

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/28/2007

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/25/2007

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200710-0648-002
AGENCY ICR TRACKING NUMBER:
TITLE: Southeast Region Dealer and Interview Family of Forms
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0013

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: 12/31/2009

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	11,464	2,108	0
New	12,083	1,835	417
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	619	-273	417
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE: OMB requests the agency provide additional information to demonstrate the reliability of estimates derived from its non-statistical interview programs and their practical utility as a basis for policymaking.

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
Shrimp and finfish trip Interviews			50 CFR 622.5
Quota Managed Fisheries: Coastal Fisheries, Wreckfish and Mackerel Reporting	NA, NA, NA, NA	Dealer Report of Spanish Mackerel Landing, Dealer Report of King Mackerel Landings, Coastal Fisheries Dealer Report, Monthly Wreckfish Dealer Report	
Coastal Fisheries and Wreckfish Dealer No-Purchase Reporting	NA, NA	Monthly Wreckfish Dealer Report, Coastal Fisheries Dealer Report	
Rock shrimp, golden crab and coral dealer reporting			50 CFR 622
Vessel Operational Unit Inventory			50 CFR 622

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
SOUTHEAST REGION DEALER AND INTERVIEW FAMILY OF FORMS
OMB CONTROL NO.: 0648-0013**

INTRODUCTION

This request for the Office of Management and Budget (OMB) review is for renewal of the existing reporting requirements that are currently approved under OMB Control No.: 0648-0013, Southeast Region Dealer Family of Forms, which expires on October 31, 2007. This family of forms includes the various reporting instruments and procedures that the National Marine Fisheries Service (NMFS) Southeast Fisheries Science Center (SEFSC) uses to collect landings statistics and quota monitoring data from commercial seafood dealers and to conduct interviews with fishermen for effort and fishing locations data.

Fishery statistics are collected by NMFS for a variety of reasons under several Federal statutes. The overall purposes for the data collection activities under this family have not changed significantly since the approval of this family of forms in 1995. It includes the same three methodologies that were included in the 1998, 2001 and the 2004 submissions. These methods include: (1) landings statistics, which include the general canvass statistics and the shrimp landings statistics; (2) mandatory dealer reporting for monitoring Federal fishery quotas; and (3) bioprofile data from the Trip Interview Program (TIP). The SEFSC employs several methods to collect the data. The following is a brief description of these procedures.

For the general canvass statistics, the SEFSC does not collect these data directly from the seafood dealers. The state fishery agencies in each of the states in the southeast region collect landings statistics under their individual state authority. The state agencies share these data with the SEFSC as part of formal cooperative agreements between the SEFSC and the states. These cooperative arrangements serve to both reduce the overall cost of data collection and avoid the possibility of duplicate effort.

Because more detailed information is required for the shrimp landings statistics than some states provide in the general canvass data, SEFSC employees collect these data directly from seafood dealers. The data that the SEFSC personnel collect are available from the sales receipts records maintained by the dealers as part of the routine accounting practices that are part of their normal business operations. The dealers are not asked nor required to keep any extra records, other than the sales receipts, which are used by the SEFSC personnel to record the shrimp landings statistics. Consequently, this data collection activity does not impose any reporting burden on the dealers.

The shrimp fishing effort information is collected directly from shrimp fishermen by personal interviews with them. The fishermen are not asked to complete a form; instead, SEFSC employees ask them for the information and record the data on work sheets for data entry.

To collect the data required to monitor the fishery quotas, the SEFSC has developed simple, easy to use forms that are to be completed by the dealers selected to report. Currently, there are 4 forms in use by the SEFSC to monitor the fishery quotas (Coastal fisheries, Mackerel dealers, mackerel gill net fisherman, and Wreckfish).

There are three other types of data included in OMB Control No.: 0648-0013 (rock shrimp dealer data, golden crab dealer data, and coral dealer data), but the SEFSC does not actively collect these data. As with the general canvass data, the state fishery agencies provide these data; however, a minimal number of hours is identified in the unlikely event the states cannot provide those data.

A. JUSTIFICATION

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

The data collected under the various programs included in OMB Control No.: 0648-0013 supports a wide variety of analytical and management functions performed by NMFS. These data are collected to support the stewardship role delegated to NMFS under various Federal regulations.

Under the Fish and Wildlife Act (FWA), modified by the Reorganization Plan No. 4 of 1970, and enhanced by the Magnuson Fishery Conservation and Management Act (renamed in 1996 as the Magnuson-Stevens Fishery Conservation and Management Act, and amended in 2006), the Secretary of Commerce (Secretary) has undertaken a set of objectives for the conservation and management of marine fishery resources. **Section 742(d) of the FWA** requires the Secretary to conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President and to Congress on the status of marine resources. The Magnuson-Stevens Act requires that conservation and management measures in fishery management plans (FMP) must prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. Such management measures must be based on the best available scientific information. The use of dealer reporting of landings purchased throughout the various regiments of the fishery is an essential ingredient in the management of fishery resources. Section 303 (a) (5) of the Magnuson-Stevens Act specifically identifies the kinds of data to be collected in support of FMPs. The following are specific regulations that authorize the collection of data in this family of forms:

Legal Citation	Description	Appropriate Section
50 CFR Part 600	General Provisions for Domestic Fisheries	600.705 Relation to other laws, 600.715 Recordkeeping and Reporting and 600.725 General Prohibitions.
50 CFR Part 622	Fisheries of the Caribbean, Gulf & South Atlantic	622.2 Definitions, 622.5 Recordkeeping and Reporting.

The mandatory dealer reporting is necessary to provide the NMFS with timely information to monitor the fishery quotas established in the respective fishery management plans. Without the direct reporting by the selected dealers, NMFS managers would not be able to determine when the quotas are reached and the fisheries need to be closed.

The bioprofile data (also referred to as the trip interview data) are necessary for size frequency and age at length keys. These data and relationships are essential parts of the scientific stock assessments prepared by NMFS scientists.

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 provided by the data collection activities in OMB Control No.: 0648-0013 is used by several offices of NMFS, Fishery Management Council staffs, the U.S. Coast Guard, the Corp of Engineers, and state fishery agencies to develop, implement, and monitor fishery management regimes. NMFS, Fishery Management Councils, the Departments of State and Commerce, OMB, the fishing industry, congressional staff, and the public use summarizations and analyses of dealer data to answer questions about the nature of fisheries resources.

The primary use of the overall data collection, however, is to support the management of the fisheries resources under Federal jurisdiction. The landings data are used to determine the overall magnitude and trends in the fisheries. The Shrimp Interview and the TIP provide the most important data for stock assessments that directly support NMFS' stewardship responsibilities. There are two parts to the TIP data collection activity: 1) port agents select fishing trips and interview the captain or crew to collect information on the fishing trip, i.e., specific locations where the fishing occurred, the type and quantities of gear, and the amount of time that the various types of gear were fished: 2) port agents measure and weigh individual fish and collect hard-part and tissue samples either directly from the boats when the catch is being unloaded or from storage vats after the unloading has been completed. This size frequency and age data are used directly by stock assessment biologists to perform virtual population analyses for stock assessments. To assure that fishermen cooperate, Federal regulations require that fishermen make their fish available to authorized Federal port agents and provide the gear, area and effort information needed in conjunction with the size and weight data.

The SEFSC routinely performs four to six stock assessments per year (note, an assessment is not necessarily needed for each species every year, consequently some assessments are performed every 3 to 5 years). As an example, stock assessments for Gag Groupers, Red Groupers, Black Groupers, and Vermilion Snappers were done during 2006.

The SEFSC conducts an annual vessel inventory that is used to provide a count of the vessels (greater than 5 net tons) that are actively fishing in the southeast region. The data for this inventory is extracted from trip ticket data for some of the states; however, for other states the inventory is prepared by observation and data recorded from dealer records. There are only a small number of situations where it is necessary for the agents to actually contact the vessel owner/operator for specific information on the type or amount of gear used by the vessel.

Another major data collection activity in OMB Control No.: 0648-0013 is mandatory dealer reporting that is used to monitor the quotas that are promulgated under various Federal fishery management plans and amendments to those plans. The frequency of reporting is established in accordance with the nature of the respective fishery. For several of the fisheries, fishing effort and/or the biology of the fish require weekly submissions, but for other quotas, the frequency with which the fish are landed only requires reporting every two weeks or monthly. The following is a summary of the reporting frequencies for the four quota monitoring collections in OMB Control No.: 0648-0013.

Coastal Fisheries Dealers Reporting:

The coastal fisheries quota monitoring form includes fisheries managed under the Gulf of Mexico Reef Fish Fishery Management plan currently (5 species of deep water groupers, 8 species of shallow water groupers, greater Amberjack, gray triggerfish, and tilefish). This form also includes fisheries managed under the South Atlantic Fishery Management plan currently (Snowy grouper, greater Amberjack, Golden tilefish, Black Sea bass, Red porgy, and Vermilion Snapper). Dealers are required to submit this form twice per month.

Mackerel Dealers Reporting (gear types other than gill net):

Because king and Spanish mackerel are migratory and school in large numbers at specific times and areas, monitoring the landings for these species is only necessary for a limited time, i.e., during the open season. Thus, reporting by dealers may only be required for a couple of months or from as many as six months depending on availability of fish and fishing effort. There are 3 forms used for these quotas. One form is used for dealers that handle the quotas for all gear types other than gill net. Dealers are only required to submit this form monthly.

Mackerel Dealers Reporting (gill net):

Because of the efficiency of gill nets to catch fish, the quota for this fishery can be reached very quickly. Thus, those dealers and vessels that are selected to submit these two forms must do so weekly. Normally, the quota for this fishery is reached in a month or two and only 7 or 8 reports are required during a year.

Wreckfish Dealer Reporting:

Dealers that purchase wreckfish are required to report the total weight of these species purchased during a calendar month.

Miscellaneous Reporting:

Reporting requirements have been implemented for rock shrimp and golden crab dealers along the Atlantic coast and coral dealers in Puerto Rico. These regulations were promulgated as a safeguard in the event that the states failed to collect the necessary landings statistics. To date, the NMFS has not had to use this authority.

Summaries of the quota monitoring data will be made available to the general public to inform them of the ongoing status of the quota so fishermen can make the appropriate business decisions

regarding future fishing activities. NMFS/SEFSC 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 #10 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.

Currently, electronic reporting is not available for all dealers. However, several of the states in the southeast region are investigating possible methods for dealers to report electronically. A few dealers are using state approved electronic reporting and for those dealers, the data are provided to the SEFSC by the state and those dealers are not required to submit a separate quota monitoring report to the Center. The quota monitoring reporting forms for OMB Control No.: 0648-0013 are available on the Internet as a “.pdf” file that can be completed and sent via RapidFax or e-mail to the Center.

4. Describe efforts to identify duplication.

A requirement of the Magnuson Act Operational Guidelines is for each Fishery Management Council to evaluate existing state and federal laws governing the fisheries in question, and such findings are included in each FMP. Membership on each Fishery Management Council is composed of state and federal officials responsible for resource management in their respective states. These two circumstances identify other data collection activities that may be gathering the same or similar information. In addition, each FMP undergoes an extensive public comment period where potential applicants review the proposed rulemaking.

The NMFS has established cooperative statistics programs with the 8 coastal states in the southeast region of the U.S. The State/Federal Cooperative Statistics Program is comprehensive both geographically within the southeast region and with respect to the data that are collected. The federal and state reporting requirements are coordinated through the Cooperative Agreement. In addition, the location and responsibilities of the port agents are coordinated to avoid any duplication of effort, and contact with fishermen at the docks. As a result of both the Fishery Management Council process and the Cooperative Statistics Agreements, the NMFS/SEFSC is confident that it is aware of all similar data collection activities and that all duplications that can be avoided are avoided.

Quota monitoring is the only area where any duplication occurs and it is unavoidable for this data requirement. As a result of the restrictive quotas, the NMFS/SEFSC has had to establish data collection programs that provide landings data more timely than the state fishery agencies can provide them. It takes the states from 2 to 3 months to process the landings data and provide it to the SEFSC. Unfortunately, with this type of delay, many of the Federal quotas would be filled before any data could be provided by the states. Consequently, the SEFSC has had to implement a means of collecting landings data much more quickly.

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

Because almost all dealers and fishermen are considered small businesses, separate requirements based on the size of the business have not been developed. Only the minimum data to meet reporting objectives are required from the respondents. The data provided under OMB Control No.: 0648-0013 are summaries compiled from existing accounting information maintained by seafood dealers and processors in the normal course of their business operations. The dealers are not required, nor asked, to maintain any records other than the sales receipts that records the transactions between the dealer (purchaser) and the fishermen (seller). Thus, there is no additional recordkeeping burden on dealers due to the reporting requirements covered in this PRA.

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

It is essential that these collection activities are continued. They provide the data necessary for future stock assessments and the means of monitoring the fishery quotas that are currently promulgated to control fishing effort. Thus, if these collection activities were not available, the NMFS could not perform the stock assessments for the conservation and management of our fishery resources. Furthermore, without the mandatory dealer reporting, the SEFSC could not effectively monitor the quotas implemented by existing fishery management plans and therefore, reduce fishing mortality.

With respect to frequency, the collection of size frequency data must be an ongoing process. The dynamics of fishery biology, such as semi-annual spawning, seasonal migratory changes, growth and mortality rates, require a collection frequency that can detect these changes over time. In addition, weekly or monthly reporting frequencies, rather than quarterly or annual submissions, must be used to monitor in-season quota management.

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

No additional special circumstances beyond those described in the previous response are in conflict with OMB Guidelines for Information Collections.

8. Provide a copy of 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 was published on 05/22/2007. No comments were received. As described above, the NMFS is part of a cooperative program to collect fishery statistics. As such, a Committee has been established to oversee the Program. This Committee meets at least

once a year to review and improve on the data collection procedures and activities conducted in the southeast.

The following is a list of the state coordinators and Council staffs that are members of the Southeast Cooperative Statistics Committee:

Dee Lupton
North Carolina Department of Marine Resources
P.O. Box 769
Morehead, NC 28557
(919) 726-7021

Nan Jenkins
South Carolina Wildlife and Marine Resources Dept.
P.O. Box 12559
Charleston, SC 29412
(912) 264-0542

Julie Califf
Georgia Department of Natural Resources
1200 Glynn Avenue
Brunswick, GA 31523
(912) 264-0542

Joseph O'Hop
Florida Department of Environmental Protection Marine Research Laboratory
100 8th Avenue, S.E.
St. Petersburg, FL 33701
(813) 896-8626

Kerwin Cuervo A
Alabama Department of Marine Resources
P.O. Drawer 458
Gulf Shores, Al 36542
(205) 968-7576

Chris Denson
Mississippi Bureau of Marine Resources
P.O. Box 959
Long Beach, MS 39560
(601) 864-4602

Joseph Shepard
Louisiana Department of Wildlife and Fisheries
P.O. Box 15570
Baton Rouge, LA 70895
(504) 765-2371

Page Campbell
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(512) 389-4857

Wayne Swingle
Gulf of Mexico Fishery Management Council Lincoln Center
Suite 881 5401 West Kennedy Blvd.
Tampa, FL 33609
(813) 228-2815

Gregg Waugh
South Atlantic Fishery Management Council
Southpark Building, Suite 306, 1 Southpark Circle
Charleston, SC 29407
(803)571-4366

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

No payment or other remuneration are provided.

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

All data collected under this family of forms are handled in accordance with NOAA Administrative Order 216-100, Confidential Fisheries Statistics. Dealer reports are also considered confidential under the Trade Secrets Act.

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

No questions of a sensitive nature are asked.

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

The total burden on the public for this PRA is estimated to be 1,835 hours. The following is a description of the estimated burden hours and costs of reporting for the individual reporting activities. The number of respondents and the estimated time per response for the individual data collection activities (forms) are summarized in Table 1.

General Canvass:

The reporting burden on seafood dealers for the landings (general canvass) statistics is zero. As described in the Introduction, these data are reported to the fishery agency for each state and the NMFS/SEFSC does not conduct this data collection activity. The respective state fishery

agencies perform the data processing and quality control on these data and provide them to the SEFSC.

Shrimp Dealers:

The reporting burden for the dealers that handle shrimp in the Gulf of Mexico is also zero. For the dealers located in some states in the southeast region, the landings statistics are collected by NMFS/SEFSC port agents who visit the dealers and record the data. The dealers are not required to record any additional information or maintain any additional information other than the information that is available on the sales receipts that are maintained as part of the company's accounting. The port agents record the information from the sales receipts maintained by the dealers. The dealers are only required to make the sales receipts available to the port agents.

Shrimp Interviews:

The burden to the public for shrimp interviews conducted in the Gulf of Mexico is estimated to be 538 hours. On average, about 3,229 interviews are conducted annually to collect fishing effort and area of catch information. It takes approximately 10 minutes to ask these questions. Thus, the total burden is $3,229 \times 0.167 \text{ hrs/schedule} = 538 \text{ hrs}$.

The decrease in the number of responses from the previous estimates is 271. The decrease in the burden hours from previous estimates is 46. This is a result of a sampling procedure adjustment in 2006, because participation in the shrimp fishery varies for a number of factors ranging from fuel and market prices to regional and local weather patterns. The average of the past 5 years was used to predict the annual burden estimate.

Trip Interview Program:

The reporting burden associated with interviews that are conducted to collect the fishing effort and location for the TIP is similar to the procedures for shrimp interviews. Because of the increasing effort to improve the stock assessments that the NMFS prepares, the numbers of TIP interviews have been increasing over the past several years. It is estimated that approximately 4,400 interviews are (will be) conducted annually to collect the gear, area and effort information for the TIP. The average time required to collect this effort information is 10 minutes. It should be noted that interviews are conducted from both commercial and recreational fishing trips. Most of the sampling effort for the TIP is directed at commercial fishing trips because of stock assessment requirements (roughly 85%); however, recreationally caught fish are sampled to provide length/weight information for aging analyzes. The total burden of this program is estimated to be 733 hours, i.e., $4,400 \times 10 \text{ minutes/interview} = 733$. For the TIP, the only burden to the fishermen (public) is the time it takes to respond to the questions on gear, area and effort, no separate reporting or recordkeeping is required.

The increase in the number of responses from the previous estimates is 199. The increase in the burden hours from previous estimates is 22. This is a result of a sampling procedure adjustment in 2006 because participation in the trip interview program varies slightly from year to year.

Coastal Fisheries Dealer Reporting:

In 2006, 158 dealers made bi-monthly reports used for the monitoring of coastal fisheries. These dealers submitted 1,595 reports with landings data and 1,478 reports in which they reported no purchases during 2006. The forms with landings information require an estimated 10 minutes to complete and the reporting burden is about 266 hours (i.e., 1,595 reports x 10 minutes/report = 266 hours). For the no-production reports, the reporting time is estimated to be 3 minutes and the total reporting burden is estimated to be 74 hours (i.e., 1,478 reports x 3 minutes/report = 74 hours). The total reporting burden is 340 hours for the combined 3,073 coastal fisheries quota monitoring reports received in 2006.

The decrease in the number of respondents from the previous estimates is 82. The decrease in the burden hours from previous estimates is 291. This is a result of a change in the program in 2006 in which a combined coastal fisheries quota monitoring form was developed: a combination of three previous forms (Gulf of Mexico grouper - tilefish, Gulf of Mexico red snapper, and the South Atlantic snapper-grouper complex) approved in Proposed Rules (PR) Regulation Identifier Number (RIN) 0648-AT75.

Mackerel Reporting:

The total burden hours to monitor the king and Spanish mackerel quotas are estimated to be 160:

During the past several years, about 95 dealers have reported each year in the Gulf of Mexico. Because the quotas are usually reached before the entire 12 month season is over, only about 7 monthly reports are actually submitted. The average time per report is less than 10 minutes per report because many dealers do not always purchase mackerel and when no purchases are made only a no-purchase report is required. The total burden hours is estimated to be 110 hours annually (i.e., 95 dealers x 7 reports/dealer x 10 minutes per report).

In the South Atlantic during 2006, there were a total of 21 dealers submitting 252 monthly reports. The average time per report is less than 10 minutes per report, resulting in an estimated burden of 42 hours annually (i.e., 21 dealers x 12 reports/dealer x 10 minutes per report = 42).

In addition to the monthly mackerel reports for the western Gulf of Mexico and the south Atlantic, weekly reporting had to be implemented for the southwest Florida area. A quota has been established for the runaround gill net fishery in this area. Because this type of gear can catch large quantities of fish with a single set, more frequent monitoring had to be implemented. Two forms are used, one for vessels to report and one for dealer reporting. Only 7 dealers reported the past year and they submitted 30 reports. There are between 12 to 15 vessels that use gill nets, but not all of the vessels fish each year. Because of the nature of the fishery they only submit 2 or 3 reports per year, and during 2003 (last year reliable data available, due to Gulf Storms in subsequent years), only 12 reports were received. The reporting burden is estimated at 10 minutes per form. The total burden is estimated at 7 hours (i.e., 42 reports x 10 minutes/report = 7 hrs.).

Total mackerel burden: $110 + 42 + 7 = 159$.

The increase in the estimated number of responses from the previous estimates is 252. The increase in the burden hours from previous estimate is 40. The increase in number of responses is due to an increase in the number of dealers landing significant quantities of mackerel so that more dealers had to be included in the survey.

Wreckfish Dealer Reporting:

A total of 40 dealers held wreckfish permits during 2006. There were 2 dealers that handled wreckfish during 2006, and each of them submitted monthly reports. The estimated time required for a dealer to complete a monthly report when fish were purchased is 10 minutes, and in 2006, 34 reports were received. The burden from these reports is 6 hours (34 reports x 10 minutes/report = 6). Dealers submitted 104 forms on which no purchases were reported. It is estimated to take about 3 minutes to complete these forms and the burden is estimated at 5 hours: 104 reports x 3 minutes/report = 5 hours). The total burden is estimated at 11 hours (6 + 5).

The increase in the number of responses from the previous estimates is 54. The increase in the burden hours from previous estimates is 2. This is a result of a sampling procedure adjustment in 2006 that can be attributed to more dealers being permitted to handle wreckfish.

Miscellaneous Reporting:

There are 4 miscellaneous reporting requirements that are included in this family of forms. The rock shrimp and golden crab dealer reporting requirements are not utilized, but an estimated burden of 15 hours is included in the event the state fishery agencies cannot provide the data (an estimate of 60 dealers is used at 15 minutes per form which equals 15 hours per fishery). Likewise, Federal regulations include reporting requirements for coral harvested in Puerto Rico. The burden for this reporting is estimated to be 16 hours (64 submissions at 15 minutes per report).

Vessel Inventory:

Lastly, hours are included for the annual vessel inventory that is conducted by the SEFSC. Only a small percent of the commercial vessels need to be interviewed and this number, on average, is about 100 vessels. It only takes about 5 minutes to collect the 3 pieces of information on the vessels, for a total burden of 8 hours per year.

Regulations in 50 CFR 622.5(c)(3)(i) and (iii) require dealers, which include cars and trucks, to maintain a record of the landings for at least one year. Since the submission in 1998, the State of Alabama has implemented a state law that meets this requirement. All other states in the Gulf of Mexico region already had such regulations. Consequently, there is no burden associated with this Federal regulation because dealers comply with it under applicable state regulations.

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

There are no anticipated postage costs. Dealers are provided with addressed, postage-paid envelopes that they can use to return the completed form. However, for the quota managed

fisheries -- Coastal fisheries, mackerel and wreckfish) -- the dealers are asked to fax their reports. There are an estimated 4170 forms that are submitted by these dealers. Assuming an average of \$0.10 per call, the total cost to the dealers is about \$417.

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

The cost to the Federal government is largely salaries of the port agents that are employed to transcribe the data onto the appropriate forms. Twenty-eight port agents are employed in the southeast, 25 of them are employed full-time in the collection of general canvass and shrimp statistics. The total salary cost of these employees is about \$600,000. In addition, area supervisors allocate about half of their time to supervising this data collection activity. This cost is about \$35,000. The remaining 3 port agents are employed full-time in TIP data collection at a cost of \$77,500. Printing and reproduction costs are about \$3,000 per year, which includes the cost of the postage-paid envelopes. The cost of data entry for the shrimp statistics and TIP data are included in the salaries of the port agents because they enter the data they collect. The data entry for the quota monitoring data is very small and is done by staff as part of their other duties. These costs are probably not more than \$1,000 to \$2,000 per year of those staffs' salaries. Total government costs: \$600,000 + \$35,000 + \$77,500 + \$3,000 = \$715,500.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

There is a net decrease of 273 hours in the reporting burden for this PRA from the previous burden of 2,108 hours. This decrease is largely due to change in program of the coastal fisheries quota reporting form that resulted in 291 fewer burden hours. Additionally, 46 fewer burden hours are needed with the new sampling procedure adjustment to the shrimp interview program. The trip interview program, mackerel dealer quota program, and wreckfish dealer quota program saw slight increases of 22, 40 and 2 burden hours, respectively, due to minor adjustments in the estimated numbers of responses.

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

Results from the data collection using the forms in this PRA are not planned for publication.

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.

The OMB number and expiration number are displayed on each of the forms.

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

There are no exceptions to Item 19 of the OMB 83-I.

Table 1. Estimated number of respondents and total burden hours for dealer/interview family of forms.

Activity	# Respondents	# Responses	Time / Response	Total Burden
General Canvass	0	0	0	0
Shrimp Dealers**	713	0	0	0
Shrimp Interviews*	2,198 (est.)	3,229	10 minutes	538
Trip Interview Program*	2,895 (est.)	4,400	10 minutes	733
Coastal Fisheries Dealer * Reporting	158***	1,595	10 minutes	266
Coastal Fisheries Dealer No-purchase Reporting	158***	1,478	3 minutes	74
Mackerel Dealer Reporting* (non- gill net), Gulf of Mexico	95	665	10 minutes	110
Mackerel Dealer Reporting* (non- gill net), South Atlantic	21	252	10 minutes	42
Mackerel Dealer Reporting* (gill net)	7	30	10 minutes	5
Mackerel Vessel Reporting * (gill net)	6	12	10 minutes	2
Wreckfish Dealer Reporting*	40***	34	10 minutes	6
Wreckfish Dealer No-purchase Reporting	40***	104	3 minutes	5
Rock Shrimp**		60	15 minutes	15
Golden Grab Dealers**		60	15 minutes	15
Coral Dealers**		64	15 minutes	16
Vessel Operational Units**	7,634 (est.)	100	5 minutes	8
Total	13,767	12,083		1,835

*Based on estimates from number of respondents and responses from 2006.

** Minimal number of estimate hours reserved as a safeguard in the event that the states failed to collect the necessary landings statistics.

*** For both the Coastal Fisheries Dealers and Wreckfish Dealers, the same group of respondents is listed twice (once for reporting and once for no-purchase reporting). Therefore, the respondent total listed is lower than the actual column total.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

In contrast to the mandatory landings and value data collected from all wholesale seafood dealers, effort and area data (i.e., the interviews in the shrimp statistics and TIP) are collected from fishing trips by interviewing fishermen as they are encountered at the docks. Thus, an "opportunistic" sampling approach is employed. This "opportunistic" type of sampling eliminates the ability to follow a statistically-designed sampling strategy. Neither of these two interview data collection methods employs predetermined stratified statistical sampling designs.

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.

Interview programs:
Shrimp Interviews
Trip Interview Program

The universe includes all commercial fishing trips. Due to the opportunistic nature of intercepting vessels, no statistical sampling methods are used for selecting respondents. Informal approaches (port agents' knowledge of the fishery) are used to attempt to obtain information from trips, which are representative of the fishery in a given port. No formal attempt is made to ensure similar sampling intensity across ports. Port agents are instructed to sample trips, which are representative of the fishery in their area; thus, trips are generally selected in proportion to the landing frequency by gear and species in their respective area. It is typical for port agents to adjust their daily work schedules to accommodate the public. Specific sampling targets are established based upon sampling strata (area, gear and stock) but, because of the broad nature of those strata, the targets usually encompass large areas, which cross over specific port agent areas of responsibilities.

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.

Interview programs:

Fin fish sampling:

Port agents work within their defined area of coverage, and attempt to obtain data, which is representative of the local fisheries. No formal statistical methods are used to select fishing trips for interviews. In 2006 4,400 trips were sampled by the trip interview program out of approximately 40,500 trips reported to the SEFSC coastal logbook program. This represents a sampling fraction of 10.9%, which may be an over-estimate due to possible non-reporting to the coastal logbook program.

Shrimp sampling:

Port agents work within their defined area of coverage, and attempt to obtain data, which is representative of the shrimp fishery. No formal statistical methods are used to select trips for interviews. On average, the trip interview program conducts 3,229 interviews annually and approximately 112,401 shrimp trips are made each year. This represents an approximate sampling fraction of 2.9% annually.

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.

Interview programs:

Port agents attempt to maintain cooperative relationships with fishermen and attempt to ensure that interviews are conducted so that they have minimal impact on business activity. To maximize response rates port agents stay in close contact with dealers and fishermen to determine when vessels will be arriving at the dock and off-loading. When possible, sampling is conducted when multiple vessels will be off-loading to increase the chances of sampling multiple vessels.

The reliability of data collected under the finfish (and shrimp) sampling program(s) are primarily examined through extensive computer-based code and value checking at data entry. Also, sampling personnel are instructed to visually compare entered data with data sheets after data entry. Additional quality control checks are performed periodically in preparation for analyses.

In addition, the South Atlantic, Gulf of Mexico and Caribbean Fisheries Management Councils, in cooperation with the NOAA Fisheries Southeast Fishery Science Center, have developed a process called Southeast Data, Assessment and Review (SEDAR) to conduct assessments of the status of exploited finfish and shell fish marine stocks. The process involves a series of workshops and involves knowledgeable fishermen, representatives of non-governmental organizations, regional scientists from both state and federal agencies and independent scientists, often from outside of the region and from other nations. A central component of that process is extensive review of the reliability and adequacy of the data used to characterize the fish and the fisheries. That review is primarily conducted in the SEDAR Data Workshop, but also in the Assessment and Review Workshops. The types of criteria used by the reviewers generally include the consistency of the data with historical patterns, the expected patterns across fisheries, the perceptions of knowledgeable resource users and samplers, sampling fractions, the internal consistency of the data, and the like. The SEDARs have found sampling to be adequate for the species which comprise substantial proportions of the landings.

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

Tests of procedures and methods involving additional burden on the public are not routinely conducted. Interaction and feedback with the public being interviewed and scientists from the SEDAR process will provide sufficient information about the data collection procedures to make whatever adjustments to the interviews are needed.

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

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

Dr. Steve Turner, Survey Statistician Group Leader Fisheries Statistics Group, is responsible for the data collection activity (305) 361-4482.

Guy Davenport, Acting Director, Sustainable Fisheries Division
(305) 361-4220.

DEALER REPORT OF KING MACKEREL LANDINGS
FOR THE
COASTAL MIGRATORY PELAGIC RESOURCES

DEALER NAME

REPORTING PERIOD: _____, 200__ THROUGH _____, 200__.

COUNTY OR PARISH WHERE LANDED: _____, STATE WHERE LANDED _____.

POUNDS

GEAR

ROUND

GUTTED

Hook and Line

/___/ No king mackerel were landed during the reporting period.

Submitted by: Name (please print) _____.

Signature: _____ Date: _____, 200__.

FAX or Mail Report to:

FAX Number:
(409)766-3543

Keith Roberts
Galveston Lab Lab NOAA
4700 Avenue U
Galveston, TX 77551

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Steve Turner, National Marine Fisheries Service, 75 Virginia Beach Dr., Miami FL 33149, 305/361-4482. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(i). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.

DEALER REPORT OF SPANISH MACKEREL LANDINGS
FOR THE
COASTAL MIGRATORY PELAGIC RESOURCES

DEALER NAME

REPORTING PERIOD: _____, 200__ THROUGH _____, 200__.

COUNTY OR PARISH WHERE LANDED: _____, STATE WHERE LANDED _____.

POUNDS

<u>GEAR</u>	<u>ROUND</u>	<u>GUTTED</u>
Hook and Line: _____	_____	_____
NET: _____	_____	_____

/__ / No Spanish mackerel were landed during the reporting period.

Submitted by: Name (please print) _____.

Signature: _____ Date: _____, 200__.

FAX or Mail Report to:

FAX Number:
(305)361-4460

Josh Bennett
NOAA / NMFS / SEFSC
75 Virginia Beach Dr.
Miami, FL 33149

Public reporting burden for this collection of information is estimated to average 10 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Steve Turner, National Marine Fisheries Service, 75 Virginia Beach Dr., Miami FL 33149, 305/361-4482. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(i). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. The data will be used to monitor the quota for this fishery.

DEALER REPORTING FOR COASTAL FISHERIES QUOTA MONITORING

BIWEEKLY REPORTING PERIOD: _____ – _____

Reporting period 1 begins on the 1st day through the 15th day of the month. Period 2 begins on the 16th day through the last day of the month.
 All forms must be submitted to SEFSC no later than 5 days following the end of the reporting period.

DEALER NUMBER: _____

DEALER NAME: _____

Write the amount (pounds) for each species purchased during the reporting Period. Please make sure you are reporting species caught in the Gulf on the Gulf side and species in the Atlantic on the Atlantic side. If no purchases were made, check the No purchases box.

No Purchases for any of the above species were made during this period

GULF REEF FISH FISHERIES		
SPECIES	WHOLE WEIGHT	GUTTED WEIGHT
GOM - Black Grouper:		
GOM - Gag Grouper:		
GOM - Red Grouper:		
GOM - Yellowfin Grouper:		
GOM - Scamp:		
GOM - Red Hind:		
GOM - Rock Hind:		
GOM - Yellowmouth Grouper:		
GOM - Snowy Grouper:		
GOM - Misty Grouper:		
GOM - Yellowedge Grouper:		
GOM - Warsaw Grouper:		
GOM - Speckled Hind:		
GOM - Tilefish:		
GOM - Goldface Tilefish:		
GOM - Blackline Tilefish:		
GOM - Blueline Tilefish:		

SOUTH ATLANTIC COMPLEX		
SPECIES	WHOLE WEIGHT	GUTTED WEIGHT
SA - Snowy Grouper:		
SA - Greater Amberjack:		
SA - Tilefish:		
SA - Black Sea Bass:		
SA - Red Porgy:		
SA - Vermillion Snapper:		

REPORTING OPTIONS:

1. Report online at: <https://grunt.sefsc.noaa.gov/QMS/> or
2. Fax Reports to: 305 / 361 – 4460 or
3. Mail reports to: Michael Judge or Heather Bachowsky
 National Marine Fisheries Service
 PO Box 491500,
 Key Biscayne, FL 33149

Submitted by Name (please print) : _____ **Phone (please print) :** _____

Signature: _____ **Date:** ____ / ____ / 2007

Public reporting burden for this collection of information is estimated to average 20 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Steve Turner, National Marine Fisheries Service, 75 Virginia Beach Dr., Miami FL 33149, 305/361-4482. This reporting authorized under 50 CFR 622.5(c)(3)(ii). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quotas for these fisheries.

Reorganization Plan No. 4 of 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.¹

¹Effective October 3, 1970, under the provisions of 5 U.S.C. 906.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. *Transfers to Secretary of Commerce.* The following are hereby transferred to the Secretary of Commerce

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of the commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

(e) There shall be in the Administration three additional officers who shall perform such functions as the Administrator shall from time to time assign or delegate. Each such officer shall be appointed by the Secretary, subject to the approval of the President, under the classified civil service, shall have such title as the Secretary shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned

officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

SEC. 3. *Performance of transferred functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4 *Incidental Transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of the appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. *Interim Officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.

[F.R. Doc. 70-13375; Filed Oct. 5, 1970; 8:45 a.m.]

Federal Register, Vol. 35, NO. 194 - Tuesday, October 6, 1970

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**Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of
2006 (Enrolled as Agreed to or Passed by Both House and Senate)**

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

- (a) IN GENERAL- Section 303(a) (16 U.S.C. 1853(a)) is amended--
- (1) by striking `and charter fishing' in paragraph (5) and inserting `charter fishing, and fish processing';
 - (2) by inserting `economic information necessary to meet the requirements of this Act,' in paragraph (5) after `number of hauls,';
 - (3) by striking `and' after the semicolon in paragraph (9)(A);
 - (4) by inserting `and' after the semicolon in paragraph (9)(B);
 - (5) by inserting after paragraph (9)(B) the following:
 - (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;';
 - (6) by striking `fishery' the first place it appears in paragraph (13) and inserting `fishery, including its economic impact,';
 - (7) by striking `and' after the semicolon in paragraph (13);
 - (8) by striking `allocate' in paragraph (14) and inserting `allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,';
 - (9) by striking `fishery.' in paragraph (14) and inserting `fishery and; ';
 - (10) by adding at the end the following:
 - (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.'.
- (b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES- The amendment made by subsection (a)(10)--
- (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).
- (c) CLARIFICATION OF REBUILDING PROVISION- Section 304(e) (16 U.S.C. 1854(e)) is amended--
- (1) by striking `one year of' in paragraph (3) and inserting `2 years after';
 - (2) by inserting `and implement' after `prepare' in paragraph (3);
 - (3) by inserting `immediately' after `overfishing' in paragraph (3)(A);
 - (4) by striking `ending overfishing and' in paragraph (4)(A); and
 - (5) by striking `one-year' in paragraph (5) and inserting `2-year'.
- (d) EFFECTIVE DATE FOR SUBSECTION (c)- The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

FISH AND WILDLIFE ACT OF 1956

16 U.S.C. §§ 742a - 754j-2, August 8, 1956, as amended 1961, 1962, 1964, 1965, 1970-1972, 1974-1976, 1978, 1980, 1982-1984 and 1986.

Overview. This Act directs the Secretary of the Interior to develop the policies and procedures necessary for carrying out fish and wildlife laws and to research and report on fish and wildlife matters. The Act establishes the Fish and Wildlife Service within the Department of the Interior, as well as the positions of Assistant Secretary for Fish and Wildlife and Director of the Service.

Policy/Findings. Congress declares that: fish, shellfish and wildlife resources of the nation make a material contribution to our national economy and food supply and to the health, recreation and well-being of our citizens; these resources are a living, renewable form of national wealth capable of being maintained and increased with proper management, but equally capable of destruction if neglected or unwisely exploited; these resources afford outdoor recreation throughout the U.S. and provide employment, directly or indirectly, to a substantial number of citizens; fishing industries strengthen the defense of the U.S. through the provision of a trained seafaring citizenry and action-ready fleets of sea-worthy vessels; training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; properly developed, the fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the U.S.

The Act lists certain fundamental needs that must be satisfied by means consistent with the public interest and in accord with constitutional functions of governments for the fishing industry to prosper and fulfill its proper function in national life. § 742a.

U.S. Fish and Wildlife Service. The Act establishes within the Department of the Interior: the U.S. Fish and Wildlife Service; the position of Assistant Secretary for Fish and Wildlife, to be appointed by the President by and with the consent of the Senate; the position of Director for Fish and Wildlife, to be appointed by the President by and with the consent of the Senate and who is subject to the supervision of the Assistant Secretary. § 742b.

Fisheries Loan Fund. The Secretary of the Interior (Secretary) is authorized to make loans for financing or refinancing the cost of purchasing, constructing, equipping, maintaining, repairing or operating new or used commercial fishing vessels or gear. The Act creates a Fisheries Loan Fund, to be used by the Secretary as a revolving fund to make the loans. § 742c.

Investigations and Reports. The Secretary must conduct continuing investigations, prepare and disseminate information, and make periodic reports to the public, the President and Congress regarding the: production and flow to market of fish and fishery products domestically produced, and those produced by foreign producers which affect the domestic fisheries; availability and abundance and the biological requirements of the fish and wildlife resources; competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities; collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values; improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters; other matters of public interest in connection with fish and wildlife operations. § 742d.

Chemical Effects Studies. The Act authorizes and directs the Administrator of the Environmental Protection Agency to undertake comprehensive, continuing studies on the effects of insecticides, herbicides, fungicides and pesticides upon U.S. fish and wildlife resources to determine the amounts, percentages and formulations of chemicals lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting or other treatment. § 742d-1.

Secretarial Powers. The Secretary of the Interior must determine the policies and procedures necessary to carry out laws relating to fish and wildlife. The Secretary must: develop and recommend measures to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in production; study the economic condition of the industry and make recommendations to the President and Congress to aid in stabilizing the domestic fisheries; develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products in the event of an actual surplus; take steps for the development, advancement, management, conservation and protection of fish and wildlife resources. § 742f.

Cooperation with State Department. The Secretary must cooperate with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the U.S. and foreign countries participate. The Secretary of State and other officials having responsibilities in the fields of technical and economic aid to foreign nations must consult with the Secretary in all cases in which the interests of fish and wildlife are involved. The Secretary is to be represented in international negotiations conducted by the U.S. in cases in which fish products are directly affected. The Secretary must consult periodically with various governmental, private nonprofit and other organizations dealing with fish and wildlife. § 742g.

Reports on Fishery Products. The Secretary is authorized to make a report on fishery products to the President and Congress, and to the U.S. International Trade Commission when requested or when an investigation is made under the Tariff Act of 1930. In addition, the Secretary may make reports upon request from a segment of the domestic industry producing a like or directly competitive product. The reports may concern the following with respect to a fishery product imported into the U.S.: whether there has been a downward trend in the production, employment in the production, or prices, or a decline in sales of the like or directly competitive product by the domestic industry; whether there has been an increase in the imports of the fishery products into the U.S.. § 742h.

Airborne Hunting Act. § 742j-1. See separate entry in this Handbook.

Appropriations Authorized. Congress authorized to be appropriated sums necessary to carry out the Act. § 742j.

Editor's Note. There are miscellaneous statutes in the U.S. Code immediately following the Act that pertain to fish and wildlife. Section 742k allows the Secretary to administer, operate, charter, assign or sell a vessel, plant or other property acquired on behalf of the U.S. and arising out of a fishery loan, to facilitate administration of and protect the government's interest in the Fishery Loan Fund.

Section 742l authorizes the Secretary of the Interior and the Secretary of Commerce to conduct training programs and undertake research and development activities to improve fish and wildlife law enforcement and develop new methods for preventing, detecting and reducing violations of fish and wildlife laws and apprehending violators.

Section 742m provides that the Secretary may relinquish to a state the U.S.'s exclusive legislative jurisdiction over all or part of U.S. Fish and Wildlife Service lands.

Section 744, passed in 1887, directs the Secretary or the Secretary of Commerce, as appropriate, to prosecute investigations and inquiries into whether a diminution in the number of the food fishes of the U.S. coast and lakes has taken place, the extent of the diminution, what causes the diminution and whether protective or precautionary measures should be adopted. The Secretaries are directed to conduct investigations to ameliorate the damage wrought to fisheries by dogfish and other predacious fishes and aquatic animals.

Section 748 provides that appropriations for propagation of food fishes may not be expended for hatching or planting fish or eggs in a state in which the Secretary judges the laws are not adequate to protect the fishes or in a state in which the Director of the Fish and Wildlife Service is not accorded full and free right to conduct fish-cultural operations.

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affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C).

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(8) Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1)(A)(ii) during any time in which that individual is in compliance with the regulations prescribed under paragraph (5).

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),

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(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;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing 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, 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;

(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 describe the likely effects, if any, of the conservation and management measures on-

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(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;

(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;

(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;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

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(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;

(2) 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;

(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;

(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;

(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, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic 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,

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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; and

(12) 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.

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(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.

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(d) **INDIVIDUAL FISHING QUOTAS.**--

(1) (A) A Council may not submit and the Secretary may not approve or implement before October 1, 2000, any fishery management plan, plan amendment, or regulation under this Act which creates a new individual fishing quota program.

(B) Any fishery management plan, plan amendment, or regulation approved by the Secretary on or after January 4, 1995, which creates any new individual fishing quota program shall be repealed and immediately returned by the Secretary to the appropriate Council and shall not be resubmitted, reapproved, or implemented during the moratorium set forth in subparagraph (A).

(2) (A) No provision of law shall be construed to limit the authority of a Council to submit and the Secretary to approve the termination or limitation, without compensation to holders of any limited access system permits, of a fishery management plan, plan amendment, or regulation that provides for a limited access system, including an individual fishing quota program.

(B) This subsection shall not be construed to prohibit a Council from submitting, or the Secretary from approving and implementing, amendments to the North Pacific halibut and sablefish, South Atlantic wreckfish, or Mid-Atlantic surf clam and ocean (including mahogany) quahog individual fishing quota programs.

(3) An individual fishing quota or other limited access system authorization--

(A) shall be considered a permit for the purposes of sections 307, 308, and 309;

(B) may be revoked or limited at any time in accordance with this Act;

(C) shall not confer any right of compensation to the holder of such individual fishing quota or other such limited access system authorization if it is revoked or limited; and

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(D) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested.

(4) (A) 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 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing the--

(i) purchase of individual fishing quotas in that fishery by fishermen who fish from small vessels; and

(ii) first-time purchase of individual fishing quotas in that fishery by entry level fishermen.

(B) A Council making a submission under subparagraph (A) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under clauses (i) and (ii) of subparagraph (A) and the portion of funds to be allocated for guarantees under each clause.

(5) In submitting and approving any new individual fishing quota program on or after October 1, 2000, the Councils and the Secretary shall consider the report of the National Academy of Sciences required under section 108(f) of the Sustainable Fisheries Act, and any recommendations contained in such report, and shall ensure that any such program--

(A) establishes procedures and requirements for the review and revision of the terms of any such program (including any revisions that may be necessary once a national policy with respect to individual fishing quota programs is implemented), and, if appropriate, for the renewal, reallocation, or reissuance of individual fishing quotas;

(B) provides for the effective enforcement and management of any such program, including adequate observer coverage, and for fees under section 304(d)(2) to recover actual costs directly related to such enforcement and management; and

(C) provides for a fair and equitable initial allocation of individual fishing quotas, prevents any person from acquiring an excessive share of the individual fishing quotas issued, and considers the allocation of a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, and crew members who do not hold or qualify for individual fishing quotas.

104-297, sec. 108(b), M-S Act SS 303 note

IMPLEMENTATION.--Not later than 24 months after the date of enactment of this Act [P.L. 104-297], each Regional Fishery Management Council shall submit to the Secretary of Commerce amendments to each fishery management plan under its authority to comply with the amendments made in subsection (a) of this section [i.e., the P.L. 104-297 revisions to SS 303(a)(1), (5), (7), and (9), and the addition of SS 303(a)(10)-(14)].

104-297, sec. 108(i), M-S Act SS 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

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(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;

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(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

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decision to the Secretary. If the Secretary, upon consideration of the state's application or any response to the notice published under § 600.630(a)(2), the hearing record, the recommended decision, and any other relevant materials finds that the reasons for regulation of the fishery within the boundaries of the state no longer prevail, the Secretary will promptly terminate such regulation and publish in the FEDERAL REGISTER any regulatory amendments necessary to accomplish that end.

Subpart H—General Provisions for Domestic Fisheries

§ 600.705 Relation to other laws.

(a) General. Persons affected by these regulations should be aware that other Federal and state statutes and regulations may apply to their activities. Vessel operators may wish to refer to USCG regulations found in the Code of Federal Regulations title 33—Navigation and Navigable Waters and 46—Shipping; 15 CFR part 904, subpart D—Permit Sanctions and Denials; and title 43—Public Lands (in regard to marine sanctuaries).

(b) State responsibilities. Certain responsibilities relating to data collection and enforcement may be performed by authorized state personnel under a state/Federal agreement for data collection and a tripartite agreement among the state, the USCG, and the Secretary for enforcement.

(c) Submarine cables. Fishing vessel operators must exercise due care in the conduct of fishing activities near submarine cables. Damage to the submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than 1 nautical mile (1.85 km) from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than 0.25 nautical mile (0.46 km) from a

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buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

(d) Marine mammals. Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth in part 229 of this title.

(e) Halibut fishing. Fishing for halibut is governed by regulations of the International Pacific Halibut Commission set forth at part 300 of this title.

(f) Marine sanctuaries. All fishing activity, regardless of species sought, is prohibited under 15 CFR part 924 in the U.S.S. Monitor Marine Sanctuary, which is located approximately 15 miles southwest of Cape Hatteras off the coast of North Carolina.

§ 600.710 Permits.

Regulations pertaining to permits required for certain fisheries are set forth in the parts of this chapter governing those fisheries.

§ 600.715 Recordkeeping and reporting.

Regulations pertaining to records and reports required for certain fisheries are set forth in the parts of this chapter governing those fisheries.

§ 600.720 Vessel and gear identification.

Regulations pertaining to special vessel and gear markings required for certain fisheries are set forth in the parts of this chapter governing those fisheries.

§ 600.725 General prohibitions.

It is unlawful for any person to do any of the following:

(a) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import, or export, any fish or parts thereof taken or retained in violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation or permit issued under the Magnuson-Stevens Act.

(b) Transfer or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel, while such vessel is in the EEZ, unless the foreign fishing vessel has been issued a permit under section 204 of the

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Magnuson-Stevens Act, which authorizes the receipt by such vessel of U.S.-harvested fish.

(c) Fail to comply immediately with enforcement and boarding procedures specified in §600.730.

(d) Refuse to allow an authorized officer to board a fishing vessel or to enter areas of custody for purposes of conducting any search, inspection, or seizure in connection with the enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(e) 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 by an authorized officer or an enforcement vessel or aircraft.

(f) Assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search, inspection, or seizure in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(g) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person has committed any act prohibited by the Magnuson-Stevens Act or any other statute administered by NOAA.

(h) Resist a lawful arrest for any act prohibited under the Magnuson-Stevens Act or any other statute administered by NOAA.

(i) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, offer of sale, possession, transport, import, export, or transfer of any fish, or attempts to do any of the above.

(j) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(k) Fish in violation of the terms or conditions of any permit or authorization issued under the Magnuson-Stevens Act or any other statute administered by NOAA.

(l) Fail to report catches as required while fishing pursuant to an exempted fishing permit.

(m) On a scientific research vessel, engage in fishing other than recreational fishing authorized by applicable state or Federal regulations.

(n) Trade, barter, or sell; or attempt to trade, barter, or sell fish possessed or retained while fishing pursuant to an authorization for an exempted educational activity.

(o) Harass or sexually harass an authorized officer or an observer.

(p) Fail to submit to a USCG safety examination when required by NMFS pursuant to §600.746.

(q) Fail to display a Commercial Fishing Vessel Safety Examination decal or a valid certificate of compliance or inspection pursuant to §600.746.

(r) Fail to provide to an observer, a NMFS employee, or a designated observer provider information that has been requested pursuant to §600.746, or fail to allow an observer, a NMFS employee, or a designated observer provider to inspect any item described at §600.746.

(s) Fish without an observer when the vessel is required to carry an observer.

(t) Assault, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(u) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

(v) The use of any gear or participation in a fishery not on the following list of authorized fisheries and gear is prohibited after December 1, 1999. A fish, regardless whether targeted, may be retained only if it is taken within a listed fishery, is taken with a gear authorized for that fishery, and is taken in conformance with all other applicable regulations. Listed gear can only be used in a manner that is consistent with existing laws and regulations. The list of fisheries and authorized gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is prohibited from engaging in fishing or employing fishing gear when such fishing gear is prohibited or restricted by regulation under an FMP or other applicable law. However, after

December 1, 1999, an individual fisherman may notify the appropriate Council, or the Director, in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on the list. Ninety days after such notification, the indi-

vidual may use the gear or participate in that fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery (e.g., through emergency or interim regulations). The list of authorized fisheries and gear is as follows:

Fishery	Authorized gear types
I. New England Fishery Management Council (NEFMC)	
1. Atlantic Sea Scallop Fishery (FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Hand harvest fishery	C. Hand harvest.
D. Recreational fishery	D. Hand harvest.
2. Iceland Scallop Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
3. Atlantic Salmon Fishery (FMP)	No harvest or possession in the EEZ.
4. Striped Bass Fishery (Non-FMP)	No harvest or possession in the EEZ.
5. Northeast (NE) Multispecies Fishery (FMP):	
A. NE multispecies sink gillnet fishery	A. Gillnet.
B. North Atlantic bottom trawl fishery	B. Trawl.
C. Groundfish hook and line fishery	C. Longline, handline, rod and reel.
D. Mixed species trap and pot fishery	D. Trap, pot.
E. Dredge fishery	E. Dredge.
F. Seine fishery	F. Seine.
G. Recreational fishery	G. Rod and reel, handline, spear.
6. American Lobster Fishery (FMP):	
A. Lobster pot and trap fishery	A. Pot, trap.
B. North Atlantic bottom trawl fishery	B. Trawl.
C. Dredge fishery	C. Dredge.
D. Hand harvest fishery	D. Hand harvest.
E. Gillnet fishery	E. Gillnet.
F. Recreational fishery	F. Pot, trap, hand harvest.
7. Atlantic Herring Fishery (FMP):	
A. Trawl fishery	A. Trawl.
B. Purse seine fishery	B. Purse seine.
C. Gillnet fishery	C. Gillnet.
D. Herring pair trawl fishery	D. Pair trawl.
E. Dredge fishery	E. Dredge.
F. Recreational fishery	F. Hook and line, gillnet.
8. Spiny Dogfish Fishery (FMP jointly managed by MAFMC and NEFMC):	
A. Gillnet fishery	A. Gillnet.
B. Trawl fishery	B. Trawl.
C. Hook and line fishery	C. Hook and line, rod and reel, spear.
D. Dredge fishery	D. Dredge.
E. Longline fishery	E. Longline.
F. Recreational fishery	F. Hook and line, rod and reel, spear.
9. Atlantic Bluefish Fishery (FMP managed by MAFMC):	
A. Pelagic longline and hook and line fishery	A. Longline, handline.
B. Seine fishery	B. Purse seine, seine.
C. Mixed species pot and trap fishery	C. Pot, trap.
D. Bluefish, croaker, flounder trawl fishery	D. Trawl.
E. Gillnet fishery	E. Gillnet.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, trap, pot, spear.
10. Atlantic Mackerel, Squid and Butterfish Fishery (FMP managed by the MAFMC):	
A. Mackerel, squid, and butterfish trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Longline and hook-and-line fishery	C. Longline, handline, rod and reel.
D. Purse seine fishery	D. Purse seine.
E. Mixed species pot and trap fishery	E. Pot, trap.
F. Dredge fishery	F. Dredge.
G. Dip net fishery	G. Dip net.
H. Bandit gear fishery	H. Bandit gear.
I. Recreational fishery	I. Rod and reel, handline, pot, spear.
11. Surf Clam and Ocean Quahog Fishery (FMP managed by the MAFMC):	
A. Commercial fishery	A. Dredge, hand harvest.

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Fishery	Authorized gear types
B. Recreational fishery	B. Hand harvest.
12. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery	A. Purse seine.
B. Trawl fishery	B. Trawl.
C. Gillnet fishery	C. Gillnet.
D. Commercial hook-and-line fishery	D. Hook and line.
E. Recreational fishery	E. Hook and line, snagging, cast nets.
13. Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line.
B. Recreational fishery	B. Hook and line, spear.
14. Atlantic Mussel and Sea Urchin Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Hand harvest fishery	B. Hand harvest.
C. Recreational fishery	C. Hand harvest.
15. Atlantic Skate Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Hook-and-line fishery	C. Longline and handline.
D. Dredge fishery	D. Dredge.
E. Recreational fishery	E. Rod and reel.
16. Crab Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Trap and pot fishery	C. Trap, pot.
17. Northern Shrimp Fishery (Non-FMP):	
A. Shrimp trawl fishery	A. Trawl.
B. Shrimp pot fishery	B. Pot.
18. Monkfish Fishery (FMP jointly managed by NEFMC and MAFMC):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Longline fishery	C. Longline.
D. Dredge fishery	D. Dredge.
E. Trap and pot fishery	E. Trap, pot.
F. Recreational fishery	F. Rod and reel, spear.
19. Summer Flounder, Scup, Black Sea Bass Fishery (FMP managed by MAFMC):	
A. Trawl fishery	A. Trawl.
B. Longline and hook and line fishery	B. Longline, handline.
C. Mixed species pot and trap fishery	C. Pot, trap.
D. Gillnet fishery	D. Gillnet.
E. Dredge fishery	E. Dredge.
F. Recreational fishery	F. Rod and reel, handline, pot, trap, spear.
20. Hagfish Fishery (Non-FMP)	Trap, pot.
21. Tautog Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet.
B. Pot and trap fishery	B. Pot, trap.
C. Rod and reel, hook and line fishery	C. Rod and reel, handline, hook and line.
D. Trawl fishery	D. Trawl.
E. Spear fishery	E. Spear.
F. Fyke net fishery	F. Fyke net.
G. Recreational fishery	G. Rod and reel, hook and line, handline, spear.
22. Recreational Fishery (Non-FMP)	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net, pot, trap, dip net, bully net, snare.
23. Commercial Fishery (Non-FMP)	Trawl, pot, trap, gillnet, pound net, dredge, seine, handline, longline, hook and line, rod and reel, hand harvest, purse seine, spear, bandit gear, powerhead, dip net, bully net, snare, cast net, barrier net, slurp gun, allowable chemicals.
24. Dolphin/wahoo fishery (FMP managed by SAFMC)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).

II. Mid-Atlantic Fishery Management Council (MAFMC)

1. Summer Flounder, Scup, Black Sea Bass Fishery (FMP):	
A. Trawl fishery	A. Trawl.
B. Pelagic longline and hook and line fishery	B. Longline, handline, rod and reel.
C. Mixed species pot and trap fishery	C. Pot, trap.
D. Gillnet fishery	D. Gillnet.
E. Dredge fishery	E. Dredge.
F. Recreational fishery	F. Rod and reel, handline, pot, trap, spear.
2. Atlantic Bluefish Fishery (FMP):	
A. Bluefish, croaker, and flounder trawl fishery	A. Trawl.

Fishery	Authorized gear types
B. Pelagic longline and hook and line fishery	B. Longline, handline, bandit gear, rod and reel.
C. Mixed species pot and trap fishery	C. Pot, trap.
D. Gillnet fishery	D. Gillnet.
E. Seine fishery	E. Purse seine, seine.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, trap, pot, spear.
3. Atlantic Mackerel, Squid, and Butterfish Fishery (FMP):	
A. Mackerel, squid, and butterfish trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Longline and hook-and-line fishery	C. Longline, handline, rod and reel.
D. Purse seine fishery	D. Purse seine.
E. Mixed species pot and trap fishery	E. Pot, trap.
F. Dredge fishery	F. Dredge.
G. Dip net fishery	G. Dip net.
H. Bandit gear fishery	H. Bandit gear.
I. Recreational fishery	I. Rod and reel, handline, pot, spear.
4. Surf Clam and Ocean Quahog Fishery (FMP):	
A. Commercial fishery	A. Dredge, hand harvest.
B. Recreational fishery	B. Hand harvest.
5. Atlantic Sea Scallop Fishery (FMP managed by NEFMC):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Hand harvest fishery	C. Hand harvest.
D. Recreational fishery	D. Hand harvest.
6. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery	A. Purse seine.
B. Trawl fishery	B. Trawl.
C. Gillnet fishery	C. Gillnet.
D. Commercial hook-and-line fishery	D. Hook and line.
E. Recreational fishery	E. Hook and line, snagging, cast nets.
7. Striped Bass Fishery (Non-FMP)	No harvest or possession in the EEZ.
8. Northern Shrimp Trawl Fishery (Non-FMP)	Trawl.
9. American Lobster Fishery (FMP managed by NEFMC):	
A. Pot and trap fishery	A. Pot, trap.
B. Hand harvest fishery	B. Hand harvest.
C. Trawl fishery	C. Trawl.
D. Dredge fishery	D. Dredge.
E. Gillnet fishery	E. Gillnet.
F. Recreational fishery	F. Pot, trap, hand harvest.
10. Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line, rod and reel.
B. Recreational fishery	B. Hook and line, spear.
11. Whelk Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Pot and trap fishery	B. Pot, trap.
C. Dredge	C. Dredge.
D. Pound net, gillnet, seine	D. Pound net, gillnet, seine.
E. Recreational fishery	E. Hand harvest.
12. Monkfish Fishery (FMP jointly managed by NEFMC and MAFMC):	
A. Trawl fishery	A. Trawl.
B. Longline fishery	B. Longline, rod and reel.
C. Gillnet fishery	C. Gillnet.
D. Dredge fishery	D. Dredge.
E. Trap and pot fishery	E. Trap and pot.
F. Recreational fishery	F. Rod and reel, spear.
13. Tilefish Fishery (Non-FMP):	
A. Groundfish hook-and-line fishery	A. Longline, handline, rod and fishery reel.
B. Trawl fishery	B. Trawl.
C. Recreational fishery	C. Rod and reel, spear.
14. Spiny Dogfish Fishery (FMP jointly managed by MAFMC and NEFMC):	
A. Gillnet fishery	A. Gillnet.
B. Trawl fishery	B. Trawl.
C. Hook and line fishery	C. Hook and line, rod and reel, spear.
D. Dredge fishery	D. Dredge.
E. Longline fishery	E. Longline.
F. Recreational fishery	F. Hook and line, rod and reel, spear.
15. Tautog Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet.
B. Pot and trap fishery	B. Pot, trap.
C. Rod and reel, hook and line handline fishery	C. Rod and reel, hook and line, handline.
D. Trawl fishery	D. Trawl.
E. Spear fishery	E. Spear.
F. Fyke net fishery	F. Fyke net.

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Fishery	Authorized gear types
G. Recreational fishery	G. Rod and reel, handline, hook and line, spear.
16. Coastal Gillnet Fishery (Non-FMP):	Gillnet
17. Recreational Fishery (Non-FMP)	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net.
18. NE Multispecies Fishery (FMP managed by NEFMC):	
A. NE multispecies sink gillnet fishery	A. Gillnet.
B. North Atlantic bottom trawl fishery	B. Trawl.
C. Groundfish hook and line	C. Longline, handline, rod and fishery reel.
D. Mixed species trap and pot fishery	D. Trap, pot.
E. Dredge fishery	E. Dredge.
F. Seine fishery	F. Seine.
G. Recreational fishery	G. Rod and reel, handline, spear.
19. Atlantic Skate Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Hook-and-line fishery	C. Longline and handline.
D. Dredge fishery	D. Dredge.
E. Recreational fishery	E. Rod and reel.
20. Crab Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Trap and pot fishery	C. Trap, pot.
21. Atlantic Herring Fishery (FMP managed by the NEFMC):	
A. Trawl fishery	A. Trawl.
B. Purse seine fishery	B. Purse seine.
C. Gillnet fishery	C. Gillnet.
D. Herring pair trawl fishery	D. Pair trawl.
E. Dredge fishery	E. Dredge.
F. Recreational fishery	F. Hook and line, gillnet.
22. South Atlantic Snapper-Grouper Fishery (FMP managed by the SAFMC):	
A. Commercial fishery	A. Longline, rod and reel, bandit gear, handline, spear, powerhead.
B. Black sea bass trap and pot fishery	B. Pot, trap.
C. Wreckfish fishery	C. Rod and reel, bandit gear, handline.
D. Recreational fishery	D. Handline, rod and reel, bandit gear, spear, powerhead.
23. South Atlantic Coastal Migratory Pelagics Fishery (FMP managed by the SAFMC):	
A. Commercial Spanish mackerel fishery	A. Handline, rod and reel, bandit gear, gillnet, cast net.
B. Commercial king mackerel fishery	B. Handline, rod and reel, bandit gear.
C. Other commercial coastal migratory pelagics fishery	C. Longline, handline, rod and reel, bandit gear.
D. Recreational fishery	D. Bandit gear, rod and reel, handline, spear.
24. Calico Scallops Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Dredge fishery	B. Dredge.
C. Recreational fishery	C. Hand harvest.
25. Sargassum Fishery (Non-FMP)	Trawl.
26. South Atlantic Shrimp Fishery (FMP)	Trawl.
27. Commercial Fishery (Non-FMP)	Trawl, pot, trap, gillnet, pound net, dredge, seine, handline, longline, hook and line, rod and reel, spear.
28. Dolphin/wahoo fishery (FMP managed by SAFMC)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).

III. South Atlantic Fishery Management Council

1. Golden Crab Fishery (FMP)	Trap.
2. Crab Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Trap and pot fishery	C. Trap, pot.
3. Atlantic Red Drum Fishery (FMP)	No harvest or possession in the EEZ.
4. Coral and Coral Reef Fishery (FMP):	
A. Octocoral commercial fishery	Hand harvest.
B. Live rock aquaculture fishery	Hand harvest.
5. South Atlantic Shrimp Fishery (FMP)	Trawl.
6. South Atlantic Snapper-Grouper Fishery (FMP):	
A. Commercial fishery	A. Longline, rod and reel, bandit gear, handline, spear, powerhead.
B. Black sea bass trap and pot fishery	B. Pot, trap.
C. Wreckfish fishery	C. Rod and reel, bandit gear, handline.

Fishery	Authorized gear types
D. Recreational fishery	D. Handline, rod and reel, bandit gear, spear, powerhead.
7. South Atlantic Spiny Lobster Fishery (FMP):	
A. Commercial fishery	A. Trap, pot, dip net, bully net, snare, hand harvest.
B. Recreational fishery	B. Trap, pot, dip net, bully net, snare, hand harvest.
8. South Atlantic Coastal Migratory Pelagics Fishery (FMP):	
A. Commercial Spanish mackerel fishery	A. Handline, rod and reel, bandit gear, gillnet, cast net.
B. Commercial king mackerel fishery	B. Handline, rod and reel, bandit gear.
C. Other commercial coastal migratory pelagics fishery	C. Longline, handline, rod and reel, bandit gear.
D. Recreational fishery	D. Bandit gear, rod and reel, handline, spear.
9. Spiny Dogfish Fishery (FMP jointly managed by NEFMC and SAFMC):	
A. Gillnet fishery	A. Gillnet.
B. Trawl fishery	B. Trawl.
C. Hook and line fishery	C. Hook and line, rod and reel, spear, bandit gear.
D. Dredge fishery	D. Dredge.
E. Longline fishery	E. Longline.
F. Recreational fishery	F. Hook and line, rod and reel, spear.
10. Smooth Dogfish Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet.
B. Trawl fishery	B. Trawl.
C. Hook and line fishery	C. Hook and line, rod and reel, spear, bandit gear.
D. Dredge fishery	D. Dredge.
E. Longline fishery	E. Longline.
F. Recreational fishery	F. Hook and line, rod and reel, spear.
11. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery	A. Purse seine.
B. Trawl fishery	B. Trawl.
C. Gillnet fishery	C. Gillnet.
D. Commercial hook-and-line	D. Hook and line fishery.
E. Recreational fishery	E. Hook and line, snagging, cast nets.
12. Atlantic Mackerel, Squid, and Butterfish Trawl Fishery (Non-FMP)	Trawl.
13. Bait Fisheries (Non-FMP)	Purse seine.
14. Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line.
B. Recreational fishery	B. Hook and line, spear.
15. Whelk Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Pot and trap fishery	B. Pot, trap.
C. Dredge fishery	C. Dredge.
D. Recreational fishery	D. Hand harvest.
16. Marine Life Aquarium Fishery (Non-FMP)	Dip net, slurp gun, barrier net, drop net, allowable chemical, trap, pot, trawl.
17. Calico Scallop Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
C. Recreational fishery	C. Hand harvest.
18. Summer Flounder Fishery (FMP managed by MAFMC):	
A. Commercial fishery	A. Trawl, longline, handline, rod and reel, pot, trap, gillnet, dredge.
B. Recreational fishery	B. Rod and reel, handline, pot, trap, spear.
19. Bluefish, Croaker, and Flounder Trawl and Gillnet Fishery (Bluefish FMP managed by MAFMC)	Trawl, gillnet.
20. Commercial Fishery (Non-FMP)	Trawl, gillnet, longline, handline, hook and line, rod and reel, bandit gear, cast net, pot, trap, lampara net, spear.
21. Recreational Fishery (Non-FMP)	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net.
22. Sargassum Fishery (Non-FMP)	Trawl.
23. Octopus Fishery (Non-FMP)	Trap, pot.
24. Dolphin/wahoo fishery (FMP)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).

IV. Gulf of Mexico Fishery Management Council

1. Gulf of Mexico Red Drum Fishery (FMP)	No harvest or possession in the EEZ.
2. Coral Reef Fishery (FMP):	
A. Commercial fishery	A. Hand harvest.
B. Recreational fishery	B. Hand harvest.
3. Gulf of Mexico Reef Fish Fishery (FMP):	
A. Snapper-Grouper reef fish longline and hook and line fishery	A. Longline, handline, bandit gear, rod and reel, buoy gear.

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Fishery	Authorized gear types
B. Pot and trap reef fish fishery	B. Pot, trap.
C. Other commercial fishery	C. Spear, powerhead, cast net, trawl.
D. Recreational fishery	D. Spear, powerhead, bandit gear, handline, rod reel, cast net.
4. Gulf of Mexico Shrimp Fishery (FMP):	
A. Gulf of Mexico commercial fishery	A. Trawl butterfly net, skimmer, cast net.
B. Recreational fishery	B. Trawl.
5. Gulf of Mexico Coastal Migratory Pelagics Fishery (FMP):	
A. Large pelagics longline fishery	A. Longline.
B. King/Spanish mackerel gillnet fishery	B. Gillnet.
C. Pelagic hook and line fishery	C. Bandit gear, handline, rod and reel.
D. Pelagic species purse seine fishery	D. Purse seine.
E. Recreational fishery	E. Bandit gear, handline, rod and reel, spear.
Gulf of Mexico Spiny Lobster Fishery (FMP):	
A. Commercial fishery	A. Trap, pot, dip net, bully net, hoop net, trawl, snare, hand harvest.
C. Recreational fishery	C. Dip net, bully net, pot, trap, snare, hand harvest.
6. Stone Crab Fishery (FMP):	
A. Trap and pot fishery	A. Trap, pot
B. Recreational fishery	B. Trap, pot, hand harvest.
7. Blue Crab Fishery (Non-FMP)	Trap, pot.
8. Golden Crab Fishery (Non-FMP)	Trap.
9. Mullet Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Pair trawl fishery	C. Pair trawl.
D. Cast net fishery	D. Cast net.
E. Recreational fishery	E. Bandit gear, handline, rod and reel, spear, cast net.
10. Inshore Coastal Gillnet Fishery (Non-FMP)	Gillnet.
11. Octopus Fishery (Non-FMP)	Trap, pot.
12. Marine Life Aquarium Fishery (Non-FMP)	Dip net, slurp gun, barrier net, drop net, allowable chemical, trap, pot, trawl.
13. Coastal Herring Trawl Fishery (Non-FMP)	Trawl.
14. Butterfish Trawl Fishery (Non-FMP)	Trawl.
15. Gulf of Mexico Groundfish (Non-FMP):	
A. Commercial fishery	A. Trawl, purse seine, gillnet.
B. Recreational fishery	B. Hook and line, rod and reel, spear.
16. Gulf of Mexico Menhaden Purse Seine Fishery (Non-FMP)	Purse seine.
17. Sardine Purse Seine Fishery (Non-FMP)	Purse seine.
18. Oyster Fishery (Non-FMP)	Dredge, tongs.
19. Commercial Fishery (Non-FMP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, lampara net, spear.
20. Recreational Fishery (Non-FMP)	Bandit gear, handline, rod and reel, spear, bully net, gillnet, dip net, longline, powerhead, seine, slurp gun, trap, trawl, harpoon, cast net, hoop net, hook and line, hand harvest.

V. Caribbean Fishery Management Council

1. Caribbean Spiny Lobster Fishery (FMP):	
A. Trap/pot fishery	A. Trap/pot.
B. Dip net fishery	B. Dip net.
C. Entangling net fishery	C. Gillnet, trammel net.
D. Hand harvest fishery	D. Hand harvest, snare.
E. Recreational fishery	E. Dip net, trap, pot, gillnet, trammel net.
2. Caribbean Shallow Water Reef Fish Fishery (FMP):	
A. Longline/hook and line fishery	A. Longline, hook and line.
B. Trap/pot fishery	B. Trap, pot.
C. Entangling net fishery	C. Gillnet, trammel net.
D. Recreational fishery	D. Dip net, handline, rod and reel, slurp gun, spear.
3. Coral and Reef Resources Fishery (FMP):	
A. Commercial fishery	A. Dip net, slurp gun.
B. Recreational fishery	B. Dip net, slurp gun, hand harvest.
4. Queen Conch Fishery (FMP):	
A. Commercial fishery	A. Hand harvest.
B. Recreational fishery	B. Hand harvest.
5. Caribbean Pelagics Fishery (Non-FMP):	
A. Pelagics drift gillnet fishery	A. Gillnet.
B. Pelagics longline/hook and line fishery	B. Longline/hook and line.
C. Recreational fishery	C. Spear, handline, longline, rod and reel.
6. Commercial Fishery (Non-FMP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

Fishery	Authorized gear types
7. Recreational Fishery (Non-FMP)	Rod and reel, hook and line, spear, powerhead, handline, hand harvest, cast net.

VI. Pacific Fishery Management Council

1. Washington, Oregon, and California Salmon Fisheries (FMP):	
A. Salmon set gillnet fishery	A. Gillnet.
B. Salmon hook and line fishery	B. Hook and line.
C. Trawl fishery	C. Trawl.
D. Recreational fishery	D. Rod and reel.
2. West Coast Groundfish Fisheries (FMP):	
A. Pacific groundfish trawl fishery	A. Trawl.
B. Set gillnet fishery	B. Gillnet.
C. Groundfish longline and setline fishery	C. Longline.
D. Groundfish handline and hook and line fishery	D. Handline, hook and line.
E. Groundfish pot and trap fishery	E. Pot, trap.
F. Recreational fishery	F. Rod and reel, handline, spear, hook and line.
3. Northern Anchovy Fishery (FMP)	Purse seine, lampara net.
4. Angel Shark, White Croaker, California Halibut, White Sea Bass, Pacific Mackerel Large-Mesh Set Net Fishery (Non-FMP)	Gillnet.
5. Thresher Shark and Swordfish Drift Gillnet Fishery (Non-FMP)	Gillnet.
6. Pacific Shrimp and Prawn Fishery (Non-FMP):	
A. Pot and trap fishery	A. Pot, trap.
B. Trawl fishery	B. Trawl.
7. Lobster and Rock Crab Pot and Trap Fishery (Non-FMP)	Pot, trap.
8. Pacific Halibut Fishery (Non-FMP):	
A. Longline and setline fishery	A. Longline.
B. Hook-and-line fishery	B. Hook and line.
9. California Halibut Trawl and Trammel Net Fishery	Trawl, trammel net.
10. Shark and Bonito Longline and Setline Fishery (Non-FMP)	Longline.
11. Dungeness Crab Pot and Trap Fishery (Non-FMP)	Pot, trap.
12. Hagfish Pot and Trap Fishery (Non-FMP)	Pot, trap.
13. Pacific Albacore and Other Tuna Hook-and-line Fishery (Non-FMP)	Hook and line.
14. Pacific Swordfish Harpoon Fishery (Non-FMP)	Harpoon.
15. Pacific Scallop Dredge Fishery (Non-FMP)	Dredge.
16. Pacific Yellowfin, Skipjack Tuna, Purse Seine Fishery, (Non-FMP)	Purse seine.
17. Market Squid Fishery (Non-FMP)	Purse seine, dip net.
18. Pacific Sardine, Pacific Mackerel, Pacific Saury, Pacific Bonito, and Jack Mackerel Purse Seine Fishery (Non-FMP)	Purse seine.
19. Finfish and Shellfish Live Trap, Hook-and-line, and Handline Fishery (Non-FMP)	Trap, handline, hook and line.
20. Recreational Fishery (Non-FMP)	Spear, trap, handline, pot, hook and line, rod and reel, hand harvest.
21. Commercial Fishery (Non-FMP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

VII. North Pacific Fishery Management Council

1. Alaska Scallop Fishery (FMP)	Dredge.
2. Bering Sea (BS) and Aleutian Islands (AI) King and Tanner Crab Fishery (FMP):	
Pot fishery	Pot.
3. Bering Sea (BS) and Aleutian Islands (AI) King and Tanner Crab Fishery (FMP):	
Recreational fishery	Pot.
4. BS and AI Groundfish Fishery (FMP):	
A. Groundfish trawl fishery	A. Trawl.
B. Bottomfish hook-and-line, and handline fishery	B. Hook and line, handline.
C. Longline fishery	C. Longline.
D. BS and AI pot and trap fishery	D. Pot, trap.
5. BS and AI Groundfish Recreational Fishery (Non-FMP).	Handline, rod and reel, hook and line, pot, trap.
6. Gulf of Alaska (GOA) Groundfish Fishery (FMP):	
A. Groundfish trawl fishery	A. Trawl.
B. Bottomfish hook-and-line and handline fishery	B. Hook and line, handline.
C. Longline fishery	C. Longline.
D. GOA pot and trap fishery	D. Pot, trap.
E. Recreational fishery	E. Handline, rod and reel, hook and line, pot, trap.
7. Pacific Halibut Fishery (Non-FMP):	
A. Commercial (IFQ and CDQ)	A. Hook and line.
B. Recreational	B. Single line with no more than 2 hooks attached or spear.
C. Subsistence	C. Setline gear and hand held gear of not more than 30 hooks, including longline, handline, rod and reel, spear, jig, and hand-troll gear.

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Fishery	Authorized gear types
8. Alaska High Seas Salmon Hook and Line Fishery: (FMP)	Hook and line.
9. Alaska Salmon Fishery (Non-FMP):	
A. Hook-and-line fishery	A. Hook and line.
B. Gillnet fishery	B. Gillnet.
C. Purse seine fishery.	C. Purse seine.
D. Recreational fishery	D. Handline, rod and reel, hook and line.
10. Finfish Purse Seine Fishery (Non-FMP).	Purse seine.
11. Octopus/Squid Longline Fishery (Non-FMP).	Longline.
12. Finfish Handline and Hook-and-line Fishery (Non-FMP)	Handline, hook and line.
13. Recreational Fishery (Non-FMP)	Handline, rod and reel, hook line.
14. Commercial Fishery (Non-FMP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

VIII. Western Pacific Fishery Management Council

1. Western Pacific Crustacean Fishery (FMP)	Trap, hand harvest, hoop net.
2. Western Pacific Crustacean Fishery (Non-FMP):	
A. Commercial fishery	A. Gillnet, hand harvest, hoop net, spear, snare, trap, trawl.
B. Recreational fishery	B. Gillnet, hand harvest, hoop net, spear, snare, trap.
C. Charter fishery	C. Hand harvest, spear.
3. Western Pacific Precious Corals Fishery (FMP):	
A. Tangle net dredge fishery	A. Tangle net dredge.
B. Submersible fishery	B. Submersible.
C. Dive fishery	C. Hand harvest.
D. Recreational fishery	D. Hand harvest.
4. Western Pacific Precious Corals Fishery (Non-FMP)	Hand harvest, submersible, tangle net dredge.
5. Western Pacific Bottomfish and Seamount Groundfish Fishery (FMP):	
A. Bottomfish hook-and-line fishery	A. Bandit gear, buoy gear, handline, hook and line, rod and reel, hand harvest.
B. Seamount groundfish fishery	B. Longline, trawl.
C. Bottom longline fishery	C. Longline, hook and line.
D. Trap fishery	D. Trap.
E. Spear fishery	E. Spear, powerhead.
6. Western Pacific Bottomfish and Seamount Groundfish Fishery (Non-FMP):	
A. Commercial fishery	A. Bandit gear, buoy gear, gillnet, handline, hook-and-line, longline, rod and reel, spear, trap.
B. Recreational fishery	B. Bandit gear, buoy gear, Gillnet, handline, hook and line, longline, rod and reel, spear, trap, slurp gun, hand harvest.
C. Charter fishery	C. Bandit gear, buoy gear, handline, hook-and-line, rod and reel, spear.
7. Western Pacific Pelagics Fishery (FMP):	
A. Longline Fisher	A. Longline.
B. Hook and line fishery	B. Bandit gear, buoy gear, handline, hook and line, rod and reel.
C. Purse seine fishery	C. Lampara net, purse seine.
D. Spear fishery	D. Spear, powerhead.
8. Western Pacific Pelagics Fishery (Non-FMP):	
A. Recreational fishery	A. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
B. Commercial fishery	B. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
C. Charter fishery	C. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
9. Western Pacific Coastal Pelagics Fishery (Non-FMP)	Bandit gear, buoy gear, dip net, gillnet, handline, hook and line, hoop net, lampara net, purse seine, rod and reel, spear.
10. Western Pacific Squid and Octopus Fishery (Non-FMP)	Bandit gear, hand harvest, hook and line, rod and reel, spear, trap.
11. Western Pacific Coral Reef Fishery (Non-FMP)	Allowable chemical, barrier net, dip net, gillnet, hand harvest, seine, slurp gun, trap, spear, rod and reel, hook and line.
12. Recreational Fishery (Non-FMP)	Rod and reel, hook and line, handline, hand harvest, spear.
13. Commercial Fishery (Non-FMP)	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

IX. Secretary of Commerce

1. Atlantic Tunas, Swordfish, and Sharks Fisheries (FMP):

Fishery	Authorized gear types
A. Swordfish handgear fishery	A. Rod and reel, harpoon, handline, bandit gear.
B. Pelagic longline fishery	B. Longline.
C. Shark gillnet fishery	C. Gillnet
D. Shark bottom longline fishery	D. Longline.
E. Shark handgear fishery	E. Rod and reel, handline, bandit gear.
F. Shark recreational fishery	F. Rod and reel, handline.
G. Tuna purse seine fishery	G. Purse seine.
H. Tuna recreational fishery	H. Rod and reel, handline.
I. Tuna handgear fishery	I. Rod and reel, harpoon, handline, bandit gear.
J. Tuna harpoon fishery	J. Harpoon.
2. Atlantic Billfish Fishery (FMP):	
Recreational fishery	Rod and reel.
3. Commercial Fisheries (Non-FMP)	Rod and reel, handline, longline, gillnet, harpoon, bandit gear, purse seine.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 63 FR 27217; May 18, 1998; 64 FR 4037, Jan. 27, 1999; 64 FR 29134, May 28, 1999; 64 FR 67516, Dec. 2, 1999; 68 FR 18161, Apr. 15, 2003; 68 FR 26230, May 15, 2003; 68 FR 74784, Dec. 24, 2003; 69 FR 30240, May 27, 2004]

§ 600.730 Facilitation of enforcement.

(a) General. The operator of, or any other person aboard, any fishing vessel subject to parts 622 through 699 of this chapter must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson-Stevens Act or any other statute administered by NOAA and this chapter.

(b) Communications. (1) Upon being approached by a USCG vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) VHF-FM radiotelephone is the preferred method for communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio. Hand signals, placards, high frequency radiotelephone, or voice may be employed by an authorized officer, and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. USCG units will normally use the flashing light signal "L" as the signal to stop. In the International Code of Signals, "L" (.-..) means "you should stop your vessel instantly." (Period (.) means a short flash

of light; dash (-) means a long flash of light.)

(4) Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes prima facie evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) Boarding. The operator of a vessel directed to stop must:

(1) Guard Channel 16, VHF-FM, if so equipped.

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his/her party to come aboard.

(3) Except for those vessels with a freeboard of 4 ft (1.2 m) or less, provide a safe ladder, if needed, for the authorized officer and his/her party to come aboard.

(4) When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope or safety line, and illumination for the ladder.

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) Signals. The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly. (Period (.) means a short flash of light; dash (-) means a long flash of light.)

(1) "AA" repeated (.-.-) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-. -.- -.-) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... -.- ...-) means "you should stop or heave to; I am going to board you."

[61 FR 32540, June 24, 1996, as amended at 61 FR 37225, July 17, 1996; 63 FR 7075, Feb. 12, 1998]

§ 600.735 Penalties.

Any person committing, or fishing vessel used in the commission of a violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation issued under the Magnuson-Stevens Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson-Stevens Act, to this section, to 15 CFR part 904 (Civil Procedures), and to other applicable law.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

§ 600.740 Enforcement policy.

(a) The Magnuson-Stevens Act provides four basic enforcement remedies for violations, in ascending order of severity, as follows:

(1) Issuance of a citation (a type of warning), usually at the scene of the offense (see 15 CFR part 904, subpart E).

(2) Assessment by the Administrator of a civil money penalty.

(3) For certain violations, judicial forfeiture action against the vessel and its catch.

(4) Criminal prosecution of the owner or operator for some offenses. It shall be the policy of NMFS to enforce vigorously and equitably the provisions of the Magnuson-Stevens Act by utilizing that form or combination of authorized remedies best suited in a particular case to this end.

(b) Processing a case under one remedial form usually means that other remedies are inappropriate in that case. However, further investigation or later review may indicate the case to be either more or less serious than initially considered, or may otherwise reveal that the penalty first pursued is inadequate to serve the purposes of the Magnuson-Stevens Act. Under such circumstances, the Agency may pursue other remedies either in lieu of or in addition to the action originally taken. Forfeiture of the illegal catch does not fall within this general rule and is considered in most cases as only the initial step in remedying a violation by removing the ill-gotten gains of the offense.

(c) If a fishing vessel for which a permit has been issued under the Magnuson-Stevens Act is used in the commission of an offense prohibited by section 307 of the Magnuson-Stevens Act, NOAA may impose permit sanctions, whether or not civil or criminal action has been undertaken against the vessel or its owner or operator. In some cases, the Magnuson-Stevens Act requires permit sanctions following the assessment of a civil penalty or the imposition of a criminal fine. In sum, the Magnuson-Stevens Act treats sanctions against the fishing vessel permit to be the carrying out of a purpose separate from that accomplished by civil and criminal penalties against the vessel or its owner or operator.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998]

shall have all fins and carcasses weighed at that time.

(e) A person may not purchase, offer to sell, or sell shark fins taken, landed, or possessed in violation of this section.

(f) Upon request, a person who owns or operates a vessel or a dealer shall allow an authorized officer or any employee of NMFS designated by a Regional Administrator access to, and/or inspection or copying of, any records pertaining to the landing, sale, purchase, or other disposition of shark fins and/or shark carcasses.

(g) A person who owns or operates a vessel that has been issued a Federal Atlantic commercial shark limited access permit and who lands shark in an Atlantic coastal port must have all fins weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing. Such weights must be recorded on the "weighout slips" specified in §635.5(a)(2) of this chapter.

(h) A person who owns or operates a vessel that has not been issued a Federal Atlantic commercial shark limited access permit and who lands shark in or from the U.S. EEZ in an Atlantic coastal port must comply with regulations found at §635.30(c)(4) of this chapter.

(i) No person aboard a vessel that has been issued a Federal Atlantic commercial shark limited access permit shall engage in shark finning.

(j) No person aboard a vessel that has been issued a Federal Atlantic commercial shark limited access permit shall possess on board shark fins without the corresponding carcass(es), as may be determined by the weight of the shark fins in accordance with §600.1203(b)(2), except that sharks may be dressed at sea.

(k) No person aboard a vessel that has been issued a Federal Atlantic commercial shark limited access permit shall land shark fins without the corresponding carcass(es).

(l) A dealer may not purchase from an owner or operator of a fishing vessel issued a Federal Atlantic commercial shark limited access permit who lands shark in an Atlantic coastal port fins whose wet weight exceeds 5 percent of the dressed weight of the carcasses.

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

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

SOURCE: 61 FR 34934, July 3, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 622.1 Purpose and scope.

(a) The purpose of this part is to implement the FMPs prepared under the Magnuson Act by the CFMC, GMFMC, and/or SAFMC listed in Table 1 of this section.

(b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, South Atlantic, or Atlantic EEZ, as indicated in Table 1 of this section. For the FMPs noted in the following table, conservation and management extends to adjoining state waters for the purposes of data collection and monitoring.

TABLE 1—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
Atlantic Coast Red Drum FMP	SAFMC	Mid-Atlantic and South Atlantic.
FMP for Coastal Migratory Pelagic Resources	GMFMC/SAFMC	Gulf, ¹ Mid-Atlantic ^{1,2} and South Atlantic. ^{1,3}
FMP for Coral and Coral Reefs of the Gulf of Mexico	GMFMC	Gulf.
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC	South Atlantic.
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Dolphin and Wahoo Fishery off the Atlantic States	SAFMC	Atlantic.
FMP for the Golden Crab Fishery of the South Atlantic Region	SAFMC	South Atlantic
FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for Pelagic Sargassum Habitat of the South Atlantic Region	SAFMC	South Atlantic
FMP for the Red Drum Fishery of the Gulf of Mexico	GMFMC	Gulf. ¹
FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Reef Fish Resources of the Gulf of Mexico	GMFMC	Gulf. ¹
FMP for the Shrimp Fishery of the Gulf of Mexico	GMFMC	Gulf. ¹
FMP for the Shrimp Fishery of the South Atlantic Region	SAFMC	South Atlantic.
FMP for the Snapper-Grouper Fishery of the South Atlantic Region ...	SAFMC	South Atlantic. ^{1,4}
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.

¹ Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.
² Only king and Spanish mackerel and cobia are managed under the FMP in the Mid-Atlantic.
³ Bluefish are not managed under the FMP in the South Atlantic.
⁴ Bank, rock, and black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 65483, Dec. 13, 1996; 63 FR 10565, Mar. 4, 1998; 67 FR 22362, May 3, 2002; 68 FR 57378, Oct. 3, 2003; 69 FR 30240, May 27, 2004]

§ 622.2 Definitions and acronyms.

In addition to the definitions in the Magnuson Act and in §600.10 of this chapter, and the acronyms in §600.15 of this chapter, the terms and acronyms used in this part have the following meanings:

Allowable chemical means a substance, generally used to immobilize marine life so that it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral and is allowed by Florida for the harvest of tropical fish (e.g., quinaldine, quinaldine compounds, or similar substances).

Allowable octocoral means an erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, plus the attached substrate within 1 inch (2.54 cm) of an allowable octocoral.

NOTE: An erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, with attached substrate exceeding 1 inch (2.54 cm) is considered to be live rock and not allowable octocoral.

Aquacultured live rock means live rock that is harvested under a Federal aquacultured live rock permit, as required under §622.4(a)(3)(iii).

pelagic fish. Any such owner who desires an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish must submit the completed application to the RA. To avoid any lapse in authorization to fish for coastal migratory species in the South Atlantic EEZ (i.e., valid permit status), such owners must submit the completed application to the RA post-marked or hand-delivered not later than September 26, 2002. For completed applications received by that deadline, the RA will issue the permit no later than December 16, 2002. Applications will be accepted at any time, but if received after the deadline, the permit may not be issued prior to the date that the permit is first required (i.e., December 26, 2002). These special procedures apply only to the application and issuance of the initial permit; subsequent permitting activities will be conducted in accordance with the standard permitting procedures as specified in paragraphs (b) through (l) of this section.

(B) *Owner or operator of a vessel without a valid charter vessel/headboat permit for coastal migratory pelagic fish.* An owner or operator of a vessel who desires a charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish and who does not have a valid charter vessel/headboat permit for coastal migratory pelagic fish must obtain a permit application from the RA. For additional permitting procedures, see paragraphs (b) through (l) of this section.

[61 FR 34937, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept 9, 1996; 61 FR 48414, Sept. 13, 1996; 62 FR 13986, Mar. 25, 1997; 62 FR 67721, 67722, Dec. 30, 1997; 63 FR 10565, 10569, Mar. 4, 1998; 63 FR 38301, July 16, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 65 FR 16339, Mar. 28, 2000; 65 FR 41017, July 3, 2000; 65 FR 52956, Aug. 31, 2000; 65 FR 61115, Oct. 16, 2000; 67 FR 22362, May 3, 2002; 67 FR 43562, June 28, 2002; 67 FR 51078, Aug. 7, 2002; 68 FR 2192, Jan. 16, 2003; 68 FR 26235, May 15, 2003; 69 FR 30240, May 27, 2004; 68 FR 38232, June 27, 2003; 69 FR 30240, May 27, 2004; 70 FR 32271, June 2, 2005; 70 FR 39189, July 7, 2005; 70 FR 41163, July 18, 2005]

§ 622.5 Recordkeeping and reporting.

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

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

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

(A) *Fish traps.* In addition to the other reporting requirements in paragraph (a)(1)(ii) of this section, the owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must comply with the following requirements.

(1) *Inspection.* The RA will establish a 1-month period for mandatory inspection of all fish trap gear, permits, and vessels. The RA will provide written notification of the inspection period to each owner of a vessel for which a fish trap endorsement has been issued as required under § 622.4(a)(2)(i). Each such owner or operator must contact the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (727–570–5344) to schedule an inspection during the 1-month period. Requests for inspection must be made between 8:00 a.m. and 4:30 p.m. Monday through Friday and must be made at least 72 hours in advance of the desired inspection date. Inspections will be conducted Monday through Friday between 8:00 a.m. and 4:30 p.m. only. On the inspection date, the owner or operator must make all fish trap

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gear with attached trap tags and buoys and all applicable permits available for inspection on land. Vessels must also be made available for inspection as directed by the SAC or his designee. Upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance, an owner or operator may resume fishing with the lawful gear. However, an owner or operator who fails to comply with the inspection requirements during the 1-month inspection period or during any other random inspection may not use or possess a fish trap in the Gulf EEZ until the required inspection or reinspection, as directed by the SAC, has been completed and all fish trap gear, permits, and vessels are determined to be in compliance with all applicable regulations.

(2) *Trip reports.* For each fishing trip on which a fish trap will be used or possessed, an owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must submit a trip initiation report and a trip termination report to the SAC or his designee, by telephone, using the following 24-hour toll-free number—800-305-0697.

(i) *Trip initiation report.* The trip initiation report must be submitted before beginning the trip and must include: vessel name; official number; number of traps to be deployed; sequence of trap tag numbers; date, time, and point of departure; and intended time and date of trip termination.

(ii) *Trip termination report.* The trip termination report must be submitted immediately upon returning to port and prior to any offloading of catch or fish traps. The trip termination report must include: vessel name; official number; name and address of dealer where catch will be offloaded and sold; the time offloading will begin; notification of any lost traps; and notification of any traps left deployed for any reason.

(B) [Reserved]

(iii) *Gulf shrimp.* The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited

to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

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

(B) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(C) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

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

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

(2) *Reporting deadlines.* (i) Completed fishing records required by paragraphs

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

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

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

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

(ii) *Headboats*. Completed fishing records required by paragraph (b)(1) of this section for headboats must be sub-

mitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(c) *Dealers*—(1) *Coastal migratory pelagic fish*. (i) A person who purchases coastal migratory pelagic fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

(A) Dealer's or processor's name and address.

(B) County where fish were landed.

(C) Total poundage of each species received during that month, or other requested interval.

(D) Average monthly price paid for each species.

(E) Proportion of total poundage landed by each gear type.

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

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

(i) Dealer's or processor's name and address.

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(ii) State and county where red drum were landed.

(iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

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

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

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

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

(4) *Gulf shrimp*. A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state,

must provide the following information when requested by the SRD:

(i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(ii) Amount of shrimp received by species and size category for each receipt.

(iii) Exvessel value, by species and size category, for each receipt.

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

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

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

(6) *South Atlantic golden crab*. A dealer who receives from a fishing vessel golden crab harvested from the South Atlantic EEZ and who is selected by the SRD must provide information on receipts of, and prices paid for, South Atlantic golden crab to the SRD at

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monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD.

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

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

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

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

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

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

Specific reporting requirements will be provided with the permit.

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

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

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

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

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

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

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

(2) Length and tonnage.

(3) Current home port.

(4) Fishing areas.

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

(6) Type and quantity of gear.

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

[61 FR 34940, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept. 9, 1996; 63 FR 10567, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 64 FR 68935, Dec. 9, 1999; 67 FR 43565, June 28, 2002; 69 FR 30241, May 27, 2004]

§ 622.6 Vessel and gear identification.

(a) *Vessel identification*—(1) *Applicability*—(i) *Official number*. A vessel for which a permit has been issued under § 622.4, and a vessel that fishes for or possesses *pelagic sargassum* in the South Atlantic EEZ, must display its official number—

(A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(B) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(C) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in height for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) long or less.

(ii) *Official number and color code*. The following vessels must display their official number as specified in paragraph (a)(1)(i) of this section and, in addition, must display their assigned color code: A vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i); a vessel for which a permit has been issued to fish with a sea bass pot, as required under § 622.4(a)(2)(vi); a vessel in the commercial Caribbean reef fish fishery fishing with traps; and a vessel in the Caribbean spiny lobster fishery. Color codes required for the Caribbean reef fish fishery and Caribbean spiny lobster fishery are assigned by Puerto Rico or the U.S. Virgin Islands, whichever is applicable; color codes required in all other fisheries are assigned by the RA. The color code must be displayed—

(A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly

visible from an enforcement vessel or aircraft.

(B) In the form of a circle permanently affixed to or painted on the vessel.

(C) At least 18 inches (45.7 cm) in diameter for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in diameter for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in diameter for vessels 25 ft (7.6 m) long or less.

(2) *Duties of operator*. The operator of a vessel specified in paragraph (a)(1) of this section must keep the official number and the color code, if applicable, clearly legible and in good repair and must ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number or the color code, if applicable, from an enforcement vessel or aircraft.

(b) *Gear identification*—(1) *Traps/pots and associated buoys*—(i) *Traps or pots*—(A) *Caribbean EEZ*. A fish trap or spiny lobster trap used or possessed in the Caribbean EEZ must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands so as to be easily identified.

(B) *Gulf and South Atlantic EEZ*. A fish trap used or possessed in the Gulf EEZ and a sea bass pot used or possessed in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), or a fish trap or sea bass pot on board a vessel with a commercial permit for Gulf reef fish or South Atlantic snapper-grouper, must have a valid identification tag issued by the RA attached. A golden crab trap used or possessed in the South Atlantic EEZ or on board a vessel with a commercial permit for golden crab must have the commercial vessel permit number permanently affixed so as to be easily distinguished, located, and identified; an identification tag issued by the RA may be used for this purpose but is not required.

(ii) *Associated buoys*. A buoy that is attached to a trap or pot must display the official number and assigned color code so as to be easily distinguished, located, and identified as follows:

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at:

<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

The Department of Commerce Guidelines can be found at: <http://www.osec.doc.gov/cio/oipr/iqg.htm>

The NOAA Section 515 Information Quality Guidelines, created with input and reviews from each of the components of NOAA Fisheries, went into effect on October 1, 2002. **The NOAA Information Quality Guidelines are posted on the NOAA home page under “Information Quality.”** <http://www.noaanews.noaa.gov/stories/iq.htm>

The guidelines apply to a wide variety of government information products and all types of media, including printed, electronic, broadcast or other. The guidelines define “Information” as, “any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.” For example, this definition includes information that an agency disseminates from a web page. The guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Explicitly **not** included within this term is distribution limited to “government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.” It also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes. (See the NOAA IQ Guidelines, pgs 5-6).

To assist in Data Quality Act compliance, NOAA Fisheries has established a series of actions that should be completed for each new information product subject to the Data Quality Act. (See “Information Generation and Compliance Documentation” and “Pre-Dissemination Review” below.) **In addition to the information contained in this document, familiarity with the NOAA Section 515 Information Quality Guidelines (<http://www.noaanews.noaa.gov/stories/iq.htm>) is crucial for NOAA Fisheries employees who engage in the generation and dissemination of information.**

Information Generation and Compliance Documentation

- The fundamental step in the process is to create a Sec. 515 Information Quality file for each new information product. To aid in this process, a Section 515 Pre-Dissemination Review and Documentation form has been created. These guidelines are intended to serve as a supplement to the Pre-Dissemination Review and Documentation Form. The basic steps to the documentation process are outlined below.
- Complete general information (e.g., author/responsible office, title/description) section of the form.
- Determine the information category (i.e., original data; synthesized products; interpreted products; hydrometeorological, hazardous chemical spill, and space weather warnings, forecasts, and advisories; experimental products; natural resource plans; corporate and general information). **For most information products, you will only need to check one box.** More complex documents may be an “aggregate” of different categories of information products.
- Generate the information in a way that meets each of the applicable standards for the appropriate information category. See the NOAA Information Quality Guidelines.
- Document how the standards for **utility, integrity and objectivity** are met for each information product, describing what measures were taken to meet each of the applicable standards. Use the 2 page Pre-Dissemination Review & Documentation Form to document compliance with the Utility and Integrity standards contained in NOAA’s Information Quality Guidelines. The Utility and Integrity standards pertain to all categories of information disseminated by NOAA. Use these guidelines (pgs 4-11) to document compliance with the applicable objectivity standards for your information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.
- Maintain the Sec. 515 Information Quality file in a readily accessible place. [Pre-Dissemination Review](#)
- Before information is disseminated, it must be reviewed for compliance with the NOAA Sec. 515 Information Quality Guidelines. This is accomplished by reviewing the information and the Sec. 515 Information Quality file.
- The Pre-Dissemination Review should be conducted during the normal course of clearing the information product for release. The person conducting the Pre-Dissemination Review will sign and date the Pre-Dissemination Review & Documentation Form. The reviewing official must be at least one level above the person generating the information product.
- The Pre-Dissemination Review form and the supporting information quality documentation must accompany the information product through the clearance process and be maintained on file.

Completing the Section 515 Pre-Dissemination Review & Documentation Form

Using the Section 515 Pre-Dissemination Review & Documentation Form and these guidelines, document how the information product meets the

following standards for **Utility, Integrity and Objectivity**. **Please note:** Use the Pre-Dissemination Review & Documentation Form to document how the information product complies with the Utility and Integrity standards that pertain to all categories of information products. The Utility and Integrity standards are presented here for your convenience. Use these guidelines to explain how the information product meets the applicable Objectivity standards for the information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.

I. Utility of Information Product

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

- A. Is the information helpful, beneficial or serviceable to the intended user? Explain.
- B. Who are the intended users of the data or information product? (e.g., the American public; other federal agencies; state and local governments; recreational concerns; national and international organizations). Is this data or information product an improvement over previously available information? Is it more detailed or current? Is it more useful or accessible to the public? Has it been improved based on comments or interactions with users?
- C. What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet?
Is the product made available in a standard data format?
Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

II. Integrity of Information Product

Integrity refers to security - the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. **Please note: all electronic information disseminated by NOAA adheres to the standards set forth in paragraph A below. If the information product is disseminated electronically, simply circle paragraph II(A) on the form.** You may also contact your IT Manager for further information.

Explain (circle) how the information product meets the following standards for integrity:

- A. All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.
- B. If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U. S. Code (confidentiality of census, business and financial information).
- C. Other/Discussion
(e.g., 50 CFR 600, Subpart E, Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

III. Objectivity of Information Product

(1) Indicate which one of the following categories of information products apply for this product (check one):

- Original Data - go to Section A
- Synthesized Products - go to Section B
- Interpreted Products - go to Section C
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories - go to Section D
- Experimental Products - go to Section E
- Natural Resource Plans - go to Section F
- Corporate and General Information - go to Section G

(2) Describe how this information product meets the applicable objectivity standards.

General Standard: Information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial and statistical standards.

If the information is "influential," that is, it is expected to have a genuinely clear and substantial impact on major public policy and private sector decisions, it is noted as such and it is presented with the highest degree of transparency. If influential information constitutes an assessment of risks to human health, safety or the environment, indicate whether the risk assessment was qualitative or quantitative, and describe which SDWA-adapted quality standards at page 9 of NOAA's Section 515 Information Quality Guidelines were applied to the information product.

Use of third party information in the product (information not collected or generated by NOAA) is only done when the information is of known quality and consistent with NOAA's Section 515 Guidelines; any limitations, assumptions, collection methods, or uncertainties concerning the information are taken into account and disclosed.

Specific Standards: Specific objectivity standards for categories of information products disseminated by NOAA are listed below. Document how the general and specific objectivity standards for the particular information product were met.

A. Original Data

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data (e.g., living marine resource and hydrographic surveys), biological and chemical properties, weather observations, and satellite data.

Objectivity of original data is achieved using sound quality control techniques.

Detail how the data collection methods, systems, instruments, training, and/or tools are appropriate to meet the requirements of the intended users.

Were the methods, systems, instruments, etc., validated before use?

Were standard operating procedures (SOPs) followed for time series data collections? If not, document the valid scientific reasons for the deviation.

Document the quality control techniques used, for example:

- Gross error checks for data that fall outside of physically realistic ranges (e.g., a minimum, maximum or maximum change)
- Comparisons made with other independent sources of the same measurement
- Examination of individual time series and statistical summaries
- Application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations
- Visual inspection of data

Describe any evolution and/or improvements in survey techniques, instrument performance and/or data processing.

Have metadata record descriptions and explanations of the methods and quality controls to which original data are subjected been included in the disseminated product? If not, they must be made available upon request.

B. Synthesized Products

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data.

While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine.

Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

The objectivity of synthesized products is achieved by using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination. For synthesized products, please document the following:

Identify data sources (preferred option) or be prepared to make them available upon request.

Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities?

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities? Are the methods documented in readily accessible formats by the disseminating office?

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

C. Interpreted Products

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Are all data and information sources identified or properly referenced?

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon

request.

D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather

Warnings, Forecasts, and Advisories

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products.

What is the source of the data or information used in the product? Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities? Are the sources included in the information product? If not, they must be made available upon request. Are the methods used to create the product generally accepted by the relevant scientific and technical communities?

Please note if individual best judgment was used due to the time-critical nature of the product.

What mechanisms were used to evaluate the accuracy of the information product? Statistical analysis may be carried out for a subset of products for verification purposes.

E. Experimental Products

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in nature, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes.

They are either (1) disseminated for experimental use, evaluation or feedback, or (2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Describe the science and/or supporting studies used, the evaluation techniques used, and note any peer-review of the experimental product. Were the results of initial tests or evaluations made available where possible? Describe the review, by the appropriate NOAA unit, of the experimental products and capabilities documentation, along with any tests or evaluations.

Are explicit limitations provided concerning the quality of the experimental product? Is the degree of uncertainty indicated?

Describe the testing process used, e.g., the experimental product or capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices or other NOAA components. This process is repeated as needed to ensure an acceptable and reliable level of quality.

F. Natural Resource Plans

Natural Resource Plans are information products that are prescribed by law and have content, structure, and public review processes (where applicable) that will be based upon published standards, e.g., statutory or regulatory guidelines. Examples of such published standards include the National Standard Guidelines (50 CFR Part 600, Subpart D), Essential Fish Habitat Guidelines, and Operational Guidelines - Fishery Management Plan Process, all under the Magnuson-Stevens Fishery Conservation and Management Act; and the National Marine Sanctuary Management Plan Handbook (16 U.S.C. section 1434) under the National Marine Sanctuary Act. These Natural Resource Plans are a composite of several types of information (e.g., scientific, management, stakeholder input, and agency policy) from a variety of internal and external sources. Examples of Natural Resources Plans include fishery, protected resource, and sanctuary management plans and regulations, and natural resource restoration plans.

Objectivity of Natural Resource Plans will be achieved by adhering to published standards, using information of known quality or from sources acceptable to the relevant scientific and technical communities, presenting the information in the proper context, and reviewing the products before dissemination.

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

Was the Plan developed using the best information available? Please explain.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

G. Corporate and General Information

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Corporate and general information disseminated by NOAA must be presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. To the extent possible, identify the sources of the disseminated information, consistent with confidentiality, privacy and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, the intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available.

For non-scientific, non-statistical information, has the information product been reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination?

Describe the review process for the information product. Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- Process design and monitoring to ensure that the process itself imposes checks on information quality .
- Review during information preparation.
- Use of management controls.
- Any other method, which serves to enhance the accuracy, reliability and objectivity of the information.

Administrative Management and Executive Secretariat

NAO 216-100

PROTECTION OF CONFIDENTIAL FISHERIES STATISTICS Eff: 7/18/94; Iss: 7/26/94

SECTION 1. PURPOSE.

. 01 This Order:

a. prescribes policies and procedures for protecting the confidentiality of data submitted to and collected by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) as authorized or required by law;

b. informs authorized users of their obligations for maintaining the confidentiality of data received by NMFS;

c. provides for operational safeguards to maintain the security of data; and

d. states the penalties provided by law for disclosure of confidential data.

SECTION 2. SCOPE.

This Order covers all confidential data received, collected, maintained, or used by NMFS.

SECTION 3. DEFINITIONS.

. 01 **Access to data** means the freedom or ability to use data, conditioned by a statement of nondisclosure and penalties for unauthorized use.

. 02 **Aggregate or summary form** means data structured so that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

. 03 **Agreement** refers to all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

. 04 **Assistant Administrator** means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data.

. 05 **Authorized Use/User.**

a. **Authorized use** is that specific use authorized under the governing statute, regulation, order, contract or agreement.

b. An **authorized user** is any person who, having the need to collect or use confidential data in the performance of an official activity, has read this Order and has signed a statement of nondisclosure affirming the user's understanding of NMFS obligations with

respect to confidential data and the penalties for unauthorized use and disclosure.

. 06 **Confidential data** means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public. The term "as used" does not convey data sensitivity for national security purposes [See Executive Order (E.O.) 12356 dated April 2, 1982].

. 07 **Data** refers to information used as a basis for reasoning, discussion, or calculation that a person may submit, either voluntarily or as required by statute or regulation.

. 08 **GC** means the Office of General Counsel, NOAA.

. 09 **Person** means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such governments, including Regional Fishery Management Councils (Councils).

. 10 **Public** means any person who is not an authorized user.

. 11 **Region** means NMFS Regional field offices, Fisheries Science Centers, and associated laboratories.

. 12 **Source document** means the document, paper, or electronic format on which data are originally recorded.

. 13 **State employee** means any member of a State agency responsible for developing and monitoring the State's program for fisheries or Marine Mammal Protection Act (MMPA) program.

. 14 **Submitter** means any person or the agent of any person who provides data to NMFS either voluntarily or as required by statute or regulation.

SECTION 4. POLICY.

For data subject to this Order, it is NMFS policy that:

a. confidential data shall only be disclosed to the public if required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, or by court order. Disclosure of data pursuant to a subpoena issued by an agency of competent jurisdiction is a lawful disclosure. Disclosure pursuant to a subpoena must be approved by GC;

b. individual identifiers shall be retained with data, unless the permanent deletion is consistent with the needs of NMFS and good scientific practice [See Section 6.02c]; and

c. a notice is required on all report forms requesting data and must comply with 5 U.S.C. 552a(e)(3) and Paperwork Reduction Act requirements in NAO 216-8, Information Collections and Requirements Needing Office of Management and Budget Clearance. [See E.O. 12600 of June 23, 1987, for additional information regarding the rights of submitters to designate commercial confidential data at the time of submission.]

SECTION 5. OPERATIONAL RESPONSIBILITIES.

. 01 The Regional Director of each region (or, in the case of headquarters, each Office

Director) has the responsibility to maintain the confidentiality of all data collected, maintained, and disclosed by the respective region.

. 02 Each region shall submit to the Assistant Administrator specific procedures governing the collection, maintenance, and disclosure of confidential data. These documents shall be compiled as regional handbooks following the guidelines and standards:

a. handbooks are to be developed in detail to ensure the maintenance of confidential data on a functional basis in each region; and

b. handbooks shall be coordinated through the National Data Management Committee (a NMFS group established by the Assistant Administrator to develop data management policies and procedures) and reviewed annually. The regional handbooks will address, at minimum, the contents of Sections 6-7.

SECTION 6. PROCEDURES.

. 01 **Data Collection.** To collect data, the Secretary may use Federal employees, contractor employees, or, pursuant to an agreement, State employees.

a. General Requirements.

1. Personnel authorized to collect Federal data must maintain all documents containing confidential data in secure facilities; and

2. may not disclose confidential data, whether recorded or not, to anyone not authorized to receive and handle such data.

b. Specific Requirements.

1. Each Federal or contractor employee collecting or processing confidential data will be required to read, date, and sign a statement of nondisclosure, that affirms the employee's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure of the data. Upon signature, the employee's name will be placed on record as an "authorized user," and the employee will be issued certification.

2. Data collected by a contractor must be transferred timely to authorized Federal employees; no copies of these data may be retained by the contractor. NMFS may permit contractors to retain aggregated data. A data return clause shall be included in the agreement. All procedures applicable to Federal employees must be followed by contractor employees collecting data with Federal authority.

3. Under agreements with the State, each State data collector collecting confidential data will sign a statement at least as protective as the one signed by Federal employees, which affirms that the signer understands the applicable procedures and regulations and the penalties for unauthorized disclosure.

.02 Maintenance.

a. Maintenance is defined as the procedures required to keep confidential data secure from the time the source documents are received by NMFS to their ultimate disposition, regardless of format. [See National Institute of Standards and Technology "Computer Security Publications, List 91" for guidance.]

b. Specific procedures in regional handbooks must deal with the following minimum security requirements, as well as any others that may be necessary because of the specific data, equipment, or physical facilities:

1. the establishment of an office or person responsible for evaluating requests for access to data;
2. the identifications of all persons certified as authorized users. These lists shall be kept current and reviewed on an annual basis;
3. the issuance of employee security rules that emphasize the confidential status of certain data and the consequences of unauthorized removal or disclosure;
4. the description of the security procedures used to prevent unauthorized access to and/or removal of confidential data;
5. the development of a catalog/inventory system of all confidential data received including: the type of source document; the authority under which each item of data was collected; any statutory or regulatory restriction(s) which may apply; and routing from the time of receipt until final disposition; and
6. The development of an appropriate coding system for each set of confidential data so that access to data that identifies, or could be used to identify, the person or business of the submitter is controlled by the use of one or more coding system(s). Lists that contain the codes shall be kept secure.

c. The permanent deletion of individual identifiers from a database shall be addressed on a case-by-case basis. Identifiers may only be deleted after:

1. future uses of data have thoroughly been evaluated, e.g., the need for individual landings records for allocating shares under an individual transferable quota program;
2. consultation with the agency(s) collecting data (if other than NMFS), the relevant Council(s), and NMFS Senior Scientist; and
3. concurrence by the Assistant Administrator has been received prior to deletion.

.03 Access to Data Subject to This Order.

a. **General Requirements.** In determining whether to grant a request for access to confidential data, the following information shall be taken into consideration:

1. the specific types of data required;
2. the relevance of the data to the intended uses;
3. whether access will be continuous, infrequent, or one-time;
4. an evaluation of the requester's statement of why aggregate or nonconfidential summaries of data would not satisfy the requested needs; and
5. the legal framework for the disclosure, in accordance with GC and this Order.

b. **Within NMFS.** NMFS employees requesting confidential data must have certification as being authorized users for the particular type of data requested.

c. **Councils.** Upon written request by the Council Executive Director:

1. "authorized user" status for confidential data collected under the Magnuson Fishery Conservation and Management Act (Magnuson Act) may be granted to a Council for use by the Council for conservation and management purposes consistent with the approval of the Assistant Administrator as described in 50 CFR 603.5;
2. "authorized user" status for confidential data, collected under the Magnuson Act and MMPA, will be granted to Council employees who are responsible for Fishery Management Plan development and monitoring; and
3. Councils that request access to confidential data must submit, on an annual basis, a copy of their procedures for ensuring the confidentiality of data to the region, or in the case of intercouncil fisheries, regions. The procedures will be evaluated for their effectiveness and, if necessary, changes may be recommended. As part of this procedure, an updated statement of nondisclosure will be included for each employee and member who requires access to confidential data.

d. **States.**

1. Requests from States for confidential data shall be directed in writing to the NMFS office that maintains the source data.
2. Each request will be processed in accordance with any agreement NMFS may have with the State:
 - (a) confidential data collected **solely** under Federal authority will be provided to a State by NMFS only if the Assistant Administrator finds that the State has authority to protect the confidentiality of the data comparable to, or more stringent than, NMFS' requirements; and
 - (b) the State will exercise its authority to limit subsequent access and use of the data to those uses allowed by authorities under which the data was collected.
3. If the State has no agreement with NMFS for the collection and exchange of confidential data, the request shall be treated as a public request and disclosure may be denied subject to FOIA or the Privacy Act.
4. Where a State has entered into a cooperative exchange agreement with another State(s), NMFS will facilitate transfer or exchange of State collected data in its possession if:
 - (a) NMFS has written authorization for data transfer from the head of the collecting State agency; and
 - (b) the collecting State has provided NMFS a list of authorized users in the recipient State(s); and
 - (c) the collecting State agrees to hold the United States Government harmless for any suit that may arise from the misuse of the data.

e. **Contractors.**

1. Pursuant to an agreement with NMFS, a NMFS contractor (including universities, Sea Grant investigators, etc.) may be granted "authorized user" status consistent with this Order if the use furthers the mission of NMFS.

2. The region will notify the contractor of its decision on access in writing within 30 calendar days after receipt of the request.

3. Contingent upon approval, the contractor will be provided with details regarding conditions of data access, any costs involved, formats, timing, and security procedures. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. The denial will not preclude NMFS consideration of future requests from the contractor.

4. If access is granted, language in the agreement specifically dealing with confidentiality of data will be required. The language shall include all of the relevant portions of this Order and shall prohibit the further disclosure of the data. No data may be retained beyond the termination date of the agreement; and any disclosure of data derived from the accessed confidential data must be approved by NMFS.

5. Each agreement shall be reviewed by GC prior to its execution, and shall, to the extent possible, be consistent with the model agreement contained in Appendix D (Not included --WebEd).

f. **Submitters.** The Privacy Act allows for data to be released back to the submitter upon receipt and verification of a written request stating the data required.

04. Requests for Confidential Data. NMFS is authorized to collect data under various statutes [See Appendix A (Not include --WebEd)]. Two types of statutes govern the disclosure of confidential data collected by the Federal Government, those that contain specific and non-discretionary language within the Act, and those that provide overall guidance to the Federal Government. Sections of these Acts that deal with exceptions to disclosure may be found in Appendix B (Not included -- WebEd).

a. Magnuson Act and MMPA.

1. Data collected under 16 U.S.C. 1853 (a) or (b), and 16 U.S.C. 1383a (c),(d),(e),(f),or (h) will be handled in the following manner:

(a) data will only be disclosed to Federal employees and Council employees who are responsible for management plan development and monitoring; State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; a Council for conservation and management purposes [not applicable for MMPA data] or when required by court order. [See 50 CFR 229.10 and part 603];

(b) Council advisory groups are not permitted access to such confidential data [See 50 CFR 601.27(b)];

(c) requests from States that do not have an agreement with the Secretary will be processed in accordance with the Privacy Act or FOIA; and

(d) data collected by an observer under 16 U.S.C. 1853 (a) or (b) are not considered to have been "submitted to the Secretary by any person," and therefore are not confidential under Section 6.04.a of this Order. Data collected by an observer may be withheld from disclosure under the Privacy Act, or subsections (b)(3),(4),(5),(6), or (7) of FOIA.

2. Confidential data submitted to the Secretary under other Sections of the Magnuson Act or MMPA may only be disclosed in accordance with the Privacy Act or FOIA. Types of data and the collection authority may include among others:

(a) Processed Product Data -- 16 U.S.C. 1854(e);

(b) Fish Meal and Oil, Monthly -- 16 U.S.C. 1854(e);

(c) Data Collected Under State Authority and Provided to NMFS -- 16 U.S.C. 1854(e); and

(d) Tuna-Dolphin Observer Program -- 16 U.S.C. 1361 et seq.

b. **South Pacific Tuna Act.** Data collected under South Pacific Tuna Act 16 U.S.C. 973j is protected from disclosure to the public in accordance with section 973j(b).

c. **Other Statutes.** Confidential data collected under other NMFS programs as authorized by statutes other than South Pacific Tuna Act (16 U.S.C 973j), MMPA (16 U.S.C. 1361 et seq.), and Magnuson Act (16 U.S.C. 1801 et seq.), may only be disclosed to the public in accordance with the Privacy Act and FOIA. Types of data and the collection authority may include among others:

(1) Monthly Cold Storage Fish Report -- 16 U.S.C. 742(a);

(2) Market News Data -- 16 U.S.C. 742(a); and

(3) Seafood Inspection Data -- 7 U.S.C. 1621 et seq.

d. **Special Procedures.**

1. **Cold Storage Summary Reports.** NMFS publishes monthly cold storage holdings of fishery products. Advance knowledge of the content of these reports could give those who trade in the products an opportunity to gain competitive advantage. Therefore, in addition to the confidential protection provided to individual reports, the monthly summary report will not be disclosed to the public until 3:00 p.m. Eastern Time of the official release date. Release dates for these data are published 1 year in advance in November, and can be obtained from the NMFS Fisheries Statistics Division.

2. **Surplus commodity purchases by USDA.** NMFS and the Department of Agriculture (USDA) have an interagency agreement relating to the purchase of surplus fishery products. NMFS is responsible for providing confidential data and recommendations to the USDA regarding these purchases. Advance knowledge of these data could cause a competitive advantage or disadvantage to the general public, fishing industry, and the program. Therefore, all NMFS personnel engaged in the surplus commodity purchase program will be required to sign a specific "USDA Responsibility Statement." A copy will be maintained in the Office of Trade Services.

3. **Agreements for Disclosure of Confidential Data.** A letter of agreement may authorize the disclosure of confidential data when both the Government and the submitter agree to disclosure of the data. The need to provide security for the data will vary depending on the type of data collected and the form of the disclosure. Disclosure can be undertaken if all the following conditions are met:

(a) the person has agreed in writing to the disclosure and is aware that disclosure is irrevocable;

(b) the recipient has been informed in writing of the sensitivity of the data; and

(c) the wording of the agreement has been approved by GC.

. 05 Disposal. NAO 205-1, NOAA Records Management Program, shall govern the disposition of records covered under this Order.

SECTION 7. PENALTIES.

. 01 **Civil and Criminal.** Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

- a. Trade Secrets Act (18 U.S.C. 1905);
- b. Privacy Act (5 U.S.C. 552a(i)(1));
- c. Magnuson Act (16 U.S.C. 1858); and
- d. MMPA (16 U.S.C. 1375).

. 02 **Conflict of Interest.** Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.

. 03 **Disciplinary Action.** Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to, unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

SECTION 8. EFFECT ON OTHER ISSUANCES. None.

Internet sources, and U.S. Census data. Internet surveys and in-person interviews with key informants, as determined by initial secondary data and analysis, will be utilized to obtain information from original sources to develop the broadest scope of information possible.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households; not-for-profit institutions; State or Local government, Federal government.

Estimated Number of Respondents: 496 (8 individuals for each of the 62 WRAs in the state of Washington).

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 165.

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: May 16, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-9767 Filed 5-21-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

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

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 23, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 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 Trisha Culver, 562-980-4239 or trisha.culver@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The owners of vessels that fish out of West Coast ports for highly migratory species such as tuna, billfish and sharks are required to submit information about their fishing activities so that the National Marine Fisheries Service and the Pacific Fishery Management Council will be able to monitor the fisheries and determine the effects and effectiveness of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS).

The catch and effort statistics from logbooks are essential for evaluating if the objectives of the FMP are being achieved and for evaluating the impacts of potential changes in management to respond to new information or new problems in the fisheries. The use of vessel monitoring system units will facilitate enforcement of closures associated with the longline fishery.

II. Method of Collection

Paper logbooks and electronic reports are required from participants.

III. Data

OMB Number: 0648-0498.

Form Number: None.

Type of Review: Regular submission.
Affected Public: Not-for-profit institutions; and business or other for-profits organizations.

Estimated Number of Respondents: 907.

Estimated Time per Response: 5 minutes for logbooks; 24 seconds for VMS automated position report; 4 hours to install a VMS; and 2 hours per year to maintain a VMS.

Estimated Total Annual Burden Hours: 3,036.

Estimated Total Annual Cost to Public: \$1,621 (recordkeeping/reporting costs).

IV. Request for Comments

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

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

Dated: May 16, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-9768 Filed 5-21-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Dealer and Interview Family of Forms

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and

respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 23, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

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

SUPPLEMENTARY INFORMATION:

I. Abstract

Fishery quotas are established for many species in the fishery management plans developed by both the Gulf of Mexico Reef Fish Fishery Management Council and the South Atlantic Fishery Management Council. The Southeast Fisheries Science Center (SFSC) has been delegated the responsibility to monitor these quotas. To do so in a timely manner, seafood dealers that handle these species are required to report the purchases (landings) of these species. The frequency of these reporting requirements varies depending on the magnitude of the quota (*i.e.*, lower quota usually require more frequent reporting) and the intensity of fishing effort. The most common reporting frequency is twice a month; however, some fishery quotas, *e.g.*, the mackerel gill net, necessitates weekly or by the trip.

In addition, information collection included in this family of forms includes interviews with fishermen to gather information on the fishing effort, location and type of gear used on individual trips. This data collection is conducted for a subsample of the fishing trips and vessel/trips in selected commercial fisheries in the Southeast region. The fishing trips and individuals are selected at random to provide a viable statistical sample. These data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations.

II. Method of Collection

The SFSC will provide a reporting form to each dealer selected to report the minimum information necessary to

monitor the quota(s). This form must be faxed or sent as an e-mail attachment to the SFSC within 5 business days of the end of each reporting period. For dealers that do not have a rapid fax machine or access to e-mail, pre-addressed, pre-paid envelopes will be provided. Fishery biologists that are located at strategic fishing ports throughout the Southeast Region (North Carolina through Texas) intercept fishermen as they are unloading their catch and interview them.

III. Data

OMB Number: 0648-0013.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations (seafood dealers and fishermen).

Estimated Number of Respondents: 13,795.

Estimated Time per Response: Fifteen minutes for a dealer report in the golden crab, rock shrimp and Puerto Rican prohibited coral dealers; 5 minutes to fax or mail a dealer report; 5 minutes for a dealer quota monitoring report in the Coastal Fisheries and mackerel fisheries; 5 minutes for an annual vessel interview; 10 minutes for other interviews; 10 minutes for a dealer and vessel report in the eastern Gulf of Mexico runaround gill mackerel fishery; and 5 minutes for a wreckfish dealer report.

Estimated Total Annual Burden Hours: 1,838.

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: May 16, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-9769 Filed 5-21-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; An Observer Program for At-Sea Processing Vessels in the Pacific Coast Groundfish Fishery

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 23, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 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 Jonathan Cusick, (360) 332-2793 or Jonathan.Cusick@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service's At-Sea Hake Observer Program defines observer duties, trains and debriefs observers, and manages data and release. The observers, deployed aboard at-sea processing vessels in the U.S. West Coast hake (a.k.a. whiting) fishery, are hired by observer providers who contract with the at-sea processors to provide the required observer coverage (50 CFR part 660). This data collection relates to the response time for observer providers and observers to register for training, debriefing or to respond to suspension or decertification.