

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, 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 § 622.13, revise paragraph (g) to read as follows:

§ 622.13 Prohibitions--general.

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(g) Harvest or possess fish if the required charter vessel or headboat reports have not been submitted in accordance with this part.

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

§622.20 Permits and endorsements.

(b) * * *

(1) * * *

(ii) * * *

(A) Renewal of a charter vessel/headboat permit for Gulf reef fish is contingent upon compliance with the recordkeeping and reporting requirements specified in §622.26(b).

Commented [AB1]: Action 1: Data Reporting for Charter Vessels, Pref. Alt. 4 - All owners or operators of charter vessels would submit electronic reports prior to the completion of each trip. RF: 622.26 (b), CMP: 622.374(b)

Action 2: Data Reporting for Headboats, Pref. Alt. 4 - All owners or operators of headboats would submit electronic reports prior to the completion of each trip. RF: 622.26(b), CMP: 622.374(b)

Action 3: Trip Notification and Reporting Reqs, Pref. Alts. 2a, 2b, & 3a, 3b. RF: 622.26(b), CMP: 622.374(b)

Action 4: Hardware and Software Reqs for Reporting, Pref. Alt. 2a, 2b. RF: 622.26(b), CMP: 622.374(b)

Commented [AB2]: This instruction is duplicative with S Atl Council's For-hire E-Reporting amendment. This instruction would only remain with the final rule that NMFS implements first.

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

Commented [AB3]: Action 1, Pref. Alt. 4. And Action 2, Pref. Alt. 4.

§ 622.26 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators--*(1) *General reporting requirement--*The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20 (b), and whose vessel is operating as a charter vessel or headboat in state or Federal waters, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b) (2) of this section. (See § 622.2 for the definition of trip.) The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b) (5) of this section.

Commented [AB4]: Trip is already defined in § 622.2 Definitions - Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

(2) *Reporting deadlines--*(i) Completed electronic fishing reports required by paragraph (b) (1) of this section must be submitted to the SRD prior to the completion of any fishing trip, e.g., arrival at the dock.

(ii) If no fishing activity occurred during each 24-hour period, an electronic report so stating must be submitted daily,

or submitted in advance at an interval allowed by the SRD. If fishing subsequently occurs during the specified period in a no-fishing report previously submitted to the SRD, a completed electronic fishing report is required and must be submitted to the SRD, as specified by paragraphs (b) (1) and (b) (2) (i) of this section.

(iii) A no-fishing report, as specified in paragraph (b) (2) (ii) of this section, is not required if hardware meeting the requirements of paragraph (b) (5) of this section is permanently affixed on the vessel to record the location information of the vessel at an interval required by the SRD. Such hardware and software must have uninterrupted operation on the vessel. If such hardware or software becomes inoperative for any reason, requirements under paragraph (b) (2) (ii) of this section will apply until such operation resumes.

(3) *Catastrophic conditions*. During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via

Commented [AB5]: Requirement continued under Actions 1 & 2.

publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraph (b) (1) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b) (2) of this section is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

Commented [AB6]: Requirement continued under Actions 1 & 2.

(5) *Hardware and software requirements for electronic reporting.* The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must submit electronic reports using NMFS-approved hardware and software with a minimum capability of archiving GPS locations.

Commented [AB7]: Action 4, Pref. Alts. 2a, 2b.

(6) *Trip notification requirements.* (i) *Prior to* departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must notify NMFS of the type of trip (whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip). If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion time and landing location.

Commented [AB8]: Action 3, Pref. Alts. 2a, 2b, 3a, and 3b.

Commented [AB9]: No timeframe defined in the amendment. May need to add specifics at a later time.

(ii) *Prior to* completing any trip during which the vessel was operating as a charter vessel or headboat, owners or operators of these vessels must notify NMFS and submit a completed electronic fishing report as specified in this section.

Commented [AB10]: No timeframe defined in the amendment. May need to add specifics at a later time.

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5. 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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6. 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--*(1) *General reporting requirement--*(i) *Gulf of Mexico.* The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, as required under § 622.370(b) (1), and whose vessel is operating as a charter vessel or headboat in state or Federal waters, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b) (2) (i) of this section. (See § 622.2 for the definition of trip.) An electronic fishing report must be submitted to the SRD via NMFS approved hardware and software,

Commented [AB11]: This section also incorporates proposed changes under CMP Am 26.

Commented [AB12]: Action 1, Pref. Alt. 4. And Action 2, Pref. Alt. 4.

as specified in paragraph (b) (5) of this section.

(ii) * * *

(2) ~~Reporting deadlines--~~ (i) *Gulf of Mexico*. (A) Completed electronic fishing reports required by paragraph (b) (1) (i) of this section must be submitted to the SRD prior to the completion of any fishing trip, *e.g.*, arrival at the dock.

(B) If no fishing activity occurred during each 24-hour period, an electronic report so stating must be submitted daily, or submitted in advance at an interval allowed by the SRD. If fishing subsequently occurs during the specified period in a no-fishing report previously submitted to the SRD, a completed electronic fishing report is required and must be submitted to the SRD, as specified by paragraphs (b) (1) (i) and (b) (2) (i) of this section.

(C) A no-fishing report, as specified in paragraph (b) (2) (i) (B) of this section, is not required if hardware meeting the requirements of paragraph (b) (5) of this section is permanently affixed on the vessel to record the location information of the vessel at an interval required by the SRD. Such hardware and software must have uninterrupted operation on the vessel. If such hardware or software becomes inoperative for any reason, requirements under paragraph (b) (2) (i) (B) of this section will apply until such operation resumes.

Commented [AB13]: Atlantic.

Commented [AB14]: --Action 1, Pref. Alt. 4.
--Action 2, Pref. Alt. 4.

(ii) * * *

Commented [AB15]: Atlantic.

(3) *Catastrophic conditions*. During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraphs (b) (1) (i) and (ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

Commented [AB16]: Requirement continued under Actions 1 & 2.

(4) *Compliance requirement*. Electronic reports required by paragraphs (b) (1) (i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraphs (b) (2) (i) or (ii) is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which

Commented [AB17]: Requirement continued under Actions 1 & 2.

a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued must submit electronic reports using NMFS-approved hardware and software. For a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, the NMFS-approved hardware and software must have a minimum capability of archiving GPS locations.

(6) *Trip notification requirements in the Gulf.* (i) *Prior to* departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued must notify NMFS of the

Commented [AB18]: Action 4, Pref. Alts. 2a, 2b.

Commented [AB19]: Action 3, Pref. Alts. 2a, 2b, 3a, and 3b.

Commented [AB20]: No timeframe defined in the amendment. May need to add specifics at a later time.

type of trip (whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip). If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion time and landing location.

(ii) Prior to completing any trip during which the vessel was operating as a charter vessel or headboat, owners or operators of these vessels must notify NMFS, and submit a completed electronic fishing report as specified in this section.

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Commented [AB21]: No timeframe defined in the amendment. May need to add specifics at a later time.