§ 622.372 Limited access system for king mackerel gillnet permits applicable in the southern Florida west coast subzone.

(a) Except for applications for renewals of king mackerel gillnet permits, no applications for king mackerel gillnet permits will be accepted. Application forms for permit renewal are available from the RA.

(b) An owner of a vessel with a king mackerel gillnet permit issued under this limited access system may transfer that permit upon a change of ownership of a permitted vessel with such permit from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such permit also may be transferred to another vessel owned by the same entity.

(c) A king mackerel gillnet permit that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within one year after the expiration date of the permit.

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

(a) No applications for additional charter vessel/headboat permits for Gulf coastal migratory pelagic fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (b) of this section, and are subject to the renewal requirements in paragraph (c) of this section.

(b) Transfer of permits—(1) Permits without a historical captain endorsement. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(2) Permits with a historical captain endorsement. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

(3) Procedure for permit transfer. To request that the RA transfer a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See §622.4(f) for additional transfer-related requirements applicable to all permits issued under this section.

(c) Renewal. (1) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and, if selected to report, providing the information required in one of the approved fishing data surveys. Surveys include, but are not limited to—

(i) NMFS’ Marine Recreational Fishing Vessel Directory Telephone Survey (conducted by the Gulf States Marine Fisheries Commission);

(ii) NMFS’ Southeast Headboat Survey (as required by §622.26(b)(1));

(iii) Texas Parks and Wildlife Marine Recreational Fishing Survey; or

(iv) A data collection system that replaces one or more of the surveys in paragraphs (c)(1)(i), (ii), or (iii) of this section.

(2) A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(d) Requirement to display a vessel decal. Upon renewal or transfer of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, the RA will issue the owner of the permitted...
vessel a vessel decal for that fishery. The vessel decal must be displayed on
the port side of the deckhouse or hull
and must be maintained so that it is
clearly visible.

(e) Passenger capacity compliance re-
quirement. A vessel operating as a char-
ter vessel or headboat with a valid
charter vessel/headboat permit for Gulf
coastal migratory pelagic fish, which is
carrying more passengers on board the
vessel than is specified on the permit,
is prohibited from harvesting or pos-
sessing the species identified on the
permit.

[78 FR 22952, Apr. 17, 2013, as amended 78 FR
46293, July 31, 2013]

§ 622.374 Recordkeeping and report-
ing.

(a) Commercial vessel owners and oper-
ators. The owner or operator of a vessel
that fishes for or lands coastal migrat-
yory pelagic fish for sale in or from the
Gulf, Mid-Atlantic, or South Atlantic
EEZ or adjoining state waters, or
whose vessel is issued a commercial
permit for king or Spanish mackerel,
as required under §622.370(a)(1) or (3),
respectively, who is selected to report
by the SRD, must maintain a fishing
record on a form available from the
SRD. These completed fishing records
must be submitted to the SRD post-
marked not later than 7 days after the
end of each fishing trip. If no fishing
occurred during a calendar month, a
report so stating must be submitted on
one of the forms postmarked not later
than 7 days after the end of that
month. Information to be reported is
indicated on the form and its accom-
panying instructions.

(b) Charter vessel/headboat owners and
operators—(1) General reporting require-
ment—(i) Charter vessels. The owner or
operator of a charter vessel for which a
charter vessel/headboat permit for Gulf
coastal migratory pelagic fish has been
issued, as required under §622.370(b)(1),
or whose vessel fishes for or lands Gulf
or South Atlantic coastal migratory
pelagic fish in or from state waters ad-
joining the Gulf or South Atlantic
EEZ, who is selected to report by the
SRD must maintain a fishing record for each trip, or a portion of such trips as specified by
the SRD, on forms provided by the
SRD and must submit such record as
specified in paragraph (b)(2)(i) of this
section.

(ii) Headboats. The owner or operator
of a headboat for which a charter ves-
sel/headboat permit for Gulf coastal
migratory fish or South Atlantic coast-
al migratory pelagic fish has been
issued, as required under §622.370(b)(1),
or whose vessel fishes for or lands Gulf
or South Atlantic coastal migratory
pelagic fish in or from state waters ad-
joining the Gulf or South Atlantic
EEZ, who is selected to report by the
SRD must submit an electronic fishing
record for each trip of all fish har-
vested within the time period specified
in paragraph (b)(2)(ii) of this section,
via the Southeast Region Headboat
Survey.

(2) Reporting deadlines—(i) Charter ves-
sels. Completed fishing records required
by paragraph (b)(1)(i) of this section for
charter vessels must be submitted to the
SRD weekly, postmarked no later than 7 days after the end of each week
(Sunday). Information to be reported is
indicated on the form and its accom-
panying instructions.

(ii) Headboats. Electronic fishing
records required by paragraph (b)(1)(ii)
of this section for headboats must be
submitted at weekly intervals (or in-
tervals shorter than a week if notified
by the SRD) by 11:59 p.m., local time,
the Sunday following a reporting week.
If no fishing activity occurred during a
reporting week, an electronic report so
stating must be submitted for that re-
porting week by 11:59 p.m., local time,
the Sunday following a reporting week.

(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 para-
graph (b)(1)(ii) of this section. The RA
will determine when catastrophic con-
ditions exist, the duration of the cata-
strophic conditions, and which partici-
pants or geographic areas are deemed
affected by the catastrophic condi-
tions. The RA will provide timely no-
tice to affected participants via publi-
cation of notification in the FEDERAL
REGISTER, NOAA weather radio, fishery
bulletins, and other appropriate means
and will authorize the affected partici-
pants’ use of paper-based components
for the duration of the catastrophic

349