§ 356.47 Special requirements for large vessels.

(a) Unless exempted in paragraph (b), (c) or (d) of this section, a vessel is not eligible for a fishery endorsement under 46 U.S.C. 12108 if:

(1) It is greater than 165 feet in registered length;

(2) It is more than 750 gross registered tons (as measured pursuant to 46 U.S.C. Chapter 145) or 1900 gross registered tons (as measured pursuant to 46 U.S.C. Chapter 143); or

(3) It possesses a main propulsion engine or engines rated to produce a total of more than 3,000 shaft horsepower; such limitation shall not include auxiliary engines for hydraulic power, electrical generation, bow or stern thrusters, or similar purposes.

(b) A vessel that meets one or more of the conditions in paragraph (a) of this section may still be eligible for a fishery endorsement if:

(1) A certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997;

(2) The vessel is not placed under foreign registry after October 21, 1998; and,

(3) In the event of the invalidation of the fishery endorsement after October 21, 1998, application is made for a new fishery endorsement within 15 business days of the receipt of written notification from MARAD or the Coast Guard identifying the reason for such invalidation. The fishery endorsement of a Fishing Industry Vessel that meets the criteria of paragraph (a) of this section is not deemed to be invalid for purposes of complying with this paragraph (a)(3), if the vessel is purchased pursuant to 46 U.S.C. 31329 by a Mortgagee that is not eligible to own a vessel with a fishery endorsement, provided that the Mortgagee is eligible to hold a preferred mortgage on such vessel at the time of the purchase;

(c) A vessel that is prohibited from receiving a fishery endorsement under paragraph (a) of this section will be eligible if the owner of such vessel demonstrates to MARAD that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after October 21, 1998, and the Secretary of Commerce has approved, conservation and management measures in accordance with the American Fisheries Act of 1998, Title II, Division C, Public Law 105–277, to allow such vessel to be used in fisheries under such council’s authority;

(d) A vessel that meets one or more of the conditions in paragraph (a) of
this section may still be eligible for a fishery endorsement if the vessel is
gaged exclusively in the menhaden fishery in the geographic region gov-
erned by the South Atlantic Fisheries Council or the Gulf of Mexico Fisheries
Council.

(e) The owner of a vessel that meets
any of the criteria in paragraph (a) of
this section is required to submit a cer-
tification each year in conjunction
with its Affidavit of U.S. Citizenship in
order to document that the vessel is el-
igible for documentation with a fishery
endorsement. The certification should
indicate that the vessel meets the cri-
terias of paragraph (a) of this section;
however, it is eligible to be docu-
mented with a fishery endorsement be-
cause it complies with the require-
ments of either paragraph (b), (c), or
(d) of this section. A sample form for
the certification is available on the
MARAD Web site at http://
www.marad.dot.gov/afa.html or may be
obtained by contacting the Citizenship
Approval Officer.

[65 FR 44877, July 19, 2000, as amended at 68
FR 5582, Feb. 4, 2003]
§ 356.49 Penalties.
If the owner or the representative or
agent of the owner has knowingly fal-
sified or concealed a material fact or
knowingly made a false statement or
representation with respect to the eli-
gibility of the vessel under 46 U.S.C.
12102(c), in applying for or applying to
renew the vessel’s fishery endorsement,
the following penalties may apply:
(a) The vessel’s fishery endorsement
may be revoked;
(b) A fine of up to $100,000 may be as-
signed against the vessel owner for
each day in which such vessel has en-
gaged in fishing (as such term is de-
\n
fined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within
the exclusive economic zone of the
United States; and
(c) The owner, representative or
agent may be subject to additional
fines, penalties or both for violation of
the proscriptions of 18 U.S.C. 286, 287,
and 1001.

§ 356.51 Exemptions for specific ves-
sels.
(a) The following vessels are exempt
from the requirements of 46 U.S.C.
12102(c) as amended by the AFA until
such time after October 1, 2001, as 50\%
of the interest owned and controlled in
the vessel changes; provided, the vessel
maintains eligibility for a fishery en-
dorsement under the federal law that
was in effect prior to the enactment of
the APA:
1 EXCELLENCE (United States official
number 967502);
2 GOLDEN ALASKA (United States
official number 651041);
3 OCEAN PHOENIX (United States
official number 296779);
4 NORTHERN VOYAGER (United
States official number 635980) or a re-
placement for the NORTHERN VOY-
AGER that complies with paragraphs 2,
5, and 6 of section 208(g) of the AFA.
(b) The NORTHERN VOYAGER
(United States official number 637398)
and NORTHERN TRAVELER (United
States official number 635984) will for-
feit the exemption under paragraph (a)
of this section if the vessel is used in a
fishery under the authority of a re-
\n
gional fishery management council
other than the New England Fishery
Management Council or Mid-Atlantic
Fishery Management Council estab-
lished, respectively, under subpara-
graphs (A) and (B) of section 302(a)(1)
of the Magnuson-Stevens Fishery Con-
servation and Management Act (16
U.S.C. 1852(a)(1)(A) and (B)).
(c) The EXCELLENCE (United States
official number 967502), GOLDEN
ALASKA (United States official num-
ber 651041), and OCEAN PHOENIX
(United States official number 296779)
will forfeit their exemption under para-
graph (a) of this section if the vessel is
used to Harvest fish.
(d) Owners of vessels that are exempt
from the new ownership and control re-
\n
quirements of the AFA and this part
356 pursuant to paragraph (a) of this
section must still comply with the re-
quirements for a fishery endorsement
under the federal law that was in effect
on October 21, 1998. The owners must
submit to the Citizenship Approval Of-

\n
Maritime Administration, DOT § 356.51
\n
353

VerDate Mar<15>2010 16:34 Nov 01, 2011 Jkt 223200 PO 00000 Frm 00363 Fmt 8010 Sfmt 8010 Q:\46\46V8.TXT ofr150 PsN: PC150