

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/28/2002
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 06/28/2002.

TITLE: Southeast Region Stone Crab Vessel Permit Issuance
Under the New Trap Limitation Program

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0458
EXPIRATION DATE: 07/31/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	35	55	7
Difference	35	55	7
Program Change		55	7
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

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

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT

SOUTHEAST REGION STONE CRAB VESSEL PERMIT ISSUANCE UNDER NEW TRAP LIMITATION PROGRAM

This submission is intended to eventually be part of the Permits Family of Forms but is being submitted separately because another 0648-0205 submission is currently at OMB. It is our intent to merge these requirements into 0648-0205 as soon as possible.

A. JUSTIFICATION

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

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone (EEZ) is the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under this authority the Secretary of Commerce has promulgated separate rules that require specific types of data submissions for the application process to obtain fishing permits and endorsements as well as notification of certain activities.

The National Marine Fisheries Service (NMFS) is issuing a proposed rule to implement Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico. The Florida Fish and Wildlife Conservation Commission (FFWCC) adopted rules for management of the fishery in state waters. The FFWCC program will stabilize the fishery at optimum sustainable yield by decreasing the number of traps from about 1.3 million to 0.6 million within a projected 30-year period. However, the FFWCC voted to postpone implementation of its program until October 2002 (the beginning of the 2002/2003 season). FFWCC officials determined that the state program delay was necessary when they realized that they could not deliver tags to fishermen during June/July 2001, when fishermen would be repairing and preparing their traps for the 2001/2002 season. The commercial industry also supports this delay.

The FFWCC has requested (through the Gulf of Mexico Fishery Management Council) that NMFS provide a similar delay for implementation of the proposed Federal program. Accordingly, the proposed rule proposes an implementation date for the Federal program that would coincide with the implementation of the FFWCC program. Approval and implementation of the Federal program at this time are imperative to allow sufficient time to process applications and potential appeals, and deliver Federal trap tags to approved fishermen in time so as to track the timing of the FFWCC program. The FFWCC appeals process already is underway.

Effective October 1, 2002, for a person aboard a vessel, except a person who is in compliance with the FFWCC stone crab trap limitation program, to possess or use a stone crab trap, possess more than 1 gallon of stone crab claws, or sell stone crab claws in or from the management area, a valid Federal commercial vessel permit for stone crab must have been issued to the vessel and

must be on board. The Federal program is for the commercial stone crab fishery in the EEZ off Florida's west coast, including the area off Monroe County, FL (i.e., the management area) that would complement the stone crab trap limitation program implemented by the FFWCC in state waters. Issuance of permits under the Federal program would be limited to applicants who could not qualify for, or chose not to qualify for FFWCC's license, trap certificates, and trap tags. Under the Federal program, an applicant who could meet the Federal eligibility requirements (based on landings during the 1995-1998 time period described in the proposed rule) and who does not possess the FFWC's license and trap certificates would be issued a Federal vessel permit (trap certificate), and trap tags. NMFS would obtain data on stone crab landed in Florida directly from that state (rather than from the applicants or dealers). Landings of stone crab harvested from the management unit or Florida's state waters but landed in a state other than Florida may be documented by dealer records that the fishermen obtain and submit to NMFS. The Federal permit and tags are valid in the EEZ only.

The trap certificate under the Federal program (unlike the state program) is non-transferable. Therefore, unlike the state certificate, the Federal trap certificate would not need to be a separate form but would instead be issued as a permit.

Concerning the collection of data on stone crab, the implementing regulations contain five collection-of-information requirements subject to the Paperwork Reduction Act, specifically information on landings of stone crab, completion of a stone crab commercial vessel permit application (Multiple Fishery Vessel Application (Application)), submissions of appeals of NMFS' initial denial of a commercial vessel permit, vessel identification, and gear identification.

This document requests approval to collect information regarding landings of stone crab, completion of the Application, and submissions of appeals of NMFS' initial denial of a commercial vessel permit, as required for the Federal permit issuance process under Amendment 7. An appeal must include copies of landing records relating to eligibility, such other reliable evidence upon which the facts related to issuance can be resolved, and a concise statement of the reasons the initial denial should be reversed or modified. These three collections are part of the process needed to properly implement the stone crab permit limitation system that complements Florida's similar program. The vessel and gear identification requirements have been approved by OMB under control numbers 0648-0358 and 0648-0359, respectively, with response times of 45 minutes and 7 minutes, respectively.

An applicant for a Federal stone crab vessel permit would be required to obtain an Application form from (and submit it to) NMFS. The form will be provided through a modification of the Application by adding a "stone crab" entry in Section 8 of that form. Information on the Application to be provided by stone crab vessel permit applicants would include the vessel's name, hull identification number, and state registration or Coast Guard documentation number; landings data for use by NMFS in determining eligibility; the desired color code for use in identifying the vessel and buoys; name, address, county, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner; any other information concerning the vessel, gear characteristics, hull type, gross tonnage, net tonnage,

principal fisheries engaged in, or fishing areas, as specified on the Application. In addition, a copy of the vessel's valid U.S. Coast Guard certificate of documentation or, if not documented, a copy of its valid state registration certificate would be required with each application.

Amendment 7 includes no requirement that the permitted owner or operator have earned income from fishing.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

NMFS will use the vessel/ownership and related information collected on the Application to help identify and manage all of the permit types handled by that form. Stone crab is a new permit type to be added to the Application; these data also need to be collected for the stone crab fishery for the same purpose.

- a) Information such as name and address of owner and operator is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. This latter requirement is essential in identifying participants and monitoring the compliance of the various requirements.
- b) The documentation or state registration number, hull registration number, county, hull type, gross tonnage, net tonnage, and name of the vessel are essential for identifying participation.
- c) Vessel characteristics (including gross and net tonnage for certain swordfish/shark permits), gear specification, fishing areas, and other information is necessary to ensure the correct permit issuance is completed by NMFS per the existing regulations.
- d) The collection of vessel-specific information regarding landings of stone crab will be used by NMFS to calculate eligibility and the maximum allowable number of traps. NMFS would obtain data on stone crab landed in Florida directly from that state (rather than from the applicants or dealers). Landings of stone crab harvested from the management unit or Florida's state waters, but landed in a state other than Florida, may be documented by dealer records that the fishermen obtain and submit to NMFS.
- e) The proposed submissions of appeals of NMFS' initial denial of a commercial vessel permit, is required to properly administer the Federal permit program and determination of eligible participants. Submittal of the appeal documents, including landings information, is needed to complete the appeals process and thereby provide appropriate Federal management of the fishery.

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.

The Southeast Region's Web site allows the public to obtain a printed copy of the permit application via downloading to their printer. Otherwise, the Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) permit application and issuance. This capability cannot be accomplished in the Southeast Region without significant changes to the permit issuance criteria and our permit issuance processes. These changes have been initiated, in that the Southeast Region Permits Team is switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future. The Southeast Region also may initiate clearance of a survey of permitted vessel owners to determine the feasibility of Web site application and associated costs/benefits. The survey results will be used to evaluate the feasibility of electronic permit transactions for possible inclusion in future permitting system changes and resource/technology allocations. Such changes could support NOAA's proposed initiative for One-Stop Shopping (to improve customer service through coordination of NOAA consultation and permitting activities).

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each Fishery Management Plan (FMP) to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist. The FFWCC is collecting (or has already collected) similar information via its stone crab license permitting system. That information will be utilized to determine eligibility for the Federal permitting program. However, this would not cause duplication in terms of permit issuance or data collection since the Federal permits are valid only in Federal waters and will not be issued to persons who already hold the state license/certificate.

The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication.

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

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management and permitting programs are requested from all applicants.

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

If we did not identify and control the participants in all of the commercial permit fisheries in the region, through the permit system, it would critically impact the management of our fishery resources. Collection of the vessel-specific information whenever the application is completed is necessary for NMFS to properly the applicable permit transfer provisions in effect for those fisheries. Since that information may change over time, periodic collection is needed.

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

The collection is consistent with OMB guidelines.

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

The proposed rule to implement Amendment 7 includes a notice of and request for comments on this data collection.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen, that are required to report, are routinely submitted and these are reviewed and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. There are no major problems that have not been resolved.

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

There are no payments or other remunerations to respondents.

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

All data that are submitted are treated as confidential in accordance with NOAA Administrative Order 216-100.

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

No questions of a sensitive nature are asked.

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

Under the program change, the NMFS expects to receive stone crab fishing permit requests/applications from 30 vessels, each taking 0.33 hours to complete. Of those, 20 vessels are expected to qualify for and be issued Federal stone crab permits/certificates/trap tags. Ten of those vessels are expected to already have other Federal fishing permits (and therefore are already using the Application for renewals). Those ten vessels would submit an additional request without using another application to add the stone crab permit as soon as possible. Therefore, those ten vessels would each have a response in the first year. The new stone crab permit category, therefore, will result in 30 annual responses (from 30 respondents) and ten annual burden hours in the first year, assuming an estimated time of 0.33 hours per response. The stone crab vessels that obtain permits will then be placed in the automatic renewal cycle wherein applications are only required every other year.

The proposed rule provides for the collection of vessel-specific information regarding landings of stone crab in the management area but outside Florida's trip ticket reporting system. Such landings would instead be documented by fishermen's collection of dealer landings records, estimated to take two hours for each response. It is estimated that ten of the 30 applications would involve fishermen's collection of such records for submittal to NMFS. The additional burden time for this would be 20 hours total. NMFS would obtain Florida's trip ticket data via electronic transmittal directly from Florida without additional applicant burden time, and will be used by NMFS to calculate eligibility and the maximum allowable number of traps.

The proposed rule also provides for submissions of appeals of NMFS' initial denial of a commercial vessel permit, as required to properly administer the Federal permit program. NMFS expects ten applications will be found initially ineligible for the Federal stone crab permit (those vessels still have to pay the processing fee). NMFS expects to receive one-time appeals regarding five of the ten applications expected to be initially ineligible. Additional record search and review time would be needed for each appellant to prepare the ineligibility appeal. Each appeal submission is expected to take five hours; therefore, the burden hours for the five appeals in the first year total 25 hours. Those appeals are not expected to be successful; therefore, no additional burden time is expected following completion of the appeals process.

In the first year, a total of 35 responses (i.e., 30 new applications plus five appeal responses) from 30 respondents is expected. These 35 responses are expected to take 55 hours in the first year (ten hours for completion of the Application, plus 20 hours for record collection by fishermen, plus 25 hours for the appeals).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

A fee is charged for each permit application submitted (regardless of whether or not the application meets the criteria and is approved). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative cost of each special product or service. Under the schedule, an applicant filling out the application is charged \$50 for the first permit category, and \$20 for the second permit category applied for at that time. The fees total \$700 per year, based on the following calculations. The ten stone crab vessels that are currently unpermitted will need to pay \$50 for the processing fee (sub-total of \$500). The 20 stone crab permit applicants that already hold other fishing permits will need to pay \$20 each for the processing fee that is charged every other year, to add the stone crab vessel permit category (sub-total of \$400 per year).

Each of the 20 stone crab vessels that will qualify for the Federal permit are expected to request 250 trap tags that will cost \$1.30 each, for a tag cost sub-total of \$6,500. The resulting sub-total of fees and tag costs, therefore, is \$7,400.

In addition, the public pays mailing costs for the various responses. Those mailing costs are estimated at \$.34 average for each of the 30 applications, or \$10.20 total per year. Each of the five appeals are expected to require copying (duplicating) of ten pages each (at \$0.10 per page) in the first year. These first-year duplication costs are estimated at a total of \$5.00 per year. The sub-total of mailing and duplication costs in the first year is \$15.20.

The grand total, therefore, is \$7,415.20. No other cost burdens are expected from the other components of this collection.

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

The administrative costs for the program are paid by the fishermen. As a result, there is no cost to the Federal government.

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

The changes in burden hours and costs are program changes resulting from new requirements.

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

The results from this collection are not planned for statistical publication.

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

The OMB number will be displayed.

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

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods at present.



U.S. DEPARTMENT OF COMMERCE, NOAA
 NMFS PERMITS TEAM, F/SER22
 9721 EXECUTIVE CENTER DRIVE N.
 ST. PETERSBURG, FL 33702
 727/570-5326 (8am - 4:30pm EST)

OMB No. 0648-0205
 Approval Expires: 12/31/2003

**FEDERAL PERMIT APPLICATION FOR
 VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ)**

FOR OFFICE USE ONLY

CHECK/MONEY ORDER NO.:		EXP. DATE:
FLOY TAG CHECK/MONEY ORDER NO.:		REVIEWER'S INITIALS/DATE:
VIOLATION #/DATE:	CLEARED DATE/INITIALS:	QUALIFIER:
NON-REPORTING HOLD DATE:		NON-REPORTING CLEARED DATE
GEARS: 1. 2. 3. 4.		FISHERIES: 1. 2. 3. 4.

SECTION 1 VESSEL INFORMATION (please print legibly or type) Coast Guard Doc. and/or State Registration must be provided

NAME OF VESSEL		CG DOC. OR STATE REG. NO. (OFFICIAL NUMBER)	HULL IDENTIFICATION NO.	
LENGTH (FT.)	ENGINE HORSEPOWER	HOLD CAPACITY (TONS)	GROSS & NET TONNAGE	HULL TYPE
HOME PORT (CITY & STATE)		FUEL CAPACITY (Gal.) (Shrimp Only)	YEAR BUILT (Shrimp Only)	

SECTION 2 DOCUMENTED/STATE REGISTERED OWNER INFORMATION

OWNER(S) NAME		AREA CODE/PHONE NO.		
MAILING ADDRESS		CITY	COUNTY	
STATE	ZIP CODE	FEDERAL ID NO.	DATE OF BIRTH OR DATE CORPORATION FORMED:	MONTH DAY YEAR

SECTION 3 OPERATOR INFORMATION ONLY IF REQUIRED

OPERATOR NAME		AREA CODE/PHONE NO.		
MAILING ADDRESS		CITY		
STATE	ZIP CODE	FEDERAL ID NO.	DATE OF BIRTH:	MONTH DAY YEAR

SECTION 4 LEASE INFORMATION

NAME		AREA CODE/PHONE NO.		
MAILING ADDRESS		CITY		
STATE	ZIP CODE	FEDERAL ID NO.	LEASE EXPIRATION DATE:	MONTH DAY YEAR

SECTION 5 RED SNAPPER CLASS 1 LICENSE PLACEMENT INFORMATION

NAME		AREA CODE/PHONE NO.		
MAILING ADDRESS				
CITY		STATE		

SECTION 6 PREDOMINANT GEAR AND FISHERIES (Data collection information)

This vessel is best described as: Charter (CH) Commercial (CM) Headboat (HB)

Select by letter up to 4 gears used by this vessel (1. most important - 4. least important)

Select by letter up to 4 fisheries in which this vessel participates. List fisheries in the order of the value of fish sold.

1. _____ 3. _____ 1. _____ 3. _____
 2. _____ 4. _____ 2. _____ 4. _____

a. Shrimp Trawl g. Surface Longline a. Reef Fish f. Stone Crab
 b. Fish Trap/Pot h. Bottom Longline b. King Mackerel g. Spiny Lobster
 c. Gillnet i. Lobster Trap c. Shark h. Shrimp
 d. Reef Fish Bandit j. Diver d. Spanish Mackerel i. Other (specify)
 e. Hand/Troll Line k. Other (specify) e. Swordfish/Tuna _____
 f. Rod & Reel _____

For Shrimp vessels only. Information must be provided or application will be returned:

How do you store your shrimp?: Freezer vs. Ice

PERMIT(S) SELECTION AND ADDITIONAL INFORMATION ON REVERSE

SECTION 7 COMPLETE IF VESSEL IS CORPORATE OWNED OR PARTNERSHIP

If you are applying for a PERMIT and the vessel owner is a corporation or partnership, provide the names, addresses and dates of birth of the shareholders or partners on the lines provided. If more space is needed, please attach an additional sheet of paper.

1. _____ 2. _____

SECTION 9 SELECT TYPE OF CHARTER/HEADBOAT/COMMERCIAL FISHERY(IES)

\$50.00 FOR FIRST FISHERY SELECTED; \$20.00 FOR EACH ADDITIONAL FISHERY SELECTED.

CHARTER/HEADBOAT PERMITS

CHARTER FOR COASTAL MIGRATORY PELAGIC FISH (CH) GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (RC)
 SOUTH ATLANTIC CHARTER FOR COASTAL MIGRATORY PELAGIC (SC)

COMMERCIAL PERMITS

SPINY LOBSTER (LC) (Not required for the EEZ off Florida) SPINY LOBSTER TAILING (LT) SOUTH ATLANTIC ROCK SHRIMP (RS)
 SPANISH MACKEREL (SM) GULF OF MEXICO SHRIMP (SH)

COMMERCIAL PERMITS WITH LIMITED ACCESS/MORATORIUM

	RENEWAL	TRANSFER
KING MACKEREL (KM, KT)	<input type="checkbox"/>	<input type="checkbox"/>
GILLNET ENDORSEMENT FOR KING MACKEREL (GN, TGN)	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO REEF FISH (RR, RT, RRE, RTE)	<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 1 LICENSE (L1, TL1)	<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 2 LICENSE (L2, TL2)	<input type="checkbox"/>	<input type="checkbox"/>
UNLIMITED SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG1, ST1, TSG1, TST1)	<input type="checkbox"/>	<input type="checkbox"/>
225 lbs. TRIP LIMIT SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG2, ST2, TSG2, TST2)	<input type="checkbox"/>	<input type="checkbox"/>
WORDFISH DIRECTED (SFD, TSFD)	<input type="checkbox"/>	<input type="checkbox"/>
WORDFISH HANDGEAR (SFH, TSFH)	<input type="checkbox"/>	<input type="checkbox"/>
WORDFISH INCIDENTAL (SFI, TSFI)	<input type="checkbox"/>	<input type="checkbox"/>
SHARK DIRECTED (SKD, TSKD)	<input type="checkbox"/>	<input type="checkbox"/>
SHARK INCIDENTAL (SKI, TSKI)	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 9 COMPLETE THIS SECTION ONLY IF YOU FISH WITH TRAPS/POTS IN THE REEF FISH OR SNAPPER-GROUPER FISHERIES

If you have an existing color code for any trap/pot fishery, list here.

COLOR CODE: _____

If no existing color code, insert choice (white is not an acceptable color code): _____

Trap/Pot Information: Gulf of Mexico Reef Fish (GOM) Stone Crab (CR) & South Atlantic Snapper-Grouper (SA)

(GOM)	_____	_____	_____
	No. of traps	Length x Width x Height (in.)	Mesh Sizes (in.)
(SA)	_____	_____	_____
	No. of pots	Length x Width x Height (in.)	Mesh Sizes (in.)

SECTION 11 SIGNATURE (All Applications must be signed and dated)

The undersigned certifies that he/she (1) meets any applicable earned income requirement for a requested permit(s), as shown on the attached instructions; (2) if a shark permit is received, agrees that shark fishing, catch and gear are subject to the shark regulations at 50 CFR part 635.5, without regard to where such shark fishing occurs or where such shark or gear are possessed, taken or landed; and (3) if a spiny lobster tailing permit is requested, routinely conducts commercial fishing activity in Federal waters on trips of 48 hours or more and such fishing activity requires the separation of carapace and tail to maintain a quality product.

Owner's Signature	Operator's Signature (if required)	Date:
Name: (print legibly or type)		Position, if owner's a corporation/partnership:

ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

GULF COASTAL MIGRATORY PELAGIC CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish or possess a coastal migratory pelagic fish in or from Federal waters, a permit must be issued to the vessel and be on board.

GULF REEF FISH CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a reef fish in or from Federal waters of the Gulf of Mexico, a permit must be issued to the vessel and be on board.

SOUTH ATLANTIC COASTAL MIGRATORY PELAGIC CHARTER or SOUTH ATLANTIC SNAPPER-GROUPER CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess coastal migratory pelagic charter or snapper-grouper in or from Federal waters off the south Atlantic states, a permit must be issued to the vessel and be on board.

KING MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for king mackerel, a commercial vessel permit must be issued to the vessel and be on board. Permits for king mackerel are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessel may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

GILLNET ENDORSEMENT FOR KING MACKEREL - For a person aboard a vessel in Federal waters to use a run-around gillnet for king mackerel in the southern Florida west coast subzone, a commercial gillnet endorsement vessel permit for king mackerel must be issued to the vessel and be on board. Permits for gillnet endorsement for king mackerel are under a moratorium. No new vessel may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

REEF FISH (Gulf of Mexico) - As a prerequisite to sell reef fish in or from Federal waters and to be eligible for exemption from the bag limits, a vessel permit must be issued to the vessel and be on board. Permits for the reef fish fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessels may be permitted except by transfer of an existing permit. To transfer a permit, the valid permit must be returned with the application.

ROCK SHRIMP (South Atlantic) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters or possess rock shrimp in or from Federal waters, a vessel permit for rock shrimp must be issued to the vessel and be on board.

SNAPPER-GROUPER EXCLUDING WRECKFISH (South Atlantic) - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits, to engage in a directed fishery for tilefish or to use a sea bass pot, a vessel permit must be issued to the vessel and be on board. Permits for the South Atlantic snapper-grouper fishery are under a moratorium. No new vessels may be permitted except by transfer of existing permits. A person desiring to acquire a limited access transferable permit for South Atlantic Snapper-grouper must obtain and exchange two such permits for one new permit. The valid permits must be returned with the application. **Permits must be renewed within 60 days of the expiration date to avoid loss of permit.**

SHARK - As a prerequisite to sell a shark in or from Federal waters and to be eligible for exemption from the bag limits, a vessel permit must be issued to the vessel and be on board. Permits for the shark fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessels may be permitted except by transfer of an existing limited entry permit. To transfer a permit, the valid permit must be returned with the application.

SHRIMP (Gulf of Mexico) - For a person aboard a fishing vessel to fish for or possess Gulf of Mexico shrimp in or from Federal waters, a vessel permit for Gulf of Mexico Shrimp must be issued to the vessel and be on board.

SPANISH MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for Spanish mackerel, a commercial vessel permit must be issued to the vessel and be on board.

SPINY LOBSTER - For a vessel fishing in Federal waters off states other than Florida to be exempt from the daily catch and possession limit, a commercial spiny lobster permit must be issued to the vessel and be on board. Florida's requirements apply to a vessel fishing in Federal waters off Florida. To possess a separated spiny lobster tail in or from Federal waters, a tail-separation permit must be issued to the vessel and be on board. For fishing activities in Federal waters off states other than Florida, the tailing permit must be accompanied by a commercial spiny lobster permit.

SWORDFISH - To fish for or possess swordfish in or from the North Atlantic Ocean, or take swordfish as bycatch, whether or not retained, a vessel permit must be issued to the vessel and be on board. Permits for the swordfish fishery are under a moratorium. **Permits must be renewed within one year of the expiration date to avoid loss of permit.** No new vessels may be permitted except by transfer of an existing limited entry permit. To transfer a permit, the valid permit must be returned with the application.

INSTRUCTIONS (Incomplete or illegible applications will be returned.)

1. Shrimp vessels must complete all sections, including Section 6, or application will be returned. For all other vessels, all sections, other than Section 6, must be completed or application will be returned.
- 2.. The application fee is **\$50 for one fishery** and **\$20 for each additional fishery** and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application.
3. Mail the application, **copy of current Coast Guard Documentation/state registration** (must be provided with every application), check(s)/money order(s), if vessel is owned by a corporation, must provide a copy of ACTIVE Articles of Incorporation and, if required, income tax documents or fish receipts to : NMFS (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702. Questions may be phoned to 727/570-5326 between 8am - 4:30pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a **FEDERAL EXPRESS** air bill, complete with your delivery address, telephone number, and your FEDEX account number or credit card number.

In accordance with Federal regulations, any change in your permit information must be reported to the NMFS Regional Administrator within 30 days of the change.

SECTION 1 Enter all information, including name, official number, and length of vessel as they appear on the certificate of documentation or, if not documented, on the state registration. Under "Home Port", enter city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation and hull type (i.e., fiberglass, wood, steel, etc.).

SECTION 2 Enter the information of the person shown as the "owner" on the vessel's certificate of documentation or, if not documented, on the state registration certificate. If the person shown as the "owner" is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed. If a corporate owned vessel, submit ACTIVE Articles of Incorporation along with other requested information. If corporations are in an **INACTIVE** status permits will not be issued. **When renewing, corrections should be made by drawing a line through any incorrect information and entering the correct information.**

SECTION 3 Complete this section only when the OPERATOR is required to meet the earned income requirement.

SECTION 4 Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the person shown in Section 2. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit. Provide a copy of the signed and dated lease agreement (i.e., lease agreement should end at the end of a month not in the middle of the month.)

SECTION 5 Complete this section only if you are placing your Red Snapper Class 1 license on a vessel that you do not own.

SECTION 6 The information in this section is a data collection requirement and must be completed. **If applying for a Shrimp permit, information must be provided or application will be returned.**

SECTION 7 Complete this section if vessel is owned by a corporation or partnership. Please provide: name, address, phone number, date of birth, and position shareholder/partner holds in corporation. If additional space is needed, attach additional sheet of paper.

SECTION 8 Select only those fisheries that are required and for which the owner or operator qualifies, specifically including any applicable earned income requirement. Each permit obtained may entail additional reporting requirements, including daily fishing logbook records. **For renewal of applications or transfers, no permit(s) will be issued until all required logbook reports have been received in Miami.**

SECTION 9 Complete this section only if you fish with traps/pots in the Reef Fish fishery of the Gulf of Mexico, Snapper-Grouper fishery off the southern Atlantic states, or the Stone Crab fishery of the Gulf of Mexico. A **separate check or money order for trap/pot tags (\$1.30 per tag) is required for use in the Reef Fish, Snapper-Grouper or Stone Crab fisheries payable to FLOY TAG.** Tags will be mailed directly to you from Floy Tag.

SECTION 10 The application must be signed by the vessel owner unless applying for a permit(s) which require earned income, then it must be signed by the **qualifying applicant**, e.g., the owner, an officer or shareholder of a corporate-owned vessel, a general partner of a partnership-owned vessel or the operator.

TRANSFERS

1. **If applying for a TRANSFER of a GULF OF MEXICO REEF FISH, KING MACKEREL, or GILLNET ENDORSEMENT FOR KING MACKEREL PERMIT, please provide the following information: Transfer of Gulf of Mexico Reef Fish, King Mackerel, or Gillnet Endorsement for King Mackerel Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of Gulf of Mexico Reef Fish or King Mackerel Permit - New Owner: A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit, **if the permit has not expired**, and renew it for the first calendar year after the purchase without meeting the earned income requirement, provided the previous owner (not operator) met that requirement. To transfer, original permit with valid (not expired) expiration date, signatures of both parties on back of permit, and a copy of the vessels current CG documentation or state registration must accompany a completed application. To renew the permit for the second calendar year after the purchase, the new owner must have met the earned income requirement not later than the first full calendar year after the purchase.

Transfer of Gillnet Endorsement for King Mackerel Permit - New Owner - This permit may be transferred upon change of ownership of a permitted vessel with such endorsement from one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father.

2. **Transfer of Red Snapper Class 1 or Class 2 Licenses - Same Owner:** To transfer license to same owner, different vessel, no signatures are required. Original permit with written request as to where you want to transfer permit. Transfer of Red Snapper Class 1 or Class 2 Licenses - New Owner - If transferring to a new owner, original permit with signatures on back, written request if vessel currently holds existing permits. If vessel does not hold a current permit, must submit an application, original permits with signatures on back, copy of current CG Documentation or State Registration.

3. **Red Snapper Class 1 License Placement:** If individual is placing their Class 1 Red Snapper license on a boat that already holds Federal permits, they need to send a written request, and the original Red Snapper license. If individual is placing their Class 1 Red Snapper license on a vessel owned by a another entity, they must submit an application, check/money order, vessel Coast Guard Documentation or State Registration of vessel owner, and original permit.

4. **If applying for a TRANSFER of a SOUTH ATLANTIC SNAPPER-GROUPER PERMIT, please provide the following information: Transfer of Unlimited Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same owner by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of Unlimited Permit - New Owner: A person desiring to acquire a limited access transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit. The two original permits with **valid (not expired) expiration date**, signatures of both parties on back and a copy of the vessel CG documentation or state registration must accompany a completed application.

Transfer of 225-pound Trip Limit Permit - Same Owner: An owner of a vessel with a trip limit permit may request that the Regional Administrator transfer the permit to another vessel owned by the same entity by returning the existing permit with an application for a vessel permit for the replacement vessel.

Transfer of 225-pound Trip Limit Permit New Owner: The permit is not transferable to a new owner.

5. **If applying for a TRANSFER of an Atlantic SHARK or SWORDFISH PERMIT, please provide the following information: Transfer of Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the existing permit with an application for a vessel permit for the replacement vessel. Such transfers would be subject to upgrading restrictions. Swordfish handgear permits are transferable, but only for use with handgear.

Transfer of Permit - New Owner: A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit. To transfer, original permit with valid (not expired) expiration date, signatures of both parties on back of permit, and a copy of the vessels current CG documentation or state registration must accompany a completed application. Such transfers would be subject to upgrading restrictions. Swordfish handgear permits are transferable, but only for use with handgear.

EARNED INCOME OR GROSS SALES REQUIREMENTS FOR COMMERCIAL PERMITS

	KING & SPANISH MACKEREL	REEF FISH (GULF OF MEXICO)	SPINY LOBSTER
Percentage of earned income	At least 25%	More than 50%	At least 10%
Gross sales alternative	More than \$10,000 in sales of fish	N/A	N/A
Source of earned income	Commercial, charter, or headboat	Commercial, charter, or headboat	Sale of catch
Time frame for qualification	One of three years prior to application	Either of two years prior to application	Year prior to application

THE FOLLOWING FISHERIES DO NOT REQUIRE EARNED INCOME:

Charter for Coastal Migratory Pelagic Fish
 Gulf of Mexico Charter/Headboat for Reef Fish
 South Atlantic Charter for Snapper-Grouper
 Spiny Lobster Tailing
 South Atlantic Rock Shrimp
 Unlimited South Atlantic Snapper-Grouper excluding Wreckfish
 225 lbs. Trip Limit South Atlantic Snapper-Grouper excluding Wreckfish
 Swordfish
 Shark
 Gulf of Mexico Shrimp
 Gulf of Mexico Stone Crab

Documentation of earned income must include the following information: all wages or salaries earned by the applicant; any business income or loss and type of business of the applicant; gross sales from fishing of a sole proprietorship business of the applicant; and net profit or loss from fishing of a sole proprietorship business of the applicant. The documentation must specify the calendar year for which it applies. Instead of the individual items of information specified above, the applicant may submit copies of those portions of the individual's income tax return that show those items, i.e., Pages 1 & 2 of Form 1040, W-2s, Schedule C and, if applicable, Schedule E, but should obliterate information that is personally private such as social security numbers.

For a corporation/partnership owned vessel, percentage of earned income requirement must be met by an officer or shareholder of the corporation, a general partner or the vessel operator. When an officer/shareholder/partner documents his/her earned income from fishing, the corresponding corporate or partnership documented income, including shareholder's share of income and copy of Articles of Incorporation, must be submitted. The documentation must specify the calendar year for which it applies. Instead of these individual items of information, the officer/shareholder/partner may submit copies of his/her individual income tax return and the corresponding corporate or partnership income tax return, including Schedule K-1, but should obliterate information that is personally private such as social security numbers.

If using gross sales alternative, the applicant must submit copies of receipts indicating sales of fish harvested from the owner's, operator's, corporation's or partnership's vessel for a specified year. Instead of such receipts, the applicant may submit copies of those portions of the individual/corporation income tax return that show this information, i.e., Pages 1 & 2 of Schedule C, C-EZ, Form 1120, 1120A, 1120S or 1065, but should obliterate information that is personally private such as social security numbers.

Previously submitted documentation that meets the time frame for qualification need not be resubmitted. Renewal of a permit that was issued based on the earned income of an operator must be accompanied by new documentation of earned income when a new or additional operator meets the requirements. Copies of income tax forms and schedules and all information submitted for documentation or earned income from fishing or gross sales of fish are treated as confidential.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. All data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Rev.: 11/26/2001

LIMITED ENTRY FOR CERTAIN SOUTHEASTERN FISHERIES

The National Marine Fisheries Service (NMFS), Southeast Regional Office, wishes to remind interested parties that limited entry programs are in place or under consideration for the following commercial and recreational fisheries operating in Federal waters of the southeastern U.S. ***Anyone intending to purchase vessels or gear for the purpose of entering one of these fisheries is advised to pay close attention to the following information.***

Gulf Reef Fish - The commercial Gulf reef fish fishery is closed to new entrants through December 31, 2005, except by transfer of an existing permit to another vessel.

No new commercial red snapper licenses are being issued. Class 1 red snapper licenses allow a 2,000 pound trip limit; Class 2 licenses allow a 200 pound trip limit. An existing license may be transferred to another vessel.

No new fish trap endorsements are being issued. Use of fish traps will be prohibited throughout the Gulf of Mexico exclusive economic zone after February 7, 2007. Existing fish trap endorsements are transferable to other reef fish permitted vessels through February 7, 1999. After that date, transfer of fish trap endorsements is allowed only under certain circumstances.

A control date of November 18, 1998, has been established for the recreational-for-hire (charter vessel and headboat) fishery for reef fish and coastal migratory pelagic species in Federal waters of the Gulf of Mexico. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is adopted.

Gulf Stone Crab - There is a moratorium on Federal registration of commercial stone crab vessels through June 30, 2002. NMFS has implemented a limited entry program. A control date of July 24, 1995, has been established for this fishery. Anyone entering the fishery after its control date may not be assured of future participation if a limited entry program is adopted in Federal waters.

South Atlantic Golden Crab - The commercial fishery is closed to new entrants except by transfer of an existing permit or permits.

South Atlantic Rock Shrimp - A control date of April 4, 1994, has been established for the commercial fishery. Anyone entering the fishery after its control date may not be assured of future participation if a limited entry program is adopted.

South Atlantic Snapper-Grouper - The commercial fishery is closed to new entrants unless they can obtain two "transferable" permits to exchange for one new permit.

A control date of April 23, 1997, has been established for the commercial black sea bass pot fishery. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is implemented.

South Atlantic Wreckfish - The commercial fishery is closed to new entrants except through purchase of individual transferable quota shares.

Gulf and South Atlantic Coastal Migratory Pelagics - The commercial fishery for king mackerel is closed to new entrants through October 15, 2005, except by transfer of an existing permit to another vessel.

A control date of July 2, 1993, has been established for the commercial Spanish mackerel fishery. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry system is adopted.

The South Atlantic Fishery Management Council has requested that NMFS implement control dates for the commercial dolphin-wahoo fishery in Federal waters of the South Atlantic region and the Atlantic group king mackerel gillnet fishery north of Cape Lookout, NC.

A control date of November 18, 1998, has been established for the recreational-for-hire (charter vessel and headboat) fishery for reef fish and coastal migratory pelagic species in Federal waters of the Gulf of Mexico. Anyone entering this fishery after its control date may not be assured of future participation if a limited entry program is adopted.

Gulf and South Atlantic Spiny Lobster - Florida's commercial gear identification and trap certificate/reduction programs are in effect in Federal waters off Florida. Contact the Florida Marine Fisheries Commission at 850/487-0554.

Highly Migratory Species - For information on limited entry programs for shark, billfish, swordfish, or tuna fisheries, please contact the Highly Migratory Species Division at 727/570-5447 or 301/713-2347.

NMFS is an agency of the Commerce Department's National Oceanic and Atmospheric Administration.

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

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

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

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

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

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

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

(B) the operator of any such vessel; or

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

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

16 U.S.C. 1853

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297