

Draft Regulatory Text for Amendments to the Fishery Management Plans for
Gulf Reef Fish and Gulf Coastal Migratory Pelagic Species --
Gulf For-hire Electronic Reporting

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

**PART 622--FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND
SOUTH ATLANTIC**

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

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

2. In § 622.20, revise paragraph (b)(1)(ii)(A)(2) to read as follows:

§ 622.20 Permits and endorsements.

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(b) * * *

(1) * * *

(ii) * * *

(A) * * *

(2) Recordkeeping and reporting requirements specified in § 622.26(b);

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3. In § 622.26, revise paragraph (b) to read as follows:

§ 622.26 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators*--This paragraph (b) applies to

vessels issued a charter vessel/headboat permit for Gulf reef fish under § 622.20(b).

(1) *General reporting requirements.* (i) When operating as a charter vessel or headboat in marine or estuarine waters, the owner or operator must submit an electronic fishing report of all fish harvested and discarded, and other requested information for each trip by the deadlines specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted via approved software, as posted on the NMFS Southeast Region website. If selected by NMFS, the vessel owner or operator must report via the NMFS approved software for the Southeast Region Headboat Survey.

(ii) If applicable, the owner or operator must report to NMFS that no fishing activity occurred as a charter vessel or headboat during the week from Monday through Sunday by the deadline specified in paragraph (b)(2)(ii) of this section.

(iii) If selected by NMFS, the owner or operator must submit requested economic data with the fishing report required under paragraph (b)(1)(i) of this section.

(2) *Reporting deadlines.* (i) A completed electronic fishing report required by paragraph (b)(1) of this section must be submitted before removing fish from the vessel. If no fish were retained by any person on the vessel during a trip, the completed electronic fishing report must be submitted to NMFS within 30 minutes of the trip completion, *e.g.*, arrival at the dock.

(ii) If no fishing activity occurred as a charter vessel or headboat during the week from Monday through Sunday, the vessel owner or operator must submit a no-fishing report to NMFS no later than the Tuesday following that week. If a fishing trip as a charter vessel or headboat subsequently occurs during the same week when the vessel owner or operator had previously submitted a no-fishing report, the fishing report

provisions under paragraphs (b)(1)(i) and (2)(i) of this section apply.

(3) *Catastrophic conditions.* NMFS has the authority to waive or modify reporting time requirements during catastrophic conditions. NMFS will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are affected by the catastrophic conditions. NMFS will notify affected participants of any temporary changes to reporting via the **Federal Register** and other appropriate means.

(4) *Compliance requirement.* The vessel owner and operator must follow all requirements in paragraph (b) of this section to remain in compliance with the permit issued under § 622.20(b). An electronic report must be submitted and received by NMFS to avoid being delinquent. A delinquent report automatically results in the owner and operator being prohibited from harvesting or possessing Gulf reef fish, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing Gulf reef fish due to a delinquent report are authorized to harvest or possess such species only after submission of all required and delinquent reports and receipt by NMFS.

(5) *Trip declaration requirements.* For purposes of this paragraph (b)(5), a fishing trip as a charter vessel or headboat (for-hire trip) in marine or estuarine waters begins anytime the vessel departs from a dock, berth, beach, seawall, or boat ramp with a passenger for hire as defined in 42 U.S.C. 2101, and terminates with the return to a dock, berth, beach, seawall, or boat ramp, regardless of the duration. Prior to departure on a for-hire trip in marine or estuarine waters, the vessel owner or operator must notify NMFS and report the U.S. Coast Guard vessel documentation number or state vessel registration

number, and the expected trip completion date, time, and approved landing location.

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4. In § 622.373, revise paragraph (c)(1) to read as follows:

§ 622.373 Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

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(c) * * *

(1) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish is contingent upon compliance with the recordkeeping and reporting requirements specified in § 622.374(b).

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5. In § 622.374, revise paragraph (b) to read as follows:

§ 622.374 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators*--This paragraph (b) applies to vessels issued a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish under § 622.370(b)(1).

(1) *General reporting requirement*--(i) *Gulf*. When operating as a charter vessel or headboat in marine or estuarine waters, the owner or operator must submit an electronic fishing report of all fish harvested and discarded, and other requested information for each trip by the deadlines specified in paragraph (b)(2)(i) of this section. The fishing report must be submitted via approved software, as posted on the NMFS Southeast Region website. If selected by NMFS, the vessel owner or operator must report via the

NMFS approved software for the Southeast Region Headboat Survey.

(ii) *Atlantic*--(A) The owner or operator of a charter vessel issued a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish, and whose vessel is operating as a charter vessel, must record all fish harvested and discarded and other information requested by NMFS for each trip, and submit an electronic fishing report within the time specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted via approved software, as posted on the NMFS Southeast Region website. If the owner or operator subject to this paragraph (b)(1)(ii)(A) has been issued a Federal permit that requires more restrictive reporting requirements, as determined by NMFS and posted on the NMFS Southeast Region website, reporting under those more restrictive regulations will meet the requirements of this paragraph (b)(1)(ii)(A).

(B) The owner or operator of a headboat issued a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish, and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and other information requested by NMFS for each trip in state or Federal waters, and submit an electronic fishing report within the time specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted via approved software, as posted on the NMFS Southeast Region website. If selected by NMFS, the vessel owner or operator must report via the NMFS approved software for the Southeast Region Headboat Survey.

(2) *Reporting deadlines*--(i) *Gulf*--(A) A completed electronic fishing report required by paragraph (b)(1)(i) of this section must be submitted before removing fish from the vessel. If no fish were retained by any person on the vessel during a trip, the

completed electronic fishing report must be submitted to NMFS within 30 minutes of the completion of the trip, *e.g.*, arrival at the dock.

(B) If no fishing activity occurred as a charter vessel or headboat during the week from Monday through Sunday, the vessel owner or operator must submit a no-fishing report to NMFS no later than the Tuesday following that week. If a fishing trip as a charter vessel or headboat subsequently occurs during the same week when the vessel owner or operator had previously submitted a no-fishing report, the fishing report provisions under paragraph (b)(1)(i) of this section apply.

(ii) *Atlantic*. A completed electronic fishing report required by paragraph (b)(1)(ii) of this section must be submitted to NMFS by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by NMFS. If no fishing activity as a charter vessel or headboat occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week or at a shorter interval if notified by NMFS.

(3) *Catastrophic conditions*. NMFS has the authority to waive or modify reporting time requirements during catastrophic conditions. NMFS will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are affected by the catastrophic conditions. NMFS will notify affected participants of any temporary changes to reporting via the **Federal Register** and other appropriate means.

(4) *Compliance requirement*. The vessel owner and operator must follow all requirements in paragraph (b) of this section to remain in compliance with the permit issued under § 622.370(b). An electronic fishing report must be submitted and received

by NMFS to avoid being delinquent. A delinquent report automatically results in the owner and operator being prohibited from harvesting or possessing coastal migratory pelagic fish, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing coastal migratory pelagic fish due to delinquent reports are authorized to harvest or possess such species only after submission of all required and delinquent reports and receipt by NMFS.

(5) *Trip declaration requirements in the Gulf.* For purposes of this paragraph (b)(5), a fishing trip as a charter vessel or headboat (for-hire trip) in marine or estuarine waters begins anytime the vessel departs from a dock, berth, beach, seawall, or boat ramp with a passenger for hire as defined in 42 U.S.C. 2101, and terminates with the return to a dock, berth, beach, seawall, or boat ramp, regardless of the duration. Prior to departure on a for-hire trip in marine or estuarine waters, the vessel owner or operator must notify NMFS and report the U.S. Coast Guard vessel documentation number or state vessel registration number, and the expected trip completion date, time, and approved landing location.

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