

# 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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
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  
ATLANTIC DOLPHIN-WAHOO PERMITS**

This submission is intended to eventually be part of the Permits Family of Forms. 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 is the Magnuson-Stevens Fishery Conservation and Management Act (Act). The legislative authority to collect taxpayer identification numbers is the Debt Collection Act. The legislative authority for releasing confidential name and address information on the National Marine Fisheries Service's (NOAA Fisheries) Website is the Freedom of Information Act.

In 1999, NOAA Fisheries, on behalf of the Secretary, designated the South Atlantic Fishery Management Council (SAFMC) as the administrative lead in jointly preparing and amending a dolphin and wahoo fishery management plan (FMP). This plan was to be completed with the cooperation of the Gulf of Mexico and Caribbean Fishery Management Councils, with the New England and Mid-Atlantic Fishery Management Councils acting in an advisory capacity to the SAFMC. Several logistic issues delayed the finalization of the joint FMP. The SAFMC was concerned that identified social and economic issues in their area of jurisdiction (the U.S. Atlantic coast) would not be addressed in a timely manner. In July 2002, the SAFMC requested that the Secretary redesignate them as true lead on an FMP encompassing only the U.S. Atlantic coast. In January 2003, NOAA Fisheries, on behalf of the Secretary, formally announced approval of this redesignation in a *Federal Register* notice.

The proposed rule would implement the FMP. For the dolphin and wahoo fishery in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida), the proposed rule would require vessel owners to obtain commercial vessel and charter vessel/headboat permits and submit reports; require operators of commercial vessels, charter vessels, and headboats to obtain operator permits; require dealers to obtain permits and submit reports; establish bag and trip limits; establish a minimum size limit (dolphin only); close the longline fisheries in areas closed to the use of such gear for highly migratory pelagic species; prohibit sale without a commercial vessel permit; specify allowable gear; and establish a framework procedure by which the South Atlantic Fishery Management Council (Council) could establish and modify certain management measures in a timely manner. The intended effects are to conserve and manage dolphin and wahoo and to ensure that no new fisheries for dolphin and wahoo develop. This submission, however, addresses only the permitting provisions contained in the proposed rule.

Information obtained on permit applications would provide baseline data on participants and the activities of vessels, dealers, and vessel operators in the Atlantic dolphin and wahoo fishery that currently are not available. Collection of the taxpayer identification number (i.e., employer identification numbers for corporations, and social security number for individuals) on the Application under authority of the Debt Collection Act will enhance NOAA Fisheries' identification of the applicants for management and compliance purposes.

To be eligible for exemption from the bag and possession limits for dolphin and wahoo in the Atlantic EEZ or to sell dolphin and wahoo harvested in the Atlantic EEZ, the proposed rule would require a vessel to have on board a Federal commercial permit for Atlantic dolphin and wahoo. As an exception to this permit requirement, a vessel with a Federal commercial permit in a fishery other than the Atlantic dolphin and wahoo fishery would have a 200-lb trip limit, in lieu of a bag and possession limit, and would be allowed to sell dolphin or wahoo, provided that all fishing on and landings from that trip were landings from waters north of 39° N. lat. (near Dover, Delaware).

NOAA Fisheries would issue an Atlantic dolphin and wahoo commercial permit for a vessel that has a Federal commercial permit for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish or for a vessel whose owner meets both the earned income requirement and the landings requirement. An owner would meet the earned income requirement if he or she derived at least 25 percent of earned income or at least \$10,000 from commercial fishing (i.e., the harvest and first sale of fish) or from charter/headboat fishing during one of the 3 calendar years 1996, 1997, or 1998. An owner would meet the landings requirement if he or she owned a vessel that landed and sold at least 250 lb of dolphin and/or wahoo harvested from the Atlantic during the period January 1, 1996, through May 21, 1999.

If a vessel has a Federal commercial vessel permit issued by the NOAA Fisheries in the king mackerel, South Atlantic snapper-grouper, or swordfish fishery, dolphin and wahoo would be added to the fisheries for which the permit is valid upon written request to NOAA Fisheries from the owner or operator for such addition.

An owner of a vessel who desires a commercial vessel permit based on the earned income and landings requirements would be required to obtain a permit application form from and submit it to NOAA Fisheries. Information on the application form and accompanying documentation would consist of the standard information and documentation required for commercial vessel permits issued by NOAA Fisheries. Such information and documentation would not be required if they are available to NOAA Fisheries through a valid permit issued in another fishery. The earned income requirement would have to be documented by information from income tax records. The landings requirement would have to be documented by a listing of landings by date, species, amount, and dealer. Only landings verified as having been received between January 1, 1996, and May 21, 1999, by the following would qualify: (1) Fishing vessel logbooks received by the Science and Research Director of either the NOAA Fisheries' Southeast or Northeast Fisheries Science Centers; (2) state trip ticket systems; or (3) for landings not covered by vessel logbook or state trip ticket system requirements, dealer records accompanied by signed

affidavits. Dealer records must definitively show dates and amounts of landings of the species known as dolphin and/or wahoo and the vessel's name, official number, or other reference that clearly identifies the vessel. Dealer records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is an official written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law. Only landings that were harvested, landed, and sold in compliance with state and Federal regulations would be used to establish eligibility. No appeals, or reconsiderations of ineligibility, would be allowed.

To possess a dolphin or wahoo in or from the Atlantic EEZ on board a charter vessel or headboat, the proposed rule would require that a valid Federal charter vessel/headboat permit for Atlantic dolphin and wahoo be on board that vessel, effective 120 days after the final rule containing the permit requirements is published. There would be no earned income or landing requirements for the charter vessel/headboat permits. The owner of a vessel who desires a charter vessel/headboat permit for the Atlantic dolphin and wahoo fishery would be required to obtain a permit application form from and submit it to NOAA Fisheries.

An owner of a charter vessel or headboat who desires to sell dolphin would be required to obtain a commercial vessel permit for dolphin and wahoo in addition to the charter vessel/headboat permit.

To enhance enforcement of fishery regulations, the proposed rule would require an operator of a commercial vessel or a charter vessel/headboat in the Atlantic dolphin and wahoo fishery to obtain a permit. "Operator" is defined as the master or other individual aboard and in charge of a vessel. Each vessel that has a Federal commercial vessel or charter vessel/headboat permit for the Atlantic dolphin and wahoo fishery would be required to have on board at least one person who has a valid operator permit when the vessel is at sea or offloading. This will provide operator characteristics data, and enforcement information to increase compliance in the fishery.

Information required on an application would include name, address, and other identifying information, such as date of birth, height, weight, and hair and eye color, of the applicant, and other information necessary for the issuance or administration of the permit. In addition, each applicant would be required to provide two recent (no more than 1-yr old) color, passport-sized photographs. In general, an operator permit would be valid for a 3-year period upon its expiration. An operator of a vessel in the Atlantic dolphin and wahoo fishery would be required to present his/her operator permit for inspection upon the request of an authorized officer.

This rule would require a dealer of dolphin or wahoo to obtain a dealer permit for such species. "Dealer" is defined as a person who first receives fish by way of purchase, barter, or trade or who first receives dolphin or wahoo harvested from the Atlantic EEZ upon transfer ashore. To obtain such permit, the applicant would have to have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and have a physical facility at a fixed location in such state(s).

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The SAFMC is concerned about uncontrolled development of the dolphin-wahoo fishery (i.e., without appropriate management measures), and developed permitting measures under the FMP to help identify participants, control participation, and gather fisheries data. The Secretary will use the data as needed to properly manage the dolphin-wahoo fishery.

NOAA Fisheries will use the vessel/ownership and related information collected on or with the Application to help identify and manage all of the permit types handled by that form.

- 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) Information such as name and address of dealer and wholesale license information is used to identify the respondent and the legal entity controlling the dealer entity. This latter requirement is essential in identifying participants and monitoring the compliance of the various requirements.
- c) 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.
- d) Vessel characteristics, gear specification, fishing areas, and other information is necessary to ensure the correct permit issuance is completed by NOAA Fisheries per the existing regulations.
- e) Information supplied by the requester of a limited-access commercial permit transfer to another vessel or to another owner includes reporting of any costs associated with such transfer on the application. This information is needed for NOAA Fisheries to monitor movement in and out of the fishery and thereby obtain fleet economic data.
- f) Data collected via the operator permit application are needed to help ensure NOAA Fisheries correctly issues operator permits that assist in monitoring of the fishery participants.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior

to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) collection of this data. Regarding the permitting data collection, 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 fillable application forms are now available on NOAA Fisheries' Website. Also, the Southeast Region Permits Team will be switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future. The Southeast Region also has obtained 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.**

NOAA Fisheries is confident that it is aware of similar collections if they exist. The 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 respondents 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 NOAA Fisheries' fisheries management are requested under this collection.

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

If the collection is not conducted or is conducted less frequently, the Secretary cannot properly implement the dolphin-wahoo fishery procedures specified in Section 407(c) of the Act. This would, in turn, prevent proper management of the dolphin-wahoo fishery as intended by the Council.



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

There are no special circumstances that require the collection to be conducted in a manner inconsistent 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 notice of availability of the FMP, and the proposed rule to implement the FMP, include a notice of and request for comments on this data collection.

All aspects of this data collection program were considered by the Council. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered as part of the Council process. Experience with this process, provides a continual feedback mechanism to NOAA Fisheries on issues and concerns to the respondents. 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.**

Based on recent court decisions, the Freedom of Information Act serves as the basis for release of confidential name and address information via a NOAA Internet website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

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

No questions of a sensitive nature are asked.

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

The collection-of-information requirements associated with this submission and the estimated public reporting burden for them are: 20 minutes for a charter vessel/headboat permit application or commercial vessel permit application; 60 minutes for commercial vessel records including a listing of landings; 5 minutes for a request to add the commercial vessel permit or charter vessel permit to a vessel already holding other vessel permits; 5 minutes for a dealer permit application; and 60 minutes for an operator permit application.

Based on NOAA Fisheries' experience with rock shrimp vessel operator permit cards, it is estimated that 1.15 operators will apply per each of the 1,301 commercial vessels obtaining dolphin-wahoo permits (i.e., 1,496 commercial vessel operator card applications, or 996 applications/renewal applications annualized for the three-year period). None of the rock shrimp vessel operators already holding permit cards are expected to apply for the dolphin-wahoo operator permit card. On the average, one operator is expected to apply to operate each of the 3,300 charter vessels; two operators are expected to apply for cards to operate each of the 200 headboats. The number of charter vessel and headboat operator permit card applications in the first year would total 3,700, or 2,462 annualized over the three-year period. The number of commercial permit and charter vessel/headboat operator permit card applications/renewal applications, annualized over the three-year period, would total 3,458.

Therefore, NOAA Fisheries estimates that (A) 3,500 vessels, including 2,500 already with other Southeast fishing permits, will be issued the charter vessel/headboat permit; (B) 43 vessels without a Federal commercial permit for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish will apply for the commercial vessel permit; (C) 1,258 vessels that have a Federal commercial permit for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish will request and be issued the commercial vessel permit; (D) 3,458 operator permit card applications per year are expected to be submitted for either initial issuance or renewal during the three-year period, and (E) 200 dealers, including 152 already with other Southeast dealer permits, will obtain the dealer permit. NOAA Fisheries anticipates that ten owners issued a vessel permit will subsequently use the Application again to request that the permit be transferred to another vessel or to another owner, and that ten operator permit card holders will subsequently use the Application again to request changes to their operator permit card per year.

To summarize the above information, NOAA Fisheries expects to receive annual data submittals from 3,500 charter vessels, 1,301 commercial vessels, 3,458 vessel operators, 200 dealers, and subsequent commercial permit transfer applications from ten of the vessels, and subsequent operator permit card (change) applications from ten of the operators (i.e., total of 8,479 responses from 8,459 respondents).

NOAA Fisheries estimates that 1,258 commercial vessels will request (without application or additional information/affidavits) that NOAA Fisheries add on the commercial permit and would each spend five minutes on their application, for a sub-total of 105 hours. NOAA Fisheries estimates that 43 commercial vessels will apply for the commercial permit, respectively, with additional landings information and/or affidavits supporting the commercial vessel permit

application would each spend 80 minutes on their application and landings information and/or affidavits, for a sub-total of 57 hours. Therefore, the total of commercial permit application times would be 162 hours.

NOAA Fisheries estimates that 2,500 charter vessels/headboats will request that NOAA Fisheries add on the charter vessel/headboat permit without application and would each spend five minutes on their application, for a sub-total of 208 hours. NOAA Fisheries estimates that 1,000 charter vessels/headboats will each spend 20 minutes on a dolphin-wahoo charter vessel/headboat application, for a sub-total of 333 hours. Therefore, NOAA Fisheries expects that the charter vessels/headboats will spend a total of 541 hours of burden time on their applications.

NOAA Fisheries estimates that 200 dealers will each spend five minutes on their application/add-on request, for a sub-total of 17 hours.

The 3,458 commercial and charter vessel operator permit cards applicants, annualized over the three-year period, would each spend one hour on their application (including obtaining two passport photos), for a sub-total of 3,458 hours.

Ten operators are expected to apply for a change to their operator permit card, and would each spend one hour on their application (including obtaining two passport photos), for a sub-total of ten hours.

Ten vessels are expected to apply for a transfer of their commercial permit (ten new responses). Those vessels already have been counted as respondents. NOAA Fisheries expects that the ten applicants would each spend 20 minutes on their application, for a sub-total of three hours.

The new dolphin-wahoo vessel/operator permitting provisions, based on the above calculations, will result in 8,479 responses from 8,459 respondents. The burden time totals 4,191 burden hours (162 hours by commercial vessel permit applicants/requesters, plus 541 hours by charter vessel/headboat vessel permit applicants/requesters, plus 17 hours by dealer permit applicants/requesters, plus 3,458 hours by operator permit card applicants, plus three hours by permit transfer applicants, plus ten hours by operator permit card change applicants).

**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/request 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 that schedule, a person filling out an vessel permit application is charged \$50 for the first permit category, but is charged only \$20 for a written request (without application) to “add-on” the permit. A person filling out an dealer permit application is charged \$100 for the first permit category, but is charged only \$25 for a written request (without application) to “add-on” the permit.

Based on NOAA Fisheries' permits database, it is expected that all of the 1,301 dolphin-wahoo vessels who apply for a commercial vessel permit hold other Federal permits and who request to add on the new commercial vessel permit type will pay \$20 (subtotal of \$26,020); in addition, the ten vessels who obtain a commercial permit and then submit a commercial vessel permit transfer application will need to pay \$50 (sub-total of \$500). Therefore, the commercial vessel permitting total is \$26,520.

The 2,500 charter vessels/headboats who already hold other Southeast fishing permits will pay \$20 to add on the new charter vessel/headboat permit type (sub-total of \$50,000). The 1,000 charter vessels/headboats who do not already hold other Southeast fishing permits will pay \$50 to apply for the new charter vessel/headboat permit type (sub-total of \$50,000). Therefore, the charter vessel/headboat vessel permitting total is \$100,000.

The 152 dealers who already hold other Southeast dealer permits will pay \$25 to add on the new charter vessel/headboat permit type (sub-total of \$3,800). The 48 dealers who do not already hold other Southeast dealer permits will pay \$100 to apply for the new charter vessel/headboat permit type (sub-total of \$4,800).

As a result, the various vessel/dealer permit issuances costs total \$131,320. The operator permit application will cost \$50 per applicant, or \$172,900 for the 3,458 applications per year. Changes to the operator permit card (and operator permit card/vessel permit replacements) would cost \$18 and are expected to average ten per year (sub-total of \$180 per year). The operator permit card costs total \$173,080.

Based on the above calculations, the total permitting costs per year totals \$304,400.

In addition, the public pays mailing costs for the various responses. Those mailing costs are estimated at \$.37 average per each of the 8,459 responses, or \$3130 total per year. The 43 vessel permit applications with landings information and/or affidavits are expected to each require copying (duplicating) of ten pages, in the first year. At \$0.10 per page, these duplication costs are estimated at a total of \$43.00. The sub-total of mailing and duplication costs is \$3173. The total of permitting, mailing, and duplication costs is \$307,573 for the first year. 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 data collection 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 the dolphin-wahoo fishery procedures.

**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.

FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ)

Approval Expires:

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)



FOR OFFICE USE ONLY

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

SECTION 1 VESSEL INFORMATION (please print legibly or type)

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

SECTION 2 DOCUMENTED/STATE REGISTERED OWNER/INCOME QUALIFIER INFORMATION

If additional space is needed, please attach a separate sheet of paper if more than three owners.

OWNER/QUALIFIER NAME (If Individual, last name/first name/middle name)				<input type="checkbox"/> DATE OF BIRTH MONTH DAY YEAR		<input type="checkbox"/> DATE CORPORATION FILED YEAR	
MAILING ADDRESS				CITY			
COUNTY	STATE	ZIP CODE	TAXPAYER ID NO.	TELEPHONE			
2 <sup>nd</sup> OWNER NAME (if applicable) (If Individual, last name/first name/middle name)				<input type="checkbox"/> DATE OF BIRTH MONTH DAY YEAR		<input type="checkbox"/> DATE CORPORATION FILED: YEAR	
3 <sup>rd</sup> OWNER NAME (if applicable) (If Individual, last name/first name/middle name)				<input type="checkbox"/> DATE OF BIRTH MONTH DAY YEAR		<input type="checkbox"/> DATE CORPORATION FILED: YEAR	

SECTION 3 OPERATOR INFORMATION ONLY IF REQUIRED

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

SECTION 4 LEASE INFORMATION

LESSEE NAME (If Individual, last name/first name/middle name)				<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION		AREA CODE/PHONE NO.	
ADDRESS				CITY			
STATE	ZIP CODE	FEDERAL ID NO.	LESSEE DATE OF BIRTH	LEASE EXPIRATION DATE:	MONTH	DAY	YEAR

SECTION 5 RED SNAPPER CLASS 1 LICENSE TRANSFER INFORMATION

RED SNAPPER LICENSE HOLDER NAME (if individual, last name, first name, middle name)				<input type="checkbox"/> DATE OF BIRTH <input type="checkbox"/> DATE CORP FORMED		PHONE NO.	
ADDRESS							
CITY						STATE	ZIP CODE

SECTION 6 HISTORICAL CAPTAIN INFORMATION FOR GULF OF MEXICO CHARTER/HEADBOAT

HISTORICAL CAPTAIN LAST NAME		FIRST	MIDDLE	AREA CODE/PHONE NO.			
ADDRESS							
CITY	STATE	ZIP CODE	DATE OF BIRTH	MONTH	DAY	YEAR	

SECTION 7 COMPLETE IF VESSEL IS CORPORATE OWNED OR PARTNERSHIP

If 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. _____
_____	_____
_____	_____

PERMIT(s) SELECTION AND ADDITIONAL INFORMATION ON REVERSE

**SECTION 8 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)

1. \_\_\_\_\_ 3. \_\_\_\_\_  
 2. \_\_\_\_\_ 4. \_\_\_\_\_  
 a. Shrimp Trawl g. Surface Longline  
 b. Fish Trap/Pot h. Bottom Longline  
 c. Gillnet i. Lobster Trap  
 d. Reef Fish Bandit j. Diver  
 e. Hand/Troll Line k. Other (specify)  
 f. Rod & Reel \_\_\_\_\_

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. \_\_\_\_\_  
 2. \_\_\_\_\_ 4. \_\_\_\_\_  
 a. Reef Fish f. Stone Crab  
 b. King Mackerel g. Spiny Lobster  
 c. Shark h. Shrimp  
 d. Spanish Mackerel i. Other (specify)  
 e. Swordfish/Tuna \_\_\_\_\_

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

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

**OPEN ACCESS CHARTER/HEADBOAT AND COMMERCIAL PERMITS**

- SOUTH ATLANTIC CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (CHS)  SOUTH ATLANTIC CHARTER/HEADBOAT SNAPPER-GROUPER (SC)  
 SPINY LOBSTER (LC) (Not required for the EEZ off Florida)  SPINY LOBSTER TAILING (LT)  SOUTH ATLANTIC ROCK SHRIMP (RS)  
 SPANISH MACKEREL (SM)  DOLPHIN-WAHOO (DWC)

**CHARTER/HEADBOAT AND COMMERCIAL PERMITS WITH LIMITED ACCESS/MORATORIUM**

**RENEWAL TRANSFER**

GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (CHG)	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (RCG)	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (HCHG)	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (HRCG)	<input type="checkbox"/>	<input type="checkbox"/>
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 (2000 lb) (L1, TL1)	<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 2 LICENSE (200 lb) (L2, TL2)	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC ROCK SHRIMP (RSE)	<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"/>
SARGASSUM (SARG)	<input type="checkbox"/>	<input type="checkbox"/>
DOLPHIN-WAHOO COMMERCIAL (DW)	NEW <input type="checkbox"/>	<input type="checkbox"/>

**SECTION 10 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) or South Atlantic Snapper-Grouper (SA) Fishery.**

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

**SECTION 11 SIGNATURE (All applications must be signed and dated)**

**NOTE: Income qualifier as listed in Section 2 for owner/qualifier, must sign the application.**

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

**DOLPHIN/WAHOO (Atlantic) CHARTER/HEADBOAT** - For a person aboard a vessel that is operating as a charter/headboat vessel to fish or possess a dolphin/wahoo fish in or from Federal waters in the Atlantic, a charter permit must be issued to the vessel and be on board. There is no earned income or landing requirements for these charter vessel/headboat permits. An owner of a charter vessel/headboat permit who desires to sell dolphin would be required to obtain a commercial vessel permit for dolphin/wahoo in addition to the charter/headboat permit. (The sale of wahoo harvested in the Atlantic EEZ by a vessel operating as a charter/headboat vessel is not allowed.)

**INITIAL LIMITED ACCESS DOLPHIN/WAHOO (Atlantic)** - A vessel must be issued a Federal commercial permit for Atlantic dolphin/wahoo to be eligible for exemption from the bag and possession limits for dolphin/wahoo in the Atlantic EEZ or to sell dolphin/wahoo harvested in the Atlantic EEZ. If vessel has a Federal commercial vessel permit issued by the Regional Administrator, Southeast Region, in the king mackerel, South Atlantic snapper-grouper, or swordfish fishery, dolphin/wahoo would be added to the fisheries for which the permit is valid upon written request to NMFS from the owner for such addition. NMFS will issue the Atlantic dolphin/wahoo, upon application, to a vessel whose owner 1) derived at least 25 percent of earned income or at least \$10,000 from commercial fishing (i.e., the harvest and first sale of fish) or from charter/headboat fishing during one of the three calendar years 1996, 1997, or 1998 and 2) owned a vessel that landed and sold at least 250 lbs of dolphin and/or wahoo harvested from the Atlantic during the period January 1, 1996 through May 21, 1999. The earned income requirement would have to be documented by information from income tax records. The landings requirement would have to be documented by a listing of landings by date, species, amount, and dealer. Only landings verified as having been received on or before June 21, 1999, by the following would qualify: (1) Fishing vessel logbooks received by the Science and Research Director of either the NMFS' Southeast or Northeast Fisheries Science Centers; (2) state trip ticket systems; or (3) for landings not covered by vessel logbook or state trip ticket system requirements, dealer records accompanied by signed affidavit(s). Dealer records must definitively show dates and amounts of landings of the species known as dolphin and/or wahoo and the vessel's name, official number, or other reference that clearly identifies the vessel. Dealer records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is an official written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law.

**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 in the Gulf of Mexico, a charter permit must be issued to the vessel and be on board. Permits for coastal migratory pelagic charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with an application.

**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 charter permit must be issued to the vessel and be on board. Permits for Gulf of Mexico reef fish charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with an application.

**COASTAL MIGRATORY PELAGIC CHARTER (South Atlantic) OR SNAPPER-GROUPER CHARTER (South Atlantic)** - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a coastal migratory pelagic or snapper-grouper in or from Federal waters off the southern Atlantic states, a charter permit 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 permit must be issued to the vessel and be on board. At time of application income criteria must be submitted. *If applying for a spanish mackerel permit income from one of three years prior to application must be submitted at time of application. See Earned Income or Gross Sales Requirements for Commercial Permits.*

**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. *If applying for a commercial spiny lobster permit income from the previous calendar year must be submitted at time of 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 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 permit must be issued to the vessel and be on board. Permits for king mackerel are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) 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 permit for king mackerel with a gillnet endorsement 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 a valid (not expired) permit. To transfer a permit, the original valid (not expired) 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 commercial permit must be issued to the vessel and be on board. Permits for the reef fish fishery are under a moratorium. No new vessels may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with the application.

**LIMITED ACCESS ROCK SHRIMP ENDORSEMENT (South Atlantic)** - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, 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. However, to participate in that fishery off Georgia and the east coast of Florida, a limited-access endorsement for South Atlantic rock shrimp is required. Limited access endorsement applicants must have had valid Federal permits for rock shrimp on or before December 31, 2000, as identified from NMFS permit records, and had landings of rock shrimp from the South Atlantic EEZ of at least 15,000 pounds during any one of the calendar years 1996 through 2000. Only landings when a vessel had a valid Federal rock shrimp permit, that were harvested from the South Atlantic EEZ, and that were landed and sold in compliance with state and Federal regulations would be used to establish eligibility. If a limited-access endorsement application is based on qualifying landings that were transferred through a written agreement, the application must be accompanied by a copy of that agreement and a statement of the costs associated with obtaining to the transfer of the catch history. **A qualified applicant who desires to transfer the rights to an initial endorsement to the owner of a vessel must submit an application requesting such transfer.** Such transfer of rights will include transfer of credit for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the qualified applicant's ownership.



**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 commercial 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 a valid (not expired) 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 original valid (not expired) permits must be returned with the application.

**SHARK** - As a prerequisite to sell a shark in or from Federal waters and to be eligible for exemption from the bag limits, a commercial permit must be issued to the vessel and be on board. Permits for the shark fishery are under a moratorium.. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a permit, the original valid (not expired) permit must be returned with the application.

**SWORDFISH** - To fish for or possess swordfish in or from the North Atlantic Ocean, or take swordfish as bycatch, whether or not retained, a commercial permit must be issued to the vessel and be on board. Permits for the swordfish fishery are under a moratorium. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a permit, the original valid (not expired) permit must be returned with the application.

## **INSTRUCTIONS** (Incomplete or illegible applications will be returned.)

1. Blocks in Sections 1, 2, 8, 9 and 11 must be completed or application will be returned.
2. The application fee is **\$50 for one fishery and \$20 for each additional fishery** (\$18 for replacement permits) 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 Certificate of Documentation/state registration (must be provided with every application, even if state registration has a multiple year expiration date)**, 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 forms/schedules 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 (no PO Box numbers), telephone number, and your FEDEX account number or credit card number with expiration date.
4. If renewing or transferring a Gulf charter/headboat permit, a copy of the U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license must be provided, along with any other requested information. A USCG Certificate of Inspection must be provided if passenger capacity is greater than 6 passengers.
5. Each vessel issued a South Atlantic rock shrimp permit (regardless of whether or not issued the limited access endorsement), and/or dolphin-wahoo commercial permit or charter vessel/headboat permit when at sea or offloading, is required to have on board at least one person who has a Federal operator permit card issued by the Southeast Regional Office. Operator permit card applications also are available upon request by calling (727) 570-5326 between the hours of 8:00 am to 4:30 pm (EST).

***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 name, official number, and length of vessel as they appear on the Coast Guard documentation or, if not documented, on the state registration certificate. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation. Provide the length, engine horsepower, hold capacity(tons), and gross and net tonnage must be provided or the application will be returned.

**SECTION 2** Enter the information of the person shown as the "**owner/qualifier**" from the Coast Guard documentation or, if not documented, from the state registration certificate. If more than one owner, please list additional owners in space provided for 2<sup>nd</sup> or 3<sup>rd</sup> owners and if additional space is needed, please attach additional sheet of paper. If owner/qualifier is an individual, enter the Social Security Number (under Taxpayer Identification number), and select the box marked date of birth. If the person shown as the "**owner**" is a corporation or partnership, enter the Federal ID number (under Taxpayer Identification number) and select the box with the date that the corporation/partnership was formed. If a corporate owned vessel, submit ACTIVE Articles of Incorporation along with other requested information. If already on file, a copy of the active annual report. 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 (both parties) and dated lease agreement. We recommend that the lease agreement end at the end of a month.

**SECTION 5** Complete this section only when you are placing your red snapper Class 1 license on the vessel being permitted.

**SECTION 6** Complete this section if you are an historical captain under the Gulf of Mexico charter/headboat vessel moratorium. You must provide a copy of U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, if passenger capacity is larger than a 6-pack a copy of USCG Certificate of Inspection must also be provided, if renewing, transferring, or redeeming the historical captain letter of eligibility.

**SECTION 7** Complete this section if vessel is corporate or partnership owned.

**SECTION 8** The information in this section is a data collection requirement and must be completed or application will be returned.

**SECTION 9** 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 a daily fishing vessel logbook record. **For renewal of applications or transfers, no permit(s) will be issued until all required logbook reports have been received in Miami.**

**SECTION 10** Complete this section only if you fish with traps/pots in the reef fish fishery of the Gulf of Mexico or the snapper-grouper fishery off the southern Atlantic states. A **separate check or money order for trap/pot tags (\$1.30 per tag) is required for use in the reef fish and snapper-grouper fisheries payable to FLOY TAG**. Tags will be mailed directly to you from Floy Tag and will not accompany the permit package.

**SECTION 11** 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**, i.e., the owner/qualifier, 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, DOLPHIN-WAHOO COMMERCIAL PERMIT KING MACKEREL, or GILLNET ENDORSEMENT FOR KING MACKEREL PERMIT, please provide the following information:

2. New owners of Limited Access/Moratorium permits (other than dolphin-wahoo) must meet the applicable earned income requirement not later than the first full calendar year after the issuance of the permit.

- **Transfer of Gulf of Mexico Reef Fish, Dolphin-Wahoo, 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 original 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 all parties on back of permit, and a copy of the vessel documentation or state registration must accompany a completed application.
- **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. If applying for a TRANSFER of Red Snapper License, please provide the following information:

- **Transfer of Red Snapper Class 1 or Class 2 Licenses - Same Owner:** To transfer license to same owner, different vessel, no signatures are required. You must submit original permit, written request, and a \$50 check/money order 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.
- **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.

3. If a qualified applicant wishes to TRANSFER the rights of a LIMITED ACCESS ATLANTIC ROCK SHRIMP ENDORSEMENT:

- **Transfer of Rock Shrimp Endorsement - New Owner** - If transferring to a new owner, must submit an application if vessel holds no other permits, copy of CG Documentation or State Registration, if not documented, original endorsement with signatures on back, and check/money order. If vessel owner already holds permits, a written request, original endorsement and check/money order for transfer.
- **Transfer of Rock Shrimp Endorsement - Same Owner** - If transferring rights to same owner different vessel and vessel already holds permits, a written request, original permit, and check/money order. If vessel holds no permits, an application, copy of CG Documentation or state registration, if not documented, original endorsement, and check/money order.

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 original 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 permit must obtain and exchange two such permits for one new permit. The two original permits with **valid (not expired) (not expired) expiration date**, signatures of both parties on back and a copy of the vessel 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 RA transfer the permit to another vessel owned by the same entity by returning the original 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. Can be transferred to different vessel same owner.

5. If applying for a TRANSFER of a 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 original permit with an application for a vessel permit for the replacement vessel. Such transfers would be subject to upgrading restrictions: **for swordfish handgear or swordfish and shark directed permits (cannot exceed 10% increase in length, gross or net tonnage and 20% increase in horsepower of initial vessel.** 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 vessel documentation or state registration must accompany a completed application. Such transfers would be subject to upgrading restrictions: **for swordfish handgear or swordfish and shark directed permits (cannot exceed 10% increase in length, gross or net tonnage and 20% increase in horsepower of initial vessel.** Swordfish handgear permits are transferable, but only for use with handgear.

6. If applying for a TRANSFER of a GULF COASTAL MIGRATORY PELAGIC CHARTER or GULF REEF FISH CHARTER permit, please provide the following information:

- **Transfer of Gulf Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter Permit - Same Owner** - An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same entity by returning the original permit with an application for a vessel permit for the replacement vessel.

- **Transfer of Gulf Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter 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**. To transfer, original permit with valid (not expired) expiration date, signatures of all parties on back of permit, and a copy of the vessel documentation or state registration, U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.
- **Transfer of Historical Captain for Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter** - A person with a historical captain endorsement may only transfer to another vessel that he/she operates, and cannot be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permits was transferred. To transfer, **original permit with valid (not expired) expiration date**, copy of his/her U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.

**NOTE:** Upon transfer of a Gulf of Mexico moratorium Coastal Migratory Pelagics charter/headboat permit and/or Gulf of Mexico moratorium Reef Fish charter/headboat permit, the Federal charter/headboat **decals must be removed** from your vessel.

**EARNED INCOME OR GROSS SALES REQUIREMENTS FOR COMMERCIAL PERMITS  
(SEE ABOVE INSTRUCTIONS REGARDING DOLPHIN-WAHOO COMMERCIAL PERMIT EARNED INCOME REQUIREMENTS)**

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

The following fisheries do not require any 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

Documentation of earned income for spiny lobster, king mackerel, reef fish and dolphin-wahoo 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-2(s), Schedule C(s) and, if applicable, Schedule E, but should exclude 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 (copy of Salt Water Products License (SPL) must be submitted). 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, or 80 minutes per response for additional landings information and/or affidavits supporting the dolphin-wahoo commercial vessel permit application, 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 Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other 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.

**FEDERAL APPLICATION FOR SOUTH ATLANTIC  
ROCK SHRIMP and/or ATLANTIC DOLPHIN-WAHOO VESSEL OPERATOR'S LICENSE**

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)  
<http://caldera.sero.nmfs.gov>

Attach  
Photographs  
Here

2" x 2" (no smaller)



**FOR OFFICE USE ONLY**

CHECK/MONEY ORDER NO.

REVIEWER'S INITIALS/DATE:

Expiration Date:

**Fee Amount: \$50**  
**Replacement Fee: \$18**

**APPLICATION INSTRUCTIONS** – Please provide all information requested on this application form. Type or print legibly in block letters. Submit required supporting documentation and \$50 fee made payable to: U.S. Treasury. Note that fees are non-refundable. You must submit your Social Security number. FAILURE TO COMPLY WITH THESE INSTRUCTIONS WILL RESULT IN THE DELAY OR DENIAL OF YOUR LICENSE APPLICATION.

Provide two recent color, unobstructed (i.e. no sunglasses, no hats, plain background) passport size photos (2 in. X 2 in.) no more than 1 year old. Please do not staple. The ID card is good for three years unless a change in personal information shown on the card is made.

If change occurs, please notify the Southeast Regional Permit office in writing with a check/money order in the amount of \$18 within 30 days of change. A new ID card will be issued using the changes.

**SECTION 1 VESSEL OPERATOR (type or print legibly)**

LAST NAME		FIRST NAME		MIDDLE INITIAL
STREET ADDRESS (NO P.O. BOX ADDRESSES WILL BE ACCEPTED)			CITY	SOCIAL SECURITY #
STATE	COUNTY/PROVINCE		ZIPCODE	

**SECTION 2 MAILING ADDRESS (if different from Section 1)**

STREET ADDRESS/POST OFFICE BOX			CITY	
STATE	COUNTY/PROVINCE		ZIPCODE	

**SECTION 3 PERSONAL IDENTIFYING INFORMATION**

DATE OF BIRTH (MM/DD/YYYY)			PLACE OF BIRTH (City and State)		
SEX	EYE COLOR	HAIR COLOR	WEIGHT (lbs)	HEIGHT (ft, inches)	PHONE NUMBER

**SECTION 4 SELECT TYPE(S) OF OPERATOR CARD**

ROCK SHRIMP(South Atlantic) (RSO)

DOLPHIN/WAHOO (Atlantic) (DWO)

**SECTION 5 SIGNATURE (All applications must be signed and dated)**

Signature	Date:
Name: (print legibly or type)	

Public reporting burden for this collection of information is estimated to average 60 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. Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other 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.



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:

## FEDERAL PERMIT APPLICATION FOR ANNUAL DEALER PERMIT

	<b>FOR OFFICE USE ONLY</b>
	CHECK/MONEY ORDER INFO:
EXP. DATE:	REVIEWER'S INITIALS:
VIOLATION #/DATE:	CLEARED DATE/INITIALS:

PLEASE READ INSTRUCTIONS ON REVERSE

### SECTION 1 DEALER/BUSINESS INFORMATION (please print legibly or type)

BUSINESS NAME	FEDERAL ID NO.	DATE BUSINESS FORMED	MONTH	DAY	YEAR
MAILING ADDRESS		AREA CODE/PHONE NO.			
CITY		STATE	ZIP CODE		

### SECTION 2 LIST THE FACILITIES WHERE FISH ARE RECEIVED (if different from Section 1)

BUSINESS NAME	AREA CODE/PHONE NO.
ADDRESS	
#)CITY	STATE      ZIP CODE
BUSINESS NAME	AREA CODE/PHONE NO.
ADDRESS	
CITY	STATE      ZIP CODE

### SECTION 3 APPLICANT INFORMATION

NAME	POSITION	TAXPAYER ID NUM. (SOCIAL SECURITY # OR FED ID #) IF DIFFERENT FROM SECTION 1
ADDRESS		
CITY		STATE      ZIP CODE
AREA CODE/PHONE NO.	DATE OF BIRTH: MONTH      DAY      YEAR	

### SECTION 4 SELECT TYPE OF DEALER FISHERY(IES)

**\$100.00 FOR THE FIRST FISHERY SELECTED; \$25.00 FOR EACH ADDITIONAL FISHERY SELECTED**

- GOLDEN CRAB (South Atlantic) (GC)     
  REEF FISH (Gulf of Mexico) (RD)     
  ROCK SHRIMP (South Atlantic) (RS)     
  SNAPPER-GROUPER EXCLUDING WRECKFISH (South Atlantic) (SG)
- SHARK (SH)     
  SWORDFISH (SD)     
  WRECKFISH IN SOUTH ATLANTIC ONLY (WD)     
  ATLANTIC DOLPHIN/WAHOO(DWD)

IF YOU ARE APPLYING FOR SWORDFISH and/or SHARK, and the dealer/business is a corporation or partnership, provide names, mailing addresses and dates of birth of the two principal shareholders or partners on the lines provided below.

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 \_\_\_\_\_

### SECTION 5 PROVIDE INFORMATION CONCERNING OTHER LICENSE(S)

If you have a Northeast Region dealer permit, provide the number:

List all dealer license number(s) along with the state: 1.	2.	3.	4.
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### SECTION 6 APPLICANT SIGNATURE

SIGNATURE:	DATE:
NAME: (print legibly or type)	

## ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

<b>DOLPHIN/WAHOO</b> (Atlantic)	Under 50 CFR 622. , a dealer who received Atlantic dolphin/wahoo harvested in the EEZ off the Atlantic states must obtain an annual dealer permit.
<b>GOLDEN CRAB</b> (South Atlantic)	Under 50 CFR 622.4, a dealer who receives South Atlantic golden crab harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
<b>REEF FISH</b> (Gulf of Mexico)	Under 50 CFR 622.4, a dealer who receives reef fish harvested from the EEZ of the Gulf of Mexico must obtain an annual dealer permit.
<b>ROCK SHRIMP</b> (South Atlantic)	Under 50 CFR 622.4, a dealer who receives rock shrimp harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
<b>SNAPPER-GROUPER</b> (South Atlantic)	Under 50 CFR 622.4, a dealer who receives <b>South Atlantic</b> snapper-grouper, excluding wreckfish, harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
<b>SHARK</b>	Under 50 CFR 635.5, a dealer who receives sharks from the Western North Atlantic Ocean including the Gulf of Mexico and the Caribbean Sea must obtain an annual dealer permit.
<b>SWORDFISH</b>	Under 50 CFR 635.5, a dealer who receives a swordfish harvested from the North Atlantic swordfish stock, or who imports swordfish harvested from any ocean area, must obtain an annual dealer permit.
<b>WRECKFISH</b> (South Atlantic)	Under 50 CFR 622.4(a)(4), a dealer who receives a wreckfish harvested from the <b>South Atlantic</b> must obtain an annual dealer permit.

## INSTRUCTIONS

1. Mail the completed application, copy of state wholesaler's license (not required for swordfish importer), and a check or money order to: **National Marine Fisheries Service (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, and your FEDEX account number or credit card number. If owner/qualifier is an individual, enter the Social Security Number (under Taxpayer Identification number) under Sections 1 and 3. If the person shown as the "**owner**" is a corporation or partnership, enter the Federal ID number (under Taxpayer Identification number) under Sections 1 and 3.

**State's required to submit wholesale license:** Alabama, California, Florida, Georgia, Louisiana, Massachusetts, Maryland, Maine, Pennsylvania, Rhode Island, South Carolina, Texas, and Virgin Island.

2. The application fee is **\$100** for the first fishery and **\$25** for each additional fishery and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application. The fee for a replacement permit is **\$18**. Complete all lines or sections that apply for the type(s) of fishery(ies) requested. **Certain fisheries require mandatory reporting requirements.**

**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** Print or type the name of business and address as shown on your business license. If the dealership is corporate owned, submit ACTIVE Articles of Incorporation if a new business, if already established, a copy of the Annual Business Report must be provided. If corporation is in an INACTIVE status, permits will not be issued. Print or type the number assigned to your firm by the Internal Revenue Service, if one has been assigned.

**SECTION 2** Location of facilities where fish are received. If different from Section 1, provide the address of each facility at a fixed location where the business receives fish. We cannot accept a Post Office Box address.

**SECTION 3** Print or type the name, address, telephone, and date of birth of the person that is applying for the permit. Indicate the applicant's position in the firm.

**SECTION 4** Select only those fisheries that are required. **For renewal of applications, no permit(s) will be issued until all required logbook reports have been received in Miami.**

**SECTION 5** Provide information concerning other license(s). If you have a Northeast Region dealer permit, provide the number and list all dealer license number(s) along with the state.

**SECTION 6** The application must be signed by the applicant in appropriate blocks or application will be returned.

**KNOWINGLY SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF OBTAINING A DEALER 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 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 Robert A. Sadler, Southeast Regional Office, 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. Confidential name and address information will be released via a NOAA Internet website for informational purposes. All other 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 subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

# Magnuson-Stevens Fishery Conservation and Management Act

## Public Law 94-265

As amended through October 11, 1996

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

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

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

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

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

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

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

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

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

(4) assess and specify--

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

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

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



(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

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

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

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

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

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

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

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

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

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

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

(B) the operator of any such vessel; or

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

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

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

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

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

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

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

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

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

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

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

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

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

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

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

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

**97-453, 104-297**

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

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

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

certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR

8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective January 2, 2004.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Incorporation-by-reference, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 21, 2003.

**Kerrigan G. Clough,**

*Acting Regional Administrator, Region VIII.*  
[FR Doc. 03-27553 Filed 10-31-03; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 622

[Docket No. 031007250-3250-01; I.D. 091503E]

RIN 0648-A063

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery off the Atlantic States

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement the Fishery Management Plan for the Dolphin and Wahoo Fishery off the Atlantic States (FMP). For the dolphin and wahoo fishery in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida), this proposed rule would require vessel owners to obtain commercial vessel and charter vessel/headboat permits and submit reports; operators of commercial vessels, charter vessels, and headboats to obtain operator permits; and dealers to obtain permits and submit reports; establish bag and trip limits and a minimum size limit (dolphin only); close the longline fisheries in areas closed to the use of such gear for highly migratory pelagic species; prohibit sale without a commercial vessel permit; specify allowable gear; and establish a framework procedure by which the South Atlantic Fishery Management Council (Council) could establish and modify certain management measures in a timely manner. In addition, the FMP would specify maximum sustainable yield (MSY), optimum yield (OY), the determinants of overfishing (maximum fishing mortality threshold (MFMT)) and overfished (minimum stock size threshold (MSST)), the management unit, the fishing year, and essential fish habitat (EFH) and EFH habitat areas of particular concern (EFH-HAPCs). The intended effects are to conserve and manage dolphin and wahoo and to ensure that no new fisheries for dolphin and wahoo develop.

**DATES:** Comments on this proposed rule must be received no later than 5 p.m., eastern time, on December 18, 2003.

**ADDRESSES:** Copies of the FMP may be obtained from the South Atlantic Fishery Management Council, One

Southpark Circle, Suite 306, Charleston, SC 29407-4699; phone: 843-571-4366; fax: 843-769-4520; e-mail: [safmc@noaa.gov](mailto:safmc@noaa.gov). The FMP includes a Final Environmental Impact Statement (FEIS), an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

Written comments on this proposed rule must be mailed to Steve Branstetter, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or Internet.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Robert Sadler, Southeast Region, NMFS, at the above address, and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, phone: 727-570-5305, fax: 727-570-5583, e-mail: [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Council prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

### Background

Landings of dolphin and wahoo from Atlantic waters have increased in recent years. Given that the Atlantic dolphin and wahoo fishery is historically a recreational fishery, concern was raised when commercial landings in the Atlantic increased, due in part to an increasing number of longliners that were targeting dolphin or modifying their fishing practices so that dolphin and wahoo constituted a greater portion of their catch. In addition, additional longline effort may be directed to the Atlantic dolphin and wahoo fishery due to closures in the fishery for highly migratory species. The Council is concerned that an increase in landings of dolphin and wahoo could result in localized depletion of stocks and a shift in the historical levels of catch between commercial and recreational fishermen. Accordingly, through the FMP, the Council is adopting a precautionary and risk-averse approach to management that will maintain the current harvest level of dolphin and wahoo and ensure that no new fisheries for these species develop in the EEZ off the Atlantic states (Atlantic EEZ).

### Permits

Information obtained on permit applications and from vessel and dealer reporting would provide baseline data on participants and the activities of vessels and dealers in the Atlantic dolphin and wahoo fishery that currently are not available. Such data are essential to further information collection efforts and the formulation of sound management measures for the fishery.

#### Commercial Vessel Permits

To be eligible for exemption from the bag and possession limits for dolphin and wahoo in the Atlantic EEZ, or to sell dolphin and wahoo harvested in the Atlantic EEZ, this proposed rule would require a vessel to have on board a Federal commercial permit for Atlantic dolphin and wahoo, effective 120 days after the final rule containing the permit requirements is published. As an exception to this permit requirement, a vessel with a Federal commercial permit in a fishery other than the Atlantic dolphin and wahoo fishery would have a 200-lb (91-kg) trip limit, in lieu of a bag and possession limit, and would be allowed to sell dolphin or wahoo, provided that all fishing on and landings from that trip were north of 39° N. lat.

NMFS would issue an Atlantic dolphin and wahoo commercial permit for a vessel that has a Federal commercial permit for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish or for a vessel whose owner meets both the earned income requirement and the landings requirement. An owner would meet the earned income requirement if he or she derived at least 25 percent of earned income or at least \$10,000 from commercial fishing (i.e., the harvest and first sale of fish) or from charter/headboat fishing during one of the 3 calendar years 1996, 1997, or 1998. An owner would meet the landings requirement if he or she owned a vessel that landed and sold at least 250 lb (113 kg) of dolphin and/or wahoo harvested from the Atlantic during one of the 3 calendar years 1996, 1997, or 1998, or during the period January 1, 1999, through May 21, 1999.

If a vessel has a Federal commercial vessel permit issued by the Regional Administrator, Southeast Region, NMFS (RA) in the king mackerel, South Atlantic snapper-grouper, or swordfish fishery, dolphin and wahoo would be added to the fisheries for which the permit is valid upon written request to the RA from the owner or operator for such addition.

An owner of a vessel who desires a commercial vessel permit based on the earned income and landings requirements would be required to obtain a permit application form from, and submit it to, the RA. Information on the application form and accompanying documentation would consist of the standard information and documentation required for commercial vessel permits issued by the RA, as specified at 50 CFR 622.4(b)(3). Such information and documentation would not be required if they are available to the RA through a valid permit issued in another fishery. The landings requirement would have to be documented by a listing of landings by date, species, amount, and dealer. Only qualifying landings verified by reports received or dealer records dated on or before June 21, 1999, by the following would qualify: (1) Fishing vessel logbooks received by the Science and Research Director of either the NMFS' Southeast or Northeast Fisheries Science Centers; (2) state trip ticket systems; or (3) for landings not covered by vessel logbook or state trip ticket system requirements, dealer records accompanied by signed affidavit(s). NMFS believes that restricting verification of landings to these three modes would ensure that documentation is consistent with applicable reporting requirements, and, where no reporting requirements existed, would provide a practical alternative with reasonable verification, i.e., dealer records with signed affidavits. This approach should accommodate qualification consistent with Council intent, while minimizing the potential for fraudulent documentation of landings. Dealer records must definitively show dates and amounts of landings of the species known as dolphin and/or wahoo and the vessel's name, official number, or other reference that clearly identifies the vessel. Dealer records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is a written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law. Only landings that were harvested, landed, and sold in compliance with state and Federal regulations would be used to establish eligibility.

#### Charter Vessel/Headboat Permits

To possess a dolphin or wahoo in or from the Atlantic EEZ on board a charter vessel or headboat, this proposed rule would require that a valid Federal charter vessel/headboat permit for

Atlantic dolphin and wahoo be on board that vessel, effective 120 days after the final rule containing the permit requirements is published. There would be no earned income or landing requirements for these charter vessel/headboat permits.

The owner of a vessel who desires a charter vessel/headboat permit for the Atlantic dolphin and wahoo fishery would be required to obtain a permit application form from, and submit it to, the RA.

An owner of a charter vessel or headboat who desires to sell dolphin would be required to obtain a commercial vessel permit for dolphin and wahoo in addition to the charter vessel/headboat permit. (The sale of wahoo harvested in the Atlantic EEZ by a vessel operating as a charter vessel or headboat would not be allowed.)

#### *Operator Permits*

To enhance enforcement of fishery regulations, this proposed rule would require an operator of a commercial vessel or a charter vessel/headboat in the Atlantic dolphin and wahoo fishery to obtain a permit, effective 180 days after the final rule that contains this measure is published. "Operator" is defined as the master or other individual aboard and in charge of a vessel. Each vessel that has a Federal commercial vessel or charter vessel/headboat permit for the Atlantic dolphin and wahoo fishery would be required to have on board at least one person who has a valid operator permit when the vessel is at sea or offloading. In addition to penalties that currently exist for violations of the regulations, an operator permit could be sanctioned. For example, a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 would not be allowed aboard any vessel subject to Federal fishing regulations in any capacity, if so sanctioned by NOAA, while the vessel is at sea or offloading. To enhance enforceability of this measure, a vessel's owner and operator would be responsible for ensuring that a person with such a suspended, revoked, or modified operator permit is not aboard his/her vessel. A list of persons whose operator permits are revoked, suspended, or modified would be readily available from the RA.

The RA would mail application forms to owners of vessels with permits for the Atlantic dolphin and wahoo fishery and applications also would be available from the RA upon request. Information required on an application would include name, address, and other identifying information, such as date of

birth, height, weight, and hair and eye color, of the applicant, and other information necessary for the issuance or administration of the permit. In addition, each applicant would be required to provide two recent (no more than 1-yr old) color, passport-sized photographs. In general, an operator permit would be valid for a 3-year period (i.e., from the operator's birth month in year X through the operator's birth month in year X+3). However, there are two instances in which the period of validity would probably not be 3 years—when an initial permit is issued and when a permit is not renewed immediately upon its expiration (birth month in year X+3). An initial permit or a permit not renewed immediately upon its expiration would expire at the end of the operator's birth month that is between 2 and 3 yr after issuance.

An operator of a vessel in the Atlantic dolphin and wahoo fishery would be required to present his/her operator permit for inspection upon the request of an authorized officer. Because an operator permit is a Federal picture identification card issued without verification of the information on the application, the operator would be required to also present one other form of personal identification that includes a picture. Otherwise, an operator whose permit had been revoked could use an additional operator permit obtained under an assumed name.

#### *Dealer Permits*

This rule would require a dealer of dolphin or wahoo to obtain a dealer permit for such species, effective 120 days after the final rule that contains this measure is published. "Dealer" is defined as a person who first receives dolphin or wahoo by way of purchase, barter, or trade or who first receives dolphin or wahoo harvested from the Atlantic EEZ upon transfer ashore. To obtain such permit, the applicant would have to have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and have a physical facility at a fixed location in such state(s). A dealer who desires a dealer permit for the Atlantic dolphin and wahoo fishery would be required to obtain a permit application form from, and submit it to, the RA.

#### *Effective Dates for Permitting Requirements*

As noted above, commercial vessel, charter vessel/headboat, and dealer permits would be required in the fishery 120 days after the final rule containing these measures is published. Operator permits would be required 180 days

after the final rule is published. These time periods are considered adequate for vessel owners, vessel operators, and dealers currently in the fishery to obtain applications, collect necessary data, if required, and complete and submit applications and for the RA to process the applications and issue permits.

#### *Fees*

As specified at 50 CFR 622.4(f), a fee would be charged for each application for a permit or written request for change in a permit. The applicable fee would be specified on the appropriate form.

#### **Vessel Identification**

This proposed rule would require that a vessel with a Federal commercial vessel or charter vessel/headboat permit for the Atlantic dolphin and wahoo fishery display and maintain its official number in the manner prescribed at 50 CFR 622.6(a). The requirements at 50 CFR 622.6(a) apply to all vessels that have been issued permits by the RA.

#### **Recordkeeping and Reporting**

This proposed rule would require owners or operators of vessels (commercial and charter vessel/headboat) and dealers, who have permits for Atlantic dolphin and wahoo and are selected by the Science and Research Director (SRD) of the Northeast or Southeast Fisheries Science Center, to submit reports. Forms and accompanying instructions for such reporting would be available from the SRD.

The Council may also receive from the Atlantic Coastal Cooperative Statistics Program additional information necessary for effective management of the fishery.

#### **Minimum Size Limits**

Most dolphin are mature by the time they reach a size of 18 inches (45.7 cm), and all are mature by the time they reach 24 inches (61.0 cm). Florida and Georgia have minimum size limits for dolphin within their jurisdictions of 20 inches (50.8 cm), fork length. A corresponding minimum size limit in the EEZ off Florida and Georgia would prevent the targeting of small dolphin, discourage waste by overharvest and discard, and enhance enforceability of Florida's and Georgia's minimum size limits. Accordingly, this proposed rule would establish a minimum size limit for dolphin in or from the EEZ off Georgia and Florida of 20 inches (50.8 cm), fork length.

## Bag and Possession Limits

### *Dolphin*

This proposed rule would establish daily bag and possession limits of dolphin in or from the Atlantic EEZ of 10 per person or 60 per vessel, whichever is less, except, on board a headboat, 10 per paying passenger. These bag and possession limits would reduce the practice of harvesting large quantities or entire schools of small, immature dolphin. Given the rapid growth rate of dolphin, an increase in overall yield of the fishery would be expected by a delay in catch of even a few months.

### *Wahoo*

This proposed rule would establish a daily bag and possession limit of wahoo in or from the Atlantic EEZ of 2 per person. The 2-fish bag and possession limit would reduce the potential for excessive harvest of wahoo and promote a conservation ethic in the fishery.

## Commercial Trip Limits

Commercial trip limits are limits on the amount of fish that can be possessed on board a vessel or landed at any time. The following trip limits would be applicable to a vessel that has a commercial permit for Atlantic dolphin and wahoo and is not operating as a charter vessel or headboat:

Dolphin – 3,000 lb (1,361 kg) north of 31° N. lat. and 1,000 lb (454 kg) south of 31° N. lat.

Wahoo – 500 lb (227 kg).

The trip limit for a fishing vessel, except for a vessel operating as a charter vessel or headboat, that does not have a commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery would be 200 lb (91 kg) of dolphin and wahoo, combined, provided that all fishing on and landings from that trip were north of 39° N. lat. (A charter vessel/headboat permit is not a commercial vessel permit.) A vessel operating as a charter vessel or headboat must comply with the bag limits.

As is the case with other commercial trip limits, transfer at sea of dolphin or wahoo would not be permitted. In addition, dolphin and wahoo would be allowed to be eviscerated, but would be required to be maintained with head and tail intact. For the purpose of determining compliance with the commercial trip limits, weights would be calculated based upon the legal form in which the fish are possessed or landed, i.e., round, eviscerated, or any combination thereof. The proposed trip limits are intended to cap the

commercial fisheries without unduly affecting historical catches.

## Closed Areas

The principal gear used in the commercial fishery for dolphin and wahoo is pelagic longline, similar to the gear used extensively for Atlantic highly migratory species (HMS) (Atlantic tunas, billfish, sharks, and swordfish). Regulations at 50 CFR Part 635 prohibit the use of pelagic longlines at certain times and areas in the Atlantic EEZ by vessels that have Federal permits for HMS. These time/area closures were implemented because observer data and vessel logbooks indicate that pelagic longline fishing for Atlantic swordfish and tunas results in catch of non-target finfish species such as bluefin tuna, billfish, and undersized swordfish, and of protected species, including threatened and endangered sea turtles. Also, pelagic longline gear incidentally hooks marine mammals and sea birds. The incidental catch of animals that are hooked but not retained due to economic or regulatory factors contributes to overall fishing mortality, which may significantly impair rebuilding of overfished finfish stocks or the recovery of protected species. Continued use of pelagic longline gear for dolphin and wahoo during times and in areas where such gear is not allowed for HMS would subvert the management goals of the time/area closures. Accordingly, this proposed rule would apply the time/area closures applicable to the HMS fishery in the Atlantic EEZ to the fishery for Atlantic dolphin and wahoo. These areas are the Northeastern United States closed area, closed from June 1 through June 30 each year; the Charleston Bump closed area, closed from February 1 through April 30 each year; and the East Florida Coast closed area, closed year round.

## Restrictions on Recreational Sale

This proposed rule would prohibit the sale of dolphin and wahoo caught in a recreational fishery, except that dolphin caught aboard a charter vessel or headboat that has both charter vessel/headboat and commercial vessel permits could be sold. However, a vessel with both a charter vessel/headboat permit and a commercial permit but operating as a charter vessel or headboat cannot sell dolphin in excess of the bag limit. The Council concluded that dolphin and wahoo are so important to the recreational sector that prohibiting sale of dolphin and wahoo caught by that sector would reduce overexploitation and excessive targeting for sale. In addition, it would eliminate a significant amount of concern that

commercial fishermen must adhere to food quality standards and vessel safety requirements that recreational fishermen who sell fish caught under a bag limit can avoid. The exception for dolphin caught under the bag limit on board vessels operating as charter vessels or headboats would recognize an historical practice that has been economically significant for such vessels. These for-hire vessels would only be allowed to sell bag-limit caught fish if they possess both charter vessel/headboat and commercial vessel permits. The requirement of a commercial vessel permit, which has reporting requirements associated with it, would provide for better reporting and documentation of landings and sales of dolphin and wahoo by this segment of the fishery.

## Authorized Gear

Under this proposed rule, the following would be the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that had on board gear types other than authorized gear types would not be allowed to possess a dolphin or wahoo. NMFS would evaluate new gear if and when appropriate.

The proposed authorized gear types include virtually all gear types currently used in the dolphin/wahoo fishery. Specifying allowable gear would discourage introduction of new gear into the fishery. The introduction of new gear could exacerbate the potential for localized depletion, increased bycatch, and problems associated with conflict/competition between gear types.

## Framework Procedure for Management Measures

This rule proposes a framework procedure by which adjustments could be made in a timely manner to the management measures applicable to the Atlantic dolphin and wahoo fishery. The adjustment procedure is virtually identical to that currently in effect for the management of snapper-grouper, wreckfish, and golden crab in the South Atlantic EEZ and is discussed at length in the FMP. These measures include: Biomass levels, age-structured analyses, MSY, OY, ABC, TAC, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing definitions and other status determination criteria, time frame for



recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

#### Additional Measures in the FMP

In addition to the measures described above, for the management of dolphin and wahoo the FMP would specify the management unit and fishing year, EFH, and EFH-HAPC as follows:

Management unit – The population of dolphin (*Coryphaena equiselis* or *C. hippurus*) and wahoo (*Acanthocybium solandri*) in the Atlantic EEZ and in adjoining state waters.

Fishing year – January 1 through December 31.

EFH – The Gulf Stream, Charleston Gyre, Florida Current, and Pelagic Sargassum.

EFH-HAPC – Off North Carolina: the Point, Ten-Fathom Ledge, and Big Rock; off South Carolina: the Charleston Bump and Georgetown Hole; off Florida: the Point off Jupiter Inlet, the Hump off Islamorada, Marathon Hump, and the Wall off the Keys; and in the Atlantic EEZ: Pelagic Sargassum.

The FMP would also specify MSY, OY, MFMT, MSST. Because data for these values are not discrete for Atlantic dolphin and wahoo, they are based on dolphin and wahoo in the Atlantic, U.S. Caribbean, and Gulf of Mexico and are as follows:

MSY: Dolphin – Between 18.8 and 46.5 million lb (8.5 and 21.1 million kg).

Wahoo – Between 1.41 and 1.63 million lb (.64 and .74 million kg).

OY: Dolphin – Between 14.1 and 34.9 million lb (6.4 and 15.8 million kg).

Wahoo – Between 1.41 and 1.63 million lb (.64 and .74 million kg).

MFMT: Dolphin and wahoo – A fishing mortality rate (F) in excess FMSY(F30%Static SPR).

MSST: Dolphin and wahoo – A ratio of current biomass ( $B_{current}$ ) to biomass at MSY or (1-M) times  $B_{MSY}$ , where 1-M should never be less than 0.5.

In addition, the FMP would establish an annual cap of 1.5 million lb (.68 million kg) or 13 percent of total landings, whichever is greater, for the commercial fishery for dolphin in the Atlantic EEZ. Should the catch exceed this level, the Council would review data and evaluate the need for additional regulations.

#### Availability of the FMP

Additional background and rationale for management of dolphin and wahoo

are contained in the FMP. The availability of the FMP was announced in the **Federal Register** on September 26, 2003 (68 FR 55573). Written comments on the FMP must be received by November 25, 2003. In the preamble to the final rule, NMFS will address all comments received on the FMP or on this proposed rule that are received during their respective comment periods.

#### Classification

At this time, NMFS has not determined that the FMP is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. In making that determination, NMFS will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an IRFA, based on the RIR, for this proposed rule. A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for the rule. The objectives of the proposed rule are to address local reduction in fish abundance, market disruption, inter-sector conflict and reduced social and economic benefits. The proposed rule would create permit requirements and trip, bag and size limits; specify allowable gear; place restrictions on recreational sales; and establish reporting requirements. In addition, the FMP would establish biological parameters that would not appear in codified text.

No duplicative, overlapping, or conflicting Federal rules have been identified.

Approximately 1,700–3,300 vessels and/or Florida Saltwater Product Licenses (SPLs) were identified with logbook- or trip-ticket reported commercial landings of dolphin and wahoo on the U.S. Atlantic coast during at least one year of the 1996–2002 period. This period of assessment is relevant since it allows identification of permit qualifiers based on fishery participation during the January 1, 1996, through May 21, 1999, period, as well as identification of current participants that would not be expected to qualify for a permit. On average, the annual gross revenue by these entities varied from \$4,000 to \$123,000. Of these vessels, the larger vessels participate in the Atlantic Highly Migratory Species (HMS) longline fishery and landed approximately ten times as much dolphin and wahoo as the smaller Southeast coastal fisheries vessels and the Florida SPLs. The smaller vessels,

however, were relatively more dependent on revenue from the harvest of dolphin and wahoo.

The proposed rule would establish four types of permits to allow continued operation in the dolphin or wahoo fishery: a dealer permit, a commercial vessel permit, a for-hire vessel (charter vessel or headboat) permit, and an operator permit for either commercial or for-hire vessels. A for-hire vessel could possess both a commercial vessel permit and a for-hire vessel permit if qualifying criteria for both permits were met.

Approximately 1,300 vessels are expected to qualify for the commercial vessel dolphin-wahoo permit. This total includes strictly commercial vessels as well as those for-hire vessels that meet the commercial vessel permit requirements. All of these 1,300 vessels have documented Atlantic coast landings of dolphin and wahoo, and most would qualify on the basis of already having Federal permits for commercial fishing in the EEZ for snapper-grouper, king mackerel, or swordfish, as specified in the proposed FMP. An owner may also qualify for a commercial vessel permit if he/she derived at least 25 percent of his/her earned income, or at least \$10,000, from commercial or for-hire fishing, during one of the 3 calendar years 1996, 1997, or 1998, and the owner can document that he/she owned a vessel that landed and sold at least 250 lb (113 kg) of dolphin and/or wahoo harvested from the Atlantic during one of the 3 calendar years 1996, 1997, 1998, or during the period January 1, 1999, through May 21, 1999. Among the estimated 1,300 vessels discussed above, there are only a few that are expected to qualify for a commercial permit on the basis of meeting the 250-lb (113-kg) and \$10,000 criteria of the proposed rule. The number of vessels that may qualify under the 250-lb (113-kg) and 25-percent earned income from fishing criteria cannot be determined since information on total earned income is unavailable at this time.

As many as 900 additional vessels would qualify for a commercial vessel permit on the basis of having federal permits for commercial fishing in the EEZ for snapper-grouper, king mackerel, or swordfish. However, these vessels do not have documented Atlantic coast landings of dolphin or wahoo, and, therefore, there may be no incentive to obtain a permit, although applications might be submitted for speculative purposes. The number of vessels with snapper-grouper, king mackerel, or swordfish permits has declined over time because each of these three permits is either under a moratorium or limited

access program, and no new vessels can enter the fisheries, except via transfer and purchase of existing permits.

There are 387–1,998 entities with logbook or trip-ticket reported commercial landings of dolphin and wahoo on the U.S. Atlantic coast during at least one year of the 1996–2002 period that are not expected to qualify for a commercial vessel dolphin and wahoo permit as a result of their inability to meet either the harvest or income requirements.

In addition to the commercial entities discussed above, approximately 6,800 for-hire vessels on the U.S. Atlantic coast could obtain a for-hire vessel permit to harvest and possess, but not sell, dolphin and wahoo caught in the U.S. Atlantic EEZ. Average revenues for charter vessels are estimated at \$26,000–\$69,000, while average revenues for headboats are estimated at \$123,000–\$300,000.

To obtain a commercial vessel permit, information must be provided to establish qualification, such as information on total earned income and fishing income in 1996, 1997, or 1998, and landings of dolphin and wahoo during the period January 1, 1996, through May 21, 1999. All of the required information is common in the successful operation of a fishing business and should, therefore, already be collected and maintained as standard operating practice by the business. A dealer permit requires possession of a state dealer's license and proof that the applicant has a physical facility at a fixed location in the state where the state license is issued. The dealer, if selected by the Science and Research Director, must additionally report data needed to monitor the dolphin and wahoo fisheries. Qualification for a for-hire permit simply requires an application. The requirements for the various permits and reporting do not require professional skills, and, therefore, may be deemed not to be onerous on the affected participants.

There are two general classes of small business entities that would be directly affected by the proposed rule: commercial fishing vessels and for-hire (charter vessel or headboat) fishing vessels. The Small Business Administration defines a small business that engages in the charter fishing as a firm that is independently owned and operated, is not dominant in its field of operation, and has annual receipts up to \$6.0 million per year. The revenue benchmark for a small business that engages in commercial fishing is a firm with receipts up to \$3.5 million. Based on the revenue profiles provided above, all commercial and for-hire entities

operating in the dolphin and wahoo fisheries are considered small entities. Although the proposed rule will apply to all entities that operate in the dolphin and wahoo fisheries, the proposed rule is expected to adversely impact from 23–60 percent of entities currently operating in the fisheries (the 387–1,998 entities that are not expected to qualify for a permit).

On average, the losses for the 387–1,998 entities that are not expected to qualify for the commercial vessel permit are estimated at 4–32 percent of annual gross revenue. The dollar loss in gross revenue translates into loss in vessel profit, assuming no change in prices, trip costs, and fishing effort. Individually, these non-qualifying entities had annual gross revenues from fishing that ranged from less than \$10 to \$70,000 or more, and annual landings of dolphin and wahoo that ranged from less than 10 lb (4.5 kg) to 4,000 lb (1814 kg) or more. It is estimated that 58–476 out of the 387–1,998 entities that are not expected to qualify for a permit could be driven out of business, following a 50 percent-loss-in-gross criterion.

The requirements for the dealer, for-hire vessel, and operator permits are not expected to restrict qualification for these permits. Costs of this proposed alternative will be limited to the permit fee, which is not onerous and is not expected to substantially affect business profits.

Thirty-three of 201 vessels in the HMS longline fishery recorded trips in the area where the proposed 3,000–lb (1361–kg) dolphin trip limit would apply with landings in excess of the proposed limit, while 53 of 1,076 vessels in the Southeast coastal fishery recorded trips in the area where the proposed 1,000–lb (454–kg) trip limit would apply with landings in excess of the proposed limit. Among Florida SPLs, 54 of 2,697 SPLs recorded trips exceeding the 1,000–lb (454–kg) trip limit. As a result of the proposed limits, the HMS longline vessels could experience losses in annual gross revenue of approximately \$2,100–\$3,100, while the vessels in the Southeast coastal fishery and Florida SPLs could experience losses in annual gross revenue of approximately \$800–\$6,100. The dollar loss in gross revenue translates into a dollar loss in annual profit, assuming no change in prices, costs and fishing effort. The annual gross revenue for the impacted vessels averaged \$185,000 per vessel for the HMS longline fishery, and \$14,000–\$33,000 for the Southeast coastal fishery vessels and Florida SPLs. The projected losses, therefore, equate to 1–2 percent for impacted vessels in the HMS

longline fishery and 8–18 percent for impacted Southeast coastal vessels and impacted Florida SPLs.

The proposed alternative for wahoo commercial trip limits is expected to reduce gross revenues by 6–8 percent for 10 vessels. This dollar loss in annual gross revenues, \$500–\$1,400 per vessel, translates directly into a loss in profits assuming no change in prices, trip costs and fishing effort.

The proposed alternative for allowable gear is expected to reduce fishery profits for an unknown number of vessels by \$11,000 a year (total reduction for all such vessels combined). Since available data do not allow the identification of the number of vessels this would impact, it is not possible to determine the average annual revenues of these vessels and, thus, it is not possible to determine the significance of this action with certainty. However, since the total impact is so small, the impact of this measure is not expected to be significant.

The proposed alternative to prohibit the sale of recreationally caught dolphin and wahoo, except for for-hire vessels that possess the necessary state and Federal commercial permits, is not expected to adversely impact gross revenues or profits of small entities. Available data suggest that sales by for-hire vessels are from legally permitted commercial vessels. Further, there is no evidence to indicate that angler demand for for-hire services will decline as a result of recreational sales restrictions.

The proposed alternative to establish a framework procedure is not expected to have any direct impacts on participants or profits since it merely establishes a structure for future action. Additionally, the proposed alternative to establish the fishing year will have no impact on fishing behavior and, therefore, have no impact on business profits.

The impact of the proposed alternatives to establish recreational dolphin and wahoo bag limits, and recreational dolphin minimum size limits on for-hire profits cannot be determined. Although the proposed bag and size limits are expected to restrict the harvest behavior of some recreational anglers, there are insufficient data to establish the impact of these measures on angler demand for for-hire services and, hence, revenues or profits.

The proposed dolphin minimum size limit is expected to reduce ex-vessel revenues of commercial fishing operations that operate off Georgia and Florida by approximately 3 percent. In itself, this is not expected to be

significant. It cannot be determined, however, how this restriction will interact with the proposed trip limits.

The proposed prohibition of surface and pelagic longline gear for dolphin and wahoo during time and area closures in the South Atlantic is not expected to result in any reduction in profits for current participants. It is not expected that any vessels would attempt to operate in this manner since they would have to give up their more valuable Highly Migratory Species permit in order to do so. Available data indicate that vessels cannot profitably operate exclusively for dolphin and wahoo.

Among the 14 separate actions in the proposed rule, 11 are not expected to result in significant economic impacts. Seven of the 11 actions have only two alternatives, the proposed action and status quo, and they have previously been discussed. For the four alternatives with more than two alternatives, the alternatives are as follows:

The rejected alternatives respecting the sale of recreationally-caught fish include (1) unregulated sale (no-action alternative), (2) a 3–5 year phase out of sale by for-hire vessels with necessary commercial permits, and (3) no sale, whereas the preferred alternative would allow sale by for-hire vessels with the necessary commercial permits. The proposed alternative would have less economic impact on small entities than the 3–5 year phase out and no-sale alternatives. Compared with the no-action alternative, the proposed alternative is not expected to have a significant economic impact on for-hire vessels. Available data suggests that sales by for-hire vessels are from legally permitted commercial vessels. Further, there is no evidence to indicate that angler demand for for-hire services will decline as a result of the sales restrictions. NMFS determined that the proposed alternatives would best meet FMP objectives.

To limit the possession and landing of dolphin and wahoo that are recreationally caught in the Atlantic EEZ, bag and/or boat limits are proposed. For dolphin, the rejected alternatives would provide (1) no bag or boat limit (no-action alternative), (2) a boat limit of 18–60 fish, (3) a daily bag limit of 5–10 fish per person, excluding captain and crew on for-hire vessels, or (4) a daily bag limit of 10 fish per person or 60 fish per boat, whichever is less (with the 60 fish boat limit not applying north of 39° North (Delaware Bay, Delaware). The proposed alternative would establish a bag limit of 10 fish per person per day, or 60 fish per vessel, whichever is less, with the vessel limit

not applying to headboats. For wahoo, the rejected alternatives would provide (1) no bag limit (no action alternative), or (2) a bag limit of 2 fish per person per day, excluding captain and crew, whereas the proposed alternative would establish a bag limit of 2 fish per person per day.

Respecting the minimum size (fork length) for possession and landing of dolphin that is caught in the Atlantic EEZ, the rejected alternatives would provide (1) no minimum size (no-action alternative), or (2) an 18–24 inch minimum size, whereas the preferred alternative would establish a 20 inch minimum size for Florida and Georgia, and no minimum size limit farther north.

Compared with the respective no-action alternatives, the impact of other alternatives to establish recreational dolphin and wahoo bag limits, and dolphin minimum size limits on for-hire profits cannot be determined. Although the proposed bag and size limits are expected to restrict the harvest behavior of some recreational anglers, there is insufficient data to establish the impact of these measures on angler demand for for-hire services and, hence, revenues or profits. None of these actions is expected to have a significant economic impact on for-hire vessels. While the preferred alternative for minimum size limits for dolphin is expected to reduce ex-vessel revenue in Georgia and Florida for commercial vessels when compared with the no-action option, the economic impact on small entities is not expected to be significant. The proposed action covers just the EEZ off Georgia and Florida, whereas the rejected alternatives would apply to the entire Atlantic EEZ. The rejected alternative would cover a larger area than the proposed action and, therefore would be more restrictive. Further, although an 18- or 19-inch minimum size limit would be less restrictive than the proposed 20-inch minimum size, the rejected alternative would also allow for a minimum size limit that is more restrictive than the proposed action, i.e., limits greater than 20 inches. NMFS determined that the respective proposed alternatives for the bag and size limits would best meet FMP objectives.

The proposed alternatives that specify the requirement for and qualifications of the commercial permit and establish the commercial wahoo trip limit are expected to cause direct negative economic impacts, as described above, but have only status quo measures (no-action alternative) as considered alternatives. Since maintaining the status quo would impose no new restriction, the adverse impacts of the

proposed measures would be eliminated/avoided. However, the status quo alternatives would not meet the Council's objectives.

The proposed alternative that establishes the commercial dolphin trip limit is expected to cause direct negative economic impacts, as described above, and has, in addition to a no-action alternative, an alternative that would specify a trip limit of from 1,000 to 5,000 lb (454 to 2,268 kg). Depending upon the amount specified, the 1,000–5,000 lb (454–2,268 kg) trip limit may have more or less negative economic impact than the proposed 1,000/3,000–lb (454/1,361–kg) trip limit, which is expected to result in an annual loss of \$96,000. A 1,000–lb (454–kg) trip limit would result in an expected loss of \$157,000 per year, while 3,000–lb (1,361–kg) and 5,000–lb (2,268–kg) trip limits will result in losses of \$50,000 and \$22,000 per year, respectively. Thus, the proposed alternative will result in a lower loss than a 1,000–lb (454–kg) limit, while the 3,000–lb (1,361–kg) limit will reduce the annual loss by \$46,000 and the 5,000–lb (2,268–kg) limit will reduce the annual loss by \$74,000. NMFS concluded, however, that the more liberal limits would not best achieve the goals of the FMP.

In conclusion, the proposed rule would affect all entities that operate in the dolphin and wahoo fisheries and all such entities are small entities. Further, the proposed rule is expected to adversely impact from 23–60 percent of the small entities currently operating in the commercial dolphin and wahoo fishery. Those entities expected to be adversely impacted by the proposed rule are expected to experience, on average, an estimated 4–32 percent reduction in annual gross revenue. These losses are expected to result in 58–476 vessels potentially being driven out of business, following a 50 percent-loss-in-gross criterion. Additionally, the approximate 1,300 vessels/SPLs that are projected to qualify for the proposed permit are expected to experience losses in profits of 1–18 percent attributable to the proposed dolphin trip limits.

Copies of the IRFA and RIR are available upon request (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and

that have been submitted to OMB for approval. These requirements and the estimated public reporting burden for them are: 20 minutes for a charter vessel/headboat permit application or commercial vessel permit application; 60 minutes for commercial vessel records including a listing of landings; 5 minutes for a request to add the commercial vessel permit or charter vessel permit to a vessel already holding other vessel permits; 5 minutes for a dealer permit application; 60 minutes for an operator permit application; 12 minutes for a vessel catch and effort report; 2 minutes per form to prepare a no-fishing report; and 15 minutes for a dealer monthly report of dolphin and wahoo receipts and prices.

The requirement for a commercial vessel or charter vessel/headboat permit automatically makes the permit holder subject to a requirement that the vessel display its official number. This requirement has also been submitted to OMB for approval. The reporting burden for the display of a vessel's official number is estimated at 45 minutes per response.

The estimates of public reporting burdens for these collections of information include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

NMFS seeks your comments regarding: Whether these proposed

collections of information are necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burdens of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding these or any other aspects of the collections of information to NMFS and OMB (see ADDRESSES).

List of Subjects

50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: October 27, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 600 and 622 are proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 et seq.

2. In § 600.10, definitions are added in alphabetical order to read as follows:

§ 600.10 Definitions.

\* \* \* \* \*

Automatic reel means a reel that remains attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel electrically or hydraulically.

\* \* \* \* \*

Pelagic longline means a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom.

\* \* \* \* \*

3. In § 600.725, in paragraph (v) table, under heading "I. New England Fishery Management Council (NEFMC)," add entry 24; under heading "II. Mid-Atlantic Fishery Management Council (MAFMC)," add entry 28; and under heading "III. South Atlantic Fishery Management Council," add entry 24; new entries are added in numerical order to read as follows:

§ 600.725 General prohibitions.

\* \* \* \* \*

(v) \* \* \*

Fishery	Authorized gear types
I. New England Fishery Management Council (NEFMC)	
* * * * *	* * * * *
24. Dolphin/wahoo fishery (FMP managed by SAFMC)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).
II. Mid-Atlantic Fishery Management Council (MAFMC)	
* * * * *	* * * * *
28. Dolphin/wahoo fishery (FMP managed by SAFMC)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).
III. South Atlantic Fishery Management Council (SAFMC)	
* * * * *	* * * * *
24. Dolphin/wahoo fishery (FMP managed by SAFMC)	Automatic reel, bandit gear, handline, pelagic longline, rod and reel, spear (including powerheads).
* * * * *	* * * * *

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

4. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

5. In § 622.1, the first sentence of paragraph (b) is revised and in Table 1, the following entry is added in alphabetical order to read as follows:

§ 622.1 Purpose and scope.

\* \* \* \* \*

(b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, South Atlantic, or Atlantic EEZ, as indicated in Table 1 of this section. \* \* \*

TABLE 1.—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
* * * * * FMP for the Dolphin and Wahoo Fishery off the Atlantic States .....	* SAFMC	* Atlantic
* * * * *	*	*

6. In § 622.2, in the definition of “Coastal migratory pelagic fish,” paragraph (4) and the definition of “Dealer” are revised, and definitions of “Atlantic,” “Dolphin,” “North Atlantic,” “Pelagic longline,” and “Whahoo” are added in alphabetical order to read as follows:

**§ 622.2 Definitions and acronyms.**

\* \* \* \* \*

*Atlantic* means the North Atlantic, Mid-Atlantic, and South Atlantic.

\* \* \* \* \*

*Coastal migratory pelagic fish* \* \* \*

(4) Dolphin, *Coryphaena hippurus* (Gulf of Mexico only).

\* \* \* \* \*

*Dealer* (in addition to the definition specified in § 600.10 of this chapter) means the person who first receives rock shrimp harvested from the EEZ or dolphin or wahoo harvested from the Atlantic EEZ upon transfer ashore.

*Dolphin* means the species *Coryphaena equiselis* or *C. hippurus*, or a part thereof, in the Atlantic. (See the definition of *Coastal migratory pelagic fish* for dolphin in the Gulf of Mexico.)

\* \* \* \* \*

*North Atlantic* means the Atlantic Ocean off the Atlantic coastal states from the boundary between the United States and Canada to the boundary between the New England Fishery Management Council and the MAFMC, as specified in § 600.105(a) of this chapter.

\* \* \* \* \*

*Pelagic longline* means a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom.

\* \* \* \* \*

*Wahoo* means the species *Acanthocybium solandri*, or a part thereof, in the Atlantic.

\* \* \* \* \*

7. In § 622.4, the first sentence of paragraph (a)(4), paragraphs (a)(5), (g)(1), and the last sentence of paragraph (i) are revised, and paragraphs (a)(1)(i)(E), (a)(2)(xii), and (s) are added to read as follows:

**§ 622.4 Permits and fees.**

(a) \* \* \*

(1) \* \* \*

(i) \* \* \*

(E) Atlantic dolphin and wahoo. (See paragraph (a)(5) of this section for the requirements for operator permits in the dolphin and wahoo fishery.)

\* \* \* \* \*

(2) \* \* \*

(xii) *Atlantic dolphin and wahoo.* (A)

For a person aboard a vessel to be eligible for exemption from the bag and possession limits for dolphin or wahoo in or from the Atlantic EEZ or to sell such dolphin or wahoo, a commercial vessel permit for Atlantic dolphin and wahoo must be issued to the vessel and must be on board, except as provided in paragraph (a)(2)(xii)(B) of this section. (See paragraph (a)(5) of this section for the requirements for operator permits in the Atlantic dolphin and wahoo fishery).

(B) The provisions of paragraph (a)(2)(xii)(A) of this section notwithstanding, a fishing vessel, except a vessel operating as a charter vessel or headboat, that does not have a commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery, is exempt from the bag and possession limits for dolphin and wahoo and may sell dolphin and wahoo, subject to the trip and geographical limits specified in § 622.44(f)(2). (A charter vessel/headboat permit is not a commercial vessel permit.)

\* \* \* \* \*

(4) *Dealer permits.* For a dealer to receive Gulf reef fish, golden crab harvested from the South Atlantic EEZ, South Atlantic snapper-grouper, rock shrimp harvested from the South Atlantic EEZ, dolphin or wahoo harvested from the Atlantic EEZ, or wreckfish, a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, Atlantic dolphin and wahoo, or wreckfish, respectively, must be issued to the dealer. \* \* \*

(5) *Operator permits.* (i) The following persons are required to have operator permits:

(A) An operator of a vessel that has or is required to have a valid permit for

South Atlantic rock shrimp issued under this section.

(B) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section.

(ii) A person required to have an operator permit under paragraph (a)(5)(i) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver’s license, passport, etc.).

(iii) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(iv) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

\* \* \* \* \*

(g) *Transfer*—(1) *Vessel permits, licenses, and endorsements and dealer permits.* A vessel permit, license, or endorsement or a dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (n) of this section for a fish trap endorsement, in paragraph (o) of this section for a Gulf king mackerel gillnet endorsement, in paragraph (p) of this section for a red snapper license, in paragraph (q) of this section for a commercial vessel permit for king mackerel, in paragraph (r) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in paragraph (s) of this section for a commercial vessel permit for dolphin and wahoo, in § 622.17(c) for a commercial vessel permit for golden crab, in § 622.18(e) for a commercial vessel permit for South Atlantic snapper-grouper, or in § 622.19(e) for a commercial vessel permit for South

Atlantic rock shrimp. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers.

\* \* \* \* \*

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

\* \* \* \* \*

(s) *Commercial vessel permits for Atlantic dolphin and wahoo*—(1) *Eligibility.* (i) An owner of a vessel may obtain a commercial vessel permit for Atlantic dolphin and wahoo if his/her vessel has a Federal commercial permit for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish.

(ii) An owner may also obtain a commercial vessel permit for Atlantic dolphin and wahoo if he/she--

(A) Derived at least 25 percent of his/her earned income, or at least \$10,000, from commercial fishing (i.e., harvest and first sale of fish) or from charter vessel/headboat fishing during one of the 3 calendar years 1996, 1997, or 1998; and

(B) Owned a vessel that landed and sold at least 250 lb (113 kg) of dolphin and/or wahoo harvested from the Atlantic during one of the 3 calendar years 1996, 1997, 1998, or during the period January 1, 1999, through May 21, 1999.

(2) *Applications based on permits for king mackerel, South Atlantic snapper-grouper, or Atlantic swordfish.* A vessel owner who desires a commercial vessel permit for Atlantic dolphin and wahoo based on having one of the permits specified in paragraph (s)(1)(i) of this section must submit a request for the addition of Atlantic dolphin and wahoo to his/her permit to the RA.

(3) *Applications based on earned income/landings.* (i) A vessel owner who desires a commercial vessel permit for Atlantic dolphin and wahoo based on the earned income and landings criteria in paragraph (s)(1)(ii) of this section must submit an application for such permit to the RA. Application forms are available from the RA.

(ii) Information requested on the application includes the standard

information required in paragraph (b)(3)(ii) of this section and documentation of earned income and landings, as specified in paragraph (s)(1)(ii) of this section. The landings requirement must be documented by a listing of landings by date, species, amount, and dealer. Only qualifying landings verified by reports received or dealer records dated on or before June 21, 1999, by the following would qualify: (1) Fishing vessel logbooks received by the Science and Research Director of either the NMFS' Southeast or Northeast Fisheries Science Centers; (2) state trip ticket systems; or (3) for landings not covered by vessel logbook or state trip ticket system requirements, dealer records accompanied by signed affidavits. Dealer records must definitively show dates and amounts of landings of the species known as dolphin and/or wahoo and the vessel's name, official number, or other reference that clearly identifies the vessel. Dealer records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is a written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law. Only landings that were harvested, landed, and sold in compliance with state and Federal regulations will be used to establish eligibility.

(4) *Transfer.* An owner of a vessel that has a commercial vessel permit for Atlantic dolphin and wahoo may request that the RA transfer the permit to another vessel owned by the same entity or he/she may request that the RA transfer the permit to a new owner of the vessel when he/she transfers ownership of the vessel. Such request must be accompanied by the existing permit and an application for a permit for the replacement vessel.

8. In § 622.5, paragraphs (a)(1)(vi) and (c)(8) are added, and the first sentence of paragraph (a)(2)(i) and paragraph (b)(1) are revised to read as follows:

**§ 622.5 Recordkeeping and reporting.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

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

such record as specified in paragraph (a)(2) of this section.

(2) *Reporting deadlines.* (i) Completed fishing records required by paragraphs (a)(1)(i), (ii), (iv), and (vi) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. \* \* \*

\* \* \* \* \*

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

\* \* \* \* \*

(c) \* \* \*

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

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

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

\* \* \* \* \*

9. In § 622.7, paragraph (b) is revised to read as follows:

**§ 622.7 Prohibitions.**

\* \* \* \* \*

(b) Falsify information on an application for a permit, license, or endorsement or submitted in support of such application, as specified in § 622.4(b), (g), (p), (q), (r), or (s), or in § 622.18, or in § 622.19.

\* \* \* \* \*

10. In § 622.35, the section heading is revised and paragraph (h) is added to read as follows:

**§ 622.35 Atlantic EEZ seasonal and/or area closures.**

\* \* \* \* \*

(h) *Dolphin/wahoo closed areas.* (1) If pelagic longline gear is on board a vessel, a person aboard such vessel may not fish for or retain a dolphin or wahoo—

(i) In the Northeastern United States closed area from June 1 through June 30 each year. The Northeastern United States closed area is that portion of the EEZ between 40° N. lat. and 39° N. lat. from 68° W. long. to 74° W. long.

(ii) In the Charleston Bump closed area from February 1 through April 30 each year. The Charleston Bump closed area is that portion of the EEZ off North Carolina, South Carolina, and Georgia between 34° N. lat. and 31° N. lat. and west of 76° W. long.

(iii) In the East Florida Coast closed area year round. The East Florida Coast closed area is that portion of the EEZ off Georgia and the east coast of Florida from the inner boundary of the EEZ at 31° N. lat.; thence due east to 78° W. long.; thence by a rhumb line to 28°17' N. lat., 79°12' W. long.; thence proceeding in a southerly direction along the outer boundary of the EEZ to 24° N. lat.; thence due west to 24° N. lat., 81°47' W. long.; thence due north to the innermost boundary of the EEZ at 81°47' W. long.

(2) A vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and gangions with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

(3) If a vessel is in a closed area during a time specified in paragraph (h)(1) of this section with pelagic longline gear on board, it is a rebuttable presumption that fish on board such vessel were taken with pelagic longline gear in the closed area.

11. In § 622.37, paragraph (h) is added to read as follows:

**§ 622.37 Size limits.**

\* \* \* \* \*

(h) *Dolphin in the Atlantic off Florida and off Georgia*—20 inches (50.8 cm), fork length.

12. In § 622.38, paragraph (a) is revised to read as follows:

**§ 622.38 Landing fish intact.**

\* \* \* \* \*

(a) The following must be maintained with head and fins intact: Cobia, king mackerel, and Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, except as specified for king mackerel in paragraph (g) of this section; dolphin and wahoo in or from the Atlantic EEZ; South Atlantic snapper-grouper in or from the South Atlantic EEZ, except as specified in paragraph (h) of this section; yellowtail snapper in or from the Caribbean EEZ; and finfish in or from the Gulf EEZ, except as specified in paragraphs (c) and (d) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

\* \* \* \* \*

13. In § 622.39, paragraph (f) is added to read as follows:

**§ 622.39 Bag and possession limits.**

\* \* \* \* \*

(f) *Atlantic dolphin and wahoo.* Bag and possession limits are as follows:

(1) Dolphin—10, not to exceed 60 per vessel, whichever is less, except, on board a headboat, 10 per paying passenger.

(2) Wahoo—2.

14. In § 622.41, paragraph (c)(1)(v) is revised and paragraph (l) is added to read as follows:

**§ 622.41 Species specific limitations.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(v) Cobia in the Mid-Atlantic and South Atlantic EEZ and little tunny in the South Atlantic EEZ south of 34°37.3' N. lat.—automatic reel, bandit gear, handline, rod and reel, and pelagic longline.

\* \* \* \* \*

(l) *Atlantic dolphin and wahoo*—(1) *Authorized gear.* The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

(2) *Sea turtle protection measures applicable to pelagic longliners.* The owner or operator of a vessel for which

a commercial permit for Atlantic dolphin and wahoo has been issued, as required under § 622.4(a)(2)(xii), and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in § 635.21(c)(5)(i) and (ii) of this chapter, respectively. For the purpose of this paragraph, a vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and leaders (gangions) with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

15. In § 622.44, paragraph (f) is added to read as follows:

**§ 622.44 Commercial trip limits.**

\* \* \* \* \*

(f) *Atlantic dolphin and wahoo.* (1) The following trip limits apply to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat:

(i) *Dolphin*—(A) In or from the Atlantic EEZ north of 31° N. lat., 3,000 lb (1,361 kg).

(B) In or from the Atlantic EEZ south of 31° N. lat., 1,000 lb (454 kg).

(ii) *Wahoo.* In or from the Atlantic EEZ, 500 lb (227 kg).

(2) The trip limit for a vessel that does not have a Federal commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery is 200 lb (91 kg) of dolphin and wahoo, combined, provided that all fishing on and landings from that trip are north of 39° N. lat. (A charter vessel/headboat permit is not a commercial vessel permit.)

16. In § 622.45, paragraph (i) is added to read as follows:

**§ 622.45 Restrictions on sale/purchase.**

\* \* \* \* \*

(i) *Atlantic dolphin and wahoo.* (1) A person may sell dolphin or wahoo harvested in the Atlantic EEZ only if it is harvested by a vessel that has a commercial permit for Atlantic dolphin and wahoo, as required under § 622.4(a)(2)(xii)(A), or by a vessel authorized a 200-lb (91-kg) trip limit for dolphin or wahoo, as specified in § 622.44(f)(2), and only to a dealer who has a permit for Atlantic dolphin or wahoo, as required under § 622.4(a)(4).

(2) In addition to the provisions of paragraph (i)(1) of this section, a person

may not sell dolphin in excess of the bag limit or any wahoo harvested in the Atlantic EEZ by a vessel while it was operating as a charter vessel or headboat.

(3) Dolphin or wahoo harvested in the Atlantic EEZ may be purchased only by a dealer who has a permit for Atlantic dolphin and wahoo and only from a vessel authorized to sell dolphin or wahoo under paragraph (i)(1) or (i)(2) of this section.

17. In § 622.48, paragraph (m) is added to read as follows:

**§ 622.48 Adjustment of management measures.**

\* \* \* \* \*

(m) *Atlantic dolphin and wahoo.* Biomass levels, age-structured analyses, MSY, OY, ABC, TAC, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing

definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

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