

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/31/2008

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/16/2008

ACTION REQUESTED: Extension without change of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 200806-0648-012  
AGENCY ICR TRACKING NUMBER:  
TITLE: High Seas Fishing Vessel Reporting Requirements  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0349

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

EXPIRATION DATE: 12/31/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	15,000	850	3,000
New	15,000	850	3,012
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	12
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
High Seas Fishing Vessel Reporting	NA, NA, NA, NA, NA, NA, NA, NA	High Seas Fishing Log Form, High Seas Mothership Log Form, High Seas Purse Seine Log Form, High Seas Troll/Pole and Line Log Form, High Seas Trawl Log Form, High Seas Squid Log Form, High Seas Pelagic Longline-Gillnet Log Form, High Seas Trap Setter Log Form	
High Seas Fishing Compliance Negative Reporting			50 CFR 300.17

# PAPERWORK REDUCTION ACT SUBMISSION

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

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

## 19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
HIGH SEAS FISHING VESSEL REPORTING REQUIREMENTS  
OMB CONTROL NO. 0648-0349**

**A. JUSTIFICATION**

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

This information collection is necessary to comply with the High Seas Fishing Compliance Act (HCSFA) (16 U.S.C. 5501 et seq). The collection of information regarding catch and effort on the high seas by vessels holding HSFCA permits is provided for by Section 104(d)(2) of the HSFCA. The requirements are contained in regulations at 50 CFR 300.17.

In some cases, regulations promulgated under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) require that the reporting of catch and effort on the high seas (i.e., logbooks that must be used in the U.S. Exclusive Economic Zone (EEZ) must also be filled out when the reporting vessel is fishing on the high seas. The HSFCA specifically calls upon National Marine Fisheries Service (NMFS) at Section 105(d) to minimize reporting requirements, and to the extent practicable, ensure that regulations promulgated under the HSFCA are consistent with regulations promulgated under the MSFCMA.

To this end, NMFS considers those HSFCA-permitted vessels that already are reporting their catches and effort on the high seas based on regulations promulgated under the MSFCMA to be in compliance with HSFCA reporting requirements. This arrangement will avoid imposing any duplicative reporting requirements on HSFCA permit holders.

**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 NOAA Information Quality Guidelines.**

The information collected by the HSFCA family of logbooks will be integrated into the national NMFS fishery statistics system to calculate the catch and effort of United States (U.S.) vessels on the high seas. The data collected will be used in the management of fisheries. The United States is also obligated to provide such data to the United Nations Food and Agriculture Organization (FAO). Aggregated data relating to high seas catches, species composition, effort, etc., will be compiled and made available to the international community through the FAO.

Each logbook sheet begins by collecting information related to the identity of the vessel and the vessel operator, the time frame of the activity being reported, the sequential number of the particular logsheet being filled out, the crew size (of interest from an economics/effort perspective), and whether an observer is onboard (knowledge of observer presence vs. non-presence is useful when examining any differences in data reported by observed vs. unobserved fishing operations). Each logbook sheet also collects, if appropriate, information necessary to identify specific characteristics of the type of gear used. Finally, each logsheet collects the standard information items necessary to ascertain catch and effort for the gear type employed. Note that this renewal cycle adds a new form to the HSFCA family of forms. The new form is

the High Seas Squid Fishing Log. This form could potentially be used by up to four vessels fishing in the Western Pacific for squid. However, the addition of this form does not change the overall burden for this collection because the squid fishing vessels were previously required to report on the High Seas Fishing Log, which is the general form to be used when a more specific gear log is not available. It was determined to be worthwhile to develop a log specific to squid fishing for inclusion with this renewal cycle.

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

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

Long experience in using other logbooks, such as those that served as models for the high seas logbooks, has revealed these logbooks to be the most practical, efficient and cost effective method of collecting the needed information. Although not related to information technology, as previously noted, total burden hours have been kept to a minimum by considering those HSFCA permit-holders already reporting high seas catch and effort as meeting HSFCA reporting requirements.

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

As noted in Questions 1 and 3 above, duplicative reporting requirements were identified and eliminated.

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

The collection will not have a significant impact on small businesses, organizations or governmental entities.

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

Failure to conduct the collection would make it impossible for the agency to carry out its responsibilities under the HSFCA.

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

Except for the frequency with which data are reported (recorded daily during a fishing period), this collection is consistent with Office of Management and Budget (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 published on January 9, 2008 (73 FR 1600) solicited public comment on this renewal.

Only one comment was received. The commenter suggested that respondents do not accurately report their catch and effort on the high seas log forms and suggested “there should be enforcement.” In fact, U.S. vessels are subject to random inspection by NMFS and U.S. Coast Guard law enforcement personnel and inspections include examination of logs and the quantity of fish onboard to ascertain if accurate data are being recorded in the high seas logs. Additionally, some vessels are selected to carry scientific observers whose duties include ensuring that accurate data are being reported.

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

No payments or gifts will be provided to respondents under this collection.

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

Data submitted pursuant to this information collection will be accorded confidentiality in accordance with 50 CFR Part 600, Subpart E.

**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 included in this collection.

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

There will be an estimated 50 respondents (i.e., vessel operators) using one of the high seas logbooks that are the subject of this collection to report fishing activities on the high seas throughout the year. For purposes of this calculation, each affected vessel has been estimated to spend 180 days per year fishing on the high seas (based on 15 days at sea for each of 12 months).



An estimated average response time of 5 minutes a day for filling out a logbook form has been estimated. Using these estimates results in an estimated annual burden of 750 hours:

$$50 \text{ vessels} \times 180 \text{ days} = 9,000 \text{ responses} \times 5 \text{ min}/60 \text{ min}/\text{day} = 750 \text{ hours.}$$

There will be an estimated 500 respondents using one of the high seas logbooks that are the subject of this collection to submit negative reports throughout the year. To account for the time necessary to submit negative reports, 100 hours can be added to the above burden estimate. The 100 hours for negative reports is calculated as follows:

$$500 \text{ respondents} \times 12 \text{ reports} = 6,000 \text{ responses} \times 1 \text{ min}/60 \text{ min}/\text{report} = 100 \text{ hours.}$$

The total estimated annual burden for this collection is 550 unduplicated respondents, 15,000 responses, and 850 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).**

Mailing costs for vessels that fished are estimated as follows: \$492 for 50 vessels reporting monthly on 15 days of fishing per month ( $50 * 12 * \$0.82$ ). Mailing costs for vessels that did not fish are estimated as follows: \$2,520 for 500 vessels reporting no monthly fishing ( $500 * 12 * \$0.42$ ). Therefore, total costs are estimated at \$3,012.

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

Aside from minimal costs associated with reproducing copies of the logsheets for permit holders, there are only infinitesimal costs associated with this information collection for the Federal government. No new personnel or equipment costs will be incurred by the Federal government; data will be entered into the NMFS fisheries statistics system by existing staffers with time available within their regular work schedules using existing data programs, procedures and equipment.

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

The increase in cost from \$2,664 to \$3,012 results from increased postage costs. In ROCIS, the change shows as only a \$12.00 increase, as the previous cost was rounded up to \$3,000 when the ICR was migrated to ROCIS.

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

The data collected will not be published per se. However, as noted in Question 2, the data will be integrated into the NMFS fisheries statistics system, and will therefore ultimately be reflected in

the U.S. catch section of the annual NMFS publication, "Fisheries Statistics of the United States." In this sense, the results of the collection will be published annually.

**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 applicable.

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

Not applicable.

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

This collection does not use statistical methods.

## HIGH SEAS FISHING LOG

<b>Captain:</b>	<b>Captain's signature:</b>	<b>Date:</b>	<b>Page #:</b>
<b>Vessel Name</b>	<b>Official Number</b>	<b>No fishing entire month of:</b>	<b>Crew size:</b>
			<b>Observer on Board:</b>

DATE FISHED  MM/DD/YY	POSITION						GEAR TYPE	RETAINED CATCHES			DISCARDED CATCHES			PORT LANDED
	Latitude			Longitude				Species	Number	Lbs.	Species	Number	Lbs.	
	Deg	Min	N/S	Deg	Min	E/W								

COMMENTS:

## INSTRUCTIONS FOR HIGH SEAS LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DATE FISHED - Enter the date fished. There should be at least one complete entry for each day you fished on the high seas, whether or not you caught anything.

POSITION - Enter the latitude and longitude at which fishing began.

GEAR TYPE - Enter the type of fishing gear used.

RETAINED CATCHES/DISCARDED CATCHES -

Species : Enter the name of the species caught. If you did not catch anything, enter "None."

Number: If practical, enter the estimated number of fish caught.

Lbs.: Enter the estimated weight in whole numbers for each retained/discarded species (indicate dressed (d) or round (r) weight for retained species).

PORT LANDED - Enter the name of the port and state at which the fish were landed. If landed at a foreign port, enter the name of the port and country.

COMMENTS - Provide any comments you believe would be useful. Also be sure to use this section to report information on encounters with sea turtles (e.g., Leatherback, Loggerhead, Green, Kemp's Ridley, Olive Ridley, Hawksbill or "unknown"). Record the date of the encounter; the species, if known; number involved (i.e., caught in, or interacting with, your gear); number observed to be injured; and number observed to be dead.

HIGH SEAS MOTHERSHIP LOG			
Captain:	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes
GEAR TYPE OF HARVESTER (check one):    Hook & Line    Pot    Non-pelagic trawl    Pelagic trawl    Jig/Troll			
TARGET SPECIES:		PORT OF LANDING:	

**DELIVERY INFORMATION**

CATCHER VESSEL NAME	CG #	RECEIPT TIME	RECEIPT POSITION		ESTIMATED CATCH RECEIPT WEIGHT	COMMENTS
			Latitude N/S	Longitude E/W		
					(Circle lb or mt)	

<b>DAILY AMOUNTS OF RETAINED SPECIES:</b>				Indicate: <input type="checkbox"/> lb <input type="checkbox"/> mt <input type="checkbox"/> #		
SPECIES CODE						
DAILY TOTAL						
<b>DAILY AMOUNTS OF DISCARDED SPECIES:</b>				Indicate: <input type="checkbox"/> lb <input type="checkbox"/> mt <input type="checkbox"/> #		
SPECIES CODE						
DAILY TOTAL						

## INSTRUCTIONS FOR HIGH SEAS MOTHERSHIP LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the log sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

GEAR TYPE OF HARVESTER: Indicate gear type of harvester by circling one of the following: hook and line, pot, non-pelagic trawl, pelagic trawl, or jig/troll.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the name of the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

CATCHER VESSEL NAME: Enter the name of the catcher vessel making the delivery.

U.S. COAST GUARD NUMBER: Enter the official U.S. Coast Guard Documentation number of the catcher vessel making the delivery.

RECEIPT TIME: Record the time in military format to the nearest hour when the receipt of the catch is completed.

RECEIPT POSITION: Indicate coordinates of mothership position in latitude and longitude when the catch is received.

ESTIMATED CATCH RECEIPT WEIGHT: Indicate estimated total receipt weight of catch. Indicate pounds or metric tons.

COMMENTS: Indicate any other information that contributes to the understanding of the fisheries. Particularly helpful are comments on gear, weather problems, and information on catch of other species that may have affected the catch rate of the target species.

### **DAILY AMOUNTS OF RETAINED SPECIES**

SPECIES: Enter name of each species retained.

DAILY TOTAL: Record amount of each species retained in pounds, metric tons, or number of animals.

### **DAILY AMOUNTS OF DISCARDED SPECIES**

SPECIES: Enter name of each species discarded.

DAILY TOTAL: Record amount of each species discarded in pounds, metric tons, or number of animals.

**TIME LIMITS FOR ENTRIES** - The operator must record all entries as to catcher vessel delivery information within 2 hours after completion of receipt of groundfish. The operator must record all other information required by noon of the day following the day the catch receipt, discard, or production occurred

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.*

## HIGH SEAS PELAGIC LONGLINE/GILLNET LOG -- Daily Form

Captain (please print):	Captain's signature:	Date:	Page #:
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes No

TARGET SPECIES (circle one):           Swordfish           Yellowfin           Bigeye           Mixed Tuna           Sharks           Other

SET DATE: _____ / _____ / _____		HAULBACK DATE: _____ / _____ / _____	
Begin Set: _____ am pm	End Set: _____ am pm	Begin Haulback: _____ am pm	End Haulback: _____ am pm
Latitude at beginning: _____ N/S	Longitude at beginning: _____ E/W	OFF-LOADING DATE: _____ / _____ / _____	
Surface Water Temp: _____ F	First Set of Trip? Yes    No	Port/State: _____	

### LONGLINE

No. of Hooks:	Use Line Thrower?    Yes    No	No. of Hooks between Floats:	No. of Light Sticks:
Mainline Length (nm):	Gangion Length (ft):	Floatline Length (ft):	Bait Used:    Live    Dead

### GILLNET

Mesh size (in.):	Net length (ft):	Depth of Net (ft):	Number of Nets:
Depth Fished Below Surface (ft):			

#### SWORDFISH AND TUNA:

#### PELAGIC SHARK:

	RETAINED		DISCARDED			RETAINED		DISCARDED	
	Number	Lbs.	Alive	Dead		Number	Lbs.	Alive	Dead
Swordfish					Blue				
Bluefin Tuna					Mako, Shortfin				
Bonito Tuna					Mako, Longfin				
Skipjack Tuna					Oceanic Whitetip				
Yellowfin Tuna					Portbeagle				
Blackfin Tuna					Thresher, Bigeye				
Albacore Tuna					Thresher, Common				
Bigeye Tuna					OTHER (Specify)				
OTHER (Specify)									

#### OTHER SPECIES (Total Number)

#### SEA TURTLES /BIRDS (Total Number):

	RETAINED		DISCARDED			Involved	Injured	Dead
	Number	Lbs.	Alive	Dead				
White Marlin					Leatherback			
Blue Marlin					Loggerhead			
Sailfish					Green			
Spearfish					Kemp's Ridley			
Escolar					Olive Ridley			
Dolphin (Mahi)					Hawksbill			
Wahoo					Turtle - Unknown species			
OTHER (Specify)					Bird(s)			
					Bird(s)			

COMMENTS:

## INSTRUCTIONS FOR HIGH SEAS PELAGIC LONGLINE/GILLNET LOG

*Please use a separate log sheet for each set.*

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

Record Set Date (calendar day when set began) and Haulback Date.

Enter times (use local time):

- Begin Set and begin Haulback (designate AM or PM)
- End Set and End Haulback (designate AM or PM)

At the start of each set, record the location to the nearest degree of latitude and longitude, and the Surface water Temperature in degrees Fahrenheit.

Enter the following data for each set if using Longline:

- Number of hooks set
- Number of hooks between floats
- Number of light sticks
- Length of Mainline (in miles)
- Length of Gangions (in feet)
- Length of Floatline (in feet)
- Did you use a line thrower?
- Bait: Indicate Live, Dead, or Artificial.

Enter the following data for each set if using Gillnet:

- Mesh size (in inches)
- Total drift Gillnet net length (in feet)
- Fishing depth range (depth of top and of bottom of net in feet)

Record numbers of SWORDFISH, TUNA, SHARKS, AND OTHER SPECIES kept and thrown back. Record estimated total weight (in pounds) of fish kept. Specify if dressed (d) or round (r) weight. Specify the number of fish that were thrown back ALIVE and the number thrown back DEAD.

Record numbers of SEA TURTLES/BIRDS involved:

- Total number involved. Enter the total number of each sea turtle species, or any birds, that were caught in, or interacted with, your fishing gear for the period of your report.
- Number of injured. Enter the number of each species that were injured while in, or by, your fishing gear.
- Number dead. Enter the number of each species that were observed to be dead while in, or by, your fishing gear.

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.*



## HIGH SEAS PELAGIC PURSE SEINE LOG

<b>Captain:</b>	<b>Captain's signature:</b>	<b>Date:</b>	<b>Page #:</b>
<b>Vessel Name</b>	<b>Official Number</b>	<b>No fishing entire month of:</b>	<b>Crew size:</b>
			<b>Observer on Board:</b>

Departure Port:	Departure Date:
Unloading Port:	Unloading Date:
Target Species:	Target Species Unloaded (lbs.):

MONTH	DAY	ACT. CODE	POSITION						SET TIMES		SET TYPE CODE	SST *F	AIR ASST Y/N	BIRD RADAR Y/N	RETAINED CATCHES (ST)							DISCARDED CATCHES								
			LATITUDE			LONGITUDE			BEGIN	END					YFT	SKJ	BET	BFT	OTHERS		TUNAS		OTHERS							
			DEG	MIN	N/S	DEG	MIN	E/W											SPECIES	CATCH	SPECIES	WEIGHT	SPECIES	NUMBER						

### ACTIVITY CODES

### SET TYPE CODES

1	FISHING/SETTING	5	NO FISHING - BAD WEATHER	1	UNASSOCIATED FREE-SWIMMING SCHOOL	5	ANCHORED RAFT, FAD OR PAYAO
2	SEARCHING	6	IN PORT (SPECIFY IN POSITION COLUMN)	2	FEEDING ON BAITFISH	6	LIVE MARINE MAMMAL
3	TRANSITING	7	NET CLEANING SET	3	DRIFTING LOG, DEBRIS OR DEAD ANIMAL	7	LIVE WHALE SHARK OR RAY
4	NO FISHING - BREAKDOWN	8	RECEIVE/TRANSFER FISH	4	DRIFTING RAFT, FAD OR PAYAO	8	OTHER

*MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]*

## INSTRUCTIONS FOR COMPLETING HIGH SEAS PELAGIC PURSE SEINE LOG

**Daily entries should be made for each day of a fishing trip on the high seas. A trip is the period of time from the departure date to the date of a complete unloading.** the trip.

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DEPARTURE PORT/DATE: Enter the name of your departure port (e.g., San Diego, CA) and the date of your departure (e.g., 12/25/1996).

UNLOADING PORT/DATE: Enter the name of your final unloading port (e.g., Pago Pago, American Samoa) and the start date of your final unloading (e.g., 2/1/1997).

TARGET SPECIES/TARGET SPECIES UNLOADED: Enter the targeted species for this trip (e.g., albacore) and the unloaded weight (round) of the target species in pounds.

At least 1 line with the following information will be completed for each day during

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.*

MONTH: Enter the month (e.g., 12).

DAY: Enter the day (e.g., 26).

ACT. CODE: Enter the appropriate activity code.

POSITION: Enter the geographical position of your vessel in latitude and longitude to the nearest minute. Include the direction as north (N), south (S), east (E), or west (W). If you are not fishing (setting the net) or transferring or receiving fish your position should be the noon-time position.

SET TIMES: Enter the begin and end set times. Times are local times.

SET TYPE CODE: Enter the appropriate set type code.

SST °F: Enter the sea surface temperature in degrees Fahrenheit (e.g., 72).

AIR ASST Y/N: If you were assisted by an airplane or helicopter to locate fish enter "Y" otherwise enter "N."

BIRD RADAR Y/N: If you used bird radar to assist in locating fish enter "Y" otherwise enter "N."

RETAINED CATCHES: Enter the catches, in short tons, of yellowfin tuna (YFT), skipjack tuna (SKJ), bigeye tuna (BET), or bluefin tuna BFT in the appropriate column. If you have catches of other species that you retain enter the name of the species in the SPECIES column (e.g., albacore) and the catch, in short tons, in the CATCH column (e.g., 30). **If you have more than one other species of retained catch, use additional lines for each.**

DISCARDED CATCHES: Enter the amounts of fish that you discarded. Tuna species should be entered by SPECIES and WEIGHT (short tons), other species should be entered by SPECIES and NUMBER of fish. **If you have more than one tuna or other species of discarded catch, use additional lines for each.**

# HIGH SEAS SQUID FISHING LOG

VESSEL NAME \_\_\_\_\_ OFFICIAL NUMBER: \_\_\_\_\_  
 Date of Departure from Port (mm/dd/yyyy): \_\_\_/\_\_\_/\_\_\_\_ Departure Port: \_\_\_\_\_  
 Date of Return to Port (mm/dd/yyyy): \_\_\_/\_\_\_/\_\_\_\_ Arrival Port: \_\_\_\_\_

## FISHING OPERATION INFORMATION

Observer on Board (check if yes): [  ]

TARGET SPECIES = \_\_\_\_\_ Surface Temperature (C): \_\_\_\_\_ Number of crew: \_\_\_\_\_  
 AREA FISHED: \_\_\_\_\_ CATCHER/PROCESSOR (check if yes): [  ]  
 DATE FISHED-START (mo/dy/yr): \_\_\_/\_\_\_/\_\_\_\_ DATE FISHED-END (mo/dy/yr): \_\_\_/\_\_\_/\_\_\_\_  
 TIME STARTED FISHING (24 hour clock): \_\_\_\_\_ TIME END FISHING (24 hour clock): \_\_\_\_\_  
 BEGIN FISHING LOCATION: Position: \_\_\_\_\_° \_\_\_\_\_' N/S Latitude; \_\_\_\_\_° \_\_\_\_\_' E/W Longitude  
 END FISHING LOCATION: Position: \_\_\_\_\_° \_\_\_\_\_' N/S Latitude; \_\_\_\_\_° \_\_\_\_\_' E/W Longitude  
 Depth fished day (meters) = \_\_\_\_\_ Number of jig stations = \_\_\_\_\_ Number of hooks/jigs per station = \_\_\_\_\_  
 Depth fished night (meters) = \_\_\_\_\_ Number of jig stations = \_\_\_\_\_ Number of hooks/jigs per station = \_\_\_\_\_  
 Other gear used (describe): \_\_\_\_\_

## CATCH INFORMATION (no. kept + no. released = total catch, no. released alive + no. released dead = total released)

Species Name	SPECIES KEPT (retained)		SPECIES RELEASED	
	Number kept	Estimated total weight kept (lb or kg)	Number Released alive	Number Released dead
Neon Flying Squid <i>(Ommastrephes bartramii)</i>				
Purple Squid <i>(Sthenoteuthis oualaniensis)</i>				
Diamondback Squid <i>(Thysanoteuthis rhombus)</i>				
Other Squid (specify)				
Other Squid (specify)				
Blue shark				
Other species (specify)				

## PROTECTED SPECIES INFORMATION

Species	Number released			Species	Number released		
	Uninjured	Injured	Dead		Uninjured	Injured	Dead
Monk Seal				Green Turtle			
Dolphin/Porpoise				Leatherback Turtle			
Whale (specify)				Loggerhead Turtle			
Laysan Albatross				Olive Ridley Turtle			
Black-footed Albatross				Unidentified Hardshell Turtle			
Short-tailed Albatross				Other species (specify)			
Unidentified Bird							

I certify that the above information is complete and true to the best of my knowledge:

**VESSEL CAPTAIN/OPERATOR:** Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submit form to:** NMFS Pacific Islands Fisheries Science Center, ATTN: FMAP, 2570 Dole St., Honolulu, HI 96822

# HIGH SEAS SQUID FISHING LOG - Instructions

**VESSELNAME:** Enter name of vessel.

**OFFICIAL NUMBER:** Enter High Seas Squid fishing permit number (vessel's Official Number)

**DATE OF DEPARTURE FROM PORT(mm/dd/yyyy):** Enter date vessel left port (month/day/year).

**DEPARTURE PORT:** Enter port of departure.

**DATE OF RETURN TO PORT (mm/dd/yyyy):** Enter date vessel returned to port (month/day/year).

**ARRIVAL PORT:** Enter port of return.

**OBSERVER ON BOARD:** Check (✓) if observer on board.

**TARGET SPECIES:** Enter the name of the species targeted.

**SEA SURFACE TEMP(C):** Enter the sea surface temperature in degrees centigrade.

**NUMBER OF CREW:** Enter the number of crew including the captain.

**DATE FISHED-start/end:** Enter start and end date (month/day/year) of **daily** fishing activity.

**AREA FISHED:** Enter name of area fished.

**TIME STARTED/ENDED FISHING (24 hour clock):** Enter the time (using 24 hour clock - Local Time) the **daily** fishing activity started and ended.

**BEGIN FISHING LOCATION:** Enter latitude and longitude. Use degree ° and minute ' ; circle N for north or S for south latitude; circle W for west or E for east longitude, as appropriate.

**END FISHING LOCATION:** Enter latitude and longitude. Use degree ° and minute ' ; circle N for north or S for south latitude; circle W for west or E for east longitude, as appropriate.

**DEPTH FISHED DAY(m):**  
**DEPTH FISHED NIGHT(m):** Enter the depth (in meters) fished during the day time hours and the night time hours.

**NUMBER OF JIG STATIONS FISHED(day/night):** Total number of jigging stations fished during the day and total number of jigging stations fished at night.

**NUMBER OF HOOKS/JIGS PER STATION(day/night):** Enter the number of hooks or jigs used per station during the day and the number of hooks or jigs used per station at night.

**OTHER GEAR USED (describe):** Enter description of any other gear used.

**CATCH INFORMATION:** Number kept + number released = total catch.  
Species released = number released alive + number released dead (=bycatch).

**NUMBER KEPT:** Enter the number Kept for each species. Note: No tally column is provided in this logsheet. Please enter only the numbers of individuals Kept.

**ESTIMATED TOTAL WEIGHT KEPT:** Estimate to the best of your ability the cumulative weight in pounds or kilograms by species of the associated number listed in the kept column. Indicate weight measure by circling lb or kg.

**NUMBER RELEASED ALIVE:** Enter the numbers released alive by species. Injured organisms that are believed to be able to survive should be included in this count.

**NUMBER RELEASED DEAD:** Enter the numbers released dead by species. Injured organisms that do not look like they will survive should be included in this count.

**PROTECTED SPECIES INFORMATION:** Enter the numbers of protected species released uninjured, injured, or dead.

**VESSEL CAPTAIN/ OPERATOR:** Print name and provide signature of the captain/operator.

**DATE:** Enter date (month/day/year) when the log sheet was "completed and signed" by the vessel captain/operator.

- The Vessel Captain must record catch and effort information in the logbook within 24 hours of completing the daily fishing effort.
- The Vessel Captain must submit completed logbook sheets to the National Marine Fisheries Service within 72 hours following his or her return to port after each trip.

Please submit logsheet to: NMFS Pacific Islands Fisheries Science Center  
ATTN: FMAP  
2570 Dole Street  
Honolulu, Hawaii 96822-2396 For further information, call: Phone: (808) 983-5325

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910* **rev. 3/12/07**

## HIGH SEAS TRAP SETTER LOG

<b>Captain:</b>	<b>Captain's signature:</b>	<b>Date:</b>	<b>Page #:</b>
<b>Vessel Name</b>	<b>Official Number</b>	<b>No fishing entire month of:</b>	<b>Crew size:</b>
			<b>Observer on Board: Yes No</b>

<b>TARGET SPECIES:</b>	<b>PORT OF LANDING:</b>
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POT GEAR DESCRIPTION				BAIT USED	%
POT DIMENSIONS (ft)	GROUNDLINE WT OR DIAMETER	POT SPACING (ft)			

**RECORDS FOR EACH HAUL OR SET:**

**INDICATE: (1) SPECIES and (2) LB, MT, or #**

HAUL #	DATE	TIME	POSITION		DEPTH	# OF POTS RUN	RETAINED CATCH BY SPECIES				DISCARDED CATCH BY SPECIES								
			LAT N/S	LONG E/W			1)	1)	1)	1)	)	1)	1)	1)					
							2)	2)	2)	2)	2)	2)	2)	2)					
Set																			
Up																			
Set																			
Up																			
Set																			
Up																			
Set																			
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Up																			
Set																			
Up																			

COMMENTS:

## INSTRUCTIONS FOR HIGH SEAS TRAP SETTER LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

### POT GEAR DESCRIPTION

POT DIMENSIONS: Enter length, width and height of pot in feet.

GROUNDLINE WEIGHT OR DIAMETER: Enter pot weight in pounds or pot diameter in inches.

POT SPACING: Enter spacing of pots.

BAIT USED: Enter bait used and percentage.

### RECORDS FOR EACH HAUL OR SET

HAUL OR SET NO: Enter the number by sequence of the haul or set.

For longline pot gear, gear retrieval means where the last longline pot gear of a set leaves the water, regardless of where the majority of the haul or set took place.

For pot-and-line gear, gear retrieval means where the last pot of a set leaves the water.

DATE: Set: Enter the date when the gear entered the water.  
Up: Enter the date of gear retrieval.

TIME: Record time in military format to the nearest hour, local time.  
Set: Enter the begin time (to the nearest minute) when the first pot entered the water.  
Up: Enter the time (to the nearest minute) of gear retrieval.

POSITION: Record coordinates of position in latitude and longitude to the nearest minute.

Set: Record position when set is on bottom.  
Up: Record position of gear retrieval.

DEPTH (fm): Enter the SET depth for the haul recorded to the nearest fathom and the UP depth when hauling begins.

NUMBER OF TRAPS RUN: Enter the total number of pots or traps set.

RETAINED CATCH: For each species retained, indicate (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish retained for each species.

DISCARDED CATCH: For each species discarded, indicate (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish discarded for each fish species.

TIME LIMITS FOR ENTRIES: The operator must record the time, position, and estimated fish catch weight within 2 hours after gear retrieval. The operator must record all other information required by noon of the day following gear retrieval. Notwithstanding any other time limits, the operator must record all information required within 2 hours after the vessel's catch is off-loaded.

## HIGH SEAS TRAWL LOG

<b>Captain:</b>	<b>Captain's signature:</b>	<b>Date:</b>	<b>Page #:</b>
Vessel Name	Official Number	No fishing entire month of:	Crew size:
			Observer on Board: Yes No

<b>TARGET SPECIES:</b>	<b>PORT OF LANDING:</b>
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**RECORDS FOR EACH HAUL OR SET:**

INDICATE: (1) SPECIES and (2) LB, MT, or #

HAUL #	DATE MO/DAY	TIME (24 HR)	POSITION		DEPTH	ESTIMATED TOTAL HAUL	RETAINED CATCH BY SPECIES				DISCARDED CATCH BY SPECIES						
			LAT N/S	LONG E/W			1)	1)	1)	1)	1)	1)	1)	1)			
							2)	2)	2)	2)	2)	2)	2)	2)			
	Set																
	Up																
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**COMMENTS:**

MAIL COMPLETED LOG SHEET(S) TO: [Name and address of appropriate Regional Office]

## INSTRUCTIONS FOR HIGH SEAS TRAWL LOG

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

TARGET SPECIES: Enter species you are targeting.

PORT OF LANDING: Enter the name of the port and state at which fish were landed. If landed at a foreign port, enter the name of the port and country.

### RECORDS FOR EACH HAUL

HAUL NO.: Enter the number by sequence of the haul.

### GEAR RETRIEVAL

For trawl gear, gear retrieval means where retrieval of trawl cable commences.

DATE: Set: Enter the month and day when the gear entered the water.  
Up: Enter the date of gear retrieval.

TIME: Record time in military format to the nearest hour, local time.  
Set: Enter the begin time (to the nearest minute) when the gear entered the water.  
Up: Enter the time (to the nearest minute) of gear retrieval.

POSITION: Record coordinates of position in latitude and longitude to the nearest minute.  
Set: Record position when trawl gear reaches the fishing level and begins to fish.  
Up: Record position of gear retrieval.

DEPTH (fm): Record bottom depth when net is on bottom and bottom depth when hauling begins. If mid-water trawl, record both gear depth and bottom depth, e.g., if gear is at 20 fm and bottom depth is 30 fathoms, record 20/30.

ESTIMATED TOTAL HAUL: Enter the estimated total of all species in pounds or metric tons (round weight).

RETAINED CATCH: For each species retained, write at the top of the column: (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish retained for each species.

DISCARDED CATCH: For each species discarded, write at the top of the column: (1) name of species and (2) units of measurement [lb, mt, or # (round weight)]. Record daily the estimated total fish discarded for each fish species.

TIME LIMITS FOR ENTRIES: The operator must record the time, position, and estimated fish catch weight within 2 hours after gear retrieval. The operator must record all other information required by noon of the day following gear retrieval. Notwithstanding any other time limits, the operator must record all information required within 2 hours after the vessel's catch is off-loaded.

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.*



HIGH SEAS TROLL/POLE AND LINE LOG			
Captain:		Captain's signature:	
Date:		Page #:	
Vessel Name		Official Number	
No fishing entire month of:		Crew size:	
		Observer on Board: Yes No	

Departure Port:	Departure Date:
Unloading Port:	Unloading Date:
Target Species:	Target Species Unloaded (lbs.):

MONTH	DAY	ACT. CODE	POSITION						# OF POLES	# JIG LINES	# HOURS FISHED	SST *F	RETAINED CATCHES (NUMBER OF FISH)				DISCARDED CATCHES			
			LATITUDE			LONGITUDE							SPECIES	NUMBER	SPECIES	NUMBER	SPECIES	NUMBER	SPECIES	NUMBER
			DEG	MIN	N/S	DEG	MIN	E/W												

ACTIVITY CODES				COMMENTS			
1	FISHING	5	NO FISHING - BAD WEATHER				
2	SEARCHING	6	IN PORT (SPECIFY IN POSITION COLUMN)				
3	TRANSITING	7	RECEIVE/TRANSFER FISH				
4	NO FISHING - BREAKDOWN						

## INSTRUCTIONS FOR HIGH SEAS TROLL/POLE-AND-LINE LOG

**Daily entries should be made for each day of a fishing trip on the high seas. A trip is the period of time from the departure date to the date of a complete unloading.**

CAPTAIN'S NAME: Print name of vessel captain.

CAPTAIN'S SIGNATURE: The captain must sign each page to verify accuracy and completeness of data on the logbook sheet.

DATE: Enter current date (month-day-year).

PAGE #: Page numbers must be consecutive.

VESSEL NAME: Enter vessel name as it appears on your High Seas Fishing Permit.

OFFICIAL NUMBER: Enter the U.S. Coast Guard Documentation Number or other official number listed on your High Seas Fishing Permit.

NO FISHING: If no fishing was conducted on the high seas during the reporting month, so indicate in the space provided and submit the report to the NMFS regional office that issued your High Seas Fishing Permit.

CREW SIZE: Enter the number of people on vessel, including captain.

OBSERVER ON BOARD: Check yes or no to indicate whether an observer is on board the vessel.

DEPARTURE PORT/DATE: Enter the name of your departure port (e.g., San Diego, CA) and the date of your departure (e.g., 12/25/1996).

UNLOADING PORT/DATE: Enter the name of your final unloading port (e.g., Pago Pago, American Samoa) and the start date of your final unloading (e.g., 2/1/1997).

TARGET SPECIES/TARGET SPECIES UNLOADED: Enter the targeted species for this trip (e.g., albacore) and the unloading weight (round) of the target species in pounds.

*At least 1 line with the following information will be completed for each day during the trip.*

MONTH: Enter the month (e.g., 12).

DAY: Enter the day (e.g., 26).

ACT. CODE: Enter the appropriate activity code.

POSITION: Enter the geographical position of your vessel in latitude and longitude to the nearest minute. Include the direction as north (N), south (S), east (E), or west (W). If you are not fishing or transferring or receiving fish your position should be the noon-time position.

# OF POLES: Enter the average number of poles that are being used (**pole-and-line fishing only**).

# OF JIG LINES: Enter the average number of jig lines that are being trolled (**troll fishing only**).

# HOURS FISHED: Enter the total number of hours fished this day (e.g., 12.5).

SST °F: Enter the sea surface temperature in degrees Fahrenheit (e.g., 72).

RETAINED CATCHES: Enter the catches, in number of fish, by name of the species in the SPECIES column (e.g., albacore) and the catch in the NUMBER column (e.g., 30). **If you have more than three species of retained catch, use additional lines for each.**

DISCARDED CATCHES: Enter the amounts of fish, marine mammals or birds that you discarded. Entries should be by SPECIES and NUMBER of discarded species. **If you have more than two species of discarded catch, use additional lines for each.**

*Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, International Fisheries Division, Silver Spring, MD 20910. DO NOT SEND LOG SHEETS TO THIS ADDRESS. MAIL LOG SHEETS TO THE NMFS REGIONAL OFFICE THAT ISSUED YOUR HIGH SEAS FISHING PERMIT.*

## e-CFR Data is current as of April 25, 2008

### Title 50: Wildlife and Fisheries

#### PART 300—INTERNATIONAL FISHERIES REGULATIONS Subpart B— High Seas Fisheries

##### § 300.17 Reporting.

(a) *General.* The operator of any vessel permitted under this subpart must report high seas catch and effort information to NMFS in a manner set by this section. Reports must include: identification information for vessel and operator; operator signature; crew size; whether an observer is aboard; target species; gear used; dates, times, locations, and conditions under which fishing was conducted; species and amounts of fish retained and discarded; and details of any interactions with sea turtles or birds.

(b) *Reporting options.* (1) For the following fisheries, a permit holder must maintain and submit the listed reporting forms to the appropriate address and in accordance with the time limits required by the relevant regulations:

- (i) Antarctic—CCAMLR Logbook (50 CFR 300.107);
- (ii) Atlantic—Fishing Vessel Log Reports (50 CFR 648.7(b));
- (iii) Atlantic Pelagic Longline—Longline Logbook (50 CFR 630.5);
- (iv) Atlantic Purse Seine—Vessel Logbook (50 CFR 635.5);
- (v) Pacific Pelagic Longline—Longline Logbook (50 CFR 660.14(a));
- (vi) Eastern Pacific Purse Seine—IATTC Logbook (50 CFR 300.22); or
- (vii) Western Pacific Purse Seine—South Pacific Tuna Treaty Logbook (50 CFR 300.34).

(2) For the albacore troll fisheries in the North and South Pacific, a permit holder must report high seas catch and effort by maintaining and submitting the log provided by the Regional Administrator, Southwest Region, NMFS.

(3) For other fisheries, a permit holder must report high seas catch and effort by maintaining and submitting records, specific to the fishing gear being used, on forms provided by the Regional Administrator of the NMFS Region which issued the permit holder's HSFCFA permit.

(c) *Confidentiality of statistics.* Information submitted pursuant to this subpart will be treated in accordance with the provisions of 50 CFR part 600 of this title.

[64 FR 15, Jan. 4, 1999, as amended at 67 FR 64312, Oct. 18, 2002]

**Title 50: Wildlife and Fisheries**  
PART 300—INTERNATIONAL FISHERIES REGULATIONS

**Subpart E—Pacific Halibut Fisheries**

**Authority:** 16 U.S.C. 773–773k.

**§ 300.60 Purpose and scope.**

This subpart implements the North Pacific Halibut Act of 1982 (Act) and is intended to supplement, not conflict with, the annual fishery management measures adopted by the International Pacific Halibut Commission (Commission) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

**§ 300.61 Definitions.**

In addition to the terms defined in §300.2 and those in the Act and the Convention, the terms used in this subpart have the following meanings. If a term is defined differently in §300.2, the Act, or the Convention, the definition in this section shall apply.

*Alaska Native tribe* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a Federally recognized Alaska Native tribe that has customary and traditional use of halibut and that is listed in §300.65(g)(2) of this part.

*Area 2A* includes all waters off the States of California, Oregon, and Washington.

*Area 2C* includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58° 11' 54" N. lat., 136° 38' 24" W. long.) and south and east of a line running 205° true from said light.

*Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

*Commercial fishing* means fishing, the resulting catch of which either is, or is intended to be, sold or bartered but does not include subsistence fishing.

*Commission* means the International Pacific Halibut Commission.

*Commission regulatory area* means an area defined by the Commission for purposes of the Convention identified in 50 CFR 300.60 and prescribed in the annual management measures published pursuant to 50 CFR 300.62.

*Customary trade* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, the non-commercial exchange of subsistence halibut for anything other than items of significant value.

*Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

*Guideline harvest level (GHL)* means a level of allowable halibut harvest by the charter vessel fishery.

*Halibut harvest* means the catching and retaining of any halibut.

*Head-on length* means a straight line measurement passing over the pectoral fin from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

*Individual Fishing Quota (IFQ)*, for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

*IFQ fishing trip*, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

*IFQ halibut* means any halibut that is harvested with setline or other hook and line gear while commercial fishing in any IFQ regulatory area defined at §679.2 of this title.

*Overall length* of a vessel means the horizontal distance, rounded to the nearest ft/meter, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

*Person* includes an individual, corporation, firm, or association.

*Rural* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a community or area of Alaska in which the non-commercial, customary and traditional use of fish and game for personal or family consumption is a principal characteristic of the economy or area and in which there is a long-term, customary and traditional use of halibut, and that is listed in §300.65(g)(1).

*Rural resident* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a person domiciled in a rural community listed in the table in §300.65(g)(1) of this part and who has maintained a domicile in a rural community listed in the table in §300.65(g)(1) for the 12 consecutive months immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another state, territory, or country.

*Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached.

*Sport fishing* means:

- (1) In regulatory area 2A, all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing; and
- (2) In waters in and off Alaska, all fishing other than commercial fishing and subsistence fishing.

*Subarea 2A–1* includes all U.S. waters off the coast of Washington that are north of 46°53'18" N. lat. and east of 125°44'00" W. long., and all inland marine waters of Washington.

*Subsistence* means, with respect to waters in and off Alaska, the non-commercial, long-term, customary and traditional use of

halibut.

*Subsistence halibut* means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade.

*Treaty Indian tribes* means the Hoh, Jamestown S'Klallam, Lower Elwha S'Klallam, Lummi, Makah, Port Gamble S'Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, and Tulalip tribes.

[61 FR 35550, July 5, 1996, as amended at 64 FR 52469, Sept. 29, 1999; 68 FR 18156, Apr. 15, 2003; 68 FR 47264, Aug. 8, 2003; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

### **§ 300.62 Annual management measures.**

Annual management measures may be added and modified through adoption by the Commission and publication in the Federal Register by the Assistant Administrator, with immediate regulatory effect. Such measures may include, *inter alia*, provisions governing: Licensing of vessels, inseason actions, regulatory areas, fishing periods, closed periods, closed areas, catch limits (quotas), fishing period limits, size limits, careful release of halibut, vessel clearances, logs, receipt and possession of halibut, fishing gear, retention of tagged halibut, supervision of unloading and weighing, and sport fishing for halibut. The Assistant Administrator will publish the Commission's regulations setting forth annual management measures in the Federal Register by March 15 each year. Annual management measures may be adjusted inseason by the Commission.

### **§ 300.63 Catch sharing plan and domestic management measures in Area 2A.**

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Northwest Region, NMFS.

(b)(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the Federal Register the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register along with the annual salmon management measures.

(3) A portion of the Area 2A Washington recreational TAC is allocated as incidental catch in the primary directed longline sablefish fishery north of 46°53.30' N. lat. (Pt. Chehalis, Washington), which is regulated under 50 CFR 660.372. This fishing opportunity is only available in years in which the Area 2A TAC is greater than 900,000 lb (408.2 mt,) provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). Each year that this harvest is available, the landing restrictions necessary to keep this fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register. These restrictions will be designed to ensure the halibut harvest is incidental to the sablefish harvest and will be based on the amounts of halibut and sablefish available to this fishery, and other pertinent factors. The restrictions may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings.

(i) In years when this incidental harvest of halibut in the directed sablefish fishery north of 46°53.30' N. lat. is allowed, it is allowed only for vessels using longline gear that are registered to groundfish limited entry permits with sablefish endorsements and that possess the appropriate incidental halibut harvest license issued by the Commission.

(ii) It is unlawful for any person to possess, land or purchase halibut south of 46°53.30' N. lat. that were taken and retained as incidental catch authorized by this section in the directed longline sablefish fishery.

(4) The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§300.62 and 300.63.

(5) The treaty Indian fishery is governed by §300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under §300.62

(c) *Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A.*

(1) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

(i) The action is necessary to allow allocation objectives to be met.

(ii) The action will not result in exceeding the catch limit for the area.

(iii) If any of the sport fishery subareas north of Cape Falcon, Oregon are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.

(iv) If any of the sport fishery subareas south of Leadbetter Point, Washington, are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.

(2) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of sport fishing periods;

(ii) Modification of sport fishing bag limits;

(iii) Modification of sport fishing size limits;

(iv) Modification of sport fishing days per calendar week; and

(v) Modification of subarea quotas north of Cape Falcon, Oregon.

(3) Notice procedures. (i) Actions taken under this section will be published in the Federal Register.

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

(4) Effective dates. (i) Any action issued under this section is effective on the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(ii) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the Federal Register. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after publication of the action in the Federal Register.

(iii) Any inseason action issued under this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(5) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, Washington.

(d) *Fishery Election in Area 2A.* (1) A vessel that fishes in Area 2A may participate in only one of the following three fisheries in Area 2A:

(i) The sport fishery under Section 24 of the annual domestic management measures and IPHC regulations;

(ii) The commercial directed fishery for halibut during the fishing period(s) established in section 8 of the annual domestic management measures and IPHC regulations and/or the incidental retention of halibut during the primary sablefish fishery described at 50 CFR 660.372; or

(iii) The incidental catch fishery during the salmon troll fishery as authorized in section 8 of the annual domestic management measures and IPHC regulations.

(2) No person shall fish for halibut in the sport fishery in Area 2A under section 24 of the annual domestic management measures and IPHC regulations from a vessel that has been used during the same calendar year for commercial halibut fishing in Area 2A or that has been issued a permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed commercial halibut fishery during the fishing periods established in section 8 of the annual domestic management measures and IPHC regulations and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8 of the annual domestic management measures and IPHC regulations.

(4) No person shall fish for halibut in the directed commercial halibut fishery and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport charter halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport charter halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the directed commercial halibut fishery during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations and/or retained halibut incidentally taken in the primary sablefish fishery for Area 2A or that is licensed to participate in these commercial fisheries during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations in Area 2A.

(e) *Area 2A Non-Treaty Commercial Fishery Closed Areas.* (1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. Between the U.S./Canada border and 46°16' N. lat., the eastern boundary of the RCA is the shoreline. Between 46°16' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary approximating the 30-fm (55-m) depth contour. Coordinates for the 30-fm (55-m) boundary are listed at §300.63 (f). Between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating the 100-fm (183-m) depth contour. Coordinates for the 100-fm (183-m) boundary are listed at §300.63 (g).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390.

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(f) The 30-fm (55-m) depth contour between 46°16' N. lat. and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00' N. lat., 124°13.05' W. long.;

(2) 46°16.00' N. lat., 124°13.04' W. long.;

- (2) 46°07.00' N. lat., 124°07.01' W. long.;
- (3) 45°55.95' N. lat., 124°02.23' W. long.;
- (4) 45°54.53' N. lat., 124°02.57' W. long.;
- (5) 45°50.65' N. lat., 124°01.62' W. long.;
- (6) 45°48.20' N. lat., 124°02.16' W. long.;
- (7) 45°46.00' N. lat., 124°01.86' W. long.;
- (8) 45°43.46' N. lat., 124°01.28' W. long.;
- (9) 45°40.48' N. lat., 124°01.03' W. long.;
- (10) 45°39.04' N. lat., 124°01.68' W. long.;
- (11) 45°35.48' N. lat., 124°01.90' W. long.;
- (12) 45°29.81' N. lat., 124°02.45' W. long.;
- (13) 45°27.97' N. lat., 124°01.90' W. long.;
- (14) 45°27.22' N. lat., 124°02.66' W. long.;
- (15) 45°24.20' N. lat., 124°02.94' W. long.;
- (16) 45°20.60' N. lat., 124°01.74' W. long.;
- (17) 45°20.25' N. lat., 124°01.85' W. long.;
- (18) 45°16.44' N. lat., 124°03.22' W. long.;
- (19) 45°13.63' N. lat., 124°02.69' W. long.;
- (20) 45°11.05' N. lat., 124°03.59' W. long.;
- (21) 45°08.55' N. lat., 124°03.47' W. long.;
- (22) 45°02.81' N. lat., 124°04.64' W. long.;
- (23) 44°58.06' N. lat., 124°05.03' W. long.;
- (24) 44°53.97' N. lat., 124°06.92' W. long.;
- (25) 44°48.89' N. lat., 124°07.04' W. long.;
- (26) 44°46.94' N. lat., 124°08.25' W. long.;
- (27) 44°42.72' N. lat., 124°08.98' W. long.;
- (28) 44°38.16' N. lat., 124°11.48' W. long.;
- (29) 44°33.38' N. lat., 124°11.54' W. long.;
- (31) 44°28.51' N. lat., 124°12.04' W. long.;
- (32) 44°27.65' N. lat., 124°12.56' W. long.;
- (33) 44°19.67' N. lat., 124°12.37' W. long.;
- (34) 44°10.79' N. lat., 124°12.22' W. long.;
- (35) 44°09.22' N. lat., 124°12.28' W. long.;
- (36) 44°08.30' N. lat., 124°12.30' W. long.;
- (37) 44°00.22' N. lat., 124°12.80' W. long.;
- (38) 43°51.56' N. lat., 124°13.18' W. long.;
- (39) 43°44.26' N. lat., 124°14.50' W. long.;
- (40) 43°33.82' N. lat., 124°16.28' W. long.;
- (41) 43°28.66' N. lat., 124°18.72' W. long.;
- (42) 43°23.12' N. lat., 124°24.04' W. long.;
- (43) 43°20.83' N. lat., 124°25.67' W. long.;
- (44) 43°20.48' N. lat., 124°25.90' W. long.;
- (45) 43°16.41' N. lat., 124°27.52' W. long.;
- (46) 43°14.23' N. lat., 124°29.28' W. long.;
- (47) 43°14.03' N. lat., 124°28.31' W. long.;
- (48) 43°11.92' N. lat., 124°28.26' W. long.;
- (49) 43°11.02' N. lat., 124°29.11' W. long.;
- (50) 43°10.13' N. lat., 124°29.15' W. long.;
- (51) 43°09.26' N. lat., 124°31.03' W. long.;
- (52) 43°07.73' N. lat., 124°30.92' W. long.;
- (53) 43°05.93' N. lat., 124°29.64' W. long.;
- (54) 43°01.59' N. lat., 124°30.64' W. long.;
- (55) 42°59.72' N. lat., 124°31.16' W. long.;
- (56) 42°53.75' N. lat., 124°36.09' W. long.;
- (57) 42°50.00' N. lat., 124°38.39' W. long.;
- (58) 42°49.37' N. lat., 124°38.81' W. long.;
- (59) 42°46.42' N. lat., 124°37.69' W. long.;
- (60) 42°46.07' N. lat., 124°38.56' W. long.;
- (61) 42°45.29' N. lat., 124°37.95' W. long.;
- (62) 42°45.61' N. lat., 124°36.87' W. long.;
- (63) 42°44.27' N. lat., 124°33.64' W. long.;
- (64) 42°42.75' N. lat., 124°31.84' W. long.;
- (65) 42°40.50' N. lat., 124°29.67' W. long.;
- (66) 42°40.04' N. lat., 124°29.20' W. long.;
- (67) 42°38.09' N. lat., 124°28.39' W. long.;
- (68) 42°36.73' N. lat., 124°27.54' W. long.;
- (69) 42°36.56' N. lat., 124°28.40' W. long.;
- (70) 42°35.77' N. lat., 124°28.79' W. long.;
- (71) 42°34.03' N. lat., 124°29.98' W. long.;
- (72) 42°34.19' N. lat., 124°30.58' W. long.;
- (73) 42°31.27' N. lat., 124°32.24' W. long.;
- (74) 42°27.07' N. lat., 124°32.53' W. long.;
- (75) 42°24.21' N. lat., 124°31.23' W. long.;
- (76) 42°20.47' N. lat., 124°28.87' W. long.;
- (77) 42°14.60' N. lat., 124°26.80' W. long.;
- (78) 42°13.67' N. lat., 124°26.25' W. long.;
- (79) 42°10.90' N. lat., 124°24.56' W. long.;
- (80) 42°07.04' N. lat., 124°23.35' W. long.;
- (81) 42°02.16' N. lat., 124°22.59' W. long.;

- (82) 42°00.00' N. lat., 124°21.81' W. long.;
- (83) 41 °55.75' N. lat., 124°20.72' W. long.;
- (84) 41 °50.93' N. lat., 124°23.76' W. long.;
- (85) 41°42.53' N. lat., 124°16.47' W. long.;
- (86) 41°37.20' N. lat., 124°17.05' W. long.;
- (87) 41°24.58' N. lat., 124°10.51' W. long.;
- (88) 41°20.73' N. lat., 124°11.73' W. long.;
- (89) 41°17.59' N. lat., 124°10.66' W. long.;
- (90) 41°04.54' N. lat., 124°14.47' W. long.;
- (91) 40°54.26' N. lat., 124°13.90' W. long.;
- (92) 40°40.31' N. lat., 124°26.24' W. long.;
- (93) 40°34.00' N. lat., 124°27.39' W. long.;
- (94) 40°30.00' N. lat., 124°31.32' W. long.;
- (95) 40°28.89' N. lat., 124°32.43' W. long.;
- (96) 40°24.77' N. lat., 124°29.51' W. long.;
- (97) 40°22.47' N. lat., 124°24.12' W. long.;
- (98) 40°19.73' N. lat., 124°23.59' W. long.;
- (99) 40°18.64' N. lat., 124°21.89' W. long.;
- (100) 40°17.67' N. lat., 124°23.07' W. long.;
- (101) 40°15.58' N. lat., 124°23.61' W. long.;
- (102) 40°13.42' N. lat., 124°22.94' W. long.; and
- (103) 40°10.00' N. lat., 124°16.65' W. long. (g) The 100–fm (183–m) depth contour used between the U.S. border with Canada and 40°10' N. lat. Is defined by straight lines connecting all of the following points in the order stated:
- (1) 48°15.00' N. lat., 125°41.00' W. long.;
  - (2) 48°14.00' N. lat., 125°36.00' W. long.;
  - (3) 48°09.50' N. lat., 125°40.50' W. long.;
  - (4) 48°08.00' N. lat., 125°38.00' W. long.;
  - (5) 48°05.00' N. lat., 125°37.25' W. long.;
  - (6) 48°02.60' N. lat., 125°34.70' W. long.;
  - (7) 47°59.00' N. lat., 125°34.00' W. long.;
  - (8) 47°57.26' N. lat., 125°29.82' W. long.;
  - (9) 47°59.87' N. lat., 125°25.81' W. long.;
  - (10) 48°01.80' N. lat., 125°24.53' W. long.;
  - (11) 48°02.08' N. lat., 125°22.98' W. long.;
  - (12) 48°02.97' N. lat., 125°22.89' W. long.;
  - (13) 48°04.47' N. lat., 125°21.75' W. long.;
  - (14) 48°06.11' N. lat., 125°19.33' W. long.;
  - (15) 48°07.95' N. lat., 125°18.55' W. long.;
  - (16) 48°09.00' N. lat., 125°18.00' W. long.;
  - (17) 48°11.31' N. lat., 125°17.55' W. long.;
  - (18) 48°14.60' N. lat., 125°13.46' W. long.;
  - (19) 48°16.67' N. lat., 125°14.34' W. long.;
  - (20) 48°18.73' N. lat., 125°14.41' W. long.;
  - (21) 48°19.67' N. lat., 125°13.70' W. long.;
  - (22) 48°19.70' N. lat., 125°11.13' W. long.;
  - (23) 48°22.95' N. lat., 125°10.79' W. long.;
  - (24) 48°21.61' N. lat., 125°02.54' W. long.;
  - (25) 48°23.00' N. lat., 124°49.34' W. long.;
  - (26) 48°17.00' N. lat., 124°56.50' W. long.;
  - (27) 48°06.00' N. lat., 125°00.00' W. long.;
  - (28) 48°04.62' N. lat., 125°01.73' W. long.;
  - (29) 48°04.84' N. lat., 125°04.03' W. long.;
  - (30) 48°06.41' N. lat., 125°06.51' W. long.;
  - (31) 48°06.00' N. lat., 125°08.00' W. long.;
  - (32) 48°07.08' N. lat., 125°09.34' W. long.;
  - (33) 48°07.28' N. lat., 125°11.14' W. long.;
  - (34) 48°03.45' N. lat., 125°16.66' W. long.;
  - (35) 47°59.50' N. lat., 125°18.88' W. long.;
  - (36) 47°58.68' N. lat., 125°16.19' W. long.;
  - (37) 47°56.62' N. lat., 125°13.50' W. long.;
  - (38) 47°53.71' N. lat., 125°11.96' W. long.;
  - (39) 47°51.70' N. lat., 125°09.38' W. long.;
  - (40) 47°49.95' N. lat., 125°06.07' W. long.;
  - (41) 47°49.00' N. lat., 125°03.00' W. long.;
  - (42) 47°46.95' N. lat., 125°04.00' W. long.;
  - (43) 47°46.58' N. lat., 125°03.15' W. long.;
  - (44) 47°44.07' N. lat., 125°04.28' W. long.;
  - (45) 47°43.32' N. lat., 125°04.41' W. long.;
  - (46) 47°40.95' N. lat., 125°04.14' W. long.;
  - (47) 47°39.58' N. lat., 125°04.97' W. long.;
  - (48) 47°36.23' N. lat., 125°02.77' W. long.;
  - (49) 47°34.28' N. lat., 124°58.66' W. long.;
  - (50) 47°32.17' N. lat., 124°57.77' W. long.;
  - (51) 47°30.27' N. lat., 124°56.16' W. long.;
  - (52) 47°30.60' N. lat., 124°54.80' W. long.;
  - (53) 47°29.26' N. lat., 124°52.21' W. long.;
  - (54) 47°28.21' N. lat., 124°50.65' W. long.;
  - (55) 47°27.38' N. lat., 124°49.34' W. long.;
  - (56) 47°25.61' N. lat., 124°48.26' W. long.;



(57) 47°23.54' N. lat., 124°46.42' W. long.;  
(58) 47°20.64' N. lat., 124°45.91' W. long.;  
(59) 47°17.99' N. lat., 124°45.59' W. long.;  
(60) 47°18.20' N. lat., 124°49.12' W. long.;  
(61) 47°15.01' N. lat., 124°51.09' W. long.;  
(62) 47°12.61' N. lat., 124°54.89' W. long.;  
(63) 47°08.22' N. lat., 124°56.53' W. long.;  
(64) 47°08.50' N. lat., 124°57.74' W. long.;  
(65) 47°01.92' N. lat., 124°54.95' W. long.;  
(66) 47°01.08' N. lat., 124°59.22' W. long.;  
(67) 46°58.48' N. lat., 124°57.81' W. long.;  
(68) 46°56.79' N. lat., 124°56.03' W. long.;  
(69) 46°58.01' N. lat., 124°55.09' W. long.;  
(70) 46°55.07' N. lat., 124°54.14' W. long.;  
(71) 46°59.60' N. lat., 124°49.79' W. long.;  
(72) 46°58.72' N. lat., 124°48.78' W. long.;  
(73) 46°54.45' N. lat., 124°48.36' W. long.;  
(74) 46°53.99' N. lat., 124°49.95' W. long.;  
(75) 46°54.38' N. lat., 124°52.73' W. long.;  
(76) 46°52.38' N. lat., 124°52.02' W. long.;  
(77) 46°48.93' N. lat., 124°49.17' W. long.;  
(78) 46°41.50' N. lat., 124°43.00' W. long.;  
(79) 46°34.50' N. lat., 124°28.50' W. long.;  
(80) 46°29.00' N. lat., 124°30.00' W. long.;  
(81) 46°20.00' N. lat., 124°36.50' W. long.;  
(82) 46°18.40' N. lat., 124°37.70' W. long.;  
(83) 46°18.03' N. lat., 124°35.46' W. long.;  
(84) 46°17.00' N. lat., 124°22.50' W. long.;  
(85) 46°16.00' N. lat., 124°20.62' W. long.;  
(86) 46°13.52' N. lat., 124°25.49' W. long.;  
(87) 46°12.17' N. lat., 124°30.74' W. long.;  
(88) 46°10.63' N. lat., 124°37.96' W. long.;  
(89) 46°09.29' N. lat., 124°39.01' W. long.;  
(90) 46°02.40' N. lat., 124°40.37' W. long.;  
(91) 45°56.45' N. lat., 124°38.00' W. long.;  
(92) 45°51.92' N. lat., 124°38.50' W. long.;  
(93) 45°47.20' N. lat., 124°35.58' W. long.;  
(94) 45°46.40' N. lat., 124°32.36' W. long.;  
(95) 45°46.00' N. lat., 124°32.10' W. long.;  
(96) 45°41.75' N. lat., 124°28.12' W. long.;  
(97) 45°36.95' N. lat., 124°24.47' W. long.;  
(98) 45°31.84' N. lat., 124°22.04' W. long.;  
(99) 45°27.10' N. lat., 124°21.74' W. long.;  
(100) 45°20.25' N. lat., 124°18.54' W. long.;  
(101) 45°18.14' N. lat., 124°17.59' W. long.;  
(102) 45°11.08' N. lat., 124°16.97' W. long.;  
(103) 45°04.39' N. lat., 124°18.35' W. long.;  
(104) 45°03.83' N. lat., 124°18.60' W. long.;  
(105) 44°58.05' N. lat., 124°21.58' W. long.;  
(106) 44°47.67' N. lat., 124°31.41' W. long.;  
(107) 44°44.54' N. lat., 124°33.58' W. long.;  
(108) 44°39.88' N. lat., 124°35.00' W. long.;  
(109) 44°32.90' N. lat., 124°36.81' W. long.;  
(110) 44°30.34' N. lat., 124°38.56' W. long.;  
(111) 44°30.04' N. lat., 124°42.31' W. long.;  
(112) 44°26.84' N. lat., 124°44.91' W. long.;  
(113) 44°17.99' N. lat., 124°51.04' W. long.;  
(114) 44°12.92' N. lat., 124°56.28' W. long.;  
(115) 44°00.14' N. lat., 124°55.25' W. long.;  
(116) 43°57.68' N. lat., 124°55.48' W. long.;  
(117) 43°56.66' N. lat., 124°55.45' W. long.;  
(118) 43°56.47' N. lat., 124°34.61' W. long.;  
(119) 43°42.73' N. lat., 124°32.41' W. long.;  
(120) 43°30.92' N. lat., 124°34.43' W. long.;  
(121) 43°20.83' N. lat., 124°39.39' W. long.;  
(122) 43°17.45' N. lat., 124°41.16' W. long.;  
(123) 43°07.04' N. lat., 124°41.25' W. long.;  
(124) 43°03.45' N. lat., 124°44.36' W. long.;  
(125) 43°03.91' N. lat., 124°50.81' W. long.;  
(126) 42°55.70' N. lat., 124°52.79' W. long.;  
(127) 42°54.12' N. lat., 124°47.36' W. long.;  
(128) 42°50.00' N. lat., 124°45.33' W. long.;  
(129) 42°44.00' N. lat., 124°42.38' W. long.;  
(130) 42°40.50' N. lat., 124°41.71' W. long.;  
(131) 42°38.23' N. lat., 124°41.25' W. long.;  
(132) 42°33.02' N. lat., 124°42.38' W. long.;  
(133) 42°31.90' N. lat., 124°42.04' W. long.;  
(134) 42°30.08' N. lat., 124°42.67' W. long.;  
(135) 42°28.28' N. lat., 124°47.08' W. long.;

- (136) 42°25.22' N. lat., 124°43.51' W. long.;
- (137) 42°19.23' N. lat., 124°37.91' W. long.;
- (138) 42°16.29' N. lat., 124°36.11' W. long.;
- (139) 42°13.67' N. lat., 124°35.81' W. long.;
- (140) 42°05.66' N. lat., 124°34.92' W. long.;
- (141) 42°00.00' N. lat., 124°35.27' W. long.;
- (142) 41 °47.04' N. lat., 124°27.64' W. long.;
- (143) 41 °32.92' N. lat., 124°28.79' W. long.;
- (144) 41 °24.17' N. lat., 124°28.46' W. long.;
- (145) 41 °10.12' N. lat., 124°20.50' W. long.;
- (146) 40°51.41' N. lat., 124°24.38' W. long.;
- (147) 40°43.71' N. lat., 124°29.89' W. long.;
- (148) 40°40.14' N. lat., 124°30.90' W. long.;
- (149) 40°37.35' N. lat., 124°29.05' W. long.;
- (150) 40°34.76' N. lat., 124°29.82' W. long.;
- (151) 40°36.78' N. lat., 124°37.06' W. long.;
- (152) 40°32.44' N. lat., 124°39.58' W. long.;
- (153) 40°30.00' N. lat., 124°38.13' W. long.;
- (154) 40°24.82' N. lat., 124°35.12' W. long.;
- (155) 40°23.30' N. lat., 124°31.60' W. long.;
- (156) 40°23.52' N. lat., 124°28.78' W. long.;
- (157) 40°22.43' N. lat., 124°25.00' W. long.;
- (158) 40°21.72' N. lat., 124°24.94' W. long.;
- (159) 40°21.87' N. lat., 124°27.96' W. long.;
- (160) 40°21.40' N. lat., 124°28.74' W. long.;
- (161) 40°19.68' N. lat., 124°28.49' W. long.;
- (162) 40°17.73' N. lat., 124°25.43' W. long.;
- (163) 40°18.37' N. lat., 124°23.35' W. long.;
- (164) 40°15.75' N. lat., 124°26.05' W. long.;
- (165) 40°16.75' N. lat., 124°33.71' W. long.;
- (166) 40°16.29' N. lat., 124°34.36' W. long.; and
- (167) 40°10.00' N. lat., 124°21.12' W. long.

[61 FR 35550, July 5, 1996, as amended at 63 FR 13009, Mar. 17, 1998; 63 FR 24752, May 5, 1998; 64 FR 52469, Sept. 29, 1999; 65 FR 67308, Nov. 9, 2000; 65 FR 8373, Jan. 31, 2001; 66 FR 36208, July 11, 2001; 66 FR 42156, Aug. 10, 2001; 68 FR 11003, Mar. 7, 2003; 68 FR 18156, Apr. 15, 2003; 69 FR 24532, May 4, 2004; 70 FR 16751, Apr. 1, 2005; 71 FR 10863, Mar. 3, 2006; 72 FR 11807, Mar. 14, 2007]

**§ 300.64 Fishing by U.S. treaty Indian tribes.**

- (a) Halibut fishing in subarea 2A–1 by members of U.S. treaty Indian tribes located in the State of Washington is governed by this section.
- (b) Commercial fishing for halibut by treaty Indians is permitted only in subarea 2A–1 with hook-and-line gear in conformance with the season and quota established annually by the Commission.
- (c) Commercial fishing periods and management measures to implement paragraph (b) of this section will be established by treaty Indian tribal regulations.
- (d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, and fishing gear (published pursuant to §300.62), except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.
- (e) Ceremonial and subsistence fishing for halibut by treaty Indians in subarea 2A–1 is permitted with hook-and-line gear from January 1 to December 31.
- (f) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (b) of this section, treaty Indians may take and retain not more than two halibut per person per day.
- (g) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.
- (h) Any member of a U.S. treaty Indian tribe who is engaged in commercial or ceremonial and subsistence fishing under this section must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington* 384 F. Supp. 312 (W.D. Wash., 1974).
- (i) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A–1, boundaries of a tribe's fishing area may be revised as ordered by a Federal Court.

Tribe	Boundaries
HOH	Between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River), and east of 125°44'00" W. long.
JAMESTOWN S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown S'Klallam Tribe may fish under rights secured by treaties with the United States.
LOWER ELWHA S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha S'Klallam Tribe may fish under rights secured by treaties with the United States.
LUMMI	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1

	and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89–08 (W.D. Wash., February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.
MAKAH	North of 48°02'15" N. lat. (Norwegian Memorial), west of 123°42'30" W. long., and east of 125°44'00" W. long.
PORT GAMBLE S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble S'Klallam Tribe may fish under rights secured by treaties with the United States.
QUILEUTE	Between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River), and east of 125°44'00" W. long.
QUINAULT	Between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis), and east of 125°44'00" W. long.
SKOKOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 377, to be places at which the Skokomish Tribe may fish under rights secured by treaties with the United States.
SUQUAMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Suquamish Tribe may fish under rights secured by treaties with the United States.
SWINOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Swinomish Tribe may fish under rights secured by treaties with the United States.
TULALIP	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1531–1532, to be places at which the Tulalip Tribe may fish under rights secured by treaties with the United States.

**§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.**

(a) A catch sharing plan (CSP) may be developed by the North Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Alaska Region, NMFS.

(b) The catch sharing plan for Commission regulatory area 4 allocates the annual TAC among area 4 subareas and will be implemented by the Commission in annual management measures published pursuant to 50 CFR 300.62.

(c) *Guideline harvest level.* (1) The annual GHLS for regulatory areas 2C and 3A are determined as follows:

<b>If the Annual Total Constant Exploitation Yield for Halibut in Area 2C is More Than:</b>	<b>Then the GHL for Area 2C will be:</b>	<b>If the Annual Total Constant Exploitation Yield for Halibut in Area 3A is More Than:</b>	<b>Then the GHL for Area 3A will be:</b>
(i) 9,027,000 lbs. (4094.5 mt)	1,432,000 lbs. (649.5 mt)	21,581,000 lbs. (9,788.9 mt)	3,650,000 lbs. (1655.6 mt)
(ii) 7,965,000 lbs. (3612.9 mt)	1,217,000 lbs. (552.0 mt)	19,042,000 lbs. (8637.3 mt)	3,103,000 lbs. (1407.0 mt)
(iii) 6,903,000 lbs. (3,131.2 mt)	1,074,000 lbs. (496.7 mt)	16,504,000 lbs. (7,485.9 mt)	2,734,000 lbs. (1266.4 mt)
(iv) 5,841,000 lbs. (2,649.4 mt)	931,000 lbs. (447.2 mt)	13,964,000 lbs. (6334.0 mt)	2,373,000 lbs. (1,139.9 mt)
(v) 4,779,000 lbs. (2,167.7 mt)	788,000 lbs. (357.4 mt)	11,425,000 lbs. (5,182.3 mt)	2,008,000 lbs. (910.8 mt)

(2) NMFS will publish a notice in the Federal Register on an annual basis establishing the GHL for Area 2C and Area 3A for that Calendar year within 30 days of receiving information from the Commission which establishes the constant exploitation yield for that year.

(3) If the GHL in either Area 2C or 3A is exceeded, NMFS will notify the Council in writing that the GHL has been exceeded within 30 days of receiving information that the GHL has been exceeded.

(d) In Commission Regulatory Area 2C, halibut harvest on a charter vessel is limited to no more than two halibut per person per calendar day provided that at least one of the harvested halibut has a head-on length of no more than 32 inches (81.3 cm). If a person sport fishing on a charter vessel in Area 2C retains only one halibut in a calendar day, that halibut may be of any length.

(e) The Local Area Management Plan (LAMP) for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of this section, Sitka Sound means (See Figure 1 to subpart E):

(i) With respect to paragraph (e)(2) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruszof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) By a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and

(C) That is enclosed on the south and west by a line from Cape Edgecumbe at 56°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long., and

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to paragraphs (e)(3) and (e)(4) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruszof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) A line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. lat.; and

(C) That is enclosed on the south and west by a line from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long.,

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined at 50 CFR 300.61, within Sitka Sound as defined in paragraph (e)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season, from retaining more than 2,000 lb (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel shall engage in sport fishing, as defined at §300.61, for halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined at §300.61, for other species, within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (e)(4) and (e)(4)(i) of this section, halibut harvested outside Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing, as defined in §300.61, for other species within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(f) Sitka Pinnacles Marine Reserve. (1) For purposes of this paragraph (f), the Sitka Pinnacles Marine Reserve means an area totaling 2.5 square nm off Cape Edgumbe, defined by straight lines connecting the following points in a counterclockwise manner:

56°55.5'N lat., 135°54.0'W long;

56°57.0'N lat., 135°54.0'W long;

56°57.0'N lat., 135°57.0'W long;

56°55.5'N lat., 135°57.0'W long.

(2) No person shall engage in commercial, sport or subsistence fishing, as defined at §300.61, for halibut within the Sitka Pinnacles Marine Reserve.

(3) No person shall anchor a vessel within the Sitka Pinnacles Marine Reserve if halibut is on board.

(g) *Subsistence fishing in and off Alaska.* No person shall engage in subsistence fishing for halibut unless that person meets the requirements in paragraphs (g)(1) or (g)(2) of this section.

(1) A person is eligible to harvest subsistence halibut if he or she is a rural resident of a community with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Rural Community</b>	<b>Organized Entity</b>
Angoon	Municipality
Coffman Cove	Municipality
Craig	Municipality
Edna Bay	Census Designated Place
Elfin Cove	Census Designated Place
Gustavus	Census Designated Place
Haines	Municipality
Hollis	Census Designated Place
Hoonah	Municipality
Hydaburg	Municipality
Hyder	Census Designated Place
Kake	Municipality

Kasaan	Municipality
Klawock	Municipality
Klukwan	Census Designated Place
Metlakatla	Census Designated Place
Meyers Chuck	Census Designated Place
Pelican	Municipality
Petersburg	Municipality
Point Baker	Census Designated Place
Port Alexander	Municipality
Port Protection	Census Designated Place
Saxman	Municipality
Sitka	Municipality
Skagway	Municipality
Tenakee Springs	Municipality
Thorne Bay	Municipality
Whale Pass	Census Designated Place
Wrangell	Municipality

**Halibut Regulatory Area 3A**

Rural Community	Organized Entity
Akhiok	Municipality
Chenega Bay	Census Designated Place
Cordova	Municipality
Karluk	Census Designated Place
Kodiak City	Municipality
Larsen Bay	Municipality
Nanwalek	Census Designated Place
Old Harbor	Municipality
Ouzinkie	Municipality
Port Graham	Census Designated Place
Port Lions	Municipality
Seldovia	Municipality
Tatitlek	Census Designated Place
Yakutat	Municipality

**Halibut Regulatory Area 3B**

Rural Community	Organized Entity
Chignik Bay	Municipality
Chignik Lagoon	Census Designated Place
Chignik Lake	Census Designated Place
Cold Bay	Municipality
False Pass	Municipality
Ivanof Bay	Census Designated Place
King Cove	Municipality

Nelson Lagoon	Census Designated Place
Perryville	Census Designated Place
Sand Point	Municipality

**Halibut Regulatory Area 4A**

<b>Rural Community</b>	<b>Organized Entity</b>
Akutan	Municipality
Nikolski	Census Designated Place
Unalaska	Municipality

**Halibut Regulatory Area 4B**

<b>Rural Community</b>	<b>Organized Entity</b>
Adak	Census Designated Place
Atka	Municipality

**Halibut Regulatory Area 4C**

<b>Rural Community</b>	<b>Organized Entity</b>
St. George	Municipality
St. Paul	Municipality

**Halibut Regulatory Area 4D**

<b>Rural Community</b>	<b>Organized Entity</b>
Gambell	Municipality
Savoonga	Municipality
Diomed (Inalik)	Municipality

**Halibut Regulatory Area 4E**

<b>Rural Community</b>	<b>Organized Entity</b>
Alakanuk	Municipality
Aleknegik	Municipality
Bethel	Municipality
Brevig Mission	Municipality
Chefornak	Municipality
Chevak	Municipality
Clark's Point	Municipality
Council	Census Designated Place
Dillingham	Municipality
Eek	Municipality
Egegik	Municipality
Elim	Municipality
Emmonak	Municipality
Golovin	Municipality
Goodnews Bay	Municipality
Hooper Bay	Municipality
King Salmon	Census Designated Place
Kipnuk	Census Designated Place
Kongiganak	Census Designated Place
Kotlik	Municipality

Koyuk	Municipality
Kwigillingok	Census Designated Place
Levelock	Census Designated Place
Manokotak	Municipality
Mekoryak	Municipality
Naknek	Census Designated Place
Napakiak	Municipality
Napaskiak	Municipality
Newtok	Census Designated Place
Nightmute	Municipality
Nome	Municipality
Oscarville	Census Designated Place
Pilot Point	Municipality
Platinum	Municipality
Port Heiden	Municipality
Quinhagak	Municipality
Scammon Bay	Municipality
Shaktoolik	Municipality
Sheldon Point (Nunam Iqua)	Municipality
Shishmaref	Municipality
Solomon	Census Designated Place
South Naknek	Census Designated Place
St. Michael	Municipality
Stebbins	Municipality
Teller	Municipality
Togiak	Municipality
Toksook Bay	Municipality
Tuntutuliak	Census Designated Place
Tununak	Census Designated Place
Twin Hills	Census Designated Place
Ugashik	Census Designated Place
Unalakleet	Municipality
Wales	Municipality
White Mountain	Municipality

(2) A person is eligible to harvest subsistence halibut if he or she is a member of an Alaska Native tribe with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Place with Tribal Headquarters</b>	<b>Organized Tribal Entity</b>
Angoon	Angoon Community Association
Craig	Craig Community Association
Haines	Chilkoot Indian Association
Hoonah	Hoonah Indian Association
Hydaburg	Hydaburg Cooperative Association
Juneau	Aukquan Traditional Council Central Council Tlingit and Haida Indian Tribes

	Douglas Indian Association
Kake	Organized Village of Kake
Kasaan	Organized Village of Kasaan
Ketchikan	Ketchikan Indian Corporation
Klawock	Klawock Cooperative Association
Klukwan	Chilkat Indian Village
Metlakatla	Metlakatla Indian Community, Annette Island Reserve
Petersburg	Petersburg Indian Association
Saxman	Organized Village of Saxman
Sitka	Sitka Tribe of Alaska
Skagway	Skagway Village
Wrangell	Wrangell Cooperative Association

**Halibut Regulatory Area 3A**

<b>Place with Tribal Headquarters</b>	<b>Organized Tribal Entity</b>
Akhiok	Native Village of Akhiok
Chenega Bay	Native Village of Chanega
Cordova	Native Village of Eyak
Karluk	Native Village of Karluk
Kenai-Soldotna	Kenaitze Indian Tribe Village of Salamatoff
Kodiak City	Lesnoi Village (Woody Island) Native Village of Afognak Shoonaq' Tribe of Kodiak
Larsen Bay	Native Village of Larsen Bay
Nanwalek	Native Village of Nanwalek
Ninilchik	Ninilchik Village
Old Harbor	Village of Old Harbor
Ouzinkie	Native Village of Ouzinkie
Port Graham	Native Village of Port Graham
Port Lions	Native Village of Port Lions
Seldovia	Seldovia Village Tribe
Tatitlek	Native Village of Tatitlek
Yakutat	Yakutat Tlingit Tribe

**Halibut Regulatory Area 3B**

<b>Place with Tribal Headquarters</b>	<b>Organized Tribal Entity</b>
Chignik Bay	Native Village of Chignik
Chignik Lagoon	Native Village of Chignik Lagoon
Chignik Lake	Chignik Lake Village
False Pass	Native Village of False Pass
Ivanof Bay	Ivanoff Bay Village
King Cove	Agdaagux Tribe of King Cove Native Village of Belkofski
Nelson Lagoon	Native Village of Nelson Lagoon
Perryville	Native Village of Perryville



Sand Point	Pauloff Harbor Village Native Village of Unga Qagan Tayagungin Tribe of Sand Point Village
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**Halibut Regulatory Area 4A**

Place with Tribal Headquarters	Organized Tribal Entity
Akutan	Native Village of Akutan
Nikolski	Native Village of Nikolski
Unalaska	Qawalingin Tribe of Unalaska

**Halibut Regulatory Area 4B**

Place with Tribal Headquarters	Organized Tribal Entity
Atka	Native Village of Atka

**Halibut Regulatory Area 4C**

Place with Tribal Headquarters	Organized Tribal Entity
St. George St. Paul	Pribilof Islands Aleut Communities of St. Paul Island and St. George Island

**Halibut Regulatory Area 4D**

Place with Tribal Headquarters	Organized Tribal Entity
Gambell	Native Village of Gambell
Savoonga	Native Village of Savoonga
Diomede (Inalik)	Native Village of Diomede (Inalik)

**Halibut Regulatory Area 4E**

Place with Tribal Headquarters	Organized Tribal Entity
Alakanuk	Village of Alakanuk
Aleknagik	Native Village of Aleknagik
Bethel	Orutsararmuit Native Village
Brevig Mission	Native Village of Brevig Mission
Chefornak	Village of Chefornak
Chevak	Chevak Native Village
Clark's Point	Village of Clark's Point
Council	Native Village of Council
Dillingham	Native Village of Dillingham Native Village of Ekuk Native Village of Kanakanak
Eek	Native Village of Eek
Egegik	Egegik Village Village of Kanatak
Elim	Native Village of Elim
Emmonak	Chuloonawick Native Village Emmonak Village
Golovin	Chinik Eskimo Community
Goodnews Bay	Native Village of Goodnews Bay
Hooper Bay	Native Village of Hooper Bay Native Village of Paimiut
King Salmon	King Salmon Tribal Council
Kipnuk	Native Village of Kipnuk
Kongiganak	Native Village of Kongiganak

Kotlik	Native Village of Hamilton Village of Bill Moore's Slough Village of Kotlik
Koyuk	Native Village of Koyuk
Kwigillingok	Native Village of Kwigillingok
Levelock	Levelock Village
Manokotak	Manokotak Village
Mekoryak	Native Village of Mekoryak
Naknek	Naknek Native Village
Napakiak	Native Village of Napakiak
Napaskiak	Native Village of Napaskiak
Newtok	Newtok Village
Nightmute	Native Village of Nightmute Umkumiute Native Village
Nome	King Island Native Community Nome Eskimo Community
Oscarville	Oscarville Traditional Village
Pilot Point	Native Village of Pilot Point
Platinum	Platinum Traditional Village
Port Heiden	Native Village of Port Heiden
Quinhagak	Native Village of Kwinhagak
Scammon Bay	Native Village of Scammon Bay
Shaktoolik	Native Village of Shaktoolik
Sheldon Point (Nuna Iqua)	Native Village of Sheldon's Point
Shishmaref	Native Village of Shishmaref
Solomon	Village of Solomon
South Naknek	South Naknek Village
St. Michael	Native Village of Saint Michael
Stebbins	Stebbins Community Association
Teller	Native Village of Mary's Igloo Native Village of Teller
Togiak	Traditional Village of Togiak
Toksook Bay	Native Village of Toksook Bay
Tuntutuliak	Native Village of Tuntutuliak
Tununak	Native Village of Tununak
Twin Hills	Twin Hills Village
Ugashik	Ugashik Village
Unalakleet	Native Village of Unalakleet
Wales	Native Village of Wales
White Mountain	Native Village of White Mountain

(h) *Limitations on subsistence fishing.* Subsistence fishing for halibut may be conducted only by persons who qualify for such fishing pursuant to paragraph (g) of this section and who hold a valid subsistence halibut registration certificate in that person's name issued by NMFS pursuant to paragraph (i) of this section, provided that such fishing is consistent with the following limitations.

(1) Subsistence fishing is limited to setline gear and hand-held gear, including longline, handline, rod and reel, spear, jig and hand-troll gear.

(i) Subsistence fishing gear set or retrieved from a vessel when fishing under a subsistence halibut registration certificate or a Community Harvest Permit (CHP) must not have more than 30 hooks per person registered in accordance with paragraph (i) of this section and on board the vessel and shall never exceed 3 times the per-person hook limit except that:

(A) No hook limit applies in Areas 4C, 4D, and 4E;

- (B) In Area 2C, subsistence fishing gear set or retrieved from a vessel when persons are fishing under a subsistence halibut registration certificate must not have more than 30 hooks per vessel;
- (C) In Area 2C, subsistence fishing gear set or retrieved from a vessel when fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section must not have more than 30 hooks per vessel; and
- (D) In Area 2C within the Sitka LAMP from June 1 to August 31, setline gear may not be used in a 4 nautical mile radius extending south from Low Island at 57°00'42" N. lat., and 135°36'34" W. long. (see Figure 1 to Subpart E).
- (ii) All setline gear marker buoys carried on board or used by any vessel regulated under this section shall be marked with the following: first initial, last name, and address (street, city, and state), followed by the letter "S" to indicate that it is used to harvest subsistence halibut.
- (iii) Markings on setline marker buoys shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.
- (2) The daily retention of subsistence halibut in rural areas is limited to no more than 20 fish per person eligible to conduct subsistence fishing for halibut under this paragraph (h) and on board the vessel, except that:
- (i) No daily retention limit applies in Areas 4C, 4D, and 4E;
- (ii) No daily retention limit applies to persons fishing under a community harvest permit (CHP) pursuant to paragraph (j) of this section;
- (iii) The total allowable harvest for persons fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section is 25 fish per permit; and
- (iv) In Area 2C the daily retention limit is 20 fish per vessel.
- (3) Subsistence fishing may be conducted in any waters in and off Alaska except for the following four non-rural areas defined as follows:
- (i) *Ketchikan non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 2 to subpart E) is defined as those waters between a line from Caamano Point at 55°29.90' N. lat., 131°58.25' W. long. to Point Higgins at 55°27.42' N. lat., 131°50.00' W. long. and a point at 55°11.78' N. lat., 131°05.13' W. long., located on Point Sykes to a point at 55°12.22' N. lat., 131°05.70' W. long., located one-half mile northwest of Point Sykes to Point Alava at 55°11.54' N. lat., 131°11.00' W. long. and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines, including within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point at 132°07.23' W. long., and north of the latitude of the southernmost tip of Mary Island at 55°02.66' N. lat.;
- (ii) *Juneau non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 3 to subpart E) is defined as those waters of Stephens Passage and contiguous waters north of the latitude of Midway Island Light (57°50.21' N. lat.), including the waters of Taku Inlet, Port Snettisham, Saginaw Channel, and Favorite Channel, and those waters of Lynn Canal and contiguous waters south of the latitude of the northernmost entrance of Berners Bay (58°43.07' N. lat.), including the waters of Berners Bay and Echo Cove, and those waters of Chatham Strait and contiguous waters north of the latitude of Point Marsden (58°03.42' N. lat.), and east of a line from Point Couverden at 58°11.38' N. lat., 135°03.40' W. long., to Point Augusta at 58°02.38' N. lat., 134°57.11' W. long.;
- (iii) The Anchorage-Matsu-Kenai non-subsistence marine waters area in Commission Regulatory Area 3A (see Figure 4 to subpart E) is defined as:
- (A) All waters of Cook Inlet north of a line extending from the westernmost point of Hesketh Island at 59°30.40' N. lat., except those waters within mean lower low tide from a point one mile south of the southern edge of the Chuitna River (61°05.00' N. lat., 151°01.00' W. long.) south to the easternmost tip of Granite Point (61°01.00' N. lat., 151°23.00' W. long.) (Tyonek subdistrict); and
- (B) All waters of Alaska south of 59°30.40' N. lat. on the western shore of Cook Inlet to Cape Douglas (58°51.10' N. lat.) and in the east to Cape Fairfield (148°50.25' W. long.), except those waters of Alaska west of a line from the easternmost point of Jakolof Bay (151°31.90' W. long.), and following the shore to a line extending south from the easternmost point of Rocky Bay (151°18.41' W. long.); and
- (iv) *Valdez non-subsistence marine waters area Commission regulatory area 3A* (see Figure 5 to subpart E) is defined as the waters of Port Valdez and Valdez Arm located north of 61°02.24' N. lat., and east of 146°43.80' W. long.
- (4) Waters in and off Alaska that are not specifically identified as non-rural in paragraph (h)(3) of this section are rural for purposes of subsistence fishing for halibut. Subsistence fishing may be conducted in any rural area by any person with a valid subsistence halibut registration certificate in his or her name issued by NMFS under paragraph (i) of this section, except that:
- (i) A person who is not a rural resident but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.
- (ii) A person who is a resident outside the State of Alaska but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.
- (iii) For purposes of this paragraph, "area of tribal membership" means rural areas of the Commission regulatory area or the Bering Sea closed area in which the Alaska Native tribal headquarters is located.
- (i) *Subsistence registration.* A person must register as a subsistence halibut fisher and possess a valid subsistence halibut registration certificate in his or her name issued by NMFS before he or she begins subsistence fishing for halibut in waters in and off Alaska.
- (1) A subsistence halibut registration certificate will be issued to any person who registers according to paragraph (i)(2) of this section and who is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section. The Alaska Region, NMFS, may enter into cooperative agreements with Alaska Native tribal governments or their representative organizations for purposes of identifying persons qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.
- (2) *Registration.* To register as a subsistence halibut fisher, a person may request a cooperating Alaska Native tribal government or other entity designated by NMFS to submit an application on his or her behalf to the Alaska Region, NMFS. Alternatively, a person may apply by submitting a completed application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, PO Box 21668, Juneau, AK 99802-1668. The following information is required to be submitted with the application:
- (i) For a Rural Resident Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), community of residence (the rural community or residence from 50 CFR 300.65(g)(1) that qualifies the

fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a “rural resident” as that term is defined at §300.61, and signature and date of signature.

(ii) For an Alaska Native Tribal Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), Alaska Native tribe (the name of the Alaska Native Tribe from 50 CFR 300.65(g)(2) that qualifies the fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a member of an “Alaska Native tribe” as that term is defined at §300.61, and signature and date of signature.

(3) *Expiration of registration.* Each subsistence halibut registration certificate will be valid only for the period of time specified on the certificate. A person eligible to harvest subsistence halibut under paragraph (g) of this section may renew his or her registration certificate that is expired or will expire within 3 months by following the procedures described in paragraph (i)(2) of this section. A subsistence halibut registration certificate will expire:

- (i) 2 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(1) of this section, and
- (ii) 4 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(2) of this section.

(j) *Community Harvest Permit (CHP).* An Area 2C community or Alaska Native tribe listed in paragraphs (g)(1) or (g)(2) of this section may apply for a CHP, which allows a community or Alaska Native tribe to appoint one or more individuals from its respective community or Alaska Native tribe to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. The CHP consists of a harvest log and up to five laminated permit cards. A CHP is a permit subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a CHP to any community or Alaska Native tribe that applies according to paragraph (j)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.

(ii) NMFS will issue a CHP to a community in Area 2C only if:

- (A) The applying community is listed as eligible in Area 2C according to paragraph (g)(1) of this section; and
- (B) No Alaska Native tribe listed in paragraph (g)(2) exists in that community.

(iii) NMFS will issue a CHP to an Alaska Native tribe in Area 2C only if the applying tribe is listed as eligible in Area 2C according to paragraph (g)(2) of this section.

(iv) Eligible communities or Alaska Native tribes may appoint only one CHP Coordinator per community or tribe.

(2) *Application.* A community or Alaska Native tribe may apply for a CHP by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668. A complete application must include:

(i) The name of the community or Alaska Native tribe requesting the CHP;

(ii) The full name of the person who is designated as the CHP Coordinator for each community or Alaska Native tribe, the designated CHP Coordinator’s mailing address (number and street, city, state, and zip code), community of residence (the rural community or residence from paragraph (g)(1) of this section) or the Alaska Native tribe if applicable (as indicated in paragraph (g)(2) of this section), and the daytime telephone number; and

(iii) Any previously issued CHP harvest logs.

(3) *Restrictions.* Subsistence fishing for halibut under a CHP shall be valid only:

(i) In Area 2C, except that a CHP may not be used:

- (A) Within the Sitka LAMP defined in paragraph (e) of this section (see Figure 1 to subpart E); or
- (B) Within the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E);

(ii) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same community or Alaska Native tribe listed on the CHP;

(iii) On a single vessel on which a CHP card is present; and

(iv) If subsistence fishing gear set or retrieved from a vessel on which the CHP card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permit.* Each CHP will be valid only for the period of time specified on the permit. A CHP will expire one year from the date of issuance to a community or Alaska Native tribe eligible to harvest halibut under paragraph (g) of this section. A community or Alaska Native tribe eligible to harvest subsistence halibut under paragraph (g) of this section may renew its CHP that is expired or will expire within three months by following the procedures described in paragraph (j)(2) of this section.

(5) *Duties of the CHP coordinator.* Each CHP Coordinator must ensure:

(i) The designated harvesters who may fish under the CHP are identified on the Community Harvest Permit harvest log when the CHP is issued to the designated harvesters;

(ii) The CHP remains in the possession of the CHP Coordinator or other tribal or government authority when not in use and is issued to the designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the CHP are performed.

(6) *Harvest log submission.* Each Community Harvest Permit harvest log must be submitted to NMFS on or before the date of expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (j)(2) of this section or faxed to 907–586–7354. The log must provide information on:

(i) The subsistence fisher’s identity including his or her full name, subsistence halibut registration certificate number, date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity (if appropriate); and

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period specified on the permit, and if so, the date harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(k) *Ceremonial Permit or Educational Permit.* An Area 2C or Area 3A Alaska Native tribe that is listed in paragraph (g)(2) of this section may apply for a Ceremonial or Educational Permit, allowing the tribe to harvest up to 25 halibut per permit issued. The Ceremonial and Educational Permits each consist of a harvest log and a single laminated permit card. Ceremonial and Educational Permits are permits subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a Ceremonial or Educational Permit to any Alaska Native tribe that completes an application according to paragraph (k)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g)(2) of this section.

(ii) Eligible Alaska Native tribes may appoint only one Ceremonial Permit Coordinator per tribe.

(iii) Eligible educational programs may appoint only one authorized Instructor per Educational Permit.

(2) *Application.* An Alaska Native tribe may apply for a Ceremonial or Educational Permit by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

(i) A complete application must include:

(A) The name of the Alaska Native tribe requesting the Ceremonial or Educational Permit;

(B) The name of the person designated as the Ceremonial Permit Coordinator for each Alaska Native tribe or the name of the person designated as the Instructor for an Educational Permit, the Ceremonial Permit Coordinator or Instructor's mailing address (number and street, city, state, and zip code), and the daytime telephone number;

(C) Any previously issued Ceremonial Permit harvest logs from any expired Ceremonial Permit if applying for a Ceremonial Permit; and

(D) Any previously issued Educational Permit harvest logs from any expired Educational Permit if applying for an Educational Permit.

(ii) NMFS will issue a Ceremonial Permit for the harvest of halibut associated with traditional cultural events only if the application:

(A) Indicates the occasion of cultural or ceremonial significance; and

(B) Identifies the person designated by the eligible Alaska Native tribe as the Ceremonial Permit Coordinator.

(iii) NMFS will issue an Educational Permit only if the application:

(A) Includes the name and address of the educational institution or organization;

(B) Includes the instructor's name;

(C) Demonstrates the enrollment of qualified students;

(D) Describes minimum attendance requirements of the educational program; and

(E) Describes standards for the successful completion of the educational program.

(3) *Restrictions.* Subsistence fishing for halibut under Ceremonial or Educational Permits shall be valid only:

(i) In Area 3A, except in the Anchorage-Matsu-Kenai and Valdez non-rural areas defined in paragraph (h) of this section (see Figures 4 and 5 to subpart E);

(ii) In Area 2C, except in the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E) and a Ceremonial Permit may not be used within the Sitka LAMP from June 1 through August 31;

(iii) On a single vessel on which the Ceremonial or Educational Permit card is present;

(iv) On the vessel on which the instructor is present for Educational Permits;

(v) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same Alaska Native tribe listed on the Ceremonial or Educational Permit, except that students enrolled in an educational program may fish under an Educational Permit without a subsistence halibut registration certificate; and

(vi) If subsistence fishing gear set or retrieved from a vessel on which the Ceremonial or Educational Permit card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permits.* Each Ceremonial or Educational Permit will be valid only for the period of time specified on the permit. Ceremonial and Educational Permits will expire 30 days from the date of issuance to an Alaska Native tribe eligible to harvest halibut under paragraph (g)(2) of this section. A tribe eligible to harvest subsistence halibut under paragraph (g)(2) of this section may apply for additional Ceremonial or Educational Permits at any time.

(5) *Duties of Ceremonial Permit Coordinators and Instructors.* Each Ceremonial Permit Coordinator or Instructor must ensure:

(i) The designated harvesters or students who may fish under the Ceremonial or Educational Permit are identified on the Ceremonial/Educational Permit harvest log when the permit is used;

(ii) The Ceremonial Permit remains in the possession of the Ceremonial Permit Coordinator or other tribal authority when not in use and is issued to designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the Ceremonial or Educational Permit are performed.

(6) *Harvest log submission.* Submission of a Ceremonial or Educational Permit log shall be required upon the expiration of each permit and must be received by Restricted Access Management within 15 days of the expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (k)(2) of this section or faxed to 907-586-7354. The log must provide information on:

(i) The subsistence fisher's identity including his or her full name, subsistence halibut registration certificate number if applicable (students do not need a SHARC), date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity;

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period indicated on the permit, and if so, the date when harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(l) *Appeals.* If Restricted Access Management (RAM) determines that an application is deficient, it will prepare and send an Initial Administrative Determination (IAD) to the applicant. The IAD will indicate the deficiencies in the application or any additional provided information. An applicant who receives an IAD may appeal RAM's findings pursuant to §679.43 of this title.

[68 FR 18156, Apr. 15, 2003, as amended at 68 FR 47264, Aug. 8, 2003; 70 FR 16751, Apr. 1, 2005; 70 FR 41160, July 18, 2005; 71 FR 38298, July 6, 2006; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007; 72 FR 68762, Dec. 6, 2007]

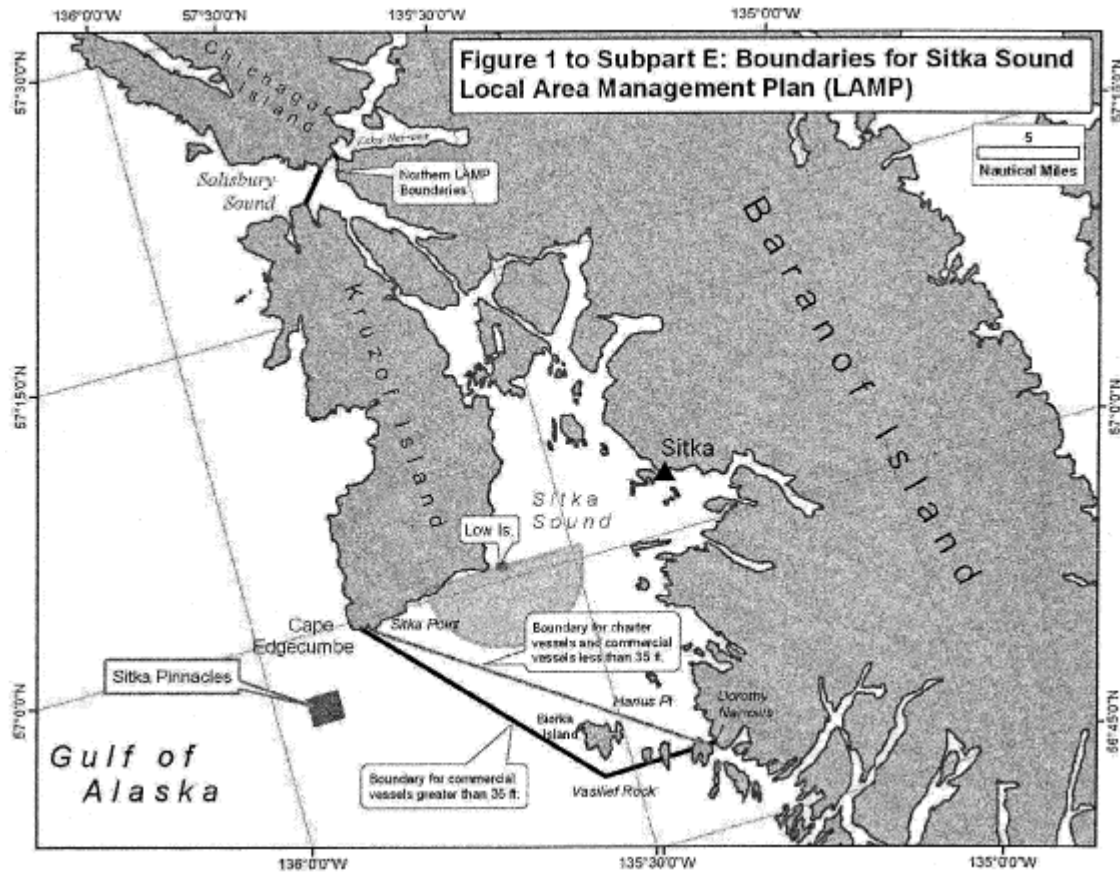
### § 300.66 Prohibitions.

In addition to the general prohibitions specified in 50 CFR 300.4, it is unlawful for any person to do any of the following:

- (a) Fish for halibut except in accordance with the annual management measures published pursuant to 50 CFR 300.62.
- (b) Fish for halibut except in accordance with the catch sharing plans and domestic management measures implemented under 50 CFR 300.63 and 50 CFR 300.65.
- (c) Fish for halibut in Sitka Sound in violation of the Sitka Sound LAMP implemented under 50 CFR 300.65(e).
- (d) Fish for halibut or anchor a vessel with halibut on board within the Sitka Pinnacles Marine Reserve defined at 50 CFR 300.65(f).
- (e) Fish for subsistence halibut in and off Alaska unless the person is qualified to do so under §300.65(g), possesses a valid subsistence halibut registration certificate pursuant to §300.65(i), and makes this certificate available for inspection by an authorized officer on request, except that students enrolled in a valid educational program and fishing under an Educational Permit issued pursuant to §300.65(k) do not need a subsistence halibut registration certificate.
- (f) Fish for subsistence halibut in and off Alaska with gear other than that described at 50 CFR 300.65(h)(1) and retain more halibut than specified at 50 CFR 300.65(h)(2).
- (g) Fish for subsistence halibut in and off Alaska in a non-rural area specified at 50 CFR 300.65(h)(3).
- (h) Retain on board the harvesting vessel halibut harvested while subsistence fishing with halibut harvested while commercial fishing or from sport fishing, as defined at §300.61, except that persons authorized to conduct subsistence fishing under §300.65(g), and who land their total annual harvest of halibut:
  - (1) In Commission regulatory Areas 4D or 4E may retain, with harvests of Community Development Quota (CDQ) halibut, subsistence halibut harvested in Commission regulatory areas 4D or 4E that are smaller than the size limit specified in the annual management measures published pursuant to §300.62; or
  - (2) In Commission regulatory Areas 4C, 4D or 4E may retain, with harvests of CDQ halibut, subsistence halibut harvested in Commission regulatory areas 4C, 4D or 4E that are equal to or greater than the size limit specified in the annual management measures published pursuant to §300.62.
- (i) Retain subsistence halibut that were harvested using a charter vessel.
- (j) Retain or possess subsistence halibut for commercial purposes, cause subsistence halibut to be sold, bartered or otherwise enter commerce or solicit exchange of subsistence halibut for commercial purposes, except that a person who qualified to conduct subsistence fishing for halibut under 50 CFR 300.65(g), and who holds a subsistence halibut registration certificate in the person's name under 50 CFR 300.65(i) may engage in the customary trade of subsistence halibut through monetary exchange of no more than \$400 per year.
- (k) Retain subsistence halibut harvested under a CHP, Ceremonial Permit, or Educational Permit together in any combination or with halibut harvested under any other license or permit.
- (l) Fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed.
- (m) Possess halibut onboard a charter vessel in Area 2C that has been mutilated or otherwise disfigured in a manner that prevents the determination of size or number of fish, notwithstanding the requirements of the Annual Management Measure 25(2) and (7) (as promulgated in accordance with §300.62 and relating to Sport Fishing for Halibut). Filleted halibut may be possessed onboard the charter vessel provided that the entire carcass, with the head and tail connected as single piece, is retained onboard until all fillets are offloaded.

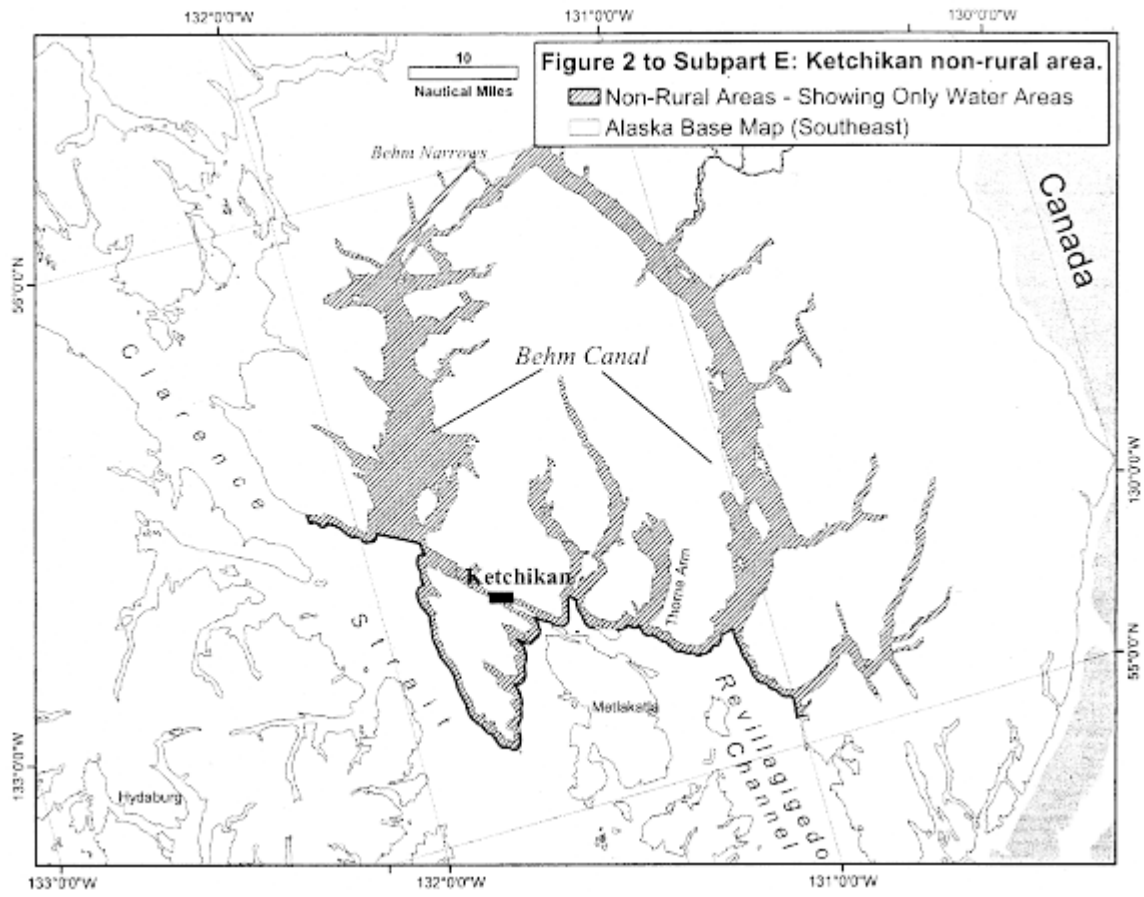
[68 FR 18156, Apr. 15, 2003, as amended at 70 FR 16754, Apr. 1, 2005; 72 FR 30728, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

Figure 1 to Subpart E—Sitka Local Area Management Plan



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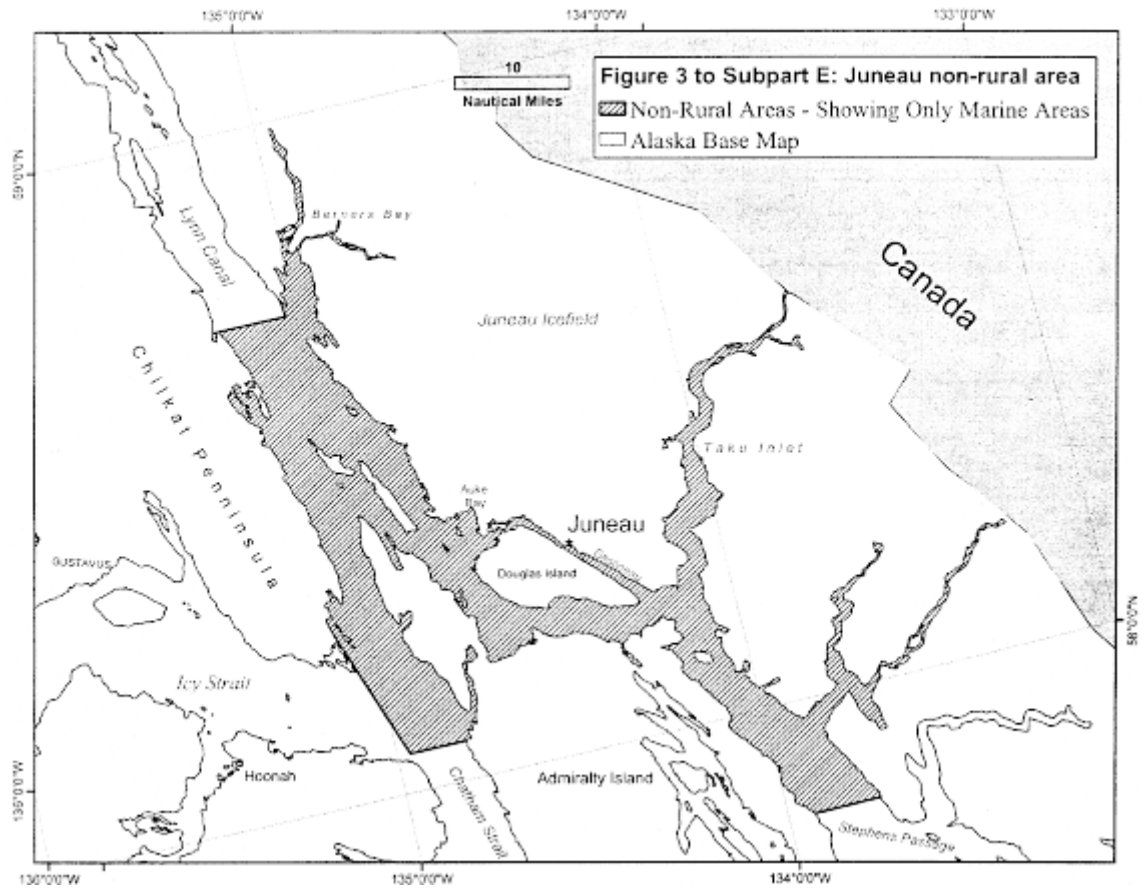
Figure 2 to Subpart E—Ketchikan Non-Rural Area



[View or download PDF](#)

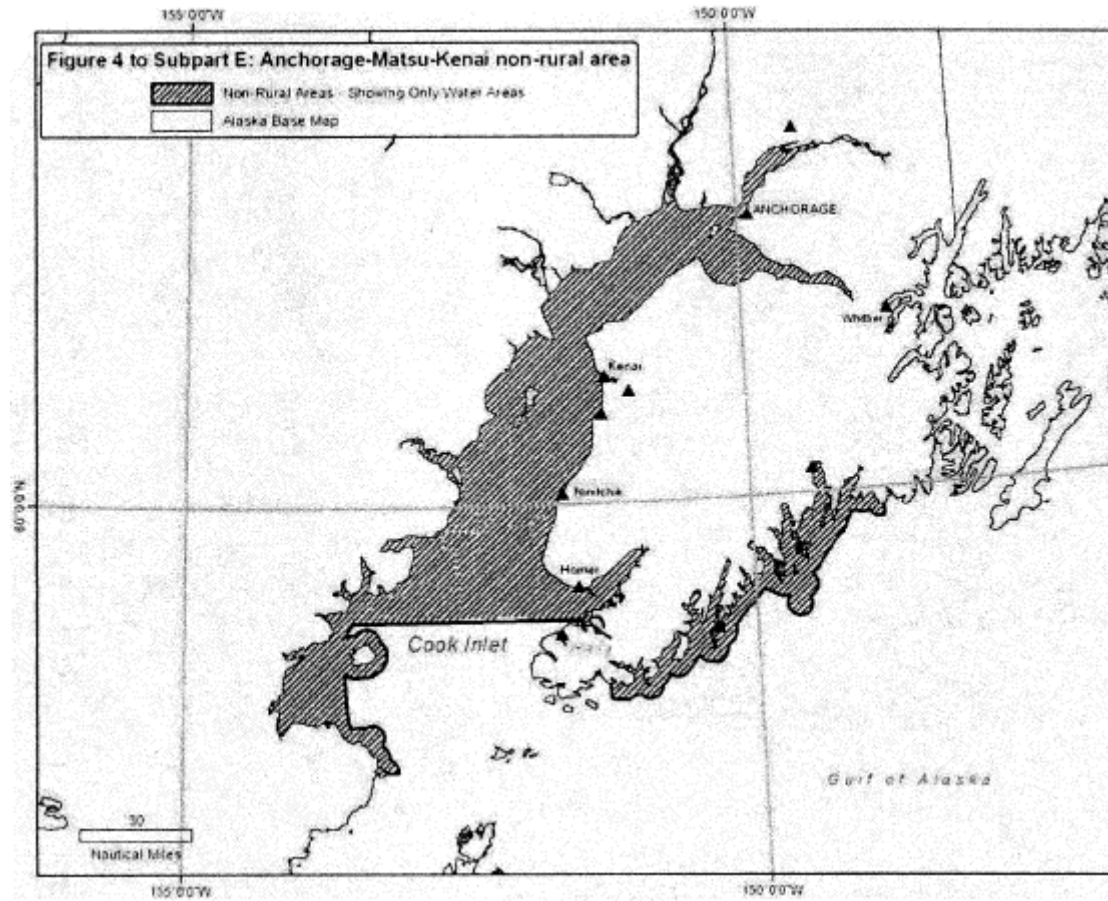


Figure 3 to Subpart E—Juneau Non-Rural Area



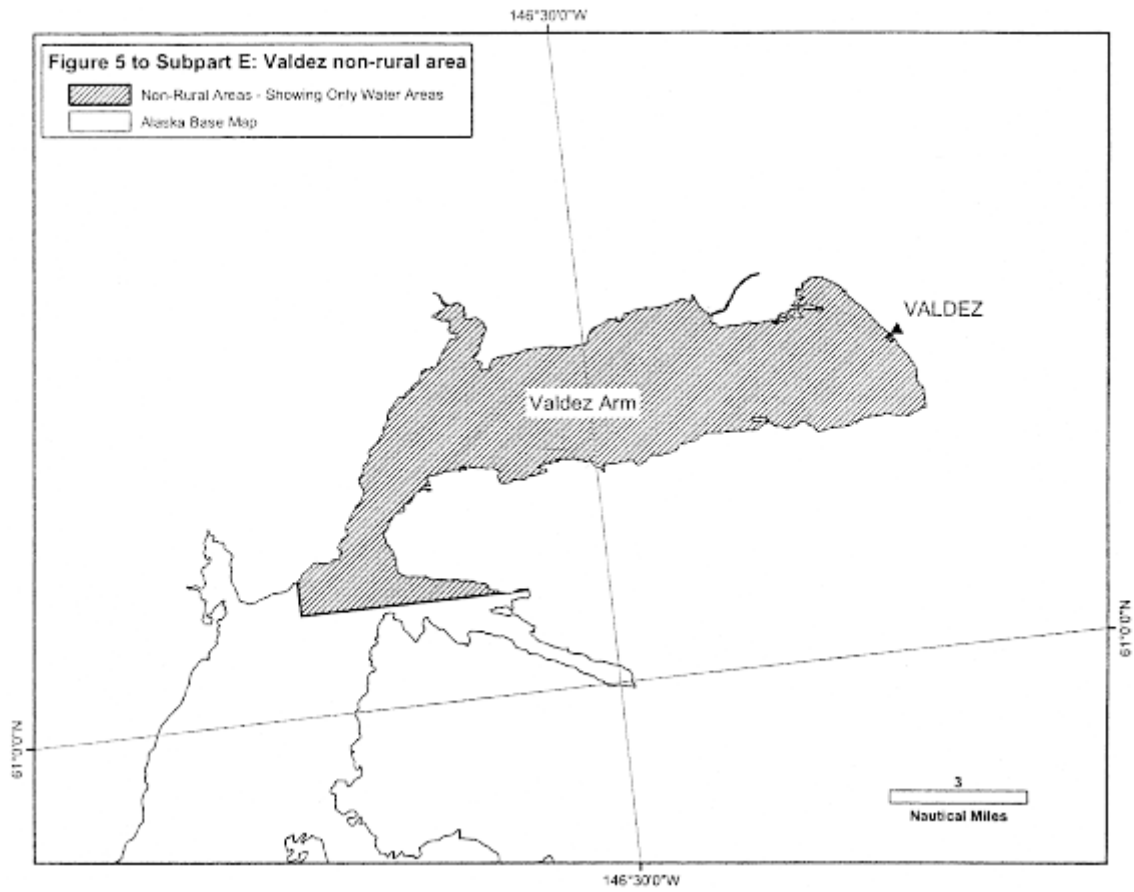
[View or download PDF](#)

Figure 4 to Subpart E—Anchorage-Matsu-Kenai Non-Rural Area



[View or download PDF](#)

Figure 5 to Subpart E—Valdez Non-Rural Area



[View or download PDF](#)

[64 FR 52471, Sept. 29, 1999; 66 FR 36208, July 11, 2001, as amended at 68 FR 23361, May 1, 2003; 70 FR 41160, July 18, 2005]

## SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

### Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at: <http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

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

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

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

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

### Information Generation and Compliance Documentation

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

### Completing the Section 515 Pre-Dissemination Review & Documentation Form

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

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

### I. Utility of Information Product

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

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

### II. Integrity of Information Product

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

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

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

### III. Objectivity of Information Product

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

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

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

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

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

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

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

**A. Original Data**

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

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

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

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

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

Document the quality control techniques used, for example:

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

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

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

**B. Synthesized Products**

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

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

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

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

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

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

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

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

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

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

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

**C. Interpreted Products**

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

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

Are all data and information sources identified or properly referenced?

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

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

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

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

request.

**D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather**

**Warnings, Forecasts, and Advisories**

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

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

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

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

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

**E. Experimental Products**

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

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

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

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

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

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

**F. Natural Resource Plans**

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

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

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

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

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

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

**G. Corporate and General Information**

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

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

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

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

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

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



Public Law 104-43  
104th Congress

An Act

Nov. 3, 1995

[H.R. 716]

Fisheries Act of  
1995.  
Conservation.  
16 USC 5501  
note.

To amend the Fishermen's Protective Act.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Fisheries Act of 1995".

**SEC. 2. TABLE OF CONTENTS.**

The Table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHING COMPLIANCE

- Sec. 101. Short title.
- Sec. 102. Purpose.
- Sec. 103. Definitions.
- Sec. 104. Permitting.
- Sec. 105. Responsibilities of the Secretary.
- Sec. 106. Unlawful activities.
- Sec. 107. Enforcement provisions.
- Sec. 108. Civil penalties and permit sanctions.
- Sec. 109. Criminal offenses.
- Sec. 110. Forfeitures.
- Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE  
MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

- Sec. 201. Short title.
- Sec. 202. Representation of United States under convention.
- Sec. 203. Requests for scientific advice.
- Sec. 204. Authorities of Secretary of State with respect to convention.
- Sec. 205. Interagency cooperation.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts and penalties.
- Sec. 208. Consultative committee.
- Sec. 209. Administrative matters.
- Sec. 210. Definitions.
- Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

- Sec. 301. Short title.
- Sec. 302. Research and monitoring activities.
- Sec. 303. Definitions.
- Sec. 304. Advisory committee procedures.
- Sec. 305. Regulations and enforcement of Convention.
- Sec. 306. Fines and permit sanctions.
- Sec. 307. Authorization of appropriations.
- Sec. 308. Report and savings clause.
- Sec. 309. Management and Atlantic yellowfin tuna.
- Sec. 310. Study of bluefin tuna regulations.
- Sec. 311. Sense of the Congress with respect to ICCAT negotiations.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

- Sec. 401. Findings.

- Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
- Sec. 403. Reauthorization.
- Sec. 404. Technical corrections.

## TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

- Sec. 501. Short title.
- Sec. 502. Fishing prohibition.

## TITLE VI—DRIFTNET MORATORIUM

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Prohibition.
- Sec. 604. Negotiations.
- Sec. 605. Certification.
- Sec. 606. Enforcement.

## TITLE VII—YUKON RIVER SALMON ACT

- Sec. 701. Short title.
- Sec. 702. Purposes.
- Sec. 703. Definitions.
- Sec. 704. Panel.
- Sec. 705. Advisory committee.
- Sec. 706. Exemption.
- Sec. 707. Authority and responsibility.
- Sec. 708. Continuation of agreement.
- Sec. 709. Administrative matters.
- Sec. 710. Authorization of appropriations.

## TITLE VIII—MISCELLANEOUS

- Sec. 801. South Pacific tuna amendment.
- Sec. 802. Foreign fishing for Atlantic herring and Atlantic mackerel.

## TITLE I—HIGH SEAS FISHING COMPLIANCE

**SEC. 101. SHORT TITLE.**

This title may be cited as the “High Seas Fishing Compliance Act of 1995”.

**SEC. 102. PURPOSE.**

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of permitting, reporting, and regulation for vessels of the United States fishing on the high seas.

**SEC. 103. DEFINITIONS.**

As used in this Act—

(1) The term “Agreement” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term “FAO” means the Food and Agriculture Organization of the United Nations.

(3) The term “high seas” means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

High Seas  
Fishing  
Compliance Act  
of 1995.  
16 USC 5501  
note.

16 USC 5501.

16 USC 5502.

- (4) The term “high seas fishing vessel” means any vessel of the United States used or intended for use—
- (A) on the high seas;
  - (B) for the purpose of the commercial exploitation of living marine resources; and
  - (C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.
- (5) The term “international conservation and management measures” means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.
- (6) The term “length” means—
- (A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and
  - (B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel’s documentation.
- (7) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.
- (8) The term “Secretary” means the Secretary of Commerce.
- (9) The term “vessel of the United States” means—
- (A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;
  - (B) a vessel owned in whole or part by—
    - (i) the United States or a territory, commonwealth, or possession of the United States;
    - (ii) a State or political subdivision thereof;
    - (iii) a citizen or national of the United States;or
    - (iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized

to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms “vessel subject to the jurisdiction of the United States” and “vessel without nationality” have the same meaning as in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. 1903(c)).

**SEC. 104. PERMITTING.**

16 USC 5503.

(a) **IN GENERAL.**—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid permit issued under this section.

(b) **ELIGIBILITY.**—

(1) Any vessel of the United States is eligible to receive a permit under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a permit under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a permit would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a permit to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) **APPLICATION.**—

(1) The owner or operator of a high seas fishing vessel may apply for a permit under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

- (F) the type of vessel;
- (G) the vessel's length; and
- (H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) **CONDITIONS.**—The Secretary shall establish such conditions and restrictions on each permit issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

Regulations.

(2) The permit holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

Regulations.

(e) **FEES.**—

(1) The Secretary shall by regulation establish the level of fees to be charged for permits issued under this section. The amount of any fee charged for a permit issued under this section shall not exceed the administrative costs incurred in issuing such permits. The permitting fee may be in addition to any fee required under any regional permitting regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) **DURATION.**—A permit issued under this section is valid for 5 years. A permit issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

16 USC 5504.

**SEC. 105. RESPONSIBILITIES OF THE SECRETARY.**

(a) **RECORD.**—The Secretary shall maintain an automated file or record of high seas fishing vessels issued permits under section 104, including all information submitted under section 104(c)(2).

(b) **INFORMATION TO FAO.**—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any permit granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the permit;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of permit application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

Federal Register,  
publication.

**SEC. 106. UNLAWFUL ACTIVITIES.**

16 USC 5505.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid permit issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a permit issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has

# AMERICAN FISHERIES ACT

## TITLE II - FISHERIES

### Subtitle I - Fishery Endorsements

#### Sec. 201. Short Title.

This title may be cited as the American Fisheries Act .

#### Sec. 202. Standard for Fishery Endorsements.

(a) **Standard.** Section 12102(c) of title 46, United States Code, is amended to read as follows

(c)(1) A vessel owned by a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is not eligible for a fishery endorsement under section 12108 of this title unless at least 75 per centum of the interest in such entity, at each tier of ownership of such entity and in the aggregate, is owned and controlled by citizens of the United States.

(2) The Secretary shall apply section 2(c) of the Shipping Act, 1916 (46 App. U.S.C. 802(c)) in determining under this subsection whether at least 75 per centum of the interest in a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is owned and controlled by citizens of the United States. For the purposes of this subsection and of applying the restrictions on controlling interest in section 2(c) of such Act, the terms control or controlled

(A) shall include

- (i) the right to direct the business of the entity which owns the vessel;
- (ii) the right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity which owns the vessel; or
- (iii) the right to direct the transfer, operation or manning of a vessel with a fishery endorsement; and

(B) shall not include the right to simply participate in the activities under subparagraph (A), or the use by a mortgagee under paragraph (4) of loan covenants approved by the Secretary.

(3) A fishery endorsement for a vessel that is chartered or leased to an individual who is not a citizen of the United States or to an entity that is not eligible to own a vessel with a fishery endorsement and used as a fishing vessel shall be invalid immediately upon such use.

(4)(A)3 An individual or entity that is otherwise eligible to own a vessel with a fishery endorsement shall be ineligible by reason of an instrument or evidence of indebtedness, secured by a mortgage of the vessel to a trustee eligible to own a vessel with a fishery endorsement that is issued, assigned, transferred or held in trust for a person not eligible to own a vessel with a fishery endorsement, unless the Secretary determines that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel and that the trustee

- (i) is organized as a corporation, and is doing business, under the laws of the United States or of a State;
- (ii) is authorized under those laws to exercise corporate trust powers;
- (iii) is subject to supervision or examination by an official of the United States Government or a State;
- (iv) has a combined capital and surplus (as stated in its most recent published report of condition) of at least \$3,000,000; and
- (v) meets any other requirements prescribed by the Secretary.

(B) A vessel with a fishery endorsement may be operated by a trustee only with the approval of the Secretary.

(C) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under section 31322(a)(4) of this title only with the approval of the Secretary.

(D) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this paragraph is avoidable by the Secretary.

(5) The requirements of this subsection shall not apply to a vessel when it is engaged in fisheries in the exclusive economic zone under the authority of the Western Pacific Fishery Management Council established under section 302(a) (1)(H) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(H)) or to a purse seine vessel when it is engaged in tuna fishing in the Pacific Ocean outside the exclusive economic zone of the United States or pursuant to the South Pacific Regional Fisheries Treaty, provided that the owner of the vessel continues to comply with the eligibility requirements for a fishery endorsement under the federal law that was in effect on October 1, 1998. A fishery endorsement issued by the Secretary pursuant to this paragraph shall be valid for engaging only in fisheries in the exclusive economic zone under the authority of such Council, in such tuna fishing in the Pacific Ocean, or pursuant to such Treaty.

(6) A vessel greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless

(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997;

- (ii) the vessel is not placed under foreign registry after the date of the enactment of the American Fisheries Act; and
- (iii) in the event of the invalidation of the fishery endorsement after the date of the enactment of the American Fisheries Act, application is made for a new fishery endorsement within fifteen (15) business days of such invalidation; or

(B) the owner of such vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after the date of the enactment of the American Fisheries Act, and the Secretary of Commerce has approved, conservation and management measures in accordance with such Act to allow such vessel to be used in fisheries under such council's authority.

(b) **Preferred Mortgage.** Section 31322(a) of title 46, United States Code, is amended

- (1) by striking and at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3)(B) and inserting in lieu thereof a semicolon and ; and

- (3) by inserting at the end the following new paragraph:
- (4) with respect to a vessel with a fishery endorsement that is 100 feet or greater in registered length, has as the mortgagee
- (A) a person eligible to own a vessel with a fishery endorsement under section 12102(c) of this title;
- (B) a state or federally chartered financial institution that satisfies the controlling interest criteria of section 2(b) of the Shipping Act, 1916 (46 U.S.C. 802(b)); or
- (C) a person that complies with the provisions of section 12102(c)(4) of this title.

## Sec. 203. Enforcement of Standard.

- (a) **Effective Date.** The amendments made by section 202 shall take effect on October 1, 2001.
- (b) **Regulations.** Final regulations to implement this subtitle shall be published in the Federal Register by April 1, 2000. Letter rulings and other interim interpretations about the effect of this subtitle and amendments made by this subtitle on specific vessels may not be issued prior to the publication of such final regulations. The regulations to implement this subtitle shall prohibit impermissible transfers of ownership or control, specify any transactions which require prior approval of an implementing agency, identify transactions which do not require prior agency approval, and to the extent practicable, minimize disruptions to the commercial fishing industry, to the traditional financing arrangements of such industry, and to the opportunity to form fishery cooperatives.
- (c) **Vessels Measuring 100 Feet and Greater.** (1) The Administrator of the Maritime Administration shall administer section 12102(c) of title 46, United States Code, as amended by this subtitle, with respect to vessels 100 feet or greater in registered length. The owner of each such vessel shall file a statement of citizenship setting forth all relevant facts regarding vessel ownership and control with the Administrator of the Maritime Administration on an annual basis to demonstrate compliance with such section. Regulations to implement this subsection shall conform to the extent practicable with the regulations establishing the form of citizenship affidavit set forth in part 355 of title 46, Code of Federal Regulations, as in effect on September 25, 1997, except that the form of the statement under this paragraph shall be written in a manner to allow the owner of each such vessel to satisfy any annual renewal requirements for a certificate of documentation for such vessel and to comply with this subsection and section 12102(c) of title 46, United States Code, as amended by this Act, and shall not be required to be notarized.  
(2) After October 1, 2001, transfers of ownership and control of vessels subject to section 12102(c) of title 46, United States Code, as amended by this Act, which are 100 feet or greater in registered length, shall be rigorously scrutinized for violations of such section, with particular attention given to leases, charters, mortgages, financing, and similar arrangements, to the control of persons not eligible to own a vessel with a fishery endorsement under section 12102(c) of title 46, United States Code, as amended by this Act, over the management, sales, financing, or other operations of an entity, and to contracts involving the purchase over extended periods of time of all, or substantially all, of the living marine resources harvested by a fishing vessel.
- (d) **Vessels Measuring Less Than 100 Feet.** The Secretary of Transportation shall establish such requirements as are reasonable and necessary to demonstrate compliance with section 12102(c) of title 46, United States Code, as amended by this Act, with respect to vessels measuring less than 100 feet in registered length, and shall seek to minimize the administrative burden on individuals who own and operate such vessels.
- (e) **Endorsements Revoked.** The Secretary of Transportation shall revoke the fishery endorsement of any vessel subject to section 12102(c) of title 46, United States Code, as amended by this Act, whose owner does not comply with such section.
- (f) **Penalty.** Section 12122 of title 46, United States Code, is amended by inserting at the end the following new subsection:  
(c) In addition to penalties under subsections (a) and (b), the owner of a documented vessel for which a fishery endorsement has been issued is liable to the United States Government for a civil penalty of up to \$100,000 for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States, if the owner or the representative or agent of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation with respect to the eligibility of the vessel under section 12102(c) of this title in applying for or applying to renew such fishery endorsement.
- (g) **Certain Vessels.** The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041), OCEAN PHOENIX (United States official number 296779), NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act) shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1) (A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX, the vessel is used to harvest any fish.

## Sec. 204. Repeal of Ownership Savings Clause.

- (a) **Repeal.** Section 7(b) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100-239; 46 U.S.C. 12102 note) is hereby repealed.
- (b) **Effective Date.** Subsection (a) shall take effect on October 1, 2001.

## Subtitle II Bering Sea Pollock Fishery

### Sec. 205. Definitions.

*As used in this subtitle—*

- (1) the term Bering Sea and Aleutian Islands Management Area has the same meaning as the meaning given for such term in part 679.2 of title 50, Code of Federal Regulations, as in effect on October 1, 1998.
- (2) the term catcher/processor means a vessel that is used for harvesting fish and processing that fish;
- (3) the term catcher vessel means a vessel that is used for harvesting fish and that does not process pollock onboard:



- (4) the term directed pollock fishery means the fishery for the directed fishing allowances allocated under paragraphs (1), (2), and (3) of section 206(b).
- (5) the term harvest means to commercially engage in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish;
- (6) the term inshore component means the following categories that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area:
- (A) shoreside processors, including those eligible under section 208(f); and
- (B) vessels less than 125 feet in length overall that process less than 126 metric tons per week in round-weight equivalents of an aggregate amount of pollock and Pacific cod;
- (7) the term Magnuson-Stevens Act means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);
- (8) the term mothership means a vessel that receives and processes fish from other vessels in the exclusive economic zone of the United States and is not used for, or equipped to be used for, harvesting fish;
- (9) the term North Pacific Council means the North Pacific Fishery Management Council established under section 302 (a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G));
- (10) the term offshore component means all vessels not included in the definition of inshore component that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area.
- (11) the term Secretary means the Secretary of Commerce; and
- (12) the term shoreside processor means any person or vessel that receives unprocessed fish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving fish for personal consumption or bait.

## Sec. 206. Allocations.

- (a) **Pollock Community Development Quota.** Effective January 1, 1999, 10 percent of the total allowable catch of pollock in the Bering Sea and Aleutian Islands Management Area shall be allocated as a directed fishing allowance to the western Alaska community development quota program established under section 505(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).
- (b) **Inshore/Offshore.** Effective January 1, 1999, the remainder of the pollock total allowable catch in the Bering Sea and Aleutian Islands Management Area, after the subtraction of the allocation under subsection (a) and the subtraction of allowances for the incidental catch of pollock by vessels harvesting other groundfish species (including under the western Alaska community development quota program) shall be allocated as directed fishing allowances as follows
- (1) 50 percent to catcher vessels harvesting pollock for processing by the inshore component;
- (2) 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component; and
- (3) 10 percent to catcher vessels harvesting pollock for processing by motherships in the offshore component.

## Sec. 207. Buyout.

- (a) **Federal Loan.** Under the authority of sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and notwithstanding the requirements of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a), the Secretary shall, subject to the availability of appropriations for the cost of the direct loan, provide up to \$75,000,000 through a direct loan obligation for the payments required under subsection (d).
- (b) **Inshore Fee System.** Notwithstanding the requirements of section 304(d) or 312 of the Magnuson-Stevens Act (16 U.S.C. 1854(d) and 1861a), the Secretary shall establish a fee for the repayment of such loan obligations which
- (1) shall be six-tenths (0.6) of one cent for each pound round-weight of all pollock harvested from the directed fishing allowance under section 206(b)(1); and
- (2) shall begin with such pollock harvested on or after January 1, 2000, and continue without interruption until such loan obligation is fully repaid; and
- (3) shall be collected in accordance with section 312(d)(2)(C) of the Magnuson-Stevens Act (16 U.S.C. 1861a(d)(2)(C) and in accordance with such other conditions as the Secretary establishes.
- (c) **Federal Appropriation.** Under the authority of section 312(c)(1)(B) of the Magnuson-Stevens Act (16 U.S.C. 1861a (c)(1)(B)), there are authorized to be appropriated \$20,000,000 for the payments required under subsection (d).
- (d) **Payments.** Subject to the availability of appropriations for the cost of the direct loan under subsection (a) and funds under subsection (c), the Secretary shall pay by not later than December 31, 1998
- (1) up to \$90,000,000 to the owner or owners of the catcher/processors listed in paragraphs (1) through (9) of section 209, in such manner as the owner or owners, with the concurrence of the Secretary, agree, except that
- (A) the portion of such payment with respect to the catcher/processor listed in paragraph (1) of section 209 shall be made only after the owner submits a written certification acceptable to the Secretary that neither the owner nor a purchaser from the owner intends to use such catcher/processor outside the exclusive economic zone of the United States to harvest any stock of fish (as such term is defined in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802)) that occurs within the exclusive economic zone of the United States; and
- (B) the portion of such payment with respect to the catcher/processors listed in paragraphs (2) through (9) of section 209 shall be made only after the owner or owners of such catcher/processors submit a written certification acceptable to the Secretary that such catcher/processors will be scrapped by December 31, 2000 and will not, before that date, be used to harvest or process any fish; and
- (2)(A) if a contract has been filed under section 210(a) by the catcher/processors listed in section 208(e), \$5,000,000 to the owner or owners of the catcher/processors listed in paragraphs (10) through (14) of such section in such manner as the owner or owners, with the concurrence of the Secretary, agree; or
- (B) if such a contract has not been filed by such date, \$5,000,000 to the owners of the catcher vessels eligible under section 208(b) and the catcher/processors eligible under paragraphs (1) through (20) of section 208(e), divided based on the amount of the harvest of pollock in the directed pollock fishery by each such vessel in 1997 in such manner as the Secretary deems appropriate, except that any such payments shall be

reduced by any obligation to the federal government that has not been satisfied by such owner or owners of any such vessels.

(e) **Penalty.** If the catcher/processor under paragraph (1) of section 209 is used outside the exclusive economic zone of the United States to harvest any stock of fish that occurs within the exclusive economic zone of the United States while the owner who received the payment under subsection (d)(1)(A) has an ownership interest in such vessel, or if the catcher/processors listed in paragraphs (2) through (9) of section 209 are determined by the Secretary not to have been scrapped by December 31, 2000 or to have been used in a manner inconsistent with subsection (d)(1)(B), the Secretary may suspend any or all of the federal permits which allow any vessels owned in whole or in part by the owner or owners who received payments under subsection (d)(1) to harvest or process fish within the exclusive economic zone of the United States until such time as the obligations of such owner or owners under subsection (d)(1) have been fulfilled to the satisfaction of the Secretary.

(f) **Program Defined; Maturity.** For the purposes of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), the fishing capacity reduction program in this subtitle shall be within the meaning of the term program as defined and used in such section. Notwithstanding section 1111(b)(4) of such Act (46 U.S.C. App. 1279f(b)(4)), the debt obligation under subsection (a) of this section may have a maturity not to exceed 30 years.

(g) **Fishery Capacity Reduction Regulations.** The Secretary of Commerce shall by not later than October 15, 1998 publish proposed regulations to implement subsections (b), (c), (d) and (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a) and sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

## Sec. 208. Eligible Vessels and Processors.

(a) **Catcher Vessels Onshore.** Effective January 1, 2000, only catcher vessels which are

(1) determined by the Secretary

(A) to have delivered at least 250 metric tons of pollock; or

(B) to be less than 60 feet in length overall and to have delivered at least 40 metric tons of pollock, for processing by the inshore component in the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;

(2) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and

(3) not listed in subsection (b), shall be eligible to harvest the directed fishing allowance under section 206(b)(1) pursuant to a federal fishing permit.

(b) **Catcher Vessels to Catcher/Processors.** Effective January 1, 1999, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

(1) AMERICAN CHALLENGER (United States official number 633219);

(2) FORUM STAR (United States official number 925863);

(3) MUIR MILACH (United States official number 611524);

(4) NEAHKAHNIE (United States official number 599534);

(5) OCEAN HARVESTER (United States official number 549892);

(6) SEA STORM (United States official number 628959);

(7) TRACY ANNE (United States official number 904859); and

(8) any catcher vessel

(A) determined by the Secretary to have delivered at least 250 metric tons and at least 75 percent of the pollock it harvested in the directed pollock fishery in 1997 to catcher/processors for processing by the offshore component; and

(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary.

(c) **Catchers Vessels to Motherships.** Effective January 1, 2000, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:

(1) ALEUTIAN CHALLENGER (United States official number 603820);

(2) ALYESKA (United States official number 560237);

(3) AMBER DAWN (United States official number 529425);

(4) AMERICAN BEAUTY (United States official number 613847);

(5) CALIFORNIA HORIZON (United States official number 590758);

(6) MAR-GUN (United States official number 525608);

(7) MARGARET LYN (United States official number 615563);

(8) MARK I (United States official number 509552);

(9) MISTY DAWN (United States official number 926647);

- (10) NORDIC FURY (United States official number 542651);
- (11) OCEAN LEADER (United States official number 561518);
- (12) OCEANIC (United States official number 602279);
- (13) PACIFIC ALLIANCE (United States official number 612084);
- (14) PACIFIC CHALLENGER (United States official number 618937);
- (15) PACIFIC FURY (United States official number 561934);
- (16) PAPADO II (United States official number 536161);
- (17) TRAVELER (United States official number 929356);
- (18) VESTERAALEN (United States official number 611642);
- (19) WESTERN DAWN (United States official number 524423);
- (20) any vessel

(A) determined by the Secretary to have delivered at least 250 metric tons of pollock for processing by motherships in the offshore component of the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;

(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and

(C) not listed in subsection (b).

(d) **Motherships.** Effective January 1, 2000, only the following motherships shall be eligible to process the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:

- (1) EXCELLENCE (United States official number 967502);
- (2) GOLDEN ALASKA (United States official number 651041);
- (3) OCEAN PHOENIX (United States official number 296779).

(e) **Catcher/Processors.** Effective January 1, 1999, only the following catcher/processers shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

- (1) AMERICAN DYNASTY (United States official number 951307);
- (2) KATIE ANN (United States official number 518441);
- (3) AMERICAN TRIUMPH (United States official number 646737);
- (4) NORTHERN EAGLE (United States official number 506694);
- (5) NORTHERN HAWK (United States official number 643771);
- (6) NORTHERN JAEGER (United States official number 521069);
- (7) OCEAN ROVER (United States official number 552100);
- (8) ALASKA OCEAN (United States official number 637856);
- (9) ENDURANCE (United States official number 592206);
- (10) AMERICAN ENTERPRISE (United States official number 594803);
- (11) ISLAND ENTERPRISE (United States official number 610290);
- (12) KODIAK ENTERPRISE (United States official number 579450);
- (13) SEATTLE ENTERPRISE (United States official number 904767);
- (14) US ENTERPRISE (United States official number 921112);
- (15) ARCTIC STORM (United States official number 903511);
- (16) ARCTIC FJORD (United States official number 940866);
- (17) NORTHERN GLACIER (United States official number 663457);
- (18) PACIFIC GLACIER (United States official number 933627);
- (19) HIGHLAND LIGHT (United States official number 577044);

(20) STARBOUND (United States official number 944658); and

(21) any catcher/processor not listed in this subsection and determined by the Secretary to have harvested more than 2,000 metric tons of the pollock in the 1997 directed pollock fishery and determined to be eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary, except that catcher/processers eligible under this paragraph shall be prohibited from harvesting in the aggregate a total of more than one-half (0.5) of a percent of the pollock apportioned for the directed pollock fishery under section 206(b)(2).

Notwithstanding section 213(a), failure to satisfy the requirements of section 4(a) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100-239; 46 U.S.C. 12108 note) shall not make a catcher/processor listed under this subsection ineligible for a fishery endorsement.

(f) **Shoreside Processors.** (1) Effective January 1, 2000 and except as provided in paragraph (2), the catcher vessels eligible under subsection (a) may deliver pollock harvested from the directed fishing allowance under section 206(b)(1) only to

(A) shoreside processors (including vessels in a single geographic location in Alaska State waters) determined by the Secretary to have processed more than 2,000 metric tons round-weight of pollock in the inshore component of the directed pollock fishery during each of 1996 and 1997; and

(B) shoreside processors determined by the Secretary to have processed pollock in the inshore component of the directed pollock fishery in 1996 and 1997, but to have processed less than 2,000 metric tons round-weight of such pollock in each year, except that effective January 1, 2000, each such shoreside processor may not process more than 2,000 metric tons round-weight from such directed fishing allowance in any year;

(2) Upon recommendation by the North Pacific Council, the Secretary may approve measures to allow catcher vessels eligible under subsection (a) to deliver pollock harvested from the directed fishing allowance under section 206(b)(1) to shoreside processors not eligible under paragraph (1) if the total allowable catch for pollock in the Bering Sea and Aleutian Islands Management Area increases by more than 10 percent above the total allowable catch in such fishery in 1997, or in the event of the actual total loss or constructive total loss of a shoreside processor eligible under paragraph (1)(A).

(g) **Replacement Vessels.** In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be eligible in the same manner under that subsection as the eligible vessel, provided that

(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons (as measured under chapter 145 of title 46) or 1,900 gross registered tons as measured under chapter 143 of that title, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.

(h) **Eligibility During Implementation.** In the event the Secretary is unable to make a final determination about the eligibility of a vessel under subsection (b)(8) or subsection (e)(21) before January 1, 1999, or a vessel or shoreside processor under subsection (a), subsection (c)(21), or subsection (f) before January 1, 2000, such vessel or shoreside processor, upon the filing of an application for eligibility, shall be eligible to participate in the directed pollock fishery pending final determination by the Secretary with respect to such vessel or shoreside processor.

(i) **Eligibility Not a Right.** Eligibility under this section shall not be construed

(1) to confer any right of compensation, monetary or otherwise, to the owner of any catcher vessel, catcher/processor, mothership, or shoreside processor if such eligibility is revoked or limited in any way, including through the revocation or limitation of a fishery endorsement or any federal permit or license;

(2) to create any right, title, or interest in or to any fish in any fishery, or

(3) to waive any provision of law otherwise applicable to such catcher vessel, catcher/processor, mothership, or shoreside processor.

## Sec. 209. List of Ineligible Vessels.

Effective December 31, 1998, the following vessels shall be permanently ineligible for fishery endorsements, and any claims (including relating to catch history) associated with such vessels that could qualify any owners of such vessels for any present or future limited access system permit in any fishery within the exclusive economic zone of the United States (including a vessel moratorium permit or license limitation program permit in fisheries under the authority of the North Pacific Council) are hereby extinguished:

(1) AMERICAN EMPRESS (United States official number 942347);

(2) PACIFIC SCOUT (United States official number 934772);

(3) PACIFIC EMPLOYER (United States official number 942592);

(4) PACIFIC NAVIGATOR (United States official number 592204);

(5) VICTORIA ANN (United States official number 592207);

(6) ELIZABETH ANN (United States official number 534721);

(7) CHRISTINA ANN (United States official number 653045);

(8) REBECCA ANN (United States official number 592205);

(9) BROWNS POINT (United States official number 587440).

## Sec. 210. Fishery Cooperative Limitations.

(a) **Public Notice.** (1) Any contract implementing a fishery cooperative under section 1 of the Act of June 25, 1934 (15 U.S.C. 521) in the directed pollock fishery and any material modifications to any such contract shall be filed not less than 30 days prior to the start of fishing under the contract with the North Pacific Council and with the Secretary, together with a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request. Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a) or any other provision of law, but taking into account the interest of parties to any such contract in protecting the confidentiality of proprietary information, the North Pacific Council and Secretary shall

(A) make available to the public such information about the contract, contract modifications, or fishery cooperative the North Pacific Council and Secretary deem appropriate, which at a minimum shall include a list of the parties to the contract, a list of the vessels involved, and the amount of pollock and other fish to be harvested by each party to such contract; and

(B) make available to the public in such manner as the North Pacific Council and Secretary deem appropriate information about the harvest by vessels under a fishery cooperative of all species (including by catch) in the directed pollock fishery on a vessel-by-vessel basis.

### (b) Catcher Vessels Onshore

(1) *Catcher Vessel Cooperatives.* Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which

(A) is signed by the owners of 80 percent or more of the qualified catcher vessels that delivered pollock for processing by a shoreside processor in the directed pollock fishery in the year prior to the year in which the fishery cooperative will be in effect; and

(B) specifies, except as provided in paragraph (6), that such catcher vessels will deliver pollock in the directed pollock fishery only to such shoreside processor during the year in which the fishery cooperative will be in effect and that such shoreside processor has agreed to process such pollock, the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in aggregate in excess of such percentage of such directed fishing allowance.

(2) *Voluntary Participation.* Any contract implementing a fishery cooperative under paragraph (1) must allow the owners of other qualified catcher vessels to enter into such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the qualified catcher vessels who entered into such contract upon filing.

(3) *Qualified Catcher Vessel.* For the purposes of this subsection, a catcher vessel shall be considered a qualified catcher vessel if, during the year prior to the year in which the fishery cooperative will be in effect, it delivered more pollock to the shoreside processor to which it will deliver pollock under the fishery cooperative in paragraph (1) than to any other shoreside processor.

(4) *Consideration of Certain Vessels.* Any contract implementing a fishery cooperative under paragraph (1) which has been entered into by the owner of a qualified catcher vessel eligible under section 208(a) that harvested pollock for processing by catcher/processers or motherships in the directed pollock fishery during 1995, 1996, and 1997 shall, to the extent practicable, provide fair and equitable terms and conditions for the owner of such qualified catcher vessel.

(5) *Open Access.* A catcher vessel eligible under section 208(a) the catch history of which has not been attributed to a fishery cooperative under paragraph (1) may be used to deliver pollock harvested by such vessel from the directed fishing allowance under section 206(b)(1) (other than pollock reserved under paragraph (1) for a fishery cooperative) to any of the shoreside processors eligible under section 208(f). A catcher vessel eligible under section 208(a) the catch history of which has been attributed to a fishery cooperative under paragraph (1) during any calendar year may not harvest any pollock apportioned under section 206(b)(1) in such calendar year other than the pollock reserved under paragraph (1) for such fishery cooperative.

(6) *Transfer of Cooperative Harvest.* A contract implementing a fishery cooperative under paragraph (1) may, notwithstanding the other provisions of this subsection, provide for up to 10 percent of the pollock harvested under such cooperative to be processed by a shoreside processor eligible under section 208(f) other than the shoreside processor to which pollock will be delivered under paragraph (1).

(c) **Catcher Vessels to Catcher/Processors.** Effective January 1, 1999, not less than 8.5 percent of the directed fishing allowance under section 206(b)(2) shall be available for harvest only by the catcher vessels eligible under section 208(b). The owners of such catcher vessels may participate in a fishery cooperative with the owners of the catcher/processors eligible under paragraphs (1) through (20) of the section 208(e). The owners of such catcher vessels may participate in a fishery cooperative that will be in effect during 1999 only if the contract implementing such cooperative establishes penalties to prevent such vessels from exceeding in 1999 the traditional levels harvested by such vessels in all other fisheries in the exclusive economic zone of the United States.

### (d) Catcher Vessels to Motherships

(1) *Processing.* Effective January 1, 2000, the authority in section 1 of the Act of June 25, 1934 (48 STAT. 1213 and 1214; 15 U.S.C. 521 et seq.) shall extend to processing by motherships eligible under section 208(d) solely for the purposes of forming or participating in a fishery cooperative in the directed pollock fishery upon the filing of a contract to implement a fishery cooperative under subsection (a) which has been entered into by the owners of 80 percent or more of the catcher vessels eligible under section 208(c) for the duration of such contract, provided that such owners agree to the terms of the fishery cooperative involving processing by the motherships.

(2) *Voluntary Participation.* Any contract implementing a fishery cooperative described in paragraph (1) must allow the owners of any other catcher vessels eligible under section 208(c) to enter such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the catcher vessels who entered into such contract upon filing.

### (e) Excessive Shares.

(1) *Harvesting.* No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a total of more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery.

(2) *Processing.* Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is

directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from processing an excessive share of the pollock available to be harvested in the directed pollock fishery. In the event the North Pacific Council recommends and the Secretary approves an excessive processing share that is lower than 17.5 percent, any individual or entity that previously processed a percentage greater than such share shall be allowed to continue to process such percentage, except that their percentage may not exceed 17.5 percent (excluding pollock processed by catcher/processors that was harvested in the directed pollock fishery by catcher vessels eligible under section 208(b)) and shall be reduced if their percentage decreases, until their percentage is below such share. In recommending the excessive processing share, the Northern Pacific Council shall consider the need of catcher vessels in the directed pollock fishery to have competitive buyers for the pollock harvested by such vessels.

(3) *Review by Maritime Administration.* At the request of the North Pacific Council or the Secretary, any individual or entity believed by such Council or the Secretary to have exceeded the percentage in either paragraph (1) or (2) shall submit such information to the Administrator of the Maritime Administration as the Administrator deems appropriate to allow the Administrator to determine whether such individual or entity has exceeded either such percentage. The Administrator shall make a finding as soon as practicable upon such request and shall submit such finding to the North Pacific Council and the Secretary. For the purposes of this subsection, any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity.

(f) **Landing Tax Jurisdiction.** Any contract filed under subsection (a) shall include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery which is not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid shall result in a revocation of the authority to form fishery cooperatives under section 1 of the Act of June 25, 1934 (15 U.S.C. 521 et seq.).

(g) **Penalties.** The violation of any of the requirements of this subtitle or any regulation or permit issued pursuant to this subtitle shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857), and sections 308, 309, 310, and 311 of such Act (16 U.S.C. 1858, 1859, 1860, and 1861) shall apply to any such violation in the same manner as to the commission of an act prohibited by section 307 of such Act (16 U.S.C. 1857). In addition to the civil penalties and permit sanctions applicable to prohibited acts under section 308 of such Act (16 U.S.C. 1858), any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated a requirement of this section shall be subject to the forfeiture to the Secretary of Commerce of any fish harvested or processed during the commission of such act.

## Sec. 211. Protections for Other Fisheries; Conservation Measures.

(a) **General.** The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

### (b) Catcher/Processor Restrictions.

(1) *General.* The restrictions in this subsection shall take effect on January 1, 1999 and shall remain in effect thereafter except that they may be superseded (with the exception of paragraph (4)) by conservation and management measures recommended after the date of the enactment of this Act by the North Pacific Council and approved by the Secretary in accordance with the Magnuson-Stevens Act.

(2) *Bering Sea Fishing.* The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from, in the aggregate

(A) exceeding the percentage of the harvest available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total harvest by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997;

(B) exceeding the percentage of the prohibited species available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total of the prohibited species harvested by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount of prohibited species available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997.

(C) fishing for Atka mackerel in the eastern area of the Bering Sea and Aleutian Islands and from exceeding the following percentages of the directed harvest available in the Bering Sea and Aleutian Islands Atka mackerel fishery

(i) 11.5 percent in the central area; and

(ii) 20 percent in the western area.

(3) *Bering Sea Processing.* The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from

(A) processing any of the directed fishing allowances under paragraphs (1) or (3) of section 206(b); and

(B) processing any species of crab harvested in the Bering Sea and Aleutian Islands Management Area.

(4) *Gulf of Alaska.* The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from

(A) harvesting any fish in the Gulf of Alaska.

(B) processing any groundfish harvested from the portion of the exclusive economic zone off Alaska known as area 630 under the fishery management plan for Gulf of Alaska groundfish; or

(C) processing any pollock in the Gulf of Alaska (other than as by catch in non-pollock groundfish fisheries) or processing, in the aggregate, a total of more than 10 percent of the cod harvested from areas 610, 620, and 640 of the Gulf of Alaska under the fishery management plan for Gulf of Alaska groundfish.

(5) *Fisheries Other than North Pacific.* The catcher/processors eligible under paragraphs (1) through (20) of section 208 (e) and motherships eligible under section 208(d) are hereby prohibited from harvesting fish in any fishery under the authority of any regional fishery management council established under section 302(a) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)) other than the North Pacific Council, except for the Pacific whiting fishery, and from processing fish in any fishery under the authority of any such regional fishery management council other than the North Pacific Council, except in the Pacific whiting fishery, unless the catcher/processor or mothership is authorized to harvest or process fish under a fishery management plan recommended by the regional fishery management council of jurisdiction and approved by the Secretary.

(6) *Observers and Scales.* The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) shall

(A) have two observers onboard at all times while groundfish is being harvested, processed, or received from another vessel in any fishery under the authority of the North Pacific Council; and

(B) weight its catch on a scale onboard approved by the National Marine Fisheries Service while harvesting groundfish in fisheries under the authority of the North Pacific Council.

This paragraph shall take effect on January 1, 1999 for catcher/processors eligible under paragraphs (1) through (20) of section 208(e) that will harvest pollock allocated under section 206(a) in 1999, and shall take effect on January 1, 2000 for all other catcher/processors eligible under such paragraphs of section 208(e).

**(c) Catcher Vessel and Shoreside Processor Restrictions.**

(1) *Required Council Recommendations.* By not later than July 1, 1999, the North Pacific Council shall recommend for approval by the Secretary conservation and management measures to

(A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fisheries; and

(B) protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery.

If the North Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the North Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation restrict or change the authority in section 210(b) to the extent the Secretary deems appropriate, including by preventing fishery cooperatives from being formed pursuant to such section and by providing greater flexibility with respect to the shoreside processor or shoreside processors to which catcher vessels in a fishery cooperative under section 210(b) may deliver pollock.

**(2) Bering Sea Crab and Groundfish.**

(A) Effective January 1, 2000, the owners of the motherships eligible under section 208(d) and the shoreside processors eligible under section 208(f) that receive pollock from the directed pollock fishery under a fishery cooperative are hereby prohibited from processing, in the aggregate for each calendar year, more than the percentage of the total catch of each species of crab in directed fisheries under the jurisdiction of the North Pacific Council than facilities operated by such owners processed of each such species in the aggregate, on average, in 1995, 1996, and 1997. For the purposes of this subparagraph, the term facilities means any processing plant, catcher/processor, mothership, floating processor, or any other operation that processes fish. Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity for the purposes of this subparagraph.

(B) Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from harvesting or processing an excessive share of crab or of groundfish in fisheries in the Bering Sea and Aleutian Islands Management Area.

(C) The catcher vessels eligible under section 208(b) are hereby prohibited from participating in a directed fishery for any species of crab in the Bering Sea and Aleutian Islands Management Area unless the catcher vessel harvested crab in the directed fishery for that species of crab in such Area during 1997 and is eligible to harvest such crab in such directed fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary. The North Pacific Council is directed to recommend measures for approval by the Secretary to eliminate latent licenses under such program, and nothing in this subparagraph shall preclude the Council from recommending measures more restrictive than under this paragraph.

**(3) Fisheries Other than North Pacific.**

(A) By not later than July 1, 2000, the Pacific Fishery Management Council established under section 302(a)(1)(F) of the Magnuson-Stevens Act (16 U.S.C. 1852 (a)(1)(F)) shall recommended for approval by the Secretary conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act or by any fishery cooperatives in the directed pollock fishery.

(B) If the Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific groundfish, and restrictions on the number of processors eligible to process Pacific groundfish.

(d) **By catch Information.** Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a), the North Pacific Council may recommend and the Secretary may approve, under such terms and conditions as the North Pacific Council and Secretary deem appropriate, the public disclosure of any information from the groundfish fisheries under the authority of such Council that would be beneficial in the implementation of section 301(a)(9) or section 303(a)(11) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(9) and 1853(a)(11)).

(e) **Community Development Loan Program.** Under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), and subject to the availability of appropriations, the Secretary is authorized to provide direct loan obligations to communities eligible to participate in the western Alaska community development quota program established under section 304(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)) for the purposes of purchasing all or part of an ownership interest in vessels and shoreside processors eligible under subsections (a), (b), (c), (d), (e), or (f) of section 208. Notwithstanding the eligibility criteria in section 208(a) and section 208(c), the LISA MARIE (United States official number 1038717) shall be eligible under such sections in the same manner as other vessels eligible under such sections.

## **Sec. 212. Restriction on Federal Loans.**

### **Section 302(b) of the Fisheries Financing Act (46 U.S.C. 1274 note) is amended**

(1) by inserting (1) before Until October 1, 2001 ; and

(2) by inserting at the end the following new paragraph: (2) No loans may be provided or guaranteed by the Federal Government for the construction or rebuilding of a vessel intended for use as a fishing vessel (as defined in section 2101 of title 46, United States Code), if such vessel will be greater than 165 feet in registered length, of more than 750 gross registered tons (as measured under chapter 145 of title 46) or 1,900 gross registered tons as measured under chapter 143 of that title, or have an engine or engines capable of producing a total of more than 3,000 shaft horsepower, after such construction or rebuilding is completed. This prohibition shall not apply to vessels to be used in the menhaden fishery or in tuna purse seine fisheries outside the exclusive economic zone of the United States or the area of the South Pacific Regional fisheries Treaty.

## Sec. 213. Duration.

- (a) **General.** Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of the enactment of this Act. There are authorized to be appropriated \$6,700,000 per year to carry out the provisions of this Act through fiscal year 2004.
- (b) **Existing Authority.** Except for the measures required by this subtitle, nothing in this subtitle shall be construed to limit the authority of the North Pacific Council or the Secretary under the Magnuson-Stevens Act.
- (c) **Changes to Fishery Cooperative Limitations and Pollock CDQ Allocation.** The North Pacific Council may recommend and the Secretary may approve conservation and management measures in accordance with the Magnuson-Stevens Act
- (1) that supersede the provisions of this subtitle, except for section 206 and 208, for conservation purposes or to mitigate adverse effects in fisheries or on owners of fewer than three vessels in the directed pollock fishery caused by this title or fishery cooperatives in the directed pollock fishery, provided such measures take into account all factors affecting the fisheries and are imposed fairly and equitable to the extent practicable among and within the sectors in the directed pollock fishery.
- (2) that supersede the allocation in section 206(a) for any of the years 2002, 2003, and 2004, upon the finding by such Council that the western Alaska community development quota program for pollock has been adversely affected by the amendments in this subtitle; or
- (3) that supersede the criteria required in paragraph (1) of section 210(b) to be used by the Secretary to set the percentage allowed to be harvested by catcher vessels pursuant to a fishery cooperative under such paragraph.
- (d) **Report to Congress.** Not later than October 1, 2000, the North Pacific Council shall submit a report to the Secretary and to Congress on the implementation and effects of this Act, including the effects on fishery conservation and management, on by catch levels, on fishing communities, on business and employment practices of participants in any fishery cooperatives, on the western Alaska community development quota program, on any fisheries outside of the authority of the North Pacific Council, and such other matters as the North Pacific Council deems appropriate.
- (e) **Report on Fillet Production.** Not later than June 1, 2000, the General Accounting Office shall submit a report to the North Pacific Council, the Secretary, and the Congress on whether this Act has negatively affected the market for fillets and fillet blocks, including through the reduction in the supply of such fillets and fillet blocks. If the report determines that such market has been negatively affected, the North Pacific Council shall recommend measures for the Secretary's approval to mitigate any negative effects.
- (f) **Severability.** If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.
- (g) **International Agreements.** In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. The provisions of section 12102(c) and section 31322(a) of title 46, United States Code, as amended by this Act, shall apply to all subsequent owners and mortgagees of such vessel, and shall apply, notwithstanding the preceding sentence, to the owner on October 1, 2001 of such vessel if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity after such date.



**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; High Seas Fishing Vessel Reporting Requirements**

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

**ACTION:** Notice.

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

**DATES:** Written comments must be submitted on or before March 10, 2008.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Dickinson, (301) 713-2276 or [Bob.Dickinson@noaa.gov](mailto:Bob.Dickinson@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Operators of vessels licensed under the High Seas Fishing Compliance Act are required to report their catch and fishing effort when fishing on the high seas. The requirement is for fishery management purposes and to provide data to international organizations. Vessels already maintaining logbooks under other specific regulations are not required to maintain an additional logbook.

**II. Method of Collection**

Paper logbook pages are submitted.

**III. Data**

*OMB Control Number:* 0648-0349.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 550.

*Estimated Time per Response:* 6 minutes per day for days fish are caught; 1 minute per day for days when fish are not caught.

*Estimated Total Annual Burden Hours:* 850.

*Estimated Total Annual Cost to Public:* \$3,000.

**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: January 4, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-167 Filed 1-8-08; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; High Seas Fishing Vessel Identification Requirements**

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

**ACTION:** Notice.

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

**DATES:** Written comments must be submitted on or before March 10, 2008.

**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](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument and instructions should be directed to Robert Dickinson, (301) 713-2276 or [Bob.Dickinson@noaa.gov](mailto:Bob.Dickinson@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The operators of vessels licensed under the High Seas Fishing Compliance Act are required to mark their vessels in 3 locations (port and starboard sides of the deckhouse or hull, and on a weatherdeck) with their official number or radio call sign. The requirement is for enforcement purposes.

**II. Method of Collection**

No information is submitted, only displayed on the vessel.

**III. Data**

*OMB Control Number:* 0648-0348.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 50.

*Estimated Time Per Response:* 45 minutes (15 minutes for each of 3 locations).

*Estimated Total Annual Burden Hours:* 38.

*Estimated Total Annual Cost to Public:* \$1,000.

**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: January 4, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-168 Filed 1-8-08; 8:45 am]

**BILLING CODE 3510-22-P**