

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

06/23/2006

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 04/07/2006.

TITLE: Mandatory Shrimp Vessel and Gear Characterization Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE  
OMB NO.: 0648-0542  
EXPIRATION DATE: 06/30/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$ ,000)
Previous	0	0	0
New	3,000	1,000	0
Difference	3,000	1,000	0
Program Change		1,000	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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OMB Authorizing Official Title

John F. Morrall III Acting Deputy Administrator, Office of Information and Regulatory Affairs

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# 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 <span style="float: right;">b. <input type="checkbox"/> None</span> 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**  
**MANDATORY SHRIMP VESSEL AND GEAR CHARACTERIZATION SURVEY**  
**OMB CONTROL NO.: 0648-xxxx**

**INTRODUCTION**

The following is the supporting statement for the Paperwork Reduction Act submission for the approval to collect vessel and gear characterization data from commercial shrimp fishing enterprises participating in the Gulf of Mexico EEZ shrimp fishery. This submission is to gain approval from the Office of Management and Budget to conduct this data gathering. The proposed data gathering is expected to begin in March of 2006 and will be a continuous data collection program.

**A. JUSTIFICATION**

**1. Explain why you need to conduct the information collection.**

NMFS proposes to collect census-level information on fishing vessel and gear characteristics in the Gulf of Mexico Exclusive Economic Zone (EEZ) shrimp fishery to conduct analyses that will improve fishery management decision-making in this fishery; ensure that national goals, objectives, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MFCMA, U.S.C. 1801 *et seq.*), National Environmental Policy Act (NEPA), Regulatory Flexibility Act (RFA), Endangered Species Act (ESA), and Executive Order (E.O.) 12866 are met; and quantify achievement of the performance measures in the NOAA Fisheries Strategic Operating Plans. This information is vital in assessing the economic, social, and environmental effects of fishery management decisions and regulations on individual shrimp fishing enterprises, fishing communities, and the nation as a whole. National Standard Guidelines for information needs are mandated in 50CFR600.

Collection of vessel and gear characterization and fishing effort information is necessary, supplemental information to the economic, social, and biological information regarding the fishery (collected by other means) that is vital to the Optimum Yield (OY) management of marine fishery resources as mandated under the MFCMA (16 U.S.C. 1802 M-S Act § 3)(see Attachment). The term "Optimum" is defined under section 104-297 (28) of the Act, as: (A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factors; and (C) in the case of an overfished fishery, provides for the rebuilding to a level consistent with producing the maximum sustainable yield in such a fishery.

Considerable controversy exists regarding estimates of effort, bycatch (particularly with respect to red snapper and other finfish), turtle interactions, and overcapacity in this fishery. This controversy has led to multiple lawsuits being filed against NMFS and Congressional level inquiries into the adequacy of the science used to generate these estimates and the policy decisions that have resulted. More accurate data and additional analyses are needed in order to

increase the certainty and confidence in these estimates and thereby resolve these conflicts.

**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 vessel and gear characterization survey will be a census data collection effort of all shrimp vessel owners who possess a valid federal Gulf of Mexico shrimp fishing permit. The Southeast Regional Office (SERO) of NMFS will mail this survey to these individuals.

Collecting these data with new permit applications or renewals ensures that all permitted fishermen will be included in the census and each fisherman will only be surveyed once per annum. It is anticipated that the effort will be ongoing in future years.

Design of the form, the OMB submission, development of a database, and data entry effort are being handled by contract for the Fisheries Social Sciences Branch of the Sustainable Fisheries Division within the Southeast Regional Office of NMFS. The goal of this project is to update old data and expand current data collection efforts for this significant fishery. NMFS currently collects limited information from commercial shrimp vessels pertaining to their fishing activities, trip dates, landings, and other information through port agents and mandatory dealer reports. Historically, little data related to vessel and gear characteristics at the individual vessel level have been collected through these means.

In 2003, a new voluntary socioeconomic data collection effort was implemented to randomly survey approximately 10% of the offshore shrimp fishing vessels in the Gulf of Mexico. Vessel and gear characterization questions were included in this socioeconomic survey. The questions were included in that survey because, at that time, the permit requirement in the fishery was relatively new. It was determined that the inclusion of an additional form with the permit application was inadvisable since Gulf shrimp fishermen were still adjusting to the new requirement. Further, the Gulf of Mexico Fishery Management Council was in the early stages of considering a variety of new data collection programs for this fishery under Amendment 13 (e.g., electronic logbooks, observers, etc.). It has been the long-term intent to implement the vessel and gear characterization form separately so that it could be a census level data collection effort.

One of the primary purposes of collecting vessel and gear characterization data at the census level is so that it can be used to develop statistically valid sampling designs for the other aforementioned data collection programs. It is believed that the creation of stratified, random sampling designs for these data collection programs is necessary to ensure that the data and thus estimates of the fishery performance measures based on that data are accurate (i.e., representative of the fishery's actual performance). The various vessel and gear characteristics would serve as potential strata in these sampling designs.

Regulations regarding bycatch reduction device (BRDs), turtle exclusion devices (TEDs), and time/area closures are often changing, due to changes in fishing patterns, short-term interactions with protected species, and related issues. Accurate estimation of bycatch is required in order to determine whether bycatch in the fishery is being minimized to the extent practicable as per the

requirements of National Standard 9 to the MFCMA. Similarly, accurate estimation of turtle interactions is necessary to determine whether the fishery is operating in a manner consistent with existing regulations that have been implemented under the ESA. Catch per unit of effort is important with respect to estimating the abundance of shrimp. Since estimates of bycatch, turtle interactions, and abundance are dependent on estimates of effort, and historical estimates of effort have been based on insufficient and non-random data, there is a need to better understand and measure effort in this fishery, both in nominal and real terms (i.e. fishing power or capacity). Accurate estimation of nominal effort and fishing power or capacity is critical to accurately assessing the fishery's performance. Statistical models that predict or forecast various characteristics such as fleet size, fishing activity or effort, costs and benefits of fishing activity, and the efficiencies of proposed fishing regulations will be just a few of the benefits and uses of these data. These types of fishery performance measures can only be estimated by gathering the information that will be collected from this vessel and gear characterization form in conjunction with the data collected from the other noted data collection programs.

The information collected by this form will be used by NMFS economists, social scientists, and biologists to help evaluate the performance of existing regulations (e.g. BRDs, TEDs, time/area closures, etc.), and the impacts that changes to those regulations may have on individual fishermen, the shrimp fishing industry as a whole, and fishing communities. The vessel and gear characterization data will be linked to various biological, social, and economic data collected by other means. These data will be integral to supporting the social, economic analyses needed for determining the significance of economic impacts on small entities, as required by the Regulatory Flexibility Act, how best to achieve the maximization of net benefits to society, as required by E.O. 12866, and the impacts on the environment, as required by NEPA, of the various policy alternatives that may be under consideration.

It is anticipated that the information collected will be available to the public through technical memorandums and similar publications, or used to support publicly disseminated information, such as analyses contained within Council Amendment documents. Data may be reported according to the various types of nets, TEDs, BRDs or electronic equipment that is generally used, which will allow comparisons and evaluations of alternative vessel and gear configurations by analysts and vessel owners.

As will be explained in greater detail in the following paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NMFS' standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

The following is a detailed description of justifications for the collection of these data. Section and question numbers refer to the form.

### **Justifications for Questions**

**Questions 1 and 2 (a and b)** ask when the vessel was purchased, who it is operated by and the

typical number of crew on the vessel. These data will eventually be linked to other biological, social, and economic data. The number of crew members and whether the owner is the operator or if an outside captain is used directly relates to one of the vessel's most important costs: labor. This information helps to estimate vessel profitability and aggregate economic impacts associated with the vessel and local shrimp fishing industry. Additionally, economic theory suggests that form of organization can impact who makes decisions within the fishing business, how those decisions are made, and what the goals or objectives of the fishing business might be, which in turn will affect the vessel's productivity and economic performance. The length of time that the vessel has been owned partly conveys the experience the owner should have in the fishery. Generally, the longer someone has been using a boat, the higher his or her productivity should be.

**Questions 3-5** inquire about where fishing activity occurred (in the EEZ or not), how many shrimp fishing trips and fishing days were taken, and how many days at sea were related to activities other than shrimp fishing. This provides information about the average length of trip and how many days of fishing occurred during a calendar year. This information will help to determine which fishermen are full time participants, which are part time, the level of dependency that each has on this fishery, and the potential impacts that federal regulations may have on them. Days at sea may also be a useful alternative measure of effort in the fishery, as compared to actual trawling time.

### **Trawl Gear Information**

**Question 6.** This question requests information regarding the specific type of gear, net, and mesh that are primarily used on this vessel. These characteristics will differ between individual fishermen, and is not available from alternative data sources. Gear characteristics affect how fishermen can and do use their vessels, and thus the productivity and profitability associated with the vessel's operations. Alternative gear configurations will presumably lead to differences in a vessel's fishing power or capacity.

**Question 7** specifically identifies what type of Bycatch Reduction Device (BRDs) is typically used on the vessel. This information will help to assess the relative performance of different BRDs with respect to bycatch reduction and shrimp loss, and thus the socioeconomic and environmental impacts of potential changes in BRD regulations on individual fishing enterprises, fishing communities, and the environment.

**Question 8** specifically identifies which type of Turtle Excluder Devices (TEDs) is typically used on the vessel, and asks for further characteristic details such as size of TED, size and orientation of opening, whether an accelerator is used, and flag size. By region, TED regulations specify minimum sizes and types that can be used, but not maximum sizes. Information about the types of TEDs actually in use will help to assess the socioeconomic impacts of federally mandated TED regulations on individual fishing enterprises and fishing communities, especially in light of recent changes to the TED regulations. Not only are there direct costs associated with each type of TED, but use of TEDs, as with BRDs, reduce the efficiency of the trawl gear in terms of its ability to catch shrimp, and thereby reduces catch per unit of effort (CPUE) and/or increases the cost per unit effort, resulting in reduced profitability. Information on the relative performance of alternative TEDs and BRDs will be useful to both managers and fishermen.



**Question 9.** This question will gather information regarding on-board electronics. Research has shown that a certain level of experience or combination of experience and technology is more important than technology alone with respect to a vessel's productivity. That is, greater levels of on-board technology enhance a vessel's fishing power or capacity. On-board electronics affect how fishermen can and do use their vessels, and thus the costs, level of production, revenue, and profitability associated with the vessel's operations.

**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.**

During the first year (2006), this form will be simultaneously mailed to all permit holders that qualified under the soon to be implemented permit moratorium. Beginning in 2007 and in subsequent years, the form will coincide with submission of renewal applications for Gulf shrimp fishing permits, which is handled directly by the Southeast Regional Office (SERO) of NMFS, and done through the mail. The survey will be mailed out with renewal notices, and occurs before the anniversary of the permit holder's birthday. Responses will be entered into an Access database, designed specifically for this purpose, and data will be periodically transmitted to SERO's Fisheries Social Sciences Office. There will be no other means, electronic or otherwise, to submit data or information for the purposes of the form at this time. However, in the future, if an electronic permit renewal system is established, this form could be included as part of that system.

**4. Describe efforts to identify duplication.**

Since the Gulf shrimp socioeconomic survey will have been completed before this form is implemented, and that survey requested such information for calendar years 2000 and 2002, there will be no duplication of the vessel and gear characterization information being gathering from the Gulf of Mexico federal shrimp permit holders. The proposed electronic logbook requirement will not collect the information being collected on this form. This information will be unique in its detail and specificity to individual fishing entities and their general operation. These data will be linked to the socioeconomic survey data, shrimp dealer landings data collected by NMFS port agents, electronic logbook data, shrimp permit data, and data from the U.S. Coast Guard Vessel Documentation program. A draft of this form went through several internal and external reviews to ensure that there was no duplication.

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

According to recent analyses, it is yet unknown whether all harvesting entities in the Gulf shrimp EEZ fishery are considered small businesses. Currently available information suggests that there may be some "large" entities in the fishery, but this information is not yet conclusive. Therefore, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS management, stock assessments, and permitting programs are requested from all applicants. The results of this data collection effort are expected to improve the economic conditions of small fishing entities by affording fishery management agencies the information needed to better consider social and economic factors in management plans and regulations.

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

Without this information, various user groups will continue to express a lack of confidence in NMFS' estimates of effort, bycatch (particularly with respect to red snapper and other finfish), turtle interactions, and overcapacity in this fishery, and thus in the various analyses and assessments that make use of these estimates. This information is vital in assessing the economic, social, and environmental effects of alternative fishery management decisions and regulations on individual fishing enterprises, fishing communities, and the nation as a whole as per the requirements of MFCMA, NEPA, RFA, ESA, and E.O. 12866. A continued lack of confidence in the data and analyses being used to support controversial policy decisions will only serve to continue and exacerbate existing conflicts between user groups.

Regulations regarding bycatch reduction device (BRDs), turtle exclusion devices (TEDs), and time/area closures have changed fairly often in the past, and are likely to change in the future as economic, social, and environmental conditions change. The economic and social conditions in this fishery have been highly unstable in recent years, even more so than historically. Thus, collecting this information on at least an annual basis, as opposed to every two or more years, is necessary to ensure that currently representative data are being used in the various analyses. Without this information, it will be very difficult to accurately evaluate the performance of existing regulations (e.g. BRDs, TEDs, time/area closures, etc.), and the impacts that changes to those regulations may have on individual fishermen, the fishing industry as a whole, and fishing communities. More specifically, it will be difficult to generate accurate analyses of the various policy alternatives that NMFS and the Council may consider with respect to determining the significance of economic impacts on small entities, as required by the Regulatory Flexibility Act, how best to achieve the maximization of net benefits to society, as required by E.O. 12866, and the impacts on the environment, as required by NEPA. Without this information, it will be quite difficult to determine whether: 1) bycatch in the fishery is being minimized to the extent practicable as per the requirements of National Standard 9 to the MFCMA; 2) the fishery is operating in a manner consistent with existing regulations that have been implemented under the ESA; 3) abundance is changing as a result of environmental or human related factors, and to what extent; and 4) the fleet's fishing capacity is at an economically sustainable level.

As previously noted, one of the primary purposes of collecting vessel and gear characterization data at the census level is so that it can be used to develop statistically valid sampling designs for a variety of other data collection programs, such as observers, electronic logbooks, and socioeconomic surveys. It is believed that the creation of stratified, random sampling designs for these data collection programs is necessary to ensure that the data and thus estimates of the fishery performance measures based on that data are accurate (i.e., representative of the fishery's actual performance). Thus, without the data collected by the vessel and gear characterization form, confidence in the data and estimates of the fishery performance measures arising from these complementary programs will be low, as will be any policy decisions based thereon. Further, if the information is not collected at the census level, it cannot be used to develop random sampling designs for other data collection programs in this fishery.

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

The collection is consistent with OMB guidelines.

**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.**

This information collection is being proposed as part of the proposed rule to implement Amendment 13 to the Gulf of Mexico Shrimp Fishery Management Plan. The proposed rule will be published in the Federal Register and thus this information collection will be available for public comment at that time.

Efforts have been made to consult with persons outside the agency to obtain their views on 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. NMFS developed a draft survey following an outreach project to shrimp fishermen around the Gulf conducted during the early part of 2002 in conjunction with the Gulf and South Atlantic Fisheries Foundation. Initial meetings identified that important shrimp vessel information was severely deficient. The draft form was developed and circulated to both scientists and industry members, conferences were held, and input and suggestions resulted in modifications to the draft design.

Subsequently, the revised survey was evaluated by industry. The survey was pre-tested with nine industry members, as prescribed by OMB guidelines. This was followed up by the Foundation contacting these participants to ask five questions provided by NMFS to ascertain if the questions were understandable, the format acceptable and helpful, if instructions were needed, and how long did it take to fill out. The responses lead to some additional changes in the draft form. Given that the Council was still in the midst of developing Amendment 13 at that time, and thus deciding whether the form would be mandatory for all permit holders, the questions from this form were included as part of the previously discussed voluntary Gulf shrimp socioeconomic survey, which requested such information for calendar years 2000 and 2002. The socioeconomic survey form was reviewed and approved by OMB on two different occasions. Thus, the industry has already been exposed and responded to the questions on this form. Compilation and release of the socioeconomic survey data to the public is pending.

NMFS has documented that the data to be obtained through this form is not currently available via other means, and this is discussed in response to sections 2 and 6 above.

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

No monetary payments of other remuneration will be made to individuals that are interviewed.

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

All data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100 and the Magnuson-Stevens Act (16 U.S.C. 1881a, M-S Act § 402(b), Confidentiality of Information).

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

There are no questions of a sensitive nature included in this survey.

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

It is estimated that the number of respondents will be approximately 3,000, and time per response is 20 minutes for a total annual burden of 1,000 hours. This estimate is based on pre-testing described in section 8 above.

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

There will be no financial cost to the public to participate in this study (excluding valuation of respondents' time). Information to be gathered in this study should be readily available to the vessel owners based on their memory or written documentation, such as fishing logs.

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

The proposed budget for the contract to conduct the work described in section 2 above (design of the form, the full OMB submission, development of a database and data entry effort for the first year) is \$16,600 for the first year. The estimate of annual costs for NMFS staff involvement is \$6,543, comprised solely of staff time and associated benefits. Of these amounts, it is expected that \$16,543 will be recurring annual costs in the second and third years. Thus, average annualized costs to the Federal government will be approximately \$13,229.

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

There are currently no federal census data efforts that are gathering information on fishing vessel and gear characteristics for the Gulf shrimp EEZ fishery. For a limited time, the questions from this survey were included in the voluntary socioeconomic data collection effort being conducted

on a sample population in the Gulf shrimp fishery. This is a new census-level data collection effort, therefore all the burden hours and costs identified above will be applied to this program change.

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

These data will be published in summarized format and generalized tables in an annual NMFS technical memorandum or similar report. A final project report will provide documentation about the survey methodologies, survey instrument, and an assessment of the validity of the collected data.

**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 approval number and expiration data will appear on the first page of the form (see Attachment) that is mailed to individual participants. The printed information will include the OMB approval number, expiration date as well as other important information to facilitate their interviews and compliance with applicable laws.

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

There are no exceptions to the certification statement identified in Item 19 of the OMB 83-I.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

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

This is a mandatory census-level data collection effort. Thus, this data collection effort is not employing statistical methods for developing a random sampling design and the expected response rate is close to 100%. The survey will be conducted annually. The respondent universe will be all vessels that hold a federal Gulf shrimp permit under the proposed permit moratorium. The number of qualifying vessels is at least 2,666. The final number will likely be slightly higher since the proposed rule would allow vessel owners that met the control date, but subsequently lost the use of their vessels, to obtain a moratorium permit if they have obtained another vessel and Gulf shrimp permit before the publication of the final rule. Although the number of additional qualifiers under this provision is presently unknown, it is not expected to exceed 300 based on anecdotal information. This information to be collected has not been previously required, though it was part of a voluntary, in-person socioeconomic survey for offshore shrimp vessels in the Gulf of Mexico. The survey is still ongoing in certain states and thus the response rate is not yet known. However, in the state of Texas, where the survey was

first implemented, the completion rate was approximately 80% (i.e. 99 of the 124 successfully contacted vessel owners responded to the survey). Due to difficulties experienced in successfully reaching vessels to set up personal interviews (59 additional vessel owners were selected but could not be successfully contacted), the net response rate was approximately 43%.

**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.**

The form will be mailed, along with the permit application form, to all moratorium permit qualifiers when permit applications are initially sent after the final rule implementing the moratorium is published. The form will be subsequently mailed with the permit application form once a year when the permits are to be renewed. No statistical methodology will be employed, estimation will not be required, and no special sampling procedures will be used. The information is needed at the census level so that it can be used to develop statistically valid sampling designs for several other important data collection programs (e.g. observers, electronic logbooks, socioeconomic surveys, etc.).

**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.**

By requiring completion of this form in order to obtain or renew a permit, this requirement in itself will serve to maximize response rate. The expected response rate is close to 100% and thus non-response is not an anticipated issue.

**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.**

These questions were part of the voluntary, in-person socioeconomic survey of offshore shrimp vessels in the Gulf of Mexico. As such, the questions were pre-tested and then actually fielded as part of that survey effort. Minor modifications were made to the original survey questions to reduce the burden on respondents and to reflect current regulations.

**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.**

Michael D. Travis, Ph.D.  
National Marine Fisheries Service  
Southeast Regional Office  
(727) 551-5722

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(228) 762-4591, ext. 295

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U.S. DEPARTMENT OF COMMERCE, NOAA  
NMFS PERMITS TEAM, F/SER22  
263 13<sup>TH</sup> AVENUE S.  
ST. PETERSBURG, FL 33701  
727/824-5326 (8 am - 4:30 pm EST)  
<http://sero.nmfs.noaa.gov/>

OMB Control No.: 0648-xxxx  
Expiration Date: mm/dd/yyyy

## GULF SHRIMP VESSEL & GEAR CHARACTERIZATION FORM

### INSTRUCTIONS

*(Incomplete or illegible forms will be returned.)*

*Please Note: It is required that the following survey be returned with your **FEDERAL PERMIT APPLICATION FOR VESSELS FISHING FOR SHRIMP IN THE GULF OF MEXICO EEZ** to the following address: NOAA Fisheries (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702. If you have a question regarding the survey, please call 727/570 -5326 between 8 am - 4:30 pm EST.*

**QUESTION 1** Enter the year that you purchased the vessel, regardless of whether it was new or used at the time.

**QUESTION 2** For part a, indicate whether the vessel was **most frequently** operated by the owner or someone other than the owner (a hired captain) in 2005. For part b, indicate the number of crewmembers **typically** on board during 2005. Include the captain.

**QUESTION 3** Answer 'yes' if the vessel was used to shrimp in the Federal waters of the Gulf of Mexico even **one** time during 2005.

**QUESTION 4** Indicate the number of trips and the number of days at sea for this vessel in the Gulf shrimp fishery during 2005.

**QUESTION 5** Indicate the number of days that this vessel participated in non-shrimp fishing activities in 2005.

**QUESTION 6.1** Indicate the characteristics for the **one** gear type **most frequently** used on this vessel in 2005.

**QUESTION 7** Indicate the **one** BRD type **most frequently** used on this vessel in 2005.

**QUESTION 8** Indicate and provide additional details for the **one** TED type **most frequently** used on this vessel in **2005**. This will be the typical TED used **after** the 2003 regulatory changes.

**QUESTION 9** Indicate **all** types of electronic equipment that were on-board this vessel in 2005.

KNOWINGLY SUPPLYING FALSE INFORMATION IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Michael Travis, NMFS, Fisheries Social Sciences Branch, 263 13<sup>th</sup> Avenue S., St. Petersburg, FL 33701, or [mike.travis@noaa.gov](mailto:mike.travis@noaa.gov).

All data submitted will be handled as confidential material in accordance with the Magnuson-Stevens Act, Section 402 B, and **NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics**. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



### GULF SHRIMP VESSEL AND GEAR CHARACTERIZATION FORM

Vessel ID: Coast Guard or State Registration Number

1. What year did you purchase this vessel?
  
2. a. In 2005, this vessel was **most frequently** operated by (check the appropriate box):  
 the owner     a hired-captain
  - b. In 2005, what was the **typical** number of crew on the vessel, including captain?
  
3. In 2005, did you shrimp in Federal waters (i.e. the EEZ<sup>1</sup>) of the Gulf of Mexico (check the appropriate box)?  
 Yes     No
  
4. In 2005, what was the number of days at sea and trips for this vessel in the Gulf shrimp fishery?  

Days at sea

Number of Trips
  
5. In 2005, how many days at sea did this vessel operate in non-shrimp fisheries?  
 Days at sea

6. The shaded table below lists a set of codes for net type and mesh type for typical shrimping gears used. Please use the codes in the table to complete the table in the next question.

Code	Gear Type	Code	Net Type	Code	Mesh Type
A	Otter Trawl	I	2 Seam Balloon	S	Nylon
B	Butterfly Net	J	4 Seam Balloon	T	Spectra
C	Cast Net	K	Box	U	Poly
D	Skimmer Net	L	Flat	V	Other (specify) _____
E	Wing Net	M	Western Jib	W	Other (specify) _____
F	Roller Frame	N	Add-on Bib		
G	Other (specify) _____	O	Built-in Bib (e.g. mongoose, cobra, etc.)		
H	Other (specify) _____	P	Other (specify) _____		
		Q	Other (specify) _____		
		R	Other (specify) _____		

6.1. Using the codes from the table above, please specify the gear type **most frequently** used as well as the net types, headrope length (ft), mesh types and size (inches) **most frequently** used in 2005.

Gear code	Net type code	Mesh type code	Headrope length (feet)	Mesh size (inches)
			ft	in
TRY NET			ft	in

<sup>1</sup>The EEZ portion of the fishery is from nine (9) miles outward off of the Texas and West Florida coasts, and from three (3) miles outward off the coasts of Louisiana, Mississippi, and Alabama.

7. In 2005, what type of BRD (bycatch reduction device) did you **most frequently** use? Check the appropriate box.

Jones-Davis     Fisheye     Gulf Fisheye     Expanded Mesh

Extended Funnel

7.1 If a fisheye BRD was used, what was the distance from the bag tie rings to the BRD?  
 \_\_\_\_\_ inches

8. Please check the box by the type of TED you **most frequently** used in 2005.

- Choose only one: a, b, or c.
- Determine grid style using the diagrams of each provided on the following pages (choose one letter, A through H).
- Fill in the details of the grid dimensions, opening type/size, flap size, and whether an accelerator was used.

a.  Single Grid Hard TEDs

Grid style <sup>1</sup>	grid size (width x height)	opening size	Opening direction* (see below)	Accelerator Used	Flap Length beyond posterior edge of grid*** (see below)
				<input type="checkbox"/> Yes <input type="checkbox"/> No Size** _____	
	1= 32"x32" minimum outside dimensions Atlantic & Gulf 2 = Other (specify)	1 = Double Cover (inshore & offshore)  2 = 71" (inshore & offshore)  3 = 44 " (inshore only)  4= Other (specify)	*Opening direction:  A = Top-opening  B = Bottom- opening	** Funnel Size:  A = 44" (inshore only)  B = 71" (inshore & offshore)	***Flap length:  1= 24" maximum  2 = Less than 24" (specify)  3 = No Flap Used

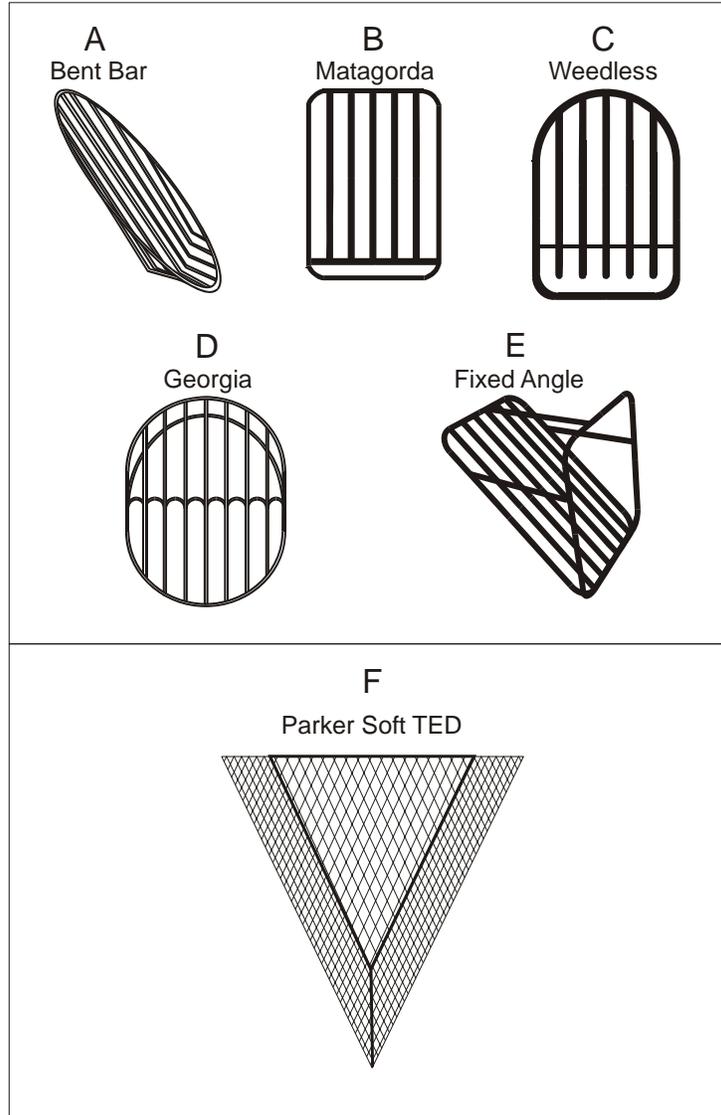
b.  Parker Soft TEDs

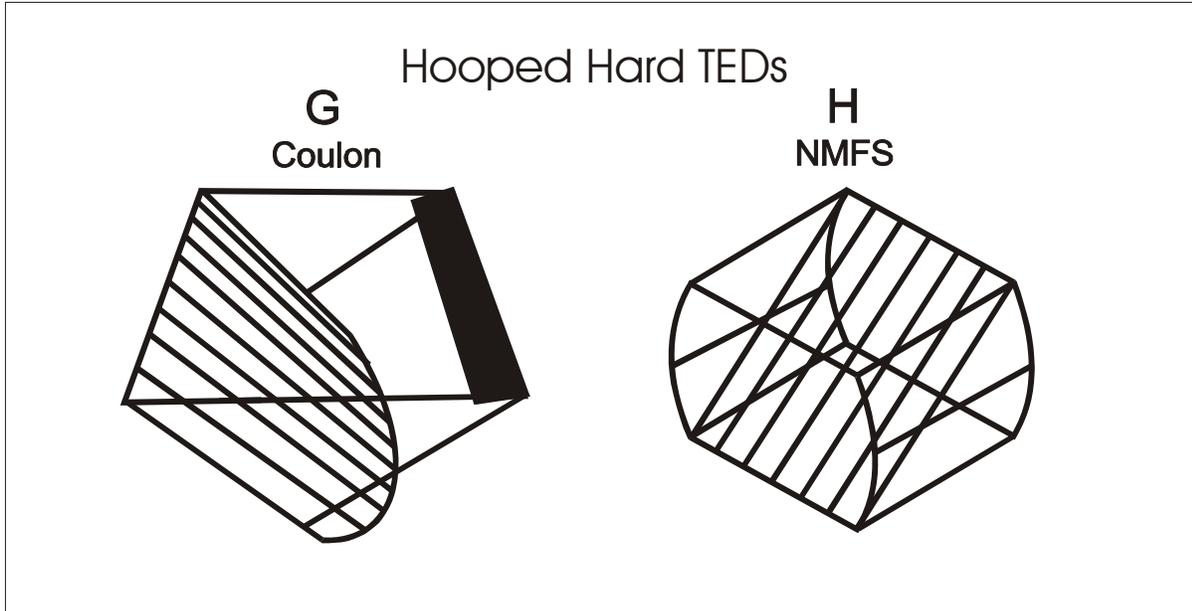
Opening type* (see below)	Flap Used? (Offshore only)
	<input type="checkbox"/> Yes <input type="checkbox"/> No
*Opening type: 1 = 56" cut (inshore only) 2 = 96" cut (offshore / inshore)	

c.  Hooped Hard TEDs

Grid style <sup>1</sup>	Frame Size	opening size	Opening direction* (see below)	Accelerator Used	Flap Length beyond posterior edge of grid*** (see below)
				<input type="checkbox"/> Yes <input type="checkbox"/> No Size** _____	
1= NMFS	1 = Inshore minimum	1 = Double Cover (inshore & offshore)	*Opening direction:	** Funnel Size:	***Flap length:
2= Coulon	2 = Offshore minimum	2= 71-in (inshore & offshore)	A = Top-opening	A = 44" (inshore only)	1= 24" maximum
	3 = Other (specify)	3 = 44-in (inshore only)	B = Bottom-opening	B = 71" (inshore & offshore)	2 = Less than 24" (Specify)
		O - Other (specify)			3 = No Flap Used

Figure 1. Common Turtle Excluder Devices





9. In the list below, please check off the types of electronic equipment (either in the wheelhouse or mounted on the gear) that were on-board your vessel in 2005. Note that this list contains types of equipment that may not be presently used in the Gulf shrimp fishery, but are used in other fisheries for which this type of information is being collected.

Item	Please Check ✓
Cell phone	
VHF radio	
CB Radio	
Single sideband radio	
Satellite phone	
Fax	
Plotter	
Computer (including software)	
Printer	
Hailer (Boat intercom)	
Loran	
Vessel Tracking System	
Radar	
Global Positioning System (GPS)	
Auto Pilot	
EPIRB	
Echo Sounder/Depth Recorder (please check which you have): <input type="checkbox"/> paper <input type="checkbox"/> video <input type="checkbox"/> digital	
Electronic Compass	
Satellite Navigation System (SatNav)	
Radio Direction Finder	
Weather Satellite Receiver	
Wind Meter	
Net Pingers	
Temperature Profiling System	
Water Temperature Sensor	
Single direction sonar	
Multiple direction sonar	
Water salinity Sensor	
Other (please specify) _____	

## **Magnuson-Stevens Fishery Conservation and Management Act**

Public Law 94-265

As amended through October 11, 1996

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

104-297

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

- (5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
- (8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provided for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

### **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-

- (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;
- (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;

(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.



(3) Meetings of standing committees of the Council if approved in advance by the Chair.

(4) Individual member meeting with scientific and technical advisors, when approved in advance by the Chair and a substantial portion of any day is spent at the meeting.

(5) Conducting or attending hearings, when authorized in advance by the Chair.

(6) Other meetings involving Council business when approved in advance by the Chair.

(c) The Executive Director of each Council must submit to the appropriate Regional Office annually a report, approved by the Council Chair, of Council member compensation authorized. This report shall identify, for each member, amount paid, dates, and location and purpose of meetings attended.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 66 FR 57888, Nov. 19, 2001]

### Subpart D—National Standards

#### § 600.305 General.

(a) *Purpose.* (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Magnuson-Stevens Act to inform the Councils of the Secretary's interpretation of the national standards so that they will have an understanding of the basis on which FMPs will be reviewed.

(3) The national standards are statutory principles that must be followed in any FMP. The guidelines summarize Secretarial interpretations that have been, and will be, applied under these

principles. The guidelines are intended as aids to decisionmaking; FMPs formulated according to the guidelines will have a better chance for expeditious Secretarial review, approval, and implementation. FMPs that are in substantial compliance with the guidelines, the Magnuson-Stevens Act, and other applicable law must be approved.

(b) *Fishery management objectives.* (1) Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish (i.e., the management objectives to be attained in regulating the fishery under consideration). In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(2) How objectives are defined is important to the management process. Objectives should address the problems of a particular fishery. The objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. The objectives of each FMP provide the context within which the Secretary will judge the consistency of an FMP's conservation and management measures with the national standards.

(c) *Word usage.* The word usage refers to all regulations in this subpart.

(1) *Must* is used, instead of "shall", to denote an obligation to act; it is used primarily when referring to requirements of the Magnuson-Stevens Act, the logical extension thereof, or of other applicable law.

(2) *Shall* is used only when quoting statutory language directly, to avoid confusion with the future tense.

(3) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Magnuson-Stevens Act, and is a factor reviewers will look for in evaluating a SOPP or FMP.

## § 600.310

(4) *May* is used in a permissive sense.  
(5) *May not* is proscriptive; it has the same force as “must not.”

(6) *Will* is used descriptively, as distinguished from denoting an obligation to act or the future tense.

(7) *Could* is used when giving examples, in a hypothetical, permissive sense.

(8) *Can* is used to mean “is able to,” as distinguished from “may.”

(9) *Examples* are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(10) *Analysis*, as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(11) *Council* includes the Secretary, as applicable, when preparing FMPs or amendments under section 304(c) and (g) of the Magnuson-Stevens Act.

(12) *Stock or stock complex* is used as a synonym for “fishery” in the sense of the Magnuson-Stevens Act’s first definition of the term; that is, as “one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographic, scientific, technical, recreational, or economic characteristics,” as distinguished from the Magnuson-Stevens Act’s second definition of fishery as “any fishing for such stocks.”

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 63 FR 24229, May 1, 1998]

### § 600.310 National Standard 1—Optimum Yield.

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the U.S. fishing industry.

(b) *General.* The determination of OY is a decisional mechanism for resolving the Magnuson-Stevens Act’s multiple purposes and policies, implementing an FMP’s objectives, and balancing the various interests that comprise the national welfare. OY is based on MSY, or on MSY as it may be reduced under paragraph (f)(3) of this section. The most important limitation on the spec-

## 50 CFR Ch. VI (10–1–04 Edition)

ification of OY is that the choice of OY and the conservation and management measures proposed to achieve it must prevent overfishing.

(c) *MSY.* Each FMP should include an estimate of MSY as explained in this section.

(1) *Definitions.* (i) “MSY” is the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological and environmental conditions.

(ii) “MSY control rule” means a harvest strategy which, if implemented, would be expected to result in a long-term average catch approximating MSY.

(iii) “MSY stock size” means the long-term average size of the stock or stock complex, measured in terms of spawning biomass or other appropriate units, that would be achieved under an MSY control rule in which the fishing mortality rate is constant.

(2) *Options in specifying MSY.* (i) Because MSY is a theoretical concept, its estimation in practice is conditional on the choice of an MSY control rule. In choosing an MSY control rule, Councils should be guided by the characteristics of the fishery, the FMP’s objectives, and the best scientific information available. The simplest MSY control rule is to remove a constant catch in each year that the estimated stock size exceeds an appropriate lower bound, where this catch is chosen so as to maximize the resulting long-term average yield. Other examples include the following: Remove a constant fraction of the biomass in each year, where this fraction is chosen so as to maximize the resulting long-term average yield; allow a constant level of escapement in each year, where this level is chosen so as to maximize the resulting long-term average yield; vary the fishing mortality rate as a continuous function of stock size, where the parameters of this function are constant and chosen so as to maximize the resulting long-term average yield. In any MSY control rule, a given stock size is associated with a given level of fishing mortality and a given level of potential harvest, where the long-term average of these potential harvests provides an estimate of MSY.

## Fishery Conservation and Management

## § 600.315

paragraph (d) of this section to conditions in the particular fishery and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. A Council must identify those economic, social, and ecological factors relevant to management of a particular fishery, then evaluate them to determine the amount, if any, by which MSY exceeds OY. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation. If overfishing is permitted under paragraph (d)(6) of this section, the assessment must contain a justification in terms of overall benefits, including a comparison of benefits under alternative management measures, and an analysis of the risk of any species or ecologically significant unit thereof reaching a threatened or endangered status, as well as the risk of any stock or stock complex falling below its minimum stock size threshold.

(7) *OY and foreign fishing.* Section 201(d) of the Magnuson-Stevens Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States.

(i) *DAH.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(ii) *DAP.* Each FMP must assess the capacity of U.S. processors. It must also assess the amount of DAP, which is the sum of two estimates: The estimated amount of U.S. harvest that domestic processors will process, which may be based on historical performance or on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and the estimated amount of fish that will be harvested by domestic vessels, but not processed (e.g., marketed as fresh whole fish, used for private consumption, or used for bait).

(iii) *JVP.* When DAH exceeds DAP, the surplus is available for JVP. JVP is derived from DAH.

[63 FR 24229, May 1, 1998]

### § 600.315 National Standard 2—Scientific Information.

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

(b) *FMP development.* The fact that scientific information concerning a fishery is incomplete does not prevent the preparation and implementation of an FMP (see related §§ 600.320(d)(2) and 600.340(b)).

(1) Scientific information includes, but is not limited to, information of a biological, ecological, economic, or social nature. Successful fishery management depends, in part, on the timely availability, quality, and quantity of scientific information, as well as on the thorough analysis of this information, and the extent to which the information is applied. If there are conflicting facts or opinions relevant to a particular point, a Council may choose among them, but should justify the choice.

(2) FMPs must take into account the best scientific information available at the time of preparation. Between the initial drafting of an FMP and its submission for final review, new information often becomes available. This new information should be incorporated into the final FMP where practicable; but it is unnecessary to start the FMP process over again, unless the information indicates that drastic changes have occurred in the fishery that might require revision of the management objectives or measures.

(c) *FMP implementation.* (1) An FMP must specify whatever information fishermen and processors will be required or requested to submit to the Secretary. Information about harvest within state boundaries, as well as in the EEZ, may be collected if it is needed for proper implementation of the FMP and cannot be obtained otherwise. The FMP should explain the practical utility of the information specified in monitoring the fishery, in facilitating inseason management decisions, and in

judging the performance of the management regime; it should also consider the effort, cost, or social impact of obtaining it.

(2) An FMP should identify scientific information needed from other sources to improve understanding and management of the resource, marine ecosystem, and the fishery (including fishing communities).

(3) The information submitted by various data suppliers should be comparable and compatible, to the maximum extent possible.

(d) *FMP amendment.* FMPs should be amended on a timely basis, as new information indicates the necessity for change in objectives or management measures.

(e) *SAFE Report.* (1) The SAFE report is a document or set of documents that provides Councils with a summary of information concerning the most recent biological condition of stocks and the marine ecosystems in the FMU and the social and economic condition of the recreational and commercial fishing interests, fishing communities, and the fish processing industries. It summarizes, on a periodic basis, the best available scientific information concerning the past, present, and possible future condition of the stocks, marine ecosystems, and fisheries being managed under Federal regulation.

(i) The Secretary has the responsibility to assure that a SAFE report or similar document is prepared, reviewed annually, and changed as necessary for each FMP. The Secretary or Councils may utilize any combination of talent from Council, state, Federal, university, or other sources to acquire and analyze data and produce the SAFE report.

(ii) The SAFE report provides information to the Councils for determining annual harvest levels from each stock, documenting significant trends or changes in the resource, marine ecosystems, and fishery over time, and assessing the relative success of existing state and Federal fishery management programs. Information on bycatch and safety for each fishery should also be summarized. In addition, the SAFE report may be used to update or expand previous environmental and regulatory

impact documents, and ecosystem and habitat descriptions.

(iii) Each SAFE report must be scientifically based, and cite data sources and interpretations.

(2) Each SAFE report should contain information on which to base harvest specifications.

(3) Each SAFE report should contain a description of the maximum fishing mortality threshold and the minimum stock size threshold for each stock or stock complex, along with information by which the Council may determine:

(i) Whether overfishing is occurring with respect to any stock or stock complex, whether any stock or stock complex is overfished, whether the rate or level of fishing mortality applied to any stock or stock complex is approaching the maximum fishing mortality threshold, and whether the size of any stock or stock complex is approaching the minimum stock size threshold.

(ii) Any management measures necessary to provide for rebuilding an overfished stock or stock complex (if any) to a level consistent with producing the MSY in such fishery.

(4) Each SAFE report may contain additional economic, social, community, essential fish habitat, and ecological information pertinent to the success of management or the achievement of objectives of each FMP.

(5) Each SAFE report may contain additional economic, social, and ecological information pertinent to the success of management or the achievement of objectives of each FMP.

[61 FR 32540, June 24, 1996, as amended at 63 FR 24233, May 1, 1998]

### § 600.320 National Standard 3—Management Units.

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

(b) *General.* The purpose of this standard is to induce a comprehensive approach to fishery management. The geographic scope of the fishery, for planning purposes, should cover the entire range of the stocks(s) of fish, and not be overly constrained by political

**Fishery Conservation and Management**

**§ 622.5**

EFFECTIVE DATE NOTE: At 69 FR 30240, May 27, 2004, § 622.4 was amended by revising paragraph (a)(5) and the last sentence of paragraph (i), effective Nov. 23, 2004. For the convenience of the user the revised text is set forth as follows:

**§ 622.4 Permits and fees.**

- (a) \* \* \*
- (5) *Operator permits.* (i) The following persons are required to have operator permits:
  - (A) An operator of a vessel that has or is required to have a valid permit for South Atlantic rock shrimp issued under this section.
  - (B) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section.
    - (ii) A person required to have an operator permit under paragraph (a)(5)(i) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).
    - (iii) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.
    - (iv) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

\* \* \* \* \*

(i) \* \* \* An operator of a vessel in a fishery in which an operator permit is required must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

\* \* \* \* \*

**§ 622.5 Recordkeeping and reporting.**

Participants in fisheries governed in this part are required to keep records and 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 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

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

(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 dealer 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.

(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 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



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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.

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

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### § 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