

List of Subjects in 50 CFR Part 622

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

Dated:

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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 § 622.4, paragraph (a)(2)(vi) is revised, paragraph (a)(2)(xvi) is added, and the first sentence in paragraph (g)(1) is revised to read as follows:

§ 622.4 Permits and fees.

(a) \* \* \*

(2) \* \* \*

(vi) South Atlantic snapper-grouper. For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to sell South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for golden tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), either a commercial vessel permit for South Atlantic snapper-grouper unlimited or a trip-limited permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with a trip-limited commercial permit is limited on any trip to 225 lb (102.1 kg) of snapper-grouper. See § 622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

\* \* \* \* \*

(xvi) South Atlantic golden tilefish longline endorsement. For a person aboard a vessel, for which a commercial vessel permit for South Atlantic snapper-grouper unlimited has been issued, to fish for golden tilefish in the South Atlantic EEZ

using longline gear, a South Atlantic golden tilefish longline endorsement must have been issued to the vessel and it must be valid and on board the vessel, and the commercial vessel permit for South Atlantic snapper-grouper unlimited must be valid and on board the vessel. A permit or endorsement that has expired is not valid. This endorsement must be renewed annually and may only be renewed if the associated vessel has a valid commercial vessel permit for South Atlantic snapper-grouper unlimited or if the endorsement and associated permit are being concurrently renewed. The RA will not reissue this endorsement if the endorsement or the commercial vessel permit for South Atlantic snapper-grouper unlimited is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(A) Initial eligibility. To be eligible for an initial South Atlantic golden tilefish longline endorsement, a person must have been issued and must possess a valid or renewable commercial vessel permit for South Atlantic snapper-grouper unlimited that has golden tilefish landings using longline gear averaging at least 10,000 lb (4,536 kg), gutted weight, over the best 3 of 5 years from 2006 - 2010. Excluded from this eligibility, are trip-limited permits (South Atlantic snapper-grouper permits that have a 225-lb (102.1-kg) limit of snapper-

grouper). NMFS will attribute all applicable golden tilefish landings associated with a current South Atlantic snapper-grouper unlimited permit for the applicable landings history, including those reported by a person(s) who held the permit prior to the current permit owner, to the current permit owner. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(B) Initial issuance. On or about [insert date of publication of final rule in the FEDERAL REGISTER], the RA will mail each eligible permittee a golden tilefish longline endorsement via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files. An eligible permittee who does not receive an endorsement from the RA, must contact the RA no later than [insert date 30 days after date of publication of final rule in the FEDERAL REGISTER], to clarify his/her endorsement status. A permittee who is denied an endorsement based on the RA's initial determination of eligibility and who disagrees with that determination may appeal to the RA.

(C) Procedure for appealing golden tilefish longline endorsement eligibility and/or landings information. The only items subject to appeal are initial eligibility for a golden tilefish longline endorsement based on ownership of a qualifying

snapper-grouper permit, the accuracy of the amount of landings, and correct assignment of landings to the permittee. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than [insert date 120 days after publication of final rule in the FEDERAL REGISTER], and must contain documentation supporting the basis for the appeal. The RA will review and evaluate all appeals, render final decisions on the appeals, and advise the appellant of the final NMFS decision.

(1) Eligibility appeals. NMFS' records of snapper-grouper permits are the sole basis for determining ownership of such permits. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, for example, as a result of ownership changes from individual to corporate or vice versa, must document his/her continuity of ownership.

(2) Landings appeals. Determinations of appeals regarding landings data for 2006 through 2010 will be based on NMFS' logbook records, submitted on or before December 31, 2011. If NMFS' logbooks are not available, the RA may use state landings records or data for the period 2006 through 2010 that were submitted in compliance with applicable Federal and state regulations on or before December 31, 2011.

(D) Transferability. A valid or renewable golden tilefish endorsement may be transferred between any two entities that hold, or simultaneously obtain a South Atlantic snapper-grouper unlimited permit. Endorsements must be transferred independently from the South Atlantic snapper-grouper unlimited permit. NMFS will attribute all applicable golden tilefish landings associated with a golden tilefish longline endorsement to the South Atlantic snapper-grouper unlimited permit associated with the endorsement at the time the golden tilefish were landed. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(E) Fees. No fee applies to initial issuance of a golden tilefish longline endorsement. NMFS charges a fee for each renewal or replacement of such endorsement and calculates the amount of each fee in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The handbook is available from the RA. The appropriate fee must accompany each application for renewal or replacement.

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \* A vessel permit, license, or endorsement or a dealer permit or endorsement issued under this section is not

transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (o) of this section for a king mackerel gillnet permit, in paragraph (q) of this section for a commercial vessel permit for king mackerel, in paragraph (r) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in paragraph (s) of this section for a commercial vessel moratorium permit for Gulf shrimp, in § 622.17(c) for a commercial vessel permit for golden crab, in § 622.18(b) for a commercial vessel permit for South Atlantic snapper-grouper, in § 622.19(b) for a commercial vessel permit for South Atlantic rock shrimp, in § 622.4(a)(2)(xiv)(D) for an eastern Gulf reef fish bottom longline endorsement, in § 622.4(a)(2)(xv)(D) for a South Atlantic black sea bass pot endorsement, in § 622.4(a)(2)(xvi)(D) for a South Atlantic golden tilefish longline endorsement. \* \* \*

\* \* \* \* \*

3. In § 622.42, paragraph (e)(2) is revised to read as follows:

§ 622.42 Quotas.

\* \* \* \* \*

(e) \* \* \*

(2) Golden tilefish. (i) Longline and hook-and-line components combined--541,295 lb (245,527 kg).

(ii) Hook-and-line component--135,324 lb (61,382 kg).

(iii) Longline component--405,971 lb (184,145 kg).

\* \* \* \* \*

4. In § 622.44, paragraph (c)(2) is revised to read as follows:

§ 622.44 Commercial trip limits.

\* \* \* \* \*

(c) \* \* \*

(2) Golden tilefish--(i) South Atlantic snapper-grouper unlimited permit holders, with a longline endorsement, using longline gear. Until the quota specified in § 622.42(e)(2)(iii) is reached, 4,000 lb (1,814 kg), gutted weight; 4,480 lb (2,032 kg), round weight.

(ii) South Atlantic snapper-grouper unlimited permit holders, without a longline endorsement, using hook-and-line gear. Until the quota specified in § 622.42(e)(2)(ii) is reached, the trip limit for golden tilefish is 500 lb (227 kg), gutted weight; 560 lb (254 kg), round weight. Vessels with snapper-grouper longline endorsements are not eligible to harvest golden tilefish under this hook-and-line trip limit (§ 622.44(c)(2)(iii)).

(iv) See § 622.43(a)(5) for the limitations regarding golden tilefish after the applicable commercial quota is reached.

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5. In § 622.49, paragraph (b)(1)(i) is revised to read as follows:

§ 622.49 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) Commercial sector. If commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.42(e)(2)(i), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year.

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**Comment [ame1]:** The Council needs to discuss whether the hook-and-line and longline components will have component-specific accountability measures.