

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 the extension of approval of an information collection received on 04/19/2006.

TITLE: Large Pelagic Fishing Survey

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0380

EXPIRATION DATE: 06/30/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	67,400	5,218	0
New	24,457	2,370	0
Difference	-42,943	-2,848	0
Program Change		-1,487	0
Adjustment		-1,361	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)).

OMB Authorizing Official Title

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

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.

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

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
LARGE PELAGIC FISHING SURVEY
OMB CONTROL NO.: 0648-0380**

A. JUSTIFICATION

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

Collection of information regarding fishing for large pelagic species (tunas, billfishes, swordfish, and sharks) is necessary to fulfill the following statutory requirements: Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and to meet administrative requirements of the National Marine Fisheries Service (NMFS) Marine Recreational Fishery Policy implemented to comply with Executive Order 12962 on Recreational Fisheries.

The Atlantic Tunas Convention Act at 16 U.S.C. 971d(c)(3)(I) provides the Secretary of Commerce the authority to “require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of catch of a regulated species” (attached, relevant sections). Section 303(a) of the Magnuson-Stevens Act specifies data and analyses to be included in Fishery Management Plans (FMPs), as well as pertinent data, which shall be submitted to the Secretary of Commerce under the plan. Recommendation One of the NMFS Marine Recreational Fishery (MRF) Policy focuses on developing “a comprehensive data acquisition and analysis system (participation, catch, effort and socio-economic data) on a regular, continuing basis” in support of the Executive Order 12962 requirement to assess the implementation and evaluate achievements of the “Recreational Fishery Resources Conservation Plan.”

In the past, it was thought that commercial fisheries took the greater part of the fishery catch in the marine waters of the United States. However, both commercial and recreational fishermen harvest species of fish in estuaries and inshore areas, as well as in many open waters. More recent data indicate that catches by the marine recreational fishery are a significant portion of the total landings of many marine species, including large pelagic fishes such as tunas, sharks, billfish and swordfish. Therefore, it is essential to monitor both the commercial and recreational components of the fishery on a continuing basis.

The Large Pelagics Fishing Survey (LPS) makes up the core of the Agency's recreational fishery data collection efforts for large pelagics. The LPS was previously included as a contract option under the Marine Recreational Fishing Statistics Survey (MRFSS), a more general survey of saltwater anglers undertaken by NMFS. As such, Office of Management and Budget (OMB) approved the LPS under the MRFSS collection (0648-0052). For administrative and contractual reasons, the LPS was not included in the MRFSS procurement for the 1999-2001 period of performance. Instead, NMFS decided that a separate procurement for the LPS would be beneficial. Thus, the MRFSS approval under 0648-0052 was renewed in October 1998 without the burden elements of the LPS. Those LPS burden elements were approved under 0648-0380 and have been subsequently renewed. This action seeks once again renewal of 0648-0380, which is set to expire on June 30, 2006.

Response to these survey components is mandatory under the authority of the Atlantic Tunas Convention Act. Implementing regulations at 50 CFR part 635 (attached) require that operators of vessels issued permits for Atlantic highly migratory species (HMS) or who retain HMS respond to surveys on fishing effort and catch. Prior to the start of the fishing season, NMFS conducts a “pre-contact” mail-out to permit holders indicating the nature and scope of the survey and the need for scientific data collection for HMS, explaining the various components of the survey, and notifying potential respondents that the survey is mandatory.

The LPS was designed to estimate the elements of the generalized catch equation. That is, the estimated total trips are multiplied by the estimated average catch per trip to determine total catch. Due to the migratory nature of large pelagic fishes, the LPS design considers geographic and seasonal variation in fish distribution and the differences in effort and catch characteristics of the fishing fleet. Given this variation and the data requirements for estimating the components of the generalized catch equation, the survey incorporates a multi-frame, stratified random sampling design. Specifically, the LPS consists of two complementary surveys: a directory frame telephone survey of tuna and/or HMS permit holders to obtain fishing effort information, and a dockside survey which collects catch information and also estimates the proportion of vessels fishing for large pelagics that are not on the telephone frame (non-permitted vessels and vessels fishing out of state). While catch information could be (and has been) taken over the phone, it is necessary to have the dockside survey to assess effort by non-permitted vessels, gather detailed information on catch (accurate species identification and length-weight measurements), and collect biological materials. In addition to the telephone and dockside surveys, collections of additional biological data and of headboat data on large pelagics have been added as contract options in past years. This request includes all of the several data collection components for the LPS. Implementation of certain components will depend on fiscal year funding and NMFS priorities. The proposed annual reporting burden for contract years 2006, 2007 and 2008 anticipates full funding for all components listed below.

Large Pelagics Telephone Survey

The telephone survey collects data to determine on a weekly basis the average number of large pelagic fishing trips per active boat in the recreational large pelagics fishing fleet. The survey is conducted weekly by interviewing a random sample of charter boat captains and private boat owners (bi-weekly for private boats) who have obtained permits that allow them to fish for large pelagic fishes. Therefore, the telephone survey is restricted to individuals who have professed to be likely participants in the fishery.

Representatives of vessels selected for the telephone survey are mailed pre-notification letters informing them that they have been selected and indicating the dates for which they will be expected to report about when called. The pre-notification letter includes a log-sheet and fax number for vessel representatives who would rather fax us their data instead of being called by phone.

Response to the telephone survey is mandatory and is a condition of permit issuance. The telephone survey questionnaire is attached. Certain identifying data elements are obtained from a fishing permit database and can be pre-coded by the telephone interviewer for each potential respondent prior to dialing. The screening introduction questions are asked in order to establish contact with the primary respondent and confirm that he/she is a captain

or owner of a vessel that fishes for large pelagic fishes. If the primary respondent no longer owns or operates the permitted vessel, then questions are asked to determine the new owner/operator of the vessel. If the primary respondent is not likely to be available for an interview, then either an appropriate proxy (or secondary respondent) is identified for an immediate interview or the call is terminated.

Once contact with the primary or secondary respondent is established, questions are asked to confirm respondent and permitted vessel identification, asking for a preferred interview time, to identify and obtain telephone numbers of other operators of the vessel. In addition, it must be determined whether the respondent can accurately respond to questions about all of the vessel's large pelagics fishery activity during the prior week. Also, the respondent is required to identify whether the vessel is ever used as a charter or headboat or is strictly used for private recreational fishing. Classification of vessels is necessary because effort and catch rates are likely to differ among these boat categories and sampling and subsequent estimations of effort and catch are conducted independently for each boat category. Headboats are not included in the LPS estimates but have been sampled through a contract option in past years. Charterboats are included in the Large Pelagics Telephone Survey but the sample is drawn as part of the NMFS For-Hire Survey. Thus, sampling of HMS charterboat captains is conducted as an add-on to the For-Hire Survey. Since the For-Hire survey is included in the MRFSS approval under 0648-0052, it was not necessary to justify the charterboat component of the Large Pelagics *Telephone* Survey again here. However, collection of data from charterboat captains on the *dockside* large pelagics survey (see below) is covered under this request.

Each qualified operator of a permitted vessel is required to provide information on the fishing trips directed at large pelagic species during the prior week (or two weeks) including trips outside of the state where the vessel is normally docked or within the homeport state. Respondents must provide the total number of fishing trips, as well as the date, time of day and species target of each trip. In addition, for each in-state trip the respondent must provide the type of access site used, the name of the site, whether the trip was associated with a tournament, and the fishing gears used. This information is needed to help describe the type of fishing activity, which occurred.

For each trip using rod and reel or handline, the respondent must provide the number of fishing lines used and the time spent with lines in the water. Data are collected to accurately describe the amount of fishing effort by gear type in hours. For each use of a particular gear type, the respondent must identify the types of bait and fishing methods used. Finally, for each trip the respondent must provide the number of people who actually fished for large pelagics, as well as the identity and location of the fishing grounds where they fished. The prior information is needed to allow estimation of effort in terms of individual angler trips, and the latter is needed to allow post-stratification of effort by fishing area.

While many telephone calls do not result in complete interviews (e.g., vessel owner not home) and many calls are of short duration (vessel not used for large pelagics trips in prior week), some lengthy calls are required when collecting information from captains who took several trips in the preceding week. Given this mix of potential responses (2 minutes for no trips to 15 minutes for multiple trips with catch), the response burden for the average telephone interview is estimated at 8 minutes. The response burden for vessel representatives who chose to fax in their information instead of participating by phone is also estimated to be 8 minutes on average.

Large Pelagics Dockside Intercept Survey

The dockside intercept survey collects data needed to determine the average weekly catches per charter and private boat trips of bluefin tuna (BFT) by market category and of other large pelagic fishes by species or species group. The survey is conducted continuously over the course of the fishing season by intercepting and interviewing charter boat captains and private boat owners who have just finished a trip fishing for large pelagic fishes. Individuals interviewed would be selected at random during 2 to 8 hour field assignments distributed randomly across fishing access sites and days, where expected numbers of active fishing vessels would weight selection of fishing sites. Response is mandatory for persons holding fishing permits and for persons landing regulated species. The questionnaire (see attachment) is designed to obtain information on the fishing methods, locations and catches of all large pelagic species.

The intercept survey interview begins by ascertaining whether a potential respondent is indeed the owner or operator of a vessel that has just finished fishing for large pelagic species. Data elements are determined by the date and site assigned to an interviewer prior to interviewing. The status of an attempted interview (refusal vs. cooperation) is recorded as a data element and information about refusals is made available to enforcement. Once an eligible owner or operator has been identified, he/she is required to provide the name, HMS permit number, (or either Coast Guard number or State registration number), of the vessel used on the fishing trip. The respondent must then identify the boat's classification for LPS sampling and the time of its return to port. In addition, the respondent is asked questions to determine the target species for the trip, whether the vessel participated in a fishing tournament, the gear types used, and the effort associated with each gear type, and the baits and methods associated with each gear type. The respondent must also indicate the number of people who fished for large pelagic species during the trip and must identify the name and location of the fishing grounds, the distance from shore, the depth and the surface water temperature where fishing occurred.

The interview concludes with questions pertaining to identification, enumeration and measurement of the fishes caught. The respondent must indicate the numbers of each species caught that were kept, released alive, and released dead. The interviewer requests permission to measure available fish and proceeds to obtain length measurements on individual fish of each available species in the catch. The catch information is critical to determination of the average catches by species per boat trip from the intercept survey sample. Collection of the catch information by gear type allows for possible post-stratification of the catches by gear category.

While many dockside intercepts are of short duration (no catch of large pelagics during trip), some longer interviews are required when collecting information from captains who caught and/or released many large pelagic fish during a successful trip. Given this mix of potential responses (2 minutes for no catch to 15 minutes for trips with catch available to measure), the response burden for the average dockside intercept is estimated at 5 minutes.

Evaluation of field interviewer performance will be accomplished by a telephone follow-up to validate 10 percent of intercepts. Validation calls only require the respondent to verify that the intercept took place at the time and site recorded by the field interviewer and that the interviewer was courteous, professional and followed certain procedures. Telephone validation

follow-ups are estimated to take 1.5 minutes on average.

Anticipated Additional Data Collections

During the period covered by this submission, NMFS anticipates the need for additional data collection efforts. These efforts may not be implemented in any given year due to funding restrictions. However, the justifications for these efforts are being submitted as part of this request. Coordination of the various components of additional data collection with the basic LPS and the MRFSS is necessary to prevent excessive burden due to including the same or similar questions in independent surveys. Good design of the surveys will allow results from one survey to be merged with the results from the other surveys based on well-defined identification codes.

The additional survey components include collection of additional biological data through a different sampling design, a separate survey of headboats taking targeted large pelagics trips, and a winter dockside survey in the state of NC. The increased burdens caused by these ancillary data collections must be considered in comparison to the potential burdens that would be caused by independent efforts to collect the same information.

The Large Pelagics Dockside Intercept Survey and the Large Pelagics Telephone Survey are typically conducted only from Maine through Virginia. However, a contract option has been in place to conduct these surveys in the Southeast and Gulf state if funds become available. Justification for expanding the LPS to the Southeast and Gulf is included as part of this request even though this option may not be exercised in any given year.

Biological Sampling

Supplemental sampling may be conducted for collecting supplemental length and weight information on certain key management species (e.g., bluefin tuna). Data collection for this survey will be unique not only for data obtained but also in the number of species encountered on an assignment.

Biosampling consists of intercepting captains/mates/owners at weighing or cleaning stations who have just finished fishing trips for large pelagic fishes and recording various lengths and weights by species. Additional information such as date, site and vessel name, vessel type, and if possible, gender of each fish will also be recorded during biological assignments.

Most of the information collected during a biological sampling assignment is obtained directly from the fish rather than the angler/captain, thus the reporting burden for the respondents is extremely small. Other than requesting permission to sample the fish, the only questions asked of respondents are relative to fishing location, fishing gear, tournament participation and condition of the fish at time of capture. It is estimated that total response time (respondent burden) for a biological intercept is 1 minute.

Headboat Survey

Headboats (also known as party boats) are vessels that take anglers fishing for a relatively modest fee paid on an individual basis and tend to be licensed by the U.S. Coast Guard to carry

more than six passengers. This differs from the pre-arranged groups of six or fewer anglers, which tend to make up charter boat clientele and who typically pay as a group for a full or half-day charter. Headboats normally take trips targeted at certain species (e.g., flounder, bluefish, and striped bass) during the appropriate fishing season and generally take short (6-10 hr) trips. There is a small component of the Atlantic headboat fleet that, among other more usual trips, seasonally schedules trips targeted at large pelagics (e.g., bluefin, yellowfin, and bigeye tunas). Some of these trips last overnight due to the distances to the offshore canyon fishing areas. These large pelagics trips are normally scheduled well in advance of sailing dates to allow time for marketing the trip and registering enough anglers to make the trip profitable.

A party/headboat survey is conducted for collecting data needed to determine, on a weekly basis, the total catch by headboats of bluefin tuna by size category and of other large pelagic fishes by species. It is necessary to survey this component of the fleet separately because, due to the number of anglers (10-40 per vessel), the focused fishing grounds (e.g., Hudson Canyon) and the short season for large pelagics (usually August/September), the effort and catch rates differ markedly from those of charter vessels (usually 6 anglers or less). Given the small size of the large pelagics headboat fleet (potential fleet of no more than 50 boats participating in season), it should be possible to census this component of the fishery each year.

Before the start of the headboat season (August/September), a list will be established of all headboats, which might fish for large pelagic fishes each year based on the most recent LPS list of headboats, the most recent NMFS HMS Charter/Headboat permit list and any current year telephone sampling contacts. Based on review of dockside intercepts and telephone contacts, revisions to the list may be provided throughout the season.

NMFS will call each vessel owner before the start of the fishing season and request the planned schedule of large pelagics headboat trips. A contact person will be identified for each boat and the time(s) and phone number(s) at which to reach that person will be established for collection of information on trips scheduled and those actually taken. An anticipated schedule of trips and anticipated length of each fishing trip (single day, ½ day, multi-day) will be developed for each boat in a given month. Schedules may change due to weather, fishing regulations (changes in catch limits or fishery closures), or an insufficient number of anglers to warrant the high operating costs of the offshore trip.

According to the sailing schedules indicated by headboat operators, the appropriate person will be contacted to obtain the information for each completed trip and, if appropriate, any information on changes in schedules for the month. Interviewing procedures for the party/head boat survey are similar to those used in the telephone survey on fishing effort. The information obtained from each eligible captain/owner or crewmember interviewed by telephone includes:

- The numbers and dates of large pelagic fishing trips taken during the previous week (including those that were observed during on-board assignments described below);
- The date, day, access site, inlet, fishing location, and target category for each trip;
- The number of anglers on board and the number of lines in the water during each trip.

The time per response for telephone interviews of headboat captains is estimated at 8 minutes. In addition to the telephone contacts for a census of effort, up to two trips per vessel will be

selected for placement of an on-board observer to collect information on catch. The average catch information will be combined with the fishing effort data for each vessel to estimate total catch and total landings.

Additional information collected during on-board headboat assignments includes fish lengths and fish sample information similar to that obtained during dockside intercepts and biological sampling assignments. However, this supplemental information is collected directly from examinations of the fish, thus there is no additional respondent burden.

North Carolina Winter BFT Tuna Dockside Survey

As the waters off of the U.S. East Coast cool down during the winter, the BFT migrate southward and over-winter in the waters off North Carolina (NC). The charter and private boats operating from NC during that period catch significant numbers of BFT. The primary purpose of the NC Winter BFT Dockside Survey is to collect catch data needed to generate weekly estimates of the recreational fishing effort directed at large pelagic species and the actual recreational catch of BFT and other large pelagics. The period of time covered here is from January 1 through May 2.

In the NC Winter BFT Dockside Survey boat captains and operators returning from large pelagic fishing trips are interviewed. From these interviews, the catch per unit effort is determined. The information obtained from each boat captain includes:

- .• Total BFT landed
- .• Total BFT released
- .• Handling time
- .• Method of fishing
- .• Hook type
- .• Fishing location
- .• Number of vessels
- .• Tag fish (whether or not a landing tag was affixed and card completed)
- .• Any tag (denotes any other tag present)
- .• Whether they hold a BFT or HMS permit
- .• State fish (state that respondents most often fish for BFT)
- .• HMS Permit number

The time per response for the NC Winter BFT Dockside interviews is estimated at 2 minutes when there is no catch and 10 minutes when there is catch; therefore the average time per response is 6 minutes.

Additional information collected during assignments includes fish lengths and fish weights similar to that obtained during the Large Pelagic Dockside intercepts.

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 applicable Information Quality Guidelines.

NMFS, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies in developing, implementing and monitoring fishery management programs use the data. Failure to conduct these data collections would prevent the Secretary from meeting statutory requirements of the Magnuson-Stevens Act. In addition, NMFS would be unable to implement Recommendation One of its Marine Recreational Fisheries (MRF) Policy with a resulting loss in service and credibility to the MRF constituency. Catch and effort statistics are fundamental for assessing the influence of fishing on any stock of fish. The quantities taken, the fishing effort, and both the seasonal and geographic distributions of the catch and effort are required for the development of regional management policies and plans. Accurate and timely catch statistics collected over the range of a species must be used in association with biological studies to perform the stock assessments necessary for monitoring the effectiveness of fishery management planning for optimum yield. Several large pelagic species are now being managed under FMP quota or landings limit systems, which include recreational fishery components. For example, this collection has been the key source of data used to monitor recreational quotas for the harvest of BFT in the Mid-Atlantic and southern New England regions.

This collection, if funding allows full implementation, would provide coastwide information on quantity, species composition, and size distribution of catch. Such information is not available from any other source. For example, catch distributions and harvested size distributions obtained in this data collection have formed the basis of the FMP developed for tunas, swordfish and sharks of the Atlantic Ocean.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA 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.

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

A computer assisted telephone interview system is used to minimize interview time and ensure accurate recording of responses. LPS Dockside interview forms are scanned using Optical Character Recognition (OCR) technology for maximum efficiency and data accuracy. The methodological approach for the LPS has been developed and refined over numerous years, employing the experience of NMFS statisticians and contractors in statistical sampling and survey methods. State-of-the-art interviewing methods have been used to minimize response times. None of the surveys included in this submission can be submitted via the Worldwide Web. Most of the proposed data collections require interviewer-mediated reporting of data by respondents in order to minimize non-response and maximize accuracy of the statistics estimated from the data.

4. Describe efforts to identify duplication.

NMFS has the lead Federal responsibility for collection of data from marine recreational fishermen and coordinates informational needs with other agencies. NMFS has also worked with State fishery agencies each year to coordinate data collection efforts and avoid duplication. In some cases, NMFS employs State personnel under contract to conduct field interviewing. A specialized data collection such as the LPS overlaps to a minor extent with NMFS' more comprehensive Marine Recreational Fishing Statistics Survey (MRFSS) and its related data collections. Such overlap is minimal because the MRFSS is designed to cover marine recreational fishing for all finfish species, including many sites on inland bays and estuaries. Because large pelagic species typically occur further offshore, requiring larger vessels and specialized gear, the participants tend to use specific ports located at points of ocean access. Contacts with anglers who fished for large pelagic species are relatively rare in the MRFSS samples and both the LPS and the MRFSS would contact very few respondents. However, anglers who fish for large pelagic species, but also fish for other species, are not excluded from the MRFSS sampling because representative sampling of their fishing trips in relation to other marine recreational angler fishing trips is necessary to avoid biasing catch estimates for any given species.

NMFS also requires anglers to report their landings of Atlantic BFT directly via toll-free number, via the internet, or via landings cards in the states of North Carolina and Maryland for real-time quota monitoring. Although these other data collections overlap to a minor extent with the LPS (i.e., only trips landing BFT are affected), none of them collect information on all the other finfish species caught on large pelagic fishing trips. The LPS is the only survey designed to obtain accurate and precise marine recreational fishery catch information for all large pelagic species. In addition, to the extent overlap occurs (i.e., a person directly reporting BFT also is selected for a dockside or telephone interview), the information is useful to assess compliance with the direct reporting requirement. Therefore, data from these other programs have been used in a complementary manner along with LPS data.

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

Charter and headboat businesses are frequent respondents due to the high level of fishing effort relative to private recreational vessels. The survey instrument has been restricted in length to minimize response time per interview, and randomized sampling will distribute dockside reporting burdens among individual charter or headboat operators.

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

An annual survey of recreational anglers is required to monitor changing conditions in the fishery and support modifications in fishery regulations for each fishing year. A continuous time series of data is scientifically essential. Start up costs in hiring and training of interviewers and in overhauling the site selection frame for biannual surveys would greatly exceed the budgeted amount for the LPS and reduce funds available to collect sufficient interviews to meet statistical objectives.

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.

A Federal Register Notice (copy attached) solicited public comment on this collection. No comments were received.

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

Neither payments nor gifts will be provided to respondents.

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

Responses are kept confidential as required by section 402(b) of the Magnuson-Stevens and NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form without identification as to its source. Section 402(b) stipulates that data required to be submitted under an FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development or when required under court order. Data such as personal addresses and phone numbers will remain confidential.

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 requested in this collection of information.

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

The total annual burden for the LPS is estimated at 2,370 hours for an estimated 24,457 responses by 17,000 respondents (accounting for overlap in respondents). Calculations for specific components are as follows:

(a) Telephone Survey

Based on the HMS permit list size (i.e., sample frame) and previous year's sampling effort the estimated target interview sample size for future years is 6,930 for the Northeast and 3,850 for

the Southeast. Due to the random selection process some will be contacted more than once and some not at all. Estimates of the number of respondents contacted given this sample size of interviews were determined from 2005 results. Because calls are made on a bi-weekly basis to collect information about a two-week period of fishing activity, it is important that a representative sample be obtained. This requires that prior respondents be eligible for resampling in future weeks. Sampling without replacement of prior contacts would likely result in a biased sample in later weeks.

At an estimated average of 8 minutes per interview, the annual telephone survey burden would be 1,437 hours for 10,780 interviews.

(b) Dockside Intercepts

At full funding, a total of 7,870 dockside interviews will be targeted annually at LPS sites. This includes interviewing in the Northeast, Southeast and Gulf states. On certain days and at certain sites, several intercepts will be obtained during a 2-8 hour assignment. On other days (e.g., bad weather days late in the season), few or no intercepts will be obtained. The response burden would average 5 minutes per intercept or a total of 656 total hours. In addition, field interviewer performance would be evaluated by validating 10 percent of dockside intercepts via a follow-up telephone call. The 787 calls (1.5 minutes each) would add 20 hours to the annual burden estimate. Total burden for the dockside survey would be 676 hours annually.

(c) Biological Sampling

Supplemental biological sampling interviews are estimated at 1 minute per intercept because few questions are asked of anglers and length/weight data are obtained directly from the fish. At a sampling level of 2,670 interviews per year (including biological sampling in the Northeast, Southeast and Gulf), the total annual burden for the supplemental biological sampling is estimated at 45 hours.

(d) Headboat Survey

All LPS headboat captains will be contacted by phone at the start of each month during the season to establish their schedule for trips targeting large pelagics. An estimated 30 headboat captains in the Northeast and 60 captains in the Southeast and Gulf will be contacted. The Northeast captains will be contacted 5 times each (i.e., once a month from June through October). Captains in the Southeast and Gulf will be contacted 12 times each (i.e., once a month from January through December). 870 phone interviews will be conducted with headboat captains. At an estimated 4 minutes per interview, the total burden for headboat telephone interviews is 58 hours.

From the established headboat schedules of large pelagic fishing trips, trips for at-sea sampling will be randomly selected within each state/month strata. The target sample size for at-sea headboat sampling is 180 trips (60 in the Northeast, 120 in the Southeast and Gulf). Captain interviews for ride-on sampling are estimated at 8 minutes each trip. For 180 trips, the annual burden for ride-on interviews is estimated at 24 hours. The total burden (telephone and ride-on interviews) for the headboat survey is estimated at 82 hours per year.

(e) NC Winter BFT Dockside Survey

1300 respondents are expected to participate in the NC Winter BFT Dockside Survey. On certain days and at certain sites, several intercepts will be obtained during an assignment. On other days (e.g., bad weather days late in the season), few or no intercepts will be obtained. The response burden would average 6 minutes (based on 2 to 10 minutes) per interview or a total of 130 hours.

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).

These data collections will incur no cost burden on respondents beyond the costs of response time.

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

At a fully funded level, the average annual cost to the Federal government is approximately \$1,385,000 divided as follows: \$1,185,000 in contract award money and \$200,000 in professional staff, overhead and computing costs.

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

The net decrease in hours of 2,845 was due to a net decrease of 1,486.5 hours (rounded up to 1,487) from adjustments and a net decrease of 1,358.5 hours (rounded down to 1,358) from program changes:

1) Adjustments to the estimated target sample size of telephone survey interviews, based on updated permit frame information and most recent survey year data, resulted in a reduction from 2,000 hours to 1,437 hours. (*Adjustment: -563 hours*)

2) Elimination of the pre-contact screener for telephone survey respondents resulted in a reduction of 750 hours from the overall total. (*Program Change: -750 hours*)

3) Adjustment to the estimated target sample size of dockside survey interviews based on updated information resulted in a reduction from 1,667 hours to 656 hours for dockside interviewing. This also changed the burden hours for follow-up phone validations from 50 to 20 hours. (*Adjustment: -1,041 hours*)

4) There was a net increase in biological sampling burden hours due to the sample sizes targeted. Due to the sample size increase from 1,250 intercepts to 2,670, the burden for this element increased from 21 to 45 hours. (*Adjustment: +24 hours*)

5) There was a program change for the telephone component of the Headboat Survey: previously captains were contacted at the start of the season and once after each trip; now they are contacted once per month, cutting the interview time in half; however, an increase in estimated fleet size increased overall the telephone component from 33.5 to 58 hours and the at-sea component from 13.5 to 24 hours.

(Adjustment: +93.5 hours for sample size increase)
(Program Change: -58.5 hours)

6) The socio-economic survey for large pelagic trips was dropped from this request. This reduced the burden hours by 550.
(Program Change: -550 hours)

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

All data collected and analyzed will be included in annual catch reports to ICCAT and several documents frequently produced in support of NMFS rulemakings (e.g., Environmental Assessments, Regulatory Impact Reviews, Stock Assessment and Fishery Evaluation Reports). It is also planned that catch summaries will be reprinted in a format available on the web page of the Division of Fisheries Statistics, Office of Science and Technology, National Marine Fisheries Service (<http://www.st.nmfs.gov/stl>). Additional summaries of data may be included in the annual NMFS publication "Fisheries of the United States".

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.

Not seeking approval to not display expiration date.

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 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.

The LPS utilizes a "complemented surveys" approach, which includes both a telephone survey of permit holders (about 22,500 potential respondents) to estimate fishing effort and an intercept survey of anglers and captains at fishing sites to obtain catch data and biological data. This approach was developed and tested over a period of several years to minimize response and sampling errors for the different data elements. NMFS is a leader in the field of survey sampling of marine recreational fishermen.

Refusal rates of eligible LPS respondents intercepted for dockside interviews and biological sampling are consistently less than 5%. Large pelagic telephone survey refusal rates (of those

eligible respondents actually contacted) vary by state but are typically between 0% and 15%. In general, higher response rates are expected on the Large Pelagic Survey since participation is mandatory and is a condition of receiving an HMS permit to fish for large pelagic species.

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 LPS is used by NMFS to monitor recreational fisheries for large pelagics including tunas, billfish, sharks, dolphinfish, amberjack and wahoo. The LPS is used to collect the data needed for generating estimates of both the recreational fishing effort directed at large pelagic fishes and the recreational landings of these species.

Accurate landings estimates are needed for effective quota monitoring of the recreational fishery for bluefin tuna because the International Commission for the Conservation of Atlantic Tunas (ICCAT) has recommended that countries limit harvest of school size West Atlantic bluefin tuna (BFT) to 8% of the national quota. The LPS is also used to collect landings data for seasonal catch estimates for billfishes, sharks, and tunas other than BFT (e.g., yellowfin, albacore), and to collect biological data on BFT and other large pelagic species.

The LPS estimates recreational BFT landings by multiplying the estimated average number of BFT landed per trip by the total number of vessel trips. Due to the migratory nature of large pelagic fishes, the LPS design considers geographic and seasonal variation in fish distribution and the differences in effort catch characteristics of the fishing fleet. Given this variation and the data requirements for estimating the components of the generalized catch equation, the survey incorporates a multi-frame, stratified random sampling design. Specifically, the LPS consists of two complementary components: a directory frame telephone survey of tuna and/or HMS permit holders to obtain fishing trip information, and a dockside survey that collects landings information from anglers as they complete each trip and that also estimates the proportion of vessels fishing for large pelagics that are not in the telephone frame (non-permitted vessels and vessels fishing out of state).

The telephone sample frame is determined by sorting vessels by state and boat type using tuna and/or HMS permit listings. The stratification scheme includes seven geographic strata, corresponding to a state or groups of states, weekly (or bi-weekly) temporal strata, and two fishing vessel strata, private boats and charter boats. This level of stratification is necessary due to the pulsed nature of the fishery as pelagic fish undertake summer feeding migrations through the mid-Atlantic and southern New England areas. Thus, estimates of sample frame size, average catch, and average fishing effort are needed for each combination of geographic, temporal and vessel type strata and the estimated total annual catch is the sum of the estimates produced for each stratum.

Landings data are collected by interviewing boat captains or boat owners at the completion of a fishing trip for large pelagics and recording data on permit status of the vessel and the size, number, and species composition of the catch by all anglers on the vessel from that trip. Dockside interviews are conducted throughout the fishing season on a weekly basis, generally

from June through October. The intercept sample frame consists of a random cluster of individual vessel trips at selected fishing sites. Selection of sampling sites or sites clusters (i.e., nearby sites grouped together for sampling) is based on the expected number of large pelagic fishing trips at each site/cluster, a determination based not only on the number of vessels docked at a port but also on the expected fishing pressure given the current distribution of large pelagic fish. Thus, heavily used sites/clusters are more likely to be selected for sampling.

Fishing effort data are collected through a weekly (charter boats) or bi-weekly (private boats) telephone survey of boat captains and vessel owners about trips taken during the previous one or two week period. The telephone survey sample frame consists of a list of boat owners and captains compiled from tuna and/or HMS permit files. Data collected on the telephone survey include participation status and, if verified as a participant in the fishery, the number of large pelagic fishing trips taken during the week (or two weeks) prior to the call, on a per boat basis. To calculate total trips, the number of vessels on the frame multiplies the average number of trips by respondents. An adjustment is necessary because a vessel may not be present on the permit frame, or may be intercepted in a state other than the vessel's identified homeport. This adjustment provides a better estimate the total number of vessel trips by both in and out of frame vessels, and allows the matching of information from the dockside survey with that from the telephone survey.

The total landings are estimated by multiplying the adjusted total trips for each state and boat type by the average landings recorded for that state and boat type. Variances, standard errors and coefficients of variation are estimated for each estimate of effort and catch. Control of response biases such as time-related recall error, telescoping, fish misidentification and prestige bias have resulted in the choice of the unique complemented surveys approach.

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.

As discussed in Item #1 above, due to the mandatory nature of the survey response rates for Large Pelagics Surveys are typically high. Field interviewers are instructed on how to be non-intrusive in soliciting cooperation. Providing telephone survey respondents with the option of faxing in their data or calling back a toll-free number at their convenience were put in place to maximize response rates.

Intensive interviewer training and tested methodological approaches are employed to maximize response rates. Interviewers are tested for skills in fish identification, effective communication with potential respondents, and/or accurate coding of responses before they are hired for training. Training familiarizes interviewers with procedures and develops their interviewing skills through role playing exercises. Supervision and additional training of interviewers occurs during the conduct of both the telephone and intercept surveys. Field supervisors visit intercept survey interviewers periodically to observe their performance and provide additional training as needed. Contractor staff and NMFS staff to ensure consistency in survey administration monitor telephone interviewers. Other data quality assurance and quality control measures include phone validation of dockside interviews, surprise field visits by interviewer

supervisors, data review meetings (local and coast-wide), and automated error-checking programs. Procedures for maintaining the integrity of the various sampling designs are clearly outlined in the statement of work and closely tracked by NMFS to ensure proper execution.

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.

More than 10 years of testing, methodological research and professional experience in survey work were used in formulating the present methodology.

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.

Ronald Salz (301-713-2328) is the NMFS contact for the Large Pelagics Survey. The present contractor for the dockside intercept survey is QuanTech, Inc. of Rosslyn, Virginia. The present contractor for the telephone interview survey is also QuanTech. Data collections are performed under contract; NMFS staff performs analyses.

NOTE: The OMB control number and expiration date of approval will be printed on all training materials, and written communications with potential respondents. This statement is provided to those persons conducting telephone and dockside interviews which will be read or disseminated to respondents upon request.

PRA Burden Statement for Survey Instruments

PAPERWORK REDUCTION ACT NOTICE: Collection of information through the Large Pelagics Fishing Survey provides essential information for the conservation and management of Atlantic tunas, billfish and sharks. Information on fishing effort and catch will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated as follows: a) 8 minutes per telephone survey response, b) 5 minutes per dockside interview response and 1.5 minutes per interview telephone validation response, c) 1 minute per biological sampling response, d) 4 minutes per headboat captain telephone interview response, and 8 minutes per headboat at-sea survey response, and e) 6 minutes per North Carolina winter bluefin tuna dockside survey response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Fisheries Statistics Division (F/ST1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of fishing effort for, and catch of, Atlantic highly migratory fish species is required under the authority of the Atlantic Tunas Convention Act and/or the Magnuson-Stevens Fishery Conservation and Management Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control No.: 0648-0380

Expires mm/dd/yyyy

May 13, 2005
John Smith
1234 Main Street
Anywhere, USA 12345

Vessel Name:<<All Aboard>>
Permit Category<<HMS Permit>>
Vessel Permit<<123456789>>
Vessel Operator<<John Smith>>
Principal Port<<State>>

Dear Mr. Smith,

Every year, the National Marine Fisheries Service (NOAA Fisheries) conducts a survey of offshore fishing for large pelagic species such as tunas, billfishes, sharks, dolphin, wahoo, and amberjack. Each week NOAA Fisheries selects a random sample of boats from the Highly Migratory Species permit list and contacts the operators of those boats to collect information on fishing activity for large pelagic species. This information is critical to managing and enhancing the recreational opportunities available in the fishery.

Catch information is recorded and summaries are reported to the International Commission for the Conservation of Atlantic Tunas (ICCAT). These summaries are used by ICCAT to determine each country's allowable quota for many of your recreational highly migratory species. Through an international compact ratified by the Atlantic Tunas Convention Act, the United States administers these quotas. Catch history is critical in supporting the allowable landings for each species that is allocated to U.S. fishermen.

You have been selected to report fishing activity of the <<Vessel Name>> for the week of:

<<6/2/2005 through 6/8/2005>>

Beginning on Monday, <<6/9/2005>>,
we will contact you to obtain information in a telephone interview.

The enclosed form shows the kinds of information you will be requested to provide on the telephone. You can use this form to record the information during the specified week(s) of fishing, but you are *not required* to complete it. *It is provided for your convenience.* On the back of the form you will find specific explanations of the types of data that will be requested in the telephone interview. You may complete the form for trips taken during the specified week(s) and return it by fax to **{insert number}**, or you may fill out the survey on-line by accessing **{insert website info}**. If you choose to complete the survey via fax or on-line, the scheduled telephone interview should be cancelled within 24 hours of receipt of your information.

If you have any questions concerning the form or this important survey please call **1-800-591-TUNA**. You may also use this number if you are not planning to renew your permit, or need to schedule a better time for our interviewers to speak with you. Thank you in advance for your cooperation.

Sincerely,

Ronald J. Salz
Fisheries Statistics Division
National Marine Fisheries Service

Private LPTS Questionnaire

Respondent Information

Int_id	Interviewer ID Number
Rep_Name	Boat Representative's Name
Vsl_name	Name of Boat
St_port	State of Principal Port
Frm_reg	Frame source or region
Fon_num	Phone Number Called
HMS_num H	HMS Permit #
M S_type	HMS Permit type (angling, general)
Smp_week	Sample Week (1-22)
Recal I	Dates of Sample Week (recall period)
Contacts	Number of contacts respondent has received
Att_Date	Date of call attempt

Q1. Dialing the respondent

Response to dialing telephone number:

[1] A person answers	Continue to Q2
[2] No answer after six rings	Go to Q33
[3] Line is busy	Go to Q33
[4] Number is for a business	Go to SQ2/3
[5] Number is non-working	Go to Q35 (7)
[6] Answering machine	Go to Q33
[7] Wrong number	Go to Q35 (8)

Q2. Introduction

Hello, My name is _____ and I'm calling from {contractor name and location}. We are interviewing marine fishermen for a study sponsored by the National Marine Fisheries Service of the U.S. Department of Commerce. Our records show that the {vsl_name} has obtained an HMS permit for 2003 and is owned or operated by {rep_name}.

May I please speak with {respondent name}?

[1] Respondent is available	Continue to Q3
[2] Respondent NOT available	Go to Q4
[3] Respondent deceased/disabled	Go to Q<dial again>

Q3. Plain Text: Purpose of the study

We are calling people with HMS permits to ask them a few questions about fishing trips. This study is being conducted under the authority of the Atlantic Tunas Convention Act and the Privacy Act of 1974, therefore, your participation is voluntary.

Enter the day of the week you are dialing (see options below) and Go to SQ1.

Q4. Day of the Week of the call / interview

Enter the day of the week you are dialing:

[1] Monday	Continue to Q5	[4] Thursday	Go to Q6
[2] Tuesday	Continue to Q5	[5] Friday	Go to Q6 [3]
Wednesday	Go to Q6		

Q5. Interviewer Note

When would be a good time to call back to reach {the rep_name}?

Interviewers: leave an interviewer-note documenting the call back date & time. **Go to Q34**

Q6. Proxy introduction

Perhaps you can help me. We are surveying all people with HMS permits to ask a few questions about their fishing tips targeting large fish such as tunas, sharks, billfish, dolphin, amberjack or wahoo. ***This study is being conducted in accordance with the Atlantic Tunas Convention Act and the Privacy Act of 1974, therefore you are not obligated to answer any question if you find it to be an invasion of your privacy.***

Do you know if the boat was used last week to fish for any of these species?

[1] Yes	Continue to Q7
[2] No	Go to Q34
[3] It was used for fishing, but I don't know what species	Rtn to Q5
[4] I don't know if it was used for fishing last week	Rtn to Q5

Q7. Confirm proxy status: This question will determine if the proxy respondent is qualified to answer

the questionnaire.

Can you answer questions about fishing trips taken last week, that is Mon.-Sun., {recall dates}, by the {vsl_name}

[1] Yes - **Go to Screener Q1** [2] No
- **Rtn to Q5**

Screener question 1. Confirm the captain's name and ownership status

IF RESPONDENT: Are you the captain or owner of the {vsl_name}? IF
PROXY: Is {respondent} the captain or owner of the {vsl_name}?

[1] Yes **Go to Screener Q4 (see "Note" below)**
[2] No **Continue to Screener Q2**

Screener question 2. New owner name

Do you know the name of the new owner or captain of the {vsl_name}?

[1] Yes **Record new owner/captain's name - Continue.**
[2] No **Thank respondent and Terminate.**

Screener question 3. New owner phone number

Do you know the telephone number of the new owner or captain?

[1] Yes **Record new owner/captain's telephone number.**
[2] No

Thank respondent and Terminate.

NOTE TO CONTRACTOR - the following screener questions, #4 - 9, are to be asked when a vessel rep is first contacted. The info obtained should be updated in the vessel directory prior to subsequent week's dialing (variables will be specified in directory elements/formats). If the vessel is subsequently drawn a flag in the CATI system should indicate that these data have been obtained and to skip directly to the trip questions (Q8 Trips, below).

Screener question 4. For-Hire Fishing?

Does the {vsl_name} ever take anglers fishing for a fee?

- | | |
|-------------|---|
| [1] Yes | Go To SQ5a |
| [2] No | Go To SQ5b |
| [9] Refused | Go To SQ5a then 5b, if necessary |

Screener question 5a. FOR-HIRE Boat Type

When the {vsl_name} carries anglers for hire, is it usually as a charter boat, or more often as a party (head) boat?

- | | |
|-------------------------|------------------|
| [2] Charter | Go To SQ6 |
| [3] Party (head) | Go To SQ6 |

Screener question 5b. NOT-FOR-HIRE Boat Type

Is the {vsl_name} ever used for commercial fishing or is it strictly a Private Boat?

- | | |
|------------------------|----------------------|
| [1] Private Boat | Go To SQ7 |
| [4] Commercial Boat | Go To SQ7 |
| [8] Neither / For-Hire | Return to SQ4 |
| [9] Refused | Go To SQ7 |

Screener question 6. Licensed by the Coast Guard

Is the {vsl_name} licensed by the Coast Guard to take out more than six paying passengers at a time?

- | | |
|----------|----------------|
| [1] Yes | [8] Don't Know |
| [2] No | [9] Refused |

Screener question 7. Sell fish

Q8. Trips - recreational fishing total

During the weeks of {recall period} how many fishing trips did the {vsl_name} take? (Non-Charter recall = 2 weeks)

- [0] None **G**
- [1 - 14] **o to Q35** Record Number **Go to Q9**
- [99] Refused

Q9 How many of those trips targeted tunas, billfish, sharks, dolphin, wahoo, amberjack, and similar offshore species?

- [0] None **Go to Q35** Record Number
- [1 - 14] **Go to Q10** Refused
- [99] Refused

TRIP PROFILE LOOP - BEGIN WITH MOST RECENT TRIPS AND WORK BACKWARD THROUGH THE RECALL PERIOD (SAMPLE WEEK).

Q10: Trip Date, beginning with the most recent trip taken.

Did the {vsl_name} take a trip on Sunday, {date}?

[1] Yes - Go to Q11 (start of trip profile)

[2] No - Continue backward through week(s) to Monday {date} by day. [9] Don't Know / Refused - Continue backward through week(s) to Monday {date} by day; if respondent doesn't know or refuses the days of all trips reported in Q8 Go To Q34, code [2] - NO, Continue to Q35 and code Status=mid-interview refusal.

Q11: Did this trip target offshore pelagic fishes such as tuna, sharks, billfish, dolphin, amberjack or wahoo?

[1] Yes - Continue to Q12 (LPS trip profile)

[2] No - Return to Q10 and continue backward through week by day.

Q12: Did that trip depart from [St_port]?

[1] Yes Go to Q13.

[2] No Continue to Q12b.

Q12b: From what state was that trip taken?

[Record State <pull-down list? - FIPS code should go into data field>]

Continue

Q13. Did you depart from a marina, private dock, public ramp or another type of launch site?

- [1] Marina
- [2] Private dock
- [3] Public ramp
- [4] Other type of launch site

Q14. What is the name of the marina or ramp from which you departed on that trip taken [date given]?

[record name]

Q15. To the nearest half-hour, what time of the day did your boat return to the dock at the end of that trip?

[record time in military format e.g. 2:30 pm recorded as 1430]

Q16. What species or species group were you primarily fishing for on that trip?

- [1] Amberjack
- [2] Atlantic bonito
- [3] Blue Marlin
- [4] Dolphin/mahi-mahi
- [5] General shark
- [6] King mackerel
- [7] Tuna **Go to Q16b**
- [8] Wahoo
- [9] White marlin
- [10] Billfish
- [11] Other large pelagic **Go to Q16c**
- [98] Don't know/Don't remember
- [99] Refused

Q16b. What species or size class of tuna?

- [0] Tuna (not Bluefin and not Bigeye)
- [1] Bigeye tuna
- [2] Young School (1 - 655 mm)
- [3] School (656 - 1145 mm)

- [4] Large School (1146 - 1445 mm)
- [5] Small Medium (1446 -1785 mm)
- [6] Large Medium (1786 -1955 mm)
- [7] Giant (1956 mm or more)
- [8] Don't know
- [9] Refused

Q16c. Please specify which "other" large pelagic species.

[record first reported fish or group of fish]

IF CHARTER OR HEADBOAT ASK:

Q17. Did any angler pay a fee on that trip?

IF PRIVATE BOAT - CODE 'NO' AND CONTINUE TO Q18

- | | |
|----------|-------------------------------|
| [1] Yes | [8] Don't know/Don't remember |
| [2] No | [9] Refused |

Q18. Were you participating in a tournament on that day?

- | | |
|-------------------------------|------------------------|
| [1] Yes | Continue to Q19 |
| [2] No | Go to Q20 |
| [8] Don't know/Don't remember | Go to Q20 |
| [9] Refused | Go to Q20 |

Q19. What was the name of the tournament?

[record tournament name]

Q20. How many people on the boat were actively fishing?

Q21. What type of fishing gear was primarily used on the trip?

- | | |
|---------------------|--|
| [1] Rod and Reel | Continue to Q22 |
| [2] Handline | Continue to Q22 |
| [3] Harpoon | Go to next trip date - Rtn to Q10 |
| [4] Other "specify" | Continue to Q21 b |

Q21 b. Please specify what "other" fishing gear was primarily used on the trip?

[record response] - if not 'hook & line'-type - *Go to next trip date - Rtn to Q10 ???*

Q22. How many lines were used on that trip?

[record number]

Q23. To the nearest half-hour, how many hours were spent actively fishing, that is time with lines in the water?

[record time to nearest half-hour]

Q24. Was live, dead, or artificial bait used during that trip?

- | | |
|-----------|----------------|
| [1] Live | [3] Artificial |
| [2] Dead | [5] Other |

Q25. Was trolling, chumming, chunking, or other fishing methods used?

- | | |
|--------------|--------------|
| [1] Trolling | [3] Chunking |
| [2] Chumming | [4] Other |

Q26. What was the name of the fishing grounds on which you did most of your fishing?

[record response]

Q27. Do you know the latitude and longitude of that fishing ground?

[1] Yes Continue to Q27a
[2] No Continue to Q28

Q27a. To the nearest five minutes, at what latitude were you fishing?

[record response (degrees, minutes)] - **Continue to Q27b**

Q27b. To the nearest five minutes, at what longitude were you fishing?

[record response (degrees, minutes)] - **Continue to Q28.**

Q28. What was the average ocean depth, in feet, where you were fishing?

[record depth] - code 0 if unknown.

Q29. What was the surface water temperature in degrees fahrenheit?

[record temp] - code 999 if unknown

Q30. Did you use a spotter plane to help you locate large pelagics?

[1] Yes - Continue to Q30b
[2] No - Go to Catch Questions

Q30b. To the nearest half-hour, how many hours was the spotter plane searching for fish for your boat?

[record response] hours

NOW I'D LIKE TO ASK YOU A FEW QUESTIONS ABOUT THE FISH YOU CAUGHT ON THIS TRIP;

Q31. Did you or other anglers in your boat catch any TUNA on that trip?

- [1] Yes **Continue to Q31 b (other tunas / bluefin class list)**
[2] No **Go to Q32**

Q31 b. What species of tuna?

- [1] Tuna (not Bluefin & not Bigeye) **- Continue (no Catch Q)**
[2] Bigeye tuna **- Go to CQ1 & rtn to [3] -**
[3] BLUEFIN tuna **Go to Q31 c**

Q31c. What size class of Bluefin tuna?

- [1] Young School (1 - 655 mm) **- Go to CQ1-3 & rtn to [2]**
[2] School (656 - 1145 mm) **- Go to CQ1-3 & rtn to [3]**
[3] Large School (1146 - 1445 mm) **- Go to CQ1-3 & rtn to [4]**
[4] Small Medium (1446 -1785 mm) **- Go to CQ1-3 & rtn to [5]**
[5] Large Medium (1786 -1955 mm) **- Go to CQ1-3 & rtn to [6]**
[6] Giant (1956 mm or more) **- Go to CQ1-3 & rtn to Q32**
[8] Don't know
[9] Refused

Q32. Did you or other anglers in your boat catch any WHITE MARLIN on that trip?

- [1] Yes **Continue to CQ1-3 & rtn to Q33**
[2] No **Go to Q35**

Q33. Did you or other anglers in your boat catch any SHARKS on that trip?

- [1] Yes **Continue to Q33b.**
[2] No **Go to Q35**

Q33b. Were the Sharks any of the following species?

- | | |
|-------------------|----------------------------------|
| [1] Shortfin Mako | - Go to CQ1-3 & rtn to [2] |
| [2] Blue Shark | - Go to CQ1-3 & rtn to [3] |
| [3] Sandbar Shark | - Go to CQ1-3 & rtn to [4] |
| [4] Dusky Shark | - Go to CQ1-3 & continue to Q35. |
| [8] Don't know | |
| [9] Refused | |

CQ1. How many of those <species/bluefin sizeclass> did you keep?

[record number of fish] - **Continue to CQ2.**

CQ2. How many of those <species/bluefin sizeclass> did you release alive?

[record number of fish] - **Continue to CQ3.**

CQ3. How many of those <species/bluefin sizeclass> did you release dead?

[record number of fish] - **Loop through Tuna categories, Q32 & Q33.**

“Those are all of the questions that I have for you, thank you for your time and cooperation.” - To be read whenever the question sequence dumps the interviewer out to Q 34 - 38.

Q34. Was this the 10th attempt to call this record?

Questions 34 thru 38 are for interviewer coding after the call record attempt. [1]

Yes Code Q35 = No & Go to Q36

[2] No Continue to Q35

Q35. Do we need to dial this number again?

[1] Yes Continue to Q37

[2] No Continue to Q36

Q36. Enter the Final Status of Dialing this Boat:

Status Codes	<u>Value</u>
1 2	No answer
3 4	Answering machine
5 6	Busy
7 8	Callback rule exhausted
9 10	Refusal
20	Language barrier
30	Bad number
40	Wrong number
	Other noncomplete - 'specify'
	Complete
	Proxy says no fishing
	Status no final
	Business

Q37. Enter the time using military time.

Q38. Enter interviewer's initials or identification code.

END - acquire next calling record. 8

LPTS Sample Logsheet

INSTRUCTIONS FOR FILLING IN FORM

We are providing this form so that you can see what fishing effort information we will ask you to supply in a telephone interview. You may choose to use this form to document your fishing activity for the vessel and week designated on this form. Survey personnel will contact you by phone sometime during the week after the fishing activity occurred. Please help us to accurately represent your industry by cooperating with the telephone interview. You may also choose to complete the survey by faxing this information to <<fax#>>, or by completing an online survey at <<website>>. [If you choose to complete the survey via one of these alternate methods, all effort will be made to cancel the scheduled telephone interview once the data have been received by the contractor.] Please call <<phone#>> if you would like additional logsheets.

This form should be filled out for the week of <<Monday, 06/02/2003 through Sunday 06/08/2003>>, only.

Trip - The sequential number of the trip taken that week beginning on Monday.

Date - The date of the trip (month/day/year).

Trip Type - The type of trip taken as defined below.

Charter Trip - A fishing trip with paying passengers who hired the vessel as a group (enter "1").

Private Trip - A fishing trip with no paying passengers made on a privately owned vessel, i.e. a trip not made on a for-hire basis (enter "2").

Headboat Trip - A fishing trip with paying passengers who paid to fish as individuals (enter "3").

Other Trip - A non-fishing trip (enter "4").

Target - The target species for the fishing trip, if any.

Large Pelagic Species - Whether the target of your trip was a Large Pelagic Species - if yes enter "1", if no enter "2".

Fish Species - The name of the target species, if any (enter name of fish species).

State of Departure - The state from which the fishing trip originated (enter state abbrev.).

Type (of Access Site) - Marina (enter "1"), Private Dock (enter "2"), Public Ramp (enter "3"), Other (enter "4").

Access Site - The name of the site from which the trip originated (enter name of site).

Trip Start Time - Time of day vessel departed the dock or ramp for the fishing trip.

Trip End Time - Time of day vessel arrived back at the dock or ramp.

Number of Anglers - The number of people fishing on the trip (excluding captain and crew for charter trips) (enter number).

Fishing Gear - The type of fishing gear primarily used during the trip, rod and reel (enter "1"), handline (enter "2"), harpoon (enter "3"), other (enter "4").

Fishing Method - The main or primary method of fishing on this trip as defined below. Up to two methods can be entered, with the primary method entered first.

Trolling - Lines fished by pulling baits or lures through the water while under power (enter "1").

Chumming - Lines fished off the side of the boat while typically not under power, as chum (ground fish) is dropped overboard to attract fish (enter "2").

Chunking - Lines fished off the side of the boat while typically not under power, as chunks of fish are dropped overboard (enter "3").

Other - Lines fished in a manner not described above (enter "4").

Bait Type - Enter the type of bait used: live bait (enter "1") dead (enter "2"), artificial (enter "3").

Fishing Location - Enter the name of the fishing grounds for that trip or the latitude/longitude coordinates to the nearest five (5) minutes.

Number of Lines - Enter the number of lines fished.

Hours Fished - The amount of time spent actively fishing with gear in the water to the nearest half-hour.

Water Depth - Enter the average water depth of the area fished in feet, if known.

Water Temperature - Enter the surface water temperature, if known.

Tournament - If you were participating in a tournament enter "1" for yes and print the name of the tournament; if no, enter "2".

Detailed Information on Catch of Selected Species - enter the number of fish kept (K), discarded dead (D), and released alive (L) for each of the species listed on the form.

[Please keep in mind that there is a complementary dockside survey which also collects catch information from anglers. The detailed information requested here is for species under quotas (Bluefin tuna), rare event species and/or species of special concern relative to their stock status.]



INTERVIEWER, PLEASE RE-RECORD THE FOLLOWING INFORMATION FROM THE FRONT OF THIS INTERCEPT FORM:

4. STATE CODE 5. CONTROL NUMBER 6. DOCUMENT NUMBER

29. Did you or anglers on your boat catch any tunas, billfish, sharks, swordfish, dolphin, wahoo, amberjack, or other large pelagic fish today?

1 Yes ▶ GO TO Q.30 2 No ▶ THANK RESPONDENT 8 Don't know ▶ THANK RESPONDENT 9 Refused

30. What species were caught? SEE LIST BELOW; FOR EACH SPECIES, ASK:

How many of those did you keep? How many of those were released alive?

How many of those were released dead? How many of those that were kept were sold or will be sold?

Species / Size Category	Species Code	Number Kept	Number Released		Number to Sell	
			Alive	Dead		
BFT	Young School (1 - 655 mm)	4673				
	School (656 -1145 mm)	4677				
	Large School (1146 - 1445 mm)	4678				
	Small Medium (1446 - 1785 mm)	4676				
	Large Medium (1786 - 1955 mm)	4679				
	Giant (1956+ mm)	4671				
+	Bigeye Tuna	4691				
	Albacore	4701				
	Yellowfin Tuna	4711				
NOTES:	Skipjack Tuna	4661				
	Blue Marlin	2171				
	White Marlin	2161				
	Sailfish	3026				
	Swordfish	4328				
	Shortfin Mako Shark	3551				
	Longfin Mako Shark	3581				
	White Shark	4801				
	Tiger Shark	4911				
	Great Hammerhead Shark	4951				
	Blue Shark	4931				
	Common Thresher Shark	3531				
	Dusky Shark	4841				
	Sandbar Shark	4821				
	Sand Tiger Shark	3491				
	Little Tunny	4681				
	Atlantic Bonito	0330				
	King Mackerel	1940				
+	Dolphin	1050				
	Greater Amberjack	0030				
	Wahoo	4720				
Other						
Other						

31. May I measure the fish? (INTERVIEWER: If fish were kept, but not measured, then provide reason why fish were not measured in notes section above.)

1 Yes ▶ RECORD SPECIES CODE, LENGTH, GENDER, AND PREPARATION OF SPECIMEN 2 No ▶ THANK RESPONDENT

GENDER CODES: 1=MALE; 2=FEMALE

PREP CODES: 0=WHOLE; 2=GUTTED; 6=PECTORAL LENGTH: VALID ONLY FOR SPECIES 4671 & 4679

	SPECIES CODE	SFL (mm)	CFL (mm)	GEN	PREP		SPECIES CODE	SFL (mm)	CFL (mm)	GEN	PREP
1.						6.					
2.						7.					
3.						8.					
4.						9.					
5.						10.					

BILLFISH & SWORDFISH

SPECIES CODE

UPPER BILL LENGTH (mm)

LOWER JAW LENGTH (mm)

PREP



LPIS Telephone Validation Questionnaire

LPIS Telephone Validation Questionnaire

Q1 : Q1.Hello, may I please speak with {name}?

My name is _____. I'm calling from QuanTech in Arlington, Va. You recently spoke with one of our field staff members during your day of fishing on {date} in {state}.

- Res. available
- Res. not available/status codes

Q2 : Q2.Our records indicate that on {date} you spoke with one of our field staff members during a saltwater recreational fishing trip. Can you confirm that you were interviewed then?

- Yes/interviewed
- No/never interviewed
- Don't know
- Refused

Q3 : Q3.Did the interviewer conduct the interview in a courteous and professional manner?

- Yes
- No

Q4 : Q4. Did you catch any fish that were available for the interviewer to look at? By that mean fish that had not been thrown back, used for bait, or filleted.

- Yes
- No
- Don't know
- Refused

Q5 : Q5.Did the interviewer look at all of your fish, some of your fish, or none of your fish?

- All fish looked at
- Some fish looked at
- Don't know
- Refused
- Q5A : Q5a.Why didn't the interviewer look at all of your fish?
- Didn't have time/Didn't want to unpack
- There were too many/More than 15 of one species
- The interviewer didn't ask to see them
- Other
- Don't know
- Refused

Q6 : Q6.Did the interviewer measure the length of your fish?

- All fish measured
- Some fish measured
- No fish measured
- Don't know
- Refused

Q6A : Q6a.Why didn't the interviewer measure the length of all of your fish?

- Didn't have time/Didn't want to unpack
- There were too many/More than 15 of one species
- The interviewer didn't ask to see them
- Other
- Don't know
- Refused

Q7 : Q7. Approximately what time of the day were you interviewed by our staff member?

CODES : Enter the status code for your attempt

- NO ANSWER
- BUSY SIGNAL
- ANSWERING MACHINE
- STATUS NOT FINAL
- NEW NUMBER
- WRONG NUMBER
- BAD NUMBER
- LANGUAGE PROBLEM
- REFUSAL
- COMPLETE
- OTHER REASONS 'SPECIFY'
- NEVER INTERVIEWED IN THE FIELD
- CALL BACK RULE EXHAUSTED
- CODES : Enter the status code for your attempt
- NO ANSWER
- BUSY SIGNAL
- ANSWERING MACHINE
- STATUS NOT FINAL
- NEW NUMBER
- WRONG NUMBER
- BAD NUMBER
- LANGUAGE PROBLEM
- REFUSAL
- COMPLETE
- OTHER REASONS 'SPECIFY'
- NEVER INTERVIEWED IN THE FIELD
- CALL BACK RULE EXHAUSTED

Q9B : Q9b. Enter the reason for the refusal.

- No reason given/hangup
- Not enough time/too long/busy
- Not interested/Don't do surveys
- Because of client
- Confidentiality
- They don't want to talk to you
- Very rude or irate
- Other 'Specify' on exceptions form

Q10 : Q10. Enter the new number given.

Q11 : Q11. Was this the fifth attempt?

- Yes
- No

Q12 : Q12. Do we need to dial this number again?

- Yes
- No

LPBS Questionnaire

2000 Bluefin Tuna and Associated Species Biological Sampling Questionnaire

1. Interviewer Code 2. Date 3. Document 4. Time

5. State Code 6. County 7. Site 8. Control

9. What type of fishing gear was primarily used?

- 1 Rod and Reel
 2 Handline
 3 Other (SPECIFY) _____

10a. Were you participating in a tournament today?

- 1 Yes
 2 No (Skip to Q.11)

10b. In what type of tournament were you participating?

- 1 Tuna 3 Billfish
 2 Shark 4 Other (SPECIFY) _____

11. Did any of the fish that you caught show evidence of previous capture?

(If "no" then skip to Q.13; If "yes" select from below)

- 1 Hook or hook and leader 2 Lesions on the fish
 3 Scars that can't be identified as shark bites 4 Tags or tag marks

12. How would you characterize the condition of the fish that showed evidence of previous capture?

- 1 Unhealthy: apparent visible injury, unrelated to current capture
 2 Visible hook holes not related to current capture
 3 Fish is apparently healthy

INTERVIEWER: Record species code(s) for all fish that show signs of previous capture:

; ; ; ; ; ;

13. Interviewer: Is this a commercial boat or dealer intercept? YES NO

BFT-Young School (1-655mm).....4673	Albacore.....4701	Sailfish.....3026	Common Thresher.....3531	King Mackerel.....1940
BFT-School (656-1145mm).....4677	Skipjack.....4661	White Marlin.....2161	Bigeye Thresher.....3541	Spanish Mackerel.....3840
BFT-Large School (1146-1445mm)...4678	Yellowfin Tuna.... 4711	Blue Marlin.....2171	Shortfin Mako.....3551	Wahoo.....4720
BFT-Small Medium (1446-1785mm)..4676	Bigeye.....4691	Swordfish.....4328	Longfin Mako.....3581	Dolphin (Mahi Mahi).....1050
BFT-Large Medium (1786-1955mm)..4679	Little Tunny.....4681	Sandbar Shark.....4821	Dusky Shark.....4841	Amberjack.....0030
BFT-Giant (1956mm+).....4671	Atlantic Bonito.....0330	Blue Shark.....4931	Great Hammerhead.....4951	Cobia.....0570

	SPECIES CODE	LENGTH (mm)		WEIGHT (ROUNDED TO NEAREST 0.5 KG)		HALF GIRTH (mm)	SEX	H	M	C	O	G	L
		STRAIGHT	CURVED	WHOLE	DRESSED								
1. _____	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. _____	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

INTERVIEWER: DID YOU RECORD DATA FOR SAMPLED FISH ON THE SECOND PAGE OF THIS INDIVIDUAL INTERCEPT FORM? YES NO

INTERVIEWER: Please record this information from the first page of this intercept

State Code

Control

Document

	SPECIES CODE	LENGTH (mm)		WEIGHT (ROUNDED TO NEAREST 0.5 KG)		HALF GIRTH (mm)	SEX	H	M	C	O	G	L
		STRAIGHT	CURVED	WHOLE	DRESSED								
3.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
4.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
5.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
6.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
7.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
8.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
9.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
10.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
11.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
12.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
13.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0
14.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	0	0	0	0	0	0



INTERVIEWER, PLEASE RE-RECORD THE FOLLOWING INFORMATION FROM THE FIRST PAGE

2. INTERVIEW DATE (MO/DAY)

3. CONTROL #

4. STATE CODE

	<u>Species Code</u>	<u>Curved Fork Length (mm)</u>	<u>Straight Fork Length (mm)</u>	<u>Gender</u>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
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27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				



(f) Additional data and inspection. Additional data on fishing effort directed at Atlantic HMS or on catch of Atlantic HMS, regardless of whether retained, may be collected by contractors and statistical reporting agents, as designees of NMFS, and by authorized officers. A person issued a permit under Sec. 635.4 is required to provide requested information about fishing activity, and a person, regardless of whether issued a permit under Sec. 635.4, who possesses an Atlantic HMS is required to make such fish or parts thereof available for inspection by NMFS or its designees upon request.

[64 FR 29135, May 28, 1999, as amended at 64 FR 37704, July 13, 1999; 66 FR 30653, June 7, 2001; 66 FR 42804, Aug. 15, 2001; 67 FR 45400, July 9, 2002; 67 FR 77437, Dec. 18, 2002; 68 FR 714, Jan. 7, 2003; 68 FR 37773, June 25, 2003; 68 FR 74784, Dec. 24, 2003; 69 FR 67284, Nov. 17, 2004; 69 FR 70399, Dec. 6, 2004]

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[Laws in effect as of January 7, 2003]
[Document not affected by Public Laws enacted between
January 7, 2003 and February 12, 2003]
[CITE: 16USC971]

TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971. Definitions

For the purpose of this chapter--

(1) The term ``Convention'' means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term ``Commission'' means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term ``conservation recommendation'' means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.

(4) The term ``Council'' means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(5) The term ``exclusive economic zone'' means an exclusive economic zone as defined in section 1802 of this title.

(6) The term ``fishing'' means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(7) The term ``fishing vessel'' means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(8) The term ``Panel'' means any panel established by the Commission pursuant to article VI of the Convention.

(9) The term ``person'' means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(10) The term ``Secretary'' means the Secretary of Commerce.

(11) The term ``State'' includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94-70, Sec. 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, Sec. 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-33, Sec. 2, May 26, 1977, 91 Stat. 173; Pub. L. 104-43, title III, Sec. 303(1), (2), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, Sec. 202(b)(1)(A), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

Amendments

1998--Pars. (4), (5). Pub. L. 105-384 renumbered par. (4) defining ``exclusive economic zone'' as par. (5) and made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995--Par. (3). Pub. L. 104-43, Sec. 303(1), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 104-43, Sec. 303(2), added par. (4) defining ``exclusive economic zone''. Former par. (4) redesignated (5).

Pub. L. 104-43, Sec. 303(1), redesignated par. (3) defining ``Council'' as (4).

Par. (5). Pub. L. 104-43, Sec. 303(2), struck out par. (5) which read as follows: ``The term `fisheries zone' means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.''

Pub. L. 104-43, Sec. 303(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pars. (6) to (11). Pub. L. 104-43, Sec. 303(1), redesignated pars. (5) to (10) as (6) to (11), respectively.

1977--Par. (4). Pub. L. 95-33 struck out the comma between ``zone'' and ``contiguous'', substituted ``two hundred'' for ``200'', and substituted a semicolon for a comma after ``is measured''.

1976--Par. (4). Pub. L. 94-265, which directed the substitution of ``the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal state, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured,' for ``the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)'', was executed by making the substitution for ``the entire zone established by the United States under the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)'', to reflect the probable intent of Congress.

Effective Date of 1976 Amendment

Section 405(b) of Pub. L. 94-265 provided that the amendment made by section 405(a) of Pub. L. 94-265 to this section was to take effect Mar. 1, 1977, prior to the general amendment of title IV of Pub. L. 94-265 by Pub. L. 104-297.

Short Title of 1995 Amendment

Section 301 of title III of Pub. L. 104-43 provided that: ``This title [enacting sections 971j and 971k of this title, amending this section and sections 971b, 971c to 971e, 971h, and 971i of this title, and enacting provisions set out as a note under section 971c of this title] may be cited as the `Atlantic Tunas Convention Authorization Act of 1995'.''

Short Title

Section 1 of Pub. L. 94-70 provided: ``That this Act [enacting this chapter and provisions set out below] may be cited as the `Atlantic Tunas Convention Act of 1975'.''

Separability

Pub. L. 94-70, Sec. 13, formerly Sec. 11, Aug. 5, 1975, 89 Stat. 394; renumbered Sec. 13, Pub. L. 105-384, title II, Sec. 202(b)(1)(D), Nov. 13, 1998, 112 Stat. 3452, provided that: ``If any provision of this Act [this chapter] or the application of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.''

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971a. Commissioners

(a) Appointment and number; selection of Chairman; rules of procedure; term

(1) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(2) Of the Commissioners appointed under paragraph (1) who are not governmental employees--

(A) one shall be appointed from among individuals with knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(B) one shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

(3) (A) The term of a Commissioner shall be three years.

(B) An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than two consecutive terms as a Commissioner.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the

Commission, Council, any Panel, or the advisory committee established pursuant to section 971b of this title, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Compensation

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(d) Travel expenses

(1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(Pub. L. 94-70, Sec. 3, Aug. 5, 1975, 89 Stat. 385; Pub. L. 101-627, title II, Secs. 201(a), 203, Nov. 28, 1990, 104 Stat. 4459, 4460; Pub. L. 106-562, title III, Sec. 303, Dec. 23, 2000, 114 Stat. 2806.)

Amendments

2000--Subsec. (a)(1). Pub. L. 106-562 inserted before last sentence ``Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.''

1990--Subsec. (a). Pub. L. 101-627, Sec. 201(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (d). Pub. L. 101-627, Sec. 203, added subsec. (d).

Limitations on Appointments of Commissioners; Application to Current Commissioners

Section 201(b) of title II of Pub. L. 101-627 provided that:

``(1) Paragraph (2) of section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), as added by this section, shall not apply to reappointment of an individual as a United States Commissioner of the International Commission for the Conservation of Atlantic Tunas (hereinafter in this title [enacting section 971b-1 of this title, amending this section and sections 971b, 971d, and 971h of this title, and enacting provisions set out as a note below] referred to as a `Commissioner') if that individual is serving in that position on the date of enactment of this Act [Nov. 28, 1990].

``(2) An individual serving a term as a Commissioner on the date of enactment of this Act shall not, by reason of that term of service, be ineligible under paragraph (3)(B) of section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), as added by this section, for reappointment as a Commissioner.''

Termination of Current Terms and Completion of Pending Appointments

Section 202 of Pub. L. 101-627 provided that: ``The term as Commissioner of each individual serving in that position on the date of enactment of this Act [Nov. 28, 1990] shall terminate March 1, 1991. Not later than that date, the President shall complete appointment (or reappointment) of individuals to serve as Commissioners on and after that date.''

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971c. Authority of Secretary of State; cooperative enforcement agreements

(a) Recommendations from Commission

The Secretary of State is authorized to receive on behalf of the United States, reports, requests, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, with the concurrence of the Secretary and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, is authorized to take appropriate action on behalf of the United States with regard to recommendations received from the Commission pursuant to article VIII of the Convention. The Secretary and, when appropriate, the Secretary of the department in which the Coast Guard is operating, shall inform the Secretary of State as to what action he considers appropriate within five months of the date of the notification of the recommendation from the Commission, and again within forty-five days of the additional sixty-day period provided by the Convention if any objection is presented by another contracting party to the Convention, or within thirty days of the date of the notification of an objection made within the additional sixty-day period, whichever date shall be the later. After any notification from the Commission that an objection of the United States is to be considered as having no effect, the Secretary shall inform the Secretary of State as to what action he considers appropriate within forty-five days of the sixty-day period provided by the Convention for reaffirming objections. The Secretary of State shall take steps under the Convention to insure that a recommendation pursuant to article VIII of the Convention does not become effective for the United States prior to its becoming effective for all contracting parties conducting fisheries affected by such recommendation on a meaningful scale in terms of their effect upon the success of the conservation program, unless he determines, with the concurrence of the Secretary, and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, that the purposes of the Convention would be served by allowing a recommendation to take

effect for the United States at some earlier time.

(b) Enforcement agreements

The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party's jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or exclusive economic zone of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or tribunal of a foreign country.

(Pub. L. 94-70, Sec. 5, Aug. 5, 1975, 89 Stat. 386; Pub. L. 104-43, title III, Sec. 303(3), Nov. 3, 1995, 109 Stat. 384; Pub. L. 105-384, title II, Sec. 202(b)(1)(B), Nov. 13, 1998, 112 Stat. 3452.)

Amendments

1998--Subsec. (b). Pub. L. 105-384 directed amendment identical to amendment by Pub. L. 104-43. See 1995 Amendment note below.

1995--Subsec. (b). Pub. L. 104-43 substituted ``exclusive economic zone'' for ``fisheries zone'' after ``territorial seas or'' in third sentence.

Management of Atlantic Yellowfin Tuna

Section 309(b) of Pub. L. 104-43, as amended by Pub. L. 104-297, title IV, Sec. 406, Oct. 11, 1996, 110 Stat. 3621, provided that: ``Not later than July 1, 1997, the Secretary of Commerce shall implement the recommendations of the International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna made pursuant to Article VIII of the International Convention for the Conservation of Atlantic Tunas and acted upon favorably by the Secretary of State under section 5(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971c(a)).''

Section Referred to in Other Sections

This section is referred to in sections 971, 971d, 971f of this title.

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971d. Administration

- (a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the exclusive economic zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Director of the Office of Personnel Management.

- (b) Primary enforcement responsibility

Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

- (c) Regulations and other measures to carry out Commission recommendations

(1) (A) Upon favorable action by the Secretary of State under section 971c(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

(B) Not later than June 30, 1991, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations made by the Commission that have been accepted by the United States and with other agreements under the Convention between the United States and any nation which is a party

to the Convention.

(C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

(3) The regulations required to be promulgated under paragraph (1) of this subsection may--

(A) select for regulation one or more of the species covered by the Convention;

(B) divide the Convention waters into areas;

(C) establish one or more open or closed seasons as to each such area;

(D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;

(E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;

(F) require records of operations to be kept by any master or other person in charge of any fishing vessel;

(G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;

(H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section;

(I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;

(J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and

(K) impose such other requirements and provide for such other measures as the Secretary may determine necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention;

except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission.

(4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit--

(A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.

(5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(6) Identification and notification.--

(A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall--

(i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;

(ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and

(iii) publish a list of those Nations identified under clause (i).

(B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.

(7) Consultation.--Not later than 30 days after a Nation is notified under paragraph (6), the President may enter into consultations with the Government of that Nation for the purpose of obtaining an agreement that

will--

(A) effect the immediate termination and prevent the resumption of any fishing operation by vessels of that Nation within the Convention area which is conducted in a manner or under circumstances that diminish the effectiveness of the conservation recommendation;

(B) when practicable, require actions by that Nation, or vessels of that Nation, to mitigate the negative impacts of fishing operations on the effectiveness of the conservation recommendation involved, including but not limited to, the imposition of subsequent-year deductions for quota overages; and

(C) result in the establishment, if necessary, by such Nation of reporting, monitoring, and enforcement measures that are adequate to ensure the effectiveness of conservation recommendations.

(d) Recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish

(1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(16) \1\ of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1802(16)]) in the Convention area.

\1\ See References in Text note below.

(2) The Secretary, in consultation with the Secretary of State, shall request the Commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.

(Pub. L. 94-70, Sec. 6, Aug. 5, 1975, 89 Stat. 387; 1978 Reorg. Plan No. 2, Sec. 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-627, title II, Secs. 206, 207, Nov. 28, 1990, 104 Stat. 4461; Pub. L. 104-43, title III, Secs. 303(3), 305, Nov. 3, 1995, 109 Stat. 384, 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(C), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

References in Text

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(1)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (Sec. 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (d)(1), was subsequently amended, and section 3(16) no longer defines the term ``large-scale driftnet fishing''. However, such term is defined elsewhere in that section.

Amendments

1998--Subsec. (c)(1)(C). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted ``Magnuson-Stevens Fishery'' for ``Magnuson Fishery''.

Subsecs. (c)(6)(A)(iii), (B). Pub. L. 105-384, Sec. 202(b)(1)(C), substituted ``clause (i)'' for ``subparagraph (A)'' in cl. (iii), and redesignated last sentence of subpar. (A) as subpar. (B) and realigned margin.

Subsec. (d)(1). Pub. L. 105-384, Sec. 202(b)(1)(F), substituted ``Magnuson-Stevens Fishery'' for ``Magnuson Fishery''.

1995--Subsec. (a). Pub. L. 104-43, Sec. 303(3), substituted ``exclusive economic zone'' for ``fisheries zone'' after ``any vessel in the'' in third sentence.

Subsec. (c). Pub. L. 104-43, Sec. 305(1), inserted ``and other measures'' after ``Regulations'' in heading.

Subsec. (c)(3). Pub. L. 104-43, Sec. 305(2), inserted ``or fishing mortality level'' after ``quota of fish'' in concluding provisions.

Subsec. (c)(6), (7). Pub. L. 104-43, Sec. 305(3), added pars. (6) and (7).

1990--Subsec. (c)(1). Pub. L. 101-627, Sec. 206(a), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (c)(3). Pub. L. 101-627, Sec. 206(b), added subpars. (I) to (K) and concluding provisions and struck out former subpar. (I) which read as follows: ``impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Commission.''

Subsec. (d). Pub. L. 101-627, Sec. 207, amended subsec. (d) generally, substituting provisions relating to recommended Commission actions regarding large-scale driftnet fishing and conservation of Atlantic swordfish for provisions relating to Commission recommendations concerning bluefin tuna and issuance of regulations.

Transfer of Functions

``Director of the Office of Personnel Management'' substituted for ``Civil Service Commission'' in subsec. (a) pursuant to Reorg. Plan No. 2 of 1978, Sec. 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in the Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Use of Aircraft in Atlantic Bluefin Tuna Fishing

Pub. L. 106-553, Sec. 1(a)(2) [title VI, Sec. 634], Dec. 21, 2000, 114 Stat. 2762, 2762A-114, provided that: ``None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to issue or renew, for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel--

``(1) to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna; or

``(2) to fish for, catch, or possessing [sic] Atlantic bluefin tuna located by the use of an aircraft.''

Section Referred to in Other Sections

This section is referred to in sections 971e, 971j of this title.

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971e. Violations

(a) In general

It shall be unlawful--

(1) for any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to section 971d of this title; or

(2) for any person subject to the jurisdiction of the United States to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to section 971d of this title, without regard to the citizenship of the person or vessel which took the fish.

(b) Failure to furnish returns, records, or reports

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished by such master or person.

(c) Refusal of request to board and inspect vessel

It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this chapter and any regulations adopted pursuant thereto, to board such vessel and inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of this chapter, or the Convention, as the case may be, or to obstruct such officials in the execution of such duties.

(d) Importation of ineligible species or species under investigation

It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 971d(c) or (d) \1\ of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in

accordance with the provisions of section 971d(c) or (d) \1\ of this title. In the case of any fish as described in this subsection offered for entry in the United States, the Secretary shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 971d(c) or (d) \1\ of this title.

\1\ See References in Text note below.

(e) Sanctions

The civil penalty and permit sanctions of section 1858 of this title are hereby made applicable to violations of this section as if they were violations of section 1857 of this title.

(f) Forfeiture

All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(g) Applicability of other laws

All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 94-70, Sec. 7, Aug. 5, 1975, 89 Stat. 390; Pub. L. 104-43, title III, Sec. 306, Nov. 3, 1995, 109 Stat. 385; Pub. L. 105-384, title II, Sec. 202(b)(1)(F), Nov. 13, 1998, 112 Stat. 3453.)

References in Text

Section 971d(d) of this title, referred to in subsec. (d), was amended generally by Pub. L. 101-627, title II, Sec. 207, Nov. 28, 1990, 104 Stat. 4461. Prior to amendment, subsec. (d) related to Commission recommendations concerning bluefin tuna and issuance of regulations in that regard.

Amendments

1998--Subsec. (e). Pub. L. 105-384 made technical amendment to reference in original act which appears in text as reference to section 1858 of this title.

1995--Subsec. (e). Pub. L. 104-43 amended subsec. (e) generally, substituting present provisions for provisions establishing civil penalties for violations of this section, providing for authority of Secretary to assess, remit, or mitigate any civil penalty, providing for notice and hearing prior to assessment, and providing for civil action upon failure to pay penalty.

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971f. Enforcement

(a) Particular powers

Any person authorized in accordance with the provisions of this chapter to enforce the provisions of this chapter and the regulations issued thereunder may--

(1) with or without a warrant, board any vessel subject to the jurisdiction of the United States and inspect such vessel and its catch and, if as a result of such inspection, he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this chapter or any regulations issued thereunder, he may, with or without a warrant or other process, arrest such person;

(2) arrest, with or without a warrant, any person who violates the provisions of this chapter or any regulation issued thereunder in his presence or view;

(3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and

(4) seize, whenever and wherever lawfully found, all fish taken or retained by a vessel subject to the jurisdiction of the United States in violation of the provisions of this chapter or any regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

(b) International enforcement

To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section 971c(b) of this title for international enforcement, the duly authorized officials of such party shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

(c) Bonds or stipulations

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a

judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value at the time of seizure and the proceeds of such sale placed in the registry of the court pending judgment in the case.

(Pub. L. 94-70, Sec. 8, Aug. 5, 1975, 89 Stat. 391.)

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971g. Cooperation in carrying out Convention

(a) Federal and State agencies; private institutions and organizations

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

(c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

(d) State jurisdiction; preemption by Federal regulations

(1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State--

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

(e) Continuing review of State laws and regulations

To insure that the purposes of subsection (d) of this section are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) of this section applies or may apply and the extent to which such laws and regulations are enforced.

(Pub. L. 94-70, Sec. 9, Aug. 5, 1975, 89 Stat. 392.)

Territorial Sea of United States

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971h. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

(1) For fiscal year 1995, \$4,103,000, of which \$50,000 are authorized in the aggregate for the advisory committee established under section 971b of this title and the species working groups established under section 971b-1 of this title, and \$2,890,000 are authorized for research activities under this chapter and the Act of September 4, 1980 (16 U.S.C. 971i).

(2) For fiscal year 1996, \$5,453,000, of which \$50,000 are authorized in the aggregate for such advisory committee and such working groups, and \$4,240,000 are authorized for such research activities.

(3) For fiscal year 1997, \$5,465,000 of which \$62,000 are authorized in the aggregate for such advisory committee and such working groups, and \$4,240,000 are authorized for such research activities.

(4) For each of fiscal years 1998, 1999, 2000, and 2001, \$5,465,000 of which \$75,000 are authorized in the aggregate for such advisory committee and such working groups, and \$4,240,000 are authorized for such research activities.

(Pub. L. 94-70, Sec. 10, Aug. 5, 1975, 89 Stat. 393; Pub. L. 95-33, Sec. 1, May 26, 1977, 91 Stat. 173; Pub. L. 96-339, Sec. 1(2), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 98-44, title I, Sec. 101, July 12, 1983, 97 Stat. 216; Pub. L. 99-659, title IV, Sec. 404, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title II, Sec. 208, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-43, title III, Sec. 307, Nov. 3, 1995, 109 Stat. 386; Pub. L. 105-384, title II, Sec. 202(a), Nov. 13, 1998, 112 Stat. 3452.)

References in Text

Act of September 4, 1980, referred to in par. (1), is Pub. L. 96-339, Sept. 4, 1980, 94 Stat. 1069, which enacted sections 971i and 1827 of this title and amended this section and section 971b of this title. For complete classification of this Act to the Code, see Tables.

Amendments

1998--Par. (4). Pub. L. 105-384 substituted ``For each of fiscal years 1998, 1999, 2000, and 2001,' ' for ``For fiscal year 1998,' '.

1995--Pub. L. 104-43 amended section generally, substituting provisions authorizing appropriations for fiscal years 1995 to 1998 for provisions authorizing appropriations for fiscal years 1989 to 1993.

1990--Pub. L. 101-627 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 to 1993 for provisions authorizing appropriations for fiscal years 1986 to 1989 and striking out provisions relating to use of sums for travel expenses.

1986--Pub. L. 99-659 substituted authorization of appropriations for fiscal years 1986 through 1989 for former authorization of appropriations for fiscal year 1976, the period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal years 1977 through 1986.

1983--Pub. L. 98-44 authorized appropriations for fiscal years 1984 through 1986.

1980--Pub. L. 96-339 authorized appropriations for fiscal years 1981 through 1983.

1977--Pub. L. 95-33 authorized appropriations for fiscal years 1978 through 1980.

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CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971i. Research on Atlantic highly migratory species

(a) Omitted

(b) Highly migratory species research and monitoring

(1) Within 6 months after November 3, 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the ``Commission'') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall--

(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

(B) provide for appropriate participation by nations which are members of the Commission.

(2) The program shall provide for, but not be limited to--

(A) statistically designed cooperative tagging studies;

(B) genetic and biochemical stock analyses;

(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

(G) integration of data from all sources and the preparation of data bases to support management decisions; and

(H) other research as necessary.

(3) In developing a program under this section, the Secretary shall--

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

(D) through the Secretary of State, encourage other member nations to adopt a similar program.

title III, Sec. 302(b), Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, Sec. 202(b)(2), Nov. 13, 1998, 112 Stat. 3453.)

References in Text

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(3)(B), is Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

Codification

Subsection (a), which required the Secretary of Commerce to prepare and submit to Congress a biennial report on the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas, the status of bluefin tuna stocks within the Convention area and the trends in their population level, and related information resulting from implementation of the observer program under section 1827 of this title, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 50 of House Document No. 103-7.

Section was not enacted as part of the Atlantic Tunas Convention Act of 1975 which comprises this chapter.

Amendments

1998--Subsec. (b)(3)(B). Pub. L. 105-384 inserted ``of 1975'' after ``Act''.

1995--Pub. L. 104-43 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, struck out last sentence which read as follows: ``There are authorized to be appropriated such sums as may be necessary to carry out this section.'', and added subsec. (b).

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971j. Annual report

Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that--

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by

the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

(4) describes actions taken by the Secretary under section 971d of this title.

(Pub. L. 94-70, Sec. 11, as added Pub. L. 104-43, title III, Sec. 308, Nov. 3, 1995, 109 Stat. 386; amended Pub. L. 105-384, title II, Sec. 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

Prior Provisions

A prior section 11 of Pub. L. 94-70 was renumbered section 13 and is set out as a Separability note under section 971 of this title.

Amendments

1998--Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

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TITLE 16--CONSERVATION

CHAPTER 16A--ATLANTIC TUNAS CONVENTION

Sec. 971k. Savings clause

Nothing in this chapter shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention.

(Pub. L. 94-70, Sec. 12, as added Pub. L. 104-43, title III, Sec. 308, Nov. 3, 1995, 109 Stat. 387; amended Pub. L. 105-384, title II, Sec. 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

Amendments

1998--Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

Magnuson-Stevens Fishery Conservation and Management Act
Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify-- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(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.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(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, 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.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

Executive Order 12962 of June 7, 1995
Recreational Fisheries

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801-1882), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

Section 1. Federal Agency Duties. Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by:

- (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities;
- (b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable, healthy, and, where feasible, self-sustaining recreational fisheries;
- (c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;
- (d) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;
- (e) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;
- (f) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;
- (g) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;
- (h) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and
- (i) assisting private landowners to conserve and enhance aquatic resources on their lands.

Sec. 2. National Recreational Fisheries Coordination Council. A, National Recreational Fisheries Coordination Council ("Coordination Council") is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries-Interior, Commerce, Agriculture, Energy, Transportation, and Defense-and one by the Administrator of the Environmental Protection Agency. The Coordination Council shall:

- (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;
- (b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;
- (c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;
- (d) assess the implementation of the Conservation Plan required under section 3 of this order; and
- (e) develop a biennial report of accomplishments of the Conservation Plan. The representatives designated by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

Sec. 3. Recreational Fishery Resources Conservation Plan.

- (a) Within 12 months of the date of this. order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan ("Conservation Plan").
- (b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will. establish, to the extent permitted by law and where practicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2). actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation. with States, Tribes, conservation groups, and the recreational fisheries community.

Sec. 4. Joint Policy for Administering the Endangered Species Act of 1973. All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 ("ESA") (16 U.S.C. 1531- et seq.). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility

and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will; (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.,

Sec. 5. Sport Fishing and Boating Partnership Council. To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to:

- (a) monitor specific Federal activities affecting aquatic systems. and the recreational fisheries they support;
- (b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and
- (c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

Sec. 6. judicial Review. This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

///signed///
William J. Clinton

THE WHITE HOUSE,
June 7, 1995.

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Billing code 3195-01-P

operate a vessel monitoring system (VMS). VMS is required in these fisheries to aid in enforcement and protection of closed areas. These areas were closed to reduce bycatch in HMS fisheries, to aid in rebuilding overfished stocks, and to protect protected species such as right whales. The automatic position reports are required to be submitted on an hourly basis whenever the vessel is at sea. The placement of VMS units on fishing vessels allows the National Marine Fisheries Service (NMFS) to determine vessel locations and complements the Agency's efforts to monitor and enforce compliance with applicable regulations, including time/area closures. Vessel operators who are purchasing and installing a VMS unit for the first time are required to follow an equipment installation checklist and submit it to NMFS. The checklist provides information on the hardware and communications service selected by each vessel. NMFS uses the returned checklists to ensure that position reports are received and to aid NMFS in troubleshooting problems.

The regulations implementing the VMS requirements are at 50 CFR 635.69(a). Further information can be found in the final rules 68 FR 45619, 68 FR 74746, 69 FR 19979 and 69 FR 51010.

II. Method of Collection

Checklists will be submitted in paper form for vessels installing VMS for the first time. Position reports will be automatically sent electronically by the vessel monitoring system units.

III. Data

OMB Number: 0648-0372.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 329.

Estimated Time Per Response: 4 hours for VMS installation; 2 hours for annual maintenance of the equipment; 0.033 seconds per automated position report from the automated equipment, and 5 minutes to complete and return a one-time installation checklist.

Estimated Total Annual Burden Hours: 15,667.

Estimated Total Annual Cost to Public: \$775,251. This is a maximum figure based upon the total number of vessels in the fleet (329), VMS maintenance (\$500/year), and position reports (\$1.39/day).

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: November 30, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E5-6850 Filed 12-5-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Large Pelagic Fishing Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before February 6, 2006.

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 Dr. Ronald J. Salz, (301) 713-2328 or ron.salz@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Large Pelagic Fishing Survey consists of dockside and telephone surveys of recreational anglers for large pelagic fish (tunas, sharks, and billfish) in the Atlantic Ocean. The survey provides National Marine Fisheries Service with information to monitor catch of bluefin tuna, marlin and other Federally-managed species. The catch monitoring in these fisheries and collection of catch and effort statistics for all pelagic fish is required under the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act. The information collected is essential for the U.S. to meet its reporting obligations to the International Commission for the Conservation of Atlantic Tuna.

II. Method of Collection

Dockside and telephone interviews are used. In lieu of telephone interviews, respondents may also provide information via faxed logsheets or online via a Web tool.

III. Data

OMB Number: 0648-0380.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 17,000.

Estimated Time Per Response: 8 minutes for a telephone interview; 5 minutes for a dockside interview; 1.5 minutes to respond to a follow-up validation call for dockside interviews; 1 minute for a biological sampling of catch; and 28 minutes for a headboat effort and catch survey; 6 minutes for North Carolina winter bluefin tuna dockside interview.

Estimated Total Annual Burden Hours: 2,371.

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: November 30, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E5-6851 Filed 12-5-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Community-Based Restoration Program Progress Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before February 6, 2006.

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 Robin Bruckner, 301-713-0174 or via the Internet at Robin.Bruckner@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The NOAA Community-based Restoration Program (CRP) provides financial assistance on a competitive basis to implement grass-roots, community-based habitat restoration, debris prevention and removal, and barrier removal activities through individual projects or restoration partnerships. The NOAA Restoration Center (RC) within the NOAA Fisheries

Service Office of Habitat Conservation, intends to continue requiring specific information on projects funded under various grants initiatives managed by the RC as part of routine progress reporting. Recipients of NOAA funds under these initiatives will be required to submit information including project location, restoration techniques used, species benefitted, acres restored, stream miles opened to access for diadromous fish, volunteer participation, and other parameters. This information collection is necessary to track and report on the large number of community-based projects being implemented with RC support around the country. This information will be used to continue populating a database of NOAA-funded habitat restoration, debris prevention and removal, and barrier removal projects. The database, with its robust querying capabilities, is instrumental to accurate and timely responses to NOAA, Department of Commerce, Congressional and Constituent inquiries. It also ensures accountability for federal funds expended for community-based activities, reported by NOAA through the Government Performance and Reporting Act acres restored performance measure. Grant recipients are required by the NOAA Grants Management Division to submit periodic performance reports and a final report for each award; this collection will stipulate the information to be provided in these reports.

II. Method of Collection

The reporting form and format outline will be provided to funding recipients and will also be available on the Restoration Center's home page. Electronic submission of forms and progress report narratives will be encouraged but not required.

III. Data

OMB Number: 0648-0472.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for profit institutions; State, Local and Tribal Governments, business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time Per Response: Interim reports, 9 hours and 45 minutes; and final reports, 11 hours and 45 minutes. Three semi-annual reports and one final report over a 24-month period are required for each award; however, information collected and submitted for any single report need not be collected again for subsequent reports.

Estimated Total Annual Burden Hours: 8,240.

Estimated Total Annual Cost to Public: \$2,940.

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: November 30, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E5-6852 Filed 12-5-05; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Information Requirements for the Marine Animal Health and Stranding Response Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

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

DATES: Written comments must be submitted on or before February 6, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW.,