

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 07/14/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 05/21/2003.

TITLE: Northwest Region Federal Fisheries Permits

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0203

EXPIRATION DATE: 07/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	2,610	605	26
New	2,380	595	49
Difference	-230	-10	23
Program Change		-9	0
Adjustment		-1	23

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# 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.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> 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

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
NORTHWEST REGION FEDERAL FISHERIES PERMITS  
OMB CONTROL NO. 0648-0203**

This statement supports a request for renewal and revision of OMB clearance of OMB # 0648-0203, Northwest Federal Fisheries Permits. The existing clearance for this information collection will expire June 30, 2003.

This statement addresses two data collections authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) which was developed by the Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, U.S.C. 1801 *et seq* (Magnuson-Stevens Act). The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC).

The supporting statements are presented in two sections: 1) exempted (experimental) fishing permits and 2) renewal and transfer of limited entry permits.

**INTRODUCTION**

The issuance of a permit is a necessary component in the management of fishery resources. Identification of the participants, their gear types, descriptions of their vessels, and expected activity levels are needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations.

Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the vessel from the fishery altogether. Fines for fishing without a permit are more substantial and easier to enforce than fines for other violations.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognized the need for permit issuance. Almost every international, federal, state, and local fishery management authority recognizes the value of and uses permits as an integral part of their management systems.

**EXEMPTED FISHING PERMITS (EFP)**

**JUSTIFICATION**

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

Exempted (previously called "experimental") fishing permits are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. The exempted fishing permits allow vessels to fish for public display, data collection, exploration, health and safety, environmental cleanup, hazard removal purposes, or to conduct limited testing. The intent is to respond to changes in the resource, fishery and other applicable law, and to requests of the public or government, resulting in better management of the fishery resource.

As part of the information collection for EFPs, we are not requiring Social Security Numbers or Tax Identification Numbers as required under the Debt Collection Act. Such information is required for Limited Entry Permits and is described below. Please note that some EFPs are issued to the state fish and wildlife agencies, which do not have a Social Security Number or Tax Identification Number. The remaining EFPs are issued to vessel owners who are required to have a limited entry permit. Therefore, it is redundant to require this information for an EFP.

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

Exempted fishing permits are issued to applicants for fishing activities that would otherwise be prohibited under a FMP. Applicants initiate a request for an EFP by submitting a letter to the Agency. An application for an EFP must contain all information required for an EFP application given at 50 CFR 600.745 (b)(2). A narrative description of the proposed activity is required to fully document the intended operation. This documentation allows NOAA Fisheries to evaluate the consequences of the experimental fishing activity and weigh the benefits and costs. Exempted fishing permits may lead to better management of the resource by allowing innovation that may resolve existing technological barriers or by providing additional scientific and management data.

The total number of responses in an exempted fishery can change from year to year, and is different for each exempted fishery. One application is required annually (from a vessel or state) but the number of data reports required may vary during the year. Reports are filed in association with an EFP. In some instances, a single report at the end of the year may be adequate, whereas in others, a data report may be required monthly or each time fish are landed.

Information such as name, address and telephone number of the applicant, operator and/or owner, and date of the application are used to identify the applicant and the legal ownership of the vessel being permitted. This latter requirement is essential in the use of permit sanctions as a fisheries enforcement tool. For example, violations of catch regulations may result in suspension of a permit. Since many vessels are owned by corporations, identification of ownership on the application form allows NOAA Fisheries to sanction the company as well as the individual vessel operator for repeated violations of federal regulations. Telephone numbers are required to assist NOAA Fisheries in processing the application by allowing questions to be resolved more quickly and cheaply than by correspondence.

The application also includes a statement of the purposes and goals of the exempted fishery, with justification for issuance of the EFP; the species (target and incidental) and amounts expected to be taken under the EFP; the disposition of the catch; and anticipated impacts on marine mammals or endangered species. This information is needed to help evaluate the program, its scope and impacts, and to determine whether the activity is appropriate for further consideration.

Information on the vessel (including a copy of the USCG documentation, State fishing license or registration, or the information on those documents), gear used, fishing area, and time of fishing is needed for identification of the participants at sea for boardings and inspections by NOAA Fisheries enforcement vessels or overflights. The information also precludes substitution of gear or vessels that may otherwise be prohibited by other regulations in effect. Information on the gear being used is also used in making management decisions, since it helps show how gear restrictions affect the members of the fishery. Gear, fishing area, and time of year also may be important factors to consider in determining appropriate permit conditions to attach to the EFP.

Additional information may be requested. For example, other information on the physical vessel characteristics such as hold or fuel capacity, units and size of gear, or refrigeration capability may be used to inventory the relative fishing power of each craft. This information may be used in estimating the effects of fishing effort on the biological status of stocks, or to assist NOAA Fisheries in its national security role for the Federal Emergency Planning Administration. In some cases EFPs are issued allowing the permittee to keep fish in compensation for collecting resource survey information according to a NOAA Fisheries-approved protocol. In these cases the application must state that the vessel's participation is contingent upon compensation.

The information requested in the permit application form is used by several offices of NOAA Fisheries, the U.S. Coast Guard and state fishery enforcement agencies under contract to NOAA Fisheries, and summarizations of all permittee information are used by NOAA Fisheries, the Council, and fishery organizations. Owner/applicant signatures are required as legally binding actions which ensure eligibility to receive a permit under the other FMP regulations. False statements without the signature of the applicant would be much harder to prosecute.

In addition to the application, permittees are required to file reports describing the results of the experiments, so that NOAA Fisheries can evaluate the techniques used and decide if management regulations should be changed. The types of reports submitted under EFPs vary according to the nature of the EFP. In some cases the applicant is a state requesting permits for multiple vessels, and the state is required to collect catch information from the vessels and submit summary reports. The frequency of summary reports depends upon the state of the allocation for the fishery involved; the frequency may start as bi-weekly, go to weekly, and then every 2-3 days when the remaining allocation is small (the normal season is 10-12 weeks, producing an average of 9 summary reports per permit). In other cases where only individual vessels are involved, only a summary report is submitted at the end of the fishing trip covered by the permit.

Data reports from individual vessels operating under an EFP generally are minimal. Data reports may include fish species, amounts, disposition (retained or discarded), and area or time of catch to monitor catch levels and to determine if a particular regulation is effective or should be changed. This kind of information already is maintained by a vessel during its regular course of business (with the possible exception of discard data), so additional information gathered under the EFP generally is a minor supplement to information that already is maintained. In some cases, the vessel owner or operator may be required to keep and submit separate records of compensation fishing.

A final type of reporting is a call-in requirement prior to trips to allow NOAA Fisheries to deploy at-sea samplers on the trip.

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

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

No improved information technology has been identified as a practical means for reducing the burden on the public. Optical character reader (OCR) technology has been investigated but average response time estimates are not significantly different, whereas the cost for hardware and forms development for the small volume of EFP permits make the technology cost inefficient. However, NOAA Fisheries continues to investigate the possibility of using standardized electronic systems for permit application.

**4. Describe efforts to identify duplication.**

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is composed of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NOAA Fisheries is confident it is aware of similar collections if they exist.

Cooperative enforcement agreements result in states revoking permits for violations of Federal laws, and the state applications provide the information needed. An experimental permit is necessary since it grants special permission to conduct fishing operations that otherwise would be prohibited.

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

Since almost all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the permit objectives are requested from all applicants.

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

Annual permit renewal is the standard for accomplishing the objectives of exempted permit programs. Because an EFP authorizes activities that otherwise would be illegal, annual review and renewal assure that the experiment is appropriate and designed to achieve its purpose and also helps state and Federal officials to closely monitor scheduled activities. A longer permit period could allow prohibited activities to take place beyond the time needed to evaluate the experiment. However, in special cases permits can be renewed for longer periods.

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

Summary and call-in reports may be required more often than quarterly. The frequency is necessary in summary reports to keep track of the catch versus the allocation, and in the case of call-in trip notifications the need is to know when vessels are leaving so samplers may be assigned.

**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 Federal Register Notice (copy attached) solicited public comment; none was received. As described in the response to number 4, consultation with the potential applicants is assured by the FMP regulatory process.

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

In some limited cases, the vessel owner/operator may be authorized to receive fish in excess of normal limits, or receive compensation for, fish used for scientific or experimental purposes under an exempted fishing permit.

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

Permit applications are considered to be submitted in an entrepreneurial capacity and are thus exempt from Privacy Act concerns. However, all data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. An EFP may contain provisions for public release of data obtained while fishing under the EFP.

**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 as part of this information collection.

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

It is estimated that 67 respondents will spend 355 hours responding to this collection. These figures represent no change in the hours of the burden of the collection of information from that given for the previously approved collection.

The number of respondents and annual responses are divided into four categories. (1) 9 individuals or organizations are each expected to complete and submit one exempted fishing permit applications annually for issuance of permits for about 58 vessels per year. The application process is estimated to take 60 minutes per application for a total of 9 burden hours per year. (2) 9 summary reports are expected to be submitted by each of the 9 applicants. At one hour per report, the estimated annual burden is 81 hours per year. (3) Data reports (See Table D) are expected to be submitted after each of 1591 landings, at an estimated 10 minutes per landing for a total of 265 burden hours per year. (4) Trip notification call-ins are estimated to affect 200 trips per year at an estimated 2 minutes per call for a total of 7 hours per year. This collection is expected to affect approximately 67 respondents and require less than 362 hours annually.

**Table A - Annual Burden Hours - EFPs - OMB#0648-0203**

Exempted Fishing Permit (EFP)	No. of Respondents	Frequency of Responses	Total Annual Responses	Ave. Time per Response	Total Time (Hrs)
Initial Application	9	1	9	1 Hour	9 Hours
Summary Report	9	9	81	1 Hour	81 Hours
Data Report	58	Variable*	1591	10 Minutes	265 Hours
Trip Notifications	58	1	200	2 minutes	7 Hours
<b>New Total: EFP</b>	67**	Variable	1681	13 minutes (ave)	362 Hours
Previous Total	67	Variable	1681	13 minutes (ave)	362 Hours
Change	0	0	0	0	0

\* Reports may be required monthly or semi-annually

\*\* Same 8 respondents make initial application and submit summary report; 58 permits are issued to vessels that provide data reports and call-in

**Table B - Annualized Cost to Respondents for Hour Burden for Collection**

	<b>Activity</b>	<b>Cost</b>
	Application Preparation: 9 hours @\$24/hr salary	\$216
	Summary Report Preparation - 81 hours @ \$24/hr. salary	\$1,944
	Data Report Preparation - 265 hours @\$24/hr salary	\$6,360

NOTE: Data reports are provided electronically.

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

See Table C below.

**Table C - Estimated Annual Cost Burden to the Respondents**

	<b>Cost Item</b>	<b>Cost</b>
	Mailing Costs: \$0.37 x (9 applications + 58 submissions of data reports +9 Summary Reports)*	\$27
	Call-in Notifications: 200 Calls @.50 per call	\$100
	Application Fee	\$0

\* Data Reports provided electronically.

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

The cost to NOAA Fisheries is incurred through the processing and issuance of EFPs. The estimated costs to the government is about \$1,142. Handling costs for the various is negligible and integrated with other analytical responsibilities.

58 Applications x 1 hour per permit x \$19.00/hr.- salary = \$1,102  
 10 FedEx mailings at \$4.00 per mailing = \$40

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

The estimate in costs to the respondents and the government have increased slightly since the 2000 submission. The increases are due to mailing wage increases and/or mailing costs.

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

Results for this collection 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.**

Not applicable.

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

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

**LIMITED ENTRY PERMITS (LEP)**

**A. JUSTIFICATION**

This statement supports renewal and revision of the "collection of information" authorized by Amendments 4 and 6 to the Pacific Coast Groundfish FMP. Amendment 6, which implemented a limited entry program, was approved on September 4, 1992 and was implemented by the Secretary of Commerce under the Magnuson-Stevens Act. Amendment 9, which was approved on June 27, 1997, adds a sablefish endorsement requirement to the limited entry permit, limiting participation in the fixed gear sablefish fishery to specific qualifying vessels. The information collection takes the form of a federal fisheries permit program for those vessel owners who are expected to qualify for limited entry (and sablefish endorsements) in the Pacific Coast groundfish fishery.

The initial Pacific Coast groundfish fishery limited entry permit program requirements and the 1997 and 2001 revisions are described below in items (1)-(5):

- (1) During the initial application and permit issuance process, vessel owners were required to complete an application for a federal permit and submit proof of their

landings and other evidence relevant to meeting the permit qualification criteria. This was a one time submission and has been completed.

(2) Permit owners must formally request and receive approval to transfer a permit and its endorsements. Any permit transfer involving a change in vessel, permit owner or permit holder requires the permit owner to complete a transfer application for the review and approval of NOAA Fisheries. All endorsements (size, gear, sablefish) are permanently affixed to the permit and are automatically included as part of any permit transfer.

(3) All permits must be renewed annually. Since 1997, owners of trawl endorsed permits have made certain designations as part of the renewal process. They include: (a) trawl vessels are able to choose the periods of time to which their cumulative trip limits will apply (called "platooning"); and (b) catcher/processor vessels may decide to operate the entire year as a mothership instead (which means the vessel will only process fish, but will not harvest them).

(4) Provisions for a sablefish endorsement on a limited entry permit were added in 1997. The endorsement, which is required to participate in the fixed gear, limited entry primary sablefish fishery, is based on historical participation, and is intended to restrict further expansion of effort into this fishery. If a permit owner did not receive a sablefish endorsement, they had an opportunity to challenge that decision by submitting state fish ticket data or other records to support their claim of qualification. The appeals process for a sablefish endorsement was a one-time collection, that has been completed.

(5) In 2001, NOAA Fisheries partially implemented Amendment 14 which allowed allowed for up to three sablefish endorsed permits to be registered to a single vessel (registering more than one sablefish endorsed permit to a vessel is known as "stacking"). Each sablefish permit has a tier endorsement (1,2, or 3) which enables the permit owner to harvest a specified amount of sablefish during the primary season. Permit stacking allows a vessel to catch the aggregate amounts allowed for each tier given on an individual permit. Under the stacking provisions, the number of vessels participating in the fishery have been reduced and those vessels stacking permits are able to catch more fish and fish for longer periods during the year. Also, there are limitations on the number of sablefish endorsed permits an individual, corporation or partnership may own and hold.

This renewal statement involves items 2 (permit transfer), 3 (permit renewal) and 5 (permit stacking). Item 1 (the initial application for permits) and (4) sablefish endorsement were one-time collections that were completed in 1993 and 1997.

An appeals process is provided for denial of original issuance, transfer and renewal of a permit. The number of appeals continue to be minimal and are assumed to be within the burden estimated for those items. An appeal must be in writing and must explain how the requirements for transfer, renewal, or issuance of a permit have been met, or why a hardship exception should be granted (50 CFR 660.340).

Regulations implementing the information collection are necessary to provide adequate information on which to base the issuance, transfer and renewal of permits (and endorsements) to participate in the Pacific coast groundfish limited entry fishery. A copy of the regulations implementing the information collection for the limited entry fishery and the appeals process are attached to the supporting statement.

As part of this information collection renewal, we are eliminating the collection of information for groundfish processing vessels over 125 feet in length. This provision was included in the prior supporting statement (2000) in anticipation of regulations that would require owners of at-sea mothership vessels to obtain a separate permit for that vessel. Such regulations were never implemented and are not anticipated to be implemented in the future.

Also, the prior information collection included a survey for those vessel owners who may want to fish underutilized species. This survey provided a basis for issuing a temporary permit (B Permit) authorizing individual vessels to fish underutilized species. However, in recent years, the Agency has judged that there are no longer any underutilized species in the complex of groundfish species. As a result, the Agency no longer uses the survey and does not issue temporary permits to harvest underutilized species.

As part of this information collection renewal, we request a revision to the current permit transfer and renewal forms to include:

- 1) the Social Security Number for the permit owner and/or permit holder (if the latter is different individual);
- 2) the tax identification number if the permit owner or holder (if different from owner) is a business entity (corporation or partnership).

The Agency currently does not collect SSN or TIN information in its renewal or transfer forms. We request that the above items be provided on a mandatory basis in accordance with the Debt Collection Improvement Act.

We also request the inclusion of new requested actions in Section A in the change of permit owner, permit holder, vessel form. These actions are:

- 1) if sablefish endorsed permit will be stacked to the a vessel (is either a 2<sup>nd</sup> or 3<sup>rd</sup> permit being registered to a permit;
- 2) If sablefish endorsed permit being taken off a vessel is being removed from a current stacked permit arrangement.

The following paragraphs respond to questions that must be addressed according to the Paperwork Reduction Act.

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

Amendment 6 to the FMP directly addresses the issue of increasing amounts of excess fleet harvesting capacity by instituting a limited entry program based on the issuance of federal permits to control the overall fleet harvest capacity of the three major gear types (trawl, longline, and fish pot) that account for the majority of the Pacific Coast groundfish harvest. Amendment 6 is intended to control the capacity of the groundfish fishing fleet in three main ways: (1) limiting the overall number of vessels; (2) limiting the number of vessels using each of the three major gear types; and, (3) limiting increases in vessel harvest capacity by limiting vessel length.

Beginning January 1, 1994, Amendment 6 required a federal permit to participate in the limited entry segment of the fishery. Permits are endorsed for one or more of three gear types: trawl, longline, and trap/pot. Also, each permit has a size endorsement assigned to it. Individuals whose vessels met specific minimum landing requirements were qualified to receive a limited entry permit.

In August 2001, Amendment 14 was implemented and allowed for up to three sablefish endorsed permits to be registered to a single vessel. Each sablefish permit has a tier endorsement (1,2, or 3) which enables the permit owner to harvest a specified amount of sablefish during the primary season. Permit stacking allows a vessel to catch the aggregate amounts of all permits registered to the vessel. Under the stacking program, the number of vessels participating in the fishery have been reduced and those vessels stacking permits are able to catch more fish and fish for longer periods during the year.

PERMIT TRANSFERS: Limited entry permits are transferrable and must be formally requested by the permit owner as required at 50 CFR 660.335. The term “permit transfer” refers to one or more of the following actions: change in permit owner, change in permit holder, and/or change in vessel registration. The Agency requires that the permit owner make a formal request using the attached form [Change of Vessel Registration or Permit Ownership/Holder Application] and submitting his/her current permit. The requirement of a transfer form is necessary to: formally document the request; accurately track changes in permit owners, holders (if different), vessels registered to the permit; verify compliance with regulations; and maintain current address, phone, fax information on individuals/entities registered to the permit. The same form is used to request replacement of a lost permit. The following information is required for permit transfers:

- 1) Federal permit number and vessel name (required for all transfer requests);
- 2) Current permit owner name, Social Security Number or Tax Identification Number, business address and telephone and fax numbers, title (if corporate officer), email address, signature and date (required for all transfer requests);
- 3) In the case of a request for transfer of the permit to a new owner: the name of the new permit owner, Social Security Number or Tax Identification Number, business address, title (if corporate officer), telephone and fax numbers, and email address;

- 4) In the case of a request for transfer of the permit to a new permit holder (usually an individual leasing permit from permit owner): the name of the new permit holder, Social Security Number or Tax Identification Number, business address, title (if corporate officer), telephone and fax numbers and email address;
- 5) In the case of transfer of the permit to a new vessel, the vessel name and identification number of both the old and the new vessel, and the new vessel's length overall. In 2001, the permit regulations were revised to allow one change in vessel registration per permit in a calendar year.

The applicant requesting a transfer must notarize his/her signature on the form and as appropriate, provide evidence of authority to authorize a transfer, such as a: corporate resolution, contract for sale or lease, court order relative to a divorce decree, litigation, settlement of an estate, U.S. Coast Guard Report of Marine Accident, Injury or Death (CG-2692), or affidavit of lost permit. Further, if the permit is being registered to a vessel that has not recently participated in the fishery, a marine survey is required that certifies the length overall of the vessel corresponds to the size endorsement.

The circumstances that prompt the Sustainable Fisheries Division to revise the current collection to include the Social Security Number (SSN) and the Tax Identification Number (TIN) for permit owners/holders is the need to comply with Debt Collection Improvement Act of 1996. Specifically, 31 U.S.C. 7701 (c) (1) it is given that: “the head of each Federal agency shall require each person doing business with that agency to furnish that agency such person’s taxpayer identifying number.” Further, at 31 U.S.C. 7701 (c) (2) (B): “For purposes of the subsection, a person shall be considered doing business with a Federal agency if the person is - an applicant for, or recipient of, a Federal license, permit, right away, grant or benefit payment administered by the agency....” Limited entry permit owners and holders are “persons doing business” with a Federal agency and as such, the Agency will require SSN and TIN for permit owners and holders. The attached transfer and renewal forms include a statement that advises the permit owner and holder that this SSN and TIN information will not be released to the public. The Agency’s primary purpose in collecting this information is to provide unique identifier for Federal agencies to identify individuals/entities doing business with the government and who may owe a delinquent debt to the government. The Agency may share SSN/TIN information with Federal agencies who have seeking to identify individuals/entities doing business with the government.

The additional requested actions included in Section A are requested to help the permit specialist readily identify if the permit is being added or removed from a stack arrangement. This designation is useful to Agency staff because such requests must meet additional criteria in order to be approved, requires the permit specialist to frequently contact other owners and holders involved in the stack, work with multiple permit files and reissue multiple permits. The number of requests to stack a permit or remove a permit from stack arrangement numbers between 30-50 per year.

ANNUAL PERMIT RENEWAL Permit owners are required to renew their limited entry permit as given at 50 CFR 660.335. On an annual basis, the Agency requires that the permit owner

confirm that existing permit data is correct by signing and dating the form and provide payment of a renewal fee. Submission of a signed/dated renewal form and fee payment affirms that the permit owner wishes to continue participation in the limited entry program. The permit data provided on the renewal form includes: permit number; vessel name and official number (USCG or state documentation number); endorsements (gear, size, fishery), permit owner name, address, phone, fax and Email; permit holder name, address, phone, fax, Email (if different from permit owner); if a trawl endorsed, platoon designation; and mothership designation. If there are changes to the owner or holder address, the permit owner may update those items. Any change in permit owner, permit holder or vessel cannot be made as part of the renewal process but must be requested formally as a permit transfer.

Platoon designation provisions were added to the permit renewal process in 1997. As part of a renewal, trawl endorsed permit owners may designate participation in the "B" Platoon and/or designate participation in the whiting fishery as a mothership. Vessels are assumed to be in the "A" platoon unless permit owner designates the "B" platoon on the permit renewal form. The platoon designation option was requested by the industry to facilitate a more constant flow of product for their operations and accommodate other fishing opportunities. Permit owners of trawl endorsed permits may choose whether they take their cumulative trip limits from the first to the end of the month ("A" platoon), or out of phase by two weeks, from the 16th to the 15th of the month ("B" platoon). This designation can only be made during the permit renewal period. The amount of fish taken is the same whether in the "A" or "B" platoon.

Also, the regulations provide at 50 CFR 323(a)(4)(ii) that during the renewal period each year, the owner of catcher/processor vessel registered to a permit must declare if the vessel will operate in the whiting fishery solely as a mothership operation. Catcher/processors (registered to limited entry permits) in the whiting fishery may choose to operate as a motherships, which means the vessel will operate as a processor but will not fish for the calendar year. This provision was requested by at-sea processing vessel owners to avoid confusion as to whether a vessel is processing or fishing during a particular season. The permit owner need only check a box on the limited entry permit renewal form to make a mothership designation for the registered vessel.

As part of this renewal, we are requesting a revision to our current annual renewal form to include a mandatory requirement of either the Social Security Number or Tax Identification Number for the permit owners or business entity and the such numbers for the current permit holder (if different from owner). This information is required in accordance with the Debt Collection Action. Please see the discussion of this requirement earlier in the response to question #1 (page 12).

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

The Sustainable Fisheries Division collects renewal information once each year. The Agency sends a permit renewal form and instruction letter before September 1 to all permit owners requesting a confirmation (sign and date form) that the current data the Agency has for each permit is correct and provide payment of a renewal fee. The permit owners are provided 90 days to respond to the renewal request. The permit owner may revise address, phone, fax and email information as necessary. Trawl permit owners must designate on the renewal form whether they will participate in the B Platoon or will operate as a mothership in the whiting fishery. The number of vessels currently permitted that could potentially operate as a mothership number less than 10. The number of vessels designating the B Platoon designation ranges from 20-30 each year. Payment of the renewal fee and signed/dated form is due to the Agency by November 30<sup>th</sup>. We estimate that 85-90% of the permit renewals received in a given year do not involve any changes to the current information.

The Agency requires permit owners to formally request a change in the permit owner, permit holder or vessel registered to the permit. All three of these changes or requests for changes are commonly referred to as a “transfer” or “transfer request”. The Agency requires that the permit owner make a formal request using the attached form [Change of Vessel Registration or Permit Ownership/Holder Application] and submitting his/her current permit. By regulation (50 CFR 660.335(f)), a change in vessel registration can only occur once in a calendar year for any one permit. The number of changes in permit owner or holders on a particular permit are not limited during a calendar year. Transfer requests must be initiated by the permit owner using a transfer form.

The information collected from the renewal and transfer forms is used by the Agency for the purposes of determining whether individuals and vessels are eligible to be registered to a limited entry permit; maintaining an accurate record of permit histories; and administering the limited entry program. Limited entry permits provide an additional tool for the enforcement of fishery management regulations through the use of permit sanctions.

Also, current and historical permit data is used by the Council and Agency staff, industry and academia for various purposes, but primarily to analyze management aspects of the fishery. In order to further limit harvesting capacity in the Pacific Coast groundfish fishery, the Council is considering phasing in a system of individual transferable quotas (ITQ) for some species and gear types. The information collected to support the implementation and administration of the permit limited entry program will undoubtedly form the basis for any ITQ program that is subsequently developed.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior

to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The permit application forms and instructions have been condensed as much as possible to alleviate public burden while still obtaining the information needed to administer the program. A copy of the transfer application form can be obtained from the Region's Web site. The renewal forms contain current permit information. In 2001, the Agency implemented a Web-based permit renewal and payment system and approximately 25 permit owners renewed using this method. In 2002, the number of on line renewals increased to 51.

**4. Describe efforts to identify duplication.**

This information collection is unique to the implementation and administration of a limited entry permit program in the Pacific Coast groundfish fishery. Information on catch by individual vessels is collected by the three Pacific Coast states and provided to NOAA Fisheries through the PACFIN data system. This information provides a useful and efficient data base to verify catch records submitted by individual fishermen. This database, however, is limited in its application because information on vessel ownership is not available.

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

Because Pacific Coast groundfish fishermen are considered to be small businesses, this collection of information will involve small businesses. The burden will be the same for all businesses, regardless of size, and has been minimized to collect only that information essential in determining eligibility for a limited entry permit and/or sablefish endorsement.

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

If the collection of permit transfer information was not conducted, the Agency would be unable to limit fishing effort in the groundfish fishery, which is critical to the conservation and management of the groundfish resource. Permit owner/holder and vessel information is key in enforcing management regulations. The annual renewal information collection is necessary to confirm current permit information on all active participants in limited entry program.

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

None.

**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.**

The limited entry program and its associated information needs was developed by the Council in close coordination with the fishing industry, NOAA Fisheries, and the States of Washington, Oregon, and California. Initially, the NOAA Fisheries Northwest Region consulted with the Southeast Region, which has experience with federal permit systems. Public comment was received during the Council meetings during which limited entry system (including the issuance, combination, renewal, transfer, and appeal of permits and endorsements) was developed. Additional public comment periods followed publication of the proposed rules in the Federal Register. Finally, a Federal Register Notice (copy attached) solicited public comment on this submission; no comments were received. On an ongoing basis, staff communicates with permit owners and provides instruction to clarify how to properly complete a change of vessel registration or permit ownership/holdership application. Based on input from permit owners, a number of minor editorial changes have been made to the form to assist the respondent in completing this form.

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

Not applicable.

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

Because the permit application and endorsement information are from commercial operations, the Privacy Act does not apply. The information collected to qualify a vessel for a permit or endorsement, or submitted in response to the underutilized species survey, is confidential under Section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under NOAA Fisheries Operations Manual entitled "Data Security Handbook for the Northwest-Alaska Region, NOAA Fisheries." Information on permit issuance and ownership (including vessel length overall and official identification number) is made public to facilitate leasing and sales of permits.

**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.**

The proposed permit applications do not require information of a sensitive nature.

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

Annual Burden Hours for Limited Entry Permits

**Table D - Burden Hours for Information Collection For Limited Entry Permit  
Renewal and Transfers**

<b>Groundfish Ltd. Entry Permit</b>	<b>No. of Respondents</b>	<b>Frequency of Responses</b>	<b>Total No. of Responses Per Yr</b>	<b>Ave Time of Response</b>	<b>Total Time (hrs)</b>
Renewal	499	1	499	20 minutes	166 Hours
Transfer	200	1	200	20 minutes	67 Hours
<b>New Total</b>	699	variable	699	20 minutes	233 Hours
Previous Total	712	variable	712	20 minutes	237 Hours
Change	-13	variable	-13	0	-4

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

Below are the estimated cost burden to permit owners who renew and/or transfer the limited entry permits in a year.

**Table E - Estimated Cost Burden for Respondents (Permit Owners)**

<b>Cost Item</b>	<b>Cost Amt</b>
<b>Renewal:</b>	
Processing Fee \$95.70 x 499 permits	\$47,754
Mail: \$0.37 x 499 permits	\$ 185
<b>Transfer/Registration/Replacement:</b>	
Processing Fee	\$-0-
Vessel Documentation (CG-1270) \$2 x 200 permits	\$ 400

	Notary: \$2 x 200 permits	\$ 400
	Mail: \$0.37 x 200 permits	\$ 74
	<b>TOTAL COST TO RESPONDENTS (Permit Owners)</b>	<b>\$48,813</b>

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

Most of the administrative costs are incurred from staff time, supplies, and mailing costs associated with permit renewal processing activities. Estimated annual costs for processing limited entry permit fees are \$47,754 (determined from processing fees given above). The cost is reimbursed by a permit processing fee paid by the permit owner. There is no processing fee established for the transfer of permits. The largest costs are for staff time and mailing costs.

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

For the limited entry permits, the Agency recalculated the administrative costs of permit renewal and there was a substantive increase. The increased costs are due to higher wage, mailing and computer programming costs. The burden hours associated with limited entry permit renewals and transfers is estimated to have decreased by one hour because the number of limited entry permits have decreased by 3 since the 2000 PRA submission. The number of transfers in a year remains constant.

As part of the 2000 PRA submission, the hours of burden included six hours for applications for an at-sea processor vessel permit. Regulations were never implemented to require a permit for at-sea processing vessel permits and as a result, there has been a reduction in six hours of burden for this collection. Also, the 2000 PRA submission included three burden hours for the estimated 10 individuals who submitted an Designated Species B permit form. As mentioned previously, the Agency has determined that there are no underutilized species in the groundfish complex, and therefore, we have eliminated the use of the Designated Species B permit form. This change results in reduction of the burden hours by three hours.

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

Results for this collection 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.**

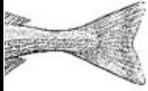
Not applicable.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-1.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

**PERMITS RENEWAL FORM****WEST COAST GROUND FISH  
LIMITED ENTRY PERMIT**

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**National Marine Fisheries Service, Northwest Region**  
**Fisheries Permits Office**

7600 Sand Point Way NE, Bldg. 1  
 Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



Please make any changes as appropriate to addresses and phone numbers listed below, sign, and return the form with payment. Any changes to an owner/holder name will require submission of a permit transfer form.

**Permit Owner:**

Permit Number:

Permit owner's name(s)

SSN or Tax ID Number:

Date of Birth/Incorporation:

Business address:

Business Phone:

Fax number:

Email address:

**Permit Holder:**

Permit holder name:

SSN or Tax ID Number:

Date of Birth/Incorporation:

Business address:

Business phone:

Fax number:

Email address

Vessel name:

Official number:

Endorsements

Size

Gear

Platoon

Tier

Mothership Status  yes  no

Please sign below to confirm that the above information is correct (edit if necessary) and return this form with a check or money order for \$95.70 made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115-0070.

Signature of owner(s)

Title (If authorized representative)

Date

**Warning:** A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

**Public Reporting Burden Statement:** Public reporting burden for the permit application process is estimated to average 20 minutes per applicant, including the time for reviewing instructions, searching 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 aspect of this collection of information, including suggestions for reducing this burden to NOAA Fisheries/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115-0700.

**Additional Information:** Before completing this form, please note the following: 1) This information is collected to manage and conserve the Pacific Coast Groundfish fishery and more specifically, to maintain accurate and current records on all permit owners, permit holders and vessels registered to participate in the Pacific Coast Groundfish Limited Entry Program. This information will be used to confirm who is currently participating the Limited Entry Program, to assist in analyzing those who may be effected by changes in management regulations, to inform permit owners and holders of changes to the regulations, and to assist enforcement agents in carrying out compliance responsibilities. 2) This collection of information is mandatory and annual renewal of limited entry permits is required at 50 CFR Section 660.335(a). 3) Responses to this information request are confidential under Section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et. seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the the NMFS Operations Manual entitled, "Data Security Handbook of the Northwest and Alaska Region, National Marine Fisheries Service". 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 of information displays a currently valid OMB Control Number.

**PRIVACY ACT STATEMENT:** Your Social Security Number (SSN) and Tax Identification Number (TIN) are confidential and is protected under the Privacy Act. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

**CHANGE OF VESSEL  
REGISTRATION OR PERMIT  
OWNERSHIP/HOLDERSHIP  
APPLICATION**

**WEST COAST GROUNDFISH  
LIMITED ENTRY PERMIT**



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service, Northwest Region  
*Fisheries Permits Office*

7600 Sand Point Way NE, Bldg. 1  
Seattle, Washington 98115-0070

Phone: (206) 526-4353 Fax: (206) 526-4461 www.nwr.noaa.gov



## INSTRUCTIONS

**SECTION A - ACTION(S) REQUESTED:** Please check the box(es) next to the action(s) requested. Fill out the sections listed for each action. If multiple permits are being combined to either increase the size endorsement or to stack (sablefish-endorsed only), a separate form must be completed for each permit. For actions that include a change in vessel registered to a sablefish-endorsed permit, there are three sub-actions that can be taking place (stacking, moving, or removing).

1. If a sablefish-endorsed permit is being **stacked**, going from an "unidentified" vessel status to a named vessel, check the first sub-box under "change in vessel registered to a permit."
2. If a sablefish-endorsed permit is being **moved**, going from one named vessel to another named vessel, check the both sub-boxes under "change in vessel registered to a permit."
3. If a sablefish-endorsed permit is being **removed**, going from a named vessel to an "unidentified" vessel status, check the second sub-box under "change in vessel registered to a permit."

**SECTION B - CURRENT PERMIT OWNER:** List permit number, vessel name currently registered to the permit, and vessel registration number. List the permit owner as given on the current permit. Enter the Social Security Number or Tax Identification number of the current permit owner. List either the date of birth of the current permit owner or the date of incorporation of the business. Note the Privacy Act Statement at the end of the application. This section must be signed by an authorized individual or permit owner(s) in order for NMFS to begin the designated actions (**See NOTE 1 below**). If the permit owner uses a business agent to process permit actions, please list the agent or company name.

**SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT:** If you are changing the vessel registered to the permit, please indicate the name and registration number of the current vessel listed on the permit on the left side of Section C and list the name and registration number of the new vessel on the right side of Section C. List the length overall of both the current and new vessels. A marine survey must be provided for the new vessel to verify length overall. If the permit is not being registered to a specific vessel, indicate "unidentified" for the new vessel name.

**SECTION D - NEW PERMIT OWNER:** List new permit owner name, business address and phone number. If the permit owner uses a business agent to process permit actions, please list the agent or company name. Enter the Social Security Number or Tax Identification number of the new permit owner. List either the date of birth of the new permit owner or the date of incorporation of the business. Note the Privacy Act Statement at the end of the application.

**SECTION E - PERMIT HOLDER:** If the holder of the permit is different than the permit owner (as in the case of permit leases), list the individual or business name, address and phone number. If removing the permit holder, just check the box "remove holder" in the section but do not fill out the rest of the section. List either the date of birth of the permit holder or the date of incorporation of the business. **Note:** The permit holder must be the same as the vessel owner as stated in regulation at 50 CFR Part 660.333(a).

**SECTION F - CERTIFICATION OF APPLICANT AND NOTARY:** The applicant or authorized agent must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the application, the applicant or authorized agent certifies that all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. To protect you and your permit from fraud, the application will not be considered without the applicant's or authorized agent's signature. **Note:** If a representative is acting on behalf of the applicant, written authorization signed by the applicant must be submitted with the application. The notary must also sign and date the certification statement, and affix their notary stamp or seal.

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**NOTE 1:** Persons who are signing on behalf of an organization or another party, need to submit evidence of authority to sign such as: notarized power of attorney, corporate resolutions, certified court documents relative to divorce decrees and judgements or appointments as executor, etc. If the permit is owned by co-owners, both owners must sign.

**NOTE 2:** Persons eligible to own a documented vessel are:

- an individual who is a citizen of the United States
- an association, trust, joint venture or other entity -
  - a) all of whose members are citizens of the United States; and
  - b) that is capable of holding title to a vessel under the laws of the United States or of a State
- a partnership whose general partners are citizens of the United States
- a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of the board of directors are citizens of the United States and no more of its directors are non-citizens than a minority of the number necessary to constitute a quorum;
- the United States Government;
- the government of a State;
- an alien lawfully admitted to the United States for permanent residence who operates a fishing vessel off the coast of the State of California.

If you have any questions, please call the *Fisheries Permit Office* at 206-526-4353.

Please mail this application, with the appropriate supporting documentation to the address listed at the top of the instructions page.

**CHANGE OF VESSEL  
REGISTRATION OR PERMIT  
OWNERSHIP/HOLDERSHIP  
APPLICATION**  
**WEST COAST GROUND FISH  
LIMITED ENTRY PERMIT**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
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7600 Sand Point Way NE, Bldg. 1  
Seattle, Washington 98115-0070

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**SECTION A - ACTION(S) REQUESTED**

Check all that apply.

- Change in vessel registered to permit (Fill out Sections B, C & F)
  - Is this a request to stack a sablefish-endorsed permit?
  - Is this a request to remove a sablefish-endorsed permit from an existing stack arrangement?
- Change in permit owner (Fill out Sections B, D & F)
  - Is this due to divorce of permit owners?
  - Is this due to death of permit owner?
- Change in permit holder (Fill out Sections B, E & F)

**SECTION B - CURRENT PERMIT OWNER**

Permit Number <b>GF</b>	Vessel Name	USCG Doc or State Registration Number
Current Permit Owner Name(s) (Last, First, Middle Name or Business Name)  <i>Business Name</i>		SSN or Tax ID # <i>(If multiple owners, attach a list of their names and SSN or Tax ID #)</i>
<i>Last</i>	<i>First</i>	<i>Middle Name</i>
Date of Birth/Incorporation (MM/DD/YYYY)		
Business Mailing Address <input type="checkbox"/> Is this a change of address?  <i>Street or PO Box</i>		Business Phone ( )
		Business Fax (optional) ( )
<i>City</i>	<i>State</i>	<i>Zip Code</i>
Business Email (optional)		
Signature of Applicant or Authorized Representative (See Note 1)		Date
Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)		

**SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT**

<b>CURRENT</b> Vessel Name _____  USCG Doc or State Registration Number _____  Length Overall _____ feet	<b>NEW</b> Vessel Name _____  USCG Doc or State Registration Number _____  Length Overall _____ feet
--	--

For the new vessel, submit a copy of the US Coast Guard "Certificate of Documentation" (CG-1270) or the registration certificate issued by a state. Also submit a marine survey documenting vessel length overall (LOA). The survey must be conducted by a certified marine surveyor according to the USCG method for determining LOA. NOTE: In order to register a permit for use with a given vessel, the vessel owner must be listed as either the permit owner or holder.

Signature of Applicant or Authorized Representative (See Note 1)

Date

Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)

**SECTION D - NEW PERMIT OWNER**

New Permit Owner Name(s) (Last, First, Middle Name or Business Name)

SSN or Tax ID #  
(If multiple owners, attach a list of their names and SSN or Tax ID #)

Business Name

Last

First

Middle Name

Date of Birth/Incorporation (MM/DD/YYYY)

Business Mailing Address  Is this a change of address?

Business Phone  
( )

Street or PO Box

Business Fax (optional)  
( )

City

State

Zip Code

Business Email (optional)

Are you a person eligible to own a documented vessel under the terms of 46 USC 12102 (a)? (See Note 2)  yes  no

Signature of Applicant or Authorized Representative (See Note 1)

Date

Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)

**SECTION E - PERMIT HOLDER**

Add holder  
 Remove holder

Permit Holder/Vessel Owner Name(s) (Last, First, Middle Name or Business Name)

SSN or Tax ID #  
(If multiple owners, attach a list of their names and SSN or Tax ID #)

Business Name

Last

First

Middle Name

Date of Birth/Incorporation (MM/DD/YYYY)

Business Mailing Address  Is this a change of address?

Business Phone  
( )

Street or PO Box

Business Fax (optional)  
( )

City

State

Zip Code

Business Email (optional)

Signature of Applicant or Authorized Representative (See Note 1)

Date

Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)

**SECTION F - CERTIFICATION OF APPLICANT AND NOTARY**

This section must be completed by a notary to certify that the individual(s) signing this form have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Applicant or Authorized Representative

Date

Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

**WARNING STATEMENT:** A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

**PRA STATEMENT:** Public reporting burden for this collection of information is estimated to average .33 hours per response, including the time for reviewing the instructions, searching 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 aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

**Additional Information:** Before completing this form, please note the following: 1) This information is collected to manage and conserve the Pacific Coast Groundfish fishery and more specifically, to maintain accurate and current records on all permit owners, permit holders and vessels registered to participate in the Pacific Coast Groundfish Limited Entry Program. This information will be used to formally document a request from the permit owner to make a change to a permit and allow the Agency to review and verify that such a request is in compliance with existing regulations, to monitor and analyze changes in participation in Pacific Groundfish fishery, accurately record changes to the listed permit owner, permit holder or vessel registered to the permit, and maintain accurate and current address and contact information of permit owners and holders to allow the Agency to notify them of changes in the fishery regulations. 2) This collection of information is mandatory and annual renewal of limited entry permits is required at 50 CFR Section 660.335 (b-i). 3) Responses to this information request are confidential under Section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et. seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the the NMFS Operations Manual entitled, "Data Security Handbook of the Northwest and Alaska Region, National Marine Fisheries Service". 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 of information displays a currently valid OMB Control Number.

**PRIVACY ACT STATEMENT:** Your Social Security Number (SSN) and Tax Identification Number (TIN) are confidential and is protected under the Privacy Act. The primary purpose for requiring the SSN and TIN is to verify the identity of individuals/entities doing business with the government as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134).

## Fishery Conservation and Management

## § 600.745

boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... —.- ...—) means "you should stop or heave to; I am going to board you."

[61 FR 32540, June 24, 1996, as amended at 61 FR 37225, July 17, 1996; 63 FR 7075, Feb. 12, 1998]

### § 600.735 Penalties.

Any person committing, or fishing vessel used in the commission of a violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation issued under the Magnuson-Stevens Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson-Stevens Act, to this section, to 15 CFR part 904 (Civil Procedures), and to other applicable law.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

### § 600.740 Enforcement policy.

(a) The Magnuson-Stevens Act provides four basic enforcement remedies for violations, in ascending order of severity, as follows:

(1) Issuance of a citation (a type of warning), usually at the scene of the offense (see 15 CFR part 904, subpart E).

(2) Assessment by the Administrator of a civil money penalty.

(3) For certain violations, judicial forfeiture action against the vessel and its catch.

(4) Criminal prosecution of the owner or operator for some offenses. It shall be the policy of NMFS to enforce vigorously and equitably the provisions of the Magnuson-Stevens Act by utilizing that form or combination of authorized remedies best suited in a particular case to this end.

(b) Processing a case under one remedial form usually means that other remedies are inappropriate in that case. However, further investigation or later review may indicate the case to be either more or less serious than initially considered, or may otherwise reveal that the penalty first pursued is inadequate to serve the purposes of the Magnuson-Stevens Act. Under such circumstances, the Agency may pursue

other remedies either in lieu of or in addition to the action originally taken. Forfeiture of the illegal catch does not fall within this general rule and is considered in most cases as only the initial step in remedying a violation by removing the ill-gotten gains of the offense.

(c) If a fishing vessel for which a permit has been issued under the Magnuson-Stevens Act is used in the commission of an offense prohibited by section 307 of the Magnuson-Stevens Act, NOAA may impose permit sanctions, whether or not civil or criminal action has been undertaken against the vessel or its owner or operator. In some cases, the Magnuson-Stevens Act requires permit sanctions following the assessment of a civil penalty or the imposition of a criminal fine. In sum, the Magnuson-Stevens Act treats sanctions against the fishing vessel permit to be the carrying out of a purpose separate from that accomplished by civil and criminal penalties against the vessel or its owner or operator.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

### § 600.745 Scientific research activity, exempted fishing, and exempted educational activity.

(a) *Scientific research activity.* Nothing in this section is intended to inhibit or prevent any scientific research activity conducted by a scientific research vessel. Persons planning to conduct scientific research activities in the EEZ are encouraged to submit to the appropriate Regional Administrator, Director, or designee, 60 days or as soon as practicable prior to its start, a scientific research plan for each scientific cruise. The Regional Administrator, Director, or designee will acknowledge notification of scientific research activity by issuing to the operator or master of that vessel, or to the sponsoring institution, a letter of acknowledgment. This letter of acknowledgment is separate and distinct from any permit required by any other applicable law. If the Regional Administrator, Director, or designee, after review of a research plan, determines that it does not constitute scientific research but

rather fishing, the Regional Administrator, Director, or designee will inform the applicant as soon as practicable and in writing. The Regional Administrator, Director, or designee may also make recommendations to revise the research plan to make the cruise acceptable as scientific research activity or recommend the applicant request an EFP. In order to facilitate identification of activity as scientific research, persons conducting scientific research activities are advised to carry a copy of the scientific research plan and the letter of acknowledgment on board the scientific research vessel. Activities conducted in accordance with a scientific research plan acknowledged by such a letter are presumed to be scientific research activity. The presumption may be overcome by showing that an activity does not fit the definition of scientific research activity or is outside the scope of the scientific research plan.

(b) *Exempted fishing*—(1) *General*. A NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. Exempted fishing may not be conducted unless authorized by an EFP issued by a Regional Administrator or Director in accordance with the criteria and procedures specified in this section. The Regional Administrator or Director may charge a fee to recover the administrative expenses of issuing an EFP. The amount of the fee will be calculated, at least annually, in accordance with procedures of the NOAA Handbook for determining administrative costs of each special product or service; the fee may not exceed such costs. Persons may contact the appropriate Regional Administrator or Director to find out the applicable fee.

(2) *Application*. An applicant for an EFP shall submit a completed application package to the appropriate Regional Administrator or Director, as soon as practicable and at least 60 days before the desired effective date of the EFP. Submission of an EFP applica-

tion less than 60 days before the desired effective date of the EFP may result in a delayed effective date because of review requirements. The application package must include payment of any required fee as specified by paragraph (b)(1) of this section, and a written application that includes, but is not limited to, the following information:

- (i) The date of the application.
  - (ii) The applicant's name, mailing address, and telephone number.
  - (iii) A statement of the purposes and goals of the exempted fishery for which an EFP is needed, including justification for issuance of the EFP.
  - (iv) For each vessel to be covered by the EFP, as soon as the information is available and before operations begin under the EFP:
    - (A) A copy of the USCG documentation, state license, or registration of each vessel, or the information contained on the appropriate document.
    - (B) The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.
  - (v) The species (target and incidental) expected to be harvested under the EFP, the amount(s) of such harvest necessary to conduct the exempted fishing, the arrangements for disposition of all regulated species harvested under the EFP, and any anticipated impacts on marine mammals or endangered species.
  - (vi) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.
  - (vii) The signature of the applicant.
  - (viii) The Regional Administrator or Director, as appropriate, may request from an applicant additional information necessary to make the determinations required under this section. An incomplete application or an application for which the appropriate fee has not been paid will not be considered until corrected in writing and the fee paid. An applicant for an EFP need not be the owner or operator of the vessel(s) for which the EFP is requested.
- (3) *Issuance*. (i) The Regional Administrator or Director, as appropriate, will review each application and will

## Fishery Conservation and Management

## § 600.745

make a preliminary determination whether the application contains all of the required information and constitutes an activity appropriate for further consideration. If the Regional Administrator or Director finds that any application does not warrant further consideration, both the applicant and the affected Council(s) will be notified in writing of the reasons for the decision. If the Regional Administrator or Director determines that any application warrants further consideration, notification of receipt of the application will be published in the FEDERAL REGISTER with a brief description of the proposal, and the intent of NMFS to issue an EFP. Interested persons will be given a 15- to 45-day opportunity to comment and/or comments will be requested during public testimony at a Council meeting. The notification may establish a cut-off date for receipt of additional applications to participate in the same, or a similar, exempted fishing activity. The Regional Administrator or Director also will forward copies of the application to the Council(s), the USCG, and the appropriate fishery management agencies of affected states, accompanied by the following information:

(A) The effect of the proposed EFP on the target and incidental species, including the effect on any TAC.

(B) A citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity.

(C) Biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species.

(ii) If the application is complete and warrants additional consultation, the Regional Administrator or Director may consult with the appropriate Council(s) concerning the permit application during the period in which comments have been requested. The Council(s) or the Administrator or Regional Administrator shall notify the applicant in advance of any meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application.

(iii) As soon as practicable after receiving responses from the agencies

identified in paragraph (b)(3)(i) of this section, and/or after the consultation, if any, described in paragraph (b)(3)(ii) of this section, the Regional Administrator or Director shall notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(A) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(B) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect the well-being of the stock of any regulated species of fish, marine mammal, or threatened or endangered species in a significant way; or

(C) Issuance of the EFP would have economic allocation as its sole purpose; or

(D) Activities to be conducted under the EFP would be inconsistent with the intent of this section, the management objectives of the FMP, or other applicable law; or

(E) The applicant has failed to demonstrate a valid justification for the permit; or

(F) The activity proposed under the EFP could create a significant enforcement problem.

(iv) The decision of a Regional Administrator or Director to grant or deny an EFP is the final action of NMFS. If the permit, as granted, is significantly different from the original application, or is denied, NMFS may publish notification in the FEDERAL REGISTER describing the exempted fishing to be conducted under the EFP or the reasons for denial.

(v) The Regional Administrator or Director may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing, including, but not limited to:

(A) The maximum amount of each regulated species that can be harvested and landed during the term of the EFP, including trip limitations, where appropriate.

(B) The number, size(s), name(s), and identification number(s) of the vessel(s) authorized to conduct fishing activities under the EFP.

(C) The time(s) and place(s) where exempted fishing may be conducted.

(D) The type, size, and amount of gear that may be used by each vessel operated under the EFP.

(E) The condition that observers, a vessel monitoring system, or other electronic equipment be carried on board vessels operated under an EFP, and any necessary conditions, such as predeployment notification requirements.

(F) Reasonable data reporting requirements.

(G) Other conditions as may be necessary to assure compliance with the purposes of the EFP, consistent with the objectives of the FMP and other applicable law.

(H) Provisions for public release of data obtained under the EFP that are consistent with NOAA confidentiality of statistics procedures as set out in subpart E. An applicant may be required to waive the right to confidentiality of information gathered while conducting exempted fishing as a condition of an EFP.

(4) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 year, unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(5) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(6) *Transfer.* EFPs issued under this section are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(7) *Inspection.* Any EFP issued under this section must be carried on board the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(8) *Sanctions.* Failure of a permittee to comply with the terms and conditions of an EFP may be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke,

suspend, or modify an EFP for enforcement purposes will be governed by 15 CFR part 904, subpart D.

(c) *Reports.* (1) Persons conducting scientific research activity are requested to submit a copy of any cruise report or other publication created as a result of the cruise, including the amount, composition, and disposition of their catch, to the appropriate Science and Research Director.

(2) Persons fishing under an EFP are required to report their catches to the appropriate Regional Administrator or Director, as specified in the EFP.

(d) *Exempted educational activities—(1) General.* A NMFS Regional Administrator or Director may authorize, for educational purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. The decision of a Regional Administrator or Director to grant or deny an exempted educational activity authorization is the final action of NMFS. Exempted educational activities may not be conducted unless authorized in writing by a Regional Administrator or Director in accordance with the criteria and procedures specified in this section. Such authorization will be issued without charge.

(2) *Application.* An applicant for an exempted educational activity authorization shall submit to the appropriate Regional Administrator or Director, at least 15 days before the desired effective date of the authorization, a written application that includes, but is not limited to, the following information:

- (i) The date of the application.
- (ii) The applicant's name, mailing address, and telephone number.
- (iii) A brief statement of the purposes and goals of the exempted educational activity for which authorization is requested, including a general description of the arrangements for disposition of all species collected.
- (iv) Evidence that the sponsoring institution is a valid educational institution, such as accreditation by a recognized national or international accreditation body.
- (v) The scope and duration of the activity.

## Fishery Conservation and Management

## § 600.746

(vi) For each vessel to be covered by the authorization:

(A) A copy of the U.S. Coast Guard documentation, state license, or registration of the vessel, or the information contained on the appropriate document.

(B) The current name, address, and telephone number of the owner and master, if not included on the document provided for the vessel.

(vii) The species and amounts expected to be caught during the exempted educational activity.

(viii) For each vessel covered by the authorization, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

(ix) The signature of the applicant.

(x) The Regional Administrator or Director may request from an applicant additional information necessary to make the determinations required under this section. An incomplete application will not be considered until corrected in writing.

(3) *Issuance.* (i) The Regional Administrator or Director, as appropriate, will review each application and will make a determination whether the application contains all of the required information, is consistent with the goals, objectives, and requirements of the FMP or regulations and other applicable law, and constitutes a valid exempted educational activity. The applicant will be notified in writing of the decision within 5 working days of receipt of the application.

(ii) The Regional Administrator or Director may attach terms and conditions to the authorization, consistent with the purpose of the exempted educational activity, including, but not limited to:

(A) The maximum amount of each regulated species that may be harvested.

(B) The time(s) and place(s) where the exempted educational activity may be conducted.

(C) The type, size, and amount of gear that may be used by each vessel operated under the authorization.

(D) Reasonable data reporting requirements.

(E) Such other conditions as may be necessary to assure compliance with

the purposes of the authorization, consistent with the objectives of the FMP or regulations.

(F) Provisions for public release of data obtained under the authorization, consistent with NOAA confidentiality of statistics procedures in subpart E. An applicant may be required to waive the right to confidentiality of information gathered while conducting exempted educational activities as a condition of the authorization.

(iii) The authorization will specify the scope of the authorized activity and will include, at a minimum, the duration, vessel(s), species and gear involved in the activity, as well as any additional terms and conditions specified under paragraph (d)(3)(ii) of this section.

(4) *Duration.* Unless otherwise specified, authorization for an exempted educational activity is effective for no longer than 1 year, unless revoked, suspended, or modified. Authorizations may be renewed following the application procedures in this section.

(5) *Alteration.* Any authorization that has been altered, erased, or mutilated is invalid.

(6) *Transfer.* Authorizations issued under this paragraph (d) are not transferable or assignable.

(7) *Inspection.* Any authorization issued under this paragraph (d) must be carried on board the vessel(s) for which it was issued or be in possession of the applicant to which it was issued while the exempted educational activity is being conducted. The authorization must be presented for inspection upon request of any authorized officer. Activities that meet the definition of fishing, despite an educational purpose, are fishing. An authorization may allow covered fishing activities; however, fishing activities conducted outside the scope of an authorization for exempted educational activities are illegal.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

### § 600.746 Observers.

(a) *Applicability.* This section applies to any fishing vessel required to carry an observer as part of a mandatory observer program or carrying an observer

**§ 660.323 Catch restrictions.**

(a) Groundfish species harvested in the territorial sea (0–3 nm) will be counted toward the catch limitations in this section.

(1) *Black rockfish*. The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.), and between Destruction Island (47°40' N. lat.) and Leadbetter Point (46°38'10" N. lat.), is 100 lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.

(2) *Fixed gear sablefish*. This paragraph (a)(2) applies to the primary season for the fixed gear limited entry sablefish fishery north of 36° N. lat., except for paragraph (a)(2)(iii), of this section, which also applies to the open access fishery north of 36° N. lat. Limited entry and open access fixed gear sablefish fishing south of 36° N. lat. is governed by routine management measures imposed under paragraph (b) of this section.

(i) *Sablefish endorsement*. A vessel may not participate in the primary season for the fixed gear limited entry fishery, unless at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement is registered for use with that vessel. Permits with sablefish endorsements are assigned to one of three tiers, as described at § 660.334(d).

(ii) *Primary season-limited entry, fixed gear sablefish fishery*— (A) *Season dates*. North of 36° N. lat., the primary sablefish season for limited entry, fixed gear vessels begins at 12 noon l.t. on April 1 and ends at 12 noon l.t. on October 31, unless otherwise announced by the Regional Administrator.

(B) *Gear type*. During the primary season and when fishing against primary season cumulative limits, each vessel authorized to participate in that season under paragraph (a)(2)(i) of this section may fish for sablefish with any of the gear types, except trawl gear, endorsed on at least one of the permits registered for use with that vessel.

(C) *Cumulative limits*. (1) A vessel participating in the primary season will be constrained by the sablefish cumulative

limit associated with each of the permits registered for use with that vessel. The Regional Administrator will annually calculate the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3:Tier 2:Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery and on estimated discard mortality rates within the fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in the FEDERAL REGISTER each year before the fishery opens.

(2) During the primary season, each vessel authorized to participate in that season under paragraph (a)(2)(i) of this section may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel. If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits announced in the FEDERAL REGISTER for the tiers for those permits, except as limited by paragraph (a)(2)(ii)(c)(3) of this section. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under paragraph (a)(2)(iii) of this section.

(3) If a permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has not been harvested by the first vessel to which the permit was registered. The combined primary season sablefish landings for all vessels registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

(4) A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

(iii) *Limited entry and open access daily trip limit fisheries.* (A) Before the start of the primary season, all sablefish landings made by a vessel authorized under paragraph (a)(2)(i) of this section to participate in the primary season will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish, which is governed by routine management measures imposed under paragraph (b) of this section.

(B) Following the start of the primary season, all landings made by a vessel authorized under paragraph (a)(2)(i) of this section to participate in the primary season will count against the primary season cumulative limit(s) associated with the permit(s) registered for use with that vessel. Once a vessel has reached its total cumulative allowable sablefish landings for the primary season under paragraph (a)(2)(ii)(C) of this section, any subsequent sablefish landings by that vessel will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish for the remainder of the calendar year.

(C) Vessels registered for use with a limited entry, fixed gear permit that does not have a sablefish endorsement may participate in the limited entry, daily trip limit fishery for as long as that fishery is open during the year, subject to routine management measures imposed under paragraph (b) of this section.

(D) Open access vessels may participate in the open access, daily trip limit fishery for as long as that fishery is open during the year, subject to the routine management measures imposed under paragraph (b) of this section.

(iv) *Trip limits.* Trip and/or frequency limits may be imposed in the limited entry fishery on vessels that are not participating in the primary season, under paragraph (b) of this section. Trip and/or size limits to protect juvenile sablefish in the limited entry or open-access fisheries also may be imposed at any time under paragraph (b)

of this section. Trip limits may be imposed in the open-access fishery at any time under paragraph (b) of this section.

(3) *Pacific whiting (whiting)*—(i) *Seasons.* The primary seasons for the whiting fishery are: For the shore-based sector, the period(s) when the large-scale target fishery is conducted (when trip limits under paragraph (b) of this section are not in effect); for catcher/processors, the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector; and for vessels delivering to motherships, the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector. Before and after the primary seasons, trip landing or frequency limits may be imposed under paragraph (b) of this section. The sectors are defined at paragraph (a)(4) of this section.

(A) *North of 40°30' N. lat.* Different starting dates may be established for the catcher/processor sector, the mothership sector, catcher vessels delivering to shoreside processors north of 42° N. lat., and catcher vessels delivering to shoreside processors between 42°–40°30' N. lat.

(1) *Procedures.* The primary seasons for the whiting fishery north of 40°30' N. lat. generally will be established according to the procedures in the PCGFMP for developing and implementing annual specifications and apportionments. The season opening dates remain in effect unless changed, but will be announced annually, generally with the annual specifications and management measures.

(2) *Criteria.* The start of a primary season may be changed based on a recommendation from the Council and consideration of the following factors, if applicable: Size of the harvest guidelines for whiting and bycatch species; age/size structure of the whiting population; expected harvest of bycatch and prohibited species; availability and stock status of prohibited species; expected participation by catchers and processors; environmental conditions; timing of alternate or competing fisheries; industry agreement; fishing or processing rates; and other relevant information.

## Fishery Conservation and Management

## § 660.323

(B) *South of 40°30' N. lat.* The primary season starts on April 15 south of 40°30' N. lat.

(ii) *Closed areas.* Pacific whiting may not be taken and retained in the following portions of the fishery management area:

(A) *Klamath River Salmon Conservation Zone.* The ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23' W. long. (approximately 12 nm from shore), and on the south by 41°26'48" N. lat. (approximately 6 nm south of the Klamath River mouth).

(B) *Columbia River Salmon Conservation Zone.* The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13'18" W. long., then southerly along a line of 167 True to 46°11'06" N. lat. and 124°11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

(iii) *Eureka area trip limits.* Trip landing or frequency limits may be established, modified, or removed under § 660.321 or § 660.323, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100-fathom (183-m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area (from 43°00' to 40°30' N. lat.).

(iv) *At-sea processing.* Whiting may not be processed at sea south of 42°00' N. lat. (Oregon-California border), unless by a waste-processing vessel as authorized under paragraph (a)(4)(vii) of this section.

(v) *Time of day.* Pacific whiting may not be taken and retained by any vessel in the fishery management area south of 42°00' N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42°00' N. lat., trawl doors must be on board any vessel used to fish for whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5° lat., in *The Nautical Almanac* issued annually by the Nautical Almanac Office,

U.S. Naval Observatory, and available from the U.S. Government Printing Office.

(vi) *Bycatch reduction and full utilization program for at-sea processors (optional).* If a catcher/processor or mothership in the whiting fishery carries more than one NMFS-approved observer for at least 90 percent of the fishing days during a cumulative trip limit period, then groundfish trip limits may be exceeded without penalty for that cumulative trip limit period, if the conditions in paragraph (a)(3)(vi)(A) of this section are met. For purposes of this program, "fishing day" means a 24-hour period, from 0001 hours through 2400 hours, local time, in which fishing gear is retrieved or catch is received by the vessel, and will be determined from the vessel's observer data, if available. Changes to the number of observers required for a vessel to participate in the program will be announced prior to the start of the fishery, generally concurrent with the annual specifications and management measures. Groundfish consumed on board the vessel must be within any applicable trip limit and recorded as retained catch in any applicable logbook or report. [NOTE: For a mothership, non-whiting groundfish landings are limited by the cumulative landings limits of the catcher vessels delivering to that mothership.]

(A) *Conditions.* Conditions for participating in the voluntary full utilization program are as follows:

(1) All catch must be made available to the observers for sampling before it is sorted by the crew.

(2) Any retained catch in excess of cumulative trip limits must either be:

(i) Converted to meal, mince, or oil products, which may then be sold; or

(ii) Donated to a bona fide tax-exempt hunger relief organization (including food banks, food bank networks or food bank distributors), and the vessel operator must be able to provide a receipt for the donation of groundfish landed under this program from a tax-exempt hunger relief organization immediately upon the request of an authorized officer.

(3) No processor or catcher vessel may receive compensation or otherwise benefit from any amount in excess of a

cumulative trip limit unless the overage is converted to meal, mince, or oil products. Amounts of fish in excess of cumulative trip limits may only be sold as meal, mince, or oil products.

(4) The vessel operator must contact the NMFS enforcement office nearest to the place of landing at least 24 hours before landing groundfish in excess of cumulative trip limits for distribution to a hunger relief agency. Cumulative trip limits and a list of NMFS enforcement offices are found on the NMFS, Northwest Region homepage at <http://www.nwr.noaa.gov>.

(5) If the meal plant on board the whiting processing vessel breaks down, then no further overages may be retained for the rest of the cumulative trip limit period unless the overage is donated to a hunger relief organization.

(6) Prohibited species may not be retained.

(7) Donation of fish to a hunger relief organization must be noted in the transfer log (Product Transfer/Off-loading Log (PTOL)), in the column for total value, by entering a value of “0” or “donation,” followed by the name of the hunger relief organization receiving the fish. Any fish or fish product that is retained in excess of trip limits under this rule, whether donated to a hunger relief organization or converted to meal, must be entered separately on the PTOL so that it is distinguishable from fish or fish products that are retained under trip limits. The information on the Mate’s Receipt for any fish or fish product in excess of trip limits must be consistent with the information on the PTOL. The Mate’s Receipt is an official document that states who takes possession of offloaded fish, and may be a Bill of Lading, Warehouse Receipt, or other official document that tracks the transfer of offloaded fish or fish product. The Mate’s Receipt and PTOL must be made available for inspection upon request of an authorized officer throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

(B) [Reserved]

(4) *Whiting—allocation—(i) Sectors and allocations.* The commercial harvest

guideline for whiting is allocated among three sectors, as follows.

(A) *Sectors.* The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting during a calendar year. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting during a calendar year. The shoreside sector is composed of vessels that harvest whiting for delivery to shore-based processors.

(B) *Allocations.* The allocations are: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the shoreside sector. No more than 5 percent of the shoreside allocation may be taken and retained south of 42° N. lat. before the start of the primary season north of 42° N. lat. These allocations are harvest guidelines unless otherwise announced in the FEDERAL REGISTER.

(ii) *Additional restrictions on catcher/processors.*

(A) A catcher/processor may receive fish from a catcher vessel, but that catch is counted against the catcher/processor allocation unless the catcher/processor has been declared as a mothership under paragraph (a)(4)(ii)(C) of this section.

(B) A catcher/processor may not also act as a catcher vessel delivering unprocessed whiting to another processor in the same calendar year.

(C) When renewing its limited entry permit each year under §660.333, the owner of a catcher/processor used to take and retain whiting must declare if the vessel will operate solely as a mothership in the whiting fishery during the calendar year to which its limited entry permit applies. Any such declaration is binding on the vessel for the calendar year, even if the permit is transferred during the year, unless it is rescinded in response to a written request from the permit holder. Any request to rescind a declaration must be made by the permit holder and granted in writing by the Regional Director before any unprocessed whiting has been taken on board the vessel that calendar year.

(iii) *Reaching an allocation.* If the whiting harvest guideline, commercial harvest guideline, or a sector's allocation is reached, or is projected to be reached, the following action(s) for the applicable sector(s) may be taken as provided under paragraph (a)(4)(vi) of this section and will remain in effect until additional amounts are made available the next fishing year or under paragraph (a)(4)(iv) of this section.

(A) *Catcher/processor sector.* Further taking and retaining, receiving, or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited.

(B) *Mothership sector.* (1) Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited.

(2) Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

(C) *Shoreside sector.* Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the shoreside sector except as authorized under a trip limit specified under § 660.323(b).

(D) *Shoreside south of 42° N. lat.* If 5 percent of the shoreside allocation for whiting is taken and retained south of 42° N. lat. before the primary season for the shoreside sector begins north of 42° N. lat., then a trip limit specified under paragraph (b) of this section may be implemented south of 42° N. lat. until the northern primary season begins, at which time the southern primary season would resume.

(iv) *Reapportionments.* That portion of a sector's allocation that the Regional Director determines will not be used by the end of the fishing year shall be made available for harvest by the other sectors, if needed, in proportion to their initial allocations, on September 15 or as soon as practicable thereafter.

NMFS may release whiting again at a later date to ensure full utilization of the resource. Whiting not needed in the fishery authorized under § 660.324 also may be made available.

(v) *Estimates.* Estimates of the amount of whiting harvested will be based on actual amounts harvested, projections of amounts that will be harvested, or a combination of the two. Estimates of the amount of whiting that will be used by shoreside processors by the end of the fishing year will be based on the best information available to the Regional Director from state catch and landings data, the survey of domestic processing capacity and intent, testimony received at Council meetings, and/or other relevant information.

(vi) *Announcements.* The Assistant Administrator will announce in the FEDERAL REGISTER when a harvest guideline, commercial harvest guideline, or an allocation of whiting is reached, or is projected to be reached, specifying the appropriate action being taken under paragraph (a)(4)(iii) of this section. The Regional Director will announce in the FEDERAL REGISTER any reapportionment of surplus whiting to other sectors on September 15, or as soon as practicable thereafter. In order to prevent exceeding the limits or to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of whiting, or reapportionment of surplus whiting may be made effective immediately by actual notice to fishermen and processors, by phone, fax, Northwest Region computerized bulletin board (contact 206-526-6128), letter, press release, and/or U.S. Coast Guard Notice to Mariners (monitor channel 16 VHF), followed by publication in the FEDERAL REGISTER, in which instance public comment will be sought for a reasonable period of time thereafter. If insufficient time exists to consult with the Council, the Regional Director will inform the Council in writing of actions taken.

(vii) *Processing fish waste at sea.* A vessel that processes only fish waste (a "waste-processing vessel") is not considered a whiting processor and therefore is not subject to the allocations, seasons, or restrictions for catcher/

processors or motherships while it operates as a waste-processing vessel. However, no vessel may operate as a waste-processing vessel 48 hours immediately before and after a primary season for whiting in which the vessel operates as a catcher/processor or mothership. A vessel must meet the following conditions to qualify as a waste-processing vessel:

(A) The vessel makes meal (ground dried fish), oil, or minced (ground flesh) product, but does not make, and does not have on board, surimi (fish paste with additives), fillets (meat from the side of the fish, behind the head and in front of the tail), or headed and gutted fish (head and viscera removed).

(B) The amount of whole whiting on board does not exceed the trip limit (if any) allowed under paragraph (b) of this section.

(C) Any trawl net and doors on board are stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(D) The vessel does not receive codends containing fish.

(E) The vessel's operations are consistent with applicable state and Federal law, including those governing disposal of fish waste at sea.

(b) *Routine management measures.* In addition to the catch restrictions in this section, other catch restrictions that are likely to be adjusted on an annual or more frequent basis may be imposed and announced by a single notification in the FEDERAL REGISTER if they have been designated as routine through the two-meeting process described in PCGFMP. Management measures that have been designated as routine will be listed annually in the Council's Stock Assessment and Fishery Evaluation (SAFE) document.

(1) *Commercial limited entry and open access fisheries*—(i) *Trip landing and frequency limits, size limits, all gear.* Trip landing and frequency limits and size limits for species with those limits designated as routine may be imposed or adjusted on an annual or more frequent basis for the purpose of keeping landings within the harvest levels announced by NMFS, and for the other

purposes given in paragraph (b)(1)(ii) of this section.

(A) *Trip landing and frequency limits.* To extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to reduce discards; to discourage target fishing while allowing small incidental catches to be landed; to allow small fisheries to operate outside the normal season; and, for the open access fishery only, to maintain landings at the historical proportions during the 1984-88 window period.

(B) *Size limits.* To protect juvenile fish; to extend the fishing season.

(ii) *Differential trip landing and frequency limits based on gear type, closed seasons.* Trip landing and frequency limits that differ by gear type and closed seasons may be imposed or adjusted on an annual or more frequent basis for the purpose of rebuilding and protecting overfished or depleted stocks.

(2) *Recreational fisheries—all gear types.* Routine management measures for all groundfish species, separately or in any combination, include bag limits, size limits, time/area closures, boat limits, hook limits, and dressing requirements. All routine management measures on recreational fisheries are intended to keep landings within the harvest levels announced by NMFS, to rebuild and protect overfished or depleted species, and to maintain consistency with state regulations, and for the other purposes set forth in this section.

(i) *Bag limits.* To spread the available catch over a large number of anglers; to avoid waste.

(ii) *Size limits.* To protect juvenile fish; to enhance the quality of the recreational fishing experience.

(c) *Prohibited species.* Groundfish species or species groups under the PCGFMP for which quotas have been achieved and the fishery closed are prohibited species. In addition, the following are prohibited species:

- (1) Any species of salmonid.
- (2) Pacific halibut.

## Fishery Conservation and Management

## § 660.324

(3) Dungeness crab caught seaward of Washington or Oregon.

[61 FR 34572, July 2, 1996; 61 FR 37843, July 22, 1996; 61 FR 48643, Sept. 16, 1996; 62 FR 27522, May 20, 1997; 62 FR 45356, Aug. 27, 1997; 63 FR 38113, July 15, 1998; 66 FR 29733, June 1, 2001; 66 FR 41157, Aug. 7, 2001; 67 FR 15338, Apr. 1, 2002]

### § 660.324 Pacific Coast treaty Indian fisheries.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) The Pacific Coast treaty Indian tribes' usual and accustomed fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) *Makah*—That portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

(2) *Quileute*—That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

(3) *Hoh*—That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

(4) *Quinault*—That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) and east of 125°44'00" W. long.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Director, prior to the first of the Council's two annual groundfish

meetings. The Secretary generally will announce the annual tribal allocation at the same time as the annual specifications. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) *Identification*. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is *prima facie* evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) A limited entry permit under subpart C is not required for participation in a tribal fishery described in paragraph (d) of this section.

(g) Fishing under this section by a member of a Pacific Coast treaty Indian tribe within their usual and accustomed fishing area is not subject to the provisions of other sections of this part.

(h) Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in paragraph (d) of this section.

(i) Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation or regulation under this section, is subject to the regulations in the other sections of this part.

(j) *Black rockfish*. Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established annually for the areas between the U.S.-Canadian border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), in accordance with the procedures for implementing annual specifications. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other sections of this part.

## § 660.331

(k) *Groundfish without a tribal allocation.* Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

### § 660.331 Limited entry and open access fisheries—general.

All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

### § 660.332 Allocations.

(a) *General.* The commercial portion of the Pacific Coast groundfish fishery, excluding the treaty Indian fishery, is divided into limited entry and open access fisheries. Separate allocations for the limited entry and open access fisheries will be established annually for certain species and/or areas using the procedures described in this subpart or the PCGFMP.

(1) *Limited entry allocation.* The allocation for the limited entry fishery is the allowable catch (harvest guideline or quota excluding set asides for recreational or tribal Indian fisheries) minus the allocation to the open access fishery.

(2) *Open access allocation.* The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual harvest guideline or quota after subtracting any set asides for recreational or tribal Indian fisheries. For management areas where quotas or harvest guidelines for a stock are not fully utilized, no separate allocation will be established for the open access fishery until it is projected that the allowable catch for a species will be reached.

(b) *Open access allocation percentage.* For each species with a harvest guideline or quota, the initial open access allocation percentage is calculated by:

(1) Computing the total catch for that species during the window period by any vessel that does not initially receive a limited entry permit.

## 50 CFR Ch. VI (10–1–02 Edition)

(2) Dividing that amount by the total catch during the window period by all gear.

(3) The guidelines in this paragraph (b)(3) apply to recalculation of the open access allocation percentage. Any recalculated allocation percentage will be used in calculating the following year's open access allocation. If a gear type is prohibited by a state or the Secretary and a vessel thereby qualifies for a limited entry permit under this subpart, or if a small limited entry fleet is incorporated into the limited entry fishery under § 660.338, the window-period catch of these vessels will be deducted from the open access fishery's historical catch levels and the open access allocation percentage recalculated accordingly.

(c) *Catch accounting between the limited entry and open access fisheries.* Any groundfish caught by a vessel with a limited entry permit will be counted against the limited entry allocation while the limited entry fishery for that vessel's limited entry gear is open. When the fishery for a vessel's limited entry gear has closed, groundfish caught by that vessel with open access gear will be counted against the open access allocation. All groundfish caught by vessels without limited entry permits will be counted against the open access allocation.

(d) *Additional guidelines.* Additional guidelines governing determination of the limited entry and open access allocations are in the PCGFMP.

(e) *Treaty Indian fisheries.* Certain amounts of groundfish may be set aside annually for tribal fisheries prior to dividing the balance of the allowable catch between the limited entry and open access fisheries. Tribal fisheries conducted under a set-aside are not subject to the regulations governing limited entry and open access fisheries.

(f) *Recreational fisheries.* Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish may be specifically allocated to the recreational fishery, and will be set aside prior to dividing the commercial allocation between the commercial limited entry and open access fisheries.

## Fishery Conservation and Management

## § 660.334

### § 660.333 Limited entry fishery-eligibility and registration.

(a) *General.* In order for a vessel to participate in the limited entry fishery, the vessel owner must hold (by ownership or lease) a limited entry permit and, through SFD, must register that permit for use with his/her vessel. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel. There are three types of gear endorsements: trawl, longline, and pot (or trap). A sablefish endorsement is also required for a vessel to participate in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. A limited entry permit confers a privilege of participating in the Pacific Coast limited entry groundfish fishery in accordance with Federal regulations in 50 CFR part 660.

(b) *Eligibility.* Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102 (a) may be issued or may hold a limited entry permit.

(c) *Registration.* Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, transferred, or replaced. If the permit will be used with a vessel other than the one registered on the permit, the permit owner must register that permit for use with the new vessel through the SFD. The reissued permit must be placed on board the new vessel in order for the vessel to participate in the limited entry fishery.

(1) Registration of a permit to be used with a new vessel will take effect no earlier than the first day of the next major limited entry cumulative limit period following the date SFD receives the transfer form and the original permit.

(2) The major limited entry cumulative limit periods will be announced in the FEDERAL REGISTER each year with the annual specifications and management measures, and with routine management measures when the cumulative limit periods are changed.

(d) *Limited entry permits indivisible.* Limited entry permits may not be divided for use by more than one vessel.

(e) *Initial decisions.* SFD will make initial decisions regarding permit endorsements, renewal, replacement, and change in vessel registration. SFD will notify the permit holder in writing with an explanation of any decision to deny a permit endorsement, renewal, replacement, or change in vessel registration. The SFD will decline to act on an application for permit endorsement, renewal, transfer, replacement, or registration of a limited entry permit if the permit is subject to sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858 (a) and implementing regulations at 15 CFR part 904, subpart D, apply.

[66 FR 40919, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001]

### § 660.334 Limited entry permits-endorsements.

(a) *“A” endorsement.* A limited entry permit with an “A” endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See § 660.334 (d) for provisions on sablefish endorsement requirements. An “A” endorsement is transferable with the limited entry permit to another person, or to a different vessel under the same ownership under § 660.335. An “A” endorsement expires on failure to renew the limited entry permit to which it is affixed.

(b) *Gear Endorsements.* There are three types of gear endorsements: trawl, longline and pot (trap). When limited entry permits were first issued, some vessel owners qualified for more than one type of gear endorsement based on the landings history of their vessels. Each limited entry permit has one or more gear endorsement(s). Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. While participating in the limited entry fishery, the vessel registered to the limited entry permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, primary fixed gear fishery for sablefish

ownership of publicly held stock will not be deemed changes in ownership of the corporation.

(e) *Endorsement restrictions.* “A” endorsements, gear endorsements, sablefish endorsements, and sablefish tier assignments may not be transferred separately from the limited entry permit.

[66 FR 40919, Aug. 6, 2001, as amended at 66 FR 41158, Aug. 7, 2001]

**§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.**

(a) *Renewal of limited entry permits and gear endorsements—*(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(2) Notification to renew limited entry permits will be issued by SFD prior to September 1 each year to the most recent address of the permit owner. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

(3) Limited entry permit renewal requests received in SFD between November 30 and December 31 will be effective on the date that the renewal is approved. A limited entry permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by March 31 of the following year and the SFD determines that failure to renew was proximately caused by illness, injury, or death of the permit owner.

(b) *Combining limited entry permits.* Two or more limited entry permits with “A” gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as described in paragraph § 660.334 (c)(2)(iii). With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with

the largest cumulative landings limit of the permits being combined.

(c) *“Stacking” Limited Entry Permits.* “Stacking” limited entry permits refers to the practice of registering more than one permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be “stacked.” Up to three limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at § 660.323 (a)(2)(ii). Privileges, responsibilities, and restrictions associated with stacking permits to participate in the primary sablefish fishery are described at § 660.323 (a)(2) and at § 660.334 (d).

(d) *Changes in permit ownership and permit holder—*(1) *General.* The permit owner may convey the limited entry permit to a different person. The new permit owner will not be authorized to use the permit until the change in permit ownership has been registered with and approved by the SFD. The SFD will not approve a change in permit ownership for limited entry permits with sablefish endorsements that does not meet the ownership requirements for those permits described at § 660.334 (d)(3).

(2) *Effective date.* The change in ownership of the permit or change in the permit holder will be effective on the day the change is approved by SFD, unless the there is a concurrent change in the vessel registered to the permit. Requirements for changing the vessel registered to the permit are at § 660.335 (d).

(e) *Changes in vessel registration—transfer of limited entry permits and gear endorsements—*(1) *General.* A permit may not be used with any vessel other than the vessel registered to that permit. For purposes of this section, a permit transfer occurs when, through SFD, a permit owner registers a limited entry permit for use with a new vessel. Permit transfer applications must be submitted to SFD with the appropriate documentation described at § 660.335 (e). Upon receipt of a complete application, and following review and approval of the application, the SFD will reissue the permit registered to the new vessel.

(2) *Application.* A complete application must be submitted to SFD in order for SFD to review and approve a

change in vessel registration. At a minimum, a permit owner seeking to transfer a limited entry permit shall submit to SFD a signed application form and his/her current limited entry permit before the first day of the cumulative limit period in which they wish to participate. If a permit owner provides a signed application and current limited entry permit after the first day of a cumulative limit period, the permit will not be effective until the succeeding cumulative limit period. SFD will not approve a change in vessel registration (transfer) until it receives a complete application, the existing permit, a current copy of the USCG 1270, and other required documentation.

(3) *Effective date.* (i) Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit. Transfers of permits designated as participating in the "B" platoon will become effective no sooner than the first day of the next "B" platoon major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel.

(ii) Notwithstanding paragraph (i) of this section, if SFD receives the original sablefish endorsed permit, and a complete transfer application by August 14, 2001, the resultant change in vessel registration will be effective August 15, 2001, or as soon thereafter as the transfer has been approved. Transfer applications received after August 14, 2001, would be subject to the restrictions in paragraph (i) of this section.

(f) *Restriction on frequency of transfers.* Limited entry permits may not be registered for use with a different vessel (transfer) more than once per calendar year, except in cases of death of a permit holder or if the permitted vessel is totally lost as defined in 660.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of

the ownership interest in the entity dies.

(1) A permit owner may designate the vessel registration for a permit as "unidentified", meaning that no vessel has been identified as registered for use with that permit. No vessel is authorized to use a permit with the vessel registration designated as "unidentified."

(2) When a permit owner requests that the permit's vessel registration be designated as "unidentified," the transaction is not considered a "transfer" for purposes of this section. Any subsequent request by a permit owner to change from the "unidentified" status of the permit in order to register the permit with a specific vessel will be considered a change in vessel registration (transfer) and subject to the restriction on frequency and timing of changes in vessel registration (transfer).

(g) Application and supplemental documentation. Permit holders may request a transfer (change in vessel registration) and/or change in permit ownership or permit holder by submitting a complete application form. In addition, a permit owner applying for renewal, replacement, transfer, or change of ownership or change of permit holder of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a tier assignment under § 660.334 (d) has the burden to submit evidence to prove that certain qualification requirements are met. The following evidentiary standards apply:

(1) For a request to change a vessel registration and/or change in permit ownership or permit holder, the permit owner must provide SFD with a current copy of the USCG Form 1270 for vessels of 5 net tons or greater, or a current copy of a state registration form for vessels under 5 net tons.

(2) For a request to change the vessel registration to a permit, the permit holder must submit to SFD a current marine survey conducted by a certified marine surveyor in accordance with USCG regulations to authenticate the length overall of the vessel being newly

**§ 660.336**

registered with the permit. Marine surveys older than 3 years at the time of the request for change in vessel registration will not be considered “current” marine surveys for purposes of this requirement.

(3) For a request to change a permit’s ownership where the current permit owner is a corporation, partnership or other business entity, the applicant must provide to SFD a corporate resolution that authorizes the conveyance of the permit to a new owner and which authorizes the individual applicant to request the conveyance on behalf of the corporation, partnership, other business entity.

(4) For a request to change a permit’s ownership that is necessitated by the death of the permit owner(s), the individual(s) requesting conveyance of the permit to a new owner must provide SFD with a death certificate of the permit owner(s) and appropriate legal documentation that either: specifically transfers the permit to a designated individual(s); or, provides legal authority to the transferor to convey the permit ownership.

(5) For a request to change a permit’s ownership that is necessitated by divorce, the individual requesting the change in permit ownership must submit an executed divorce decree that awards the permit to a designated individual(s).

(6) Such other relevant, credible documentation as the applicant may submit, or the SFD or Regional Administrator may request or acquire, may also be considered.

(h) *Application forms available.* Application forms for the change in vessel registration (transfer) and change of permit ownership or permit holder of limited entry permits are available from the SFD (see part 600 for address of the Regional Administrator). Contents of the application, and required supporting documentation, are specified in the application form.

(i) *Records maintenance.* The SFD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced.

[66 FR 40921, Aug. 6, 2001, as amended at 66 FR 41153, Aug. 7, 2001]

**50 CFR Ch. VI (10–1–02 Edition)**

**§ 660.336 [Reserved]**

**§ 660.337 [Reserved]**

**§ 660.338 Limited entry permits—small fleet.**

(a) Small limited entry fisheries fleets that are controlled by a local government, are in existence as of July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into the limited entry fishery. Permits issued under this subsection will be issued in accordance with the standards and procedures set out in the PCGFMP and will carry the rights explained therein.

(b) A permit issued under this section may be registered only to another vessel that will continue to operate in the same certified small fleet, provided that the total number of vessels in the fleet does not increase. A vessel may not use a small fleet limited entry permit for participation in the limited entry fishery outside of authorized activities of the small fleet for which that permit and vessel have been designated.

[66 FR 40922, Aug. 6, 2001]

**§ 660.339 Limited entry permit fees.**

The Regional Director will charge fees to cover administrative expenses related to issuance of limited entry permits, including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

**§ 660.340 Limited entry permit appeals.**

(a) Decisions on appeals of initial decisions regarding issuance, renewal, change in vessel registration, change in permit owner or permit holder, and endorsement upgrade, will be made by the Regional Administrator.

(b) Appeals decisions shall be in writing and shall state the reasons therefor.

(c) Within 30 days of an initial decision by the SFD denying issuance, renewal, change in vessel registration, change in permit owner or permit holder, or endorsement upgrade, on the

# Magnuson-Stevens Fishery Conservation and Management Act

## Public Law 94-265

As amended through October 11, 1996

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

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

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

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

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

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

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

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

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

(4) assess and specify--

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

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

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

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

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

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

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

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

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

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

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

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

(A) minimize bycatch; and

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

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

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

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

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

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

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

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

(B) the operator of any such vessel; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**97-453, 104-297**

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

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

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

*to-Length Carbon Steel Plate from Ukraine; Notice of Preliminary Results of Administrative Review of the Suspension Agreement* 67 FR 72916 (December 9, 2002). Currently, the final results in this administrative review are due on April 8, 2003. Pursuant to section 751(a)(3)(A) of the Tariff Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the final results of the review within the normal statutory time limit. Due to the complexity of the issues present in this administrative review, including affiliated party sales, and because the Department must conduct verifications of several discreet entities, the Department determines it is not practicable to complete this review within the normal statutory time limit. Therefore, the Department is extending the time limits for completion of the final results until June 9, 2003, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

Dated: January 15, 2003.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration, Group III.*

[FR Doc. 03-1654 Filed 1-23-03; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-855]

#### **Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Extension of Time Limit for the Preliminary Results of the 2001-2002 Antidumping Duty Administrative Review and New Shipper Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Extension of Time Limit.

**SUMMARY:** The Department of Commerce is extending the time limit for the preliminary results of the 2001-2002 administrative review of the antidumping duty order and new shipper review on certain non-frozen apple juice concentrate from the People's Republic of China. The period of review is June 1, 2001, through May 31, 2002. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

**EFFECTIVE DATE:** January 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Audrey Twyman, or John Brinkmann, Import Administration, International

Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3534, or (202) 482-4126, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Statutory Time Limits**

Section 751(a)(3)(A) of the Tariff Act of 1930 ("the Act") requires the Department of Commerce ("Department") to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively. The order in this review was published on June 5, 2000. (See *Notice of Amended Determination of Sales at Less than Fair Value and Antidumping Duty Order: Certain Non-frozen Apple Juice Concentrate from the PRC*, 65 FR 35606 (June 5, 2000)).

##### **Background**

On July 24, 2002, the Department published in the **Federal Register** the notice of initiation of the antidumping administrative review on certain non-frozen apple juice concentrate from the People's Republic of China (PRC). (See *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 67 FR 48435 (July 24, 2002)). The preliminary results are currently due on March 2, 2003. On July 24, 2002, the Department also published in the **Federal Register** the notice of initiation of antidumping new shipper review on certain non-frozen apple juice concentrate from the People's Republic of China (PRC). (**SEE NOTICE OF INITIATION OF ANTIDUMPING NEW SHIPPER REVIEW**, 67 FR 48440 (July 24, 2002)). On July 26, 2002, Gansu Tongda Fruit Juice and Beverage Co., Ltd., the respondent in the new shipper review, submitted a letter consenting to alignment of the new shipper review with the 2001-2002 administrative review pursuant to 19 CFR 351.214(j)(3).

##### **Extension of Time Limits for Preliminary Results**

Due to the complexity of the issues involving surrogate selection and factor values, it is not practicable to complete this review within the originally anticipated time limit (*i.e.*, March 2, 2003). Therefore, in accordance with

section 751(a)(3)(A) of the Act, the Department is postponing the preliminary results of this administrative review for 120 days, until no later than June 30, 2003.

This notice is published pursuant to sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 17, 2003.

**Susan Kubbach,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 03-1653 Filed 1-23-03; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 012103A]

#### **Proposed Information Collection; Comment Request; Northwest Region Federal Fisheries Permits**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before March 25, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Kevin A. Ford, NOAA Fisheries, Northwest Region, 206-526-6115 or e-mail at [kevin.ford@noaa.gov](mailto:kevin.ford@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

Two data collections dealing with Federal fishery permits affect participants in the groundfish fishery off Washington, Oregon, and California (WOC). The two data collections involve: (1) exempted fishing; and (2) limited entry permits for commercial fishermen.

Exempted (experimental) fishing permits are issued to applicants for fishing activities that would otherwise be prohibited. The information provided by applications allows the National Marine Fisheries Service (NMFS) to evaluate the consequences of the exempted fishing activity and weigh the benefits and costs. Permittees are required to file reports on the results of the experiments and in some cases individual vessels are required to provide minimal data reports. There is also a requirement for a call-in notification prior to a fishing trip. This information allows NOAA Fisheries to evaluate techniques used and decide if management regulations should be changed.

A Federal permit is required to commercially catch groundfish, and permits are endorsed for one or more of three gear types (trawl, longline, and fish pot). Participation in the fishery and access to permits have been limited as a way of controlling the overall fleet harvest capacity. Limited entry permits must be renewed annually and are transferable. Permit owners must fill out renewal forms annually and must fill out transfer forms, as needed.

## II. Method of Collection

Permit applications, renewals, and transfers are made on NOAA Fisheries forms. Renewal of limited entry permits also may be completed electronically using an online form on the Fishery Permit Office Web site. The exempted fishing data reports from individual vessels may be submitted in person, faxed, or submitted by telephone by the vessel owner or operator to NOAA Fisheries or the states of Washington, Oregon, or California.

## III. Data

*OMB Number:* 0648-0203.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 707.

*Estimated Time Per Response:* 20 minutes for a limited entry permit renewal or transfer; 60 minutes for an experimental fishery permit application; 60 minutes for an experimental fishery permit summary report; 10 minutes for an experimental fishery data report; and 2 minutes for an experimental fishery call-in notification prior to a fishing trip.

*Estimated Total Annual Burden Hours:* 341.

*Estimated Total Annual Cost to Public:* \$46,616.

## 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 16, 2003

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-1646 Filed 1-23-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 012103B]

#### Proposed Information Collection; Comment Request; Groundfish Tagging Program

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before March 25, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument and instructions should be directed to Phillip Rigby at 907-789-6653, or at [Phillip.Rigby@noaa.gov](mailto:Phillip.Rigby@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The groundfish tagging program provides scientists with information necessary for effective conservation, management, and scientific understanding of the groundfish fishery off Alaska and the Northwest Pacific. The program area includes the Pacific Ocean off Alaska (the Gulf of Alaska, the Bering Sea and Aleutian Islands Area, and the Alexander Archipelago of Southeast Alaska), California, Oregon, and Washington. Fish movement information from recovered tags is used in population dynamics models for stock assessment.

##### II. Method of Collection

This is a volunteer program requiring the actual tag from the fish to be returned, along with recovery information. Reporting forms with pre-addressed and postage-free envelopes are distributed to processors and catcher vessels. The tag information will be edited and entered into the computer data base. Each person returning a tag will receive information on the release site, growth, and depth and area changes, as well as a reward of a cap.

##### III. Data

*OMB Number:* 0648-0276.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, individuals or households.

*Estimated Number of Respondents:* 820.

*Estimated Time Per Response:* 5 minutes for returning a regular tag; and 20 minutes for returning an internal archival tag.

*Estimated Total Annual Burden Hours:* 73.

*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