

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/06/2010

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 03/12/2010

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201002-0648-004
AGENCY ICR TRACKING NUMBER:
TITLE: Southeast Region Logbook Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0016

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: 07/31/2013

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	115,467	18,714	0
New	265,205	33,950	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	169,000	19,154	0
Change due to Agency Adjustment	-19,262	-3,918	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
Southeast Region Logbook Family of Forms - headboat and charter boat	NA	Fishing vessel logbook record - headboat survey (to be used also for charter survey until new form developed)	
Annual Cost Survey for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	NA	Annual Fixed Cost Expenditures for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	
Economic cost/trip for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders (section of Coastal Fisheries Trip Report)	NA	Vessel trip report for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	
Coastal logbook - vessel trip report	NA	Coastal Fisheries Vessel trip report for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	
Discard report for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	NA	Supplemental discard and Interaction Trip Report for Snapper-Grouper, Reef Fish, Mackerel and Dophin-Wahoo Permit Holders	
Golden crab log report	NA	Golden crab trip report logbook	
Wreckfish trip report logbook	NA	Wreckfish fishery - fishing vessel logbook report	
Colombian Treaty Waters Log	NA	Colombian Treaty Waters Logbook - Vessel Fishing Record - Catch Report Form	
Llve Rock logbook	NA	Aquacultured Live Rock Log Report	
Shrimp logbook	NA	South Atlantic Shrimp Vessel Logbook - Daily Catch Report	

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, 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

SUPPORT STATEMENT
SOUTHEAST REGION LOGBOOK FAMILY OF FORMS
OMB CONTROL NO. 00648-0016

INTRODUCTION

The National Marine Fisheries Service (NMFS) has been delegated the authority and responsibility for stewardship of the marine resources for the Nation. This authority was first granted in the Magnuson Fishery Conservation and Management Act (MFCMA) of 1976. The reauthorized MFCMA in 2006 continued and in some ways extended this authority. Under this authority the Secretary of Commerce, and his designee, NMFS, has promulgated separate rules that require specific types of record keeping and data submissions. These data collection/ submission regulations are intended to provide reliable and accurate information from the fishing industry and communities that support scientifically viable management actions to achieve the stewardship responsibilities.

Currently, there are nine separate logbook forms included in this family of forms and actively being used by the National Marine Fisheries Service (NMFS) to collect data from fishermen. It should be noted that several of the forms are used for multiple fisheries regulations. For example, the data required by the South Atlantic snapper grouper, the shark, the migratory coastal pelagic and the Gulf reef fish management plans have been combined and are reported on a single form. In addition to the nine forms, there are two forms that were included in this family, but are currently inactive and no past reporting burden is associated with them. The two inactive forms are: (1) the logbooks for charter boats, (2) the form used to report the harvest of octocoral. A charter boat logbook is expected to become active in 2010.

The ten reporting forms in the logbook family of forms are:

1. Headboat survey trip report
2. Charter boat survey report
3. Gulf of Mexico reef fish, South Atlantic snapper-grouper, mackerel, shark, Atlantic Dolphin/Wahoo Logbook (Coastal Logbook)
4. Annual fixed cost survey for vessels required to use the coastal logbook
5. Supplemental discard form for use with the coastal logbook
6. Wreckfish logbook form
7. Golden crab logbook form
8. Aquacultured live rock reporting form
9. Colombian Treaty Waters logbook form
10. South Atlantic Rock Shrimp and Peneid Shrimp and Gulf of Mexico Shrimp Vessel Logbook (Shrimp Logbook)

A brief descriptions of the nine actively used reporting forms follows.

Headboat Survey Trip Report

Fishing from headboats is considered recreational fishing; however, because this type of fishing represents a relatively small, but specialized, sector of recreational fishing, it has not been included in the NMFS' Marine Recreational Fisheries Statistical Survey (MRFSS), Office of Management and Budget (OMB) Control No. 0648-0052. To collect catch and effort data from this fishery, a separate logbook program has been established in the Southeast Region. Total catch and participation estimates for all headboat fishing activity are made from the headboat survey. The need for good quality, representative catch per unit effort (CPUE) and species composition data from this sector of the recreational fishery is the primary reason that this program was implemented.

NMFS is a partner in two state-federal cooperative data collection programs. One program, the Atlantic Coastal Cooperative Statistics Program (ACCSP), covers the Atlantic coast and the other program, the Fisheries Information Network (FIN), covers the fisheries in the Gulf of Mexico. A goal of both programs is to standardize and improve collection of data in both geographic areas.

In 2001, a pilot study was conducted in South Carolina, to compare two methodologies to collect catch and fishing effort data from the for-hire sector. The pilot study indicated that the survey methodology would provide accurate estimates of catch and fishing effort, and was less burdensome to the industry than trip reports, but produced imprecise estimates of fishing effort for the headboat fleet. Although the trip reports provided more precise estimates for the headboat fishery, the FIN Committee and the ACCSP Coordinating Council decided to endorse the survey methodology. The Committee and Council reasoned that the trip reports provided precise estimates because the trip reports were mandatory in South Carolina. However, trip reports were not mandatory in other states, and the process to obtain legislation requiring mandatory reporting in all states could take years to implement.

Trip reports, now collected as part of the Headboat Survey, have been used to collect catch and fishing effort data from the headboat portion of the for-hire sector for the past 32 years. These trip report data have been extremely valuable in stock assessments of reef fishes and pelagic species in the southeast region (North Carolina through Texas). However, the Headboat Survey trip reporting form did not previously include information on arrival time, distance from shore, pay type, number of anglers who fished, the numbers of fish released alive and the numbers of fish released dead. These additional fields have been added to compare the reported catch and fishing effort data from the Headboat Survey with estimates of catch and fishing effort produced using the survey methodology.

Charter Boat Trip Report (Headboat Survey Trip Report form to be used until a new Charter form is designed and submitted in a change request)

Current efforts to collect catch and effort information from recreational charter fishing vessels in the Gulf of Mexico rely upon a complemented surveys approach that includes telephone surveys of charter vessels (operators) to estimate total fishing effort (angler trips) and dockside surveys of completed charter fishing trips to estimate catch per trip. These data are collected as part of

the Marine Recreational Fisheries Statistics Survey (OMB Control No. 0648-0052). In 2006, the National Research Council (NRC) conducted an independent review of recreational fisheries survey methods (NRC 2006). The NRC review recognized that in regions such as the Gulf of Mexico, the magnitude of the charter boat sector and the potential scale for fishery removals warrants the use of mandatory logbooks as the source of catch and effort.

In 2009, a more detailed review of for-hire data collection methods in the United States supported the NRC recommendation for logbook reporting. In addition, the reviewers provided a list of best practice recommendations for collecting logbook data, including validation of self-reported information, weekly reporting, and the development of an online reporting option.

This data collection will include all charter vessels in the Gulf of Mexico region (Florida – Texas) that possess Federal for-hire fishing permits. Each week, vessel operators will be asked to submit, via mail, fax or electronic form, logbook reports for all recreational fishing trips that occurred during the preceding week. For each trip, operators will be asked to provide the date, departure and return times, fishing area, number of anglers, and the numbers of fish caught and released by species.

Information collected through this data collection will be used to quantify the number of people who fish on charter vessels in the Gulf of Mexico, as well as total removals by species. This information will be extremely valuable for the purposes of stock assessment and fisheries management.

Gulf of Mexico Reef Fish, South Atlantic Snapper-Grouper, king and Spanish Mackerel, Shark, Atlantic Dolphin / Wahoo logbook (coastal logbook)

The program to collect logbook data in the Gulf of Mexico was initiated in April 1990. The purpose of the program is to provide critically needed data on individual fishing trips for species in these important management units. The diversity of gear in this fishery (i.e., longline, hook and line, traps, spears, and buoy) and the variety of species increases the need to have detailed CPUE and species composition data. Furthermore, because many of the species in some of these management units (including Gulf of Mexico reef fish and South Atlantic snapper-grouper) are not migratory, it is important that detailed information on the CPUE and species composition are collected by area, so that assessments can be made for major reef complexes to determine how fishing effort is affecting these complexes over time.

This logbook program includes only fishermen who have been issued a Federal vessel permit and are required to sell their catches to established (permitted) seafood dealers. Consequently, for-hire recreational fishermen do not submit logbooks for the Gulf reef fish fishery (see the description for the for-hire headboat catch reports above).

The logbook program for the South Atlantic snapper-grouper fishery was initiated in January 1992. The purpose of this program, as for the Gulf reef fish program, is to collect data on fishing effort, CPUE and species composition. The snapper-grouper fishery is similar to the fishery for reef fish in the Gulf of Mexico; consequently, the logbook forms used for the two fisheries are the same.

Although sharks are part of the Highly Migratory Species fishery management plan, and the reporting burden for these species are covered by OMB Control No. 0648-0371, the fishing operations for large and small coastal sharks are very similar to the fishing methods for Gulf reef fish and South Atlantic snapper-grouper species. Thus, the coastal logbook form in OMB Control No. 0648-016 includes space for fishermen to report the catch, effort and area of catch for large/small coastal sharks. The Pelagic shark fisherman will continue to report using the Highly Migratory Species Logbook (OMB Control No.0648-0371).

As with the other fisheries in OMB Control No. 0648-0016, the purpose of the logbook program for king and Spanish mackerel is to collect catch, effort and area for this fishery in both the Gulf of Mexico and the South Atlantic. The assessments for king and Spanish mackerel will be improved with the availability of this CPUE data. There are other species in this fishery management plan; however, logbook reporting for these species is not required at this time.

Cost-earnings data section of coastal logbook (20% sample size)

The purpose of this data collection is to provide economic information about commercial fishermen in Federal waters. The reporting form requests information about operating costs associated with the individual fishing trips. The intent is to use the cost information associated with the effort data for individual trips to better understand how the cost of fishing varies with changes in fishing effort. With a better (quantitative) understanding, of these relationships, the NMFS can provide better estimates of the potential impacts of management regulations on fishing efforts.

Annual fixed cost survey for vessels required to use the coastal logbook

This survey is associated with the cost-earnings data collection. The purpose of this data collection is to provide information on the annual fixed costs (i.e., expenditures that are made infrequently throughout the year or only once per year) incurred by the commercial fishermen in Federal waters. *The survey instrument is sent to the same fishermen that are required to report their cost data for each trip.*

Supplemental discard reporting logbook for vessels required to use the coastal logbook (20%)

This form was developed and initiated in August 2001, as a supplemental form to the Gulf of Mexico reef fish, South Atlantic snapper-grouper, shark and mackerel logbook form. The purpose of this instrument is to have the fishermen record the species and numbers of discards that they had for each trip. The form also asks the fishermen to report any interactions with marine mammals, endangered species or sea birds that they incurred on each trip. The purpose of this data collection is to collect data on the types and numbers of animals (species) that fishermen in these coastal fisheries discard or in the case of endangered species and marine mammals interact with. This data collection is conducted as a supplement to the regular logbook reporting so that the catch, effort and area of fishing can be associated with the discards and/or interactions.

Wreckfish

The wreckfish fishery is part of the South Atlantic snapper-group management unit, but because there were concerns about the status of the wreckfish stock, specific management measures were implemented to collect data from vessels that harvest this species. Although separate logbooks are used for this fishery, they require the same basic CPUE and fishing location data as the other logbooks in the family.

Golden Crab

Fisheries for this species of deep water crabs occur in both the Gulf of Mexico and the South Atlantic. Logbook reporting requirements have been implemented at the request of the South Atlantic Fishery Management Council under advice from their Advisory Panel. This logbook program is designed to collect the quantity of golden crabs that are caught in designated areas. The form is distinct from the other forms authorized by regulations (50 CFR Part 622) because lines of traps are used to catch these species and the amount of catch needs to be reported by line instead of for an entire trip.

Acquacultured Live Rock

The purpose of this data collection is to collect information on the types and quantities of live rock that are harvested. Although these data are collected by some state fishery agencies (notably Florida), it is important to collect this information from harvesters with a Federal permit that are not from a state that requires regular reporting.

Colombian Treaty Waters

This Federal reporting requirement is part of the negotiated treaty with Colombia that permits United States (U.S.) vessels to fish in Colombian waters. Under that agreement, U.S. fishermen are required to submit a logbook to NMFS for every trip that they make in Colombian waters. NMFS forwards those forms to the Colombian Government for their use in monitoring the fishing activity in their waters.

South Atlantic Rock Shrimp and Peneid Shrimp and Gulf of Mexico Shrimp vessel logbook form (shrimp logbook)

This shrimp logbook form is used to monitor and assess bycatch in the South Atlantic rock shrimp, panaeid shrimp and Gulf of Mexico shrimp fisheries. The purpose of the logbook form is to collect data on the amount and location of fishing effort (length of time trawls were in the water fishing) and to utilize those effort data in conjunction with data recorded by onboard observers collecting data on the types and quantities of fish and shellfish that are discarded at sea.

A. JUSTIFICATION

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

The catch, effort and landings statistics that will be collected by the vessel logbooks are necessary to assure NMFS that sufficient data are collected to provide comprehensive and accurate data to estimate fishing mortality. Without these data, a significant increase in the uncertainty of stock assessment analyses is likely to occur and the error bounds around the stock benchmarks, such as maximum sustainable yield, will be unacceptably large.

Another compelling reason for NMFS' logbook program is to provide comprehensive, consistent catch and effort data throughout the entire Southeast Region (i.e., North Carolina to the Texas-Mexican border). As will be discussed in the response to Question 4, landings statistics by vessel and trip are collected by state trip ticket program. The logbook data are also collected at the trip level; however, because only some of the states in the SE Region have fully operational trip ticket programs, it is necessary for NMFS to institute a comprehensive program that assures the collection of consistent CPUE data throughout the jurisdiction of the respective fishery management plans.

Overall, the data collection for stock assessments is authorized as part of the Magnuson-Stevens Fishery Conservation and Management Act, as amended. Specifically, the reporting and record keeping requirements for OMB Control No. 0648-0016 are authorized in 50 CFR 622.5, Fisheries of the Caribbean, Gulf of Mexico and South Atlantic. The authority for South Atlantic snapper-grouper, Gulf reef fish, king/Spanish mackerel, golden crab, and wreckfish reporting is codified in section 622.5(a); for the charter and headboat catch reporting, section 622.5(b); for the octocoral and live rock reporting, section 622.5(d); for the Colombian Waters Treaty reporting, section 300.124(b).

All vessels with permits required in 50 CFR 622.4 are considered for selection, but reporting is required only when the vessel is selected by NMFS' Science and Research Director, Southeast Fisheries Science Center. For most of the reporting forms, all permit holders are selected, while for other forms: ((1) the trip-level collection of cost and earnings data and annual fixed cost survey data, (2) the collection of discard data as a supplement to the reef fish/snapper-grouper logbook, statistical selections are made.

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

The information requested in logbooks is used by various offices of NMFS, Regional Fishery Management Council staff, the U.S. Coast Guard and state fishery agencies under contract to NMFS to develop, implement and monitor fishery management strategies. Analyses and summarizations of logbook data are used by NMFS, the Regional Councils, the Departments of State and Commerce, OMB, the fishing industry, Congressional staff and the public to answer questions about the nature of the Nation's fishery resources. Information on endangered species or marine mammals and their incidental take is requested in those fisheries where such interactions are likely to occur. These data will help NMFS meet its requirements under the

Marine Mammal Protection Act and the Endangered Species Act. If reports of such occurrences are common, NMFS can proceed to minimize the harvest of such species through the promulgation of regulations.

These data serve as input for a variety of uses, such as: biological analyses and stock assessments; E.O. 12291¹ regulatory impact analyses; quota and allocation selections and monitoring; economic profitability profiles; trade and import tariff decisions; allocations of grant funds among states; identify ecological interactions among species. NMFS would be significantly hindered in its ability to fulfill the majority of its scientific research and fishery management missions without these data.

The logbook family of forms has evolved as a means of collecting data from specific user groups within fisheries that are managed under federally implemented fishery management plans (FMP). The Southeast Fisheries Science Center (SEFSC) has the responsibility for both preparation of stock assessments (estimation of maximum sustainable yield and/or other indexes of biomass) and collection of the scientific data that are required to perform the assessments. A secondary data collection responsibility is to provide information that is necessary to routinely monitor and evaluate the conditions in the fisheries under Federal management.

Similar data elements are required for most of the logbooks in this family, although a few variables may be specific to one fishery or type of management technique controlling harvest.

a) Information such as name and address of operator and owner is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. The legal entity requirement is essential in monitoring the compliance of the reporting requirement, where revocations of the operators permit or fines are involved. Because many vessels are owned by corporations, identification of owner and operator on the logbook form allows NMFS to sanction the company as well as the individual vessel operator as necessary or required by the regulations. Information on the permit is obviously essential to monitoring reporting compliance.

b) Data on date of departure, date returned, days fished, duration of tows or sets, units of gear and mesh size used are all designed to quantify actual fishing effort. Fishing effort is needed to standardize differences in productivity among vessels or fishing grounds by establishing a rate catch per unit time. These data allow comparisons over time, area and gear type of catches made by a variety of harvesters. Comparisons of catch and CPUE over time are significant indicators of the biological status of the fisheries. Declining CPUE, especially if data on fishing effort are sufficiently detailed to adjust for changes in effort, can provide critical information on the status of the stock, i.e., that the level of harvest is beyond the level that is sustainable by growth and reproduction of the stock.

c) Area fished, loran bearing, depth of fishing, latitude and longitude are variables that are used to establish fishing locations. This information can be related to other oceanographic and biological information to predict species availability and likely future abundance. For example, location of capture can be correlated to sea surface temperature measured by satellite to predict possible migration patterns. In addition, area or zone fished is used to cross reference locations where fishing is not permissible (such as closed spawning areas).

¹ 1981 Presidential requirement for cabinet-level Departments to conduct a benefit-cost analysis for major changes in rules.

d) Species information such as landings, discards and sizes of fish is the basic measure of fishing success, from which fishermen, biologists and economists infer conclusions about the status of the fishery. Landings information is also needed because controlling the quantity of fish harvested is often the means for ensuring that harvests can be replenished over time.

e) Name of buyer, dealer number and port of landing are data used to cross reference the quantity of fish caught with the quantity that is handled (processed) by the market. The important cross reference is between the total amount of catch, and the respective sizes of individual fish. It would be impossible for fishermen to measure individual fish as they are being caught and stored on board the vessels. However, many species of fish, especially the large pelagic species, are individually weighted by the dealers and these weights are recorded as part of the sales transactions. By knowing the dealer that purchased the fish, cross references can be made between data submitted by the dealers and the data from the logbooks. Combining the data in this manner provides greater precision on the CPUE estimates and more information on the sizes of catches by location and time.

f). A separate form is required for many of the logbook reporting forms when a vessel does not fish during an entire calendar month. These “no-fishing” forms are necessary to assure the NMFS that the vessel did not fish instead of failing to report. The information on the no-fishing form is minimal - i.e., only the vessel ID, vessel name, the month in which the vessel did not fish and the permits that vessel has been issued (a check box is provided for ease of identifying the permits). The no-fishing forms are located in the back of the logbook booklets and are to be submitted via mail in the self-addressed, stamped envelopes provided by the NMFS. Because of the nature of the reporting, no-fishing reports are not required for the headboat trip report, the live rock report, the annual fixed cost survey, the cost-earnings form (this information is included on the regular coastal logbook form) and the supplemental discard form.

As explained in the preceding paragraphs, the information gathered has utility. NMFS and the respective state fishery agency retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards 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 measure and a pre-dissemination review pursuant to Section 515 of the Public Law 106-554.

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

Currently no electronic reporting is being utilized to report the detailed, trip level data for logbooks to the SEFSC. The SEFSC is investigating various methods of recording and reporting CPUE data from vessels. However, the large number of vessels involved in the affected fisheries and the cost per participant for the electronic and telecommunication equipment is too high to warrant use by fishermen. These costs significantly limit the options available for electronic

reporting by vessels. The SEFSC will accept any data in an electronic format that can be easily read and inputted into the existing data base management system employed by the SEFSC.

4. Describe efforts to identify duplication.

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

Detailed information on catch per unit effort (CPUE), effort and species composition by gear and area is not available from other sources. Some states, notably Florida, Georgia, Louisiana and North Carolina, have programs to collect landings by species for individual fishing trips (i.e., operational trip ticket programs), but these programs do not include the detailed information on effort, location and effort that are required in the reporting requirements for this OMB request. Furthermore, these programs collect the data from seafood processors, and not fishermen, whereas, logbooks are submitted directly by the fishermen.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the analytical needs of the SEFSC's assessment scientists are requested from all applicants.

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

The consequence of not having detailed CPUE and species composition data is to increase the uncertainty associated with the stock assessments that are the basis for sound management decisions. As with any statistical analysis, the confidence limits (bands) for specific points will be large if the variability in the data cannot be accounted for. With the availability of the logbook data, the sample sizes for the various stratifications of gear and area are sufficiently large to reduce the uncertainty in the data to acceptable levels.

The logbook data also provide critical information on the type and amount of effort. Without these data, there is no way of knowing whether changes in total catch are due to changes in fishing effort or changes in the abundance of the resource, or both.

If the economic data (cost, earnings, and fixed cost) were collected less frequently or not at all, then economists would be less able to estimate the effects of regulations on financial performance or fishermen's expected reactions to additional regulations. Proposed regulations for the snapper-grouper and mackerel fisheries would continue to be debated with limited economic information. Another consequence of not having representative economic data could

be judicial remand of conservation regulations challenged on grounds of inadequate analysis of economic impact to individual firms.

Not having discard data would also to increase the uncertainty associated with the stock assessments. Furthermore, there is a total lack of reasonably good data on discards and consequently, it is difficult to determine whether discarding is a significant problem. Clearly, the data from observers in other fisheries, notably the pelagic longline fishery, show that discards are substantial and that their occurrence is variable. Consequently, NMFS feels that it is necessary to increase the collection of discard data for coastal fisheries.

For the Colombian catch and effort programs, the United States cannot meet its international commitments without the data from this program.

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

The reporting regulations require fishermen to submit completed logbooks for all trips or sets for several reasons. First, it is critical that these data be timely. For fisheries that are significantly overfished, it is important to monitor changes in fishing mortality. Secondly, the renewal of Federal vessel permits is predicated on compliance with the reporting requirements, and timely data are needed to determine whether fishermen are complying on a regular basis. Thirdly, quality control of the logbook data is better when the review and verification process is closer to the actual time that fishing occurred.

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 Federal Register Notice published on November 10, 2009 (74 FR 57992) solicited public comment on this collection. None was received.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen required to report are routinely submitted and these are reviewed and considered. Experience with the various programs, some of which have been operating since 1981, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. There are no major problems that have not been resolved.

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

There are no payments or other remunerations to respondents.

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

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

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

No questions of a sensitive nature are asked.

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

To comply with the reporting requirements, fishermen are required to submit either a fishing log, where they report the catch, effort and area data, or a no-fishing log, where they state that they did not fish during the specified calendar month. The number of respondents, the estimated number of responses, the time per response and the total burden for fishing and no-fishing forms for each of the nine fisheries for which logbook reporting is active and the three fisheries for which logbook reporting is inactive are presented in the following table:

Fishery	No. of Respondents	Number of responses, hr/response, total time (hours)						Total Burden (Hours)
		Fishing Responses	Time per response	Total Time (Hours)	No-fishing Responses	Time per response	Total Time	
Headboat*	156	12,093	18 min.	3,628	N/A	N/A	N/A	3,628
Golden Crab**	9	248	10 min.	41	49	2 min.	2	43
Reef fish – mackerel**	3,090	35,915	10 min..	5,986	26,306	2 min.	877	6,863
Wreckfish**	6	26	10 min.	4	9	2 min	1	5
Colombian log*	11	9	18 min.	3	81	2 min.	3	6
Live rock*	40	65	15 min.	16	N/A	N/A	N/A	16
Economic cost/trip**	385	3,653	10 min.	609	N/A	N/A	N/A	609
Annual fixed cost**	300	300	30 min.	150	N/A	N/A	N/A	150
Discard**	347	6,806	15 min.	1,702	N/A	N/A	N/A	1,702
Shrimp*	1,731	10,645	10 min.	1,774	N/A	N/A	N/A	1,774
Charter boat***	3,250	101,400	10 min.	16,900	67,600	2 min.	2,254	19,154
Octocoral	0							0
Totals	9,325	171,160		30,813	94,045		3,137	33,950

* 5 year average

** 2007 data

*** Estimate

The number of respondents, responses and burden hours in the above table are based on the actual reporting activity for these fisheries during 2003-2007. 2007 was chosen for Golden Crab, Reef fish – Mackerel, wreckfish, Economic cost/trip, Discard logbooks, and the Annual fixed cost survey because of the large size of the fisheries and because 2007 represents an average year. The five year average was used for Headboat, Colombian water, live rock, and Shrimp logbooks because of the smaller size of the fishery thus a five year average is a better representation. Charter boat numbers are an estimate projection using the current number of permit holders and based on 100% reporting.

There are 18,714 burden hours in the current OMB inventory for this family of forms (0016) and the newly estimated burden is 33,950. Thus, there is a net increase of 15,236 hours from the current inventory. There is an increase of 19,154 hours estimated for the charter fishing logbook which is planned to begin in 2010, somewhat offset by adjustments to estimated responses.

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).

There are no anticipated costs beyond the opportunity cost of completing the logbook forms. The fishermen are provided with addressed, postage-paid envelopes that they use to return the completed forms.

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

The annual cost to the Federal government is calculated from estimates of the total cost per form to process the logbook data. These estimates include printing costs, labor for sight review and data entry, form development, and program management costs. Total cost to the Federal government is estimated to be \$400,000 per year.

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

The principal cause of the difference between the OMB inventory of 18,714 burden hours and the estimated annual burden hours of 33,590 is the planned start-up of the charter boat logbook program which will require an additional 19,154 potential burden hours from an estimated 3,250 potential respondents who held charter permits in 2009. However, the net increase in hours is only 15,236, due to adjustments to numbers of current logbook respondents.

When fully implemented, the charter logbook program will require weekly reporting from the 3,250 vessels, with 169,000 responses estimated ($3,250 \times 52 = 169,000$). Additionally, 18,962 burden hours are estimated: 16,900 hours from fishing forms and 2,254 hours from no-fishing forms submitted by the approximately 40% expected to submit no-fish forms ($16,900 + 2,254 = 19,154$).

A decrease of 3,918 burden hours from previous estimates is being made to account for current estimates for all but the live rock, Columbian Treaty Waters and headboat burden hours.

Hence, the difference of the current inventory of 18,714 and the new estimated burden hours of 33,950 is a net difference of 15,236 hours.

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

The results from this collection are expected to be published, but will be used as empirical input to stock assessments, economic analyses, and other analyses of proposed or existing fishery management regulations prepared by the NMFS/SEFC.

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

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

There are two data collection activities within 0648-0016 in which statistical sampling methods are used: (1) the collection of trip-level cost and earnings data as an add-on to the snapper-grouper logbook with those selected also required to submit annual fixed cost survey data; (2) the collection of discard data as a supplement to the reef fish/snapper-grouper logbook.

1. Describe the potential respondent universe and any sampling or other respondent selection method to be used.

The population of boats to be sampled is determined from logbook reports submitted to the NMFS during 2006. Commercial fishermen are required to submit a trip report within seven days after the completion of each Gulf of Mexico reef fish, South Atlantic snapper-grouper, mackerel, shark and Atlantic dolphin /wahoo logbook trip. Fishermen who did not participate in these fisheries during a given month are required to submit a 'no-fishing' report at the end of the month.

In 2007, approximately 3,500 boats were permitted to fish in at least one or more of these fisheries during 2006 of which 2,063 distinct vessels reported fishing activity. To reduce the reporting burden on the fishermen, two separate 20% samples of the vessels with a Gulf of Mexico, South Atlantic snapper-grouper, king mackerel, Spanish mackerel or shark permit were selected to report. To assure that the samples were representative of the total universe of vessels with Federal permits, stratified, random samples were selected from the universe of all vessels with the above types of Federal permits. A two-tiered stratification was used. One tier was geographical, and the universe was divided into two geographical strata - the Gulf of Mexico (Florida Keys to the Texas-Mexican border) and the South Atlantic (which extends from the North Carolina - Virginia border to the Florida Keys). The second stratum was based on the type of gear. There were six categories in this stratum - handline, longline, trolling, trap, gill nets, and diving. In all, there were 12 strata for the random sampling of vessels. A 20% sample was selected randomly from each of the 12 strata. Slight adjustments were granted for permit holders who held permits on more than one vessel, did not plan on fishing in 2006, or were selected for reporting in other data collection programs not covered under this information collection. The cost and earnings data survey received approximately 300 responses.. The discard program received approximately 347 responses.

2. Describe the procedures for the collection, including the statistical methodology for stratification and sample selection, the estimation procedure, the degree of accuracy needed for the purpose described in the justification, any unusual problems requiring specialized sampling procedures, and any specific use of periodic (less frequent than annual) data collection cycles to reduce burden.

See Question 1 for information about sampling.

The cost and earnings data are collected on the same logbook form on which the catch and effort data are reported. Fishermen who are not selected to submit economic information receive a cover letter instructing them not to report the cost earning section of the form. Fishermen who are selected to report economic information receive a cover letter instructing them to report the economic information in addition to information about their catches and fishing effort.

A separate form to collect information about annual fixed costs will be mailed to the selected fishermen in the spring of each year, with the timing established to take advantage of the availability of information about annual expenditures as recently compiled for end-of-year federal income tax purposes. Trip reports about routine harvesting costs and annual reports on fixed costs will be submitted to the NMFS/SEFSC logbook program in Miami, Florida.

Data will be used for descriptive and analytical purposes. Descriptive uses include the estimation of average harvesting costs per boat per trip and total harvesting costs for all boats and all trips in the sampling universe. Data may also be used to test for seasonality of average harvesting costs per trip. Analytical uses include evaluations of regulatory proposals.

The supplemental discard logbook is mailed to selected permit holders along with their regular coastal logbooks at the start of the year. The fishermen record interactions with endangered species and discard information from target species for each trip. Annual reporting would result in poorer quality data because fishermen will not be able to remember their fishing activity for that length of time. There are no specialized sampling problems anticipated with the supplemental discard logbook. Information from discard logbooks is used for stock assessments and management decisions.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a specialized justification must be provided if they will not yield “reliable” data that can be generalized to the universe studied.

Project staff obtained input on this proposed data collection program from commercial fishermen throughout the jurisdiction of the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council. Input included fishermen’s opinions about the types of information that they can provide with minimum burden, and the format for collecting data. Their input was used in the development of survey instruments so that they would be easier to complete, with questions revised for clarity and to obtain more accurate data. Renewal of permits will be delayed if the information is not received, to ensure compliance.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

Because of the large universe and the anticipated variation in reported economic data and discard or interaction data, it is not feasible to do a test with fewer than 10. However, interaction with and feedback from the fishermen that are using the forms will provide sufficient information about the forms and collection procedures to make whatever adjustments are needed. In 2006 adjustments to the reporting form, instructions, database design, and the quality control

procedures were made. Furthermore, analyses of the data will provide information about the variations in the economic and discard data to determine whether the strata and sample sizes are appropriate.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

The following Southeast Fisheries Science Center staff was consulted on the statistical aspects of this data collection activity:

Dr. Steve Turner, Survey Statistician	(305) 361-4482
Dr. Clay Porch, Director, Sustainable Fisheries Division	(305) 361-4232

Dr. Steve Turner, Group Leader, Fisheries Statistics Group, is responsible for the data collection activity.

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMIN.
NATIONAL MARINE FISHERIES SERVICE

FISHING VESSEL LOGBOOK RECORD

HEADBOAT SURVEY

YOU ARE ADVISED THAT DISCLOSURE OF THE INFORMATION REQUESTED IN THIS REPORT IS MANDATORY FOR THE PURPOSE OF MANAGING THE FISHERIES IN ACCORDANCE WITH THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (16 U.S.C. 1801 ET. SEQ.). FAILURE TO REPORT MAY RESULT IN CIVIL AND ADMINISTRATION PENALTIES NOT TO EXCEED \$25,000.

NAME OF VESSEL _____

PERMIT NUMBER _____

NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST FISHERIES SCIENCE CENTER
BEAUFORT LABORATORY

HEADBOAT SURVEY

Instructions for Completing Daily Catch Records

Completing catch records (CR) is a tedious and time consuming. It's also required by law in Amendment 4 of the South Atlantic Fishery Management Council's Snapper Grouper Fishery Management Plan (FMP) and the Gulf of Mexico Reef Fish FMP. These numbers and weights, combined with information collected from other sources, provide the best available "picture" of the health of the stocks of fish you depend upon for your business to remain successful. Providing an accurate record for every trip you make saves you money (the salary of one research technician at sea). Instead, National Marine Fishery Service (NMFS) dollars can be spent on other research to add to the numbers you provide. Fair and effective fishery regulations begin with accurate and timely CR's provided by you. The staff of the NMFS Headboat Survey appreciates your efforts to provide us with accurate catch and effort information. By law this information is confidential and cannot be distributed in a form that can be traced to your vessel.

Filling out a CR is not difficult. Most entries are self evident. The following is a brief explanation of what information to provide in each blank. Extra information makes the CR more time consuming to complete and may confuse the port agents.

Lines 1-4: Each line should be complete. The trip type table below will help you decide which line to fill out. "Number of Anglers" must be completed; without this number the CR is useless.

TRIP TYPES

Please calculate the hours for all trips from when you leave the dock until you return to the dock.

Full Day	10 -12 hours
Overnight	12 hours
3/4 Day	7 - 9 hours
1/2 Day	4 - 6 hours
Night	4-6 hours
Other	- Write in number of hours of trip

FISH SPECIES Section: Record only one number and one weight in whole pounds for each type of fish kept. Please do not write in "lbs" or "#". Spaces have been provided at the bottom of the form for species not already listed .

Signature: This helps the port agent if he or she must ask any follow-up questions about a particular entry.

HEADBOAT SURVEY TRIP REPORT (Northwest Florida)

All information is for the exclusive use of NOAA Fisheries

Vessel: _____ Date: _____ Depart Time: _____ Arrive Time: _____
 Operator's License #: _____ Full Day Other: _____ Distance From Shore: _____ Pay Type: _____
 Location: _____ 3/4 Day Overnight > 10 miles Per Person
 Number of Anglers: _____ 1/2 Day AM PM ≤ 10 miles Per Group
 Number of Anglers Who Fished: _____ Night 1st 2nd Inland No Charge

AGENCY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 44 45 46 47 48
 USE ONLY YR MO Day Area Lat Long CA CN Trip Type Anglers VT Vessel PT Ang Fished DFS

		Number Caught	Total Weight	Released Alive	Released Dead			Number Caught	Total Weight	Released Alive	Released Dead
25-27		28-31	32-37	38-40	41-43	25-27		28-31	32-37	38-40	41-43
GROUPERS						SNAPPERS					
29	Gag (Copper-belly)					11	Red Snapper				
30	Scamp					10	Vermilion Snapper				
20	Speckled Hind					14	Blackfin Snapper				
21	Snowy Grouper					15	Yellowtail Snapper				
22	Red Grouper					16	Lane Snapper				
23	Warsaw Grouper					17	Cubera Snapper				
26	Rock Hind					18	Gray Snapper (Mangrove)				
31	Yellowmouth Grouper					19	Mutton Snapper				
27	Red Hind					MACKERELS					
39	Yellowfin Grouper					74	King Mackerel				
88	Graysby					56	Spanish Mackerel				
25	Yellowedge Grouper					JACKS					
32	Black Grouper					60	Greater Amberjack				
SEA BASSES						61	Lesser Amberjack				
33	Black Sea Bass					62	Almaco Jack				
34	Bank Sea Bass (Yellow)					57	Blue Runner (Hardtail)				
38	Sand Perch (Squirrel)					123	Banded Rudderfish				
GRUNTS						90	African Pompano				
50	White Grunt (Key West)					TUNAS, etc.					
51	Tomtate (Redmouth)					79	Bluefish				
54	Bluestriped Grunt					55	Cobia				
53	Margate					117	Dolphin				
145	French Grunt					133	Wahoo				
81	Pigfish					116	Little Tunny (Bonito)				
PORGIES						126	Blackfin Tuna				
01	Red Porgy					147	Yellowfin Tuna				
02	Whitebone Porgy					121	Great Barracuda				
03	Knobbed Porgy					REEF FISHES					
04	Spottail Pinfish					78	Squirrelfish				
05	Jolthead Porgy					47	Spadefish				
06	Littlehead Porgy					98	Bigeye (Big Google Eye)				
139	Grass Porgy					86	Short Bigeye				
83	Pinfish					80	Hogfish (Hog Snapper)				
SHARKS						40	Blueline Tilefish				
230	At. Sharpnose Shark					FLOUNDERS, etc.					
234	Sandbar Shark					167	Red Drum				
231	Blacktip Shark					85	Dusky Flounder (Sole)				
250	Nurse Shark					288	Southern Flounder				
232	Dusky Shark					299	Gulf Flounder				
TRIGGERFISHES						193	Gafftopsail Catfish				
77	Gray Triggerfish					OTHER FISH					
82	Queen Triggerfish										

Signature: _____

**2008 ANNUAL FISHING EXPENDITURES
FOR SNAPPER-GROUPER, REEF FISH, MACKEREL AND
DOLPHIN-WAHOO PERMIT HOLDERS**

Please read these instructions carefully

This form is to report annual expenditures for boats with snapper-grouper, reef fish, mackerel or dolphin-wahoo permits that have been selected to report economic information about their commercial fishing operations. Your boat was selected as part of a 25% sample for different gear types and state of landing. These data will be used to evaluate the economic effects of proposed regulations in the fishery and the effects of your expenses on supporting industries in your community.

Please report your annual expenditures for the **2008** calendar year, and submit your completed form no later than **April 15, 2009**. Reporting burden may be minimized if you refer to expense records that you have organized for tax purposes. Please use the enclosed envelope to mail the completed forms to:

National Marine Fisheries Service
Logbook Program
P.O. Box 491500
Key Biscayne, Florida 33149-9875

Please print all requested information clearly, and keep a copy for your records. A form with incomplete or unclear information cannot be entered into the database and will be returned for clarification. Our goal is to make the database as accurate as possible so that management decisions will not be based on erroneous information about the economic effects of regulations. If you have any questions, please contact Paul Baertlein at (305) 361-4211 or Larry Perruso at (305) 361-4278.

INSTRUCTIONS: All expenditures should be annual totals for the **2008** calendar year.

- 1. Types of fishing in 2008:** Please check as many boxes that apply.
- 2. Fuel and oil expenses:** Please enter total expenditures for fuel, oil and other lubricants.
- 3. Tackle and fishing supplies:** Please enter total expenditures for tackle and other supplies, including hooks, line, weights, swivels, spoons and so forth.
- 4. Bait, ice, food, boots, gloves, and other expenses:** Please enter total expenditures for bait, ice, groceries, clothing, gas for dive tanks, packing fees, and any other costs that were normally incurred on a trip other than for fuel, oil or fishing tackle.
- 5. Payments to hired captain and crew (shares, wages, etc.):** Please enter total labor payments made to captain and crew.

6. **Repair and maintenance expenses:** Please enter total expenditures for repair and maintenance of boat, gear, electronics and safety equipment. Do not include purchases of new equipment to replace rather than repair items.
7. **Does this include haulouts?:** Please indicate if repair and maintenance expenses reported in question 6 include the cost of a major haulout.
8. **Purchases of gear and capital:** Please enter total expenditures for purchases of new gear, electronics, engines, safety equipment and modifications to boat that upgrade hull design, gross tonnage or seaworthiness. Do not include expenditures for terminal tackle and other supplies that were reported in question 3.
9. **Boat dockage/rent and utility expenses:** Please enter total expenditures for dock space and utilities.
10. **Insurance:** Please enter total expenditures for hull, property and indemnity insurance for this boat.
11. **Does this include hull insurance:** Please indicate if insurance expenses reported in question 10 include hull coverage.
12. **Does this include P&I insurance:** Please indicate if insurance expenses reported in question 10 include property and indemnity coverage.
13. **Commercial fishing licenses and permits:** Please enter total expenditures for state and federal commercial fishing licenses and permits.
14. **Boat loan and business loan payments:** Please enter total payments for boat loans and the portion of business loans that pertain to this boat. Include payments for principal and interest.
15. **Business taxes:** Please enter total of property and income taxes that pertain to this boat.
16. **Office expenses:** Please enter total office-related expenditures that pertain to this boat, including rent, accounting, legal, telephone and so forth. If you have more than one boat or more than one business that share office expenses, please report only the share that pertains to this boat. If your boats or businesses are incorporated separately, report office expenses in the same way as on your tax forms. Otherwise, you may divide office expenses equally among the number of boats that you operate.
17. **Car and truck expenses:** Please enter total vehicle-related expenditures that pertain to this boat including repair and maintenance, loan/lease payments, etc. If you have more than one

boat or more than one business that share vehicle expenses, please report only the share that pertains to this boat.

18. **Other annual and one-time-only expenditures:** Please enter other annual or one-time-only expenditures related to the operation of this fishing boat, such as business travel expenses, health insurance, relocation expenses and so forth.
19. **Number of days this vessel was used for commercial and charter fishing:** Please enter the total number of days during the calendar year that this boat was used for commercial and charter fishing, only. This information will be used to allocate annual expenses between fishing and other income-producing activities.
20. **Number of days this vessel was used for non-fishing related activities:** Please enter the total number of days during the calendar year that this boat was used for other non-fishing related income producing activities, such as harbor excursions, dinner cruises and so forth. This information will be used to allocate annual expenses between fishing and other income-producing activities.
21. **Vessel's annual gross revenues from commercial and charter fishing:** Please enter the annual gross revenues for commercial and charter fishing for this vessel, as reported on your tax reports. This information will be used to help determine how regulations affect net incomes from fishing. Please do not include income from other non-fishing related activities such as harbor excursions, dinner cruises, and so forth.

Public reporting burden for this collection of information is estimated to average 30 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Walker, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, Florida 33149. This reporting is required under and is authorized under 50 CFR 622.5(a)(1). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. These data will be used to evaluate the economic effects of proposed regulations in the fishery.

2008 ANNUAL EXPENDITURES FOR SNAPPER-GROUPER, REEF FISH, DOLPHIN-WAHOO AND MACKEREL PERMIT HOLDERS

Boat Registration or Vessel Documentation Number:	Vessel ID:
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Please report annual expenses paid in 2008 for this boat (see instructions for explanations)

1. Types of fishing in 2008:	Bottom Fishing <input type="checkbox"/>	Trolling <input type="checkbox"/>	Chartering <input type="checkbox"/>	Other <input type="checkbox"/>																				
2. Fuel and oil expenses			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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3. Tackle and fishing supplies (including hooks, line, clips, weights and other fishing supplies)			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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4. Bait, ice, food, boots, gloves and other expenses			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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5. Payments to hired captain and crew (shares, wages, etc.)			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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6. Repair and maintenance expenses (include hull, engine, gear, electronics, safety equipment, etc.)			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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7. Does this include haulouts?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																						
8. Purchases of gear & capital (include gear, engine, electronics, safety equipment, anchors, etc.)			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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9. Boat dockage/rent and utility expenses			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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10. Insurance: Hull and P&I			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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11. Does this include hull insurance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																						
12. Does this include P&I insurance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																						
13. Commercial fishing licenses & permits			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
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14. Boat loan & business loan payments (or share of business loan payments associated with this vessel)			\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																								

SHARE OF OTHER BUSINESS EXPENSES PAID BY VESSEL

15. Business taxes paid by vessel (include property and income taxes)	\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																						
16. Office expenses (rent, accounting, legal, utilities, etc.)	\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																						
17. Car and truck expenses (vehicle repair, maintenance, loan payments, lease expenses)	\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																						
18. Other annual or one-time-only expenditures paid by vessel (include business travel expenses, health insurance, relocation expenses, etc.)	\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																						

END OF YEAR ACTIVITY REPORT

19. Number of days this vessel was used for commercial fishing and chartering:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> </table>				DAYS																	
20. Number of days this vessel was used for non-fishing income activities:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> </table>				DAYS																	
21. Vessel's annual gross revenues from commercial and charter fishing	\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"> </td><td style="width: 5%;"> </td> </tr> <tr> <td colspan="10" style="text-align: right;">. 0 0</td> </tr> </table>											. 0 0									
. 0 0																						

Please return completed form to:
National Marine Fisheries Service
Logbook Program
P.O. Box 491500
Key Biscayne, FL 33149-9875

I certify that the information contained on this form is accurate and complete to the best of my knowledge:

Signature of person completing report _____

Printed name of person signing report _____ Phone Number (____)_____

PAPERWORK REDUCTION ACT STATEMENT:

Public reporting burden for this collection of information is estimated to average 30 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Walker, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(v). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. These data will be used to evaluate the economic effects of proposed regulations in the fishery.

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMIN.
NATIONAL MARINE FISHERIES SERVICE

FISHING VESSEL LOGBOOK RECORD

WRECKFISH FISHERY

YOU ARE ADVISED THAT DISCLOSURE OF THE INFORMATION REQUESTED IN THIS REPORT IS MANDATORY FOR THE PURPOSE OF MANAGING THE FISHERIES IN ACCORDANCE WITH THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (16 U.S.C. 1801 ET. SEQ.). FAILURE TO REPORT MAY RESULT IN CIVIL AND ADMINISTRATION PENALTIES NOT TO EXCEED \$25,000.

NAME OF VESSEL _____

PERMIT NUMBER _____

WRECKFISH LOGBOOK - TRIP REPORT FORM

INSTRUCTIONS

Please clearly print all requested information for each form.

Use a separate form for EACH TRIP.

Completed forms must be submitted to the following address:

DAVID GLOECKNER
Southeast Fisheries Science Center
Beaufort Laboratory
101 Pivers Island
Beaufort, North Carolina
28516-9722

The logbooks are to be submitted seven (7) days following the completion of each fishing trip.

The following instructions refer to the similarly labeled entries on the Logbook - Trip Report Form:

Captain's Signature - The person responsible for the operation of the vessel on this trip must verify the contents of the form by signing it.

Phone No. - Please include a telephone number where you can be reached in the event there are questions regarding the information provided on the logbook form.

Schedule No. - Do not enter anything in this space, for NMFS use only.

No FISHING was done -

If the vessel did not fish during a complete calendar month, a form must be submitted that provides this information. Enter the month and last two digits of the year.

Federal Permit Number - Leave this space blank.

Vessel Name - Enter the vessel name as it appears on the permit application.

Vessel Number - Enter the official U.S. Coast Guard documentation number or the state registration number for the vessel as it was entered on the application for your wreckfish permit.

Dealer Name -Enter the name of the company to whom you sold your catch. Please use the complete name of the business. Do not enter anything under Code.

Port of Landing - Enter the name of the port. Do not enter anything under Code.

State of Landing - Enter the two-letter abbreviation for the state where the fish from this trip were unloaded. Do not enter anything under Code.

Date of Departure - Record the date (month, day and year) when you left for this fishing trip.

Date of Landing - Record the date (month, day and year} when you returned from this fishing trip.

Did you purchase additional wreckfish coupons - The National Marine Fisheries Service wants to know whether additional coupons, that is more coupons than your original annual allocation, were purchased for catches of wreckfish on this trip. If additional coupons were purchased, circle the letter "Y". If no coupons were purchased, circle the letter "N".

Total NUMBER of coupons purchased, by type - If you did purchase coupons, enter the amount of 100 pound and 500 pound coupons in the appropriate spaces.

Total dollar AMOUNT paid for all coupons - Enter the total dollar amount that you paid to purchase these coupons.

GEAR USED - Indicate the type of gear, by circling the appropriate letter (either A, B), that was used on this trip, and provide the requested information on the quantity and time of fishing:

Hook & Line (Bandit Gear)

- **No. of Lines Fished** - Record the number of lines that the vessel was equipped with and were fished on this trip.
- **Av. No. of Hooks per Line** - Record the average number of hooks for each of the lines that were fished on this trip.
- **Total Hrs. Fished** - Estimate the total time, in hours, that the gear was in the water fishing. Note, this is not to be an

estimate of the time at sea, only the time that the gear was actively being fished.

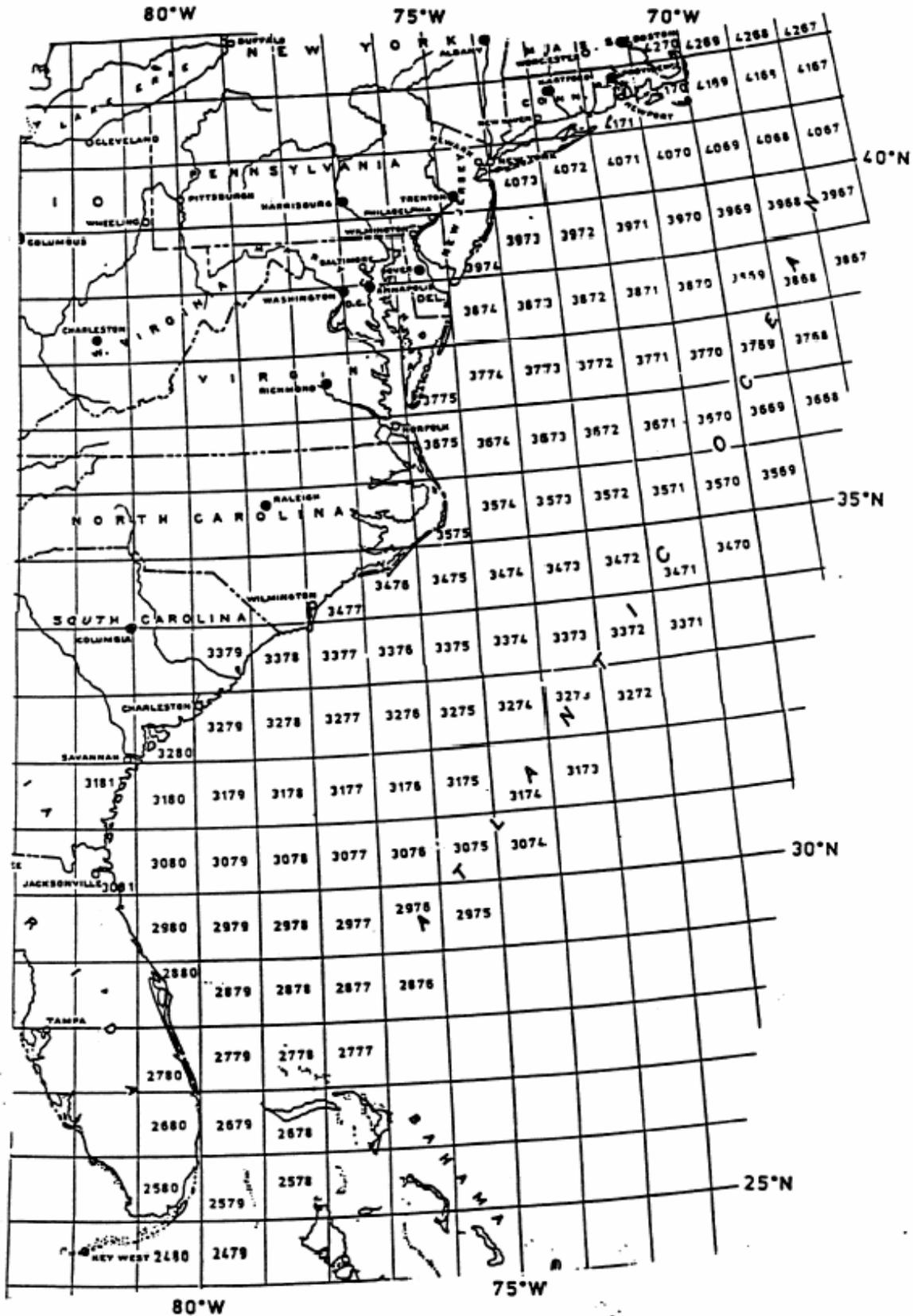
Trolling Gear

- **No. of Lines Fished** -Record the number of lines that the vessel was equipped with and were fished on this trip.
- **Av. No. of Hooks per Line** -Record the average number of hooks on each of the lines that were fished on this trip.
- **Total Hrs. Fished** - Estimate the total time, in hours, that the gear was in the water fishing. Note, this is not to be an estimate of the time at sea, only the time that the gear was actively being fished.

Catch - For the remainder of the form record the amount of catch in **NUMBER** of fish, the appropriate weights in **pounds WHOLE** or **pounds GUTTED** (do not include fractions of pounds) of wreckfish. If other species were caught, please record pounds and number in the appropriate spaces corresponding to the identified species. If the species name is not listed, write it in the spaces labeled "other". Also, record the type of **GEAR USED** that was used to catch each type of fish by entering an A or B, which corresponds to the gear designation that was circled. Note, if both types of gear were used, circle and enter both letters. Record the **AREA** where the fishing occurred by entering the 4-digit code for the fishing area as designated on the map enclosed in the logbook. Record the approximate **Depth** in feet for the fishing trip.

Public reporting burden for this collection of information is estimated to average 10 minutes per response for fishing forms and 2 minutes for no-fishing forms including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(iv)(5). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control

Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.



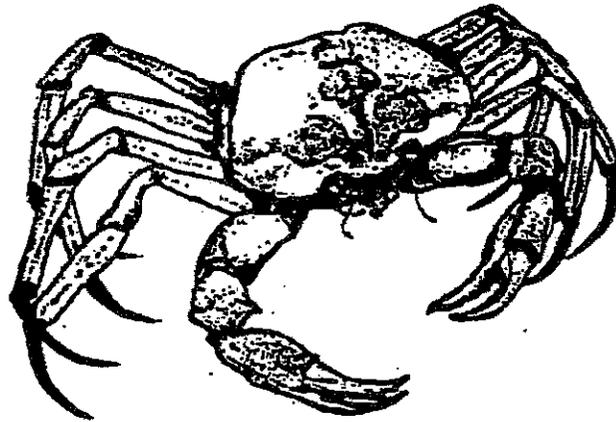
WRECKFISH LOGBOOK - - TRIP REPORT FORM							
Captain's Signature				NMFS USE ONLY			
Phone Number () ____-____				SCHEDULE NO. :			
NO FISHING was done for the MONTH of _____ 20 _____							
Federal Permit Number		Vessel Name			Vessel Number		
Dealer Name		Code	Port of Landing		Code	State of Landing	Code
Date of Departure:	Month	Day	Year	Date of Landing:	Month	Day	Year
Did you purchase additional wreckfish coupons to cover catches for this trip?						Y	N
Total number of coupons purchased, by type:				100Lb. _____	500Lb. _____		
Total dollar Amount paid for all coupons: \$ _____							

GEAR USED:					ATTACH FISHERMAN PORTION OF COUPON HERE:			
A. Hook and Line/ Bandit			B. Hook and Line/ Troll					
Number of Lines Fished			Number of Lines Fished					
Average No. of Hooks/Line			Average No. of Hooks/Line					
Total Hours Fished			Total Hours Fished					
SPECIES	NUMBER	Lbs. WHOLE	LBS. GUTTED	GEAR USED	AREA	DEPTH		
Wreckfish (5131)								
Barrelfish (0193)								
Dolphin (1050)								
Shark (3508)								
Oilfish (2502)								
Other (list):								

RETURN THIS COPY TO NMFS

GOLDEN CRAB
TRIP REPORT LOGBOOK

**United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service**



OMB Number 0648-0016

Expires: 3/31/2010

GOLDEN CRAB TRIP LOGBOOK REPORTING INSTRUCTIONS

Federal regulations, 50 CFR 622.5 (a), require that all vessels with a golden crab permit must complete and return a logbook for every fishing trip where golden crab are caught. Completed forms are to be returned within 30 days of the completion of the trip to the following address:

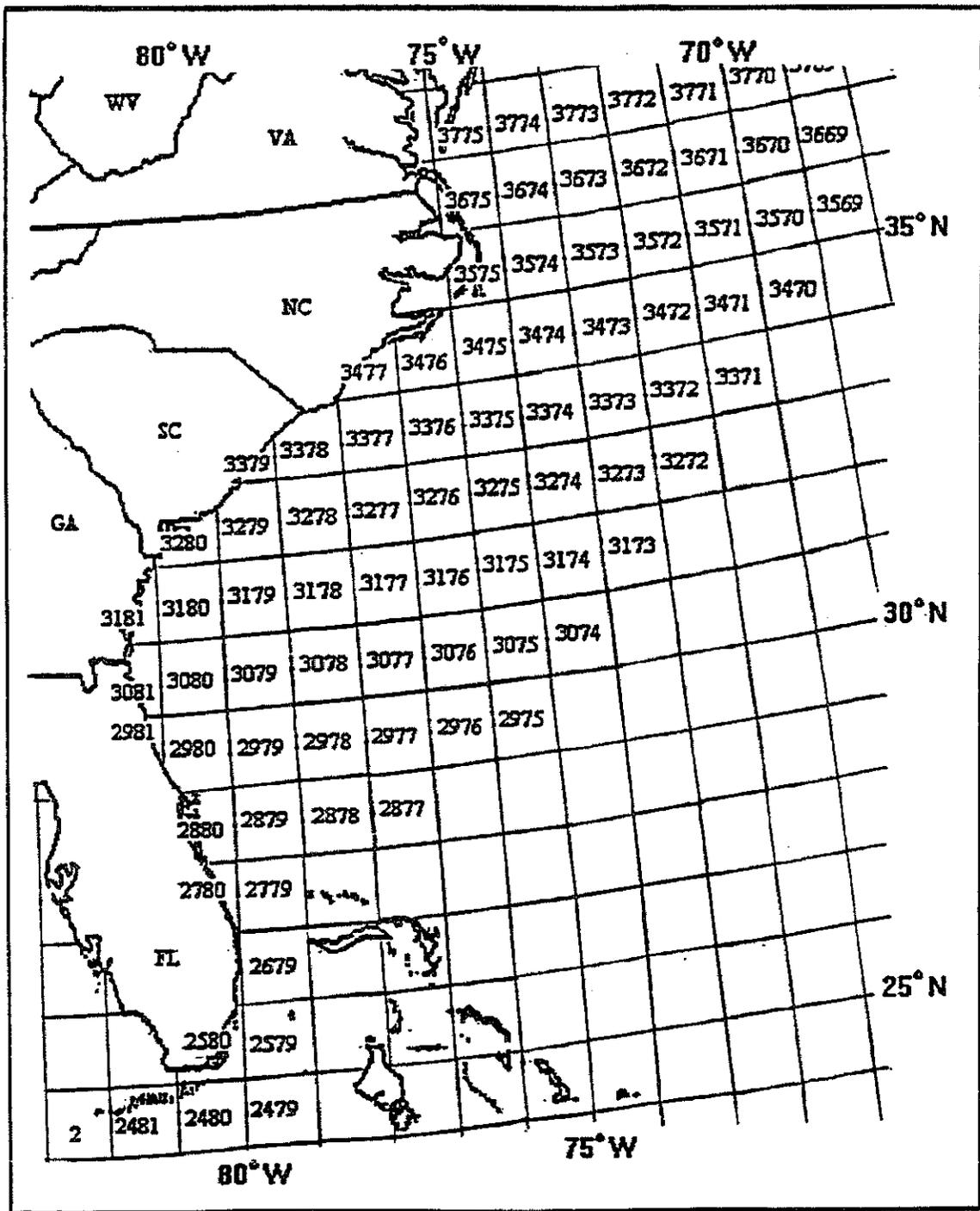
**National Marine Fisheries Service
Attn: GOLDEN CRAB PROGRAM
P.O. Box 491500
Key Biscayne, Florida 33149-9916**

Pre-addressed, postage-paid envelopes are provided for your convenience. When additional forms or envelopes are needed drop a note in with one of your trip reports stating what you need, your name, address and your vessel ID number. If you have any questions, please contact the Logbook Program at:

Logbook Program: 305/361-4581

The following are brief instructions for each entry on the logbook form. Please fill out a separate form for each trip. Please print clearly.

- ⇒ **Vessel Name** - Enter the vessel name.
- ⇒ **Vessel Id Number** - Enter the official US Coast Guard documentation number or state registration number for the vessel.
- ⇒ **Captain's Signature** - Person responsible for the operation of the vessel during the trip.
- ⇒ **Start Date of Trip** - Enter the month, day and year you departed port.
- ⇒ **End Date of Trip** - Enter the month, day and year you returned to port.
- ⇒ **No Trips Made** - If no trips were made for an entire month, enter the month and the year. Stop at this point on the form.
- ⇒ **Dealer/Company Name** - Enter the complete name of the seafood dealer(s) to whom you sold your catch. Do not use code numbers.



South Atlantic Statistical Grid Map - Grid numbers follow lines of longitude and latitude. The first two digits in the four digit grid numbers are the degrees of latitude, while the second two digits are the degrees of longitude.

☞ **Catch Weight** - Enter estimated pounds of crab that were caught.

☞ **Incidental Catch** - Please provide the string number, the name of the species, the weight kept and discarded.

Public reporting burden for this collection of information is estimated to average 10 minutes per response for fishing forms and 2 minutes to submit a no-fishing response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(v). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quota for this fishery.

⇒ **County and State of Unloading** - Enter county name and state where the catch was unloaded. Do not use code numbers.

⇒ **Type and Size of Traps Used** - To get a clear picture of the types of traps used in the fishery, the following coding system is provided which will simplify entry of trap types on the form. Each trap type used should be coded by placing a check next to each category that best matches your trap.

SHAPE:

___ R) Rectangular or Square

___ C) Conical

___ O) Other (Please describe or diagram on back of the log sheet)

MATERIAL:

___ A) wood

___ B) wire

___ C) plastic

___ D) mesh

VOLUME:

___ 1) under 10 cubic feet

___ 2) 10 - 25 cubic feet

___ 3) 26 - 40 cubic feet

___ 4) 41 - 64 cubic feet

In the **Type and Size of Trap Used** section write in order the letter or number next to your check marks. For example: if rectangular shaped traps, made of wire with a volume of 28 cubic feet were used you would enter "R B 3"; or, if square, plastic traps with a volume under 10 feet were used you would enter "R C 1".

Catch Section: Please provide information for each string on a separate row.

⇒ **String #** - Enter the number of the string.

⇒ **Type of Trap** - Use corresponding letter code as explained above.

⇒ **Mainline C/R** - Place a C for cable (wire) mainlines or R for rope mainlines.

⇒ **# of Traps** - Enter number of traps used on the string line.

⇒ **Date** - Enter the month and day that the string of traps were pulled.

⇒ **Area** - Enter the grid number off the grid map found at the front of this logbook.

⇒ **Depth** - Enter your best estimate of the average depth in FEET at which the traps were set.

⇒ **Soak Time** - Enter the average time in hours that your traps were left in the water between hauls.

GENERAL INSTRUCTIONS

1. Type or print legibly in ink. Incomplete or unreadable reports will be returned.
2. A person with an aquacultured live rock permit must report to the Regional Director each deposition of material on a site. Reports must be postmarked not later than 7 days after deposition and must contain the following information: (1) permit number of site and date of deposit; (2) geological origin of material deposited; (3) amount of material deposited; (4) source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.
3. A person who takes aquacultured live rock that is landed in Florida, must submit Florida trip tickets as required by Florida statutes and regulations.
4. A person who takes aquacultured live rock that is landed other than in Florida, must submit a report of harvest to the Regional Director.
5. Questions may be telephoned to (813) 570-5326.
6. Mail the completed report to:
**National Marine Fisheries Service
9721 Executive Center Drive N., F/SEC-11
St. Petersburg, FL 33702.**
7. Rocks deposited on the aquaculture site must be geologically or otherwise distinguishable from the naturally occurring substrate or they must be indelibly marked or tagged.
8. All rocks must be placed on the site by hand, or lowered completely to the bottom by crane. Deposited materials shall not be allowed to "free fall" to the bottom, and all deposition shall occur while the vessel is "at anchor". Rocks may not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas. A minimum setback of 50 feet must be maintained from naturally vegetated or hard bottom habitats. The actual configurations and locations of the deposited materials and the distance from existing naturally occurring hard bottom habitat and submerged aquatic vegetation shall be clearly depicted.
9. All materials used in aquaculture operations must be nontoxic and all deposited rocks must be free of contaminants and non-indigenous flora and/or fauna.
10. Harvest of aquacultured live rock shall be by hand only; no mechanical dredging, drilling, blasting, etc. is authorized under this general permit.

REPORT INSTRUCTIONS

1. Enter name of permit holder, address and permit number of site.
2. DEPOSIT INFORMATION: Enter source name, source address, geological origin, deposit date, pounds deposited and size.
3. HARVEST INFORMATION: Enter dealer name, dealer address, dealer Federal ID number, landing date, pounds harvested, unit price and dollar value.
4. The report must be signed by the preparer.

Public reporting burden for this collection of information is estimated to average 15 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR 622.5(d)(2). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quota for this fishery.

National Oceanic & Atmospheric Administration
National Marine Fisheries Service

OMB No. 0648-0016
Expires: 03/31/2010

AQUACULTURED LIVE ROCK LOG REPORT

A person with an aquacultured live rock permit must report each deposition of material on a site. A person who takes aquacultured live-rock that is landed other than in Florida must submit a report of harvest. These reports must be submitted to the address below not later than 7 days after deposition or harvest.

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, FL 33702

Name of Permit Holder:

/Federal ID No.

Address:

City:

State:

Zip Code:

Permit Number of Site:

DEPOSIT

Source Name:

Source Address:

Geological Origin:

DEPOSIT DATE

POUNDS DEPOSITED

SIZE

Mo	Day	Yr
----	-----	----

--	--	--	--	--	--

--

Mo Day Yr

Sketch site profile showing actual configurations and locations of the deposited materials, the distance from existing naturally occurring hard bottom habitat and submerged aquatic vegetation and height of material deposited.

HARVEST (if landed outside Florida)

Dealer Name:

Dealer Address:

Dealer Federal ID No.:

LANDING DATE

POUNDS HARVESTED

UNIT PRICE

DOLLAR VALUE

Mo	Day	Yr
----	-----	----

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--

--

Mo Day Yr

Signature:

Date:

Name (print)

Position, if incorporated:

FISHING VESSEL RECORD

COLOMBIAN TREATY WATERS LOGBOOK

Catch Report Form

YOU ARE ADVISED THAT DISCLOSURE OF THE INFORMATION REQUESTED IN THIS REPORT IS MANDATORY FOR THE PURPOSE OF MANAGING THE FISHERIES IN ACCORDANCE WITH THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (16 U.S.C. 1801 ET SEQ.). FAILURE TO REPORT MAY RESULT IN CIVIL AND ADMINISTRATIVE PENALTIES.

NAME OF CRAFT _____

PERMIT NUMBER _____

I N S T R U C T I O N S

CATCH REPORT FORM - COLOMBIAN TREATY WATERS

Print clearly all information

Use a separate log sheet for each entry into each area fished (Quito Sueno, Roncador, Serrana).

Each vessel of the U.S. must report its catch and effort on each trip into treaty waters. Mail completed forms so as to be received not later than 7 days after the end of each fishing trip to:

National Marine Fisheries Service
Regulations & Permits Branch
9721 Executive Center Drive N.
St. Petersburg, FL 33702

Vessel Name - Enter the vessel name as it appears on the permit.

Official No. - Enter the U.S. Coast Guard documentation number of the vessel or the state registration number, if the vessel is not documented.

Area Fished - Check only one on each form submitted.

Date entered/departed area - Enter appropriate dates for each fishing trip into the area checked.

Gear - Check one or more boxes to indicate the fishing gear or method employed in the area checked during the period covered by the report. For each gear/method checked, (1) indicate the percentage of the total catch during the period covered by the report that was taken by each gear and (2) complete the effort data as follows:

Traps:

- No. Traps Fished - Total number of traps used during the period covered by the report.
- No. Trap Hauls - The total number of hauls made during the period covered by the report, including hauls with no catch. Ten traps each pulled 3 times would equal 30 hauls.
- Av. Soak Time Between Hauls - The average time in hours the traps were in the water between hauls.
- Mesh Sizes - Record the mesh sizes in inches. For example, 1x2 for rectangular meshes 1" by 2"; 1.5x1.5 for rectangular meshes 1 1/2 by 1 1/2; or 1.5 x hex for hexagonal meshes 1 1/2" on each side.

Longline:

- No. Sets Made - Total number of times a longline was set during the period covered by the report.
- Av. No. Hooks per Set - The average number of hooks on the longline.
- Av. Line Length per Set - The average length of the line in feet.
- Av. Time Sets Fished - The average time in hours the longlines were in the water from start of set to start of pickup.

Hook & Line (includes bandit gear, rod and reel and hand line)

- No. Lines Fished - Total number of lines used during the period covered by the report.
- Av. No. Hooks per Line - The average number of hooks on each line.
- Total Hours Fished - Total time in hours this gear was used during the period covered by the report.

Diving:

- No. Divers - Total number of divers used during the period covered by the report.
- Total No. Days Diving - The number of days during the period that diving was conducted.
- Man-hours Worked per Day - For the days worked, the average number of man-hours spent diving. For example, 5 divers who average 6 hours diving per day would yield 30 man-hours worked/day.
- Check if Targeted - Indicate the primary species harvested by diving.

Catch - Record the catch in pounds of each species during the period covered by the report. For lobster and conch, record the weight in the appropriate column either as whole or cleaned weight.

Operator's Signature - The operator is the master or other individual on board and in charge of the vessel. Type or print the name below the signature and indicate the date signed.

Public reporting burden for this collection of information is estimated to average 18 minutes per response for fishing forms and 2 minutes to submit a no-fishing response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR

622.5(a)(1). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources.

CATCH REPORT FORM - COLOMBIAN TREATY WATERS

AREA FISHED (check only one) QUITA SUENO _____ RONCADOR _____ SERRANA _____

(Use a separate form for each area fished)

Vessel Name _____

Official Number _____

Date Entered Area:

199 _____

Year

Month

Day

Date Departed Area:

199 _____

Year

Month

Day

Gear: Check Box to Indicate Gear Used

<input type="checkbox"/> Traps	<input type="checkbox"/> Longline	<input type="checkbox"/> Hook & Line	<input type="checkbox"/> Diving
% of Total Catch	% of Total Catch	% of Total Catch	% of Total Catch
No. Traps Fished	No. Sets Made	No. Lines Fished	No. Divers
No. Trap Hauls	Av. No. Hooks per Set	Av. No. Hooks per Line	Total No. Days Diving
Av. Soak Time Between Hauls (hr)	Av. Line Length per Set	Total Hours Fished	Man-hours Worked per Day
Mesh Sizes	Av. Time Sets Fished (hr)		Check if Targeted: Conch
x			if Targeted: Lobster
x			if Targeted: Reef Fish
x			

Species name	In Spanish	Pounds	Species Name	In Spanish	Pounds
GROUPEL	Mero		SNAPPER	Pargo	
Black	Mero Negron		Lane	Manchego	
Gag			Mangrove (Gray)	Pargo Dienton	
Red Hind	Mero Colorado		Mutton	Pargo Cebadai	
Rock Hind	Mero Cabrilla		Queen	Pargo Rojo-	
Jewfish	Mero Grande		Red	Pargo Rojo	
Misty	Guasa		Silk	Ojo Amarillo	
Nassau	Cherna		Vermillion	Buchona	
Red	Mero Para-Camo		Yellowtail	Rabirrubia	
Scamp			Other Snapper	Pargo	
Snowy	Cherna Pintada		TRIGGERFISHES	Puercos	
Warsaw	Mero Negro		LOBSTER	Langosta	Whole Cleaned
Yellowedge			Spiny		
Yellowfin	Cuna de Piedra		Smooth Tailed		
Yellowmouth			Spotted		
Other Grouper			Slipper		
AMBERJACK	Medregal-coronado		CONCH		
GRUNTS	Roncos		OTHER SPECIES:		
HOGFISH	Capitan				
PORGY	Plumas				

SIGNATURE _____

NAME (Printed): _____ Date of Report - Year 199 _____ Month _____ Day _____

**UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE**

**2009 SUPPLEMENTAL DISCARD
AND INTERACTION TRIP REPORT**

for the

SOUTHEAST COASTAL FISHERIES TRIP REPORT

for

**GULF OF MEXICO REEF FISH
SOUTH ATLANTIC SNAPPER-GROUPER
KING AND SPANISH MACKEREL
SHARK**

YOU ARE ADVISED THAT DISCLOSURE OF THE INFORMATION REQUESTED IN THIS REPORT IS MANDATORY FOR THE PURPOSE OF MANAGING THE FISHERIES IN ACCORDANCE WITH THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (16 U.S.C. § 1801 ET SEQ.). FAILURE TO REPORT OR FILING A FALSE REPORT MAY RESULT IN CIVIL OR CRIMINAL SANCTIONS. SEE, E.G., 16 U.S.C. §§ 1857, 1858, 1859; 18 U.S.C. § 1001.

NAME OF VESSEL : _____

PERMIT NUMBER : _____

2009 SUPPLEMENTAL DISCARD AND INTERACTION REPORTING FORM INSTRUCTIONS

Please read instructions carefully. Reporting period is 01/01/2009 – 12/31/2009

This form is to be used to report the number of fish discarded and protected species interactions. Please complete the form as thoroughly as possible and include it with the logbook form for the corresponding trip.

All forms must be submitted no later than seven (7) days after the completion of each trip (the date of landing). Completed forms are to be mailed to:

**National Marine Fisheries Service
Logbook Program
P.O. Box 491500
Key Biscayne, Florida 33149**

If you have any questions, please contact the Logbook Program at (305) 361-4581.

Please print all requested information clearly. A form with incomplete or unclear information cannot be entered into the database and will be returned. A missing form may cause you to be out of compliance and your permit renewal denied.

Please enter the **same Vessel Number and Start Date that are on the corresponding logbook trip report form. Do not send a discard form for months you did not fish.**

You must fill out a SEPARATE form for EACH fishing trip made. DO NOT report multiple trips on one form. All information for one fishing trip should be entered on one form. There are two sections for each form. The **Vessel Section** is to help us link this discard report with the logbook trip report form (OMB#00648-0016). The **Discard Section** is to be used to record your interactions with species which are not sold.

If no discards or protected species interactions were encountered on a trip please check the “**No Discard Interactions this Trip**” box on the form

Vessel Section - Fill in each information block on each log as described below:

Captain's Signature - The person responsible for the operation of the vessel during the trip must sign the form to verify all information.

Phone No. - Include a phone number where you can be reached.

Vessel ID. No - Enter the official US Coast Guard documentation number or state registration number for the vessel as it appears on the permit application.

Vessel Name - Enter the vessel name as it appears on the permit application.

Start Date - Enter the date that the vessel left the dock for this trip (this should be the same state date as reported on the logbook form).

Discard Sections - Report the numbers of each species discarded or protected species interactions on this trip.

Species - Print the name of the fish, marine mammal or turtle that was discarded or interacted with your gear.

Number - Report the estimated number of animals for each species discarded or encountered (caught with hooks, tangled in lines/nets, etc.).

Average Weight - Report the estimated average individual weight in whole pounds for each species discarded.

Discard Condition Code - Enter the following codes for the condition of the discards or protected species interactions:

- 1 - **DEAD ALL**: All discards were dead (floating on the surface).
- 2 - **DEAD SOME**: The majority of the discards were dead.
- 3 - **ALIVE ALL**: All discards were alive (swam away when returned).
- 4 - **ALIVE SOME**: The majority of the discards were alive.
- 5 - **KEPT**: Catch was kept, but not sold (eaten, or used as bait by crew).
- 6 - Unable to determine.

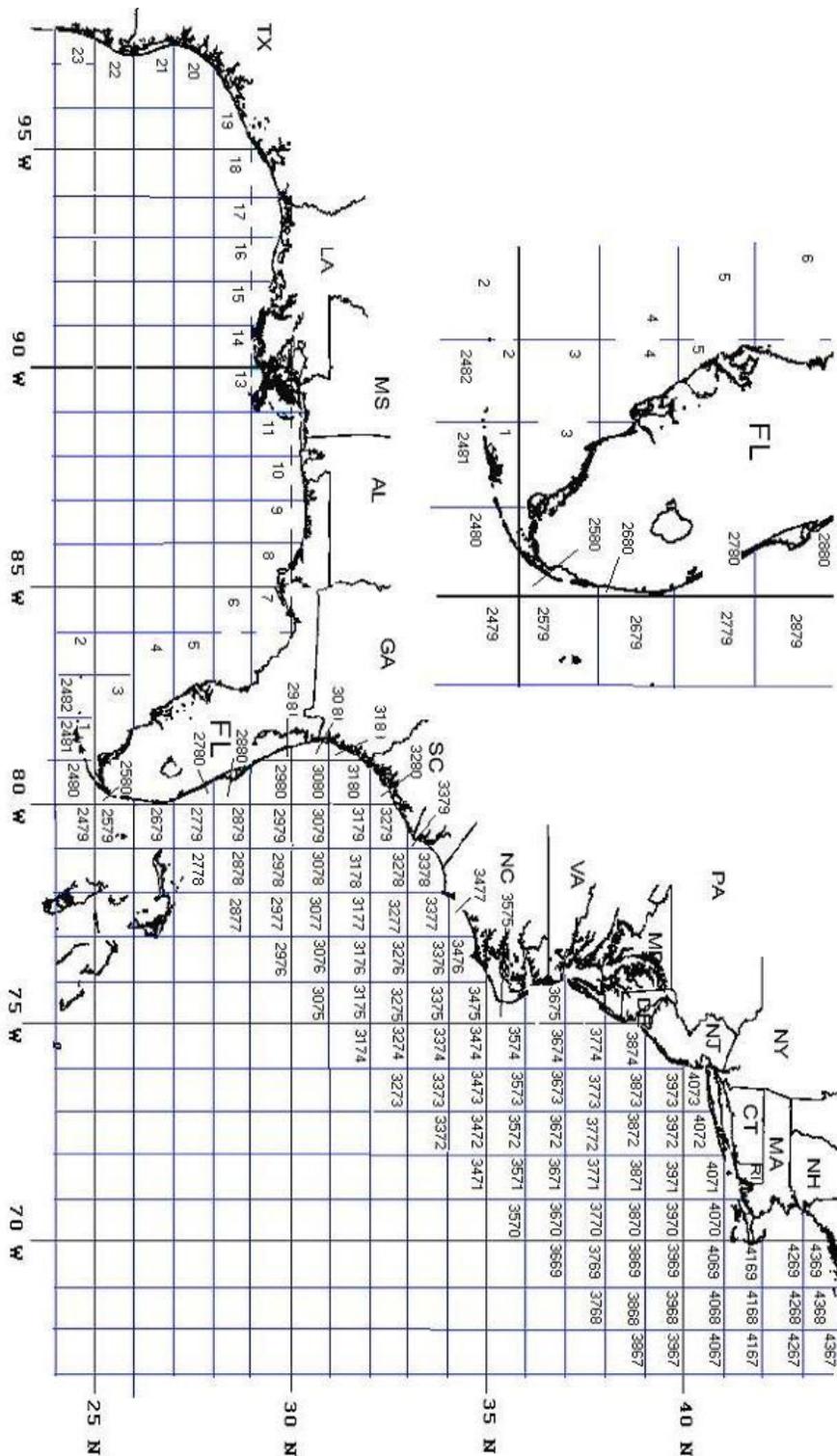
Discard Reason - Enter the following codes for the reason of the discards or protected species interactions:

- A – REGULATIONS – NOT legal size**: Animals that would have been sold however local or federal size limits forbid it.
- B – REGULATIONS – Out of season**: Animals that would have been sold however the local or federal fishing season is closed.
- C – REGULATIONS – Other**: Animals that would have been sold however a local or federal regulation, other than size or season, forbids it (Other than size or season. I.e. protected species, not properly permitted).
- B – MARKET CONDITIONS**: Animals that have no market value (rotten, damaged).

Area - Enter the numeric code for the area where the discarded species were caught. Maps with numeric codes and associated latitudes and longitudes are on page 4 of these instructions. *** Do not use state codes or LORAN coordinates.**

Depth Column – Enter the bottom depth in feet where the majority of each species was caught. *** Do not record depth in fathoms or meters.**

Public reporting burden for this collection of information is estimated to average 15 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Walker, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. This reporting is required under and is authorized under 50 CFR 622.5(a). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quota for this fishery.



South Atlantic Statistical Grid Map – Grid numbers follow lines of longitude and latitude. The first two digits in the four digit grid numbers are latitude degrees, and the second two digits are longitude degrees.

Gulf of Mexico Statistical Grid Map – Use the grid number of the area you fished. Note that gulf grid numbers do not follow lines of longitude and latitude.

Florida Close-up (see inset) - The close-up grid map of south Florida shows the 4 digit codes for the South Atlantic Region and the 1 digit code for the Gulf of Mexico Region.

SOUTH ATLANTIC SHRIMP VESSEL LOGBOOK INSTRUCTIONS

The purpose of this logbook is to collect detailed information on the amount and location of individual tows for an entire fishing trip. Fishing effort is very important to analyze various aspects of the shrimp fleet and the data from this reporting form will be used to estimate the effort for the fishing fleet in the South Atlantic region. The success of this program depends largely on the reliable information that you provide when each form is completed.

This form is to be completed for each day and submitted collectively for each trip. When completing each form, write the official vessel number, either the US Coast Guard documentation or state registration number and the vessel name on each form. Enter the date you departed and the date you returned for this trip. Enter the port and state where you unloaded the catch. Write the types of bycatch reduction devices and/or turtle excluder devices that you used on this trip. Enter the total pounds of shrimp landed for the trip.

The information for each tow should be entered on a separate line. The date of the tow should be entered in the first column. The length of the foot rope (leadline) should be entered for each tow. The time and location in latitude and longitude for the start of each tow should be entered. Be sure to specify whether it's a.m. or p.m. Enter the time and location in latitude and longitude for the haul back, again be sure to enter whether it's a.m. or p.m. In the last column of each row, enter the estimated amount of catch in pounds heads-on for each tow.

Please send all completed forms from each trip to the National Marine Fisheries Service, P.O. Box 491740, Key Biscayne, Florida 33149-9915. Return Envelopes are enclosed.

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Walker, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. This reporting is required under and emergency rulemaking and is authorized under 50 CFR 622.5(a)(iii). Information submitted will be treated as confidential in accordance with NOAA Administrative. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number.

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;

109-479

(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;

16 U.S.C. 1853
MSA § 303

(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;

109-479

(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]¹⁵ 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.

¹⁵ 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)¹⁶—

(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.

¹⁶ 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]¹⁷ 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.

¹⁷ 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.

16 U.S.C. 1853a
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.

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[CITE: 18USC1905]

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 93--PUBLIC OFFICERS AND EMPLOYEES

Sec. 1905. Disclosure of confidential information generally

Whoever, being an officer or employee of the United States or of any department or agency thereof, any person acting on behalf of the Office of Federal Housing Enterprise Oversight, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311-1314), or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined under this title, or imprisoned not more than one year, or both; and shall be removed from office or employment.

(June 25, 1948, ch. 645, 62 Stat. 791; Pub. L. 96-349, Sec. 7(b), Sept. 12, 1980, 94 Stat. 1158; Pub. L. 102-550, title XIII, Sec. 1353, Oct. 28, 1992, 106 Stat. 3970; Pub. L. 104-294, title VI, Sec. 601(a)(8), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107-347, title II, Sec. 209(d)(2), Dec. 17, 2002, 116 Stat. 2930.)

Historical and Revision Notes

Based on section 176b of title 15, U.S.C., 1940 ed., Commerce and Trade; section 216 of title 18, U.S.C., 1940 ed.; section 1335 of title 19, U.S.C., 1940 ed., Customs Duties (R.S. Sec. 3167; Aug. 27, 1894, ch. 349, Sec. 24, 28 Stat. 557; Feb. 26, 1926, ch. 27, Sec. 1115, 44 Stat. 117; June 17, 1930, ch. 497, title III, Sec. 335, 46 Stat. 701; Jan. 27, 1938, ch. 11, Sec. 2, 52 Stat. 8).

Section consolidates section 176b of title 15, U.S.C., 1940 ed., Commerce and Trade; section 216 of title 18, U.S.C., 1940 ed., and section 1335 of title 19, U.S.C., 1940 ed., Customs Duties.

Words ``or of any department or agency thereof'' and words ``such department or agency'' were inserted so as to eliminate any possible ambiguity as to scope of section. (See definition of ``department'' and ``agency'' in section 6 of this title.)

References to the offenses as misdemeanors, contained in all of said sections, were omitted in view of definitive section 1 of this title.

The provisions of section 216 of title 18, U.S.C., 1940 ed., relating to publication of income tax data by ``any person'', were omitted as covered by section 55(f)(1) of title 26, U.S.C., 1940 ed., Internal Revenue Code.

Minor changes were made in translations and phraseology.

References in Text

The Antitrust Civil Process Act, referred to in text, is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (Sec. 1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

Amendments

2002--Pub. L. 107-347 inserted ``or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5,'' after ``(15 U.S.C. 1311-1314),''.

1996--Pub. L. 104-294 substituted ``fined under this title'' for ``fined not more than \$1,000''.

1992--Pub. L. 102-550 inserted ``any person acting on behalf of the Office of Federal Housing Enterprise Oversight,'' after ``or agency thereof,''.

1980--Pub. L. 96-349 provided for punishment and removal from office of an agent of the Department of Justice as defined in the Antitrust Civil Process Act for disclosure of confidential information.

Effective Date of 2002 Amendment

Amendment by Pub. L. 107-347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107-347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

e-CFR Data is current as of February 10, 2010

Title 50: Wildlife and Fisheries

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart H—Vessels of the United States Fishing in Colombian Treaty Waters

§ 300.124 Recordkeeping and reporting.

(a) *Arrival and departure reports.* The operator of each vessel of the United States for which a certificate and permit have been issued under §300.123 must report by radio to the Port Captain, San Andres Island, voice radio call sign "Capitania de San Andres," the vessel's arrival in and departure from treaty waters. Radio reports must be made on 8222.0 kHz or 8276.5 kHz between 8:00 a.m. and 12 noon, local time (1300–1700, Greenwich mean time) Monday through Friday.

(b) *Catch and effort reports.* Each vessel of the United States must report its catch and effort on each trip into treaty waters to the Science and Research Director on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director so as to be received no later than 7 days after the end of each fishing trip.

Title 50: Wildlife and Fisheries
PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC
Subpart A—General Provisions

§ 622.4 Permits and fees.

(a) *Permits required.* To conduct activities in fisheries governed in this part, valid permits, licenses, and endorsements are required as follows:

(1) *Charter vessel/headboat permits.* (i) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, species in any of the following species groups, a valid charter vessel/headboat permit for that species group must have been issued to the vessel and must be on board—

(A) Gulf coastal migratory pelagic fish.

(B) South Atlantic coastal migratory pelagic fish.

(C) Gulf reef fish.

(D) South Atlantic snapper-grouper.

(E) Atlantic dolphin and wahoo. (See paragraph (a)(5) of this section for the requirements for operator permits in the dolphin and wahoo fishery.)

(ii) See paragraph (r) of this section regarding a limited access system for charter vessel/headboat permits for Gulf reef fish and Gulf coastal migratory pelagic fish.

(iii) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in §622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(iv) If Federal regulations for Gulf reef fish in subparts A, B, or C of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

(2) *Commercial vessel permits, licenses, and endorsements* —(i) [Reserved]

(ii) *Gillnets for king mackerel in the southern Florida west coast subzone.* For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern Florida west coast subzone (see §622.42(c)(1)(i)(A)(3)), a commercial vessel permit for king mackerel and a king mackerel gillnet permit must have been issued to the vessel and must be on board. See paragraph (o) of this section regarding a limited access system applicable to king mackerel gillnet permits and restrictions on transferability of king mackerel gillnet permits.

(iii) *King mackerel.* For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the three calendar years preceding the application. See paragraph (q) of this section regarding a limited access system applicable to commercial vessel permits for king mackerel, transfers of permits under the limited access system, and limited exceptions to the earned income or gross sales requirement for a permit.

(iv) *Spanish mackerel.* For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

(v) *Gulf reef fish.* For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, as specified in §622.42(a)(1), or to sell Gulf reef fish in or from the Gulf EEZ, a commercial vessel permit for Gulf reef fish must have been issued to the vessel and must be on board. If Federal regulations for Gulf reef fish in subparts A, B, or C of this part are more restrictive than state regulations, a person aboard a vessel for which a commercial vessel permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested. See paragraph (a)(2)(ix) of this section regarding an IFQ vessel account required to fish for, possess, or land Gulf red snapper or Gulf groupers and tilefishes. To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during either of the 2 calendar years preceding the application. See paragraph (m) of this section regarding a limited access system for commercial vessel permits for Gulf reef fish and limited exceptions to the earned income requirement for a permit.

(A) *Option to consolidate commercial vessel permits for Gulf reef fish.* A person who has been issued multiple commercial vessel permits for Gulf reef fish and wants to consolidate some or all of those permits, and the landings histories associated with those permits, into one permit must submit a completed permit consolidation application to the RA. The permits consolidated must be valid, non-expired permits and must be issued to the same entity. The application form and instructions are available online at sero.nmfs.noaa.gov. After consolidation, such a person would have a single permit, and the permits that were consolidated into that permit will be permanently terminated.

(B) [Reserved]

(vi) *South Atlantic snapper-grouper.* For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with longline gear and more than 200 lb (90.7 kg) of tilefish on board is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb (90.7 kg) of tilefish on board harvested such tilefish in the EEZ. See §622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

(vii) *Wreckfish.* For a person aboard a vessel to fish for wreckfish in the South Atlantic EEZ, possess wreckfish in or from the South Atlantic EEZ, offload wreckfish from the South Atlantic EEZ, or sell wreckfish in or from the South Atlantic EEZ, a commercial vessel permit for wreckfish must have been issued to the vessel and must be on board. To obtain a commercial vessel permit for wreckfish, the applicant must be a wreckfish shareholder; and either the shareholder must be the vessel owner or the owner or operator must be an employee, contractor, or agent of the shareholder. (See §622.15 for information on wreckfish shareholders.)

(viii) *South Atlantic rock shrimp.* (A) Until January 27, 2010, the permit requirements specified in paragraphs (a)(2)(viii)(A)(1) and (2) of this section apply.

(1) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ or possess rock shrimp in or from the South Atlantic EEZ, a commercial vessel permit for rock shrimp must be issued to the vessel and must be on board. (See paragraph (a)(5) of this section for the requirements for operator permits for the South Atlantic rock shrimp fishery.)

(2) In addition, for a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board. See §622.19 for limitations on the issuance, transfer, renewal, and reissuance of a limited access endorsement for South Atlantic rock shrimp.

(B) During January 2010, and prior to January 26, 2010, a currently valid (not expired) commercial vessel permit for rock shrimp with an expiration date after January 27, 2010, that does not have a limited access endorsement for South Atlantic rock shrimp will be replaced by the RA with a Commercial Vessel Permit for Rock Shrimp (Carolinas Zone), and a currently valid (not expired) commercial vessel permit for rock shrimp with an expiration date after January 27, 2010, that has a limited access endorsement for South Atlantic rock shrimp will be replaced by the RA with a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ). However, a person with an expired limited access endorsement for South Atlantic rock shrimp who desires a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must apply for such a permit before the date 1 year after the expiration date of the expired limited access endorsement for South Atlantic rock shrimp.

(C) On and after January 27, 2010, the permit requirements specified in paragraphs (a)(2)(viii)(C)(1) and (2) of this section apply.

(1) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off North Carolina or off South Carolina or possess rock shrimp in or from the South Atlantic EEZ off those states, a Commercial Vessel Permit for Rock Shrimp (Carolinas Zone) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must be issued to the vessel and must be on board.

(2) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off those states, a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must be issued to the vessel and must be on board. A Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) is a limited access permit. See §622.19(b) for limitations on the issuance, transfer or renewal of a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ).

(D) The provisions of paragraph (f) of this section notwithstanding, neither a commercial vessel permit for rock shrimp nor a limited access endorsement for South Atlantic rock shrimp remains valid on or after January 27, 2010.

(ix) *Gulf IFQ vessel accounts.* For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land Gulf red snapper or Gulf groupers (including DWG and SWG, as specified in §622.20(a)) or tilefishes (including goldface tilefish, blackline tilefish, anchor tilefish, blueline tilefish, and tilefish), regardless of where harvested or possessed, a Gulf IFQ vessel account for the applicable species or species groups must have been established. As a condition of the IFQ vessel account, a person aboard such vessel must comply with the requirements of §622.16 when fishing for red snapper or §622.20 when fishing for groupers or tilefishes regardless of where the fish are harvested or possessed. An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for the applicable species, as specified in §622.16(a)(3)(i) or §622.20(a)(3)(i), online via the NMFS IFQ website *ifq.sea.nmfs.noaa.gov*, may establish a vessel account through that IFQ account for that permitted vessel. If such owner does not have an online IFQ account, the owner must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ website and establish an online IFQ account. There is no fee to set-up an IFQ account or a vessel account. Only one vessel account may be established per vessel under each IFQ program. An owner with multiple vessels may establish multiple vessel accounts under each IFQ account. The purpose of the vessel account is to hold IFQ allocation that is required to land the applicable IFQ species. A vessel account must hold sufficient IFQ allocation in the appropriate share category, at least equal to the pounds in gutted weight of the red snapper or groupers and tilefishes on board, from the time of advance notice of landing through landing (except for any average allowed as specified in §622.16(c)(1)(ii) for red snapper and §622.20(c)(1)(ii) for groupers and tilefishes). The vessel account remains valid as long as the vessel permit remains valid; the vessel has not been sold or transferred; and the vessel owner is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all applicable IFQ fees, and is not subject to sanctions under 15 CFR part 904. The vessel account is not transferable to another vessel. The provisions of this paragraph do not apply to fishing for or possession of Gulf groupers and tilefishes under the bag limit specified in §622.39 (b)(1)(ii) or Gulf red snapper under the bag limit specified in §622.39 (b)(1)(iii). See §622.16 regarding other provisions pertinent to the Gulf red snapper IFQ system and §622.20 regarding other provisions pertinent to the IFQ system for Gulf groupers and tilefishes.

(x) *South Atlantic golden crab.* For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a commercial vessel permit for golden crab must be issued to the vessel and must be on board. It is a rebuttable presumption that a golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See §622.17 for limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

(xi) *Gulf shrimp fisheries*—(A) *Gulf shrimp permit.* For a person aboard a vessel to fish for shrimp in the Gulf EEZ or possess shrimp in or from the Gulf EEZ, a commercial vessel permit for Gulf shrimp must have been issued to the vessel and must be on board. See paragraph (s) of this section regarding a moratorium on commercial vessel permits for Gulf shrimp and the associated provisions. See the following paragraph, (a)(2)(xi)(B) of this section, regarding an additional endorsement requirement related to royal red shrimp.

(B) *Gulf royal red shrimp endorsement.* Effective March 26, 2007, for a person aboard a vessel to fish for royal red shrimp in the Gulf EEZ or possess royal red shrimp in or from the Gulf EEZ, a commercial vessel permit for Gulf shrimp with a Gulf royal red shrimp endorsement must be issued to the vessel and must be on board.

(xii) *Atlantic dolphin and wahoo.* (A) For a person aboard a vessel to be eligible for exemption from the bag and possession limits for dolphin or wahoo in or from the Atlantic EEZ or to sell such dolphin or wahoo, a commercial vessel permit for Atlantic dolphin and wahoo must be issued to the vessel and must be on board, except as provided in paragraph (a)(2)(xii)(B) of this section. (See paragraph (a)(5) of this section for the requirements for operator permits in the Atlantic dolphin and wahoo fishery).

(B) The provisions of paragraph (a)(2)(xii)(A) of this section notwithstanding, a fishing vessel, except a vessel operating as a charter vessel or headboat, that does not have a commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery, is exempt from the bag and possession limits for dolphin and wahoo and may sell dolphin and wahoo, subject to the trip and geographical limits specified in §622.44(f)(2). (A charter vessel/headboat permit is not a commercial vessel permit.)

(xiii) *South Atlantic penaeid shrimp.* For a person aboard a trawler to fish for penaeid shrimp in the South Atlantic EEZ or possess penaeid shrimp in or from the South Atlantic EEZ, a valid commercial vessel permit for South Atlantic penaeid shrimp must have been issued to the vessel and must be on board.

(3) *Coral permits*—(i) *Allowable chemical.* For an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida, a Federal allowable chemical permit must have been issued to the individual. Such permit must be available when the permitted activity is being conducted and when such fish or other marine organisms are possessed, through landing ashore.

(ii) *Allowable octocoral.* For an individual to take or possess allowable octocoral in the Gulf or South Atlantic EEZ, other than allowable octocoral that is landed in Florida, a Federal allowable octocoral permit must have been issued to the individual. Such permit must be available for inspection when the permitted activity is being conducted and when allowable octocoral is possessed, through landing ashore.

(iii) *Aquacultured live rock.* For a person to take or possess aquacultured live rock in the Gulf or South Atlantic EEZ, a Federal aquacultured live rock permit must have been issued for the specific harvest site. Such permit, or a copy, must be on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site.

(iv) *Prohibited coral.* A Federal permit may be issued to take or possess Gulf and South Atlantic prohibited coral or Caribbean prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See §600.745 of this chapter for the procedures and limitations for such activities and fishing.

(v) *Florida permits.* Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(A) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(B) Landing allowable octocoral in Florida.

(C) Landing live rock in Florida.

(4) *Dealer permits, endorsements, and conditions*—(i) *Permits.* For a dealer to receive Gulf reef fish harvested from the Gulf EEZ; golden crab, South Atlantic snapper-grouper, rock shrimp, or wreckfish harvested from the South Atlantic EEZ; or dolphin or wahoo harvested from the Atlantic EEZ; a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, wreckfish, or Atlantic dolphin and wahoo, respectively, must be issued to the dealer.

(ii) *Gulf IFQ dealer endorsements.* In addition to the requirement for a dealer permit for Gulf reef fish as specified in paragraph (a)(4)(i) of this section, for a dealer to receive red snapper subject to the Gulf red snapper IFQ program, as specified in §622.16(a)(1), or groupers and tilefishes subject to the IFQ program for Gulf groupers and tilefishes, as specified in §622.20(a)(1), or for a person aboard a vessel with a Gulf IFQ vessel account to sell such red snapper or groupers and tilefishes directly to an entity other than a dealer, such persons must also have a Gulf IFQ dealer endorsement. A dealer with a Gulf reef fish permit can download a Gulf IFQ dealer endorsement from the NMFS IFQ website at ifq.sero.nmfs.noaa.gov. If such persons do not have an IFQ online account, they must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ website and establish an IFQ online account. There is no fee for obtaining this endorsement. The endorsement remains valid as long as the Gulf reef fish dealer permit remains valid and the dealer is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all IFQ fees required under paragraph (c)(2) of this section, and is not subject to any sanctions under 15 CFR part 904. The endorsement is not transferable. See §622.16 regarding other provisions pertinent to the Gulf red snapper IFQ system and §622.20 regarding other provisions pertinent to the IFQ system for Gulf groupers and tilefishes.

(iii) *State license and facility requirements.* To obtain a dealer permit or endorsement, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(5) *Operator permits.* (i) The following persons are required to have operator permits:

(A) An operator of a vessel that has or is required to have a valid permit for South Atlantic rock shrimp issued under this section.

(B) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section.

(ii) A person required to have an operator permit under paragraph (a)(5)(i) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).

(iii) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(iv) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

(b) *Applications for permits.* Application forms for all permits are available from the RA. Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. All vessel permits are mailed to owners, whether the applicant is an owner or an operator.

(1) *Coral permits.* (i) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit. In the case of a corporation or partnership that will be conducting live rock aquaculture activity, the applicant must be the principal shareholder or a general partner.

(ii) An applicant must provide the following:

(A) Name, address, telephone number, and other identifying information of the applicant.

(B) Name and address of any affiliated company, institution, or organization.

(C) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(D) Any other information that may be necessary for the issuance or administration of the permit.

(E) If applying for an aquacultured live rock permit, identification of each vessel that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that—

(1) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(2) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(3) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(4) Describes the naturally occurring bottom habitat at the site; and

(5) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

(2) *Dealer permits.* (i) The application for a dealer permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner).

(ii) An applicant must provide the following:

(A) A copy of each state wholesaler's license held by the dealer.

(B) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(C) The address of each physical facility at a fixed location where the business receives fish.

(D) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3) *Vessel permits.* (i) The application for a commercial vessel permit, other than for wreckfish, or for a charter vessel/headboat permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner) or operator of the vessel. A commercial vessel permit that is issued based on the earned income qualification of an operator is valid only when that person is the operator of the vessel. The applicant for a commercial vessel permit for wreckfish must be a wreckfish shareholder.

(ii) An applicant must provide the following:

(A) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(B) Vessel name and official number.

(C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(D) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(F) If applying for a commercial vessel permit, documentation, as specified in the instructions accompanying each application form, showing that applicable eligibility requirements of paragraph (a)(2) of this section have been met.

(G) If a sea bass pot will be used, the number, dimensions, and estimated cubic volume of the pots that will be used and the applicant's desired color code for use in identifying his or her vessel and buoys (white is not an acceptable color code).

(4) *Operator permits.* An applicant for an operator permit must provide the following:

(i) Name, address, telephone number, and other identifying information specified on the application.

(ii) Two recent (no more than 1-yr old), color, passport-size photographs.

(iii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(c) *Change in application information.* The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (b) of this section. The permit is void if any change in the information is not reported within 30 days.

(d) *Fees.* Unless specified otherwise, a fee is charged for each application for a permit, license, or endorsement submitted under this section, for each request for transfer or replacement of such permit, license, or endorsement, and for each sea bass pot identification tag required under §622.6(b)(1)(i)(B). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application, request for transfer or replacement, or request for sea bass pot identification tags.

(e) *Initial issuance.* (1) The RA will issue an initial permit at any time to an applicant if the application is complete and the specific requirements for the requested permit have been met. An application is complete when all requested forms, information, and documentation have been received.

(2) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned.

(f) *Duration.* A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or, in the case of a vessel or dealer permit, the vessel or dealership is sold.

(g) *Transfer*—(1) *Vessel permits, licenses, and endorsements and dealer permits.* A vessel permit, license, or endorsement or a dealer permit or endorsement issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (o) of this section for a king mackerel gillnet permit, in paragraph (q) of this section for a commercial vessel permit for king mackerel, in paragraph (r) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in paragraph (s) of this section for a commercial vessel moratorium permit for Gulf shrimp, in §622.17(c) for a commercial vessel permit for golden crab, in §622.18(b) for a commercial vessel permit for South Atlantic snapper-grouper, or in §622.19(b) for Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ). A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section and other applicable sections of this part. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers. In those cases where a permit, license, or endorsement is transferable, the seller must sign the back of the permit, license, or endorsement and have the signed transfer document notarized.

(2) *Operator permits.* An operator permit is not transferable.

(h) *Renewal*—(1) *Vessel permits, licenses, and endorsements and dealer permits.* Unless specified otherwise, a vessel owner or dealer who has been issued a permit, license, or endorsement under this section must renew such permit, license, or endorsement on an annual basis. The RA will mail a vessel owner or dealer whose permit, license, or endorsement is expiring an application for renewal approximately 2 months prior to the expiration date. A vessel owner or dealer who does not receive a renewal application from the RA by 45 days prior to the expiration date of the permit, license, or endorsement must contact the RA and request a renewal application. The applicant must submit a completed renewal application form and all required supporting documents to the RA prior to the applicable deadline for renewal of the permit, license, or endorsement and at least 30 days prior to the date on which the applicant desires to have the permit made effective. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(2) *Operator permits.* An operator permit required by this section is issued for a period not longer than 3 years. A permit not renewed immediately upon its expiration would expire at the end of the operator's birth month that is between 2 and 3 years after issuance. For renewal, a new application must be submitted in accordance with paragraph (b)(4) of this section.

(i) *Display.* A vessel permit, license, or endorsement issued under this section must be carried on board the vessel. A dealer permit issued under this section, or a copy thereof, must be available on the dealer's premises. In addition, a copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel reef fish harvested from the Gulf EEZ. A Gulf IFQ dealer endorsement must accompany each vehicle that is used to pick up Gulf IFQ red snapper and/or Gulf IFQ groupers and tilefishes. The operator of a vessel must present the vessel permit, license, or endorsement for inspection upon the request of an authorized officer. A dealer or a vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer. An operator of a vessel in a fishery in which an operator permit is required must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

(j) *Sanctions and denials.* (1) A permit, license, or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit, license, or endorsement application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(2) A person whose operator permit is suspended, revoked, or modified may not be aboard any fishing vessel subject to Federal fishing regulations in any capacity, if so sanctioned by NOAA, while the vessel is at sea or offloading. The vessel's owner and operator are responsible for compliance with this measure. A list of operators whose permits are revoked or suspended may be obtained from the RA.

(k) *Alteration.* A permit, license, or endorsement that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit, license, or endorsement may be issued. An application for a replacement permit, license, or endorsement is not considered a new application. An application for a replacement operator permit must include two new photographs, as specified in paragraph (b)(4)(ii) of this section.

(m) *Limited access system for commercial vessel permits for Gulf reef fish.* (1) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (m)(2) through (5) of this section, and are subject to the requirement for timely renewal in paragraph (m)(6) of this section. An application for renewal or transfer of a commercial vessel permit for Gulf reef fish will not be considered complete until proof of purchase, installation, activation, and operational status of an approved VMS for the vessel receiving the permit has been verified by NMFS VMS personnel.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity.

(3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer the permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for Gulf reef fish for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income requirement not later than the first full calendar year after the permit transfer takes place.

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

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

(6) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(n) [Reserved]

(o) *Limited access system for king mackerel gillnet permits applicable in the southern Florida west coast subzone.* Except for applications for renewals of king mackerel gillnet permits, no applications for king mackerel gillnet permits will be accepted. Application forms for permit renewal are available from the RA.

(1) An owner of a vessel with a king mackerel gillnet permit issued under this limited access system may transfer that permit upon a change of ownership of a permitted vessel with such permit from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such permit also may be transferred to another vessel owned by the same entity.

(2) A king mackerel gillnet permit that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within one year after the expiration date of the permit.

(1)–(6) [Reserved]

(q) *Limited access system for commercial vessel permits for king mackerel.* (1) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (q)(2) through (q)(5) of this section, and are subject to the requirement for timely renewal in paragraph (q)(6) of this section.

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

(3) An owner whose percentage of earned income or gross sales qualified him/her for the commercial vessel permit for king mackerel issued under this limited access system may request that NMFS transfer that permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for king mackerel for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the percentage of earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income or gross sales requirement not later than the first full calendar year after the permit transfer takes place.

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

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

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

(r) *Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish.* No applications for additional charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (r)(1) of this section, and are subject to the renewal requirements in paragraph (r)(2) of this section.

(1) *Transfer of permits*—(i) *Permits without a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel, except that no transfer is allowed to a vessel with a greater authorized passenger capacity than that of the vessel to which the moratorium permit was originally issued, as specified on the face of the permit being transferred. An application to transfer a permit to an inspected vessel must include a copy of that vessel's current USCG Certificate of Inspection (COI). A vessel without a valid COI will be considered an uninspected vessel with an authorized passenger capacity restricted to six or fewer passengers.

(ii) *Permits with a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain, cannot be transferred to a vessel with a greater authorized passenger capacity than that of the vessel to which the moratorium permit was originally issued, as specified on the face of the permit being transferred, and is not otherwise transferable.

(iii) *Procedure for permit transfer.* To request that the RA transfer a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See paragraph (g)(1) of this section for additional transfer-related requirements applicable to all permits issued under this section.

(2) *Renewal.* (i) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and, if selected to report, providing the information required in one of the approved fishing data surveys. Surveys include, but are not limited to—

(A) NMFS' Marine Recreational Fishing Vessel Directory Telephone Survey (conducted by the Gulf States Marine Fisheries Commission);

(B) NMFS' Southeast Headboat Survey (as required by §622.5(b)(1));

(C) Texas Parks and Wildlife Marine Recreational Fishing Survey; or

(D) A data collection system that replaces one or more of the surveys in paragraph (r)(2)(i)(A),(B), or (C) of this section.

(ii) A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(3) *Requirement to display a vessel decal.* Upon renewal or transfer of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, the RA will issue the owner of the permitted vessel a vessel decal for the applicable permitted fishery or fisheries. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(s) *Moratorium on commercial vessel permits for Gulf shrimp.* The provisions of this paragraph (s) are applicable through October 26, 2016.

(1) *Date moratorium permits are required.* Beginning March 26, 2007, the only valid commercial vessel permits for Gulf shrimp are those issued under the moratorium criteria in this paragraph (s).

(2) *Initial eligibility for a moratorium permit.* Initial eligibility for a commercial vessel moratorium permit for Gulf shrimp is limited to a person who

(i) Owns a vessel that was issued a Federal commercial vessel permit for Gulf shrimp on or before December 6, 2003; or

(ii) On or before December 6, 2003, owned a vessel that was issued a Federal commercial vessel permit for Gulf shrimp and, prior to September 26, 2006, owns a vessel with a Federal commercial permit for Gulf shrimp that is equipped for offshore shrimp fishing, is at least 5 net tons (4.54 metric tons), is documented by the Coast Guard, and is the vessel for which the commercial vessel moratorium permit is being applied.

(3) *Application deadline and procedures.* An applicant who desires a commercial vessel moratorium permit for Gulf shrimp must submit an application to the RA postmarked or hand delivered not later than October 26, 2007. After that date, no applications for additional commercial vessel moratorium permits for Gulf shrimp will be accepted. Application forms are available from the RA. Failure to apply in a timely manner will preclude permit issuance even when the applicant otherwise meets the permit eligibility criteria.

(4) *Determination of eligibility.* NMFS' permit records are the sole basis for determining eligibility based on permit history. An applicant who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

(5) *Incomplete applications.* If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's notification, the application will be considered abandoned.

(6) *Notification of ineligibility.* If the applicant does not meet the applicable eligibility requirements of paragraph (s)(2) of this section, the RA will notify the applicant, in writing, of such determination and the reasons for it.

(7) *Permit transferability.* Commercial vessel moratorium permits for Gulf shrimp are fully transferable, with or without the sale of the vessel. To request that the RA transfer a commercial vessel moratorium permit for Gulf shrimp, the owner of a vessel that is to receive the transferred permit must complete the transfer information on the reverse of the permit and return the permit and a completed application for transfer to the RA. Transfer documents must be notarized as specified in paragraph (g)(1) of this section.

(8) *Renewal.* (i) Renewal of a commercial vessel moratorium permit for Gulf shrimp is contingent upon compliance with the recordkeeping and reporting requirements for Gulf shrimp specified in §622.5(a)(1)(iii).

(ii) A commercial vessel moratorium permit for Gulf shrimp that is not renewed will be terminated and will not be reissued during the moratorium. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

[61 FR 34937, July 3, 1996]

Editorial Note: For Federal Register citations affecting §622.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Title 50: Wildlife and Fisheries
PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC
Subpart A—General Provisions

§ 622.5 Recordkeeping and reporting.

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

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

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

(iii) *Gulf shrimp* —(A) *General reporting requirement*. The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

(B) *Electronic logbook reporting*. The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued and who is selected by the SRD must participate in the NMFS-sponsored electronic logbook reporting program as directed by the SRD. In addition, such owner or operator must provide information regarding the size and number of shrimp trawls deployed and the type of BRD and turtle excluder device used, as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(1)(iii)(B) is required for permit renewal.

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

(D) *Landings report*. The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued must annually report the permitted vessel's total annual landings of shrimp and value, by species, on a form provided by the SRD. Compliance with this reporting requirement is required for permit renewal.

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

(B) *Electronic logbook/video monitoring reporting*. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under §622.4(a)(2)(vi), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(1)(iv)(B) is required for permit renewal.

(C) *Wreckfish reporting*. The wreckfish shareholder under §622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under §622.4(a)(2)(vii), must—

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

(2) Make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

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

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

(vii) *South Atlantic shrimp*. The owner or operator of a vessel that fishes for shrimp in the South Atlantic EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

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

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

(b) *Charter vessel/headboat owners and operators* —(1) *Coastal migratory pelagic fish, reef fish, snapper-grouper, and Atlantic dolphin and wahoo* —(i) *General reporting requirement*. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper-grouper, or Atlantic dolphin and wahoo has been issued, as required under §622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(ii) *Electronic logbook/video monitoring reporting*. The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under §622.4(a)(1), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (b)(1)(ii) is required for permit renewal.

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

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

(c) *Dealers* —(1) *Coastal migratory pelagic fish*. (i) A person who purchases coastal migratory pelagic fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to

the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

- (A) Dealer's or processor's name and address.
- (B) County where fish were landed.
- (C) Total poundage of each species received during that month, or other requested interval.
- (D) Average monthly price paid for each species.
- (E) Proportion of total poundage landed by each gear type.

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

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

- (i) Dealer's or processor's name and address.
- (ii) State and county where red drum were landed.
- (iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

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

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

(ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

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

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

- (i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.
- (ii) Amount of shrimp received by species and size category for each receipt.
- (iii) Exvessel value, by species and size category, for each receipt.

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

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

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

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

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

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

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

(ii) For the purposes of paragraph (c)(8)(i) of this section, in the states from Maine through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, (see Table 1 of §600.502 of this chapter), or a designee.

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

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

(2) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

- (i) Permit number of site and date of deposit.
- (ii) Geological origin of material deposited.

(iii) Amount of material deposited.

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

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

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

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

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

(2) Length and tonnage.

(3) Current home port.

(4) Fishing areas.

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

(6) Type and quantity of gear.

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

(g) *Private recreational vessels in the South Atlantic snapper-grouper fishery.* The owner or operator of a vessel that fishes for or lands South Atlantic snapper-grouper in or from the South Atlantic EEZ who is selected to report by the SRD must—

(1) Maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed fishing records must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(2) Participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

[61 FR 34940, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept. 9, 1996; 63 FR 10567, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 64 FR 68935, Dec. 9, 1999; 67 FR 43565, June 28, 2002; 69 FR 30241, May 27, 2004; 70 FR 73387, Dec. 12, 2005; 71 FR 56047, Sept. 26, 2006; 73 FR 410, Jan. 3, 2008; 74 FR 50704, Oct. 1, 2009; 74 FR 58911, Nov. 16, 2009]

Effective Date Note: At 74 FR 58911, Nov. 16, 2009, §622.5 (a)(1)(iv), (b)(1), and (b)(2) were revised and (g) was added. Those paragraphs contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

ACTION: Notice to solicit nominees.

SUMMARY: The Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is seeking nominations for individuals to serve on the USDA Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets twice annually to advise GIPSA on the programs and services it delivers under the U.S. Grain Standards Act (USGSA). Recommendations by the Advisory Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace.

DATES: GIPSA will consider nominations received by January 11, 2010.

ADDRESSES: Submit nominations for the Advisory Committee by completing form AD-755. Nominations may be submitted by:

- *E-Mail:* Terri.L.Henry@usda.gov.
- *Mail:* Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633-S, Stop 3642, Washington, DC 20250-3642.
- *Fax:* (202) 690-2173.
- *Hand Delivery or Courier:* Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633-S, Stop 3642, Washington, DC 20250-3642.
- *Internet:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry, telephone (202) 205-8281 or e-mail Terri.L.Henry@usda.gov.

SUPPLEMENTARY INFORMATION: As required by section 21 of the USGSA (7 U.S.C. 87j), as amended, the Secretary of Agriculture established the Grain Inspection Advisory Committee on September 29, 1981, to provide advice to the GIPSA Administrator on implementation of the USGSA. The current authority for the Advisory Committee expires on September 30, 2015. As specified in the USGSA, each member's term is 3 years and no member may serve successive terms.

The Advisory Committee consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, exporters, and scientists with expertise in research related to the policies in section 2 of the USGSA (7 U.S.C. 74). Members of the Advisory Committee serve without compensation. USDA may reimburse members for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular

places of business in performance of Advisory Committee service (*see* 5 U.S.C. 5703).

A list of current Advisory Committee members and other relevant information are available on the GIPSA Web site at <http://www.gipsa.usda.gov>. Under the section "I Want To * * *" select "Learn about the Advisory Committee."

GIPSA is seeking nominations for individuals to serve on the Advisory Committee to replace five members and eight alternate members whose terms will expire in March 2010.

Persons interested in serving on the Advisory Committee or nominating another individual to serve, may contact: Terri L. Henry by telephone at 202-205-8281, by fax at 202-690-2173, or by electronic mail at Terri.L.Henry@usda.gov to request Form AD-755. Form AD-755 may also be obtained via GIPSA's Web site at: <http://www.gipsa.usda.gov>. Under the section "I Want To * * *" select "Learn about the Advisory Committee," then select Form—AD-755. Nominations are open to all individuals without regard to race, color, religion, gender, national origin, age, mental or physical disability, marital status, or sexual orientation. To ensure that recommendations of the Advisory Committee take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The final selection of Advisory Committee members and alternates is made by the Secretary of Agriculture.

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E9-26922 Filed 11-9-09; 8:45 am]

BILLING CODE 3410-KD-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Missouri Advisory Committee to the Commission will convene on Saturday, November 14, 2009 at 9:30 a.m. and adjourn at approximately 5 p.m. at the Kauffman Conference Center. The purpose of the meeting is to conduct a community public briefing meeting concerning the "Civil Rights Implications of

Educational Opportunities in Urban Public School Settings and Education Reform in Missouri * * * Kansas City Missouri School District."

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 23, 2009. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact Farella E. Robinson, Regional Director, Central Regional Office, at (913) 551-1400, (or for hearing impaired TDD 913-551-1414), or by e-mail to frobinson@usccr.gov.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, <http://www.usccr.gov>, or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, November 4, 2009.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E9-26979 Filed 11-9-09; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on

proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 11, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Steve Turner, (305) 361-4482 or Steve.Turner@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The participants in most Federally-managed fisheries in the Southeast Region are required to keep and submit catch and effort logbooks from their fishing trips. A subset of these vessels also provide information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the vessel's fishing gear. A subset of these vessels also provide information about dockside prices, trip operating costs, and annual fixed costs.

The data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations. Interaction reports are needed for fishery management planning and to help protect endangered species and marine mammals. Price and cost data will be used in analyses of the economic effects of proposed regulations.

II. Method of Collection

The information is submitted on paper forms.

III. Data

OMB Control Number: 0648-0016.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 9,325.

Estimated Time per Response: Annual fixed-cost reports, 30 minutes; headboat and Colombian fishery logbooks, 18 minutes; live rock and discard logbooks, 18 minutes; golden crab, reef fish-mackerel, economic cost/trip, charterboat, wreckfish, and shrimp logbooks, 10 minutes; no-fishing responses for golden crab, reef fish-

mackerel, charterboat, wreckfish and Colombian fisheries, 2 minutes.

Estimated Total Annual Burden Hours: 33,948.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

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

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

Dated: November 4, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-26955 Filed 11-9-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-807]

Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On July 6, 2009 the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping order on polyethylene terephthalate film, sheet and strip (PET film) from the Republic of Korea (Korea). See *Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 31922 (July 6, 2009) (*Preliminary Results*). This review covers one manufacturer/exporter of the subject merchandise to the United States, Kolon Industries, Inc. (Kolon).

The period of review (POR) is October 2, 2007, through May 31, 2008.

Based on our analysis of the comments received, we have made changes in the margin calculation for Kolon. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: November 10, 2009.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4475 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers one manufacturer/exporter of the subject merchandise, Kolon. On July 6, 2009, the Department published in the **Federal Register** the preliminary results of the October 2, 2007, through May 31, 2008, administrative review of the antidumping order on PET film from Korea. See *Preliminary Results*.

We invited interested parties to comment on the preliminary results of review. On August 5, 2009, we received comments from Kolon. We received no rebuttal comments. The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

Imports covered by this review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance enhancing resinous or inorganic layer of more than 0.0001 inches (0.254 micrometers) thick. PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.90 The HTS subheading is provided for convenience and for customs purposes. The written description remains dispositive as to the scope of the product coverage.

Analysis of Comments Received

All issues raised in the case brief submitted by Kolon are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Edward M. Yang, Senior Executive Coordinator,