer Family of Forms, which expires on 08/31/01. The objective of this family of forms is to keep all requests for clearance in a single package because the needs and uses of the information are similar for each fishery management plan.

Fishery statistics are collected by the National Marine Fisheries Service for a variety of reasons under several Federal statutes. These needs have not changed since the approval of this family of forms in 1995. Furthermore, the data collection activities under this family have not changed significantly. It includes the same three methods that were included in the 1998 submission. These three methods are: (1) landings statistics (a.k.a., general canvass statistics), (2) mandatory dealer reporting for monitoring Federal fishery quotas, and (3) bioprofile data from the Trip Interview Program (TIP). A fourth category is also included to include several small collection activities that do not fit into the 3 primary types of data collection.

A. JUSTIFICATION

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

The data collected under the various programs included in this family of forms support a wide variety of analytical and management functions performed by the National Marine Fisheries Service (NMFS). These data are collected to support the stewardship role delegated to the NMFS under various Federal regulations.

Under the Fish and Wildlife Act (FWA), 16 U.S.C. 742d, modified by the Reorganization Plan No. 4 of 1970, and enhanced by the Magnuson Fishery Conservation and Management Act (Magnuson/Stevens Act), the Secretary of Commerce (Secretary) has undertaken a set of objectives for the conservation and management of marine fishery resources. Section 742(d) of the FWA requires the Secretary to conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President and to Congress on the status of marine resources. The Magnuson-Stevens Act requires that conservation and management measures in fishery management plans (FMP) must prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. Such management measures must be based on the best available scientific information. The use of dealer reporting of landings purchased throughout the various regiments of the fishery is an essential ingredient in the management of fishery resources. Section 303 (a) (5) of the Magnuson-Stevens Act requires that fishery management plans specifically identifies the kinds of data to be collected in support of plans.

The following are specific statutes that authorize the collection of data in this family of forms:

| <u>Legal Citation</u> | <u>Description</u> | <u>Appropriation Section</u> |
|-----------------------|---------------------------------------------------|-------------------------------------------------------|
| 50 CFR Part 622 | Fisheries of the Caribbean, Gulf & South Atlantic | 622.2 Definitions, 622.5 Recordkeeping and Reporting. |
| 50 CFR Part 635 | Atlantic Highly Migratory Species | 635.2 Definitions, 635.5 Recordkeeping and Reporting |

The mandatory dealer reporting is necessary to provide the NMFS with timely information to monitor the fishery quotas established in the respective fishery management plans. Without the direct reporting by the selected dealers, NMFS managers would not be able to determine when the quotas are reached and the fisheries need to be closed.

The bioprofile data (also referred to as the trip interview data) are necessary for size frequency and age at length keys. These data and relationships are essential parts of the scientific stock assessments prepared by NMFS scientists.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The information provided by this family of forms is used by several offices of NMFS, Fishery Management Council staffs, the U.S. Coast Guard, the Corp of Engineers, and state fishery agencies to develop, implement, and monitor fishery management regimes. Summarizations and analyzes of dealer data are used by NMFS, Fishery Management Councils, the Departments of State and Commerce, OMB, the fishing industry, congressional staff, and the public to answer questions about the nature of fisheries resources.

The primary use of these data, however, is to support the management of the fisheries resources under Federal jurisdiction. The landings data are used to determine the overall magnitude and trends in the fisheries. The trip interview program (TIP) provides the most important data for stock assessments that directly support NMFS' stewardship responsibilities. There are two parts to this data collection activity. Port agents select fishing trips and interview the captain or crew to collect information on the fishing trip, i.e., specific locations where the fishing occurred, the type and quantities of gear, and the amount of time that the various types of gear were fished. The second part of the collection activity does not involve any interaction with the fishermen. For this part, the port agents measure and weigh individual fish from the boat, either as it is being unloaded or from storage vats after the unloading has been completed. This size frequency and age-length data are used directly by stock assessment biologists to perform virtual population analyzes for stock assessments. To assure that fishermen cooperate, some of the Federal regulation, notably the shark regulations, require that fishermen make their fish available to

authorized Federal port agents and provide the gear, area and effort information needed in conjunction with the size and weight data.

The SEFSC routinely performs six to ten stock assessments per year (note, an assessment is not necessarily needed for each species every year, consequently some assessments are performed every other year). For example, during 2000 assessments were done for brown, white and pink shrimp, red snapper, gag grouper, red grouper, king and Spanish mackerel and several of the large pelagic species (swordfish, blue tuna, yellowfin tuna, etc.).

The mandatory dealer reporting part of the family of forms is used to monitor whatever quotas are promulgated under the various Federal fishery management plans. The frequency of reporting is established in accordance with the nature of the respective fishery. For several of the fisheries, the effort and/or the biology of the fish require weekly submissions - red snapper, king and Spanish mackerel. For the other quotas, reporting every two weeks or monthly is adequate.

Because king and Spanish mackerel are migratory and school in large numbers at specific times and areas, monitoring the landings for these species is only necessary for a limited time, i.e., during the open season. Thus, reporting by dealers may only be required for a couple of months or from as many as six months depending on availability of fish and fishing effort.

The regulations for swordfish require that dealers report total weight of each large pelagic species purchased by market category. These reports are required twice a month in order to adequately monitor catches (landings) of swordfish. The SEFSC has a form that dealers can use for this bi-monthly reporting; however, they can submit copies of the sales receipts (weigh-out sheets) in lieu of the NMFS form. In addition, many of the dealers that handle swordfish also purchase shark species. Thus, the swordfish form was expanded to include all species of shark, as well as the tuna species (bigeye, albacore, yellowfin and skipjack). The same form is used for swordfish, shark and tuna dealer reporting.

In 1998, regulations were implemented that require dealers that import swordfish to report all imports of this species (but only swordfish). The reporting form requires that the weights of each swordfish that is headed and gutted be recorded. The purpose of these reporting requirements is to assure that no small swordfish, i.e., less than the minimum size limit, are imported into the United States. Importers are required to complete a report for every imported shipment of swordfish, but they are only required to submit the reports every two weeks.

Dealers that purchase wreckfish, snowy grouper, greater amberjack and/or tilefish are required to report the total weight of these species purchased during a calendar month.

The quota for red snapper, which is managed under the Gulf of Mexico Reef Fish Fishery Management Plan, is filled very quickly. The fishery management plan has established 10-day open seasons every month until the quotas are filled. Consequently, the SEFSC has established procedures whereby dealers are required to submit the data for each 10-day open season by the 15th of the month.

Reporting requirements have been implemented for rock shrimp and golden crab dealers along the Atlantic coast and coral dealers in Puerto Rico. These regulations were promulgated as a safeguard in the event that the states failed to collect the necessary landings statistics. To date, the NMFS has not had to use this authority.

The final data collection activity in the family is a survey that is conducted by federal and/or state statistical agents to determine the number of vessels (greater than 5 net tons) that have actively fished during each calendar year. This inventory is largely conducted by observation and data recorded from dealer records. There are only a small number of situations where it is necessary for the agents to actually contact the vessel owner/operator for specific information on the type or amount of gear used by the vessel.

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. Dealers submit quota report via rapid fax. In addition, web technology is being investigated for the quota-monitoring data collections.

4. Describe efforts to identify duplication.

NMFS's guidelines require each Fishery Management Council to evaluate existing state and federal laws governing the fisheries in question, and describe such laws in each FMP. Membership on each Fishery Management Council is comprised of state and federal officials responsible for resource management in their respective states. In addition, the Regulatory Flexibility Act requires that regulatory flexibility sections of the FMP describe overlapping or duplicative laws. These circumstances identify other data collection activities that may be gathering the same or similar information. In addition, each FMP undergoes an extensive public comment period where potential applicants review the proposed rulemaking.

The NMFS has established cooperative statistics programs with the 8 coastal states in the southeastern region of the U.S. The State/Federal Cooperative Statistics Program is comprehensive both geographically within the Southeast Region and with respect to the data that are collected. The location and responsibilities of the port agents are coordinated to avoid any duplication of effort, and thus, duplication of burden on the public. The NMFS is confident that it is aware of all similar data collections and that all duplications that can be avoided are avoided.

Quota monitoring is the only area where any sort of duplication occurs and here it is unavoidable. As a result of the restrictive quotas, the NMFS/SEFSC has had to establish data collections programs that provide landings data more timely than the state fishery agencies can provide them. It takes the states from 2 to 3 months to process the landings data and provide it to the SEFSC. Unfortunately, with this type of delay, many of the Federal quotas would be filled before any data could be provided by the states. Consequently, the NMFS/SEFSC has had to implement a means of collecting landings data much more quickly.

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

Because almost all dealers and fishermen 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. The data provided by this family of forms are transcribed from existing accounting information maintained by seafood dealers and processors in the normal course of their business operations. The public is not required, nor asked, to maintain any recordkeeping other than the weigh-out sheets that record the sales transactions between the dealer (purchaser) and the fishermen (seller). Thus, the reporting burden on dealers and processors is at a minimum.

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

It is essential that these collection activities are continued. They provide the data necessary for future stock assessments and the means of monitoring the fishery quotas that are currently employed to control fishing effort. Thus, if these collection activities were not available, the NMFS could not perform the stock assessments for the conservation and management of our fishery resources. Furthermore, without the mandatory dealer reporting, the SEFSC could not monitor the quotas implemented by existing fishery management plans.

With respect to frequency, size frequency collection of data must be an ongoing process. The dynamics of fishery biology, such as semi-annual spawning, seasonal migratory changes, growth and mortality rates, require a collection frequency that can detect these changes over time. In addition, weekly or monthly reporting frequencies, rather than quarterly or annual submissions, must be used to monitor in-season quota management.

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

No additional special circumstances beyond those described in the previous response are in conflict with 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 copy of the Federal Register notice is attached. No comments were received on this FR notice.

As described above, the NMFS participates in a cooperative program to collect fishery statistics throughout the Southeastern United States. A Committee has been established to oversee the Program. This Committee meets at least twice a year to review and improve on the data collection procedures and activities conducted in the southeast.

The following is a list of the state coordinators and Council staffs that are members of the Southeast Cooperative Statistics Committee:

Dee Lupton
North Carolina Department of Marine Resources
P.O. Box 769
Morehead, NC 28557
(919) 726-7021

Nan Jenkins
South Carolina Wildlife and Marine Resources Dept.
P.O. Box 12559
Charleston, SC 29412
(912) 264-0542

Julie Califf
Georgia Department of Natural Resources
1200 Glynn Avenue
Brunswick, GA 31523
(912) 264-0542

Joseph O'Hop
Florida Department of Environmental Protection
Marine Research Laboratory
100 8th Avenue, S.E.
St. Petersburg, FL 33701
(813) 896-8626

Kevin Anson
Alabama Department of Marine Resources
P.O. Drawer 458
Gulf Shores, Al 36542
(205) 968-7576

Thomas Van Devender
Mississippi Bureau of Marine Resources
P.O. Box 959
Long Beach, MS 39560
(601) 864-4602

Joseph Shepard
Louisiana Department of Wildlife and Fisheries
P.O. Box 15570
Baton Rouge, LA 70895
(504) 765-2371

Page Campbell
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(512) 389-4857

Wayne Swingle
Gulf of Mexico Fishery Management Council
Lincoln Center, Suite 881
5401 West Kennedy Blvd.
Tampa, FL 33609
(813) 228-2815

Gregg Waugh
South Atlantic Fishery Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, SC 29407
(803)571-4366

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

No payment or other remuneration is 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 also considered confidential under the Trade Secrets Act.

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.

The total burden on the public for this family of forms is estimated to be 3,171 hours. The estimated cost of implementing this family of forms is estimated at \$30.7 thousand to the public. The following is a description of the estimated burden hours and costs of reporting for the individual reporting activities. These are summarized in Table 1.

The reporting burden on seafood dealers for the landings (general canvass) statistics is zero because these data are reported to the respective state's fishery agency. The reporting burden for the dealers that handle shrimp in the Gulf of Mexico is also zero. For these data, NMFS/SEFSC port agents visit the dealers and record the data. Consequently, dealers are not required to do any work, just make the sales receipts available to the port agents.

The burden to the public for shrimp interviews conducted in the Gulf of Mexico is estimated to be 914 hours. On average, about 5,475 interviews are conducted annually to collect fishing effort and area of catch information. It takes approximately 10 minutes to ask these questions. Thus, the total burden is $5,475 \times 0.167 \text{ hrs/schedule} = 914 \text{ hrs}$. For the shrimp interview, the opportunity cost of the time to the fishermen is calculated using \$10.00 per hour and the estimated burden is 914 hours, thus, the cost to the public is \$9,140.00.

The reporting burden associated with data collection for the trip interview program (TIP) is similar to the procedures for shrimp interviews. Approximately 3,000 interviews are conducted annually to collect the gear, area and effort information for the TIP and an average of 10 minutes is required to collect this information. It should be noted that interviews are conducted from both commercial and recreational fishing trips. Most of the sampling effort for the TIP is directed at commercial fishing trips because of stock assessment requirements (roughly 85%); however, recreationally-caught fish are sampled to provide length/weight information for aging analyzes. The total burden of this program is 501 hours, i.e., $3,000 \times 0.167 \text{ hours/interview} = 501$. For the trip interview program (TIP), the cost to the fishermen is the time it takes to respond to the question on gear, area and effort. This opportunity cost is estimated at \$10.00 per hour for the estimated 501 hours or \$5,010.

The total burden hours for reporting from mackerel dealers is estimated to be 78 hours. Seventy-six dealers were selected to report in 2000. Because the quotas can be reached before the entire 12 month season is over, only about six months of reporting is necessary. The average time per report is less than 10 minutes per report because many dealers do not always purchase mackerel and when no purchases are made only a no-purchase report is required. The total burden hours is estimated to be 78 hours annually. The reporting costs is estimated at \$780, which is \$10.00/hour for 78 hours.

In addition to the monthly mackerel reports for the western Gulf of Mexico and the south Atlantic, weekly reporting had to be implemented for the southwest Florida area. A quota has been established for the runaround gillnet fishery in this area. Because this type of gear can catch large quantities of fish with a single set, more frequent monitoring had to be implemented. Two forms are used, one for vessels to report and one for dealer reporting. Only 7 dealers purchase

these fish and during 1997, only 35 reports were submitted. There were 11 vessels that used gillnets and these vessels only submitted a total of 34 reports. Because the form is very simple, the reporting burden is estimated at 10 minutes per form. The total burden is estimated at 12 hours (i.e., 69 reports x 0.167 hours/report = 12 hrs.). The opportunity cost of this reporting is estimated at \$120.00.

Reporting burden hours for the swordfish and shark dealer reporting are based on the 144 dealers in the southeast that have either a swordfish and/or a shark permit and are required to report. Dealers are required to report twice a month (24 reports a year). From these dealers about 2,300 reports showed purchases of these species. The burden hours for these dealers is 575 hours, which is 15 minutes per report for 2,300 reports. The remaining 1,160 reports specified that no purchases were made. The burden hours for these dealers is estimated at 58 hours (i.e., 3 minutes to complete each form times 1,160 forms). Total burden hours are estimated at 633. Using \$10.00 per hour as the opportunity cost, the reporting cost is \$6,330.00

The NMFS will begin to require dealer reporting for BAYS (bigeye, albacore, yellowfin and skipjack) tunas. It is estimated that there 200 dealers that handle these species of tunas in the Southeast Region. These dealers are already have either a shark or swordfish permit and are currently reporting using the Highly Migratory Species Dealer Report. From the logbook data, there were 684 fishing trips reported where tunas were landed and either sharks or swordfish were not. These trips provide an estimate of the amount of additional reporting that will result from this collection activity. Because these dealer are required to submit a no-purchase report, which is estimated to take 3 minutes), the additional reporting time is estimated to be 12 minutes (i.e., 15 minutes - 3 minutes). Consequently, the estimated reporting burden is 137 hours for the additional reports that include BAYS tuna (i.e., 684 reports x 0.2 hr/report). It is estimated that an additional 120 dealers that do not have either a swordfish or shark dealer permit will be required to report. The total number of reports that they are expected to submit is 360. It is estimated that the per report burden is 15 minutes. Thus, the total reporting burden for these dealers is estimated to be 90 hours. Because these dealers do not purchase tuna all the time, it is expected that they will submit 2,520 no-purchase (negative) reports. The reporting time per report is estimated to be 3 minutes. Thus, the reporting burden is estimated to be 126 hours. There are an estimated 180 dealers in the Northeast Region that are currently reporting (i.e., no additional reporting burden), that will be required to submit a no-purchase report. Currently, they are not required to report when they do not purchase tunas. The estimated time that it will take a dealer to complete each report is 3 minutes and there is an estimated 540 reports that they will submit. Thus, the total reported burden for these no-purchase reports is 27 hours. In summary, it is estimated that the BAYS reporting requirement will impose a total of 380 hours on the dealers that are issued these permits. The estimated opportunity cost to the industry is \$3,800.

During 2000, there were 480 dealers that reported swordfish imports. The number of reports from these dealers was 1,305. The estimated reporting burden is 370 hours (an estimated 17 minutes per form). The opportunity cost to the dealers is \$3,700.

There are 8 dealers that handled wreckfish during 2000, and each of them submitted a monthly report. The estimated time required for a dealer to complete a monthly report when fish were purchased is 10 minutes, and about 35 reports a year have fishing information. Thus, the burden from these reports is 6 hours. Each of the remaining 55 forms takes about 3 minutes to complete and the burden is estimated at 3 hours. The total burden is 9 hours. The reporting cost is \$90.00.

For monitoring the snowy grouper, tilefish and greater amberjack quotas, an average of 103 dealers are selected to report. These dealers are expected to submit about 1,020 forms per year. Of that total, about 70% (680) of the forms provide purchases of fish and required an estimated 10 minutes to complete. The burden for this reporting is 114 hours. The other 30% (340) of the forms showed no purchases and are estimated to take 3 minutes to complete. The burden for this reporting is 17 hours. The total reporting burden is 131 hours. The reporting cost is estimated to be \$1,310.00

For the red snapper quota monitoring, about 90 dealers are selected to. It is estimated that it takes each dealer about 10 minutes to sum the purchases of this species for each 10-day open season. For the past several seasons, the fishery has only remained open for 5 to 6 10-day periods each year. Thus, the dealers are required to submit about 6 times per year. For the 90 dealers, there are 540 reports at an estimated 10 minutes per report or about 90 hours for the total burden. The reporting cost to these dealers is estimated to be \$900.00.

There are 4 miscellaneous reporting requirements that are included in this family of forms. The rock shrimp and golden crab dealer reporting requirements are not utilized, but an estimated burden of 15 hours is included in the event the state fishery agencies cannot provide the data (an estimate of 60 dealers is used at 15 minutes per form which equals 15 hours per fishery). Likewise, Federal regulations include reporting requirements for coral harvested in Puerto Rico. The burden for this reporting is estimated to be 16 hours (64 submissions at 15 minutes per report). Lastly, hours are included for the annual vessel inventory that is conducted by the NMFS/SEFSC. Only a small percent of the commercial vessels need to be interviewed and this number, on average, is about 100 vessels. It only takes about 5 minutes to collect the 3 pieces of information on the vessels, for a total burden of 8 hours per year. For the rock shrimp and golden crab dealers, the estimated cost is \$300.00, which is \$10.00 per hour times the estimated 30 hours. For the coral harvest reporting requirements, the cost is \$160.00, which is \$10.00 per hour times the estimated 16 hours. For the annual vessel inventory, the estimated cost is \$80, which is \$10.00 times the estimated 8 burden hours.

Regulations in 50 CFR 622.5(c)(3)(i) and (iii) require dealers, which include cars and trucks, to maintain a record of the landings for at least one year. Since the submission in 1998, the State of Alabama has implemented a state law that meets this requirement. All other state in the Gulf of Mexico region already had such regulations. Consequently, there is no burden associated with this Federal regulation because dealers comply with it under applicable state regulations.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

There are no anticipated postage costs. The dealers are provided with addressed, postage-paid envelopes that they use to return the completed form or they fax the form. However, for the following quota managed fisheries (mackerel, wreckfish, snowy grouper/tilefish and red snapper), the dealers are asked to fax their reports. There are an estimated 2,188 forms that are submitted by these dealers. Assuming an average of \$0.10 per call, the total cost to the dealers is about \$220.

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

The cost to the Federal government is largely salaries of the port agents that are employed to transcribe the data onto the appropriate forms. Twenty-eight port agents are employed in the southeast, 25 of them are employed full-time in the collection of general canvass and shrimp statistics. The total salary cost of these employees is about \$600 thousand. In addition, 2 area supervisors allocate about ½ of their time to supervising this data collection activity. This cost is about \$35 thousand. The remaining 3 port agents are employed full-time in TIP data collection at a cost of \$77.5 thousand. An additional, \$2,000 is allocated for printing and reproduction costs. Note: These cost estimates do not include costs of data processing or computer costs for storage and retrieval of these data.

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

There is a net decrease of 1,746 hours in the reporting burden for this family of forms from the previous burden of 4,917 hours. This decrease is a result of re-examinations of the numbers of respondents that are affected by the reporting activities in the family of forms.

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

Data that are collected via this family of forms are collected by two methods, neither of which employ statistical sampling methods. Landings and value data are collected from all wholesale seafood dealers that have been (or can be) identified by NMFS personnel. Thus, a census approach is employed. Effort and area data (i.e., the interviews in the shrimp statistics and TIP) are collected for a sample of all commercial fishing trips, but the nature of fishing dictates that data can be collected only by interviewing fishermen as they are encountered at the docks. This "opportunistic" type of sampling eliminates the ability to follow a statistically-designed sampling strategy.

| Table 1. Estimated number of respondents and total burden hours for dealer/interview family of forms, 2001 | | | | |
|-------------------------------------------------------------------------------------------------------------------|----------------------|--------------------|----------------------|---------------------|
| Activity | # Respondents | # Responses | Time/Response | Total Burden |
| General Canvass | 0 | 0 | 0 | 0 |
| Shrimp Dealers | 320 | 0 | 0 | 0 |
| Shrimp Interviews | 3,598 | 5,475 | 0.167 | 914 |
| Trip Interview Program | 2,895 | 3,000 | 0.167 | 501 |
| Mackerel dealers (quotas) | 76 | 469 | 0.167 | 78 |
| Mackerel gillnet dealers | 7 | 35 | 0.167 | 6 |
| Mackerel gillnet vessels | 11 | 34 | 0.167 | 6 |
| Highly Migratory Species Dealers (swordfish/shark) | 144 | 2,300 | 0.250 | 575 |
| (no-purchase reports) | | 1,160 | 0.050 | 58 |
| HMS BAYS Dealers (SE) | 200 | 684 | 0.200 | 137 |
| (New dealers in SE) | 120 | 360 | 0.250 | 90 |
| (No-purchase reports) | 300 | 3,060 | 0.050 | 153 |
| Swordfish Import | 480 | 1,305 | 0.283 | 370 |
| Wreckfish Dealer | 8 | 35 | 0.167 | 6 |
| (no-purchase reports) | | 55 | 0.05 | 3 |
| Snowy grouper/tilefish | 103 | 680 | 0.167 | 114 |
| (no-purchase reports) | | 340 | 0.050 | 17 |
| Red snapper | 90 | 540 | 0.167 | 90 |
| Rock shrimp | | 60 | 0.25 | 15 |
| Golden Crab Dealers | | 60 | 0.25 | 15 |
| Coral dealers | | 60 | 0.25 | 15 |
| Vessel Operation units | 7,634 | 100 | 0.08 | 8 |
| Total | 15,986 | 19,812 | | 3,171 |

DEALER REPORTING FOR HIGHLY MIGRATORY SPECIES

OMB# 0648-0013 - Exp 06/30/2004
Schedule No. NMFS Use Only:

Please Use Black Ink Only

Affix label here (optional):

Dealer Name: _____

SE Dealer #:

| | | |
|---|---|---|
| D | L | R |
|---|---|---|

 - State -

| | |
|--|--|
| | |
|--|--|

 - Permit No. -

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

 Year

Begin Date:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M | M | D | D | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|

NE Dealer #:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

 (Enter both southeast and northeast permit numbers, if applicable to your facility.)

End Date:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| M | M | D | D | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|

Facility Location (County and State):

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

 County L St te a

Were any fish Purchased for this Period? Yes No

Phone No: _____

Contact: _____ (optional)

| Shark Species | NMFS CODE | Dressed Weight | Price / Pound |
|-----------------------------|-------------|----------------|---------------|
| LARGE COASTAL SHARKS | | | |
| Blacktip | 3495 | | |
| Bull | 3497 | | |
| Hammerhead | 3516 | | |
| Lemon | 3517 | | |
| Night | 3494 | | |
| Nurse | 3480 | | |
| Sandbar | 3513 | | |
| Silky | 3493 | | |
| Spinner | 3496 | | |
| Tiger | 3515 | | |
| Other/Unknown | 3508 | | |

| PELAGIC SHARKS | | | |
|-----------------------|-------------|--|--|
| Blue | 3504 | | |
| Mako-Shortfin | 3505 | | |
| Oceanic Whitetip | 3498 | | |
| Porbeagle | 3501 | | |
| Thresher | 3509 | | |
| Other/Unknown | 3508 | | |

| SMALL COASTAL SHARKS | | | |
|-----------------------------|-------------|--|--|
| Atlantic Sharpnose | 3518 | | |
| Blacknose | 3485 | | |
| Bonnethead | 3483 | | |
| Finetooth | 3481 | | |
| Other/Unknown | 3508 | | |

| SHARK FINs | | | |
|-------------------|-------------|--------------------|-------------|
| | | Wet or Dry Weight? | \$W or \$D? |
| Shark Fins (A) | 3475 | | |
| Shark Fins (B) | 3475 | | |
| Shark Fins (C) | 3475 | | |
| Shark Fins (D) | 3475 | | |
| Shark Fins (E) | 3475 | | |

| Large Pelagic Species | NMFS CODE | Dressed Weight | u | n | d |
|---------------------------|-------------|----------------|---|---|---|
| SWORDFISH | | | | | |
| Swordfish > 300 lbs | 4325 | | | | |
| Swordfish 200-299 lbs | 4326 | | | | |
| Swordfish 100-199 lbs | 4321 | | | | |
| Swordfish 50-99 lbs | 4322 | | | | |
| Swordfish 26-49 lbs | 4323 | | | | |
| Swordfish 0-25 lbs (rats) | 4324 | | | | |
| Sword. chunks | 4327 | | | | |

| MAJOR TUNAS | | | | | |
|---------------------|----------------|--|--|--|--|
| Albacore Tuna | 4651 | | | | |
| Bigeye | 4657 | | | | |
| Bigeye chunks | 4657 | | | | |
| Atlantic Bonito | 0330 | | | | |
| Blackfin Tuna | 4658 | | | | |
| Skipjack | 4654 | | | | |
| Yellowfin | 4655 | | | | |
| Yellowfin 40-59 lbs | 4655 | | | | |
| Yellowfin 20-39 lbs | 4655 | | | | |
| Yellowfin chunks | 4 6 5 5 | | | | |

| OTHER SPECIES | | | | | |
|----------------------|----------------|--|--|--|--|
| Dolphin Mahi | 1050 | | | | |
| Great Amberjack | 1 8 1 2 | | | | |
| King Mackerel | 1939 | | | | |
| Oilfish/Escolar | 2502 | | | | |
| Wahoo | 4710 | | | | |



MAIL THIS COPY TO:
LOGBOOK PROGRAM, PO BOX 491740,
Miami, FL 33149



DEALER REPORT OF KING MACKEREL LANDINGS
FOR THE
COASTAL MIGRATORY PELAGIC RESOURCES

DEALER NAME _____

REPORTING PERIOD: _____, 200__ THROUGH _____, 200__.

COUNTY OR PARISH WHERE LANDED: _____, STATE WHERE LANDED _____.

POUNDS

| <u>GEAR</u> | <u>ROUND</u> | <u>GUTTED</u> |
|---------------|--------------|---------------|
| Hook and Line | _____ | _____ |
| Gill Net | _____ | _____ |

 / / No king mackerel were landed during the reporting period.

Submitted by: Name (please print) _____.

Signature: _____ Date: _____, 200__.

Mail Report to:

FAX Number:
(850) 235-3559

Debbie Fable
Panama City Lab NOAA
3500 Delwood Beach Road
Panama City, FL 32408

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(i). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.

Monthly Dealer Reporting for Quota Monitoring

Dealer Name: _____

Location of Business County: _____ State: _____

Report Month: _____ 200

Check the appropriate box.

Purchases were made during the above indicated month in the amounts listed below.

POUNDS

| SPECIES | <u>ROUND WETGHT</u> | <u>GUTTED WEIGHT</u> |
|-------------------|----------------------------|-----------------------------|
| Snowy Grouper | _____ | _____ |
| Golden Tilefish | _____ | _____ |
| Greater Amberjack | _____ | _____ |

Neither of these species were purchased during the above reported month.

Submitted by: Name (please print) _____

Signature: _____ Date: _____ 200_____

| | | |
|---------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------|
| Mail reports to: Linda Hardy Beaufort Laboratory 101 Pivers Island Road Beaufort, NC 28516 | Or | Fax Reports to: Linda Hardy 252 728-8772 |
|---------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------|

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 972 I Executive Center Drive, N., St. Petersburg, Florida 33702. This reporting is required under an emergency rulemaking and is authorized under 50 CFR 622.5(c)(5)(i). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quotas for these fisheries.

DEALER REPORT OF KING MACKEREL LANDINGS FROM RUNAROUND GILLNET FISHING

****ANY KING MACKEREL CAUGHT BY GILLNET MUST BE REPORTED TO THE RESEARCH AND SCIENCE DIRECTOR WITHIN 24 HOURS OF THE LANDING**

DEALER NAME _____

LANDING DATE: _____

COUNTY WHERE LANDED: _____, STATE WHERE LANDED _____.

| GEAR -GILLNET | POUNDS | |
|---------------------------------------|--------|--------|
| | ROUND | GUTTED |
| VESSEL NAME _____ VESSEL NUMBER _____ | _____ | _____ |
| VESSEL NAME _____ VESSEL NUMBER _____ | _____ | _____ |
| VESSEL NAME _____ VESSEL NUMBER _____ | _____ | _____ |

Submitted by: Name _____
(Please Print)

Signature: _____ Date: _____, 200_.

FAX REPORT TO: **(305) 361-4460**

National Marine Fisheries Service
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, Florida 33149

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. This reporting is required and authorized under 50 CFR 622.5 (a)(1)(I). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.

WEEKLY VESSEL REPORT FOR RUNAROUND GILLNET CAUGHT KING MACKEREL

VESSEL NAME _____ VESSEL NUMBER _____

REPORTING PERIOD: _____, 200__ THROUGH _____, 200__.
(Sunday) (Saturday)

COUNTY WHERE LANDED: _____

FOR EACH TRIP DURING THE WEEK REPORT THE FOLLOWING:

DATE OF LANDING _____ POUNDS GUTTED:
MM/DD/YR POUNDS WHOLE:

DEALER SOLD TO:

DATE OF LANDING _____ POUNDS GUTTED:
MM/DD/YR POUNDS WHOLE:

DEALER SOLD TO:

DATE OF LANDING _____ POUNDS GUTTED:
MM/DD/YR POUNDS WHOLE:

DEALER SOLD TO:

Submitted by: Name _____
(Please Print)

Signature: _____ Date: _____, 200__.

FAX Report to: (305)361-4460

National Marine Fisheries Service
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, Florida 33149

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspects of this burden to Robert Sadler, NMFS, 9450 Koger Blvd, St. Petersburg, Fl. 33702. Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. This reporting is required and authorized under 50 CFR 622.5 (a)(1)(I). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.

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moratorium on commercial vessel permits for king mackerel, initial permits under the moratorium, transfers of permits during the moratorium, and limited exceptions to the earned income or gross sales requirement for a permit.

(iv) * * * To obtain or renew a commercial vessel permit for Spanish mackerel valid after April 30, 1999, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

* * * * *

(q) *Moratorium on commercial vessel permits for king mackerel.* This paragraph (q) is effective through October 15, 2000.

(1) Effective March 4, 1998, an initial commercial vessel permit for king mackerel will be issued only if the vessel owner was the owner of a vessel with a commercial vessel permit for king mackerel on or before October 16, 1995. A king mackerel permit for a vessel whose owner does not meet this moratorium criterion may be renewed only through April 30, 1999.

(2) To obtain a commercial vessel permit for king mackerel under the moratorium, an owner or operator of a vessel that does not have a valid king mackerel permit on March 4, 1998, must submit an application to the RA postmarked or hand delivered not later than June 2, 1998. Other than applications for renewals of commercial vessel permits for king mackerel, no applications for commercial vessel permits for king mackerel will be accepted after June 2, 1998. Application forms are available from the RA.

(3) An owner will not be issued initial commercial vessel permits for king mackerel under the moratorium in numbers exceeding the number of vessels permitted in the king mackerel fishery that he/she owned simultaneously on or before October 16, 1995. If a vessel with a commercial vessel permit for king mackerel on or before October 16, 1995, has been sold since that date, the owner on or before that date retains the right to the commercial vessel permit for king mackerel unless there is a written agreement that such right transfers to the new owner.

(4) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this moratorium to another vessel owned by the same entity.

(5) An owner whose percentage of earned income or gross sales qualified him/her for the commercial vessel permit for king mackerel issued under the moratorium may request that NMFS transfer that permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial

vessel permit for king mackerel for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the percentage of earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income or gross sales requirement not later than the first full calendar year after the permit transfer takes place.

(6) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may request that NMFS transfer the permit to the income-qualifying operator when such operator becomes an owner of a vessel.

(7) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income or gross sales requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(8) NMFS will not reissue a commercial vessel permit for king mackerel if the permit is revoked or if the RA does not receive an application for renewal within 1 year of the permit's expiration date.

§ 622.5 Recordkeeping and reporting.

Participants in fisheries governed in this part are required to keep records and report as follows.

(a) *Commercial vessel owners and operators—(1) Requirements by species—(i) Coastal migratory pelagic fish.* The owner or operator of a vessel that fishes for or lands coastal migratory pelagic fish for sale in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ or adjoining state waters, or whose vessel is issued a commercial permit for king or Spanish mackerel, as required under § 622.4(a)(2)(iii) or (iv), who is selected to report by the SRD, must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

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(ii) *Gulf reef fish*. The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), or whose vessel fishes for or lands reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(A) *Fish traps*. In addition to the other reporting requirements in paragraph (a)(1)(ii) of this section, the owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must comply with the following requirements.

(1) *Inspection*. The RA will establish a 1-month period for mandatory inspection of all fish trap gear, permits, and vessels. The RA will provide written notification of the inspection period to each owner of a vessel for which a fish trap endorsement has been issued as required under § 622.4(a)(2)(i). Each such owner or operator must contact the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (727-570-5344) to schedule an inspection during the 1-month period. Requests for inspection must be made between 8:00 a.m. and 4:30 p.m. Monday through Friday and must be made at least 72 hours in advance of the desired inspection date. Inspections will be conducted Monday through Friday between 8:00 a.m. and 4:30 p.m. only. On the inspection date, the owner or operator must make all fish trap gear with attached trap tags and buoys and all applicable permits available for inspection on land. Vessels must also be made available for inspection as directed by the SAC or his designee. Upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance, an owner or operator may resume fishing with the lawful gear. However, an owner or operator who fails to comply with the inspection requirements during the 1-month inspection period or during any other random inspection may not use or possess a fish trap in the Gulf EEZ until the required inspec-

tion or reinspection, as directed by the SAC, has been completed and all fish trap gear, permits, and vessels are determined to be in compliance with all applicable regulations.

(2) *Trip reports*. For each fishing trip on which a fish trap will be used or possessed, an owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must submit a trip initiation report and a trip termination report to the SAC or his designee, by telephone, using the following 24-hour toll-free number—800-305-0697.

(i) *Trip initiation report*. The trip initiation report must be submitted before beginning the trip and must include: vessel name; official number; number of traps to be deployed; sequence of trap tag numbers; date, time, and point of departure; and intended time and date of trip termination.

(ii) *Trip termination report*. The trip termination report must be submitted immediately upon returning to port and prior to any offloading of catch or fish traps. The trip termination report must include: vessel name; official number; name and address of dealer where catch will be offloaded and sold; the time offloading will begin; notification of any lost traps; and notification of any traps left deployed for any reason.

(B) [Reserved]

(iii) *Gulf shrimp*. 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.

(iv) *South Atlantic snapper-grouper*. (A) The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form

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available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(B) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(C) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(v) *South Atlantic golden crab.* The owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under § 622.4(a)(2)(x), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD.

(2) *Reporting deadlines.* (i) Completed fishing records required by paragraphs (a)(1)(i), (ii), and (iv) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(ii) Reporting forms required in paragraph (a)(1)(v) of this section must be submitted to the SRD postmarked not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) *Charter vessel/headboat owners and operators—(1) Coastal migratory pelagic fish, reef fish, and snapper-grouper.* The owner or operator of a vessel for which a charter vessel/headboat permit for coastal migratory pelagic fish, Gulf

reef fish, or South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, or snapper-grouper in or from state waters adjoining the Gulf or South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(2) *Reporting deadlines—(i) Charter vessels.* Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) *Headboats.* Completed fishing records required by paragraph (b)(1) of this section for headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(c) *Dealers—(1) Coastal migratory pelagic fish.* (i) A person who purchases coastal migratory pelagic fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

(A) Dealer's or processor's name and address.

(B) County where fish were landed.

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(C) Total poundage of each species received during that month, or other requested interval.

(D) Average monthly price paid for each species.

(E) Proportion of total poundage landed by each gear type.

(ii) *Alternate SRD*. For the purposes of paragraph (c)(1)(i) of this section, in the states from New York through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS (see Table 1 of §600.502 of this chapter), or a designee.

(2) *Gulf red drum*. A dealer or processor who purchases red drum harvested from the Gulf who is selected to report by the SRD must report to the SRD such information as the SRD may request and in the form and manner as the SRD may require. The information required to be submitted must include, but is not limited to, the following:

(i) Dealer's or processor's name and address.

(ii) State and county where red drum were landed.

(iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3) *Gulf reef fish*. A person who purchases Gulf reef fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters must maintain records and submit information as follows:

(i) A dealer must maintain at his/her principal place of business a record of Gulf reef fish that he/she receives. The record must contain the name of each fishing vessel from which reef fish were received and the date, species, and quantity of each receipt. A dealer must retain such record for at least 1 year after receipt date and must provide such record for inspection upon the request of an authorized officer or the SRD.

(ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and

must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

(iii) The operator of a car or truck that is used to pick up from a fishing vessel reef fish harvested from the Gulf must maintain a record containing the name of each fishing vessel from which reef fish on the car or truck have been received. The vehicle operator must provide such record for inspection upon the request of an authorized officer.

(4) *Gulf shrimp*. A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide the following information when requested by the SRD:

(i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(ii) Amount of shrimp received by species and size category for each receipt.

(iii) Exvessel value, by species and size category, for each receipt.

(5) *South Atlantic snapper-grouper*. (i) A person who purchases South Atlantic snapper-grouper that were harvested from the EEZ or from adjoining state waters and who is selected to report by the SRD and a dealer who has been issued a dealer permit for wreckfish, as required under §622.4(a)(4), must provide information on receipts of South Atlantic snapper-grouper and prices paid, by species, on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no South Atlantic snapper-grouper were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later

than 5 days after the end of the month. However, during complete months encompassed by the wreckfish spawning-season closure (that is, February and March), a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

(ii) A dealer reporting South Atlantic snapper-grouper other than wreckfish may submit the information required in paragraph (c)(5)(i) of this section via facsimile (fax).

(iii) A dealer who has been issued a dealer permit for wreckfish, as required under §622.4(a)(4), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(6) *South Atlantic golden crab.* A dealer who receives from a fishing vessel golden crab harvested from the South Atlantic EEZ and who is selected by the SRD must provide information on receipts of, and prices paid for, South Atlantic golden crab to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD.

(7) *South Atlantic rock shrimp.* (i) A dealer who has been issued a permit for rock shrimp, as required under §622.4(a)(4), and who is selected by the SRD must provide information on receipts of rock shrimp and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(ii) On demand, a dealer who has been issued a dealer permit for rock shrimp, as required under §622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of rock shrimp.

(d) *Individuals with coral or live rock permits.* (1) An individual with a Federal allowable octocoral permit must submit a report of harvest to the SRD. Specific reporting requirements will be provided with the permit.

(2) A person with a Federal aquacultured live rock permit must report to the RA each deposition of ma-

terial on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

(iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(3) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(e) *Additional data and inspection.* Additional data will be collected by authorized statistical reporting agents and by authorized officers. A person who fishes for or possesses species in or from the EEZ governed in this part is required to make the applicable fish or parts thereof available for inspection by the SRD or an authorized officer upon request.

(f) *Commercial vessel, charter vessel, and headboat inventory.* The owner or operator of a commercial vessel, charter vessel, or headboat operating in a fishery governed in this part who is not selected to report by the SRD under paragraph (a) or (b) of this section must provide the following information when interviewed by the SRD:

(1) Name and official number of vessel and permit number, if applicable.

(2) Length and tonnage.

(3) Current home port.

(4) Fishing areas.

(5) Ports where fish were offloaded during the last year.

(6) Type and quantity of gear.

(7) Number of full- and part-time fishermen or crew members.

[61 FR 34940, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept. 9, 1996; 63 FR 10567, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 64 FR 68935, Dec. 9, 1999]

§ 622.6 Vessel and gear identification.

(a) *Vessel identification—(1) Applicability—(i) Official number.* A vessel for which a permit has been issued under

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the catch and distribution of golden crab for that trip.

[61 FR 43957, Aug. 27, 1996, as amended at 63 FR 57590, Oct. 28, 1998]

Subpart B—Effort Limitations

§ 622.15 Wreckfish individual transferable quota (ITQ) system.

The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(a) *Percentage shares.* (1) In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, percentage shares of the quota for wreckfish have been assigned. Each person has been notified by the RA of his or her percentage share and shareholder certificate number.

(2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RA. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(b) *Lists of wreckfish shareholders and permitted vessels.* Annually, on or about March 1, the RA will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15. Annually by April 15, the RA will provide each dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4), with a list of vessels for which wreckfish permits have been issued, as required under § 622.4(a)(2)(vii). Annually, by April 15,

the RA will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish. From April 16 through January 14, updated lists will be provided when required. Updated lists may be obtained at other times or by a person who is not a wreckfish shareholder or wreckfish dealer permit holder by written request to the RA.

(c) *ITQs.* (1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the RA will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the RA through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The RA will provide each wreckfish shareholder with ITQ coupons in various denominations, the total of which equals his or her ITQ, and a copy of the calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (that is, the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by the shareholder's employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by the shareholder's employee, contractor, or agent, and with all required sale endorsements properly completed.

(4) Wreckfish may not be possessed on board a fishing vessel—

- (i) In an amount exceeding the total of the ITQ coupons on board the vessel;
- (ii) That does not have on board a commercial vessel permit for

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wreckfish, as required under § 622.4(a)(2)(vii); or

(iii) That does not have on board logbook forms for that fishing trip, as required under § 622.5(a)(1)(iv)(B).

(5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the "Fisherman" part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The "Fisherman" part of each such coupon must be separated from the coupon and submitted with the logbook forms required by § 622.5(a)(1)(iv)(B) for that fishing trip.

(6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totaling the eviscerated weight of the wreckfish transferred to that dealer. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4).

(7) A dealer may receive a wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii). A dealer must receive the "Fish House" part of ITQ coupons in amounts totaling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by § 622.5(c)(5)(i).

(8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(d) *Wreckfish limitations.* (1) A wreckfish taken in the South Atlantic EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the South Atlantic EEZ.

(2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the South Atlantic EEZ or in a South Atlantic coastal state will be presumed to have been harvested from the South Atlantic EEZ unless accompanied by documentation that it was harvested from other than the South Atlantic EEZ.

(3) A wreckfish may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish is to be offloaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4), the wreckfish shareholder or the vessel operator must advise the NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (1-800-853-1964), of the location not less than 24 hours prior to offloading.

[61 FR 34934, July 3, 1996, as amended at 64 FR 59126, Nov. 2, 1999]

§ 622.16 Red snapper individual transferable quota (ITQ) system.

The ITQ system established by this section will remain in effect through March 31, 2000, during which time NMFS and the GMFMC will evaluate the effectiveness of the system. Based on the evaluation, the system may be modified, extended, or terminated.

(a) *Percentage shares.* (1) Initial percentage shares of the annual quota of red snapper are assigned to persons in accordance with the procedure specified in Amendment 8 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP) and in paragraphs (c)(1) through (c)(4) of this section. Each person is notified by the RD of his or her initial percentage shares. If additional shares become available to NMFS, such as by forfeiture pursuant to subpart F of 15 CFR part 904 for rule violations, such shares will be proportionately reissued to shareholders based on their shares as of November 1, after the additional shares become available. If NMFS is required to issue additional shares, such as may be required in the resolution of disputes, existing shares will be proportionately reduced. This reduction of shares will be based on shares as of November 1 after the required addition of shares.

(2) All or a portion of a person's percentage shares may be transferred to another person who is a U.S. citizen or permanent resident alien. (See paragraph (c)(5) of this section for restrictions on the transfer of shares in the initial months under the ITQ system.) Transfer of shares must be reported on

mackerel on board after that time, the Spanish mackerel retained on board will not be considered in possession during the succeeding day, provided the vessel is not underway between 6 a.m. and the time such Spanish mackerel are unloaded, and provided such Spanish mackerel are unloaded prior to 6 p.m.

(c) *South Atlantic snapper-grouper.* When a vessel fishes on a trip in the South Atlantic EEZ, the vessel trip limits specified in this paragraph (c) apply, provided persons aboard the vessel are not subject to the bag limits. See §622.39(a) for applicability of the bag limits.

(1) *Trip-limited permits.* A vessel for which a trip-limited permit for South Atlantic snapper-grouper has been issued is limited to 225 lb (102.1 kg) of snapper-grouper.

(2) *Golden tilefish.* (i) Until the fishing year quota specified in §622.42(e)(2) is reached, 5,000 lb (2,268 kg).

(ii) After the fishing year quota specified in §622.42(e)(2) is reached, 300 lb (136 kg).

(3) *Snowy grouper.* (i) Until the fishing year quota specified in §622.42(e)(1) is reached, 2,500 lb (1,134 kg).

(ii) After the fishing year quota specified in §622.42(e)(1) is reached, 300 lb (136 kg).

(4) *Red porgy.* (i) From May 1 through December 31, 50 lb (22.7 kg).

(ii) From January 1 through April 30, the seasonal harvest limit specified in §622.36(b)(5) applies.

(5) *Greater amberjack.* Until the fishing year quota specified in § 622.42(e)(3) is reached, 1,000 lb (454 kg). See § 622.43(a)(5)(i) for the limitations regarding greater amberjack after the fishing year quota is reached.

(d) *Gulf red snapper.* (1) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 1 red snapper license is 2,000 lb (907 kg), round or eviscerated weight.

(2) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 2 red snapper license is 200 lb (91 kg), round or eviscerated weight.

(3) The trip limit for red snapper in or from the Gulf for any other vessel for which a commercial permit for Gulf reef fish has been issued is zero.

(4) As a condition of a commercial vessel permit for Gulf reef fish, as required under §622.4(a)(2)(v), without regard to where red snapper are harvested or possessed, a vessel that has been issued such permit—

(i) May not possess red snapper in or from the Gulf in excess of the appropriate vessel trip limit, as specified in paragraphs (e)(1) through (3) of this section.

(ii) May not transfer or receive at sea red snapper in or from the Gulf.

(e) *Caribbean queen conch.* A person who fishes in the Caribbean EEZ and is not subject to the bag limit may not possess in or from the Caribbean EEZ more than 150 queen conch per day.

[61 FR 34934, July 3, 1996, as amended at 61 FR 48415, Sept. 13, 1996; 61 FR 48851, Sept. 17, 1996; 61 FR 65484, Dec. 13, 1996; 62 FR 23674, May 1, 1997; 62 FR 67723, Dec. 30, 1997; 63 FR 8356, Feb. 19, 1998; 63 FR 10569, Mar. 4, 1998; 63 FR 38303, July 16, 1998; 64 FR 45459, Aug. 20, 1999; 64 FR 59126, Nov. 2, 1999; 65 FR 16341, Mar. 28, 2000; 65 FR 30364, May 11, 2000; 65 FR 41016, July 3, 2000; 65 FR 51252, Aug. 23, 2000; 65 FR 55205, Sept. 13, 2000]

EFFECTIVE DATE NOTE: At 65 FR 55205, Sept. 13, 2000, §622.44 was amended by adding paragraph (c)(5), effective Oct. 13, 2000.

§ 622.45 Restrictions on sale/purchase.

In addition to restrictions on sale/purchase related to closures, as specified in §622.43 (a) and (b), restrictions on sale and/or purchase apply as follows.

(a) *Caribbean coral reef resource.* (1) No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ.

(2) A Caribbean prohibited coral that is sold in Puerto Rico or the U.S. Virgin Islands will be presumed to have been harvested in the Caribbean EEZ, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

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(ii) The name and home port of the vessel, or the name and address of the individual, harvesting the Caribbean prohibited coral.

(iii) The port and date of landing the Caribbean prohibited coral.

(iv) A statement signed by the person selling the Caribbean prohibited coral attesting that, to the best of his or her knowledge, information, and belief, such Caribbean prohibited coral was harvested other than in the Caribbean EEZ or the waters of Puerto Rico or the U.S. Virgin Islands.

(b) *Caribbean reef fish.* A live red hind or live mutton snapper in or from the Caribbean EEZ may not be sold or purchased and used in the marine aquarium trade.

(c) *Gulf reef fish.* (1) A Gulf reef fish harvested in the EEZ on board a vessel that does not have a valid commercial permit for Gulf reef fish, as required under § 622.4(a)(2)(v), or a Gulf reef fish possessed under the bag limits specified in § 622.39(b), may not be sold or purchased.

(2) A Gulf reef fish harvested on board a vessel that has a valid commercial permit for Gulf reef fish may be sold only to a dealer who has a valid permit for Gulf reef fish, as required under § 622.4(a)(4).

(3) A Gulf reef fish harvested in the EEZ may be purchased by a dealer who has a valid permit for Gulf reef fish, as required under § 622.4(a)(4), only from a vessel that has a valid commercial permit for Gulf reef fish.

(4) From February 15 until March 15, each year, no person may sell or purchase a gag, black grouper, or red grouper harvested from the Gulf by a vessel with a valid Federal commercial permit for Gulf reef fish. This prohibition on sale/purchase does not apply to gag, black grouper, or red grouper that were harvested, landed ashore, and sold prior to February 15 and were held in cold storage by a dealer or processor.

(d) *South Atlantic snapper-grouper.* (1) A person may sell South Atlantic snapper-grouper harvested in the EEZ only to a dealer who has a valid permit for South Atlantic snapper-grouper, as required under § 622.4(a)(4).

(2) A person may purchase South Atlantic snapper-grouper harvested in the EEZ only from a vessel that has a valid

commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi), or from a person who has a valid commercial license to sell fish in the state where the purchase occurs.

(3) Except for the sale or purchase of South Atlantic snapper-grouper harvested by a vessel that has a valid commercial permit for South Atlantic snapper-grouper, the sale or purchase of such fish is limited to the bag limits specified in § 622.39(d)(1).

(4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(5) During January, February, March, and April, no person may sell or purchase a red porgy harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during January through April does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the red porgy;

(iii) The port and date of offloading from the vessel harvesting the red porgy; and

(iv) A statement signed by the dealer attesting that the red porgy was harvested from an area other than the South Atlantic.

(6) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued,

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harvested from the South Atlantic. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the greater amberjack;

(iii) The port and date of offloading from the vessel harvesting the greater amberjack; and

(iv) A statement signed by the dealer attesting that the greater amberjack was harvested from an area other than the South Atlantic.

(7) During March and April, no person may sell or purchase a gag or black grouper harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during March and April does not apply to gag or black grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag or black grouper harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the gag or black grouper;

(iii) The port and date of offloading from the vessel harvesting the gag or black grouper; and

(iv) A statement signed by the dealer attesting that the gag or black grouper was harvested from an area other than the South Atlantic.

(e) *Gulf and South Atlantic wild live rock*. Wild live rock in or from the Gulf EEZ or South Atlantic EEZ may not be sold or purchased. The prohibition on sale or purchase does not apply to wild live rock from the South Atlantic EEZ that was harvested and landed prior to January 1, 1996, or to wild live rock from the Gulf EEZ that was harvested and landed prior to January 1, 1997.

(f) *South Atlantic golden crab*. (1) A female golden crab in or from the South Atlantic EEZ may not be sold or purchased.

(2) A golden crab harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for golden crab, as required under § 622.4(a)(2)(x), may not be sold or purchased.

(3) A golden crab harvested on board a vessel that has a valid commercial permit for golden crab may be sold only to a dealer who has a valid permit for golden crab, as required under § 622.4(a)(4).

(4) A golden crab harvested in the South Atlantic EEZ may be purchased by a dealer who has a valid permit for golden crab, as required under § 622.4(a)(4), only from a vessel that has a valid commercial permit for golden crab.

(g) *South Atlantic rock shrimp*. (1) Rock shrimp harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for rock shrimp, as required under § 622.4(a)(2)(viii), may not be transferred, received, sold, or purchased.

(2) Rock shrimp harvested on board a vessel that has a valid commercial permit for rock shrimp may be transferred or sold only to a dealer who has a valid permit for rock shrimp, as required under § 622.4(a)(4).

(3) Rock shrimp harvested in the South Atlantic EEZ may be received or purchased by a dealer who has a valid permit for rock shrimp, as required under § 622.4(a)(4), only from a vessel

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that has a valid commercial permit for rock shrimp.

(h) *Cut-off (damaged) king or Spanish mackerel.* A person may not sell or purchase a cut-off (damaged) king or Spanish mackerel that does not comply with the minimum size limits specified in § 622.37(c)(2) or (c)(3), respectively, or that is in excess of the trip limits specified in § 622.44(a) or (b), respectively.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43960, Aug. 27, 1996; 61 FR 47449, Sept. 9, 1996; 63 FR 10569, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 3629, Jan. 25, 1999; 64 FR 59126, Nov. 2, 1999; 65 FR 16341, Mar. 28, 2000; 65 FR 31831, May 19, 2000; 65 FR 51253, Aug. 23, 2000]

§ 622.46 Prevention of gear conflicts.

(a) No person may knowingly place in the Gulf EEZ any article, including fishing gear, that interferes with fishing or obstructs or damages fishing gear or the fishing vessel of another; or knowingly use fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(b) In accordance with the procedures and restrictions of the FMP for the Shrimp Fishery of the Gulf of Mexico, the RA may modify or establish separation zones for shrimp trawling and the use of fixed gear to prevent gear conflicts. Necessary prohibitions or restrictions will be published in the FEDERAL REGISTER.

(c) In accordance with the procedures and restrictions of the FMP for Coastal Migratory Pelagic Resources, when the RA determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in the South Atlantic EEZ off the east coast of Florida between 27°00.6' N. lat. and 27°50.0' N. lat., the RA may prohibit or restrict the use of hook-and-line and/or gillnets in all or a portion of that area. Necessary prohibitions or restrictions will be published in the FEDERAL REGISTER.

[61 FR 34934, July 3, 1996, as amended at 64 FR 59126, Nov. 2, 1999]

§ 622.47 Gulf groundfish trawl fishery.

Gulf groundfish trawl fishery means fishing in the Gulf EEZ by a vessel that uses a bottom trawl, the unsorted

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catch of which is ground up for animal feed or industrial products.

(a) Other provisions of this part notwithstanding, the owner or operator of a vessel in the Gulf groundfish trawl fishery is exempt from the following requirements and limitations for the vessel's unsorted catch of Gulf reef fish:

(1) The requirement for a valid commercial vessel permit for Gulf reef fish in order to sell Gulf reef fish.

(2) Minimum size limits for Gulf reef fish.

(3) Bag limits for Gulf reef fish.

(4) The prohibition on sale of Gulf reef fish after a quota closure.

(b) Other provisions of this part notwithstanding, a dealer in a Gulf state is exempt from the requirement for a dealer permit for Gulf reef fish to receive Gulf reef fish harvested from the Gulf EEZ by a vessel in the Gulf groundfish trawl fishery.

§ 622.48 Adjustment of management measures.

In accordance with the framework procedures of the applicable FMPs, the RA may establish or modify the following items:

(a) *Caribbean coral reef resources.* Species for which management measures may be specified; prohibited species; harvest limitations, including quotas, trip, or daily landing limits; gear restrictions; closed seasons or areas; and marine conservation districts.

(b) *Caribbean reef fish.* Size limits, closed seasons or areas, fish trap mesh size, and the threshold level for overfishing.

(c) *Coastal migratory pelagic fish.* For a species or species group: Age-structured analyses, target date for rebuilding an overfished species, MSY (or proxy), stock biomass achieved by fishing at MSY (B_{MSY}) (or proxy), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), OY, TAC, quota (including a quota of zero), bag limit (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, gear restrictions (ranging from regulation to complete prohibition), reallocation of the commercial/recreational allocation of Atlantic

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not subject to a permit sanction or denial under paragraph (a)(6) of this section.

(2) *Shark, swordfish, and tuna longline LAPs.* As of June 1, 2000, the owner of a vessel of the United States that fishes for, possesses, lands or sells shark or swordfish from the management unit, or takes or possesses such shark or swordfish as incidental catch or that fishes for Atlantic tunas with longline gear must have the applicable limited access permit(s) issued pursuant to the requirements in §635.4, paragraphs (e) and (f). However, any ILAP that expires on June 30, 2000, is valid through that date. Only valid limited access permit holders in the preceding year are eligible for renewal of a limited access permit(s). Limited access permits that have been transferred according to the procedures of paragraph (l) of this section are not eligible for renewal by the transferor.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37703, July 13, 1999; 65 FR 47238, Aug. 1, 2000]

EFFECTIVE DATE NOTE: At 64 FR 29137, May 28, 1999, §635.4 was added. Paragraph (b) has information collection requirements and will not become effective until Office of Management and Budget approval.

§ 635.5 Recordkeeping and reporting.

Information on HMS vessel and dealer reporting requirements may be obtained from the Division Chief or where otherwise stated in this part.

(a) *Vessels—(1) Logbooks.* If an owner of an HMS Charter/Headboat vessel, an Atlantic Tunas vessel, or a commercial shark or swordfish vessel, for which a permit has been issued under §635.4(c), (d), (e), or (f), is selected for logbook reporting in writing by NMFS, he or she must maintain and submit a fishing record on a logbook specified by NMFS. Entries are required regarding the vessel's fishing effort and the number of fish landed and discarded. Entries on a day's fishing activities must be entered on the form within 48 hours of completing that day's activities and, for a 1-day trip, before offloading. The owner or operator of the vessel must submit the logbook form(s) post-marked within 7 days of offloading all Atlantic HMS.

(2) *Weighout slips.* If an owner of a permitted vessel is required to maintain and submit logbooks under paragraph (a)(1) of this section, and Atlantic HMS harvested on a trip are sold, the owner or operator must obtain and submit copies of weighout slips for those fish. Each weighout slip must show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to or as part of a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. The owner or operator must also submit copies of weighout slips with the logbook forms required to be submitted under paragraph (a)(1) of this section.

(3) *BFT not sold.* If a person who catches and lands a large medium or giant BFT from a vessel issued a permit in any of the commercial categories for Atlantic tunas does not sell or otherwise transfer the BFT to a dealer who has a dealer permit for Atlantic tunas, the person must contact a NMFS enforcement agent, at a number designated by NMFS, at the time of landing such BFT, provide the information needed for the reports required under paragraph (b)(2)(i) of this section, and, if requested, make the tuna available so that a NMFS enforcement agent or authorized officer may inspect the fish and attach a tag to it. Alternatively, such reporting requirement may be fulfilled if a dealer who has a dealer permit for Atlantic tunas reports the BFT as being landed but not sold on the reports required under paragraph (b)(2)(i) of this section. All BFT landed but not sold will be applied to the quota category according to the permit category of the vessel from which it was landed.

(b) *Dealers.* Persons who have been issued a dealer permit under §635.4 must submit reports to NMFS, to an address designated by NMFS, and maintain records as follows:

(1) *Atlantic HMS.* (i) Dealers that receive Atlantic swordfish and Atlantic

sharks from U.S. vessels must report all Atlantic tunas (including BFT), Atlantic swordfish and Atlantic sharks received from U.S. vessels on a form available from NMFS.

(ii) Dealers must report all imports of BFT and swordfish on forms available from NMFS.

(iii) Reports of Atlantic swordfish and shark dealers, including reports of imported swordfish and bluefin tuna, received on the first through the 15th of each month must be postmarked no later than the 25th of that month. Reports of such fish received on the 16th through the last day of each month must be postmarked not later than the 10th of the following month. For swordfish imports, a dealer must attach a copy of each certificate of eligibility to the report required under paragraph (b)(1)(i) of this section. If a dealer has not received Atlantic swordfish or Atlantic sharks from U.S. vessels, during a reporting period, he or she must submit a report to NMFS, to an address designated by NMFS so stating, and the report must be postmarked as specified for the reporting period. A negative report is not necessary for Atlantic swordfish imports.

(iv) The reporting requirement of paragraph (b)(1)(i) of this section may be satisfied by a dealer if he or she provides a copy of each appropriate weighout slip or sales record, provided such weighout slip or sales record by itself or combined with the form available from NMFS includes all of the required information and identifies each fish by species.

(v) The dealer may mail or fax such report to an address designated by NMFS or may hand-deliver such report to a state or Federal fishery port agent designated by NMFS. If the dealer hand-delivers the report to a port agent, a dealer must deliver such report no later than the prescribed postmark date for the reporting period.

(2) *Requirements for BFT*—(i) *Reports of BFT*. Each dealer must submit a completed landing report on each BFT received, to NMFS, at an address designated by NMFS, by electronic facsimile (fax) not later than 24 hours from receipt of the fish. The landing report must be signed by the permitted vessel's owner or operator immediately

upon transfer of the fish and must indicate the name and permit number of the vessel that landed the fish. The dealer must inspect the vessel's permit to verify that the required vessel name and vessel permit number as listed on the permit are correctly recorded on the landing report. The dealer must also submit a bi-weekly report on forms supplied by NMFS for transfers from U.S. vessels and for imports of BFT. For BFT received on the first through the 15th of each month, the dealer must submit the bi-weekly report forms to NMFS postmarked no later than the 25th of that month. Reports of receipt of such BFT received on the 16th through the last day of each month must be postmarked not later than the 10th of the following month.

(ii) *Dealer Tags*. NMFS will issue numbered dealer tags to each person issued a dealer permit for Atlantic tunas under §635.4. A dealer tag is not transferable and is usable only by the dealer to whom it is issued. Dealer tags may not be reused once affixed to a tuna or recorded on a package, container, or report.

(A) *Affixing dealer tags*. A dealer or a dealer's agent must affix a dealer tag to each BFT purchased or received immediately upon its offloading from a vessel. The dealer or dealer's agent must affix the tag to the tuna between the fifth dorsal finlet and the caudal keel.

(B) *Removal of dealer tags*. A dealer tag affixed to any BFT under paragraph (b)(2)(ii)(A) of this section or a BSD tag affixed to an imported BFT must remain on the tuna until the tuna is cut into portions. If the BFT or BFT parts subsequently are packaged for transport for domestic commercial use or for export, the dealer or the BSD tag number must be written legibly and indelibly on the outside of any package or container. Such tag number must be recorded on any document accompanying shipment of BFT for commercial use or export.

(3) *Recordkeeping*. Dealers must retain at their place of business a copy of each written report required under paragraphs (b)(1)(i) through (b)(1)(iii) and paragraph (b)(2)(i) of this section for a period of 2 years from the date on

which each report was required to be submitted.

(c) *Anglers.* The owner of a vessel permitted in the Atlantic tunas Angling or Atlantic tunas or HMS Charter/Headboat category must report all BFT landed under the Angling category quota to NMFS through the automated catch reporting system by calling 1-888-USA-TUNA within 24 hours of the landing. Alternative BFT reporting procedures may be established by NMFS in cooperation with states and may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, tagging programs, or mandatory check-in stations. A census or a statistical sample of persons fishing under the Angling category may be used for these alternative reporting programs, and owners of selected vessels will be notified by NMFS or by the cooperating state agency of the requirements and procedures for reporting BFT. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that BFT landings reporting systems implemented by the states, if mandatory, at least as restrictive, and effectively enforced, are sufficient for Angling category quota monitoring. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the state system satisfies the reporting requirement of this paragraph (c).

(d) *Tournament operators.* A tournament operator must notify NMFS of the purpose, dates, and location of the tournament conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, at least 4 weeks prior to commencement of the tournament. NMFS will notify a tournament operator in writing, when his or her tournament has been selected for reporting. The tournament operator that is selected must maintain and submit to NMFS a record of catch and effort on forms available from NMFS. Tournament operators must submit completed forms to NMFS, at an address designated by NMFS, postmarked no later than the 7th day after the conclusion of the tournament and must attach a copy of the tournament rules.

(e) *Inspection.* Any person authorized to carry out enforcement activities under the regulations in this part has the authority, without warrant or other process, to inspect, at any reasonable time, catch on board of vessel or on the premises of a dealer, logbooks, catch reports, statistical records, sales receipts, or other records and reports required by this part to be made, kept, or furnished. An owner or operator of a fishing vessel that has been issued a permit under §635.4 must allow NMFS or an authorized person to inspect and copy any required reports and the records, in any form, on which the completed reports are based, wherever they exist. An agent of a person issued a vessel or dealer permit under this part, or anyone responsible for off-loading, storing packing, or selling regulated HMS for such permittee, shall be subject to the inspection provisions of this section.

(f) *Additional data and inspection.* Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under §635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under §635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for inspection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999]

§ 635.6 Vessel and gear identification.

(a) *Vessel number.* For the purposes of this section, a vessel's number is the vessel's official number issued by either by the U.S. Coast Guard or by the appropriate state agency.

(b) *Vessel identification.* (1) An owner or operator of a vessel for which a permit has been issued under §635.4 must display the vessel's number-

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

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;

Sec. 742d. Investigations; preparation and dissemination of information; reports

- (a) [\[1\]](#) The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:

[\[1\]](#) So in original. No subsec. (b) has been enacted.

- (1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;
- (2) The availability and abundance and the biological requirements of the fish and wildlife resources;
- (3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;
- (4) The collection and dissemination of statistics on commercial and sport fishing;
- (5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;
- (6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;
- (7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

16 U.S.C. 1853

(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

alleged programs. The Department initiated on 20 programs in this investigation, over half of which have never been investigated before. The alleged subsidies include the types of programs that are among the most complex ever handled by the Department, including government direction of credit, debt restructuring, transnational subsidies, and the provision of electricity at preferential rates, among others.

Accordingly, we deem these investigations to be extraordinarily complicated and determine, with regard to the third requirement noted above, that additional time is necessary to make the preliminary determinations. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determinations in these investigations to no later than March 26, 2001.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: January 18, 2001.

Troy H. Cribb,

Assistant Secretary for Import Administration.

[FR Doc. 01-2516 Filed 1-29-01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advanced Technology Program Advisory Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Advanced Technology Program Advisory Committee, National Institute of Standards and Technology (NIST), will meet Tuesday, February 13, 2001, from 8:30 a.m. to 4:00 p.m. The Advanced Technology Program Advisory Committee is composed of eight members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, education, and management consulting. The purpose of this meeting is to review and make recommendations regarding general policy for the Advanced Technology Program (ATP), its organization, its budget, and its programs within the framework of applicable national policies as set forth

by the President and the Congress. The agenda will include an Update on ATP, an NRC Study Update, a report on the Program Off Site, a report from the Economic Assessment Office, an Update on New Competition, a discussion of Outreach Efforts, and a presentation on the University Parks Initiative.

Discussions scheduled to begin at 8:30 a.m. and to end at 9:30 a.m. and to begin at 3:00 p.m. and to end at 4:00 p.m. on February 13, 2001, on the ATP budget issues and staffing of positions will be closed.

DATES: The meeting will convene February 13, 2001, at 8:30 a.m. and will adjourn at 4:00 p.m. on February 13, 2001.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Employees Lounge, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT:

Janet R. Russell, National Institute of Standards and Technology, Gaithersburg, MD 20899-1004, telephone number (301) 975-2107.

SUPPLEMENTARY INFORMATION: The Acting Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 22, 2001 that portions of the meeting of the Advanced Technology Program Advisory Committee which involve discussion of proposed funding of the Advanced Technology Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of staffing of positions in ATP may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: January 22, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01-2527 Filed 1-29-01; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012201C]

Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA)

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 2, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MCclayton@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Roberts Sadler, Southeast Regional Office, 9721 Executive Center Drive, St. Petersburg, FL 33702 (phone 727-570-5326).

SUPPLEMENTARY INFORMATION:

I. Abstract

The reporting burden for this family of forms is comprised of mandatory dealer reporting and dockside interviews. Mandatory dealer reporting is authorized under 50 CFR 622.5 and 635.5 and is used to monitor Federally-mandated fishery quotas. Dockside interviews with fishermen are used to collect biological data from fishing trips. These data consist of the measurement and weights of fish, fishing effort and fishing area.

II. Method of Collection

Mandatory dealer reporting is accomplished with forms provided by the Science and Research Director, Southeast Fisheries Science Center. Dockside interviews are conducted on site and data are recorded by trained Federal port agents.

III. Data

OMB Number: 0648-0013.

Form Number: NOAA Form 88-30.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations (seafood dealers and fishermen).

Estimated Number of Respondents: 5,500.

Estimated Time Per Response: 15 minutes for a dealer report in the golden crab, red snapper, rock shrimp, and Puerto Rican prohibited coral fisheries; 5 additional minutes to fax or mail a red snapper dealer report; 5 minutes for a dealer report in the snowy grouper, tilefish, and mackerel fisheries; 5 minutes for an annual vessel interview; 10 minutes for other interviews; 10 minutes for a dealer and vessel report in the eastern Gulf of Mexico runaround gill mackerel fishery; 8 minutes for a dealer report for swordfish and sharks; 17 minutes for a swordfish importer report; and 4.5 minutes for a wreckfish dealer report.

Estimated Total Annual Burden Hours: 3,256.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 19, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-2415 Filed 1-29-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of availability of final evaluation findings.

SUMMARY: Notice is hereby given of the availability of the final evaluation findings for the Delaware, Florida, Massachusetts, New Hampshire, Oregon, and Virginia Coastal Management Programs, and the Elkhorn Slough (California), Narragansett Bay (Rhode Island), Sapelo Island (Georgia), and Tijuana River (California) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of coastal management programs, and the operation and management of NERRs.

The states of Delaware, Florida, Massachusetts, New Hampshire, Oregon and Virginia were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA section 303(2)(A)-(K), and adhering to the programmatic terms of their financial assistance awards.

Elkhorn Slough, Narragansett Bay, Sapelo Island, and Tijuana River NERRs were found to be adhering to programmatic requirements of the NERR System. Copies of these final evaluation findings may be obtained upon written request from: Margo E. Jackson, Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, or Margo.E.Jackson@noaa.gov, (301) 713-3155 Extension 114.

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.)

Capt. Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01-2524 Filed 1-29-01; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Monterey Bay National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSPP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) is seeking applicants to fill vacant fishing (primary) and conservation (alternate) seats on its Sanctuary Advisory Council (Council). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve three-year terms, pursuant to the Council's Charter.

DATES: Applications are due by February 19, 2001.

ADDRESSES: Application kits may be obtained from Brady Phillips at the Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, California, 93940. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Brady Phillips at (831) 647-4237, or Brady.Phillips@noaa.gov.

SUPPLEMENTARY INFORMATION: The MBNMS Advisory Council was established in March 1994 (the current Council has served since March 1998) to assure continued public participation in the management of the Sanctuary. Since its establishment, the Council has played a vital role in the decisions affecting the Sanctuary along the central California Coast.

The Council's nineteen voting members represent a variety of local user groups, the general public, and seven local, state and federal governmental jurisdictions. In addition, the respective managers for the four California National Marine Sanctuaries (Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, and the Monterey Bay National Marine