

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 03/18/2010

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/20/2009

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200909-0648-014
AGENCY ICR TRACKING NUMBER:
TITLE: Antarctic Marine Living Resources Conservation and Management Measures
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0194

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: 03/31/2013

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	6,536	295	132,000
New	1,138	294	132,373
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-5,398	-1	373
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
CEMP permit application and annual report			50 CFR 300.107
Applications for new or exploratory fishery			50 CFR 300.105 and 300.106
Harvest and/or transshipment applications	NA	Application for permit to harvest and/or transship antarctic marine living resources	
Radio transmissions			50 CFR 300.107
VMS installation, maintenance, certification and costs only for transmission	NA	VMS Certification Statement	
Vessel Marking			50 CFR 300.108
Gear marking			50 CFR 300.108
Observer notificaiton telephone call			50 CFR 300.113
Dealer import and/or re-export permit applications	NA	Dealer import and/or re-export permit application	
Catch data submission	NA	Reporting form for catch documents of accompanying toothfish	
Pre-approval of toothfish catch documents/reporting docs if fresh	NA	Application for pre-approval of catch documents with toothfish	
Dealer re-export catch documents	NA	Re-export catch form for dissostichus	
Import tickets	NA	Import ticket	

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
ANTARCTIC MARINE LIVING RESOURCES
CONSERVATION AND MANAGEMENT MEASURES
OMB CONTROL NO. 0648-0194**

A. JUSTIFICATION

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

The 1982 Convention for the Conservation of Antarctic Marine Living Resources established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The United States is a contracting party to the Convention and a member of CCAMLR and the Scientific Committee established by the Commission.

On November 8, 1984, the President signed Public Law 98-623, the Antarctic Marine Living Resources Convention Act (the Act). The Act directs and authorizes the United States to take actions necessary to meet its treaty obligations as a contracting party to the Convention.

This request is for renewal of this information collection.

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

The reporting requirements included in this collection concern CCAMLR Ecosystem Monitoring Program (CEMP) activities, U.S. harvesting permit applicants and/or harvesting vessel operators, and U.S. importers and re-exporters of AMLR.

United States regulations at 50 CFR Subpart G require permits of U.S. individuals engaged in Antarctic resource harvesting and importing, or entering and/or conducting activities in a CEMP site, to apply for and hold a permit for such activities.

The regulations comply with and give effect to the Convention. Members of the Convention are required to provide, in the manner and at such intervals as may be prescribed, information about harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

Members agree in Article XX to take advantage of opportunities to assess the impact of harvesting. Members are also required to provide information to the Commission on steps to be taken to implement the conservation and management measures adopted by the Commission. Article XXI requires the Contracting Parties to take appropriate action to ensure compliance with

the Convention and with the conservation and management measures adopted by the Commission. Each Contracting Party is required to transmit to the Commission information on these actions, including the imposition of sanctions for any violation.

The Department of Commerce (DOC) has reviewed the Convention and the conservation and management measures adopted by the Commission and concluded that a permit system is the most effective way to monitor Antarctic resources, provide treaty data to the Commission, meet international obligations, and ensure compliance, without unduly burdening harvesting and importing activities.

Specifically, U.S. regulations govern the harvest and importation into the United States of any AMLR, part or product, by any person subject to the jurisdiction of the United States, including U.S. citizens and those wishing to import into the United States. The regulations require any person who plans such activities to obtain a harvesting permit or import permit from the DOC unless the National Science Foundation (NSF) already sanctions by another DOC permit or the activities.

Under the Antarctic Conservation Act of 1978, the NSF has permitting authority for native birds and mammals and certain plants south of 60 degrees S. latitude. In order to minimize the public paperwork burden, DOC regulations exempt an Antarctic harvester or importer holding a permit or an award (as evidenced by an award letter) from the NSF, or an endangered species or marine mammal permit from the National Marine Fisheries Service (NMFS), from the need to obtain a separate Antarctic permit from DOC. Although a DOC permit is not required of NSF permit or award holders, they must comply with both preexisting data requirements related to the NSF or NMFS permit or award and current CCAMLR data requirements.

I. CEMP Entry Permits

CCAMLR regulations require that persons proposing to enter a CEMP site or conduct research programs there submit a letter of request (application) for an entry permit. If issued a permit, the holder must abide by all the conditions in the permit, including submission of an annual report describing the activities conducted and any actions not in compliance with the site's Management Plan. These permits are valid for five years. In the event that a CEMP site is also listed as a specially protected site under the Antarctic Conservation Act of 1978, applicants are redirected to the NSF and requested to submit an application for a dual permit. Although one permit will, thus, serve for both purposes, annual reporting is directed to each agency individually on areas within the agency's expertise.

II. Harvest or Transshipment

A. New and exploratory fisheries

The United States issued a Convention area-harvesting permit to a single U.S. fisherman for a new crab fishery in 1991. When informed of the permit, CCAMLR expressed its strong and collective concern that, although the United States had required the permit holder to submit a Research and Data Collection Plan as a part of his application, the fishery had been authorized without prior knowledge of the demographic characteristics of the species.

The Commission agreed that it was particularly important for members to fulfill their treaty obligation to provide statistical, biological, and other information, and as a consequence, adopted conservation measures for new and exploratory fisheries.

1. New fisheries

The Commission has adopted a measure which requires Members to notify the Commission when it is considering initiating a new fishery in the Convention area. The Commission must receive the notification not less than three months in advance of the next regular meeting of the Commission. The Member may not initiate the new fishery pending Commission review. The notification to the Commission must be accompanied by as much of the following information as the Member is able to provide:

- The nature of the proposed fishery including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery
- Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity
- Details of dependent and associated species and the likelihood of their being affected by the proposed fishery
- Information from other fisheries in the region or from similar fisheries elsewhere that may assist in the valuation of potential yield.

Information on proposed new fisheries is considered by the Scientific Committee, which then advises the Commission. After Commission review, the Commission takes action, as it deems necessary.

2. Exploratory fisheries

The Commission has adopted a measure on exploratory fisheries. An exploratory fishery is one, which has previously been classified as a new fishery and reviewed by the Scientific Committee and Commission prior to its initiation.

An exploratory fishery continues to be classified as an exploratory fishery until sufficient information is available to evaluate the fishery's potential yield; to review its potential impacts on dependent and related species; and to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels, effort levels, and fishing gear.

To ensure that adequate information is available to the Scientific Committee for evaluation during the period when a fishery is classified as exploratory, the Scientific Committee develops and annually updates a Data Collection Plan. Each Member active in the fishery annually submits to CCAMLR the data specified by the Data Collection Plan. Fishing capacity and effort is limited by a precautionary catch limit at a level not substantially above that necessary to obtain the data specified in the Data Collection Plan.

The Data Collection Plan includes, as appropriate:

- A description of the catch, effort, and related biological, ecological, and environmental data required undertaking an evaluation of the fishery
- A plan for directing fishing effort during the exploratory phase to permit the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, dependent, and related populations and the likelihood of adverse impacts
- An evaluation of the time-scales involved in determining the responses of harvested, dependent and related populations to fishing activities
- Each Member active in the fishery or intending to authorize a vessel to enter the fishery annually prepares and submits to CCAMLR a Research and Fishery Operations Plan. The plan is to include as much of the following as possible:
- A description of how the Member's activities will comply with the Data Collection Plan developed by the Scientific Committee
- The nature of the exploratory fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season
- Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data, and information on stock identity --details of dependent and related species and the likelihood of them being affected by the proposed fishery
- Information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield.

B. Harvesting and/or Transshipment Permit

CCAMLR requires details on every vessel a member country licenses to fish in the Convention Area, including the name of the fishing vessel (any previous names, if known); registration number; vessel's International Maritime Organization (IMO) number, if issued; external markings and port registry; the nature of the authorization to fish granted by the Flag State, specifying time periods authorized for fishing; areas of fishing; species targeted; gear used; previous flag, if any; international radio call sign; the name and address of the vessel's owner(s) and any beneficial owner(s), if known; name and address of license owner, if different from vessel owner; type of vessel; where and when built; length; three color photographs of the vessel; and where applicable, details of the implementation of the tamper-proof requirements on the satellite-linked vessel monitoring device.

The Commission requested, to the extent practicable, the following additional information for vessels notified for fishing in exploratory fisheries: name and address of operator, if different from vessel owner; name and nationality of master and, where relevant, of fishing master; type of fishing method or method; beam in meters; gross registered tonnage; vessel communication types and numbers; normal crew complement; power of main engine or engines in kilowatts; carrying capacity in tons; number of fish holds and their capacity in cubic meters; and any other information in respect of each licensed vessel considered appropriate (e.g., ice classification) for the purposes of the implementation of the conservation measure.

NMFS requires that this information be supplied on the AMLR harvesting permit application. The application to harvest and/or transship AMLR is in three parts.

“Part One” requires the applicant to identify whether the proposed activity is for harvesting AMLR and/or transshipping toothfish. If the proposed AMLR harvesting is either a new fishery or an exploratory fishery, specific narrative description is required.

“Part Two” is a Vessel Identification Form (VIF). It requests information necessary to identify the vessel, vessel ownership interests, the name of the vessel operator and master, the crew complement, vessel communication numbers and types, and details of the vessel monitoring system to be used on the vessel and report this information to the Executive Secretary of CCAMLR.

“Part Three” is a Harvesting Information Form (HIF). It requests narrative identifying each AMLR target species proposed for harvest, the total tonnage requested (a figure), the CCAMLR statistical area to be fished, the gear to be used and the type and amount of bycatch anticipated. This information is required in order to determine whether the proposed fishery is consistent with CCAMLR conservation and management measures. The harvesting permit notes the obligation of a permit holder to provide harvesting data to CCAMLR.

The application to harvest and/or transship AMLR includes a section to be completed if a vessel owner is seeking authorization to harvest AMLR and a section if a vessel owner is seeking authorization to transship toothfish. The applicant can complete one or both sections. A permit is issued to the applicant in one of two forms, depending upon whether the vessel is both harvesting AMLR and receiving transshipments of toothfish or only receiving transshipments of toothfish.

The forms associated with applying for a harvesting and/or transshipment permit are:

- Application for Permit to Transship AMLR
- Harvesting Information Form
- Vessel Identification Form
- Additional Information for Vessels Participating in a New or Exploratory Fishery

C. Radio Contact

It may be necessary for operators of harvesting vessels to provide vessel position or other information via radio when requested by the NMFS, the U.S. Coast Guard, an authorized officer, or CCAMLR inspector. This is a routine and necessary law enforcement requirement when dealing with vessels at sea. It consists generally of providing radio call signals and a set of position coordinates immediately preparatory to a boarding-at-sea for inspection of the vessel and the vessel’s activities by law enforcement officials. Such radio contacts are infrequent and brief and therefore only one burden hour in total for five vessels is requested for this purpose.

D. Centralized Vessel Monitoring System

Based upon the results of a trial conducted during the 2003/2004 fishing season, the Commission revised the requirements for its vessel monitoring system (VMS) and adopted a conservation measure to implement centralized vessel monitoring system (C-VMS). This conservation measure requires vessels fishing in CCAMLR managed waters to use a VMS that automatically transmits the vessel’s position at least every four hours to a land-based fisheries monitoring center of its Flag State.

Each Contracting Party to the Convention must forward the VMS reports and messages received to the CCAMLR Secretariat as soon as possible, but not later than four hours after receipt for exploratory longline fisheries or following departure from the Convention Area for all other fisheries.

The use of the Centralized satellite-linked VMS is required of all U.S. vessels harvesting Antarctic marine living resources (AMLR) in the area of the Convention for the Conservation of Antarctic Marine Living Resources and for all shipments of toothfish regardless of wherever harvested seeking entry into the U.S. All U.S. vessels must operate VMS to and from their homeport in order to ensure VMS coverage throughout the entire fishing operation. This is especially important for U.S. vessels harvesting toothfish.

At the CCAMLR meeting in 2004, Conservation Measure 10-04 was amended to make provision for a C-VMS. Prior to amendment, the measure required that each Contracting Party ensure that its fishing vessels are equipped with a satellite-linked vessel monitoring device allowing for the continuous reporting of their position in the Convention Area for the duration of the license issued by the Flag State. The vessel-monitoring device automatically communicates at least every four hours to the land-based fisheries monitoring center of the Flag State of the vessel.

As amended, by means of RIN 0648-AP74 in 2006, the Conservation Measure now additionally requires that each Contracting Party forward VMS reports and messages received to the Secretariat as soon as possible: i) but no later than 4 hours after receipt for those exploratory longline fisheries subject to conservation measures in force; or ii) following departure from the Convention area for all other fisheries. Additionally, the Contracting Party may elect to have C-VMS data communicated directly to the Secretariat in parallel with those reports received by the Flag State. Data from individual vessels shall be used for compliance purposes only, i.e., active surveillance presence, and /or inspections, including for the purposes of verifying the content of a Dissostichus Catch Document (DCD).

The United States has experienced numerous problems with shipments of toothfish that were reported as having been harvested outside the Convention Area but were suspected of having been harvested illegally from inside the Convention area. The VMS data for these shipments did not meet the minimum requirements of CM 10-04. It is the U.S view that the C-VMS system should be applied both inside and outside the Convention Area as well as port-to-port. As a consequence, the U.S. required participation in C-VMS for each shipment of toothfish seeking entry into the U.S. Applications for pre-approval for which the C-VMS was not active will be denied entry.

To give effect to the CCAMLR conservation measures on VMS and to facilitate enforcement of time-area and fishery closures, NMFS regulations require the owner or operator of a vessel permitted to fish for or transship AMLR to install a NMFS-approved VMS unit on board the vessel. Its use is required by all U.S. vessels harvesting AMLR and for all shipments of toothfish regardless of wherever harvested seeking entry into the U.S.

Installation time is estimated at four hours per vessel and maintenance is estimated at two hours per vessel. Certification of installation and activation is estimated at 5 minutes per vessel. Response time per VMS transmission is estimated at 0.034 seconds, and with six transmissions

per vessel per day, for five vessels over a 180-day season, there would be 5,400 responses for the total fleet (6 x 5 x 180) and transmission time would be 184 seconds or 3 minutes (0.034 x 5,400)

E. Vessel marking

The vessel's official number must be displayed on the port and starboard sides of the deckhouse or hull, and on a weather deck. It identifies each vessel and should be visible at a distance at sea and from the air. The official number provides law enforcement personnel or inspectors with a means to monitor fishing, at-sea processing, and other related activities, to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. The National Marine Fisheries Service, the U. S. Coast Guard, and other marine agencies in issuing violations, prosecutions, and other enforcement actions generally use the identifying number. The United States, however, does not currently maintain an enforcement presence in the CCAMLR area.

The United States does designate scientists and/or officers aboard its Antarctic Marine Living Resources (AMLR) research vessels to serve as International CCAMLR Inspectors. CCAMLR Inspectors are authorized, by international agreement, to board vessels harvesting in the Convention area and to inspect for compliance with CCAMLR conservation and management measures. Vessels that fish in the Convention area are readily identified when the vessels are marked; vessel-marking violations are more readily prosecuted, allowing for more cost-effective enforcement. Cooperating fishers also use the number to report suspicious activities that they observe. Regulation-compliant fisheries ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

F. Gear Marking

Under 50 CFR 300.108, the operator of vessel fishing pursuant to an AMLR harvesting permit in the CCAMLR Convention Area must mark all fishing gear with the vessel's official number, Federal permit or tag number, an official CCAMLR marker, or some other specified form of identification. The regulations further specify how the gear is to be marked, e.g., location or color. International CCAMLR Inspectors rely on this information to assure compliance with fisheries management regulations. The National Marine Fisheries Service, the U. S. Coast Guard, and other marine agencies in issuing violations, prosecutions, and other enforcement actions generally use the identifying number. Gear that is not properly identified can be confiscated. The United States, however, does not currently maintain an enforcement presence in the CCAMLR area. The United States does designate scientists and/or officers aboard its Antarctic Marine Living resources (AMLR) research vessels to serve as International CCAMLR Inspectors. CCAMLR Inspectors are authorized, by international agreement, to board vessels harvesting in the Convention area and to inspect for compliance with CCAMLR conservation and management measures, including gear restriction and gear marking requirements. Gear marking helps ensure that a vessel harvests fish from its own traps/pots/other gear and that traps/pots/other gear are not illegally placed or used. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement.

NMFS regulations do not require the owner of the gear to confirm the specific markings used. There is no information on file. The markings allow identification of the gear owner in situations

involving damage, loss and civil proceedings. There is no dissemination of information to the public.

G. Scientific Observers

CCAMLR adopted a Scheme of International Scientific Observation in 1992 at its eleventh annual meeting. Observers placed on board fishing vessels pursuant to the scheme observe and report on the operations of fishing activities and their effects on target and associated species of living marine resources. Observers undertake tasks and record their observations pursuant to protocols and using formats approved by the CCAMLR Scientific Committee. These tasks include recording details of vessel operation; taking catch samples; recording biological data by species caught; recording bycatch; recording entanglement and incidental mortality of birds and mammals; recording procedures by which declared catch weight is measured; collecting and reporting factual data on sightings of fishing vessels in the Convention Area, including vessel type identification, position and activity; and collect information on lost fishing gear and garbage disposal by fishing vessels at sea. NMFS regulations require that all U.S. vessels fishing in the Convention Area, including vessels fishing for krill, and all U.S. vessels conducting longline testing outside the Convention Area prior to longline fishing within the Convention Area, carry one or more scientific observers as required by CCAMLR conservation and management measures or NMFS regulations.

For this already established observer program, the only information collection subject to the Paperwork Reduction Act is the vessel owner, operator or fisher's request for an observer or observers. In preparation for a trip, the applicable person makes a telephone call either to the Southwest Fisheries Science Center/Antarctic Marine Living Resources or directly to an observer provider.

III. Import-Related Permits and Documents

A. Dealer permits

The United States uses Antarctic harvesting permits to monitor and control the harvesting and associated activities of its vessels in the Convention Area. But in order to fully meet its treaty obligations, the United States must also monitor and control the importation of Antarctic marine living resources.

Import is defined in Section 303 of the Act as "to land on, bring into, or introduce into any place, subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States." No resources harvested in violation of a conservation measure in force with respect to the United States can be imported into this country.

Any person importing AMLRs into the United States must either have a harvesting permit or a dealer permit. The dealer permit is combined with the re-export permit so that an applicant can apply for either or both on the same application. The dealer permit application requests the applicant to provide a name, company, and business address; to briefly describe the resource and note the amount to be imported annually. A copy of the permit must accompany any resources imported under its authority.

Some of the holders of AMLR dealer permits are foreign entities. NMFS regulations require foreign entities to designate a registered agent as a condition of securing a dealer permit to enable NMFS to better track and monitor trade in AMLR, to identify potential trade in Illegal, Unreported, and Unregulated (IUU) fishing for AMLR, and identify an agent for service of process.

An applicant wishing to import and/or re-export AMLR other than toothfish receives a permit authorizing such activity (which is limited to the amount of AMLR specified in the application and a finite period of time usually not more than twelve months) and, if importing, the import ticket the applicant is required to complete and submit.

An applicant wishing to import and/or re-export toothfish receives a permit valid for one year which is a prerequisite, but not an authorization, for trading in toothfish. As discussed in section (i) below, a dealer importing and/or re-exporting frozen commodities of toothfish must also obtain a pre-approval authorization to import or a Dissostichus Re-export Document authorization to export toothfish. Dealers importing and/or re-exporting fresh, air-shipped toothfish are exempt from the pre-approval requirement but must submit a report of each of these fresh shipments within 24 hours of clearing U.S. Customs.

Dealers, who wish to re-export any product harvested in the CCAMLR Convention Area or, in the case of toothfish, wherever harvested, can also apply for a re-export permit using the same application as described above and checking the box marked “re-export permit.” There are no additional burden hours associated with, or additional information required, to apply for a re-export permit.

This will aid NMFS in the development and maintenance of a comprehensive data base listing all dealers who not only import but also re-export their product, enabling NMFS to notify all known dealers in a timely fashion regarding time/area closures as well as any changing requirements. A copy of this re-export permit must accompany any shipment exiting the United States.

The form associated with applying for a dealer permit is the Application for Dealer Permit to Import and/or Re-export Antarctic Marine Living Resources

B. Completion of Dissostichus Catch Documents (DCD) by Vessel Masters

For U.S. harvesting vessels, NMFS issues a non-transferable DCD that is uniquely identified for a vessel. Once the master of the harvesting vessel records the Dissostichus (Patagonian or Antarctic toothfish) catch information and conveys it to NMFS by the most rapid method of communication, NMFS records the catch information, via a CCAMLR web-based system, onto the unique DCD. Upon transshipping or landing toothfish, the master of the harvesting vessel obtains the signature(s) of; (a) the master of the vessel to which the catch is transferred; or (b) a responsible official designated by NMFS in the permit and the dealer who receives the catch at the port of landing. After the DCD is signed, the master of the harvesting vessel or the transshipping vessel provides a copy to NMFS using the most rapid electronic means possible. NMFS completes an Electronic-Dissostichus Catch Documents (E-DCD) using the CCAMLR Electronic Catch Document Scheme (E-CDS) web-based system.

C. Pre-Approval Applications for Toothfish

E-DCDs are required to accompany all imports of toothfish. Paper documents are no longer accepted. There are no burden hours associated with the use of Electronic Catch Documents (E-DCD) for U.S. dealers who are importing toothfish.

No shipment of toothfish species can be released for entry into the customs territory of the United States unless accompanied by a complete, validated and electronically transmitted Dissostichus Catch Document issued through the E-CDS web-based system hosted by the CCAMLR Secretariat. A flag state issues a non-transferable DCD that is uniquely identified for a vessel. Once the master of the harvesting vessel records the catch information and conveys such catch information to their Flag State, it is recorded via the web-based system onto the unique Dissostichus Catch Document. Upon transshipment or landing toothfish, the landing state accesses the E-CDS web-based system and completes the landing information. At the time of export, the exporting state will also access and complete the export information required by the E-CDS system. Once an export has been completed, the E-CDS system, through the CCAMLR Secretariat, will notify the importing country of the impending import. In this case, NMFS' CDS officer will be notified via email that an export to the U.S. is in route. NMFS then has the capability of accessing the document associated with that particular import and matching the Electronic Catch Document up with the corresponding request for pre-approval. If all matches then NMFS approves the import.

Any dealer who imports toothfish must first obtain the document number and the export reference number on the E-DCD corresponding to the import shipment. The dealer enters these reference numbers on the pre-approval application for the shipment.

Under the pre-approval system for toothfish imports, any person who imports toothfish is required to submit to NMFS the DCD that accompanies each permitted shipment as well as an application to NMFS requesting pre-approval to allow import of all shipments that contain frozen toothfish. Toothfish caught on the high seas outside the Convention Area in Food and Agriculture Organization (FAO) Statistical Areas 51 or 57 may not be imported.

NMFS allows additional time within which dealers are required to supply U.S. Customs Number 7501 "Entry" number). The dealer is required to fax or express mail the documentation described above, along with a check for the required fee, so that NMFS receives it at least 15 business days prior to the anticipated date of import. However, some dealers have difficulty obtaining a U.S. Customs 7501 number 15 days in advance of a shipment's arrival. For this reason, NMFS has revised the Application for Pre-approval of Catch Documents specific to the requirement for the 7501 number only. NMFS allows dealers to supply the 7501 number within 3 working days of a shipment's arrival. All other information on the Application for Pre-Approval is due 15 days prior to the shipment's arrival.

A separate DCD with a unique export reference number is required for each export. More than one DCD/export can be submitted under one pre-approval application; however, one DCD cannot be used to request pre-approval for several shipments. The quantity of toothfish listed on the DCD must match the quantity listed on the pre-approval application within a variance of 10 percent. The dealer is required to fax or express mail the documentation described above so that NMFS receives it at least 15 business days prior to the anticipated date of import. NMFS reviews

the documentation submitted, notifies the dealer whether the import will be allowed or denied, and issues either a certificate of approval or a denial letter to the applicant.

Pre-approval applications for all frozen product must include an application fee of \$200.00. We estimate we may receive 1,600 applications annually, with 40 percent (640) expected to meet the pre-approval requirement, including the \$200.00 application fee.

The remaining fresh, air-shipped, shipments of toothfish, which do not require a pre-approval, should continue to be reported within 24 hours of import using the Fresh Toothfish Reporting form which is identical in format to the Pre-approval form.

The forms associated with applying for pre-approval are:

Application for Pre-Approval of Catch Documents of Toothfish
Reporting Form for catch Documents of Accompanying Fresh, Air-shipped Shipments of
Toothfish

D. Re-Export Documentation for Toothfish

In the case of re-exports of toothfish, an exporter completes a re-export document by indicating the amount from the original import, specific to a DCD that is contained in the particular re-export shipment, the number of the original DCDs, the name of the importer and point of import, and the exporter's name, address and permit number. The exporter then signs the re-export document and obtains validation by an authority designated by NMFS. The original re-export document is transmitted with the export shipment together with copies of the original DCDs as applicable to that shipment.

The form associated with the re-export of toothfish is the Dissostichus Re-export Document. This document can then also be transferred to the electronic system by NMFS.

E. Import Ticket

Within 24 hours of any import of AMLR other than toothfish, the importer must submit a completed import ticket describing the resources imported. The import ticket requests the name and address of the individual and company importing the resource, the resource imported and the date, the quantity of the resource, the harvesting vessel or vessels, the flag nation, the U.S. Customs CF7501 number, the areas fished, the approximate harvest date, and number of the harvesting permit or license. The use of the import tickets referencing a pre-issued dealer permit facilitates the expeditious shipment of resources by the permit holder, while allowing the United States to monitor what is actually imported versus what is requested in the permit application.

It is anticipated that 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

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.

Electronic copies of NMFS harvesting and dealer fillable forms are available at http://www.nmfs.noaa.gov/gpea_forms/forms.htm and may be emailed. VMS data are electronically transmitted. DCDs are electronically generated, completed and transmitted. The requirement that each vessel display an identification number on its deckhouse or hull, and its weather deck, does not lend itself to advanced technology. The requirement that fishing gear be marked with an identifying number does not lend itself to information technology.

4. Describe efforts to identify duplication.

There is no duplication with collection efforts.

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

Since all of the respondents are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data are requested.

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

No or less frequent collection of data would not provide DOC/NOAA with data it must have for adequate and timely monitoring and reporting on the harvesting and importation of AMLR resources. The National Marine Fisheries Service and the U.S. Coast Guard could not enforce the fisheries management measures and CCAMLR Inspectors could not conduct gear inspections, if the gear and vessel are not marked.

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

Not applicable.

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 June 4, 2009 (74 FR 26837) solicited public comments.

No comments were received.

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

No payments or gifts are made.

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

As stated on the collection forms, the data collected will be kept confidential as required by section 402(b) of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released.

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.

There are no questions of a sensitive nature.

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

There are 86 unique respondents, 6,536 responses, 295 hours and \$7,361 in labor costs for this request.

	Requirements	Respondents	Responses	Hrs	Labor \$ @\$25/hr
a)	One five-year CEMP permit application @ 1 hour, and one annual report @ 1 hour	1	2	2	\$50
b)	Two applicants for new or exploratory fishery @ 28 hours	2*	2	56	\$1,400
c)	Five harvest and/or transshipment applications @ 2 hours each	5	5	10	\$250
d)	Radio transmissions in total for five vessels @ 1 hour	5*	10	1	\$25
e)	VMS installation and operation and transmission for 5 vessels @ 4 hours each to install (estimated 5-yr useful life) = 20 hours averaged over 5 years = 4 hours/yr; 2 hr/yr each to maintain = 10 hours/yr; one-time installation and activation checklist, 5 x 5 minutes = 25 minutes averaged over 5 years = 5 minutes or 0.08 hours/yr;	5*	5	14	\$350
f)	Fifteen minutes are required to paint each of three places on the vessel, or overall 45 minutes per vessel. Given adverse weather conditions, each number will need to be repainted or repaired annually. Five vessels x 3 markings/vessel x 15 minutes/marking = 3 and 3/4 (4) hours	5*	15	4	\$100

g)	Five vessels (two longline vessels, one crab vessel and two trawl vessels). Buoys/floats (used on longlines) may take 5 minutes each to paint/mark. Traps/pots may be marked or tagged in 2 minutes each. A tag sewn onto the net in about 2 minutes marks trawl gear. Total time varies with the type and amount of gear used. The number of floats used when longline gear is deployed depends largely on ice conditions. It usually ranges between 3-5 floats, so a value of 8 (2 vessels each using 4 floats) is used for purposes of this authorization. Approximately 300 pots were carried aboard the crab fishing vessels, which previously fished the CCAMLR area. The trawl vessel which has participated in the krill fishery uses 3 tags on its pelagic trawl while deployed: one at the head, one mid-net and one at the cod end. Using this information as a basis for requesting burden hours 10 hours and 52 minutes annually is requested (8 buoys x 5 minutes for 40 minutes; 300 pots x 2 minutes for 600 minutes; and 3 places on two nets x 2 minutes for 12 minutes)	5*	314	11	\$275
h)	Five vessel representatives x 1 request for observer(s)	5*	5	25 min (0 in ROCIS)	\$11
i)	Ninety-two dealer import and/or re-export permit applications @ 15 minutes each (includes designating a registered agent)	80	92	23	\$575
j)	Two toothfish harvesting vessel masters submitting catch data for two harvests x 30 minutes each	2*	4	2	\$50
k)	Eighty dealers x 8 pre-approval applications (or reporting forms if fresh product) x 15 minutes each	80*	640	160	\$4,000
l)	Twelve dealers x 2 re-export catch documents @ 15 minutes each	12*	24	6	\$150
m)	Five dealers x 4 import tickets @ 15 minutes each	5*	20	5	\$125
TOTALS		86	1,138	294	\$7,350

* Respondents in this column are not additive: unique respondents are the CEMP applicant, 5 vessels/vessel representatives and 80 dealers. All asterisked figures indicate the same set or a subset of one of these three respondent categories.

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).

A) Vessel VMS equipment purchase and installation = \$2,250.00, annualized based on estimated 5-yr useful life = $\$450 \times 5 = \$2,250.00$ annualized cost for the fleet.

B) Annual vessel VMS maintenance per vessel = $\$350 \times 5 = \$1,750$ annualized maintenance, for the fleet.

C) Annual vessel transmission costs: $\$0.05$ per day x 6 transmissions/day/vessel = $\$0.30 \times 180$ days: $\$54.00 \times 5$ vessels = $\$270$ for the fleet.

D) Five VMS certifications mailed @ $\$0.39$ each: $\$1.95$, annualized over five years to $\$0.39$.

E) Five vessels: paint and painting equipment, $\$10$ annually = $\$50$ total annually.

F) Five vessels: equipment to mark gear, $\$10$ annually = $\$50$ total annually.

Eighty dealers x 8 pre-approval applications @ $\$200.00$ each: $\$128,000.00$.

G) Five vessel representatives x 1 telephone call @ $\$0.50$ each: $\$2.50$.

Total = \$ 132,372.89 (\$132,373).

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

Requirement	Hours
a) Processing one CEMP application @ 1 hour	1

Requirement	Hours
b) Processing two new/ exploratory fishery application @ 2 hours.	4
c) Processing five harvest/transship applications @ 2 hours each	10
d) Receiving radio transmissions (negligible costs)	0
e) Receiving VMS transmissions (negligible cost)	0
f) Gear marking (no cost)	0
g) Vessel marking (no cost)	0
h) Processing 80 dealer import permit applications @ 30 minutes each Processing 12 re-export permit applications @ 2 hours each	88
i) Completing DCDs and E-DCDs 8@ 30 minutes each	4
j) Processing 640 pre-approval applications @ 2hours each	1280
k) Processing 24 re-export catch documents @ 30minutes each	12
l) Processing 20 import tickets @ 30 minutes each	10
Total hours	1.409

Data processing @ \$12.00 per hour for 1,409 hours	\$ 16,908.00
Overhead/benefits @ 35%	\$ 5,918.00
Total	\$ 22,826.00

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

Adjustments:

The 5,400 responses and 3 minutes total VMS transmission time per year have been removed, as per Office of Management and Budget (OMB) guidance, automatic transmission time is no longer counted as burden. Due to rounding off, however, there is no change in burden hours.

The 25 minutes for observer requests is rounded off to zero in ROCIS; thus, the current hours are reduced by 1.

The \$10 cost each for vessel and gear marking had been overlooked in the previous submission. Including them in this request adds \$100 to the annualized reporting and recordkeeping costs.

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

The Ecosystem Monitoring and Management Working Group of the CCAMLR Scientific Committee compiles the research and required permit reports submitted by Member States on CEMP site activity and presents these findings in a published form to the Commission. These published reports are available to Member delegations and to interested individuals from the Commission. NMFS does not plan to make available results of any of the information collections discussed above on the Internet. The Executive Secretary of CCAMLR publishes information on harvesting vessel licenses, harvesting activity, and toothfish trade on password-protected sections of the CCAMLR website.

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.

No OMB expiration date will be displayed on the DCD because it is a CCAMLR form. Also, no OMB expiration date will be displayed on the NOAA-issued permits, because past display of the OMB expiration date proved problematic when permit holders confused the OMB expiration date with the expiration date of the permit.

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

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

**THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

***APPLICATION FOR PERMIT TO HARVEST and/or TRANSSHIP
ANTARCTIC MARINE LIVING RESOURCES (AMLR)***

A Vessel Identification Form (VIF) is attached to this application for each vessel seeking a permit to harvest AMLR or transship *Dissostichus* species. A Harvesting Information Form (HIF) describing contemplated fisheries, catch, and operations is attached to this application for each vessel seeking a permit to harvest AMLR.

Complete one.

Harvesting AMLR

Under the provisions of the Antarctic Marine Living Resources Act of 1984, the following person(s)
_____ submit(s) this permit application for
harvesting resources within the area covered by the Convention on the Conservation of Antarctic Marine Living
Resources (CCAMLR).

Is this application for a fishery designated by the Commission for the Conservation of Antarctic Marine Living?
Resources as a: New Fishery _____ Exploratory fishery _____

Transshipping toothfish

Under the provisions of the Antarctic Marine Living Resources Act of 1984, the following person(s)
_____ submit(s) this permit application for
transshipping toothfish species, wherever harvested.

Signature

Submitted by (Firm or individual):

Signature: _____

Title:

Date: _____

Detailed descriptions of the vessels and the methods of operation proposed are attached to this application. Completion of this application is required to obtain a permit to harvest Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Act Convention of 1984 (16 USC 2431 et seq.). No permit will be issued without completion of this application.

Vessel Monitoring Systems Certification Statement For Vessels Engaged in Fishing Activities covered by the Antarctic Marine Living Resources Convention Act

INSTRUCTIONS: This Vessel Monitoring Systems (VMS) Certification Statement for the Vessels Engaged in Fishing Activities covered by the Antarctic Marine Living Resources Convention Act is provided by the National Marine Fisheries Service (NOAA Fisheries) pursuant to the regulatory requirements of 50 C.F.R. § 300. This certification statement is applicable for the VMS providers currently approved for use by NOAA Fisheries.

Installation checklists will be provided and revised if additional VMS providers are approved. Follow the checklist steps indicated by the vendor for the communications service and transmitting unit selected. The vessel owner or operator must follow the installation procedures when installing or re-installing a NOAA Fisheries-approved VMS unit. The vessel owner is responsible for all installation and activation costs. After completion of the installation and activation, the owner may confirm that NOAA Fisheries is receiving position reports by calling NOAA Office of Law Enforcement in Silver Spring, MD, at 301-427-2300, or by sending email to vms@noaa.gov.

The vessel owner must sign the statement certifying compliance with the installation procedures, then submit the certification statement to the NOAA Office of Law Enforcement, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

Vessel Name: _____ Vessel Doc. Number: _____

VMS Transmitting Unit Manufacturer: _____

VMS Communications Service Provider: _____

Certification:

In accordance with 50 C.F.R. § 300, as the owner of a vessel engaged in fishing activities covered by the Antarctic Marine Living Resources Convention Act, I hereby certify that the VMS system on my vessel has been installed in compliance with applicable procedures.

Vessel Owner Name: _____

Vessel Owner Signature: _____ Date: _____

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the Vessel Monitoring System (VMS) certification statement is mandatory for the purpose of managing the Atlantic shark fisheries. The certification statement is used to ensure proper operation of the VMS unit. Reporting burden for the collection of information is estimated to average 4 hours per installation, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. The burden for submission of this certification statement is estimated at 5 minutes per response. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the Magnuson-Stevens Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, NMFS ensures the information identifying the pecuniary business activity of a particular individual is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act, you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Office of Law Enforcement, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

VESSEL IDENTIFICATION FORM (VIF)

FOR ALL VESSELS

(1) VESSEL NAME: _____

(2) ALL PREVIOUS VESSEL NAMES AND FLAGS (IF KNOWN):

(3) NAME AND ADDRESS OF OWNER:

(4) NAME AND ADDRESS OF BENEFICIAL OWNERS (IF KNOWN):

(5) NAME AND ADDRESS OF LICENCE OWNER (IF DIFFERENT FROM VESSEL OWNER):

(6) U.S. COAST GUARD DOCUMENTATION NUMBER: _____

(7) PORT OF HAIL: _____

(8) VESSEL'S EXTERNAL MARKINGS (ATTACH THREE COLOR PHOTOS):

(9) INTERNATIONAL RADIO CALL SIGN: _____

(10) VESSEL'S INTERNATIONAL MARITIME ORGANIZATION (IMO) NUMBER (IF ISSUED):

(11) VESSEL TYPE: _____

(12) WHERE BUILT: _____

(13) WHEN BUILT: _____

(14) LENGTH: _____

(15) GROSS TONS: _____

(16) MAXIMUM SHAFT OR HORSE POWER: _____

(17) PROCESSING EQUIPMENT: _____

(18) HOLD CAPACITY (IN CUBIC METERS - BALE CAPACITY ONLY):

HOLD #1: _____ HOLD #2: _____ HOLD #3: _____ HOLD #4: _____

(IF MORE THAN 4 HOLDS, GIVE TOTAL HOLD CAPACITY)

(19) OTHER CARRYING CAPACITY (IN TONNES): _____

(20) DETAILS OF THE TAMPER-PROOF ELEMENTS OF THE SATELLITE-LINKED VESSEL MONITORING
DEVICE (WHERE APPLICABLE): _____

(21) PROVIDE LAST AMLR PERMIT NUMBER _____ IF NONE CHECK _____

(22) WILL HARVESTING VESSEL BE SUPPORTED BY OR WORKING WITH A FOREIGN VESSEL? _____

IF YES, PROVIDE:

NAME OF THE VESSEL: _____

FLAG OF THE VESSEL: _____

INTERNATIONAL RADIO CALL SIGN: _____

TYPE OF VESSEL: _____

PERMIT NUMBER: _____

ADDITIONAL INFORMATION FOR VESSELS PARTICIPATING IN A NEW OR EXPLORATORY FISHERY

(1) NAME, ADDRESS OF OPERATOR (IF DIFFERENT FROM VESSEL OWNER):

(2) NAME, NATIONALITY OF MASTER: _____

(3) NAME, NATIONALITY OF FISHING MASTER (WHERE RELEVANT):

(4) VESSEL COMMUNICATION TYPES AND NUMBERS:

(5) NORMAL CREW COMPLEMENT: _____

(6) ICE CLASSIFICATION: _____

VESSEL OWNER'S/APPLICANT'S SIGNATURE

The undersigned acknowledges that he/she is bound by Federal regulations governing the harvest of Antarctic Marine Living Resources in Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) waters. This permit is valid only so long as the undersigned complies with these applicable regulations.

Knowingly supplying false information for the purpose of obtaining a permit is a violation of Federal law punishable by a fine of up to \$10,000 and/or imprisonment up to 5 years.

Signature: _____ Date: _____

HARVESTING INFORMATION FORM (HIF)

Use the space below (and supplemental sheets as necessary) to list each target species for which an AMLR harvesting permit is requested and to identify for each: the tonnage requested, CCAMLR statistical area to be fished, gear to be used, and type and amount of bycatch anticipated.

CONVENTION ON THE CONSERVATION OF ANTARCTIC
MARINE LIVING RESOURCES (CCAMLR)

INSTRUCTIONS FOR COMPLETING
APPLICATION FOR PERMIT TO HARVEST and/or TRANSSHIP
ANTARCTIC MARINE LIVING RESOURCES (AMLR)
VESSEL INFORMATION FORM (VIF)
HARVESTING INFORMATION FORM (HIF)

Complete an application and VIF for each vessel for which a permit is requested. Applicants for a harvesting permit should also submit an HIF. Submit these documents at least 90 days before harvesting and/or transshipment activities are to begin. If you are applying to participate in an exploratory fishery, submit an application to the Assistant Administrator no later than four months before the annual meeting of CCAMLR (i.e., no later than July 15 in any given year). This allows time for review, issuance and delivery of the permit. Timely submission will ensure prompt consideration of your request. Incomplete, unsigned, or improperly signed applications will be returned for completion.

Type all materials in English. Complete all items except the space near the top, right hand corner labeled "No." The Government of the United States will assign a number.

Application for Permit to Harvest and/or Transship Marine Living Resources

- (1) **Harvest:** If this is an application to harvest AMLR, please complete the harvesting line.

New or Exploratory Fisheries: If this is an application to initiate a new fishery or participate in an exploratory fishery, please check either the New Fishery or Exploratory box.

New Fishery. A new fishery is defined as a fishery on a species using a particular method in CCAMLR statistical subarea for which: (1) information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing has not yet been submitted to CCAMLR; (2) catch and effort data have never been submitted to CCAMLR; or (3) catch and effort data from the two most recent seasons in which fishing has occurred have not been submitted to CCAMLR. If you are applying to initiate a new fishery, submit an application to the Assistant Administrator no later than July 1 of the year in which you are requesting to fish. Your application must be accompanied by information on: (1) the nature of the proposed fishery, including target species, methods of fishing, proposed region, and any minimum level of catches that would be required to develop a viable fishery; (2) biological information from comprehensive research/survey cruises, such a distribution, abundance, demographic data and information on stock identity; (3) details of dependent and associated species and the likelihood of them being affected by the proposed fishery; and (4) information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield. This information should be submitted as a narrative attached to the harvesting vessel application. If you need assistance in providing this information, please contact the National Marine Fisheries Service, Southwest Fisheries Science Center, Antarctic Ecosystem Research Group, P.O. Box 271, LaJolla, California 92038-0271 or phone (858) 546-5601.

Exploratory Fishery: An exploratory fishery is a fishery that was originally a new fishery, but has not yet been fully developed. A fishery will continue to be classified by CCAMLR as an exploratory fishery until sufficient information is available to (1) evaluate the distribution, abundance, and demography of the target species, leading to an estimate of the fishery's potential yield; (2) review the fishery's potential impacts on dependent and associated species; and (3) allow the CCAMLR Scientific Committee to formulate and provide advice to the Commission for the Conservation of Antarctic Marine Living Resources on appropriate harvest catch levels and fishing gear.

- (2) **Transshipment:** If this is an application to transship *Dissostichus* species, whether harvested within or ~~outside CCAMLR~~ waters, please complete the transshipment line.

- (16) **Maximum Shaft Power or Horse Power:** Enter the vessel's maximum shaft power (kw at...rev/min) or horsepower.
- (17) **Processing Equipment:** List the types of fish processing equipment aboard the vessel such as flash freezer, header, eviscerator, filleter, fish meal plant, fish oil plant, surimi plant, cannery, etc.
- (18) **(Fill out only for a harvesting permit) Hold Capacity:** Enter in cubic meters the hold capacity for each hold or other space (including flash freezers) in which fish or fish products may be stored. Use **bale** capacity only. If there are more than four (4) holds, give the total hold capacity in cubic meters. Otherwise, list the holds individually. Record this information **accurately;** enforcement officials and CCAMLR inspectors to determine the quantity of fish or fish products aboard the vessel use the data.
- (19) **Other Carrying Capacity:** Provide the carrying capacity in tonnes of the vessels' storage capacity exclusive of holds.
- (20) **Details of the Tamper-Proof Elements of the Vessel's Satellite-Linked Vessel Monitoring Device:**
Describe the type and configuration of the vessel-monitoring device installed on the vessel. Note: The device must be located within a sealed unit and be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with. The unit must be capable of preventing the input or output of false positions and not capable of being over-ridden manually, electronically or otherwise.
- (21) **(Fill out only for a harvesting permit)** Indicate if the vessel has fished in Convention waters in prior years by listing the last permit application number. If the vessel has never applied for a permit, indicate so with a check mark next to the blank marked "none."
- (22) If the permitted vessels will be supporting or working with foreign vessels that are not permitted by the United States, the name of the foreign vessel, the flag of the vessel, the international radio call sign, type of vessel, and permit number.
- (23) In the event the modifications or amendments to this application become necessary, please submit a new application.

INSTRUCTIONS FOR SUPPLYING ADDITIONAL INFORMATION FOR VESSELS PARTICIPATING IN A NEW OR EXPLORATORY FISHERY

- (1) **Name and Address of Operator (If Different from Vessel Owner):** Enter the name and mailing address of the operator of the vessel. _____
- (2) **Name and Nationality of the Master:** Enter the name and nationality of the master (captain) of the vessel. _____
- (3) **Name and Nationality of the Fishing Master:** Enter the name and nationality of the fishing master of the vessel, ~~if the vessel is operating with a fishing master in~~ addition to the master of the vessel.
- (4) **Vessel Communication Types and Numbers:** Indicate the numbers of INMARSAT A, B or C. _____
- (5) **Normal crew complement:** Indicate the normal number of crew on the vessel. _____
- (6) **Ice classification:** Only vessels with a minimum classification standard of ICE-IC will be licensed for fishing in ~~high latitude areas~~ (Subareas 88.1 and 88.2).

Harvesting Information Form (HIF)

- (1) **Target species:** Identify all target species. Categories include: finfish, krill, squid, crab, and other species. If finfish is identified, please specify from the list below which finfish will be harvested.

Antarctic Finfish include:

Humped rockrod (*Gobionotothen gibberifrons*)
Marbled rockrod (*Notothenia rossii*)
Grey rockrod (*Lepidorhirus squamifrons*)
Striped-eyed rockcod (*Lepidonothon kempfi*)
Patagonian toothfish (*Dissostichus eleginoides*)
Antarctic toothfish (*D. mawsoni*)
Lanternfish (*Electrona carlsbergi*)
Patagonian rockrod (*Patagonothen brevicauda guntheri*)
Antarctic silverfish (*Pleuragramma antarcticum*) Antarctic
cods (*Trematomus* spp.)
Blackfin icefish (*Chaenocephalus aceratus*)
Spiny icefish (*Chaenodraco wilsoni*)
Mackerel icefish (*Champscephalus gunnari*)
Ocellated icefish (*Chionodraco rastrospinosus*)
South Georgia icefish (*Pseudochaenichthys georgianus*)

- (2) **Total Tonnage Requested.** For each species, enter the requested amounts in metric tons. If more tonnage is needed after submission of the first application, another application is required to increase the earlier request. If an additional application is not submitted to increase the tonnage from the initial application, you may only harvest the amount initially requested.
- (3) **CCAMLR Statistical Areas:** See enclosed map for designation of CCAMLR areas. Enter the CCAMLR statistical area(s) where each species will be harvested.
- (4) **Gear to be used:** Identify the gear which will be used in harvesting each requested species.
- (5) **Type and amount of bycatch:** Identify the type and amount of bycatch anticipated to be taken in each Statistical Area while harvesting for each requested species and the planned disposition of the bycatch (i.e., whether it is to be retained or discarded).

Completed applications should be sent to the following address:

Assistant Administrator for Fisheries National
Marine Fisheries Service 1335 East-West
Highway
Silver Spring, Maryland 20910
Attention: CCAMLR Permit Office

NMFS manages Antarctic fisheries and the importation of resulting products under the Antarctic Marine Living Resources Convention Act, codified at 16 U.S.C. 2431 et seq. NMFS implements CCAMLR conservation measures by regulations at 50 CFR part 300, subparts A and G. Changes to the existing regulations are necessary to incorporate new conservation measures and facilitate enforcement. Public reporting burden for this collection of information is estimated to average 30 minutes per response in the case of a harvesting permit and 12 minutes in the case of a transshipment permit, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910. Responses to the collection are mandatory. Confidentiality of information collected will be subject to NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics." Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES**

Application for Dealer Permit to Import And/or Re-export Antarctic Marine Living Resources

Under the provisions of the Antarctic Marine Living Resources Convention Act 1984, the following person(s) _____
_____ submit(s) this application to import/and or re-export Antarctic Marine Living Resources.

(1) COMPANY (Business) NAME: _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP CODE: _____
PHONE NUMBER: (_____) _____ FAX NUMBER: (_____) _____

(If Nonresident then Provide the Following Information about Registered Agent)

(1a) COMPANY (Business) NAME: _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP CODE: _____
PHONE NUMBER: (_____) _____ FAX NUMBER: (_____) _____

(2) SPECIES: _____

(3) ESTIMATE OF TOTAL TONAGE TO BE IMPORTED: _____

(4) Please check one of the following:

____ I am applying for a re-export permit in addition to an import permit.

____ I am applying for a re-export only.

(5) SIGNATURE: _____

TITLE: _____ SUBMITTED DATE: _____

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No permit will be issued without completion of this application. Permits to Import AMLR enable NMFS to track all imports and ensure that all AMLR are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the *Federal Register* and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Public reporting burden for completing this form is estimated to average ten minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond 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. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

**INSTRUCTIONS FOR COMPLETING APPLICATION FOR A DEALER PERMIT TO IMPORT
AND/OR RE-EXPORT ANTARCTIC MARINE LIVING RESOURCES (AMLR) UNDER THE
CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)**

No marine mammal may be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act of 1983. Do not use this application to request authorization to import an Antarctic marine mammal.

- (1) Provide the company name and business address of person applying for the dealer permit to import and/or re-export.
- (2) Use the attached list to describe the species to be imported and/or re-exported. Submit one application for each species.
- (3) Note the estimated tonnage amount for each species to be imported and/or re-exported. Amounts approved for importation and/or re-exportation on permits issued to applicants may not be exceeded.
- (4) Please check the statement that applies to whether or not you are requesting a re-export permit along with a request for a permit to import, or whether you are requesting a permit to re-export only.
- (5) Dealer permits for importing and/or re-exporting are valid from its date of issuance to its date of expiration unless it is revoked or suspended.
- (6) Application must be signed, with title of person signing if for a company.

No resources may be imported in violation of conservation and management measures adopted by CCAMLR and adopted by the United States. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the *Federal Register* and are also available at CCAMLR website located at <http://www.ccamlr.org>.

In the event that modifications or amendments to this application become necessary, please submit a new application.

Return completed application to:	NOAA/International Fisheries Division 1315 East-West Highway Silver Spring, MD 20910 Attn: CCAMLR Permit Office	NOAA/National Seafood Inspection Laboratory 705 Convent Street Pascagoula, MS 39567 Attn: CCAMLR Data Management Fax: (228) 762-7144
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NOTE: *The United States can only authorize imports of AMLR harvested by vessels licensed to fish by their flag states for AMLR and fishing consistent with measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources for the conservation and management of the harvested species.*

The Antarctic Marine Living Resources Act of 1984 is the U.S. statutory authority for requiring import permits. In addition, it addresses the activities of brokers and any U.S. entity in the market chain for Antarctic Marine Living Resources.

Section 306 (3) makes it unlawful to any person to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control of, any Antarctic Marine Living Resource (or part thereof) which he knows or reasonably should have known, was harvested in violation of conservation measures in force with respect to the United States pursuant to Article IX of the Convention [i.e., CCAMLR] or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic Marine Living Resource (or part or product thereof). This is in addition to making it unlawful to import without a permit. Thus, this section applies to brokers and any other entity offering to sell Antarctic Marine Living Resources, whether that entity is an importer of record or not, and whether the resource enters the U.S. market or an overseas market.

Thus, in your contacts with brokers and with vessels that may be potential sources of AMLR, it is important that you inquire as to whether the vessel holds a currently valid license authorizing it to fish for AMLR species.

If you have any questions about the status of a vessel offering AMLR species, please contact the AMLR Permit Office of the National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland, 20910.

NMFS manages Antarctic fisheries and the importation of resulting products under the Antarctic Marine Living Resources Convention Act, codified at 16 U.S.C. 2431 *et seq.* NMFS implements CCAMLR conservation measures by regulations at 50 CFR part 300, subparts A and G. Changes to the existing regulations are necessary to incorporate new conservation measures and facilitate enforcement. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910. Responses to the collection are mandatory. Confidentiality of information collected will be subject to NOAA Administrative Order 216-100, "Confidentiality of Fishery Statistics." Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES

Application for Pre-Approval of Catch Documents of Toothfish

1. NAME OF IMPORTER (Individual):

COMPANY NAME (Business):

COMPANY ADDRESS:

CURRENT PERMIT NUMBER

2. ESTIMATED DATE OF ARRIVAL:

3. PORT OF ARRIVAL (ALSO PORT OF
UNLADING IF DIFFERENT THAN ARRIVAL)

4. CONSIGNEE(S) OF PRODUCT:

5. AMOUNT TO BE IMPORTED (in kgs)

6. INDICATE WHETHER PRODUCT IS **Fresh or Frozen** BY CIRCLING THE APPROPRIATE RESPONSE.

7. U.S. CUSTOMS 7501 NUMBER (MUST BE 11 DIGITS/CHARACTERS LONG)

____/____/____/____/____/____/____/____/____/____/____

THE FOLLOWING ITEMS ARE FOUND ON THE DISSOSTICHUS CATCH DOCUMENT(S)

8. DOCUMENT NUMBER OF DCD(S)

9. FLAG STATE CONFIRMATION NUMBER:

10. EXPORT REFERENCE NUMBER

11. INDICATE WHETHER A RE-EXPORT DOCUMENT IS ALSO ACCOMPANYING THIS SHIPMENT.

Signature/Date

Title (Business)

Return this Application for Pre-Approval along with Catch Documents a minimum of 14 days prior to importing resource(s) to the address below, or fax to (228) 762-7144:

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No authorization to import will be issued without completion of this application. Pre-approval of toothfish enable NMFS to track all imports and ensure that all AMLR are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond 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. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

**UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES**

Reporting Form for Catch Documents of Accompanying Fresh, Air-shipped Shipments of Toothfish

(1) NAME OF IMPORTER (Contact Person): _____
COMPANY (Business) NAME: _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP CODE: _____
PHONE NUMBER: (_____) _____ FAX NUMBER: (_____) _____
CURRENT PERMIT NUMBER: _____

(2) ESTIMATED DATE OF ARRIVAL: _____

(3) PORT OF ARRIVAL (ALSO PORT OF UNLOADING IF DIFFERENT THAN ARRIVAL): _____

(4) CONSIGNEE(S) OF PRODUCT: _____

(5) AMOUNT TO BE IMPORTED (in kgs): _____

(6) U.S. CUSTOMS 7501 NUMBER: _____ / _____ / _____ / _____ / _____ / _____ / _____ / _____ / _____ / _____ / _____ / _____
(MUST BE 11 DIGITS/CHARACTERS LONG. NUMBER TO BE SUPPLIED AT LEAST 3 WORKING DAYS PRIOR TO SHIPMENTS ARRIVAL.)

(7) SHIPPING LINE AND CONTAINER NUMBERS FOR EACH CONTAINER IN THIS SHIPMENT:

THE FOLLOWING ITEMS ARE FOUND ON THE DISSOSTICHUS CATCH DOCUMENT(S)

(8) DOCUMENT NUMBER OF DCD(S): _____

(9) FLAG STATE CONFIRMATION NUMBER: _____

(10) EXPORT REFERENCE NUMBER: _____

(11) INDICATE WHETHER A RE-EXPORT DOCUMENT IS ALSO ACCOMPANYING THIS SHIPMENT: _____

(12) SIGNATURE: _____

TITLE: _____ SUBMITTED DATE: _____

A fee for all shipments requiring pre-approval will be assessed at a rate of \$200 per application which includes staff time plus overhead associated with this function.

Return this Application for Pre-Approval along with Catch Documents a minimum of 15 days prior to importing resource(s) (with the exception of the U.S. Customs 7501 number which can be supplied at a later date but at least 3 working days prior to the shipments arrival into port) to the address below, or fax to (228) 762-7144.

National Seafood Inspection Laboratory
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Data Management

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No authorization to import will be issued without completion of this application. Pre-approval of toothfish imports enables NMFS to track all imports and ensure that all AMLR are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the *Federal Register* and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond 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. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

To the extent permitted under the Trade Secrets Act and the Freedom of Information Act, NMFS will maintain the confidentiality of information determined to be a trade secret or privileged and confidential commercial or financial information.

**INSTRUCTIONS FOR COMPLETING THE REPORTING FORM FOR CATCH DOCUMENTS OF
ACCOMPANYING FRESH, AIR-SHIPPED SHIPMENTS OF TOOTHFISH**

No marine mammal may be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act of 1983. Do not use this application to request authorization to import an Antarctic marine mammal.

- (1) Provide contact name, company name, business address, phone and fax numbers, and current AMLR permit number of entity applying for the pre-approval of catch documents prior to import.
- (2) Provide known or estimated date of arrival of shipment.
- (3) Provide port of arrival of shipment (also list port of unloading if different than port of arrival).
- (4) Provide company name of consignee of product, if consignee is the same as importer then place NA in space provided.
- (5) Provide amount (net weight in kgs) to be imported in shipment. Note: the amount must match amount listed on Catch Document export section (or amount listed on re-export document if re-export) within 10%.
- (6) Provide U.S. Customs 7501 Number to be used for shipment. **Note: This can be provided at a later date but no later than 3 working days prior to the shipments arrival into port.**
- (7) Provide the shipping line information, ship name, and container number(s) for each container.

Provide the following information that can be taken from the Catch Document(s)

- (8) Provide the Document Number of Dissostichus Catch Document(s).
- (9) Provide the Flag State Confirmation Number of the Dissostichus Catch Document(s).
- (10) Provide the Export Reference Number of the Dissostichus Catch Document(s).
- (11) If this shipment is a re-export, then a re-export document will also be required for pre-approval. Please indicate whether there is such a re-export document provided for this shipment.
- (12) Application must be signed, with title of person signing it for a company.

No resources may be imported in violation of conservation and management measures adopted by CCAMLR and adopted by the United States. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

NOTE: The United States can only authorize imports of AMLRs harvested by vessels licensed to fish by their flag states for AMLRs and fishing consistent with measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources for the conservation and management of the harvested species. No authorization to import will be granted for any product that has been harvested from FAO statistical areas 51 or 57.

The Antarctic Marine Living Resources Act of 1984 is the U.S. statutory authority for requiring import permits. In addition, it addresses the activities of brokers and any U.S. entity in the market chain for Antarctic Marine Living Resources.

Section 306 (3) makes it unlawful to any person to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control of, any Antarctic Marine Living Resource (or part thereof) which he knows or reasonably should have known, was harvested in violation of conservation measures in force with respect to the United States pursuant to Article IX of the Convention [i.e., CCAMLR] or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic Marine Living Resource (or part or product thereof). This is in addition to making it unlawful to import without a permit. Thus, this section applies to brokers and any other entity offering to sell Antarctic Marine Living Resources, whether that entity is an importer of record or not, and whether the resource enters the U.S. market or an overseas market.

Thus, in your contacts with brokers and with vessels that may be potential sources of AMLRs, it is important that you inquire as to whether the vessel holds a currently valid license authorizing it to fish for AMLR species.

If you have any questions about the status of a vessel offering AMLR species, please contact the AMLR Permit Office of the National Marine Fisheries Service, 705 Convent Street, Pascagoula, MS 39567.

**UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ANTARCTIC MARINE LIVING RESOURCES**

IMPORT TICKET NO.

NAME OF IMPORTER: _____
(INDIVIDUAL)

COMPANY NAME:
(BUSINESS)

IMPORTER ADDRESS:

COMPANY ADDRESS:

RESOURCE IMPORTED AND DATE:

QUANTITY OF RESOURCE:

1. _____

1.

2. _____

2.

3. _____

3.

4. _____

4.

HARVESTING VESSEL(S) NAME(S)

FLAG NATION

1. _____

1.

2. _____

2.

3. _____

3.

4. _____

4.

Signature

Date

Title (Business)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

Return this Import Ticket within 24 hours after importing resource(s) to the address below:

Toothfish Import Control Program
National Seafood Inspection Lab
National Marine Fisheries Service
705 Convent Street
Pascagoula, MS 39567
Attention: CCAMLR Permit Office

OR

FAX: 228 762-7144
Attention CCAMLR Permit Officer

CONSERVATION MEASURE 10-05 (2004)
Catch Documentation Scheme for *Dissostichus* spp.

Species	toothfish
Area	all
Season	all
Gear	all

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. (CDS) will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the CDS,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.

2. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document (DCD) for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
3. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transhipment of *Dissostichus* spp. to its vessels be accompanied by a completed DCD. The landing of *Dissostichus* spp. without a catch document is prohibited.
4. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide DCD forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.
5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this scheme may issue DCD forms, in accordance with the procedures specified in paragraphs 6 and 7, to any of its flag vessels that intend to harvest *Dissostichus* spp.
6. The DCD shall include the following information:
 - (i) the name, address, telephone and fax numbers of the issuing authority;
 - (ii) the name, home port, national registry number, and call sign of the vessel and, if issued, its IMO/Lloyd's registration number;
 - (iii) the reference number of the licence or permit, whichever is applicable, that is issued to the vessel;
 - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
 - (a) by CCAMLR statistical subarea or division if caught in the Convention Area; and/or
 - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
 - (v) the dates within which the catch was taken;
 - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped;
 - (vii) the name, address, telephone and fax numbers of the recipient(s) of the catch and the amount of each species and product type received.
7. Procedures for completing DCDs in respect of vessels are set forth in paragraphs A1 to A10 of Annex 10-05/A to this measure. The standard catch document is attached to the annex.

8. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into or exported from its territory be accompanied by the export-validated DCD(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. The import, export or re-export of *Dissostichus* spp. without a catch document is prohibited.
9. An export-validated DCD issued in respect of a vessel is one that:
 - (i) includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 10-05/A to this measure;
 - (ii) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
10. Each Contracting Party shall ensure that its customs authorities or other appropriate officials request and examine the documentation of each shipment of *Dissostichus* spp. imported into or exported from its territory to verify that it includes the export-validated DCD(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
11. If, as a result of an examination referred to in paragraph 10 above, a question arises regarding the information contained in a DCD or a re-export document the exporting State whose national authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
12. Each Contracting Party shall promptly provide by the most rapid electronic means copies to the CCAMLR Secretariat of all export-validated DCDs and, where relevant, validated re-export documents that it issued from and received into its territory and shall report annually to the Secretariat data, drawn from such documents, on the origin and amount of *Dissostichus* spp. exported from and imported into its territory.
13. Each Contracting Party, and any non-Contracting Party that issues DCDs in respect of its flag vessels in accordance with paragraph 5, shall inform the CCAMLR Secretariat of the national authority or authorities (including names, addresses, phone and fax numbers and email addresses) responsible for issuing and validating DCDs.
14. Notwithstanding the above, any Contracting Party, or any non-Contracting Party participating in the CDS, may require additional verification of catch documents by Flag States by using, *inter alia*, VMS, in respect of catches¹ taken on the high seas outside the Convention Area, when landed at, imported into or exported from its territory.
15. If, following an examination under paragraph 10, questions under paragraph 11 or requests for additional verification of documents under paragraph 14, it is determined, after consultation with the States concerned, that a catch document is invalid, the import, export or re-export of *Dissostichus* spp. being the subject of the document is prohibited.

16. If a Contracting Party participating in the CDS has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it may issue a Specially Validated *Dissostichus* Catch Document (SVDCD) specifying the reasons for that validation. The SVDCD shall include a statement describing the circumstances under which confiscated fish are moving in trade. To the extent practicable, Parties shall ensure that no financial benefit arising from the sale of seized or confiscated catch accrue to the perpetrators of IUU fishing. If a Contracting Party issues a SVDCD, it shall immediately report all such validations to the Secretariat for conveying to all Parties and, as appropriate, recording in trade statistics.
17. A Contracting Party may transfer all or part of the proceeds from the sale of seized or confiscated *Dissostichus* spp. into the CDS Fund created by the Commission or into a national fund which promotes achievement of the objectives of the Convention. A Contracting Party may, consistent with its domestic legislation, decline to provide a market for toothfish offered for sale with a SVDCD by another State. Provisions concerning the uses of the CDS Fund are found in Annex B.

¹ Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel

ANNEX 10-05/A

- A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:
 - (i) a four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued;
 - (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

- A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transshipment of *Dissostichus* spp.:
- (i) the master shall ensure that the information specified in paragraph 6 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
 - (ii) if a landing or transshipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
 - (iii) if a landing or transshipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division and indicating whether the catch was caught in an EEZ or on the high seas, as appropriate;
 - (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the dates within which the catch was taken, the species, processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transshipment and the port and country of landing or vessel of transshipment and shall request from the Flag State, a Flag State confirmation number.
- A3. If, for catches¹ taken in the Convention Area or on the high seas outside the Convention Area, the Flag State verifies, by the use of a VMS (as described in paragraph 1 of Conservation Measure 10-04), the area fished and that the catch to be landed or transhipped as reported by its vessel is accurately recorded and taken in a manner consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the vessel's master by the most rapid electronic means available. The *Dissostichus* catch document will receive a confirmation number from the Flag State, only when it is convinced that the information submitted by the vessel fully satisfies the provisions of this conservation measure.
- A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.
- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transshipment of *Dissostichus* spp.:
- (i) in the case of a transshipment, the master shall confirm the transshipment obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is being transferred;
 - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the

Port State and is competent with regard to the validation of *Dissostichus* catch documents;

- (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
 - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transshipment, the master or authorised representative shall immediately sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.
- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master or authorised representative shall retain the original copies of the signed *Dissostichus* catch document(s) and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after each landing of such catch in order to complete each *Dissostichus* catch document received from transshipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the Port State and is competent with regard to the validation of *Dissostichus* catch documents;
 - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade;
 - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A10. In respect of each landing of transhipped catch, the master or authorised representative

of the receiving vessel shall immediately sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the receiving vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.

A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:

- (i) the exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
- (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;
- (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document;
- (iv) the exporter shall obtain a signed and stamped validation of the *Dissostichus* catch document by a responsible official of the exporting State.

A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:

- (i) the re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
- (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
- (iii) the re-exporter shall obtain a signed and stamped validation of the above details by the responsible official of the exporting State on the accuracy of information contained in the document(s);
- (iv) the responsible official of the exporting state shall immediately transmit by the most rapid electronic means a copy of the re-export document to the Secretariat to be made available next working day to all Contracting Parties.

The standard form for re-export is attached to this annex.

¹ Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

DISSOSTICHUS CATCH DOCUMENT

V 1.4

Document Number					Flag State Confirmation Number		
PRODUCTION SECTION							
1. Issuing Authority of Document		Address			Tel:		
Name					Fax:		
2. Fishing Vessel Name		Home Port & Registration Number			Call Sign		IMO/Lloyd's Number (if issued)
3. Licence Number (if issued)		4. Fishing dates for catch under this document					
		4. From:			5. To:		
6. Description of Fish (Landed/Transhipped)					7. Description of Fish Sold		
Species	Type	Estimated Weight to be Landed (kg)	Area Caught*	Verified Weight Landed (kg)	Net Weight Sold (kg)	Recipient name, address, telephone, fax and signature.	
						Recipient Name:	
						Signature:	
						Address:	
						Tel:	
						Fax:	
Species: TOP <i>Dissostichus eleginoides</i> , TOA <i>Dissostichus mawsoni</i>							
Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify)							
8. Landing/Transshipment Information: I certify that the above information is complete, true and correct. If any <i>Dissostichus</i> spp. was taken in the Convention Area, I certify that it was taken in a manner which is consistent with CCAMLR conservation measures:							
Master of Fishing Vessel or Authorised Representative (print in block letters)		Signature and Date		Landing/Transshipment Port and Country/Area		Date of Landing/Transshipment	
9. Certificate of Transshipments: I certify that the above information is complete, true and correct to the best of my knowledge.							
Master of Receiving Vessel		Signature	Vessel Name	Call Sign	IMO/Lloyds Number (if issued)		
Transshipment within a Port Area: countersignature by Port Authority if appropriate.							
Name		Authority		Signature		Seal (Stamp)	
10. Certificate of Landing: I certify that the above information is complete, true and correct to the best of my knowledge.							
Name	Authority	Signature	Address	Tel.	Port of Landing	Date of Landing	Seal (Stamp)
11. EXPORT SECTION					12. Exporter Declaration: I certify that the above information is complete, true and correct to the best of my knowledge.		
Description of Fish			Name	Address	Signature	Export Licence (if issued)	
Species	Product Type	Net Weight					
13. Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge.							
Name/Title		Signature	Date	Seal (Stamp)			
Country of export					Export reference number		
14. IMPORT SECTION							
Name of Importer		Address					
Point of Unlading:		City	State/Province	Country			

* Report FAO Statistical Area/Subarea/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.

104-297

SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

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

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

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

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

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

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

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

(D) when required by court order;

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

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

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

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

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

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

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

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

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

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

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

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

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

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

16 U.S.C. 1881a-1881b
MSA §§ 402-403

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

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

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

(e) **RESOURCE ASSESSMENTS.**—

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

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

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

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

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

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

104-297

SEC. 403. OBSERVERS

16 U.S.C. 1881b

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

(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

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

-CITE-

16 USC CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

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CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-MISC1-

Sec.

2431. Findings and purpose.
2432. Definitions.
2433. Representatives.
2434. Conservation measures; system of observation and inspection.
2435. Unlawful activities.
2436. Regulations.
2437. Civil penalties.
2438. Criminal offenses.
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2443. Authorization of appropriations.
2444. Severability.

-End-

-CITE-

16 USC Sec. 2431

-EXPCITE-

TITLE 16 - CONSERVATION

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Sec. 2431. Findings and purpose

-STATUTE-

(a) Findings

The Congress finds that -

(1) the Convention on the Conservation of Antarctic Marine Living Resources establishes international mechanisms and creates legal obligations necessary for the protection and conservation of Antarctic marine living resources;

(2) the Convention incorporates an innovative ecosystem approach to the management of Antarctic marine living resources, including standards designed to ensure the health of the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole;

(3) the Convention serves important United States environmental and resource management interests;

(4) the Convention represents an important contribution to United States long term legal and political objectives of maintenance of Antarctica as an area of peaceful international cooperation;

(5) United States basic and directed research programs concerning the marine living resources of the Antarctic are essential to achieve the United States goal of effective implementation of the objectives of the Convention; and

(6) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of Antarctica.

(b) Purpose

The purpose of this chapter is to provide the legislative authority necessary to implement, with respect to the United States, the Convention on the Conservation of Antarctic Marine Living Resources.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 302, Nov. 8, 1984, 98 Stat. 3398.)

-MISC1-

SHORT TITLE

Section 301 of title III of Pub. L. 98-623 provided that: "This title [enacting this chapter] may be cited as the 'Antarctic Marine Living Resources Convention Act of 1984'."

-End-

-CITE-

16 USC Sec. 2432

-EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2432. Definitions

-STATUTE-

For purposes of this chapter -

(1) Antarctic Convergence

The term "Antarctic Convergence" means a line joining the following points along the parallels of latitude and meridians of longitude: 50 degrees south, 0 degrees; 50 degrees south, 30 degrees east; 45 degrees south, 30 degrees east; 45 degrees south, 80 degrees east; 55 degrees south, 80 degrees east; 55 degrees south, 150 degrees east; 60 degrees south, 150 degrees east; 60 degrees south; (!1) 50 degrees west; 50 degrees south, 50 degrees west; and 50 degrees south, 0 degrees.

(2) Antarctic marine living resources

The term "Antarctic marine living resources" means the population of finfish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

(3) Commission

The term "Commission" means the Commission for the Conservation of Antarctic Marine Living Resources established pursuant to article VII of the Convention.

(4) Convention

The term "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980, and entered into force with respect to the United States on April 7, 1982.

(5) Harvesting or other associated activities

The terms "harvesting" and "harvesting or other associated activities" mean -

(A) the harassing, molesting, harming, pursuing, hunting, shooting, wounding, killing, trapping, or capturing of Antarctic marine living resources;

(B) attempting to engage in any activity set forth in subparagraph (A);

(C) any other activity which can reasonably be expected to result in any activity described in subparagraph (A); and

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

(6) Harvest

The term "harvest" means to engage in harvesting or other associated activities.

(7) Import

The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States.

(8) Person

The term "person" means an individual, partnership, corporation, trust, association, and any other entity subject to the jurisdiction of the United States.

(9) Scientific Committee

The term "Scientific Committee" means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established pursuant to article XIV of the Convention.

(10) Vessel of the United States

The term "vessel of the United States" means -

(A) a vessel documented under chapter 121 of title 46 or a vessel numbered as provided in chapter 123 of that title;

(B) a vessel owned in whole or in part by -

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas.

(11) Vessel subject to the jurisdiction of the United States

The term "vessel subject to the jurisdiction of the United States" includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article 6 of the 1958 Convention on the High Seas.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 303, Nov. 8, 1984, 98 Stat. 3398.)

-REFTEXT-

REFERENCES IN TEXT

The customs laws of the United States, referred to in par. (7), are classified generally to Title 19, Customs Duties.

-FOOTNOTE-

(!1) So in original. Probably should be a comma.

-End-

-CITE-

16 USC Sec. 2433

-EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2433. Representatives

-STATUTE-

(a) Representative to the Commission

The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, shall appoint an officer or employee of the United States as the United States representative to the Commission.

(b) Representative to the Scientific Committee The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, shall designate the United States representative to the Scientific Committee.

(c) Compensation

The United States representatives to the Commission and the Scientific Committee shall receive no additional compensation by reason of their services as such representatives.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 304, Nov. 8, 1984, 98 Stat. 3400.)

-End-

-CITE-

16 USC Sec. 2434

-EXPCITE-

TITLE 16 - CONSERVATION
CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

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Sec. 2434. Conservation measures; system of observation and inspection

-STATUTE-

(a) Conservation measures

(1) The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, is authorized -

(A) to decide on behalf of the United States whether the United States is unable to accept or can no longer accept a conservation measure adopted by the Commission pursuant to article IX of the Convention, and

(B) to notify the Commission of any such decision in accordance with article IX of the Convention.

(2) The Secretary of State shall -

(A) publish in the Federal Register, if practicable, timely notice of each proposed decision under paragraph (1) and invite written public comment regarding it; and

(B) publish in the Federal Register notice of each notification made to the Commission under paragraph (1).

(b) System of observation and inspection

The Secretary of State, with the concurrence of the Secretary of Commerce, the Director of the National Science Foundation and the Secretary of the department in which the Coast Guard is operating, is authorized to agree on behalf of the United States to the establishment of a system of observation and inspection, and to interim arrangements pending establishment of such a system, pursuant to article XXIV of the Convention.

(c) Communications from the Commission

The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, and other communications from the Commission and to take appropriate action on them, either directly or by reference to the appropriate authority.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 305, Nov. 8, 1984, 98 Stat. 3400.)

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

-End-

-CITE-

16 USC Sec. 2435

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2435. Unlawful activities

-STATUTE-

It is unlawful for any person -

- (1) to engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention;
- (2) to violate any regulation promulgated under this chapter;
- (3) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of, any Antarctic marine living resource (or part or product thereof) which he knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention or in violation of any regulation promulgated under this chapter, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic marine living resource (or part or product thereof);
- (4) to refuse to permit any authorized officer or employee of the United States to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this chapter, or any regulations promulgated under this chapter;
- (5) to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (4);
- (6) to resist a lawful arrest or detention for any act prohibited by this section; or
- (7) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 306, Nov. 8, 1984, 98 Stat. 3401.)

-End-

-CITE-

16 USC Sec. 2436

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2436. Regulations

-STATUTE-

The Secretary of Commerce, after consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, and the heads of other appropriate departments or agencies of the United States, shall promulgate such regulations as are necessary and appropriate to implement the provisions of this chapter.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 307, Nov. 8, 1984, 98 Stat. 3401.)

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

-End-

-CITE-

16 USC Sec. 2437

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2437. Civil penalties

-STATUTE-

(a) Assessment of penalties

- (1) Any person who is found by the Secretary of Commerce, after notice and opportunity for a hearing in accordance with subsection (b) of this section, to have committed any act prohibited by section 2435 of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$5,000 for each violation unless the prohibited act was knowingly committed, in which case the amount of the civil penalty shall not exceed \$10,000 for each violation. Each day of a continuing violation shall constitute a separate violation for purposes of this subsection. The amount of any civil penalty shall be assessed by the Secretary of Commerce by written notice. In determining the amount of such penalty, the Secretary of Commerce shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed,

and, with respect to the person committing the violation, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require, to the extent that such information is reasonably available to the Secretary.

(2) The Secretary of Commerce may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section, until such time as the matter is referred to the Attorney General under subsection (c) of this section.

(b) Hearings

Hearings for the assessment of civil penalties under subsection (a) of this section shall be conducted in accordance with section 554 of title 5. For the purposes of conducting any such hearing, the Secretary of Commerce may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General of the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary of Commerce or to appear and produce documents before the Secretary of Commerce, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) Review of civil penalty

Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary of Commerce, the Attorney General, and the appropriate United States Attorney. The Secretary of Commerce shall promptly refer the matter to the Attorney General of the United States, who shall file in such court a certified copy of the record upon which the violation was found or such penalty imposed, as provided in section 2112 of title 28. The court shall set aside the findings and order of the Secretary if the findings and order are found to be unsupported by substantial evidence, as provided in section 706(2)(E) of title 5.

(d) Recovery of civil penalties

The Attorney General of the United States may seek to recover in any appropriate district court of the United States (1) any civil penalty imposed under this section that has become a final and unappealable order and has been referred to the Attorney General by the Secretary of Commerce or (2) any final judgment rendered under this section in favor of the United States by an appropriate Court.

(e) Penalties under other laws

The assessment of a civil penalty under subsection (a) of this section for any act shall not be deemed to preclude the assessment of a civil penalty for such act under any other law.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 308, Nov. 8, 1984, 98 Stat. 3401.)

-End-

-CITE-

16 USC Sec. 2438

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2438. Criminal offenses

-STATUTE-

(a) Offenses

A person is guilty of an offense if that person commits any act prohibited by paragraph (4), (5), (6), or (7) of section 2435 of this title.

(b) Punishment

Any offense described in subsection (a) of this section is punishable by a fine of \$50,000, or imprisonment for not more than ten years, or both.

(c) Offenses under other laws

A conviction under subsection (a) of this section for any act shall not be deemed to preclude a conviction for such act under any other law.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 309, Nov. 8, 1984, 98 Stat. 3403.)

-End-

-CITE-

16 USC Sec. 2439

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2439. Enforcement

-STATUTE-

(a) Responsibility

The provisions of this chapter shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may utilize by agreement, on a reimbursable basis or otherwise, the personnel, services, and facilities of any other department or agency of the United States in the performance of such duties.

(b) Powers of authorized officers and employees

Any officer or employee of the United States who is authorized (by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, or the head of any department or agency of the United States which has entered into an agreement with either Secretary under subsection (a) of this section) to enforce the provisions of this chapter and of any regulation promulgated under this chapter may, in enforcing such provisions -

(1) secure, execute, and serve any order, warrant, subpoena, or other process, which is issued under the authority of the United States;

(2) search without warrant any person, place, vehicle or aircraft subject to the jurisdiction of the United States where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section 2435 of this title;

(3) with or without a warrant board and search or inspect any vessel of the United States or vessel subject to the jurisdiction of the United States;

(4) seize without warrant -

(A) any evidentiary item where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section 2435 of this title,

(B) any Antarctic marine living resources (or part of (!) product thereof) with respect to which such an act is committed,

(C) any vessel of the United States (including its gear, furniture, appurtenances, stores, and cargo), any vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stores, and cargo), and any vehicle, aircraft, or other means of transportation subject to the jurisdiction of the United States used in connection with such an act, and

(D) any guns, traps, nets, or equipment used in connection with such an act;

(5) offer and pay rewards for services or information which may lead to the apprehension of persons violating such provisions;

(6) make inquiries, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter which is related to the enforcement of such provisions;

(7) in coordination with the Secretary of the Treasury, detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation into, or exportation from, the United States;

(8) make an arrest with or without a warrant with respect to any act prohibited by paragraph (4), (5), (6), or (7) of section 2435 of this title if such officer or employee has reasonable grounds to believe that the person to be arrested is committing such act in his or her presence or view or has committed such act;

(9) exercise enforcement powers conferred on such officer or employee under a system of observation and inspection, or interim arrangements pending the establishment of such a system, which the Secretary of State has agreed to on behalf of the United States pursuant to section 2434(b) of this title; and

(10) exercise any other authority which such officer or employee is permitted by law to exercise.

(c) Seizure

Subject to the succeeding provisions of this subsection, any property or item seized pursuant to subsection (b) of this section shall be held by any officer or employee of the United States, who is authorized by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, pending the disposition of civil or criminal proceedings concerning the violation relating to the property or item, or the institution of an action in rem for the forfeiture of such property or item. Such authorized officer or employee may, upon the order of a court of competent jurisdiction, either release such seized property or item to the wild or destroy such property or item, when the cost of maintenance of the property or item pending the disposition of the case is greater than the legitimate market value of the property or item. Such authorized officer or employee and all officers or employees acting by or under his or her direction shall be indemnified from any penalties or actions for damages for so releasing or destroying such property or item. Such authorized officer or employee may, in lieu of holding such property or item, permit the owner or consignee thereof to post a bond or other satisfactory surety.

(d) Forfeiture

(1) Any Antarctic marine living resource (or part or product thereof) with respect to which an act prohibited by section 2435 of this title is committed, any vessel of the United States (including its gear, furniture, appurtenances, stores, and cargo), vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stores, and cargo), or vessel, vehicle, or aircraft or other means of transportation subject to the jurisdiction of the United States, which is used in

connection with an act prohibited by section 2435 of this title, and all guns, traps, nets, and other equipment used in connection with such act, shall be subject to forfeiture to the United States.

(2) Upon the forfeiture to the United States of any property or item described in paragraph (1), or upon the abandonment or waiver of any claim to any such property or item, it shall be disposed of by the Secretary of Commerce, or the Secretary of the department in which the Coast Guard is operating, as the case may be, in such a manner, consistent with the purposes of this chapter, as may be prescribed by regulation.

(e) Application of customs laws

All provisions of law relating to the seizure, forfeiture, and condemnation of property (including vessels) for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, and the compromise of claims, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Customs Service may, for the purposes of this chapter, also be exercised or performed by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, or by such officers or employees of the United States as each Secretary may designate.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 310, Nov. 8, 1984, 98 Stat. 3403.)

-REFTEXT-

REFERENCES IN TEXT

The customs laws, referred to in subsec. (e), are classified generally to Title 19, Customs Duties.

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

-FOOTNOTE-

(!1) So in original. Probably should be "or".

-End-

-CITE-

16 USC Sec. 2440

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2440. Jurisdiction of courts

-STATUTE-

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this chapter or of any regulation promulgated under this chapter.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 311, Nov. 8, 1984, 98 Stat. 3405.)

-End-

-CITE-

16 USC Sec. 2441

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2441. Federal agency cooperation

-STATUTE-

(a) Responsibilities

(1) For the purpose of carrying out the policies and objectives of the Convention or to implement any decision of the Commission -

(A) the Director of the National Science Foundation, in consultation with the Secretary of State and the heads of other appropriate departments and agencies of the United States, shall continue to support basic research investigations of the Antarctic marine ecosystem as a part of the United States Antarctic Program;

(B) the Secretary of Commerce, in consultation with the Director of the National Science Foundation, the Secretary of State and the heads of other appropriate Federal agencies, shall design and conduct the program of directed scientific research as set forth

in paragraph 2 supplemental to and coordinated with the United States Antarctic Program;
and

(C) the Secretary of Commerce and the Director of the National Science Foundation, in consultation with the Secretary of State, may furnish facilities and personnel to the Commission in order to assist the Commission in carrying out its functions.

(2)(A) The Secretary of Commerce, in consultation with the Secretary of State, the Director of the National Science Foundation, and other appropriate Federal officials, shall prepare a plan, which shall be updated annually, for conducting the directed research program required under paragraph (1)(B) for each period of three consecutive fiscal years occurring during the period beginning on October 1, 1985, and ending on September 30, 1991. The plan shall -

(i) describe priority directed research needs for the implementation of the Convention;

(ii) identify which of those needs are to be fulfilled by the United States; and

(iii) specify the design of the research referred to in paragraph (1)(B) and the funds, personnel, and facilities required for the research, including, in particular, the need for the cost of enhanced ship capacity.

(B) In preparing the plan referred to in subparagraph (A), the Secretary of Commerce shall take into account, in addition to any other matters the Secretary considers appropriate, the possibilities of securing productive results, the minimization of duplication, and the methods for monitoring and evaluating a project.

(C) The Secretary of Commerce shall submit to the Congress each year the plan required under subparagraph (A). That part of the plan covering fiscal years 1986 through 1988 shall be submitted not later than October 1, 1985. That part of the plan covering each 3-fiscal-year period thereafter shall be submitted not later than the February 1 occurring before the beginning of the first fiscal year covered by that part of the plan.

(b) Consultation with other agencies

In carrying out their functions under this section, the Secretary of State, the Secretary of Commerce, and the Director of the National Science Foundation shall consult, as appropriate, with the Marine Mammal Commission and with other departments and agencies of the United States.

(c) Icebreaking

The Department of Homeland Security shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers needed to provide a platform for Antarctic research. All funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, shall be allocated to the United States Coast Guard.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 312, Nov. 8, 1984, 98 Stat. 3405;

Pub. L. 109-241, title IX, Sec. 902(h)(2), July 11, 2006, 120 Stat. 567.)

-MISC1-

AMENDMENTS

2006 - Subsec. (c). Pub. L. 109-241 substituted "of Homeland Security" for "of Transportation".

-End-

-CITE-

16 USC Sec. 2442

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2442. Relationship to existing treaties and statutes

-STATUTE-

(a) In general

Nothing in this chapter (!1) shall be construed as contravening or superseding (1) the provisions of any international treaty, convention, or agreement, if such treaty, convention or agreement is in force with respect to the United States on Nov. 8, 1984, or (2) the provisions of any statute which implements any such treaty, convention, or agreement. Nothing in this chapter shall be construed as contravening or superseding the provisions of any statute enacted before Nov. 8, 1984, which may otherwise apply to Antarctic marine living resources.

(b) Application of more restrictive provisions

Nothing in this section shall be construed to prevent the application of provisions of the Convention, conservation measures adopted by the Commission pursuant to article IX of the Convention, or regulations promulgated under this chapter, which are more restrictive than the provisions of, measures adopted under, or regulations promulgated under, the treaties or statutes described in subsection (a) of this section.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 313, Nov. 8, 1984, 98 Stat. 3406.)

-COD-

CODIFICATION

This chapter, the first time it appears in subsec. (a), was in the original "this Act" and was translated as reading "this title", as the probable intent of Congress.

-FOOTNOTE-

(!1) See Codification note below.

-End-

-CITE-

16 USC Sec. 2443

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2443. Authorization of appropriations

-STATUTE-

There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this chapter, including, but not limited to -

- (1) necessary travel expenses of the United States representatives referred to in section 2433 of this title, alternate United States representatives, and authorized advisers and experts, in accordance with sections 5701 through 5708, 5731, and 5733 of title 5 and the regulations issued under those sections;
- (2) the United States contribution to the budget of the Commission as provided in article XIX of the Convention; and
- (3) the directed research program and the furnishing of facilities and personnel to the Commission referred to in section 2441 of this title.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 314, Nov. 8, 1984, 98 Stat. 3406.)

-End-

-CITE-

16 USC Sec. 2444

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 44A - ANTARCTIC MARINE LIVING RESOURCES CONVENTION

-HEAD-

Sec. 2444. Severability

-STATUTE-

If any provision of this chapter or the application of this chapter to any person or circumstance is held invalid, neither the remainder of this chapter nor the application of that provision to other persons or circumstances shall be affected thereby.

-SOURCE-

(Pub. L. 98-623, title III, Sec. 315, Nov. 8, 1984, 98 Stat. 3407.)

-End-

Title 50: Wildlife and Fisheries
PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart G—Antarctic Marine Living Resources

Authority: 16 U.S.C. 2431 *et seq.*, 31 U.S.C. 9701 *et seq.*

§ 300.100 Purpose and scope.

(a) This subpart implements the Antarctic Marine Living Resources Convention Act of 1984 (Act).

(b) This subpart regulates—

(1) The harvesting of Antarctic marine living resources or other associated activities by any person subject to the jurisdiction of the United States or by any vessel of the United States.

(2) The importation into the United States of any Antarctic marine living resource.

§ 300.101 Definitions.

In addition to the terms defined in §300.2, in the Act, and in the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980 (Convention). Convention, the terms used in this subpart have the following meanings. If a term is defined differently in §300.2, such Act, or such Convention, the definition in this section shall apply.

ACA means the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*).

Antarctic convergence means a line joining the following points along the parallels of latitude and meridians of longitude:

<i>Lat.</i>	<i>Long.</i>
50° S.	0.
50° S.	30° E.
45° S.	30° E.
45° S.	80° E.
55° S.	80° E.
55° S.	150° E.
60° S.	150° E.
60° S.	50° W.
50° S.	50° W.
50° S.	0.

Antarctic finfishes include the following:

Scientific name	Common name
<i>Gobionotothen gibberifrons</i>	Humped rockcod.
<i>Notothenia rossii</i>	Marbled rockcod.
<i>Lepidorhirus squamifrons</i>	Grey rockcod.
<i>Lepidonotothen kempi</i>	Striped-eyed rockcod.
<i>Dissostichus eleginoides</i>	Patagonian toothfish.
<i>Dissostichus mawsoni</i>	Antarctic toothfish.
<i>Electrona carlsbergi</i>	Lanternfish.
<i>Patagonothen brevicauda guntheri</i>	Patagonian rockcod.
<i>Pleuragramma antarcticum</i>	Antarctic silverfish.
<i>Trematomus spp.</i>	Antarctic cods.
<i>Chaenocephalus aceratus</i>	Blackfin icefish.
<i>Chaenodraco wilsoni</i>	Spiny icefish.
<i>Champscephalus gunnari</i>	Mackerel icefish.
<i>Chionodraco rastrospinosus</i>	Ocellated icefish.
<i>Pseudochaenichthys georgianus</i>	South Georgia icefish.

Antarctic marine living resources or AMLR(s) means:

(1) The populations of finfish, mollusks, crustaceans, and all other species of living organisms, including birds, found south of the Antarctic Convergence;

(2) All parts or products of those populations and species set forth in paragraph (1) of this definition.

Commission means the Commission for the Conservation of Antarctic Marine Living Resources established under Article VII of the Convention.

Convention waters means all waters south of the Antarctic Convergence.

Dealer means the person who first receives AMLRs from a harvesting vessel or transshipment vessel or who imports AMLRs into, or re-exports AMLRs from, the United States.

Directed fishing, with respect to any species or stock of fish, means any fishing that results in such fish comprising more than 1 percent by weight, at any time, of the catch on board the vessel.

Dissostichus catch document (DCD) means the uniquely numbered catch documentation form approved by the Commission and issued by a flag state to its vessels authorized to harvest *Dissostichus* species.

Dissostichus species means Patagonian toothfish and/or Antarctic toothfish and their parts or products.

Export as used in §300.107(c) means any movement of a catch in its harvested or processed form from a territory under the control of the State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other Member State of that customs union.

Fish means finfish, mollusks, and crustaceans.

Fishery means:

(1) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(2) Any fishing for such stocks.

Harvesting vessel means any vessel of the United States (this includes any boat, ship, or other craft), that is used for, equipped to be used for, or of a type that is normally used for harvesting.

Import as used in §§300.107(c) and 300.114 means the physical entering or bringing of a catch into any part of the geographical territory under the control of a State, except where the catch is landed or transshipped within the definitions of landing or transshipment.

Individual permit means an NSF permit issued under 45 CFR part 670; or an NSF award letter (demonstrating that the individual has received an award from NSF to do research in the Antarctic); or a marine mammal permit issued under §216.31 of this chapter; or an endangered species permit issued under §222.21 of this chapter.

Inspection vessel means a vessel carrying a CCAMLR inspector and displaying the pennant approved by the Commission to identify such vessel.

International observer means a scientific observer operating in accordance with the CCAMLR Scheme of International Scientific Observation and the terms of a bilateral arrangement concluded between the United States and a Member of CCAMLR for the placement of a U.S. national onboard a vessel flagged by a Member of CCAMLR or for the placement of the national of a Member of CCAMLR onboard a U.S. flagged vessel.

Land or Landing means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded; except for purposes of catch documentation as provided for in §300.107(c), land or landing means the initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed.

Mobile transceiver unit means a vessel monitoring system or VMS device, as set forth at §300.116, installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by this subpart.

National observer means a U.S. national placed and operating onboard a U.S. flagged vessel as a scientific observer or a foreign flagged vessel in accordance with §300.113.

NSF means National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Office for Law Enforcement (OLE) refers to the National Marine Fisheries Service, Office for Law Enforcement, Northeast Division.

Port State means the State that has control over a particular port area or free trade zone for the purposes of landing, transshipment, importing, exporting and re-exporting and whose authority serves as the authority for landing or transshipment certification.

Recreational fishing means fishing with hook and line for personal use and not for sale.

Re-export as used in §§300.107(c) and 300.114 means any movement of a catch in its harvested or processed form from a territory under the control of a State, free trade zone, or Member State of a customs union of import unless that State, free trade zone, or any Member State of that customs union of import is the first place of import, in which case the movement is an export within the definition of export.

Scientific research activity means any activity for which a person has a permit from NMFS under §216.31 of this title or an award letter from NSF or a permit from the NSF under 45 CFR part 670. Scientific research activities may also include harvesting or other associated activities if such activities are designated as scientific research activities by the Assistant Administrator.

Seal excluder device means a barrier within the body of a trawl comprised of a metal frame, nylon mesh, or any material that results in an obstruction to seals between the mouth opening and the cod end of the trawl. The body of the trawl net forward of the barrier must include an escape opening through which seals entering the trawl can escape.

Specially Validated Dissostichus Catch Document (SVDCCD) means a *Dissostichus* catch document that has been specially issued by a State to accompany seized or confiscated catch of *Dissostichus* spp. offered for sale or otherwise disposed of by the State.

Transship or transshipment means the transfer of fish or fish products from one vessel to another; Except for purposes of catch documentation as provided for in §§300.107(c) and 300.114, transship or transshipment means the transfer at sea of a catch in its harvested or processed form from a vessel to another vessel or means of transport and, where such transfer takes place within the territory under the control of a Port State, for the purposes of effecting its removal from that State. Temporarily placing a catch on land or on an artificial structure to facilitate such transfer does not prevent the transfer from being a transshipment where the catch is not landed with the definition of landing.

Vessel Monitoring System (VMS) means a system or mobile transceiver unit approved by NMFS for use on vessels that take AMLR, and that allows a Flag State, through the installation of satellite-tracking devices on board its fishing vessels to receive automatic transmission of certain information.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30015, May 10, 2000; 68 FR 23227, May 1, 2003; 72 FR 48508, Aug. 23, 2007]

§ 300.102 Relationship to other treaties, conventions, laws, and regulations.

(a) Other conventions and treaties to which the United States is a party and other Federal statutes and implementing regulations may impose additional restrictions on the harvesting and importation into the United States of AMLRs.

(b) The ACA implements the Antarctic Treaty Agreed Measures for the Conservation of Antarctic Fauna and Flora (12 U.S.T. 794). The ACA and its implementing regulations (45 CFR part 670) apply to certain defined activities of U.S. citizens south of 60° S. lat.

(c) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*), and their implementing regulations also apply to the harvesting and importation of AMLRs.

§ 300.103 Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites.

(a) *General.* (1) Any person subject to the jurisdiction of the United States must apply for and be granted an entry permit authorizing specific activities prior to entering a CCAMLR Ecosystem Monitoring Program (CEMP) Protected Site designated in accordance with the CCAMLR Conservation Measure describing the Procedures for According Protection for CEMP Sites.

(2) If a CEMP Protected Site is also a site specially protected under the Antarctic Treaty (or the Protocol on Environmental Protection to the Antarctic Treaty and its Annexes, when it enters into force), an applicant seeking to enter such a Protected Site must apply to the Director of the NSF for a permit under applicable provisions of the ACA or any superseding legislation. The permit granted by NSF shall constitute a joint CEMP/ACA Protected Site permit and any person holding such a permit must comply with the appropriate CEMP Protected Site Management Plan. In all other cases, an applicant seeking a permit to enter a CEMP Protected Site must apply to the Assistant Administrator for a CEMP permit in accordance with the provisions of this section.

(b) *Responsibility of CEMP permit holders and persons designated as agents under a CEMP permit.* (1) The CEMP permit holder and person designated as agents under a CEMP permit are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under this subpart.

(2) The CEMP permit holder and agents designated under a CEMP permit are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the CEMP permit holder or agents, and regardless of knowledge concerning their occurrence.

(c) *Prohibitions regarding the Antarctic Treaty System and other applicable treaties and statutes.* Holders of permits to enter CEMP Protected Sites are not permitted to undertake any activities within a CEMP Protected Site that are not in compliance with the provisions of:

(1) The Antarctic Treaty, including the Agreed Measures for the Conservation of Antarctic Fauna and Flora (including the Protocol on the Environmental Protection to the Antarctic Treaty and its Annexes when it enters into force), as implemented under by the ACA and any superseding legislation. (Persons interested in conducting activities subject to the Antarctic Treaty or the Protocol should contact the Office of Polar Programs, NSF).

(2) The Convention for the Conservation of Antarctic Seals.

(3) The Convention and its Conservation Measures in force, implemented under the Act.

(d) *Prohibitions on takings.* Permits issued under this section do not authorize any takings as defined in the applicable statutes and implementing regulations governing the activities of persons in Antarctica.

(e) *Issuance criteria.* Permits designated in this section may be issued by the Assistant Administrator upon a determination that:

(1) The specific activities meet the requirements of the Act.

(2) There is sufficient reason, established in the permit application, that the scientific purpose for the intended entry cannot be served elsewhere.

(3) The actions permitted will not violate any provisions or prohibitions of the Protected Site's Management Plan submitted in compliance with the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites.

(f) *Application process.* An applicant seeking a CEMP permit from the Assistant Administrator to enter a CEMP Protected Site shall include the following in the application.

(1) A detailed justification that the scientific objectives of the applicant cannot be accomplished elsewhere and a description of how said objectives will be accomplished within the terms of the Protected Site's Management Plan.

(2) A statement signed by the applicant that the applicant has read and fully understands the provisions and prohibitions of the Protected Site's Management Plan. Prospective applicants may obtain copies of the relevant Management Plans and the CCAMLR Conservation Measure describing the Procedures for According Protection to CEMP Sites by requesting them from the Assistant Administrator.

(g) *Conditions.* CEMP permits issued under this section will contain special and general conditions including a condition that the permit holder shall submit a report describing the activities conducted under the permit within 30 days of the expiration of the CEMP permit.

(h) *Duration.* Permits issued under this section are valid for a period of up to five years. Applicants requesting a permit to reenter a Protected Site must include the most recent report required by the general condition in the previously issued CEMP permit describing the activities conducted under authority of that permit.

(i) *Transfer.* CEMP permits are not transferable or assignable. A CEMP permit is valid only for the person to whom it is issued.

(j) *Modification.* (1) CEMP permits can be modified by submitting a request to the Assistant Administrator. Such requests shall specify:

(i) The action proposed to be taken along with a summary of the reasons therefore.

(ii) The steps that the permit holder may take to demonstrate or achieve compliance with all lawful requirements.

(2) If a requested modification is not in compliance with the terms of the Protected Site's Management Plan, the Assistant Administrator will treat the requested modification as an application for a new CEMP permit and so notify the holder. Modifications will be acted upon within 30 days of receipt. The CEMP permit holder must report to the Assistant Administrator any change in previously submitted information within 10 days of the change.

(3) Additional conditions and restrictions. The Assistant Administrator may revise the CEMP permit effective upon notification of the permit holder, to impose additional conditions and restrictions as necessary to achieve the purposes of the Convention, the Act and the CEMP Management Plan. The CEMP permit holder must, as soon as possible, notify any and all agents operating under the permit of any and all revisions or modifications to the permit.

(k) *Revocation or suspension.* CEMP permits may be revoked or suspended based upon information received by the Assistant Administrator and such revocation or suspension shall be effective upon notification to the permit holder.

(1) A CEMP permit may be revoked or suspended based on a violation of the permit, the Act, or this subpart.

(2) Failure to report a change in the information submitted in a CEMP permit application within 10 days of the change is a violation of this subpart and voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(l) *Exceptions.* Entry into a Protected Site described in this section is lawful if committed under emergency conditions to prevent the loss of human life, compromise human safety, prevent the loss of vessels or aircraft, or to prevent environmental damage.

(m) *Protected sites.* (1) Sites protected by the Antarctic Treaty and regulated under the ACA are listed at 45 CFR part 670 subparts G and H.

(2) The following sites have been identified as CEMP Protected Sites subject to the regulatory authority of the Act:

(i) *Seal Islands, South Shetland Islands*—The Seal Islands are composed of islands and skerries located approximately 7 km north of the northwest corner of Elephant Island, South Shetland Islands. The Seal Islands CEMP Protected Site includes the entire Seal Islands group, which is defined as Seal Island plus any land or rocks exposed at mean low tide within a distance of 5.5 km of the point of highest elevation on Seal Island. Seal Island is situated at 60°59'14" S. lat., 55°23'04" W. long.

(ii) *Cape Shirreff and the San Telmo Islands.* This designation takes effect on May 1, 1995. Cape Shirreff is a low, ice-free peninsula towards the western end of the north coast of Livingston Island, South Shetland Islands, situated at 62°29' S. lat., 60°47' W. long., between Barclay Bay and Hero Bay. San Telmo Island is the largest of a small group of ice-free rock islets, approximately 2 km west of Cape Shirreff. The boundaries of the Cape Shirreff CEMP Protected Site are identical to the boundaries of the Site of Special Scientific Interest No. 32, as specified by ATCM Recommendation XV-7. No manmade boundary markers indicate the limits of the SSSI or protected site. The boundaries are defined by natural features and include the entire area of the Cape Shirreff peninsula north of the glacier ice tongue margin, and most of the San Telmo Island group. For the purposes of the protected site, the entire area of Cape Shirreff and the San Telmo Island group is defined as any land or rocks exposed at mean low tide within the area delimited by the map of SSSI No. 32 and available from the Assistant Administrator.

[61 FR 35550, July 5, 1996, as amended at 68 FR 23227, May 1, 2003]

§ 300.104 Scientific research.

(a) The management measures issued pursuant to the procedures at §300.111 do not apply to catches of less than 5 tons taken by any vessel for research purposes, unless otherwise indicated.

(b) Catches taken by any vessel for research purposes will be considered as part of any catch limit.

(c) The catch reporting procedure identified in management measures issued pursuant to the procedures at §300.111 applies whenever the catch within any 5-day reporting period exceeds 5 tons, unless more specific reporting requirements apply to the species being fished.

(d) Any person, organization or institution planning to use a vessel for research purposes, when the estimated catch is expected to be less than 50 tons, must provide the following vessel and research notification to the Assistant Administrator at least 2 months in advance of the planned research:

(1) Name and registration number of vessel.

(2) Division and subarea in which research is to be carried out.

(3) Estimated dates of entering and leaving CCAMLR Convention Area.

(4) Purposes of research.

(5) Fishing equipment to be used (bottom trawl, midwater trawl, longline, crab pots, other).

(e) The following measures apply to any person planning to use any vessel for research purposes, when the estimated catch is expected to be more than 50 tons:

(1) The person must use the CCAMLR Format for Reporting Plans for Finfish Surveys in the Convention Area when the Total Catch is Expected to be More Than 50 Tons to report the details of the research plan to the Assistant Administrator at least 7 months in advance of the planned starting date for the research. A copy of the format is available from the Assistant Administrator.

(2) The format requires:

(i) The name of the CCAMLR Member.

(ii) Survey details.

(iii) Description of the vessel.

(iv) Description of the fishing gear to be used.

(v) Description of acoustic gear to be used.

(vi) Survey design and methods of data analyses.

(vii) Data to be collected.

(3) A summary of the results of any research fishing subject to these provisions must be provided to the Assistant Administrator within 150 days of the completion of the research fishing and a full report must be provided within 11 months.

(4) Catch and effort data resulting from the research fishing must be reported to the Assistant Administrator using the CCAMLR C4 haul-by-haul reporting format for research vessels.

§ 300.105 Initiating a new fishery.

- (a) A new fishery, for purposes of this section, is a fishery on a species using a particular method in a statistical subarea for which:
- (1) Information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing has not been submitted to CCAMLR;
 - (2) Catch and effort data have never been submitted to CCAMLR; or
 - (3) Catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.
- (b) An individual subject to these regulations intending to develop a new fishery shall notify the Assistant Administrator no later than July 1 of the year in which he or she intends to initiate the fishery and shall not initiate the fishery pending CCAMLR review.
- (c) The notification shall be accompanied by information on:
- (1) The nature of the proposed fishery, including target species, methods of fishing, proposed region and any minimum level of catches that would be required to develop a viable fishery.
 - (2) Biological information from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity.
 - (3) Details of dependent and associated species and the likelihood of them being affected by the proposed fishery.
 - (4) Information from other fisheries in the region or similar fisheries elsewhere that may assist in the valuation of potential yield.

§ 300.106 Exploratory fisheries.

- (a) An exploratory fishery, for purposes of this section, is a fishery that was previously defined as a new fishery under §300.105.
- (b) A fishery will continue to be classified as an exploratory fishery until sufficient information is available to:
- (1) Evaluate the distribution, abundance, and demography of the target species, leading to an estimate of the fishery's potential yield.
 - (2) Review the fishery's potential impacts on dependent and related species.
 - (3) Allow the CCAMLR Scientific Committee to formulate and provide advice to the Commission on appropriate harvest catch levels and fishing gear.
- (c) The operator of any vessel engaging in an exploratory fishery must submit, by the date specified in the operator's harvesting permit, catch, effort, and related biological, ecological, and environmental data as required by a data collection plan for the fishery formulated by the CCAMLR Scientific Committee.
- (d) In addition to the requirements in §300.112, any individual planning to enter an exploratory fishery must notify the Assistant Administrator no later than 4 months in advance of the annual meeting of CCAMLR. The Assistant Administrator will not issue a permit to enter an exploratory fishery until after the requirements of §300.112 have been met and the meeting of CCAMLR, which receives and considers the notice made to the Assistant Administrator, has been concluded.

[61 FR 35550, July 5, 1996, as amended at 72 FR 48509, Aug. 23, 2007]

§ 300.107 Reporting and recordkeeping requirements.

- (a) *Vessels.* The operator of any vessel required to have a harvesting permit under this subpart must:
- (1) Accurately maintain on board the vessel all CCAMLR reports and records required by its permit.
 - (2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector.
 - (3) Within the time specified in the permit, submit a copy of such reports and records to NMFS at an address designated by NMFS.
 - (4) Install a NMFS approved VMS unit for use in the CCAMLR Centralized satellite-linked vessel monitoring system (C-VMS) on board U.S. vessels harvesting Antarctic marine living resources that automatically transmits the vessel's position at least every 4 hours to a NMFS-designated land-based fisheries monitoring center or centers. The unit must be operated from the time the vessel leaves any port until its return to any port. The requirements for the installation and operation of the VMS are set forth at §300.116.
- (b) *Dealers.* Dealers of AMLRs required to have a permit under this subpart must:
- (1) Accurately maintain all reports and records required by their permits;
 - (2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector; and
 - (3) Within the time specified in the permit, submit a copy of such reports and records to NMFS at an address designated by NMFS.
- (c) *Catch documentation* —(1) *General.* (i) The CCAMLR DCD must accompany all shipments of *Dissostichus* species as required in this paragraph (c).
- (ii) No shipment of *Dissostichus* species shall be released for entry into the United States unless accompanied by a complete and validated CCAMLR DCD.
- (iii) No shipment of *Dissostichus* species identified as originating from a high seas area designated by the Food and Agriculture Organization of the United Nations as Statistical Area 51 or Statistical Area 57 in the eastern and western Indian Ocean outside and north of the Convention Area shall be issued a preapproval.
- (2) *Harvesting vessels.* (i) In addition to any AMLR harvesting permit or a High Seas Fishing Compliance Act permit issued pursuant to §300.12, a U.S. vessel harvesting or attempting to harvest *Dissostichus* species, wherever found, must possess a DCD issued by NMFS which is non-transferable. The master of the harvesting vessel must ensure that catch information specified on the DCD is accurately recorded.
- (ii) Prior to offloading of *Dissostichus* species, the master of the harvesting vessel must:
- (A) electronically convey by the most rapid means possible catch information to NMFS and record on the DCD a confirmation number received from NMFS;

(B) Obtain on the DCD (or copies thereof) the signature(s) of the following persons: if catch is offloaded for transshipment, the master of the vessel(s) to which the catch is transferred; or if catch is offloaded for landing, the signature of both the responsible official(s) designated by NMFS in the harvesting permit, and the dealer(s) that receives the catch at the port(s) of landing; and

(C) Sign the DCD (or copies thereof), electronically convey by the most rapid means possible each copy to NMFS, and provide a copy to each recipient of the catch.

(iii) The master of the harvesting vessel must submit the original DCD (or all copies thereof with original signatures) to NMFS no later than 30 days after the end of the fishing season as authorized for that vessel on its harvesting permit.

(3) *Transshipment vessels.* (i) The master of a U.S. vessel issued a permit to transship *Dissostichus* species must, upon receipt of *Dissostichus* species, sign each DCD provided by the master of the harvesting vessel.

(ii) Prior to landing *Dissostichus* species, the master of the transshipping vessel must:

(A) Obtain on each DCD (or copies thereof) the signature(s) of both the responsible official(s) designated by NMFS in the permit, and the dealer(s) that receives the catch at the port(s) of landing and

(B) Sign each DCD (or copies thereof), and electronically convey by the most rapid means possible each copy to NMFS and to the flag state(s) of the harvesting vessel(s) and provide a copy to each dealer receiving *Dissostichus* species.

(iii) The master of the transshipping vessel must submit all DCDs with original signatures to NMFS no later than 30 days after offloading and retain copies for a period of 2 years.

(4) *Receivers upon landing.* Any dealer who receives *Dissostichus* species from a harvesting vessel or from a transshipment vessel must sign the DCD(s) provided by the master of the vessel.

(5) *Import.* (i) Any dealer who imports *Dissostichus* species must:

(A) Any dealer who imports toothfish must first obtain the document number and export reference number on the DCD corresponding to the import shipment and must produce verifiable information documenting use of C-VMS to allow entry into the United States.

(B) Ensure that the quantity of toothfish listed on the DCD (or *Dissostichus* re-export document if product is to be re-exported) matches the quantity listed on the preapproval application within a variance of 10 percent,

(C) The document and export reference numbers described in paragraph (c)(5)(i)(A) of this section must be entered by the dealer on the preapproval application for the shipment and sent to the address designated by NMFS so that NMFS receives the documentation at least 15 working days prior to import.

(D) Retain a copy of the DCD for his/her records and provide copies to exporters as needed.

(ii) Dealers must retain at their place of business a copy of the DCD for a period of 2 years from the date on the DCD.

(iii) *Exception.* Preapproval is not required for shipments of fresh *Dissostichus* species. A report of a shipment of fresh *Dissostichus* species must be completed and submitted to NMFS within 24 hours following import.

(6) *Re-export.* (i) Any dealer who re-exports *Dissostichus* species must complete a *Dissostichus* re-export document by indicating:

(A) The amount from the original DCD(s) that is exported in the particular export shipment;

(B) The number of the original DCD(s);

(C) The name of the importer and point of import; and

(D) The exporter's name, address and permit number.

(ii) The dealer must then sign the re-export document and obtain validation by a responsible official(s) designated by NMFS.

(iii) The original validated *Dissostichus* re-export document and copies of the original DCD(s) must accompany the export shipment.

(iv) The dealer must retain a copy of the re-export document and copies of the DCD(s) at his/her place of business for a period of 2 years from the date on the DCD.

[65 FR 30016, May 10, 2000, as amended at 68 FR 23228, May 1, 2003; 72 FR 48509, Aug. 23, 2007]

§ 300.108 Vessel and gear identification.

(a) *Vessel identification.* (1) The operator of each harvesting vessel assigned an IRCS must display that call sign amidships on both the port and starboard sides of the deckhouse or hull, so that it is visible from an enforcement or inspection vessel, and on an appropriate weather deck so that it is visible from the air.

(2) The operator of each harvesting vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, must display the IRCS of the associated vessel, followed by a numerical suffix specific for the non-assigned vessel.

(3) The vessel identification must be in a color in contrast to the background and must be permanently affixed to the harvesting vessel in block roman alphabet letters and arabic numerals at least 1 m in height for harvesting vessels over 20 m in length, and at least 0.5 m in height for all other harvesting vessels.

(b) *Navigational lights and shapes.* Each harvesting vessel must display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972 (TIAS 8587, and 1981 amendment TIAS 10672), for the activity in which the harvesting vessel is engaged (as described at 33 CFR part 81).

(c) *Gear identification.* (1) The operator of each harvesting vessel must ensure that all deployed fishing gear that is not physically and continuously attached to a harvesting vessel is clearly marked at the surface with a buoy displaying the vessel identification of the harvesting vessel (see paragraph (a) of this section) to which the gear belongs, a light visible for 2 miles at night in good visibility, and a radio buoy. Trawl codends passed from one vessel to another are considered continuously attached gear and do not have to be marked.

(2) The operator of each harvesting vessel must ensure that deployed longlines, strings of traps or pots, and gillnets are marked at the surface at each terminal end with a buoy displaying the vessel identification of the harvesting vessel to which the gear belongs (see paragraph (a) of this section), a light visible for 2 miles at night in good visibility, and a radio buoy.

(3) Unmarked or incorrectly identified fishing gear may be considered abandoned and may be disposed of in accordance with applicable Federal regulations by any authorized officer or CCAMLR inspector.

(d) *Maintenance*. The operator of each harvesting vessel must:

- (1) Keep the vessel and gear identification clearly legible and in good repair.
- (2) Ensure that nothing on the harvesting vessel obstructs the view of the markings from an enforcement or inspection vessel or aircraft.
- (3) Ensure that the proper navigational lights and shapes are displayed for the harvesting vessel's activity and are properly functioning.

§ 300.109 Gear disposal.

(a) The operator of a harvesting vessel may not dump overboard, jettison or otherwise discard any article or substance that may interfere with other fishing vessels or gear, or that may catch fish or cause damage to any marine resource, including marine mammals and birds, except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the appropriate USCG commander or authorized officer. These articles and substances include, but are not limited to, fishing gear, net scraps, bale straps, plastic bags, oil drums, petroleum containers, oil, toxic chemicals or any manmade items retrieved in a harvesting vessel's gear.

(b) The operator of a harvesting vessel may not abandon fishing gear in Convention waters.

(c) The operator of a harvesting vessel must provide a copy of the CCAMLR information brochure "Marine Debris—A Potential Threat to Antarctic Marine Mammals" to each member of the crew of the harvesting vessel and must display copies of the CCAMLR placard "Avoidance of Incidental Mortality of Antarctic Marine Mammals" in the wheelhouse and crew quarters of the harvesting vessels. Copies of the brochure and placard will be provided to each holder of a harvesting permit by NMFS when issuing the permit.

§ 300.110 Mesh size.

(a) The use of pelagic and bottom trawls having the mesh size in any part of a trawl less than indicated is prohibited for any directed fishing for the following Antarctic finfishes:

- (1) *Notothenia rossii* and *Dissostichus eleginoides* —120 mm.
- (2) *Champscephalus gunnari* —90 mm.
- (3) *Gobionotothen gibberifrons*, *Notothenia kempfi* and *Lepidorhirus squamifrons* —80 mm.

(b) Any means or device that would reduce the size or obstruct the opening of the meshes is prohibited.

(c) The following procedure will be used for determining compliance with mesh size requirements.

(1) *Description of gauges*. (i) Gauges for determining mesh sizes will be 2 mm thick, flat, of durable material and capable of retaining their shape. They may have either a series of parallel-edged sides connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper defined above. They will have a hole at the narrowest extremity.

(ii) Each gauge will be inscribed on its face with the width in millimeters both on the parallel-sided section, if any, and on the tapering section. In the case of the latter, the width will be inscribed every 1 mm interval, but the indication of the width may appear at regular intervals other than 1 mm.

(2) *Use of the gauge*. (i) The net will be stretched in the direction of the long diagonal of the meshes.

(ii) A gauge as described in paragraph (c)(1) of this section will be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.

(iii) The gauge may be inserted into the mesh opening either with a manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

(3) *Selection of meshes to be measured*. (i) Meshes to be measured will form a series of 20 consecutive meshes chosen in the direction of the long axis of the net, except that the meshes to be measured need not be consecutive if the application of paragraph (c)(3)(ii) of this section prevents it.

(ii) Meshes less than 50 cm from lacings, ropes, or codline will not be measured. This distance will be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. No mesh will be measured which has been mended or broken or has attachments to the net fixed at that mesh.

(iii) Nets will be measured only when wet and unfrozen.

(4) The measurement of each mesh will be the width of the gauge at the point where the gauge is stopped, when using this gauge in accordance with paragraph (c)(2) of this section.

(5) Determination of the mesh size of the net will be the arithmetical mean in millimeters of the measurements of the total number of meshes selected and measured as provided for in paragraphs (c) (3) and (4) of this section, the arithmetical mean being rounded up to the next millimeter.

(6) *Inspection procedure*. (i) One series of 20 meshes, selected in accordance with paragraph (c)(3) of this section, will be measured by inserting the gauge manually without using a weight or dynamometer. The mesh size of the net will then be determined in accordance with paragraph (c)(5) of this section. If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, then two additional series of 20 meshes selected in accordance with paragraph (c)(3) of this section will be measured. The mesh size will then be recalculated in accordance with paragraph (c)(5) of this section, taking into account the 60 meshes already measured; this recalculation will be the mesh size of the net.

(ii) If the captain of the vessel contests the mesh size determined in accordance with paragraph (c)(6)(i) of this section, such measurement will not be considered for the determination of the mesh size and the net will be remeasured.

(A) A weight or dynamometer attached to the gauge will be used for remeasurement. The choice of weight or dynamometer is at the discretion of the inspectors. The weight will be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge.

(B) The accuracy of the weight or dynamometer must be certified by the appropriate national authority.

(C) For nets of a mesh size of 35 mm or less as determined in accordance with paragraph (c)(6)(i) of this section, a force of 19.61 newtons (equivalent to a mass of 2 kg) will be applied, and for other nets, a force of 49.03 newtons (equivalent to a mass of 5 kg).

(D) For the purposes of determining the mesh size in accordance with paragraph (c)(5) of this section, when using a weight or dynamometer, one series of 20 meshes only will be measured.

§ 300.111 Framework for annual management measures.

- (a) *Introduction.* New management measures may be added and others modified through publication of a regulatory action in the Federal Register. The following framework process authorizes the implementation of measures that may affect the operation of the commercial or exploratory fisheries, gear, area restrictions, or changes in catch and/or effort.
- (b) *Preliminary notice.* The Secretary of State shall publish preliminary notice in the Federal Register of the management measures adopted by the parties to the Convention.
- (c) *Procedure.* At its annual meeting, usually in October or November, the Commission may recommend new measures and that established measures be modified, removed, or re-instituted. After public notice of those recommendations by the Secretary of State and opportunity for public comment, and after considering the impact of instituting the measures and any public comment received by the Secretary of State, the Assistant Administrator may implement the management measures by notice in the Federal Register, with immediate force and effect. The notification in the Federal Register will summarize new management measures, and respond to any public comments received by the Secretary of State on the preliminary notice.
- (d) *Types of management measures to be frameworked.* Management measures that may be implemented by regulatory notice rather than by codified regulation are those that generally will not remain in effect for more than 12 months and include catch restrictions, time and area closures, and gear restrictions.
- (e) The fishing season for all Convention Area species is December 1 through November 30 of the following year, unless otherwise set in specific CCAMLR conservation measures.

[61 FR 35550, July 5, 1996, as amended at 68 FR 23228, May 1, 2003]

§ 300.112 Harvesting permits.

- (a) *General.* (1) Every vessel subject to the jurisdiction of the United States that attempts to reduce or reduces any AMLR to possession must have a harvesting permit authorizing the attempt or reduction, unless the attempt or reduction occurs during recreational fishing or is covered by an individual permit. Boats launched from a vessel issued a harvesting permit do not require a separate permit, but are covered by the permit issued the launching vessel. Any enforcement action that results from the activities of a launched boat will be taken against the launching vessel.
- (2) Permits issued under this section do not authorize vessels or persons subject to the jurisdiction of the United States to harass, capture, harm, kill, harvest, or import marine mammals. No marine mammals may be taken in the course of commercial fishing operations unless the taking is allowed under the Marine Mammal Protection Act and/or the Endangered Species Act pursuant to an exemption or permit granted by the appropriate agency.
- (b) *Responsibility of owners and operators.* (1) The owners and operators of each harvesting vessel are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under the Act and this subpart.
- (2) The owners and operators of each such vessel are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the owners or operators, and regardless of knowledge concerning their occurrence.
- (3) The owner of such vessel must report any sale, change in ownership, or other disposition of the vessel to the Assistant Administrator within 15 days of the occurrence.
- (4) The owners and operators of each krill harvesting vessel using trawl gear in Convention Area fisheries must install a seal excluder device.
- (c) *Application.* Application forms for harvesting permits are available from the Assistant Administrator (Attn: CCAMLR permits). A separate fully completed and accurate application must be submitted for each vessel for which a harvesting permit is requested at least 90 days before the date anticipated for the beginning of harvesting.
- (d) *Issuance.* The Assistant Administrator may issue a harvesting permit to a vessel if the Assistant Administrator determines that the harvesting described in the application will meet the requirements of the Act and will not:
- (1) Decrease the size of any harvested population to levels below those that ensure its stable recruitment. For this purpose, the Convention recommends that its size not be allowed to fall below a level close to that which ensures the greatest net annual increment.
- (2) Upset the ecological relationships between harvested, dependent, and related populations of AMLRs and the restoration of depleted populations to levels that will ensure stable recruitment.
- (3) Cause changes or increase the risk of changes in the marine ecosystem that are not potentially reversible over 2 or 3 decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of AMLRs.
- (4) Violate the management measures issued pursuant to §300.111 of this subpart.
- (5) Violate any other conservation measures in force with respect to the United States under the Convention or the Act.
- (e) *Duration.* A harvesting permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended.
- (f) *Transfer.* Permits are not transferable or assignable. A permit is valid only for the vessel to which it is issued.
- (g) *Display.* Each harvesting vessel when engaged in harvesting must either have on board an up-to-date copy of its harvesting permit or a fully completed and up-to-date harvesting vessel certificate and the vessel operator must produce it for inspection upon the request of an authorized officer or CCAMLR inspector. In order for the certificate to be considered complete, the vessel owner or operator must enter on it the name and IRCS of the vessel issued the harvesting permit, the number of the harvesting permit and its date of issuance and expiration, the harvesting authorized by the permit, and all conditions and restrictions contained in the permit. Blank certificates are available from the Assistant Administrator.
- (h) *Changes in information submitted by permit applicants or holders* —(1) *Changes in pending applications.* Applicants for a harvesting permit must report to the Assistant Administrator in writing any change in the information contained in the application. The processing period for the application will be extended as necessary to review the change.
- (2) *Changes occurring after permit issuance* —(i) *Changes other than in the manner and amount of harvesting.* The owner or operator of a vessel that has been issued a harvesting permit must report to the Assistant Administrator in writing any change in previously submitted information other than a proposed change in the location, manner, or amount of harvesting within 15 days of the change. Based on such reported information, the Assistant Administrator may revise the permit effective upon notification to the permit holder. As soon as possible, the vessel owner or operator must revise any harvesting vessel certificate evidencing the permit, accordingly.

(ii) *Requested changes in the location, manner, or amount of harvesting.* Any changes in the manner or amount of harvesting must be proposed in writing to the Assistant Administrator and may not be undertaken unless authorized by the Assistant Administrator through a permit revision or issuance of a new permit. If a requested change in the location, manner, or amount of harvesting could significantly affect the status of any Antarctic marine living resource, the Assistant Administrator will treat the requested change as an application for a new permit and so notify the holder.

(i) *Additional conditions and restrictions.* The Assistant Administrator may revise the harvesting permit, effective upon notification to the permit holder, to impose additional conditions and restrictions on the harvesting vessel as necessary to achieve the purposes of the Convention or the Act. The permit holder must, as soon as possible, direct the vessel operator to revise the harvesting vessel certificate, if any, accordingly.

(j) *Revision, suspension, or revocation for violations.* A harvesting permit may be revised, suspended, or revoked if the harvesting vessel is involved in the commission of any violation of its permit, the Act, or this subpart. Failure to report a change in the information contained in an application within 15 days of the change is a violation of this subpart and voids the application or permit, as applicable. If a change in vessel ownership is not reported, the violation is chargeable to the previous owner. Title 15 CFR part 904 governs permit sanctions under this subpart.

(k) *Transshipment vessels.* Any U.S. flagged vessel that receives or attempts to receive *Dissostichus* species from a harvesting vessel at sea, regardless of whether such transshipment occurs in waters under the jurisdiction of CCAMLR, must obtain from NMFS a harvesting permit authorizing transshipment. Transshipment vessels must comply with the permitting provisions of this section with respect to harvesting vessels.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000; 72 FR 48509, Aug. 23, 2007]

§ 300.113 Scientific observers.

This section applies to national and international observers as defined in §300.101.

(a) This section applies to a national observer aboard U.S. vessels harvesting in the Convention Area, national observers placed on foreign flagged vessels and international observers placed on U.S. vessels harvesting in the Convention Area.

(b) All U.S. vessels fishing in the Convention Area must carry one or more scientific observers as required by CCAMLR conservation and management measures or as specified in a NMFS-issued AMLR Harvesting Permit.

(c) All U.S. vessels conducting longline sink rate testing outside the Convention area and pursuant to CCAMLR protocols must carry one or more scientific observers as specified in a NMFS-issued AMLR Harvesting Permit.

(d) *Procurement of observers by vessel.* Owners of vessels required to carry scientific observers under this section must arrange for observer services in coordination with the NMFS Southwest Fisheries Science Center Antarctic Ecosystem Research Division. The vessel owner is required to pay for observer services through an observer service provider who has provided observer services to the Federal government within the past year. In situations where no qualified observer is available through a qualified observer provider, the Secretary may authorize a vessel owner to arrange for an observer by alternative methods. An observer may not be paid directly by the vessel owner.

(e) *Insurance.* The observer service provider or vessel owner must provide insurance for observers that provides compensation in the event of an injury or death during the entire deployment, from the point of hire location to return, equivalent to the standards of the North Pacific Groundfish Observer Program set forth in §679.80 of this title.

(f) *Educational requirements.* National observer candidates must:

(1) Have a Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences; or

(2) Have successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course.

(g) *Health requirements.* National observers must have a signed and dated statement from a licensed physician that he or she has physically examined the observer. The statement must confirm that, based upon the physical examination, the observer does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer from performing his or her duties satisfactorily. The statement must declare that prior to the examination; the physician was made aware of the duties of an observer and the dangerous, remote and rigorous nature of the work. The physician's statement must be submitted to the NMFS Southwest Fisheries Science Center Antarctic Ecosystem Research Division program office prior to approval of an observer. The physical exam must have occurred during the 12 months prior to the observer's deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(h) *Vessel responsibilities.* An operator of a vessel required to carry one or more scientific observers must:

(1) *Accommodations and food.* Provide, at no cost to the observers or the United States, accommodations and food on the vessel for the observer or observers that are equivalent to those provided for officers of the vessel; and

(2) *Safe conditions.* (i) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(ii) Have on board:

(A) A valid Commercial Fishing Vessel Safety Decal issued within the past 2 years that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I. NMFS will grant a waiver from the Voluntary Safety decal provision if the vessel is in compliance with the standards of the observer vessel safety check list developed by the Northeast Fisheries Science Center <http://www.nefsc.noaa.gov/femad/fsb/> or equivalent certification issued by the Flagging State;

(B) A certificate of compliance issued pursuant to 46 CFR 28.710; or

(C) A valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) *Health and safety regulations.* Comply with the Observer health and safety regulations at part 600 of this title. NMFS will grant a waiver from the Voluntary Safety decal provision if the vessel is in compliance with the standards of the observer vessel safety check list.

(4) *Transmission of data.* Facilitate transmission of observer data by allowing observers, on request, to use the vessel's communications equipment and personnel for the confidential entry, transmission, and receipt of work-related messages.

(5) *Vessel position.* Allow observers access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position, course and speed.

(6) *Access.* Allow observers free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(7) *Prior notification.* Notify observers at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observers specifically request not to be notified.

(8) *Records.* Allow observers to inspect and copy the vessel's CCAMLR DCD, product transfer forms, any other logbook or document required by regulations, printouts or tallies of scale weights, scale calibration records, bin sensor readouts, and production records.

(9) *Assistance.* Provide all other reasonable assistance to enable observers to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins;

(ii) Providing the observers with a safe work area adjacent to the sample collection site;

(iii) Collecting bycatch when requested by the observers;

(iv) Collecting and carrying baskets of fish when requested by observers; and

(v) Allowing observers to determine the sex of fish when this procedure will not decrease the value of a significant portion of the catch.

(10) *Transfer at sea.* (i) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(ii) Notify observers at least 3 hours before observers are transferred, such that the observers can collect personal belongings, equipment, and scientific samples.

(iii) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(iv) Provide an experienced crew member to assist observers in the small boat or raft in which any transfer is made.

(i) *Standards of observer conduct*—(1) *Observers:* (i) Must not have a direct financial interest in the fishery being observed, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, shoreside or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(B) Any business involved with selling supplies or services to any vessel, shoreside or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, shoreside or floating stationary processing facilities.

(ii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(iii) May not serve as observers on any vessel or at any shoreside or floating stationary processing facility owned or operated by a person who previously employed the observers.

(iv) May not solicit or accept employment as a crew member or an employee of a vessel, shoreside processor, or stationary floating processor while employed by an observer provider.

(2) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(j) *Standards of observer behavior.* Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Program or of the government, including but not limited to the following:

(1) Observers must perform their assigned duties as described in the CCAMLR Scientific Observers Manual and must complete the CCAMLR Scientific Observer Logbooks and submit them to the CCAMLR Data Manager at the intervals specified by the Data Manager.

(2) Observers must accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(3) Observers must not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or processing facility, or NMFS.

(4) Observers must refrain from engaging in any illegal actions or any other activities that would reflect negatively on their image as professional scientists, on other observers, or on the Observer Program as a whole. This includes, but is not limited to:

(i) Engaging in the use, possession, or distribution of illegal drugs; or

(ii) Engaging in physical sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(k) *Sampling station.* (1) Minimum work space aboard at sea processing vessels. The observer must have a working area of 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(2) Table aboard at-sea processing vessels. The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(3) Other requirement for at-sea processing vessels. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

[72 FR 48510, Aug. 23, 2007]

§ 300.114 Dealer permits and preapproval.

(a) *General.* (1) A dealer intending to import or re-export AMLR must obtain an AMLR dealer permit valid for one year. Preapproval from NMFS is required for each shipment of frozen *Dissostichus* species. The permit holder may only conduct those specific activities stipulated by the permit.

(2) An AMLR may be imported into the United States if its harvest has been authorized by a U.S.-issued individual permit issued under §300.112(a)(1) or its importation has been authorized by a NMFS-issued dealer permit and preapproval issued under §300.114(a)(1). AMLRs may not be released for entry into the United States unless accompanied by the harvesting permit or the individual permit or dealer permit and, in the case of frozen *Dissostichus* species, the preapproval certification granted by NMFS to allow import. NMFS will only accept electronic catch documents for toothfish imports.

(3) In no event may a marine mammal be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act.

(4) A dealer permit or preapproval issued under this section does not authorize the harvest or transshipment of any AMLR by or to a vessel of the United States.

(b) *Application.* Application forms for AMLR dealer permits and preapproval are available from NMFS. With the exception of the U.S. Customs 7501 entry number, a complete and accurate application must be received by NMFS for each preapproval at least 15 working days before the anticipated date of the first receipt, importation, or re-export. Dealers must supply the U.S. Customs 7501 entry number at least three working days prior to a *Dissostichus* species shipment's arrival.

(c) *Fees.* A fee to recover the administrative expenses associated with processing preapproval applications will be charged. The amount of the fee will be determined in accordance with procedures specified in the NOAA Finance Handbook for calculating administrative costs of special products and services. The fee is specified with the preapproval application form. The appropriate fee must accompany each application and be paid by check, draft, or money order.

(d) *Issuance.* NMFS may issue a dealer permit or preapproval if it determines that the activity proposed by the dealer meets the requirements of the Act and that the resources were not or will not be harvested in violation of any conservation measure in force with respect to the United States or in violation of any regulation in this subpart.

(e) *Duration.* A permit issued under this section is valid from its date of issuance to its date of expiration unless it is revoked or suspended. A preapproval is valid until the product is imported (and re-exported, if applicable).

(f) *Transfer.* A permit issued under this section is not transferable or assignable.

(g) *Changes in information* —(1) Pending applications. Applicants for permits and preapproval under this section must report in writing to NMFS any change in the information submitted in their permit and preapproval applications. The processing period for the application may be extended as necessary to review and consider the change.

(2) Issued permits and preapprovals. Any entity issued a permit or preapproval under this section must report in writing to NMFS any changes in previously submitted information. Any changes that would result in a change in the receipt or importation authorized by the preapproval, such as harvesting vessel or country of origin, type and quantity of the resource to be received or imported, and Convention statistical subarea from which the resource was harvested, must be proposed in writing to NMFS and may not be undertaken unless authorized by NMFS through issuance of a revised or new preapproval.

(h) *Revision, suspension, or revocation.* A permit or preapproval issued under this section may be revised, suspended, or revoked, based upon a violation of the permit, the Act, or this subpart. Failure to report a change in the information contained in a permit or preapproval application voids the application, permit, or preapproval as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

(i) *Exception.* Preapproval is not required for shipments of fresh *Dissostichus* species. A report of a shipment of fresh *Dissostichus* species must be completed and submitted to NMFS within 24 hours following import.

(j) *SVDCD.* Dealer permits will not be issued for *Dissostichus* spp. offered for sale or other disposition under a Specially Validated DCD.

(k) *Registered agent.* Foreign entities shall, as a condition of possessing a dealer permit, designate and maintain a registered agent within the United States that is authorized to accept service of process on behalf of that entity. Foreign based importers of record may identify to NMFS the registered agent identified for Customs Service purposes.

[68 FR 23228, May 1, 2003. Redesignated and amended at 72 FR 48510, 48511, Aug. 23, 2007]

§ 300.115 Appointment of a designated representative.

(a) All holders of permits authorizing fishing in subarea 48.3 must appoint a designated representative in the United States.

(b) The designated representative will be notified of closures under §300.111 and must transmit this information to the vessel on the grounds.

(c) The designated representative may receive catch reports from the vessel and transmit the reports to NMFS in writing.

[61 FR 35550, July 5, 1996. Redesignated at 72 FR 48510, Aug. 23, 2007]

§ 300.116 Requirements for a vessel monitoring system.

(a) *Requirement for use.* Within 30 days after NMFS publishes in the Federal Register a list of approved transmitting units and associated communications service providers for the AMLR fishery, an owner or operator of a vessel that has been issued a harvesting permit for AMLR must ensure that such vessel has a NMFS-approved, operating VMS on board when on any fishing trip involving the harvesting of AMLR. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider.

(b) *Installing and activating the VMS.* Only a VMS that has been approved by NMFS for use in the AMLR fishery may be used. When installing and activating the NMFS-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must—

(1) Follow procedures indicated on an installation and activation checklist, which is available from OLE; and

(2) Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.

(c) *Interference with the VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) *Interruption of operation of the VMS.* When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(e) *Access to position data.* As a condition of authorized fishing for or possession of AMLR, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

(f) *Installation and operation of the VMS.* NMFS has authority over the installation and operation of the VMS unit. NMFS may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by NMFS.

[72 FR 48511, Aug. 23, 2007]

§ 300.117 Prohibitions.

In addition to the prohibitions in §300.4, it is unlawful for any person to:

- (a) Reduce to possession or attempt to reduce to possession any AMLRs without a permit for such activity as required by §300.112.
- (b) Import into or export from the United States any AMLRs taken by vessels without a permit to harvest those resources as required by §300.112 (a)(1), or without applicable catch documentation as required by §300.107 (c)(1), or without a dealer permit as required by §300.113 (a)(1), or in violation of the terms and conditions for such import or export as specified on the permit.
- (c) Engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States under Article IX of the Convention.
- (d) Ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any AMLR that he or she knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States under article IX of the Convention or in violation of any regulation promulgated under this subpart, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the AMLR.
- (e) Refuse to allow any CCAMLR inspector to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for the purpose of conducting an inspection authorized by the Act, this subpart, or any permit issued under the Act.
- (f) Refuse to provide appropriate assistance, including access as necessary to communications equipment, to CCAMLR inspectors.
- (g) Refuse to sign a written notification of alleged violations of Commission measures in effect prepared by a CCAMLR inspector.
- (h) Assault, resist, oppose, impede, intimidate, or interfere with a CCAMLR inspector in the conduct of any boarding or inspection authorized by the Act, this subpart, or any permit issued under the Act.
- (i) Use any vessel to engage in harvesting after the revocation, or during the period of suspension, of an applicable permit issued under the Act.
- (j) Fail to identify, falsely identify, fail to properly maintain, or obscure the identification of a harvesting vessel or its gear as required by this subpart.
- (k) Fish in a closed area.
- (l) Trawl with a mesh size in any part of the trawl net smaller than that allowed for any directed fishing for Antarctic finfishes as specified in management measures issued pursuant to §300.111.
- (m) Use any means or device that would reduce the size or obstruct the opening of the trawl meshes specified in management measures issued pursuant to §300.111.
- (n) Possess fish in violation of the catch limit specified in management measures issued pursuant to §300.111.
- (o) Discard netting or other substances in the Convention Area in violation of §300.109.
- (p) Violate or attempt to violate any provision of this subpart, the Act, any other regulation promulgated under the Act or any permit issued under the Act.
- (q) Provide incomplete or inaccurate information about the harvest, transshipment, landing, import or re-export of applicable species on any document required under this subpart.
- (r) Receive AMLRs from a vessel without a dealer or harvesting permit issued under this subpart.
- (s) Import *Dissostichus* spp. with a Specially Validated DCD.
- (t) Import shipments of frozen *Dissostichus* spp. without a preapproval issued under §300.114.
- (u) Assault, resist, oppose, impede, intimidate, harass, bribe, or interfere with an observer.
- (v) Interfere with or bias the sampling procedure employed by an observer, including physical, mechanical, or other sorting or discarding of catch before sampling.
- (w) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.
- (x) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties.
- (y) Harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.
- (z) Fish for or process fish without observer coverage required under §300.113.
 - (aa) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.
 - (bb) *Vessel monitoring systems.* (1) Use any vessel registered to an AMLR harvesting permit to conduct fishing operations unless that vessel carries an OLE type-approved mobile transceiver unit and complies with the requirements described in this subpart.
 - (2) Fail to install, activate, repair or replace a mobile transceiver unit prior to leaving port as specified in this subpart.
 - (3) Fail to operate and maintain a mobile transceiver unit on board the vessel at all times as specified in this subpart.
 - (4) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified in this subpart.

- (5) Fail to contact OLE or follow OLE instructions when automatic position reporting has been interrupted as specified in this subpart.
- (6) Register a VMS transceiver unit registered to more than one vessel at the same time.
- (7) Connect or leave connected additional equipment to a VMS unit without the prior approval of the OLE.
- (8) Make a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or communication service provider.
- (9) Fail to operate a Centralized satellite-linked vessel monitoring system (C-VMS) on board U.S. vessels harvesting AMLR in the Convention Area from the time of leaving port to returning to port.
- (cc) Fail to use the mitigation measures required in the course of longline fishing or longline fishing research in the Convention Area to minimize the incidental mortality of seabirds.
- (dd) Fail to use the mitigation measures required in the Convention Area to minimize the incidental mortality of seabirds and marine mammals in the course of trawl fishing.
- (ee) Set longlines in Subareas 48.6, 88.1 and 88.2 Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b and 58.5.2 during daylight hours without following the CCAMLR protocol designed to mitigate seabird interactions.
- (ff) Trawl for krill in Convention Area fisheries without a seal excluder device.

[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000; 68 FR 23229, May 1, 2003. Redesignated and amended at 72 FR 48510, 48512, Aug. 23, 2007]

§ 300.118 Facilitation of enforcement and inspection.

In addition to the facilitation of enforcement provisions of §300.5, the following requirements apply to this subpart.

- (a) *Access and records.* (1) The owners and operator of each harvesting vessel must provide authorized officers and CCAMLR inspectors access to all spaces where work is conducted or business papers and records are prepared or stored, including but not limited to personal quarters and areas within personal quarters. If inspection of a particular area would interfere with specific on-going scientific research, and if the operator of the harvesting vessel makes such assertion and produces an individual permit that covers that specific research, the authorized officer or CCAMLR inspector will not disturb the area, but will record the information pertaining to the denial of access.
- (2) The owner and operator of each harvesting vessel must provide to authorized officers and CCAMLR inspectors all records and documents pertaining to the harvesting activities of the vessel, including but not limited to production records, fishing logs, navigation logs, transfer records, product receipts, cargo stowage plans or records, draft or displacement calculations, customs documents or records, and an accurate hold plan reflecting the current structure of the vessel's storage and factory spaces.
- (3) Before leaving vessels that have been inspected, the CCAMLR inspector will give the master of the vessel a Certificate of Inspection and a written notification of any alleged violations of Commission measures in effect and will afford the master the opportunity to comment on it. The ship's master must sign the notification to acknowledge receipt and the opportunity to comment on it.
- (b) *Reports by non-inspectors.* All scientists, fishermen, and other non-inspectors present in the Convention area and subject to the jurisdiction of the United States are encouraged to report any violation of Commission conservation and management measures observed in the Convention area to the Office of Ocean Affairs (CCAMLR Violations), Department of State, Room 5801, Washington, DC 20520.
- (c) *Storage of AMLRs.* The operator of each harvesting vessel storing AMLRs in a storage space on board the vessel must ensure that non-resource items are neither stowed beneath nor covered by resource items, unless required to maintain the stability and safety of the vessel. Non-resource items include, but are not limited to, portable conveyors, exhaust fans, ladders, nets, fuel bladders, extra bin boards, or other moveable non-resource items. These non-resource items may be in a resource storage space when necessary for the safety of the vessel or crew or for the storage of the items. Lumber, bin boards, or other dunnage may be used for shoring or bracing of product to ensure the safety of crew and to prevent shifting of cargo within the space.
- (d) *Disposition of resources denied entry.* [Reserved]

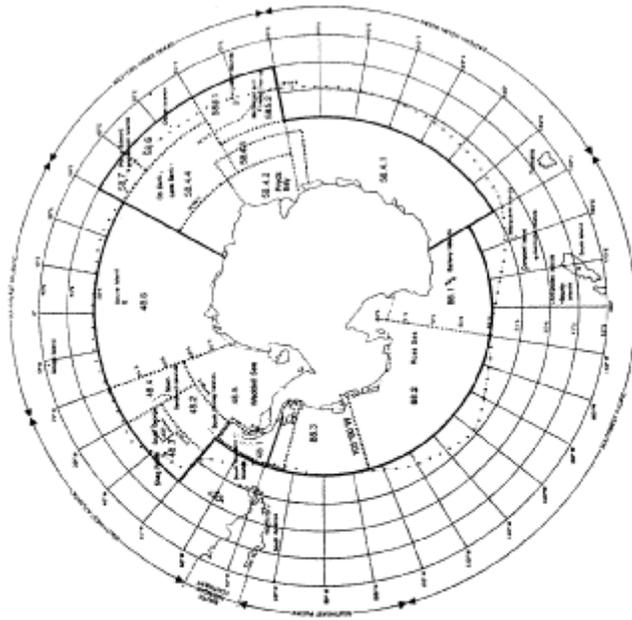
[61 FR 35550, July 5, 1996, as amended at 65 FR 30017, May 10, 2000. Redesignated at 72 FR 48510, Aug. 23, 2007]

§ 300.119 Penalties.

Any person or harvesting vessel found to be in violation of the Act, this subpart, or any permit issued under this subpart will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, 15 CFR part 904, and other applicable laws.

[61 FR 35550, July 5, 1996. Redesignated at 72 FR 48510, Aug. 23, 2007]

Figure 1 to Subpart G of Part 300—Boundaries of the Statistical Reporting Area in the Southern Ocean



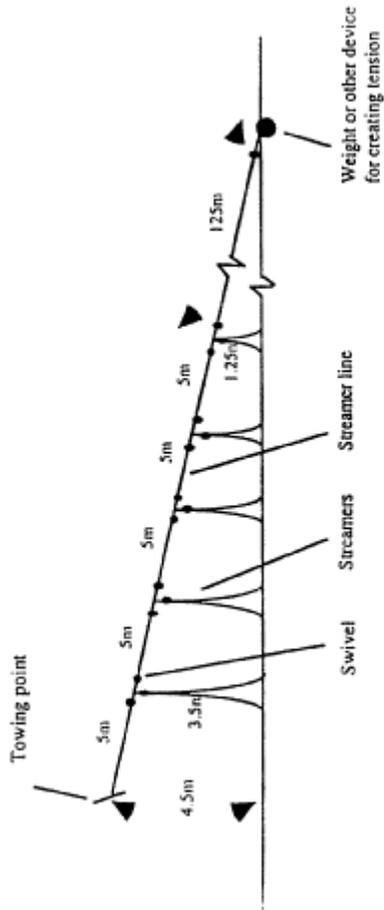
Boundaries of the Statistical Reporting Area in the Southern Ocean



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- 98.0-98.9 Statistical Areas
- 99.0-99.9 Statistical Areas
- 100.0-100.9 Statistical Areas

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Figure 2 to Subpart G of Part 300—The Use of Streamer Lines To Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area



The Use of Streamer Lines to Minimize the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research Operations in the Convention Area.

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Antarctic Conservation Act of 1978

(Public Law 95-541)

as amended by

Antarctic Science, Tourism, and Conservation Act of 1996

(Public Law 104-227)

with

Regulations



**Management Plans with Maps for
Antarctic Specially Protected Areas**



List of Historic Sites and Monuments



Permit Application Form



**The Protocol on Environmental Protection to the
Antarctic Treaty (1991)**



**NATIONAL SCIENCE FOUNDATION
JULY 2001**

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INTRODUCTION

The Antarctic Conservation Act of 1978, Public Law 95-541, as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Public Law 104-227 (hereafter referred to as the ACA), conserves and protects the native mammals, birds, and plants of Antarctica and the ecosystems of which they are a part.

The law applies to –

- The area south of 60° South latitude
- U.S. citizens in Antarctica,
- certain persons in Antarctica who participate in U.S. government activities,
- U.S. corporations or other legal entities that organize expeditions into the Antarctic, and
- U.S. persons wherever located, or foreign persons while in the United States, who import certain antarctic animals and plants.

A permit system authorized by the ACA allows certain activities, otherwise prohibited, when performed within prescribed restrictions for scientific or other worthwhile purposes.

The ACA provides penalties of up to \$25,000 and 1 year imprisonment for violations.

The National Science Foundation (NSF), the agency of the U.S. Government that funds and manages the U.S. Antarctic Program (USAP), administers the ACA and its permit system.

Certain NSF employees in Antarctica are designated enforcement officers. These Federal officials are responsible for ensuring compliance with the ACA implementing regulations, and issuing permits. They are also available to help people understand their obligations. They may review permits to ensure terms and conditions are fulfilled and are authorized to serve warrants; search and seize property without a warrant; take affidavits; detain for inspection and inspect packages, crates, or other containers; and make an arrest with or without a warrant.

If you believe you may have witnessed a violation of the ACA report your observation to an enforcement officer, an observer, or other authority.

SUMMARY OF THIS BOOK

This book contains the ACA its regulations, and supplementary information.

SECTION ONE:

Regulations Pursuant to the Antarctic Conservation Act as amended by the Antarctic Science, Tourism, and Conservation Act

It is unlawful, unless authorized by permit, to:

1. take native mammals, birds, or plants,
2. engage in harmful interference of native mammals, birds, or plants,
3. enter specially designated areas,
4. introduce species to Antarctica,
5. introduce substances designated as pollutants,
6. discharge designated pollutants, or
7. import certain antarctic items into the United States.

1. Taking or harmful interference of native mammals, birds or plants

It is unlawful, unless authorized by permit, to take Antarctic native mammals, birds, or plants. To take means to kill, injure, capture, handle, or molest native mammal or bird, or to adversely impact a significant number of native plants.

For example, herding a seal or a penguin into position for a photograph constitutes an illegal taking. An ornithologist with a grant to study penguin population dynamics must have a permit before banding the penguins (a grant and a permit are two different things). Further, a scientist permitted to handle ten skuas would be performing an illegal taking if he or she handled eleven skuas.

Entering a bird nesting area or approaching seals with their pups will almost certainly stimulate agitation or defensive behavior. Any action that alters the normal behavior of wildlife may be considered harassment and therefore a taking. Section 5 of this book explains how to apply for a permit.

2. Engaging in harmful interference

It is unlawful, unless authorized by permit, for any person to engage in harmful interference in Antarctica of native mammals, native birds, native plants or native invertebrates. To engage in harmful interference means to fly or land aircraft, to use vehicles or vessels, or to using explosives or firearms in a way that disturbs concentrations of birds or seals. Harmful interference also includes willfully disturbing birds or seals by persons on foot, significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, walking on them, or by other means, and any activity that results in habitat degradation of any species or population.

3. Entering specially designated areas

Some precisely defined places in Antarctica are designated under the Antarctic Treaty, and in the U.S. law, as Antarctic Specially Protected Areas (ASPAs). You

must have a legitimate need to enter an ASPA, and you must have a permit. A permit is required for entry into ASPAs, and all entries must be consistent with the site specific management plan. Section 2 of this book contains the management plans for all ASPAs.

4. Introducing species

You need a permit to introduce nonindigenous species to Antarctica. Only domestic plants and animals and laboratory plants and animals may be considered for a permit.

5. Introducing substances designated as pollutants

Waste regulations authorized under the ACA ban certain substances from Antarctica. The banned substances include pesticides (other than those required for science, medical, or hygiene purposes), polychlorinated biphenyls (PCBs), nonsterile soil, and polystyrene beads and plastic chips.

The ACA identifies certain substances as designated pollutants. Designated pollutants must be used, stored, and disposed of in a way that prevents their release to or adverse impact on the environment. Designated pollutants include any substance listed by name or characteristic (ignitability, corrosivity, reactivity, and toxicity) in the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and other U.S. regulations specified in 45 CFR Part 671.

Many research and industrial supplies and common substances such as fuels, lighter fluid, and fingernail polish remover contain designated pollutants. A permit is required to use or release these substances into Antarctica. See section 4 of this book.

6. Management of designated pollutants

The USAP employs specialists to handle and remove designated pollutants in accordance with the regulations. Program participants receive assistance and instructions in the Antarctic, but are required to keep track of the designated pollutants they use, to sort and store them according to instructions provided, and to turn the waste over to USAP officials in accordance with specified procedures.

Any U.S. citizen or expedition planning to use or release designated pollutants or release wastes in Antarctica must make a plan for the use, storage, and disposal of these materials and apply for a waste management permit, if they are not already covered by a Master Permit (see section 4 for a discussion of the USAP Master Permit).

Some categories of waste must be removed from Antarctica. The list includes materials that have designated pollutants as constituents (these materials are antarctic hazardous wastes) as well as other substances that are not designated pollutants but that are persistent in the environment and could pose an inherent hazard to wildlife. Radioactive materials, batteries, fuel, wastes containing harmful levels of heavy metals, lubricants, treated timbers, poly-vinyl chloride and other plastic wastes (except low-density storage bags), solid non-combustibles, and fuel drums are

explicitly listed in antarctic waste regulations as materials that must be removed from Antarctica.

7. Importing into and exporting from the United States

In the United States it is unlawful, unless authorized by permit, to have or sell or to import or export antarctic plants, antarctic mammals, or antarctic birds. An application for a permit must demonstrate that the import or export would further the purposes for which the species was taken or collected, demonstrate that the import or export is consistent with the purposes of the ACA and state which U.S. port will be used.

Mailing items to or from the United States constitutes an import or an export.

Non-governmental expeditions

An additional regulation, Part 673, which deals with non-governmental expeditions in Antarctica, is expected to be finalized as of September 2001. The regulation implements certain of the amendments to the Antarctic Conservation Act contained in the Antarctic Science, Tourism, and Conservation Act. The new Part 673 requires U.S. tour operators to distribute educational materials to their passengers. The regulation also requires U.S. non-governmental operators using non-U.S. flagged vessels to have emergency response plans.

SECTION TWO:

Antarctic Specially Protected Areas

Some areas of Antarctica have features that require special protection. Antarctic Specially Protected Areas (ASPAs) were created to protect areas of special environmental, scientific, historic, aesthetic, or wilderness value. Designated ASPAs are required to have management plans that aim to prevent the degradation of their special values. A permit is required to enter these areas, and adherence to the management plans is required. Before the Protocol, protected areas in Antarctica were designated as Sites of Special Scientific interest (SSSIs) or as Specially Protected Areas (SPAs). All SSSIs and SPAs became ASPAs following the implementation of Annex V to the Protocol into U.S. law under the Antarctic Science, Tourism, and Conservation Act.

Section two includes the management plans (or descriptions where management plans have not yet been adopted by the Treaty parties) for each site. These sites require permits for entry and/or activity. It is important to contact NSF to obtain permit information and any information on revisions or additions to the sites.

SECTION THREE:

Historic Sites and Monuments

Just as the ecosystems of Antarctica are important, so also is Antarctica's exploration and development. It was decided at the first Antarctic Treaty Consultative Meeting to protect artifacts and areas that commemorate Antarctica's exploration. At the 5th Antarctic Treaty Consultative Meeting it was agreed that lists of historic sites and

monuments would be created. Since that meeting, lists have been consolidated into one list that has been updated continually. The monument areas have special provisions to ensure their protection. Section four of this book includes a list of the historic sites and monuments, with brief descriptions of each.

SECTION FOUR:

Permits

Individual or group permit

Individuals and groups traveling to Antarctica are responsible for obtaining any required permits. An initial assessment of permit needs should be made by the individual (or group) based on planned itinerary, the nature of interactions with wildlife, materials to be handled and shipped to and from Antarctica, and a thorough review of the ACA and associated waste management regulations. For assistance, call or write an Office of Polar Programs science manager or the Permit Officer at the address shown at the end of this summary. Or simply fill out and send in an application using the permit form in this book that is appropriate for all but waste management permits. Waste management permit applications should include the information outlined in the waste regulations, 45 CFR Part 671. Applicants should first check with the NSF Permit Officer to verify that the planned activities are not already covered by an existing permit. Permit requirements should be assessed well in advance (a minimum of 3 months) of planned travel dates to allow for public review periods and resolution of any issues that may arise. The Permit Officer may determine that no permits are required.

Once an application is received, a minimum of 65 days is required for NSF to review the application and decide on a permit. During that time, a summary of your application is published in the Federal Register so that any member of the public can comment on it during the 30-day comment period mandated by the ACA. The Foundation evaluates the public comments and performs an internal review. It then approves the application, approves it with modifications, or disapproves it.

You may not do things that require a permit unless you have a permit. Activities authorized by a permit may not take place before the permit is issued. Violating the terms of a permit can lead to a fine of up to \$11,000, imprisonment, removal from Antarctica, rescission of a grant, or sanctions by an employer.

A copy of a permit issued under the ACA must be in the personal possession of the individual directing or performing the permitted activity. An ACA permit is required in addition to any permit issued under other applicable acts (*e.g.*, the Marine Mammal Protection Act of 1972, Endangered Species Act of 1973, Migratory Bird Treaty Act, and the Convention on the Conservation of Antarctic Marine Living Resources).

Master permit (U.S. Antarctic Program)

In 1999 NSF's Antarctic support contractor, applied for and was issued a Master Permit, which expires on 30 September 2004. This Master Permit covers all USAP related activities and establishes requirements for management of all designated

pollutants and wastes, including requirements for removal and recycling or proper disposal in the United States of most wastes and excess materials generated by the USAP. Each USAP participant is required to adhere to procedures established by the Master Permit for handling, inventorying, storing, monitoring, and disposing of these wastes.

APPENDIX A:

Antarctic Conservation Act of 1978 as amended by the Antarctic Science, Tourism and Conservation Act of 1996

The Antarctic Conservation Act of 1978 (Public Law 95-541) as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Public Law 104-227) formalizes U.S. adherence to Antarctic Treaty conservation rules, notably the 1991 Protocol on Environmental Protection. The regulations in section one of this book derive from and implement this statute.

APPENDIX B:

The Protocol on Environmental Protection to the Antarctic Treaty

The Protocol on Environmental Protection to the Antarctic Treaty and its five annexes comprise a comprehensive system to protect the antarctic environment. The parties to the Antarctic Treaty held a special consultative meeting to discuss and explore proposals for protection of the antarctic environment and its dependent and associated ecosystems. This meeting consisted of several sessions held over a year. At the final session in Madrid, Spain in October 1991, representatives of the Antarctic Treaty nations adopted the Protocol on Environmental Protection to the Antarctic Treaty, including annexes I–IV. The 16th Antarctic Treaty Consultative Meeting, also held in October 1991, adopted Annex V. The Protocol and Annexes I-IV entered into force in January 1998, though as of July 2001, Annex V had not. In the Protocol, the representatives agree to the comprehensive protection of Antarctica’s environment and dependent and associated ecosystems to preserve the region as a natural reserve devoted to peace and science.

The United States implemented the Protocol and its five annexes into law with the

Antarctic Science, Tourism, and Conservation Act of 1996.

For further information

Laws change periodically. Consult the United States Code, the U.S. Code of Federal Regulations or contact the NSF Office of Polar Programs for any updated information.

Address questions or correspondence to:

Permit Office
Office of Polar Programs, Room 755
National Science Foundation
4201 Wilson Boulevard
Arlington, Virginia 22230

Tel: (703) 292-7405

Fax: (703) 292-9081

E-mail: nkennedy@nsf.gov (permits)

H.R.6342

Title: A bill approving the governing international fishery agreements with Iceland and the European Economic Community.

Sponsor: [Rep Jones, Walter B.](#) [NC-1] (introduced 10/1/1984) [Cosponsors](#) (3)

Related Bills: [H.R.3255](#), [H.R.3416](#), [H.R.3474](#)

Latest Major Action: 11/8/1984 Became Public Law No: 98-623.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Abstracts](#)

SUMMARY AS OF:

10/4/1984--Passed House amended. (There is 1 [other summary](#))

(Measure passed House, amended)

Title I: Approval of Governing International Fishery Agreements with Iceland and the EEC - Expresses congressional approval of the governing international fishery agreements between the United States and the European Economic Community and between the United States and Iceland concerning fisheries off the coasts of the United States as contained in messages to Congress from the President dated August 27, 1984, and September 28, 1984, respectively. Authorizes the entering into force of such agreements.

Title II: Artificial Reefs - National Fishing Enhancement Act of 1984 - Requires artificial reefs in waters covered under this title to be sited and constructed according to certain standards in order to enhance fishery resources. Defines "waters covered under this title" to mean the navigable U.S. waters and the waters superjacent to the Outer Continental Shelf to the extent such waters exist in or are adjacent to any State.

Directs the Secretary of Commerce, in consultation with others, to develop and publish a long-term artificial reef plan. Requires the plan to address: (1) criteria for siting and constructing artificial reefs; (2) methods for monitoring the compliance of artificial reefs with the permit requirements; (3) methods for managing the use of artificial reefs; (4) a synopsis of existing information on artificial reefs and needs for further research on artificial reef technology and management strategies; and (5) an evaluation of alternatives for facilitating the transfer of artificial reef construction materials to permit holders.

Directs the Secretary of the Army in issuing permits for artificial reefs to: (1) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties; (2) ensure consistency with the standards establish in this title; (3) ensure that the maintenance and financial responsibility for and the title to the artificial reef construction material is clear; and (4) notify the Secretary of Commerce of any need to deviate from the plan. Requires each permit to require certain information. Directs the Administrator of the Environmental Protection Agency to consult with the Secretary of the Army before issuing a permit for any activity relating to an artificial reef. Sets forth the liability of the permittee and the owner of artificial reef construction materials. Establishes civil penalties for permit violations.

Amends existing Federal law to authorize the use of obsolete ships for use as artificial reefs (currently only Liberty ships are used). Defines "obsolete ship" to mean vessels owned by the Department of Transportation which are insufficient for use in the national defense reserve fleet and which have been designated as an artificial reef candidate. Transfers the authority of the Secretary of Commerce under such law to the Secretary of Transportation.

States that nothing in this Act is intended to diminish or extend the current authorities of the Tennessee Valley Authority or the States to regulate artificial reef development within their respective areas of jurisdiction.

Title III: Antarctic Marine Living Resources Convention - Antarctic Marine Living Resources Convention Act of 1984 - Declares that the purpose of this title is to provide the legislative authority necessary to implement the Convention on the Conservation of Antarctic Marine Living Resources.

Directs the Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, to appoint a Federal officer or employee as the U.S. representative to the Commission for the Conservation of Antarctic Marine Living Resources. Directs the Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, to designate the U.S. representative to the Scientific Committee for the Conservation of Antarctic Marine Living Resources.

Authorizes the Secretary of State, with the concurrence of the Secretary of Commerce and the Director, to decide whether the United States is unable to accept or can no longer accept a conservation measure adopted by the Commission and to notify the Commission of any such decisions.

Directs the Secretary to publish in the Federal Register: (1) notice of each proposed decision; and (2) notice of each notification made to the Commission on conservation measures.

Authorizes the Secretary of State, with the concurrence of the Secretary of Commerce, the Director, and the Secretary of the department in which the Coast Guard is operating, to agree on behalf of the United States to the establishment of a system of observation and inspection and to interim arrangements pending establishment of such a system.

Authorizes the Secretary of State, on behalf of the United States, to receive and act upon all communications from the Commission.

Prohibits any person from: (1) harvesting a marine living resource in violation of the Convention or in violation of a conservation measure in force for the United States pursuant to article IX of the Convention; (2) violating regulations promulgated under this title; (3) dealing with any Antarctic marine living resource or part or product of such resource if the person knew or should have known the resource was harvested illegally; (4) refusing to permit

an authorized officer to conduct a research or inspection of a vessel in connection with the enforcement of the Convention, this title, or an implementing regulation; (5) interfering with an authorized officer in such a search or inspection; (6) resisting lawful arrest or detentions for violations of this title; or (7) interfering with the arrest of another person knowing that person has violated this title.

Directs the Secretary of Commerce to issue regulations to implement this title. Sets forth civil and criminal penalties for violations of this title. Provides for hearings and reviews of such penalties.

Requires the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this title. Sets forth the powers of the officers authorized to enforce this title. Authorizes the seizure and forfeiture of property used in violating this title.

Grants U.S. district courts jurisdiction over cases or controversies arising under this title or regulations promulgated under this title.

Directs the Secretary of Commerce and the Director to design and conduct a directed research program on Antarctic marine living resources. Authorizes the Secretary of Commerce and the Director to furnish facilities and personnel to the Commission.

Directs the Secretary of Commerce, in consultation with appropriate Federal officials, to prepare plans for the directed research program for FY 1986 through 1988 and for FY 1989 through 1991 which shall: (1) describe priority directed research needs for Convention implementation; (2) identify which of those needs will be fulfilled by the United States; and (3) specify the design of certain research. Sets deadlines for such plans to be submitted to Congress. Directs the Secretary of Transportation to facilitate planning for icebreakers needed to provide a platform for Antarctic research.

Sets forth the relationship of the Convention to existing treaties and statutes. Authorizes appropriations.

Title IV: Miscellaneous Amendments - Amends the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations to the Department of Commerce for FY 1985 for: (1) the Fisheries Information Collection and Analysis program; (2) certain fisheries conservation and management programs; and (3) certain State and industry fisheries assistance program. States that such programs shall be distinct from certain other programs for which appropriations are authorized in such Act.

Amends the National Aquaculture Act of 1980 to authorize appropriations for FY 1984 and 1985 to carry out the purposes of such Act to: (1) the Department of Agriculture; (2) the Department of Commerce; and (3) the Department of Interior.

Amends the Deep Seabed Hard Mineral Resources Act to authorize appropriations to the Administrator of the National Oceanic and Atmospheric Administration for FY 1985-1986 in order to carry out such Act.

Amends the Magnuson Fishery Conservation and Management Act to authorize (currently requires) the Secretary of State to allocate to foreign fishing vessels the yield of a fishing season which exceeds the amount that will be harvested by U.S. vessels. Authorizes (currently requires) the Secretary of State to determine the allocation among foreign nations of the total allowable level of foreign fishing. Requires such an allocation to be based on, among other factors: (1) whether and to what extent such nation imposes import barriers or otherwise restricts the market access of both U.S. fish and fishery products, particularly fish and fishery products for which the foreign nation has requested as allocation; and (2) whether, and to what extent such nation is cooperating with the United States in both the advancement of existing and new opportunities for fishery exports from the United States and the advancement of fisheries trade through the purchase of fish and fishery products from U.S. fisherman.

Requires any fishery management plan and its regulations to be consistent with specified national standards for fishery conservation and management for the U.S. fishing industry.

Declares that, for the purposes of such Act, the jurisdiction and authority of a State shall extend: (1) to any packet of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States pursuant to the Geneva Convention on the Territorial Sea and Contiguous Zone or any successor convention to which the United States is a party; (2) to a specified area with respect to Nantucket Sound; and (3) to specified waters of southeastern Alaska (for the purpose of regulating fishing for other than any species of crab).

Amends the Commodity Credit Corporation Charter Act to authorize the Commodity Credit Corporation to export or aid in the development of foreign markets for agricultural commodities (including fish and fish products without regard to whether such fish are harvested in agricultural operations).

Amends the Agricultural Trade Development and Assistance Act of 1954 and the Food for Peace Act of 1966 to include fish within the definitions of agricultural commodity, for purposes of such Acts, without regard to whether the fish are harvested in agricultural operations.

Authorizes the Secretary of Commerce, whenever the Secretary considers it desirable, to relinquish to a State or to a U.S. commonwealth, territory, or possession, all U.S. legislative jurisdiction over lands or interests under the Secretary's control in that State, commonwealth, territory or possession.

Title V: National Sea Grant College Program - Amends the National Sea Grant Program Act to authorize appropriations to carry out such Act for FY 1985 through 1987. Amends the Sea Grant Program Improvement Act of 1976 to authorize appropriations for the sea grant international program for FY 1985 through 1987.

Title VI: Ocean Thermal Energy Conversion Act - Amends the Ocean Thermal Energy Conversion Act of 1980 to authorize appropriations to the Secretary of Commerce for FY 1984 and 1985 for the use of the Administrator of the National Oceanic and Atmospheric Administration in carrying out such Act.

Provides that the ocean thermal energy conversion facilities to be authorized and regulated under such Act shall be facilities located in whole or in part between the highwater mark and the seaward boundary of the territorial sea.

Prohibits the issuance of a license for the ownership, construction, or operation of an ocean thermal energy conversion facility if the proposed facility will be documented under the laws of a foreign nation.

Provides that marine environmental protection and safety regulations shall apply only to ocean thermal energy conversion facilities which have major components other than water intake or discharge pipes located seaward of the highwater mark.

Makes technical and conforming amendments.

Requires the Administrator to report to the President of the Senate and the Speaker of the House of Representatives on the administration of the Ocean Thermal Energy Conversion Act of 1980 at the end of each fiscal year. (Under current law, the Administrator must report on the administration of such Act through FY 1983.)

Requires the Administrator to report to the President of the Senate and the Speaker of the House of Representatives on the steps the Government is taking and plans to take to promote the export potential of ocean thermal energy conversion components, facilities, and plantships manufactured by U.S. industry.

Prohibits the Administrator from taking final action on an application for a license for the ownership, construction, or operation of an ocean thermal energy conversion plantship or facility unless the applicant has paid to the Administrator a reasonable administrative fee which shall be deposited in the miscellaneous receipts of the Treasury.

Title VII: Exposure Suits - Directs the Secretary of Transportation to require exposure suits on vessels designated by the Secretary that operate in certain areas of the Atlantic Ocean. Prohibits excluding a vessel from this requirement only because that vessel carries other life-saving equipment. Directs the Secretary of Transportation to establish standards for such exposure suits. Establishes civil and criminal penalties for violations of this title. Directs the Secretary of the department in which the Coast Guard is operating to report to Congress within six months of the enactment of this title on the benefits and disadvantages of requiring exposure suits on vessels operating in other ocean waters.

MAJOR ACTIONS: *[[*

10/1/1984 Introduced in House
10/4/1984 House Committee on Merchant Marine and Fisheries Discharged by Unanimous Consent.
10/4/1984 Passed/agreed to in House: Passed House (Amended) by Voice Vote.
10/10/1984 Passed/agreed to in Senate: Passed Senate without amendment by Voice Vote.
10/10/1984 Cleared for White House.
10/29/1984 Presented to President.
11/8/1984 Signed by President.
11/8/1984 Became Public Law No: 98-623.

ALL ACTIONS: (Floor Actions/Congressional Record Page References)

10/1/1984:
Referred to House Committee on Merchant Marine and Fisheries.
10/4/1984:
Referred to Subcommittee on Fisheries and Wildlife Conservation and the Environment.
10/4/1984:
House Committee on Merchant Marine and Fisheries Discharged by Unanimous Consent.
10/4/1984:
Called up by House by Unanimous Consent.
10/4/1984:
Passed House (Amended) by Voice Vote.
10/5/1984:
Received in the Senate.
10/9/1984:
Held at the desk by unanimous consent.
10/10/1984:
Passed Senate without amendment by Voice Vote.
10/10/1984:
Cleared for White House.
10/28/1984:
Measure Signed in Senate.
10/29/1984:
Presented to President.
11/8/1984:
Signed by President.
11/8/1984:
Became Public Law No: 98-623.

and Work Related Expenses and Child Support Paid. These topical modules were previously conducted in the SIPP 2004 Panel Wave 3 instrument. There will be an additional topical module in this wave to obtain information on the Economic Stimulus Package. Wave 4 interviews will be conducted from September 1, 2009 through December 31, 2009.

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years, with each panel having durations of approximately 3 to 4 years. The 2008 Panel is scheduled for four years and four months and includes thirteen waves which began September 1, 2008. All household members 15 years old or over are interviewed using regular proxy-respondent rules. They are interviewed a total of thirteen times (thirteen waves), at 4-month intervals, making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit (PSU) will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these people move, they are not followed unless they happen to move along with a Wave 1 sample individual.

The OMB has established an Interagency Advisory Committee to provide guidance for the content and procedures for the SIPP. Interagency subcommittees were set up to recommend specific areas of inquiries for supplemental questions.

The Census Bureau developed the 2008 Panel Wave 3 topical modules through consultation with the SIPP OMB Interagency Subcommittee. The questions for the topical modules address major policy and program concerns as stated by this subcommittee and the SIPP Interagency Advisory Committee.

Data provided by the SIPP are being used by economic policymakers, the Congress, state and local governments, and federal agencies that administer social welfare or transfer payment programs, such as the Department of Health and Human Services and the Department of Agriculture.

Affected Public: Individuals or households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail (bharrisk@omb.eop.gov).

Dated: May 29, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-12984 Filed 6-3-09; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: International Billfish Angler Survey.

OMB Control Number: 0648-0020.

Form Number(s): 88-10.

Type of Request: Regular submission.

Burden Hours: 83.

Number of Respondents: 1,000.

Average Hours per Response: 5 minutes.

Needs and Uses: This Angler Survey began in 1969 and is an integral part of the Billfish Research Program at the Southwest Fishery Science Center (SWFSC). The Angler Survey tracks recreational angler fishing catch and effort for billfish in the Pacific and Indian Oceans used by scientists and fishery managers. The 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 U.S.C. 1851 *et seq.* Study of migratory gamefish that spend at least part of their life in

United States waters is also authorized under 16 U.S.C. 760e.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or David_Rostker@omb.eop.gov.

Dated: June 1, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-13016 Filed 6-3-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Antarctic Marine Living Resources Conservation and Management Measures

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 continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 3, 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 Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should

be directed to Nicole LeBoeuf, (301) 713-9090, ext. 184 or nicole.leboeuf@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The 1982 Convention on the Conservation of Antarctic Marine Living Resources (Convention) established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). CCAMLR meets annually to adopt measures to conserve and manage the marine living resources of the Convention Area. The United States (U.S.) is a Contracting Party to the Convention and a member of CCAMLR and its Scientific Committee. The Antarctic Marine Living Resources Convention Act (AMLRCA) directs and authorizes the U.S. to take actions necessary to meet its treaty obligations as a Contracting Party to the Convention. The regulations implementing AMLRCA are at 50 CFR part 300, subpart G.

The recordkeeping and reporting requirements at 50 CFR part 300 form the basis for this collection of information. The reporting requirements included in this collection concern CCAMLR Ecosystem Monitoring Program (CEMP) activities, U.S. harvesting permit applicants and/or harvesting vessel operators, and U.S. importers and re-exporters of Antarctic Marine Living Resources (AMLR).

II. Method of Collection

Paper applications, electronic reports, satellite-linked vessel monitoring devices, radio and telephone calls, gear and vessel markings are required from participants and methods of transmittal include the Internet, satellite, facsimile and mail transmission of forms, reports and information.

III. Data

OMB Control Number: 0648-0194.

Form Number: None.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 1 research entity; 5 vessel owners; 80 dealers.

Estimated Time per Response: One hour to apply for a CEMP research permit; one hour to report on permitted research; 28 hours to supply information on potential new or exploratory fishing; two hours to apply for a harvesting permit; 2 minutes to transmit information by radio; 4 hours to install a vessel monitoring device (VMS); two hours for annual VMS maintenance; 45 minutes to mark a vessel; 40 minutes to mark buoys; 10

hours to mark pot gear; six minutes to mark trawl nets; 15 minutes to apply for a dealer permit to import and/or re-export Antarctic marine living resources; 15 minutes to complete and submit a toothfish catch document; 15 minutes to apply for pre-approval of toothfish imports; 15 minutes to complete and submit re-export catch documents; fifteen minutes to submit import tickets.

Estimated Total Annual Burden Hours: 295.

Estimated Total Annual Cost to Public: \$132,000.

IV. Request for Comments

Comments are invited on: (a) Whether the continuing 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 continuing 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: May 29, 2009.

Gwellnar Banks,

Management Analyst, Office of Chief Information Officer.

[FR Doc. E9-12993 Filed 6-3-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Teacher at Sea Alumni 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 August 3, 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 Jennifer Hammond, (301) 713-1364 or Jennifer.Hammond@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA provides educators an opportunity to gain first-hand experience with field research activities through the Teacher at Sea Program. Through this program, educators spend up to three weeks at sea on a NOAA research vessel, participating in an on-going research project with NOAA scientists. Once educators are selected and participate on a cruise, they write a report detailing the events of the cruise and ideas for classroom activities based on what they learned while at sea. These materials are then made available to other educators so they may benefit from the experience, without actually going to sea themselves. In order to better serve the participants, the Teacher at Sea Program would like to survey the teacher participants on their experience before, during, and after they return from sea. The survey will collect data only from teacher participants, not from applicants.

II. Method of Collection

Forms can be completed on-line, printed, and mailed. Persons with full Adobe Acrobat software can save the on-line form and submit it electronically.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 375.

Estimated Time per Response: 1 hour to read and complete survey, and 1 hour for a follow-up call from the external evaluator.

Estimated Total Annual Burden Hours: 750.

Estimated Total Annual Cost to Public: \$0.