

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 11/17/2009

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/04/2009

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200905-0648-005
AGENCY ICR TRACKING NUMBER:
TITLE: International Billfish Angler Survey
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0020

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: 11/30/2012

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1,500	125	0
New	1,000	83	106
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-500	-42	106
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
International Billfish Angler Survey	88-10	2008 Billfish Angler Survey Respondent Card	

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

**SUPPORTING STATEMENT
INTERNATIONAL BILLFISH ANGLER SURVEY
OMB CONTROL NO. 0648-0020**

A. JUSTIFICATION

This request is for a renewal of the information collection.

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

This Angler Survey began in 1969 and is an integral part of the Billfish Research Program (Billfish Program) at the Southwest Fisheries Science Center (SWFSC). The Angler Survey tracks recreational angler fishing catch and effort for Istiophorid billfish in the Pacific and Indian Oceans. The data are used by scientists and fishery managers to assist with assessing the status of billfish stocks. This Angler Survey is intended for anglers cooperating in the Billfish Program and is entirely voluntary. The National Marine Fisheries Service (NMFS) collects fishing catch and effort information for most domestic and foreign fisheries, as part of Fishery Management Plans whose development is authorized by the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 USC 1851 et seq. Study of migratory gamefish that spend at least part of their life in US waters is also authorized under 16 USC 760e.

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 applicable NOAA Information Quality Guidelines.

This survey is conducted annually to track catch per unit of effort (CPUE) trends in the recreational fishery for Istiophorid billfish. The Angler Survey respondent card asks for the number of fishing days the angler expended, number and kind of billfish caught and the location fished in the preceding year. Data from this Angler Survey is utilized by fishery biologists investigating the health and stock condition of billfish resources throughout the Pacific and Indian Oceans. Specifically, these data are used to track changing trends in recreational fishing effort in key areas throughout the Pacific and Indian Oceans. Results are produced as in-house data reports, published in peer-reviewed scientific journals, in the Billfish Newsletter and elsewhere as appropriate. The Billfish Newsletter is an annual publication providing a summary of the Angler Survey and other Program results to the billfish angling community and is the primary outreach instrument to Program participants. Current and past issues of the Billfish Newsletter are available on the SWFSC's Billfish Program webpage (<http://swfsc.noaa.gov/frd-billfish.aspx>).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will 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 measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

Collection of Angler Survey data does not utilize electronic or automated technology at this time. Surveys (paper forms) are sent to participants in December of each year and can also be accessed on the SWFSC's Billfish Program webpage: <http://swfsc.noaa.gov/frd-billfish.aspx>. Responses are entered into a data base as received. We are currently developing a web-based submission page and will ideally have that in place by December 2009, funding permitted, in time for collecting the 2009 recreational data.

4. Describe efforts to identify duplication.

The SWFSC's Angler Survey is the only study tracking billfish angling CPUE by domestic and international anglers in the Pacific and Indian Oceans. The Angler Survey is unique to the billfish angling community and is not duplicated elsewhere.

NMFS collects fishing effort data for most commercial and recreational fisheries. The Marine Recreational Fishery Statistics Survey (MRFSS) conducts telephone and dock survey data to track general recreational fishing effort within the United States (U.S.). The MRFSS does not identify fishing effort for the large, migratory billfish (Istiophorid) throughout the Pacific and Indian Oceans. There are no known foreign agencies duplicating this effort. The SWFSC staff attends billfish related research conferences where knowledge about similar, repetitive surveys would be available, if there were any.

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

The Survey deals with individual anglers cooperating in the Angler Survey and does not impact any business entity.

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

Results of the Angler Survey are used by fishery research biologists at the SWFSC in determining the status of billfish stocks, biomass and trends in CPUE. This information is provided to fishery managers at the Fishery Management Councils and used in determining regulatory options. A break or disruption in the Angler Survey time line would jeopardize the SWFSC's ability to provide accurate management advice and recommendations to domestic fishery managers and to the State Department dealing with international fishery treaties.

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

This Survey is consistent with all OMB guidelines.

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 December 17, 2008 (73 FR 76616) solicited public comments. No comments were received.

Additional angler comments concerning the Angler Survey are requested annually in the Billfish Newsletter. No additional comments were received in 2008.

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

Response to the Angler Survey is completely voluntary. No rewards or offerings of any kind are available or offered to the respondents.

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

Angler Survey data and results are not confidential.

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.

This Angler Survey is entirely a recreational fishing query to determine angler catch and effort. There are no "sensitive" questions.

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

The burden to complete the Angler Survey respondent card is about 5 minutes per response. Our active mailing list varies from 2,000 to 2,800 participants. The number of respondents varies year to year, but in recent years we have received close to 1000 responses annually. Total annual burden is estimated at roughly 83 hours ($1000 \times 5/60 = 83$). Also see Section B, Question 1.

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).

Postage is paid by the SWFSC if mailed from within the U.S. For those respondents mailing from foreign countries, there is only the cost of foreign postage, and that is estimated at US\$2.00 or less based on 2008 postage rates from the 3 foreign countries with the most survey respondents. Based on roughly 53 respondents per year (21% of 250 (10% of respondent universe), the estimated total yearly postage would be \$106.

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

Annual cost to conduct the Survey is approximately \$2,500. This includes printing, postage, and return postage when mailed in the US. This figure is based on actual expenses averaged over the last two years. Less clear is the in-house cost of staff (1 GS-9 and 1 GS-12) to order the printing, print the mailing labels, and mail the post cards, but 32 to 40 staff hours are estimated necessary to complete the mail out. Not included is staff time to enter respondent data into the data base, analyze data, report results in-house, prepare various manuscripts, prepare the Billfish Newsletter and respond to the Paperwork Reduction Act requirements.

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

The adjustment change to burden occurred due to re-estimation of the number of respondents. Estimated respondents and responses have decreased from 1,500 to 1,000, and thus hours have decreased from 125 to 83. There is no expected change to miscellaneous costs, as they are already minimal, based on the few foreign responses. NOTE: ROCIS does show an increase of \$106, as when the information collection request was migrated to ROCIS, the cost was rounded down to zero.

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

The Angler Survey is conducted on a calendar year with completion scheduled by May of the following year. The Billfish Newsletter is the outreach method by which the SWFSC provides feedback to the recreational fishing community and is written for cooperating anglers participating in the Angler Survey and for the volunteers who conduct tag and release fishing for billfish. Content varies annually but always includes angling effort by area and species captured, reported catches, results from billfish tagging and general interest articles directed to the billfish angler. This peer-reviewed newsletter is approved for release by the SWFSC's Director. More robust analyses are conducted in support of fishery management and are reported in in-house reports, peer-reviewed scientific publications, and in Fishery Management Plans.

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.

NA.

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

NA.

B: COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

The potential respondent universe includes foreign and domestic billfish anglers participating in the SWFSC's Billfish Tagging Program. Also included in the respondent base are institutions and Non-Governmental Organizations (NGO) interested in the program but who generally do not fish. To be placed on the Angler Survey mailing list the angler (or institution) must either 1) contact the SWFSC and request to be placed on the mailing list or 2) be a participating tagger in the Billfish Tagging Program (the reporting for which is approved under OMB Control No. 0648-0009).

Potential respondents become aware of the program by: 1) word of mouth; 2) tagging a fish on a charter trip with a participating captain; 3) catching a tagged fish; or 4) addition to the Billfish newsletter mailing list due to membership in one of the major angling clubs operating in the Pacific. The NMFS Billfish Tagging Program is widely known in the Pacific, having operated for roughly 30 years.

The primary survey targeted respondent base is the U.S. billfish angler fishing in U.S. or U.S.-adjacent waters, including Trust Territories in the South and Western Pacific. The Angler Survey also queries foreign billfish anglers fishing in Central and South American countries, New Zealand, Australia and several Asian countries. For the 2005 through 2007 surveys, the total respondent universe ranged from 2,350 to 2,800 anglers and averaged 2,537. Roughly 10% of the surveys were mailed to foreign anglers. We received an average of 721 responses during those years, or about 28% of the average respondent universe (30% response rate for U.S. anglers and 21% response rate for foreign anglers).

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 use of periodic (less frequent than annual) data collection cycles to reduce burden.

This annual billfish Angler Survey is sent to all billfish anglers and taggers that have participated in the SWFSC's billfish research programs during the prior two year period. All are encouraged to complete and return the Survey card. Statistical analysis of regional fishing CPUE is robust in regions reporting greater than 100 days fishing effort. Those regions reporting less than 100

days of fishing effort are acceptable when indicating a consistent trend over time. These statistical procedures are generally very accurate as they include parameters of central tendency and variability statistics. More robust statistics are employed to analyze long term trends in CPUE which include multiple regression and correlation with regional fishery, economic and environmental factors. These analyses are utilized by fishery biologists and managers in determining changes in the status of fishery resources and by the Pacific Fishery Management Council in support of regulatory options. Any reduced effort (less frequent than annual) would compromise the 34-year time series resulting in reduced ability to provide robust analyses as mandated.

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 special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

All individual anglers participating in the SWFSC's Billfish Tagging Program are encouraged to complete the Survey card through the Billfish Newsletter and by SWFSC staff working directly with individuals, sport fishing clubs and other organizations. For those countries reporting fewer than 100 days of fishing effort per year, results are analyzed with the understanding that small sample sizes result in higher variability.

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.

Tests to refine the collection protocol have not been conducted because of limited funding and staff. The survey results do indicate some refinements could improve the response rates, particularly for foreign and institutional respondents. For example, as described above, although 10% of the survey forms are sent to foreign anglers, only 20-25% of those are returned. As staff time and funding permit, we are pursuing establishing a web based form and increasing outreach efforts to improve response rates.

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 Project Leader is Dr. Suzanne Kohin, Research Fishery Biologist (858.546.7104).
The Division Chief is Dr. Russ Vetter (858.546.7125).

ATTENTION

Greetings billfish anglers! Please complete the attached *Billfish Angler Survey* for 2008 and return as soon as possible. The results will be summarized for the next issue of the *Billfish Newsletter* which is currently being compiled.

Remember that one form should be filled out per angler - if another copy is required, the enclosed form may be photocopied. Additional copies can also be printed off our website and mailed to us: <http://swfsc.noaa.gov/frd-billfish.aspx>. If your name or address differs from what is on the mail label, please indicate the change in the space provided. When you are finished filling out the survey form, simply fold it in thirds so that the "NATIONAL MARINE FISHERIES SERVICE - NOAA" address is on the outside, staple or tape it closed, and drop it in the mail - postage is paid in the USA.

Thank you for your support.
Fine fishing for now and forever!

Suzanne Kohin, Fisheries Biologist

PACIFIC-INDIAN OCEAN INTERNATIONAL BILLFISH ANGLING SURVEY FOR BILLFISH CAUGHT IN CALENDAR YEAR 2008

NOAA FORM 88-10
11/10/08
National Marine Fisheries Service
Southwest Fisheries Science Center, La Jolla

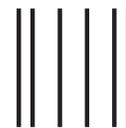
OMB Control No. 0648-0020
Expiration: 06/30/2009
In cooperation with International Game Fish Association
and other government and civilian organizations

LOCATION	1. HOW MANY DAYS YOU FISHED FOR BILLFISH DURING 2008	2. TOTAL NUMBER BILLFISH CAUGHT DURING 2008					
		BLUE MARLIN	BLACK MARLIN	STRIPED MARLIN	SAILFISH	SHORTBILLED SPEARFISH	SWORDFISH
SOUTHERN CALIFORNIA							
BAJA CALIFORNIA							
GUAYMAS							
MAZATLAN							
PUERTO VALLARTA							
MANZANILLO							
ACAPULCO							
GUATEMALA							
COSTA RICA							
PANAMA							
COLOMBIA							
HAWAIIAN ISLANDS							
TAHITI							
FIJI							
KIRIBATI							
MARSHALL ISLANDS							
MIDWAY ISLAND							
NEW ZEALAND							
NEW GUINEA							
AUSTRALIA							
JAPAN							
MALDIVE ISLANDS							
KENYA							
DUBAI U.A.E.							
OTHER							
OTHER							

Please Fill This Out

Name: _____
Street Address: _____ City/Town: _____
Country/State: _____ ZIP or Mailing Code: _____

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE. \$300

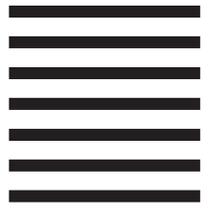


NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 99133 WASHINGTON DC

NATIONAL MARINE FISHERIES SERVICE NOAA
SOUTHWEST FISHERIES SCIENCE CENTER
8604 LA JOLLA SHORES DRIVE
LA JOLLA CA 92037-1508
USA



**PACIFIC-INDIAN OCEAN INTERNATIONAL BILLFISH ANGLING SURVEY
FOR 2008 ONLY**

BILLFISH ANGLERS: This survey to determine the trend in recreational fishing in the Pacific Ocean has been conducted annually since 1969. The survey is in cooperation with the International Game Fish Association. Your response will enable us to determine average catch rates of specific billfish in the areas indicated on the other side of this card. Accurate records are needed to determine the effect heavy fishing on billfish resources is having on the anglers catch. Response is voluntary.

For each angler that fished for billfish in 2008 we request that you individually, and as accurately as possible, indicate the number of days you fished for billfish during the calendar year of 2008 and the number of billfish caught by species. **Fish tagged and/or released are counted as caught.** If you fished but were unsuccessful, it is still important to indicate the number of actual days fished.

The U.S. Government requires that all mailing lists be revised annually. If you did not fish but would like to remain on the mailing list, complete the address portion at the bottom of this card and return. If you do not return the card, your name will be removed from our mailing list. Your cooperation is requested, and by completing the address portion you will be advised on the survey results. **Please return as soon as possible.** Postage is not required if mailed in the USA.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Diana Hynek, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the internet at dHynek@doc.gov). Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
SOUTHWEST FISHERIES SCIENCE CENTER
8604 LA JOLLA SHORES DRIVE
LA JOLLA, CALIFORNIA 92037
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE. \$300

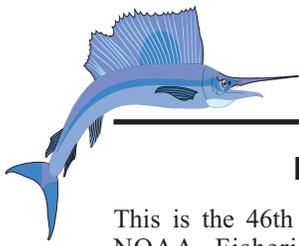
The Southwest Fisheries Science Center's



2008 Billfish Newsletter



-  **2006 and 2007 Surveys: Trends in Angler Catch Rates**
-  **2006 and 2007 Billfish Tagging and Recoveries**
-  **Top Anglers and Captains Acknowledged**
-  **Successful Catch and Release**
-  **Billfish "Take Along" ID and Tagging Guide**
-  **Pacific Striped Marlin Stock Status Update**



PROLOGUE

This is the 46th issue of the *Billfish Newsletter*. NOAA Fisheries and the billfish angling community have combined efforts to measure angler success for billfishing, creating one of the longest time series available for recreational billfishing, charting trends in relative abundance for key species. This time series, among others, is key to assessing the health of the stocks. The Southwest Fisheries Science Center remains committed to monitoring recreational billfishing success.

Norm Bartoo, PhD.
Acting Director,
Southwest Fisheries Science Center

INTRODUCTION

The *Billfish Newsletter* describes billfish research projects conducted at the NOAA Fisheries Southwest Fisheries Science Center (SWFSC). Emphasis is on billfish angling in the Pacific Ocean. The results of the 2006 and 2007 International Billfish Angler Surveys and the Cooperative Billfish Tagging Program for the Pacific are described in this issue. The data presented are the result of cooperation with billfish anglers, sportfishing clubs, commercial fishers, and agencies affiliated with the SWFSC. We express our sincere gratitude to all anglers completing the Angler Survey forms and to all those who tag and release billfish and report recaptures of tagged billfish. Your efforts are helping to monitor and conserve these magnificent fish. We welcome comments concerning both the Survey and Tagging programs as well as the contents of this newsletter.

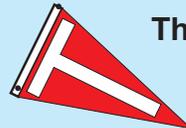
THE INTERNATIONAL BILLFISH ANGLER SURVEY

The Billfish Angler Survey provides the only estimates of recreational billfish angling activities for the Pacific and Indian Oceans. This collection of recreational billfish catch and effort data began in 1969 and now provides a 39-year index of fishing success in many areas of the Pacific. Catch per unit of effort (CPUE) is measured in number of billfish caught per angler fishing day. The time series of angler success provides a measure of relative abundance and is the only survey independent of commercial fisheries in the Pacific. Trends of CPUE tracked over time may indicate changes in the health and size of billfish stocks. These indices of relative abundance are important to scientists because the information is used for analyses of stock

condition, developing management options, and monitoring fishery interactions.

In order to improve the reliability of the catch and effort statistics, we encourage more anglers to submit Survey cards. We routinely mail forms to anglers who have submitted a completed Survey or Billfish Tagging card in the last 3 years. However, if you or someone you know needs additional forms, please do not hesitate to contact us. Alternatively, the form can be downloaded from the SWFSC website and mailed to our office: <http://swfsc.noaa.gov/frd-billfish.aspx>.

The Angler Survey results presented here are primarily for the Pacific areas, although anglers also reported some fishing activity in the Indian and Atlantic Oceans. In 2006, throughout all areas, anglers reported catching 5,164 billfish in 6,540 days; in 2007, 3,913 billfish were reported caught during 5,654 fishing days. Fishing effort, in angler fishing days, and CPUE, in billfish catch per fishing days are shown by location in **Table 1** for all billfish reported caught in both years. The mean CPUE in the Pacific was 0.82 in 2006 and 0.68 in 2007, and for all oceans was 0.79 in 2006 and 0.69 in 2007. The 2006 and 2007 Pacific Ocean mean catch rates are higher than the 0.62 billfish per day catch rate reported for 2005 and represent the highest and fourth highest reported catch rates, respectively, since 1983. The recent 5-year average (2003-2007) in the Pacific of 0.72 billfish per fishing day is more than double the rate of 0.34 reported for the late 1970s (1975-1979) when billfish stocks were heavily impacted by large international commercial fisheries.



The Billfish Newsletter says "Goodbye" to Rand Rasmussen

Rand has been an integral part of the Billfish Research Program at the SWFSC for the past two decades. He took on the monumental task of developing and maintaining a database to archive tens of thousands of tag report cards and angler surveys that has greatly simplified the life of the data analysts and assessment scientists. Many of you probably communicated repeatedly with Rand over the years as he often fielded inquiries regarding the Tagging Program and Angler Survey. In addition, Rand was invaluable to the program on the water where he was heavily involved in the Center's large pelagic fish research programs; he participated in nearly every pelagic shark research expedition since 1994, often as cruise leader. Rand's high standard for data quality in the laboratory and his leadership in the field will be missed. We wish Rand a happy and healthy retirement!



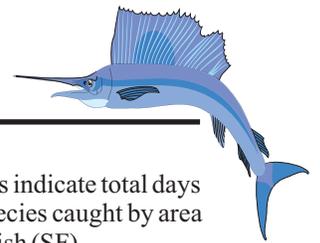


Table 1. Catch and effort reported for the 2006 and 2007 International Billfish Angler Survey. Numbers indicate total days fished by location, number of billfish caught, and the catch-per-fishing day. The most predominant species caught by area is also listed: striped marlin (SM), blue marlin (BLM), black marlin (BLK), swordfish (SWF), and sailfish (SF).

LOCATION	YEAR	ANGLER FISHING DAYS	NUMBER OF BILLFISH	BILLFISH PER FISHING DAY (CPUE)	MAJOR SPECIES
PACIFIC OCEAN					
Hawaii, U.S.A.	2006 2007	3,168 3,246	1,269 1,189	0.40 0.37	BLM
Southern California, U.S.A.	2006 2007	966 691	216 117	0.22 0.17	SM
Baja California, Mex.	2006 2007	813 740	871 1,425	1.07 1.93	SM
Australia	2006 2007	218 242	148 92	0.68 0.38	BLK
Costa Rica	2006 2007	342 98	1,750 314	5.12 3.20	SF
Acapulco, Ixtapa, Zihuatanejo, Mex.	2006 2007	120 103	135 107	1.13 1.04	SF
Panama	2006 2007	98 61	103 119	1.05 1.95	SF
Tahiti, French Polynesia	2006 2007	57 92	10 22	0.18 0.24	BLM
New Zealand	2006 2007	106 32	160 8	1.51 0.25	SM
Puerto Vallarta, Mex	2006 2007	63 38	37 23	0.59 0.61	SF/SM
Manzanillo, Mexico	2006 2007	11 79	8 36	0.73 0.46	SF
Japan	2006 2007	22 54	2 10	0.09 0.19	BLM
Guatemala	2006 2007	35 23	152 192	4.34 8.35	SF
Mazatlan, Mexico	2006 2007	29 28	64 120	2.21 4.29	SF
New Guinea	2006 2007	20 15	0 3	0.00 0.20	BLM
Guaymas, Mexico	2006 2007	15 8	70 1	4.67 0.13	SF
Marshall Islands	2006 2007	4 17	1 5	0.25 0.29	SM
Fiji	2006 2007	3 2	0 0	0.00 0.00	
Galapagos Islands, Ecuador	2007	3	1	0.33	SM
Samoa	2007	3	2	0.67	SF
Guam, U.S.A.	2006	2	1	0.50	BLM
Oaxaca, Mexico	2006	2	1	0.50	SF

ATLANTIC OCEAN

Florida, U.S.A.	2006 2007	120 32	110 17	0.92 0.53	SF
Venezuela	2006 2007	13 13	15 4	1.15 0.31	BLM
Bahamas	2006 2007	10 7	2 2	0.20 0.29	SF
Bermuda, U.K.	2006 2007	9 2	3 1	0.33 0.50	BLM
Gulf of Mexico	2006	10	23	2.30	SWF
Dominican Republic	2007	9	14	1.56	BLM

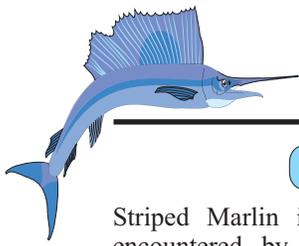
LOCATION	YEAR	ANGLER FISHING DAYS	NUMBER OF BILLFISH	BILLFISH PER FISHING DAY (CPUE)	MAJOR SPECIES
ATLANTIC OCEAN					
Hudson Canyon, U.S.A.	2006	8	1	0.13	SWF
Madeira Island, Portugal	2006 2007	6 1	0 1	0.00 1.00	BLM
Ghana	2006	6	2	0.33	BLM
St. Thomas, U.S.A.	2007	5	5	1.00	BLM
Cancun/Yucatan, Mexico	2007	1	2	2.00	SF

INDIAN OCEAN

Dubai / United Arab Emirates	2006	200	0	0.00	
Republic of South Africa	2006	50	4	0.08	SF
Mauritius	2006 2007	7 9	1 81	0.14 9.00	SF
Kenya	2006	7	5	0.71	SF
Totals	2006 2007	6,540 5,654	5,164 3,913	0.79 0.69	

PACIFIC BLUE MARLIN

Blue marlin are tropical and sub-tropical in distribution and continue to be the most common species encountered by billfish anglers in Hawaii and the central and western Pacific island nations. Survey respondents reported catching 705 blue marlin off Hawaii in 3,168 days of fishing (0.22 CPUE) in 2006, and 674 blue marlin in 3,246 days of fishing (0.21 CPUE) in 2007. A downward trend in catch rates since 2005 has occurred in Hawaii, although catch rates over the past three years are still among the highest since 1972 (Figure 1a). In the eastern Pacific, blue marlin rarely extend north of Magdalena Bay, Baja California Sur, Mexico. The reported catch off Baja in 2006 totaled 42 in 813 days of fishing (0.05 CPUE), which is essentially the same catch rate reported in the prior two years, and near the lowest rate reported in the past 20 years. A slight increase in the blue marlin catch rate occurred in 2007 when 72 blue marlin were reported caught in 740 fishing days (0.10 CPUE). In other areas, one blue marlin was caught in 23 angling days off Guaymas during 2006 and 2007 (0.04 CPUE), and thirty six blue marlin were reported caught from Mazatlan to Acapulco, Mexico, in 473 fishing days (0.08 CPUE). A high catch rate was reported for the Marshall Islands in 2005 (0.88 CPUE); however, in 21 days of fishing at the Marshalls during 2006 and 2007, there were only four blue marlin reported caught (0.19 CPUE). Blue marlin catches were also reported off southern California, Florida, Guatemala, South Africa, Venezuela, Bahamas, Ghana, New Zealand, Tahiti, Costa Rica, Japan, Panama, Australia, Guam, Samoa, New Guinea, Galapagos Islands, and Fiji.



STRIPED MARLIN

Striped Marlin is the most common billfish species encountered by anglers off southern California and northern Mexico, including Baja California, as well as off New Zealand. In 2006, anglers in southern California reported catching 209 striped marlin in 966 angler days for a catch rate of 0.22, which was the second highest striped marlin catch rate reported from this area in the 39 years of the Survey. In 2007, 0.17 striped marlin were caught per angler day, which was the fifth highest catch rate reported from southern California. Similarly, striped marlin catch rates reported from all of Mexico in 2006 and 2007 were the highest on record when 0.77 and 1.33 stripers, respectively, were caught per angler day. Within Mexican waters, Baja California Sur is an angling hotspot for striped marlin. In 2006, anglers reported catching 775 striped marlin in 813 days of fishing off Baja for a catch rate of 0.95; in 2007, 1,299 stripers were reported caught in 740 fishing days for a catch rate of 1.76. Striped marlin are less abundant south of Acapulco where sailfish are more common; however, a few stripers were caught in Costa Rica, Venezuela, and Panama, as well as in Hawaii, Tahiti, Australia, Japan, and New Zealand. Indeed, 2006 was another productive year in New Zealand where 123 stripers were caught in 106 days (1.16 CPUE). Trends in mean angler catch rates for striped marlin in three areas with high reporting rates are shown graphically in [Figure 1b](#). The data shown for Mexico is an average for all areas reported.

SAILFISH

Sailfish prefer tropical habitat and are abundant in eastern Pacific coastal and offshore waters from Mexico to Ecuador. The highest catch rates reported through the International Billfish Angler Survey are typically from southern Mexico and Central America; however, high catch rates were reported from northern Mexico off Guaymas in 2006 where 68 sailfish were caught in 15 angler days (4.53 CPUE). From Mazatlan south in Mexican waters, 179 sails were caught in 225 fishing days in 2006 and 233 sails were caught in 248 days in 2007 for catch rates of 0.80 and 0.94, respectively. Central America sailfish catch was high in 2006 and 2007, with the greatest numbers of sailfish caught off Costa Rica. In 2006, anglers in Costa Rica reported catching a total of 1,696 sails in 342 days for a catch rate of 4.96 sails per fishing day, the second highest CPUE reported from Costa Rica throughout the Survey history. A decrease in both catch and effort was reported from Costa Rica in 2007 when 277 sailfish were caught in 98 fishing days (2.83 CPUE). The sailfish catch rate reported from Guatemala in 2007 was the highest on record; anglers reported catching 186 sails in 23 days (8.09 CPUE). This was an increase from 2006 when 151 sails were caught in 35 days (4.31 CPUE). Anglers in Panama reported catching 77 sailfish in 98 days (0.79 CPUE) in 2006, and 78 in 61 days (1.28 CPUE) in 2007. [Figure 1c](#) shows the trend in catch rates over time for Central America countries with high reporting rates and all of Mexico combined.

BLACK MARLIN

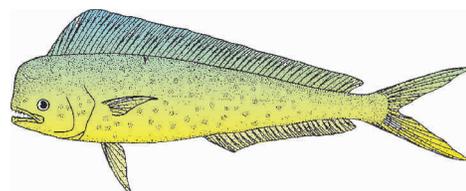
Black marlin are common in tropical waters and only occasionally frequent temperate areas. They are the most common species encountered by billfish anglers in Australia as well as in some of the western Pacific island nations. Anglers reported catching 138 black marlin in 218 fishing days (0.63 CPUE) off Australia in 2006, which was a decrease from 2005 when the highest catch rate had been reported since 1973 ([Figure 1d](#)). A further decrease in catch rate was observed in 2007 when anglers fishing off Australia reported catching 60 black marlin in 242 fishing days (0.25 CPUE). The Panama catch rate of black marlin has slightly increased since 2004. Anglers in Panama reported catching 15 black marlin in 98 fishing days (0.15 CPUE) in 2006 and 15 black marlin in 61 fishing days (0.25 CPUE) in 2007. Black marlin are often reported off Puerto Vallarta and around the tip of Baja California, Mexico, but rarely occur off southern California. Eleven black marlin were reported taken off Puerto Vallarta in 63 fishing days (0.18 CPUE) in 2006 and four were reported caught in 38 fishing days (0.11 CPUE) in 2007. Anglers also reported catching a few black marlin off Hawaii, New Zealand, Costa Rica, and Japan.

SHORTBILL SPEARFISH

The shortbill spearfish is an oceanic species with limited abundance near the west coasts of the U.S., Mexico, and Central America. In 2006, anglers reported catching 306 shortbills in 3,168 fishing days off Hawaii for a catch rate of 0.10 fish per day; in 2007, 278 shortbill spearfish were caught off Hawaii in 3,246 fishing days (0.09 CPUE). Only 12 other shortbill spearfish were reported caught during 2006 and 2007 in the following areas: New Zealand (6), Mauritius Island (3), Baja California (1), Marshall Islands (1), and Japan (1).

BROADBILL SWORDFISH

Fishing for swordfish differs from other billfishing in that the fish are generally targeted at night. Swordfish are a commercially important fish, but have not recently been taken in high numbers by recreational anglers. Even so, a few respondents to the 2006 and 2007 International Billfish Angler Surveys reported catching swordfish off Hawaii, Florida, New York, Venezuela, Southern California, Mauritius, and Australia.



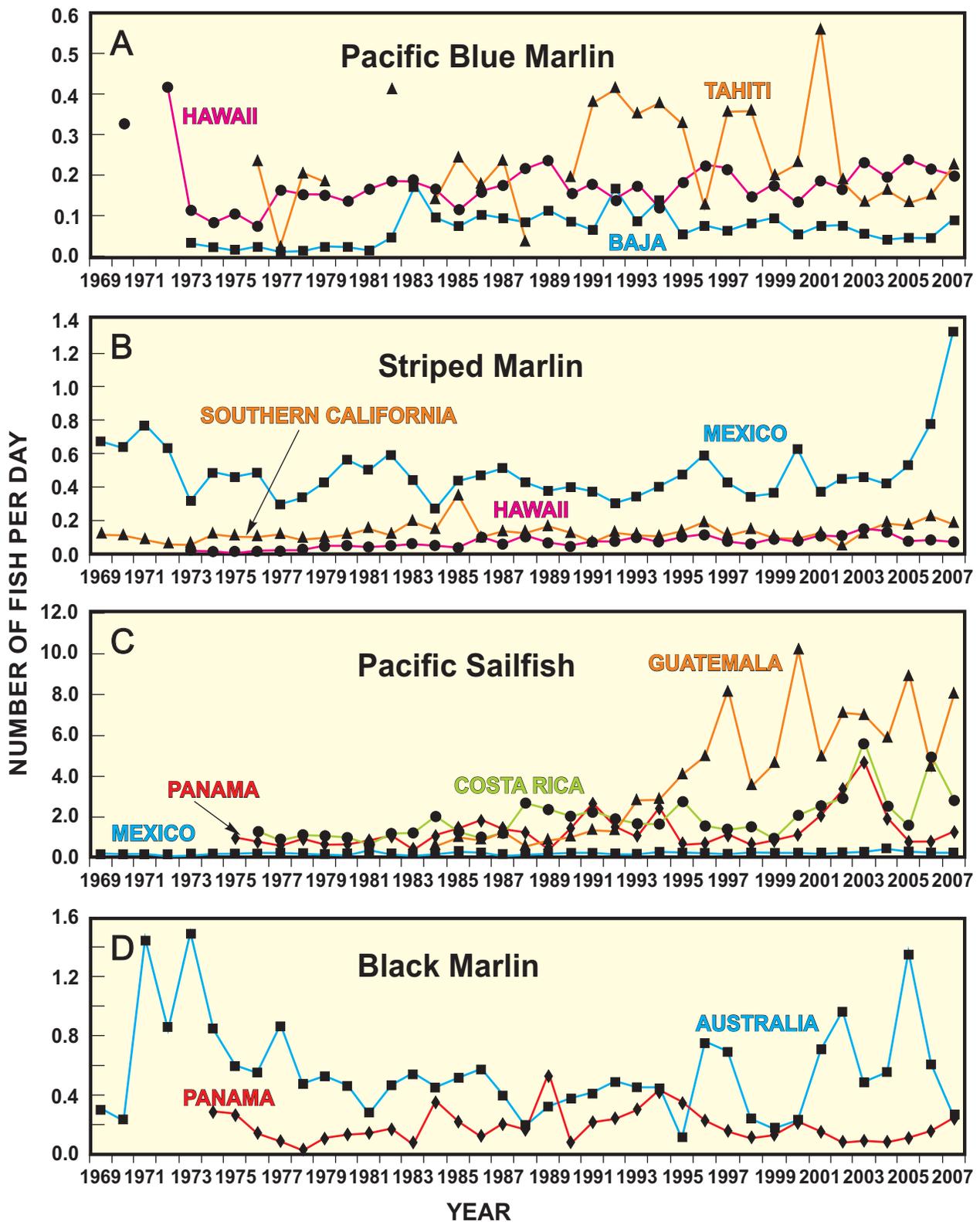
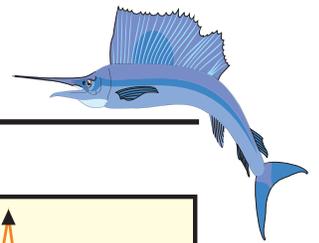
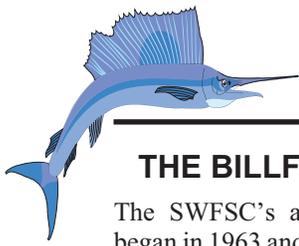


Figure 1. Catch per unit of effort (CPUE) in number of fish per angler day reported by region from 1969 to 2007 for blue marlin (A), striped marlin (B), Pacific sailfish (C), and black marlin (D).



THE BILLFISH TAGGING PROGRAM

The SWFSC’s angler based Billfish Tagging Program began in 1963 and has provided tagging supplies to billfish anglers for 46 continuous years. Tag release and recapture data are used to determine movement and migration patterns, species distribution, and age and growth. This volunteer tagging program depends on the participation and cooperation of recreational anglers, sportfishing organizations, and commercial fishers. Since inception, over 57,000 fish of 75 different species have been tagged and released (Table 2). Our emphasis continues to focus on the skillful tagging of all billfish in the Pacific and Indian Oceans. Other species tagged over the years are reported here as general interest and also so that anglers will know to look out for tags on a number of different species. While we consider tag-and-release vital for conservation, we do not encourage the use of our billfish tags for non-billfish. If

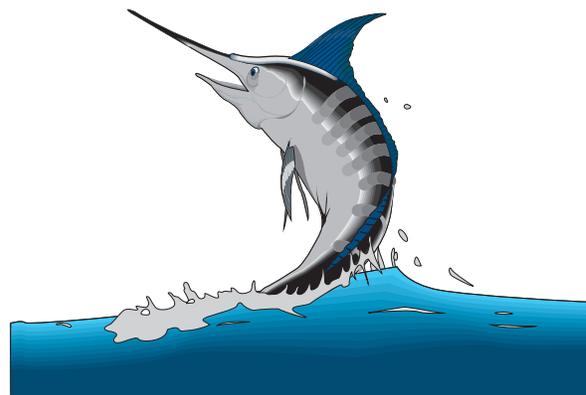
you want to tag billfish as part of our program, please let us know and we can send you some tags!

Billfish Tagging Program report cards indicate that a total of 1,964 billfish and 14 other fish were tagged and released during 2006 and 2007. In total, 1,132 blue marlin, 496 striped marlin, 136 sailfish, 179 spearfish, 11 black marlin, and ten unknown billfish were reported tagged and released (Table 2). More billfish were reported tagged in 2006 than in 2007. In particular, a greater number of blue marlin, black marlin, sailfish, and shortbill spearfish were tagged in 2006; however, there were more striped marlin tagged in 2007. The most notable difference in tagging effort between 2006 and 2007 for any billfish species was a twenty five percent reduction in tags released on sailfish from 2006 (109) to 2007 (27).

Table 2. Summary of all fish tagged in 2006 and 2007 with releases and recoveries for the period 1963-2007.

Species Name	Release 2006	Release 2007	Release Total	Return Total	Rate %
Striped Marlin	220	276	22,640	341	1.51
Pacific Blue Marlin	661	471	9,247	82	0.89
Sailfish	109	27	9,040	49	0.54
Marlin, unid.	6	3	4,326	4	0.09
Black Marlin	9	2	3,383	69	2.04
Shortfin Mako Shark	0	0	1,985	64	3.22
Shortbill Spearfish	118	61	1,947	2	0.10
Blue Shark	0	0	622	14	2.25
Common Thresher	0	0	562	17	3.02
Broadbill Swordfish	0	0	521	17	3.26
Yellowfin Tuna	0	0	348	24	6.90
Skipjack Tuna	1	1	99	2	2.02
Albacore Tuna	0	0	87	1	1.15
Bigeye Tuna	0	0	79	2	2.53
Bluefin Tuna	0	1	58	8	13.79
Hammerhead Shark	0	0	51	1	1.96
Atlantic Blue Marlin	0	0	43	0	0.00
Salmon Shark	0	0	33	1	3.03
Billfish, unid.	0	1	25	2	8.00
Silky Shark	0	0	21	0	0.00
White Marlin	0	0	13	1	7.69
Basking Shark	0	0	7	0	0.00
Longbill Spearfish	0	0	3	0	0.00
Other Tunas	2	1	21	1	4.76
All Others	6	2	2,626	99	3.77
TOTALS	1,132	846	57,787	801	1.39

Table 3 shows the cumulative tagging efforts in 2006 and 2007, by area, for all billfish tagged. Most billfish were tagged in U.S. or Mexican waters, while a few were tagged elsewhere in the Pacific and in the Indian and Atlantic Oceans. In Hawaii, 1,493 tags were deployed on billfish during 2006 and 2007. Over these two years 1,085 blue marlin, 208 striped marlin, 176 shortbill spearfish, four black marlin, and four unidentified billfish were reported tagged and released from the Hawaiian Islands. Tagging effort off Mexico remained strong with 149 releases in 2006 and 172 in 2007. In 2006, the billfish tag releases were distributed fairly evenly off Mexico. Conversely, over ninety percent of tagging effort in Mexico was concentrated along the Baja Peninsula in 2007, where 156 billfish, mostly striped marlin, were tagged. The number of striped marlin tagged off Baja in 2007 (149) was closer to the number seen in previous years compared to an unusually low number of striped marlin releases from Baja anglers in 2006 (36). On the contrary, fifty-two striped marlin were tagged off southern California in 2006, which was at least double the number of striped marlin tagged in this area in 2005 (25) and 2007 (26).



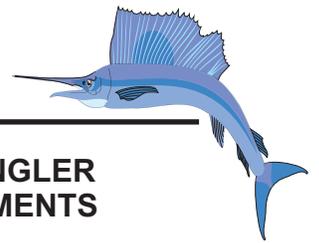


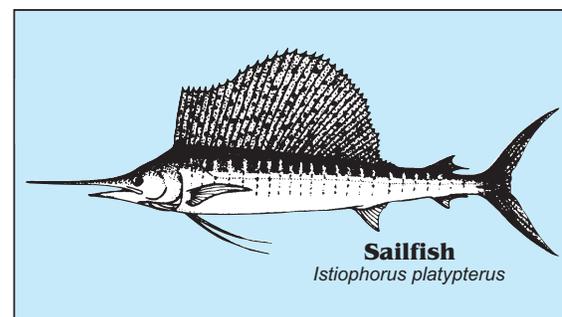
Table 3. Cumulative summary of billfish tagged in 2006 and 2007 by region.

AREA	SPECIES	TOTAL
PACIFIC OCEAN		
Hawaii, U.S.A.	Pacific Blue Marlin	1,085
	Striped Marlin	208
	Shortbill Spearfish	176
	Sailfish	16
	Black Marlin	4
	Billfish, unidentified	4
Southern California, U.S.A.	Striped Marlin	78
	Pacific Blue Marlin	5
	Billfish, unidentified	1
	Shortbill Spearfish	1
Baja California, Mexico	Striped Marlin	185
	Sailfish	17
	Pacific Blue Marlin	3
	Billfish, unidentified	2
Acapulco / Ixtapa / Zihuatanejo, Mexico	Sailfish	43
	Striped Marlin	8
	Pacific Blue Marlin	1
Manzanillo, Mexico	Sailfish	25
	Striped Marlin	6
	Pacific Blue Marlin	3
Puerto Vallarta, Mexico	Sailfish	9
	Pacific Blue Marlin	6
	Black Marlin	5
	Striped Marlin	3
Mazatlan, Mexico	Striped Marlin	3
Guaymas, Mexico	Sailfish	1
	Striped Marlin	1
Costa Rica	Sailfish	11
	Pacific Blue Marlin	7
Tahiti, French Polynesia	Pacific Blue Marlin	7
Samoa	Billfish, unidentified	3
	Sailfish	2
	Striped Marlin	2
	Pacific Blue Marlin	1
Fiji	Sailfish	4
	Pacific Blue Marlin	1
Marshall Islands	Pacific Blue Marlin	3
Australia	Sailfish	1
Philippines	Pacific Blue Marlin	1
Thailand	Striped Marlin	1
INDIAN OCEAN		
Mauritius Island	Pacific Blue Marlin	7
	Sailfish	5
	Black Marlin	2
Kenya	Shortbill Spearfish	2
	Pacific Blue Marlin	1
Maldives/Diego Garcia	Sailfish	2
ATLANTIC OCEAN		
Dakar, Senegal	Pacific Blue Marlin	1
Gulf of Mexico	Striped Marlin	1
TOTAL		1,964

CAPTAIN AND ANGLER ACKNOWLEDGEMENTS

We are proud to recognize the cooperating anglers and captains who tag and release billfish. In 2006, 810 anglers reported tagging at least one billfish; in 2007, there were 607 anglers contributing to the tagging effort. Individual recognition of the 93 anglers who reported tagging three or more billfish during 2006 and 2007 is presented in [Table 4](#). We regret that limited space prevents listing all taggers. Rich Chaponot and James Karamouzis each tagged ten or more billfish off Hawaii during 2006 and 2007. Lynn Jasper tagged nine billfish off Southern California. In Mexico, off Baja California, Don Anderson (16) and Pete Johnson Sr. (11) lead the tagging efforts. The top taggers off the central Mexico coast were Howard Bond (29) off Colima, and Clarke Smith (9) off Puerto Vallarta.

Charter and private boat captains who support billfish tag-and-release (and catch-and-release) play an important roll by supporting ethical angling and conservation stewardship of the marine environment. They set an example by demonstrating skillful release of their billfish catch. During 2006 and 2007, 232 captains reported tagging billfish with their anglers and clients. We gratefully acknowledge those captains who released three or more billfish in specific regions ([Table 5](#)). Fifty-two captains tagged 10 or more billfish during 2006 and 2007. Captains Kevin Hiney, John Bagwell, and Dennis Cintas tagged 75 or more fish. Captains Peter Hoogs, Chuck Wigzell, Marlin Parker, Alan Abdill, Kevin Hibbard, Alan Armstrong, Jeff Fay, Bill Crawford, Tim Hicks, William Lazenby, Tom Casey, and Guy Terwilliger tagged 30 or more billfish off Hawaii. Captains Armando Arciniega, Mike Shrosbree and Rich Hamilton tagged more than 30 billfish off Mexico. Continued interest and cooperation by all captains has greatly enhanced the Billfish Tagging Program, and their efforts and conservation ethic are truly appreciated. These efforts are a critical component of sustainable billfish angling.



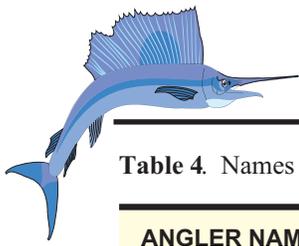


Table 4. Names of anglers tagging three or more billfish during the 2006 and 2007 calendar years, by area.

ANGLER NAME	BILLFISH TAGGED	ANGLER NAME	BILLFISH TAGGED	ANGLER NAME	BILLFISH TAGGED
ACAPULCO-IXTAPA-ZIHUATANEJO, MEX.		HAWAII, U.S.A.		HAWAII, U.S.A.	
Johnnie W. Gibbs	4	Rick Chaponot	11	Mike Sabin	3
Martin Yves	4	James Karamouzis	10	P. Lim	3
Ryan Sibrel	4	Steve Keinath	8	Randy Wright	3
Guy Causse	3	John C. Hurlbut	6	Robert Woodard Jr.	3
Jim A. Collins	3	Bob Creedon	5	Sharon Handgis	3
Mike Fitzgerald	3	Gary Carruthers	5	Steve Spina	3
Sonia Hubbard	3	Jeff Harms	5	Tavish Lynch	3
		Jeff Oko	5	Tim Rego	3
		Joe Hinkey	5	William Scarbrough	3
		John Patterson	5		
BAJA CALIFORNIA, MEXICO		Nigel Heath "The Cricket"	5	MANZANILLO, MEXICO	
Don Anderson	16	Sean Weaver	5	Howard Bond	29
Pete Johnson Sr.	11	Bill Crawford	4		
Tom Patierno	8	Charles W. Helscel	4	MAURITIUS	
Bryan MacMurtrie	7	Dana Kitchens	4	Bourdeau Jerome	5
Jim Kopycki	7	Donald H. Frederickson	4		
Peter Johnson Jr.	7	Janet B. Martic	4	PUERTO VALLARTA, MEXICO	
Geline Zampell	5	John Bennett	4	Clarke Smith	9
Kenneth H. Schilling	5	Matt McKinney	4		
Mark Henwood	5	Paul Caughlan	4	SAMOA	
Rich Johnson	5	Randy Botti	4	Jeff Shively	3
Richard Hamilton	5	Ron Tegland	4		
Brett Crane	4	Ronald Scanlon	4	SOUTHERN CALIFORNIA, U.S.A.	
Chris Mathews	4	Tom Lynch	4	Lynn Jasper	9
Gerald Lester	4	Toshie Aoshima	4	William H. MacCorkell	7
Mike Shrosbree	4	Aaron Cecil	3	Kathy Ecklund	5
Robert Woodard Jr.	4	Alex Mahfouz	3	Ann Thompson	3
Steve Hay	4	Bill Wheeler	3	Reed Miller	3
Craig Plitt	3	Bo Godfrey	3	Stan Ecklund Sr.	3
Dick Perkins	3	Bob Struwe	3		
Dwain Nunez	3	Deliman	3	TAHITI, FRENCH POLYNESIA	
Lane Walter	3	Don Pyle	3	Teariki Blais	3
Mark Bernas	3	Doug Blanchard	3		
Maurice Smith	3	Jason Rousseau	3		
Pedro Orozco	3	Jason Rousseau	3		
		Jay Coons	3		
COSTA RICA		Jeff Lanterman	3		
Bryan Freeman	5	Jeff Stafford	3		
James Gowans	4	Jessica Sherman	3		
		Keith Allan	3		
		Mike Jacobsen	3		

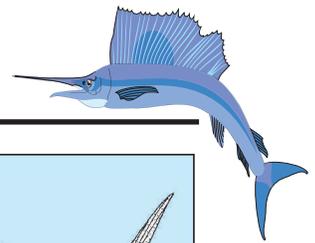
TAG RECOVERIES IN 2006 AND 2007

The number of tag returns in 2006 and 2007 was low. In total, seven recaptures were reported during 2006 and 2007. In 2006, we received recapture information for two blue marlin and one shortbill spearfish (Table 6). In 2007, recapture information was received for two striped marlin, one blue marlin, and one unidentified marlin. Four recaptures occurred near the Hawaiian Islands, including two blue marlin, one shortbill spearfish, and one unidentified marlin. Two recaptures were reported from Mexico, including one striped marlin caught off Cabo San Lucas and one blue marlin caught off Acapulco. Finally, a striped marlin tagged from a charter vessel operating out of Hawaii was recaptured by a French Polynesian longliner not far from Tahiti. The estimated net distance traveled by this striper is 2,200 nautical miles and is one of the greatest distances traveled of 341 striped marlin recaptured since the Tagging Program began. Only three shortbill spearfish have been recaptured in the history of the Tagging Program, one of which was in 2006. The

spearfish was tagged in April of 2006 off the southwestern corner of the big island of Hawaii and was recaptured northeast of the big island after 62 days at liberty.

Although there were not any sailfish or black marlin recoveries reported during 2006 and 2007, large numbers of these species have been tagged by anglers through our program. Little is known about their movements; however, from past recoveries for each of these species, we are beginning to learn about their movement patterns. Figure 2 shows net movements of sailfish and black marlin tagged and recaptured as part of the Billfish Tagging Program. Most of the sailfish releases and recoveries in the Arabian Gulf were conducted as part of a research project in the late 1990's on their regional behavior and biology by John Hoolihan.

Over the years of the Tagging Program some remarkable long distances and time at liberty have been seen as a



result of reported tagged fish recoveries. Table 7 provides the maximum distance traveled and maximum time at liberty of some of the large pelagic species in our database.

Unfortunately, we have not received the release cards for one blue marlin and one unidentified marlin recaptured in 2007. It is important that all Billfish Tagging Program report cards be sent in as soon after tagging as possible. Additionally, please ensure that all fields are filled out when returning tag cards. This would be a great time to check your tackle boxes and ensure all Billfish Tagging Program report cards have been sent to our office.

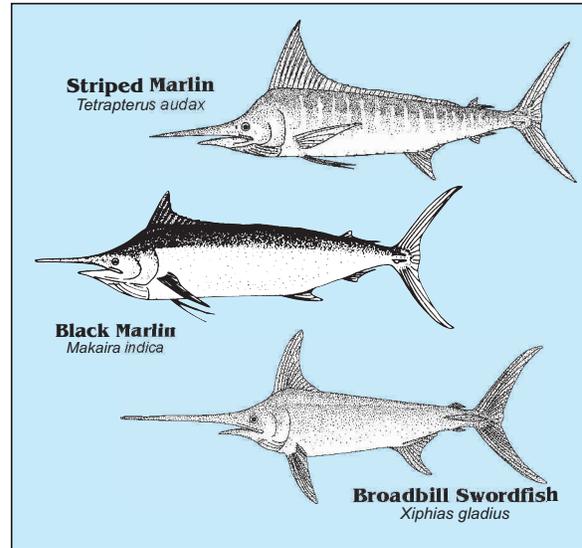
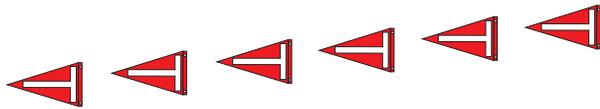


Table 5. Names of captains tagging 3 or more billfish during the 2006 and 2007 calendar years, by area.

CAPTAIN NAME	BILLFISH TAGGED	CAPTAIN NAME	BILLFISH TAGGED	CAPTAIN NAME	BILLFISH TAGGED
ACAPULCO-IXTAPA-ZIHUATANEJO, MEXICO		HAWAII, U.S.A.		HAWAII, U.S.A.	
Armando Arciniega	37	Bill Crawford	40	Lyle Yeck	5
Richard Hamilton	11	Tim Hicks	36	Brian Wargo	4
BAJA CALIFORNIA, MEXICO		William Lazenby	33	Chip Fischer	4
Mike Shrosbree	31	Guy Terwilliger	30	Hector P. Ubaldo	4
John Algeo	19	Tom Casey	30	Kevin McLaughlin	4
John McCarty	17	McGrew Rice	29	Marty L. Sands	4
Richard Hamilton	17	Scott M. Fuller	27	Scotty Pruner	4
Mark Henwood	16	Ronald C. Miller	24	Steve Carroll	4
Rich Johnson	15	Wayne Knight	24	Bruce Evans	3
Harold Schram	11	Steve Cravens	23	Bruce Herren	3
Byran Adams	8	William Dorr	23	Chris Kam	3
Paulino Martinez (Castro)	8	Bill Casey	21	Craig Denham	3
Robert Woodard Jr.	8	John Jordan	21	Dale Leverone	3
Martin Olechea	7	Robert Hudson	21	Kenny Llanes	3
Martin Collins	6	James Dean	20	Kent Mongreig	3
Gerald Lester	5	Charles E. Hauptert	17	Kevin M. Hogan	3
Kenneth H. Schilling	5	Jeff Metzler	16	Sam Choy, Jr.	3
Pedro Orozco	4	Lance Gelman	16	Tom Rogers	3
Eric Grennan	3	Neil Isaacs	16	Tony Clark	3
John Ulrich	3	Sam Thies	15	MANZANILLO, MEXICO	
Randy Hinton	3	Al Gustavson	14	Howard Bond	27
Thomas A. Shanahan	3	Steven D. Kaiser	14	Richard Hamilton	3
COSTA RICA		Brian (Chip) Van Mols	11	MAURITIUS	
Daniel Espinozala		Jerry Allen	11	Colas Yann	13
Jimenez	14	Ken Fogarty	11	PUERTO VALLARTA, MEXICO	
Thomas Segueira	4	Mike Holtz	11	Manuel Ocaranza	10
HAWAII, U.S.A.		Doug Lanterman	10	Maurice Nakagawa	6
Kevin Hiney	93	Scott Crampton	10	Mike Shrosbree	3
John Bagwell	87	Alan Bakke	9	SOUTHERN CALIFORNIA, U.S.A.	
Dennis Cintas	75	Frank Rennie Boyd	9	Thomas A Shanahan	11
Peter Hoogs	73	Robert McGuckin	9	Stan Ecklund, Sr.	9
Chuck Wigzell	53	Mike Derego	8	Dan Muslin	4
Marlin Parker	51	Allan Ayano	7	Ron Johnson	4
Alan Abdill	47	Jeff Kahl	7	Craig Oliver	3
Kevin Hibbard	44	Mark Shultz	7	Kathy Ecklund	3
Alan Armstrong	43	Mike Hasbrouck	7	Rich Johnson	3
Jeff Fay	43	Kerwin Masunaga	6	TAHITI, FRENCH POLYNESIA	
		Merritt Matheson	6	Pierre Blais	4
		Robert C. Sylva, Jr.	6		
		Bill Benbow	5		
		David Bertuleit	5		
		Jason Holtz	5		



Table 6. Tag recovery information for 2006 and 2007.

TAGGER/CAPTAIN	RELEASE DATE	RELEASE LOCATION	RECOVERY DATE/ ANGLER	RECOVERY LOCATION	DAYS FREE	MILES/ DIRECTION TRAVELED
Striped Marlin						
Mike Mills Mike Derego	?	Hawaii, U.S.A.	05/05/2007 Stephen Yen-Kai-Sun	13°49'S 141°16'W Tahiti	?	~2,200 - SW
Robert A. Colasanti Harold Schram	05/01/07	23°46'N 109°10'W Gordo Bank, B.C.S., Mexico	08/04/2007 Bryan Adams	23°03'N 110°15'W Mexico	93	74 - SE
Blue Marlin						
Butch Cooley Marcos	02/01/2005	17°00'N 101°00'W Mexico	05/01/2006 Laurie Greenwood	16°11'N 99°55'W Mexico	454	79 - SE
Allen Stuart Jeff Fay	2006	19°38'N 155°59'W Hawaii, U.S.A.	11/13/2006 Russell Tanaka	21°14'N 158°13'W Hawaii, U.S.A.	?	158 - NW
Tagging card not received	?	?	02/12/2007 Hirokazu Saito	14°45'N 162°01'W	?	?
Shortbill Spearfish						
Smiley Nagy Kevin Hiney	04/04/2006	19°30'N 156°00'W Hawaii, U.S.A.	06/04/2006 Scott Spinak	21°47'N 154°11'W Hawaii, U.S.A.	454	79 - SE
Marlin, unidentified						
Tagging card not received	?	?	02/20/2007 Hawaiian Isles Seafood	19°30'N 156°00'W Hawaii, U.S.A.	?	?

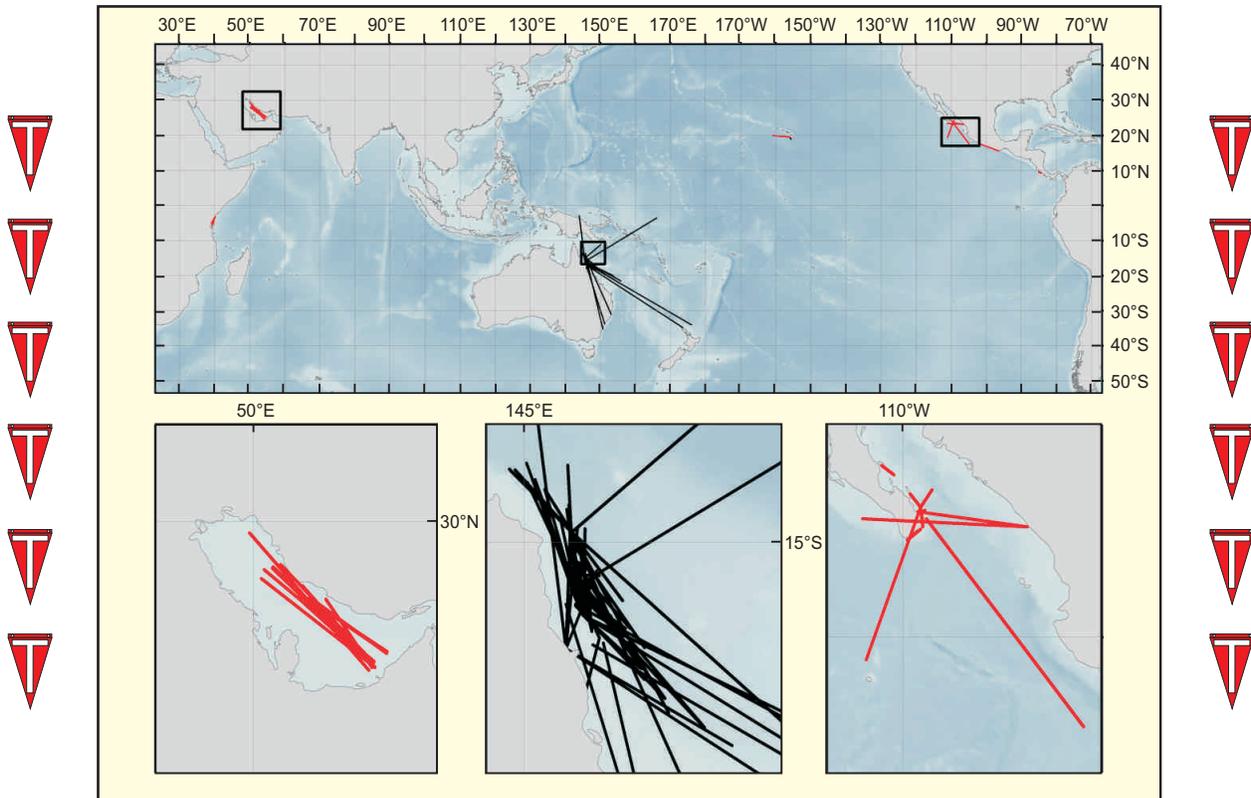
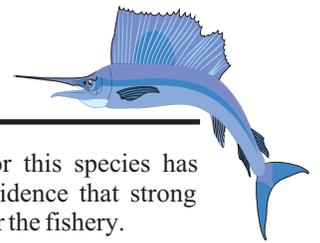


Figure 2. Movements of all black marlin and sailfish tagged and recovered in conjunction with the Billfish Tagging Program since the Program's inception. Black lines represent black marlin and red lines represent sailfish.



PACIFIC STRIPED MARLIN STOCK STATUS UPDATE

Commercial fisheries for highly migratory species are managed internationally by the Inter-American Tropical Tuna Commission (IATTC) in the Eastern Pacific Ocean and the Western and Central Pacific Fisheries Commission (WCPFC) in the Western Pacific Ocean. The majority of nations fishing for large pelagic fish in international waters of the Pacific are members of one or both of these Commissions. The Commissions monitor the status of the stocks and develop conservation measures when needed based on scientific advice.

Striped marlin are taken in fisheries predominately targeting tuna or swordfish and by recreational anglers. SWFSC scientists have played a key role in assessing the status of the striped marlin population in the North Pacific. In 2007, the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific (ISC) conducted a stock assessment of striped marlin in the North Pacific. The population status is difficult to determine due to a range of uncertainties in both the fishery and biological data. Nevertheless, the results demonstrate that striped marlin biomass has declined to a level that is 6 to 16 percent of the biomass level in 1952. In addition, striped marlin landings, which peaked at roughly 14,000 metric tons annually in the late 1960s (Figure 3), and indices of abundance have both declined markedly.

Similarly, estimated recruitment for this species has been steadily declining with no evidence that strong year-classes have or are about to enter the fishery.

There appears to be inconsistency in the data from the Western Pacific and the Eastern Pacific fisheries. Scientists recommended that future modeling efforts include spatial segregation to accommodate regional variability. The IATTC has conducted separate analyses of striped marlin status based on data from the Eastern Pacific. The results are less pessimistic and demonstrate that the population biomass is at 50 to 70 percent of its unfished biomass. They conclude that current catch levels in the Eastern Pacific are sustainable.

Both the WCPFC and IATTC currently have resolutions in place that call for the prompt release, unharmed, of non-target billfish by their members. In addition, the ISC recommends, based on the results of the 2007 stock assessment, that fishing mortality of striped marlin in the North Pacific be reduced. Many Pacific countries already impose domestic management measures limiting commercial take of striped marlin, particularly in near-shore waters where recreational anglers fish. Thus, we are hopeful that striped marlin in the Pacific will benefit from the combined efforts of the Commissions, their members and ethical anglers who contribute by monitoring annual billfish catch and effort and participating in the Billfish Tagging Program.

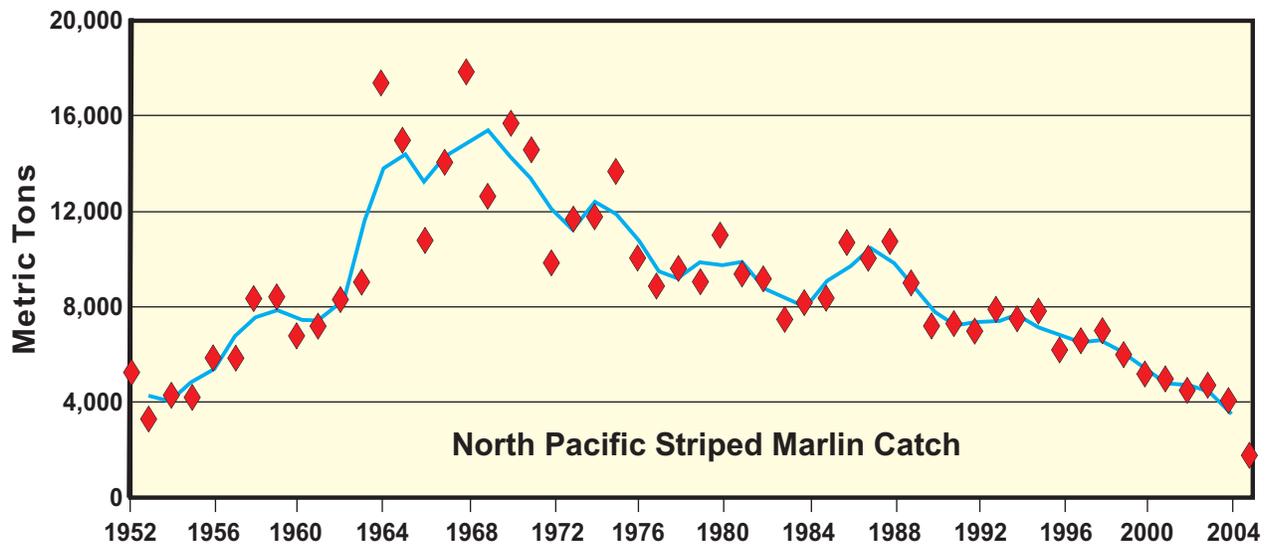
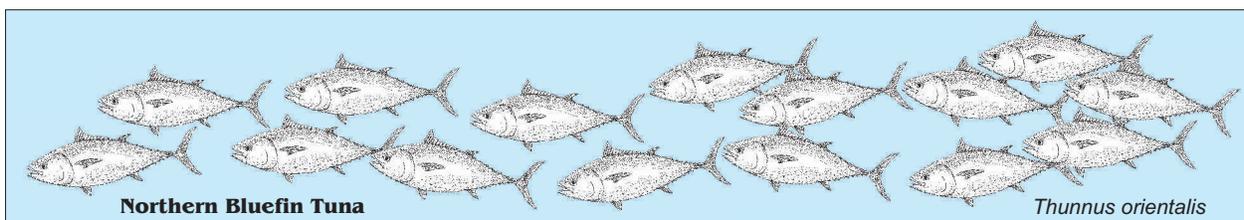


Figure 3. Annual and running three year average of striped marlin catch (metric tons) in the North Pacific. Data are from the International Scientific Committee Plenary Meeting, July 2008.



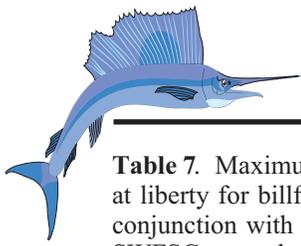


Table 7. Maximum net distance traveled and longest time at liberty for billfish, tunas, and pelagic sharks tagged in conjunction with the Billfish Tagging Program and other SWFSC research programs during 1963-2007.

SPECIES	MAXIMUM DAYS AT LIBERTY	MAXIMUM NET MOVEMENT (nmi)
Sailfish	1,717	932
Broadbill Swordfish	1,681	2,573
Striped Marlin	1,585	3,693
Pacific Blue Marlin	1,503	4,450
Black Marlin	1,454	5,763
Shortbill Spearfish	34	173
Albacore Tuna	3,565	5,587
Bluefin Tuna	1,829	5,116
Yellowfin Tuna	324	850
Skipjack Tuna	290	575
Shortfin Mako Shark	1,938	3,935
Salmon Shark	1,547	285
Blue Shark	1,378	4,102
Common Thresher Shark	800	170
Silky Shark	175	447



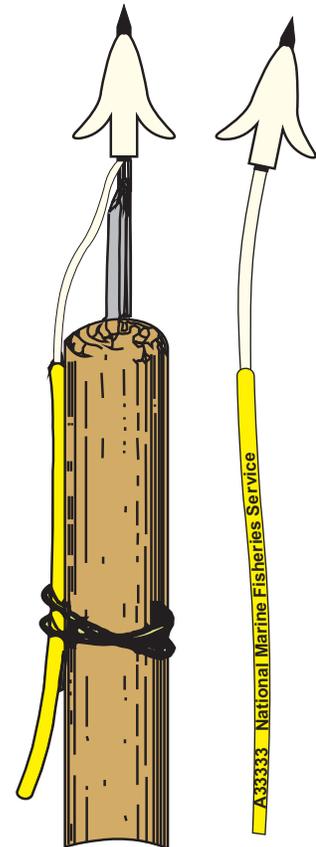
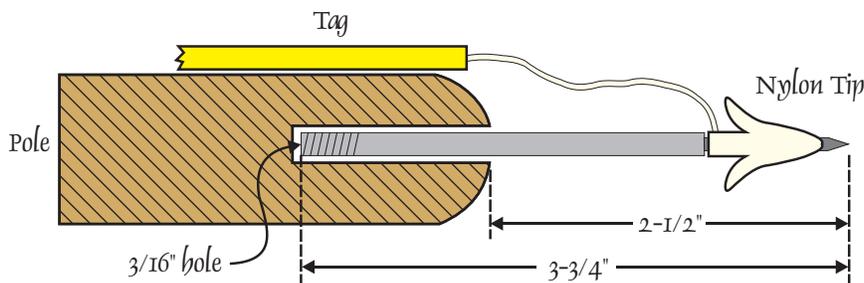
Photo of sailfish is provided by Chugey Sepulveda. It was taken in June off Punta Chivato in the Sea of Cortez, Baja California Sur.



CONSTRUCTING THE TAGGING POLE

It is important that the billfish tag be applied properly. Tag location, angle, and depth are critical to successful tagging. For striped marlin of 100 to 200 lbs, the tag should be inserted about 2.5 inches deep just below the tallest part of the dorsal fin. For larger fish, such as blue and black marlin, the tagging applicator pin may be 3.5 inches. Conversely, if you are tagging small, narrow fish like sailfish and shortbill spearfish, then it would be better to shorten the pin. Manufactured tagging poles are available at most retail sportfishing stores. It is important to check the length of the applicator pin installed on these poles to ensure the length of the tip matches the fish you are seeking. Some manufacturers produce tagging poles that have pin lengths that are adjustable by moving the stopper.

If you construct your own tagging pole, an old wooden broom or mop handle about five feet long works very well. A hole should be drilled with a 3/16 inch or No. 16 drill bit to a depth of 1.25 inches for the applicator tip (see diagram below). Use a good grade epoxy to secure the applicator pin and seal out saltwater.



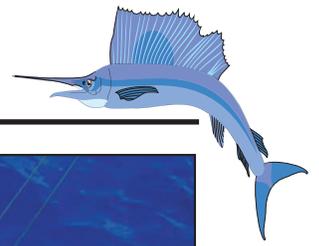


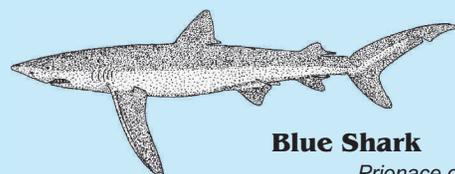
Photo was taken by Angela Williams onboard the *Vixen*, skippered by Capt. Renny Boyd. The blue marlin in the photo was being released back into the water with yellow spaghetti tag properly inserted into back muscle below the tallest part of the dorsal fin.

PAPER REDUCTION ACT NOTIFICATION

NOAA Fisheries needs this information for the conservation and management of fishery resources. The information will be used for billfish research. Public reporting burden for the Billfish Angler Survey card is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The reporting burden to complete the Billfish Tagging Report is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to the SWFSC, 8604 La Jolla Shores Drive, La Jolla, CA 92037. The information submitted will become a public record. Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

SHARK RESEARCH PROGRAM

The SWFSC's Large Pelagics group has a significant shark research program. Tagged and recaptured sharks in that program are mentioned here as general interest and because we need your support to look for bright yellow and/or white tags on the dorsal fin of shortfin mako, blue, and thresher sharks. These specially tagged sharks are part of our age and growth studies and are very important. These sharks were tagged with oxytetracycline which leaves a growth mark on the shark's vertebrae. We offer a US\$100.00 reward for the return of the tag with a four inch section of the vertebrae. Please notify this office as soon as possible if you catch one of these tagged sharks.



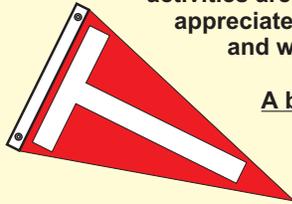
Blue Shark
Prionace glauca



SEND US YOUR PHOTOGRAPHS

This years cover photo is provided by Kydd Pollock. The photo is of Kydd holding a sailfish that he caught and released off the Kona coast of the big island of Hawaii.

We are looking for good photographs of billfish for the cover of next year's *Billfish Newsletter*. Color or black-and-white photos of billfish and/or fishing activities are appropriate. We would appreciate your sharing of photos and will give you full credit in the 2009 issue.



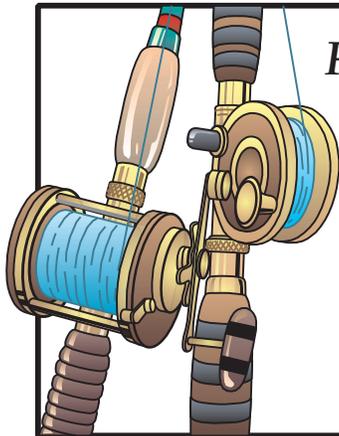
A billfish baseball cap and plaque will be awarded to the winning photographer.

SURVEY RESPONSE

BILLFISH ANGLER SURVEY cards for fishing in the 2008 calendar year were mailed in early 2009. If you have not already, please complete the survey and return the post-paid form as soon as possible. Additional 2008 Angler Survey forms are available to all billfish anglers by contacting this office, or they can be downloaded from our website. See <http://swfsc.noaa.gov/frd-billfish.aspx>. We hope to implement an online submission system in the future. U.S. Government regulations require we purge our mailing list each year. If you wish to continue to receive the *Billfish Newsletter* but did not fish, please indicate "NO FISHING" on the Billfish Angler Survey form and return it to the SWFSC. Your name will be retained on our mailing list. Your continued response to the Billfish Angler Survey is needed to monitor changes in abundance of billfish stocks important to recreational fisheries.

ACKNOWLEDGEMENTS

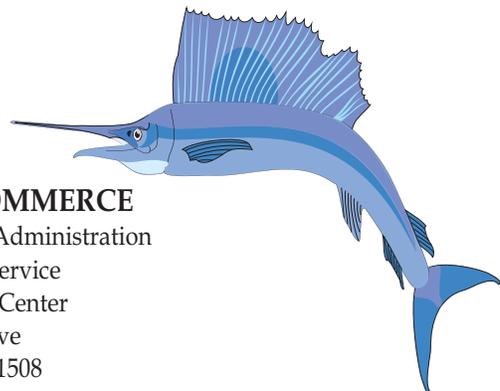
The information reported here would not be possible without the cooperation of thousands of anglers and volunteers who support these investigations. Their efforts and assistance are greatly appreciated. We also thank Daniel Yanagi and Ofelia Ramirez who helped enter and tabulate the data for this newsletter, and Roy Allen who designed and produced the Newsletter. This and past *Billfish Newsletters*, and the 2008 Angler Survey form, can also be accessed through the SWFSC's webpage at <http://swfsc.noaa.gov/frd-billfish.aspx>. We welcome reader comments and suggestions concerning the content of the *Billfish Newsletter*.



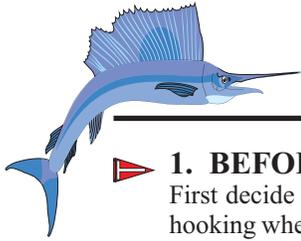
Fine fishing for now and forever!

Suzanne Kohin, Fishery Biologist
James Wraith, Fishery Biologist

Southwest Fisheries Science Center
8604 La Jolla Shores Drive
La Jolla, CA 92037-1508
Phone - (858) 334-2800
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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Fisheries Science Center
8604 La Jolla Shores Drive
La Jolla, California 92037-1508



"Take Along" Tagging Guide



1. BEFORE YOU CATCH YOUR FISH:

First decide if you plan to tag and release any fish caught. If so, use a circle hook which reduces deep or foul hooking when bait fishing or a single circle or single 'J' hook if trolling. Do not use double rigged 'J' hooks when releasing your catch.

2. WHILE FISHING:

Never attempt to tag a fish while it is jumping or thrashing about. Bring your fish to leader as quickly as possible but wait until the fish is calm and swimming beside the boat before tagging.

3. TAGGING:

Tag the fish as it is being towed alongside the boat by inserting the tag in the back muscle below the tallest part of the dorsal fin. Avoid the gills, head, and stomach. Take care not to allow your fish to injure itself on the vessel's transom or hull.

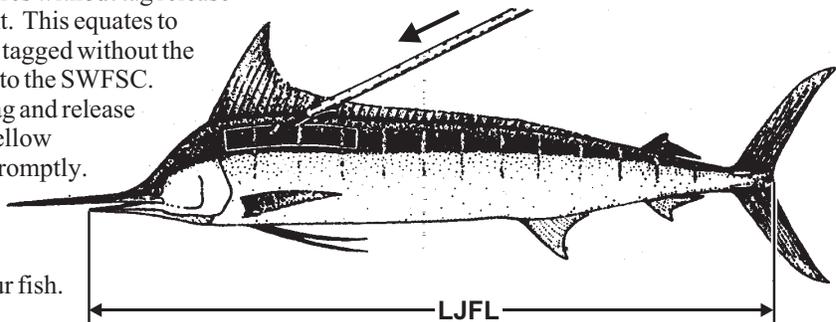
4. RELEASING:

Revive all fish by slowly towing it through the water, allowing water to flow over the gills until its normal color returns and it begins to swim on its own. Remove the hook with a good pair of pliers, or if deeply hooked in the throat or stomach, release it by cutting the leader as close to the hook as possible.

5. COMPLETE THE BILLFISH TAGGING REPORT CARD:

Fill out the yellow Billfish Tagging Report card completely and as accurately as possible indicating latitude and longitude, date of release, estimated length (lower jaw-to-fork length; LJFL) and estimated weight of the fish. Include name and mailing address of the angler and boat captain and other remarks as appropriate. Return cards promptly to the Southwest Fisheries Science Center.

PLEASE NOTE: Billfish recaptures without tag release information now stand at 12 percent. This equates to nearly 6,400 billfish that have been tagged without the release information being returned to the SWFSC. Make your tagging effort count. Tag and release your fish skillfully and return the yellow BILLFISH TAGGING REPORT promptly. Though easily forgotten in the heat of battle and glow of success, returning the card is the most critical and final step in tagging your fish.



COMPLETING THE BILLFISH TAGGING REPORT CARD

- Fill out the card completely and as accurately as possible.
- Indicate latitude, longitude and locally known fishing area.
- Estimate the length of the fish as "tip of lower jaw-to-fork" length (LJFL).
- Estimate weight of the fish.
- Include any remarks, club name and complete address of the angler and the boat captain.
- Return cards promptly to the Southwest Fisheries Science Center. Tagging is of no value unless this Billfish Tagging Report card is returned. Postage is paid if mailed in the U.S.A.

NOAA, National Marine Fisheries Service If mailing outside USA, postage must be affixed
Please return card. Otherwise tagging is of no value

BILLFISH TAGGING REPORT
PLEASE FILL IN DETAILS AND MAIL TODAY. TAG #: **A33333**

Latitude: 33° 14' N Longitude: 118° 14' W

Locality: East End Catalina Is. CA

Species: Striped Marlin Date: 6/10/98

Estimate length (tip of jaw to fork of tail): 72 inches. Weight: 140 lbs.

Fish Condition: Good Bait type: Plastic Lure

Angler: Bill Fish Fight time (minutes): 23

Address: P.O. Box 271 La Jolla, CA Zip: 92038

Club: Anglers Club

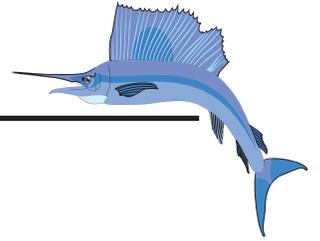
Captain: Capt. Joe Dew Boat name: Good Grief

Address: P.O. Box 271 La Jolla, CA Zip: 92038

Response to this form is voluntary.
OMB 0648-0009, expiration date 08/31/2001
NOAA 88-162, 2/99

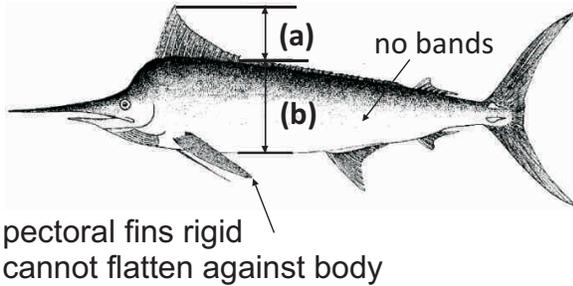


"Take Along" Identification Guide



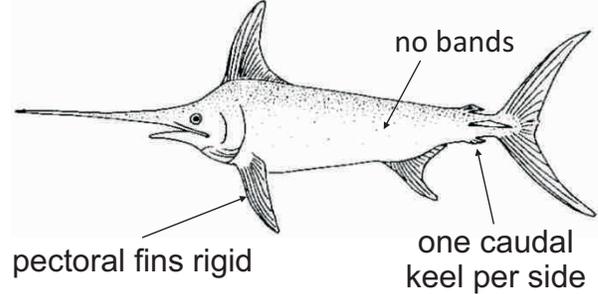
Black marlin

dorsal fin height (a) about half body height (b)



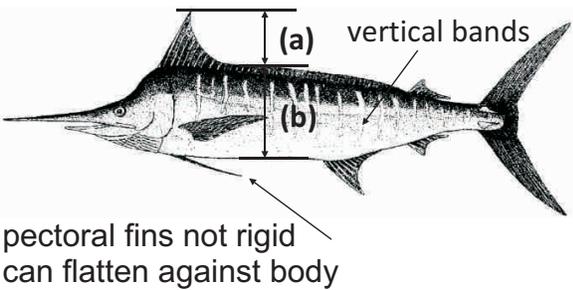
Swordfish

sword-like bill with smooth surface

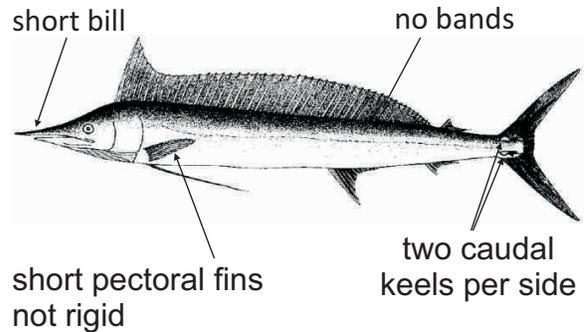


Blue marlin

dorsal fin height (a) half to three quarters body height (b)



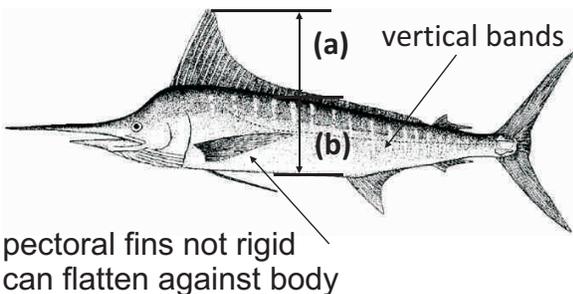
Shortbill spearfish



* body more stout than striped marlin

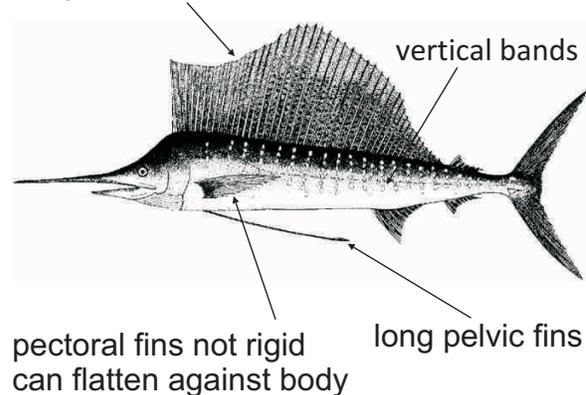
Striped marlin

dorsal fin height (a) greater than body height (b)



Sailfish

very tall dorsal fin



* body more compressed than blue marlin



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[Laws in effect as of January 24, 2002]
[Document not affected by Public Laws enacted between
January 24, 2002 and December 19, 2002]
[CITE: 16USC760e]

TITLE 16--CONSERVATION

CHAPTER 9A--PRESERVATION OF FISHERY RESOURCES

Sec. 760e. Study of migratory game fish; waters; research; purpose

The Secretary of Commerce is directed to undertake a comprehensive continuing study of the migratory marine fish of interest to recreational fishermen of the United States, including species inhabiting the offshore waters of the United States and species which migrate through or spend a part of their lives in the inshore waters of the United States. The study shall include, but not be limited to, research on migrations, identity of stocks, growth rates, mortality rates, variations in survival, environmental influences, both natural and artificial, including pollution, and effects of fishing on the species, for the purpose of developing wise conservation policies and constructive management activities.

(Pub. L. 86-359, Sec. 1, Sept. 22, 1959, 73 Stat. 642; 1970 Reorg. Plan No. 4, Sec. 1(b), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

Transfer of Functions

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 755 of this title.

Section Referred to in Other Sections

This section is referred to in sections 760f, 760g of this title.

TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

SEC. 301. NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT **16 U.S.C. 1851**

(a) IN GENERAL.—Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

98-623

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

104-297

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

104-297, 109-479

(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

104-297

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

104-297

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

97-453

(b) GUIDELINES.—The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.

SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS

16 U.S.C. 1852

97-453, 101-627, 104-297

(a) ESTABLISHMENT.—

(1) There shall be established, within 120 days after the date of the enactment of this Act, eight Regional Fishery Management Councils, as follows:

(A) NEW ENGLAND COUNCIL.—The New England Fishery Management Council shall consist of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The New England Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(B) MID-ATLANTIC COUNCIL.—The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except North Carolina, and as provided in paragraph (3)). The Mid-Atlantic Council shall have 21 voting members, including 13 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(C) SOUTH ATLANTIC COUNCIL.—The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

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;

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(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;

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(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;

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(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;

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(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;

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(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;

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

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

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

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

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

(B) the operator of any such vessel; or

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

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

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

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

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

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

- (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);
- (B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and
- (C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

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

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(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;

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

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

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

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

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

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

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

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

(14)[sic]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).

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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.

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MSA § 303A

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

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

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

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

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

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

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

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

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

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

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

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

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

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

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

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

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

(i) TRANSITION RULES.—

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

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

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

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

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

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

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

16 U.S.C. 1853a note

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

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

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

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

104-297

(a) **REVIEW OF PLANS.**—

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

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

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

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

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

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

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

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

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

(B) the nature of such inconsistencies; and

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

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

Estimated Time per Response: 15 minutes for IERS processor registration; 35 minutes for eLandings landing report; 35 minutes for backup manual eLandings report; and 15 minutes for catcher/processor or mothership production report.

Estimated Total Annual Burden Hours: 57,762.

Estimated Total Annual Cost to Public: \$14,931 in recordkeeping/reporting costs.

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: December 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-29922 Filed 12-16-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; American Fisheries Act: Vessel and Processor Permits Applications

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 February 17, 2009.

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 Patsy A. Bearden, (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The American Fisheries Act (AFA) of 1998 established an allocation program for the pollock fishery of the Bering Sea and Aleutian Islands Management Area (BSAI). The purposes of the AFA are to tighten U.S. ownership standards that had been exploited under the Anti-Reflagging Act; to provide Alaska's BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner; and to protect non-AFA participants in other fisheries. Reduced bycatch, higher utilization rates, increased economic returns, and improved safety are among the direct benefits of the AFA.

Under the AFA, only vessels and processors that met specific qualifying criteria are eligible to fish for and process pollock in the BSAI. The BSAI pollock quota is sub-allocated to groups of vessel owners who form fishing vessel cooperatives under the AFA. All pollock vessels and processors are required to have a valid AFA permit onboard the vessel or at the processing plant. The AFA vessel and processor permits have no expiration date and will remain valid indefinitely unless revoked by National Marine Fisheries Service (NMFS). With the exceptions of applications for inshore vessel cooperatives and for replacement vessels, the AFA permit program had a one-time application deadline of December 1, 2000. Inshore catcher vessel cooperatives must apply for an AFA permit annually, by December 1 for the following fishing year. Applications to replace lost or destroyed AFA vessels may be submitted to NMFS at any time.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, mail, and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0393.

Form Number: None.

Type of Review: Regular submission.
Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 11.

Estimated Time per Response: 30 minutes for Application for AFA permit for replacement vessel; 30 minutes for Non-member inshore vessel contract fishing application; and 20 minutes for Application for AFA inshore catcher vessel cooperative permit.

Estimated Total Annual Burden Hours: 29 hours.

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: December 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-29921 Filed 12-16-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; International Billfish Angler Survey

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 February 17, 2009.

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 Suzanne Kohin, (858) 546-7104 or Suzanne.Kohin@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Billfish Angler Survey began in 1969 and is an integral part of the Billfish Research Program at NOAA's Southwest Fisheries Science Center (SWFSC). The Survey tracks recreational angler fishing catch and effort for billfish in the Pacific and Indian Oceans in support of the Pacific and Western Pacific Fishery Management Councils, authorized under the Magnuson-Stevens Fishery Management and Conservation Act. The data are used by scientists and fishery managers to assist with assessing the status of billfish stocks. The Survey is intended for anglers cooperating in the Billfish Program and is entirely voluntary. The National Marine Fisheries Service collects fishing catch and effort information for most domestic and foreign fisheries. This survey is specific to recreational anglers fishing for Istiophorid billfish in the Pacific and Indian Oceans; as such it provides the only estimates of catch per unit of effort for recreational billfish fishing in those areas.

II. Method of Collection

The paper form is sent to anglers with recent participation in the SWFSC Billfish Research Program and is also available for downloading on the SWFSC Billfish Program website. Completed forms are submitted by mail.

III. Data

OMB Number: 0648-0020.
Form Number: NOAA Form 88-10.
Type of Review: Regular submission.
Affected public: Individuals or households.

Estimated Number of Respondents: 1,000.

Estimated Time Per Response: 5 minutes.

Estimated Total Annual Burden Hours: 83.

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: December 12, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-29912 Filed 12-16-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Reporting of Sea Turtle Incidental Take in Virginia Chesapeake Bay Pound Net Operations

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 February 17, 2009.

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 Mary Colligan, (978) 281-9116 or Mary.A.Colligan@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This action would continue the reporting measure requiring all Virginia Chesapeake Bay pound net fishermen to report interactions with endangered and threatened sea turtles, found both live and dead, in their pound net operations. When a live or dead sea turtle is discovered during a pound net trip, the fisherman is required to report the incidental take to National Marine Fisheries Service and, if necessary, the appropriate rehabilitation and stranding network. This information will be used to monitor the level of incidental take in the state managed Virginia pound net fishery and ensure that the seasonal pound net leader restrictions (50 CFR 223.206(d)(10)) are adequately protecting listed sea turtles.

II. Method of Collection

Reports may be made either by telephone or fax.

III. Data

OMB Control Number: 0648-0470.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Individuals or households.

Estimated Number of Respondents: 41.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 102 hours.

Estimated Total Annual Cost to Public: \$1,827.

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