

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/29/2010

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 01/27/2010

ACTION REQUESTED: No material or nonsubstantive change to a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201001-0648-011
AGENCY ICR TRACKING NUMBER:
TITLE: Southeast Region Permit Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0205

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 08/31/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	60,248	15,946	650,679
New	60,248	16,008	650,679
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	62	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

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

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Dealer permits	NA	Annual dealer permit application form	50 CFR 622.4
Vessels fishing in the Exclusive Economic Zone	NA, NA	Federal Permit Application for Vessels Fishing in the EEZ, Federal permit form for vessels fishing for wreckfish off the South Atlantic states	50 CFR 622.4
Shrimp fishery permitting and reporting	NA, NA, NA, NA	Permit Application for vessels fishing in the Exclusive Economic Zone for Shrimp, Gulf of Mexico Shrimp Federal Permit Reporting Form, Application for vessel operator card (shrimp and dolphin/wahoo), Basis of eligibility for Gulf of Mexico Shrimp Moratorium	50 CFR 622.4
Live rock permitting and reporting	NA, NA, NA	Application for federal permit for the harvest of aquacultured live rock, Aquacultured Live Rock Report (harvesting activity), Aquaculture Site Evaluation Report	50 CFR 622.4
Golden crab permitting and reporting	NA	Federal permit application for vessels fishing in the EEZ for golden crab	50 CFR 622.17
Dolphin/wahoo permit applications and operator cards	NA	Federal permit application for Southeast Region operator card: shrimp and dolphin/wahoo	50 CFR 622.4
Fishing in Colombian Waters	NA	Colombian Treaty Waters Application including vessel make and where built	50 CFR 622.4

JUSTIFICATION FOR CHANGE
SOUTHEAST REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0205

With the implementation of the Gulf Grouper And Tilefish Individual Fishing Quota (IFQ) Program, per RIN 0648-AW12, effective January 1, 2010, we must collect the percentage of ownership in corporations, not only for Gulf red snapper IFQ fishermen, but also for Gulf grouper and tilefish IFQ fishermen, as well as any Gulf reef fish permit holders that could buy into one of the IFQ programs: § 622.20(c)(3)(6)(i) "A corporation must provide to the RA the identity of the shareholders of the corporation, by December 1, 2009, for initial issuance of IFQ shares and allocation, and provide updated information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for Gulf reef fish is renewed or transferred."

There are currently 279 Gulf Reef Fishery permit holders to which the above requirement applies. We would like to extend this requirement to all 735 Southeast Region Federal Exclusive Economic Zone (EEZ) permit holders who are members of a corporation, so that the "percentage of company ownership" checkbox currently included as part of ownership information in Section 4 of the permit application would now apply to all corporate shareholders.

The collection of percent ownership in a corporation from all Southeast Region permit holders would satisfy the requirements of the Regulatory Flexibility Act (RFA), which requires an evaluation of the economic effects on small entities to ensure that small entities are not disproportionately affected by proposed regulation relative to large entities. The determination of whether an entity is a small or large business entity is based on the total receipts of the entity including all of its affiliates. Because fleet ownership is known to exist in Southeast fisheries, the number of individual permits in a given fishery is insufficient to determine both the number of entities and their status as small or large entities. For a business entity that is incorporated, information on percent ownership in the corporation is needed to determine this information.

This information is also needed to quantify the economic effects of new management measures on these entities and aids in minimizing any adverse economic effects new management measures would be expected to have on small business entities.

This information would also be used to track corporate ownership in order to be sure the IFQ share ownership cap is not violated.

As always, only appropriate National Oceanic and Atmospheric Administration (NOAA)'s National Marine Fisheries Service Fisheries Service (NMFS) personnel will have access to this information.

In the information collection request related to RIN 0648-AW12, the burden for the 279 reef fishermen was not included. Therefore we are now requesting additional burden for all 735 respondents (including the 279) needing to add this piece of information to the permit application; a maximum additional 5 minutes would be required, for an annual total of 62 hours. There is no additional cost, as this information is an addition to a document already being submitted.

PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/Subagency	OMB Control Number _____ - _____	
<i>Enter only items that change</i>		
	Current record	New record
Agency form number (s)		
Annual reporting and recordkeeping hour burden		
Number of respondents		
Total annual responses		
Percent of these responses collected electronically	%	%
Total annual hours		
Difference		
Explanation of difference		
Program change		
Adjustment		
Annual reporting and recordkeeping cost burden (in thousands of dollars)		
Total annualized Capital/Startup costs		
Total annual costs (O&M)		
Total annualized cost requested		
Difference		
Explanation of difference		
Program change		
Adjustment		
Other changes**		
Signature of Senior Official or designee:	Date:	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.

U.S. DEPT OF COMMERCE, NOAA
 NMFS PERMITS BRANCH, F/SER1
 263 13th Avenue South
 St. Petersburg, FL 33701
 Toll Free 877/376-4877 (8:00 am - 4:30 pm ET)
 727/824-5326 (8:00 am - 4:30 pm ET)
 http://sero.nmfs.noaa.gov



FEDERAL PERMIT APPLICATION FOR VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ)

Application ID

FOR OFFICE USE ONLY

FOR OFFICE USE ONLY	
Reviewer's Initials and Date	
Permit Check or Money Order Number and Amount	
Floy Tag Check or Money Order Number and Amount	
Sanction Case Number if Sanctioned	
Non Compliance Hold Date	
Non Compliance Cleared Date	
Expiration Date(s)	

REMEMBER TO SEND A COPY of your current (not expired) United States Coast Guard (USCG) Certificate of Documentation. If this vessel is not documented, send a copy of your state vessel registration. If we have a copy of your documentaion or state registration on file, it must not be expired. Do not send your original. We cannot accept a bill of sale. If your vessel's state registration does not list all owners of the vessel, also provide a copy of the vessel's title, or other documentation from the appropriate state agency that identifies all vessel owners.

1. VESSEL INFORMATION

<p>OFFICIAL NUMBER FROM USCG CERTIFICATE OF DOCUMENTATION (if the vessel is documented)</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>YEAR BUILT</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>LENGTH (FEET)</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>TOTAL HORSEPOWER</p> <input style="width: 100%; height: 20px;" type="text"/>				
<p>STATE REGISTRATION NUMBER (as applicable)</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>Crew Size - Including the Captain</p> <input style="width: 100%; height: 20px;" type="text"/>						
<p>VESSEL NAME</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>HOLD or FISH BOX CAPACITY (Pounds of Harvest)</p> <input style="width: 100%; height: 20px;" type="text"/>						
<p>HULL IDENTIFICATION or IMO NUMBER</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>HULL MATERIAL</p> <p><input type="checkbox"/> FIBERGLASS</p> <p><input type="checkbox"/> STEEL</p> <p><input type="checkbox"/> WOOD</p> <p><input type="checkbox"/> CEMENT</p> <p><input type="checkbox"/> OTHER _____</p>	<p>FUEL DATA</p> <p><input type="checkbox"/> DIESEL</p> <p><input type="checkbox"/> GASOLINE</p> <p><input type="checkbox"/> OTHER (DESCRIBE)</p> <p style="border: 1px solid black; padding: 2px; margin-top: 5px;">TOTAL GALLONS OF FUEL</p>	<p>PRODUCT STORAGE (check all that apply)</p> <p><input type="checkbox"/> ON ICE IN HOLD, FISH BOX, COOLER ETC.,</p> <p><input type="checkbox"/> FREEZER</p> <p><input type="checkbox"/> LIVE WELL</p> <p><input type="checkbox"/> OTHER _____</p>				
<p>HAILING PORT CITY</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>HAILING PORT COUNTY OR PARISH</p> <input style="width: 100%; height: 20px;" type="text"/>	<p>HAILING PORT STATE</p> <input style="width: 100%; height: 20px;" type="text"/>					
<p style="text-align: center; margin: 0;">USCG DOCUMENTED VESSELS ONLY</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">GROSS TONS</td> <td style="width: 50%; border-bottom: 1px solid black;">NET TONS</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 20px;"></td> <td style="border-bottom: 1px solid black; height: 20px;"></td> </tr> </table>				GROSS TONS	NET TONS		
GROSS TONS	NET TONS						

PASSENGER CAPACITY DATA FOR CHARTER/ HEADBOAT VESSELS ONLY

UNINSPECTED VESSEL - "6-PACK"

USCG INSPECTED VESSEL (Specify Passenger Capacity as listed on the USCG Certificate of Inspection, not including Capt. and Crew)

This vessel is used MOSTLY for (select only 1)

Commercial Fishing

Headboat

Charter

For Shark and Swordfish Directed and Incidental Permit Applicants Only: Does your vessel fish with, or carry onboard, either longline or gillnet gear?

Yes No

Reminder: If yes, include a copy of your "Protected Species Release, Disentanglement, and Identification Workshop Certificate".

2. PERMITS and ENDORSEMENTS

INSTRUCTIONS: Indicate which permit(s) and transaction(s) you are applying for. Find the fishery in the left column and mark the check box beside that fishery to indicate what transaction you want.

OPEN ACCESS COMMERCIAL	NEW	RENEWAL	DUPLICATE	
COMMERCIAL ATLANTIC DOLPHIN/ WAHOO PERMIT (ADW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SPINY LOBSTER TAILING PERMIT (LT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SPINY LOBSTER PERMIT (LC) (Not required for the EEZ off Florida)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SPANISH MACKEREL PERMIT (SM)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ROCK SHRIMP (CAROLINAS ZONE) PERMIT (RSCZ) (Formerly South Atlantic Rock Shrimp (RS))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SOUTH ATLANTIC PENAEID SHRIMP PERMIT (SPA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
GULF ROYAL RED SHRIMP ENDORSEMENT (GRRS) You must possess a valid Gulf of Mexico Shrimp (SPGM) Permit to obtain this endorsement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OPEN ACCESS CHARTER/HEADBOAT	NEW	RENEWAL	DUPLICATE	
SOUTH ATLANTIC CHARTER/ HEADBOAT FOR SNAPPER-GROUPER PERMIT (SC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SOUTH ATLANTIC CHARTER/ HEADBOAT FOR COASTAL MIGRATORY PELAGICS PERMIT (CHS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ATLANTIC CHARTER/ HEADBOAT FOR DOLPHIN/ WAHOO PERMIT (CDW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
LIMITED ACCESS/MORATORIUM COMMERCIAL	PERMIT NUMBER	TRANSFER	RENEWAL	DUPLICATE
GULF OF MEXICO SHRIMP PERMIT (SPGM)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KING MACKEREL PERMIT (KM)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GILLNET ENDORSEMENT FOR KING MACKEREL (GN)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO REEF FISH PERMIT (RR)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROCK SHRIMP (SOUTH ATLANTIC EEZ) PERMIT (RSLA) (Formerly South Atlantic Rock Shrimp Limited Entry Area Endorsement (RSE))		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC UNLIMITED SNAPPER-GROUPER (EXCLUDING WRECKFISH) PERMIT (SG1)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC 225-LB TRIP LIMIT SNAPPER-GROUPER (EXCLUDING WRECKFISH) PERMIT (SG2)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH DIRECTED PERMIT (SFD)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH HANDGEAR PERMIT (SFH)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH INCIDENTAL PERMIT (SFI)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHARK DIRECTED PERMIT (SKD)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHARK INCIDENTAL PERMIT (SKI)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATLANTIC TUNA LONGLINE PERMIT (ATL) You must possess valid shark and swordfish permits (SFD or SFI, and SKD or SKI) to obtain this permit.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIMITED ACCESS/MORATORIUM CHARTER/ HEADBOAT	PERMIT NUMBER	TRANSFER	RENEWAL	DUPLICATE
GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC FISH (CHG)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (RCG)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN ENDORSEMENT FOR GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC FISH (HCHG)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN ENDORSEMENT FOR GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (HRCG)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. VESSEL OWNER AND LESSEE INFORMATION

Please copy this page as needed to provide information on all persons or businesses that own or lease the vessel listed in Section 1.

- 1) Please complete the top section of this page for the owner of the vessel as shown on the USCG Certificate of Documentation or, if not documented, on the state registration certificate. If the vessel is jointly owned, please enter the information for the managing (primary) owner. If the owner is a business, enter the Federal ID number and date the business was formed. If the owner is an individual, enter the Social Security Number.
- 2) Complete the bottom section of this page for a joint owner if the vessel is jointly owned by more than one owner, OR if the vessel is leased, for the entity that is leasing the vessel from the vessel owner. You must submit information on each joint owner and for each lessee. If you need more spaces for additional owners or lessees, copy the blank form or provide the required information on a separate sheet of paper.
- 3) Place an "X" in the Mailing Recipient block to indicate who will receive the permit and all related information, usually the managing owner if the vessel is jointly owner. Please only mark one box.
- 4) If your vessel's state registration does not list all owners of the vessel, also provide a copy of the vessel's title, or other documentation from the appropriate state agency that identifies all vessel owners.

Vessel Owner as shown on the USCG Certificate of Documentation,
or for undocumented vessels, the State Registration; and/or Vessel Lessee Information

This entity is a vessel OWNER <input type="checkbox"/> or vessel LESSEE <input type="checkbox"/> (For lessees only) LEASE START DATE: <input style="width: 100px;" type="text"/>		LEASE EXPIRATION DATE: <input style="width: 100px;" type="text"/>					
Check one <input type="checkbox"/> INDIVIDUAL or SOLE PROPRIETORSHIP <input type="checkbox"/> JOINT OWNERSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER _____							
<input type="checkbox"/> Mailing Recipient - Mark this box if you want this entity to receive all mail concerning this permit; mark only one person							
Mr/Mrs/Ms	Last Name or Name of Business	First Name	Middle Name	Suffix - JR,SR,etc.			
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
Mailing Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Physical Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input type="checkbox"/> Check box if same as Mailing Address		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Tax ID # (Employer ID or SSN)		Date of Birth/business filed (MM/DD/YYYY)		Area Code	Phone Number		
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Income Qualifier: If this entity is the income qualifier for any permits applied for in this application, indicate below to which fishery the income applies.							
<input type="checkbox"/> Commercial King Mackerel <input type="checkbox"/> Commercial Spiny Lobster <input type="checkbox"/> Spanish Mackerel <input type="checkbox"/> Reef Fish							

Second Vessel Owner as shown on the USCG Certificate of Documentation or State Registration, or
Vessel Lessee

This entity is a vessel OWNER <input type="checkbox"/> or vessel LESSEE <input type="checkbox"/> (For lessees only) LEASE START DATE: <input style="width: 100px;" type="text"/>		LEASE EXPIRATION DATE: <input style="width: 100px;" type="text"/>					
Check one <input type="checkbox"/> INDIVIDUAL or SOLE PROPRIETORSHIP <input type="checkbox"/> JOINT OWNERSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER _____							
<input type="checkbox"/> Mailing Recipient - Mark this box if you want this entity to receive all mail concerning this permit; mark only one person							
Mr/Mrs/Ms	Last Name or Name of Business	First Name	Middle Name	Suffix - JR,SR,etc.			
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
Mailing Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Physical Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input type="checkbox"/> Check box if same as Mailing Address		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Tax ID # (Employer ID or SSN)		Date of Birth/business filed (MM/DD/YYYY)		Area Code	Phone Number		
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Income Qualifier: If this entity is the income qualifier for any permits applied for in this application, indicate below to which fishery the income applies.							
<input type="checkbox"/> Commercial King Mackerel <input type="checkbox"/> Commercial Spiny Lobster <input type="checkbox"/> Spanish Mackerel <input type="checkbox"/> Reef Fish							

REMINDER: THE APPLICANT MUST SIGN THE APPLICATION IN THE SIGNATURE SECTION ON PAGE 6

4. OFFICER/SHAREHOLDER INFORMATION FOR ENTITIES THAT OWN OR LEASE THE VESSEL

Please copy this page as needed to provide information on all persons or businesses that own or lease this vessel.

If this vessel is owned or leased by a business, then complete this section for each officer or partner associated with the business. You must provide the information for all officers that are shown on your most recent annual report. If your business is structured as a corporation, you are required to identify all shareholders in the corporation, as well as the percentage of all shares in the corporation held by each shareholder. The total of all entries must be 100 percent.

Owner or lessee of the vessel: Owner Lessee

Business name:

Federal Tax ID #

All individuals associated with the above-named vessel owner or lessee must be included in this application. Photocopy this page or attach additional sheets as necessary to list all officers, directors, shareholders, and registered agents of the business. Provide names, Social Security Numbers, addresses, phone number, date of birth, and position held in business.

Position held - check ALL that apply

President/CEO Vice President Secretary Treasurer Director/Manager Shareholder Other

Percent (%) of Corporation Held

Mr/Mrs/Ms	Last Name	First Name	Middle Name	Suffix - JR,SR,etc.
<input style="width: 70px;" type="text"/>	<input style="width: 280px;" type="text"/>	<input style="width: 220px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 70px;" type="text"/>

Mailing Address	Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 280px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 180px;" type="text"/>	<input style="width: 40px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 80px;" type="text"/>	<input style="width: 50px;" type="text"/>

Physical Address	Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 280px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 180px;" type="text"/>	<input style="width: 40px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 80px;" type="text"/>	<input style="width: 50px;" type="text"/>

Check box if same as Mailing Address

SSN	Date of Birth (MM/DD/YYYY)	Area Code	Phone Number
<input style="width: 120px;" type="text"/>	<input style="width: 250px;" type="text"/>	<input style="width: 60px;" type="text"/>	<input style="width: 180px;" type="text"/>

Income Qualifier: If this entity is the income qualifier for any permits applied for in this application, indicate below to which fishery the income applies.

Commercial King Mackerel Commercial Spiny Lobster Spanish Mackerel Reef Fish

Position held - check ALL that apply

President/CEO Vice President Secretary Treasurer Director/Manager Shareholder Other

Percent (%) of Corporation Held

Mr/Mrs/Ms	Last Name	First Name	Middle Name	Suffix - JR,SR,etc.
<input style="width: 70px;" type="text"/>	<input style="width: 280px;" type="text"/>	<input style="width: 220px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 70px;" type="text"/>

Mailing Address	Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 280px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 180px;" type="text"/>	<input style="width: 40px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 80px;" type="text"/>	<input style="width: 50px;" type="text"/>

Physical Address	Apt/Suite #	City	State	County/parish	Zip Code	Country
<input style="width: 280px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 180px;" type="text"/>	<input style="width: 40px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 80px;" type="text"/>	<input style="width: 50px;" type="text"/>

Check box if same as Mailing Address

SSN	Date of Birth (MM/DD/YYYY)	Area Code	Phone Number
<input style="width: 120px;" type="text"/>	<input style="width: 250px;" type="text"/>	<input style="width: 60px;" type="text"/>	<input style="width: 180px;" type="text"/>

Income Qualifier: If this entity is the income qualifier for any permits applied for in this application, indicate below to which fishery the income applies.

Commercial King Mackerel Commercial Spiny Lobster Spanish Mackerel Reef Fish

REMINDER: THE APPLICANT MUST SIGN THE APPLICATION IN THE SIGNATURE SECTION ON PAGE 6

5. HISTORICAL CAPTAIN OR OTHER INCOME QUALIFIER (DESIGNATED OPERATOR)

Provide information on person who is the Historical Captain for Gulf of Mexico Charter/Headboat Historical Captain permit(s) and/or the designated Operator (income qualifier) who is not the vessel owner or lessee, or related through business association to the vessel owner or lessee, as listed in Section 3 or Section 4 of this application.

Please complete this section of the application only if you are applying for:

- * A Gulf of Mexico Charter/Headboat permit with a Historical Captain provision (renewal or transfer),
- * A King Mackerel, Spanish Mackerel, Reef Fish, or Commercial Spiny Lobster permit for which you have met the income qualification requirement by using the fishing income of a designated operator who is neither a vessel owner or lessee as listed in Section 3 of this application, nor is an officer or a shareholder of a business that owns or leases the vessel, as listed in Section 4 of this application.

Please complete the bottom part of this section of the application only if you are applying for:

- * A King Mackerel or Spanish Mackerel permit for which you have met the income qualification requirement by using the fishing income of a company that is not the vessel owner or lessee as listed in Section 3 of this application.

For all other applications, this section should be blank.

This person is a (check all that apply):

- Historical Captain for Gulf of Mexico Charter/Headboat for Reef Fish
- Historical Captain for Gulf of Mexico Charter/Headboat for Coastal Migratory Pelagic Fish
- Income Qualifier (Designated Operator other than Permit Holder) for: (check all that apply)
- Commercial King Mackerel Commercial Spiny Lobster Spanish Mackerel Reef Fish

Mr/Mrs/Ms	Last Name	First Name	Middle Name	Suffix - JR,SR,etc.			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Mailing Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Physical Address		Apt/Suite #	City	State	County/parish	Zip Code	Country
<input type="checkbox"/> Check box if same as Mailing Address		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
SSN	Date of Birth (MM/DD/YYYY)	Area Code	Phone Number				
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>				

6. SNAPPER-GROUPER POTS

**COMPLETE THIS SECTION ONLY IF YOU FISH WITH
SEA BASS POTS IN THE SOUTH ATLANTIC SNAPPER-GROUPER FISHERY.**

Tag cost is \$1.50 per tag made payable by check or money order to Floy Tag, Inc.

What color is your Buoy for Sea Bass Pots? Color

If you have an existing buoy color code for ANY other trap or pot fishery, Color
List it here.

South Atlantic Sea Bass Pot Information Number of Pots

Size: H x L x W (in inches) Mesh size (in inches)
Height x Width

**IF SECTION 5 OF THIS PAGE IS FILLED OUT, THE HISTORICAL CAPTAIN OR OTHER INCOME QUALIFIER LISTED
MUST SIGN THE SIGNATURE SECTION AS THE APPLICANT ON PAGE 6.**

 Payment Reminder: All applications must include payment of a non-refundable application fee in the form of a check or money order made payable to the U.S. Treasury. The fee required is \$25.00 for the first permit or endorsement and \$10.00 for each additional permit or endorsement requested with each application. Checks returned for insufficient funds will result in the issuance of a notice of intent to annul the permit(s) for which the check was submitted as payment. Further non-payment will result in the eventual annulment of the permits(s).

FEE SCHEDULE FOR PERMITS AND ENDORSEMENTS:

1: \$25	2: \$35	3: \$45	4: \$55	5: \$65	6: \$75	7: \$85	8: \$95	9: \$105
10: \$115	11: \$125	12: \$135	13: \$145	14: \$155	15: \$165	16: \$175	17: \$185	18: \$195

7. SIGNATURE FOR APPLICATION

The undersigned certifies under penalty of perjury that the foregoing information is true and correct (28 USC 1746; 18 USC 1621; 18 USC 1001, 16 USC 1857). Further, the undersigned certifies that if a spiny lobster tailing permit is requested, the applicant routinely fishes commercially in Federal waters on trips of up to 48 hours or more and that such fishing activity requires the separation of the tail and carapace to maintain quality product.

Please note: If the vessel listed in Section 1 is leased, the applicant who signs below must be an individual named as a lessee in Section 3, or an officer or shareholder of the lessee as listed in Section 4. If the vessel listed in Section 1 is not leased, the applicant must be an individual named as an owner in Section 3, or an officer or shareholder of the owner as listed in Section 4.

Applicant Signature		Position in Company		Date	
Print Name		Operator Signature if required			

8. INCOME QUALIFICATION AFFIDAVIT FOR INCOME QUALIFIED PERMITS

An Income Qualification Affidavit is now accepted as proof of meeting permit income qualification requirements. This signed Income Qualification Affidavit is required with every application to renew or transfer an income qualified permit (as listed below). Knowingly supplying false information or willfully overvaluing any fishing income for the purpose of obtaining a permit is a violation of Federal law punishable by a fine and/or imprisonment.

<p>Commercial Spiny Lobster 50CFR640.4(A)(2) An applicant must provide the following information: (vi) A sworn statement by the applicant for a vessel permit certifying that at least 10 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch, during the calendar year preceding the application.</p>	<p>King Mackerel 50CFR622.4(a)(iii) To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.</p>	<p>Spanish Mackerel 50CFR622.4(a)(iv) To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.</p>	<p>Gulf of Mexico Reef Fish 50CFR622.4(a)(v) To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during either of the 2 calendar years preceding the application.</p>
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The following information applies to my income qualification for the following fisheries:

- Commercial Spiny Lobster
 King Mackerel
 Spanish Mackerel
 Gulf of Mexico Reef Fish

I, _____, hereby declare under penalty of perjury that the foregoing information is true and correct. (28 USC 1746; 18 USC 1621; 18 USC 1001; 16 USC 1857). I agree to provide the necessary documentation to prove that I met the earned income requirement when so requested by the National Marine Fisheries Service.

Executed on _____
(date signed)

Printed Name	Signature
Business Name (If Applicable)	Type of Business (If Applicable)

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to: PRA Officer, National Marine Fisheries Service, F/SER2, 263 13th Avenue South, St. Petersburg, FL 33701.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Name and address information will be released via a NOAA website. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



Instructions for the Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone (EEZ)

Rev 12/10/2009

General Instructions:

In addition to the instructions provided herein, applicants with specific questions are encouraged to contact the Permits Office at (727) 824-5326 or toll free at (877) 376-4877 between 8:00 a.m. and 4:30 p.m. ET, and to consult the U.S. Code of Federal Regulations whose guidance for application requirements, permit eligibilities, and related information will always prevail. (Incomplete or illegible applications will be returned.)

1. Complete all applicable sections of this application form. Incomplete or illegible applications will be returned. Applications should be typed, or hand printed and should be filled out in ink.
2. The application fee is **\$25 for one fishery and \$10 for each additional fishery** and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application. There is a fee schedule on page 6 of the application and further along in these instructions to assist you in determining the total amount to pay for your permits.
3. Mail the application, payment, and all required supporting documentation to: **National Marine Fisheries Service (F/SER1), 263 13th Avenue South., St. Petersburg, FL 33701**. Questions may be telephoned to our toll free number at (877) 376-4877 or 727/824-5326 between 8 am - 4:30pm ET. If you would like your permit and associated documents returned to you overnight upon completion of processing, enclose a completed, pre-paid **FEDERAL EXPRESS** air bill, complete with your street delivery address (FEDEX does not deliver to PO Boxes), telephone number, and your FEDEX account number or major credit card number with the expiration date. Please note, using the prepaid overnight delivery option does not expedite permit processing, it can only expedite delivery upon completion of processing.
4. If transferring a Gulf of Mexico charter/headboat vessel permit, a copy of a **valid** U.S. Coast Guard Operator of Uninspected Passenger Vessel License (commonly referred to as a 6-pack license) or a valid U.S. Coast Guard Masters License must be provided, along with any other requested information. A **valid** U.S. Coast Guard Certificate of Inspection must be provided if passenger capacity of the vessel is greater than 6 passengers. A valid temporary Certificate of Inspection will be accepted.
5. Each vessel issued a Rock Shrimp (South Atlantic) or a Rock Shrimp (Carolinas Zone) permit or an Atlantic Dolphin/Wahoo (charter/headboat or commercial) permit, when at sea or offloading, is required to have on board at least one person who has a Federal operator permit card issued by the NMFS Southeast Regional Office or the NMFS Northeast Regional Office.
6. Requests to renew or transfer permits will not be processed until all required reporting requirements (e.g., logbooks, the MRIP For-Hire telephone survey, etc) have been met. Noncompliance with any reporting requirement will preclude processing of all permit transaction requests. To avoid delays, ensure you comply with all reporting requirements in a timely manner and in advance of any permit application requests. Send your logbook report(s) to **National Marine Fisheries Service, Research Management Division, Logbook Program, P.O. Box 491500, Key Biscayne, FL 33149-9916**. Questions concerning your reporting requirements should be phoned to the Research Management Division at 305/361-4581. We cannot renew or transfer your permit(s) until all reporting requirements (e.g., logbook submission) are met.
7. An Income Qualification Affidavit is now accepted as proof of meeting permit income qualification requirements. A signed Income Qualification Affidavit will be required with every application to renew or transfer an income qualified permit. The blank Income Qualification Affidavit is included on page 6 of this application.
8. Applications to transfer permits for which the Federal Regulations restrict transfers to certain family members or to a vessel with certain characteristics may be required to submit documentation to verify their eligibility for such transfers. The applicable United States Code of federal regulations is available on line at <http://sero.nmfs.noaa.gov/regulations/reg.htm>

In accordance with Federal regulations, any change in your permit information must be reported in writing to NMFS within 30 days of the change.

APPLICATION SECTION 1 Unless otherwise exempted by the application form, complete **all** portions of Section 1. Enter the Official Number and the length of the vessel as they appear on the U.S. Coast Guard Certificate of Documentation; or if not documented, the state registration certificate. If applying for a Highly Migratory Species commercial swordfish or shark permit issued without a vessel write "NO VESSEL" in the field for USCG Official Number. For charter/headboats that are inspected, list the greatest passenger capacity listed on the USCG Certificate of Inspection. A vessel's passenger capacity does not include the captain and crew.

APPLICATION SECTION 2

Indicate the fishery and transaction type for each permit requested in this application.

APPLICATION SECTION 3

Enter the information of the person/business shown as the "**owner**" on the U.S. Coast Guard Certificate of Documentation or, if not documented, from the state registration certificate. If there is more than one vessel owner shown on the USCG documentation or the vessel is titled to more than one person, provide the required information for all listed owners. If additional space is needed, please photocopy the blank page as many times as is necessary to provide information on all vessel owners and lessees.

If the owner/qualifier is an individual, provide the owner's date of birth and enter the Social Security Number (taxpayer ID information). If the

person shown as the “owner” is a corporation or partnership, provide the date that the corporation was filed or the partnership was formed and the company’s Federal Tax ID number (taxpayer ID information). If corporations are in an INACTIVE status, permits will not be issued.

If the vessel is leased, also provide information on all vessel lessees. If lessee is an individual, provide the owner’s date of birth and enter the Social Security Number (taxpayer ID information). If the person shown as the “lessee” is a corporation or partnership, provide the date that the corporation was filed or the partnership was formed and the company’s Federal Tax ID number (taxpayer ID information). If corporations are in an INACTIVE status, permits will not be issued.

If the vessel is leased, provide a copy of the signed (both parties) and dated lease agreement (see the Renewal and Initial (New) Issuance of permits section (below) of these instructions for lease requirements).

If any entities named as a vessel owner or for leased vessels named as vessel lessee are also an income qualifier for permits associated with this application, indicate the permits for which their income has been used for income qualification and submit a signed Income Qualification Affidavit.

APPLICATION SECTION 4

If the application is for a vessel that is owned by corporation, partnership, or other business entity, then information on the owner’s officers/shareholders is required. Information on all officers/shareholders associated with the vessel owners and/or lessees is required. If additional space is needed, please photocopy the blank page as many times as is necessary to provide information on all officers/shareholders associated with the vessel owners and lessees.

PLEASE NOTE: you are no longer required to submit articles of incorporation/organization or an annual report for businesses that hold permits, own or lease vessels.

If any individuals named as an officer or shareholder of the vessel owner, or for leased vessels named as an officer or shareholder of the vessel lessee, are also an income qualifier for permits associated with this application, indicate the permits for which their income has been used for income qualification, and submit a signed Income Qualification Affidavit.

If the company holds IFQ shares, indicate what percentage of the company each person listed owns. The percentages reported must equal 100%.

APPLICATION SECTION 5

Complete this section **only** for applications that include:

- Gulf of Mexico Charter/Headboat permits with a Historical Captain provision, or
- King Mackerel, Spanish Mackerel, Reef Fish, and/or Commercial Spiny Lobster permit which has been income qualified using the fishing income of an operator who is neither a vessel owner or lessee as listed in Section 3 of this application, nor is an officer of a business that owns or leases the vessel, as listed in Section 4 of this application.

For all other applications, this section should remain blank.

APPLICATION SECTION 6 Complete this section only if you fish with pots in the snapper-grouper fishery off the southern Atlantic states. A **separate check or money order for pot tags (\$1.50 per tag) payable to FLOY TAG INC. is required for use in the snapper-grouper fishery.** Tags will be mailed directly from Floy Tag Inc., and will not be sent with the permit package.

APPLICATION SECTION 7 The application must be signed and dated by the vessel owner or for leased vessels by the vessel lessee. For corporate owned or leased vessels, an officer or shareholder of the vessel owner or vessel lessee must sign and date the application.

APPLICATION SECTION 8 An Income Qualification Affidavit is now accepted as proof of meeting permit income qualification requirements. The affidavit is a signed promise, under penalty of perjury, that the applicant meets the federal income qualification requirements for the income qualified permit(s) and will provide such income documentation if NMFS requests such documentation. You are not required to provide tax or income documents unless we specifically ask for them. A signed Income Qualification Affidavit will be required with every application to renew an income qualified permit.

RENEWAL AND INITIAL (NEW) ISSUANCE OF PERMITS

- All permit renewal and first issuance requests must include, as a minimum: an application, the appropriate fees, and a copy of the unexpired U.S. Coast Guard Certificate of Documentation or state registration certificate. Please note - we cannot accept a bill of sale as documentation or registration.
- If the vessel is leased/rented/leased to own, include a copy of the current lease agreement. The lease must state who is leasing what vessel (identified by USCG Documentation or if not documented, then state registration number) to whom, what date the lease begins and what specific date the lease expires. The lease must run for a minimum of 7 months, and if you anticipate a long term arrangement, let the lease run for a number of years. Both the vessel owner(s) and the lessee(s) must sign and date the lease agreement.
- To ensure that your renewal goes as quickly and smoothly as possible, send your logbook report(s) to **National Marine Fisheries Service, Research Management Division, Logbook Program, P.O. Box 491500, Key Biscayne, FL 33149-9916**. Questions concerning your reporting requirements should be phoned to the Research Management Division at 305/361-4581. We cannot renew your permit(s) until all logbook reporting requirements are met.

TRANSFERS

- All permit transfer requests must include, as a minimum: an application, the original permits with appropriate signatures on the back, the appropriate fees, and a copy of the unexpired U.S. Coast Guard Certificate of Documentation or state registration certificate.
- **SIGNATURES ON PERMITS:** provide the **valid** (not expired) **ORIGINAL (not a copy)** transferable permit(s) with the signatures of the seller on the reverse of the permit.
 - If the sellers are a joint ownership, ALL persons that sell the permit **MUST** sign the permit.
 - The seller's signature(s) must be notarized.
 - **Print** the name of the new permit holder (individual(s) or business) as the receiving vessel permit owner.
 - If transferring to a different vessel owned by the same entity (person or business), no signatures are required unless the permit(s) is a Gulf of Mexico Charter/Headboat Permit(s).
 - Signatures are required to transfer Gulf of Mexico Charter/Headboat Permit(s) to certify that you have removed the charter/headboat permit sticker from the old vessel.
 - Permits sold by a business must be signed by an officer or shareholder of the business. The correct format must include the signature, the person's position in the business and the company name, for example:
John Doe, President, ABC Fishing Inc.
- Applications for the transfer of Gulf of Mexico Charter/Headboat permits must provide a copy of the unexpired USCG Operator of Uninspected Passenger Vessel License or Masters License. And, if larger than a 6-pack, you must also provide a copy of the vessel's unexpired Certificate of Inspection (COI).
- Gulf of Mexico Charter/Headboat permits (including Historical Captain permits) may not be transferred to a vessel that has a larger U.S. Coast Guard passenger capacity rating than the permit's baseline passenger rating. For example, a 10 passenger permit may not be transferred to a vessel with a COI for 12 passengers. Permits with a 6 passenger rating (6 pack) may only be transferred to an uninspected vessel (another "6 pack" vessel).
- Upon transfer of a Gulf of Mexico moratorium Coastal Migratory Pelagic Charter/Headboat permit and/or Gulf of Mexico moratorium Reef Fish Charter/Headboat permit, the Federal Charter/Headboat **decal must be removed** from your vessel.
- New owners of Limited Access/Moratorium permits must meet the earned income requirement not later than the first full calendar year after the issuance of the permit.
- Transfer of Atlantic SHARK or SWORDFISH permits for swordfish handgear or swordfish and shark directed permits are subject to vessel size increase limitations.
- If the vessel is leased/rented/leased to own, include a copy of the current lease agreement. Both the vessel owner(s) and the lessee(s) must sign and date the lease agreement. The lease must state the beginning and ending dates of the lease term. **Expired permits may not be transferred.**
- The following permits and endorsements are NOT transferable:

<u>Charter</u> South Atlantic Charter/headboat for Coastal Migratory Pelagics South Atlantic Charter/headboat for Snapper-Grouper Atlantic Charter/headboat for Dolphin/Wahoo	<u>Commercial</u> Atlantic Dolphin/Wahoo - Commercial Spiny Lobster Spiny Lobster Tailing Rock Shrimp (Carolinas Zone) Gulf of Mexico Royal Red Shrimp Endorsement Spanish mackerel
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DUPLICATE OR REPLACEMENT PERMITS

To request replacement of lost permits the USCG Official Number and/or the State Registration Number fields of Section 1 must be completed. Section 2 must be completed to indicate for which permit(s) duplicates are requested. The application must be signed in Section 7 by a permit owner. A check or money order for \$18 payable to the U.S. Treasury must accompany the application.

FEES

Fees for permit or endorsement renewal, initial issuance, and transfers are \$25 for the first permit or endorsement and \$10 for each additional permit or endorsement.

1 = \$25	2 = \$35	3 = \$45	4 = \$55	5 = \$65	6 = \$75	7 = \$85
8 = \$95	9 = \$105	10 = \$115	11 = \$125	12 = \$135	13 = \$145	14 = \$155

A flat rate fee of \$18 is accessed for replacement of one or more permits issued to a single vessel.

EARNED INCOME OR GROSS SALES REQUIREMENTS FOR COMMERCIAL PERMITS

	KING & SPANISH MACKEREL	REEF FISH (GULF OF MEXICO)	SPINY LOBSTER
Percentage of earned income	At least 25%	More than 50%	At least 10%
Gross sales alternative	More than \$10,000 in sales of fish	N/A	N/A
Source of earned income	Commercial, charter, or headboat	Commercial, charter, or headboat	Sale of catch
Time frame for qualification	One of three years prior to application	Either of two years prior to application	Year prior to application

The following fisheries do not require any earned income:

COMMERCIAL

Atlantic Dolphin/Wahoo - Commercial
 Shark Directed or Incidental
 Swordfish Directed, Incidental, or Handgear
 Rock Shrimp (Carolinas Zone)
 Rock Shrimp (South Atlantic EEZ)
 Spiny Lobster Tailing
 South Atlantic Unlimited Snapper-Grouper excluding Wreckfish
 South Atlantic 225 lb. Trip Limit Snapper-Grouper excluding Wreckfish
 Gulf of Mexico Shrimp
 Gulf of Mexico Royal Red Shrimp Endorsement
 Atlantic Tuna Longline
 South Atlantic Penaeid Shrimp

CHARTER/HEADBOAT

Atlantic Dolphin/Wahoo - Charter
 Gulf of Mexico Coastal Migratory Pelagic Fish Charter/Headboat
 South Atlantic Coastal Migratory Pelagic Fish Charter/Headboat
 South Atlantic Charter for Snapper-Grouper
 Gulf of Mexico Reef Fish Charter/Headboat

An Income Qualification Affidavit is now accepted as proof of meeting permit income qualification requirements. A signed Income Qualification Affidavit will be required with every application to renew an income qualified permit.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to: PRA Officer, National Marine Fisheries Service, F/SER2, 263 13th Avenue South, St. Petersburg, FL 33701.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Non-confidential information may be released via a NOAA Fisheries website. Non-confidential information means: Name, Street Address, City, State, Zip code, Effective Date of Permit, Permit Types, Vessel Name, Vessel Identification Number, and in the case of a "for hire" vessel the Passenger Capacity, or individual, corporate and lease holders of permits. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

OPEN ACCESS PERMITS (New permits may be issued; these permits may NOT be transferred)

ATLANTIC DOLPHIN-WAHOO CHARTER VESSEL/HEADBOAT- For a person aboard a vessel that is operating as a charter vessel/headboat to fish for or possess a dolphin-wahoo in or from Federal waters in the Atlantic, an Atlantic dolphin-wahoo charter vessel/headboat permit must be issued to that vessel. There are no earned income or landing requirements for this permit. An owner of a charter vessel/headboat who desires to sell dolphin is required to obtain a dolphin-wahoo commercial vessel permit (see below) in addition to the charter vessel/headboat permit. (The sale of wahoo harvested in the Atlantic EEZ by a vessel operating as a charter vessel/headboat is not allowed.) The permit will only be valid if there is someone on the vessel that has a valid Vessel Operator Permit Card issued by the Southeast Regional Office of NMFS or by the Northeast Regional Office of NMFS.

ATLANTIC DOLPHIN-WAHOO COMMERCIAL - A vessel must be issued an Atlantic dolphin-wahoo commercial permit to be eligible for exemption from the bag and possession limits for dolphin-wahoo in the Atlantic EEZ or to sell dolphin-wahoo harvested in the Atlantic EEZ. . The permit will only be valid if there is someone on the vessel that has a valid Vessel Operator Permit Card issued by the Southeast Regional Office of NMFS or by the Northeast Regional Office of NMFS.

SOUTH ATLANTIC COASTAL MIGRATORY PELAGIC CHARTER OR SNAPPER-GROUPER CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a coastal migratory pelagic fish or snapper-grouper in or from Federal waters off the southern Atlantic states, a charter permit must be issued to the vessel and be on board. These permits do NOT allow for the sale of fish caught under these permits.

SOUTH ATLANTIC PENAID SHRIMP - For a person aboard a trawler to fish for penaeid shrimp (brown, pink, or white shrimp) in the South Atlantic EEZ or possess penaeid shrimp in or from the South Atlantic EEZ, a valid (not expired) commercial vessel permit for South Atlantic penaeid shrimp must have been issued to the vessel and must be on board.

GULF OF MEXICO ROYAL RED SHRIMP ENDORSEMENT – For a person aboard a vessel to fish for royal red shrimp in the Gulf of Mexico EEZ or possess royal red shrimp in the Gulf of Mexico EEZ, a valid vessel permit for Gulf of Mexico shrimp **and** a royal red shrimp endorsement must have been issued to the vessel and must be on board. This endorsement is not transferable.

SPANISH MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for Spanish mackerel, a commercial permit must be issued to the vessel and be on board. At time of application income criteria must be submitted. *If applying for a Spanish mackerel permit, earned income or gross sales requirement must be met at time of application. See Earned Income or Gross Sales Requirements for Commercial Permits on page 4 of these instructions.*

SPINY LOBSTER - For a person aboard a vessel in Federal waters off of Texas, Louisiana, Mississippi, or Alabama to be exempt from the daily catch and possession limit, a commercial spiny lobster permit must be issued to the vessel and be on board. Florida's requirements apply to a vessel fishing in Federal waters off Florida. The daily bag or possession limit for spiny lobster in or from the EEZ of the southern Atlantic states other than Florida (North Carolina, South Carolina, and Georgia), is two per person for recreational and commercial fishing year round. To possess a separated spiny lobster tail in or from Federal waters, a tail-separation permit must be issued to the vessel and be on board. Tail separation permits may only be obtained for vessels that, due to the nature of the fishing, are required to remain at sea for 48 hours or longer. *If applying for a commercial spiny lobster permit, the income requirement must be met at time of application. See Earned Income Requirements for Commercial Permits on page 4 of these instructions.*

SOUTH ATLANTIC ROCK SHRIMP (CAROLINAS ZONE) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, either a Rock Shrimp (South Atlantic EEZ) permit or a South Atlantic Rock Shrimp (Carolinas EEZ) permit is required. A vessel may not be issued both a Rock Shrimp (South Atlantic EEZ) permit and a Rock Shrimp (Carolinas Zone) permit simultaneously. If a vessel has a Rock Shrimp (South Atlantic EEZ) permit, which is valid (not expired) as of the date of this application, and the vessel owner is applying for a Rock Shrimp (Carolinas Zone) permit on the same vessel, the Rock Shrimp (South Atlantic EEZ) permit must first be transferred from the vessel or surrendered to NMFS.

LIMITED ACCESS/MORATORIUM PERMITS (new permits will NOT be issued; these permits MAY be transferred)

Please note that charter permits DO NOT allow you to sell fish caught on a charter.

SOUTH ATLANTIC ROCK SHRIMP (SOUTH ATLANTIC EEZ) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from Georgia and the east coast of Florida, a Rock Shrimp (South Atlantic EEZ) permit is required. For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, either a Rock Shrimp (South Atlantic EEZ) permit or a South Atlantic Rock Shrimp (Carolinas EEZ) permit is required. To transfer a Rock Shrimp (South Atlantic EEZ) permit, the original valid (not expired) permit must be signed and notarized as required, and returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.**

A vessel may not be issued both a Rock Shrimp (South Atlantic EEZ) permit and a Rock Shrimp (Carolinas Zone) permit simultaneously. If a vessel has been issued a Rock Shrimp (Carolinas Zone) permit, which is valid (not expired) as of the date of this application, and the vessel owner is applying for a Rock Shrimp (South Atlantic EEZ) permit on the same vessel, the Rock Shrimp (Carolinas Zone) permit must first be surrendered to the NMFS. Similarly, if a vessel has been issued a Rock Shrimp (South Atlantic EEZ) permit, which is valid (not expired) as of the date of this application, and the vessel owner is applying for a Rock Shrimp (Carolinas Zone) permit on the same vessel, the Rock Shrimp (South Atlantic EEZ) permit must first be transferred from the vessel or surrendered to the NMFS.

SOUTH ATLANTIC SNAPPER-GROUPER UNLIMITED and 225-LB (EXCLUDING WRECKFISH PERMITS) - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits, to engage in a directed fishery for tilefish or to use a sea bass pot, a commercial permit must be issued to the vessel and be on board. Permits for the South Atlantic snapper-grouper fishery are under a limited entry program. No new vessels may be permitted except by transfer of a valid (not expired) permit.

South Atlantic snapper-grouper (excluding wreckfish) 225-lb trip limit permits are only transferable to a vessel owned or leased by the same permit owner.

With the exception of South Atlantic unlimited snapper-grouper (excluding wreckfish) permits transferred from an individual to a "family corporation", a person desiring to acquire a permit for South Atlantic unlimited snapper-grouper (excluding wreckfish) must obtain and exchange two such permits for one new permit. If the South Atlantic unlimited snapper-grouper (excluding wreckfish) permit is transferred from an individual to a "family corporation" made up exclusively of that individual's mother, father, brother, sister, son, daughter, and/or spouse, it may be obtained as a one-for-one transfer. However, permits obtained by a "family corporation" under this 1:1 transfer provision may only be renewed by the family corporation as long as the corporation is comprised exclusively of the mother, father, brother, sister, son, daughter, or spouse of the individual who originally transferred the permit to the family corporation.

For all South Atlantic Snapper-Grouper permit transfers, the original valid (not expired) permit(s) must be returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.**

GULF OF MEXICO CHARTER/ HEADBOAT FOR COASTAL MIGRATORY PELAGICS - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a coastal migratory pelagic fish in or from Federal waters in the Gulf of Mexico, a moratorium charter permit must be issued to the vessel and be on board. Permits for Gulf coastal migratory pelagic charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a Gulf of Mexico Charter/Headboat for Coastal Migratory Pelagic fish permit, the original valid permit must be signed and notarized as required, and returned with an application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.**

LIMITED ACCESS/MORATORIUM PERMITS (CONTINUED)

GULF OF MEXICO CHARTER/ HEADBOAT FOR REEF FISH - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a reef fish in or from Federal waters of the Gulf of Mexico, a moratorium charter permit must be issued to the vessel and be on board. Permits for Gulf of Mexico reef fish charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a Gulf of Mexico Charter/ Headboat for Reef Fish permit, the original valid (not expired) permit must be signed and notarized as required and, returned with an application and all applicable documents. **Permits must be renewed within one year of the expiration date– expired permits may not be transferred*.**

GULF OF MEXICO COMMERCIAL REEF FISH - As a prerequisite to sell reef fish in or from Federal waters and to be eligible for exemption from the bag limits, a commercial permit must be issued to the vessel and be on board. Permits for the commercial reef fish fishery are under a limited entry program. No new vessels may be permitted except by transfer of a valid (not expired) permit. To transfer a Gulf of Mexico Reef Fish permit, the original valid (not expired) permit must be signed and notarized as required, and returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.** Please note: Gulf of Mexico Reef Fish Permits may only be renewed or transferred on vessels that have an installed, activated and operational VMS (Vessel Monitoring System).

GULF OF MEXICO SHRIMP - As of March 26, 2007, permits for the Gulf of Mexico shrimp fishery are under a moratorium program. For a person aboard a vessel to fish for or shrimp in the Gulf of Mexico EEZ or possess shrimp in or from the Gulf of Mexico EEZ, a valid commercial vessel permit for Gulf of Mexico shrimp must have been issued to the vessel and must be on board. To transfer a Gulf of Mexico shrimp permit, the original valid permit must be signed and notarized as required and, returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date– expired permits may not be transferred*.**

KING MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for king mackerel, a commercial permit must be issued to the vessel and be on board. Permits for King Mackerel are under a limited entry program. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a King Mackerel permit, the original valid (not expired) permit must be signed and notarized as required, and returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date– expired permits may not be transferred*.**

GILLNET FOR KING MACKEREL - For a person aboard a vessel in Federal waters to use a run-around gillnet for King Mackerel in the southern Florida west coast subzone, a commercial gillnet permit for King Mackerel must be issued to the vessel and be on board. Gillnet permits for King Mackerel are under a limited entry program. No new vessel may be permitted except by transfer of a valid (not expired) permit. Gillnet permits for King Mackerel may only be transferred to an immediate family member (mother, father, husband, wife, son, daughter, brother, sister). To transfer a gillnet for King Mackerel permit, the original valid (not expired) permit must be signed and notarized as required, and returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date– expired permits may not be transferred*.**

SHARK - As a prerequisite to sell a shark in or from Federal waters and to be eligible for exemption from the bag limits, a commercial permit must be issued to the vessel and be on board. Permits for the shark fishery are under a limited entry program. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a shark permit, the original valid permit must be signed and notarized as required, and returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.**

SWORDFISH - To fish for or possess swordfish in or from the North Atlantic Ocean, or take swordfish as bycatch, whether or not retained, a commercial permit must be issued to the vessel and be on board. Permits for the swordfish fishery are under a limited entry program. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a swordfish permit, the original valid (not expired) permit must be signed and notarized as required and, returned with the application and all applicable documents. **Permits must be renewed within one year of the expiration date – expired permits may not be transferred*.**

ATLANTIC TUNA LONGLINE: Vessel owners conducting longline operations that may result in the incidental taking of large, medium and giant bluefin or in the directed/incidental taking of other Atlantic tunas must obtain this permit. The number of longline permits is limited, i.e., a vessel owner seeking to obtain a longline permit must obtain a longline permit from a qualified permit holder. To transfer an Atlantic Tuna Longline permit, the original valid permit must be signed and notarized as required, and returned with the application and all applicable documents. **Expired permits may not be transferred*.** Important: A total of 3 permits (swordfish, shark, and tuna longline) must be obtained to use longline to fish for tunas. The shark and swordfish permit may be either directed or incidental. Directed swordfish and shark permits are subject to upgrading and ownership restrictions. For further information on swordfish, shark, or tuna regulations, please call the Highly Migratory Species Management Division at (301) 713-2347.

*******IMPORTANT INFORMATION*******

* For all transferable permits – an expired permit MAY be transferred only when the seller(s) has signed over the permit AND the seller's signature(s) was notarized BEFORE the expiration date. Otherwise, an expired permit must be renewed by the permit holder shown on the front of the permit before it can be signed over for transfer to ownership by another entity. Permits that have been expired for more than 1 and have been terminated will not be transferred or renewed.

Title 50: Wildlife and Fisheries
PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC
Subpart B—Effort Limitations

§ 622.20 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) *General.* This section establishes an IFQ program for the commercial components of the Gulf reef fish fishery for groupers (including DWG, red grouper, gag, and other SWG) and tilefishes (including goldface tilefish, blackline tilefish, anchor tilefish, blue-line tilefish, and tilefish). For the purposes of this IFQ program, DWG includes yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind, and scamp, but only as specified in paragraph (b)(2)(vi) of this section. For the purposes of this IFQ program, other SWG includes black grouper, scamp, yellowfin grouper, rock hind, red hind, and yellowmouth grouper, and warsaw grouper and speckled hind, but only as specified in paragraph (b)(2)(v) of this section. Under the IFQ program, the RA initially will assign eligible participants IFQ shares, in five share categories. These IFQ shares are equivalent to a percentage of the annual commercial quotas for DWG, red grouper, gag, and tilefishes, and the annual commercial catch allowance (meaning the SWG quota minus gag and red grouper) for other SWG species, based on their applicable historical landings. Shares determine the amount of IFQ allocation for Gulf groupers and tilefishes, in pounds gutted weight, a shareholder is initially authorized to possess, land, or sell in a given calendar year. Shares and annual IFQ allocation are transferable. See §622.4(a)(2)(ix) regarding a requirement for a vessel landing groupers or tilefishes subject to this IFQ program to have an IFQ vessel account for Gulf groupers and tilefishes. See §622.4(a)(4)(ii) regarding a requirement for a Gulf IFQ dealer endorsement. Details regarding eligibility, applicable landings history, account setup and transaction requirements, constraints on transferability, and other provisions of this IFQ system are provided in the following paragraphs of this section.

(1) *Scope.* The provisions of this section apply to Gulf groupers and tilefishes in or from the Gulf EEZ and, for a person aboard a vessel with an IFQ vessel account for Gulf groupers and tilefishes as required by §622.4(a)(2)(ix) or for a person with a Gulf IFQ dealer endorsement as required by §622.4(a)(4)(ii), these provisions apply to Gulf groupers and tilefishes regardless of where harvested or possessed.

(2) *Duration.* The IFQ program established by this section will remain in effect until it is modified or terminated; however, the program will be evaluated by the Gulf of Mexico Fishery Management Council every 5 years.

(3) *Electronic system requirements.* (i) The administrative functions associated with this IFQ program, e.g., registration and account setup, landing transactions, and transfers, are designed to be accomplished online; therefore, a participant must have access to a computer and Internet access and must set up an appropriate IFQ online account to participate. The computer must have browser software installed, e.g. Internet Explorer, Netscape, Mozilla Firefox; as well as the software Adobe Flash Player version 9.0 or greater, which may be downloaded from the Internet for free. Assistance with online functions is available from IFQ Customer Service by calling 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(ii) The RA will mail initial shareholders and dealers with Gulf reef fish dealer permits information and instructions pertinent to setting up an IFQ online account. Other eligible persons who desire to become IFQ participants by purchasing IFQ shares or allocation or by obtaining a Gulf IFQ dealer endorsement must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to set up the required IFQ online account. Each IFQ participant must monitor his/her online account and all associated messages and comply with all IFQ online reporting requirements.

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(b) *Procedures for initial implementation*—(1) *Determination of eligibility for initial IFQ shares.* To be eligible as an initial IFQ shareholder a person must possess a valid commercial Gulf reef fish permit as of October 1, 2009. NMFS' permit records are the sole basis for determining eligibility for the IFQ program for Gulf groupers and tilefishes based on permit history. No more than one initial eligibility will be granted based upon a given commercial vessel permit for Gulf reef fish.

(2) *Calculation of initial IFQ shares and allocation*—(i) *IFQ shares.* The RA will calculate initial IFQ shares based on the highest average annual landings of Gulf groupers and tilefishes, in each of five share categories, associated with each shareholder's current commercial vessel permit for Gulf reef fish during the applicable landings history. The five share categories are gag, red grouper, DWG, other SWG, and tilefishes. The applicable landings history for reef fish permit holders with grouper or tilefish landings includes landings data from 1999 through 2004 with the allowance for dropping one year. All grouper and tilefish landings associated with a current reef fish permit for the applicable landings history, including those reported by a person(s) who held the license prior to the current license owner, will be attributed to the current license owner. Only legal landings reported in compliance with applicable state and Federal regulations will be accepted. For each share category, each shareholder's initial share is derived by dividing the shareholder's highest average annual landings during the applicable landings history by the sum of the highest average annual landings of all shareholders during the respective applicable landings histories. Initial shares distributed in the gag share category and the other SWG share category will be based on landings that have been adjusted for gag and/or black grouper misidentification. Initial IFQ shares will not be issued in units less than the percentage equivalent to 1.0 lb (0.45 kg) of the grouper or tilefish species, in each share category, based on that share category's quota or catch allowance.

(ii) *Initial share set-aside to accommodate resolution of appeals.* During the first year of implementation of this IFQ program only, for each share category, the RA will reserve a 3-percent IFQ share prior to the initial distribution of shares, to accommodate resolution of appeals, if necessary. Any portion of the 3-percent share set-aside for each share category remaining after the appeals process is completed will be distributed as soon as possible among initial shareholders in direct proportion to the percentage share each was initially allocated. If resolution of appeals requires more than a 3-percent share set-aside for a share category, the shares of all initial shareholders, for that share category, would be reduced accordingly in direct proportion to the percentage share each was initially allocated.

(iii) *IFQ allocation.* IFQ allocation is the amount of Gulf groupers and tilefishes, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation for the five respective share categories is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for gag, red grouper, DWG, and tilefishes; and times the annual commercial catch allowance for other SWG.

(iv) *Red grouper and gag multi-use allocation* —(A) *Red grouper multi-use allocation*. At the beginning of each fishing year, 4 percent of each shareholder's initial red grouper allocation will be converted to red grouper multi-use allocation. Red grouper multi-use allocation may be used to possess, land, or sell either red grouper or gag under certain conditions. Red grouper multi-use allocation may be used to possess, land, or sell red grouper only after an IFQ account holder's (shareholder or allocation holder's) red grouper allocation has been landed and sold, or transferred; and to possess, land, or sell gag, only after both gag and red grouper multi-use allocation have been landed and sold, or transferred.

(B) *Gag multi-use allocation*. At the beginning of each fishing year, 8 percent of each shareholder's initial gag allocation will be converted to gag multi-use allocation. Gag multi-use allocation may be used to possess, land, or sell either gag or red grouper under certain conditions. Gag multi-use allocation may be used to possess, land, or sell gag only after an IFQ account holder's gag allocation has been landed and sold, or transferred; and to possess, land or sell red grouper, only after both red grouper and red grouper multi-use allocation have been landed and sold, or transferred. Multi-use allocation transfer procedures and restrictions are specified in paragraph (c)(4)(iv) of this section.

(v) *Warsaw grouper and speckled hind classification*. Warsaw grouper and speckled hind are considered DWG species and under certain circumstances SWG species. For the purposes of the IFQ program for Gulf groupers and tilefishes, once all of an IFQ account holder's DWG allocation has been landed and sold, or transferred, or if an IFQ account holder has no DWG allocation, then other SWG allocation may be used to land and sell warsaw grouper and speckled hind.

(vi) *Scamp classification*. Scamp is considered a SWG species and under certain circumstances a DWG. For the purposes of the IFQ program for Gulf groupers and tilefishes, once all of an IFQ account holder's other SWG allocation has been landed and sold, or transferred, or if an IFQ account holder has no SWG allocation, then DWG allocation may be used to land and sell scamp.

(3) *Shareholder notification regarding landings history, initial determination of IFQ shares and allocations, and IFQ account setup information*. (i) On or about October 1, 2009, the RA will mail each Gulf reef fish commercial vessel permittee with grouper and tilefish landings history during the qualifying years, information pertinent to the IFQ program. This information will include—

(A) Gulf grouper and tilefish landings associated with the Gulf reef fish commercial vessel permit during each year of the applicable landings history;

(B) The highest average annual grouper and tilefish landings, in each of the five share categories, based on the permittee's best 5 out of 6 years of applicable landings history;

(C) The permittee's initial IFQ share, in each of the five share categories, based on the highest average annual landings associated with the permittee's best 5 out of 6 years of applicable landings history;

(D) The initial IFQ allocation, in each of the five share categories, as well as their total IFQ allocation;

(E) Instructions for appeals;

(F) General instructions regarding procedures related to the IFQ online system, including how to set up an online account; and

(G) A user identification number; and a personal identification number (PIN) that will be provided in a subsequent letter.

(ii) The RA will provide this information, via certified mail return receipt requested, to the permittee's address of record as listed in NMFS' permit files. A permittee who does not receive such notification from the RA, must contact the RA by November 1, 2009, to clarify eligibility status and landings and initial share information.

(iii) The initial share information provided by the RA is based on the highest average annual landings during the best 5 out of 6 years associated with the permittee's applicable landings history for each share category; however, a permittee may select to exclude a different year of landings history than was chosen, consistent with the permittee's applicable landings history, for the calculation of the initial IFQ share. The permittee must submit that information to the RA postmarked no later than December 1, 2009. If alternative years, consistent with the applicable landings history, are selected, revised information regarding shares and allocations will be posted on the online IFQ accounts no later than January 1, 2010. A permittee who disagrees with the landings or eligibility information provided by the RA may appeal the RA's initial determinations.

(4) *Procedure for appealing IFQ eligibility and/or landings information*. The only items subject to appeal under this IFQ system are initial eligibility for IFQ shares based on ownership of a reef fish permit, the accuracy of the amount of landings, correct assignment of landings to the permittee, and correct assignment of gag versus black grouper landings. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than April 1, 2010, and must contain documentation supporting the basis for the appeal. The RA will review all appeals, render final decisions on the appeals, and advise the appellant of the final decision.

(i) *Eligibility appeals*. NMFS' records of reef fish permits are the sole basis for determining ownership of such permits. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.

(ii) *Landings appeals*. Appeals regarding landings data for 1999 through 2004 will be based on NMFS' logbook records. If NMFS' logbooks are not available, the RA may use state landings records or data that were submitted in compliance with applicable Federal and state regulations, on or before December 31, 2006.

(5) *Dealer notification and IFQ account setup information*. On or about October 1, 2009, the RA will mail each dealer with a valid Gulf reef fish dealer permit information pertinent to the IFQ program. Any such dealer is eligible to receive a Gulf IFQ dealer endorsement, which can be downloaded from the IFQ website at ifq.sero.nmfs.noaa.gov once an IFQ account has been established. The information package will include general information about the IFQ program and instructions for accessing the IFQ website and establishing an IFQ dealer account.

(c) *IFQ operations and requirements* —(1) *IFQ Landing and transaction requirements*. (i) Gulf groupers and tilefishes subject to this IFQ program can only be possessed or landed by a vessel with a IFQ vessel account for Gulf groupers and tilefishes. Such groupers and tilefishes can only be received by a dealer with a Gulf IFQ dealer endorsement. The vessel landing groupers or tilefishes must have sufficient IFQ allocation in the IFQ vessel account, at least equal to the pounds in gutted weight of grouper or tilefish species to be landed, from the time of advance notice of landing through landing, except as provided in paragraph (c)(1)(ii) of this section.

(ii) A person on board a vessel with an IFQ vessel account landing the shareholder's only remaining allocation from among any of the grouper or tilefish share categories, can legally exceed, by up to 10 percent, the shareholder's allocation remaining on that last fishing trip of the fishing year, i.e. a one-time per fishing year overage. Any such overage will be deducted from the shareholder's applicable allocation for the subsequent fishing year. From the time of the overage until January 1 of the subsequent fishing year, the IFQ shareholder must retain sufficient shares to account for the allocation that will be deducted the subsequent fishing year. Share transfers that would violate this requirement will be prohibited.

(iii) The dealer is responsible for completing a landing transaction report for each landing and sale of Gulf groupers and tilefishes via the IFQ website at ifq.sero.nmfs.noaa.gov at the time of the transaction in accordance with reporting form and instructions provided on the website. This report includes, but is not limited to, date, time, and location of transaction; weight and actual ex-vessel value of groupers and tilefishes landed and sold; and information

necessary to identify the fisherman, vessel, and dealer involved in the transaction. The fisherman must validate the dealer transaction report by entering the unique PIN number for the vessel account when the transaction report is submitted. After the dealer submits the report and the information has been verified by NMFS, the online system will send a transaction approval code to the dealer and the allocation holder.

(iv) If there is a discrepancy regarding the landing transaction report after approval, the dealer or vessel account holder (or his or her authorized agent) may initiate a landing transaction correction form to correct the landing transaction. This form is available via the IFQ website at ifq.sero.nmfs.noaa.gov. Both parties must validate the landing correction form by entering their respective PIN numbers, i.e. vessel account PIN or dealer account PIN. The dealer must then print out the form, both parties must sign it, and the form must be mailed to NMFS. The form must be received by NMFS no later than 15 days after the date of the initial landing transaction.

(2) *IFQ cost recovery fees.* As required by section 304(d)(2)(A)(i) of the Magnuson-Stevens Act, the RA will collect a fee to recover the actual costs directly related to the management and enforcement of the IFQ program for Gulf groupers and tilefishes. The fee cannot exceed 3 percent of the ex-vessel value of Gulf groupers and tilefishes landed under the IFQ program. Such fees will be deposited in the Limited Access System Administration Fund (LASAF). Initially, the fee will be 3 percent of the actual ex-vessel value of Gulf groupers and tilefishes landed under the IFQ program, as documented in each landings transaction report. The RA will review the cost recovery fee annually to determine if adjustment is warranted. Factors considered in the review include the catch subject to the IFQ cost recovery, projected ex-vessel value of the catch, costs directly related to the management and enforcement of the IFQ program, the projected IFQ balance in the LASAF, and expected non-payment of fee liabilities. If the RA determines that a fee adjustment is warranted, the RA will publish a notification of the fee adjustment in the Federal Register.

(i) *Payment responsibility.* The IFQ account holder specified in the documented IFQ landing transaction report for Gulf groupers and tilefishes is responsible for payment of the applicable cost recovery fees.

(ii) *Collection and submission responsibility.* A dealer who receives Gulf groupers or tilefishes subject to the IFQ program is responsible for collecting the applicable cost recovery fee for each IFQ landing from the IFQ account holder specified in the IFQ landing transaction report. Such dealer is responsible for submitting all applicable cost recovery fees to NMFS on a quarterly basis. The fees are due and must be submitted, using pay.gov via the IFQ system, at the end of each calendar-year quarter, but no later than 30 days after the end of each calendar-year quarter. Fees not received by the deadline are delinquent.

(iii) *Fee payment procedure.* For each IFQ dealer, the IFQ system will post, in individual IFQ dealer accounts, an end-of-quarter statement of cost recovery fees that are due. The dealer is responsible for submitting the cost recovery fee payments using pay.gov via the IFQ system. Authorized payment methods are credit card, debit card, or automated clearing house (ACH). Payment by check will be authorized only if the RA has determined that the geographical area or an individual(s) is affected by catastrophic conditions.

(iv) *Fee reconciliation process — delinquent fees.* The following procedures apply to an IFQ dealer whose cost recovery fees are delinquent.

(A) On or about the 31st day after the end of each calendar-year quarter, the RA will send the dealer an electronic message via the IFQ website and official notice via mail indicating the applicable fees are delinquent, and the dealer's IFQ account has been suspended pending payment of the applicable fees.

(B) On or about the 91st day after the end of each calendar-year quarter, the RA will refer any delinquent IFQ dealer cost recovery fees to the appropriate authorities for collection of payment.

(3) *Measures to enhance IFQ program enforceability—(i) Advance notice of landing.* For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing IFQ groupers or tilefishes is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 12 hours, in advance of landing to report the time and location of landing, estimated grouper and tilefish landings in pounds gutted weight for each share category (gag, red grouper, DWG, other SWG, tilefishes), vessel identification number (Coast Guard registration number or state registration number), and the name and address of the IFQ dealer where the groupers or tilefishes are to be received. The vessel landing groupers or tilefishes must have sufficient IFQ allocation in the IFQ vessel account, and in the appropriate share category or categories, at least equal to the pounds in gutted weight of all groupers and tilefishes on board (except for any overage up to the 10 percent allowed on the last fishing trip) from the time of the advance notice of landing through landing. Authorized methods for contacting NMFS and submitting the report include calling NMFS at 1-866-425-7627, completing and submitting to NMFS the notification form provided through the VMS unit, or providing the required information to NMFS through the web-based form available on the IFQ website at ifq.sero.nmfs.noaa.gov. As new technology becomes available, NMFS will add other authorized methods for complying with the advance notification requirement, via appropriate rulemaking. Failure to comply with this advance notice of landing requirement is unlawful and will preclude authorization to complete the landing transaction report required in paragraph (c)(1)(iii) of this section and, thus, will preclude issuance of the required transaction approval code.

(ii) *Time restriction on offloading.* IFQ groupers and tilefishes may be offloaded only between 6 a.m. and 6 p.m., local time.

(iii) *Restrictions on transfer of IFQ groupers and tilefishes.* At-sea or dockside transfer of IFQ groupers or tilefishes from one vessel to another vessel is prohibited.

(iv) *Requirement for transaction approval code.* If IFQ groupers or tilefishes are offloaded to a vehicle for transportation to a dealer or are on a vessel that is trailered for transport to a dealer, on-site capability to accurately weigh the fish and to connect electronically to the online IFQ system to complete the transaction and obtain the transaction approval code is required. After a landing transaction has been completed, a transaction approval code verifying a legal transaction of the amount of IFQ groupers and tilefishes in possession and a copy of the dealer endorsement must accompany any IFQ groupers and tilefishes from the landing location through possession by a dealer. This requirement also applies to IFQ groupers and tilefishes possessed on a vessel that is trailered for transport to a dealer.

(v) *Approved landing locations.* Landing locations must be approved by NMFS Office for Law Enforcement prior to landing or offloading at these sites. Proposed landing locations may be submitted online via the IFQ website at ifq.sero.nmfs.noaa.gov, or by calling IFQ Customer Service at 1-866-425-7627, at any time, however, new landing locations will be approved only at the end of each calendar-year quarter. To have your landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the following criteria:

(A) Landing locations must be publicly accessible by land and water, and

(B) they must have a street address. If there is no street address on record for a particular landing location, global positioning system (GPS) coordinates for an identifiable geographic location must be provided.

(4) *Transfer of IFQ shares and allocation.* Until January 1, 2015, IFQ shares and allocations can be transferred only to a person who holds a valid commercial vessel permit for Gulf reef fish; thereafter, IFQ shares and allocations can be transferred to any U.S. citizen or permanent resident alien. However, a valid commercial permit for Gulf reef fish, an IFQ vessel account for Gulf groupers and tilefishes, and IFQ allocation for Gulf groupers or tilefishes are required to possess (at and after the time of the advance notice of landing), land or sell Gulf groupers or tilefishes subject to this IFQ program.

(i) *Share transfers.* Share transfers are permanent, i.e., they remain in effect until subsequently transferred. Transfer of shares will result in the corresponding allocation being automatically transferred to the person receiving the transferred share beginning with the fishing year following the year the transfer occurred. However, within the fishing year the share transfer occurs, transfer of shares and associated allocation are independent--unless the associated allocation is transferred separately, it remains with the transferor for the duration of that fishing year. A share transfer transaction that remains in pending status, i.e., has not been completed and verified with a transaction approval code, after 30 days from the date the shareholder initiated the transfer will be cancelled, and the pending shares will be re-credited to the shareholder who initiated the transfer.

(ii) *Share transfer procedures.* Share transfers must be accomplished online via the IFQ website. An IFQ shareholder must initiate a share transfer request by logging onto the IFQ website at ifq.sero.nmfs.noaa.gov. An IFQ shareholder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating a share transfer. An IFQ shareholder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. Following the instructions provided on the website, the shareholder must enter pertinent information regarding the transfer request including, but not limited to: amount of shares to be transferred, which must be a minimum of 0.000001 percent; name of the eligible transferee; and the value of the transferred shares. For the first 5 years this IFQ program is in effect, an eligible transferee is a person who has a valid commercial vessel permit for Gulf reef fish; is in compliance with all reporting requirements for the Gulf reef fish fishery and the IFQ program for Gulf groupers and tilefishes; is not subject to sanctions under 15 CFR part 904; and who would not be in violation of the share or allocation caps as specified in paragraph (c)(6) of this section. Thereafter, share transferee eligibility will be extended to include U.S. citizens and permanent resident aliens who are otherwise in compliance with the provisions of this section. The online system will verify the information entered. If the information is not accepted, the online system will send the shareholder an electronic message explaining the reason(s). If the information is accepted, the online system will send the transferee an electronic message of the pending transfer. The transferee must approve the share transfer by electronic signature. If the transferee approves the share transfer, the online system will send a transfer approval code to both the shareholder and transferee confirming the transaction. All share transfers must be completed and the transaction approval code received prior to December 31 at 6 p.m. eastern time each year.

(iii) *Allocation transfers.* An allocation transfer is valid only for the remainder of the fishing year in which it occurs; it does not carry over to the subsequent fishing year. Any allocation that is unused at the end of the fishing year is void. Allocation may be transferred to a vessel account from any IFQ account. Allocation held in a vessel account, however, may only be transferred back to the IFQ account through which the vessel account was established.

(iv) *Allocation transfer procedures and restrictions*—(A) *Allocation transfer procedures.* Allocation transfers must be accomplished online via the IFQ website. An IFQ account holder must initiate an allocation transfer by logging onto the IFQ website at ifq.sero.nmfs.noaa.gov, entering the required information, including but not limited to, name of an eligible transferee and amount of IFQ allocation to be transferred and price, and submitting the transfer electronically. An IFQ allocation holder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating an allocation transfer. An IFQ allocation holder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. If the transfer is approved, the website will provide a transfer approval code to the transferor and transferee confirming the transaction.

(B) *Multi-use allocation transfer restrictions*—(1) *Red grouper multi-use allocation.* Red grouper multi-use allocation may only be transferred after all an IFQ account holder's red grouper allocation has been landed and sold, or transferred.

(2) *Gag multi-use allocation.* Gag multi-use allocation may only be transferred after all an IFQ account holder's gag allocation has been landed and sold, or transferred.

(5) *Restricted transactions during the 12-hour online maintenance window.* All electronic IFQ transactions must be completed by December 31 at 6 p.m. eastern time each year. Electronic IFQ functions will resume again on January 1 at 6 a.m. eastern time the following fishing year. The remaining 6 hours prior to the end of the fishing year, and the 6 hours at the beginning of the next fishing year, are necessary to provide NMFS time to reconcile IFQ accounts, adjust allocations for the upcoming year if the commercial quotas or catch allowances for Gulf groupers or tilefishes have changed, and update shares and allocations for the upcoming fishing year. No electronic IFQ transactions will be available during these 12 hours. An advance notice of landing may still be submitted by calling IFQ Customer Service at 1-866-425-7627.

(6) *IFQ share and allocation caps.* A corporation's total IFQ share (or allocation) is determined by adding the applicable IFQ shares (or allocation) held by the corporation and any other IFQ shares (or allocation) held by a corporation(s) owned by the original corporation prorated based on the level of ownership. An individual's total IFQ share is determined by adding the applicable IFQ shares held by the individual and the applicable IFQ shares equivalent to the corporate share the individual holds in a corporation. An individual's total IFQ allocation is determined by adding the individual's total allocation to the allocation derived from the IFQ shares equivalent to the corporate share the individual holds in a corporation.

(i) *IFQ share cap for each share category.* No person, including a corporation or other entity, may individually or collectively hold IFQ shares in any share category (gag, red grouper, DWG, other SWG, or tilefishes) in excess of the maximum share initially issued for the applicable share category to any person at the beginning of the IFQ program, as of the date appeals are resolved and shares are adjusted accordingly. A corporation must provide to the RA the identity of the shareholders of the corporation and their percent of shares in the corporation, by December 1, 2009, for initial issuance of IFQ shares and allocation, and provide updated information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for Gulf reef fish is renewed or transferred.

(ii) *Total allocation cap.* No person, including a corporation or other entity, may individually or collectively hold, cumulatively during any fishing year, IFQ allocation in excess of the total allocation cap. The total allocation cap is the sum of the maximum allocations associated with the share caps for each individual share category and is calculated annually based on the applicable quotas or catch allowance associated with each share category.

(7) *Redistribution of shares resulting from permanent permit revocation.* If a shareholder's commercial vessel permit for Gulf reef fish has been permanently revoked under provisions of 15 CFR part 904, the RA will redistribute the IFQ shares associated with the revoked permit proportionately among remaining shareholders (subject to cap restrictions) based upon the amount of shares each held just prior to the redistribution. During December of each year, the RA will determine the amount of revoked shares, if any, to be redistributed, and the shares will be distributed at the beginning of the subsequent fishing year.

(8) *Annual recalculation and notification of IFQ shares and allocation.* On or about January 1 each year, IFQ shareholders will be notified, via the IFQ website at ifq.sero.nmfs.noaa.gov, of their IFQ shares and allocations, for each of the five share categories, for the upcoming fishing year. These updated share values will reflect the results of applicable share transfers and any redistribution of shares (subject to cap restrictions) resulting from permanent revocation of applicable permits under 15 CFR part 904. Allocation, for each share category, is calculated by multiplying IFQ share for that category times the annual commercial quota or commercial catch allowance for that share category. Updated allocation values will reflect any change in IFQ share for each share category, any change in the annual commercial quota or commercial catch allowance for the applicable categories; and any debits required as a result of prior fishing year overages as specified in paragraph (c)(1)(ii) of this section. IFQ participants can monitor the status of their shares and allocation throughout the year via the IFQ website.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 080226312-91249-03]

RIN 0648-AW12

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 15B; Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 15B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule, for South Atlantic snapper-grouper, requires a private recreational vessel that fishes in the exclusive economic zone (EEZ), if selected by NMFS, to maintain and submit fishing records; requires a vessel that fishes in the EEZ, if selected by NMFS, to carry an observer and install an electronic logbook (ELB) and/or video monitoring equipment provided by NMFS; prohibits the sale of snapper-grouper harvested or possessed in the EEZ under the bag limits and prohibits the sale of snapper-grouper harvested or possessed under the bag limits by vessels with a Federal charter vessel/headboat permit for South Atlantic snapper-grouper regardless of where the snapper-grouper were harvested; requires an owner and operator of a vessel for which a commercial or charter vessel/headboat permit has been issued and that has on board any hook-and-line gear to comply with sea turtle and smalltooth sawfish release protocols, possess on board specific gear to ensure proper release of such species, and comply with guidelines for proper care and release of such species that are incidentally caught; and expands the allowable transfer of a commercial vessel permit under the limited access program and extends the allowable period for renewal of such a permit. Amendment 15B also revises the stock status determination criteria for golden tilefish and specifies commercial/recreational allocations for snowy grouper and red porgy. In addition, NMFS removes language specifying commercial quotas

for snowy grouper and red porgy that are no longer in effect and revises sea turtle bycatch mitigation requirements applicable to the Gulf reef fish fishery to add two devices that were inadvertently omitted from a prior rule. The intended effects of this final rule are to provide additional information for, and otherwise improve the effective management of, the South Atlantic snapper-grouper fishery; minimize the impacts on incidentally caught threatened and endangered sea turtles and smalltooth sawfish; and remove outdated language.

DATES: This rule is effective December 16, 2009, except for the following amendments. The amendment to § 622.18(c) is effective November 16, 2009; the amendment to § 622.10(c) is effective February 16, 2010; and the amendments to §§ 622.5, 622.8, and 622.18(b)(1)(ii) require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). When OMB approval for those amendments is received, NMFS will publish a notice in the **Federal Register** announcing the applicable effective date.

ADDRESSES: Copies of the Final Environmental Impact Statement (FEIS), Final Regulatory Flexibility Analysis (FRFA), and Record of Decision may be obtained from Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; telephone 727-824-5305; fax 727-824-5308.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Rich Malinowski, Southeast Regional Office, NMFS, and by e-mail to David_Rostker@omb.eop.gov, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: Kate Michie, telephone: 727-824-5305.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 4, 2009, NMFS published a notice of availability for Amendment 15B and requested public comments (74 FR 26827). On June 30, 2009, NMFS published the proposed rule to implement Amendment 15B and requested public comments (74 FR 31225). NMFS approved Amendment 15B on September 1, 2009. The rationale

for the measures contained in Amendment 15B is provided in the amendment and the preamble to the proposed rule and is not repeated here.

Comments and Responses

NMFS received 216 comments on Amendment 15B and the proposed rule, including 1 comment from a state agency, 2 comments from Federal agencies, and 213 comments from individuals (including 155 copies of a form letter sent by individuals). Of these comments, 14 expressed general opposition to Amendment 15B, one comment expressed general support, and one comment was unrelated to the scope of the actions contained in the amendment and the rule. The remaining comments addressed specific concerns related to the actions contained in the amendment and the rule, and those comments, as well as NMFS' respective responses, are summarized below.

Comment 1: One hundred fifty seven comments expressed concern regarding the allocation of snowy grouper. Several constituents stated the 95-percent commercial and 5-percent recreational allocation of snowy grouper is unbalanced and favors the commercial sector. Others cited National Standard 4 (NS 4) of the Magnuson-Stevens Act, regarding "fair and equitable" management measures, as not being met, stating that a fair allocation of the species would be 50-percent commercial and 50-percent recreational. Another commenter stated recreational data collection is insufficient to monitor recreational landings and is concerned any recreational overages will undermine efforts to rebuild the stock.

Response: The sector allocations for snowy grouper in Amendment 15B are based on historical landings by fishery sector, and are proportional to the total allowable catch (TAC) for the applicable species. The Council recommended and NMFS adopted snowy grouper allocations based on average annual harvests for each sector using the longest time series of data (1986-2005). The snowy grouper 95-percent commercial and 5-percent recreational allocation was supported by the Council's Snapper-Grouper Advisory Panel. It was concluded that the preferred allocation is fair and equitable based on the best scientific information available.

NMFS recognizes that snowy grouper recreational landings are more difficult to track than commercial landings. Snowy grouper are infrequently encountered by the current data collection program, which is the Marine Recreational Fisheries Statistical

Survey. Therefore, the Council has discussed, as an action for a future amendment, the possibility of comparing a recreational annual catch limit with recreational landings averaged over a range of years. For example, for 2010, landings from 2010 would be used; for 2011, landings from 2010 and 2011 would be used; and for 2012, landings from 2010, 2011, and 2012 would be used.

Comment 2: One hundred fifty five commenters who signed the form letter opposed updating management reference points for golden tilefish. They stated that such updates should be delayed until a peer-reviewed study is completed with more current data.

Response: Section 303(a) of the Magnuson-Stevens Act requires that regional fishery management councils must specify within their FMPs objective and measurable criteria for identifying when the stocks are overfished or when overfishing is occurring. These criteria are referred to by NMFS as stock status determination criteria, otherwise known as management reference points. Required criteria include maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT). The Council has specified numerical values for MSY, OY, MSST, and MFMT (the definition of MFMT, which is the fishing mortality that will produce MSY, would remain unchanged) for golden tilefish, in Amendment 15B, based on the most recent Southeast Data, Assessment, and Review (SEDAR) assessment for golden tilefish, which was completed in 2004. The data used in the 2004 SEDAR assessment and in Amendment 15B were determined to be the best available scientific information by the Southeast Fisheries Science Center (SEFSC). The management reference points specified for golden tilefish in Amendment 15B will continuously be reviewed and updated as new data becomes available. The next SEDAR assessment for golden tilefish is scheduled to begin in 2010. If the assessment results indicate a change is needed, the management reference point values may be updated through a framework action or a future FMP amendment.

Comment 3: Three commenters supported the prohibition on bag limit sales of snapper-grouper, however, 168 commenters (including 155 commenters who signed the form letter) expressed opposition to the measure, for one or more reasons. Those opposed to this measure are concerned: about the potential cost of purchasing a commercial limited access snapper-

grouper permit, which they would need to sell their snapper-grouper caught in Federal waters; they will no longer be able to sell their catch if they only hold state-issued commercial licenses; recreational fishermen could begin to sell their catch illegally, creating an illegal market for snapper-grouper; the prohibition unfairly favors the commercial sector and inequitably impacts the recreational and for-hire sectors; and for-hire and private recreational vessel operators will no longer be able to defray their trip costs by selling bag-limit caught snapper-grouper. Further, several commenters alleged that the prohibition on bag-limit sales contradicts Amendment 7 (1994) to the FMP, which implemented a provision to allow the sale of snapper-grouper caught under the bag limits by fishermen who possess a state-issued commercial license, and that the prohibition on bag-limit sales is illegal and violates Magnuson-Stevens Act National Standards (NS) 4, 5, and 8.

Response: The cost and limited availability of Federal commercial snapper-grouper permits (or limited-access snapper-grouper permits) could be determining factors for those fishermen seeking to sell their catch. If a person who does not hold a Federal commercial snapper-grouper permit wishes to sell snapper-grouper harvested from the EEZ, that person must purchase two Federal commercial snapper-grouper permits in order to be issued one Federal commercial snapper-grouper permit. This two-for-one program was established in 1998 through Amendment 8 to the FMP.

The prohibition on sale of bag-limit caught snapper-grouper is not intended to financially penalize recreational fishermen who would like to sell their catch, rather it is intended to:

- (1) eliminate the double counting of recreationally caught fish, which may be counted through the Marine Recreational Fishing Statistics Survey and by snapper-grouper dealers who report all landings as commercial;
- (2) improve enforcement by implementing regulations compatible with those already in place for reef fish harvested in the Gulf of Mexico; and
- (3) reduce the financial risk and negative economic impacts that would be incurred if snapper-grouper fisheries are closed early due to recreationally caught fish being counted against the commercial quotas.

Fishermen who hold a state-issued commercial license to sell fish but who do not hold a Federal commercial snapper-grouper permit may be considered commercial fishermen by their respective state. However, those

same fishermen are not considered participants of the Federal commercial sector of the snapper-grouper fishery. Fishermen holding state-issued commercial licenses will still be allowed to sell snapper-grouper, provided those fish are caught in state waters (and the fishermen do not also hold a Federal for-hire snapper-grouper permit), unless and/or until their state implements regulations compatible with this final rule.

Illegal sale of snapper-grouper by recreational fishermen will likely be an enforcement issue similar to other current illegal fish sales in the South Atlantic. The Council's Law Enforcement Advisory Panel reported that the prohibition of bag-limit sales would aid law enforcement efforts because the universe of people involved in the sale of snapper-grouper would be reduced.

The main argument shared by recreational fishermen on this issue is the disparity of negative socioeconomic impacts between the commercial and recreational sectors. However, fishermen with Federal commercial snapper-grouper permits are more dependent on snapper-grouper species to make a living than individuals who possess a state license and can sell up to their bag limit. Commercial harvesters with a Federal commercial snapper-grouper permit that depend on the harvest and sale of fish for their livelihood have greater vessel safety requirements and associated expenses than recreational fishermen have with their private vessels. This fact, coupled with recent regulations that have established or reduced quotas to end overfishing of a number of snapper-grouper species, were the primary reasons the Council voted to eliminate the sale of bag limit catch to prevent an early closure of the commercial sector of the snapper-grouper fishery and to prevent market disruption.

The revenue from sales of snapper-grouper caught under the bag-limits by those vessel owners who possess state-issued commercial licenses traditionally have been used to help offset the cost of fishing trips. Prohibiting the sale of bag-limit caught fish could result in a decrease in recreational fishing effort, and for-hire vessels may require increased fees or reduced levels of services offered. The use of bag-limit sales as a form of crew payment is understood to be common industry practice. Elimination of the bag-limit sale provision could result in the increase of charter fees, lower crew wages, or fewer crew onboard.

Amendment 7 to the FMP implemented controls on the sale and

purchase of snapper-grouper by limiting bag-limit sale transactions to those who possessed a state-issued commercial license to sell and dealers who held a Federal snapper-grouper dealer permit. It was NMFS' intent to allow the sale of bag-limit caught fish in order to improve stock assessments with the supplemental data and allow the Council to better manage the snapper-grouper resource. However, since the Council has established new (reduced) commercial quotas to end overfishing of several snapper-grouper species the consequences of bag-limit sales has become more evident. All snapper-grouper landings that are sold are counted toward commercial quotas and commercial fisheries close when their respective quotas are reached. NMFS is implementing the prohibition on bag-limit sales to help avoid early closures for species caught by the commercial snapper-grouper fleet. This action does not restrict the recreational fishermen from harvesting their bag limit; it restricts the sale of those bag limit harvested fish.

National Standard 4 states, in part, that conservation and management measures shall not discriminate between residents of different States, but if it becomes necessary to allocate such fishing privileges among various fishermen, such allocation shall be fair and equitable to all such fishermen. This rule ensures that fish harvested by the recreational sector are not counted toward the commercial quotas, that total landings are accurate, that market disruption is avoided due to early snapper-grouper fishery closures, and that South Atlantic regulations for sale of recreationally caught snapper-grouper are consistent with those for reef fish in the Gulf of Mexico. NS 5 states that conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose. NMFS acknowledges the economic impacts of this action. The economic analysis contained within Amendment 15B indicates that there would be adverse economic impacts to those who have engaged in bag limit sales. However, prohibiting the sale of bag-limit caught snapper-grouper will enhance efficiency in the utilization of fishery resources through improved data integrity by eliminating the double counting of snapper-grouper species towards both the recreational and commercial landings, which will result in improved assessments and management. Efficiency will also be gained through improved enforcement,

as previously discussed, and because of the implementation of compatible regulations in the South Atlantic and Gulf of Mexico. In regard to NS 8, which states in part that conservation and management measures shall provide for the sustained participation of communities and minimize adverse impacts on such communities to the extent practicable, this action would help sustain fishing communities whose fishermen possess Federal commercial snapper-grouper permits and are directly dependent upon the harvest and sale of snapper-grouper species.

Comment 4: Many commenters supported the bycatch monitoring methods contained in Amendment 15B for commercial vessels, however, 178 commenters, including those that signed the form letter, opposed the requirement for private recreational vessels to carry observers and/or video monitoring systems if selected to do so by the Science and Research Director, SEFSC, NMFS (SRD), stating that it is a violation of their constitutional rights.

Response: It is not the Council's or NMFS' intent to infringe on any rights guaranteed to private citizens of the United States and these requirements do not violate any person's rights guaranteed under the United States Constitution. The requirement for private recreational vessels fishing for snapper-grouper in the EEZ to carry observers, and use video monitoring equipment, among other monitoring methods, if selected to do so by the SRD, is intended solely to supplement existing data on interactions with bycatch species and obtain information on regulatory discards. Additionally, any vessel fishing within the confines of Federal waters is subject to Federal requirements regardless of the commercial or recreational status of the vessel. The Council voted, and NMFS agreed to adopt, measures to collect standardized bycatch data across all sectors of the snapper-grouper fishery in order to create a more reliable and comprehensive database to be used in future fisheries management decisions.

Comment 5: One commenter stated that the monitoring methods included in Amendment 15B should be applied to all vessels operating in the snapper-grouper fishery, not only a selected portion.

Response: All fishing vessels operating in this fishery, if selected, are subject to these monitoring requirements, however, NMFS agrees that total bycatch monitoring coverage would yield the greatest amount of bycatch data. Placing observers, electronic logbooks, and video monitoring systems onboard all

commercial and recreational vessels fishing for snapper-grouper in the South Atlantic EEZ would be cost prohibitive and is not statistically necessary to create a robust data set. Therefore, the Council decided to implement bycatch monitoring methods only on vessels selected by the SRD.

Comment 6: One hundred fifty five commenters who signed the form letter opposed the action that allows an individual to transfer his or her limited access vessel permit to a corporation whose shares are all held by the individual or the individual and one or more of his or her immediate family members. The majority of these commenters also support further permit reductions in the fishery in order to protect snapper-grouper stocks in the South Atlantic.

Response: This action would add no additional permits to the fishery. The intent of this action is to allow family-owned fishing businesses to transfer individual snapper-grouper permits to a family-owned corporation, on a one-for-one basis, to obtain tax and liability benefits that may be provided to a corporation. The snapper-grouper limited access program requires new entrants into the fishery to purchase two commercial snapper-grouper permits in exchange for one permit. Some current permit holders would like to incorporate their fishing businesses and transfer their snapper-grouper permits to a new family-owned corporation without the need to buy a second permit. The Council concluded that the modification to the permit transferability requirements is fair and equitable based upon the information available. Under this action, an individual would be able to transfer his or her limited access transferable vessel permit to a corporation whose shares are all held by the individual or the individual and one or more of his or her immediate family members. The permit may not be renewed or transferred if an annual corporate report shows a shareholder other than an immediate family member of the individual who originally transferred the vessel permit to the family corporation.

While an optimal fleet size to maximize benefits (biological, social, and economic) for the snapper-grouper fishery doesn't currently exist, reductions in the number of permits in the limited access program continue under the current "two-for-one" permit program. The Council may choose to further reduce the number of permits in this fishery in a future amendment.

Comment 7: One commenter expressed concern about any

disproportionate effects the modification to permit transferability requirements might have on low-income or subsistence fishermen. The same commenter stated a more liberal approach may be appropriate for permit transferability requirements if, indeed, low-income or subsistence fishermen were affected.

Response: An environmental justice analysis was conducted for all actions in Amendment 15B (see Section 7.5 of the FEIS), and it found that no minority, low-income, or subsistence groups would be disproportionately affected by actions therein.

Comment 8: One commenter opposed the requirement for all vessels with commercial and for-hire snapper-grouper vessel permits, carrying hook-and-line gear onboard, to: (1) immediately release incidentally caught smalltooth sawfish by following the latest NMFS approved guidance on smalltooth sawfish release techniques; (2) have a copy of the document, provided by NMFS, titled "Careful Release Protocols for Sea Turtle Release with Minimal Injury" posted inside the wheelhouse, or within a waterproof case in a readily accessible area; (3) post the NMFS provided sea turtle handling and release guideline placard inside the wheelhouse, or in an easily viewable area if there is no wheelhouse; (4) tend to incidentally caught sea turtles in a manner consistent with the protocols specified in 50 CFR 635.21(c)(5)(ii); and (5) carry NMFS approved sea turtle release gear onboard.

Response: A 2006 Biological Opinion conducted by NMFS under the Endangered Species Act concluded that the impacts of the South Atlantic snapper-grouper fishery were likely to adversely affect threatened or endangered sea turtles and smalltooth sawfish. Based on the Biological Opinion, NMFS determined the need to implement sea turtle bycatch release equipment requirements, and sea turtle and smalltooth sawfish handling protocols and/or guidelines in the commercial and for-hire sectors of the snapper-grouper fishery. NMFS acknowledges the financial burden as well as the onboard storage issues related to requirements under this action. According to the economic impact analysis contained within the FEIS for Amendment 15B (Section 4.6.2), expenses per vessel are estimated to range from \$617-\$1,115.

Comment 9: One commenter asked if training in the proper use of sea turtle dehooking and disentanglement gear would be provided to fishermen in the snapper-grouper fishery, and how the

success of requiring such gear would be monitored.

Response: Equipment specialists will conduct voluntary dockside training sessions for proper use of sea turtle release gear. Additionally, the protocol required onboard every Federally permitted snapper-grouper vessel contains step-by-step instructions on proper use of the required equipment and handling of entangled or hooked sea turtles. To monitor the efficacy of the requirement to carry sea turtle release gear, NMFS would need to implement an observer or video monitoring program in the snapper-grouper fishery. Presently, enforcement of this provision would occur via dockside and at-sea vessel inspections. Amendment 15B does include a requirement for federally permitted snapper-grouper vessels to carry an observer and/or video monitoring equipment on board if selected to do so by the SRD. Once funding is secured, NMFS' intention is to move forward with the implementation of an observer program for the snapper-grouper fishery of the South Atlantic.

Comment 10: One commenter stated the Snapper-Grouper Advisory Panel was unbalanced in its representation of commercial and recreational fishermen at the time the Advisory Panel voted against a motion to allow for the continued sale of bag limit caught snapper-grouper by fishermen holding state licenses to sell fish.

Response: Council advisory panels are made up of recreational and commercial fishermen, industry representatives, environmentalists and other interested members of the public who volunteer their time to advise the Council about trends in fisheries, environmental concerns relating to fish habitats and management impacts on fishermen and fishing communities. Advisory panel members serve 3-year terms and are appointed by the Council based on Committee recommendations. The advisory panel member's seat is open to qualified applicants at the end of the 3-year term, and the current member is also eligible for reappointment. Any motions or issues discussed by a specific advisory panel may be brought before the respective committee and Council for consideration. In this case, the issue of bag-limit sales was brought before, and voted on, by the Snapper-Grouper Committee as well as the Council. Both entities voted in favor of choosing the alternative to prohibit the sale of bag limit caught snapper-grouper in the South Atlantic as the preferred alternative. Subsequent to the Council's approval of Amendment 15B, the

amendment was approved by the Secretary of Commerce.

Other Non-Substantive Changes Implemented by NMFS

This final rule removes the outdated 2008 quotas for snowy grouper and red porgy at § 622.42(e)(1) and (e)(6), respectively.

Classification

The Administrator, Southeast Region, NMFS, determined that Amendment 15B is necessary for the conservation and management of the snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

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

An FRFA was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant economic issues raised by public comments, NMFS responses to those comments, and a summary of the analyses completed to support the action. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

The purpose of this rule is to specify quotas for snowy grouper and red porgy; modify the sales provisions of snapper-grouper caught or possessed under the bag limit; implement a plan to monitor and assess bycatch; implement measures to minimize the impacts of incidental sea turtle and smalltooth sawfish take; and ease the requirements of snapper-grouper permit renewal and transfer. These measures are expected to provide additional information for, and otherwise improve the effective management of, the South Atlantic snapper-grouper fishery, and minimize the impacts on incidentally caught threatened and endangered sea turtles and smalltooth sawfish. The Magnuson-Stevens Act provides the statutory basis for this rule. In addition to these actions, Amendment 15B establishes allocation ratios for snowy grouper and red porgy, and management reference points and stock status criteria for golden tilefish.

No public comments were received that raised specific issues on the IRFA. However, comments were received from 13 individuals that addressed multiple issues relating to the general economic analysis conducted for the amendment and the proposed rule. Some of these comments address issues that are germane to the RFA, while others do not. However, while the Regulatory Flexibility Analysis (RFA) pertains to specific economic questions, there is a logical connection between all

economic issues and the nuances of which comments are or are not germane to the RFA may not be obvious to the public. In recognition of these considerations, all of the economic comments, regardless of whether they address issues relevant to the RFA, are addressed here.

Thirteen comments addressed the proposed prohibition on the sale of snapper-grouper harvested under the bag limit, and two comments addressed the potential costs of bycatch monitoring. Among the 13 comments on the sales prohibition, 8 expressed concern over the magnitude of the likely economic effects of the proposed rule; 2 comments stated that the cost of the necessary permit to allow continued bag-limit sales was prohibitive; 2 comments stated that markets would be harmed; 1 comment stated the rule will contribute to a regulatory-induced contraction of vessels in the fishery, resulting in a number of "units" that "may approach a monopolistic level with perilous consequences"; and 1 comment stated the economic analysis was inadequate because it did not sufficiently delineate the effects by user group, particularly the effects on individuals who possessed a North Carolina Standard Commercial Fishing License (SCFL). The two comments on bycatch monitoring stated that certain options, notably the use of observers and electronic monitoring, may be physically impractical or cost prohibitive.

NMFS agrees that this rule will result in adverse economic effects on fishermen who will no longer be able to continue to sell snapper-grouper harvested under the bag limit. Estimates of the average expected reduction in revenues associated with these harvests were provided in the analysis. Although some individual vessels will likely experience greater than average losses, across all affected entities, this rule is expected to reduce average annual fish sale revenues by approximately 17 percent for federally permitted for-hire vessels and approximately 7 percent for all other vessels. It is noted, however, that the primary revenue source for for-hire vessels is passenger fees and not fish sales, so the loss of these revenues should have a substantially lower impact on business profitability than the reduction in fish sales might imply. While vessels that will no longer be able to sell snapper-grouper harvested under the bag limit are expected to experience lower revenues, increased harvests and sales of snapper-grouper by vessels with the Federal commercial snapper-grouper permit will be possible, and the prohibition of the sale of fish harvested

under the bag limit is necessary to achieve the Council's objectives.

NMFS agrees the cost of obtaining a Federal commercial snapper-grouper permit, resulting from the current limited access permit system that requires new entrants to purchase a Federal commercial snapper-grouper permit on the open market from a current permit holder, combined with the requirement that two current permits be purchased in order to enter the fishery, is prohibitive and, as a result, fishermen, who will no longer be able to sell bag-limit quantities of snapper-grouper are unlikely to acquire the necessary permits to continue commercial sales of these species. In the analysis of the proposed rule, the cost of a single Federal commercial snapper-grouper permit was estimated to range from \$9,000-\$21,000, but could be higher. As a result, affected vessels are expected to cease the sale of snapper-grouper and experience reductions in fish revenues ranging from, on average, 7 percent for commercial vessels and 17 percent for for-hire vessels, with some individual fishing vessels expected to experience greater than average reductions. While these vessels will be expected to be adversely affected, the Council has not determined at this time that it is appropriate to either eliminate the two-for-one permit requirement or allow increased participation in the commercial snapper-grouper fishery through other methods and, therefore, the elimination of snapper-grouper sales by vessels that do not have the Federal permit is necessary to achieve the Council's objectives.

NMFS disagrees that fish markets will be significantly affected by this rule. The prohibition on the sale of snapper-grouper harvested under the bag limit is only expected to affect those who may harvest and sell snapper-grouper and not the total amount of snapper-grouper harvested and sold. Thus, the total amount of snapper-grouper available to fish markets should not be substantially affected. Some individual market businesses, however, may experience declines in product flow, with others experiencing increases, because individual fishermen sell their harvests to different dealers. Markets that have historically purchased snapper-grouper harvested under the bag limit may have to develop new purchase strategies to maintain product flow, but total product availability across all markets is not expected to be reduced. Further, if the product mix of individual markets mirrors that of vessel sales, most markets should not be substantially dependent on sales of snapper-grouper harvested under the bag limit as

snapper-grouper sales by fishermen that do not possess the Federal commercial snapper-grouper permit constituted less than eight percent of total sales of all species by these fishermen for 2004-2006.

NMFS disagrees that the rule will result in sufficient contraction of the fishery to raise monopoly concerns. Although the analysis for the proposed rule identified over 1,500 entities with recorded sales of snapper-grouper harvested under the bag limit for 2004-2006, over 700 entities have the necessary Federal commercial permit that will allow continued harvest and sale of these species. While the permit transfer provisions for this fishery are expected to result in further reduction over time of the number of vessels that operate in the fishery, the number of permitted vessels is sufficiently large that no monopoly concerns are evident.

NMFS disagrees that the economic analysis was inadequate because it did not sufficiently delineate the effects by user group. The economic analysis identified average historic harvest and sales activity by fishermen, by state, who did or did not possess the Federal commercial snapper-grouper permit. The expected economic effects of the proposed rule on affected entities equates to the loss of revenues from snapper-grouper sales by individuals who do not possess the Federal commercial snapper-grouper permit. In the case of North Carolina, fishermen who possessed either a SCFL or a Retired SCFL have been allowed to sell up to the recreational bag limit of snapper-grouper. The effects of the proposed rule on these entities was provided in the economic analysis, though the specific effects on North Carolina fishermen were pooled with those of South Carolina fishermen because of confidentiality. On average, the elimination of bag limit sales of snapper-grouper by these entities was estimated to affect approximately four percent of the total average annual sales of all marine species by these entities. Therefore, the results presented consisted of the expected economic effects on the subject group addressed in the comment. It is also noted, as discussed in the economic analysis in support of this rule, that state-licensed fishermen fishing in state waters who do not possess any Federal permit will be able to continue the harvest and sale of snapper-grouper harvested from state waters, and the expected economic effects described here will be reduced, if states do not adopt compatible regulations.

NMFS agrees that certain bycatch monitoring options may be physically

impractical, such as insufficient space on the vessel for an observer or no place to locate either an electronic logbook or video monitor, or cost prohibitive, particularly for some recreational vessels. However, any requirements would apply to a vessel only if selected, rather than all vessels, and NMFS expects these issues to be key considerations in the selection of vessels required to participate. Further, although subsequent operation and maintenance costs have been the responsibility of vessel owners where other electronic monitoring requirements, such as vessel monitoring systems, have been imposed, the initial purchase of the system may be government funded, further reducing the burden to the vessel. No decision on responsibility of these costs has been made at this time. However, NMFS expects that the selection of the method of data collection and the vessels affected will be appropriate to the type of vessel, considerate of the resultant burden, and will minimize any subsequent costs to the extent practicable.

As explained in the responses provided here and in the responses to other issues raised by public comment on other aspects of the proposed rule, as detailed in the Comments and Responses section of the preamble, no changes were made in this final rule as a result of such comments.

This final rule is expected to directly impact commercial fish harvesters and for-hire operators. The Small Business Association has established size criteria for all major industry sectors in the U.S. including fish harvesters and for-hire operations. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. For for-hire vessels, the other qualifiers apply and the annual receipts threshold is \$6.5 million (NAICS code 713990, recreational industries).

From 2001–2005, an average of 1,127 vessels per year were permitted to operate in the Federal commercial snapper-grouper fishery. However, over the 2004–2006 fishing years, an average of only 717 vessels per year that were permitted to operate in this fishery recorded snapper-grouper sales. The average annual dockside value of snapper-grouper sold by these vessels was approximately \$12.96 million (nominal dollars), while the value of all other species sold by these vessels was

approximately \$14.33 million (nominal dollars), or total average annual revenues of approximately \$27.29 million. The average annual dockside revenue per vessel from sales of all marine species for this period was approximately \$38,000.

In 2005, 1,328 vessels were permitted to operate in the Federal snapper-grouper for-hire fishery, of which 82 are estimated to have operated as headboats, and 1,246 as charter vessels. Within these 1,328 vessels, 201 vessels also possessed a Federal commercial snapper-grouper permit and would be included in the summary information provided on the commercial sector. The charter vessels charge a fee on a vessel basis, and headboats charge a fee on an individual angler (head) basis. The charter vessel annual average gross revenue is estimated to range from approximately \$62,000–\$84,000 (2005 dollars) for Florida vessels, \$73,000–\$89,000 for North Carolina vessels, \$68,000–\$83,000 for Georgia vessels, and \$32,000–\$39,000 for South Carolina vessels. For headboats, the appropriate estimates are \$170,000–\$362,000 for Florida vessels, and \$149,000–\$317,000 for vessels in the other states. From 2004–2006, an average of 159 vessels per year with the for-hire snapper-grouper permit had recorded sales of snapper-grouper species. The total average annual revenues from snapper-grouper species were approximately \$316,000 (nominal dollars), while average annual revenues for all other species was approximately \$1.52 million (nominal dollars), for total average annual revenues from fish sales of approximately \$1.84 million. The average annual revenue per for-hire vessel from fish sales of all marine species for this period was approximately \$11,600. It should be noted that these revenues are not included in the average gross for-hire revenues listed above, which only reflect revenues from charter fees.

The prohibition of sale of fish harvested under the bag limit will affect vessels that have historically sold snapper-grouper but do not possess a Federal commercial snapper-grouper permit. From 2004–2006, an average of 1,439 fishing vessels per year that could not be associated with either a Federal commercial or Federal for-hire snapper-grouper permit had recorded snapper-grouper sales. Total average annual revenues from snapper-grouper species for these vessels were approximately \$2.09 million (nominal dollars), while average revenues from all other species were approximately \$28.59 million (nominal dollars), for total average annual revenues of approximately

\$30.67 million. The average annual revenue per vessel from sales of all marine species for this period was approximately \$21,000.

Some fleet activity may exist in both the commercial and for-hire snapper-grouper sectors, but the extent of such is unknown, and all vessels are treated as independent entities in this analysis. Based on the average revenue figures described above, it is determined, for the purpose of this assessment, that all fishing operations that will be affected by this final rule are small entities.

This final rule will not explicitly impose any new reporting, record-keeping or other compliance requirements on small entities because this rule simply specifies the types of requirements that could be imposed to improve bycatch monitoring and assessment. An individual vessel would only be subject to new requirements if selected. However, the bycatch and monitoring assessment action could result in a requirement for the use of paper logbooks, electronic logbooks, video cameras, or the carrying of observers to aid in the monitoring of bycatch. All commercial snapper-grouper trips are currently required to complete logbook records, with each report estimated to take 10 minutes to complete. Over the years 2001–2005, commercial vessels operating in the snapper-grouper fishery took almost 16,000 trips, or approximately 14 trips per vessel. Assuming modification to the current logbook to include bycatch increased the time required to complete the form by 25 percent, the additional annual time burden to complete the form fishery-wide would be approximately 667 hours or 0.6 hours per vessel.

The headboat sector is also currently required to complete logbook reports for all trips, estimated to take 18 minutes per report. Assuming an average of 322 trips per vessel (note that many vessels take multiple trips per day, so the average number of trips does not equal days fished), 82 headboats, and a 25-percent increase in the amount of time required to complete the form to account for bycatch, the resultant increased annual time burden to the industry would be approximately 1,980 hours, or 24 hours per vessel.

Although charter vessels currently are required to complete logbooks if selected, no vessels in the charter-vessel sector are currently selected and required to submit logbooks. Assuming it took a charter vessel the same amount of time required for a commercial vessel to complete a bycatch-augmented logbook, 12.5 minutes, 1,246 charter vessels, and 146 trips per charter vessel

per year, if all vessels were required to complete logbooks, the total annual time burden to the industry would be approximately 37,900 hours or 30.4 hours per vessel.

There would be no anticipated costs of logbook reporting beyond the opportunity cost of completing the logbook forms. Current logbook programs provide fishermen with addressed, pre-paid envelopes for returning completed forms. Completing the logbooks would not be expected to require special skills.

Similar burden estimates are not available for the use of electronic logbooks. Electronic logbooks would be expected to take less time to complete because certain response variables could be preprogrammed and transmission would be simplified. Electronic logbooks are estimated to cost \$500 per unit, but responsibility for this expense is undetermined at this time.

Considering the widespread familiarity with and usage of computers throughout today's society, special skills to use an electronic logbook would not be expected, though some initial training or demonstration and a short learning curve would be logical.

The use of video cameras to monitor and record bycatch is likely a method that would, if used, be imposed on only a small portion of participants in the snapper-grouper fishery due to its cost and complexity. Purchase, installation, and maintenance costs of video systems would likely be borne by the government, though some cost-sharing with fishermen may occur. Additional details are unavailable at this time, so concrete determinations on fishermen burden or skill requirements cannot be made.

This final rule will directly affect all vessels that operate in the commercial snapper-grouper fishery, all vessels that have a Federal snapper-grouper charter vessel/headboat permit, and all vessels that harvest snapper-grouper from the EEZ and sell their catch to federally permitted dealers. All affected entities have been determined, for the purpose of this analysis, to be small entities. Because all entities that are expected to be affected by this final rule have been determined to be small entities, no disproportionate effects on small entities relative to large entities are expected.

Only four of the actions in this final rule, including: the two changes in quota, the prohibition on bag-limit sales, and the gear requirements to minimize the incidental take of sea turtles and smalltooth sawfish, are expected to have direct economic impacts on fishing entities. The snowy grouper quota of

82,900 lb (37,603 kg) gutted weight is expected to result in a loss of 1,100 lb (499 kg) of snowy grouper to the commercial sector. Assuming an average ex-vessel price of \$2.31 per pound (2006 dollars), this reduction is valued at approximately \$2,500, or a loss of approximately \$13 per vessel active in the fishery (190 vessels; 2001–2005 average number of commercial vessels per year with snowy grouper landings). The red porgy quota of 190,050 lbs (86,205 kg) gutted weight is expected to result in a gain of 63,050 lb (28,599 kg) gutted weight of red porgy to the commercial sector. This gain is comprised of approximately 59,000 lbs (26,762 kg) gutted weight resulting from the increase in red porgy TAC as a result of the rebuilding strategy implemented through Amendment 15A to the FMP and the remaining increase resulting from an expected one percent increase due to the commercial allocation established by Amendment 15B. Assuming an average ex-vessel price of \$1.40 per pound (2006 dollars), the total gain in commercial quota is valued at approximately \$88,300, or a gain of approximately \$493 per vessel active in the fishery (179 vessels; 2001–2005 average number of commercial vessels per year with red porgy landings).

Assuming the implementation of compatible regulations in all states, thus encompassing snapper-grouper harvested in both state and Federal waters as well as marketed through all state and federally permitted dealers, the prohibition on bag-limit sales is projected to result in the transfer of approximately \$2.4 million in nominal ex-vessel revenues (2004–2006 average) from for-hire and commercial fishing vessels that do not have a Federal commercial snapper-grouper permit to the federally permitted commercial snapper-grouper sector. This will constitute a total reduction of approximately \$316,000 per year from fish sales by vessels in the federally permitted for-hire fishery, or a 17-percent reduction in average annual gross revenues from fish sales per vessel, and approximately \$2.085 million per year in sales from commercial vessels that do not possess a Federal commercial snapper-grouper permit, or a 7-percent reduction in average annual gross revenues per vessel. It should be noted that snapper-grouper fish sales by federally permitted for-hire vessels, estimated at approximately \$2,000 per vessel on average, constitute a minor portion of total average annual revenues, with the majority of revenues coming from charter fees. As discussed above, South

Atlantic charter vessels are estimated to have average gross annual revenues of approximately \$32,000–\$89,000, across all states, while headboat average annual revenues are estimated to range from \$149,000–\$362,000.

If compatible regulations are not adopted in any state, the estimated reduction in bag-limit sales revenues will be limited to those harvests that originate from the EEZ by all vessels, bag-limit harvests from state waters by vessels with the Federal charter vessel/headboat permit for South Atlantic snapper-grouper, and harvests that are marketed through dealers with a Federal permit. This will lower the reduction in bag-limit sales to approximately \$1.562–\$1.799 million, accounting for the estimated portion of bag-limit sales that originate in state waters (approximately 9 percent) and the estimated portion of bag-limit sales that are marketed through dealers without Federal licenses (approximately 21–35 percent). For the Federal for-hire sector, using the average EEZ bag-limit sales (approximately \$267,000) and dealer proportions (approximately 11 percent state dealer sales if the North Carolina and South Carolina proportion is applied throughout and 34 percent otherwise), the reduction in bag limit sales will be approximately \$175,000–\$238,000. For the non-Federal sector, using the average EEZ bag-limit sales (approximately \$1.921 million) and dealer proportions (approximately 23-percent state dealer sales if the North Carolina and South Carolina proportion is applied throughout and 35 percent otherwise), the reduction will be approximately \$1.246 million to \$1.483 million. These values equate to approximately a 10–13 percent reduction in average annual for-hire fish-sales revenues (\$175,000–\$238,000/159 vessels/\$11,568 total average annual revenues) and approximately a 4–5 percent reduction in average annual revenues to non-federally permitted vessels (\$1.246–\$1.483 million/1,439 vessels/\$21,317 total average revenues).

The transference of these revenues to the Federal commercial snapper-grouper sector will result in an estimated increase of approximately 9 percent in nominal ex-vessel revenues per year (\$2.4 million/717 vessels/\$38,000 average annual revenues) if compatible regulations are adopted by all states, and from 5 percent to 6 percent if no states adopt compatible regulations (\$1.422–\$1.729 million/717 vessels/\$38,000 average annual revenues).

The gear requirements to minimize the incidental take impact on sea turtles and smalltooth sawfish are estimated to increase vessel gear costs by \$617-

\$1,115, based on low and high estimated costs, respectively, for each of the 12 different pieces of required gear and assuming the vessel does not already possess any of the required gear. Few actual vessels are expected to have to incur the maximum cost, however, because most vessels are expected to already possess and use most of this gear or allowable substitutes. For-hire vessels that exclusively harvest fish through snorkeling or diving activities and do not possess hook-and-line gear on-board will not have to carry the required gear. For those vessels that need to carry the gear, any costs will be one-time expenditures, subject to breakage or loss replacement.

Three alternatives, including the status quo, were considered for the action to address the sale of snapper-grouper harvested under the bag limit. This final rule will prohibit the purchase and sale of bag-limit fish harvested from or possessed in the EEZ by vessels that did not possess the Federal commercial snapper-grouper permit, and bag-limit fish harvested in either state or EEZ waters by vessels that possess the Federal charter vessel/headboat permit for South Atlantic snapper-grouper. The first alternative, the status quo, would continue to allow the sale of snapper-grouper harvested under the bag limit, continue to allow the Federal commercial snapper-grouper quota to be harvested and sold by vessels that did not possess the Federal commercial snapper-grouper permit, continue increased commercial quota pressure and accelerated quota closures, result in continued adverse economic effects on the Federal commercial snapper-grouper sector, and not achieve the Council's objectives.

The second alternative to the prohibition of sales of snapper-grouper harvested under the bag limit would allow continued sales by vessels with a Federal for-hire snapper-grouper permit. While this would reduce the adverse economic effects on the Federal commercial snapper-grouper sector associated with the status quo, these effects would not be eliminated, thereby generating less net economic benefits for this sector and associated businesses than this final rule.

Four alternatives, including the status quo, were considered for the action to establish a program to monitor and assess bycatch. This final rule will require the use of a variety of bycatch monitoring methods, which include observers and use of an ELB or video monitoring program, until the Atlantic Coastal Cooperative Statistics Program (ACCSP) bycatch monitoring program can be implemented. The first

alternative to the bycatch monitoring program in this final rule, the status quo, would only utilize existing information, would not improve current capabilities to monitor and assess bycatch, and would not achieve the Council's objectives. The second alternative would require the implementation of the ACCSP bycatch monitoring program. The ACCSP is a cooperative state-federal program whose mission is to design, implement, and conduct marine fisheries statistics data collection programs and to integrate those data into a single data management system that will meet the needs of fishery managers, scientists, and fishermen. The ACCSP design includes data modules for catch and effort data, permit and vessel registration, biological data, bycatch data, quota monitoring data, economic data, and sociological data. These modules are being implemented on a priority basis consistent with available funding. At this time, funding is not available for implementation of the bycatch data module. While this program would generate the best data in the shortest period of time, with accompanying social and economic benefits, the program lacks the flexibility of allowing interim methods until such time as the preferred methods can be funded and adopted. As a result, this alternative would not meet the Council's objectives. The overall cost to implement the ACCSP bycatch monitoring program has not been identified.

The third alternative to the bycatch monitoring program in this final rule would implement a program that is less comprehensive than the program selected. This program would require a variety of reporting and monitoring tools, including observers, logbooks, and video monitoring, among other methods, but would be less structured and systematic than the ACCSP program or the program specified by this final rule. The cost of this program is unknown. As a result of being less structured and systematic, however, this program would be expected to be less costly than the program selected, but would also be expected to result in poorer data and generate fewer long-term benefits than the program in this final rule.

Three alternatives, including the status quo, were considered for the action to establish sea turtle and smalltooth sawfish take impact minimization measures. This final rule will require a number of impact minimization measures, including the carrying of release equipment. The first alternative to the final equipment

requirements, the status quo, would not achieve the desired take-impact minimization and would not meet the Council's objectives.

The second alternative to the final equipment requirements would require the acquisition of less costly equipment (vessels with less than 4 ft (1.2 m) of freeboard would be required to carry less release gear and vessels with more than 4 ft (1.2 m) of freeboard would have more gear substitution options). However, these requirements would not be expected to result in the same reduction in bycatch impact minimization for these species and, as a result, would not be expected to result in as much protection for the species and net economic and social benefits for society.

Three alternatives, including the status quo, were considered for the action to establish the permit renewal period. This final rule will allow 1 year after permit expiration for permit renewal. The first alternative to the renewal period in this final rule, the status quo, would retain the current 60-day renewal requirement and would not achieve the Council's objective of increasing permit renewal flexibility.

The second alternative to the renewal period in this final rule would allow 6 months after permit expiration for permit renewal. While this would add greater flexibility for permit renewal relative to the status quo, thereby reducing the likelihood of unintended permit loss and associated economic losses, this alternative would not be consistent with the permit renewal period of most other permits and would not be as flexible as the renewal period in this final rule. Having common renewal periods makes it possible to renew all permits at the same time, decreases the burden associated with permit renewal, and decreases the possibility of unintended permit loss due to non-renewal.

Seven alternatives, including the status quo, were considered for the action to establish options for transfer provisions for permits owned by corporations comprised of family members. This final rule will allow the transfer of the permit to a corporation comprised solely of immediate family members. Five of the alternatives are variations of the transfer provisions of the final rule and vary by differences in required action if the requirement for the submission of the annual corporate report includes shareholders not listed on the original permit application. The first alternative to the transfer provisions of this final rule, the status quo, would continue to require a two-for-one permit exchange in order for a

permit holder to incorporate their business operation and change the ownership of the permit to the corporation. Current permit holders would be prevented from receiving the tax and other financial benefits of incorporation without incurring the added expense of purchasing a second snapper-grouper permit. Because this restriction was outside the scope of the Council's original intent for the two-for-one permit transfer requirement, maintaining the status quo would not achieve the Council's objectives.

The second alternative to the transfer provisions of this final rule would treat the addition of family members as corporate shareholders the same as non-family members. Thus, once a permit is transferred to a corporation, renewal of the permit would not be restricted by change in shareholders. This alternative would allow the most liberal transfer flexibility but would not preserve the Council's intent to promote family-owned fishing businesses.

The third alternative to the transfer provisions of this final rule would not allow a permit to be renewed and transferred if the annual corporate report showed a shareholder not listed on the original corporate documentation. This alternative would be the most restrictive of the sub-set of alternatives that allow family incorporation. Because this alternative would eliminate the flexibility to change corporate shareholders even among family members, this alternative would result in less economic benefits than this final rule.

The fourth alternative to the transfer provisions of this final rule would require a two-for-one transfer if the annual corporate report showed a shareholder not listed on the original corporate documentation. This requirement would increase the cost of transfer because of the cost of a second permit, estimated to cost between \$9,000 and \$21,000, and generate less net economic benefits than this final rule.

The fifth alternative to the transfer provisions of this final rule would require either a two-for-one transfer or a transfer back to person who is an immediate family member of the permit holder who originally transferred the permit to the family corporation if the annual corporate report showed a shareholder not listed on the original corporate documentation. This requirement would either increase the cost of transfer or eliminate the tax and financial benefits of incorporation and, thus, generate less net economic benefits than this final rule.

The sixth alternative to the transfer provisions of this final rule would eliminate the two-for-one permit transfer requirement. Permit holders would be able to transfer their permit to corporations, family owned or otherwise, and freely change shareholders without incurring the cost of obtaining an additional permit. While this would create the most flexible transfer conditions, it would eliminate the ability to reduce the size of the commercial snapper-grouper fleet through permit renewal requirements. While the optimal fleet size to maximize social and economic benefits to the nation has not been identified, the fishery is believed by the Council to still be overcapitalized and further contraction is necessary. Thus, this alternative would generate less net economic benefits than this final rule.

In addition to the actions discussed above, Amendment 15B considered alternatives to establish allocation ratios for snowy grouper and red porgy, and management reference points and stock status criteria for golden tilefish. These alternatives are discussed in the following paragraphs.

Four alternatives, including the status quo, were considered for the action to set the snowy grouper allocation, which was necessary to establish the commercial quota and recreational allocation. The final action will set the allocation to the recreational sector at 5 percent, resulting in a commercial allocation of 95 percent. The first alternative to the final allocation, the status quo, would not establish commercial and recreational allocations. Because allocations are necessary to quantify the commercial quota, this alternative would not achieve the Council's objective.

The second alternative to the final snowy grouper allocation would set the recreational allocation at 7 percent, while the third alternative would set the recreational allocation at 12 percent. Both alternatives would be expected to increase the economic benefits to the recreational sector while reducing the economic benefits to the commercial sector. Net economic benefits to the nation cannot be determined with available data. These alternatives were not selected as the final snowy grouper allocation because they were derived from shorter time periods than the final allocation, 1992–2005 and just 2005, respectively, compared to 1986–2005 for the final allocation, resulting in excessive influence of unrealistic spikes in recreational landings.

Four alternatives, including the status quo, were considered for the action to set the red porgy allocation. The final

action will set both the commercial and recreational allocations equal at 50 percent. The status quo would not establish commercial and recreational allocations. Because allocations are necessary to quantify the commercial quota, this alternative would not achieve the Council's objective.

The second alternative to the final red porgy allocation would set the recreational sector allocation to 32 percent, while the third alternative would set the recreational allocation to 56 percent. Each sector would be expected to receive increased or decreased economic benefits relative to the status quo as their allocation increased or decreased. Net benefits to the nation under any alternative cannot be quantified with available data. Neither of these alternatives were selected as the final action because each would involve substantial changes from what the Council believes, based on advisory panel comment, is the most equitable allocation, which is the average sector harvest from 1999–2003, or 49 percent commercial and 51 percent recreational. The final action varies from this allocation by only one percentage point, allocating 50 percent of the TAC to each sector. While not precisely matching the average 1999–2003 harvest, the Council believes that this allocation equitably accounts for the increased value of red porgy to the recreational sector while reversing declines in commercial harvests due to previous regulatory action.

Two alternatives, including the status quo, were considered for the action to specify MSY for golden tilefish. The final MSY is approximately 336,000 lb (152,407 kg) whole weight. The alternative to the final MSY, the status quo, does not specify an MSY. Because specification of an MSY is a required component of an FMP, this alternative would not achieve the Council's objective.

Four alternatives, including the status quo, were considered for the action to specify OY for golden tilefish. The final OY is estimated to be approximately 327,000 lb (148,325 kg) whole weight. Similar to the status quo MSY, the status quo alternative for OY does not specify a value for OY. Because specification of an OY is a required component of an FMP, this alternative does not achieve the Council's objective. The second and third alternatives would establish OYs of approximately 315,000 lb (142,882 kg) whole weight and approximately 333,000 lb (151,046 kg) whole weight, respectively and are, respectively, more and less conservative than the final action. The second alternative to the final OY is believed to

be more conservative than necessary to protect the resource and would be expected to result in greater foregone economic benefits than the final OY. Conversely, the third alternative to the final OY is believed to be insufficiently conservative to protect the resource. The final OY is believed to be the appropriate choice to minimize foregone economic benefits while protecting the resource.

Three alternatives, including the status quo, were considered for the action to specify the MSST for golden tilefish. The final MSST will establish a value of approximately 1.454 million lb (0.660 million kg) whole weight. The first alternative to the final MSST, the status quo, would establish an MSST of approximately 1.784 million lb (0.809 million kg) whole weight, would require the largest minimum stock size, and would increase the likelihood that the resource be declared overfished, necessitating harvest reductions and imposing short term adverse economic impacts. The second alternative to the final MSST would require the smallest minimum stock size of approximately 969,000 lb (439,531 kg) whole weight. While this specification would minimize, among the three alternatives, the likelihood of the stock being declared overfished, this stock level is believed to be insufficiently conservative to provide adequate protection to the resource. The final MSST specifies a minimum stock size intermediate to the other alternatives and is believed to be the appropriate choice to minimize the likelihood of triggering restrictive management while protecting the resource.

Copies of the FRFA are available from NMFS (see ADDRESSES).

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare an FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." As part of the rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all vessel permit holders for the South Atlantic snapper-grouper fishery and the Gulf reef fish fishery.

Pursuant to 5 U.S.C. 533(d), there is good cause to waive the 30-day delay in effective date for one of the measures contained in this final rule which relieves a restriction, namely the extension of the time period to renew a limited access permit. Under current

regulations, limited access permit holders have 60 days to renew their permits after the expiration date. This final rule extends the renewal period to 1 year. If the expiration date of a limited access permit were to fall within the 30-day delay in effective date of this rule, the permit holder would only have 60 days to renew their permit. However, waiving the 30-day delay in effective date for this measure, and implementing the 1-year renewal period immediately, reduces undue burden on the fleet and decreases the possibility of permit loss due to non-renewal.

This final rule contains collection-of-information requirements subject to the PRA. These requirements have been submitted to OMB for approval. NMFS will publish a notice in the **Federal Register** when these requirements have been approved by OMB and are effective (see DATES).

The public reporting burdens for these collections of information are estimated to average--(1) 10 minutes for each logbook submission, (2) 4 minutes for each notification of a vessel trip, (3) 20 minutes for each vessel and gear characterization form, (4) 31 minutes for each ELB installation and data download, (5) 8 hours for each video monitor installation and data download, and (6) 20 minutes for each change of ownership. These estimates of the public reporting burdens include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding the burden estimates or any other aspect of the collection-of-information requirements, including suggestions for reducing the burden, to NMFS and to OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: November 9, 2009

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

■ For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.2, the definition of "Smalltooth sawfish" is added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Smalltooth sawfish means the species *Pristis pectinata*, or a part thereof.

* * * * *

■ 3. In § 622.5, paragraphs (a)(1)(iv), (b)(1), and (b)(2) are revised and paragraph (g) is added to read as follows:

§ 622.5 Recordkeeping and reporting.

* * * * *

(a) * * *
(1) * * *

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

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

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

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

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

* * * * *

(b) * * *

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

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

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

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

* * * * *

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

(1) Maintain a fishing record for each trip, or a portion of such trips as

specified by the SRD, on forms provided by the SRD. Completed fishing records must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

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

■ 4. In § 622.7, paragraph (d) is revised to read as follows:

§ 622.7 Prohibitions.

* * * * *

(d) Falsify or fail to maintain, submit, or provide information or fail to comply with inspection requirements or restrictions, as specified in § 622.5.

* * * * *

■ 5. In § 622.8, paragraph (a)(6) is added to read as follows:

§ 622.8 At-sea observer coverage.

(a) * * *

(6) *South Atlantic snapper-grouper.* (i) A vessel for which a Federal commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a)(6)(i).

(ii) Any other vessel that fishes for South Atlantic snapper-grouper in the South Atlantic EEZ must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

* * * * *

■ 6. In § 622.10, paragraph (b)(1) is revised and paragraph (c) is added to read as follows:

§ 622.10 Conservation measures for protected resources.

* * * * *

(b) * * *

(1) *Sea turtle conservation measures.*

(i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under §§ 622.4(a)(2)(v) and 622.4(a)(1)(i), respectively, must post inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury," and must post inside the wheelhouse, or

in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS.

(ii) Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, specified in §§ 635.21(c)(5)(i) and (ii) of this chapter, respectively.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a dipnet, tire, short-handled dehooker, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers/mouth gags. This equipment must meet the specifications described in §§ 635.21(c)(5)(i)(E) through (L) of this chapter with the following modifications: the dipnet handle can be of variable length, only one NMFS-approved short-handled dehooker is required (i.e., § 635.21(c)(5)(i)(G) or (H) of this chapter); and life rings, seat cushions, life jackets, and life vests or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives to tires for cushioned surfaces as specified in § 635.21(c)(5)(i)(F) of this chapter. Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a dipnet, tire, long-handled line clipper, a short-handled and a long-handled dehooker, a long-handled device to pull an inverted "V", long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers/mouth gags. This equipment must meet the specifications described in § 635.21(c)(5)(i)(A) through (L) of this chapter with the following modifications: only one NMFS-approved long-handled dehooker (§ 635.21(c)(5)(i)(B) or (C)) of this chapter and one NMFS-approved short-handled dehooker (§ 635.21(c)(5)(i)(G) or (H) of this chapter) are required; and life rings, seat cushions, life jackets, and life vests, or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives for cushioned surfaces as specified in § 635.21(c)(5)(i)(F) of this chapter.

* * * * *

(c) *South Atlantic snapper-grouper commercial vessels and charter vessels/headboats*—(1) *Sea turtle conservation measures.* (i) The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-

grouper has been issued, as required under §§ 622.4(a)(2)(vi) and 622.4(a)(1)(i), respectively, and whose vessel has on board any hook-and-line gear, must post inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury," and must post inside the wheelhouse, or in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS.

(ii) Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, specified in § 635.21(c)(5)(i) and (ii) of this chapter, respectively.

(iii) The required gear must meet the specifications described in § 635.21(c)(5)(i)(A) through (L) of this chapter with the following modifications: only one NMFS-approved long-handled dehooker (§ 635.21(c)(5)(i)(B) or (C) of this chapter) and one NMFS-approved short-handled dehooker (§ 635.21(c)(5)(i)(G) or (H) of this chapter) are required; and life rings, seat cushions, life jackets, life vests, or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives to tires for cushioned surfaces as specified in § 635.21(c)(5)(i)(F) of this chapter.

(2) *Smalltooth sawfish conservation measures.* The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under §§ 622.4(a)(2)(vi) and 622.4(a)(1)(i), respectively, that incidentally catches a smalltooth sawfish must—

(i) Keep the sawfish in the water at all times;

(ii) If it can be done safely, untangle the line if it is wrapped around the saw;

(iii) Cut the line as close to the hook as possible; and

(iv) Not handle the animal or attempt to remove any hooks on the saw, except with a long-handled dehooker.

§ 622.15 [Amended]

■ 7. In § 622.15, in paragraphs (c)(4)(iii) and (c)(5) remove cross references to "§ 622.5(a)(1)(iv)(B)" and add in its place the cross reference "§ 622.5(a)(1)(iv)(C)(1)".

■ 8. In § 622.18, paragraphs (b)(1)(ii) and (c) are revised to read as follows:

§ 622.18 South Atlantic snapper-grouper limited access.

* * * * *

(b) * * *

(1) * * *

(ii) A transferable permit may be transferred upon a change of ownership of a permitted vessel with such permit—

(A) From one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father; or

(B) From an individual to a corporation whose shares are all held by the individual or by the individual and one or more of the following: husband, wife, son, daughter, brother, sister, mother, or father. The application for transfer of a permit under this paragraph (b)(1)(ii)(B) and each application for renewal of such permit must be accompanied by a current annual report of the corporation that specifies all shareholders of the corporation. A permit will not be renewed if the annual report shows a new shareholder other than a husband, wife, son, daughter, brother, sister, mother, or father.

* * * * *

(c) *Renewal.* NMFS will not reissue a commercial vessel permit for South Atlantic snapper-grouper if the permit is revoked or if the RA does not receive an application for renewal within one year of the permit's expiration date.

■ 9. In § 622.42, paragraphs (e)(1) and (e)(6) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(e) * * *

(1) *Snowy grouper.* For the fishing year that commences January 1, 2009, and for subsequent fishing years—82,900 lb (37,603 kg).

* * * * *

(6) *Red porgy.* For the fishing year that commences January 1, 2009, and for subsequent fishing years—190,050 lb (86,205 kg).

* * * * *

■ 10. In § 622.44, paragraph (c)(3) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(c) * * *

(3) *Snowy grouper.* (i) Until the quota specified in § 622.42(e)(1) is reached—100 lb (45 kg).

(ii) See § 622.43(a)(5) for the limitations regarding snowy grouper after the fishing year quota is reached.

* * * * *

■ 11. In § 622.45, paragraph (d) is revised to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(d) *South Atlantic snapper-grouper.*

(1) A South Atlantic snapper-grouper harvested or possessed in the EEZ on board a vessel that does not have a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi), or a South Atlantic snapper-grouper harvested in the EEZ and possessed under the bag limits specified in § 622.39(d), may not be sold or purchased. In addition, a South Atlantic snapper-grouper harvested or possessed by a vessel that is operating as a charter vessel or headboat with a Federal charter vessel/headboat permit for South Atlantic snapper-grouper may not be sold or purchased regardless of where harvested, i.e., in state or Federal waters.

(2) A person may sell South Atlantic snapper-grouper harvested in the EEZ only to a dealer who has a valid permit for South Atlantic snapper-grouper, as required under § 622.4(a)(4).

(3) A person may purchase South Atlantic snapper-grouper harvested in the EEZ only from a vessel that has a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi).

(4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(5) No person may sell or purchase a snowy grouper, gag, golden tilefish, greater amberjack, vermilion snapper, black sea bass, or red porgy harvested from or possessed in the South Atlantic, i.e., in state or Federal waters, by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued for the remainder of the fishing year after the applicable commercial quota for that species specified in § 622.42(e) has been reached. The prohibition on sale/purchase during these periods does not apply to such of the applicable species that were harvested, landed ashore, and sold prior to the applicable commercial quota being reached and were held in cold storage by a dealer or processor.

(6) During January, February, March, and April, no person may sell or purchase a red porgy harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, i.e., in state or Federal waters. The prohibition on sale/purchase during January through April does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from an area

other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The requirements for such documentation are specified in paragraph (d)(9) of this section.

(7) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, i.e., in state or Federal waters. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The requirements for

such documentation are specified in paragraph (d)(9) of this section.

(8) During January through April, no person may sell or purchase a gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, or coney harvested from or possessed in the South Atlantic EEZ or, if harvested or possessed by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, i.e., in state or Federal waters. The prohibition on sale/purchase during January through April does not apply to such species that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The

requirements for such documentation are specified in paragraph (d)(9) of this section.

(9) The documentation supporting a dealer's purchase or sale of applicable species during the times specified in paragraphs (d)(6) through (d)(8) of this section must contain:

(i) The information specified in part 300, subpart K, of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the applicable species;

(iii) The port and date of offloading from the vessel harvesting the applicable species; and

(iv) A statement signed by the dealer attesting that the applicable species was harvested from an area other than the South Atlantic.

* * * * *

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