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Southwest Fisheries Center Administrative Report H-82-9

**U.S. DEPARTMENT OF COMMERCE**
**National Oceanic and Atmospheric Administration**
NATIONAL MARINE FISHERIES SERVICE
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# FISHERY DATA NEEDS OF THE NATIONAL MARINE FISHERIES SERVICE IN THE HAWAIIAN ARCHIPELAGO

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National Marine Fisheries Service
2570 Dole Street
Honolulu, Hawaii

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## I. INTRODUCTION

The implementation of the Magnuson Fishery Conservation and Management Act (MFCMA) of 1976, greatly increased the need for accurate and timely information on fisheries in the central and western Pacific. It became apparent that the existing fishery data collection procedures and data management practices were incapable of supplying the requisite data on a timely basis. In response to these needs, the State of Hawaii, Department of Land and Natural Resources, Division of Aquatic Resources (HDAR) (formerly Division of Fish and Game) and the Southwest Fisheries Center (SWFC), National Marine Fisheries Service (NMFS), entered into an agreement of understanding in May 1980 to implement a Western Pacific Fishery Information Network (WPACFIN). This agreement calls for a two-phase implementation of WPACFIN in Hawaii. The first, a design phase, involves an evaluation of the State's existing system for fishery statistics and the formulation of a plan to effect improvements. The second, an implementation phase, will involve improvements to be carried out by HDAR in cooperation with SWFC. These improvements may be at the data collection stage, the keypunching and computer storage stage, or the retrieval, processing, and report preparation stage.

This report was prepared by the Fishery Management Research Task, SWFC, for the use of HDAR in completing the first phase of the cooperative endeavor. It contains a statement of the fishery information needs of NMFS relative to national reporting requirements and to research activities associated with fishery management. The report does not include data needs pertaining to experimental resource research and surveys, or laboratory experiments on autecology.

## II. NATIONAL REPORTING REQUIREMENTS

The Western Pacific Program Office (WPPO), Southwest Region, NMFS has a number of reporting requirements to incorporate Hawaii fishery data in the "Fisheries of the United States," "Processed Fishery Products," and other annual statistical reports. In addition, they have certain data collecting and reporting requirements associated with the MFCMA.

For these annual reports, WPPO must submit the following kinds of calendar-year data by the indicated dates:

1. Pounds of tuna (round weight basis) consumed in Hawaii fresh, frozen, and cured (15 January);

2. Landings of marine and estuarine catch (29 January) (Appendix 1, Figure 1);

3. Landings of freshwater catch (29 January) on Form 88-50 (Freshwater-Diadromous);

4. Data on disposition of the domestic catch, excluding waste from fish filleting and canning operations (29 January) (Appendix 1, Figures 2-4);

5. For canneries and large processing plants, the production of canned fishery products, fish fillets and steaks (raw only), and industrial products for each plant in Hawaii (19 February) (Appendix 1, Figure 5);

6. For processors, wholesalers, cold storage firms, and others, employment data and production of packaged, industrial, and cured fishery products, fresh and frozen, by species and product type in pounds and value (11 June) on Form 88-13 (Appendix 1, Figure 5).

In addition to these annual data reporting requirements, WPPO is required to collect enforcement data as given in regulations implemented pursuant to approved fishery management plans. Such data might pertain to gear, seasons, or area restrictions, licensing, minimum sizes, or allowable catch. The "Final Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region" has been approved, but regulations have not yet been published. The "Preliminary Fishery Management Plan for Seamount Groundfish Fishery Resources (Pelagic Armorhead and Alfonsins)" and the "Final Preliminary Fishery Management Plan for Pacific Billfish, Oceanic Shark, Wahoo, and Mahimahi" have been approved, and regulations have been implemented (Appendices 2 and 3). The latter regulations call for the collection of catch and effort data from foreign fishers only. In addition, as soon as possible after 1 September, WPPO must report the domestic catch of billfishes (by species) and shark in the Hawaiian Archipelago. These data are used to determine the percent of the domestic "reserve" that is harvested and then whether to release the remainder of the "reserve" to the "total allowable level of foreign fishing." When other fishery management plans are approved, for example, on spiny lobsters and bottom fishes, additional data collecting and reporting requirements will come into effect.

## III. RESEARCH ACTIVITIES

The SWFC is responsible for providing other elements of NMFS, the Department of Commerce, Department of State, and the Western Pacific Regional Fisheries Management Council (WPRFMC) with scientific advice relating to fisheries. Such advice encompasses determining the need for management (stock assessment and socio-economic evaluations); providing basic descriptions of fish stocks and fisheries; social and economic conditions; monitoring trends in the fisheries; and evaluating the effectiveness of management measures.

Whereas the SWFC does not have any administrative or legal deadlines for reporting data, time constraints are dictated by the need to provide timely reports containing current data to the users indicated above. Therefore, time constraints on the availability of data will be proposed in the material presented below.

Studies performed to provide the advice described above depend on the existence of accurate, current statistics. The specific data sets thus required are described below in subheadings for fisheries and market data needs. To reduce redundancy, fish species and associated fishing gears of importance to SWFC will be listed in the last subheading.

A. Fisheries Data Needs

1. Landings

Catch is usually defined as the number or weight of fish caught on a given date, whereas the definition for landings is the weight of fish actually retained and landed on a particular but commonly later date. The amount landed and its ex-vessel value, and the place and date landed comprise the essential elements required for monitoring any fishery. These data should be available within 3 months of the date of landing. Specifics are given below.

Landings (metric tons, pounds, or short tons), ex-vessel value:

by species or species group;

by fishing gear (e.g., tuna longline, pole and line, ika-shibi, trap);

by vessel type, including number of boats making the landings (e.g., both commercial and recreational domestic boats and foreign boats);

by trip, with monthly and annual summaries possible (sometimes the number of days absent or fished per trip are included);

by gross areas of capture, if possible (e.g., by 0-3, 3-12, and 12-200 nmi zones; or by HDAR statistical areas).

Possible sources of these data include the Hawaii Fish Dealer Report or landing slips, Hawaii Fish Catch Report, and recreational fishing surveys.

2. Vessel information

Those boats operating in each major species or gear-type fishery should be documented. Such information is essential for describing the fisheries and evaluating the economic impacts of proposed management strategies. In addition to classifying the vessels by fishery, the following information should be obtained:

length and gross tonnage,

type and horsepower of engine,

gear type and amount of gear carried,

carrying capacity of fishholds,

crew size (captain, fishing crew, plus others),

fuel usage,

operating costs,

moorage,

classification (commercial, subsistence, and recreational).

As part of a fishing vessel inventory project conducted in cooperation with WPRFMC, the SWFC is determining various vessel characteristics and classifying the vessels by fishery. The proposed questionnaire is presented in Appendix 3.

Some of these data are amenable for collection on routine vessel registration or documentation forms; hence, SWFC and HDAR should work cooperatively with the Hawaii Department of Transportation and the U.S. Coast Guard in augmenting their registration procedures.

3. Catch and fishing effort

These data are needed to assess the state of the resources and the fisheries, to estimate maximum sustainable yield and optimum yield, and to determine the need for management and formulate management options. Catch and fishing effort along with precise data on location of capture constitute what are commonly referred to as logbook data. The location data should be relatively precise, e.g., $1^{o}$ lat. x $1^{o}$ long. or small statistical areas. Because of the importance of fish aggregating devices and manmade rafts in fishery development, it may be desirable to provide for the recording of such information.

Preliminary estimates should be available 3 months after the date of capture and final figures within 6 months to provide timely quantitative assessements of the resources. If within-season regulations are implemented, availability of these data may be needed on a real-time basis.

Catch, as defined previously, is the total amount of fish taken by the fishing gear whether retained and landed or not. Catch can be reported in either number, especially for highly valued species such as large tunas, billfishes, and bottom fishes, or in weight (e.g., metric tons) for smaller, lesser valued species.

Fishing effort should be measured in terms relating to the mortality caused by the gear and be usable in socio-economic analyses also. The actual units of measurement employed vary considerably depending on species and fisheries, but generally involve the number of units of the gear employed and frequently the time the gear is deployed as well. Examples include the number of hooks or hook-days, the number of sets or set-days, the number of tows (or drags) or tow-hours, and number of traps or trap-days. Specific examples will be given below for several important fisheries. It is also important to describe the individual gear types because different sizes or configurations of traps, longline, trawls, etc., will have different fishing powers.

Skipjack tuna pole-and-line fishery.--The Aku Catch Report provides for reporting of catch in weight by species and fishing effort in numbers of fishing days (including zero catch days) and number of men fishing, all by HDAR statistical areas. These data seem sufficiently accurate for quantitative analyses if the data forms are filled in completely.

Closely associated with this fishery is that for baitfish, primarily nehu. Attempts to assess the state of the nehu stocks have met with limited success, and several reasons have been cited. With respect to catch, concern has been voiced about the bucket as a meassure of catch, but it is probably as good a measure as can be obtained. Although it does not relate to assessing nehu, the incompleteness and inconsistency in the records of quantity of bait used and bait mortality precludes their use in assessing the catch of tuna per bucket of bait and other measures of the value and effectiveness of the bait. With respect to fishing effort for bait, "fishing day" does not seem to be accurate enough for stock assessment purposes. Thus, the number of sets made should also be recorded, and data on the type and size of net used should be collected. Subareas within bays and harbors should perhaps be designated for use in the "Location Fished" field.

Tuna troll and other fisheries.--The Fish Catch Report can and should provide daily catch estimates by species, but the reports are frequently not completed in such detail. In addition, skipjack tuna, shark, and other species are often not reported because they are not always landed and sold. This problem results in underreporting of total catch.

Longline fishery for large tunas and billfishes.--The Flagline Catch Report provides for the reporting of catch in number and weight by species, but only on a trip basis. While these effort statistics are of some utility for simple economic considerations, they are not sufficient for stock assessment or in-depth economic evaluations because the number of fishing days per trip presumably varies seasonally and among boats in the fleet. It is often desirable and sometime necessary under the MFCMA to compare the efficiency of various domestic fleets or the domestic longline fleet with foreign fleets, but this cannot be done with the quality of the existing domestic data. Therefore, the number of days fished per trip should be recorded, and it would be highly desirable to also have the number of hooks recorded, which would then make the domestic statistics comparable to those recorded in most distant water, longline fisheries and allow direct comparisons of catch per unit effort statistics.

Ika-shibi and palu ahi fisheries for large tunas.--These fisheries are among the fastest growing and profitable in Hawaii. Significant amounts of billfishes are taken in addition to the target tuna species. Statistics for this fishery are reported as deep-sea handline on the Fish Catch Report; hence, it is difficult to separate tuna fishing from deep-sea fishing for bottom fish. If operational details of these tuna fisheries are to be documented, it is essential that a separate designation for this type of fishing be provided on the Fish Catch Report. Catch by species and by day may be sufficient for stock assessment purposes and detailed comparisons among fisheries or vessel types. If effort in days is determined to be an insufficiently accurate measure of mortality, then special projects may have to be designed to collect fishing effort in number of hook-hours or some comparable measure.

Bottom fish handline fishery.--Some Fish Catch Reports are submitted with number of fishing days recorded, but most only include catch by trip or even by month. The latter two levels of accuracy for fishing effort are not sufficient for stock assessment or detailed economic evaluations.

Fishing effort should at least be recorded in terms of the number of days fished. The number of lines or hooks per day would provide a better measure of effort, but such detailed statistics may be difficult to obtain.

Spiny lobster fishery.--For the commercial fishery, catch reports should consist of daily recordings of the number or weight of spiny lobsters caught and the number of traps fished per day as well as the precise area fished. For recreational fishers, it would probably be sufficient to report catch in numbers or weight by species and the total number of days fished per month. Again, daily recording of catch and the amount of gear used per day would be better, but difficult to obtain.

Precious coral fishery.--Catch in weight by species should be reported per tow or minimally by fishing day. Fishing effort should be as specific as possible, for example, the number of mop-hours per tow or less desirably the number of mop-tows, tows, or mops. Alternatively, a measure of the length of tows (for mops) or searches (for submersibles) plus the size of the mop or width searched by a submersible would provide a measure of the area swept or fished by the fishing gear.

4. Size composition

Size data in either length or weight are generally collected from a subsample of the landings to determine size composition of important species on a monthly or quarterly basis. Historical records of size composition can provide valuable early warning of significant changes in fish stocks or the fisheries. For example, changes in average size frequently indicate a decline in the abundance of older age groups in the stock or possibly a change in the targeting strategy of the fishery. Missing or poorly represented year-classes suggest possible problems with spawner-stock recruitment. Or, drastic changes in size composition may suggest the occurrence of different stocks in the fishery. In addition, such data may also be used to estimate total mortality (with estimates of catch per unit effort) and growth. The SWFC collects such data from skipjack tuna landings; however, size measurements of other important species, e.g., spiny lobsters, bottom fishes, small pelagic fishes, and reef fishes, are not now collected routinely by any agency. If minimum size regulations are implemented pursuant to implementation of the Spiny Lobster Fishery Management Plan, NMFS will have to establish a special sampling project.

5. Recreational fishing

The NMFS has recently established a marine recreational fishing policy that includes the determination of the recreational community, catch, and fishing effort. For the most part, the latter two pieces of information are not now currently available in Hawaii and could, probably, only be obtained by conducting special studies. However, catch, fishing effort, and other data on subsistence fishers who sell at least part of their catch, should be available from the State's Fish Catch Report. As for determining the recreational fishing community, several factors are involved. First, in the absence of a marine fishing licensing program, determining the number of persons by type of fishing activity can probably be best obtained by conducting surveys. Second, the number and type of

sport fishing clubs should be obtainable by conducting an enumeration study. Third, the determination of supporting industries involves the identification of suppliers of equipment, gear, repair services, fuel, etc. and would require special, detailed surveys.

B. Market Data Needs

1. Wholesale fish dealer

In addition to being a possible source for the basic landings data described above, data on the wholesale fish dealers have utility in management considerations. Information, by fish products, on the volume of sales, the value added in processing or rendering of services, as well as employment, can be used to make projections about the consequences of alternative management regimes. Such information can be obtained from a viable fish dealer reporting program or by special survey.

2. Fish processor

Again, information on this sector of the fish market structure is necessary if reasonably accurate projections are to be made of the likely consequences of management alternatives. The MFCMA requires that the domestic processing capacity be determined and utilized in determining the allocation of resources between domestic and foreign interests. To be most usable, the volume of sales by product type and form should be determined. These data can probably best be obtained by special surveys conducted every 3 to 5 years.

3. Support industries

The prediction of the impact of fishery policies on other segments of the economy is a topic often alluded to but seldom investigated. A start at such an investigation might involve obtaining employment and gross revenue data for industries providing repair and other services, supplies, gear, and equipment to fishermen, both commercial and recreational, and to wholesale fish dealers. Special studies could be conducted to obtain such information.

4. Cannery, transshipment, and import/export data

The cannery in Hawaii makes a major contribution to the local economy and provides a significant alternative market for skipjack tuna captured by the domestic pole-and-line fleet. Foreign and interstate imports of seafood play a major role in household and institutional consumption. Likewise, export of fish products from Hawaii is becoming an increasingly important business venture.

Collectively, information on cannery purchases, cannery pack, transshipment of tuna, and imports/exports of various fish products is essential to interpreting the market structure in Hawaii, assessing their interrelationships, and to understanding the impact of the fishing industry on the local economy.

The U.S. Customs Service records in detail foreign imports into Hawaii, and the Army Corps of Engineers records domestic shipments (by vessel only). Export data are generally unavailable, except for bulk transshipment of tuna. Information on the export of high-value fish and shellfish, such as yellowfin tuna and spiny lobster, is not available.

Although cannery and import data are currently available, new arrangements should be made to capture data on transshipments and on imports and exports to and from the U.S. mainland and foreign sites. Information on the latter two categories may be obtainable only through surveys. Data should be collected by species or in some cases by species groups and should include price and quantity on a transaction basis (daily or at least monthly). Data on product flow by carrier (e.g. by vessel) would also be useful.

C. Fish and Shellfish Species

Historically, SWFC has placed a great deal of emphasis on large pelagic species because of their development potential and their importance to the local Hawaiian fishing industry. Today, these species are still important because of domestic commercial and recreational fishing activities, U.S. processors' dependence on the resources, and foreign fishing activities in the U.S. Fishery Conservation Zone. Listed below are the key species and associated gear types.

Tunas

Skipjack tuna or aku
Yellowfin tuna or ahi
Bigeye tuna or ahi
Albacore or ahipalaha
Kawakawa (primarily domestic)

Billfishes

Blue marlin
Striped marlin
Swordfish
Black marlin
Shortbill spearfish
Sailfish

Sharks

Silky shark
Whitetip shark
Blue shark (primarily foreign)
Thresher shark
Tiger shark
Hammerhead shark

Others

Mahimahi
Wahoo or ono

The species listed above are caught in the following fisheries:

Pole and line (domestic and foreign)
Troll (domestic commercial and recreational)
Tuna longline (domestic and foreign)
Ika-shibi (domestic commercial and recreational)
Palu ahi (domestic commercial and recreational)
Gill net (foreign)

Because of several recent developments, i.e., the SWFC's resource surveys in the Northwestern Hawaiian Islands, the initiation of a commercial fishery on the spiny lobster resource in that area, and management efforts on the spiny lobster by WPRFMC, SWFC has recently put considerable emphasis on the following shellfish species:

Spiny lobster

Red spiny lobster, *Panulirus marginatus*
Green spiny lobster, *P. penicillatus*

Slipper lobsters (two common species)

Crab

Kona crab

Shrimp

Penaeid shrimp, *Penaeus marginatus*
Caridean shrimps, *Heterocarpus ensifer* and *H. laevigatus*

The following gears are used to catch the shellfishes listed above:

Traps (primarily domestic commercial)
Nets (domestic commercial and recreational)
Spear (domestic recreational)
Trawls (domestic commercial)

Again following SWFC's resource surveys in the Northwestern Hawaiian Islands and the interest expressed by WPRFMC in managing the bottom fish stocks, SWFC has placed increasingly more effort on bottom fish or groundfish resources.

Bottom fishes or groundfishes

Alfonsin (primarily foreign)
Pelagic armorhead (primarily foreign)
Opakapaka
Lehi

Ehu
Gindai
Large jacks, crevally or ulua
Hapuupuu
Amberjack or kahala, Seriola dumerili
Onaga
Uku

The following gears are used to catch these species:

Handline (domestic commercial and recreational, and foreign)
Bottom longline (domestic commercial and recreational, and foreign)
Trap or pot (domestic)
Gill nets (domestic)

The SWFC has had an interest in nehu and other baitfish resources because of their importance in the skipjack tuna fishery in Hawaii. Now with the passage of the MFCMA, interest has expanded to include other small, neritic pelagic species inhabiting waters extending into the U.S. Fishery Conservation Zone.

Small pelagic fishes

Bigeye scad or akule
Mackerel scad or opelu, Decapterus pinnulatus
Red tailed mackerel scad, D. maruadsi
Pelagic nehu and other baitfish

These species are caught by the following fishing gears:

Handline (domestic)
Purse seine net (domestic)
Surround net (domestic)

Due to the MFCMA, precious coral is also of direct interest.

## IV. CONCLUSION

The preceding pages outline the NMFS information needs for Hawaii's fisheries. Clearly, biological and economic analyses and management initiatives require timely and accurate data, but these requirements must be placed in the context of their cost to society. Thus, costs and benefits must be taken into consideration both by NMFS and HDAR in their design phase for implementing WPACFIN.

Appendix 1, Figure 1

NOAA FORM: 88-50
(MARINE (PACIFIC)



LANDINGS BY DISTANCE CAUGHT FROM SHORE: PACIFIC, HAWAII, AND WESTERN PACIFIC

YEAR (1-2)

STATE CODE (3-4)

REGION (5)

STATE NAME

SPECIES NAMES ARE THOSE USED IN DIGEST. ALL WEIGHTS SHOWN ARE ROUND (LIVE) WEIGHTS, EXCEPT FOR WEIGHTS OF BIVALVE AND UNIVALVE MOLLUSKS, WHICH ARE MEAT WEIGHTS. WEIGHT OF SCALLOP MEATS IS WEIGHT OF SHELL-CLOSING MUSCLE.

| SPECIES (USE PREPRINTED CODES ONLY) | SPECIES CODE (6-9) | | DISTANCE FROM U.S. SHORES (EVERYTHING IN THOUSANDS AND NO DECIMALS, PLEASE) 0 TO 3 MILES: THOUSAND POUNDS (10-16) | 0 TO 3 MILES: THOUSAND DOLLARS (17-22) | 3 TO 200 MILES: THOUSAND POUNDS (23-29) | 3 TO 200 MILES: THOUSAND DOLLARS (30-35) | ALL OTHER (INCLUDES CATCH WITHIN 200 NAUTICAL MILES OFF FOREIGN COASTS): THOUSAND POUNDS (36-42) | ALL OTHER: THOUSAND DOLLARS (43-48) | TOTAL: THOUSAND POUNDS | TOTAL: THOUSAND DOLLARS |
|---|---|---|---|---|---|---|---|---|---|---|
| ALFONSIN . . . . . | 0016 | | | | | | | | | |
| ANCHOVIES. . . . . | 0060 | | | | | | | | | |
| ARMORHEAD. . . . . | 0126 | | | | | | | | | |
| BONITO . . . . . | 0330 | | | | | | | | | |
| COD, PACIFIC, UNCL . . . | 0822 | | | | | | | | | |
| CROAKER. . . . . | 0926 | | | | | | | | | |
| EELPOUTS . . . . . | 2500 | | | | | | | | | |
| FLOUNDER, ARROWTOOTH . . | 1250 | | | | | | | | | |
| FLOUNDER, FLATHEAD SOLE. | 1272 | | | | | | | | | |
| FLOUNDER, ROCK SOLE. . . | 1282 | | | | | | | | | |
| FLOUNDER, YELLOWFIN SOLE | 1287 | | | | | | | | | |
| FLOUNDER, GREENLAND TURBOT | 4679 | | | | | | | | | |
| FLOUNDER, PACIFIC, OTHER | 1295 | | | | | | | | | |
| HAKE, PACIFIC. . . . . | 1542 | | | | | | | | | |
| HALIBUT (ROUND WEIGHT) . | 1589 | | | | | | | | | |
| HERRING, SEA . . . . . | 1676 | | | | | | | | | |
| JACK MACKEREL. . . . . | 1820 | | | | | | | | | |
| LINGCOD. . . . . | 2090 | | | | | | | | | |
| MACKEREL, ATKA . . . . . | 2116 | | | | | | | | | |
| MACKEREL, PACIFIC. . . . | 2150 | | | | | | | | | |
| MARLIN . . . . . | 2180 | | | | | | | | | |
| MULLET (BLACK OR SILVER) | 2347 | | | | | | | | | |
| OCEAN PERCH, PACIFIC . . | 2410 | | | | | | | | | |
| POLLOCK, ALASKA (WALLEYE) | 2692 | | | | | | | | | |
| | | | | | | | | | | |

Appendix 1, Figure 1.--Continued.

NOAA FORM: 88-50
MARINE PACIFIC)



| YEAR (1-2) | SPECIES (USE PREPRINTED CODES ONLY) | SPECIES CODE (6-9) | | DISTANCE FROM U.S. SHORES (EVERYTHING IN THOUSANDS AND NO DECIMALS, PLEASE) 0 TO 3 MILES: THOUSAND POUNDS (10-16) | 0 TO 3 MILES: THOUSAND DOLLARS (17-22) | 3 TO 200 MILES: THOUSAND POUNDS (23-29) | 3 TO 200 MILES: THOUSAND DOLLARS (30-35) | ALL OTHER (INCLUDES CATCH WITHIN 200 NAUTICAL MILES OFF FOREIGN COASTS): THOUSAND POUNDS (36-42) | ALL OTHER: THOUSAND DOLLARS (43-48) | TOTAL: THOUSAND POUNDS | TOTAL: THOUSAND DOLLARS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| STATE CODE (3-4) | ROCKFISHES, OTHER. . . . | 2960 | | | | | | | | | |
| | SABLEFISH. . . . . | 3020 | | | | | | | | | |
| REGION (5) | SAILFISH . . . . . | 3026 | | | | | | | | | |
| | SCULPINS . . . . . | 3260 | | | | | | | | | |
| STATE NAME | SALMON, CHINOOK OR KING. | 3080 | | | | | | | | | |
| | SALMON, CHUM OR KETA . . | 3081 | | | | | | | | | |
| | SALMON, PINK . . . . . | 3082 | | | | | | | | | |
| | SALMON, RED OR SOCKEYE . | 3083 | | | | | | | | | |
| | SALMON, SILVER OR COHO . | 3084 | | | | | | | | | |
| | SPEARFISH. . . . . | 4000 | | | | | | | | | |
| | STEELHEAD TROUT. . . . . | 4150 | | | | | | | | | |
| | SEA BASS, BLACK. . . . . | 3361 | | | | | | | | | |
| | SEA BASS, WHITE. . . . . | 3370 | | | | | | | | | |
| | SHAD, AMERICAN . . . . . | 3474 | | | | | | | | | |
| | SHARK, DOGFISH (GRAYFISH) | 3503 | | | | | | | | | |
| | SHARKS, OTHER. . . . . | 3508 | | | | | | | | | |
| | SKATES. . . . . | 3650 | | | | | | | | | |
| | SNAPPER, RED . . . . . | 3764 | | | | | | | | | |
| | SNAPPER, OTHER . . . . . | 3768 | | | | | | | | | |
| | STRIPED BASS. . . . . | 4180 | | | | | | | | | |
| | SWORDFISH. . . . . | 4320 | | | | | | | | | |
| | TUNA, ALBACORE . . . . . | 4651 | | | | | | | | | |
| | TUNA, BIGEYE . . . . . | 4657 | | | | | | | | | |
| | | | | | | | | | | | |

SPECIES NAMES ARE THOSE USED IN DIGEST. ALL WEIGHTS SHOWN ARE ROUND (LIVE) WEIGHTS, EXCEPT FOR WEIGHTS OF BIVALVE AND UNIVALVE MOLLUSKS, WHICH ARE MEAT WEIGHTS. WEIGHT OF SCALLOP MEATS IS WEIGHT OF SHELL-CLOSING MUSCLE.

Appendix 1, Figure 1.--Continued.

NOAA FORM: 88-50
MARINE (PACIFIC)

PAGE PAGE 3 OF 4

LANDINGS BY DISTANCE CAUGHT FROM SHORE: PACIFIC, HAWAII, AND WESTERN PACIFIC

YEAR (1-2)

STATE CODE (3-4)

REGION (5)

STATE NAME

SPECIES NAMES ARE THOSE USED IN DIGEST. ALL WEIGHTS SHOWN ARE ROUND (LIVE) WEIGHTS, EXCEPT FOR WEIGHTS OF BIVALVE AND UNIVALVE MOLLUSKS, WHICH ARE MEAT WEIGHTS. WEIGHT OF SCALLOP MEATS IS WEIGHT OF SHELL-CLOSING MUSCLE.

| SPECIES (USE PREPRINTED CODES ONLY) | SPECIES CODE (6-9) | | DISTANCE FROM U.S. SHORES (EVERYTHING IN THOUSANDS AND NO DECIMALS, PLEASE) 0 TO 3 MILES: THOUSAND POUNDS (10-16) | 0 TO 3 MILES: THOUSAND DOLLARS (17-22) | 3 TO 200 MILES: THOUSAND POUNDS (23-29) | 3 TO 200 MILES: THOUSAND DOLLARS (30-35) | ALL OTHER (INCLUDES CATCH WITHIN 200 NAUTICAL MILES OFF FOREIGN COASTS): THOUSAND POUNDS (36-42) | ALL OTHER: THOUSAND DOLLARS (43-48) | TOTAL: THOUSAND POUNDS | TOTAL: THOUSAND DOLLARS |
|---|---|---|---|---|---|---|---|---|---|---|
| TUNA, BLUEFIN. . . . . | 4652 | | | | | | | | | |
| TUNA, LITTLE. . . . . | 4653 | | | | | | | | | |
| TUNA, SKIPJACK. . . . . | 4654 | | | | | | | | | |
| TUNA, YELLOWFIN . . . . | 4655 | | | | | | | | | |
| TUNA, UNCLASSIFIED. . . | 4656 | | | | | | | | | |
| FISH, MARINE, OTHER . . | 5261 | | | | | | | | | |
| FISH, TOTAL | | | | | | | | | | |
| ABALONE . . . . . | 7390 | | | | | | | | | |
| CLAM, HARD (MEAT) . . . | 7480 | | | | | | | | | |
| CLAM, SOFT (MEAT) . . . | 7630 | | | | | | | | | |
| CLAM, OTHER (MEAT)... . | 7720 | | | | | | | | | |
| CRAB, DUNGENESS ... . . | 7060 | | | | | | | | | |
| CRAB, KING. . . . . | 7090 | | | | | | | | | |
| CRAB, SNOW, OPILIO. . . | 7183 | | | | | | | | | |
| CRAB, SNOW, BAIRDI. . . | 7184 | | | | | | | | | |
| CRAB, OTHER . . . . . | 7190 | | | | | | | | | |
| LOBSTER, SPINY. . . . . | 7300 | | | | | | | | | |
| MUSSELS, SEA (MEAT) . . | 7810 | | | | | | | | | |
| OYSTER MEAT (ALL SPECIES) | 7890 | | | | | | | | | |
| SCALLOP, SEA (MEAT) . . | 8009 | | | | | | | | | |
| SHRIMP (HEADS-ON).. . . | 7380 | | | | | | | | | |
| SNAIL (CONCH) (MEAT). . | 7750 | | | | | | | | | |
| SQUID . . . . . | 8030 | | | | | | | | | |
| SEA URCHIN. . . . . | 8050 | | | | | | | | | |
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Appendix 1, Figure 1.--Continued.

NOAA FORM: 88-50
MARINE (PACIFIC)

LANDINGS BY DISTANCE CAUGHT FROM SHORE: PACIFIC, HAWAII, AND WESTERN PACIFIC



| YEAR (1-2) | SPECIES (USE PREPRINTED CODES ONLY) | SPECIES CODE (6-9) | | DISTANCE FROM U.S. SHORES (EVERYTHING IN THOUSANDS AND NO DECIMALS, PLEASE) 0 TO 3 MILES: THOUSAND POUNDS (10-16) | 0 TO 3 MILES: THOUSAND DOLLARS (17-22) | 3 TO 200 MILES: THOUSAND POUNDS (23-29) | 3 TO 200 MILES: THOUSAND DOLLARS (30-35) | ALL OTHER (INCLUDES CATCH WITHIN 200 NAUTICAL MILES OFF FOREIGN COASTS): THOUSAND POUNDS (36-42) | ALL OTHER: THOUSAND DOLLARS (43-48) | TOTAL: THOUSAND POUNDS | TOTAL: THOUSAND DOLLARS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| STATE CODE (3-4) | CORALS | 8160 | | | | | | | | | |
| REGION (5) | SHELLFISH, OTHER . . . . . | 9990 | | | | | | | | | |
| | SHELLFISH, TOTAL | | | | | | | | | | |
| STATE NAME | GRAND TOTAL | | | | | | | | | | |

SPECIES NAMES ARE THOSE USED IN DIGEST. ALL WEIGHTS SHOWN ARE ROUND (LIVE) WEIGHTS, EXCEPT FOR WEIGHTS OF BIVALVE AND UNIVALVE MOLLUSKS, WHICH ARE MEAT WEIGHTS. WEIGHT OF SCALLOP MEATS IS WEIGHT OF SHELL-CLOSING MUSCLE.

Appendix 1, Figure 2.

NOAA FORM 88-51
(11-73)

U. S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REGION *(If appropriate)*

YEAR

Submit by last day in February (preliminary) and by November 1st. (final). Indicate region, if appropriate. East & West Coast of Florida will be listed as individual States.

DISPOSITION OF DOMESTIC CATCH OF FISH AND SHELLFISH BY MONTHS

| MONTH | STATE *(Please enter amount of catch in thousand pounds.)* | | | | | |
|---|---|---|---|---|---|---|
| | | | | | | |
| JANUARY | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| FEBRUARY | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| MARCH | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| APRIL | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| MAY | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| JUNE | | | | | | |
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| JULY | | | | | | |
| FOOD | | | | | | |
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| AUGUST | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| SEPTEMBER | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| OCTOBER | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| NOVEMBER | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| DECEMBER | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| TOTAL | | | | | | |
| FOOD | | | | | | |
| INDUSTRIAL | | | | | | |
| GRAND TOTAL | | | | | | |

Appendix 1, Figure 3.

NOAA FORM 88-52
(11-73)

U. S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REGION*

## DOMESTIC CATCH OF FISH AND SHELLFISH AND THEIR SPECIFIC USE

YEAR

USE OF FISH AND SHELLFISH**

*Please submit by the last day in February (preliminary) and by November 1st. (final).*
**Indicate Region (New England, Middle Atlantic, etc.) or State, if appropriate. East and West Florida are separate States.*
***Indicate Animal food (fresh or frozen); Bait (fresh or frozen); Canned pet food; Reduction; or Other industrial purposes. NOTE: Include a footnote or separate table for imported fish used for the purpose indicated.*

| SPECIES | STATE (Enter all data in thousand pounds) | | | | | |
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Appendix 1, Figure 4.

NOAA FORM 88-54
(11-73)

U. S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REGION*

YEAR

## DISPOSITION SUMMARY OF THE U. S. COMMERCIAL CATCH FOR FOOD AND INDUSTRIAL PURPOSES

Please submit by last day in February (preliminary) and by November 1st (final).
*Indicate appropriate Region (New England, Middle Atlantic, etc.) or State only, if applicable. East and West coasts of Florida are listed as separate States.
** Estimated (Indicate all data that are strictly estimates with "**").
NOTE: Poundage represents round weight for all species, except bivalve and univalve mollusks which are reported in weight of meats. Value represents the price paid to fishermen. Whole items are included as the weight and value of the products processed from these species.

| ITEM | STATE | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | |
| | POUNDS | VALUE | POUNDS | VALUE | POUNDS | VALUE | POUNDS | VALUE | POUNDS | VALUE | POUNDS | VALUE |
| CATCH | (Enter in thousands only) | | | | | | | | | | | |
| *State Landings Bull.* | | | | | | | | | | | | |
| *Add. State Landings* | | | | | | | | | | | | |
| TOTAL CATCH | | | | | | | | | | | | |
| DISPOSITION | (Enter in thousands only) | | | | | | | | | | | |
| *Human food, total* | | | | | | | | | | | | |
| INDUSTRIAL USES | (Enter in thousands only) | | | | | | | | | | | |
| *Animal food (fresh and frozen)* | | | | | | | | | | | | |
| *Bait (fresh and frozen)* | | | | | | | | | | | | |
| *Canned pet food* | | | | | | | | | | | | |
| *Reduction* | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | |
| TOTAL *Industrial Purposes* | | | | | | | | | | | | |

REMARKS

Appendix 1, Figure 5.

"This report is authorized by law, 16 U.S.C. 1854(e). While you are not required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate and timely."

FORM APPROVED O.M.B. NO. 41-R-2597
EXPIRES: DECEMBER 1982

| | | |
|---|---|---|
| YEAR | | COL. 1-4 |
| REGION | | 5 |
| STATE | | 6-8 |
| PLANT NO. | | 9-12 |
| COUNTY | | 13-16 |

NOAA FORM 88-13 (10-78)

U. S. DEPARTMENT OF COMMERCE
NOAA - NMFS

FISHERY PRODUCTS REPORT:
U.S. PROCESSORS AND WHOLESALERS, ANNUAL
(Individual Reports are Confidential and only Summary Totals are Published)

ARE YOU A:
PROCESSOR
WHOLESALER (Does Not Process)
COLD STORAGE
OTHER:

REPORT PREPARED BY

WHOLESALE FISH ITEMS HANDLED BUT NOT PROCESSED

| SPECIES OR ITEM | PRODUCTS 18-16 | 17 | 18-19 | 20-22 |
|---|---|---|---|---|
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EMPLOYMENT DATA - TO BE COMPLETED BY ALL FIRMS OR PLANTS

*NOTE: Include only the employees handling fishery products. If employees handle all products at plant, prorate the number based on the time spent in handling fishery products. LIST BY MONTH THE NUMBER OF EMPLOYEES WORKING DURING THE PAYROLL PERIOD THAT INCLUDED THE 12TH OF THE MONTH.*

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| JAN. | COL. 14-17 | FEB. | COL. 18-21 | MAR. | COL. 22-25 | APR. | COL. 26-29 | MAY | COL. 30-33 | JUNE | COL. 34-37 |
| JULY | 38-41 | AUG. | 42-45 | SEPT. | 46-49 | OCT. | 50-53 | NOV. | 54-57 | DEC. | 58-61 |

PRODUCTION DATA - TO BE COMPLETED ONLY BY PROCESSORS

PRODUCTION OF PACKAGED FISHERY PRODUCTS *Value should be based on selling price at plant

| SPECIES AND PRODUCTS (Fillets, Steaks, Fishcakes, etc.) | CODE | FRESH | | | FROZEN | | |
|---|---|---|---|---|---|---|---|
| | | PRODUCT CODE | POUNDS (Processed Weight) | VALUE FOR PLANT* | PRODUCT CODE | POUNDS (Processed Weight) | VALUE FOR PLANT* |
| | COL. 13-16 | COL. 17-22 | COL. 42-49 | COL. 50-57 | COL. 17-22 | COL. 42-49 | COL. 50-57 |
| | | 1 | | | 2 | | |
| | | 1 | | | 2 | | |
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PRODUCTION OF INDUSTRIAL FISHERY PRODUCTS

| SPECIES AND PRODUCTS (Meal, Oil, Solubles, Animal food, etc.) | CODE | PRODUCT CODE | UNIT OF WEIGHT (Pounds, Tons, Kilos, etc.) | QUANTITY (Processed Weight) | VALUE FOR PLANT* |
|---|---|---|---|---|---|
| | COL. 13-16 | COL. 17-22 | COL. 33-39 | COL. 42-49 | COL. 50-57 |
| | | 3 | | | |
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Appendix 1, Figure 5.--Continued.

PRODUCTION OF CANNED FISHERY PRODUCTS

CC 80

| SPECIES AND PRODUCTS | CODE | PRODUCT CODE | CAN SIZE | OZ PER CAN | CANS PER CASE | NO. OF CASES | VALUE FOB PLANT* |
|---|---|---|---|---|---|---|---|
| | COL 11-16 | COL 17-22 | COL 23-31 | COL 34-38 | COL 39-41 | COL 42-49 | COL 50-57 |
| | | 3 | | | | | |
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PRODUCTION OF CURED FISHERY PRODUCTS

| SPECIES AND PRODUCTS (Salted, Smoked, Dried, Pickled etc.) | CODE | PRODUCT CODE | POUNDS (Processed Weight) | VALUE FOB PLANT* |
|---|---|---|---|---|
| | COL 11-16 | COL 17-22 | COL 42-49 | COL 50-57 |
| | | 4 | | |
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NOAA FORM 88-13 (10-78)

Appendix 2.--Regulations for "Preliminary Fishery Management Plan for Seamount Groundfish Fishery Resources (Pelagic Armorhead and Alfonsins)." (From Code of Federal Regulations. 50 Wildlife and Fisheries, Part 200 to end. Off. Fed. Reg., U.S. Gov. Print. Off., Wash., D.C., p. 478-480, 1980.)

## Subpart F—Western Pacific Ocean

### § 611.80 Seamount groundfish fishery.

(a) *Purpose.* This subpart regulates all foreign fishing for pelagic armorheads and alfonsins conducted under a Governing International Fishery Agreement in the fishery conservation zone of the western Pacific Ocean.

(b) *Authorized fishery*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The TALFFs for the seamount groundfish fisheries are set forth in Appendix 1 to § 611.20.

(3) *Species definitions.* The category "other groundfish" used in TALFFs and in allocations includes all species of finfish caught incidental to directed fishing for pelagic armorheads and alfonsins except billfish, oceanic sharks, wahoo, and mahimahi, and other fish caught pursuant to § 611.81.

(4) *Open Season.* Foreign fishing authorized under this subpart may begin at 0800 G.m.t. on May 1 and will terminate not later than 0800 G.m.t. on October 1. This fishery may also be closed in accordance with § 611.15.

(c) *Prohibited species.* All Continental Shelf fishery resources, and all other species of fish except for alfonsins, armorheads and other groundfish, are prohibited species and shall be treated in accordance with § 611.13.

(d) *Open area.* Foreign vessels may engage in fishing for pelagic armorheads, alfonsins, and other groundfish only in those portions of the fishery conservation zone west of the 180° meridian and north of 28° N. latitude.

(e) *Gear restrictions.* No gear other than trawl or bottom longline gear may be used.

(f) *Collection, maintenance and, reporting of data.* In addition to the requirements of § 611.9, each foreign nation or foreign fishing vessel shall collect, maintain, or report on a timely basis, accurate data relating to fishing operations as specified in this section. All submissions required by this section shall be sent to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 or, in the case of logbook data, hand delivered to the National Marine Fisheries Service observer on board the vessel upon his request. The following logs and reports are required:

(1) *Fishing log.* (i) Each fishing vessel which conducts trawling operations shall maintain and submit a fishing log which contains data for each haul as follows:

(A) Vessel name and permit number;

(B) Date;

(C) Codend mesh size to the nearest millimeter;

(D) Length of the footrope to the nearest tenth of a meter (0.1 m.) and average distance between footrope and headrope to the nearest tenth of a meter (0.1 m.);

(E) Time at the beginning of the haul and the total duration of the haul to the nearest five (5) minutes;

(F) Location at the midpoint of each haul to the nearest tenth (0.1) minute of latitude and longitude;

(G) Average depth of the seabottom to the nearest meter;

(H) Average fishing depth of the footrope to the nearest meter;

(I) Average fishing speed of the vessel (towing speed) to the nearest tenth of a knot (0.1 kt);

(J) Catch, by individual species, to the nearest tenth of a metric ton (0.1 m.t.); and

(K) Approximate weight (kilograms, by genus, of the incidental catch of the corals designated in § 611.2(h) of this part.

(ii) Each fishing vessel which conducts longlining operations shall maintain and submit a fishing log which contains data for each fishing day as follows:

(A) Vessel name and permit number;

(B) Date;

(C) Midday location of fishing, to the nearest tenth (0.1) minute of latitude and longitude;

(D) Average depth of hooks set, in meters;

(E) Number of hooks set and average soak time;

(F) Number of fish caught, by species, for pelagic armorhead, alfonsin, and other groundfish species.

(iii) If the fishing log is not delivered to a National Marine Fisheries Service observer on board the vessel, it shall be mailed to the Regional Director not later than 30 days following completion of fishing.

(2) *Annual report.* Each nation whose vessels engage in the seamount groundfish fishery shall submit by February 28 of the following year, annual catch and effort statistics as follows:

(i) Catch in metric tons by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings; pelagic armorhead, alfonsin, other groundfish;

(ii) Catch in kilograms of corals taken incidental to fishing operations by month by area to the nearest one-tenth degree (0.1°) latitude and longitude by the following species groupings: pink coral, gold coral, bamboo coral, other corals; and

(iii) Effort, in hours trawled or average number of hooks soaked per 24-hour period, by month by area to the nearest one-half degree (0.5°) latitude and one degree (1°) longitude.

[43 FR 59293, Dec. 19, 1978, as amended at 44 FR 17184, Mar. 21, 1979; 44 FR 76541, Dec. 27, 1979; 45 FR 14587, Mar. 6, 1980]

Federal Register / Vol. 45, No. 46 / Thursday, March 6, 1980 / Rules and Regulations 14581

Appendix 3.--Regulations for "Final Preliminary Fishery Management Plan for Pacific Billfish, Oceanic Shark, Wahoo, and Mahimahi."

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

## Foreign Fishing for Billfish, Oceanic Sharks, Wahoo, and Mahimahi in the Pacific Ocean; Final Regulations

**AGENCY:** National Oceanic and Atmospheric Administration/Commerce.

**ACTION:** Final regulations.

**SUMMARY:** These final regulations implement the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo and Mahimahi in the Pacific Ocean (PMP). These regulations govern vessels of foreign nations engaged in longline fishing which results in the catching of billfish, oceanic sharks, wahoo or mahimahi in the fishery conservation zone (FCZ) of the Pacific Ocean (excluding the FCZ seaward of Alaska).

**EFFECTIVE DATE:** April 1, 1980, except that 50 CFR 611.3, which specifies permit requirements for foreign vessels, shall not be effective until May 1, 1980.

**FOR FURTHER INFORMATION AND COPIES OF THE REGULATORY ANALYSIS CONTACT:** Mr Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone 213-548-2575; or Mr. Doyle E. Gates, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, Southwest Fisheries Center, P.O. Box 3830, Honolulu, Hawaii 96812, telephone 808-946-2181.

**SUPPLEMENTARY INFORMATION:**

a. Background

These regulations implement the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo and Mahimahi in the Pacific Ocean, as amended (PMP). The PMP applies to foreign longline fishing, pursuant to a Governing International Fishery Agreement, which results, or can reasonably be expected to result, in the catching of billfish, oceanic sharks, wahoo and mahimahi in the FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska). The PMP was prepared under the authority of Section 201(h) of the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.*, "the Act").

A foreign longline fishery for tuna has been conducted in the Pacific Ocean for many years. Although the primary target species is tuna, incidental catches of billfish, sharks, wahoo and mahimahi are unavoidable in this fishery. The Act provides for the management of all "fish." "Highly migratory species," as defined in 50 CFR 611.2(x), are specifically excluded from the definition of "fish." Other pelagic species such as billfish, oceanic sharks, wahoo and mahimahi are not considered highly migratory under the Act. The purpose of the PMP, as amended, is to establish a conservation and management plan for these pelagic species.

A final environmental impact statement (EIS) was filed with the Environmental Protection Agency on June 2, 1978. Proposed implementing regulations and the approved PMP were published on July 21, 1978 for public comment (43 FR 31374). Several of the comments received stated that further recognition should be given to the special social and economic impacts of the plan on various areas of the Pacific, particularly American Samoa. The comments also reflected some misunderstanding about which actions were optional and which actions were mandatory for foreign vessels to comply with the implementing regulations. In response to the comments, the proposed regulations were withdrawn on September 14, 1978 (43 FR 41062). Amendments to the PMP were developed and a draft supplemental EIS/PMP was filed with the Environmental Protection Agency on March 15, 1979. The amendments and proposed regulations were published on June 15, 1979 (44 FR 34607), and the public was invited to comment on the amendments, regulations and draft regulatory analysis until August 12 1979. Only two sets of comments were received on the proposed regulations.

These are addressed in Section (d) below.

The regulations will be implemented April 1, 1980. In the time between the publication of the regulations and their effective date, the U.S. Coast Guard and the National Marine Fisheries Service (NMFS) will inform the affected nations of the regulations. To allow adequate time for Regional Fishery Management Council review and approval of permit requests and for installation of these permits aboard foreign vessels, § 611.3 will not apply until May 1, 1980.

b. The PMP Amendments and Final Regulations

The PMP amendments and implementing regulations incorporate five major changes to the PMP as originally approved and published:

1. The area covered by the PMP has been divided into five regulatory areas. The optimum yield (OY), expected domestic harvest, and total allowable level of foreign fishing (TALFF) for each species has been specified for each of these five regulatory areas: mainland West Coast; Hawaii and Midway Island; American Samoa; Guam and the Commonwealth of the Northern Mariana Islands; and U.S. possessions. The major purposes of this change are (a) to recognize the varying social, economic, and recreational interests in these areas; and (b) to achieve a closer adherence to a major objective of the PMP, which is maintenance of the *status quo* with respect to total catches for the species concerned.

Division of the FCZ into five regulatory areas provides a better basis for determining appropriate restrictions on the foreign retention of billfish, oceanic sharks and associated species based on historical harvest in each area. Under the original PMP, foreign vessels could have harvested the entire TALFF for a particular species in one area covered by the PMP, thus upsetting the historical balance of catch by areas and, depending upon where the fish are harvested, adversely affecting the economic, recreational, or social interests of other areas covered by the PMP.

2. The fishery has been expanded to include wahoo and mahimahi. These species are often taken in conjunction with billfish and oceanic sharks, by the same vessels and gear. They have been included in order that the PMP will address all of the species which are important to domestic vessels and are harvested by tuna longline gear in the FCZ.

3. The management unit includes the Northern Mariana Islands, to which the Act is now applicable.

4. For some species, in certain areas, amounts of fish have been set aside in "reserves" to accomodate the possibility that domestic catches will exceed the estimated levels. The amount of fish which will be harvested by domestic fishermen is dependent in part upon wide fluctuations in availability. This factor, combined with uncertainty about the extent to which U.S. vessels, having the capacity, will actually harvest these species, has led to establishment of reserve amounts to help assure that the OY's will not be exceeded if the amounts of U.S. harvests are underestimated. A reserve for sharks has been established in the Hawaii and Midway Islands area because of indications that a U.S. shark fishery may be developing there.

5. The reporting and inspection requirements have been modified and clarified to avoid misunderstandings reflected in the comments received on the original PMP and the proposed regulations. Reporting requirements have been minimized; the number of ports where the holds of fishing vessels may be sealed has been increased; and provision has been made for the Administrator, Western Pacific Program Office, National Marine Fisheries Service, to authorize alternatives to sealing the holds in special circumstances. Use of logbooks combined with radio reports is one of the alternatives which may be considered in situations where sealing the holds may be impracticable (section d.3. of this preamble).

c. Editorial and Data Changes in the PMP and Amendments

Because of new data developed and typographical errors in the original PMP and amendments, several changes to the original PMP published in the Federal Register on July 21, 1978 (43 FR 31374) and in the amendments published on June 15, 1979, (44 FR 34607) are necessary. These changes are listed in this document immediately following the preamble and should be noted in all copies of the original PMP and the amendments to the PMP.

d. Comments on the Proposed Regulations

Only two sets of comments on the proposed regulations were received. A summary of these comments and responses to the comments follows:

1. *Definition of Fishing.* The Government of Japan proposed that Japanese vessels should not be subject to the regulations since they do not make use of these non-tuna species. This proposal cannot be accepted. The Act defines "fishing" to mean: (a) The catching, taking or harvesting of fish; (b) the attempted catching, taking or harvesting of fish; (c) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish * * *" (Section 3(10)). Longline fishing for tuna unavoidably results in the catching of billfish and other non-tuna species; therefore, it is "fishing" as defined in the Act and is covered by these regulations. All Japanese and other foreign longline vessels fishing in the FCZ are subject to these regulations whether or not billfish, oceanic sharks, and other non-tuna species are intended to be retained.

2. *Determination of OY and TALFF.* One commentator indicated that the data used to derive OY and TALFF are skimpy and misleading. He noted also that, as foreign island areas declare their own 200-mile zones, the longliners based in American Samoa may spend more of their time fishing in the waters around American Samoa. The PMP, in his view, does not address this concern. In response, we note that the PMP contains the best and most recent information available on domestic and foreign catches in the FCZ around American Samoa, including a recently completed analysis of foreign catch and effort in the 1971–75 period. We have received no documentation indicating that our information is inaccurate or that American Samoa-based longliners desire or intend to increase their fishing activity in the FCZ. Further, the PMP would limit only the amounts of billfish, oceanic sharks, wahoo, and mahimahi taken and retained in the FCZ. If conditions in the fishery in 1980 are markedly different from those envisioned, we would consider amending the PMP and would work with the Regional Fishery Management Councils to insure full consideration of these new conditions in future fishery management plans' conservation and management measures.

3. *Hold Sealing.* The proposed regulations (§ 611.81(c)(3)) provide that foreign vessels could, but would not be required to, request inspection and sealing of holds to verify the quantity of billfish, oceanic sharks, and other non-tuna species caught outside the FCZ prior to engaging in fishing in the FCZ. This was intended as a means of rebutting the presumption of § 611.13 of the Foreign Fishing Regulations that any prohibited species found on board a foreign fishing vessel were caught and retained in violation of the regulations. A specific alternative to hold sealing which involved segregating prohibited species caught outside the FCZ by covering them with a net, and using

radio reports and log entries to document the catch outside the FCZ, was suggested by the Government of Japan. The proposal is among the alternatives which may be used by NMFS. The proposed regulations provide the necessary flexibility for the Administrator of the Western Pacific Program Office to use "other reasonable means" if warranted by special circumstances, as alternatives to hold sealing. Hold inspection and sealing will not be required of all foreign fishing vessels. No change in the regulations is necessary to respond to the comment.

4. *Radio Reporting.* The Government of Japan noted that some smaller vessels do not have radios, do not have English-speaking radio operators, or do not have radio operators licensed to handle public international communications. Rather than using the reporting requirements of the regulations, Japan proposed that vessels submit to U.S. authorities their operating plans for ten day periods at three-month intervals; or that certain vessels only be required to report when they intend to begin and cease fishing in the FCZ. They further requested that transmissions be allowed to be made through a third party, e.g., the Japanese mainland. The vessel reporting requirements have been amended to allow foreign vessels flexibility in reporting fishing activities within the FCZ in lieu of the § 611.4 requirements of this part. The regulations do not preclude submission of the required vessel reports through a third party, including those on the Japanese mainland.

5. *Observers.* The Government of Japan proposed, in effect, that observers be placed on board foreign vessels and returned to shore at the convenience of the vessel. This proposal would be an exception to the general NMFS policy to retain the discretion to determine where and when observers will be placed on foreign vessels. The decision is based on NMFS data needs, not foreign vessels' convenience or schedules. However, NMFS and Coast Guard resources and the burden imposed on foreign vessels are considered in determining when boarding is to occur. No persuasive reasons have been advanced to change this policy and the proposal will not be adopted.

The comment was also made that where no species regulated under the Act are caught, there is no authority to place observers. We note once again that catching billfish, sharks, mahimahi, and wahoo is unavoidable when longlining for tuna. Therefore, tuna longline boats are "fishing" under the Act, and placement of observers is an appropriate management measure.

6. *Statistical Reports.* Japanese representatives submitted a form with the request that it be used for the quarterly statistical report. We appreciate the submission of the form. It is under consideration as the form to be provided for the reports required by § 611.81(e)(3).

7. *Handling of Prohibited Species.* The Government of Japan proposed that the regulations be modified so that release, when required, could be effected under the general provisions of § 611.13, which allows a vessel to bring the fish on board and then discard the prohibited species. It is contended that in-water release should be required only for fish that are alive. Also, it is contended that release of sharks by cutting the line is dangerous to crew members.

The proposed regulations provided that prohibited billfish and oceanic sharks must be released "by cutting the line * * * without removing the fish from the water." This is intended to achieve the highest possible rate of survival of billfish and oceanic sharks when they are released. It is difficult to determine from visual observation if a billfish in the water is dead or alive. The chance of survival of a fish which is inactive but alive is clearly reduced by removal from the water.

In addition, it appears that bringing a live oceanic shark on board for subsequent release may present as great a hazard to the crew as cutting the line or leader. We note also that the survival of a shark would seem less likely since a gaff probably would have to be used to bring the shark on board the vessel. No new evidence or data are presented to support the position of the Government of Japan. Therefore, the release provisions have not been changed.

8. *Administrative Costs.* One commentator indicated that the cost of administering the program would be excessive to the taxpayer. The commentator apparently believed it is the intent of NMFS to place an observer aboard every foreign longline vessel operating in the FCZ. This is not our intent. We are aware of the practical difficulties associated with any fishery enforcement efforts in such distant areas as American Samoa, Guam, and the Northern Mariana Islands. NMFS and the U.S. Coast Guard will administer the PMP to the best of their ability given available resources. Incremental costs of administering the PMP will be minimal.

9. *Exemption for American Samoa-Based Vessels.* One commentator proposed that vessels in American Samoa be exempted from the regulations on the grounds that the foreign vessels there should be considered as a domestic fleet. We recognize that U.S. canneries are dependent on the foreign vessels, but under the Act and associated regulations, these vessels are "foreign fishing vessels" and will be subject to the PMP and its implementing regulations.

e. Changes from Proposed Regulations

The following changes have been made for this final rulemaking:

1. Section 611.81(a)(2), *Species definitions,* has been expanded to include "billfish" and "wahoo."

2. Section 611.81(d) has been significantly amended. The numerous small vessels engaging in this fishery have limited communication capability. Accordingly, the vessel reporting requirements have been revised so they can be met by all vessels participating in the fishery. Each vessel must submit its scheduled fishing activities in each regulatory area at least a week before it begins fishing. Neither minor deviations from this schedule nor temporary departures from the FCZ need to be reported. Major changes must be reported as soon as practicable. If these relaxed vessel reporting requirements are found, in practice, to fail to supply sufficient and timely data for effective management of the fish stocks, more stringent reporting requirements will be implemented in the future.

3. Section 611.81(e) has been amended to clarify the catch reporting requirements to which foreign vessels are subject.

4. The table specifying reserves and TALFF's has been corrected to cover the remaining portion of the 1980 calendar year.

f. The Implementing Regulations

These regulations apply only to foreign longline vessels "fishing" (as defined in § 611.2(r) of this part) in the FCZ in the Pacific Ocean, excluding the portion of the FCZ seaward of Alaska. Longline vessels, merely in transit through the FCZ (but not fishing) would not be subject to the requirements of this section or the other provisions of Part 611.

Any foreign vessel desiring to engage in longline fishing in the FCZ of the Pacific Ocean must possess a permit for that purpose, whether or not the billfish, oceanic sharks, wahoo, or mahimahi caught will be retained. Permits are required even though the foreign longline vessel is rigged and fishes primarily for the purpose of taking highly migratory species over which the United States does not exercise

exclusive fishery managment authority. Any foreign nation whose vessels wish to retain billfish, oceanic sharks, wahoo, or mahimahi caught in the FCZ also must hold a national allocation from the total allowable level of foreign fishing (TALFF) for the applicable species and fishing area.

The PMP establishes OY's, expected domestic harvests, reserves, and TALFF's for billfish, oceanic sharks, wahoo, and mahimahi, as shown in Table 6 of the PMP, as amended.

The TALFF's are established on an annual basis. The proposed regulations published on June 15, 1979, included TALFF's and reserves for 1979. These have been deleted from the regulations, and TALFF's and reserves for 1980 have been subsituted, because the regulations will not be in force until 1980.

The PMP also provides for reassessment of the OY's and U.S. harvesting and processing capacities in September, 1980, on the basis of updated information on the status of stocks, estimated and actual performance of domestic and foreign fleets, and other relevant factors. Foreign longline vessels holding applicable permits may fish as authorized under these regulations throughout the FCZ beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea. Until the applicable national allocation is reached, foreign vessels holding valid permits will be permitted to fish under those permits and retain oceanic sharks, wahoo, or mahimahi, caught in the applicable fishing area beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea.

The regulations establish retention and non-retention zones for billfish within each fishing area (Table I of § 611.81(b)(2) of the regulations). National allocations for species of billfish must be taken outside non-retention zones. Even if a foreign nation has a billfish allocation, all billfish caught by vessels from that nation within the non-retention zones must be returned to the sea without removing the fish from the water. Billfish caught and returned to the sea in non-retention zones are not counted against national allocations.

When a national allocation, TALFF, or OY for a species of billfish or oceanic sharks is reached in a management area, any additional catch of that species in that area must be returned to the sea without removing the fish from the water. When a national allocation for wahoo or mahimahi is reached, additional catch of these species is treated as a prohibited species and must be returned to the sea immediately, with a minimum of injury, regardless of its condition, in accordance with § 611.13 of this Part.

g. Regulatory Analysis

A draft regulatory analysis of the proposed regulations was prepared. Among the alternatives considered were taking no action, implementing the PMP as originally proposed, prohibiting all retention of billfish in the FCZ, and establishing areas closed to any taking of billfish and associated species. The major reasons for the regulatory approach selected include: (1) Consideration of foreign policy and consistency with U.S. international negotiating positions concerning highly migratory species; (2) recognition of special economic, social, and recreational interests in the management areas of the FCZ; and (3) minimizing reporting and recordkeeping requirements consistent with research and enforcement needs. A final regulatory analysis has been prepared.

In accordance with Executive Order 12044, the Administrator of the National Oceanic and Atmospheric Administration has approved these final regulations and the final regulatory analysis. The final Supplement No. 1 to the EIS will be filed with the Environmental Protection Agency concurrently with the publication of these final regulations.

A copy of the regulatory analysis and the Final Supplement No. 1 to the EIS may be obtained from: Regional Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration/DOC, 300 South Ferry Street, Terminal Island, CA 90731.

Signed in Washington, D.C., this 28th day of February 1980.

Winfred H. Meibohm,

*Executive Director, National Marine Fisheries Service.*

(16 U.S.C. 1801 et seq.)

The following amendments should be made in the PMP for Pacific billfish, oceanic sharks, wahoo, and mahimahi published in the Federal Register on July 21, 1978 (43 FR 31374) and in the amendments published on June 15, 1979 (44 FR 34607).

(a) *Original PMP.* (1) p. 31379—II.C.1.a.—end of paragraph 4, delete footnote "5". II.C.1.c.(1)—1st paragraph, change footnote "6" to "5", both in text and at bottom of page. 3rd paragraph, change footnote "7" to "6", both in text and at bottom of page.

(2) p. 31381—change footnote "8" to "7", change footnote "9" to "8", both in text and at bottom of page.

(3) p. 31383—change footnotes "10" and "11" to "9" and "10", both in text and at bottom of page.

(b) *Amended PMP.* (1) p. 34608—3. add "and" between "Wahoo" and "dolphin".

(2) p. 34609—6.(b) add "and" between "Wahoo" and "mahimahi".

(3) p. 34609—9. In II. C.1.c.(2).: (a) at end of 1st paragraph, "(see Table 10)" should read, "(see Table 4)".

(4) p. 34609—10. In II.C.1.c.(3)—delete "Table 3.", and in its place substitute "II.C.2.c.".

(5) p. 34609—14. In II.C.2.c.:(a), delete "is presented in Table 3" and substitute "follows:"—Insert "Table 3" here, but eliminate "Table 3" from the title, leaving "Estimated Average Annual Catch by Portion of the FCZ."

(6) p. 34609—16. In II.C.3., delete "in Table 4." and substitute "as follows:", insert "Table 4" immediately after "as follows:" but eliminate "Table 4" from the title, leaving "OY for billfish, oceanic sharks, and related species, by species, by area."

(7) p. 34609—17. In II.C.4.—delete "Table 1" and substitute "II.C.2.c."

(8) p. 34610—17.(b)—delete "Table 1" and substitute "(see II.C.2.c.)".

(9) p. 34610—17.(b)—delete "In Table 5." and add "as follows:". Insert "Table 5" immediately following "as follows:" but remove "Table 5" from the title leaving "Expected Domestic Harvest, by Species, by Area."

(10) p. 34610—18., last sentence—delete "Table 6." and add "the following table:". Immediately after this, add "Table 6" but delete "Table 6" from the title leaving "OY, Expected Domestic Harvest, and TALFF, by Species, by Area."

(11) p. 34610—22.d.(5)—delete this statement.

(12) p. 34610—23. Delete this statement. Add the following corrections to the tables: Table 3, for American Samoa, in "Domestic" line, add 2.3 under "Blue marlin", add 1.3 under "Sailfish/spearfish", and 2.8 under "Wahoo", and 4.4 under "Mahimahi"; in "Total" line, under "Blue marlin", change 34.9 to 37.2, under "Sailfish/spearfish", change 2.2 to 3.5, under "Wahoo", change 2.0 to 4.8, under "Mahimahi", change 2.0 to 6.4.

(13) p. 34611—Table 4—in "American Samoa" line, under "Blue marlin", change 34.9 to 37.2; under "Sailfish/spearfish", change 2.2 to 3.5; under "Wahoo", change 6.4 to 25.1; under "Mahimahi", change 4.2 to 18.9; in "Total" line, under "Blue marlin" change 788.2 to 790.5; under "Sailfish/spearfish", change 64.0 to 65.3; under "Wahoo", change 297.3 to 318.8; under "Mahimahi", change 111.2 to 130.3.

(14) p. 34611—Table 5—in "West Coast" line, under "Sharks", change 0 to 30.4; in "American Samoa" line, under "Blue marlin", change 0 to 2.3, under "Sailfish/spearfish," change 0 to 1.3, under "Wahoo", change 0 to 2.8, under "Mahimahi", change 2.8 to 4.4; in "Guam and Northern Marianas" line, under "Wahoo", change 7.0 to 27.6; under "Mahimahi", change 4.6 to 20.8; in "Total" column, under "Blue marlin", change 606.4 to 608.7, under "Sailfish/spearfish", change 23.6 to 24.9, under "Sharks", change 0 to 30.4, under "Wahoo", change 324.8 to 348.2, under "Mahimahi", change 120.1 to 140.7.

(15) p. 34611—Table 6—c. Guam and Northern Marianas—in "Wahoo" line, under "OY", change 6.4 to 25.1, under "Expected domestic harvest", change 7.0 to 27.6; in "Mahimahi" line, under "OY" change 4.2 to 18.9, under "Expected domestic harvest", change 4.6 to 20.8; d. American Samoa—in "Blue marlin" line, under "OY", change 34.9 to 37.2, under "Expected domestic harvest", change 0 to 2.3, in "Sailfish/spearfish" line, under "OY", change 2.2 to 3.5, under "Expected domestic harvest", change 0 to 1.3, in "Wahoo" line, under "OY", change 2.0 to 4.8, under "Expected domestic harvest", change 0 to 2.8, in "Mahimahi" line, under "OY", change 2.0 to 6.4, under "Expected domestic harvest", change 0 to 4.4.

The following § 611.81 is added to 50 CFR Part 611, Subpart F:

**§ 611.81. Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.**

(a) *Purpose.*—(1) *General.* This section regulates all foreign lingline fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfish, oceanic shark, wahoo, or mahimahi (dolphin) in the fishery conservation zone (FCZ) of the United States in the Pacific Ocean, excluding the portion of the FCZ seaward of Alaska.

(2) *Species definitions.* For the purposes of this section, the following terms have the following meanings: (i) "Mahimahi" means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*); (ii) "oceanic sharks" means sharks of the families *Carcharhinidae, Alopiidae, Sphyrnidae,* and *Lamnidae;* (iii) "billfish" means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*); and (iv) "wahoo" means fish of the species *Acanthocybium solanderi.*

(b) *Authorized fishery.*—(1) *Regulatory areas.* For the purposes of this section, the FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska) is divided into five regulatory areas: West Coast, Guam and the Northern Mariana Islands, Hawaii and Midway Islands, American Samoa, and U.S. Possessions (Table 1).

(2) *Zones.* The regulatory areas are comprised of the following "billfish retention" and "billfish non-retention" zones (each zone is measured from the baseline used to measure the U.S. territorial sea):

**Table I**

| Regulatory area | Billfish retention zones | Billfish nonretention zones |
|---|---|---|
| West Coast | Beyond 100 nautical miles | Between 12 and 100 nautical miles. |
| Guam and Northern Mariana Islands. | (1) Beyond 50 nautical miles from Guam, Rota, Tinian, Aguijan, and Saipan; and (2) beyond 12 nautical miles of the remaining islands of the Northern Mariana Islands. | Between 12 and 50 nautical miles from Guam, Rota, Tinian, Aguijan, and Saipan. |
| Hawaii and Midway Islands | (1) Beyond 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu; and (2) beyond 50 nautical miles from the remaining islands of the State of Hawaii and Midway Islands. | (1) Between 12 and 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu; and (2) between 12 and 50 nautical miles from the remaining islands of the State of Hawaii and Midway Islands. |
| American Samoa | Beyond 12 nautical miles from American Samoa. | No nonretention zone. |
| U.S. Possessions | Beyond 12 nautical miles from any other possession of the United States in the Central and Western Pacific Ocean. | No nonretention zone. |

(3) *General.* Foreign vessels subject to this section are authorized to fish in the U.S. FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska) beyond 12 miles from the baseline used to measure the U.S. territorial sea, subject to the requirements of this section.

(i) *Non-retention fishery.* Except as provided in paragraph (b)(3)(ii) of this section, all billfish, oceanic sharks, wahoo, mahimahi, and other fish caught by foreign vessels in the course of fishing under this section shall be returned to the sea in accordance with the requirements of paragraph (c) of this section.

(ii) *Retention fishery.* Foreign vessels fishing subject to this section may retain billfish, oceanic sharks, wahoo, and mahimahi to the extent that retention is authorized by paragraphs (b)(4) and (5) of this section.

(4) *Total allowable level of foreign fishing (TALFF); national allocations and reserves.*—(i) *TALFF and national allocations.* (A) The total amount of each species of billfish, oceanic sharks, wahoo, and mahimahi which may be caught and retained in each regulatory area by foreign vessels subject to this section is limited to the TALFF set out for each applicable regulatory area in Appendix I of § 611.20, and to the amount of the applicable national allocation.

(B) No foreign vessel subject to this section may catch and retain billfish within the billfish non-retention zones set out in Table I of paragraph (b)(2) of this section.

(ii) *Reserves.*—(A) *Amounts.* The amounts of fish held in reserve are stated in Appendix I of § 611.20.

(B) *Determination.* (1) As soon as practicable after September 1 of each year, the Regional Director, Southwest Region, shall determine, for each species for which a reserve has been established, the amount of fish which has been harvested to date by U.S. vessels in each applicable regulatory area.

(2) If the Regional Director determines that the amount of fish of a species harvested by vessels of the United States in an area is less than 80 percent of the expected domestic harvest for that species in that area, the Regional Director shall apportion to TALFF the entire amount of the reserve for the applicable species in the applicable regulatory area. No reserve amounts shall be apportioned to TALFF if domestic vessels have harvested 80 percent or more of the expected domestic harvest for that species in the applicable area by the date of this determination.

(C) *Notice.* The Assistant Administrator for Fisheries, NOAA, shall publish in the Federal Register a notice of each determination made under paragraph (b)(4)(ii)(B) of this section.

(5) *Cancellation of authority to retain.* (i) The authority of a foreign vessel to retain an applicable species is cancelled:

(A) When the national allocation for the applicable species is reached; or

(B) At the date and time specified in the notification issued by the Assistant Administrator under paragraph (b)(5)(ii) of this section.

(ii) The Assistant Administrator shall determine, on the basis of the information specified in § 611.15(b), when the TALFF or optimum yield (OY) for a billfish species, oceanic sharks, wahoo, or mahimahi in a regulatory area will be reached. At least forty-eight hours before the applicable TALFF or OY will be reached, the Assistant Administrator shall notify both the affected foreign nation(s) and the designated representative for any affected fishing vessel that authority to retain the applicable species is cancelled.

(iii) Any cancellation under this section shall remain in effect until a new or increased allocation becomes available.

(iv) The closure provisions of § 611.15 do not apply to foreign vessels fishing subject to this section.

(c) *Prohibited species.*—(1) *General.* The following are prohibited species under this section:

(i) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no national allocation;

(ii) All billfish, oceanic sharks, wahoo and mahimahi caught in excess of an applicable OY, TALFF, or national allocation; and

(iii) All billfish caught in a billfish non-retention zone. (See Table I of paragraph (b)(2) of this section.)

(2) *Treatment.* All prohibited species shall be treated in accordance with § 611.13.

(3) *Additional requirements for billfish and oceanic sharks.* Unless otherwise specifically instructed by a U.S. observer or authorized officer, all prohibited billfish and oceanic sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(4) *Rebuttal of presumption.* Foreign vessels fishing subject to this section may rebut the presumption of § 611.13(c) by: (i) Storing all prohibited species caught outside the FCZ in a separate part of the vessel hold which can be sealed, and arranging inspection and sealing of the vessel hold by U.S. authorities before commencing fishing in the FCZ or in billfish non-retention zones; or (ii) other reasonable means which may be authorized by the Administrator of the Western Pacific Program Office (WPPO) if, in consultation with the U.S. Coast Guard, the Administrator of WPPO, determines that special circumstances warrant alternative arrangements.

(5) *Procedure for hold sealing.* (i) Inspection and sealing of a foreign vessel's hold may be arranged by contacting the Administrator, WPPO (Southwest Region, National Marine Fisheries Service, Post Office Box 3830, Honolulu, Hawaii 96812, telephone: 808-946-2181) at least 48 hours in advance of the date for which inspection is requested.

(ii) Ports at which such inspections may be made are Honolulu and Kahului, Hawaii; Pago Pago, American Samoa; Agana, Guam; Saipan, Northern Mariana Islands; and San Diego, California.

(iii) Additional ports for hold inspections may be arranged with the Administrator, WPPO.

(6) *Other requirements.* The designation of ports for hold inspection and sealing does not modify any port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements of any other laws or regulations of the United States.

(d) *Vessel reporting.* (1) In lieu of the vessel reporting requirements of § 611.4, the owner or operator of each foreign fishing vessel engaging in the Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery shall notify the Coast Guard in the manner set forth in paragraph (d)(3) of this section, of:

(i) The date of the Sunday beginning the week during which each vessel intends to *begin* fishing in the FCZ (action code BEGIN), the fishing area and the approximate longitude and latitude where it intends to begin fishing; (see paragraph (d)(5) of this section for use of action codes); and

(ii) The date of the Sunday beginning the week during which each vessel intends to *cease* fishing in the FCZ (action code CEASE) and the fishing area where it intends to cease fishing, with the approximate longitude and latitude.

(2) For purposes of this paragraph (d) of this section, a week shall begin at 0001 G.m.t. each Sunday. The fishing areas are listed in Appendix II to § 611.9.

(3) The vessel reports required by this paragraph (d):

(i) Shall be in English;

(ii) Shall be delivered via commercial facilities to the appropriate Coast Guard commander who will relay them to the appropriate National Marine Fisheries Service Region (see Table I of § 611.4 for appropriate Coast Guard and National Marine Fisheries Service addresses);

(iii) Shall be delivered not later than seven days prior to the Sunday beginning the earliest week included in the report;

(iv) Need not be submitted on temporary departures from the FCZ, such as for port calls (inside the seaward boundary of one of the coastal states) or when operating at and occasionally outside the seaward limits of the FCZ; and

(v) Shall include departure from one fishing area and entry into another fishing area.

(4) Minor modifications in times reported in paragraph (d)(1) of this section, as necessitated by changing fishing conditions, weather, or vessel operating conditions, need not be reported. Major changes should be reported at the earliest practicable date. Examples of major changes include: cancellation of a vessel's previously reported intentions to fish in a fishing area, and changes of more than two weeks in a previously reported time of arrival in, or departure from, a fishing area. The addition of an area to a vessel's fishing intentions requires the basic report of paragraph (d)(1) of this section.

(5) The vessel reports required by this paragraph (d) shall contain the following information: The message identifier "PACREP" to indicate it is a required vessel report in the Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery; vessel name; international radio call sign; the date (month and day) of the Sunday on which the weekly period begins; the fishing area; the approximate longitude and latitude that it will enter and leave a fishing area; and the appropriate action code (BEGIN or CEASE).

(6) Vessel reports are required for each vessel. The vessel reports required by this paragraph (d) should be consolidated, if possible, and submitted for groups of vessels (on a vessel-by-vessel basis) by a designated representative for a foreign nation's fishing vessels. Illustrations of reports follow:

(i) Able Steamship Company, designated representative for Bolivian longliners, wishes to report the vessel *CABLE* (EXRC) which will begin fishing in the Hawaii and Midway Islands FCZ (area code 81) between February 10 and 16, 1980; cease fishing in that FCZ approximately February 26; begin fishing in the Johnston Atoll FCZ (area code 84) about February 28; cease fishing in the Johnston Atoll FCZ between March 2 and 8; begin fishing in the American Samoa FCZ (area code 83) about April 7; and cease fishing in the American Samoa FCZ about May 21. Able Steamship Company also wishes to report the vessel *DABBLE* (EQUP)

which will begin fishing in the American Samoa FCZ on February 19 and cease fishing on March 18. He will then go to Howland and Baker Islands FCZ (area code 85) about March 23 and cease fishing on April 20. The required message must be delivered not later than February 3 to Commander, 14th Coast Guard District. The message would be transmitted as follows:

From: Able Steamship Company
To: Commander, 14th Coast Guard District, Honolulu, Hawaii (Telex: 392401); Southwest Region, NMFS, Terminal Island, CA
PACREP
CABLE/EXRC/0210/2710N/17920W/81/BEGIN//0224/2210N/16005W/81/CEASE//0224/1710N/17010W/84/BEGIN//0302/1705N/17205W/84/CEASE//0406/1510S/16510W/83/BEGIN//0518/1435S/16640W/83/CEASE//DABBLE/EQUP/0217/1405S/16600W/83/BEGIN//0316/1650S/16610W/83/CEASE//0323/0510S/17800W/85/BEGIN//0420/0230N/17930E/85/CEASE//

(ii) In the above illustration, Able Steamship Company subsequently learns that the vessel *Cable* ceased fishing in the Johnston Atoll FCZ on March 19 (a minor modification which need not be reported) and intends to cease fishing in the American Samoa FCZ about June 27 instead of May 21 (a modification which must be reported). Further, the vessel *Dabble* no longer intends to fish in the American Samoa FCZ (a modification which must be reported). The text of the message would appear as follows:

PACREP
CHANGE CABLE/EXRC/0518/1435S/16640W/83/CEASE//to 0622/1435S/16640W/83/CEASE//
CANCEL DABBLE/EQUP/0217/1405S/16600W/83/BEGIN//0316/1650S/16610W/83/CEASE//

(e) *Collection and Reporting of Data.* In lieu of the requirements of § 611.9 (d), (e), and (g), the following data collection and reporting requirements shall apply.

(1) *Daily cumulative catch log.* All foreign fishing vessels shall maintain a daily cumulative catch log in English. This log shall contain on a daily and cumulative basis data on all billfish, oceanic shark, wahoo, mahimahi, and other fish caught in the FCZ during the permit period. The log shall be maintained aboard the vessel during the duration of the permit period. Information for each fishing area shall be maintained on a separate page of the log. The log shall contain the following information:

(i) Name and call sign of the vessel;

(ii) Permit number;

(iii) Fishing area and area code number where fishing is conducted (see Appendix II to § 611.9);

(iv) Date;

(v) Noon-day position of vessel, within one-tenth of 1° longitude and latitude;

(vi) Number and round weight (in kilograms) of each species (by species codes) of billfish, oceanic sharks, wahoo, and mahimahi caught and retained each day and cumulatively;

(vii) Number of each species (by species codes) of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released each day and cumulatively;

(viii) Number of fish of each species released alive, each day and cumulative; and

(ix) Number of hooks set by type of bait.

(2) *Quarterly catch report.* Each foreign nation whose vessels fish under this section shall submit, through the designated representative, a quarterly report containing, on a vessel-by-vessel basis, the following information:

(i) Name of the vessel;

(ii) Permit number;

(iii) Month and day of the last day of the period covered by the report;

(iv) For each fishing area where fishing occurred during the reporting period:

(A) Number and round weight of each allocated species caught and retained to the nearest tenth of a metric ton (0.1 m.t.);

(B) Number of each species of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released during the reporting period;

(C) Number of fish of each species released alive;

(D) Total number of hooks set, by type and bait;

(E) Number of days fished in the FCZ during the reporting period; and

(F) Average number of hooks set per day fished, by type of bait.

(3) *Quarterly report of marine mammal incidental catch.* Each foreign nation whose vessels fish under this section shall submit, through the designated representative, the report of marine mammal incidental catch required by § 611.9(g) on a quarterly basis in lieu of weekly reports.

(4) *Submission of reports.* The quarterly reports required by this paragraph (e) shall be submitted within 60 days of the end of each calendar quarter to:

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, Telephone: 213-548-2575.

50 CFR Part 611 is amended as follows:

**§ 611.9 [Appendix IB Amended]**

(A) Section 611.9, Appendix IB—Species Codes, Pacific Ocean Fishes, under Finfishes:

(1) Add:

*Code, Common English Name, and Scientific Name*

469—Other sharks (NS)—Squaliformes

(2) Change scientific name for black marlin to *Makaira indica.*

**§ 611.9 [Appendix IIB Amended]**

(B) Section 611.9, Appendix IIB, Area Codes—Pacific, delete entries with code numbers 81, 82, and 83, and the accompanying footnote, and replace with the following:

| | Name | Figure No. |
|---|---|---|
| Code No.: | | |
| 81 | Hawaii and Midway Islands | |
| 82 | Guam and Northern Mariana Islands. | |
| 83 | American Samoa | |
| 84 | Johnston Atoll | |
| 85 | Howland and Baker Islands | |
| 86 | Kingman Reef and Palmyra Atoll. | |
| 87 | Jarvis Island | |
| 88 | Wake Island | |

**§ 611.80 [Amended]**

(C) Section 611.80(a), add between the words "fishing" and "conducted", the phrase "for pelagic armorheads and alfonsins."

(D) Section 611.80(b)(3), add to the end of the sentence

* * * * *

(b) * * *

(3) * * * except billfish, oceanic sharks, wahoo, and mahimahi, and other fish caught pursuant to § 611.81.

(E) Section 611.20, Appendix I, is amended by inserting the following into the table:

Appendix 1.—*Section 611.20 [Amended]*

| Species | Species code | Areas | OY—optimum yield (metric tons) | Domestic allowable harvest (DAH) (metric tons) | JVP—estimated joint venture harvest [1] (metric tons) | Reserve | TALFF |
|---|---|---|---|---|---|---|---|
| 3. Western Pacific Ocean fisheries: | | | | | | | |
| B. Pacific billfish and sharks fishery: | | | | | | | |
| Swordfish | 264 | West coast | 318.4 | 350.2 | | 0 | 0 |
| | | Hawaii and Midway Islands | 93.6 | 5.9 | | 8.8 | 78.9 |
| | | Guam and Northern Mariana Islands. | 4.1 | 0.2 | | 0.4 | 3.5 |
| | | American Samoa | 2.4 | 0 | | 0 | 2.4 |
| | | U.S. possessions | 28.1 | 0 | | 0 | 28.1 |
| Blue marlin | 260 | West coast | | | | | |
| | | Hawaii and Midway Islands | 612.0 | 603.4 | | 8.6 | 0 |
| | | Guam and Northern Mariana Islands. | 26.9 | 3.0 | | 23.9 | 0 |
| | | American Samoa | 37.2 | 2.3 | | 0 | 34.9 |
| | | U.S. possessions | 76.3 | 0 | | 0 | 76.3 |
| Black marlin | 253 | West coast | | | | | |
| | | Hawaii and Midway Islands | 97.7 | 104.7 | | 0 | 0 |
| | | Guam and Northern Mariana Islands. | 0.6 | 0 | | 0.1 | 0.5 |
| | | American Samoa | 5.3 | 0 | | 0 | 5.3 |
| | | U.S. possessions | 6.2 | 0 | | 0 | 6.2 |
| Striped marlin | 261 | West coast | 43.2 | 47.5 | | 0 | 0 |
| | | Hawaii and Midway Islands | 223.2 | 67.9 | | 15.5 | 139.8 |
| | | Guam and Northern Mariana Islands. | 5.0 | 0.3 | | 0.5 | 4.2 |
| | | American Samoa | 7.8 | 0 | | 0 | 7.8 |
| | | U.S. possessions | 46.6 | 0 | | 0 | 46.6 |
| Sailfish/spearfish | 252, 262 | West coast | | | | | |
| | | Hawaii and Midway Islands | 42.7 | 23.4 | | 1.9 | 17.4 |
| | | Guam and Northern Mariana Islands. | 4.8 | 0.2 | | 0.5 | 4.1 |
| | | American Samoa | 3.5 | 1.3 | | 0 | 2.2 |
| | | U.S. possessions | 14.3 | 0 | | 0 | 14.3 |
| Sharks | 263, 265, 268, 267, 469 | West coast | 27.6 | 30.4 | | 0 | 0 |
| | | Hawaii and Midway Islands | 1,111.6 | 0 | | 111.1 | 1,000.5 |
| | | Guam and Northern Mariana Islands. | 31.9 | 0 | | 0 | 31.9 |
| | | American Samoa | 101.6 | 0 | | 0 | 101.6 |
| | | U.S. possessions | 651.4 | 0 | | 0 | 651.4 |
| Wahoo | 255 | West coast | | | | | |
| | | Hawaii and Midway Islands | 286.9 | 317.8 | | 0 | 0 |
| | | Guam and Northern Mariana Islands. | 25.1 | 27.6 | | 0 | 0 |
| | | American Samoa | 4.8 | 2.8 | | 0 | 2.0 |
| | | U.S. possessions | 0 | 0 | | 0 | 0 |
| Mahimahi | 238, 237 | West coast | | | | | |
| | | Hawaii and Midway Islands | 105.0 | 115.5 | | 0 | 0 |
| | | Guam and Northern Mariana Islands. | 18.9 | 20.8 | | 0 | 0 |
| | | American Samoa | 6.4 | 4.4 | | 0 | 2.0 |
| | | U.S. possessions | 0 | 0 | | 0 | 0 |

[1] JVP is a subset of DAH.

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