

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 08/11/2009

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Suzanne Hilding  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/23/2008

ACTION REQUESTED: New collection (Request for a new OMB Control Number)  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 200810-0648-013  
AGENCY ICR TRACKING NUMBER:  
TITLE: Permitting, Vessel Identification, and Reporting Requirements for the Pelagic Squid Jig Fishery in the Western Pacific Region  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0589  
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 08/31/2012 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	3,060	538	1,970
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	3,060	538	1,970
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Squid Jig Permit Application	NA	Western Pacific Pelagic Squid Jig Permit Application	50 CFR 665
Squid Jig Logbooks	NA	Western Pacific Daily Squid Jig Fishery Log	50 CFR 665
Vessel Identification			50 CFR 665.16

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
PERMIT, VESSEL IDENTIFICATION AND REPORTING REQUIREMENTS  
FOR THE PELAGIC SQUID JIG FISHERY IN THE WESTERN PACIFIC REGION  
OMB CONTROL NO. 0648-xxxx**

**A. JUSTIFICATION**

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

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) established regional fishery management councils, including the Western Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the United States (U.S.) exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office for Law Enforcement (OLE) and the United States Coast Guard (USCG), in cooperation with State agencies to the extent possible. The fishery management plans are intended to regulate fishing to ensure sustained productivity and achievement of optimum yield from the resources for the benefit of the United States.

The preferred alternative recommended by the Council creates a new Federal collection-of-information requirement. Owners of squid jig fishing vessels greater than 50 ft (15.4 m) in length that fish for pelagic squid management unit species in Federal waters, or land pelagic squid management unit species in ports, of the western Pacific region must register their vessels to a valid Federal squid fishing permit issued by the National Marine Fisheries Service (NMFS). After the completion of each fishing trip, vessel operators must submit a NMFS squid fishing log report to NMFS, or an equivalent state report, for fishing in Federal waters, and a NMFS squid fishing log report for fishing on the high seas. These vessels must also carry a scientific observer if requested to do so by NMFS.

The information collected would be used to document fishing activities and landings, to determine the condition of the stocks, to assess the effectiveness of management measures, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to accidental takes of endangered and threatened species, including seabirds, sea turtles, and marine mammals.

Vessel owners are required to comply with Federal vessel identification requirements that are intended to assist in aerial and at-sea enforcement of fishing regulations.

This is a new request related to Proposed Rule Regulation Identifier Number (RIN): 0648-AS71, published on August 28, 2008, possibly to be merged in the future with Office of Management and Budget (OMB) Control No. 0648-0490, Pacific Islands Region Permit Family of Forms, OMB Control No. 0648-0214, Pacific Islands Region Logbook Family of Forms, and OMB Control No. 0648-0360, Pacific Islands Region Vessel and Gear Identification Requirements.

**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.**

***Permits***

Information is collected via a NMFS permit application process. Permits are valid for one calendar year and may be renewed annually. Information from the permit application form will allow NMFS to confirm the identity of the permit holder and applicant, and to determine whether the applicant qualifies for the permit. Vessel-related information such as vessel documentation or registration, ownership, managing ownership, etc., are used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information may also be used by OLE, USCG, and the Council.

***Logbooks***

The completed logbook forms are required to be submitted to NMFS by vessel operators within 72 hours after the end of each fishing trip. The reporting requirements provide the information needed by NMFS and the Council to regulate and monitor the fisheries managed under the Fishery Management Plan (FMP) and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks. The information is also used to provide the basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Information from the logbooks is used by fishery and enforcement officials of NMFS and USCG to monitor compliance with fishing regulations and reporting requirements.

***Vessel Identification***

In the domestic Western Pacific region fisheries regulated under 50 CFR Part 665, the vessel's official number is required to be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck. It identifies each vessel and should be visible at distances at sea and in the air. The requirements generally affect vessels registered to permits for pelagic fisheries, crustacean fisheries, bottomfish and seamount groundfish fisheries, and precious coral fisheries in the western Pacific region. Regulations in 50 CFR Part 665.16 specify the requirements for the vessel identification.

The identification number provides law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with Federal law and regulations, and NOAA policies for confidentiality, privacy, and electronic information. See response to Question 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.**

***Permits and Logbooks***

At this time, the information will be collected on paper forms and does not require any knowledge of automated, electronic, mechanical or other forms of information technology. There is the possibility of allowing participants to submit their permit applications online but this would only be an option. No such option has been developed at this time for logbooks for this fishery. A web-based national fisheries permit system is currently under development.

Once this information collection request is approved, the permit application forms will be posted at [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_11.htm](http://www.fpir.noaa.gov/SFD/SFD_permits_11.htm) for downloading, filling and printing. Logbook and instructions will be provided by NMFS via U.S. mail with issued Federal squid jig permits.

***Vessel Identification***

Vessel identification is done manually.

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

***Permits***

There is no similar Pelagics FMP squid permit requirement for U.S. vessels greater than 50 ft in length overall that participate in the commercial Pacific pelagic squid fishery.

***Logbooks***

There is no similar comprehensive catch and effort reporting program for U.S. vessels greater than 50 ft in length overall that participate in the Pacific pelagic squid fishery. There is an overlap between the reporting requirements being recommended in Amendment 15 (50 CFR 665.14) and those under the High Seas Fishing Compliance Act (HSFCA) (50 CFR 300.17). However, the duplication is eliminated by the provisions at 50 CFR 300.17(b)(3), which provides the necessary regulatory authority for NMFS to require squid jig fishermen to use Federal pelagic squid fishing logbooks to meet the reporting requirements of the HSFCA.

NMFS carefully considered whether there were collections by other Federal agencies or state or territorial agencies that might meet the information needs presented above. It was concluded that no other collections, besides the requested information, would meet these reporting requirements.

***Vessel Identification***

The information is not duplicative; it is a unique requirement for vessels registered to a Federal squid jig fishing permit in the western Pacific region.

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

Federal pelagic squid jig permit applications would be available online at [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_index.html](http://www.fpir.noaa.gov/SFD/SFD_permits_index.html) or by contacting the Sustainable Fisheries permits program at NMFS Pacific Islands Regional Office, to reduce the burden of

time spent applying or ordering by mail. Applications may be downloaded, printed, and then mailed to NMFS. Permits will be issued by NMFS and delivered via U.S. mail.

Logbook and instructions would be provided by NMFS via U.S. mail with issued Federal squid jig permits to reduce time spent obtaining forms via an office visit. The Fisheries Monitoring and Analysis Program at the Pacific Islands Fisheries Science Center in Honolulu may be contacted in writing by email, fax, or mail to answer questions about filling out the logsheets or sales reports. Contact information will be provided with the logbook.

Vessel identification instructions provided by NMFS are straightforward and the task of applying the identification marks is simple.

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

***Permits***

Without this collection or if it is collected less frequently, NMFS would be unable to properly evaluate activity, participation, and reporting compliance in the Pacific pelagic commercial squid fishery. It would be difficult to monitor the fisheries and their participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for fisheries management programs. Without this information enforcement agents would not be able to identify current fishery participants for compliance monitoring purposes and NMFS would be unable to consult with permit holders on regulatory changes.

***Logbooks***

Logbook reporting is needed in the commercial fishery to get an accurate count of the effort level, amount of harvest, and volume in this fishery. Without the information, NMFS and the Council would be unable to determine whether management is achieving the objectives of the FMP and the Magnuson-Stevens Act.

***Vessel Identification***

Vessel identification and verification of activity via air and surface patrol would be difficult for enforcement agencies.

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

None.

**8. Provide information on 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 proposed rule, RIN 0684-AS71 (73 FR 50751), published on August 28, 2008, solicited public comments on this submission. No substantive comments relating to the collection of information were received.

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

No payments or gifts are provided

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

*Permits and logbooks:* Under Section 402(b) of the Magnuson-Stevens Act, amended in 2006, and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act, including all personal and proprietary information, is confidential.

*Vessel identification numbers:* While not confidential, these will not be disseminated to the public.

**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 are asked of a sensitive nature.

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

***Permits***

NMFS expects to receive and process up to 30 applications for pelagic squid jig permits each year. Applicants are expected to spend 30 minutes completing the application, and renewing a permit would require an additional 30 minutes annually. Thus, the total collection-of-information burden to fishermen for permit applications is estimated at 15 hours per year.

***Logbooks***

NMFS estimates that the time requirement for completing the NMFS pelagic squid jig logbook reports to be approximately 10 minutes per vessel per fishing day. Assuming that 30 vessels make 100 trips per year, the program would generate up to 3,000 daily fishing logbooks per year. Thus, the total collection-of-information burden estimate for fishing data reporting is estimated at 500 hours per year.

Total number of logbooks: 30 vessels x 100 trips = 3,000 logbook per year  
Total logbook hours: 3,000 logbooks x 10 minutes/60 per logbook = 500 hours per year.

***Vessel Identification***

For the vessel identification requirements, the burden is estimated at 45 minutes to paint each vessel. Assuming 30 vessels are active, the total collection-of-information burden estimate is 22.5 (23) hours (30 x 45/60 minutes).

***Summary of Responses and Burden***

**Total Responses: 30 applications + 3,000 logbook forms + 30 markings = 3,060 responses**

**Total Burden Hours: 15 + 500 + 23 = 538 hours.**

**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 Question 12 above).**

***Permits and Logbooks***

There is no “start up” capital cost for complying with this requirement. Paper forms provided by NMFS will be used by the respondents for providing information. Electronic forms are an option that will be provided later, but would be voluntary on the respondent’s part and presumably would be used only if the respondent already possessed the requisite equipment. The maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is \$1,670 per year, or about \$.55 per response.

***Vessel Identification***

For the vessel identification requirements, the cost is estimated at about \$10 for paint and supplies to paint each vessel. Assuming 30 large squid jig fishing vessels are active, the total collection-of-information cost estimate is \$300.

**Total costs: \$1,670 + \$300 = \$1,970.**

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

***Permits and Logbooks***

The estimated annual cost to the Federal government to administer this collection of information is up to \$15,660. This includes the cost to process permit applications and issue permits at \$300 per year (30 permits x 30 min/permit x \$20/hr), printing daily catch and effort logsheet forms at \$360 per year (3,000 logsheets and sales reports x \$0.12 per sheet), and processing of log forms at \$15,000 per year, which is calculated by the cost of staff time for receiving and entering logsheet form data (3,000 logsheets x 15 min/logsheet x \$20/hr).

***Vessel Identification***

No cost.

**15. Explain the reasons for any program changes or adjustments.**

This is a new program.

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

No formal scientific publications based on these collections are planned at this time. NMFS and the Council will use the data (primarily in an aggregated, non-confidential format) for developing management reports and fishery management plan amendments and evaluations. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

**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.**

N/A.

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

N/A.

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

No statistical methods are employed.



**FEDERAL FISHERIES PERMIT APPLICATION FORM**  
 U.S. DEPARTMENT OF COMMERCE  
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
 NATIONAL MARINE FISHERIES SERVICE

OMB Control No: 0648-xxxx  
 Expiration Date: xx/xx/xxxx

**PACIFIC ISLANDS REGION**

**200x**

**Mail or deliver this application to:**

NMFS Pacific Islands Regional Office  
 ATTN: Permits  
 1601 Kapiolani Blvd., Suite 1110  
 Honolulu, Hawaii 96814-4733  
 Tel: (808) 944-2200; FAX: (808) 973-2940

**WESTERN PACIFIC PELAGIC SQUID JIG PERMIT**

Pelagic Fisheries of the Western Pacific Region

Please Print Legibly. Items marked with \* are required. Please fill in other items as completely as possible. Note required documents at bottom of page.

\*VESSEL NAME: \_\_\_\_\_ \*VESSEL OFFICIAL NO: \_\_\_\_\_  
 (USCG or State number)

\*VESSEL LENGTH OVERALL: \_\_\_\_\_ (feet)      RADIO CALL SIGN: \_\_\_\_\_

\*VESSEL OWNER: \_\_\_\_\_  
 First, Middle, & Last Name or Business Name      Taxpayer Identification Number  
 (\*If a business owns the vessel)

\*DATE OF BIRTH OR INCORPORATION: \_\_\_\_\_

**Privacy Act Statement:** Federal Regulations (at 50 CFR Part 665) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. The primary purpose for requesting the TIN is for the collection and reporting on any delinquent amounts arising of such person's relationship with the government pursuant to the Debt Collection Improvement Act of 1996 (Public Law 104-134). Personal information is confidential and protected under the Privacy Act (5 U.S.C. 552a). Business information may be disclosed to the public.

\*BUSINESS CONTACT: \_\_\_\_\_ /TITLE: \_\_\_\_\_  
 (First, Middle, & Last Name, if not same as vessel owner)      (Corporate Officer, Business Owner, Partner)

\*BUSINESS MAILING ADDRESS: \_\_\_\_\_  
 Street/PO Box      City      State      ZIP Code

\*BUSINESS PHONE (\_\_\_\_) \_\_\_\_\_; CELL PHONE (\_\_\_\_) \_\_\_\_\_ FAX (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

\*APPLICANT: \_\_\_\_\_ \*DATE: \_\_\_\_\_  
 Printed Name and Signature of Person Submitting Application

\*APPLICANT TITLE:  Vessel owner,  Permit holder,  Corporate officer or partner,  Designated agent, or  Other \_\_\_\_\_  
 (Check only one)

\*Application is for a new permit? \_\_\_ or a renewal? \_\_\_

**REQUIRED DOCUMENTS:** You must submit the following with the application form:

- 1) A copy of the vessel's current U.S. Coast Guard Certificate of Documentation (documented vessel) or registration certificate from a state/territorial agency (undocumented vessel) showing the current vessel owner,
- 2) Payment by check for the non-refundable application processing fee of \$\_\_\_\_, payable to Department of Commerce, NOAA, and
- 3) A signed letter from the permit holder authorizing the applicant as the agent, if the applicant is acting as an agent for the vessel owner.

**It is prohibited to file false information on any application for a fishing permit (50 CFR § 665.15(b)).**

(side two)

OMB Control No: 0648-xxxx  
Expiration Date: xx/xx/xxxx

**PAPERWORK REDUCTION ACT INFORMATION**

Public reporting burden for this collection is estimated as follows: 30 minutes for the WP pelagic squid jig permit application and 2 hours for all permit denial appeals. Each burden includes 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 aspects of this collection of information, including suggestions for reducing this burden, to NMFS Pacific Islands Regional Administrator, 1601 Kapiolani Blvd. Suite 1110, Honolulu, Hawaii 96814-4700.

This information is being collected to ensure accurate and timely records about the persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable NMFS and the Western Pacific Fishery Management Council to (a) determine who would be affected by changes in management; (b) inform license holders of changes in fishery regulations; and (c) determine whether the objectives of the fishery program are being achieved by monitoring entry and exit patterns and other aspects of the fisheries. The information is used in analyzing and evaluating the potential impacts of regulatory changes on persons in the regulated fisheries as well as in related fisheries. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 665.13). Data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). 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.

**NATIONAL MARINE FISHERIES SERVICE  
Pacific Islands Region**

OMB Control No.: 0648-xxxx

Expiration Date: xx/xx/xxxx

## WESTERN PACIFIC DAILY SQUID JIG FISHING LOG

**VESSEL NAME:** \_\_\_\_\_ **PERMIT NUMBER:** \_\_\_\_\_

Date of Departure from Port (mm/dd/yyyy): \_\_\_\_/\_\_\_\_/\_\_\_\_ Departure Port: \_\_\_\_\_

Date of Return to Port (mm/dd/yyyy): \_\_\_\_/\_\_\_\_/\_\_\_\_ Landing Port: \_\_\_\_\_

**FISHING OPERATION INFORMATION**

Observer on Board (check if yes): [  ]

TARGET SPECIES = _____	Surface Temperature (C): _____	Number of crew: _____
AREA FISHED: _____	CATCHER/PROCESSOR (check if yes): [ <input type="checkbox"/> ]	
DATE FISHED-START (mm/dd/yy): ____/____/____	DATE FISHED-END (mm/dd/yy): ____/____/____	
TIME STARTED FISHING (24 hour clock): _____	TIME END FISHING (24 hour clock): _____	
BEGIN FISHING LOCATION:	Position: _____° _____' N/S Latitude; _____° _____' E/W Longitude	
END FISHING LOCATION:	Position: _____° _____' N/S Latitude; _____° _____' E/W Longitude	
Depth fished day (meters) = _____	Number of jig stations = _____	Number of hooks/jigs per station = _____
Depth fished night (meters) = _____	Number of jig stations = _____	Number of hooks/jigs per station = _____
Other gear used (describe): _____		

**CATCH INFORMATION** (num kept + num released = total catch, num released alive + num released dead = total released)

Species Name	SPECIES KEPT (retained)		SPECIES RELEASED	
	Number kept	Estimated total weight kept (lb or kg)	Number Released alive	Number Released dead
<b>Neon Flying Squid</b> <i>(Ommastrephes bartramii)</i>				
<b>Purple Flying Squid</b> <i>(Sthenoteuthis oualaniensis)</i>				
<b>Diamondback Squid</b> <i>(Thysanoteuthis rhombus)</i>				
<b>Other Squid (specify)</b>				
<b>Other Squid (specify)</b>				
<b>Blue shark</b>				
<b>Other species (specify)</b>				

**PROTECTED SPECIES INFORMATION**

Species	Number released			Species	Number released		
	Uninjured	Injured	Dead		Uninjured	Injured	Dead
<b>Monk Seal</b>				<b>Green Turtle</b>			
<b>Dolphin/Porpoise</b>				<b>Leatherback Turtle</b>			
<b>Whale (specify)</b>				<b>Loggerhead Turtle</b>			
<b>Laysan Albatross</b>				<b>Olive Ridley Turtle</b>			
<b>Black-footed Albatross</b>				<b>Unidentified Hardshell Turtle</b>			
<b>Short-tailed Albatross</b>				<b>Other species (specify)</b>			
<b>Unidentified Bird</b>							

I certify that the above information is complete and true to the best of my knowledge:

**VESSEL CAPTAIN/OPERATOR:** Print name: \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Mail log to: NMFS Pacific Islands Fisheries Science Center, ATTN: FMAP, 2570 Dole St., Honolulu, HI 96822

# Instructions - WESTERN PACIFIC DAILY SQUID FISHING LOG

**VESSELNAME:** Enter name of vessel.

**PERMIT NUMBER:** Enter squid fishing permit number (vessel's Official Number)

**DATE OF DEPARTURE FROM PORT(mm/dd/yyyy):** Enter date vessel left port (month/day/year).

**DEPARTURE PORT:** Enter port of departure.

**DATE OF RETURN TO PORT (mm/dd/yyyy):** Enter date vessel returned to port (month/day/year).

**LANDING PORT:** Enter port of return.

**OBSERVER ON BOARD:** Check (✓) if observer on board.

**TARGET SPECIES:** Enter the name of the species targeted.

**SEA SURFACE TEMP(C):** Enter the sea surface temperature in degrees centigrade.

**NUMBER OF CREW:** Enter the number of crew including the captain.

**DATE FISHED-start/end:** Enter start and end date (month/day/year) of **daily** fishing activity.

**AREA FISHED:** Enter name of area fished.

**TIME STARTED/ENDED FISHING (24 hour clock):** Enter the time (using 24 hour clock - Local Time) the **daily** fishing activity started and ended.

**BEGIN FISHING LOCATION:** Enter latitude and longitude. Use degree ° and minute ' ; circle N for north or S for south latitude; circle W for west or E for east longitude, as appropriate.

**END FISHING LOCATION:** Enter latitude and longitude. Use degree ° and minute ' ; circle N for north or S for south latitude; circle W for west or E for east longitude, as appropriate.

**DEPTH FISHED DAY(m):**  
**DEPTH FISHED NIGHT(m):** Enter the depth (in meters) fished during the day time hours and the night time hours.

**NUMBER OF JIG STATIONS FISHED(day/night):** Total number of jigging stations fished during the day and total number of jigging stations fished at night.

**NUMBER OF HOOKS/JIGS PER STATION(day/night):** Enter the number of hooks or jigs used per station during the day and the number of hooks or jigs used per station at night.

**OTHER GEAR USED (describe):** Enter description of any other gear used.

**CATCH INFORMATION:**  
Number kept + number released = total catch.  
Species released = number released alive + number released dead (=bycatch).

**NUMBER KEPT:** Enter the number Kept for each species. Note: No tally column is provided in this logsheet. Please enter only the numbers of individuals Kept.

**ESTIMATED TOTAL WEIGHT KEPT:** Estimate to the best of your ability the cumulative weight in pounds or kilograms by species of the associated number listed in the kept column. **Indicate weight measure by circling lb or kg.**

**NUMBER RELEASED ALIVE:** Enter the numbers released alive by species. Injured organisms that are believed to be able to survive should be included in this count.

**NUMBER RELEASED DEAD:** Enter the numbers released dead by species. Injured organisms that do not look like they will survive should be included in this count.

**PROTECTED SPECIES INFORMATION:** Enter the numbers of protected species released uninjured, injured, or dead.

**VESSEL CAPTAIN/ OPERATOR:** Print name and provide signature of the captain/operator.

**DATE:** Enter date (month/day/year) when the log sheet was "completed and signed" by the vessel captain/operator.

- **The Vessel Captain must record catch and effort information in the logbook within 24 hours of completing the daily fishing effort.**
- **The Vessel Captain must submit completed logbook sheets to the National Marine Fisheries Service within 72 hours following his or her return to port after each trip.**

Please mail log to: **NMFS Pacific Islands Fisheries Science Center**  
**ATTN: FMAP**  
**2570 Dole Street**  
**Honolulu, Hawaii 96822-2396**

For further information, call: Phone: (808) 983-5325

Rev. 10/10/2008

**PAPERWORK REDUCTION ACT INFORMATION**

Public reporting burden for this collection is estimated as follows: 10 minutes for the WP squid jig fishing log. The burden includes time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to NMFS Pacific Islands Regional Administrator, 1601 Kapiolani Blvd. Suite 1110, Honolulu, Hawaii 96814-4700.

This information is being collected to ensure accurate and timely records about the persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable NMFS and the Western Pacific Fishery Management Council to (a) determine who would be affected by changes in management; (b) inform license holders of changes in fishery regulations; and (c) determine whether the objectives of the fishery program are being achieved by monitoring entry and exit patterns and other aspects of the fisheries. The information is used in analyzing and evaluating the potential impacts of regulatory changes on persons in the regulated fisheries as well as in related fisheries. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 665.13). Data provided concerning the vessel and/or businesses of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). 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.

**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;

**109-479**

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing 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, economic information necessary to meet the requirements of this Act, 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;

**109-479**

(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 analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

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

(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; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(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;

**16 U.S.C. 1853**  
**MSA § 303**

(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;

**109-479**

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

**109-479**

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

**109-479**

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

**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;

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(2)(A) 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;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

- (i) is based on the best scientific information available;
- (ii) includes criteria to assess the conservation benefit of the closed area;
- (iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
- (iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(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;

**109-479**

(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 and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

**109-479**

(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;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

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(7) require fish processors who first receive fish that are subject to the plan to submit 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;

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(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic]<sup>15</sup> 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.

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<sup>15</sup> So in original.

**P.L. 109-479, sec. 104(b), MSA § 303 note**

**16 U.S.C. 1853 note**

**EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.**—The amendment made by subsection (a)(10)<sup>16</sup>—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

**109-479**

**SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.**

**16 U.S.C. 1853a**

(a) **IN GENERAL.**—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) **NO CREATION OF RIGHT, TITLE, OR INTEREST.**—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

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<sup>16</sup> Section 104(a)(10) of P.L. 109-479 added section 303(a)(15).

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

- (A) the fishery has historically processed the fish outside of the United States; and
- (B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

- (I) be located within the management area of the relevant Council;
- (II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and
- (IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

- (B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—
- (i) traditional fishing or processing practices in, and dependence on, the fishery;
  - (ii) the cultural and social framework relevant to the fishery;
  - (iii) economic barriers to access to fishery;
  - (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
  - (v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
  - (vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

(4) REGIONAL FISHERY ASSOCIATIONS.—

(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

- (i) be located within the management area of the relevant Council;
- (ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (iii) be a voluntary association with established by-laws and operating procedures;
- (iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;
- (v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is [sic]<sup>17</sup> members contribute; and
- (vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

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<sup>17</sup> So in original.

(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

- (i) traditional fishing or processing practices in, and dependence on, the fishery;
- (ii) the cultural and social framework relevant to the fishery;
- (iii) economic barriers to access to fishery;
- (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
- (v) the administrative and fiduciary soundness of the association; and
- (vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

- (i) current and historical harvests;
- (ii) employment in the harvesting and processing sectors;
- (iii) investments in, and dependence upon, the fishery; and
- (iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through—

- (i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and
- (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

- (i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and
- (ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) PROGRAM INITIATION.—

(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) NEW ENGLAND AND GULF REFERENDUM.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term ‘individual fishing quota’ does not include a sector allocation.

(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

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**MSA § 303A**

(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUND FISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

**16 U.S.C. 1853a note, 1854**  
**MSA §§ 303A note, 304**

**P.L. 109-479, sec. 106(e), MSA § 303A note**

**16 U.S.C. 1853a note**

**APPLICATION WITH AMERICAN FISHERIES ACT.**—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a) [P.L. 109-479], shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

**P.L. 104-297, sec. 108(i), MSA § 303 note**

**EXISTING QUOTA PLANS.**—Nothing in this Act [P.L.104-297] or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

## **SEC. 304. ACTION BY THE SECRETARY**

**16 U.S.C. 1854**

### **104-297**

(a) **REVIEW OF PLANS.**—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

104-297

**SEC. 402. INFORMATION COLLECTION**

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

**(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—**

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

**16 U.S.C. 1881a-1881b**  
**MSA §§ 402-403**

(d) **CONTRACTING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) **RESOURCE ASSESSMENTS.**—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

**104-297**

**SEC. 403. OBSERVERS**

**16 U.S.C. 1881b**

(a) **GUIDELINES FOR CARRYING OBSERVERS.**—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such 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; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

# e-CFR Data is current as of November 6, 2008

## **Title 50: Wildlife and Fisheries**

### **PART 300—INTERNATIONAL FISHERIES REGULATIONS**

#### **Subpart B—High Seas Fisheries**

#### **§ 300.17 Reporting.**

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

(i) Antarctic—CCAMLR Logbook (50 CFR 300.107);

(ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));

(iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);

(iv) Atlantic Purse Seine—Vessel Logbook (50 CFR 635.5);

(v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));

(vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or

(vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[64 FR 15, Jan. 4, 1999, as amended at 67 FR 64312, Oct. 18, 2002]

**Title 50: Wildlife and Fisheries**  
**PART 665—FISHERIES IN THE WESTERN PACIFIC**  
**Subpart B—Western Pacific Fisheries—General**

**§ 665.14 Reporting and recordkeeping.**

(a) *Fishing record forms.* (1) *Applicability.* The operator of any fishing vessel subject to the requirements of §§665.21, 665.41, 665.61(a)(2), 665.61(a)(3), 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on paper report forms provided by the Regional Administrator, or electronically as specified and approved by the Regional Administrator. All information specified by the Regional Administrator must be recorded on paper or electronically within 24 hours after the completion of each fishing day. The logbook information, reported on paper or electronically, for each day of the fishing trip must be signed and dated or otherwise authenticated by the vessel operator in the manner determined by the Regional Administrator, and be submitted or transmitted via an approved method as specified by the Regional Administrator, and as required by this paragraph (a).

(2) *Timeliness of submission.* (i) If fishing was authorized under a permit pursuant to §§665.21, 665.41, 665.61(a)(1), 665.61(a)(3), or 665.81 the vessel operator must submit the original logbook form for each day of the fishing trip to the Regional Administrator within 72 hours of the end of each fishing trip, except as allowed in paragraph (iii) of this section.

(ii) If fishing was authorized under a permit pursuant to §665.61(a)(4) the vessel operator or vessel owner must submit the original logbook form for each day of the fishing trip to the Regional Administrator within 72 hours of the end of each fishing trip.

(iii) If fishing was authorized under a PRIA bottomfish permit pursuant to §665.61(a)(2), PRIA pelagic troll and handline permit pursuant to §665.21(f), crustaceans fishing permit for the PRIA (Permit Area 4) pursuant to §665.41, or a precious corals fishing permit for Permit Area X-P-PI pursuant to §665.81, the original logbook form for each day of fishing within the PRIA EEZ waters must be submitted to the Regional Administrator within 30 days of the end of each fishing trip.

(iv) If fishing was authorized under a permit pursuant to §665.602, the original logbook information for each day of fishing must be submitted to the Regional Administrator within 30 days of the end of each fishing trip.

(b) *Transshipment logbooks.* Any person subject to the requirements of §665.21(c) or §665.602(a)(2) must maintain on board the vessel an accurate and complete NMFS transshipment logbook containing report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hours after the day of transshipment. Each form must be signed and dated by the receiving vessel operator. The original logbook for each day of transshipment activity must be submitted to the Regional Administrator within 72 hours of each landing of Pacific pelagic management unit species. The original logbook for each day of transshipment activity must be submitted to the Regional Administrator within 7 days of each landing of coral reef ecosystem MUS.

(c) *Sales report.* The operator of any fishing vessel subject to the requirements of §665.41 must submit to the Regional Administrator, within 72 hours of offloading of crustaceans management unit species, an accurate and complete sales report on a form provided by the Regional Administrator. The form must be signed and dated by the fishing vessel operator.

(d) *Packing or weigh-out slips.* The operator of any fishing vessel subject to the requirements of §665.41 must attach packing or weighout slips provided to the operator by the first-level buyer(s), unless the packing or weighout slips have not been provided in time by the buyer(s).

(e) *Modification of reporting and recordkeeping requirements.* The Regional Administrator may, after consultation with the Council, initiate rulemaking to modify the information to be provided on the fishing record forms, transshipment logbook, and sales report forms and timeliness by which the information is to be provided, including the submission of packing or weighout slips.

(f) *Availability of records for inspection*—(1) *Pacific pelagic management unit species.* Upon request, any fish dealer must immediately provide an authorized officer access for inspecting and copying all records of purchases, sales, or other transactions involving Pacific pelagic management unit species taken or handled by longline vessels that have permits issued under this subpart or that are otherwise subject to subpart C of this part, including, but not limited to, information concerning:

(i) The name of the vessel involved in each transaction and the owner or operator of the vessel.

(ii) The weight, number, and size of each species of fish involved in each transaction.

(iii) Prices paid by the buyer and proceeds to the seller in each transaction.

(2) *Crustaceans management unit species.* Upon request, any first-level buyer must immediately allow an authorized officer and any employee of NMFS designated by the Regional Administrator, to access, inspect, and copy all records relating to the harvest, sale, or transfer of crustacean management unit species taken by vessels that have permits issued under this subpart or that are otherwise subject to subpart D of this part. This requirement may be met by furnishing the information on a worksheet provided by the Regional Administrator. The information must include, but is not limited to:

(i) The name of the vessel involved in each transaction and the owner or operator of the vessel.

(ii) The amount, number, and size of each management unit species involved in each transaction.

(iii) Prices paid by the buyer and proceeds to the seller in each transaction.

(3) *Bottomfish and seamount groundfish management unit species.* Any person who is required by state laws and regulations to maintain records of landings and sales for vessels regulated by this subpart and subpart E of this part must make those records immediately available for Federal inspection and copying upon request by an authorized officer.

(4) *Coral reef ecosystem MUS.* Any person who has a special permit and who is required by state laws and regulations to maintain and submit records of catch and effort, landings and sales for coral reef ecosystem MUS by this subpart and subpart G of this part must make those records immediately available for Federal inspection and copying upon request by an authorized officer as defined in §600.10 of this chapter of this chapter

(g) *State reporting.* Any person who has a permit under §665.21, 665.61, or 665.601 and who is regulated by state laws and regulations to maintain and submit records of catch and effort, landings and sales for vessels regulated by subparts C, E and G of this part must maintain and submit those records in the exact manner required by state laws and regulations.

[61 FR 34572, July 2, 1996, as amended at 62 FR 27524, May 20, 1997; 67 FR 56501, Sept. 4, 2002; 69 FR 8343, Feb. 24, 2004; 71 FR 53607, Sept. 12, 2006; 71 FR 64476, Nov. 2, 2006; 72 FR 19125, Apr. 17, 2007; 73 FR 18458, Apr. 4, 2008]

# e-CFR Data is current as of November 6, 2008

## **Title 50: Wildlife and Fisheries**

### **PART 665—FISHERIES IN THE WESTERN PACIFIC**

#### **Subpart B—Western Pacific Fisheries—General**

#### **§ 665.16 Vessel identification.**

(a) Each fishing vessel subject to this subpart, except those identified in paragraph (e) of this section, must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be visible from enforcement vessels and aircraft.

(b) The official number must be affixed to each vessel subject to this subpart and subparts C, D, E, and F of this part, in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing and receiving vessels of 65 ft (19.8 m) LOA or longer, and at least 10 inches (25.4 cm) in height for all other vessels, except vessels subject to Subpart F and 65 ft (19.8 m) LOA or longer must be marked in block Arabic numerals at least 14 inches (35.6 cm) in height. Marking must be legible and of a color that contrasts with the background.

(c) The vessel operator must ensure that the official number is clearly legible and in good repair.

(d) The vessel operator must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(e) The following fishing vessels are exempt from the vessel identification requirements in this section:

(1) A vessel registered for use under a Main Hawaiian Islands non-commercial bottomfish permit that is in compliance with State of Hawaii bottomfish vessel registration and marking requirements.

(2) [Reserved]

[61 FR 34572, July 2, 1996. Redesignated at 71 FR 17989, Apr. 10, 2006; 73 FR 18459, Apr. 4, 2008]

business size standard for this census category; that size standard is 500 or fewer employees. According to Census Bureau data for 2002, there were 1,362 firms in this category that operated for the entire year. Of these, 1,351 had employment of 499 or fewer employees, and six firms had employment of between 500 and 999. Consequently, we estimate that the majority of these firms small entities that may be affected by our action.

#### D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

66. Any potential proposals from this NPRM will not impose reporting or recordkeeping requirements that would be subject to the Paperwork Reduction Act. Therefore, we have not attempted here to provide an estimate in terms of burden hours. Rather, we are asking commenters to provide the Commission with reliable information and comments on any costs and burdens on small entities.

#### E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

67. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

68. As noted above, the NPRM invites comment on regulations that the Commission must implement 90 days after the 911 NET Act's enactment, including regulations that:

(A) Ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

(B) Take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

(C) Provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines \* \* \* are necessary for an IP-enabled voice service provider to comply with its

obligations [to provide 911 service and enhanced 911 service], that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider.

69. Specifically, we invite comment regarding how the Commission could ease any potential burden on small entities. The Commission seeks comment on significant alternatives and recommends that small entities file comments in response to the NPRM. We anticipate that the record will be developed concerning alternative ways in which the Commission could lessen the burden on classes of carrier or entities.

#### F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

70. None.

#### Initial Paperwork Reduction Act of 1995 Analysis

71. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198. See 44 U.S.C. 3506(c)(4).

#### Ordering Clauses

72. Accordingly, *it is ordered* that pursuant to the authority contained in sections 1, 4(i)-(j), 201, 202, 222, 251, 252, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)-(j), 201, 202, 222, 251, 252, 303(r), and section 6 of the Wireless 911 Act, as amended, this Notice of Proposed Rulemaking *is adopted*.

73. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E8-20135 Filed 8-27-08; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 0612242967-7394-01]

RIN 0648-AS71

#### Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule would include three species of pelagic squid under Federal management, and establish permitting and reporting requirements for squid jig fishing vessels over 50 ft (15.4 m) in length. These vessels would also be required to carry Federal observers if requested by NMFS. This proposed rule is intended to improve monitoring and management of U.S. domestic pelagic squid fisheries in the western Pacific.

**DATES:** Comments on this proposed rule must be received by October 14, 2008.

**ADDRESSES:** Comments on the amendment, identified by 0648-AS71, may be sent to either of the following addresses:

- Electronic Submission: Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov); or

- Mail: William L. Robinson, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd, Suite 1110, Honolulu, HI 96814-4700.

Instructions: All comments received are a part of the public record and will generally be posted to [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the commenter may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (if you wish to remain anonymous, enter "NA" in the required name and organization fields). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FMP), and proposed Amendment 15 including an environmental assessment (EA), are

available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Bob Harman, NMFS PIR, 808-944-2271.

**SUPPLEMENTARY INFORMATION:** This Federal Register document is also accessible at the Office of the Federal Register website: [www.gpoaccess.gov/fr](http://www.gpoaccess.gov/fr).

The pelagic fisheries of the U.S. western Pacific are managed under the Pelagics FMP, which was developed by the Council, and approved and implemented by NMFS. The Council has submitted Pelagics FMP Amendment 15 to NMFS for review under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This proposed rule would implement the management provisions recommended in Amendment 15, if approved by the Secretary of Commerce. Although no squid resource concerns have arisen to date, effective monitoring programs and mechanisms to implement management measures are both needed. To address these needs, the Council recommends in Amendment 15 improving data on U.S. squid fisheries through new permitting, monitoring and reporting requirements, as follows:

- Add three pelagic squid species to the pelagic management unit (neon flying squid, *Ommastrephes bartramii*, diamondback squid, *Thysanoteuthis rhombus*, and purple flying squid, *Sthenoteuthis oualaniensis*); and
- Require operators of U.S. vessels greater than 50 ft (15.4 m) in length overall that fish for pelagic squid in waters of the U.S. Exclusive Economic Zone (EEZ) of the western Pacific to:
  - i. obtain Federal permits;
  - ii. carry Federal observers if requested by NMFS; and
  - iii. report any western Pacific pelagic squid catch and effort either in Federal squid logbooks or via existing local reporting systems.

These measures, if implemented, would provide additional data and a mechanism for the Council and NMFS to effectively monitor and manage the U.S. domestic pelagic squid fisheries.

Pelagic squid are widely dispersed and short-lived, with relatively high reproduction rates. Thus, populations recover quickly following declines and are difficult to over-harvest with relatively inefficient fishing methods such as jigging. For example, stock abundance of neon flying squid in the central North Pacific was low in 1993, probably due to high fishing mortality from the high seas drift gillnet fishery.

That fishery was banned in 1992, and the stocks quickly recovered and abundance was high during 1994-96. Stock abundance was again depressed in 1997 (the most prominent El Nino year in the last century), but was high in 1998. There is no evidence of over-harvesting of pelagic squid stocks on the high seas or in EEZ waters around U.S. islands in the western Pacific.

Pelagic squid are targeted by food and bait fisheries throughout the Pacific. They are a major component of the pelagic ecosystem, with large species preying on a variety of fish and invertebrate species, and smaller species providing important forage components for species such as swordfish and pilot whales. This "keystone" role of squid in the trophic web suggests that squid may be an important indicator of ecosystem dynamics. An international, large-scale, multi-species squid jigging fishery exists on the Pacific high seas, including foreign and a few U.S. fishing vessels. The Japanese jigging fleet was once dominant in the North Pacific, but is now rivaled by a growing Chinese fleet. The fishery is seasonal with most vessels switching to the Southern Hemisphere during the southern summer (October-February). Three U.S. squid jig vessels fished for squid in the North Pacific for a month or less in the summer of 2003, catching red flying squid on the high seas and offloading in Japan. Following a disappointing season, they moved to New Zealand waters for the 2003 summer/autumn squid season. To date, these domestic jigging vessels have fished on the high seas or in the waters of other nations, but there is a possibility of moving their fishing activities to U.S. EEZ waters around Hawaii in association with a shift in oceanic conditions. In addition to this large-vessel fishery, a few smaller vessels target purple flying squid with jigs near the Hawaiian Islands. This smaller fishery provides squid for the seafood market, and bait for the tuna handline fishery.

Although U.S. fisheries in the northern waters of the western Pacific catch a tiny fraction of the total international squid production, data provided by monitoring of these fisheries are, as yet, the only indicator available of squid stock status. The first issue to be addressed in the proposed rule is the need for improved information about U.S. squid jig fisheries. To effectively monitor and manage these fisheries, there is a need to ensure that U.S. catches of squid in the western Pacific are recorded accurately. For fishing on the high seas, the HSFCA requires catch reporting, but to date there has been no specific

HSFCA logbook for squid jig fishing. Commercial landings of squid offloaded in Hawaii (regardless of where caught) are required to be reported on Hawaii state catch reports. Recreational catches landed in Hawaii are not subject to any reporting requirements (although recreational squid harvests are believed to be small and are not a concern to resource managers). With the exception of the Pacific remote island areas (PRIA), creel surveys are conducted in the other areas of the U.S. western Pacific to collect data on both commercial and recreational fishing activities. The information collected from these disparate programs have not been compiled for efficient analyses by resource scientists and managers.

U.S. squid jig vessels that fish only on the high seas in the western Pacific would be required to report their catch and effort using the Federal squid logbooks, pursuant to the reporting and recordkeeping provision of the High Seas Fishing Compliance Act (HSFCA). The reporting requirements of the HSFCA (50 CFR 300.17(b)(3)) provide the necessary regulatory authority for NMFS to require squid jig fishermen to use Federal logbooks that would be implemented under this proposed rule to meet the reporting requirements under both the HSFCA and the Magnuson-Stevens Act.

In addition to data needs, a second issue regarding the domestic squid jigging fishery is that there is no management mechanism to implement fishery regulatory controls, should concerns arise regarding squid stocks or other aspects of the fishery. Squid resources are healthy, the domestic fishery is relatively small, and there have been no observed or reported interactions with protected species or significant levels of bycatch. Thus, specific management measures (such as time or area closures, or effort or landing limits) are not being considered at this time. However, the establishment of mechanisms to implement management measures would allow for regulatory controls to be put in place if data collected indicate a future need for additional management measures.

To be considered, comments must be received by close of business on October 14, 2008, not postmarked or otherwise transmitted by that date.

In addition to soliciting public comments on this proposed rule, NMFS is soliciting comments on proposed Amendment 15 through October 10, 2008 as stated in the Notice of Availability published on August 11, 2008 (73 FR 46580). Public comments on this proposed rule, if received by October 10, 2008, will also be

considered in the approval/disapproval decision for Amendment 15. Comments received after that date will not be considered in the approval/disapproval decision for Amendment 15, but will be considered for this proposed rule.

#### Classification

Pursuant to section 304 (b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Pelagics FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Amendment 15 includes an EA that describes the existing squid fishery management and environment, and describes the potential environmental impacts of implementing the provisions of the preferred alternative. The EA tiers off a 2005 Final Environmental Impact Statement (2005 EIS) (70 FR 24038, May 6, 2005), and incorporates by reference the previous environmental impact analysis of the five alternatives considered in Amendment 15, specifically Alternative 1, the no-action alternative, Alternative 2, voluntary monitoring, Alternative 3, mandatory monitoring and management under the Pelagics FMP, Alternative 4, mandatory monitoring and management through a new squid FMP, and Alternative 5, mandatory monitoring and management through international agreements. All of the previous alternatives considered in the April 2005 EIS were coordinated with interested and affected parties. New information about future fishery management policies became available after the 2005 EIS was completed, and an additional alternative (Alternative 3a) was added and analyzed in the EA. Alternative 3a is similar to Alternative 3 in the 2005 EIS, but the revised alternative now contains provisions for mandatory Federal permits and logbooks reporting for vessels greater than 50 ft (15.4 m) in length that fish for squid in the U.S. EEZ waters of the western Pacific, and a requirement to carry Federal observers when requested by NMFS.

The purpose and need for the proposed action is to establish appropriate monitoring and management mechanisms for the domestic harvest of western Pacific pelagic squid. Based on the information in the EA and the 2005 EIS, as compared to the no-action alternative, preferred Alternative 3a would have no adverse impacts to essential fish habitat or habitat areas of particular concern. None of the action alternatives would be expected to change the impacts of U.S. vessels on squid resources in the short

term, but impacts on the resource base could increase with higher future effort, so increasing fishery managers' understanding of the status of the stocks and fishing mortality would be an important outcome of this action. By including pelagic squid as management unit species under the preferred alternative, the foundation would be established for implementing control measures, should they become necessary. None of the action alternatives is anticipated to have any significant adverse impacts on seabird, sea turtle, or marine mammal populations because the fishery has a relatively low level of participation, and there have been no observed or reported interactions with protected resources in either the nearshore Hawaii squid fishery or the U.S. high seas squid jig fishery. The preferred alternative would provide for the sustained participation of fishing communities by helping to ensure the long-term availability of Pacific pelagic squid. The complete analysis of the alternatives is contained in the 2005 EIS and in Amendment 15, and is not repeated here. Copies of these two environmental analytical documents are available from the Council (see **ADDRESSES**).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The analysis follows:

The Western Pacific Fishery Management Council (Council) prepared Amendment 15 to the Pelagics FMP. Amendment 15 recommends including three species of commercially-harvested pelagic squid (neon flying squid, purple flying squid, and diamondback squid) as pelagic management unit species. Amendment 15 would establish Federal permitting, data reporting, and observer requirements for squid jigging vessels over 50 ft (15.4 m) in length that fish in the U.S. EEZ of the western Pacific, or land these squid in ports of the region. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule. This rule does not duplicate, overlap, or conflict with other Federal rules. There are no disproportionate economic impacts from this rule based on homeport, gear type, or relative vessel size. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. § 605(b), NMFS has determined that this rule will not have a significant economic impact on a substantial number of small entities based on the pre-existing status of pelagic squid fisheries within the U.S. EEZ of the central and western Pacific. All vessels

having the potential to participate in this fishery are considered to be small entities under the current Small Business Administration definition of small fish-harvesting businesses (gross receipts not in excess of \$ 4.0 million, independently owned and operated, and not dominant in their field).

This proposed rule would improve mandatory monitoring and establish mechanisms for management by including these squids in the management unit. This rule would require U.S. vessels greater than 50 ft (15.4 m) in length overall that fish for pelagic squid in U.S. Pacific EEZ to obtain Federal permits, to carry observers if requested by NMFS, and to report their catch and effort using either NMFS western Pacific squid jigging logbooks or existing local reporting systems. High seas squid harvests would be reported in the squid jigging logbooks. The fishery data would be centralized into a database easily available to resource scientists and managers.

An international, large-scale squid jigging fishery (multi-species) exists on the Pacific high seas. This includes both foreign and, until recently, a few domestic (U.S. flagged) fishing vessels. Three U.S. flagged squid jiggers fished for squid in the North Pacific in the summer of 2003, catching neon flying squid before traveling to the Southern Hemisphere. (The fishery is seasonal with most vessels switching to the Southern Hemisphere during the southern summer, October-February.) The operation consisted of a mother ship, 47 m long with 38 jigging machines, and holding up to 453,600 kg of squid, with a crew of 18. The other three boats ranged from 32–34 m in length. Each had 21–38 jigging machines, holding 204,100 to 386,000 kg of squid, with crews of 12. Blast freezers were installed on board all four boats. While squid catches as high as 8,000 kg per vessel per night have been reported by some operations, the recent domestic operation in the North Pacific caught a combined total of 20,253 kg of red flying squid for three vessels fishing over 22 days in 2003.

In addition, a small nearshore squid jigging fishery operating out of Kauai and a tuna handline fishery operating primarily from the Big Island of Hawaii have been known to target purple flying squid for food and/or bait. Although significant in the 1970s and 1980s, current participation in this fishery is now estimated to consist of only a few vessels. Nonetheless, due to shifts in both economic and oceanic conditions, there exists the potential for domestic squid jigging effort to shift from the high seas to the U.S. EEZ around Hawaii.

Economic impacts of the preferred alternative would have a slightly adverse economic impact in the requirement to pay a vessel permit fee of approximately \$30. Using average prices for squid sold in Hawaii during the summer of 2003 (\$1.81/lb), a permit fee of \$30 represents only 0.15% of the average boat revenue for the known boats jigging for squid in the North Pacific during 2003. The largest potential impact to affected participants is the observer requirement for vessels greater than 50 ft (15.4 m) in length overall contained in the preliminarily

preferred alternative. Assuming that the costs of deploying (paying and feeding) observers would be paid by NMFS (as has been the case in the western Pacific region to date), vessel operators will still incur some indirect costs. Limited bunk or deck space may require vessel operators to reduce the number of crew in order to accommodate observers, resulting in a decrease in the operating efficiency of the remaining crew. There may be additional costs if vessel operators choose to carry additional liability insurance (beyond that provided by NMFS for its observers). These costs would vary between individual vessels depending on the insurance carriers' minimum allowed coverage period, and the coverage approach that is taken. The number of entities that will be required to carry observers is unknown as the appropriate level of observer coverage has not been determined, however, given that no vessels of this size have fished for pelagic squid in Pacific U.S. EEZ waters without landing them in the U.S.A. to date, this burden may be minimal. It is possible that a squid fishery observer program could operate on an intermittent basis if the low levels of bycatch and protected species interactions believed to occur are confirmed. The remaining aspects of the preferred alternative consist of the requirement for vessels greater than 50 ft (15.4 m) in length overall to obtain Federal permit and to either complete new Federal logbooks or to participate in local reporting systems.

Because there are no fishery-management controls associated with this measure that affect the operations of the fishery other than potentially carrying observers, significant impacts to the profitability of a substantial number of small entities are not anticipated and there will be no disproportionate impact between gear types, vessels or port of landing. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). These requirements have been submitted to OMB for approval. The preferred alternative would require the owners of all U.S. vessels greater than 50 ft (15.4 m) in length that conduct commercial squid jig fishing for squid in U.S. EEZ waters around the islands of the western Pacific to obtain Federal fishing permits, and the vessel operators would be required to complete and submit Federal catch reports, or report via local reporting systems where such systems exist. Permit eligibility would not be restricted in any way, and the permit would be renewable on an annual basis.

NMFS anticipates that initial permit applications would require 0.5 hours per applicant, with renewals requiring an additional 0.5 hours annually. It is estimated that NMFS may receive and process up to 30 permit applications

each year. Thus, the total collection-of-information burden to fishermen for permit applications is estimated at 15 hours per year. The cost for individual Federal permits has not been determined, but would represent only the administrative cost and is anticipated to be approximately \$30 per permit.

NMFS anticipates the time requirement to complete Federal catch reports to be approximately 10 minutes per vessel per fishing day. Assuming that the 30 vessels fish during up to 100 days per year, the total collection-of-information burden estimate for fishing data reporting is estimated at 500 hours per year.

These estimates include the time for reviewing instructions, searching and compiling existing data sources, and completing and reviewing the collection information. Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to William L. Robinson (see ADDRESSES), and by email to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or by fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

**List of Subjects in 50 CFR Part 665**

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Hawaiian Natives, Northern Mariana Islands, Pacific remote island areas, Reporting and recordkeeping requirements.

Dated: August 22, 2008.

**Samuel D. Rauch III,**  
Deputy Assistant Administrator For  
Regulatory Programs, National Marine  
Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 665 is proposed to be amended as follows:

**PART 665—FISHERIES IN THE WESTERN PACIFIC**

1. The authority citation for part 665 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 665.12, amend the definition for “Pacific Pelagic Management Unit Species,” by adding three squid species to the end of the table, and add a definition for “Squid jig fishing” in alphabetical order to read as follows:

**§ 665.12 Definitions.**

\* \* \* \* \*  
*Pacific Pelagic Management Unit Species* \* \* \*

Common name	Scientific name
* * *	* *
Squid:	
Diamondback squid	<i>Thysanoteuthis rhombus</i>
Neon flying squid	<i>Ommastrephes bartramii</i>
Purple flying squid	<i>Sthenoteuthis oualaniensis</i>

\* \* \* \* \*  
*Squid jig fishing* means fishing for squid that are Pelagic management unit species using a hook or hooks attached to a line that is raised and lowered in the water column by manual or mechanical means.

\* \* \* \* \*  
3. In § 665.13, revise paragraphs (f)(2)(i) through (f)(2)(v), and add a new paragraph (f)(2)(vi) to read as follows:

**§ 665.13 Permits and fees.**

- \* \* \* \* \*
- (f) *Fees.* \* \* \*
  - (2) \* \* \*
  - (i) Hawaii longline limited access permit.
  - (ii) Mau Zone limited access permit.
  - (iii) Coral reef ecosystem special permit
  - (iv) American Samoa longline limited access permit.
  - (v) Main Hawaiian Islands non-commercial bottomfish permit.
  - (vi) Western Pacific squid jig permit.
- \* \* \* \* \*

4. In § 665.14, revise paragraph (a)(1) to read as follows:

**§ 665.14 Reporting and recordkeeping.**

(a) *Fishing record forms.* (1) *Applicability.* (i) The operator of any fishing vessel subject to the requirements of §§ 665.21, 665.41, 665.61(a)(2), 665.61(a)(3), 665.61(a)(4), 665.81, or 665.602 must maintain on board the vessel an accurate and complete record of catch, effort, and

other data on paper report forms provided by the Regional Administrator, or electronically as specified and approved by the Regional Administrator, except as allowed in paragraph (a)(1)(iii) of this section.

(ii) All information specified by the Regional Administrator must be recorded on paper or electronically within 24 hours after the completion of each fishing day. The logbook information, reported on paper or electronically, for each day of the fishing trip must be signed and dated or otherwise authenticated by the vessel operator in the manner determined by the Regional Administrator, and be submitted or transmitted via an approved method as specified by the Regional Administrator, and as required by this paragraph (a).

(iii) In lieu of the requirements in paragraph (a)(1)(i) of this section, the operator of a fishing vessel registered for use under a Western Pacific squid jig permit pursuant to the requirements of § 665.21(g) may participate in a state reporting system. If participating in a state reporting system, all required information must be recorded and submitted in the exact manner required by applicable state law or regulation.

\* \* \* \* \*

5. In § 665.21, redesignate paragraphs (g) through (n) as paragraphs (h) through (o), and add a new paragraph (g) to read as follows:

**§ 665.21 Permits.**

\* \* \* \* \*

(g) A vessel of the United States must be registered for use under a Western

Pacific squid jig fishing permit, if that vessel is more than 50 ft (15.4 m) in length overall and is used to squid jig fish in EEZ waters around American Samoa, the CNMI, Guam, the Hawaiian Archipelago, or the PRIA.

\* \* \* \* \*

6. In § 665.22 add new paragraph (zz) to read as follows:

**§ 665.22 Prohibitions.**

\* \* \* \* \*

(zz) Use a vessel that is greater than 50 ft (15.4 m) in length overall to squid jig fish in EEZ waters around American Samoa, the CNMI, Guam, the Hawaiian Archipelago, or the PRIA, without a Western Pacific squid jig fishing permit registered for use with that vessel, in violation of § 665.21(g).

7. In § 665.23, revise paragraph (a), redesignate paragraphs (b) and (c) as paragraphs (d) and (e), and add new paragraphs (b) and (c) to read as follows:

**§ 665.23 Notifications.**

(a) The permit holder, or designated agent, for any vessel registered for use under a Hawaii longline limited access permit, or for any vessel greater than 40 ft (12.2 m) in length overall that is registered for use under an American Samoa longline limited access permit, shall provide a notice to the Regional Administrator at least 72 hours (not including weekends and Federal holidays) before the vessel leaves port on a fishing trip, any part of which occurs in the EEZ around the Hawaiian Archipelago or American Samoa. The vessel operator will be presumed to be an agent designated by the permit

holder unless the Regional Administrator is otherwise notified by the permit holder. The permit holder or designated agent for a vessel registered for use under Hawaii longline limited access permits must also provide notification of the trip type (either deep-setting or shallow-setting).

(b) The permit holder, or designated agent, for any vessel registered for use under a Western Pacific squid jig fishing permit that is greater than 50 ft (15.4 m) in length overall, shall provide a notice to the Regional Administrator at least 72 hours (not including weekends and Federal holidays) before the vessel leaves port on a fishing trip, any part of which occurs in Western Pacific waters. The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Administrator is otherwise notified by the permit holder.

(c) For purposes of this section, the notice must be provided to the office or telephone number designated by the Regional Administrator. The notice must provide the official number of the vessel, the name of the vessel, the intended departure date, time, and location, the name of the operator of the vessel, and the name and telephone number of the permit holder or designated agent to be available between 8 a.m. and 5 p.m. (local time) on weekdays for NMFS to contact to arrange observer placement.

\* \* \* \* \*

[FR Doc. E8-20004 Filed 8-27-08; 8:45 am]

BILLING CODE 3510-22-S