

## Fishery Conservation and Management

## § 660.13

not limited to duties associated with the receiving of landing, processing of fish, sorting of catch, or the storage of the finished product.

(9) Fail to meet the catch monitor provider responsibilities specified at § 660.17(e).

(g) *Vessel Monitoring Systems.* (1) Use any vessel required to operate and maintain a VMS unit under § 660.14(b) unless that vessel carries a NMFS OLE type-approved mobile transceiver unit and complies with all the requirements described at § 660.14(c).

(2) Fail to install, activate, repair or replace a mobile transceiver unit prior to leaving port as specified at § 660.14.

(3) Fail to operate and maintain a mobile transceiver unit on board the vessel at all times as specified at § 660.14.

(4) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified at § 660.14.

(5) Fail to contact NMFS OLE or follow NMFS OLE instructions when automatic position reporting has been interrupted as specified at § 660.14.

(6) Register the same VMS transceiver unit to more than one vessel at the same time.

(7) Falsify any VMS activation report or VMS exemption report that is authorized or required, as specified at § 660.14.

(8) Falsify any declaration report that is required, as specified at § 660.13.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78374, Dec. 15, 2010; 76 FR 27529, May 11, 2011; 76 FR 53834, Aug. 30, 2011; 76 FR 74733, Dec. 1, 2011; 78 FR 587, Jan. 3, 2013; 78 FR 68767, Nov. 15, 2013; 80 FR 22279, Apr. 21, 2015; 80 FR 71980, Nov. 18, 2015; 80 FR 77270, Dec. 14, 2015; 81 FR 36807, June 8, 2016; 81 FR 84425, Nov. 23, 2016; 84 FR 32098, July 5, 2019; 84 FR 63973, Nov. 19, 2019; 86 FR 10867, Feb. 23, 2021; 87 FR 59728, Oct. 3, 2022]

### § 660.13 Recordkeeping and reporting.

(a) This subpart recognizes that catch and effort data necessary for implementing the PCGFMP are collected by the States of Washington, Oregon, and California under existing state data collection requirements.

(1) *Trawl logbook.* In the absence of a state trawl logbook requirement based on the port of landing, the authorized representative of the commercial trawl fishing vessel registered to a limited entry permit with a trawl gear endorsement participating in the Shorebased IFQ Program groundfish trawl fisheries must keep and submit a complete and accurate record of fishing activities in the trawl logbook form. The following requirements apply:

(i) The authorized representative of the vessel must keep the trawl logbook form on board the vessel while engaged in, or returning from, all Shorebased IFQ Program trips using groundfish trawl gear, and must immediately surrender the logbook form upon demand to NMFS or other authorized officers.

(ii) The authorized representative of the vessel must complete the trawl logbook form on all Shorebased IFQ Program trips using groundfish trawl gear, with all available information, except for information not yet ascertainable, prior to entering port. The logbook form must be completed as soon as the information becomes available. The information on the logbook form will include at a minimum: Vessel name, vessel trip start and end dates, crew size, tow start, tow completion, location of tow, average depth of catch, net type, target strategy, and estimated retained pounds by species.

(iii) The authorized representative of the vessel must deliver the NMFS copy of the trawl logbook form by mail or in person to NMFS or its agent. The authorized representative of the vessel must transmit the logbook form on or before the 10th day of each month following the month to which the records pertain.

(iv) The authorized representative of the vessel responsible for submitting the trawl logbook forms must maintain a copy of all submitted logbooks for up to three years after the fishing activity ended.

(2) *Non-Trawl Logbook.* The authorized representative of a commercial vessel participating in the below list of groundfish fishery sectors must keep and submit a complete and accurate record of fishing activities in the non-trawl electronic logbook application:

## § 660.13

## 50 CFR Ch. VI (10–1–23 Edition)

(i) The directed open access fishery, as defined at § 660.11;

(ii) The limited entry fixed gear trip limit fisheries subject to the trip limits in Table 2 North and South to Subpart E, and primary sablefish fisheries, as defined at § 660.211; and

(iii) Gear switching in the Shorebased IFQ Program, as defined at § 660.140(k).

(3) *Non-Trawl Electronic Logbook Application.* The non-trawl electronic logbook application is a web-based portal used to send data from non-trawl fishing trips to the Pacific States Marine Fisheries Commission. The following requirements apply:

(i) The authorized representative of the vessel must complete an entry in the non-trawl electronic logbook application for all groundfish fishing trips, as defined under § 660.11. Required information for each fishing trip includes, but is not limited to, information on set-level data on catch, discards, fishing location, fishing depth, gear configuration, and sale.

(ii) The authorized representative of the vessel must complete an entry for each groundfish fishing trip in the non-trawl electronic logbook application with valid responses for all data fields in the application, except for information not yet ascertainable, prior to entering port, subject to the following requirements:

(A) *Setting gear.* Logbook entries for setting gear, including vessel information, gear specifications, set date/time/location, must be completed within 2 hours of setting gear. The authorized representative of each vessel may record or document this information in a format outside of the electronic logbook application (*e.g.*, waterproof paper). Information recorded outside of the electronic logbook application must be available for review at-sea by authorized law enforcement personnel upon request, and must be entered into the electronic application per subparagraph C.

(B) *Retrieving gear.* Logbook entries for retrieving gear, including date/time recovered and catch/discard information, must be completed within 4 hours of retrieving gear. The authorized representative of each vessel may record or document this information in a for-

mat outside of the electronic logbook application (*e.g.*, waterproof paper). Information recorded outside of the logbook entry must be available for review at-sea by authorized law enforcement personnel upon request, and must be entered into the electronic application per subparagraph C.

(C) *Non-Trawl Electronic Logbook Submission.* The authorized representative of the vessel must complete and submit entries in the non-trawl electronic logbook application within 24 hours of the completion of offload, including information under subparagraphs A and B that was captured but not recorded in the electronic logbook application while fishing.

(4) *Non-Trawl Paper Logbook.* For a minimum of one year from the effective date of the final rule, vessels subject to this non-trawl logbook requirement are permitted to submit a paper logbook form in lieu of the requirement to fill out the non-trawl electronic logbook application. The West Coast Regional Administrator will prescribe the paper logbook forms required under this section. NMFS will issue a public notice at least 90 calendar days prior to ending the optional provision to submit a paper logbook. The authorized representative of the vessel must complete the non-trawl logbook form on all groundfish trips, subject to the same requirements as for the non-trawl electronic logbook application, listed above in § 660.13(a)(3)(i) through (ii). The authorized representative of the vessel must deliver the NMFS copy of the non-trawl logbook form by mail, email, or in person to NMFS or its agent within 30 days of landing. The authorized representative of the vessel responsible for submitting the non-trawl logbook forms must maintain a copy of all submitted logbooks for a minimum of three years after the fishing activity ended.

(b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports (*i.e.*, logbooks, state landing receipts, etc.) of groundfish harvests and landings containing all data, and in the exact manner, required by the applicable state law.

(c) Any person landing groundfish must retain on board the vessel from

which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(d) *Declaration reporting requirements.* When the operator of a vessel registers a VMS unit with NMFS OLE, the vessel operator must provide NMFS with a declaration report as specified at paragraph (d)(4)(iv) of this section. The operator of any vessel that has already registered a VMS unit with NMFS OLE but has not yet made a declaration, as specified at paragraph (d)(4)(iv) of this section, must provide NMFS with a declaration report upon request from NMFS OLE.

(1) *Declaration reports for vessels registered to limited entry permits.* The operator of any vessel registered to a limited entry permit must provide NMFS OLE with a declaration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to fish in U.S. ocean waters between 0 and 200 nm offshore of Washington, Oregon, or California.

(i) Limited entry trawl vessels fishing in the Shorebased IFQ Program must provide NMFS OLE with a new declaration report each time a different groundfish trawl gear (bottom or midwater only) is fished. The declaration may be made from sea and must be made to NMFS before a different type (bottom or midwater only) of groundfish trawl gear is fished.

(ii) Limited entry midwater trawl vessels targeting Pacific whiting may change their declarations while at sea between the Pacific whiting shorebased IFQ sector and the mothership sector as specified at paragraph (d)(4)(iv)(A) of this section. The declaration must be made to NMFS before a different sector is fished.

(2) *Declaration reports for all vessels using non-groundfish trawl gear.* The operator of any vessel that is not registered to a limited entry permit and which uses non-groundfish trawl gear to fish in the EEZ (3-200 nm offshore), must provide NMFS OLE with a dec-

laration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port to fish in the EEZ.

(3) *Declaration reports for open access vessels using non trawl gear (all types of open access gear other than non-groundfish trawl gear).* The operator of any vessel that is not registered to a limited entry permit, must provide NMFS with a declaration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(4) *Declaration reports.* (i) The operator of a vessel specified in paragraphs (d)(1), (d)(2), and (d)(3) of this section must provide a declaration report to NMFS OLE prior to leaving port on the first trip in which the vessel meets the requirement specified at §660.14(b) to have a VMS.

(ii) A declaration report will be valid until another declaration report revising the existing gear, monitoring, or fishery, declaration is received by NMFS OLE. The vessel operator must send a new declaration report before leaving port on a trip that meets one of the following criteria:

(A) A gear type that is different from the gear type most recently declared for the vessel will be used, or

(B) A monitoring type that is different from the monitoring type most recently declared for the vessel will be used, or

(C) A vessel will fish in a fishery other than the fishery most recently declared.

(iii) During the period of time that a vessel has a valid declaration report on file with NMFS OLE, it cannot fish with a gear and monitoring type other than a gear type and monitoring type declared by the vessel or fish in a fishery other than the fishery most recently declared.

(iv) Declaration reports will include: The vessel name and/or identification number, gear type, and monitoring type where applicable, (as defined in paragraph (d)(4)(iv)(A) of this section). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the

§ 660.13

50 CFR Ch. VI (10–1–23 Edition)

vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator. Vessels using non-trawl gear may declare more than one gear type with the exception of vessels participating in the Shorebased IFQ Program (*i.e.* gear switching); however, vessels using trawl gear may only declare one of the trawl gear types listed in paragraph (d)(4)(iv)(A) of this section on any trip and may not declare non-trawl gear on the same trip in which trawl gear is declared.

(A) One of the following gear types or sectors, and monitoring type where applicable, must be declared:

(1) Limited entry fixed gear, not including shorebased IFQ (declaration code 10);

(2) Limited entry groundfish non-trawl, shorebased IFQ, observer (declaration code 11);

(3) Limited entry groundfish non-trawl, shorebased IFQ, electronic monitoring (declaration code 11);

(4) Limited entry midwater trawl, non-whiting shorebased IFQ, observer (declaration code 20);

(5) Limited entry midwater trawl, non-whiting shorebased IFQ, electronic monitoring (declaration code 20);

(6) Limited entry midwater trawl, Pacific whiting shorebased IFQ, observer (declaration code 21);

(7) Limited entry midwater trawl, Pacific whiting shorebased IFQ, electronic monitoring (declaration code 21);

(8) Limited entry midwater trawl, Pacific whiting catcher/processor sector (declaration code 22);

(9) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership), observer (declaration code 23);

(10) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel), electronic monitoring (declaration code 23);

(11) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl or selective flatfish trawl, observer (declaration code 30);

(12) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl or selective flatfish trawl, elec-

tronic monitoring (declaration code 30);

(13) Limited entry demersal trawl, shorebased IFQ, observer (declaration code 31);

(14) Limited entry demersal trawl, shorebased IFQ, electronic monitoring (declaration code 31);

(15) Limited entry selective flatfish trawl, shorebased IFQ, observer (declaration code 32);

(16) Limited entry selective flatfish trawl, shorebased IFQ, electronic monitoring (declaration code 32);

(17) Non-groundfish trawl gear for pink shrimp (declaration code 41);

(18) Non-groundfish trawl gear for ridgeback prawn (declaration code 40);

(19) Non-groundfish trawl gear for California halibut (declaration code 42);

(20) Non-groundfish trawl gear for sea cucumber (declaration code 43);

(21) Open access bottom contact hook-and-line gear for groundfish (*e.g.*, bottom longline, commercial vertical hook-and-line, dinglebar) (declaration code 33);

(22) Open access Pacific halibut longline gear (declaration code 62);

(23) Open access groundfish trap or pot gear (declaration code 34);

(24) Open access Dungeness crab trap or pot gear (declaration code 61);

(25) Open access prawn trap or pot gear (declaration code 60);

(26) Open access sheephead trap or pot gear (declaration code 65);

(27) Open access non-bottom contact hook and line gear for groundfish (*e.g.*, troll, jig gear, rod & reel gear) (outside the non-trawl RCA only) (declaration code 35);

(28) Open access non-bottom contact stationary vertical jig gear (allowed inside or outside the non-trawl RCA) (declaration code 36);

(29) Open access non-bottom contact troll gear (allowed inside or outside the non-trawl RCA) (declaration code 37);

(30) Open access HMS line gear (declaration code 66);

(31) Open access salmon troll gear (declaration code 63);

(32) Open access California Halibut line gear (declaration code 64);

(33) Open access Coastal Pelagic Species net gear (declaration code 67);

## Fishery Conservation and Management

## § 660.14

(34) Other, a gear that is not listed above (declaration code 69);

(35) Tribal trawl gear (declaration code 50);

(36) Open access set net or gillnet gear—California (declaration 68); or

(37) Gear testing, Trawl Rationalization fishery (declaration code 70).

(B) [Reserved]

(v) Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Vessel owners or operators are responsible for retaining the confirmation code or receipt to verify that a valid declaration report was filed.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78374, Dec. 15, 2010; 76 FR 74733, Dec. 1, 2011; 81 FR 84425, Nov. 23, 2016; 83 FR 62275, Dec. 3, 2018; 83 FR 66637, Dec. 27, 2018; 84 FR 31158, June 28, 2019; 84 FR 32098, July 5, 2019; 85 FR 35600, June 11, 2020; 86 FR 10867, Feb. 23, 2021; 87 FR 59713, 59728, Oct. 3, 2022; 87 FR 74328, Dec. 5, 2022; 88 FR 12867, Mar. 1, 2023]

### § 660.14 Vessel Monitoring System (VMS) requirements.

(a) *What is a VMS?* A VMS consists of a NMFS OLE type-approved mobile transceiver unit that automatically determines the vessel's position and transmits it to a NMFS OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to NMFS OLE.

(b) *Who is Required to Have a VMS?* The following vessels are required to install a NMFS OLE type-approved mobile transceiver unit and to arrange for a NMFS OLE type-approved communications service provider to receive and relay transmissions to NMFS OLE prior to fishing:

(1) Any vessel registered for use with a limited entry "A" endorsed permit (*i.e.*, not an MS permit) that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore).

(2) Any vessel that uses non-groundfish trawl gear to fish in the EEZ.

(3) Any vessel that uses open access gear to take and retain, or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(c) *How are Mobile Transceiver Units and Communications Service Providers Approved by NMFS OLE?*

(1) NMFS OLE will publish type-approval specifications for VMS components in the FEDERAL REGISTER or notify the public through other appropriate media.

(2) Mobile transceiver unit manufacturers or communication service providers will submit products or services to NMFS OLE for evaluation based on the published specifications.

(3) NMFS OLE may publish a list of NMFS OLE type-approved mobile transceiver units and communication service providers for the Pacific Coast groundfish fishery in the FEDERAL REGISTER or notify the public through other appropriate media. As necessary, NMFS OLE may publish amendments to the list of type-approved mobile transceiver units and communication service providers in the FEDERAL REGISTER or through other appropriate media. A list of VMS transceivers that have been type-approved by NMFS OLE may be mailed to the permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record and is not received because the applicant's actual address has changed without notification to NMFS, as required at § 660.25(b)(4)(i)(B).

(d) *What are the Vessel Owner's Responsibilities?* If you are a vessel owner that must participate in the VMS program, you or the vessel operator must:

(1) Obtain a NMFS OLE type-approved mobile transceiver unit and have it installed on board your vessel in accordance with the instructions provided by NMFS OLE. You may obtain a copy of the VMS installation and operation instructions from the NMFS OLE West Coast Region, VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115-6349, phone: 888-585-5518 or [wcd.vms@noaa.gov](mailto:wcd.vms@noaa.gov).

(2) Activate the mobile transceiver unit, submit an activation report at least 72 hours prior to leaving port on a trip in which VMS is required, and receive confirmation from NMFS OLE that the VMS transmissions are being received before participating in a fishery requiring the VMS. Instructions for