

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 02/02/2010

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 08/27/2009

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200908-0648-004
AGENCY ICR TRACKING NUMBER:
TITLE: Atlantic Highly Migratory Species Recreational Landings Reports
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0328

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: 02/28/2013

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	11,050	1,403	0
New	11,478	1,439	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	428	36	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
Bluefin Tuna Landing Cards for MD and NC	NA, NA	Maryland Bluefin Tuna Landing Card, North Carolina Bluefin Tuna Landing Card	
Other states/territories reporting of bluefin tuna landings and call-backs for fish over 73"	NA	Bluefin tuna recreational landings reporting	
Swordfish and Billfish - Internet and IVR reporting	NA	Recreational landings internet reporting screenshots	
MD and NC weekly and annual reports on BFT landngs			50 CFR 635.5

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
ATLANTIC HIGHLY MIGRATORY SPECIES
RECREATIONAL LANDINGS REPORTS
OMB CONTROL NO. 0648-0328**

A. JUSTIFICATION

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

This supporting statement is submitted by the National Marine Fisheries Service (NMFS) as part of a Paperwork Reduction Act (PRA) request for renewal of a previously approved program to collect Atlantic bluefin tuna, Atlantic swordfish, and Atlantic billfish landings data from recreational fishermen (Office of Management and Budget (OMB) Control No. 0648-0328).

Anglers have the option of using a phone-in system or Internet Website for reporting their recreational landings of Atlantic bluefin tuna (BFT), swordfish (SWO), white marlin (WHM), blue marlin (BUM), or sailfish (SAI) (see Question 2 for program description). The Internet and phone-in systems are currently in place for all of the species. However, when a fish is landed in either Maryland (MD) or North Carolina (NC), an alternative reporting system requires that the angler submit a landings report or “card” and obtain a fish tag at a state reporting station. The state subsequently reports landings to NMFS on a weekly basis, and submits a final annual report at the end of the year summarizing all data collected. Finally, if an angler reports landing a BFT greater than or equal to 73" in length, a follow-up call to verify reported information is placed to the angler by NMFS staff.

Timely access to recreational fishery landings is vital to management of these fisheries. Management and conservation strategies require that the amount of BFT and number of marlin landed are limited on an annual basis. This collection provides information so that managers can implement appropriate measures to limit the harvest as necessary. BFT is managed by opening and closing fishing seasons; when the annual harvest limit nears, the season is closed. Marlin must be closely monitored due to an annual 250 fish limit on recreational harvest of marlin stemming from a recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Recreational landings data are also important for a number of other reasons. Total landings of BFT, SWO, and billfish (BLF) must be reported annually to ICCAT. Understanding the sectors, which make up each fishery, including geographic distribution, is vital for the development, implementation, and enforcement of fishery management plans. An accurate estimate of landings is an important component of determining the effects of fishing on stock status and ensuring consistency with international obligations. In addition, this collection will provide biological information for infrequently encountered species such as the West Atlantic sailfish.

This collection is authorized by a number of U.S. laws and national policies. Under the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971 *et. seq.*) and its implementing regulations at 50 CFR part 635, ATCA requires the Secretary of Commerce to promulgate regulations necessary to implement recommendations adopted by ICCAT. As a member nation of ICCAT,

the United States (U.S.) is required to take part in the collection of biological statistics for research purposes. Moreover, ICCAT imposes the quota which limits overall U.S. BFT landings and ICCAT has implemented a cap on U.S. recreational marlin landings described above. ATCA specifically provides the Secretary of Commerce with the authority to “require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of catch of a regulated species” [16 U.S.C. 971(d)(c)(3)(I)].

Management of these fisheries is also guided by the *Consolidated Atlantic Highly Migratory Species, Fishery Management Plan* (Consolidated HMS, FMP), which was developed and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA, 16 U.S.C. 1801 *et. seq.*). Section 303(a) of the MSFCMA specifies data and analyses to be included in FMPs as well as pertinent data which shall be submitted to the Secretary of Commerce under an FMP. The Consolidated HMS, FMP establishes the framework for allocation of the U.S.’ annual BFT quota. Finally, Recommendation number one of the NMFS Marine Recreational Fishery Policy focuses on developing a “comprehensive data acquisition and analysis system (participation, catch, effort and socio-economic data) on a regular, continuing basis” in support of the Executive Order 12962 requirement to assess the implementation and evaluate achievements of the *Recreational Fishery Resources Conservation Plan*.

NMFS conducts two other long-term surveys of recreational fishermen. The Marine Recreational Fisheries Statistic Survey (MRFSS), OMB Control No. 0648-0052, is a general survey which includes too few intercepts of anglers fishing for highly migratory species (including tuna, marlin, swordfish, and sharks) to provide the highly accurate estimates of HMS recreational landings that are necessary for management purposes. The MRFSS is not well suited to collect data on HMS which are rare event species. HMS anglers are specifically targeted by the Large Pelagic Survey (LPS), OMB Control No. 0648-0380. The LPS generates regional estimates of species landed recreationally by interviewing a subset of anglers and expanding the catch to reflect landings expected of the regional universe of anglers. Like all recreational surveys of this type, error margins can be high. The collection under consideration will generate exact counts of the targeted HMS species within a 24 hour time-frame. A potential drawback to survey accuracy is that the program relies on fishermen using the “honor system” to self-report, and data could suffer from non-reporting, under-reporting or over-reporting. Together, these concurrent surveys will serve to support each other by serving as checks for comparative purposes so NMFS scientists can continue to improve fishery management programs.

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

The information collected will be used by NMFS to monitor and appropriately manage recreational landings of SWO, BLF, and BFT in order to comply with ICCAT harvest limits. This data is also required to be submitted to ICCAT on an annual basis. In addition, the information will be used in stock assessments for assessing the influence of fishing on HMS stocks. States and other agencies, including fishery management councils and interstate fishery management commissions, may use the data to coordinate planning with other fishery

management programs. Finally, the information is valuable for determining the geographic distribution of the recreational landings of these species, which is important in NMFS domestic fishery management policy development.

The information collection applies to all recreational fishermen that land (bring to the dock), either BFT, BLF, or SWO. Each individual landing is required to be reported. If a fisherman lands any of these species in the states of MD or NC, they must proceed to a reporting station, fill out a landing card, receive a tag, and affix it to the landed fish, as previously discussed. The landing card requests the information identified below. States then summarize this information and report it to NMFS on a weekly basis. A full report is presented to NMFS annually.

Recreational fishermen that land BFT, SWO, or BLF in a state other than MD or NC, including the U.S. Virgin Islands and Commonwealth of Puerto Rico, may report their catch via either a phone call or Internet Website. A fisherman (generally the captain or operator of a vessel permitted for angling or charter/headboat) may call the toll-free number 1-888-872-8862 to report BFT landings (if more than one landing per boat, these are given as one report), and will be led through an interactive voice reporting system. The fisherman answers recorded questions by entering numbers on the telephone keypad. Anglers reporting BFT, SWO, or BLF via the Internet proceed to the Website www.hmspermits.gov and choose the option "landings report." After entering a permit number, the angler enters the requested information, submits the report, and is provided with a landings confirmation number. SWO and BLF may also be reported by calling the toll-free number 1-800-894-5528. When reporting SWO and BLF on this system, fishermen will be prompted to record specific information and will receive a follow-up call from NMFS staff, during which the landings report will be verified and a confirmation number will be generated. If a BFT greater than or equal to 73" is landed and reported via phone or Internet, a follow-up call will be made by NMFS staff to the respondent to verify the submitted data.

A justification for the information collected follows:

- 1) Permit Number:** necessary to verify that the angler has a valid permit, and to identify any fraudulent reporting. The potential for fraudulent reporting is real since the marlin fishery is highly controversial. From the permit number, the Agency can determine: permit holder name; permit holder phone number; vessel name; and, vessel identification number. These data are collected under OMB Control No. 0648-0327.
- 2) Species Landed:** necessary to categorize and account for landing properly;
- 3) Date:** necessary for verification of landings information and for use in scientific studies of stock movements and domestic policy development;
- 4) State Of Landing:** necessary for verification of landings information and for use in scientific studies of stock movements and domestic policy development;
- 5) Fish Size:** necessary for use in scientific studies of stock movements and domestic policy development;
- 6) Type of Trip:** (private, charter, or headboat; collected by state landing card program and SWO/BLF telephone report): this information is useful in characterizing the fishery which provides information on the impacts of regulations.

Additionally, the following information is collected for BFT, SWO, and BLF reported by telephone system or Internet. Responses to each of the following items will be utilized to

provide recreational trip and fishery specific information for social, economic, and biological analyses, thereby enhancing the Agency's ability to gauge the impacts of regulations.

- 7) Trip Departure Date/Trip Departure Time;
- 8) Port and State Of Trip Departure;
- 9) Trip End Date/Trip End Time;
- 10) Port and State Of Trip Termination;
- 11) Fishing Tournament (Yes or No); if yes, tournament name/location;
- 12) Fishing Technique (Deep Drop; Drift; Troll; Kite; other);
- 13) Bait Type (Live; Dead; Lure; Combination; other);
- 14) Hook Type ("J" hook; Circle hook);
- 15) Approximate Time Hooked;
- 16) Approximate Fight Time; And,
- 17) Number of Releases (SWO/SAI/BUM/WHM/BFT).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has substantial utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

This information collection is highly automated. As described in Question 2, anglers landing an affected species in states other than MD or NC, including the U.S. Virgin Islands and Commonwealth of Puerto Rico, have the choice of using either an Internet Website for reporting, an interactive voice response (IVR) telephone system (BFT only), or a standard telephone voice recording system (SWO and BLF only). State landing report programs in NC and MD use paper reporting systems, also as described in Question 2.

These collection approaches were adopted in part because the high degree of automation minimizes interview time, minimizes transcription errors, and makes it easier for both the angler reporting his catch and for NMFS to summarize and analyze the catch data. Much of the public has access to the Internet at home or in public institutions, such as public libraries. Since some of the public does not have easy access to the Internet or is not educated in its use, and some anglers will not have access to their home computers while on fishing trips, the toll-free IVR phone system for BFT and toll-free voice recording system for SWO and BLF are also available. The IVR data are already digitized when accessed by NMFS for summarization or analysis. Finally, the IVR automated system builds on existing capabilities of an automated program already developed and in use by NMFS; thus, many research and development costs are no longer necessary.

4. Describe efforts to identify duplication.

NMFS has the lead Federal responsibility for collection of data from marine recreational fisheries, and the lead for management of highly migratory species within the U.S. Exclusive Economic Zone. NMFS exercises a high degree of internal coordination between this collection, the LPS, and the MRFSS and thus prevents any duplication. See Question 1 above for more information.

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

Minimizing reporting burden on the public was one of the primary reasons for use of automation in this program. Regulations require that a report is made within 24 hours of landing. All reporting options (Voice recording, IVR, and Internet) are available 24 hours a day, seven days a week. Since the phone numbers are toll-free, there is no cost associated with it. Similarly, no costs are associated with reporting by Internet. Reporting requires a minimal investment of time, is cost-free for the public, and can be performed at any public phone or Internet access site. State programs have reporting stations conveniently located in areas where these species are landed. The collection will not have a significant impact on small entities, which make up about half the annual respondents.

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

If this information collection were not conducted, the United States could over-harvest any of the affected species and be subject to enforcement of ICCAT penalties. ICCAT penalties for non-compliance include reduction of a nation's allocated catch quota equal to an amount of up to 125 percent of the excess harvest, the potential imposition of trade restrictions, and other sanctions.

The fish stock assessments for these species, which provide the basis for domestic and international management decisions, would be less accurate without this information, since approximately 50 percent of the western Atlantic catch of BFT is landed by U.S. fishermen and 30 percent of North Atlantic SWO quota is allocated to the United States. The conservation and management objectives of ATCA with respect to the rebuilding programs for these species could be jeopardized. Furthermore, it would be difficult for the United States to formulate domestic policy consistent with the MSFCMA, which must be based on sound socio-economic and biological data and analyses. Such information is important for NMFS in its preparation of documents such as the Regulatory Impact Review (RIR), Environmental Impact Statement (EIS), etc., as required under the MSFCMA, National Environmental Policy Act (NEPA), and other applicable laws.

The reporting program could not be conducted less frequently since each individual landing must be reported. Moreover, catch reports are needed on a per-trip basis to reduce the potential for recall bias and to prevent a build-up of back-logged reports. Weekly reports of state data are required in order to implement a responsive management program. Without weekly landings reports, NMFS would not be able to monitor seasonal harvest in a timely manner, and might be required to close seasons early to avoid excess harvest, which could unnecessarily penalize U.S. fishermen.

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

States are required to report weekly rather than quarterly. This requirement is a necessary component of a responsive management program. Without weekly landings reports, NMFS would not be able to monitor seasonal harvest, and might be required to close the season early to avoid excess harvest, penalizing U.S. fishermen.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on March 31, 2009 (74 FR 14531) solicited public comment; no comments specific to this data collection were received.

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

No payments or gifts will be provided to respondents.

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

It is agency policy not to release confidential information, other than in aggregate form, as Section 402(b) of the MSFCMA protects (in perpetuity) the confidentiality of those submitting information. This assurance is stated on landing cards, web pages and in the IVR scripts.

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

This collection does not include questions of a sensitive nature.

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

Reporting of most recreationally landed BLF, SWO, and BFT is expected to take approximately five minutes each, whether Internet or phone-in technology is used. In the states of MD or NC, filling out a landing card and affixing a tag to each fish landed is expected to take approximately ten minutes. Call-back verification for BFT greater than or equal to 73" is also expected to take approximately five minutes per landing. The number of respondents is calculated separately for BFT and BLF/SWO. Numbers of respondents for BFT landings in MD and NC are calculated separately from all other states.

Bluefin Tuna

Recreational landings of BFT for the states of MD and NC are given in Table 1. Each landing represents a single response as recorded via each state's tag and report program. The year with the greatest number of landings (responses) in total for these states was 2001. In order to ensure that our estimate is slightly higher than the greatest number of possible responses, 10 percent is added to the year with the greatest landings, giving an adjusted total of 5,034 potential responses ($4,576 \times 1.10 = 5,034$). This safety margin should account for any additional changes in future years.

$$5,034 \times 10 \text{ (minutes/response/60 minutes)} = \mathbf{839 \text{ hours}}$$

Table 1. Annual recreational landings of BFT in the states of MD and NC for the years 2001 - 2008 as reported by state landing card programs.

YEAR	MD Landings (No. of Fish)	NC Landings (No. of Fish)	TOTAL MD & NC
1999	1,254	595	1,849
2000	1,247	274	1,521
2001	4,240	336	4,576
2002	2,329	176	2,505
2003	2,246	0	2,246
2004	3,549	50	3,599
2005	2,308	30	2,338
2006	1,163	31	1,194
2007	1,629	175	1,804
2008	1,271	133	1,404

The total number of BFT that could be landed based on the U.S. ICCAT quota is estimated to be 9,271 fish. This estimate is based upon weights of fish within the various BFT size classes using previous year's landings data. Subtracting 2001 (year of greatest landings) NC and MD landed BFT, the total number of BFT landed in other states is estimated to be 4,695 fish ($9,271 - 4,576 = 4,695$). Applying the 10 percent adjustment, the total number of BFT expected to be landed in states other than NC and MD is equal to 5,165 ($4,695 \times 1.10 = 5,165$). The number of respondents is estimated to equal the number of fish landed.

With the current submission method, $5,165 \text{ respondents} \times 5 \text{ minutes/response} / 60 \text{ minutes/hour}$ would equal **430 hours**.

During the last three years, approximately 20 respondents have been called annually to verify information for fish landed that exceed 73" in length. Adding 10 percent as indicated above comes to 22 respondents. Verification takes approximately five minutes per response.

With the current submission method, $22 \text{ respondents} \times 5 \text{ minutes/response} / 60 \text{ minutes /hour} = \mathbf{2 \text{ hours}}$.

Swordfish and Billfish

Pursuant to ICCAT recommendation, the U.S. may recreationally harvest up to 250 BUM and WHM, combined, on an annual basis. In the past few years, the actual number of these fish landed has been significantly less than the 250 limit; however, to allow for the full 250 marlin landing limit to be reported through this collection, the Agency is including an estimated 250 marlin landings. Based on recent fishing year data, NMFS anticipates 859 SWO and SAI landings (716 SWO + 143 SAI = 859). In order to ensure that our estimate is slightly higher than the greatest number of responses, 10 percent is added to the years with the greatest reported landings (2007 for SWO; 2008 for SAI), giving an adjusted total of 945 potential responses (859 x 1.10 = 945). Therefore, the Agency estimates that a maximum of 1,195 respondents (250 BUM/WHM + 945 SWO/SAI = 1,195) could be required to report non-tournament recreational landings of SWO and BLF.

With the current submission method, 1,195 respondents x 5 minutes/response / 60 minutes/hour = **100 hours**

State Reports

In addition to the reporting burden on the part of anglers, it is expected that 30 weekly reports (1 hour each) and one annual report (4 hours each) will be submitted by MD and NC fishery management agencies each for a total of **62 responses** and **68 hours**.

For the entire information collection, respondents and responses are estimated to be 11,396 (5,034 + 5,165 + 1,195 + 2 = 11,396) and 11,478 (5,034 + 5,165 + 22 + 1,195 + 62 = 11,478), respectively, with a reporting burden of 1,439 hours (839 + 430 + 2 + 100 + 68 = 1,439).

NMFS would like to encourage other states to consider implementing landings card programs in order to improve the compliance with self-reported landings programs. Based on an initial comparison of MD catch cards, telephone reports, and dockside intercept sampling, compliance with the catch card program appears to be quite high while compliance with the telephone and Internet reports has been low. The higher compliance with the landings card program may be due to a number of factors including better awareness of the program, increased visibility of state personnel at docks, a greater sense of participation or buy-in from fishermen, a combination of all of these, or some other unknown factor(s). NMFS will work cooperatively with individual states to select the program that best suits the needs of state and Federal fishery managers on a case by case basis. NMFS will submit a nonsubstantive change request to OMB to correct burden estimates, if and when such changes take place for each state. If other states opt to use landings card programs, their landings report burden would double (10 minutes per response for catch cards versus 5 minutes per response for telephone or Internet reports), and there would be an increase of 34 hours per state due to the drafting of weekly and annual reports.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

There are no costs in supplies or materials other than the time burden. Costs to states to distribute weekly and annual summary reports are covered in the grants to the states as indicated in Question 14.

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

The cost of the automated program to the Federal government is expected to be approximately \$154,500 annually.

The NC catch card program is carried out by the NC Division of Marine Fisheries in cooperation with NMFS at a cost to the Federal government of \$33,000 per year. The Federal share of the MD program is funded at a level of \$35,000 per year. It should be noted, however, that ancillary data may be collected by dockside staff in conjunction with catch cards (*e.g.* biological sample materials or dockside intercepts approved under OMB Control No. 0648-0380); thus, these costs are not entirely attributable to the landings reports. Similar costs are anticipated for future cooperative catch card programs and the Federal share will depend on the amount and type of services contributed by the states.

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

A program adjustment of + 36 hours occurred when the number of respondents was increased to reflect the recent non-tournament recreational landing levels for SWO and SAI. Additionally, 10 percent was added to the estimated SWO, SAI, and BFT landings to provide a safety margin and account for increased use of the reporting systems.

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

Collected information will be published in stock assessments, environmental impact statements, environmental assessments, reports to ICCAT and regulatory impact reviews. The data will be presented in aggregate form, which will not lead to the identification of individuals.

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

This information is not in the telephone reporting scripts, but there is a statement that the information will be provided on request. This compromise is in the interest of keeping the scripts as short as possible in order not to discourage the respondents from completing reports or requests.

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

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

The number of vessel owners permitted in the HMS Angling and the HMS Charter/Headboat Category can be seen in Table 3. Only anglers fishing on vessels permitted for private recreational (angling) use or for for-hire recreational use (charter/headboat) are allowed to fish for SWO, BLF, or BFT outside of registered HMS tournaments. NMFS does not know the actual respondent universe number, only the number of SWO, BLF, and BFT landed. The number of permit holders represents only the maximum number of respondents, but this is not the same as a universe for sampling purposes. There is no sampling or any other method used to select respondents in this data collection. The SWO, BLF, and BFT landings reports are mandatory; therefore this collection is a census of landings. NMFS does not know what the response rates are, nor can NMFS predict them, because the Agency is not conducting a statistical survey from a known universe of respondents.

Table 2. Number of HMS permits by year and category, 2003 – 2008.

Year	Angling	Charter/Headboat
2003	18,804	4,167
2004	20,245	3,881
2005	24,127	3,963
2006	25,238	4,173
2007	24,220	3,899
2008	26,933	4,297

Based on the amount of quota available for BFT and the past landings reports of SWO and BLF, it is estimated that up to 11,394 individual reports (see Table 3) could be expected each year (see the calculations and answer to Question 12 in Section A for details).

Table 3. Estimated number of annual responses (angler reports).

Species	States	Estimated Number of Responses*
Bluefin Tuna (including Trophy BFT)	MD & NC	5,034
	Other states	5,165
Billfish and Swordfish	All	1,195
Total		11,394

*Does not include weekly and annual summary reports for MD and NC

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

As stated above, all permitted anglers or vessel owners landing a BFT, SWO, or BLF are required to report such landing within 24 hours. Reports may be made via phone, Internet, or landings cards, depending on the state of landing. Landings reports are mandatory and no statistical methodology or sample selection is involved. Degree of accuracy needed is not relevant since this is a mandatory reporting program which strives for 100 percent compliance. No specialized sampling procedures and no use of periodic data collection is involved since this collection is 100 percent mandatory.

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

Response rates and nonresponse are terms that apply to statistical surveys based on sampling. This is not a statistical survey and therefore this question does not apply. However, to further encourage a high response rate, NMFS conducts an outreach program (compliance guides, mailings, list serve network, etc.) to inform permit holders of the reporting requirements, and to indicate the importance of reliable information for stock assessment purposes and social/economic analysis of potential management measures. NMFS also raises the aforementioned reporting requirements during all appropriate public hearings, discussions with leaders of the recreational community, and other meetings with the recreational angling community to encourage improved reporting.

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

No tests of procedures or methods will be undertaken.

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

For Swordfish/Billfish Landings Reports: Greg Fairclough
NMFS/HMS Management Division
263 13th Avenue, South
St. Petersburg, FL 33701
(727) 551-5741

For Bluefin Tuna Reports:

Ronald Salz (Catch Card Program)
NMFS/Office of Science and Technology
1315 East West Highway
Silver Spring, MD 20190
(301) 713-2328, x214

Brad McHale (IVR Program)
NMFS/HMS Management Division
One Blackburn Drive
Gloucester, MA 01930
(978) 281-9139

TODAY'S DATE:

HMS PERMIT #:

 TUNA TAG #:



Maryland Bluefin Tuna Landing Card



Today's Date:

Vessel Name: _____

Registration # (State ID) _____

Permit Holders Nam _____

Atlantic HMS Permit #:

Trip Type: *Charter / Private / Headboat*
 (Circle One)

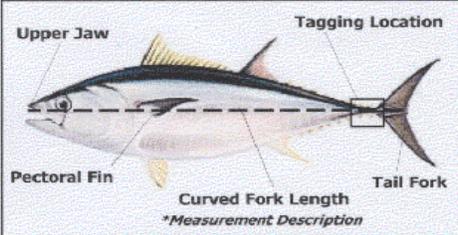
Was this fish caught during a tournament? Yes / No

Tournament Name: _____

Reporting Station: _____

Bluefin Tuna Tag #: _____
 (Obtain at Reporting Station)

Curved Fork Length (inches):** _____ *Weight (lbs)** _____



* Measure from the tip of the upper jaw, over the top side of the pectoral fin to the fork of the tail.
 **Scale weight ONLY. Do not record estimated weight.

NOTE: All bluefin tuna landed in Maryland must have a LANDING TAG affixed before removal from the vessel. Tags are available at all BLUEFIN TUNA REPORTING STATIONS. To obtain a LANDING TAG, captains or operators of the permitted vessel must complete and submit a catch card for every bluefin tuna landed.

This information collected is approved under OMB Control # 0648-0328 and expires on 09/30/2009

TODAY'S DATE:

HMS PERMIT #:

 BILLFISH TAG #:



Maryland Billfish Landing Card



Today's Date:

Species: *White Marlin / Blue Marlin / Swordfish / Sailfish*
 (Circle One)

Vessel Name: _____

Registration # (State ID) _____

Permit Holders Nam _____

Atlantic HMS Permit #:

Trip Type: *Charter / Private / Headboat*
 (Circle One)

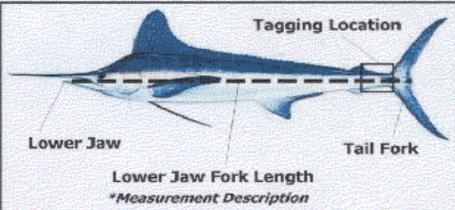
Was this fish caught during a tournament? Yes / No

Tournament Name: _____

Reporting Station: _____

Billfish Tag _____
 (Obtain at Reporting Station)

Lower Jaw Fork Length (inches):** _____ *Weight (lbs)** _____



* Measure from the tip of the lower jaw to the fork of the tail.
 ** Scale weights ONLY. Do not record estimated weights.

NOTE: All BILLFISH (White Marlin, Blue Marlin, Swordfish and Sailfish) landed in Maryland must have a LANDING TAG affixed before removal from the vessel. Tags are available at all BILLFISH REPORTING STATIONS. To obtain a LANDING TAG, captains or operators of the permitted vessel must complete and submit a landing card for every billfish landed.

This information collected is approved under OMB Control # 0648-0328 and expires on 09/30/2009



NC Highly Migratory Species Catch Card NOT FOR COMMERCIAL Reporting Station Copy



Date

Reporting Station _____

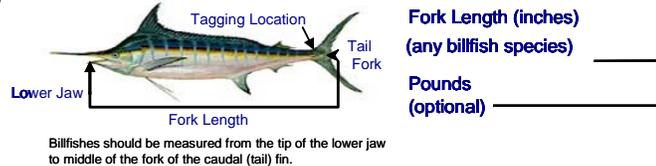
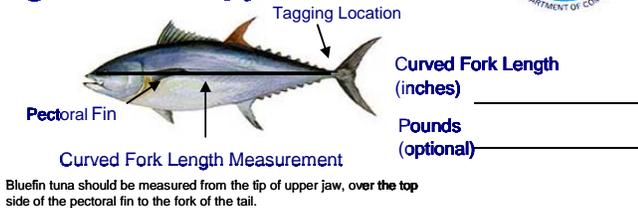
Permit Number _____

Vessel Name _____

Trip Type (check one)
 Charter
 Private
 Headboat

Tournament Yes No

Tag Number (obtained at reporting station) _____



Blue Marlin
 White Marlin
 Sailfish
 Swordfish

All the above Highly Migratory Species (HMS) landed in North Carolina must have a Landing Tag affixed before removal from the vessel. Tags are available at all LPS Reporting Stations. To obtain a Landing Tag, Captains or operators of permitted vessel must complete and submit a catch card for every HMS landed. This information collection is approved under OMB Control #0648-0328 (expires 09/30/2009).

NC Highly Migratory Species Catch Card Tag Receipt Angler's Copy

Official Use Only Tag Number (from above) _____	<i>Anglers should keep this receipt in hand while in possession of the fish</i>
---	---

NC HMS Catch Card Contact Information

North Carolina		
Name	Telephone Number	E-mail
Doug Mumford	800-338-7804	Doug.Mumford@ncmail.net
Chris Wilson	252-946-6481	Chris.Wilson@ncmail.net
Kelly Fitzpatrick	252-948-3877	Kelly.Fitzpatrick@ncmail.net
NOAA		
Ron Salz	301-713-2328	Ron.Salz@noaa.gov
HMS Permits		
Renewals/New	888-872-8862	http://hmspermits.noaa.gov/
After Hours Reporting		
800-682-2632	Use only when no other option available	

NC HMS Reporting Stations

Reporting Station	Port	Telephone Number
Old Town Yacht Club	Atlantic Beach	252-726-1637
Captain Stacy's Fishing Center	Atlantic Beach	252-726-4675
Anchorage Marina	Atlantic Beach	252-726-4426
Tow n Creek Marina	Beaufort	252-728-6111
Hurricane Fishing Center	Calabash	910-579-3660
Broad Creek Marina	Carolina Beach	910-458-7135
Island Harbor Marina	Emerald Isle	252-354-3106
Harker's Island Fishing Center	Harker's Island	252-728-3907
Oden's Dock	Hatteras	252-986-2555
Hatteras Harbor Marina	Hatteras	252-986-2166
Village Marina	Hatteras	252-986-2522
Teach's Lair Marina	Hatteras	252-986-2406
Ballance Oil Company	Hatteras	252-986-2156
Hatteras Landing Marina	Hatteras	252-986-2205
Holden Beach Marina	Holden Beach	910-842-5447
Pirates Cove	Manteo	252-473-3906
Oregon Inlet Fishing Center	Manteo	252-441-6301
Portside Marina	Morehead City	252-726-7678
Gulf Dock	Morehead City	252-726-5461
Ocean Isle Fishing Center	Ocean Isle	910-575-3474
Anchorage Marina	Ocracoke	252-828-6661
New River Marina	Sneads Ferry	910-327-2106
Southport Fishing Center	Southport	910-454-4000
Nancy Lee Fishing Center	Sw ansboro	252-354-3474
Broad Creek Marina	Wanchese	252-473-5344
Bridge Tender Marina	Wrightsville Beach	910-256-3636

Figure 1. Highly Migratory Species catch card, 2008.

NMFS Permit Shop - Windows Internet Explorer

https://hmspermits.aquilent.com/

File Edit View Favorites Tools Help

NMFS Permit Shop

home search shopping cart contact help

What's New...

Welcome to the National Marine Fisheries Service (NMFS) online Permit Shop where you can currently buy initial and renewal permits for Atlantic tunas, update permit information, and report recreational landings of bluefin tuna, blue marlin, white marlin, sailfish, and swordfish. Future capabilities will include other permits, tournament registrations, and authorizations.

2009

permits info center

landings reports tournaments

You may contact customer service by dialing 888-872-8862, Monday through Friday, 8am to 5pm Eastern Time

NOAA Fisheries Proposes Initial BFT Quotas and Effort Controls for 2005
 The National Marine Fisheries Service (NOAA Fisheries Service) issued a proposed rule to set initial 2005 fishing year quotas for the Atlantic bluefin tuna (BFT) fishery and General category effort controls.
[more](#)

2005 FISHING YEAR HMS COMPLIANCE GUIDE NOW AVAILABLE
 This guide contains commercial, recreational, and charter/headboat rules and regulations for Highly Migratory Species.
[more](#)

ANGLING CATEGORY BFT FISHERY WILL CLOSE MARCH 11, 2005
 Therefore, fishing for retaining...

Done Internet 100%

Paperwork Reduction Act Notice - Windows Internet Explorer

https://hmspermits.aquilent.com/LandingsReportsPRA.asp

Certificate Error

PAPERWORK REDUCTION ACT STATEMENT: Mandatory catch reporting provides essential information for the conservation and management of Atlantic bluefin tuna. Information on catch levels will be reported to the International Commission for the Conservation of Atlantic Tunas and will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 5 minutes per response for telephone (1-888-872-8862) or internet reports (at www.nmfspermits.com), and 10 minutes per response for landing card reports. These response burden estimates include 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 these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Highly Migratory Species (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Catch reporting is required under the authority of the Atlantic Tunas Convention Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. This information collection is approved under OMB Control # 0648-0328 and expires September 30, 2009.

Done Internet 100%

NMFS Permit Shop ID for Landings - Windows Internet Explorer

https://hmspermits.aquilent.com/permitlandings.asp

File Edit View Favorites Tools Help

NMFS Permit Shop ID for Landings

home search shopping cart contact help

NMFS Permit Shop

landings reports

Permit Identification for Atlantic Bluefin Tuna, Blue Marlin, White Marlin, Sailfish, and Swordfish Landings Report

(OMB # 0648-0328) [View PRA Statement](#)

Please identify the permit associated with this landings report by entering your permit number in the space provided. Currently, **only recreationally landed (fish harvested from the management unit) bluefin tuna, blue marlin, white marlin, sailfish, and swordfish should be reported through this website.** We will check your permit number to ensure that it reflects a recreational category (i.e., Angling or Charter/Headboat) before allowing you to enter your landings report.

**** NOTE - Maryland and North Carolina vessel owners should report their recreational Bluefin Tuna, Blue Marlin, White Marlin, Sailfish, and Swordfish landings at state-operated reporting stations and not through this system.**

Permit Number:

continue

Internet 100%

Permit Verification - Windows Internet Explorer

https://hmspermits.aquilent.com/PermitVerificationLandings.asp?Try=1

File Edit View Favorites Tools Help

Permit Verification

home search shopping cart contact help

NMFS Permit Shop

Landings Permit Verification

The permit you entered, **100XXXXX**, was not found in the permits database. Please press the Reenter data button and enter a valid permit number.

To continue and enter landings for the un-recognized permit number, please press Continue

continue reenter data


[Home](#) | [Search](#) | [Shopping Cart](#) | [Contact](#) | [Help](#)



Please read our [privacy policy](#) and our [disclaimer statement](#). You may contact Customer Service by dialing 1-888-872-8862, Monday through Friday, 8am to 5pm. 

Done Internet 100%

Report Trip Data - Windows Internet Explorer

https://hmspermits.aquilent.com/ReportTrip.asp?PermitNumber=Invalid

home search shopping cart contact help

NMFS Permit Shop

Trip Data

Please enter the information requested below and click Continue.

- Enter trip info.
- Confirm trip info.
- Enter Landed Fish
- Submit Final Report

Permits

- buy/renew now!
- status, etc.
- order tracking

Tournaments

- register now!
- status, etc.
- order tracking

Landings Reports

Info Center

- news
- FAQ
- library
- other links
- NMFS website

Owner Information

Permit Number: 100XXXXX

First Name: John *

Last Name: Smith *

Phone Number: 555 555 5555 *

Vessel Information

Vessel Number: FLXXXX *

Vessel Name: HighFlyer *

If reporting a landing from a U.S. registered vessel landing in a Non-U.S. State or territory, please exit the website and call 1-800-894-5528. Leave your landing report in a voice message (including a call-back number) on the HMS reporting line. A NMFS employee will return your call.

Trip Information

Departure Date: 04/01/2009 * Time: 07:00 AM

"Port" of Departure: Miami FL *

Trip End Date: * Time: * * *

territory, please exit the website and call 1-800-894-5528. Leave your landing report in a voice message (including a call-back number) on the HMS reporting line. A NMFS employee will return your call.

Trip Information

Departure Date: 04/01/2009 * Time: 07:00 AM

"Port" of Departure: Miami FL *

Trip End Date: 04/01/2009 * Time: 09:00 PM *

"Port" of Landing: Miami FL *

Trip Type: PRIVATE *

Fishing Tournament: Yes No

Tournament Name:

Number of Fish Released Per Trip

(*Please fill in all releases that apply to this trip. Landings will be reported on the next page.**)

Species	Alive	Dead
Bluefin Tuna:	<input type="text" value="2"/>	<input type="text"/>
Blue Marlin:	<input type="text" value="2"/>	<input type="text"/>
White Marlin:	<input type="text" value="2"/>	<input type="text"/>
Sailfish:	<input type="text" value="2"/>	<input type="text"/>
Spearfish:	<input type="text" value="2"/>	<input type="text"/>
Swordfish:	<input type="text" value="2"/>	<input type="text"/>

* Required field.

continue clear entries

Verify Landings Information - Windows Internet Explorer

https://hmspermits.aquilent.com/VerifyReportLandingsA.asp

File Edit View Favorites Tools Help

Verify Landings Information

- order tracking
- Tournaments
 - register now
 - status, etc.
 - order tracking
- Landings Reports
- Info Center
 - news
 - FAQ
 - library
 - other links
 - NMFS website

When click on the "Add Species" button, to complete a non-landed, please click on the edit link for that fish.

Enter Landed Fish
Submit Final Report

Trip Summary

[Edit Trip](#)

Basic Information:

Name: JOHN SMITH Vessel Number: FLXXXX
 Departed on: 04/01/2009 07:00 AM Returned on: 04/01/2009 09:00 PM
 Departed from: MIAMI, FL Landed at: MIAMI, FL
 Trip Type: PRIVATE Tournament:

Releases Information:

Species	Alive	Dead
Bluefin Tuna:	2	0
Blue Marlin:	2	0
White Marlin:	2	0
Sailfish:	2	0
Spearfish:	2	0
Swordfish:	2	0

Landing Summary Regulations: [Tuna](#) | [Other HMS](#)

You currently have 0 landings reported on this trip.

To add a fish landed, select a species from the drop-down box and then click on the "Add Species" button.

Bluefin Tuna

Done Internet 100%

Report Species Data - Windows Internet Explorer

https://hmspermits.aquilent.com/ReportSpecies.asp?speciesId=1

File Edit View Favorites Tools Help

Bluefin Tuna Landing

Measurement Information

Length: *
(inches)

Measure Type: *

Fishing Information

Date Hooked: (MM/DD/YYYY)

Approx. Time Hooked: *

Hook Type: *

Approx. Fight Time: (minutes) *

Fishing Technique: * If OTHER Technique:

Bait: *

* Required field.

Internet 100%

Verify Landings Information - Windows Internet Explorer

https://hmspermits.aquilent.com/VerifyReportLandingsA.asp

File Edit View Favorites Tools Help

Verify Landings Information

- status, etc.
- order tracking

Tournaments

- register now!
- status, etc.
- order tracking

Landings Reports

Info Center

- news
- FAQ
- library
- other links
- NMFS website

To add a fish landed, select a species from the drop-down box and then click on the "Add Species" button. To edit/delete a fish landed, please click on the edit link for that fish.

Confirm trip info

- Enter Landed Fish
- Submit Final Report

Trip Summary [Edit Trip](#)

Basic Information:

Name: JOHN SMITH Vessel Number: FLXXXX
 Departed on: 04/01/2009 07:00 AM Returned on: 04/01/2009 09:00 PM
 Departed from: MIAMI, FL Landed at: MIAMI, FL
 Trip Type: PRIVATE Tournament:

Releases Information:

Species	Alive	Dead
Bluefin Tuna:	2	0
Blue Marlin:	2	0
White Marlin:	2	0
Sailfish:	2	0
Spearfish:	2	0
Swordfish:	2	0

Landing Summary [Regulations: Tuna | Other HMS](#)

Species	Length	Weight	Time Hooked	Edit/Delete
Bluefin Tuna	101" CFL	-	02:00 PM	

Bluefin Tuna

Done Internet 100%

Landing Information Submitted - Windows Internet Explorer

https://hmspermits.aquilent.com/SaveTrip.asp?tripNbr=167028

File Edit View Favorites Tools Help

Landing Information Submitted

Permits

- buy/renew now!
- status, etc.
- order tracking

Tournaments

- register now!
- status, etc.
- order tracking

Landings Reports

Info Center

- news
- FAQ
- library
- other links
- NMFS website

Thank You for Your Landings Report!

Your landings have been saved. Please view the table below for your confirmation numbers.

Confirmation Number	Species	Time Hooked
BFT04/01/2009FL15	Bluefin Tuna	02:00 PM

If you would like to email yourself a copy of this report, please enter your correct email address below and hit the 'email report' button.

Email:
 Confirm Email:

If you would like to print the final version of this report, please follow the directions below.

Attention: Many web browsers now employ pop-up blockers to prevent advertisements from displaying. In some cases this may prevent your landings report from displaying. If you do not see your landings report after clicking the "Print" button, temporarily disable your pop-up blocker. In some case the landings report may appear behind your current browser window, so minimizing open windows may show your landings report.

To print your landings report:

1. Click the *Print Report* button below
2. Click on the *File* menu item in the window that pops up

Enter trip info.

- Confirm trip info.
- Enter Landed Fish
- Submit Final Report

Done Internet 100%

Print Window: Landings Report - Windows Internet Explorer
 https://hmspermits.aquilent.com/LandingsReport.asp?TripNbr=167028
 Certificate Error

File Edit View Favorites Tools Help

★ + 🏠 📡 🖨️ 📄 Page ⚙️ Tools ? 🌐 🌐



LANDINGS REPORT

<i>NAME</i>	<i>PERMIT NUMBER</i>	UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE
JOHN SMITH	100XXXXX	
<i>VESSEL NAME</i>	<i>VESSEL NUMBER</i>	
HIGHFLYER	FLXXXX	
<i>PHONE NUMBER</i>		
(555) 5555555		

Trip Information		Fish Released on Trip	
<i>DEPARTED ON</i>	<i>DEPARTED FROM</i>	<i>BLUEFIN TUNA</i>	<i>BLUE MARLIN</i>
4/1/2009 07:00 AM	MIAMI, FL	2 Alive	2 Alive
<i>RETURNED ON</i>	<i>LANDED AT</i>	<i>WHITE MARLIN</i>	<i>SAILFISH</i>
4/1/2009 09:00 PM	MIAMI, FL	2 Alive	2 Alive
<i>TRIP TYPE</i>	<i>TOURNAMENT</i>	<i>SPEARFISH</i>	<i>SWORDFISH</i>
PRIVATE		2 Alive	2 Alive

Fish Landing			
<i>CONFIRMATION NUMBER</i>	<i>SPECIES</i>	<i>APPROX. TIME HOOKED</i>	<i>APPROX. FIGHT TIME</i>
BFT04/01/2009FL15	Bluefin Tuna	02:00 PM	60
<i>LENGTH</i>	<i>MEASURE TYPE</i>		
101"	Y		
<i>FISHING TECHNIQUE</i>	<i>BAIT</i>		
Drift	Live		

Done Internet 100%

A statement is being added to the phone system introductions saying that the OMB Control Number and expiration date for the data collection are available upon request.

Message 2000: REPORTING CATCH for swordfish and billfish;

Effective October 17th, 2007, NOAA Fisheries is implementing a new internet based reporting system for recreational non-tournament landings of North Atlantic swordfish and billfish at <http://www.hmspermits.gov>. All recreational non-tournament landings of swordfish and billfish, including those landed on a charter or headboat, must be reported. Recreational non-tournament landings must be reported by the permitted owner of the vessel landing the fish, or their designee. A landed fish means a fish that is kept and has been brought to shore. All billfish and swordfish landed during a tournament must be reported by the tournament operator directly to the NOAA Fisheries Southeast Fisheries Science Center on forms available from the Center.

Vessels landing Billfish and Swordfish in North Carolina and Maryland must report their landings through the landing cards provided by those states, all other states including Puerto Rico and the U.S. Virgin Islands, must report using the internet reporting site or this call-in system within 24 hours of landing.

To report a swordfish or billfish landed in the non-tournament recreational fishery via the internet, please go to <http://www.hmspermits.gov> and fill in the required landings information as prompted. NOAA Fisheries will maintain and monitor the current toll-free reporting line as a backstop to the internet reporting site and to assist those vessel owners who do not have access to the internet.

To report a swordfish or billfish landed in the non-tournament recreational fishery via telephone, choose that option at the end of this message. To ensure the accuracy of your report, we recommend that you write down the following instructions or play them back before recording your report. When reporting via telephone, please leave your name, HMS Permit number, and telephone number. Or if you prefer, you can, provide all of the following information. It is extremely important to provide a contact name and number so that National Marine Fisheries Service can conduct a follow-up call to validate reports and provide you with a confirmation number. Please provide the vessel name, permit number, phone number and fish species with lower jaw fork length for marlins, sailfish and swordfish, as well as date, and location caught. Vessel owners may also report cleithrum-to-caudal keel length or weight, for swordfish that are landed.

If you have additional questions about reporting your billfish catch, please call (727) 824-5399.

(pause)

For tunas:

To report recreationally landed bluefin tuna please call the 888-USA-TUNA line at 888-872-8862.

Or to obtain information on the Large Pelagic Survey, or information on Maryland and North Carolina landing tag requirements, please call 301-713-2328.

To repeat the reporting instructions press *

To record, please speak slowly and clearly.

To record now, press 1.

To return to the main menu press 0."

Message for extension 188

Hello, you have reached Highly Migratory Species catch reporting

Effective October 17th, 2007, NOAA Fisheries is implementing a new internet based reporting system for recreational non-tournament landings of North Atlantic swordfish and billfish at <http://www.hmspermits.gov>.

To report a swordfish or billfish landed in the non-tournament recreational fishery via the internet, please go to <http://www.hmspermits.gov> and fill in the required landings information as prompted. NOAA Fisheries will maintain and monitor the current toll-free reporting line as a backstop to the internet reporting site and to assist those vessel owners who do not have access to the internet.

To report a swordfish or billfish landed in the non-tournament recreational fishery via telephone, please leave your name, telephone number, HMS permit number, species landed, and trip dates after the tone. We will get back to you as soon as we can.

A statement is being added to the phone system introductions saying that the OMB Control Number and expiration date for the application data collection are available upon request.

(As this script is for several purposes, the landings initial choice, and beginning and end of landings script are highlighted in yellow).

NMFS IVR Call Script 4_2009

m0100_mainmenu_b

Welcome to the National Marine Fisheries Voice activated System where you can speak your choices. Here's what I can help you with. You can say "Fishing Permits", "Report Landings" or "Tournament Information". You can also say "More choices".

m0100_mainmenu_a

We're back at the main menu. You can say "Fishing Permits", "Report Landings", "Tournament Information" or "More choices".

m0100_mainmenu_noinput1

Please say "Fishing Permits", "Report Landings", "Tournament Information" or "More choices". <1.5 second pause> To speak with a customer service representative say "operator"

m0100_mainmenu_noinput2

Let's try once more using your keypad. To renew, change or check the status of a fishing permit press 1. To Report a landing press 2. For Tournament Information press 3. To hear more choices press 4. To speak with a customer service representative press 0

m0100_mainmenu_nomatch1

Sorry, which one? <1.5 second pause> "Fishing Permits", "Report Landings", "Tournament Information" or "More choices". <1.5 second pause> To speak with a customer service representative say "operator"

m0100_mainmenu_nomatch2

Let's try once more. To renew, change or check the status of a fishing permit press 1. To Report a landing press 2. For tournament information press 3. To hear more choices press 4. To speak with a customer service representative press 0

m0100_disconfirm1

My Mistake, Let's try again. Say "Fishing Permits" or press 1, "Report Landings" or press 2, "Tournament Information" or press 3, "More Choices" or press 4. To speak with a customer service representative press 0

m0100_mainmenu_help

To renew, change or check the status of a fishing permit press 1. To Report a Landing press 2. For Tournament Information press 3. For regulation updates, Tuna ID guides or permit applications press 4. To speak with a customer service representative press 0

m0150_tournament_info

From here you can listen to tournament rules or you can have a tournament package mailed to you. Now say "Tournament Rules" or "Tournament package"

m0150_tournament_info_noinput1

Say "Tournament Rules" or "Tournament package". You can also say "Main Menu"

m0150_tournament_info_noinput2

To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0150_tournament_info_nomatch1

Sorry, which one? <1.5 second pause> Say "Tournament Rules" "Tournament package" or "Main Menu".

m0150_tournament_info_nomatch2

Lets try once more. To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0150_disconfirm1

My Mistake. Let's try again. Say "Tournament Rules" or press 1. "Tournament package" or press 2. "Main Menu" or press 3. "Operator" or press 0.

m0150_tournament_info_help

I can either play tournament rules over the phone for you or help you get a tournament package. To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0200_tournament_rules_a

Registration is required for any fishing tournament involving the catch and or landing of Atlantic highly migratory species, including Atlantic tunas, shark, sword fish or billfish. Regulations require that a tournament operator notify National Marine Fisheries of the purpose, date and location of the tournament if it is conducted from a port in an Atlantic coastal state. This includes Puerto Rico and the US Virgin Islands. The tournament must be reported at least 4 weeks prior to commencement of the event. National Marine Fisheries will notify the tournament operator, in writing, when his or her tournament has been selected for reporting. The tournament operator must maintain and submit to National Marine Fisheries a record of catch and effort using forms provided by National Marine Fisheries. Tournament operators must submit completed forms within 7 days of the conclusion of the tournament and must attach a copy of the tournament rules.

m0200_tournament_rules_b

To hear that again say "Repeat that". If you'd like to receive a tournament registration package say "Tournament package"

m0200_tournament_rules_noinput1

To hear tournament rules again say "Repeat that". Otherwise say "Tournament Package". You can also say "Main Menu".

m0200_tournament_rules_noinput2

To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_tournament_rules_nomatch1

Sorry, what was that? <1.5 second pause> Say "Repeat That" "Tournament package" or "Main Menu". You can also say "Operator"

m0200_tournament_rules_nomatch2

Let's try once more. To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_disconfirm1

My mistake. Let's try again. To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_tournament_rules_help

To repeat the tournament rules press *. To have a tournament package mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0250_permits_menu

From here you can say. "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". Please note: Not all permits are transferable between vessels. <2.0 second pause> To update your address or phone number, or to change vessel ownership say "operator".

m0250_permits_menu_2nd

Were back at the Permits Menu. You can say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". <2.0 second pause> To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator".

m0250_permits_menu_noinput1

Please say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator"

m0250_permits_menu_noinput2

Let's try once more. For new permits press 1. To renew an existing permit press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To update your address, phone number or to change vessel ownership press 0. To return to the main menu press #

m0250_permits_menu_nomatch1

Sorry, what was that? <pause> Say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". You can also say "Operator"

m0250_permits_menu_nomatch2

Let's try once more. For new permits press 1, To renew an existing permit press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To update your address, phone number or to change vessel ownership press 0 to speak with an operator.

m0250_disconfirm1

My Mistake. Let's try again. Say "New Permits" or press 1. "Permit Renewals" or press 2. "Check permit status" or press 3. To apply by mail say "Permit Package" or press 4. To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator" or press 0. For the main menu press #.

m0250_permits_menu_help

For new permits press 1, To Permit Renewals press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To get a copy of a permit, update your address, phone number or to change vessel ownership press 0 to speak with an operator. To return to the Main menu press #.

m0300_renewal

You can use this system to renew the following 3 types of permits only. Atlantic Tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat . To renew one of these permits say "Continue". Otherwise say "Other Permits"

m0300_renewal_noinput1

If you're calling to renew an Atlantic tuna, an Atlantic HMS, or an Atlantic HMS Charter/Headboat permit, say "Continue". If not, say "Other Permits".

m0300_renewal_noinput2

Here are the permits you can renew using this system. The Atlantic tuna. The Atlantic HMS Angling, or the Atlantic HMS Charter/Headboat . If you're calling to renew one of these permits press 1. For information on how to renew other types of permits press 2.

m0300_renewal_nomatch1

Pardon? <1.5 second pause> To renew an Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat say "Continue". Otherwise say "Other Permits"

m0300_renewal_nomatch2

Let's try once more. To renew a Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat permit press 1. For other permits press 2.

m0300_disconfirm1

My Mistake. Let's try again. If your calling to renew an Atlantic tuna, an Atlantic HMS Angling, or an Atlantic HMS Charter/Headboat permit say "Continue" or press 1. If not press 2.

m0300_renewal_help

Currently we can renew Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat permits. To renew one of these permits say "Continue". Otherwise say "Other Permits"

m0325_other_permits

In the next few years, National Marine Fisheries plans to make other permits renewable through this system. Until then please contact one of the following permitting offices. You'll have a chance to hear this information again. To contact the Northeast permitting office please call 978-281-9438. For the Southeast permitting office please call 727-824-5326.

m0325_other_permits_noinput1

You can say "Repeat that" or "Main Menu"

m0325_other_permits_noinput2

To hear the numbers again press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0325_other_permits_nomatch1

Sorry, what was that? <1.5 second> Say "Repeat that" or "Main Menu".

m0325_other_permits_nomatch2

Let's try once more. To hear the phone numbers again press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0325_other_permits_help

To contact the Northeast permitting office please call 978-281-9438.

For the Southeast permitting office please call 727-824-5326.

y0350_owner_initial

Are you the owner/operator of this vessel OR fully authorized by the owner/operator to renew this permit?

y0350_owner_noinput1

Please say yes if you are the owner/operator of this vessel OR fully authorized by the owner/operator to renew this permit. If not, say "No".

y0350_owner_noinput2

If you are the owner/operator of this vessel OR if you are fully authorized by the owner/operator to renew this permit press 1. Otherwise press 2.

y0350_owner_nomatch1

Was that yes or no?

y0350_owner_nomatch2

If you are the owner/operator of this vessel OR if you are fully authorized by the owner/operator to renew this permit Press 1. Otherwise press 2.

y0350_owner_help

Please say Yes if you are the owner/operator of this vessel OR if are fully authorized by the owner/operator to renew this permit. If not say "No"

a0400_get_permit_renewal_initial

Ok, please enter your 8-digit permit number followed by the pound sign, or say it one digit at a time.

a0400_get_permit_renewal_2

Please enter your 8-digit permit number followed by the pound sign <1.5 second pause> If you don't know the number say "I don't have it".

a0400_get_permit_renewal_noinput1

Please enter your 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of your permit. <1 second pause> You can also say "I don't have it".

a0400_get_permit_renewal_noinput2

To renew your permit, please enter the 8-digit permit number followed by the pound sign or say "I don't have it".

a0400_get_permit_renewal_nomatch1

Please enter or say the number again. <1.5 second pause> You can also say "I don't have it".

a0400_get_permit_renewal_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign or say "I don't have it".

a0400_get_permit_renewal_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign. You can also say "I don't have it".

s0450_pls_hold

Hold one moment.

s0525_not_found

I didn't find that permit number, let's try again.

s0625_not_renewable

Sorry, your permit is not renewable. One moment.

m0650_read_permit_initial_2nd

Once again

m0650_read_permit_initial_a

This permit is <Pause>

m0650_read_permit_initial_b

With a gear type of <pause>

m0650_read_permit_initial_c

<Pause> To hear that again say "Repeat that" <pause>

m0650_read_permit_initial_d

To renew this permit without making any changes say "Renew it now". <1.5 second pause> Otherwise to make a change you can say "Change the Category" or "Change the Gear type" <1.5 second pause> To enter a different permit number say "start over".

m0650_read_permit_noinput1

To renew now without making changes press 1. To change the category of this permit press 2. To change just the gear type press 3. To enter a different permit number press 4. To hear this permit type again press *.

m0650_read_permit_noinput2

To renew this permit without changing it Press 1. To change the category press 2. To Change the Gear type Press 3. <1.5 second pause> To enter a new permit number press 4. To speak with a customer service representative press 0.

m0650_read_permit_nomatch1

Sorry, What was that? <1.5 second pause> You can say "Renew it now". "Change the Category" or "Change the Gear type" <1.5 second pause> You can also say "Repeat that" or "Start Over".

m0650_read_permit_nomatch2

Let's try once more. If you're ready to renew this permit press 1, To change the category press 2. To change just the gear type press 3. To speak with a customer service representative press 0.

m0650_disconfirm1

My mistake, Let's try once more. Say "renew it now" or press 1. "Change the category" or press 2. "Change the gear type" or press 3. "Repeat that" or press *.

m0650_read_permit_help

If you're ready to renew this permit without making any changes press 1, To change the category press 2. To change just the gear type press 3. To speak with a customer service representative press 0.

s0680_no_changes_a

Sorry, you can't make changes to a Long Line or Purse Seine Permit.

s0680_no_changes_b

Sorry, the only gear type for a Harpoon Permit is Harpoon.

m0700_category_initial

Here are the 5 Atlantic permit Categories. When you hear the one you want just say it. "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap".

m0700_category_noinput1

Please say "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap".

m0700_category_noinput2

Here are the categories once more. To select Tunas General press 1. For HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0700_category_nomatch1

Sorry what category? <1.5 second pause> Say "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap"

m0700_category_nomatch2

Let's try once more. To select Tunas General press 1. HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0700_disconfirm1

My Mistake. Let's try again. Say "Tunas General" or press 1. "HMS Angling" or press 2. "HMS Charter Headboat" or press 3. "Tunas Harpoon" or press 4. "Tunas Trap" or press 5. To speak with a customer service representative press 0

m0700_category_help

Here are the categories to choose from. To change your category to Tunas General press 1. For HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0800_charter_initial

Please note: To qualify for this permit, you must be a licensed captain or have one aboard on every HMS trip. If persons aboard a vessel with a Charter/Headboat permit are fishing for, or are in possession of, Atlantic tunas, sharks, swordfish, or billfish, the operator of the vessel must carry either a valid Merchant Marine License or an Uninspected Passenger License issued by the U.S. Coast Guard. This license must be carried on their person.

To hear that again say "Repeat that". If you'd still like a charter headboat permit say "Continue". Otherwise say "Choose a new category".

m0800_charter_noinput1

If you'd still like a charter headboat permit say "Continue". If not, say "Choose a new category". To hear the charter headboat rules again say "Repeat that".

m0800_charter_noinput2

To select the charter headboat category press 1. To choose a different category press 2. To hear the rules again press *. To speak with a customer service representative press 0.

m0800_charter_nomatch1

Pardon? <1.5 second pause> Say "Continue" or "Choose a new category". To hear the information again say "Repeat that"

m0800_charter_nomatch2

Let's try once more. If you'd still like to select this category press 1. To choose a different category press 2. To hear the charter headboat rules again press *. To speak with a customer service representative press 0.

m0800_disconfirm1

My Mistake. Let's try again. If you'd still like a charter headboat permit say "Continue" or press 1. If not, say "Choose a new category" or press 2. To hear the charter headboat rules again say "Repeat that" or press *. To speak with a customer service representative press 0.

m0800_charter_help

Please note: To qualify for this permit, you must be a licensed captain or have one aboard on every HMS trip. If persons aboard a vessel with Charter/Headboat permit are fishing for, or are in possession of, Atlantic tunas, sharks, swordfish, or billfish, the operator of the vessel must carry either a valid Merchant Marine License or an Uninspected Passenger License issued by the U.S. Coast Guard. This license must be carried on their person.

m0900_general_tuna_gear_initial

Ok, Tunas General. Now, please select a gear type. You can say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_noinput1

Please say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_noinput2

Here are the gear types again. For Rod and Reel press 1. For Handline press 2. For Harpoon press 3. For Bandit Gear press 4. To speak with a customer service representative press 0.

m0900_general_tuna_gear_nomatch1

Could you repeat the gear type? <1.5 pause> Say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_nomatch2

Let's try once more. For Rod and Reel press 1. For Handline press 2. For Harpoon press 3, for Bandit Gear press 4. To speak with a customer service representative press 0.

m0900_general_tuna_gear_help

You'll need to select a gear type for this permit. To select Rod and Reel press 1. For Handline press 2. For Harpoon press 3. For Bandit Gear press 4. To speak with a customer service representative press 0.

m0925_charter_gear_initial

Ok, please select a gear type. Say, "Rod and Reel", "Handline" or "Bandit Gear".

m0925_charter_gear_noinput1

Please say "Rod and Reel" "Handline" or "Bandit Gear"

m0925_charter_gear_noinput2

Here are the gear types again. For Rod and Reel press 1. For Handline press 2. For Bandit Gear press 3. To speak with a customer service representative press 0.

m0925_charter_gear_nomatch1

Could you repeat the gear type? <1.5 pause> Say "Rod and Reel" "Handline" or "Bandit Gear"

m0925_charter_gear_nomatch2

Let's try once more. For Rod and Reel press 1, for Handline press 2, for Bandit Gear press 3. To speak with a customer service representative press 0.

m0925_charter_gear_help

You'll need to select a gear type for this permit. To select Rod and Reel press 1. For Handline press 2. For Bandit Gear press 3. To speak with a customer service representative press 0.

m0950_angling_gear_initial

Ok, HMS Angling. Now, please select a gear type. Say, "Rod and Reel" or "Handline".

m0950_angling_gear_noinput1

Please say "Rod and Reel" or "Handline".

m0950_angling_gear_noinput2

Here are the gear types again For “Rod and Reel” press 1, for “Handline” press 2. To speak with a customer service representative press 0.

m0950_angling_gear_nomatch1

Could you repeat the gear type? <1.5 second pause> Say “Rod and Reel” or “Handline”.

m0950_angling_gear_nomatch2

Let’s try once more. For “Rod and Reel” press 1, for “Handline” press 2. To speak with a customer service representative press 0.

m0950_angling_gear_help

You’ll need to select a gear type for this permit. For “Rod and Reel” press 1, for “Handline” press 2. To speak with a customer service representative press 0.

rod_and_reel

rod and reel

handline

handline

m0955_tuna_trap_gear_initial

Ok, Tuna Trap. Now, please select a gear type. Say, “Pound Net” or “Fish Weir”.

m0955_tuna_trap_gear_noinput1

Please say, “Pound Net” or “Fish Weir”.

m0955_tuna_trap_gear_noinput2

Here are the gear types again For “Pound Net” press 1, for “Fish Weir” press 2. To speak with a customer service representative press 0.

m0955_tuna_trap_gear_nomatch1

Could you repeat the gear type? <1.5 second pause> Say, “Pound Net” or “Fish Weir”.

m0955_tuna_trap_gear_nomatch2

Let’s try once more. For “Pound Net” press 1, for “Fish Weir” press 2. To speak with a customer service representative press 0.

m0955_tuna_trap_gear_help

You’ll need to select a gear type for this permit. For “Pound Net” press 1, for “Fish Weir” press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_initial_a

To confirm: you’d like to renew this

y1000_confirm_renewal_initial_b

... permit with a gear type of <pause>

y1000_confirm_renewal_initial_c

Is that right?

y1000_confirm_renewal_noinput1

Please say “Yes” to renew. Otherwise say “No” and we’ll start again.

y1000_confirm_renewal_noinput2

To renew this permit say press 1. Otherwise press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_nomatch1

Was that Yes or No? <1.5 second pause> Please say “Yes” to renew. Otherwise say “No” and we’ll start again.

y1000_confirm_renewal_nomatch2

To renew this permit say press 1. Otherwise to select a new category or gear type say press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_help

To renew this permit say press 1. Otherwise to select a new category or gear type say press 2. To speak with a customer service representative press 0.

m1025_delivery_initial

Ok, how should I send your new permit. You can say “By mail”. “By fax” or for an extra \$4.80 (4 dollars and 80 cents) say “Priority mail”.

m1025_delivery_noinput1

Say “By Mail” “By Fax” or “Priority Mail”

m1025_delivery_noinput2

I can send your renewal by mail or by fax. To receive your permit by regular mail press 1. To receive a fax press 2 For priority mail at an additional cost of four dollars and 80 cents press 3. To speak with a customer service representative press 0.

m1025_delivery_nomatch1

Could you repeat your choice? <1.5 second pause> Say “By Mail” “By Fax” or “Priority Mail”

m1025_delivery_nomatch2

Let's try once more. For regular mail press 1. To receive a fax press 2. For priority mail press 3. To speak with a customer service representative press 0.

m1025_delivery_help

I can deliver your renewal by mail or by fax. I can use the address on your current permit or you can provide a new one. For regular mail press 1. To receive a fax press 2. For priority mail press 3. To speak with a customer service representative press 0.

y1150_address_file_initial

Should I mail it to the address on your permit?

y1150_address_file_noinput1

To have this mailed to the address on your permit say "Yes". Otherwise to provide a different address say "No".

y1150_address_file_noinput2

Press 1 for yes or press 2 for no.

y1150_address_file_nomatch1

Was that Yes or No? <1.5 second pause> To have this mailed to the address on your permit say "Yes". Otherwise to provide a different address say "No".

y1150_address_file_nomatch2

Let's try once more. Press 1 for yes or press 2 for no.

y1150_address_file_help

If you'd like to provide an address other than the one on your permit say "no" and I'll have a customer service representative collect your new address.

y1225_use_card_initial

Should I use the same credit card you used for the last renewal?

y1225_use_card_noinput1

To use the card you provided earlier say Yes, Otherwise say No and I'll get your new card number.

y1225_use_card_noinput2

Press 1 for yes, press 2 for no. To speak with a customer service representative press 0

y1225_use_card_nomatch1

Was that Yes or no? <1.5 second pause> To use the same card you provided earlier say Yes, Otherwise say NO and I'll get your new card number.

y1225_use_card_nomatch2

Let's try once more. To use the same card you provided earlier press 1. To use a different card press 2. To speak with a customer service representative press 0

y1225_use_card_help

To use the same card you provided earlier press 1. To use a different card press 2. To speak with a customer service representative press 0

a1250_get_credit_card_initial_a

Ok, The renewal charge is ~~\$28.00~~ \$16.00. <pause> Now, I'll need your credit card information.

a1250_get_credit_card_initial_2

Please enter the credit card number followed by the pound sign. or say it one digit at a time.

a1250_get_credit_card_2

Sorry, that's not a valid card number. Please enter your credit card number followed by the pound sign or say it one digit at a time.

a1250_get_credit_card_noinput1

If you need extra time to find your card say "Wait" or press the Star key. Otherwise, please enter your credit card number followed by the pound sign or say it one digit at a time.

a1250_get_credit_card_noinput2

Please enter your credit card number followed by the pound sign.

a1250_get_credit_card_nomatch1

Please enter your credit card number again, followed by the pound sign. or say it one digit at a time.

a1250_get_credit_card_nomatch2

Let's try once more using your keypad. Please enter the credit card number followed by pound sign.

a1250_get_credit_card_help

If you need extra time to find your card say "wait". I wait 10 seconds before I ask for the number again.

m1255_wait

Ok, When you're ready press 1. <10 seconds of silence>

a1275_get_expiration_initial

What's the expiration date?

a1275_get_expiration_noinput1

Please say the expiration date, for example you could say June ~~2009~~ 2011.

a1275_get_expiration_noinput2

Please enter the expiration date using your keypad. For example June 2011 would be entered as 0 6 1 1.

a1275_get_expiration_nomatch1

What's the expiration date? (upward inflection)

a1275_get_expiration_nomatch2

Let's try once more. Please enter the expiration date using your keypad. For example June 2011 would be entered as 0 6 1 1.

a1275_get_expiration_help

Please say the expiration date, for example you could say June 2011 or enter it on your keypad. For example June2011 would be entered as 0 6 1 1.

a1275_get_expiration_success

Thanks, one moment while I process your order.

s1350_card_process_error

Sorry we're experiencing technical difficulties and can't process your credit card at the moment. Let me get someone to assist you.

m1375_not_approved_initial

I'm sorry, but I wasn't able to process that card. Please contact the issuing bank for more information. You can say "Try another card" or to speak with a customer service representative say "Operator" <1.5 second pause> You can also say "Main Menu"

m1375_not_approved_noinput1

Please say "Try another card", "Operator" or "Main Menu".

m1375_not_approved_noinput2

To enter a different credit card press 1, To speak with a customer service representative press 0. To return to the Main Menu press #.

m1375_not_approved_nomatch1

Sorry, what was that? <1.5 second pause> You can say "Try another card", "Operator" or "Main Menu"

m1375_not_approved_nomatch2

Let's try once more. To try a different credit card press 1, To speak with a customer service representative press 0. To return to the Main Menu press #.

m1375_disconfirmation_1

My mistake. Let's try again. <1.5 second pause> Say "Try another card" or press 1. "Operator or press 0. "Main Menu or press #.

m1375_not_approved_help

y1425_charge_successful_initial_a

A permit renewal fee of ~~\$28~~ \$16.

If Mail flag = P

y1425_charge_successful_initial_a2

With an additional fee of \$4.80 (4 dollars and 80 cents) for priority mail

y1425_charge_successful_initial_b

...was applied to your credit card.

y1425_charge_successful_initial_c

The confirmation number is <pause>

y1425_charge_successful_initial_d

Should I repeat that?

y1425_charge_successful_noinput1

To hear that information again say "Yes" Otherwise say "Continue"

y1425_charge_successful_noinput2

Press 1 to hear that information again. Otherwise press 2.

y1425_charge_successful_nomatch1

Was that Yes or No?

y1425_charge_successful_nomatch2

To hear that information again press 1. Otherwise press 2

y1425_charge_successful_help

You'll need the confirmation number in case of a problem with the renewal. To hear it again press 1. Otherwise press 2

m1500_expect_delivery_initial_a

Ok, you should receive your renewal within 3 to 4 business days. Please verify its accuracy as soon as you receive it. You have 10-calendar days from the date of issuance to make corrections to the permit category. Your renewed permit will be valid through December 31, 2009. <pause>

From here you can say "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_pm

Ok, you should receive your renewal within 1-2 business days. Please verify its accuracy as soon as you receive it. You have 10-calendar days from the date of issuance to make corrections to the permit category. Your renewed permit will be valid through December 31, 2009. <pause>

From here you can say "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_b

(By Fax)

Ok, you should receive your renewal within 2 hours. Your renewed permit will be valid through December 31, 2009. From here your choices are. "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_c

(Said by fax but renewal failed at D1400)

Thank you. Your renewed permit will be valid through December 31, 2009. From here your choices are. "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_noinput1

What would you like to do now. You can say "Renew another Permit" or "Main menu". If you're finished say "goodbye".

m1500_expect_delivery_noinput2

To renew another permit press 1, To return to the main menu press #. To speak with a customer service representative press 0.

m1500_expect_delivery_nomatch1

Sorry, which option did you want? <1.5 second pause> Say "renew another permit" or "main menu". If you're done say "goodbye" or hang up.

m1500_expect_delivery_nomatch2

Let's try once more. To renew another permit press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m1500_disconfirm1

My Mistake. Let's try again. Say "Renew another Permit" or press 1. "Main menu" or press #. . If you're finished say "goodbye".

m1500_expect_delivery_help

From here you can renew another permit or return to the main menu. To renew another permit press 1, To return to the main menu press #. To speak with a customer service representative press 0.

y1550_blue_fin_initial

Is this landing for Bluefin Tuna?

y1550_blue_fin_noinput1

If this landing is for Bluefin tuna say "Yes". Otherwise say "No".

y1550_blue_fin_noinput2

To report a Bluefin Tuna landing press 1. Otherwise press 2.

y1550_blue_fin_nomatch1

Was that Yes or no?

y1550_blue_fin_nomatch2

Let's try once more. If you landed a Bluefin Tuna press 1 otherwise press 2.

y1550_blue_fin_help

You can use this system to report landings for Bluefin tuna only. To report your landing press 1. If you need to report another type of landing press 2.

s1575_landing_other_initial_a

This system allows for the reporting of recreationally-landed Atlantic bluefin tuna only. To report landed billfish or swordfish please call 1-800-894-5528."

s1575_landing_other_initial_b

Should I repeat that?

s1575_landing_other_noinput1

To hear the information and phone number again say "Yes". Otherwise say "No"

s1575_landing_other_noinput2

To hear the information and phone number again Press 1. Otherwise say Press 2.

s1575_landing_other_nomatch1

Was that yes or no?

s1575_landing_other_nomatch2

Let's try once more. To hear the information and phone number again Press 1. Otherwise Press 2.

s1575_landing_other_help

This system allows for the reporting of recreationally-landed Atlantic bluefin tuna only. To report landed billfish or swordfish please call 1-800-894-5528.

a1600_get_permit_landings_initial_a

Ok, please enter your 8-digit permit number followed by the pound sign, or say it one digit at a time.

a1600_get_permit_landings_initial_b

Please enter your 8-digit permit number followed by the pound sign <1.5 second pause> If you don't know the number say "I don't have it".

a1600_get_permit_landings_noinput1

Please enter your 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of your permit. <1 second pause> You can also say "I don't have it".

a1600_get_permit_landings_noinput2

Using your keypad, please enter the 8-digit permit number followed by the pound sign or say "I don't have it".

a1600_get_permit_landings_nomatch1

Please enter or say the number again. <1.5 second pause> You can also say "I don't have it".

a1600_get_permit_landings_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign or say "I don't have it".

a1600_get_permit_landings_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign. You can also say "I don't have it".

a1600_get_permit_landings_suc

Thank you

s1610_get_landings

All right, let's go ahead and get your landings.

s1680_location_notvalid

I still didn't find the permit, but let's go ahead and get your landings.

m1700_landing_location_initial_a

First, in what US State or Territory did the landing occur?

m1700_landing_location_initial_b

Ok, in what US state or Territory was this landing?

m1700_landing_location_noinput1

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_noinput2

Say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_nomatch1

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_nomatch2

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_help

I'll need to enter a location for your landing. For example you could say Maryland or Virgin Islands

me

I think you said Maine

nh

I think you said New Hampshire

ma

I think you said Massachusetts

ri

I think you said Rhode Island

cn

I think you said Connecticut

ny

I think you said New York

nj

I think you said New Jersey

pa

I think you said Pennsylvania

de

I think you said Delaware

md

I think you said Maryland

dc

I think you said Washington DC

va

I think you said Virginia

nc

I think you said North Carolina

sc

I think you said South Carolina

ga

I think you said Georgia

fl

I think you said Florida

ms

I think you said Mississippi

al

I think you said Alabama

la

I think you said Louisiana

tx

I think you said Texas

pr

I think you said Puerto Rico

vi

I think you said US Virgin Islands

y1770_mdnc_initial_a

I'll record your landing but please keep in mind that the following special procedures apply when you report Bluefin tuna landed in North Carolina or Maryland.

y1770_mdnc_initial_b

Vessel operators must fill out a landing card at a reporting station upon landing.

For further information regarding the North Carolina program, please call (800) 338-7804;

For Maryland, call (410) 213-1531.

y1770_mdnc_initial_c

Should I repeat that?

y1770_mdnc_noinput1

To hear the information again say Yes. Otherwise say No.

y1770_mdnc_noinput2

Let's try one more time. To hear that information again Press 1. Otherwise press 2.

y1770_mdnc_nomatch1

Was that Yes or no?

y1770_mdnc_nomatch2

Let's try once more. To hear the information again Press 1. To continue with your landing press 2.

y1770_mdnc_help

Vessel operators must fill out a landing card at a reporting station upon landing.

For further information regarding the North Carolina program, please call (800) 338-7804;

For Maryland, call (410) 213-1531. To hear the information again Press 1. Otherwise press 2.

a1725_get_landing_date_initial

What was the *date* of the landing? <1.5 second pause> You can say 'today', 'yesterday' or give me a date like this: March 15th, 2009.

a1725_get_landing_date_noinput1

What date did you land your Bluefin tuna?

a1725_get_landing_date_noinput2

For today press 1, For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. <1.5 second pause> To speak with a customer service representative press 0.

a1725_get_landing_date_nomatch1

What was the date? <1.5 second pause> For today press 1, For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. To speak with a customer service representative press 0.

a1725_get_landing_date_nomatch2

Let's try again using your keypad. For today press 1. For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. To speak with a customer service representative press 0.

a1725_get_landing_date_help

When did you land your bluefin tuna? If your landing was today press 1. If it was yesterday press 2. You can also enter a date; for example, March 15, 2009 would be 03 15 09. <1.5 second pause> To speak with a customer service representative press 0.

a1775_get_fish_size_initial_a

Now, Please tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on.

a1775_get_fish_size_initial_b

Please tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on.

a1775_get_fish_size_noinput1

Please say the size of the fish with the head on or head off.

a1775_get_fish_size_noinput2

Let's try entering just the inches using your keypad. Enter the number of inches for your fish, rounding to the nearest whole inch. <pause> To speak with a customer service representative press 0.

a1775_get_fish_size_nomatch1

What was the size? <1.5 second pause> Please tell me the size of the fish with the head on or head off.

a1775_get_fish_size_nomatch2

Let's try once more. Please enter the size of your fish in inches. To speak with a customer service representative press 0.

a1775_get_fish_size_help

Tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on. Or just enter the size in inches, rounding to the nearest whole inch. and we'll get the head information later. To speak with a customer service representative press 0.

m1850_head-on_off_initial

Is this measurement "The head on" or "the head off"

m1850_head-on_off_noinput1

If you included the head in your measurement press 1, If not press 2.

m1850_head-on_off_noinput2

I'll need to know if you included the head in your measurement. If you did press 1, Otherwise press 2. To speak with a customer service representative press 0.

m1850_head-on_off_nomatch1

Sorry, what was that? <1.5 second pause> If you included the head in your measurement press 1, otherwise press 2.

m1850_head-on_off_nomatch2

Pardon? <1.5 second pause> If you included the head in your measurement press 1, otherwise press 2. To speak with a customer service representative press 0.

m1850_disconfirm1

My Mistake. Let's try again. If you included the head in your measurement press 1. If not press 2. To speak with a customer service representative press 0.

m1850_head-on_off_help

y1825_confirm_landing_initial_a

To confirm. You'd like to report a landing of <pause>

y1825_confirm_landing_initial_b

Inches, with the

<head on or head off>

y1825_confirm_landing_initial_c

Is that right?

y1825_confirm_landing_noinput1

Press 1 for yes. Press 2 for no.

y1825_confirm_landing_noinput2

If this landing is correct press 1. Otherwise press 2.

y1825_confirm_landing_nomatch1

Was that yes or no?

y1825_confirm_landing_nomatch2

Let's try once more. If this landing is correct press 1. Otherwise press 2.

y1825_confirm_landing_help

If you'd like to report this landing press 1. Otherwise press 2 and we can change it.

s1880_maximum_landings

You've reported the maximum amount of landings I can accept in one call. Please call again if you need to report additional landings and be sure to report them within 24 hours.

m1900_more_landings_initial

To report another landing on the same date say "Continue". To enter landings for another day say "New Date". If your finished say "I'm done"

m1900_more_landings_noinput1

Please say "Continue" to enter more landings for this date. To enter landings for another day say "New Date"

m1900_more_landings_noinput2

To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3. To speak with a customer service representative press 0.

m1900_more_landings_nomatch1

What was that? <1.5 second pause> To continue entering landing for this date press 1. To report landings for another date press 2. If you're done reporting landings press 3

m1900_more_landings_nomatch2

Let's try once more. <1.5 second pause> To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3. To speak with a customer service representative press 0.

m1900_disconfirm1

My mistake. Let's try again. To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3.

m1900_more_landings_help

To report another landing on the same date say "Continue" or press 1. To enter landings for another day say "New Date" or press 2. If your finished, say "I'm done" or press 3. To speak with a customer service representative press 0.

s1950_landing_done_a

Thanks, your landings have been reported.

s1980_invalid_permit

Please note, The permit you provided earlier was invalid. Let me get someone who can assist you with your permit.

s1985_expired_permit

The permit you entered earlier has expired. Let me take you to the permits menu where you can renew it.

10

This permit is not renewable

11

This permit is sanctioned

12

This permit is sanctioned

13

This permit is sanctioned

14

This is a vessel buyback

20

This is permit is not active

21

This permit expired

30

This web generated permit application is in process

31

This web generated permit application is processed but permit has not yet been sent to owner

32

This web generated permit application is processed and permit has been sent to owner.

33

This permit was updated via the web but has not yet been sent to owner.

34

This permit was updated via the web and has been sent to owner.

40

This permit application is in process and was initiated using the phone system.

41

This application was initiated using the phone system. Permit is processed but has not yet been sent to owner.

42

This application was initiated using the phone system. Permit was processed and sent to owner.

43

This permit was updated but not yet sent to owner.

44

This permit was updated using the phone system, but has not yet been sent to user.

50

This permit application is being processed
51
This permit application has been processed but permit not yet sent to owner
52
This permit application has been processed and permit sent to owner
53
This permit has been updated but not yet sent to owner.
54
This permit has been updated and sent to owner.
60
The Permit application is in process
61
This is a customer service initiated application. The permit has been processed but not yet sent to owner.
62
This is a customer service initiated application. The permit is processed and sent to owner
63
This is a customer service initiated permit updated but not yet sent to owner
64
This is a customer service initiated permit that has been updated and sent to owner
70
This is a prior year permit that is ready to be renewed
99
This is not a valid permit number
s2050_permit_not_found
Sorry, I didn't find a permit under that number. Let's try again.
s2050_permit_not_found_b
Sorry, I still didn't find it. Let me get someone who can assist you.
m2075_permit_status_initial_a
Permit number
m2075_permit_status_initial_b
Pause Is registered to
<Ist 5 letters>
m2075_permit_status_initial_c
Here's the status. <pause>
<play ulaw associated with status code>
m2075_permit_status_initial_d
<Pause> You can say "Repeat that" or "Main menu"
m2075_permit_status_noinput1
Please say "Repeat that" or "Main menu" You can also say "operator"
m2075_permit_status_noinput2
To hear the status again press *. To return to the main menu press #. To speak with a customer service representative Press 0.
m2075_permit_status_nomatch1
Pardon? <1.5 second pause> Say "Repeat that" or "Main menu" To speak with a customer service representative say
"Operator"
m2075_permit_status_nomatch2
Let's try once more. To hear the status again press *. To return to the main menu press #. To speak with a customer service
representative Press 0.
m2075_help
To hear the status again press *. To return to the main menu press #. To speak with a customer service representative press 0.
m2125_more_choices_initial
To hear the latest regulation updates say "Current Regulations". For a fax copy of the Tuna ID guide or Permit Application
say "Fax Information". You can also say "Main Menu".
m2125_more_choices_initial_2nd
To hear another regulation update say "Current regulations". For a fax copy of the Tuna ID guide or Permit Application say
"fax information". Otherwise Say "Main Menu".
m2125_more_choices_noinput1
Please say "Current Regulations" "Fax Information" or "Main Menu".
m2125_more_choices_noinput2

To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #. To speak with a customer service representative press 0.

m2125_more_choices_nomatch1

Pardon? <1.5 second pause> Please say "Current Regulations" "Fax Information" or "Main Menu"

m2125_more_choices_nomatch2

Let's try once more. To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #. To speak with a customer service representative press 0.

m2125_disconfirm1

My Mistake. Let's try again. To hear the latest regulation updates say "Current Regulations" or Press 1. To receive a fax copy of a Tuna ID guide or a Permit application say "Fax information" or Press 2. "Main Menu" or press #.

m2125_more_choices_help

To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #.

m2150_fax_choice_initial

Which document would you like. <1.5 second pause> Say "Tuna ID Guide" or "Permit Application"

m2150_fax_choice_noinput1

Please say which document you'd like faxed. "Tuna ID Guide" or "Permit Application". <1 second pause> You can also say "Main Menu"

m2150_fax_choice_noinput2

To have a Tuna ID faxed to you press 1. For a fax copy of the permit application press 2. To return to the Main Menu press #. To speak with a customer service representative press 0.

m2150_fax_choice_nomatch1

Sorry, what was that? <1.5 second pause> Say "Tuna ID Guide" "Permit Application" or "Main Menu"

m2150_fax_choice_nomatch2

Let's try once more. To have a Tuna ID faxed to you press 1. For a permit application press 2. To return to the Main Menu Press #. To speak with a customer service representative press 0.

m2150_disconfirm1

My Mistake. Let's try again. Say "Tuna ID Guide" or press 1. "Permit Application" or press 2. "Main Menu" or Press #. To speak with a customer service representative say "Operator" or press 0

m2150_fax_choice_help

To have a Tuna ID faxed to you press 1. For a fax copy of a permit application press 2. To return to the Main Menu Press #. To speak with a customer service representative press 0.

m2175_regulations_initial

We can provide updates on the following regulations only. Atlantic Commercial. Atlantic Recreational. Atlantic Charter/Headboat. Which one would you like to hear?

m2175_regulations_noinput1

Please say which update you'd like to hear. "Atlantic Commercial" "Atlantic Recreational" or "Atlantic Charter/Headboat". You can also say "Main Menu"

m2175_regulations_noinput2

For Atlantic Commercial press 1. Atlantic Recreational press 2. Atlantic Charter/Headboat press 3. To go back to the main menu Press #. To speak with a customer service representative press 0.

m2175_regulations_nomatch1

Sorry, which update? <1.5 second pause> Say "Atlantic Commercial" "Atlantic Recreational" or "Atlantic Charter/Headboat". You can also say "Main Menu"

m2175_regulations_nomatch2

For Atlantic Commercial press 1, for Atlantic Recreational press 2, for Atlantic Charter/Headboat press 3. Main Menu Press #. To speak with a customer service representative press 0.

m2175_disconfirm

My Mistake, Let's try again. To speak with a customer service representative press 0.

m2175_regulations_help

We can provide updates on the following regulations only. Atlantic Commercial. Atlantic Recreational. Atlantic Charter/Headboat. Which one would you like to hear? <1.5 second pause> For Atlantic Commercial press 1. For Atlantic Recreational press 2. For Atlantic Charter/Headboat press 3. Main Menu Press #. To speak with a customer service representative press 0.

a2200_get_fax_initial_a

You indicated you'd like your renewal faxed. I'll collect the number now.

a2200_get_fax_initial_b

Please say or enter your 10-digit fax number.

a2200_get_fax_initial_c

Sorry, that fax number isn't valid. We can fax to any number except a 900 number. Please enter a new 10 digit fax number now.

a2200_get_fax_noinput1

Please enter or say your 10-digit fax number.
a2200_get_fax_noinput2
Please enter the 10-digit fax number on the keypad now
a2200_get_fax_nomatch1
Sorry, could you repeat the number?
a2200_get_fax_nomatch2
Let's try once more. Please enter your 10-digit fax number.
a2200_get_fax_help
Please note we can't fax to 900 numbers. Please enter your 10 digit fax number now.
s2250_thanks
Thank you. If you don't receive your fax within two hours. Please call back to speak with a customer service representative.
<pause>
r2275_record_name_initial_a
To mail this information I'll need your first and last name. Please say *and* spell your name after the tone.
r2275_record_name_initial_b
r2275_record_name_initial_c
Is that correct?
r2275_record_name_noinput1
Please say *and* spell your first and last name now.
r2275_record_name_noinput2
Sorry, I didn't hear anything. Please speak, then spell, your first and last name.
r2280_record_address_initial_a
Please say your address including city and state. Please spell any difficult names.
r2280_record_address_initial_b
r2280_record_address_initial_c
Is that correct?
r2280_record_address_noinput1
Please say your address including city and state. Please spell any difficult names.
r2280_record_address_noinput2
Sorry, I didn't hear anything. Please say your address including city and state. Please spell any difficult names.
a2290_get_zipcode_initial
For verification please enter your 5-digit zip code.
a2290_get_zipcode_noinput1
Please enter your zip code.
a2290_get_zipcode_noinput2
Enter your 5-digit zip code now.
a2290_get_zipcode_nomatch1
Please enter your zip code.
a2290_get_zipcode_nomatch2
Using your keypad please enter zip code now
a2290_get_zipcode_help
Using your keypad please enter zip code now
s2300_confirmation_tournament
Thank you. You should receive your information within 10 business days <pause>
m2310_get_password_initial_a
Please say or enter your password.
m2310_get_password_noinput1
Please enter or say your password now.
m2310_get_password_noinput2
To enter the system, please say or enter your password
m2310_get_password_nomatch1
Could you provide the password again?
m2310_get_password_nomatch2
Let's try once more. Please enter or say your password now.
m2310_get_password_help
Please enter or say your password now.
m2325_permit_or_vessel_initial
How would you like to search? Say "By Permit number" or "By Vessel number"

m2325_permit_or_vessel_noinput1

Please say how you'd like to search. Say "By Permit number" or "By Vessel number"

m2325_permit_or_vessel_noinput2

Let's try again. To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

m2325_permit_or_vessel_nomatch1

Sorry, which one? <1.5 second pause> Please say "permit number" or "vessel number"

m2325_permit_or_vessel_nomatch2

Let's try once more. To enter a permit number press 1, To enter a vessel number press 2. To speak with a customer service representative press 0.

m2325_disconfirm

My Mistake. Let's try again. To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

m2325_permit_or_vessel_help

To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

a2350_get_permit_number_initial

Ok, please enter your 8-digit permit number followed by the pound sign. or say it one digit at a time.

a2350_get_permit_number_noinput1

Using your keypad, please *enter* the 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of the permit.

a2350_get_permit_number_noinput2

Using your keypad please enter the 8-digit permit number followed by the pound sign.

a2350_get_permit_number_nomatch1

Using your keypad, please enter the number followed by the pound sign.

a2350_get_permit_number_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign.

a2350_get_permit_number_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign.

s2460_vessel_or_inst

Ok, Please enter your vessel number. For special instructions on using your keypad press *

s2460_vessel_or_inst_2nd

Ok, Please begin entering the vessel number.

a2375_get_vessel_number_pre_initial

silence

a2375_get_vessel_number_noinput1

For instructions on entering a vessel ID using your keypad press *. Otherwise please enter the vessel number you'd like to search for.

<character>

<Play Character>

s2390_next_char

Enter the next character or press # if you're finished.

(beep)

m2425_alphanum_initial

Sure, here's how you enter a vessel number. Using your keypad you'll press the key where the Letter appears. Each time you press the key I will speak *either* a number or a letter that appears on that key. Continue pressing the key until you hear the character you want, then press # to select that character. For example, to enter the letter B you would press the 2 key until the letter B is spoken to you. You would then press the pound key to select it. You can then start on your next character. Should I repeat the instructions?

m2425_alphanum_noinput1

To hear those instructions again press 1. Otherwise press 2.

m2425_alphanum_noinput2

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

m2425_alphanum_nomatch1

Was that yes or no?

m2425_alphanum_nomatch2

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

m2425_alphanum_help

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

s2450_pleasehold

Please hold while I look that up.
m2500_play_status_initial_ap1
Permit number
m2500_play_status_initial_av1
Vessel number
m2500_invalid_vessel
was invalid
m2500_play_status_initial_a
Is registered to <pause>
m2500_play_status_initial_bv
The vessel number is <pause>
m2500_play_status_initial_bp
The permit number is <pause>
m2500_play_status_initial_c
Here's the status <pause>
m2500_play_status_initial_d
You can say "Repeat that" or "Main menu"
m2500_play_status_noinput1
Please say "Repeat that". To do another search say "Main Menu"
m2500_play_status_noinput2
To hear the status again press *. To return to the main menu press #. To speak with a customer service representative Press 0.
m2500_play_status_nomatch1
Pardon? <1.5 second pause> Say "Repeat that" or "Main menu" To speak with a customer service representative say
"Operator"
m2500_play_status_nomatch2
Let's try once more. To hear the status again press *. To do another search press #. To speak with a customer service
representative Press 0.
m2500_help
To hear the status again press *. To return to the main menu press #. To speak with a customer service representative press 0.
s3000_goodbye
Thanks for calling National Marine Fisheries. Remember you can also visit us on our web site at www.hmspermits.gov. That
web site again is www.hmspermits.gov
Goodbye
s3025_failure
Sorry, for the difficulty. Let me get someone to assist you.
s3050_business_hours
Please hold while I transfer your call.
s3075_after_hours_a
Sorry, Our offices are currently closed. Our business hours are from Monday through Friday, 8am to 5pm eastern standard
time.
s3075_after_hours_b
Sorry, Our office is closed in observance of the holiday. Our business hours are from Monday through Friday, 8am to 5pm
eastern standard time.
m3080_last_chance_initial_ap1
You can also visit us on the web at www.hmspermits.gov. That web site again is www.hmspermits.gov. If you'd like to
continue using the automated system say "Main Menu". Otherwise Please call back during normal business hours.
m3080_last_chance_noinput1
Our web site again is www.hmspermits.gov. To use the automated system say "Main Menu". Otherwise please call back
during normal business hours.
m3080_last_chance_noinput2
To use the automated system press #. Otherwise please call back during normal business hours.
m3080_last_chance_nomatch1
To continue using the automated system say "Main Menu" You can also visit us on the web at www.hmspermits.gov.
m3080_last_chance_nomatch2
To use the automated system press #. Otherwise please call back during normal business hours.
m3080_last_chance_help
You can also visit us the web at www.hmspermits.gov. That web site again is www.hmspermits.gov. If you'd like to
continue using the automated system press #. Otherwise please call back during normal business hours.

NMFS IVR Call Script 7_2009

GenCat1,NOTE. 2009 vessel permits are now available. Please visit w.w.w. dot h m s permits dot g.o.v. to apply... The h.m.s. permitting and landings reporting data collection programs comply with the paperwork reduction act and are authorized by the office of management and budget. . The office of management and budget control numbers and expiration dates for these data collections may be obtained by contacting the H.M.S. management division at 3.0.1..7.1.3..2.3.4.7..or by calling customer service at 8.8.8..8.7.2..8.8.6.2,

GenCat2,.. The coastwide General category Atlantic bluefin tuna fishery is currently open.,

GenCat3,..the daily retention limit for vessels fishing under the General category is three blue fin tuna per day slash trip. these fish must measure 73 inches or greater curved fork length,

GenCat4,.. These bluefin tuna retention limits are effective for all areas. except the gulf of mexico. The gulf of mexico is designated as a spawning ground for bluefin tuna. .Therefore vessels are not allowed to target these fish in this area,

GenCat5,.. The final 2009 blue fin tuna quota specification and effort controls are now available. please visit w.w.w. dot h m s permits dot g.o.v. to obtain a copy.,

AngCat1,.. NOTE. 2009 vessel permits are now available. Please visit w.w.w. dot h.m. s. permits dot g. o. v. to apply... The h.m.s. permitting and landings reporting data collection programs comply with the paperwork reduction act and are authorized by the office of management and budget. . The office of management and budget control numbers and expiration dates for these data collections may be obtained by contacting the H.M.S. management division at 3.0.1..7.1.3..2.3.4.7..or by calling customer service at 8.8.8..8.7.2..8.8.6.2The coastwide recreational Atlantic bluefin tuna fishery is currently open. . ,

AngCat2,..The daily bluefin tuna retention limit is one bluefin tuna. measuring between 27 to less than 47 inches curved fork length. plus one bluefin tuna. measuring between 47 to less than 73 inches curved fork length. . In addition to the daily retention limit. vessels are allowed 1 trophy bluefin tuna. measuring 73 inches or greater per vessel per year. These bluefin tuna retention limits are effective for all areas. except the gulf of mexico. The gulf of mexico is designated as a spawning ground for bluefin tuna. .Therefore vessels are not allowed to target these fish in this area Vessels may catch and release. or tag. and release bluefin tuna of all size classes. The gulf of mexico is designated as a spawning ground for bluefin tuna. .Therefore vessels are not allowed to target these fish in this area Vessels may catch and release. or tag. and release bluefin tuna of all size classes.,

AngCat3,.. The recreational yellowfin tuna daily retention limit is 3 yellowfin per person. The minimum size for yellowfin and bigeye tuna is 27 inches curved fork length. There are no recreational limits for bigeye. skipjack. or albacore tunas. . ,

AngCat4,.. The current recreational daily swordfish retention limit is one fish per person. with a maximum of 4 fish per vessel. The minimum size for a recreational swordfish is 47 inches lower jaw fork length. You may not keep long bill spear fish. There are no retention limits for Atlantic sailfish. blue marlin. and white marlin. but NOAH Fisheries encourages recreational anglers to release all bill fish alive. . to obtain a tagging kit or report a tag recovery. . contact the cooperative tagging program at 1. 800. 4. 7. 3. 3. 9. 3. 6. ,

AngCat5,..The final 2009 blue fin tuna quota specification and effort controls are now available. please visit [www dot h m s permits dot g o v.](http://www.hmspermits.gov) to obtain a copy. . ,

ChartCat1,.. 2009 vessel permits are now available. Please visit [w.w.w dot h. m. s. permits dot g. o. v.](http://www.hmspermits.gov) to apply. The h.m.s. permitting and landings reporting data collection programs comply with the paperwork reduction act and are authorized by the office of management and budget. . The office of management and budget control numbers and expiration dates for these data collections may be obtained by contacting the H.M.S. management division at 3.0.1..7.1.3..2.3.4.7..or by calling customer service at 8.8.8..8.7.2..8.8.6.2 ,

ChartCat2,.. Anglers aboard vessels permitted in the H. M. S. Charter Headboat category may fish under either. the Angling or General category retention limits. . The size class of the first bluefin tuna retained will determine the fishing category of all persons aboard the vessel for a given day. .The coastwide General category Atlantic bluefin tuna fishery is currently open. The final 2009 blue fin tuna quota specification and effort controls are now available. please visit [www dot h m s permits dot g o v.](http://www.hmspermits.gov) to obtain a copy.,

ChartCat3,..The daily bluefin tuna retention limit is one bluefin tuna. measuring between 27 to less than 47 inches curved fork length. plus one bluefin tuna. measuring between 47 to less than 73 inches curved fork length. . In addition to the daily retention limit. vessels are allowed 1 trophy bluefin tuna. measuring 73 inches or greater per vessel per year. . . These bluefin tuna retention limits are effective for all areas. except the gulf of mexico. The gulf of mexico is designated as a spawning ground for bluefin tuna. therefore vessels are not allowed to target these fish in this area.. ,

ChartCat4,.. The recreational yellowfin tuna daily retention limit is 3 yellowfin per person. The minimum size for yellowfin and bigeye tuna is 27 inches curved fork length. There are no recreational limits for bigeye. skipjack. or albacore tunas. . ,

ChartCat5,..The current recreational daily swordfish retention limit is one fish per person. with a maximum of 6 fish per charter vessel .

and a maximum of 15 fish per head boat vessels . The minimum size for a recreational swordfish is 47 inches lower jaw fork length. You may not keep long bill spear fish. There are no retention limits for Atlantic sailfish. blue marlin. and white marlin. but NOAH Fisheries encourages recreational anglers to release all bill fish alive. . to obtain a tagging kit or report a tag recovery. . contact the cooperative tagging program at 1. 800. 4. 7. 3. 3. 9. 3. 6.,

m0100_mainmenu_b

Welcome to the National Marine Fisheries Voice activated System where you can speak your choices. Here's what I can help you with. You can say "Fishing Permits", "Report Landings" or "Tournament Information". You can also say "More choices".

m0100_mainmenu_a

We're back at the main menu. You can say "Fishing Permits", "Report Landings", "Tournament Information" or "More choices".

m0100_mainmenu_noinput1

Please say "Fishing Permits", "Report Landings", "Tournament Information" or "More choices". <1.5 second pause> To speak with a customer service representative say "operator"

m0100_mainmenu_noinput2

Let's try once more using your keypad. To renew, change or check the status of a fishing permit press 1. To Report a landing press 2. For Tournament Information press 3. To hear more choices press 4. To speak with a customer service representative press 0

m0100_mainmenu_nomatch1

Sorry, which one? <1.5 second pause> "Fishing Permits", "Report Landings", "Tournament Information" or "More choices". <1.5 second pause> To speak with a customer service representative say "operator"

m0100_mainmenu_nomatch2

Let's try once more. To renew, change or check the status of a fishing permit press 1. To Report a landing press 2. For tournament information press 3. To hear more choices press 4. To speak with a customer service representative press 0

m0100_disconfirm1

My Mistake, Let's try again. Say "Fishing Permits" or press 1, "Report Landings" or press 2, "Tournament Information" or press 3, "More Choices" or press 4. To speak with a customer service representative press 0

m0100_mainmenu_help

To renew, change or check the status of a fishing permit press 1. To Report a Landing press 2. For Tournament Information press 3. For regulation updates, Tuna ID guides or permit applications press 4. To speak with a customer service representative press 0

m0150_tournament_info

From here you can listen to tournament rules or you can have a tournament package mailed to you. Now say "Tournament Rules" or "Tournament package"

m0150_tournament_info_noinput1

Say "Tournament Rules" or "Tournament package". You can also say "Main Menu"

m0150_tournament_info_noinput2

To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0150_tournament_info_nomatch1

Sorry, which one? <1.5 second pause> Say "Tournament Rules" "Tournament package" or "Main Menu".

m0150_tournament_info_nomatch2

Lets try once more. To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0150_disconfirm1

My Mistake. Let's try again. Say "Tournament Rules" or press 1. "Tournament package" or press 2. "Main Menu" or press 3. "Operator" or press 0.

m0150_tournament_info_help

I can either play tournament rules over the phone for you or help you get a tournament package. To hear tournament rules press 1. To have a tournament package mailed to you press 2. To return to the main menu press 3. To speak with a customer service representative press 0.

m0200_tournament_rules_a

Registration is required for any fishing tournament involving the catch and or landing of Atlantic highly migratory species, including Atlantic tunas, shark, sword fish or billfish. Regulations require that a tournament operator notify National Marine Fisheries of the purpose, date and location of the tournament if it is conducted from a port in an Atlantic coastal state. This includes Puerto Rico and the US Virgin Islands. The tournament must be reported at least 4 weeks prior to commencement of the event. National Marine Fisheries will notify the tournament operator, in writing, when his or her tournament has been selected for reporting. The tournament operator must maintain and submit to National Marine Fisheries a record of catch and effort using forms provided by National Marine Fisheries. Tournament operators must submit completed forms within 7 days of the conclusion of the tournament and much attach a copy of the tournament rules.

m0200_tournament_rules_b

To hear that again say "Repeat that". If you'd like to receive a tournament registration package say "Tournament package"

m0200_tournament_rules_noinput1

To hear tournament rules again say "Repeat that". Otherwise say "Tournament Package". You can also say "Main Menu".

m0200_tournament_rules_noinput2

To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_tournament_rules_nomatch1

Sorry, what was that? <1.5 second pause> Say "Repeat That" "Tournament package" or "Main Menu". You can also say "Operator"

m0200_tournament_rules_nomatch2

Let's try once more. To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_disconfirm1

My mistake. Let's try again. To repeat the tournament rules press *. To have a tournament packaged mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0200_tournament_rules_help

To repeat the tournament rules press *. To have a tournament package mailed to you press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0250_permits_menu

From here you can say. "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". Please note: Not all permits are transferable between vessels. <2.0 second pause> To update your address or phone number, or to change vessel ownership say "operator".

m0250_permits_menu_2nd

Were back at the Permits Menu. You can say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". <2.0 second pause> To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator".

m0250_permits_menu_noinput1

Please say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator"

m0250_permits_menu_noinput2

Let's try once more. For new permits press 1. To renew an existing permit press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To update your address, phone number or to change vessel ownership press 0. To return to the main menu press #

m0250_permits_menu_nomatch1

Sorry, what was that? <pause> Say "New Permits" "Permit Renewals", or "Check permit status". To apply by mail say "Permit Package". You can also say "Operator"

m0250_permits_menu_nomatch2

Let's try once more. For new permits press 1, To renew an existing permit press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To update your address, phone number or to change vessel ownership press 0 to speak with an operator.

m0250_disconfirm1

My Mistake. Let's try again. Say "New Permits" or press 1. "Permit Renewals" or press 2. "Check permit status" or press 3. To apply by mail say "Permit Package" or press 4. To update your address or phone number, change vessel ownership or to speak with a customer service representative say "operator" or press 0. For the main menu press #.

m0250_permits_menu_help

For new permits press 1, To Permit Renewals press 2. To check the status of a permit press 3. To have a Permit Package mailed to you press 4. To get a copy of a permit, update your address, phone number or to change vessel ownership press 0 to speak with an operator. To return to the Main menu press #.

m0300_renewal

You can use this system to renew the following 3 types of permits only. Atlantic Tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat . To renew one of these permits say "Continue". Otherwise say "Other Permits"

m0300_renewal_noinput1

If you're calling to renew an Atlantic tuna, an Atlantic HMS, or an Atlantic HMS Charter/Headboat permit, say "Continue". If not, say "Other Permits".

m0300_renewal_noinput2

Here are the permits you can renew using this system. The Atlantic tuna. The Atlantic HMS Angling, or the Atlantic HMS Charter/Headboat . If you're calling to renew one of these permits press 1. For information on how to renew other types of permits press 2.

m0300_renewal_nomatch1

Pardon? <1.5 second pause> To renew an Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat say "Continue". Otherwise say "Other Permits"

m0300_renewal_nomatch2

Let's try once more. To renew a Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat permit press 1. For other permits press 2.

m0300_disconfirm1

My Mistake. Let's try again. If your calling to renew an Atlantic tuna, an Atlantic HMS Angling, or an Atlantic HMS Charter/Headboat permit say "Continue" or press 1. If not press 2.

m0300_renewal_help

Currently we can renew Atlantic tuna, Atlantic HMS Angling, or Atlantic HMS Charter/Headboat permits. To renew one of these permits say "Continue". Otherwise say "Other Permits"

m0325_other_permits

In the next few years, National Marine Fisheries plans to make other permits renewable through this system. Until then please contact one of the following permitting offices. You'll have a chance to hear this information again. To contact the Northeast permitting office please call 978-281-9438. For the Southeast permitting office please call 727-824-5326.

m0325_other_permits_noinput1

You can say "Repeat that" or "Main Menu"

m0325_other_permits_noinput2

To hear the numbers again press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0325_other_permits_nomatch1

Sorry, what was that? <1.5 second> Say "Repeat that" or "Main Menu".

m0325_other_permits_nomatch2

Let's try once more. To hear the phone numbers again press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m0325_other_permits_help

To contact the Northeast permitting office please call 978-281-9438.

For the Southeast permitting office please call 727-824-5326.

y0350_owner_initial

Are you the owner/operator of this vessel OR fully authorized by the owner/operator to renew this permit?

y0350_owner_noinput1

Please say yes if you are the owner/operator of this vessel OR fully authorized by the owner/operator to renew this permit. If not, say "No".

y0350_owner_noinput2

If you are the owner/operator of this vessel OR if you are fully authorized by the owner/operator to renew this permit press 1. Otherwise press 2.

y0350_owner_nomatch1

Was that yes or no?

y0350_owner_nomatch2

If you are the owner/operator of this vessel OR if you are fully authorized by the owner/operator to renew this permit Press 1. Otherwise press 2.

y0350_owner_help

Please say Yes if you are the owner/operator of this vessel OR if are fully authorized by the owner/operator to renew this permit. If not say "No"

a0400_get_permit_renewal_initial

Ok, please enter your 8-digit permit number followed by the pound sign, or say it one digit at a time.

a0400_get_permit_renewal_2

Please enter your 8-digit permit number followed by the pound sign <1.5 second pause> If you don't know the number say "I don't have it".

a0400_get_permit_renewal_noinput1

Please enter your 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of your permit. <1 second pause> You can also say "I don't have it".

a0400_get_permit_renewal_noinput2

To renew your permit, please enter the 8-digit permit number followed by the pound sign or say "I don't have it".

a0400_get_permit_renewal_nomatch1

Please enter or say the number again. <1.5 second pause> You can also say "I don't have it".

a0400_get_permit_renewal_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign or say "I don't have it".

a0400_get_permit_renewal_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign. You can also say "I don't have it".

s0450_pls_hold

Hold one moment.

s0525_not_found

I didn't find that permit number, let's try again.

s0625_not_renewable

Sorry, your permit is not renewable. One moment.

m0650_read_permit_initial_2nd

Once again

m0650_read_permit_initial_a

This permit is <Pause>

m0650_read_permit_initial_b

With a gear type of <pause>

m0650_read_permit_initial_c

<Pause> To hear that again say "Repeat that" <pause>

m0650_read_permit_initial_d

To renew this permit without making any changes say "Renew it now". <1.5 second pause> Otherwise to make a change you can say "Change the Category" or "Change the Gear type" <1.5 second pause> To enter a different permit number say "start over".

m0650_read_permit_noinput1

To renew now without making changes press 1. To change the category of this permit press 2. To change just the gear type press 3. To enter a different permit number press 4. To hear this permit type again press *.

m0650_read_permit_noinput2

To renew this permit without changing it Press 1. To change the category press 2. To Change the Gear type Press 3. <1.5 second pause> To enter a new permit number press 4. To speak with a customer service representative press 0.

m0650_read_permit_nomatch1

Sorry, What was that? <1.5 second pause> You can say "Renew it now". "Change the Category" or "Change the Gear type" <1.5 second pause> You can also say "Repeat that" or "Start Over".

m0650_read_permit_nomatch2

Let's try once more. If you're ready to renew this permit press 1, To change the category press 2. To change just the gear type press 3. To speak with a customer service representative press 0.

m0650_disconfirm1

My mistake, Let's try once more. Say "renew it now" or press 1. "Change the category" or press 2. "Change the gear type" or press 3. "Repeat that" or press *.

m0650_read_permit_help

If you're ready to renew this permit without making any changes press 1, To change the category press 2. To change just the gear type press 3. To speak with a customer service representative press 0.

s0680_no_changes_a

Sorry, you can't make changes to a Long Line or Purse Seine Permit.

s0680_no_changes_b

Sorry, the only gear type for a Harpoon Permit is Harpoon.

m0700_category_initial

Here are the 5 Atlantic permit Categories. When you hear the one you want just say it. "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap".

m0700_category_noinput1

Please say "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap".

m0700_category_noinput2

Here are the categories once more. To select Tunas General press 1. For HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0700_category_nomatch1

Sorry what category? <1.5 second pause> Say "Tunas General", "HMS Angling", "HMS Charter Headboat", "Tunas Harpoon" or "Tunas Trap"

m0700_category_nomatch2

Let's try once more. To select Tunas General press 1. HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0700_disconfirm1

My Mistake. Let's try again. Say "Tunas General" or press 1. "HMS Angling" or press 2. "HMS Charter Headboat" or press 3. "Tunas Harpoon" or press 4. "Tunas Trap" or press 5. To speak with a customer service representative press 0

m0700_category_help

Here are the categories to choose from. To change your category to Tunas General press 1. For HMS Angling press 2. HMS Charter Headboat press 3. Tunas Harpoon press 4. Tunas Trap press 5. <pause> To speak with a customer service representative press 0

m0800_charter_initial

Please note: To qualify for this permit, you must be a licensed captain or have one aboard on every HMS trip. If persons aboard a vessel with a Charter/Headboat permit are fishing for, or are in possession of, Atlantic tunas, sharks, swordfish, or billfish, the operator of the vessel must carry either a valid Merchant Marine License or an Uninspected Passenger License issued by the U.S. Coast Guard. This license must be carried on their person.

To hear that again say "Repeat that". If you'd still like a charter headboat permit say "Continue". Otherwise say "Choose a new category".

m0800_charter_noinput1

If you'd still like a charter headboat permit say "Continue". If not, say "Choose a new category". To hear the charter headboat rules again say "Repeat that".

m0800_charter_noinput2

To select the charter headboat category press 1. To choose a different category press 2. To hear the rules again press *. To speak with a customer service representative press 0.

m0800_charter_nomatch1

Pardon? <1.5 second pause> Say "Continue" or "Choose a new category". To hear the information again say "Repeat that"

m0800_charter_nomatch2

Let's try once more. If you'd still like to select this category press 1. To choose a different category press 2. To hear the charter headboat rules again press *. To speak with a customer service representative press 0.

m0800_disconfirm1

My Mistake. Let's try again. If you'd still like a charter headboat permit say "Continue" or press 1. If not, say "Choose a new category" or press 2. To hear the charter headboat rules again say "Repeat that" or press *. To speak with a customer service representative press 0.

m0800_charter_help

Please note: To qualify for this permit, you must be a licensed captain or have one aboard on every HMS trip. If persons aboard a vessel with Charter/Headboat permit are fishing for, or are in possession of, Atlantic tunas, sharks, swordfish, or billfish, the operator of the vessel must carry either a valid Merchant Marine License or an Uninspected Passenger License issued by the U.S. Coast Guard. This license must be carried on their person.

m0900_general_tuna_gear_initial

Ok, Tunas General. Now, please select a gear type. You can say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_noinput1

Please say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_noinput2

Here are the gear types again. For Rod and Reel press 1. For Handline press 2. For Harpoon press 3. For Bandit Gear press 4. To speak with a customer service representative press 0.

m0900_general_tuna_gear_nomatch1

Could you repeat the gear type? <1.5 pause> Say "Rod and Reel" "Handline" "Harpoon" or "Bandit Gear"

m0900_general_tuna_gear_nomatch2

Let's try once more. For Rod and Reel press 1. For Handline press 2. For Harpoon press 3, for Bandit Gear press 4. To speak with a customer service representative press 0.

m0900_general_tuna_gear_help

You'll need to select a gear type for this permit. To select Rod and Reel press 1. For Handline press 2. For Harpoon press 3. For Bandit Gear press 4. To speak with a customer service representative press 0.

m0925_charter_gear_initial

Ok, please select a gear type. Say, "Rod and Reel", "Handline" or "Bandit Gear".

m0925_charter_gear_noinput1

Please say "Rod and Reel" "Handline" or "Bandit Gear"

m0925_charter_gear_noinput2

Here are the gear types again. For Rod and Reel press 1. For Handline press 2. For Bandit Gear press 3. To speak with a customer service representative press 0.

m0925_charter_gear_nomatch1

Could you repeat the gear type? <1.5 pause> Say "Rod and Reel" "Handline" or "Bandit Gear"

m0925_charter_gear_nomatch2

Let's try once more. For Rod and Reel press 1, for Handline press 2, for Bandit Gear press 3. To speak with a customer service representative press 0.

m0925_charter_gear_help

You'll need to select a gear type for this permit. To select Rod and Reel press 1. For Handline press 2. For Bandit Gear press 3. To speak with a customer service representative press 0.

m0950_angling_gear_initial

Ok, HMS Angling. Now, please select a gear type. Say, "Rod and Reel" or "Handline".

m0950_angling_gear_noinput1

Please say "Rod and Reel" or "Handline".

m0950_angling_gear_noinput2

Here are the gear types again For "Rod and Reel" press 1, for "Handline" press 2. To speak with a customer service representative press 0.

m0950_angling_gear_nomatch1

Could you repeat the gear type? <1.5 second pause> Say "Rod and Reel" or "Handline".

m0950_angling_gear_nomatch2

Let's try once more. For "Rod and Reel" press 1, for "Handline" press 2. To speak with a customer service representative press 0.

m0950_angling_gear_help

You'll need to select a gear type for this permit. For "Rod and Reel" press 1, for "Handline" press 2. To speak with a customer service representative press 0.

rod_and_reel

rod and reel

handline

handline

m0955_tuna_trap_gear_initial

Ok, Tuna Trap. Now, please select a gear type. Say, "Pound Net" or "Fish Weir".

m0955_tuna_trap_gear_noinput1

Please say, "Pound Net" or "Fish Weir".

m0955_tuna_trap_gear_noinput2

Here are the gear types again For "Pound Net" press 1, for "Fish Weir" press 2. To speak with a customer service representative press 0.

m0955_tuna_trap_gear_nomatch1

Could you repeat the gear type? <1.5 second pause> Say, "Pound Net" or "Fish Weir".

m0955_tuna_trap_gear_nomatch2

Let's try once more. For "Pound Net" press 1, for "Fish Weir" press 2. To speak with a customer service representative press 0.

m0955_tuna_trap_gear_help

You'll need to select a gear type for this permit. For "Pound Net" press 1, for "Fish Weir" press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_initial_a

To confirm: you'd like to renew this

y1000_confirm_renewal_initial_b

... permit with a gear type of <pause>

y1000_confirm_renewal_initial_c

Is that right?

y1000_confirm_renewal_noinput1

Please say "Yes" to renew. Otherwise say "No" and we'll start again.

y1000_confirm_renewal_noinput2

To renew this permit say press 1. Otherwise press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_nomatch1

Was that Yes or No? <1.5 second pause> Please say "Yes" to renew. Otherwise say "No" and we'll start again.

y1000_confirm_renewal_nomatch2

To renew this permit say press 1. Otherwise to select a new category or gear type say press 2. To speak with a customer service representative press 0.

y1000_confirm_renewal_help

To renew this permit say press 1. Otherwise to select a new category or gear type say press 2. To speak with a customer service representative press 0.

m1025_delivery_initial

Ok, how should I send your new permit. You can say "By mail". "By fax" or for an extra ~~\$4.05~~ \$4.80 (4 dollars and 80 cents) say "Priority mail".

m1025_delivery_noinput1

Say "By Mail" "By Fax" or "Priority Mail"

m1025_delivery_noinput2

I can send your renewal by mail or by fax. To receive your permit by regular mail press 1. To receive a fax press 2 For priority mail at an additional cost of ~~three~~ four dollars and ~~90~~ 80 cents press 3. To speak with a customer service representative press 0.

m1025_delivery_nomatch1

Could you repeat your choice? <1.5 second pause> Say "By Mail" "By Fax" or "Priority Mail"

m1025_delivery_nomatch2

Let's try once more. For regular mail press 1. To receive a fax press 2. For priority mail press 3. To speak with a customer service representative press 0.

m1025_delivery_help

I can deliver your renewal by mail or by fax. I can use the address on your current permit or you can provide a new one. For regular mail press 1. To receive a fax press 2 For priority mail press 3. To speak with a customer service representative press 0.

y1150_address_file_initial

Should I mail it to the address on your permit?

y1150_address_file_noinput1

To have this mailed to the address on your permit say "Yes". Otherwise to provide a different address say "No".

y1150_address_file_noinput2

Press 1 for yes or press 2 for no.

y1150_address_file_nomatch1

Was that Yes or No? <1.5 second pause> To have this mailed to the address on your permit say "Yes". Otherwise to provide a different address say "No".

y1150_address_file_nomatch2

Let's try once more. Press 1 for yes or press 2 for no.

y1150_address_file_help

If you'd like to provide an address other than the one on your permit say "no" and I'll have a customer service representative collect your new address.

y1225_use_card_initial

Should I use the same credit card you used for the last renewal?

y1225_use_card_noinput1

To use the card you provided earlier say Yes, Otherwise say No and I'll get your new card number.

y1225_use_card_noinput2

Press 1 for yes, press 2 for no. To speak with a customer service representative press 0

y1225_use_card_nomatch1

Was that Yes or no? <1.5 second pause> To use the same card you provided earlier say Yes, Otherwise say NO and I'll get your new card number.

y1225_use_card_nomatch2

Let's try once more. To use the same card you provided earlier press 1. To use a different card press 2. To speak with a customer service representative press 0

y1225_use_card_help

To use the same card you provided earlier press 1. To use a different card press 2. To speak with a customer service representative press 0

a1250_get_credit_card_initial_a

Ok, The renewal charge is ~~\$28.00~~ \$16.00. <pause> Now, I'll need your credit card information.

a1250_get_credit_card_initial_2

Please enter the credit card number followed by the pound sign. or say it one digit at a time.

a1250_get_credit_card_2

Sorry, that's not a valid card number. Please enter your credit card number followed by the pound sign or say it one digit at a time.

a1250_get_credit_card_noinput1

If you need extra time to find your card say "Wait" or press the Star key. Otherwise, please enter your credit card number followed by the pound sign or say it one digit at a time.

a1250_get_credit_card_noinput2

Please enter your credit card number followed by the pound sign.

a1250_get_credit_card_nomatch1

Please enter your credit card number again, followed by the pound sign. or say it one digit at a time.

a1250_get_credit_card_nomatch2

Let's try once more using your keypad. Please enter the credit card number followed by pound sign.

a1250_get_credit_card_help

If you need extra time to find your card say "wait". I wait 10 seconds before I ask for the number again.

m1255_wait

Ok, When you're ready press 1. <10 seconds of silence>

a1275_get_expiration_initial

What's the expiration date?

a1275_get_expiration_noinput1

Please say the expiration date, for example you could say June 2009 2011.

a1275_get_expiration_noinput2

Please enter the expiration date using your keypad. For example June 2009 2011 would be entered as 0-6-0-9 0 6 1 1.

a1275_get_expiration_nomatch1

What's the expiration date? (upward inflection)

a1275_get_expiration_nomatch2

Let's try once more. Please enter the expiration date using your keypad. For example June 2009 2011 would be entered as 0-6-0-9 0 6 1 1.

a1275_get_expiration_help

Please say the expiration date, for example you could say June 2009 2011 or enter it on your keypad. For example June 2009 2011 would be entered as 0-6-0-9 0 6 1 1.

a1275_get_expiration_success

Thanks, one moment while I process your order.

s1350_card_process_error

Sorry we're experiencing technical difficulties and can't process your credit card at the moment. Let me get someone to assist you.

m1375_not_approved_initial

I'm sorry, but I wasn't able to process that card. Please contact the issuing bank for more information. You can say "Try another card" or to speak with a customer service representative say "Operator" <1.5 second pause> You can also say "Main Menu"

m1375_not_approved_noinput1

Please say "Try another card", "Operator" or "Main Menu".

m1375_not_approved_noinput2

To enter a different credit card press 1, To speak with a customer service representative press 0. To return to the Main Menu press #.

m1375_not_approved_nomatch1

Sorry, what was that? <1.5 second pause> You can say "Try another card", "Operator" or "Main Menu"

m1375_not_approved_nomatch2

Let's try once more. To try a different credit card press 1, To speak with a customer service representative press 0. To return to the Main Menu press #.

m1375_disconfirmation_1

My mistake. Let's try again. <1.5 second pause> Say "Try another card" or press 1. "Operator or press 0. "Main Menu or press #.

m1375_not_approved_help

y1425_charge_successful_initial_a

A permit renewal fee of ~~\$28~~ \$16.

If Mail flag = P

y1425_charge_successful_initial_a2

With an additional fee of ~~\$4.05~~ \$4.80 (4 dollars and 80 cents) for priority mail

y1425_charge_successful_initial_b

...was applied to your credit card.

y1425_charge_successful_initial_c

The confirmation number is <pause>

y1425_charge_successful_initial_d

Should I repeat that?

y1425_charge_successful_noinput1

To hear that information again say "Yes" Otherwise say "Continue"

y1425_charge_successful_noinput2

Press 1 to hear that information again. Otherwise press 2.

y1425_charge_successful_nomatch1

Was that Yes or No?

y1425_charge_successful_nomatch2

To hear that information again press 1. Otherwise press 2

y1425_charge_successful_help

You'll need the confirmation number in case of a problem with the renewal. To hear it again press 1. Otherwise press 2

m1500_expect_delivery_initial_a

Ok, you should receive your renewal within 3 to 4 business days. Please verify its accuracy as soon as you receive it. You have 10-calendar days from the date of issuance to make corrections to the permit category. Your renewed permit will be valid through December 31, ~~2008~~ 2009. <pause>

From here you can say "Renew another permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_pm

Ok, you should receive your renewal within 1-2 business days. Please verify its accuracy as soon as you receive it. You have 10-calendar days from the date of issuance to make corrections to the permit category. Your renewed permit will be valid through December 31, ~~2008~~ 2009. <pause>

From here you can say "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_b

(By Fax)

Ok, you should receive your renewal within 2 hours. Your renewed permit will be valid through December 31, ~~2008~~ 2009. From here your choices are. "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_initial_c

(Said by fax but renewal failed at D1400)

Thank you. Your renewed permit will be valid through December 31, ~~2008~~ 2009. From here your choices are. "Renew *another* permit" or "Main Menu". If you're finished say "goodbye" or hang up.

m1500_expect_delivery_noinput1

What would you like to do now. You can say "Renew another Permit" or "Main menu". If you're finished say "goodbye".

m1500_expect_delivery_noinput2

To renew another permit press 1, To return to the main menu press #. To speak with a customer service representative press 0.

m1500_expect_delivery_nomatch1

Sorry, which option did you want? <1.5 second pause> Say "renew another permit" or "main menu". If you're done say "goodbye" or hang up.

m1500_expect_delivery_nomatch2

Let's try once more. To renew another permit press 1. To return to the main menu press #. To speak with a customer service representative press 0.

m1500_disconfirm1

My Mistake. Let's try again. Say "Renew another Permit" or press 1. "Main menu" or press #. . If you're finished say "goodbye".

m1500_expect_delivery_help

From here you can renew another permit or return to the main menu. To renew another permit press 1, To return to the main menu press #. To speak with a customer service representative press 0.

y1550_blue_fin_initial

Is this landing for Bluefin Tuna?

y1550_blue_fin_noinput1

If this landing is for Bluefin tuna say "Yes". Otherwise say "No".

y1550_blue_fin_noinput2

To report a Bluefin Tuna landing press 1. Otherwise press 2.

y1550_blue_fin_nomatch1

Was that Yes or no?

y1550_blue_fin_nomatch2

Let's try once more. If you landed a Bluefin Tuna press 1 otherwise press 2.

y1550_blue_fin_help

You can use this system to report landings for Bluefin tuna only. To report your landing press 1. If you need to report another type of landing press 2.

s1575_landing_other_initial_a

This system allows for the reporting of recreationally-landed

Atlantic bluefin tuna only. To report landed billfish or swordfish
please call 1-800-894-5528."

s1575_landing_other_initial_b

Should I repeat that?

s1575_landing_other_noinput1

To hear the information and phone number again say "Yes". Otherwise say "No"

s1575_landing_other_noinput2

To hear the information and phone number again Press 1. Otherwise say Press 2.

s1575_landing_other_nomatch1

Was that yes or no?

s1575_landing_other_nomatch2

Let's try once more. To hear the information and phone number again Press 1. Otherwise Press 2.

s1575_landing_other_help

This system allows for the reporting of recreationally-landed

Atlantic bluefin tuna only. To report landed billfish or swordfish

please call 1-800-894-5528.

a1600_get_permit_landings_initial_a

Ok, please enter your 8-digit permit number followed by the pound sign, or say it one digit at a time.

a1600_get_permit_landings_initial_b

Please enter your 8-digit permit number followed by the pound sign <1.5 second pause> If you don't know the number say "I don't have it".

a1600_get_permit_landings_noinput1

Please enter your 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of your permit. <1 second pause> You can also say "I don't have it".

a1600_get_permit_landings_noinput2

Using your keypad, please enter the 8-digit permit number followed by the pound sign or say "I don't have it".

a1600_get_permit_landings_nomatch1

Please enter or say the number again. <1.5 second pause> You can also say "I don't have it".

a1600_get_permit_landings_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign or say "I don't have it".

a1600_get_permit_landings_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign. You can also say "I don't have it".

a1600_get_permit_landings_suc

Thank you

s1610_get_landings

All right, let's go ahead and get your landings.

s1680_location_notvalid

I still didn't find the permit, but let's go ahead and get your landings.

m1700_landing_location_initial_a

First, in what US State or Territory did the landing occur?

m1700_landing_location_initial_b

Ok, in what US state or Territory was this landing?

m1700_landing_location_noinput1

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_noinput2

Say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_nomatch1

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_nomatch2

Please say the name of the state or the name of the Territory where the landing occurred.

m1700_landing_location_help

I'll need to enter a location for your landing. For example you could say Maryland or Virgin Islands

me

I think you said Maine

nh

I think you said New Hampshire

ma

I think you said Massachusetts

ri

I think you said Rhode Island

cn

I think you said Connecticut

ny

I think you said New York

nj

I think you said New Jersey

pa

I think you said Pennsylvania

de

I think you said Delaware

md

I think you said Maryland

dc

I think you said Washington DC

va

I think you said Virginia

nc

I think you said North Carolina

sc

I think you said South Carolina

ga

I think you said Georgia

fl

I think you said Florida

ms

I think you said Mississippi

al

I think you said Alabama

la

I think you said Louisiana

tx

I think you said Texas

pr

I think you said Puerto Rico

vi

I think you said US Virgin Islands

y1770_mdnc_initial_a

I'll record your landing but please keep in mind that the following special procedures apply when you report Bluefin tuna landed in North Carolina or Maryland.

y1770_mdnc_initial_b

Vessel operators must fill out a landing card at a reporting station upon landing.

For further information regarding the North Carolina program, please call (800) 338-7804;

For Maryland, call (410) 213-1531.

y1770_mdnc_initial_c

Should I repeat that?

y1770_mdnc_noinput1

To hear the information again say Yes. Otherwise say No.

y1770_mdnc_noinput2

Let's try one more time. To hear that information again Press 1. Otherwise press 2.

y1770_mdnc_nomatch1

Was that Yes or no?

y1770_mdnc_nomatch2

Let's try once more. To hear the information again Press 1. To continue with your landing press 2.

y1770_mdnc_help

Vessel operators must fill out a landing card at a reporting station upon landing.

For further information regarding the North Carolina program, please call (800) 338-7804;

For Maryland, call (410) 213-1531. To hear the information again Press 1. Otherwise press 2.

a1725_get_landing_date_initial

What was the *date* of the landing? <1.5 second pause> You can say 'today', 'yesterday' or give me a date like this: March 15th, 2009.

a1725_get_landing_date_noinput1

What date did you land your Bluefin tuna?

a1725_get_landing_date_noinput2

For today press 1, For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. <1.5 second pause> To speak with a customer service representative press 0.

a1725_get_landing_date_nomatch1

What was the date? <1.5 second pause> For today press 1, For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. To speak with a customer service representative press 0.

a1725_get_landing_date_nomatch2

Let's try again using your keypad. For today press 1. For yesterday press 2. Or enter the date of your landing; for example, March 15, 2009 would be 03 15 09. To speak with a customer service representative press 0.

a1725_get_landing_date_help

When did you land your bluefin tuna? If your landing was today press 1. If it was yesterday press 2. You can also enter a date; for example, March 15, 2009 would be 03 15 09. <1.5 second pause> To speak with a customer service representative press 0.

a1775_get_fish_size_initial_a

Now, Please tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on.

a1775_get_fish_size_initial_b

Please tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on.

a1775_get_fish_size_noinput1

Please say the size of the fish with the head on or head off.

a1775_get_fish_size_noinput2

Let's try entering just the inches using your keypad. Enter the number of inches for your fish, rounding to the nearest whole inch. <pause> To speak with a customer service representative press 0.

a1775_get_fish_size_nomatch1

What was the size? <1.5 second pause> Please tell me the size of the fish with the head on or head off.

a1775_get_fish_size_nomatch2

Let's try once more. Please enter the size of your fish in inches. To speak with a customer service representative press 0.

a1775_get_fish_size_help

Tell me the size of the fish with the head on or head off, for example you could say 32 inches with head on. Or just enter the size in inches, rounding to the nearest whole inch. and we'll get the head information later. To speak with a customer service representative press 0.

m1850_head-on_off_initial

Is this measurement "The head on" or "the head off"

m1850_head-on_off_noinput1

If you included the head in your measurement press 1, If not press 2.

m1850_head-on_off_noinput2

I'll need to know if you included the head in your measurement. If you did press 1, Otherwise press 2. To speak with a customer service representative press 0.

m1850_head-on_off_nomatch1

Sorry, what was that? <1.5 second pause> If you included the head in your measurement press 1, otherwise press 2.

m1850_head-on_off_nomatch2

Pardon? <1.5 second pause> If you included the head in your measurement press 1, otherwise press 2. To speak with a customer service representative press 0.

m1850_disconfirm1

My Mistake. Let's try again. If you included the head in your measurement press 1. If not press 2. To speak with a customer service representative press 0.

m1850_head-on_off_help

y1825_confirm_landing_initial_a

To confirm. You'd like to report a landing of <pause>

y1825_confirm_landing_initial_b

Inches, with the

<head on or head off>

y1825_confirm_landing_initial_c

Is that right?

y1825_confirm_landing_noinput1

Press 1 for yes. Press 2 for no.

y1825_confirm_landing_noinput2

If this landing is correct press 1. Otherwise press 2.

y1825_confirm_landing_nomatch1

Was that yes or no?

y1825_confirm_landing_nomatch2

Let's try once more. If this landing is correct press 1. Otherwise press 2.

y1825_confirm_landing_help

If you'd like to report this landing press 1. Otherwise press 2 and we can change it.

s1880_maximum_landings

You've reported the maximum amount of landings I can accept in one call. Please call again if you need to report additional landings and be sure to report them within 24 hours.

m1900_more_landings_initial

To report another landing on the same date say "Continue". To enter landings for another day say "New Date". If your finished say "I'm done"

m1900_more_landings_noinput1

Please say "Continue" to enter more landings for this date. To enter landings for another day say "New Date"

m1900_more_landings_noinput2

To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3. To speak with a customer service representative press 0.

m1900_more_landings_nomatch1

What was that? <1.5 second pause> To continue entering landing for this date press 1. To report landings for another date press 2. If you're done reporting landings press 3

m1900_more_landings_nomatch2

Let's try once more. <1.5 second pause> To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3. To speak with a customer service representative press 0.

m1900_disconfirm1

My mistake. Let's try again. To continue entering landing for this date press 1. To enter for another date press 2. If you're done reporting landings press 3.

m1900_more_landings_help

To report another landing on the same date say "Continue" or press 1. To enter landings for another day say "New Date" or press 2. If your finished, say "I'm done" or press 3. To speak with a customer service representative press 0.

s1950_landing_done_a

Thanks, your landings have been reported.

s1980_invalid_permit

Please note, The permit you provided earlier was invalid. Let me get someone who can assist you with your permit.

s1985_expired_permit

The permit you entered earlier has expired. Let me take you to the permits menu where you can renew it.

10

This permit is not renewable

11

This permit is sanctioned

12

This permit is sanctioned

13

This permit is sanctioned

14

This is a vessel buyback

20

This is permit is not active

21

This permit expired

30

This web generated permit application is in process

31

This web generated permit application is processed but permit has not yet been sent to owner

32

This web generated permit application is processed and permit has been sent to owner.

33

This permit was updated via the web but has not yet been sent to owner.

34

This permit was updated via the web and has been sent to owner.

40

This permit application is in process and was initiated using the phone system.

41

This application was initiated using the phone system. Permit is processed but has not yet been sent to owner.

42

This application was initiated using the phone system. Permit was processed and sent to owner.

43

This permit was updated but not yet sent to owner.

44

This permit was updated using the phone system, but has not yet been sent to user.

50

This permit application is being processed

51

This permit application has been processed but permit not yet sent to owner

52

This permit application has been processed and permit sent to owner

53

This permit has been updated but not yet sent to owner.

54

This permit has been updated and sent to owner.

60

The Permit application is in process

61

This is a customer service initiated application. The permit has been processed but not yet sent to owner.

62

This is a customer service initiated application. The permit is processed and sent to owner

63

This is a customer service initiated permit updated but not yet sent to owner

64

This is a customer service initiated permit that has been updated and sent to owner

70

This is a prior year permit that is ready to be renewed

99

This is not a valid permit number

s2050_permit_not_found

Sorry, I didn't find a permit under that number. Let's try again.

s2050_permit_not_found_b

Sorry, I still didn't find it. Let me get someone who can assist you.

m2075_permit_status_initial_a

Permit number

m2075_permit_status_initial_b

Pause Is registered to

<1st 5 letters>

m2075_permit_status_initial_c

Here's the status. <pause>

<play ulaw associated with status code>

m2075_permit_status_initial_d

<Pause> You can say "Repeat that" or "Main menu"

m2075_permit_status_noinput1

Please say "Repeat that" or "Main menu" You can also say "operator"

m2075_permit_status_noinput2

To hear the status again press *. To return to the main menu press #. To speak with a customer service representative Press 0.

m2075_permit_status_nomatch1

Pardon? <1.5 second pause> Say "Repeat that" or "Main menu" To speak with a customer service representative say "Operator"

m2075_permit_status_nomatch2

Let's try once more. To hear the status again press *. To return to the main menu press #. To speak with a customer service representative Press 0.

m2075_help

To hear the status again press *. To return to the main menu press #. To speak with a customer service representative press 0.

m2125_more_choices_initial

To hear the latest regulation updates say "Current Regulations". For a fax copy of the Tuna ID guide or Permit Application say "Fax Information". You can also say "Main Menu".

m2125_more_choices_initial_2nd

To hear another regulation update say "Current regulations". For a fax copy of the Tuna ID guide or Permit Application say "fax information". Otherwise Say "Main Menu".

m2125_more_choices_noinput1

Please say "Current Regulations" "Fax Information" or "Main Menu".

m2125_more_choices_noinput2

To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #. To speak with a customer service representative press 0.

m2125_more_choices_nomatch1

Pardon? <1.5 second pause> Please say "Current Regulations" "Fax Information" or "Main Menu"

m2125_more_choices_nomatch2

Let's try once more. To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #. To speak with a customer service representative press 0.

m2125_disconfirm1

My Mistake. Let's try again. To hear the latest regulation updates say "Current Regulations" or Press 1. To receive a fax copy of a Tuna ID guide or a Permit application say "Fax information" or Press 2. "Main Menu" or press #.

m2125_more_choices_help

To hear the latest regulation updates Press 1. To receive a fax copy of a Tuna ID guide or a Permit application Press 2. To return to the main menu press #.

m2150_fax_choice_initial

Which document would you like. <1.5 second pause> Say "Tuna ID Guide" or "Permit Application"

m2150_fax_choice_noinput1

Please say which document you'd like faxed. "Tuna ID Guide" or "Permit Application". <1 second pause> You can also say "Main Menu"

m2150_fax_choice_noinput2

To have a Tuna ID faxed to you press 1. For a fax copy of the permit application press 2. To return to the Main Menu press #. To speak with a customer service representative press 0.

m2150_fax_choice_nomatch1

Sorry, what was that? <1.5 second pause> Say "Tuna ID Guide" "Permit Application" or "Main Menu"

m2150_fax_choice_nomatch2

Let's try once more. To have a Tuna ID faxed to you press 1. For a permit application press 2. To return to the Main Menu Press #. To speak with a customer service representative press 0.

m2150_disconfirm1

My Mistake. Let's try again. Say "Tuna ID Guide" or press 1. "Permit Application" or press 2. "Main Menu" or Press #. To speak with a customer service representative say "Operator" or press 0

m2150_fax_choice_help

To have a Tuna ID faxed to you press 1. For a fax copy of a permit application press 2. To return to the Main Menu Press #. To speak with a customer service representative press 0.

m2175_regulations_initial

We can provide updates on the following regulations only. Atlantic Commercial. Atlantic Recreational. Atlantic Charter/Headboat. Which one would you like to hear?

m2175_regulations_noinput1

Please say which update you'd like to hear. "Atlantic Commercial" "Atlantic Recreational" or "Atlantic Charter/Headboat". You can also say "Main Menu"

m2175_regulations_noinput2

For Atlantic Commercial press 1. Atlantic Recreational press 2. Atlantic Charter/Headboat press 3. To go back to the main menu Press #. To speak with a customer service representative press 0.

m2175_regulations_nomatch1

Sorry, which update? <1.5 second pause> Say "Atlantic Commercial" "Atlantic Recreational" or "Atlantic Charter/Headboat". You can also say "Main Menu"

m2175_regulations_nomatch2

For Atlantic Commercial press 1, for Atlantic Recreational press 2, for Atlantic Charter/Headboat press 3. Main Menu Press #. To speak with a customer service representative press 0.

m2175_disconfirm

My Mistake, Let's try again. To speak with a customer service representative press 0.

m2175_regulations_help

We can provide updates on the following regulations only. Atlantic Commercial. Atlantic Recreational. Atlantic Charter/Headboat. Which one would you like to hear? <1.5 second pause> For Atlantic Commercial press 1. For Atlantic Recreational press 2. For Atlantic Charter/Headboat press 3. Main Menu Press #. To speak with a customer service representative press 0.

a2200_get_fax_initial_a

You indicated you'd like your renewal faxed. I'll collect the number now.

a2200_get_fax_initial_b

Please say or enter your 10-digit fax number.

a2200_get_fax_initial_c

Sorry, that fax number isn't valid. We can fax to any number except a 900 number. Please enter a new 10 digit fax number now.

a2200_get_fax_noinput1

Please enter or say your 10-digit fax number.

a2200_get_fax_noinput2

Please enter the 10-digit fax number on the keypad now

a2200_get_fax_nomatch1

Sorry, could you repeat the number?

a2200_get_fax_nomatch2

Let's try once more. Please enter your 10-digit fax number.

a2200_get_fax_help

Please note we can't fax to 900 numbers. Please enter your 10 digit fax number now.

s2250_thanks

Thank you. If you don't receive your fax within two hours. Please call back to speak with a customer service representative. <pause>

r2275_record_name_initial_a

To mail this information I'll need your first and last name. Please say *and* spell your name after the tone.

r2275_record_name_initial_b

r2275_record_name_initial_c

Is that correct?

r2275_record_name_noinput1

Please say *and* spell your first and last name now.

r2275_record_name_noinput2

Sorry, I didn't hear anything. Please speak, then spell, your first and last name.

r2280_record_address_initial_a

Please say your address including city and state. Please spell any difficult names.

r2280_record_address_initial_b

r2280_record_address_initial_c

Is that correct?

r2280_record_address_noinput1

Please say your address including city and state. Please spell any difficult names.

r2280_record_address_noinput2

Sorry, I didn't hear anything. Please say your address including city and state. Please spell any difficult names.

a2290_get_zipcode_initial

For verification please enter your 5-digit zip code.

a2290_get_zipcode_noinput1

Please enter your zip code.

a2290_get_zipcode_noinput2

Enter your 5-digit zip code now.

a2290_get_zipcode_nomatch1

Please enter your zip code.

a2290_get_zipcode_nomatch2

Using your keypad please enter zip code now

a2290_get_zipcode_help

Using your keypad please enter zip code now

s2300_confirmation_tournament

Thank you. You should receive your information within 10 business days <pause>

m2310_get_password_initial_a

Please say or enter your password.

m2310_get_password_noinput1

Please enter or say your password now.

m2310_get_password_noinput2

To enter the system, please say or enter your password

m2310_get_password_nomatch1

Could you provide the password again?

m2310_get_password_nomatch2

Let's try once more. Please enter or say your password now.

m2310_get_password_help

Please enter or say your password now.

m2325_permit_or_vessel_initial

How would you like to search? Say "By Permit number" or "By Vessel number"

m2325_permit_or_vessel_noinput1

Please say how you'd like to search. Say "By Permit number" or "By Vessel number"

m2325_permit_or_vessel_noinput2

Let's try again. To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

m2325_permit_or_vessel_nomatch1

Sorry, which one? <1.5 second pause> Please say "permit number" or "vessel number"

m2325_permit_or_vessel_nomatch2

Let's try once more. To enter a permit number press 1, To enter a vessel number press 2. To speak with a customer service representative press 0.

m2325_disconfirm

My Mistake. Let's try again. To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

m2325_permit_or_vessel_help

To search for a permit number press 1. To search by vessel number press 2. To speak with a customer service representative press 0.

a2350_get_permit_number_initial

Ok, please enter your 8-digit permit number followed by the pound sign. or say it one digit at a time.

a2350_get_permit_number_noinput1

Using your keypad, please *enter* the 8-digit permit number followed by the pound sign. <1.5 second pause> You can find the number on the upper left side of the permit.

a2350_get_permit_number_noinput2

Using your keypad please enter the 8-digit permit number followed by the pound sign.

a2350_get_permit_number_nomatch1

Using your keypad, please enter the number followed by the pound sign.

a2350_get_permit_number_nomatch2

Let's try once more. Please enter your 8-digit permit number followed by the pound sign.

a2350_get_permit_number_help

Please say or enter your 8-digit permit number, one digit at a time followed by the pound sign.

s2460_vessel_or_inst

Ok, Please enter your vessel number. For special instructions on using your keypad press *

s2460_vessel_or_inst_2nd

Ok, Please begin entering the vessel number.

a2375_get_vessel_number_pre_initial

silence

a2375_get_vessel_number_noinput1

For instructions on entering a vessel ID using your keypad press *. Otherwise please enter the vessel number you'd like to search for.

<character>

<Play Character>

s2390_next_char

Enter the next character or press # if you're finished.

(beep)

m2425_alphanum_initial

Sure, here's how you enter a vessel number. Using your keypad you'll press the key where the Letter appears. Each time you press the key I will speak *either* a number or a letter that appears on that key. Continue pressing the key until you hear the character you want, then press # to select that character. For example, to enter the letter B you would press the 2 key until the letter B is spoken to you. You would then press the pound key to select it. You can then start on your next character. Should I repeat the instructions?

m2425_alphanum_noinput1

To hear those instructions again press 1. Otherwise press 2.

m2425_alphanum_noinput2

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

m2425_alphanum_nomatch1

Was that yes or no?

m2425_alphanum_nomatch2

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

m2425_alphanum_help

Press 1 to hear the instructions again. Press 2 to enter your Vessel number.

s2450_pleasehold

Please hold while I look that up.

m2500_play_status_initial_ap1

Permit number

m2500_play_status_initial_av1

Vessel number

m2500_invalid_vessel

was invalid

m2500_play_status_initial_a

Is registered to <pause>

m2500_play_status_initial_bv

The vessel number is <pause>

m2500_play_status_initial_bp

The permit number is <pause>

m2500_play_status_initial_c

Here's the status <pause>

m2500_play_status_initial_d

You can say "Repeat that" or "Main menu"

m2500_play_status_noinput1

Please say "Repeat that". To do another search say "Main Menu"

m2500_play_status_noinput2

To hear the status again press *. To return to the main menu press #. To speak with a customer service representative Press 0.

m2500_play_status_nomatch1

Pardon? <1.5 second pause> Say "Repeat that" or "Main menu" To speak with a customer service representative say "Operator"

m2500_play_status_nomatch2

Let's try once more. To hear the status again press *. To do another search press #. To speak with a customer service representative Press 0.

m2500_help

To hear the status again press *. To return to the main menu press #. To speak with a customer service representative press 0.

s3000_goodbye

Thanks for calling National Marine Fisheries. Remember you can also visit us on our web site at www.hmspermits.gov. That web site again is www.hmspermits.gov

Goodbye

s3025_failure

Sorry, for the difficulty. Let me get someone to assist you.

s3050_business_hours

Please hold while I transfer your call.

s3075_after_hours_a

Sorry, Our offices are currently closed. Our business hours are from Monday through Friday, 8am to 5pm eastern standard time.

s3075_after_hours_b

Sorry, Our office is closed in observance of the holiday. Our business hours are from Monday through Friday, 8am to 5pm eastern standard time.

m3080_last_chance_initial_ap1

You can also visit us on the web at www.hmspermits.gov. That web site again is www.hmspermits.gov. If you'd like to continue using the automated system say "Main Menu". Otherwise Please call back during normal business hours.

m3080_last_chance_noinput1

Our web site again is www.hmspermits.gov. To use the automated system say "Main Menu". Otherwise please call back during normal business hours.

m3080_last_chance_noinput2

To use the automated system press #. Otherwise please call back during normal business hours.

m3080_last_chance_nomatch1

To continue using the automated system say "Main Menu" You can also visit us on the web at www.hmspermits.gov.

m3080_last_chance_nomatch2

To use the automated system press #. Otherwise please call back during normal business hours.

m3080_last_chance_help

You can also visit us the web at www.hmspermits.gov. That web site again is www.hmspermits.gov. If you'd like to continue using the automated system press #. Otherwise please call back during normal business hours.

Paperwork Reduction Act Statement for HMS Landings Reports (OMB Control No. 0648-0328) to be provided upon request

PAPERWORK REDUCTION ACT STATEMENT: Mandatory catch reporting provides essential information for the conservation and management of Atlantic highly migratory species. Information on catch levels will be reported to the International Commission for the Conservation of Atlantic Tunas and will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 5 minutes per response for telephone (1-888-872-8862 tunas; 1-800-894-5528 billfish/swordfish) or internet reports (at www.hmspermits.gov), and 10 minutes per response for landing card reports. These response burden estimates include 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 these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Highly Migratory Species (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Catch reporting is required under the authority of the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any [person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB control Number. This information collection is approved under OMB Control No. 0648-0328 and expiration date _____.

**United States
Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Sustainable Fisheries
Highly Migratory Species Division**

Final Report

Grantee: Maryland Department of Natural Resources

Contract Number: DG133F07CN0229 – (Base year of 5 year agreement)

Project Title: Survey of Atlantic Bluefin Tuna (ABT) and Billfish (White Marlin, Blue Marlin, Swordfish and Sailfish) Recreational Landings in Maryland.

Period Covered: **January 1, 2008 through December 31, 2008**

Prepared By: _____
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Approved By: _____
Lynn Fegley Director, Estuarine & Marine Fisheries Date

Approved By: _____
Tom O'Connell Director, Fisheries Service Date

2008 Final Report

Survey of Atlantic Bluefin Tuna (ABT) and Billfish (White Marlin, Blue Marlin, Swordfish and Sailfish) Recreational Landings in Maryland.

Introduction

Globally, tunas and billfishes (white marlin (*Tetrapturus albidus*), blue marlin (*Makaira nigricans*), swordfish (*Xiphias gladius*), and sailfish (*Istiophorus platypterus*)) are governed by the International Commission for the Conservation of Atlantic Tunas (ICCAT). It is the mission of ICCAT to ensure “the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas.” (ICCAT, 2008). To manage these species, ICCAT assigns catch quotas to each member country. In the United States (US), tuna and billfish recommendations from ICCAT are implemented by the National Marine Fisheries Service (NMFS) division of Highly Migratory Species (HMS) under the Atlantic Tunas Convention Act and Magnuson Stevens Act. The Fishery Conservation Amendments of 1990 classified tunas and billfishes to be highly migratory species (NOAA, 2008). In 1996, the Sustainable Fisheries Act modified the Magnuson Fishery Conservation and Management Act to create advisory panels that aid in creating fishery management plans to manage billfishes and HMS. Responsibilities of the panels include lowering bycatch and mortality related to bycatch and stopping overfishing.

In the late 1990’s, NMFS required all recreational anglers to report Atlantic bluefin tuna (ABT; *Thunnus thynnus*) landings via a toll free phone number. In Maryland, that system was determined to be ineffective for accurately documenting recreational ABT landings. As a result, NMFS worked with the Maryland Department of Natural Resources (MDNR) to implement an ABT Catch Card and Tagging Program as an alternative method in 1999.

A rising concern in 2002 regarding the consideration of endangered species status for the white marlin spurred an additional component to the ABT Catch Card and Tagging Program. Billfishes were added to the list of species required to be reported through MDNRs Catch Card and Tagging Program in 2002. Since 2002, the ABT/Billfish Catch Card and Tagging Program has supplied NMFS with ABT and billfish landings in the state of Maryland.

Nation-wide, recreational fishing remains a popular pursuit. In 2006, 7.7 million anglers participated in saltwater fishing. Equipment and trips combined cost them \$8.9 billion (U.S. Fish and Wildlife, 2006). Accurately monitoring the recreational harvest of bluefin tuna and billfishes along the Atlantic coast is vitally important to the cultural, social, and economic impacts that recreational fishing has on Ocean City, MD. The White Marlin Open, an extremely popular and well-known fishing tournament held annually in Ocean City, has an estimated economic impact of \$20 million dollars during the tournament week (Town of Ocean City, 2007).

Objectives

- Continue a long-term monitoring study of all recreationally landed Atlantic bluefin tuna and billfishes (white marlin, blue marlin, swordfish, and sailfish) in Maryland and supply those data to NMFS for use in their coastwide assessment.
- Continue development of program awareness among recreational anglers in order to increase compliance rates.

Materials and Methods

Anglers were responsible for completing a catch card when they returned to port for each ABT or billfish on board their vessel (Figure 1). A tag (Figure 2) was awarded for each completed catch card and the angler was required to place this tag around the tail of the fish before removing it from the vessel. Trailered boats could not be pulled from the water until the tag was in place.

Nine marinas signed a cooperative participation agreement (Figure 3), qualifying them as a Recreational ABT/Billfish Reporting Station (Table 1). The contract required marinas to distribute and collect catch cards, issue tags, and return leftover supplies to MDNR at the conclusion of the fishing season. Depending on the 2007 reporting rate of each marina, an appropriate amount of catch cards and tags were delivered to each reporting station. MDNR Staff visited marina participants twice a week, from June 6 through September 30, to maintain adequate supplies and collect completed catch cards. Leftover tags were inventoried at the end of the season by MDNR.

In addition to the marinas, an after hours kiosk was available at the MDNR field office in 2008 (Figure 4). Marinas were asked to inform anglers about the kiosk. Anglers were expected to complete the catch card and the attached receipt, which would replace the tag. The catch card was to be deposited into a locked box that was fastened directly to the kiosk. Anglers retained the receipt, which recorded the same data as the card.

As of October 17, 2007, anglers who recreationally landed swordfish and billfish outside of tournaments could report their catches to the NMFS using the HMS non-tournament Reporting website. The fish had to be reported within one day of being landed. However, if these fish are landed in either Maryland or North Carolina, it must still be reported using a catch card.

In an attempt to improve data quality and compliance, staff attended three large fishing tournaments: the Annual Ocean City Tuna Tournament (July 11-13, 2008), the White Marlin Open (August 4-8, 2008), and the Mid-Atlantic \$500,000 (August 18-22, 2008). Signs informing anglers that ABT and billfishes must be tagged prior to being removed from the vessel were posted at each marina. Additionally, a sign describing the program was posted at the boat ramp in West Ocean City. The signs reminded anglers to tag their fish or to visit the kiosk if they were returning after hours (Figure 5). Recreational catch card landings were entered into a Microsoft Access database for management. Status reports based on data collected from catch cards were periodically sent to NMFS. Microsoft Excel was utilized for generating graphs, averages, modes and data cleaning.

Results

Bluefin Tuna

The 2008 season was to start with boats fishing under Angling category permits being allowed two ABT with a curved fork length (CFL) ranging from 47 to < 73 inches (large school/small medium) in addition to one school-sized (27 to <47 in.) fish. However, it was later determined that an adjustment was necessary to prevent bluefin landings from exceeding the sub-quota allowed. From February 11 to the end of the December, both the Angling (private boat) and Charter/Headboat permit categories were allowed one large school/small medium and one school-sized fish. Both of these categories were also permitted one trophy (≥ 73 in.) ABT per boat per year. Landings experienced a steep increase in late June and declined after mid-July. The landings experienced a brief increase between August 25th and September 1st, then fell again (Figure 6).

In 2008, a total of 1,272 fish were reported through MDNRs ABT/Billfish Catch Card and Tagging Program (Table 2). The large school size class, 47 to 59 in., made up the majority (54.56%) of the reported landings followed by the school class, 27 to 47 in. (34.51%). Reports indicated that the small medium category, 59 to 73 in., comprised 6.53% of the catch. Less than 1% of the landings fell into the giant category (>81 in.). CFL measurements were not provided for 4.32% of the landings.

In 2008, the Maryland average CFL for ABT was 49.2 inches. This is only slightly higher than the average in 2007, 48.3 in. The 2008 average was lower than 2006, 51.1 inches, and higher than 2004 and 2005, 45.2 and 39.8 in., respectively. The 2008 CFL mode showed the same trend. The 2008 mode of 55.0 inches was higher than 2007, 46 inches, but lower than 2006, 58 inches. The mode for this season is also greater than 2005, 30 inches, and 2004, 42 inches.

One completed catch card was found in the Bluefin Tuna and Billfish After Hours Reporting Station (kiosk) for 2008.

Total yearly landings for 2008, 1,272 fish, were evaluated and compared to data from the preceding five seasons (Figure 8). During the previous five seasons, there was only one year, 2006, with total landings below 2008's and four years with total landings above it. The only other two seasons with lower total annual landings were 1999 and 2000, with landings of 1,264 and 1,247, respectively.

Charter boats landed 51.0%, 648 ABT, of the recreational catch during the 2008 season. Private vessels comprised 46.6% of the landings, 593 ABT. Only one bluefin was reported from a headboat and it's included with the Charter category. Thirty-one ABT reports (2.4%) did not respond to this question (Figure 9).

Billfish (white marlin, blue marlin, swordfish, and sailfish)

Billfish regulations are in Table 3. A total of 22 white marlin were reported in 2008 through MDNRs ABT/Billfish Catch Card and Tagging Program (Tables 4 and 5). White marlin and roundscale spearfish data were combined in this section of the report since those two species were not previously distinguished from each other. The two species are reported separately in Table 5. The 2008 mean Lower Jaw Fork Length (LJFL) of white marlin, 69.1 inches, was similar to 2007's mean of 69.5, 2004's and 2006's mean of 69 in.. The average weight for white

marlin was 70.8 pounds in 2008. The average weight for white marlin in 2007 and 2006 was 57.3 pounds and 68.4 pounds, respectively.

Three blue marlins were reported in 2008 (Tables 4 and 5). The mean LJFL of the blue marlin landed in 2008 was shorter, 113.1 inches, than the mean LJFL of 2007, 114.8 inches, and 2006, 118.9 inches. Only two blue marlin were landed in 2005. Blue marlin averaged 634 pounds in 2008 which was higher than the average for 2007, 605.7 pounds, and 2006, 583.1 pounds.

Recommendations:

1. Continue monitoring the recreational ABT, billfishes, swordfish, and sailfish landings in Ocean City, MD.
2. Continue working to improve compliance by:
 - a. Attending major tournaments;
 - b. Posting species identification signs;
 - c. Reminding captains of trailered vessels that they are required to obtain catch cards and tag any HMS species before removing their boats from the water;
 - d. Increase awareness about the after hours kiosk to the fishing community;
 - e. Giving cards and tags to responsible fish-cleaners.

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Figure 9. 2008 Maryland recreational Atlantic bluefin tuna landings by boat type (n=1,272). Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program.

Figure 10. Comparison of the frequency of recreationally caught billfishes in Maryland from 2002-2008, n=182. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program except for one swordfish reported online to the NMFS Permit Shop. During this time period, there were no sailfish reported.

Table 1. List of 2008 Maryland ABT/Billfish Catch Card and Tagging Program reporting stations.

Station ID	Reporting Station	City /State	Phone Number
1	Ake Marine	Ocean City, MD	(410) 213-0421
2	Bahia Marina	Ocean City, MD	(410) 289-7438
3	Fisherman's Marina	Ocean City, MD	(410) 213-2478
4	Ocean Pines Marina	Ocean Pines, MD	(410) 641-7447
5	O.C. Fishing Center	Ocean City, MD	(410) 213-1121
6	Talbot Street Pier & Marina	Ocean City, MD	(410) 289-9125
7	White Marlin Marina	Ocean City, MD	(410) 289-2282
8	Sunset Marina	Ocean City, MD	(410) 213-9600
9	Pines Point Marina	Ocean Pines, MD	(410) 208-3625

Table 2. Summary of the 2008 recreationally landed Atlantic bluefin tunas reported through the Maryland ABT/Billfish Catch Card and Tagging Program

Size class category	# Landed	Percent of Total
School (27-<47 in.)	439	34.51
Large School (47-<59 in.)	694	54.56
Small Medium (59-<73 in.)	83	6.53
Large Medium (73-<81 in.)	0	0
Giant (>81 in.)	1	0.08
Unknown	55	4.32
Total	1,272	100

Table 3. 2008 summary of federal management measures for billfishes.

Dates	Species	Category	Creel/trip	Min Size LJFL (in.)
Jan.1-Dec.31	Blue Marlin	A / C / H	No Limits	99
	White Marlin	A / C / H		66
	Sailfish	A / C / H		63
Jan.1 – Dec. 31	Swordfish	A	1 / Person; 4 / Vessel	47
	Swordfish	C	1 / Paying Person; 6 / Vessel	47
	Swordfish	H	1 / Paying Person; 15 / Vessel	47

A – Angler (A), Charter (C), and Headboat (H).

Table 4. Summary of the 2008 billfish landings reported through MDNRs ABT/Billfish Catch Card and Tagging Program.

Date	Species	Vessel Name	Weight (Lbs.)	Length (LJFL)	Tournament	Reporting Station
8/4/2008	White Marlin	Big Hunter	66.5	67	Yes	WMO/Harbor Island
8/4/2008	White Marlin	Fish Whistle	81.00*	73	Yes	WMO/Harbor Island
8/4/2008	White Marlin	Liquid Asset	68	67	Yes	WMO/Harbor Island
8/4/2008	White Marlin	Spencer 66	66	68	Yes	WMO/Harbor Island
8/4/2008	White Marlin	DA Sea	71.5	68	Yes	WMO/Harbor Island
8/4/2008	White Marlin	CGI Finance	71.5	67	Yes	WMO/Harbor Island
8/5/2008	White Marlin	Game Time	66	68.25	Yes	WMO/Harbor Island
8/5/2008	White Marlin	Reel Deel	61.5	67.25	Yes	WMO/Harbor Island
8/5/2008	White Marlin	Lucky Duck II	67.5	69.75	Yes	WMO/Harbor Island
8/7/2008	White Marlin	Espadon	64.5	73	Yes	WMO/Harbor Island
8/7/2008	White Marlin	Canyon Runner	80.5***	74	Yes	WMO/Harbor Island
8/8/2008	White Marlin	Hatterascal	81.00*	70.75	Yes	WMO/Harbor Island
8/8/2008	White Marlin	Endeavor	79.5	68.5	Yes	WMO/Harbor Island
8/10/2008	White Marlin	Banshee	61	66.25	No	Fisherman's
8/17/2008	White Marlin	Osprey	N/A	71.5	No	Sunset
8/21/2008	White Marlin	D. A. Sea	62	75	Yes	Mid-Atlantic \$500,000
8/21/2008	White Marlin	Spencer 66	65	68	Yes	Mid-Atlantic \$500,000
8/21/2008	White Marlin	Phat Man	66	66	Yes	Mid-Atlantic \$500,000
8/22/2008	White Marlin	D. A. Sea	73	68.5	Yes	Mid-Atlantic \$500,000
8/22/2008	White Marlin	Fish Whistle	72	68	Yes	Mid-Atlantic \$500,000
8/22/2008	White Marlin	Reel Joy*	92	73	Yes	Mid-Atlantic \$500,000
8/22/2008	White Marlin	Cerveza	67	66.75	Yes	Mid-Atlantic \$500,000
					Yes	
8/4/2008	Roundscale	Matador	53	67.38	Yes	WMO/Harbor Island
8/8/2008	Roundscale	Virginian	59	68	Yes	WMO/Harbor Island
8/21/2008	Round Scale	Bak Bar	62	67.5	Yes	Mid-Atlantic \$500,000
					Yes	
8/4/2008	Blue Marlin	Over The Top	432.5	110	Yes	WMO/Harbor Island
8/5/2008	Blue Marlin	Last Run	935.50*	115.25	Yes	WMO/Harbor Island
8/8/2008	Blue Marlin	Press Time	534.00**	114	Yes	WMO/Harbor Island

Table 5. 2008 summary of recreational landings, average Lower Jaw Fork Length (LJFL), and length and weight ranges, for billfishes from Ocean City, MD, n=28. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program.

Species	Catch Card Landings	Average LJFL	LJFL Range (Inches)	Weight Range (Pounds)
White Marlin	22	69.3	66.0-75.0	61.0-92.0
Blue Marlin	3	113.1	110.0-115.3	432.5-935.5
Roundscale Spearfish	3	67.6	67.4-68.0	53.0-62.0



Maryland Bluefin Tuna Landing Card



TODAY'S DATE: MM DD 2008

HMS PERMIT #:

TUNA TAG #:

Today's Date: MM DD 2008

Vessel Name: _____

Registration # (State ID) _____

Permit Holders Nam _____

Atlantic HMS Permit #:

Trip Type: *Charter / Private / Headboat*
(Circle One)

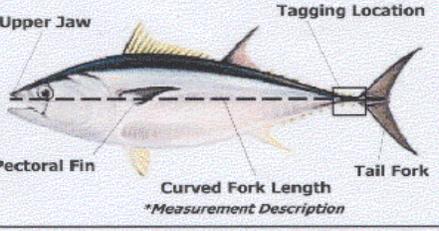
Was this fish caught during a tournament? Yes / No

Tournament Name: _____

Reporting Station: _____

Bluefin Tuna Tag #: _____
(Obtain at Reporting Station)

Curved Fork Length (inches):** _____ *Weight (lbs)** _____



***Measurement Description**

* Measure from the tip of the upper jaw, over the top side of the pectoral fin to the fork of the tail.

**Scale weight ONLY. Do not record estimated weight.

NOTE: All bluefin tuna landed in Maryland must have a LANDING TAG affixed before removal from the vessel. Tags are available at all BLUEFIN TUNA REPORTING STATIONS. To obtain a LANDING TAG, captains or operators of the permitted vessel must complete and submit a catch card for every bluefin tuna landed.

This information collected is approved under OMB Control # 0648-0328 and expires on 09/30/2009



Maryland Billfish Landing Card



TODAY'S DATE: MM DD 2008

HMS PERMIT #:

BILLFISH TAG #:

Today's Date: MM DD 2008

Species: *White Marlin / Blue Marlin / Swordfish / Sailfish*
(Circle One)

Vessel Name: _____

Registration # (State ID) _____

Permit Holders Nam _____

Atlantic HMS Permit #:

Trip Type: *Charter / Private / Headboat*
(Circle One)

Was this fish caught during a tournament? Yes / No

Tournament Name: _____

Reporting Station: _____

Billfish Tag _____
(Obtain at Reporting Station)

Lower Jaw Fork Length (inches):** _____ *Weight (lbs)** _____



***Measurement Description**

* Measure from the tip of the lower jaw to the fork of the tail.

** Scale weights ONLY. Do not record estimated weights.

NOTE: All BILLFISH (White Marlin, Blue Marlin, Swordfish and Sailfish) landed in Maryland must have a LANDING TAG affixed before removal from the vessel. Tags are available at all BILLFISH REPORTING STATIONS. To obtain a LANDING TAG, captains or operators of the permitted vessel must complete and submit a landing card for every billfish landed.

This information collected is approved under OMB Control # 0648-0328 and expires on 09/30/2009

Figure 1. Examples of the 2008 Maryland ABT/Billfish Catch Card and Tagging Program landing cards. Cards measured 5x7 inches.

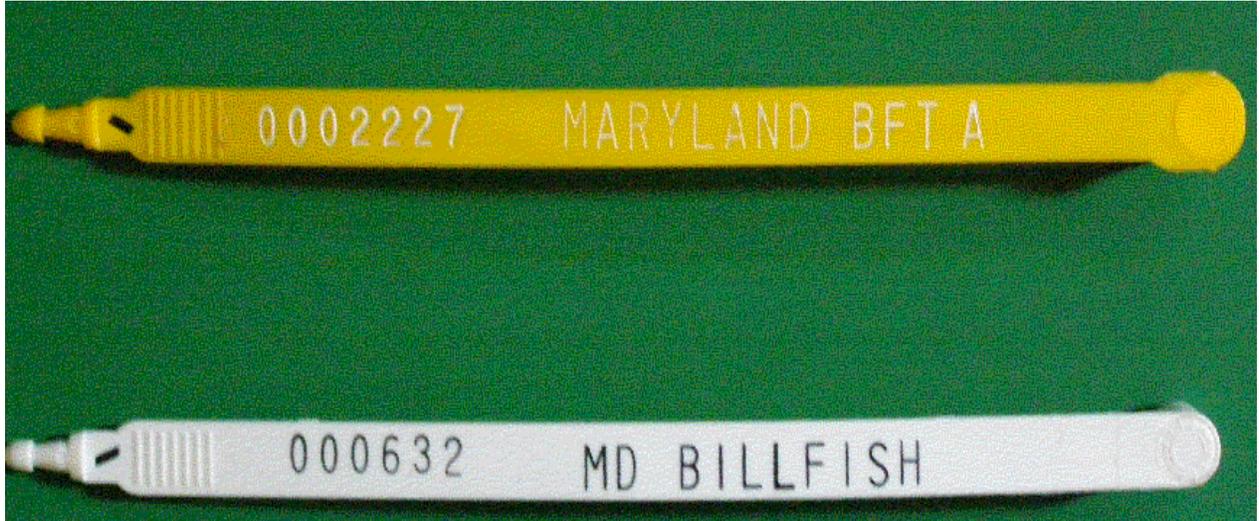


Figure 2. Examples of the 2008 Maryland ABT/Billfish Catch Card and Tagging Program tags.

**2008 Cooperative Agreement to Act as a
Recreational Atlantic Bluefin Tuna and Billfish/Swordfish Reporting Station
Between
The Maryland Department of Natural Resources
&**

The signatory operates this facility as a place of business open to the public with regular posted operating hours and will act as a reporting station for recreationally harvested Atlantic Bluefin Tuna and billfish (White Marlin, Blue Marlin, Sailfish) and Swordfish landed in the State of Maryland in accordance with the following conditions. *

On a Daily Basis:

1. From Bluefin tuna anglers, collect COMPLETED Maryland Bluefin Tuna Landing Cards and issue a uniquely numbered Bluefin Tuna tag to the angler. Tags issued only upon receipt of the COMPLETED landing card. Bluefin Tuna cannot be removed from a vessel before the angler attaches the tag to the appropriate tuna.
2. From billfish/swordfish anglers, collect COMPLETED Maryland Billfish Landing Cards and issue a unique numbered Billfish/Swordfish tag to the angler. Tags are issued only upon receipt of the COMPLETED landing card. The Billfish/Swordfish cannot be removed from a vessel before the angler attaches the tag to the appropriate billfish/swordfish.
3. The signatory, representing the reporting station, must account for all tags.
4. The reporting station will allow personnel from the Maryland Department of Natural Resources to collect completed landing cards and inventory remaining Tuna and Billfish/Swordfish tags. All tags must be kept in a secure location.

Physical location address: _____

Business mailing address: _____

Telephone number: _____

Hours of operation: _____

Owner/Manager name: _____

Contact person: _____

Person(s) responsible for checking catch cards & issuing tags: _____

*** The Department reserves the right to terminate reporting station status for any reason including but not limited to failure to maintain inventory of Bluefin tuna or billfish/swordfish tags and collect completed catch cards and/or failure to cooperate with Department personnel in retrieval of said items.**

Authorized signature: _____ **Date:** _____

Title: _____

Figure 3. Example of the 2008 Maryland ABT/Billfish Catch Card and Tagging Program contract between MDNR and marinas to act as a recreational reporting station

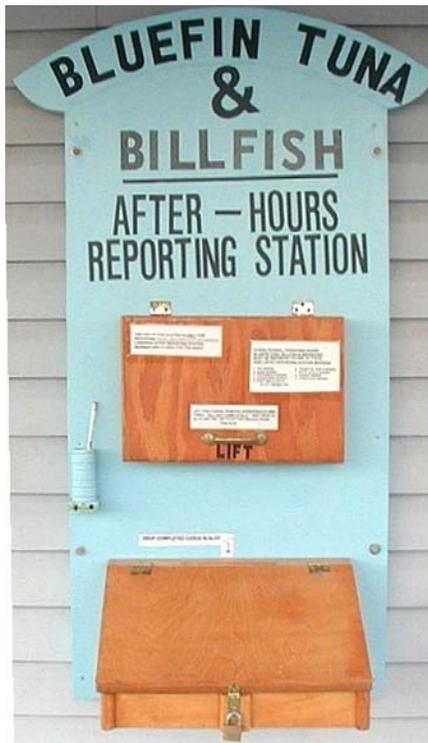


Figure 4. Photograph of the 2008 Maryland ABT/Billfish Catch Card and Tagging Program after-hours kiosk located at the MDNR field office in West Ocean City.



Figure 5. Photograph of the Maryland ABT/Billfish Catch Card and Tagging Program promotional signs posted at the West Ocean City Boat Ramp.

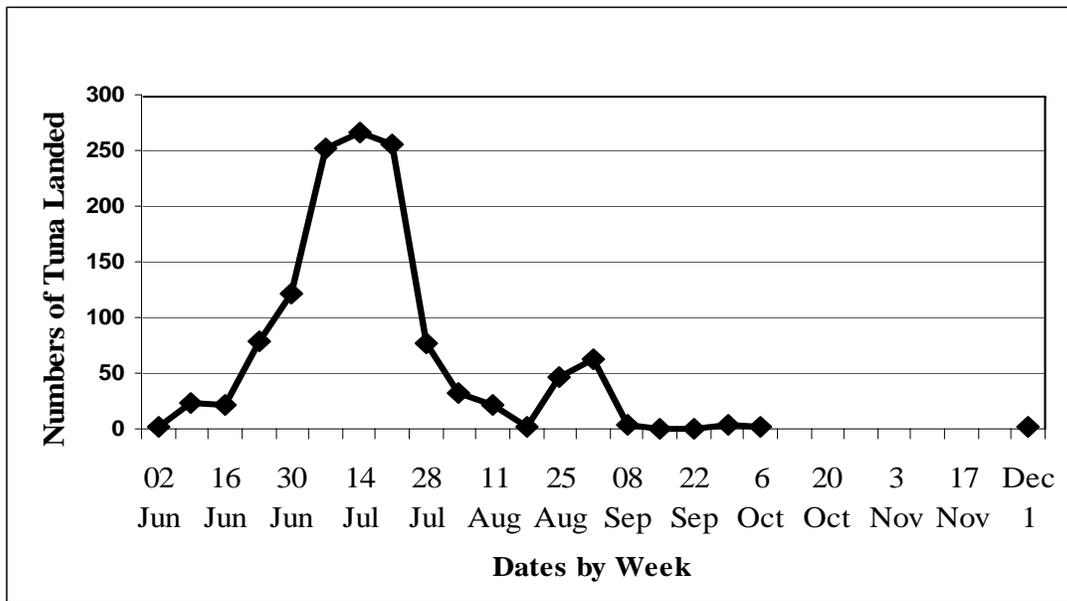


Figure 6. June through December weekly seasonal landings of recreationally landed Atlantic bluefin tuna for Maryland in 2008, n = 1,272. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program.

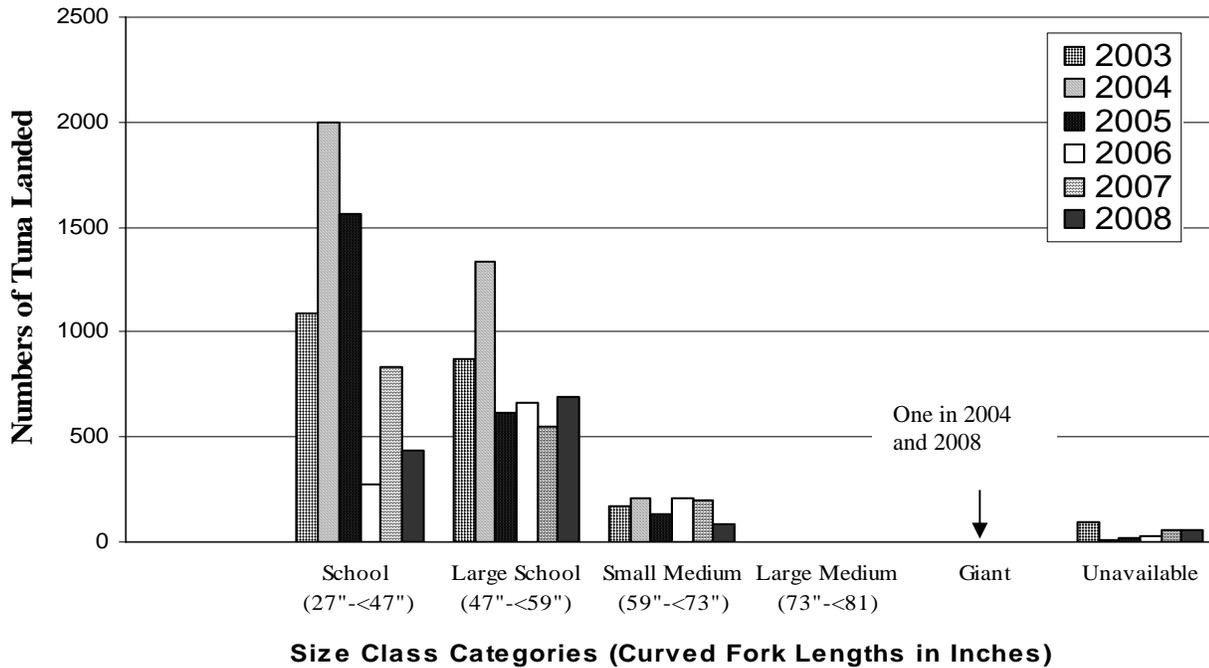


Figure 7. 2003 to 2008 size class frequency comparison of recreationally landed Atlantic bluefin tuna from Maryland. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program. One (young school <27") was landed in 2007, one (large medium >73" - <81") was landed in 2003, and one (giant >81") was landed in both 2004 and 2008.

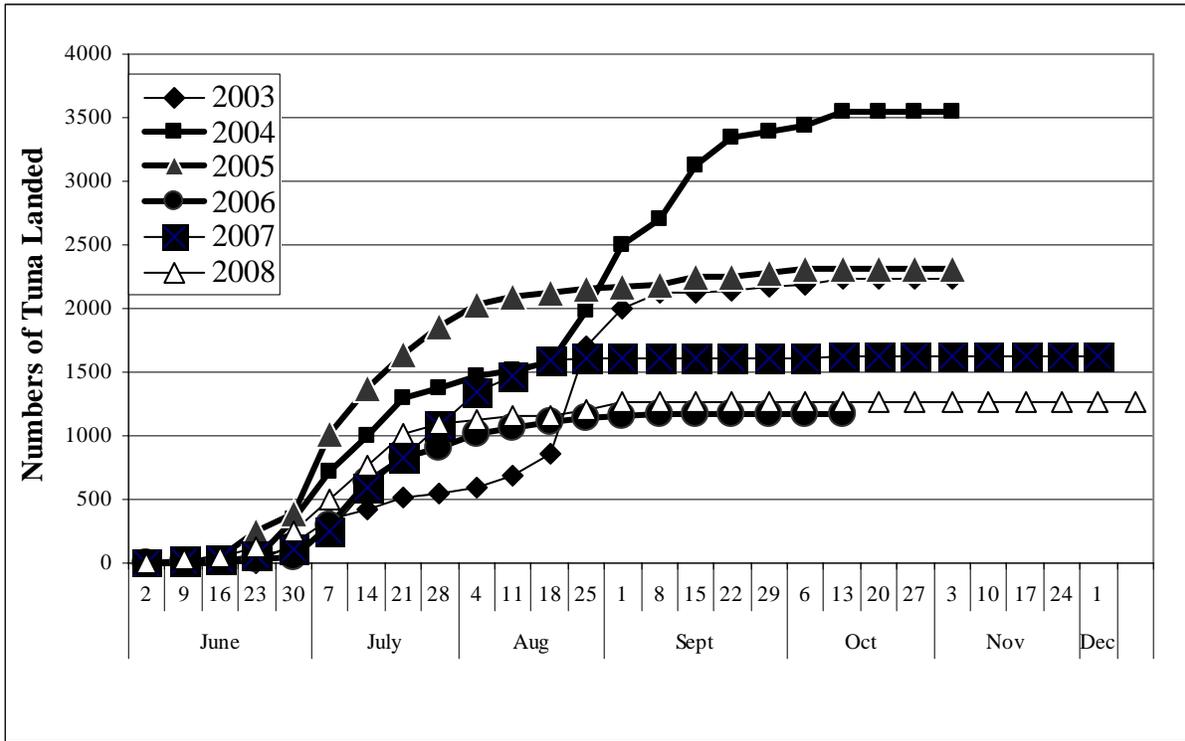


Figure 8. Cumulative recreational bluefin tuna landings by month and week from Ocean City, Maryland, from 2003 to 2008, n =12,168. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program.

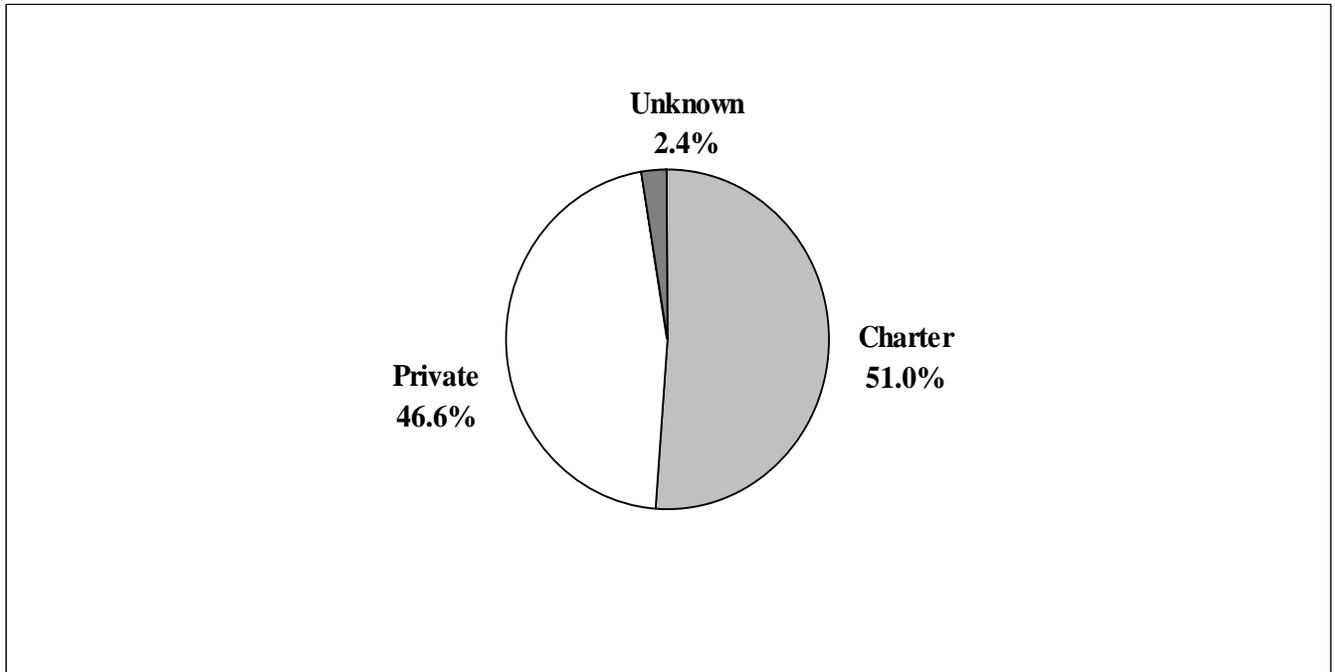


Figure 9. 2008 Maryland recreational Atlantic bluefin tuna landings by boat type (n=1,272). Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program.

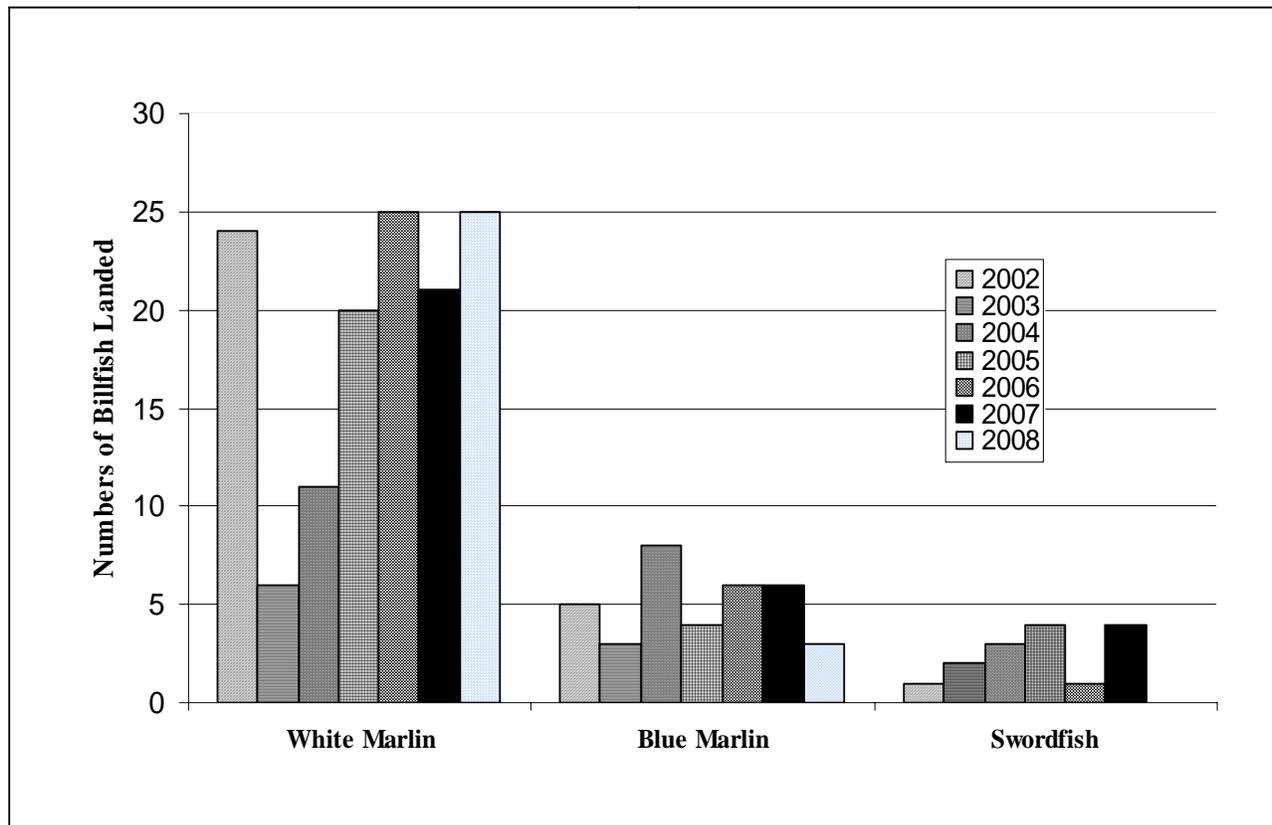


Figure 10. Comparison of the frequency of recreationally caught billfishes in Maryland from 2002-2008, n=182. Data were reported through the Maryland ABT/Billfish Catch Card and Tagging Program. Zero sailfish were reported in 2008

-CITE-

16 USC CHAPTER 16A - ATLANTIC TUNAS CONVENTION

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CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-MISC1-

Sec.

- 971. Definitions.
- 971a. Commissioners.
- 971b. Advisory committee.
- 971b-1. Species working groups.
- 971c. Authority of Secretary of State; cooperative enforcement agreements.
- 971d. Administration.
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- 971f. Enforcement.
- 971g. Cooperation in carrying out Convention.
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- 971i. Research on Atlantic highly migratory species.
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-CITE-

16 USC Sec. 971

01/08/2008

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TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

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Sec. 971. Definitions

-STATUTE-

For the purpose of this chapter -

- (1) The term "Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.
- (2) The term "Commission" means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.
- (3) The term "conservation recommendation" means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.
- (4) The term "Council" means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.
- (5) The term "exclusive economic zone" means an exclusive economic zone as defined in section 1802 of this title.
- (6) The term "fishing" means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.
- (7) The term "fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.
- (8) The term "Panel" means any panel established by the Commission pursuant to article VI of the Convention.
- (9) The term "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.
- (10) The term "Secretary" means the Secretary of Commerce.
- (11) The term "State" includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

-SOURCE-

(Pub. L. 94-70, Sec. 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, Sec. 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-33, Sec. 2, May 26, 1977, 91 Stat. 173; Pub. L. 104-43, title III, Sec. 303(1), (2), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, Sec. 202(b)(1)(A), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

-MISC1-

AMENDMENTS

1998 - Pars. (4), (5). Pub. L. 105-384 renumbered par. (4) defining "exclusive economic zone" as par. (5) and made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995 - Par. (3). Pub. L. 104-43, Sec. 303(1), added par. (3). Former par. (3) redesignated (4). Par. (4). Pub. L. 104-43, Sec. 303(2), added par. (4) defining "exclusive economic zone". Former par. (4) redesignated (5). Pub. L. 104-43, Sec. 303(1), redesignated par. (3) defining

"Council" as (4). Par. (5). Pub. L. 104-43, Sec. 303(2), struck out par. (5) which read as follows: "The term 'fisheries zone' means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States."

Pub. L. 104-43, Sec. 303(1), redesignated par. (4) as (5). Former par. (5) redesignated (6). Pars. (6) to (11). Pub. L. 104-43, Sec. 303(1), redesignated pars. (5) to (10) as (6) to (11), respectively.

1977 - Par. (4). Pub. L. 95-33 struck out the comma between "zone" and "contiguous", substituted "two hundred" for "200", and substituted a semicolon for a comma after "is measured".

1976 - Par. (4). Pub. L. 94-265, which directed the substitution of "the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal state, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured," for "the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)", was executed by making the substitution for "the entire zone established by the United States under the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)", to reflect the probable intent of Congress.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 405(b) of Pub. L. 94-265 provided that the amendment made by section 405(a) of Pub. L. 94-265 to this section was to take effect Mar. 1, 1977, prior to the general amendment of title IV of Pub. L. 94-265 by Pub. L. 104-297.

SHORT TITLE OF 1995 AMENDMENT

Section 301 of title III of Pub. L. 104-43 provided that: "This title [enacting sections 971j and 971k of this title, amending this section and sections 971b, 971c to 971e, 971h, and 971i of this title, and enacting provisions set out as a note under section 971c of this title] may be cited as the 'Atlantic Tunas Convention Authorization Act of 1995'."

SHORT TITLE

Section 1 of Pub. L. 94-70 provided: "That this Act [enacting this chapter and provisions set out below] may be cited as the 'Atlantic Tunas Convention Act of 1975'."

SEPARABILITY

Pub. L. 94-70, Sec. 13, formerly Sec. 11, Aug. 5, 1975, 89 Stat. 394; renumbered Sec. 13, Pub. L. 105-384, title II, Sec. 202(b)(1)(D), Nov. 13, 1998, 112 Stat. 3452, provided that: "If any provision of this Act [this chapter] or the application of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby."

-CITE-

16 USC Sec. 971a

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971a. Commissioners

-STATUTE-

(a) Appointment and number; selection of Chairman; rules of procedure; term

(1) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(2) Of the Commissioners appointed under paragraph (1) who are not governmental employees -

(A) one shall be appointed from among individuals with knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(B) one shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

(3)(A) The term of a Commissioner shall be three years.

(B) An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than two consecutive terms as a Commissioner.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 971b of this title, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Compensation

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(d) Travel expenses

(1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(e) Sense of Congress regarding fish habitat It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.

-SOURCE-

(Pub. L. 94-70, Sec. 3, Aug. 5, 1975, 89 Stat. 385; Pub. L. 101-627, title II, Secs. 201(a), 203, Nov. 28, 1990, 104 Stat. 4459, 4460; Pub. L. 106-562, title III, Sec. 303, Dec. 23, 2000, 114 Stat. 2806; Pub. L. 109-479, title IV, Sec. 405(c), Jan. 12, 2007, 120 Stat. 3633.)

-MISC1-

AMENDMENTS

2007 - Subsec. (e). Pub. L. 109-479 added subsec. (e).

2000 - Subsec. (a)(1). Pub. L. 106-562 inserted before last sentence "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28."

1990 - Subsec. (a). Pub. L. 101-627, Sec. 201(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (d). Pub. L. 101-627, Sec. 203, added subsec. (d).

LIMITATIONS ON APPOINTMENTS OF COMMISSIONERS; APPLICATION TO CURRENT COMMISSIONERS

Section 201(b) of title II of Pub. L. 101-627 provided that:

"(1) Paragraph (2) of section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), as added by this section, shall not apply to reappointment of an individual as a United States Commissioner of the International Commission for the Conservation of Atlantic Tunas (hereinafter in this title [enacting section 971b-1 of this title, amending this section and sections 971b, 971d, and 971h of this title, and enacting provisions set out as a note below] referred to as a 'Commissioner') if that individual is serving in that position on the date of enactment of this Act [Nov. 28, 1990].

"(2) An individual serving a term as a Commissioner on the date of enactment of this Act shall not, by reason of that term of service, be ineligible under paragraph (3)(B) of section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), as added by this section, for reappointment as a Commissioner."

TERMINATION OF CURRENT TERMS AND COMPLETION OF PENDING APPOINTMENTS

Section 202 of Pub. L. 101-627 provided that: "The term as Commissioner of each individual serving in that position on the date of enactment of this Act [Nov. 28, 1990] shall terminate March 1, 1991. Not later than that date, the President shall complete appointment (or reappointment) of individuals to serve as Commissioners on and after that date."

-CITE-

16 USC Sec. 971b

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971b. Advisory committee

-STATUTE-

(a) There is established an advisory committee which shall be composed of -

(1) not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention; and

(2) the chairmen (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

Each member of the advisory committee appointed under paragraph (1) shall serve for a term of two years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all nonexecutive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission. Members of the advisory committee shall receive no compensation for their services as such members. The Secretary and the Secretary of State may pay the necessary travel expenses of members of the advisory committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

-SOURCE-

(Pub. L. 94-70, Sec. 4, Aug. 5, 1975, 89 Stat. 386; Pub. L. 96-339, Sec. 1(1), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 96-561, title II, Sec. 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 101-627, title II, Sec. 204, Nov. 28, 1990, 104 Stat. 4460; Pub. L. 104-43, title III, Sec. 304, Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, Sec. 202(b)(1)(F), Nov. 13, 1998, 112 Stat. 3453.)

-REFTEXT-

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b)(5), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (Sec. 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(6), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

-MISC1-

AMENDMENTS

1998 - Subsecs. (a)(2), (b)(5). Pub. L. 105-384 substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery".

1995 - Pub. L. 104-43 designated existing provisions as subsec. (a) and added subsec. (b).

1990 - Pub. L. 101-627 amended last sentence generally. Prior to amendment, last sentence read as follows: "On approval by the United States Commissioners -

"(A) if not more than three members of the advisory committee are designated by the committee to attend any meeting of the Commission, Council, or advisory committee, or of any Panel, each of such members shall be paid for his actual transportation expenses and per diem incident to his attendance; and

"(B) in any case in which more than three members are designated by the advisory committee to attend any such meeting, each such member to whom subparagraph (A) does not apply may be paid for his actual transportation expenses and per diem incident to his attendance."

1980 - Pub. L. 96-339 incorporated existing provision in par. designated (1), added par. (2), redesignated as subpars. (A) and (B) former pars. (1) and (2), substituted in subpar. (B) reference to "subparagraph (A)" for "paragraph (1)", and made specific reference to appointment of committee member under paragraph (1). Par. (2). Pub. L. 96-561 substituted "Magnuson Fishery Conservation and Management Act" for "Fishery Conservation and Management Act of 1976".

EFFECTIVE DATE OF 1980 AMENDMENT

Section 238(b) of Pub. L. 96-561 provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

-CITE-

16 USC Sec. 971b-1

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

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-HEAD-

Sec. 971b-1. Species working groups

-STATUTE-

The United States Commissioners may establish species working groups for the purpose of providing advice and recommendations to the Commissioners and the advisory committee on matters relating to the conservation and management of any highly migratory species covered by the Convention. Any species working group shall consist of no more than seven members of the advisory committee and no more than four scientific or technical personnel, as considered necessary by the Commissioner.

-SOURCE-

(Pub. L. 94-70, Sec. 4A, as added Pub. L. 101-627, title II, Sec. 205, Nov. 28, 1990, 104 Stat. 4460.)

-CITE-

16 USC Sec. 971c

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971c. Authority of Secretary of State; cooperative enforcement agreements

-STATUTE-

(a) Recommendations from Commission

The Secretary of State is authorized to receive on behalf of the United States, reports, requests, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, with the concurrence of the Secretary and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, is authorized to take appropriate action on behalf of the United States with regard to recommendations received from the Commission pursuant to article VIII of the Convention. The Secretary and, when appropriate, the Secretary of the department in which the Coast Guard is operating, shall inform the Secretary of State as to what action he considers appropriate within five months of the date of the notification of the recommendation from the Commission, and again within forty-five days of the additional sixty-day period provided by the Convention if any objection is presented by another contracting party to the Convention, or within thirty days of the date of the notification of an objection made within the additional sixty-day period, whichever date shall be the later. After any notification from the Commission that an objection of the United States is to be considered as having no effect, the Secretary shall inform the Secretary of State as to what action he considers appropriate within forty-five days of the sixty-day period provided by the Convention for reaffirming objections. The Secretary of State shall take steps under the Convention to insure that a recommendation pursuant to article VIII of the Convention does not become effective for the United States prior to its becoming effective for all contracting parties conducting fisheries affected by such recommendation on a meaningful scale in terms of their effect upon the success of the conservation program, unless he determines, with the concurrence of the Secretary, and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, that the purposes of the Convention would be served by allowing a recommendation to take effect for the United States at some earlier time.

(b) Enforcement agreements

The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United

States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party's jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or exclusive economic zone of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or tribunal of a foreign country.

-SOURCE-

(Pub. L. 94-70, Sec. 5, Aug. 5, 1975, 89 Stat. 386; Pub. L. 104-43, title III, Sec. 303(3), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, Sec. 202(b)(1)(B), Nov. 13, 1998, 112 Stat. 3452.)

-MISC1-

AMENDMENTS

1998 - Subsec. (b). Pub. L. 105-384 directed amendment identical to amendment by Pub. L. 104-43. See 1995 Amendment note below.

1995 - Subsec. (b). Pub. L. 104-43 substituted "exclusive economic zone" for "fisheries zone" after "territorial seas or" in third sentence.

-TRANS-

TRANSFER OF FUNCTIONS

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

-MISC2-

MANAGEMENT OF ATLANTIC YELLOWFIN TUNA

Section 309(b) of Pub. L. 104-43, as amended by Pub. L. 104-297, title IV, Sec. 406, Oct. 11, 1996, 110 Stat. 3621, provided that: "Not later than July 1, 1997, the Secretary of Commerce shall implement the recommendations of the International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna made pursuant to Article VIII of the International Convention for the Conservation of Atlantic Tunas and acted upon favorably by the Secretary of State under section 5(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971c(a))."

-CITE-

16 USC Sec. 971d

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971d. Administration

-STATUTE-

(a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the exclusive economic zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Director of the Office of Personnel Management.

(b) Primary enforcement responsibility

Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

(c) Regulations and other measures to carry out Commission recommendations

(1)(A) Upon favorable action by the Secretary of State under section 971c(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

(B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party to the Convention.

(C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and

(B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a

contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

- (3) The regulations required to be promulgated under paragraph (1) of this subsection may -
- (A) select for regulation one or more of the species covered by the Convention;
 - (B) divide the Convention waters into areas;
 - (C) establish one or more open or closed seasons as to each such area;
 - (D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;
 - (E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;
 - (F) require records of operations to be kept by any master or other person in charge of any fishing vessel;
 - (G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;
 - (H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;
 - (I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;
 - (J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and
 - (K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention; except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.
- (4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit -
- (A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and
 - (B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.
- (5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.
- (6) Identification and notification. -
- (A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall -
 - (i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;
 - (ii) notify the President and the nation so identified, including an explanation of the reasons therefore; and
 - (iii) publish a list of those Nations identified under clause (i).
 - (B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.
- (7) Consultation. - Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that will -
- (A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;
 - (B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and
 - (C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.
- (d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish
- (1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(16) (11) of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1802(16)]) in the Convention area.
 - (2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.

(Pub. L. 94-70, Sec. 6, Aug. 5, 1975, 89 Stat. 387; 1978 Reorg. Plan No. 2, Sec. 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-627, title II, Secs. 206, 207, Nov. 28, 1990, 104 Stat. 4461; Pub. L. 104-43, title III, Secs. 303(3), 305, Nov. 3, 1995, 109 Stat. 384, 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(C), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

-REFTEXT-

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(1)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (Sec. 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1), was subsequently amended, and section 3(16) no longer defines the term "large-scale driftnet fishing". However, such term is defined elsewhere in that section.

-MISC1-

AMENDMENTS

1998 - Subsec. (c)(1)(C). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery". Subsecs. (c)(6)(A)(iii), (B). Pub. L. 105-384, Sec. 202(b)(1)(C), substituted "clause (i)" for "subparagraph (A)" in cl. (iii), and redesignated last sentence of subpar. (A) as subpar. (B) and realigned margin. Subsec. (d)(1). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted "Magnuson-Stevens Fishery" for "Magnuson Fishery".

1995 - Subsec. (a). Pub. L. 104-43, Sec. 303(3), substituted "exclusive economic zone" for "fisheries zone" after "any vessel in the" in third sentence. Subsec. (c). Pub. L. 104-43, Sec. 305(1), inserted "and other measures" after "Regulations" in heading. Subsec. (c)(3). Pub. L. 104-43, Sec. 305(2), inserted "or fishing mortality level" after "quota of fish" in concluding provisions. Subsec. (c)(6), (7). Pub. L. 104-43, Sec. 305(3), added pars. (6) and (7).

1990 - Subsec. (c)(1). Pub. L. 101-627, Sec. 206(a), designated existing provisions as subpar. (A) and added subpars. (B) and (C). Subsec. (c)(3). Pub. L. 101-627, Sec. 206(b), added subpars. (I) to (K) and concluding provisions and struck out former subpar. (I) which read as follows: "impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Commission." Subsec. (d). Pub. L. 101-627, Sec. 207, amended subsec. (d) generally, substituting provisions relating to recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish for provisions relating to Commission recommendations concerning bluefin tuna and issuance of regulations.

-TRANS-

TRANSFER OF FUNCTIONS

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

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

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec. (a) pursuant to Reorg. Plan No. 2 of 1978, Sec. 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in the Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

-MISC2-

USE OF AIRCRAFT IN ATLANTIC BLUEFIN TUNA FISHING

Pub. L. 106-553, Sec. 1(a)(2) [title VI, Sec. 634], Dec. 21, 2000, 114 Stat. 2762, 2762A-114, provided that none of the funds of the Department of Commerce would be available to issue or renew, for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna, or to fish for, catch, or possess Atlantic bluefin tuna located by the use of an aircraft.

-FOOTNOTE-

(1) See References in Text note below.

-CITE-

16 USC Sec. 971e

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971e. Violations

-STATUTE-

(a) In general

It shall be unlawful -

(1) for any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to section 971d of this title; or (2) for any person subject to the jurisdiction of the United States to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to section 971d of this title, without regard to the citizenship of the person or vessel which took the fish.

(b) Failure to furnish returns, records, or reports

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished by such master or person.

(c) Refusal of request to board and inspect vessel

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this chapter and any regulations adopted pursuant thereto, to board such vessel and inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of this chapter, or the Convention, as the case may be, or to obstruct such officials in the execution of such duties.

(d) Importation of ineligible species or species under investigation

It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 971d(c) or (d) (!1) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 971d(c) or (d) (!1) of this title. In the case of any fish as described in this subsection offered for entry in the United States, the Secretary shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 971d(c) or (d) (!1) of this title.

(e) Sanctions

The civil penalty and permit sanctions of section 1858 of this title are hereby made applicable to violations of this section as if they were violations of section 1857 of this title.

(f) Forfeiture

All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(g) Applicability of other laws

All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

-SOURCE-

(Pub. L. 94-70, Sec. 7, Aug. 5, 1975, 89 Stat. 390; Pub. L. 104-43, title III, Sec. 306, Nov. 3, 1995, 109 Stat. 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(F), Nov. 13, 1998, 112 Stat. 3453.)

-REFTEXT-

REFERENCES IN TEXT

Section 971d(d) of this title, referred to in subsec. (d), was amended generally by Pub. L. 101-627, title II, Sec. 207, Nov. 28, 1990, 104 Stat. 4461. Prior to amendment, subsec. (d) related to Commission recommendations concerning bluefin tuna and issuance of regulations in that regard.

-MISC1-

AMENDMENTS

1998 - Subsec. (e). Pub. L. 105-384 made technical amendment to reference in original act which appears in text as reference to section 1858 of this title.

1995 - Subsec. (e). Pub. L. 104-43 amended subsec. (e) generally, substituting present provisions for provisions establishing civil penalties for violations of this section, providing for authority of Secretary to assess, remit, or mitigate any civil penalty, providing for notice and hearing prior to assessment, and providing for civil action upon failure to pay penalty.

-FOOTNOTE-

(!1) See References in Text note below.

-CITE-

16 USC Sec. 971f

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971f. Enforcement

-STATUTE-

(a) Particular powers

Any person authorized in accordance with the provisions of this chapter to enforce the provisions of this chapter and the regulations issued thereunder may - (1) with or without a warrant, board any vessel subject to the jurisdiction of the United States and inspect such vessel and its catch and, if as a result of such inspection, he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this chapter or any regulations issued thereunder, he may, with or without a warrant or other process, arrest such person;

(2) arrest, with or without a warrant, any person who violates the provisions of this chapter or any regulation issued thereunder in his presence or view;

(3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and

(4) seize, whenever and wherever lawfully found, all fish taken or retained by a vessel subject to the jurisdiction of the United States in violation of the provisions of this chapter or any regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

(b) International enforcement

To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section 971c(b) of this title for international enforcement, the duly authorized officials of such party shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

(c) Bonds or stipulations

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value at the time of seizure and the proceeds of such sale placed in the registry of the court pending judgment in the case.

-SOURCE-

(Pub. L. 94-70, Sec. 8, Aug. 5, 1975, 89 Stat. 391.)

-CITE-

16 USC Sec. 971g

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971g. Cooperation in carrying out Convention

-STATUTE-

(a) Federal and State agencies; private institutions and organizations

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

(c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

(d) State jurisdiction; preemption by Federal regulations

(1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State -

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced. If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

(e) Continuing review of State laws and regulations

To insure that the purposes of subsection (d) of this section are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) of this section applies or may apply and the extent to which such laws and regulations are enforced.

-SOURCE-

(Pub. L. 94-70, Sec. 9, Aug. 5, 1975, 89 Stat. 392.)

-EXEC-

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

-CITE-

16 USC Sec. 971h

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971h. Authorization of appropriations

-STATUTE-

(a) In general

There are authorized to be appropriated to the Secretary to carry out this chapter, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention -

- (1) \$5,770,000 for each of fiscal years 2007 and 2008;
- (2) \$6,058,000 for each of fiscal years 2009 and 2010; and
- (3) \$6,361,000 for each of fiscal years 2011 and 2013.

(b) Allocation

Of the amounts made available under subsection (a) for each fiscal year -

- (1) \$160,000 are authorized for the advisory committee established under section 971b of this title and the species working groups established under section 971b-1 of this title; and
- (2) \$7,500,000 are authorized for research activities under this chapter and section 971i of this title, of which \$3,000,000 shall be for the cooperative research program under section 971i(b)(2)(H) of this title.(1)

-SOURCE-

(Pub. L. 94-70, Sec. 10, Aug. 5, 1975, 89 Stat. 393; Pub. L. 95-33, Sec. 1, May 26, 1977, 91 Stat. 173; Pub. L. 96-339, Sec. 1(2), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 98-44, title I, Sec. 101, July 12, 1983, 97 Stat. 216; Pub. L. 99-659, title IV, Sec. 404, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title II, Sec. 208, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-43, title III, Sec. 307, Nov. 3, 1995, 109 Stat. 386; Pub. L. 105-384, title II, Sec. 202(a), Nov. 13, 1998, 112 Stat. 3452; Pub. L. 107-372, title III, Sec. 304, Dec. 19, 2002, 116 Stat. 3095; Pub. L. 109-479, title IV, Sec. 405(a), Jan. 12, 2007, 120 Stat. 3633.)

-REFTEXT-

REFERENCES IN TEXT

Section 971i(b)(2)(H) of this title, referred to in subsec. (b)(2), was in the original "section 3(b)(2)(H) of that section" and was translated as reading "section 3(b)(2)(H) of that Act", meaning Pub. L. 96-339, to reflect the probable intent of Congress.

-MISC1-

AMENDMENTS

2007 - Pub. L. 109-479 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2013 for provisions authorizing appropriations for fiscal years 2003 to 2006.

2002 - Pub. L. 107-372 amended section generally, substituting provisions authorizing appropriations for fiscal years 2003 to 2006 for provisions authorizing appropriations for fiscal years 1995 to 2001.

1998 - Par. (4). Pub. L. 105-384 substituted "For each of fiscal years 1998, 1999, 2000, and 2001," for "For fiscal year 1998."

1995 - Pub. L. 104-43 amended section generally, substituting provisions authorizing appropriations for fiscal years 1995 to 1998 for provisions authorizing appropriations for fiscal years 1989 to 1993.

1990 - Pub. L. 101-627 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 to 1993 for provisions authorizing appropriations for fiscal years 1986 to 1989 and striking out provisions relating to use of sums for travel expenses.

1986 - Pub. L. 99-659 substituted authorization of appropriations for fiscal years 1986 through 1989 for former authorization of appropriations for fiscal year 1976, the period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal years 1977 through 1986.

1983 - Pub. L. 98-44 authorized appropriations for fiscal years 1984 through 1986.

1980 - Pub. L. 96-339 authorized appropriations for fiscal years 1981 through 1983.

1977 - Pub. L. 95-33 authorized appropriations for fiscal years 1978 through 1980.

-FOOTNOTE-

(1) See References in Text note below.

-CITE-

16 USC Sec. 971i

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971i. Research on Atlantic highly migratory species

-STATUTE-

(a) Omitted

(b) Highly migratory species research and monitoring

(1) Within 6 months after November 3, 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the "Commission") and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall -

(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

(B) provide for appropriate participation by nations which are members of the Commission.

(2) The program shall provide for, but not be limited to -

(A) statistically designed cooperative tagging studies;

(B) genetic and biochemical stock analyses;

(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

(G) integration of data from all sources and the preparation of data bases to support management decisions;

(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and

(I) other research as necessary.

(3) In developing a program under this section, the Secretary shall -

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

(D) through the Secretary of State, encourage other member nations to adopt a similar program.

-SOURCE-

(Pub. L. 96-339, Sec. 3, Sept. 4, 1980, 94 Stat. 1070; Pub. L. 104-43, title III, Sec. 302(b), Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, Sec. 202(b)(2), Nov. 13, 1998, 112 Stat. 3453;

Pub. L. 109-479, title IV, Sec. 405(b), Jan. 12, 2007, 120 Stat. 3633.)

-REFTEXT-

REFERENCES IN TEXT

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(3)(B), is Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

-COD-

CODIFICATION

Subsection (a), which required the Secretary of Commerce to prepare and submit to Congress a biennial report on the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas, the status of bluefin tuna stocks within the Convention area and the trends in their population level, and related information resulting from implementation of the observer program under section 1827 of this title, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 50 of House Document No. 103-7.

Section was not enacted as part of the Atlantic Tunas Convention Act of 1975 which comprises this chapter.

-MISC1-

AMENDMENTS

2007 - Subsec. (b)(2)(H), (I). Pub. L. 109-479 added subpar. (H) and redesignated former subpar. (H) as (I).

1998 - Subsec. (b)(3)(B). Pub. L. 105-384 inserted "of 1975" after "Act".

1995 - Pub. L. 104-43 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, struck out last sentence which read as follows: "There are authorized to be appropriated such sums as may be necessary to carry out this section.", and added subsec. (b).

-CITE-

16 USC Sec. 971j

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971j. Annual report

-STATUTE-

Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

(4) describes actions taken by the Secretary under section 971d of this title.

-SOURCE-

(Pub. L. 94-70, Sec. 11, as added Pub. L. 104-43, title III, Sec. 308, Nov. 3, 1995, 109 Stat. 386; amended Pub. L. 105-384, title II, Sec. 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

-MISC1-

PRIOR PROVISIONS

A prior section 11 of Pub. L. 94-70 was renumbered section 13 and is set out as a Separability note under section 971 of this title.

AMENDMENTS

1998 - Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

-CHANGE-

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

-CITE-

16 USC Sec. 971k

01/08/2008

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 16A - ATLANTIC TUNAS CONVENTION

-HEAD-

Sec. 971k. Savings clause

-STATUTE-

Nothing in this chapter shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention.

-SOURCE-

(Pub. L. 94-70, Sec. 12, as added Pub. L. 104-43, title III, Sec. 308, Nov. 3, 1995, 109 Stat. 387; amended Pub. L. 105-384, title II, Sec. 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

-MISC1-

AMENDMENTS

1998 - Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

104-297

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

104-297

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

95-354

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

16 U.S.C. 1801
MSA § 2

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

104-297

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

104-297

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

109-479

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

109-479

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(b) PURPOSES.—It is therefore declared to be the purposes of the Congress in this Act—

99-659, 101-627, 102-251

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas]*;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

104-297

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

101-627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

104-297

(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) POLICY.—It is further declared to be the policy of the Congress in this Act—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

16 U.S.C. 1801-1802
MSA §§ 2-3

99-659, 101-627

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

101-627

(6) to foster and maintain the diversity of fisheries in the United States; and

104-297

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

104-297

(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

104-297

(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

104-297

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

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

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

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

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

16 U.S.C. 1853
MSA § 303

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

109-479

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

109-479

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

109-479

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

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

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

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

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

(B) the operator of any such vessel; or

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

109-479

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

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

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

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

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

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

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

109-479

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

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

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

16 U.S.C. 1853
MSA § 303

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

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

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

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

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

109-479

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

(14)[sic]¹⁵ prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.—Proposed regulations which the Council deems necessary or appropriate for the purposes of—

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

¹⁵ So in original.

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

16 U.S.C. 1853 note

EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)¹⁶—

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

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

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

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

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

109-479

SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

16 U.S.C. 1853a

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

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

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

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

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

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

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

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

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

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

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

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

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

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

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

(F) specify the goals of the program;

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

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

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

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

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

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

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

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

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

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

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

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

(4) REGIONAL FISHERY ASSOCIATIONS.—

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

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

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

¹⁷ So in original.

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

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

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

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

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

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

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

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

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

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

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

(6) PROGRAM INITIATION.—

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

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

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

(D) NEW ENGLAND AND GULF REFERENDUM.—

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

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

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

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

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

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

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

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

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

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

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

16 U.S.C. 1853a
MSA § 303A

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

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

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

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

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

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

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

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

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

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

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

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

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

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

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

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

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

(i) TRANSITION RULES.—

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

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

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

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

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

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

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

16 U.S.C. 1853a note

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

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

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

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.—

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

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

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

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

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

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

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

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

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

(B) the nature of such inconsistencies; and

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

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

104-297

SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

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

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

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

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

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

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

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

(D) when required by court order;

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

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

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

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

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

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

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

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

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

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

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

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

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

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

16 U.S.C. 1881a-1881b
MSA §§ 402-403

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

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

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

(e) **RESOURCE ASSESSMENTS.**—

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

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

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

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

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

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

104-297

SEC. 403. OBSERVERS

16 U.S.C. 1881b

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

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

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

Title 50: Wildlife and Fisheries
PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

Subpart F—Enforcement

§ 635.69 Vessel monitoring systems.

(a) *Applicability.* To facilitate enforcement of time/area and fishery closures, an owner or operator of a commercial vessel, permitted to fish for Atlantic HMS under §635.4 and that fishes with a pelagic or bottom longline or gillnet gear, is required to install a NMFS-approved vessel monitoring system (VMS) unit on board the vessel and operate the VMS unit under the following circumstances:

(1) Whenever the vessel is away from port with pelagic longline gear on board;

(2) As of January 1, 2005, whenever a vessel issued a directed shark LAP, is away from port with bottom longline gear on board, is located between 33°00' N. lat. and 36°30' N. lat., and the mid-Atlantic shark closed area is closed as specified in §635.21(d)(1); or

(3) Whenever a vessel, issued a directed shark LAP, is away from port with a gillnet on board during the right whale calving season specified in the regulations implementing the Atlantic Large Whale Take Reduction Plan Regulations in §229.32 of this title.

(4) A vessel is considered to have pelagic longline gear on board, for the purposes of this section, when gear as specified at §635.21(c) is on board. A vessel is considered to have bottom longline gear on board, for the purposes of this section, when gear as specified at §635.21(d) is on board. A vessel is considered to have gillnet gear on board, for the purposes of this section, when gillnet, as defined in §600.10, is on board a vessel that has been issued a shark LAP.

(b) *Hardware specifications.* The VMS hardware must be approved by NMFS and must be able to perform all NMFS required functions. NMFS will file with the Office of the Federal Register for publication notification listing the specifications for approved VMS units. As necessary, NMFS will make additions and/or amendments to the VMS hardware type approval list to account for changes in specifications or new products offered by manufacturers. NMFS will file with the Office of the Federal Register for publication notification listing such additions and/or amendments.

(c) *Communications specifications.* The communications service provider must be approved by NMFS and must be able to provide all NMFS required functions. NMFS will file with the Office of the Federal Register for publication notification listing the specifications for approved VMS communications service providers. As necessary, NMFS will make additions and/or amendments to the VMS communications service providers type approval list to account for changes in specifications or new services offered by communications providers. NMFS will file with the Office of the Federal Register for publication notification listing such additions and/or amendments.

(d) *Installation and service activation.* When installing and activating the NMFS-approved VMS unit, a vessel owner or operator must follow procedures indicated on an installation and activation checklist obtained from NMFS. Re-installation shall require the same checklist. Upon completion of installation, the vessel owner must sign a statement certifying compliance with the installation procedures of the checklist and submit such certification to NMFS as indicated on the checklist. Vessels fishing prior to submission of the certification will be in violation of the VMS requirement.

(e) *Operation.* Owners or operators of vessels permitted, or required to be permitted, to fish for HMS, that have pelagic or bottom longline gear or gillnet gear on board, and that are required to have a VMS unit installed, as specified in paragraph (a), must activate the VMS to submit automatic position reports beginning 2 hours prior to leaving port and continuing until the vessel returns to port. While at sea, the unit must operate without interruption and no person may interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS, or attempt any of the same. Vessels fishing outside the geographic area of operation of the installed VMS will be in violation of the VMS requirement.

(f) *Interruption.* When the vessel operator is aware that transmission of automatic position reports has been interrupted, or when notified by NMFS that automatic position reports are not being received, the vessel operator must contact NMFS and follow the instructions given. Such instructions may include but are not limited to manually communicating to a location designated by NMFS the vessel's position or returning to port until the VMS is operable.

(g) *Repair and replacement.* After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the VMS unit prior to the vessel's next trip. Repair or reinstallation of a VMS unit or installation of a replacement, including change of communications service provider shall be in accordance with the checklist provided by NMFS and require the same certification.

(h) *Access.* As a condition to obtaining a LAP for Atlantic swordfish, sharks, or tunas, all vessel owners or operators using pelagic or bottom longline or gillnet gear, subject to the VMS provisions of this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS at the time of or after its transmission to the vendor or receiver, as the case may be.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37705, July 13, 1999; 65 FR 47238, Aug. 1, 2000; 68 FR 45169, Aug. 1, 2003; 68 FR 74788, Dec. 24, 2003; 69 FR 51012, Aug. 17, 2004; 72 FR 57194, Oct. 5, 2007; 73 FR 40712, July 15, 2008]

§ 635.70 Penalties.

(a) *General.* See §600.735 of this chapter.

(b) *Civil procedures for Atlantic tuna.* Because of the perishable nature of Atlantic tuna when it is not chilled or frozen, an authorized officer may cause to be sold, for not less than its reasonable market value, unchilled or unfrozen Atlantic tuna that may be seized and forfeited under ATCA and this part.

§ 635.71 Prohibitions.

In addition to the prohibitions specified in §600.725 of this chapter, it is unlawful for any person subject to the jurisdiction of the United States to violate any provision of this part, ATCA, the Magnuson-Stevens Act, or any other rules promulgated under ATCA or the Magnuson-Stevens Act.

(a) *General.* It is unlawful for any person or vessel subject to the jurisdiction of the United States to:

(1) Falsify information required on an application for a permit submitted under §635.4 or §635.32.

(2) Fish for, catch, possess, retain, or land Atlantic HMS without the appropriate valid vessel permit, LAP, EFP, scientific research permit, display permit, chartering permit, or shark research permit on board the vessel, as specified in §§635.4 and 635.32.

(3) Purchase, receive, or transfer or attempt to purchase, receive, or transfer, for commercial purposes, any Atlantic HMS landed by owners of vessels not permitted to do so under §635.4, or purchase, receive, or transfer, or attempt to purchase, receive, or transfer, for commercial purposes, any Atlantic HMS without the appropriate valid dealer permit issued under §635.4, except that this does not apply to a shark harvested from a vessel that has not been issued a permit under this part and that fishes exclusively within the waters under the jurisdiction of any state.

(4) Sell or transfer or attempt to sell or transfer, for commercial purposes, an Atlantic tuna, shark, or swordfish other than to a dealer that has a valid dealer permit issued under §635.4, except that this does not apply to a shark harvested by a vessel that has not been issued a permit under this part and that fishes exclusively within the waters under the jurisdiction of any state.

(5) Fail to possess and make available for inspection a vessel permit on board the permitted vessel or upon transfer of HMS to a dealer or a dealer permit at the dealer's place of business, or to alter any such permit as specified in §635.4(a).

(6) Falsify or fail to record, report, or maintain information required to be recorded, reported, or maintained, as specified in §§635.5 and 635.32 or in the terms and conditions of a permit issued under §635.4 or an EFP, scientific research permit, display permit, chartering permit, or shark research permit issued under §635.32.

(7) Fail to allow an authorized agent of NMFS to inspect and copy reports and records, as specified in §635.5(e) and (f) or §635.32.

(8) Fail to make available for inspection an Atlantic HMS or its area of custody, as specified in §635.5(e) and (f).

(9) Fail to report the catching of any Atlantic HMS to which a conventional tag has been affixed under a tag and release program.

(10) Falsify or fail to display and maintain vessel and gear identification, as specified in §635.6.

(11) Fail to comply with the requirements for at-sea observer coverage, as specified in §635.7 and §600.746.

- (12) For any person to assault, resist, oppose, impede, intimidate, interfere with, obstruct, delay, or prevent, by any means, any authorized officer in the conduct of any search, inspection, seizure or lawful investigation made in connection with enforcement of this part.
- (13) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person has committed any act prohibited by this part.
- (14) Fail to install, activate, repair, or replace a vessel monitoring system prior to leaving port with pelagic longline gear, bottom longline gear, or gillnet gear on board the vessel as specified in §635.69.
- (15) Tamper with, or fail to operate and maintain a vessel monitoring system as specified in §635.69.
- (16) Fail to contact NMFS or follow NMFS instructions when automatic position reporting has been interrupted as specified in §635.69.
- (17) Fish for Atlantic tunas or swordfish with a gillnet or possess Atlantic tunas or swordfish on board a vessel with a gillnet on board, as specified in §635.21 (b), (e)(1), and (e)(4)(ii).
- (18) Fail to retrieve fishing gear and move after an interaction with a protected species, as specified in §635.21 (c)(3) or (d)(2).
- (19) Utilize secondary gears as specified in §635.21(b) to capture, or attempt to capture, any undersized or free swimming Atlantic HMS, or fail to release a captured Atlantic HMS in the manner specified in §635.21(a).
- (20) Fail to report the retention of an Atlantic HMS that has an archival tag, as specified in §635.33.
- (21) Fail to maintain an Atlantic HMS in the form specified in §635.30.
- (22) Fish for, catch, retain, or possess an Atlantic HMS that is less than its minimum size limit specified in §635.20.
- (23) Fail to comply with the restrictions on use of pelagic longline, bottom longline, gillnet, buoy gear, speargun gear, or green-stick gear as specified in §635.21(c), (d), (e)(1), (e)(3), (e)(4), (f), or (g).
- (24) Import, or attempt to import, any fish or fish products regulated under this part in a manner contrary to any import requirements or import restrictions specified at §635.40 or 635.41.
- (25) Dispose of fish or parts thereof or other matter in any manner after any communication or signal from an authorized officer, or after the approach of an authorized officer.
- (26) Violate the terms and conditions or any provision of a permit issued under §§635.4 or 635.32.
- (27) Operate a charterboat or headboat without a valid U.S. Coast Guard merchant marine or uninspected passenger vessel license on board the vessel when fishing for or possessing Atlantic HMS as specified at §635.4(b).
- (28) Violate any provision of this part, the Magnuson-Stevens Act, ATCA, or any regulations or permits issued under the Magnuson-Stevens Act or ATCA.
- (29) Land, transship, ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control:
- (i) Any fish that the person knows, or should have known, was taken, retained, possessed, or landed contrary to this part, without regard to the citizenship of the person or registry of the fishing vessel that harvested the fish.
- (ii) Any fish of a species regulated pursuant to a recommendation of ICCAT that was harvested, retained, or possessed in a manner contrary to the regulations of another country.
- (30) Deploy or fish with any fishing gear from a vessel or anchor a fishing vessel, permitted or required to be permitted under this part, in any closed area as specified at §635.21.
- (31) Deploy or fish with any fishing gear from a vessel with a pelagic longline on board in any closed area during the time periods specified at §635.21(c)(2).
- (32) In the Gulf of Mexico, deploy or fish a pelagic longline with live bait affixed to the hooks or to possess live bait, or set up a well or tank to maintain live bait, aboard a vessel with pelagic longline gear on board as specified at §635.21(c)(4).
- (33) Deploy or fish with any fishing gear from a vessel with pelagic or bottom longline gear on board without carrying the required sea turtle bycatch mitigation gear, as specified at §635.21(c)(5)(i) for pelagic longline gear and §635.21(d)(3)(i) for bottom longline gear. This equipment must be utilized in accordance with §635.21(c)(5)(ii) and (d)(3)(ii) for pelagic and bottom longline gear, respectively.
- (34) Fail to disengage any hooked or entangled sea turtle with the least harm possible to the sea turtle as specified at §635.21 (c)(5) or (d)(3).
- (35) For any person to assault, resist, oppose, impede, intimidate, interfere with, obstruct, delay, or prevent, by any means, NMFS personnel or anyone collecting information for NMFS, under an agreement or contract, relating to the scientific monitoring or management of Atlantic HMS.
- (36) Fish with bottom or pelagic longline and shark gillnet gear for HMS without adhering to the gear operation and deployment restrictions required in 50 CFR 635.21.
- (37) Fail to report to NMFS, at the number designated by NMFS, the incidental capture of listed whales with shark gillnet gear as required by §635.5.
- (38) Fish for, or possess on board a fishing vessel, species regulated under this part in unauthorized fishing areas as specified in §635.25.
- (39) Deploy or fish with any fishing gear, from a vessel with a bottom longline on board, in any closed area during the time periods specified at §635.21(d)(1).
- (40) Deploy or fish with any fishing gear, from a vessel with bottom longline gear on board, without carrying a dipnet, line clipper, and dehooking device as specified at §635.21(d)(3).
- (41) Fail to immediately notify NMFS upon the termination of a chartering arrangement as specified in §635.5(a)(5).
- (42) Count chartering arrangement catches against quotas other than those defined as the Contracting Party of which the chartering foreign entity is a member as specified in §635.5(a)(5).
- (43) Fail to submit catch information regarding fishing activities conducted under a chartering arrangement with a foreign entity, as specified in §635.5(a)(5).
- (44) Offload charter arrangement catch in ports other than ports of the chartering Contracting Party of which the foreign entity is a member or offload catch without the direct supervision of the chartering foreign entity as specified in §635.5(a)(5).
- (45) Import or attempt to import tuna or tuna-like species harvested from the ICCAT convention area by a fishing vessel that is not listed in the ICCAT record of authorized vessels as specified in §635.41(b).
- (46) Import or attempt to import tuna or tuna-like species harvested by a fishing vessel on the ICCAT illegal, unreported, and unregulated fishing list as specified in §635.41(c).
- (47) Import or attempt to import tuna or tuna-like species, placed in cages for farming and/or transshipment, harvested in the ICCAT convention area and caught by a fishing vessel included on the ICCAT list as engaged in illegal, unreported, and unregulated fishing as specified in §635.41(d).
- (48) Purchase any HMS that was offloaded from an individual vessel in excess of the retention limits specified in §§635.23 and 635.24.
- (49) Sell any HMS that was offloaded from an individual vessel in excess of the retention limits specified in §§635.23 and 635.24.
- (50) Fish without being certified for completion of a NMFS protected species safe handling, release, and identification workshop, as required in §635.8.
- (51) Fish without having a valid protected species workshop certificates issued to the vessel owner and operator on board the vessel as required in §635.8.
- (52) Falsify a NMFS protected species workshop certificate or a NMFS Atlantic shark identification workshop certificate as specified at §635.8.
- (53) Fish for, catch, possess, retain, or land an Atlantic swordfish using, or captured on, "buoy gear", as defined at §635.2, unless the vessel owner has been issued a swordfish directed limited access permit or a swordfish handgear limited access permit in accordance with §635.4(f).

(b) *Atlantic tunas.* It is unlawful for any person or vessel subject to the jurisdiction of the United States to:

- (1) Engage in fishing with a vessel that has been issued an Atlantic Tunas or Atlantic HMS permit under §635.4, unless the vessel travels to and from the area where it will be fishing under its own power and the person operating that vessel brings any BFT under control (secured to the catching vessel and/or brought on board) with no assistance from

another vessel, except as shown by the operator that the safety of the vessel or its crew was jeopardized or other circumstances existed that were beyond the control of the operator.

(2) [Reserved]

(3) Fish for, catch, retain, or possess a BFT less than the large medium size class by a person aboard a vessel other than one that has on board a valid HMS Angling or Charter/Headboat permit, or an Atlantic tunas Purse Seine category permit as authorized under §635.23 (b), (c), and (e)(2).

(4) Fail to inspect a vessel's permit, fail to affix a dealer tag to a large medium or giant BFT, or fail to use such tag as specified in §635.5(b)(2).

(5) Fail to report a large medium or giant BFT that is not sold, as specified in §635.5(a)(3).

(6) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a BFT, as specified in §635.5(c)(1) or (c)(3).

(7) Fish for, catch, retain, or possess a BFT with gear not authorized for the category permit issued to the vessel or to have such gear on board when in possession of a BFT, as specified in §635.21(e)(1).

(8) Fail to request an inspection of a purse seine vessel, as specified in §635.21(e)(1)(vi)(B).

(9) Fish for or catch BFT in a directed fishery with purse seine nets without an allocation made under §635.27(a)(4).

(10) Fish for or catch any Atlantic tunas in a directed fishery with purse seine nets if there is no remaining BFT allocation made under §635.27 (a)(4).

(11) Exceed the recreational catch limit for yellowfin tuna, as specified in §635.22(d).

(12) Exceed a catch limit for BFT specified for the appropriate permit category, as specified in §635.23.

(13) As a vessel with a General category Atlantic tuna permit, fail to immediately cease fishing and immediately return to port after catching a large medium or giant BFT on a commercial fishing day, as specified in §635.23(a)(3).

(14) As a person aboard a vessel issued an HMS Angling or Charter/Headboat permit, fail to immediately cease fishing and immediately return to port after catching a large medium or giant BFT or fail to report such catch, as specified in §635.23(b)(1)(iii) and (c)(1) through (c)(3).

(15) As a person aboard a vessel issued an HMS Angling or HMS Charter/Headboat permit, sell, offer for sale, or attempt to sell a large medium or giant BFT retained when fishing under the circumstances specified in §635.23(b)(1)(iii) and (c)(1) through (c)(3).

(16) Retain a BFT caught under the catch and release program specified in §635.26.

(17) As a vessel with a Purse Seine category Atlantic tunas permit, catch, possess, retain, or land BFT in excess of its allocation of the Purse Seine category quota, or fish for BFT under that allocation prior to the commencement date of the directed BFT purse seine fishery, as specified in §635.27(a)(4).

(18) As a vessel with a Purse Seine category Atlantic tunas permit, land BFT smaller than the large medium size class except as specified under §635.23(e)(2).

(19) Fish for, retain, possess, or land a BFT when the fishery is closed, as specified in §635.28(a), except as may be authorized for catch and release under §635.26.

(20) Approach to within 100 yd (91.5 m) of the cork line of a purse seine net used by a vessel fishing for Atlantic tuna, or for a purse seine vessel to approach to within 100 yd (91.5 m) of a vessel actively fishing for Atlantic tuna, except that two vessels that have Purse Seine category Atlantic tuna permits may approach closer to each other.

(21) Transfer at sea an Atlantic tuna, except as may be authorized for the transfer of BFT between purse seine vessels, as specified in §635.29(a).

(22) As the owner or operator of a purse seine vessel, fail to comply with the requirement for possession at sea and landing of BFT under §635.30(a).

(23) Fish for, catch, possess, or retain a BFT from the Gulf of Mexico except as specified under §635.23(f)(1), or if taken incidental to recreational fishing for other species and retained in accordance with §635.23(b) and (c).

(24) Fail to comply with the restrictions on sale and purchase of an Atlantic tuna, as specified in §§635.5(b), 635.23, and 635.31(a).

(25) [Reserved]

(26) For any person to refuse to provide information requested by NMFS personnel or anyone collecting information for NMFS, under an agreement or contract, relating to the scientific monitoring or management of Atlantic tunas.

(27) Possess a large medium or giant BFT, after it has been landed, that does not have a dealer tag affixed to it as specified in §635.5(b)(2)(ii), unless the BFT is not to be sold and has been reported per the requirements specified in §§635.5(a)(3) or 635.5(c).

(28) Participate in any HMS recreational fishing activity aboard a vessel issued an Atlantic Tunas General category permit unless, as specified at §635.4(c)(2) and (3), the vessel has registered and paid an entry fee to, and is fishing under the rules of, a recreational HMS fishing tournament registered as required under §635.5(d)

(29) Import a bigeye tuna or bigeye tuna product into the United States from Bolivia or Georgia as specified in §635.41.

(30) Fish for any HMS, other than Atlantic BAYS tunas, with speargun fishing gear, as specified at §635.21(f).

(31) Harvest or fish for BAYS tunas using speargun gear with powerheads, or any other explosive devices, as specified in §635.21(f).

(32) Sell, purchase, barter for, or trade for an Atlantic BAYS tuna harvested with speargun fishing gear, as specified at §635.31(a)(1).

(33) Fire or discharge speargun gear without being physically in the water, as specified at §635.21(f).

(34) Use speargun gear to harvest a BAYS tuna restricted by fishing lines or other means, as specified at §635.21(f).

(35) Use speargun gear to fish for BAYS tunas from a vessel that does not possess either a valid HMS Angling or HMS Charter/Headboat permit, as specified at §635.21(f).

(36) Possess J-hooks onboard a vessel that has pelagic longline gear onboard, and that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico, except when green-stick gear is onboard, as specified at §635.21(c)(2)(v)(A) and (c)(5)(iii)(C)(3).

(37) Use or deploy J-hooks with pelagic longline gear from a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico.

(38) Possess more than 20 J-hooks onboard a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico, when possessing onboard both pelagic longline gear, as described at §635.21(c), and green-stick gear as defined at §635.2.

(39) Use or deploy more than 10 hooks at one time on any individual green-stick gear.

(40) Possess, use, or deploy J-hooks smaller than 1.5 inch (38.1 mm), when measured in a straight line over the longest distance from the eye to any other part of the hook, when fishing with or possessing green-stick gear onboard a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico.

(c) *Billfish*. It is unlawful for any person or vessel subject to the jurisdiction of the United States to:

(1) As specified in §635.21(e)(2), retain a billfish harvested by gear other than rod and reel, or retain a billfish on board a vessel unless that vessel has been issued an Atlantic HMS Angling or Charter/Headboat permit or has been issued an Atlantic Tunas General category permit and is participating in a tournament in compliance with §635.4(c).

(2) Transfer a billfish at sea, as specified in §635.29(a).

(3) Fail to maintain a billfish in the form specified in §635.30(b).

(4) Sell or purchase a billfish, as specified in §635.31(b).

(5) Retain on board a vessel a longbill spearfish, or a blue marlin, white marlin or sailfish that is less than the minimum size specified in §635.20(d).

- (6) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a billfish, as specified in §635.5(c)(2) or (c)(3).
- (7) Deploy a J-hook or an offset circle hook in combination with natural bait or a natural bait/artificial lure combination when participating in a tournament for, or including, Atlantic billfish, as specified in §635.21(e)(2).
- (8) Take, retain, or possess an Atlantic blue or white marlin when the fishery for these species has been restricted to catch and release fishing only, as specified in §635.27(d).
- (d) *Shark*. It is unlawful for any person or vessel subject to the jurisdiction of the United States to:
- (1) Exceed a recreational retention limit for shark, as specified in §635.22(c).
 - (2) Exceed a commercial retention limit for shark, as specified in §635.24(a).
 - (3) Retain, possess, or land a shark of a species group when the fishery for that species group and/or region is closed, as specified in §635.28(b).
 - (4) Sell or purchase a shark of a species group when the fishery for that species group and/or region is closed, as specified in §635.28(b).
 - (5) Transfer a shark at sea, as specified in §635.29(b).
 - (6) Fail to maintain a shark in its proper form, as specified in §635.30(c). Fail to maintain naturally attached shark fins through offloading as specified in §635.30(c).
 - (7) Sell or purchase shark fins that are disproportionate to the weight of shark carcasses, as specified in §635.30(c) and §600.1204(e) and (l) of this chapter.
 - (8) Fail to have shark fins and carcasses weighed and recorded, as specified in §635.30(c).
 - (9) Fail to comply with the restrictions on sale and purchase of a shark, as specified in §635.31(c).
 - (10) Retain, possess, sell, or purchase a prohibited shark, including parts or pieces of prohibited sharks, as specified under §§635.22(c), 635.24(a), and 635.27(b), or fail to disengage any hooked or entangled prohibited shark with the least harm possible to the animal as specified at §635.21(d).
 - (11) Receive, purchase, trade, or barter for Atlantic sharks without a valid Atlantic shark identification workshop certificate or fail to be certified for completion of a NMFS Atlantic shark identification workshop in violation of §635.8.
 - (12) Fish for Atlantic sharks with unauthorized gear or possess Atlantic sharks on board a vessel with unauthorized gear on board as specified in §635.21(e)(3).
 - (13) Fish for Atlantic sharks with a gillnet or possess Atlantic sharks on board a vessel with a gillnet on board, except as specified in §635.21(e)(3).
 - (14) Receive, purchase, trade, or barter for Atlantic shark without making available for inspection, at each of the dealer's places of business listed on the dealer permit which first receives Atlantic sharks by way of purchase, barter, or trade, a valid Atlantic shark identification workshop certificate issued by NMFS in violation of §635.8(b), except that trucks or other conveyances of the business must possess a copy of such certificate.
 - (15) Sell or transfer or attempt to sell or transfer a shark or sharks or part of a shark or sharks in excess of the retention limits specified in §635.24(a).
 - (16) Purchase, receive, or transfer or attempt to purchase, receive, or transfer a shark or sharks or part of a shark or sharks landed in excess of the retention limits specified in §635.24(a).
 - (17) Replace sharks that are onboard the vessel for retention with sharks of higher quality or size that are caught later in a particular trip as specified in §635.24(a).
- (e) *Swordfish*. It is unlawful for any person or vessel subject to the jurisdiction of the United States to:
- (1) Purchase, barter for, or trade for a swordfish from the north or south Atlantic swordfish stock without a dealer permit as specified in §635.4(g).
 - (2) Fail to comply with the restrictions on use of a pelagic longline specified in §635.21(b) and (c).
 - (3) When the directed fishery for swordfish is closed, exceed the limits specified in §635.28(c)(1)(i) and (c)(1)(ii).
 - (4) When the incidental catch fishery for swordfish is closed, possess, land, sell, or purchase a swordfish, as specified in §635.28(c)(2).
 - (5) Transfer at sea a swordfish, as specified in §635.29(a).
 - (6) Fail to maintain a swordfish in the form specified in §635.30(d).
 - (7) Fail to comply with the restrictions on sale and purchase of a swordfish, as specified in §635.31(d).
 - (8) Fish for North Atlantic swordfish from, possess North Atlantic swordfish on board, or land North Atlantic swordfish from a vessel using or having on board gear other than pelagic longline or handgear.
 - (9) Fish for swordfish from the South Atlantic swordfish stock using any gear other than pelagic longline.
 - (10) Fish for, catch, possess, retain, or land an Atlantic swordfish using, or captured on, "buoy gear" as defined at §635.2, unless the vessel owner has been issued a swordfish directed limited access permit or a swordfish handgear limited access permit in accordance with §635.4(f).
 - (11) As the owner of a vessel permitted, or required to be permitted, in the swordfish directed or swordfish handgear limited access permit category and utilizing buoy gear, to possess or deploy more than 35 individual floatation devices, to deploy more than 35 individual buoy gears per vessel, or to deploy buoy gear without affixed monitoring equipment, as specified at §635.21(e)(4)(iii).
 - (12) Fail to mark each buoy gear as required at §635.6(c)(1).
 - (13) Exceed the incidental catch retention limits specified at §635.24(b).
 - (14) Exceed the recreational catch limit for North Atlantic swordfish, as specified in §635.22(f).
 - (15) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a North Atlantic swordfish, as specified in §635.5(c)(2) or (c)(3).
 - (16) Possess any HMS, other than Atlantic swordfish, harvested with buoy gear §635.21(e).
 - (17) Fail to construct, deploy, or retrieve buoy gear as specified at §635.21(e)(4)(iii).

[64 FR 29135, May 28, 1999]

Editorial Note: For Federal Register citations affecting §635.71, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Appendix A to Part 635—Species Tables

Table 1 of Appendix A to Part 635—Oceanic Sharks

A. Large coastal sharks:

1. Ridgeback sharks:

Sandbar, *Carcharhinus plumbeus*

Silky, *Carcharhinus falciformis*

Tiger, *Galeocerdo cuvieri*

2. Non-ridgeback sharks:

Blacktip, *Carcharhinus limbatus*

Bull, *Carcharhinus leucas*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Scalloped hammerhead, *Sphyrna lewini*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*

B. Small coastal sharks:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

C. Pelagic sharks:

Blue, *Prionace glauca*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Shortfin mako, *Isurus oxyrinchus*
Thresher, *Alopias vulpinus* .

D. Prohibited sharks:

Atlantic angel, *Squatina dumerili*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus vitulus*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Odontaspis taurus*
Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

Table 2 of Appendix A to Part 635—Pelagic Species

Albacore tuna, *Thunnus alalunga*
Bigeye tuna, *Thunnus obesus*
Blue shark, *Prionace glauca*
Bluefin tuna, *Thunnus thynnus*
Dolphin fish, *Coryphaena hippurus*
Oceanic whitetip shark, *Carcharhinus longimanus*
Porbeagle shark, *Lamna nasus*
Shortfin mako shark, *Isurus oxyrinchus*
Skipjack tuna, *Katsuwonus pelamis*
Swordfish, *Xiphias gladius*
Thresher shark, *Alopias vulpinus*
Wahoo, *Acanthocybium solandri*
Yellowfin tuna, *Thunnus albacares*

Table 3 of Appendix A to Part 635—Demersal Species

Atlantic sharpnose shark, *Rhizoprionodon terraenovae*
Black grouper, *Mycteroperca bonaci*
Blackfin snapper, *Lutjanus buccanella*
Blacknose shark, *Carcharhinus acronotus*

Blacktip shark, *Carcharhinus limbatus*
Blueline tilefish, *Caulolatilus microps*
Bonnethead shark, *Sphyrna tiburo*
Bull shark, *Carcharhinus leucas*
Cubera snapper, *Lutjanus cyanopterus*
Dog snapper, *Lutjanus jocu*
Finetooth shark, *Carcharhinus isodon*
Gag grouper, *Mycteroperca microlepis*
Lane snapper, *Lutjanus synagris*
Lemon shark, *Negaprion brevirostris*
Mangrove snapper, *Lutjanus griseus*
Marbled grouper, *Dermatolepis inermis*
Misty grouper, *Epinephelus mystacinus*
Mutton snapper, *Lutjanus analis*
Nurse shark, *Ginglymostoma cirratum*
Queen snapper, *Etelis oculatus*
Red grouper, *Epinephelus morio*
Red hind, *Epinephelus guttatus*
Red snapper, *Lutjanus campechanus*
Rock hind, *Epinephelus adscensionis*
Sand tilefish, *Malacanthus plumieri*
Sandbar shark, *Carcharhinus plumbeus*
Schoolmaster snapper, *Lutjanus apodus*
Silk snapper, *Lutjanus vivanus*
Snowy grouper, *Epinephelus niveatus*
Speckled hind, *Epinephelus drummondhayi*
Spinner shark, *Carcharhinus brevipinna*
Tiger shark, *Galeocerdo cuvieri*
Tilefish, *Lopholatilus chamaeleonticeps*
Vermilion snapper, *Rhomboplites aurorubens*
Warsaw grouper, *Epinephelus nigritus*
Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowtail snapper, *Ocyurus chrysurus*

[64 FR 29135, May 28, 1999 as amended at 71 FR 58174, Oct. 2, 2006]

PRESIDENTIAL DOCUMENTS

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Title 3 -

The President

Executive Order 12962 of June 7, 1995 **Recreational Fisheries**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801-1882), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

Section 1. Federal Agency Duties. Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by:

- (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities;
- (b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable, healthy, and, where feasible, self-sustaining recreational fisheries;
- (c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;
- (d) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;
- (e) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;
- (f) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;
- (g) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;
- (h) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and
- (i) assisting private landowners to conserve and enhance aquatic resources on their lands.

Sec. 2. National Recreational Fisheries Coordination Council. A, National Recreational Fisheries Coordination Council ("Coordination Council") is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries-Interior, Commerce, Agriculture, Energy, Transportation, and Defense-and one by the Administrator of the Environmental Protection Agency. The Coordination Council shall:

- (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;
- (b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;
- (c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;
- (d) assess the implementation of the Conservation Plan required under section 3 of this order;
- and
- (e) develop a biennial report of accomplishments of the Conservation Plan.

The representatives designated by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

Sec. 3. Recreational Fishery Resources Conservation Plan.

- (a) Within 12 months of the date of this. order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan ("Conservation Plan").
- (b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will. establish, to the extent permitted by law and where practicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2). actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation. with States, Tribes, conservation groups, and the recreational fisheries community.

Sec. 4. Joint Policy for Administering the Endangered Species Act of 1973. All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 ("ESA") (16 U.S.C. 1531-et seq.). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will; (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.,

Sec. 5. Sport Fishing and Boating Partnership Council. To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to:

- (a) monitor specific Federal activities affecting aquatic systems. And the recreational fisheries they support;
- (b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and
- (c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

Sec. 6. judicial Review. This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

///signed///
William J. Clinton

THE WHITE HOUSE,
June 7, 1995.

[FR Doc. 95-14407
Filed 6-8-95; 10:50 am]
Billing code 3195-01-P

required documentation is available in the TIP Guidelines and Documentation Requirements for Research Involving Human & Animal Subjects located at <http://www.nist.gov/tip/helpful.html> or by calling 1-888-847-6478.

Executive Order 12372

(*Intergovernmental Review of Federal Programs*). Proposals under this program are not subject to Executive Order 12372.

Administrative Procedure Act and Regulatory Flexibility Act. Prior notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

E.O. 13132 (Federalism). This notice does not contain policies with Federalism implications as defined in Executive Order 13132.

E.O. 12866 (Regulatory Planning and Review). This notice is determined to be not significant under Executive Order 12866.

Paperwork Reduction Act.

Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to penalty for failure to, comply with a collection of information, subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This notice contains collection-of-information requirements subject to the PRA. The use of Form NIST-1022, Standard Form-424 (R&R), SF-424B, SF-LLL, Research and Related Other Project Information Form, and CD-346 has been approved by OMB under the respective control numbers 0693-0050, 4040-0001, 4040-0007, 0348-0046, 4040-0001, and 0605-0001.

Administrative and National Policy Requirements. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, 73 FR 7696-05 (Feb. 11, 2008), apply to this solicitation. On the form SF-424 (R&R) item 3. Organization DUNS and item 6. Employer Identification (EIN) or (TIN), the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) and the applicants 9-digit Employer Identification Number (EIN) or Taxpayer Identification Number (TIN) must be consistent with the information on the Central Contractor

Registration (CCR) (<http://www.ccr.gov>) and Automated Standard Application for Payment System (ASAP). For complex organizations with multiple DUNS and EIN or TIN numbers, the DUNS and EIN or TIN numbers MUST be the numbers for the applying entity. Entities that provide incorrect/inconsistent DUNS and EIN or TIN numbers may experience significant delays in submitting their proposals through Grants.gov and receiving funds if the proposal is selected for funding.

Dated: March 25, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9-7192 Filed 3-30-09; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Recreational Landings Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 1, 2009.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Margo Schulze-Haugen, (301) 713-2347 or Margo.Schulze-Haugen@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Recreational catch reporting provides important data used to monitor catches of Atlantic highly migratory species (HMS) and supplements other existing data collection programs. The data collected through this program are

currently used for both domestic and international fisheries management and stock assessment purposes.

Atlantic bluefin tuna (BFT) catch reporting provides real-time catch information used to monitor the recreational BFT fishery. Under the Atlantic Tunas Convention Act of 1975 (ATCA, 16 U.S.C. 971), the United States is required to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as necessary and appropriate, including a specified BFT quota. This program supports BFT quota monitoring and scientific research authorized under ATCA and the Magnuson-Stevens Fishery Conservation and Management Act (MSFMCA, 16 U.S.C. 1801 *et seq.*). Recreational anglers are required to report specific information regarding their catch after they land a BFT.

Atlantic billfish and swordfish are managed internationally by ICCAT and nationally under ATCA and the MSFMCA. This collection provides information needed to monitor the recreational limit established by ICCAT for Atlantic blue and white marlin, and the recreational catch of North Atlantic swordfish, which is applied to the ICCAT established U.S. quota. This collection also provides information on recreational landings of West Atlantic sailfish which is unavailable from established monitoring programs. The collection of sailfish catch information is authorized under MSFCMA for purposes of stock management.

II. Method of Collection

Respondents reporting BFT landings in all states (including the United States Virgin Islands and the Commonwealth of Puerto Rico) other than Maryland or North Carolina may use either an Internet Web site or an interactive voice response (IVR) telephone system. The respondents reporting Atlantic marlin, West Atlantic sailfish, or North Atlantic swordfish in all states (including the United States Virgin Islands and the Commonwealth of Puerto Rico) other than MD or NC may use either an Internet Web site or a toll-free telephone number. In MD and NC, a paper reporting system is used for all of the aforementioned species. Respondents in MD and NC must submit a landing card at a state reporting station. The states that participate in a landing card program must submit weekly reports and one annual report to NOAA to summarize landings and results to date.

III. Data

OMB Control Number: 0648-0328.
Form Number: None.

Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations; individuals or households; and State, Local, or Tribal government.

Estimated Number of Respondents: 10,968.

Estimated Time Per Response: 5 minutes for an initial call-in or Internet report; 5 minutes for a confirmation call; 10 minutes for a landing card; 1 hour for a weekly state report; and 4 hours for an annual state report.

Estimated Total Annual Burden Hours: 1,403.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

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

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

Dated: March 26, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-7187 Filed 3-30-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Socio-Economic Assessment of Gulf of Mexico Fisheries Under the Limited Access Privilege Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general

public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 1, 2009.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Juan J. Agar, (305) 361-4218 or Juan.Agar@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) proposes to collect demographic, cultural, economic and social information about Gulf of Mexico fisheries managed under the limited access privilege program (LAPP). The survey also intends to inquire about the industry's perceptions, attitudes and beliefs about the performance of the LAPP. The data gathered will be used to describe the social and economic changes brought about by the LAPP, assess the economic performance of the industry under the LAPP, and evaluate the socio-economic impacts of future federal regulatory actions. In addition, the information will be used to strengthen and improve fishery management decision-making, satisfy legal mandates under Executive Order 12866, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 et seq.), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statutes.

II. Method of Collection

The socio-economic information sought will be collected via in-person, telephone and mail surveys.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time Per Response: 1 hr.

Estimated Total Annual Burden Hours: 1,200.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

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

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

Dated: March 26, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-7189 Filed 3-30-09; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Agricultural Advisory Committee; Thirteenth Renewal

The Commodity Futures Trading Commission has determined to renew the charter of the Commission's Agricultural Advisory Committee for a further period of two years. The Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1, et seq.

The objectives and scope of activities of the Agricultural Advisory Committee are to conduct public meetings and submit reports and recommendations on issues affecting agricultural producers, processors, lenders and others interested in or affected by agricultural commodities markets, and to facilitate communications between the Commission and the diverse agricultural and agriculture-related organizations represented on the Committee. The Committee's membership represents a cross-section of interested and affected groups including representatives of producers, processors, lenders and other interested agricultural groups.

Interested persons may obtain information or make comments by