

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 OF MEXICO, 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 § 622.13, revise paragraph (g) to read as follows:

§ 622.13 Prohibitions--general.

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(g) Harvest or possess fish if the required charter vessel or headboat reports have not been submitted in accordance with this part.

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3. In § 622.176, revise paragraph (b) to read as follows:

§ 622.176 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators--(1) General reporting requirement--(i) Charter vessels.* 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 § 622.170(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters,

Comment [AB1]: Action 1: Frequency and Mechanism of Data Reporting for Charter Vessels, Pref. Alt. 2 - All operators of charter vessels would file electronic reports for each trip. Reports due weekly, or shorter intervals if notified. Electronic reports due by Tuesday following each week that ends on Sunday. SG: 622.176(b), DW: 622.271(b), CMP: 622.374(b)

Action 2: Frequency and Mechanism of Data Reporting for HBs, Pref. Alt. 2 - Reports due weekly, or shorter intervals if notified. Electronic reports due by Tuesday following each week that ends on Sunday, instead of following Sunday. SG: 622.176(b), DW: 622.271(b), CMP: 622.374(b)

Action 3: E-Reporting Requirements to Require Vessel or Catch Location Reporting, Pref. Alt. 2 - Operators of charter vessels report location electronically.
* No codified text.

Comment [AB2]: This instruction is duplicative with S Atl Council's For-hire E-Reporting Amendment. This instruction would remain only with the final rule that NMFS implements first.

must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

(ii) *Headboats*. 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 § 622.170(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

(iii) *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 § 622.170(b)(1), and whose vessel fishes for or lands such snapper-grouper in or from state or

Comment [AB3]: Action 2, Pref. Alt. 2.

Federal waters, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring program as directed by the SRD. Compliance with the reporting requirements of paragraph (b)(2)(ii) is required for permit renewal.

(2) *Reporting deadlines--(i) Charter vessels and headboats.* Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

Comment [AB4]: --Action 1, Pref. Alt. 2, Pref. Sub-alt. 2a.
--Action 2, Pref. Alt. 2.

(ii) Completed fishing reports required by paragraph (b)(1)(iii) of this section for charter vessels or headboats may be required weekly or daily, as directed by the SRD. Information to be reported is indicated on the form and its accompanying instructions.

(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 paragraphs (b)(1)(i) and (ii) of this section. The

Comment [AB5]: Requirement continued under Actions 1 & 2.

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 forms 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.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2)(i) of this section is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from

Comment [AB6]: Requirement continued under Actions 1 & 2.

harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software.

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4. In § 622.271, revise paragraph (b) to read as follows:

§ 622.271 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators--(1) General reporting requirement--(i) Charter vessels.* 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 § 622.270(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via

Comment [AB7]: Action 1, Pref. Alt. 2, Pref. Sub-alt. 2a.

NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

(ii) *Headboats*. 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 § 622.270(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

Comment [AB8]: Action 2, Pref. Alt. 2.

(2) *Reporting deadlines for charter vessels and headboats*.

Comment [AB9]: Action 1, Pref. Alt. 2, Pref. Sub-alt. 2a.

Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(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 paragraphs (b)(1)(i) and (ii) of this section. 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 forms 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.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2) of this section is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued being prohibited from harvesting or possessing

such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software.

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5. In § 622.374, revise paragraph (b) to read as follows:

§ 622.374 Recordkeeping and reporting.

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(b) *Charter vessel/headboat owners and operators--(1)*

*General reporting requirement--(i) * * **

(ii) *Atlantic--(A) Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters,

Comment [AB10]: This section also incorporates proposed changes under CMP Am 26.

Comment [AB11]: Gulf of Mexico.

and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. (See § 622.2 for the definition of trip.) The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

Comment [AB12]: Action 1, Pref. Alt. 2, Pref. Sub-alt. 2a.

Comment [AB13]: Action 2, Pref. Alt. 2.

(B) *Headboats*. The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. (See § 622.2 for the definition of trip.) The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5) of this section.

Comment [AB14]: Action 1, Pref. Alt. 2, Pref. Sub-alt. 2a.

Comment [AB15]: Action 2, Pref. Alt. 2.

(2) *Reporting deadlines*--(i) * * *

Comment [AB16]: Gulf of Mexico.

(ii) *Atlantic*. Completed electronic fishing reports required by paragraph (b)(1)(ii) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during

a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(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 paragraphs (b)(1)(i) and (ii) of this section. 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.

Comment [AB17]: Requirement continued under Actions 1 & 2.

(4) *Compliance requirement*. Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraphs (b)(2)(i) or (ii)

Comment [AB18]: Requirement continued under Actions 1 & 2.

is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software. In the Gulf, the NMFS-approved hardware and software must have a minimum capability of archiving GPS locations.

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