

# Modifications to Charter Vessel and Headboat Reporting Requirements



## Draft Generic Amendment to the Reef Fish Resources of the Gulf of Mexico, South Atlantic Snapper Grouper, South Atlantic Dolphin Wahoo, and Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

June 2015



*This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011.*

This page intentionally left blank.

# COVER SHEET

## Name of Action

## Responsible Agencies and Contact Persons

Gulf of Mexico Fishery Management Council  
2203 North Lois Avenue, Suite 1100  
Tampa, Florida 33607  
John Froeschke ([john.froeschke@gulfcouncil.org](mailto:john.froeschke@gulfcouncil.org))

813-348-1630  
813-348-1711 (fax)  
[gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org)  
<http://www.gulfcouncil.org>

South Atlantic Fisheries Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 2940  
Gregg Waugh ([gregg.waugh@safmc.net](mailto:gregg.waugh@safmc.net))

843-571-4366  
843-769-4520 (fax)  
<http://www.safmc.net>

National Marine Fisheries Service  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701  
Rich Malinowski ([rich.malinowski@noaa.gov](mailto:rich.malinowski@noaa.gov))

727-824-5305  
727-824-5308 (fax)  
<http://sero.nmfs.noaa.gov>

# TABLE OF CONTENTS

<b>ABBREVIATIONS USED IN THIS DOCUMENT.....</b>	<b>vi</b>
<b>CHAPTER 1. INTRODUCTION.....</b>	<b>7</b>
1.1 Background.....	7
1.2 Purpose and Need .....	9
1.3 What is a Charter Vessel? .....	9
1.4 What is a Headboat? .....	10
1.5 History of Management .....	11
<b>CHAPTER 2. MANAGEMENT ALTERNATIVES .....</b>	<b>15</b>
2.1 Action 1: Modify Frequency and Mechanism of Data Reporting for Charter Vessels Harvesting Gulf Reef Fish, South Atlantic Snapper Grouper, South Atlantic Dolphin Wahoo, or Coastal Migratory Pelagics.....	15
2.2 Action 2: Modify Frequency and Mechanism of Data Reporting for Headboats Harvesting Gulf Reef Fish, South Atlantic Snapper Grouper, South Atlantic Dolphin Wahoo, or Coastal Migratory Pelagics.....	18
2.3 Action 3: Modify Electronic Reporting Requirements Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to Require Vessel or Catch Location Reporting.....	21
2.4 Action 4: Amend the Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to Specify Certain Aspects of Reporting for For-Hire Vessels.....	22
<b>CHAPTER 3: LIST OF PREPARERS.....</b>	<b>25</b>
<b>Chapter 4. References.....</b>	<b>27</b>
<b>APPENDIX A .....</b>	<b>29</b>
<b>Subpart B—Reef Fish Resources of the Gulf of Mexico.....</b>	<b>30</b>
§ 622.20 Permits and endorsements.....	30
§ 622.26 Recordkeeping and reporting.....	32
<b>Subpart I--Snapper-Grouper Fishery of the South Atlantic Region .....</b>	<b>32</b>
§ 622.170 Permits and endorsements.....	32
§ 622.176 Recordkeeping and reporting.....	33
<b>Subpart M--Dolphin and Wahoo Fishery off the Atlantic States.....</b>	<b>33</b>
§ 622.270 Permits .....	33
§ 622.271 Recordkeeping and reporting.....	34
<b>Subpart Q—Coastal Migratory Pelagic Resources (Gulf of Mexico and South Atlantic) .</b>	<b>34</b>
§ 622.370 Permits .....	34

§ 622.374 Recordkeeping and reporting..... 35

## LIST OF TABLES

<b>Table 1.4.1. Total number of headboats in the Gulf of Mexico participating in the SRHS 2010-2015. Note: federal for-hire permits are under moratorium in the Gulf of Mexico...</b>	<b>10</b>
<b>Table 1.4.2. Total number of headboats in the South Atlantic participating in the SRHS 2010-2015. ....</b>	<b>10</b>
<b>Table 2.1.1 Required data reporting elements for charter vessels participating in MRIP For-Hire Survey .....</b>	<b>16</b>
<b>Table 2.2.1 Required data reporting elements for headboats participating in the SRHS. ..</b>	<b>19</b>

## LIST OF FIGURES

**Figure 1.1.1. Jurisdictional boundaries of the Gulf of Mexico (blue), South Atlantic (orange), Mid-Atlantic (MAFMC; green), and New England (NEFMC; peach) Fishery Management Councils. .... 9**

## ABBREVIATIONS USED IN THIS DOCUMENT

ACL	Annual Catch Limit
AM	Accountability Measure
AVHRR	Advanced Very High Resolution Radiometer
Council	Gulf of Mexico Fishery Management Council
CMP	Coastal Migratory Pelagics of the South Atlantic and Gulf of Mexico
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
ELog	Electronic Logbook
EJ	Environmental Justice
E.O.	Executive Order
FMP	Fishery Management Plan
Gulf	Gulf of Mexico
MMPA	Marine Mammal Protection Act
MRIP	Marine Recreational Information Program
NAO	NOAA's Administrative Order
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OY	Optimum Yield
RA	Regional Administrator
RFA	Regulatory Flexibility Act
RFAA	Regulatory Flexibility Act Analysis
RIR	Regulatory Impact Review
Secretary	Secretary of Commerce
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SRD	Science and Research Director
SRHS	Southeast Region Headboat Survey



# CHAPTER 1. INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the National Marine Fisheries Service (NMFS) and regional fishery management councils to end overfishing, rebuild overfished stocks, and achieve, on a continuing basis, the optimum yield (OY) from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production, recreational opportunities, and protecting marine ecosystems.

Accurate fisheries information about catch, effort, and discards is necessary to achieve OY from federally managed fish stocks. The for-hire component of the recreational sector harvests a substantial proportion of the annual catch limit (ACL) for several federally managed fish species in the management areas for the Gulf of Mexico and South Atlantic Fishery Management Councils. The for-hire component of the recreational component includes headboats and charter vessels. Headboats carry recreational anglers where passage is charged on a per angler, or per head, basis. Charter vessels also carry recreational anglers but fees are paid for chartering the vessel rather than paying individual angler fees. In general headboats are larger and carry 15 or more passengers whereas charter vessels generally carry six or fewer passengers.

## 1.1 Background

The Gulf of Mexico Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) are considering alternatives that would change the method, frequency, and required data elements of fishery data reporting by for-hire operators. The Councils are considering several changes that would require electronic reporting for the Reef Fish, Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagic (CMP) species for this component of the recreational sector. The Councils recognize that improved data reporting in these fisheries could reduce the likelihood that ACLs are exceeded and accountability measures (AMs) are triggered. Additional data elements that could be collected could also improve estimates of discard mortality and species discarded as bycatch. These metrics are not currently well estimated or characterized under the current reporting requirements. The harvest from charter vessels contributes to recreational landings that count towards the recreational ACLs and quotas. Charter vessel landings and discards are monitored with the Marine Recreational Information Program (MRIP) a voluntary dockside intercept survey. Effort is calculated based on a monthly phone sample (10%) of federally permitted charter vessels in each Councils jurisdiction. Headboats (catch and effort) are monitored through the Southeast Regional Headboat Survey (SRHS) administered by the Southeast Fisheries Science Center (SEFSC).

The current for-hire data collection and monitoring system is reported in 2 month waves for all Gulf and South Atlantic States, except Texas. Texas has an independent monitoring program that reports data in two activity periods (high and low). Texas landings are subsequently converted to waves for management use. This current combination of data collection and monitoring systems is inadequate for in-season monitoring for stocks with short recreational seasons, resulting in large ACL (quota) overruns. Also, the survey methods (i.e., catch and effort

estimates) can be imprecise for some species leading to greater scientific and management uncertainty that requires larger buffers to prevent ACL overages and may prevent the OY from consistently being achieved. The proposed changes could reduce uncertainty in catch (i.e., landings and discards) and effort data for this component of the recreational fishery increasing the likelihood that the OY will be achieved and ACL overages will be avoided.

### ***Gulf of Mexico Fishery Management Council***

- Responsible for conservation and management of fish stocks
- Consists of 17 voting members: 11 appointed by the Secretary of Commerce; 1 representative from each of the 5 Gulf states, the Southeast Regional Director of National Marine Fisheries Service (NMFS); and 4 non-voting members
- Responsible for developing fishery management plans and amendments, and recommends actions to NMFS for implementation

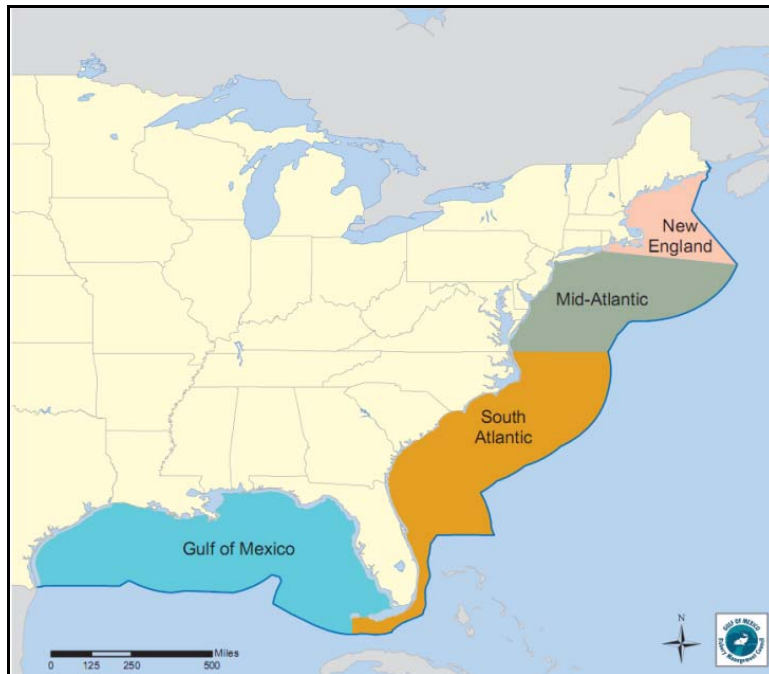
### ***South Atlantic Fishery Management Council***

- Responsible for conservation and management of fish stocks
- Consists of 13 voting members: 8 appointed by the Secretary of Commerce, 1 representative from each of the 4 South Atlantic states, the Southeast Regional Director of NMFS; and 4 non-voting members
- Responsible for developing fishery management plans and amendments, and recommends actions to NMFS for implementation

### ***National Marine Fisheries Service***

- Responsible for data needed by the Councils for management
- Responsible for conservation and management of fish stocks
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

This amendment affects headboat and charter vessel reporting requirements for species managed in the Fishery Management Plans (FMPs) for Reef Fish Resources of the Gulf of Mexico (reef fish), Snapper Grouper of the South Atlantic, South Atlantic Dolphin Wahoo and CMPs (Figure 1.1.1).



**Figure 1.1.1.** Jurisdictional boundaries of the Gulf of Mexico (blue), South Atlantic (orange), Mid-Atlantic (MAFMC; green), and New England (NEFMC; peach) Fishery Management Councils.

## 1.2 Purpose and Need

The *purpose* of the Generic Modifications to Charter Vessel and Headboat Reporting Requirements Amendment is to increase the accuracy and timeliness of landings, discards, and effort of for-hire vessels participating in the Gulf of Mexico and South Atlantic regions.

The *need* for this action is to improve charter vessel and headboat fishery data used for stock assessments and to improve monitoring and compliance of for-hire vessels in the Gulf of Mexico and South Atlantic regions.

## 1.3 What is a Charter Vessel?

A charter vessel is less than 100 gross tons (90.8 metric tons) that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers on a for-hire trip and possess at least one of the following valid permits: Gulf charter/headboat reef fish, South Atlantic Snapper-Grouper, South Atlantic Dolphin Wahoo, Coastal Migratory Pelagic, or Highly Migratory Species

([http://www.nmfs.noaa.gov/sfa/hms/compliance/guides/documents/8\\_rec\\_compliance\\_guide\\_charter.pdf](http://www.nmfs.noaa.gov/sfa/hms/compliance/guides/documents/8_rec_compliance_guide_charter.pdf)).

## 1.4 What is a Headboat?

Headboats are generally defined as vessels that hold a valid Certificate of Inspection issued by the U.S. Coast Guard to carry more than six passengers for hire and possess a valid for-hire permit. In the Gulf, this definition was modified by the Southeast Regional Headboat Survey (SRHS) to include only large capacity vessels that sell passage to recreational anglers primarily as headboats (i.e., charges by the “head”). Currently, a vessel is selected by the Science and Research Director (SRD) to participate in the SRHS if it meets all, or a combination, of these criteria:

- 1) Vessel licensed to carry  $\geq 15$  passengers (Gulf);  $\geq 6$  (South Atlantic).
- 2) Vessel fishes in the exclusive economic zone (EEZ) or state and adjoining waters for federally managed species.
- 3) Vessel charges primarily per angler (i.e., by the “head”).

The number of headboats surveyed in the SRHS by state between 2010 and 2015 is provided in **Table 1.4.1** (Gulf) and **Table 1.4.2** (South Atlantic).

**Table 1.4.1.** Total number of headboats in the Gulf of Mexico participating in the SRHS 2010-2015. Note: federal for-hire permits are under moratorium in the Gulf of Mexico.

Year	AL	FL	LA	MS	TX	Total
2010	7	38	4	3	16	68
2011	8	35	4	5	17	69
2012	9	34	4	5	16	68
2013	9	36	3	5	16	69
2014	9	37	2	5	16	69
2015	9	37	2	5	16	69

**Table 1.4.2.** Total number of headboats in the South Atlantic participating in the SRHS 2010-2015.

Year	FL	GA	NC	SC	Total
2010	47	3	10	20	80
2011	43	3	10	21	77
2012	43	3	11	21	78
2013	44	3	11	18	76
2014	45	3	10	18	76
2015	46	3	9	18	76

Note: Similar tables for charter vessels are under development.

## 1.5 History of Management

### Gulf Reef Fish

The following amendments to the FMP for the Reef Fish Resources of the Gulf of Mexico contained actions that pertained to the for hire sector including permit and reporting requirements. For a complete history of management for the Reef Fish fishery, see Appendix X.

Amendment 11 (1996) to the Reef Fish FMP (implemented in 1996) required that charter vessels and headboats fishing in the Gulf EEZ have federal permits when fishing.

Amendment 20 (2002) to the Reef Fish FMP was submitted to NMFS in June 2001 and approved in May 2002. The amendment established a three-year moratorium on the issuance of charter vessel or headboat (for hire) permits for the reef fish fishery, coastal migratory pelagics in the exclusive economic zone (EEZ) of the Gulf. NMFS promulgated the charter moratorium regulations (67 FR, 43558, June 28, 2002) to implement Amendment 14 to the CMP FMP and Reef Fish FMP and Amendment 20 to the Reef Fish FMP. However, after reviewing the administrative record, NMFS determined that the amendments contained an error that did not correctly reflect the actions approved by the Council. Thus, the regulations implementing the amendments also contained this error, and not all persons entitled to receive charter vessel/headboat (for-hire) permits under the moratorium approved by the Council would be able to receive permits under the promulgated regulations.

#### **Emergency Rule (2002<sup>[KG1]</sup>)**

The regulations promulgated under the charter vessel moratorium (67 FR 43558, June 28, 2002), also require all charter vessel/headboat operators in the Gulf EEZ have a valid limited access "moratorium permit," as opposed to the prior open access charter permit, beginning December 26, 2002. If these limited access permits had not been issued prior to this date, all legal fishing activities conducted by the recreational for-hire sector in the Gulf EEZ would have closed. Cessation of these fishing operations would have resulted in severe social and economic disruption to the for-hire sector and those coastal communities dependent on these fisheries. To ensure that no qualified participants in the fisheries were wrongfully excluded under the moratorium, due to an error in the rule, and to fully comply with Magnuson-Stevens Act requirements, NMFS promulgated an emergency rule (67 FR 77193, December 17, 2002) that extended certain permit-related deadlines contained in the final rule implementing the charter vessel/headboat permit moratorium for reef fish and coastal migratory pelagic fish in the Gulf. The emergency rule: 1) deferred the date for having a "moratorium permit" aboard vessels operating in these fisheries until June 16, 2003; 2) automatically extended the expiration date of valid or renewable "open access" permits for these fisheries until June 16, 2003; 3) extended the deadline for issuance of "moratorium permits" to no later than June 6, 2003; and 4) extended the deadline for resolution of appeals to February 18, 2003, or 30 days after an oral hearing, if applicable. Additionally, the emergency rule allowed those persons who were ineligible under the promulgated regulations to receive their open access charter vessel/headboat permits until they can obtain a new permit under the revised moratorium eligibility criteria approved by the Council.

Amendment 25 (2006) establishes a limited access system on for-hire reef fish and CMP permits. Permits are renewable and transferable in the same manner as currently prescribed for such permits. The Council will have periodic review at least every 10 years on the effectiveness of the limited access system.

Amendment 30B (2009) requires that all vessels with federal commercial or charter reef fish permits must comply with the more restrictive of state or federal reef fish regulations when fishing in state waters.

Amendment 34 (2012) addresses crew size limits for dually permitted vessels. Dually permitted vessels are vessels with both a charter for-hire permit and a commercial reef fish permit. The amendment eliminates the earned income qualification requirement for the renewal of commercial reef fish permits and increases the maximum crew size from three to four.

Framework Action (2013) modified the frequency of the headboat reporting to be on a weekly basis (or at intervals shorter than a week if notified by the SRD) via electronic reporting, and will be due by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurs during a reporting week, and electronic report so stating must be submitted for that week.

### **Snapper Grouper FMP for the South Atlantic**

The following amendments to the FMP for the Snapper-Grouper fishery of the South Atlantic contained actions that pertained to the for hire sector including permit and reporting requirements. For a complete history of management for the snapper-grouper fishery in the South Atlantic, see Appendix X.

Amendment 4 (1991) established a permit requirement for for hire vessels and specified data collection regulations. Amendment 4 also designated prohibited gear, defined overfishing and established rebuilding timeframes, established gear marking requirements for black sea bass traps, size limits, bag limits and spawning season closures.

Amendment 7 (1994) established dealer permits for both charter and headboats, allowed sale under specified conditions, and adjusted bag limits and crew specifications for charter and headboats. Amendment 7 also adjusted specified size limits for hogfish and mutton snapper, modified the management unit to include scup and specified allowable gear and made allowances for experimental gear.

Amendment 16 (2009) established a prohibition on captain and crew on for-hire trips retaining the bag limit of vermilion snapper and species within the 3-fish grouper aggregate. Amendment 16 also specified allocations for gag and vermilion snapper, required dehooking tools for sea turtle bycatch, established a spawning season closure for gag and a reduced bag limit and recreational closed season for vermilion. Directed commercial quotas were also established for both gag and vermilion snapper.

Amendment 15 B (2008) prohibited the sale of bag-limit caught snapper grouper species; reduced the effects of incidental hooking on sea turtles and smalltooth sawfish; adjusted

commercial renewal periods and transferability requirements; implemented plan to monitor and assess bycatch; established reference points for golden tilefish; established allocations for snowy grouper (95% commercial & 5% recreational) and red porgy (50% commercial & 50% recreational).

Amendment 27 (2014) modified the restriction on retention of bag limit quantities of some snapper grouper species by captain and crew of for-hire vessels; established the South Atlantic Council as the responsible entity for managing Nassau grouper throughout its range including federal waters of the Gulf of Mexico; modified the crew member limit on dual-permitted snapper grouper vessels; minimized regulatory delay when adjustments to snapper grouper species' ABC, ACLs, and ACTs are needed as a result of new stock assessments; and addressed harvest of blue runner by commercial fishermen who do not possess a South Atlantic Snapper Grouper Permit.

### **South Atlantic Dolphin Wahoo**

The following amendments to the FMP for the Dolphin Wahoo fishery of the South Atlantic contained actions that pertained to the for hire sector including permit and reporting requirements. For a complete history of management for the dolphin wahoo fishery in the South Atlantic, see Appendix X.

The dolphin wahoo FMP was implemented in 2003 contained many management measures for the operation of the fishery such as minimum size limits, allowable gear, closed areas, and quotas. The FMP required owners of commercial vessels and/or charter vessels/headboats to have vessel permits and, if selected, submit reports and required dealers to have permits and, if selected, submit reports. In 2004, the FMP required that operators of commercial vessels, charter vessels and headboats that are required to have a federal vessel permit for dolphin and wahoo must display operator permits.

Amendment 6 (2014) to the Dolphin Wahoo FMP required electronic logbook reporting for headboat vessels fishing for dolphin wahoo.

### **CMP Fishery**

The following amendments to the FMP for the CMP of the Gulf of Mexico and South Atlantic contained actions that pertained to the for hire sector including permit and reporting requirements. For a complete history of management for the CMP fishery, see Appendix X.

**Amendment 2 (1987)** to the CMP FMP (implemented in 1987) required that charter vessels and headboats fishing in the EEZ of the Gulf or Atlantic for coastal migratory pelagic species have permits.

**Amendment 14 (2002)** to the CMP FMP (implemented 2002) established a 3-year moratorium on the issuance of charter vessel and head boat permits unless sooner replaced by a comprehensive effort limitation system. The control date for eligibility was established as

March 29, 2001. Also includes other provisions for eligibility, application, appeals, and transferability.

**Amendment 17 to the CMP FMP (2006)** established a limited access system on for-hire reef fish and CMP permits. Permits are renewable and transferable in the same manner as currently prescribed for such permits. The Council will have periodic review at least every 10 years on the effectiveness of the limited access system



## CHAPTER 2. MANAGEMENT ALTERNATIVES

### 2.1 Action 1: Modify Frequency and Mechanism of Data Reporting for Charter Vessels Harvesting Gulf Reef Fish, South Atlantic Snapper Grouper, South Atlantic Dolphin Wahoo, or Coastal Migratory Pelagics<sub>[SGH2]</sub>

**Alternative 1** <sub>[JTF3]</sub> **(No Action)**. The owner or operator of a charter vessel for which a charter vessel/headboat permit for Gulf of Mexico (Gulf) or South Atlantic coastal migratory pelagic (CMP) species, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such CMP species, reef fish, snapper grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic exclusive economic zone (EEZ), and who is selected to report by the Science and Research Director (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. Completed fishing records must be submitted to the SRD weekly, postmarked no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

For South Atlantic snapper grouper, charter vessels selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring program as directed by the SRD. Completed fishing records may be required weekly or daily, as directed by the SRD.

**Alternative 2.** Require that federally permitted charter vessels submit fishing records to the SRD weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via NMFS approved hardware/software). Weekly = Tuesday following each fishing week.

**Alternative 3.** Require that federally permitted charter vessels submit fishing records to the SRD daily via electronic reporting via electronic reporting (via NMFS approved hardware/software). Daily = by noon of the following day.

**Alternative 4.** Require that federally permitted charter vessels submit fishing records to the SRD for each trip via electronic reporting (via NMFS approved hardware/software) prior to arriving at the dock.

Note: It is the intent of the Gulf of Mexico and South Atlantic Fishery Management Councils that during catastrophic conditions the use of paper forms for basic required reporting may be authorized by the Regional Administrator (RA) through publication of timely notice. During catastrophic conditions, the RA also has the authority to waive or modify reporting time requirements. An electronic report is not received within the time specified is delinquent. A delinquent report automatically results in a prohibition on harvesting or possessing the applicable species by the permit holder, regardless of any additional notification to the delinquent permit owner and operator by NMFS. This prohibition is applicable until all required and delinquent

reports have been submitted and received by NMFS according to the reporting requirements. If no fishing activity took place during a reporting period, the permit holder would be required to submit an electronic report stating that no fishing activity occurred and this report must be submitted at the same time interval specified in the regulations (local time). A preliminary list of data elements for charter vessels is shown in Table 2.1.1.

**Discussion**

Charter vessels are operationally defined as federally permitted for-hire vessels that carry six or fewer passengers. To date, none of these vessels have been selected by the SRD to submit fishing records as described in **Alternative 1**. Rather, these vessels have been monitored in through the MRIP For-Hire Survey (measures effort) and the MRIP dockside intercept survey (measures catch). The MRIP For-Hire Survey includes charter vessels operating in the Gulf of Mexico from Louisiana through the west coast of Florida, and those operating in the South Atlantic from eastern Florida through North Carolina. Charter vessel operators are required to report all trips taken during selected weeks (effort only) whenever they are selected to participate in the survey. Charter vessel operators are contacted by telephone (a weekly sample of 10% of the fleet) to collect these data (**Table 2.1.1**). Catch data are collected in a separate dockside intercept survey of anglers. Adjustment factors for active charter vessels that are not in the sample frame (new to fleet, no contact information known, etc.) are produced from field intercept survey questions and applied to the raw effort estimate.

**Table 2.1.1** Required data reporting elements for charter vessels participating in MRIP For-Hire Survey.

<b>Reporting Elements</b>
Area fished
Number of anglers who fished
Hours of actual fishing activity
Method of fishing
Target species (if any)

To enforce the mandatory reporting requirement for federally permitted charter vessels in the telephone component of the For-Hire Survey, permit holders who refuse to participate in the survey are notified by letter of their obligation to report as a condition for permit renewal. However, if a charter vessel operator cannot be contacted after five attempts for a selected week, the final interview status is “unsuccessful contact”. It is impossible to identify permit-holders who are deliberately evading the survey. Telephone contact rates vary by wave (i.e., MRIP 2-month sample period), state, and region, and the percent of selected vessels that are unable to be contacted by phone is quite high in some strata [SGH4][JTF5]. Charter vessel catch and effort in Texas are monitored by the Texas Parks and Wildlife Survey. This survey is a field-intercept survey of boat-based fishing, including for-hire vessels. This survey estimates fishing effort and catch (harvest only) on a seasonal (high-use and low-use) basis.

**Alternative 2** would require federally permitted charter vessels participating in the subject fisheries to submit fishing records weekly or at intervals shorter than a week via electronic reporting (via NMFS approved hardware/software). **Alternative 2** could improve fishery

dependent data in several ways. For example, fishery data would be available for inclusion into the science and management process faster, potentially reducing the likelihood of exceeding annual catch limits (ACLs). **Alternative 2** could also improve data accuracy as reports would be completed shortly after each trip, potentially reducing problems associated with recall errors. However, **Alternative 2** would reduce the timing flexibility for report preparation by charter vessel operators and this burden could be acute during peak season when the number of trips taken, the number of passengers carried, and catch are greatest.

**Alternative 3** would require charter vessels participating in the subject fisheries to submit a report for each day. As with **Alternative 2**, this report would be submitted electronically and received by NMFS (due noon the following day). **Alternative 3** could further reduce the likelihood of exceeding ACLs with reduced recall error compared to **Alternative 1** and **Alternative 2**. However, **Alternative 3** would add additional burden and reduced flexibility compared to **Alternatives 1** and **2**.

**Alternative 4** would require federally permitted charter vessels participating in the fisheries subject to submit a report for each trip. This report would need to be submitted electronically and received by NMFS prior to returning to the dock and would require multiple fishing records per day if more than one trip occurred on a single day. Charter vessel operators would need to have access to a NMFS approved electronic device on their vessel to submit a logbook prior to reaching the dock. **Alternatives 3** and **4** would offer the greatest ability to prevent ACL overages. **Alternative 4** provides additional rigor to trip validation of catch and effort that are not possible with **Alternatives 1-3** because reports must be submitted prior to arriving at the dock. However, **Alternative 4** offers charter vessel operators the least flexibility in how and when they prepare and submit their fishing reports and could be burdensome during periods of peak activity or inclement weather.

## 2.2 Action 2: Modify Frequency and Mechanism of Data Reporting for Headboats Harvesting Gulf Reef Fish, South Atlantic Snapper Grouper, South Atlantic Dolphin Wahoo, or Coastal Migratory Pelagics

**Alternative 1 (No Action).** [JTF6] The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf or South Atlantic CMP species, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such CMP species, reef fish, snapper grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, and who is selected to report by the SRD must submit an electronic fishing record for each trip of all fish harvested via the SRHS. Electronic fishing records must be submitted at weekly intervals (or intervals shorter than a week if notified by the SRD) by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurred during a reporting week, an electronic report stating so must be submitted for that reporting week by 11:59 p.m., local time, the Sunday following a reporting week.

During catastrophic conditions, the use of paper forms for basic required functions may be authorized by the RA by publication of timely notice. During catastrophic conditions, the RA also has the authority to waive or modify reporting time requirements.

When an electronic report is not received within the time specified, it is delinquent. A delinquent report automatically results in a prohibition on harvesting or possessing the applicable species, regardless of any additional notification to the delinquent owner and operator by NMFS. This prohibition is applicable until all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements.

For South Atlantic snapper grouper, headboats selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring program, as directed by the SRD. Completed fishing records may be required weekly or daily, as directed by the SRD.

**Alternative 2.** Require that headboats submit fishing records to the SRD weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via NMFS approved hardware/software). Weekly = Tuesday following each fishing week.

**Alternative 3.** Require that headboats submit fishing records to the SRD daily via electronic reporting (via NMFS approved hardware/software). Daily = by noon of the following day.

**Alternative 4.** Require that headboats submit fishing records to the SRD for each trip via electronic reporting (via NMFS approved hardware/software) prior to arriving at the dock.

### **Discussion**

Historically, federally permitted headboat vessels reported using paper forms. Beginning January 1, 2013, vessel operators have been required to submit electronic logbooks. Vessel operators are required to report 100% of their vessel trips, regardless of whether the trips occur in the EEZ or in state waters.. This data collection method places responsibility for submitting required information directly on the permit holder, and compliance is monitored and enforced as a condition for permit renewal. The obligation to report is reinforced annually via certified letter to each permit holder.

The SRHS, which is administered by the NMFS Southeast Fisheries Science Center, includes approximately 140 large capacity headboats operating in the Gulf and South Atlantic from Texas through North Carolina. Vessels included in this survey are required to report catch and effort data weekly to NMFS (**Table 2.2.1**).

**Table 2.2.1 Required data reporting elements for headboats participating in the SRHS.**

<b>Reporting Elements</b>
Depart Date:Time
Return Date:Time
Vessel Name
Captain Name
Number of Anglers
Number of Paying Passengers
Number of Crew
Fuel used (gallons)
Price per gallon (estimate)
Minimum depth fished
Maximum depth fished
Primary depth fished
Latitude/Longitude Degrees
Latitude/Longitude Minutes
Species caught
Number kept
Number released

**Alternative 1** requires headboats participating in Gulf Reef Fish, South Atlantic Snapper Grouper, Atlantic Dolphin Wahoo, or Gulf and South Atlantic CMP fisheries, if selected by the SRD, to submit electronic reports weekly (or at intervals less than a week if requested by the SRD) due seven days after the end of each week (Sunday).

**Alternative 2** would require headboats participating in the subject fisheries to report weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via NMFS approved hardware/software). The difference between **Alternative 1** and **Alternative 2** is the difference in delay between the end of the fishing week (Sunday) and report submission.

**Alternative 1** allows 7 days to prepare and submit reports while **Alternative 2** would allow only 2 days. **Alternative 2** could improve fishery data in several ways. Fishery data would be available into the science and management process faster, potentially reducing the likelihood of exceeding ACLs. **Alternative 2** could also improve accuracy as reports would be completed soon after each trip reducing problems associated with recall errors however, **Alternative 2** would reduce the flexibility for the timing of report preparation and this could be acute during peak season when the number of trips, the number of passengers, and catch are greatest.

**Alternative 3** would require headboats participating in the subject fisheries to submit a report for each day. This report would be submitted electronically and would need to be received by NMFS (by noon the following day). **Alternative 3** could further reduce the likelihood of exceeding ACLs and reduce recall error compared to **Alternative 1** or **Alternative 2**. However, **Alternative 3** would add additional burden and reduced flexibility in comparison to **Alternatives 1** or **Alternative 2**.

**Alternative 4** would require headboats participating in the subject fisheries to submit a report for each trip. This report would need to be submitted electronically and would need to be received by NMFS prior to returning to the dock. **Alternative 4**<sup>[CMS7]</sup> would offer the greatest ability to prevent ACL overages and add additional rigor to trip validation of catch and effort that are not possible with **Alternatives 1-3**. However, **Alternative 4** offers headboat operators the least flexibility in how and when they prepare and submit their fisheries reports and could be burdensome during periods of peak activity or inclement weather.

## 2.3 Action 3: Modify Electronic Reporting Requirements Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to Require Vessel or Catch Location Reporting

**Alternative 1** (No Action). Charter vessels participating in the For-Hire survey are required to report area fished (inshore, state, or federal waters), if selected as part of the survey. Headboats participating in the SRHS are required to report latitude and longitude of area fished (degrees and minutes only; within 1 nm<sup>2</sup> area).

**Alternative 2.** Require federally permitted for-hire vessels to use a NMFS approved electronic device that automatically records vessel location at specified time intervals for later transmission:

**Sub-Alternative 3a.** In the Gulf (headboat)

**Sub-Alternative 3b.** In the Gulf (charter vessel)

**Sub-Alternative 3c.** In the South Atlantic (headboat)

**Sub-Alternative 3d.** In the South Atlantic (charter vessel)

**Alternative 3.** Require federally permitted for-hire vessels in the Gulf to use a NMFS approved Vessel Monitoring System (VMS) to record vessel location at specified time intervals [SGH8]:

**Sub-Alternative 3a.** In the Gulf (headboat)

**Sub-Alternative 3b.** In the Gulf (charter vessel)

### **Discussion**

Charter vessels that are surveyed using the For-Hire survey (i.e., 10% weekly) are asked to report area fished (i.e., area fished, state, or federal waters) in addition to the other elements listed in Table 2.1.1 [CMS9]. **Action 3** considers changing the location reporting element for charter vessels and headboats from a self-reported system to an electronic system where location information is recorded passively by a device on board the vessel. **Alternative 1** would maintain the current self-reporting systems in place (i.e., report area fished if selected in the For-Hire survey (charter vessel) or latitude/longitude of area fished within 1 nm<sup>2</sup> area (headboat)). **Alternative 2** would require the use of a NMFS approved electronic device to record and later transmit specific location information (latitude/longitude). Four sub-alternatives are considered that would require this for Gulf of Mexico headboats (**Sub-Alternative 3a**); Gulf charter vessels (**Sub-Alternative 3b**); South Atlantic headboats (**Sub-Alternative 3c**); or South Atlantic charter vessels (**Sub-Alternative 3d**). **Alternative 2** and **Sub-Alternatives 3a-3d** would permit improved accuracy, timeliness, and effort validation protocols relative to **Alternative 1**; they could also improve the estimates of bycatch mortality used in stock assessments as depth fished could be determined and is a primary factor in release mortality. **Alternative 3** would apply only to the Gulf of Mexico and would require the use of VMS technology to monitor and report location information. **Alternative 3** is expected to yield similar benefits to **Alternative 2** as compared to **Alternative 1**.

## 2.4 Action 4: Amend the Gulf Reef Fish, South Atlantic Snapper Grouper, Coastal Migratory Pelagics, and Atlantic Dolphin and Wahoo Fishery Management Plans to Specify Certain Aspects of Reporting for For-Hire Vessels

**Alternative 1** (No Action). There is no specified time for data to be made available to the public and to the Councils.

**Alternative 2.** Specify the following data flow via electronic reporting:

- a) Logbook data collected via authorized platform, ex. web, tablet, phone, or VMS application
- b) Data submitted to ACCSP or GulfFIN;
- c) Data integrated by ACCSP or GulfFIN into single composite data set;
- d) Composite data set distributed to appropriate agencies for analyses and use.

**Sub-alternative 2a.** Apply to charter vessels reporting.

**Sub-alternative 2b.** Apply to headboat reporting.

**Alternative 3.** Specify the following aspects of electronic reporting:

- a) NMFS and/or ACCSP develop a compliance tracking procedure that balances timeliness with available staff and funding resources.
- b) NMFS is to use validation methods developed in the Gulf of Mexico logbook pilot study as a basis to ensure that the actual logbook report is validated and standardized validation methodologies are employed among regions.
- c) NMFS is to require and maintain a comprehensive permit/email database of participants.
- d) NMFS is to include procedures for expanding estimates for non-reporting.
- e) NMFS is to allow multiple authorized applications or devices to report data as long as they meet required data and transferability standards.

**Sub-alternative 3a.** Apply to charter vessel reporting.

**Sub-alternative 3b.** Apply to headboat reporting.

### **Discussion**

The technical subcommittee recommends a multi-faceted approach where a number of reporting platforms can be used so long as the minimum data standards and security protocols are met.

Data standards would need to be developed and the subcommittee agreed that NOAA Fisheries, the GulfFIN, and ACCSP could work collaboratively to develop appropriate standards.

The subcommittee recommends this process for data storage and management:

1. Logbook data collected via authorized platform, ex. web, tablet, phone, or VMS application
2. Data submitted to ACCSP or GulfFIN;
3. Data integrated by ACCSP or GulfFIN into single composite data set;
4. Composite data set distributed to appropriate agencies for analyses and use.



This process could eliminate duplicate reporting for some participants (e.g., South Carolina headboats and charter vessels) so long as appropriate data standards are in place and the respective agencies agree to confidentiality standards, which would allow sharing and accepting one another's data for use. Elimination of duplicate reporting (e.g., separate state and federal reports) would be a substantial benefit to participants in this survey program and could mitigate any additional reporting requirements for comparison to the current MRIP survey program.

The South Atlantic Council is concerned about the extensive delays in tracking headboat catches even though headboats are required to report electronically every week beginning in 2014. The 2014 headboat data was not available until April of 2015. The current South Atlantic blueline tilefish recreational ACL versus recreational catches is currently unknown pending receipt of the first wave of MRIP data (should be available 45 days after the end of February) and any headboat catches. Part of the headboat delay is that the Council has specified the recreational ACL in pounds and this requires the numbers of fish to be converted to pounds. This adds an unspecified period of time after the MRIP data are released for the SEFSC to apply their conversion factors and provide a catch estimate. The South Atlantic Council is considering specifying recreational ACLs in numbers of fish so that the headboat sector (and the charter vessel sector once this amendment is approved) can be tracked weekly. Specifying the recreational ACL in numbers of fish will also reduce the delay in using the MRIP data to track recreational ACLs.

**Action 4** addresses the following recommendations from the Technical Sub-Committee:

- Development of compliance tracking procedures that balance timeliness with available staff and funding resources.
- Use validation methods developed in the Gulf of Mexico logbook pilot study as a basis to ensure that the actual logbook report is validated and standardized validation methodologies are employed among regions.
- Require and maintain a comprehensive permit/email database of participants.
- Include procedures for expanding estimates for non-reporting.
- Allow multiple authorized applications or devices to report data as long as they meet required data and transferability standards.

The technical subcommittee recommends building upon the validation methodology developed in the Gulf MRIP pilot study.

The technical subcommittee recommends use of an MRIP certified methodology for validation with the following elements: Gulf MRIP pilot study methodologies, including dockside validation of catch and vessel activity, and maintenance of site and vessel registries.

The technical subcommittee recommends dual survey methods (existing and new) for no less than three years. Data from the new program would not be expected to provide management advice during the first year of operation. Moreover, this would allow the possibility of an initial

phase-in or limited implementation to identify and solve significant problems prior to implementation for all participants.

The technical subcommittee recommends that the Councils move forward with development of a reporting system that includes federally permitted for-hire vessels while also exploring ways to determine the impact of state permitted vessels on landings estimates of federally managed species. Long term, the subcommittee recommends that both state and federally permitted charter vessels participate in this census to include the entire fleet of charter vessels harvesting federally managed species.

Weekly electronic dealer and headboat reporting are fully implemented. However, there are still delays in having updated landings available to the public for their use in planning trips and to the Councils for monitoring ACLs. A solution, in the Atlantic, would be to have the raw weekly data fed to ACCSP and made available to the public via the ACCSP website. The “official” numbers for quota closures would continue to be the numbers maintained by NMFS and available on the NMFS website but this would provide more timely and useful updates to the public.

The result would be updated and current catch data available on a daily basis for the public, states, NMFS, and the Councils to use in monitoring ACLs and planning fishing trips.

## CHAPTER 3: LIST OF PREPARERS

<b>Name</b>	<b>Expertise</b>	<b>Responsibility</b>	<b>Agency</b>
John Froeschke	Fishery biologist/statistician	Co-Team Lead - Amendment Development	GMFMC
Rich Malinowski	Fishery biologist	Co-Team Lead - Amendment Development	NMFS/SERO
Gregg Waugh	Deputy Director	Co-Team Lead - Amendment Development	SAFMC
Karla Gore	Fishery Biologist	Biological analyses	NMFS/SERO
Randy Blankinship	SE Branch of Highly Migratory Species	Reviewer	NMFS/SERO
Steven Atran	Fishery Biologist	Reviewer	GMFMC
Kenneth Brennan	Coordinator, Southeast Region Headboat Survey	Biological analyses	NMFS/SEFSC
Myra Brower	Fishery Biologist	Reviewer	SAFMC
Brian Chevront	Economist	Economic analyses	GMFMC
Anik Clemens	Technical Writer Editor	Regulatory writer	NMFS/SERO
Chip Collier	Fishery Biologist	Reviewer	SAFMC
Assane Diagne	Economist	Economic analyses	GMFMC
Nicholas Farmer	Fishery Biologist	Reviewer	NMFS/SERO
David Gloekner	Chief, Fisheries Monitoring Branch	Reviewer	NMFS/SEFSC
Stephen Holiman	Economist	Economic analyses	NMFS/SERO
Ava Lasseter	Anthropologist	Social analyses	GMFMC
Mara Levy	Attorney Advisor	Legal review	NMFS/GC
Kari McLaughlin	Fishery Social Scientists	Social analyses	SAFMC
Carrie Simmons	Deputy Executive Director	Reviewer	GMFMC
Carolyn Sramek	Supervisory Management & Program Analyst	Reviewer	NMFS/SERO
Christina Package	Anthropologist	Reviewer	NMFS/SERO

Noah Silverman	Natural Resource Management Specialist	National Environmental Policy Act Review	NMFS/SERO
----------------	---	---	-----------

NMFS = National Marine Fisheries Service  
 SAFMC = South Atlantic Fishery Management Council  
 GMFMC = Gulf of Mexico Fishery Management Council  
 SEFSC = Southeast Fisheries Science Center  
 SERO = Southeast Regional Office  
 GC = General Counsel

## CHAPTER 4. REFERENCES

GMFMC. 2004. Final environmental impact statement for the generic essential fish habitat amendment to the following fishery management plans of the Gulf of Mexico: shrimp fishery of the Gulf of Mexico, red drum fishery of the Gulf of Mexico, reef fish fishery of the Gulf of Mexico, stone crab fishery of the Gulf of Mexico, coral and coral reef fishery of the Gulf of Mexico, spiny lobster fishery of the Gulf of Mexico and South Atlantic, coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council. Tampa, Florida.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Final%20EFH%20EIS.pdf>

GMFMC. 2005. Final Amendment to the FMPs for: Reef Fish (Amendment 25) and Coastal Migratory Pelagics (Amendment 17). Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607. Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/reef\\_fish\\_management\\_archives.php](http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management_archives.php).

GMFMC. 2011. Final Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf of Mexico Fishery Management Council's Red Drum, Reef Fish, Shrimp, Coral and Coral Reefs Fishery Management Plans. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607. Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/generic\\_management\\_amendments.php](http://www.gulfcouncil.org/fishery_management_plans/generic_management_amendments.php).

GMFMC. 2012. Framework Action to Set the 2013 Gag Recreational Fishing Season & Bag Limit & Modify the February-March Shallow-Water Grouper Closed Season. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/reef\\_fish\\_management.php](http://www.gulfcouncil.org/fishery_management_plans/reef_fish_management.php).

GMFMC. 2013. Framework Action to Set the 2013 Red Snapper Commercial and Recreational Quotas and Modify the Recreational Bag Limit. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607. Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/index.php](http://www.gulfcouncil.org/fishery_management_plans/index.php).

GMFMC/SAFMC. 2011. Final Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/migratory\\_pelagics\\_management.php](http://www.gulfcouncil.org/fishery_management_plans/migratory_pelagics_management.php).

GMFMC/SAFMC. 2013. Draft Amendment 19 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607. Available at:

[http://www.gulfcouncil.org/fishery\\_management\\_plans/scoping-thru-implementation.php](http://www.gulfcouncil.org/fishery_management_plans/scoping-thru-implementation.php).

Savolainen, M. A., R. H. Caffey, and R. F. Kazmierczak, Jr. 2012. Economic and Attitudinal Perspectives of the Recreational For-hire Fishing Industry in the U.S. Gulf of Mexico. Center for Natural Resource Economics and Policy, LSU AgCenter and Louisiana Sea Grant College Program, Department of Agricultural Economics and Agribusiness, Louisiana State University, Baton Rouge, LA. 171 p. Available at: <http://www.laseagrant.org/pdfs/Gulf-RFH-Survey-Final-Report-2012.pdf>

SBA. 2010. The Impact of Broadband Speed and Price on Small Business. Columbia Telecommunications Corporation report to the Small Business Administration Office of Advocacy, Contract Number SBAHQ-09-C-0050. Available at: [www.sba.gov/sites/default/files/rs373tot\\_0.pdf](http://www.sba.gov/sites/default/files/rs373tot_0.pdf)

# APPENDIX A

## Relevant Federal Regulations

### Code of Federal Regulations: Title 50

#### § 622.2 Definitions and acronyms.

Charter vessel means a vessel less than 100 gross tons (90.8 mt) that is subject to the requirements of the USCG to carry six or fewer passengers for hire and that engages in charter fishing at any time during the calendar year. A charter vessel with a commercial permit, as required under § 622.4(a)(2), is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew, except for a charter vessel with a commercial vessel permit for Gulf reef fish or South Atlantic snapper-grouper. A charter vessel that has a charter vessel permit for Gulf reef fish and a commercial vessel permit for Gulf reef fish or a charter vessel permit for South Atlantic snapper-grouper and a commercial permit for South Atlantic snapper-grouper (either a South Atlantic snapper-grouper unlimited permit or a 225-lb (102.1-kg) trip limited permit for South Atlantic snapper-grouper) is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than four persons aboard, including operator and crew. A charter vessel that has a charter vessel permit for Gulf reef fish, a commercial vessel permit for Gulf reef fish, and a valid Certificate of Inspection (COI) issued by the USCG to carry passengers for hire will not be considered to be operating as a charter vessel provided--

- (1) It is not carrying a passenger who pays a fee; and
- (2) When underway for more than 12 hours, that vessel meets, but does not exceed the minimum manning requirements outlined in its COI for vessels underway over 12 hours; or when underway for not more than 12 hours, that vessel meets the minimum manning requirements outlined in its COI for vessels underway for not more than 12-hours (if any), and does not exceed the minimum manning requirements outlined in its COI for vessels that are underway for more than 12 hours.

Headboat means a vessel that holds a valid Certificate of Inspection (COI) issued by the USCG to carry more than six passengers for hire.

- (1) A headboat with a commercial vessel permit, as required under this part, is considered to be operating as a headboat

when it carries a passenger who pays a fee or--

(i) In the case of persons aboard fishing for or possessing South Atlantic snapper-grouper, when there are more persons aboard than the number of crew specified in the vessel's COI; or

(ii) In the case of persons aboard fishing for or possessing coastal migratory pelagic fish, when there are more than three persons aboard, including operator and crew.

(2) However a vessel that has a headboat permit for Gulf reef fish, a commercial vessel permit for Gulf reef fish, and a valid COI issued by the USCG to carry passengers for hire will not be considered to be operating as a headboat provided--

(i) It is not carrying a passenger who pays a fee; and

(ii) When underway for more than 12 hours, that vessel meets, but does not exceed the minimum manning requirements outlined in its COI for vessels underway over 12 hours; or when underway for not more than 12 hours, that vessel meets the minimum manning requirements outlined in its COI for vessels underway for not more than 12-hours (if any), and does not exceed the minimum manning requirements outlined in its COI for vessels that are underway for more than 12 hours.

Science and Research Director (SRD), for the purposes of this part, means the Science and Research Director, Southeast Fisheries Science Center, NMFS (see Table 1 of § 600.502 of this chapter).

## **SUBPART B—REEF FISH RESOURCES OF THE GULF OF MEXICO**

### **§ 622.20 Permits and endorsements.**

(b) Charter vessel/headboat permits. For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Gulf reef fish, in or from the EEZ, a valid charter vessel/headboat permit for Gulf reef fish must have been issued to the vessel and must be on board.

(1) Limited access system for charter vessel/headboat permits for Gulf reef fish. No applications for additional charter vessel/headboat permits for Gulf reef fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (b)(1)(i) of this section, and are subject to the renewal requirements in paragraph (b)(1)(ii) of this section.

(i) Transfer of permits--(A) Permits without a historical captain endorsement. A charter vessel/headboat permit for Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.



(B) Permits with a historical captain endorsement. A charter vessel/headboat permit for Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

(C) Procedure for permit transfer. To request that the RA transfer a charter vessel/headboat permit for Gulf reef fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See § 622.4(f) for additional transfer-related requirements applicable to all permits issued under this part.

(ii) Renewal. (A) Renewal of a charter vessel/headboat permit for Gulf reef fish is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and, if selected to report, providing the information required in one of the approved fishing data surveys. Surveys include, but are not limited to--

(1) NMFS' Marine Recreational Fishing Vessel Directory Telephone Survey (conducted by the Gulf States Marine Fisheries Commission);

(2) NMFS' Southeast Headboat Survey (as required by § 622.26(b)(1));

(3) Texas Parks and Wildlife Marine Recreational Fishing Survey; or

(4) A data collection system that replaces one or more of the surveys in paragraph (b)(1)(ii)(A), (1), (2), or (3) of this section.

(B) A charter vessel/headboat permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(iii) Requirement to display a vessel decal. Upon renewal or transfer of a charter vessel/headboat permit for Gulf reef fish, the RA will issue the owner of the permitted vessel a vessel decal for Gulf reef fish. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(iv) Passenger capacity compliance requirement. A vessel operating as a charter vessel or headboat with a valid charter vessel/headboat permit for Gulf reef fish, which is carrying more passengers on board the vessel than is specified on the permit, is prohibited from harvesting or possessing the species identified on the permit.

(2) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(3) If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

## **§ 622.26 Recordkeeping and reporting.**

(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 Gulf reef fish has been issued, as required under § 622.20(b), or whose vessel fishes for or lands such reef fish in or from state 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.

(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 no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

## **SUBPART I--SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC REGION**

### **§ 622.170 Permits and endorsements.**

(b) Charter vessel/headboat permits--(1) South Atlantic snapper-grouper. For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, South Atlantic snapper-grouper, a valid charter vessel/headboat permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A charter

vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

## **§ 622.176 Recordkeeping and reporting**

(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), or whose vessel fishes for or lands such 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 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.

(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), or whose vessel fishes for or lands such snapper-grouper in 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 program as directed by the SRD. Compliance with the reporting requirements of this paragraph (b)(1)(iii) 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 no later than 7 days after the end of each week (Sunday). Completed fishing records required by paragraph (b)(1)(iii) of this section for charter vessels may be required weekly or daily, as directed by the SRD. Information to be reported is indicated on the form and its accompanying instructions.

## **SUBPART M--DOLPHIN AND WAHOO FISHERY OFF THE ATLANTIC STATES**

### **§ 622.270 Permits.**

(b) Charter vessel/headboat permits. (1) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Atlantic dolphin or wahoo, in or from the Atlantic EEZ, a valid charter vessel/headboat permit for Atlantic dolphin and wahoo must have been issued to the vessel and must be on board. (See paragraph (c)(1) of this section for the requirements for operator permits in the dolphin and wahoo fishery.)

(2) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

## **§ 622.271 Recordkeeping and reporting.**

(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), or whose vessel fishes for or lands Atlantic dolphin or wahoo in or from state 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) 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 no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

# **SUBPART Q—COASTAL MIGRATORY PELAGIC RESOURCES (GULF OF MEXICO AND SOUTH ATLANTIC)**

## **§ 622.370 Permits.**

(b) Charter vessel/headboat permits. (1) For a person

aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish, a valid charter vessel/headboat permit for Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish, respectively, must have been issued to the vessel and must be on board.

(i) See § 622.373 regarding a limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

(ii) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

### **§ 622.374 Recordkeeping and reporting.**

(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 Gulf coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf or South Atlantic coastal migratory fish in or from state waters adjoining the Gulf or 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)(i) of this section.

(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 no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.