

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. ; I.D.]

RIN 0648-****

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 15B

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 15B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This proposed rule would, for South Atlantic snapper-grouper, require a private recreational vessel that fishes in the exclusive economic zone (EEZ), if selected by NMFS, to maintain and submit fishing records; require a vessel that fishes in the EEZ, if selected by NMFS, to carry an observer and install an electronic logbook (ELB) and/or video monitor provided by NMFS; prohibit the sale of snapper-grouper harvested in the EEZ under the bag limits; require an owner and operator of a vessel for which a commercial or charter vessel/headboat permit has been issued and that has on board any hook-and-line gear to comply with sea turtle and smalltooth sawfish release protocols, possess on board specific gear to ensure proper release of such species, and comply

with guidelines for proper care and release of such species that are incidentally caught; expand the allowable transfer of a commercial vessel permit under the limited access program and extend the allowable period for renewal of such a permit. Amendment 15B also proposes to revise the stock status determination criteria for golden tilefish and specify commercial/recreational allocations for snowy grouper and red porgy. Finally, NMFS proposes to remove language specifying commercial quotas for snowy grouper that are no longer in effect. The intended effects of this rule are to provide additional information for, and otherwise improve the effective management of, the South Atlantic snapper-grouper fishery; minimize the impacts on incidentally caught threatened and endangered sea turtles and smalltooth sawfish; and remove outdated language.

DATES: Written comments on this proposed rule must be received no later than 5:00 p.m., eastern time, on [insert date 45 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by RIN 0648-????, by any one of the following methods:

- . Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- . Fax: 727-824-5308, Attn: [POC]
- . Mail: ??, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly

accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 15B may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; phone: 843-571-4366 or 866-SAFMC-10 (toll free); fax: 843-769-4520; e-mail: safmc@safmc.net. Amendment 15B includes a Final Environmental Impact Statement (FEIS), an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted in writing to Jason Reuter, Southeast Regional Office, NMFS, and to David Rostker, OMB, by e-mail at David_Rosker@omb.eop.gov, or by fax to 202-395-7285.

FOR FURTHER INFORMATION CONTACT: [NMFS to complete]

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. NMFS issues this proposed rule to implement Amendment 15B to the FMP and to make a minor correction to the regulations.

Amendment 15B

Monitor and Assess Bycatch

Current data collection methods do not adequately capture the true magnitude of bycatch in the fishery for South Atlantic snapper-grouper. An improved ability to monitor and assess bycatch in the fishery would provide better estimates of interactions with protected species and improve the quality of stock assessments so that management measures may be implemented in a timely manner to prevent stock collapse and/or speed recovery of overfished stocks.

Accordingly, this proposed rule would expand the existing requirement for fishing reports to include such private recreational vessels as are selected by the Science and Research Director, Southeast Fisheries Science Center, NMFS (SRD).

Similarly, this proposed rule would require an owner and operator of a vessel with a commercial vessel or charter vessel/headboat permit for South Atlantic snapper-grouper and an owner and operator of a private recreational vessel in that fishery, if selected by the SRD, to carry a NMFS-approved observer on trips selected by the SRD and/or participate in a NMFS-sponsored ELB or video monitoring reporting program as directed by the SRD.

To initiate an ELB or video monitoring program, NMFS would send a letter to an owner or operator of a selected vessel advising of his or her obligation to participate in the program. In cooperation with the owner or operator, NMFS staff or an authorized representative would meet at the selected vessel to install the NMFS-furnished ELB and/or video monitor on the vessel and to collect basic vessel and gear information that would later be correlated with the ELB or video monitoring information. Using the Global Positioning System, an ELB would automatically record vessel position information over time from which conclusions could be drawn regarding vessel activity, e.g., the vessel is fishing or transiting. At intervals determined by NMFS, the ELB memory unit or video monitor tape would be removed and provided to the SRD. The

owner or operator could either mail the memory unit or tape to the SRD or arrange for a NMFS or state port agent to collect the unit or tape. The ELB program would supplement existing post-trip interview data and is intended to provide better estimates of the amount and location of effort occurring during a trip.

With an ELB, bycatch in the fishery would be estimated from a second sampling program based on observer data. NMFS would use total effort estimates based on best available scientific information to extrapolate observer-collected data into overall estimates of total finfish and invertebrate bycatch. A pilot program using ELBs started in 1999, with increasing coverage each year. The units have proved to be reliable and the data retrieved have provided substantial new information regarding the effort of the fishery in which it was used.

Video monitoring hardware and software could provide a cost-effective and reliable system of monitoring bycatch, release mortality, handling of fishes, and other shipboard practices. These systems have been shown to be useful in monitoring bycatch in other parts of the country. Pertinent data collected by a video electronic monitoring system would include species caught, number of hooks, location, depth, date, time, and disposition of released organisms. These data would provide information needed to help rebuild and maintain sustainable fisheries and determine what impact the fishery has on the survival of species. Data collected could be used to assess the fish species composition associated with the habitat affected by fishing gear, allowing for a better understanding of the ecosystem. Information would also be collected on protected resources encountered by fishing gear. The use of technology to record species, capture position, and disposition of released fishes has the potential to augment the collection of bycatch information and lessen the need for observers. Video technology could be

used on vessels that cannot take a human observer for safety reasons or vessel limitations. Previous experience indicates video monitoring is very effective for monitoring catches from longline gear due to the size and types of species collected. It is also substantially less expensive than observer coverage for comparable data collection.

These additional information sources combined with existing requirements would comprise part of the program to monitor and assess bycatch in the South Atlantic snapper-grouper fishery. NMFS would also rely on state cooperation, specifically funded projects, and the Atlantic Coastal Cooperative Statistics Program's Release, Discard and Protected Species Module, as that module is implemented.

Modification of the Sales Provisions

Current regulations allow the sale of snapper-grouper taken from the South Atlantic EEZ, up to the allowed bag limit, to be sold to a licensed dealer if the seller possesses a state-issued license to sell fish, whether or not the seller has a commercial vessel permit. Fish harvested and marketed in this manner, whether harvested by for-hire vessels or private anglers, are counted against the commercial quotas, resulting in accelerated quota closures and reducing the amount and value of harvests allocated to the commercial sector. Accelerated closures impose additional economic losses through market disruption and forced alteration of fishing practices, including transference of effort to other resources that may be less valuable and/or more expensive to catch. The effects of this situation are exacerbated by the current reduced commercial quotas. In addition, such fish are also counted against the recreational allocations, thus complicating fishery assessments. Accordingly, this rule would prohibit the sale of South Atlantic snapper-grouper harvested in the EEZ and possessed under the bag limits. This prohibition would apply not only

to a person fishing from a private recreational vessel but also to a person fishing from a vessel operating as a charter vessel or headboat even if such charter vessel/headboat has a commercial vessel permit.

Sea Turtle and Smalltooth Sawfish Bycatch

NMFS concluded in a biological opinion that reasonable and prudent measures are necessary and appropriate to minimize stress and increase survival rates of any sea turtles and smalltooth sawfish taken in the South Atlantic snapper-grouper fishery. Therefore, measures are needed to comply with the biological opinion and to enhance the protection of endangered sea turtles and smalltooth sawfish.

This proposed rule would require a vessel for which a commercial or charter vessel/headboat permit has been issued for South Atlantic snapper-grouper to possess a document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury;" post the sea turtle handling and release guidelines provided by NMFS on the vessel; have sea turtle release gear on board; and follow specified release handling measures for a sea turtle or smalltooth sawfish that is caught incidentally.

Limited Access Permits for South Atlantic Snapper-Grouper

Currently, a transferable commercial vessel permit issued under the limited access program may be transferred only to an immediate family member of the holder. This restriction has precluded owners of individually owned vessels from changing to corporate ownership and the realization of the associated benefits. Accordingly, the Council proposes and this rule would allow transfer to a corporation, provided the shareholders of the corporation are limited to the original permit holder and/or his/her immediate family members. Subsequent additional

shareholders would be limited to immediate family members.

Currently, a limited access permit must be renewed not later than 60 days after its expiration. The Council finds that this limitation is overly burdensome and has limited management benefits. Accordingly this rule would extend the permit renewal period to one year.

Commercial/Recreational Allocations for Snowy Grouper and Red Porgy

The FMP does not specify commercial/recreational allocations for snowy grouper or red porgy. While commercial quotas are established for these species, lack of recreational allocations precludes specifications of allowable recreational catch and appropriate measures to prevent overfishing by that sector. Accordingly, the Council proposes to establish such commercial/recreational allocations.

For snowy grouper, the Council proposes allocations of 95 percent for commercial catch and 5 percent for recreational catch, which are based on landings data for 1986-2005. Beginning in 2009, the commercial quota would be 82,000 lb (37,195 kg), gutted weight, and the recreational allocation would be 4,400 lb (1,96 kg), gutted weight.

For red porgy, the Council proposes allocations of 50 percent for commercial catch and 50 percent for recreational catch. Beginning in 2009, the commercial quota would be 190,050 lb (86,205 kg), gutted weight, and the recreational allocation would be 190,050 lb (86,205 kg), gutted weight.

Accordingly, this rule would establish the commercial quotas indicated above. Approved recreational allocations would be considered legitimate measures of the FMP, but would not appear in codified text.

Stock Status Determination Criteria for Golden Tilefish

Section 303 of the Magnuson-Stevens Act requires that the regional fishery management councils: (1) assess the condition of managed stocks, (2) specify within their fishery management plans objective and measurable criteria for identifying when the stocks are overfished and when overfishing is occurring (referred to by NMFS as stock status determination criteria), and (3) amend their fishery management plans to include measures to rebuild overfished stocks and maintain them at healthy levels capable of producing maximum sustainable yield (MSY). NMFS' national standard guidelines direct the councils to meet these statutory requirements by incorporating into each FMP estimates of certain biomass-based stock status determination criteria for each stock, including a designation of the stock biomass that will produce MSY. By evaluating the current stock biomass and fishing mortality rate in relation to these criteria, fishery managers can determine whether a fishery is overfished or undergoing overfishing, and whether current management measures are sufficient to prevent overfishing and achieve the optimum yield (OY).

The required criteria include MSY, OY, minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT). MSST is the biomass level below which a stock is considered overfished. MFMT is the maximum level of fishing mortality that a stock can withstand while still producing MSY on a continuing basis and above which overfishing is considered to be occurring.

In the past for snapper-grouper species, the Council has specified either numeric values, proxies, or nothing at all for the criteria described above. A recent stock assessment of golden tilefish has provided numerical values for MSY, OY, and MSST for that species. (Currently, MFMT is defined as the level of fishing mortality that will produce MSY and would remain

unchanged.) The Council proposes the following changes based on the golden tilefish assessment:

	Current Value	Proposed Value
MSY	Not specified	336,425 lb. (152.6 mt), whole weight
OY	Not specified	326,554 lb (148.12 mt), whole weight
MSST	1,783,650 lb (809.05 mt), whole weight	1,454,063 lb (659.55 mt), whole weight

Approved stock status criteria, as with the proposed recreational allocations for snowy grouper and red porgy, would be considered legitimate measures of the FMP, but would not appear in codified text.

Availability of Amendment 15B

Additional background and rationale for the measures discussed above are contained in Amendment 15B. The availability of Amendment 15B was announced in the Federal Register on [insert date], (72 FR *****). Written comments on Amendment 15B must be received by [insert date]. All comments received on Amendment 15B or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Additional Measures Proposed by NMFS

As general housekeeping changes, NMFS proposes to--(1) remove the 2006 and 2007 commercial quotas and commercial trip limits for snowy grouper at § 622.42(e)(1) and § 622.44(c)(3), respectively; and (2) rearrange and consolidate the restrictions on sale/purchase of South Atlantic snapper-grouper at § 622.45(d).

Classification

At this time, NMFS has not determined that Amendment 15B is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment periods on Amendment 15B and this proposed rule.

This proposed rule has been determined to be [not]? significant for purposes of Executive Order 12866.

The Council prepared an FEIS for Amendment 15B; a notice of availability was published on [insert date], (72 FR *****).

[Insert IRFA language]

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This proposed rule contains collection-of-information requirements subject to the PRA applicable to vessels in the South Atlantic snapper-grouper fishery--namely, requirements for: (1) submission of logbooks by private recreational vessels; (2) notification of vessel trips related to vessel observers; (3) preparation of vessel and gear characterization forms for vessels selected to participate in the ELB and video monitoring program; (4) installation of ELBs and data downloads; (5) installation of video monitors and data downloads; and (6) change of ownership of a vessel with a transferable commercial vessel permit.

These requirements have been submitted to OMB for approval. The public reporting burdens for these collections of information are estimated to average--(1) 10 minutes for each logbook submission, (2) 4 minutes for each notification of a vessel trip, (3) 20 minutes for each vessel and gear characterization form, (4) 31 minutes for each ELB installation and data download, (5) ?? minutes for each video monitor installation and data download, and (6) ?? minutes for each change of ownership. These estimates of the public reporting burdens include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Public comment is sought regarding: whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding the burden estimates or any other aspect of the collection-of-information requirements, including suggestions for reducing the burden, to NMFS and to OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated:

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, 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 § 622.2, the definition of Smalltooth sawfish is added in alphabetical order to read as follows:

§ 622.2 Definitions.

* * * * *

Smalltooth sawfish means the species Pristis pectinata, or a part thereof.

* * * * *

3. In § 622.5, paragraphs (a)(1)(iv), (b)(1), and (b)(2) are revised and paragraph (g) is added to read as follows:

§ 622.5 Recordkeeping and reporting. * * *

(a) * * *

(1) * * *

(iv) South Atlantic snapper-grouper. (A) General reporting requirements. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, who is selected to

report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(B) Electronic logbook/video monitoring reporting. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(1)(iv)(B) is required for permit renewal.

(C) Wreckfish reporting. The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must--

(1) Maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(2) Make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

* * * * *

(b) * * *

(1) Coastal migratory pelagic fish, reef fish, snapper-grouper, and Atlantic dolphin and wahoo. (i) General reporting requirement. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper-grouper, or Atlantic dolphin and wahoo has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal

migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or 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) of this section.

(ii) Electronic logbook/video monitoring reporting. The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (b)(1)(ii) is required for permit renewal.

(2) Reporting deadlines--(i) Charter vessels. Completed fishing records required by paragraph (b)(1)(i) of this section for charter vessels must be submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) Headboats. Completed fishing records required by paragraph (b)(1)(i) of this section for headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

* * * * *

(g) Private recreational vessels in the South Atlantic snapper-grouper fishery. The owner or operator of a vessel that fishes for or lands South Atlantic snapper-grouper in or from the

South Atlantic EEZ who is selected to report by the SRD must--

(1) Maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed fishing records must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(2) Participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

4. In § 622.7, paragraph (d) is revised to read as follows:

§ 622.7 Prohibitions.

* * * * *

(d) Falsify or fail to maintain, submit, or provide information or fail to comply with inspection requirements or restrictions, as specified in § 622.5.

* * * * *

5. In § 622.8, paragraph (a)(6) is added to read as follows:

§ 622.8 At-sea observer coverage.

(a) * * *

(6) South Atlantic snapper-grouper. (i) A vessel for which a Federal commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a)(6)(i).

(ii) Any other vessel that fishes for South Atlantic snapper-grouper in the South Atlantic EEZ must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

* * * * *

6. In § 622,10, paragraph (c) is added to read as follows:

§ 622.10 Conservation measures for protected resources.

* * * * *

(c) South Atlantic snapper-grouper commercial vessels and charter vessels/headboats.

(1) Sea turtle conservation measures. (i) The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under §§ 622.4(a)(2)(vi) and 622.4(a)(1)(i), respectively, and whose vessel has on board any hook-and-line gear must post inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury," and must post inside the wheelhouse, or in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS.

(ii) Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, specified in § 635.21(c)(5)(i) and (ii) of this chapter, respectively.

(iii) The required gear must meet the specifications described in § 635.21(c)(5)(i)(A) through (L) of this chapter with the following modifications: only one NMFS approved long-handled dehooker (§ 635.21(c)(5)(i)(B) or (C)) and one NMFS-approved short-handled dehooker

(§ 635.21(c)(5)(i)(G) or (H)) are required; and life rings, seat cushions, life jackets, life vests, or any other comparable, cushioned, elevated surface that allows boated sea turtles to be immobilized, may be used as alternatives to tires for cushioned surfaces as specified in § 635.21(c)(5)(i)(F).

(2) Smalltooth sawfish conservation measures. The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under §§ 622.4(a)(2)(vi) and 622.4(a)(1)(i), respectively, that incidentally catches a smalltooth sawfish must--

- (i) Keep the sawfish in the water at all times;
- (ii) If it can be done safely, untangle the line if it is wrapped around the saw;
- (iii) Cut the line as close to the hook as possible; and
- (iv) Not handle the animal or attempt to remove any hooks on the saw, except with a long-handled dehooker.

7. In § 622.15, in paragraphs (c)(4)(iii) and (c)(5) the references to "§ 622.5(a)(1)(iv)(B)" are revised to read "§ 622.5(a)(1)(iv)(C)".

8. In § 622.18, paragraphs (b)(1)(ii) and (c) are revised to read as follows:
§ 622.18 South Atlantic snapper-grouper limited access.

* * * * *

(b) * * *

(1) * * *

(ii) A transferable permit may be transferred upon a change of ownership of a permitted

vessel with such permit--

(A) From one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father; or

(B) From an individual to a corporation whose shares are all held by the individual or by the individual and one or more of the following: husband, wife, son, daughter, brother, sister, mother, or father. The application for transfer of a permit under this paragraph (b)(1)(ii)(B) and each application for renewal of such permit must be accompanied by a current annual report of the corporation that specifies all shareholders of the corporation. A permit will not be renewed if the annual report shows a new shareholder other than a husband, wife, son, daughter, brother, sister, mother, or father.

* * * * *

(c) Renewal. NMFS will not reissue a commercial vessel permit for South Atlantic snapper-grouper if the permit is revoked or if the RA does not receive an application for renewal within one year of the permit's expiration date.

9. In § 622.42, paragraphs (e)(1) and (e)(6) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(e) * * *

(1) Snowy grouper. (i) For the fishing year that commences January 1, 2008--84,000 lb (38,102 kg).

(ii) For the fishing year that commences January 1, 2009, and for subsequent fishing years--82,000 lb (37,195 kg).

* * * * *

(6) Red porgy. (i) For the fishing year that commences January 1, 2008--127,000 lb (57,606 kg).

(ii) For the fishing year that commences January 1, 2009, and for subsequent fishing years--190,050 lb (86,205 kg).

* * * * *

10. In § 622.44, paragraph (c)(3) is revised to read as follows:

§ 622.44 Commercial trip limits.

(c) * * *

(3) Snowy grouper. (i) Until the quota specified in § 622.42(e)(1) is reached--100 lb (45 kg).

(ii) See § 622.43(a)(5) for the limitations regarding snowy grouper after the fishing year quota is reached.

* * * * *

11. In § 622.45, paragraph (d) is revised to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(d) South Atlantic snapper-grouper. (1) A South Atlantic snapper-grouper harvested in the EEZ on board a vessel that does not have a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi), or a South Atlantic snapper-grouper harvested in the EEZ and possessed under the bag limits specified in § 622.39(d), may not be sold or purchased.

(2) A person may sell South Atlantic snapper-grouper harvested in the EEZ only to a dealer who has a valid permit for South Atlantic snapper-grouper, as required under § 622.4(a)(4).

(3) A person may purchase South Atlantic snapper-grouper harvested in the EEZ only from a vessel that has a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi).

(4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(5) No person may sell or purchase a snowy grouper, golden tilefish, greater amberjack, vermilion snapper, black sea bass, or red porgy harvested from or possessed in the South Atlantic by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued for the remainder of the fishing year after the applicable commercial quota for that species specified in § 622.42(e) has been reached. The prohibition on sale/purchase during these periods does not apply to such of the applicable species that were harvested, landed ashore, and sold prior to the applicable commercial quota being reached and were held in cold storage by a dealer or processor.

(6) During January, February, March, and April, no person may sell or purchase a red porgy harvested from the South Atlantic. The prohibition on sale/purchase during January through April does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South

Atlantic. The requirements for such documentation are specified in paragraph (d)(9) of this section.

(7) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The requirements for such documentation are specified in paragraph (d)(9) of this section.

(8) During March and April, no person may sell or purchase a gag or black grouper harvested from the South Atlantic. The prohibition on sale/purchase during March and April does not apply to gag or black grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag or black grouper harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The requirements for such documentation are specified in paragraph (d)(9) of this section.

(9) The documentation supporting a dealer's purchase or sale of applicable species during the times specified in paragraphs (d)(6) through (d)(8) of this section must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the applicable

species;

(iii) The port and date of offloading from the vessel harvesting the applicable species;

and

(iv) A statement signed by the dealer attesting that the applicable species was harvested from an area other than the South Atlantic.

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