

### **Experimental Fishing Permit Applications and Reports**

**Experimental fishing operations.** The Administrator, West Coast Region, may authorize experimental fishing operations, consistent with the provisions of the IDCP, for the purpose of testing proposed improvements in fishing techniques and equipment that may reduce or eliminate dolphin mortality or serious injury, or do not require the encirclement of dolphins in the course of fishing operations. The Administrator, West Coast Region, may waive, as appropriate, any requirements of this section except DMLs and the obligation to carry an observer.

1. A vessel permit holder may apply for an experimental fishing operation waiver by submitting the following information to the Administrator, West Coast Region, no less than 90 days before the date the proposed operation is intended to begin:
  - a. The name(s) of the vessel(s) and the vessel permit holder(s) to participate;
  - b. A statement of the specific vessel gear and equipment or procedural requirement to be exempted and why such an exemption is necessary to conduct the experiment;
  - c. A description of how the proposed modification to the gear and equipment or procedures is expected to reduce incidental mortality or serious injury of marine mammals;
  - d. A description of the applicability of this modification to other purse seine vessels;
  - e. The planned design, time, duration, and general area of the experimental operation;
  - f. The name(s) of the permitted operator(s) of the vessel(s) during the experiment;
  - g. A statement of the qualifications of the individual or company doing the analysis of the research; and
  - h. Signature of the permitted operator or of the operator's representative.
2. The Administrator, West Coast Region, will acknowledge receipt of the application and, upon determining that it is complete, will publish a notice in the Federal Register summarizing the application, making the full application available for inspection and inviting comments for a minimum period of 30 days from the date of publication.
3. The Administrator, West Coast Region, after considering the information submitted in the application identified in [paragraph \(c\)\(7\)\(i\)](#) of this section and the comments received, will either issue a waiver to conduct the experiment that

includes restrictions or conditions deemed appropriate, or deny the application, giving the reasons for denial.

4. A waiver for an experimental fishing operation will be valid only for the vessels and operators named in the permit, for the time period and areas specified, for trips carrying an observer designated by the Administrator, West Coast Region, and when all the terms and conditions of the permit are met.
5. The Administrator, West Coast Region, may suspend or revoke an experimental fishing waiver in accordance with [15 CFR part 904](#) if the terms and conditions of the waiver or the provisions of the regulations are not followed.

#### **Public Burden Statement**

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0387. Without this approval, we could not conduct this information collection. The burden of public reporting for this collection of information is estimated to average 10 hours per response (including application submission and final summary report), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary but required to obtain an experimental fishing operation waiver pursuant to 16 U.S.C. 1413 Section 303(A)(2)(B)(x) and 50 CFR § 216.24(c)(7). The purpose of this collection is to allow vessel permit holders to apply for and report on experimental fishing operations designed to test proposed improvements in fishing gear, equipment, or techniques that reduce or eliminate marine mammal mortality and serious injury in the Eastern Tropical Pacific Ocean. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to National Marine Fisheries Service at: Permits Office, West Coast Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, or via email to [wcr.permit@noaa.gov](mailto:wcr.permit@noaa.gov).