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 § 622.5, paragraphs (a)(2), (b)(1), and (b)(2)(ii) are revised to read as follows:

§ 622.5 Recordkeeping and Reporting.

\* \* \* \* \*

(a) \* \* \*

(2) Reporting deadlines. (i) Completed fishing records required by paragraphs (a)(1)(ii) and (vii) of this section must be submitted to the SRD postmarked no 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 no later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(ii) Completed fishing records required by paragraphs (a)(1)(i), (a)(1)(iv), (a)(1)(v), and (a)(1)(vi) of this section must be submitted electronically (via computer or internet), or manually (by submitting a paper form) if submitting the completed fishing record electronically is not feasible, as described in paragraphs (a)(2)(ii)(A) and (a)(2)(ii)(B).

(A) Electronic reports must be submitted via the electronic logbook system by 11:59 p.m., local time, on the 21st day following the end of each fishing trip. If no fish were harvested during a fishing trip, an electronic report so stating must be submitted.

(B) Paper reports must be submitted to the SRD postmarked no later than 21 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 no later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(C) Electronic reports or paper reports required by paragraphs (a)(1)(i), (a)(1)(iv), (a)(1)(v), and (a)(1)(vi) of this section must be retained for at least 1 year after the submittal date and vessels must provide such records for inspection upon the request of an authorized officer or the SRD.

(D) Electronic reports or paper reports required by paragraphs (a)(1)(i), (a)(1)(iv), (a)(1)(v), and (a)(1)(vi) of this section must be submitted and received by NMFS according to the reporting requirements under this section. Delinquent reports automatically result in those vessels issued a commercial permit for king mackerel, Spanish mackerel, South Atlantic snapper-grouper, South Atlantic golden crab, and Atlantic dolphin and wahoo becoming ineligible to sell such fish, regardless of any notification to commercial permit holders by NMFS. Commercial permit holders who become ineligible to sell such fish due to delinquent reports are authorized to sell such fish only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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(b) \* \* \*

(1) Requirements by Species. (i) Gulf reef fish. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such reef fish in or from states waters adjoining the Gulf 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) South Atlantic snapper-grouper. (A) Headboat reporting requirement. The owner or operator of a headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such snapper-grouper in or from state waters adjoining the South Atlantic EEZ, must submit a detailed electronic logbook report of all fish harvested within the time period specified in paragraph (b)(2)(ii)(A), via the electronic logbook system.

(B) Charter vessel reporting requirement. The owner or operator of a charter vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such snapper-grouper in or from states waters adjoining the 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) of this section.

(C) Electronic logbook for charter vessels/video monitoring reporting for charter vessels/headboats. 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), or whose vessel fishes for or lands such snapper-grouper or from state waters adjoining the South Atlantic EEZ, 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)(B) is required for permit renewal.

(iii) Coastal migratory pelagic fish. (A) Headboat reporting requirement. The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf or South Atlantic coastal migratory pelagic fish has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish in or from state waters adjoining the Atlantic EEZ, must submit a detailed electronic logbook report of all fish harvested within the time period specified in paragraph (b)(2)(ii)(A), via the electronic logbook system.

(B) Charter vessel reporting requirement. The owner or operator of a charter vessel for which a charter vessel/headboat permit for coastal migratory pelagic fish has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish in or from states waters adjoining the 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.

(iv) Atlantic dolphin and wahoo. (A) Headboat reporting requirement. The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such dolphin and wahoo in or from state waters adjoining the Atlantic EEZ, must submit a detailed electronic logbook report of all fish harvested within the time period specified in paragraph (b)(2)(ii)(A), via the electronic logbook system.

(B) Charter vessel reporting requirement. The owner or operator of a charter vessel for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such dolphin and wahoo in or from states waters adjoining the 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.

(2) \* \* \*

(ii) \* \* \*

(A) Completed fishing records for Gulf reef fish 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 no later than 7 days after the end of each month.

(B) Completed fishing records for Gulf and South Atlantic coastal migratory pelagic fish, South Atlantic snapper-grouper, and Atlantic dolphin and wahoo, required by paragraph (b)(1)(i) of this section for headboats must be submitted in the form of electronic reports at weekly intervals (or intervals shorter than a week if notified by the SRD) via the electronic logbook system by 11:59 p.m., local time, the Sunday following a reporting week. If no fish were received during a reporting week, an electronic report so stating must be submitted for that reporting week.

(1) Electronic reports required by paragraph (b)(2)(ii)(B), or paper forms, must be retained for at least 1 year after the submittal date and such records must be provided for inspection upon the request of an authorized officer or the SRD.

(2) During catastrophic conditions only, the ACL monitoring program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants’ use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(3) Electronic reports required by paragraphs (b)(2)(ii)(B) of this section must be submitted and received by NMFS according to the reporting requirements under this section. Delinquent reports automatically result in those headboats issued a charter vessel/headboat permit for coastal migratory pelagic fish becoming ineligible to sell such fish, regardless of any notification to the permit holders by NMFS. Permit holders who become ineligible to sell such fish due to delinquent reports are authorized to sell such fish only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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3. In § 622.9, paragraph (a)(3) is added:

§ 622.9 Vessel monitoring systems (VMSs).

(a) \* \* \*

(3) South Atlantic snapper-grouper. The VMS requirements of this paragraph (a)(3) apply throughout the South Atlantic and adjacent states.

(i) General VMS requirement. An owner or operator of a vessel that has been issued a commercial vessel permit for South Atlantic Snapper-Grouper Unlimited or a trip-limited permit (South Atlantic snapper-grouper permits that have a 225-lb (102.1-kg) limit of snapper-grouper) must ensure that such vessel has an operating VMS approved by NMFS for use in the South Atlantic snapper-grouper fishery on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemptions. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS OLE maintains a current list of approved VMS units and communication providers which is available from the VMS Support Center, NMFS OLE, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910 or by calling toll free 888-219-9228. If a VMS unit approved for the South Atlantic snapper-grouper fishery is removed from the approved list by NMFS OLE, a vessel owner who purchased and installed such a VMS unit prior to its removal from the approved list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by NMFS OLE. At the end of a VMS unit’s service life, it must be replaced with a currently approved unit for the fishery.

(ii) Hourly reporting requirement. An owner or operator of a vessel subject to the requirements of paragraph (a)(3) of this section must ensure that the required VMS unit transmits a signal indicating the vessel’s accurate position at least once an hour, 24 hours a day every day unless exempted under paragraphs (a)(3)(iii) or (iv) of this section.

(iii) In-port exemption. While in port, an owner or operator of a vessel with a type-approved VMS unit configured with the 4-hour reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly reporting requirement specified in paragraph (a)(3)(ii) of this section. Once the vessel is no longer in port, the hourly reporting requirement specified in paragraph (a)(3)(ii) of this section applies. For the purposes of this paragraph (a)(3) of this section, “in port” means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(iv) Power-down exemptions. An owner or operator of a vessel subject to the requirement to have a VMS operating at all times as specified in paragraph (a)(3)(i) of this section can be exempted from that requirement and may power down the required VMS unit if--

(A) The vessel will be continuously out of the water or in port, as defined in paragraph (a)(3)(iii) of this section, for more than 72 consecutive hours;

(B) The owner or operator of the vessel applies for and obtains a valid letter of exemption from NMFS OLE VMS personnel. This is a one-time requirement. The letter of exemption must be maintained on board the vessel and remains valid for all subsequent power-down requests conducted consistent with the provisions of paragraphs (a)(3)(iv)(C) and (D) of this section.

(C) Prior to each power-down, the owner or operator of the vessel files a report to NMFS OLE VMS program personnel, using the VMS unit’s e-mail, that includes the name of the person filing the report, vessel name, vessel U.S. Coast Guard documentation number or state registration number, commercial vessel snapper-grouper permit number, vessel port location during VMS power down, estimated duration of the power down exemption, and reason for power down; and

(D) The owner or operator enters the power-down code through the use of the VMS Declaration form on the terminal and, prior to powering down the VMS, receives a confirmation, through the VMS terminal, that the form was successfully delivered.

(v) Declaration of fishing trip and gear. Prior to departure for each trip, a vessel owner or operator must report to NMFS any fishery the vessel will participate in on that trip and the specific type(s) of fishing gear, using NMFS-defined gear codes, that will be on board the vessel. This information may be reported to NMFS using the toll-free number, 888-219-9228, or via an attached VMS terminal.

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