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Title 50 —Wildlife and Fisheries

Chapter VI —Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Part 665 —Fisheries in the Western Pacific

Subpart A —General

Authority: 16 U.S.C. 1801 *et seq.*

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§ 665.13 Permits and fees.

- (a) **Applicability.** The requirements for permits for specific western Pacific fisheries are set forth in subparts B through I of this part.
- (b) **Validity.** Each permit is valid for fishing only in the specific fishery management areas identified on the permit.
- (c) **Application.**
 - (1) An application for a permit to operate in a Federal western Pacific fishery that requires a permit and is regulated under subparts B through I of this part may be obtained from NMFS PIRO. The completed application must be submitted to PIRO for consideration. In no case shall PIRO accept an application that is not on a Federal western Pacific fisheries permit application form.
 - (2) A minimum of 15 days after the day PIRO receives a complete application should be allowed for processing the application for fisheries under subparts B through I of this part. If an incomplete or improperly completed application is filed, NMFS will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of the letter of notification of deficiency, the application will be administratively closed.
- (d) **Change in application information.** Any change in the permit application information or vessel documentation, submitted under paragraph (c) of this section, must be reported to PIRO in writing within 15 days of the change to avoid a delay in processing the permit application. A minimum of 10 days from the day the information is received by PIRO should be given for PIRO to record any change in information from the permit application submitted under paragraph (c) of this section. Failure to report such changes may result in a delay in processing an application, permit holders failing to receive important notifications, or sanctions pursuant to the Magnuson-Stevens Act at 16 U.S.C. 1858(g) or 15 CFR part 904, subpart D.
- (e) **Issuance.** After receiving a complete application submitted under paragraph (c) of this section, the Regional Administrator will issue a permit to an applicant who is eligible under this part, as appropriate.
- (f) **Fees.**
 - (1) PIRO will not charge a fee for a permit issued under §§ 665.142, 665.162, 665.242, 665.262, 665.442, 665.462, 665.642, or 665.662 of this part, for a Ho'omalū limited access permit issued under § 665.203, or for a Guam bottomfish permit issued under § 665.404.
 - (2) PIRO will charge a non-refundable processing fee for each application (including transfer and renewal) for each permit listed in paragraphs (f)(2)(i) through (f)(2)(xiii) of this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for

determining the administrative costs incurred in processing the permit. The fee may not exceed such costs. The appropriate fee is specified with each application form and must accompany each application. Failure to pay the fee will preclude the issuance, transfer, or renewal of any of the following permits:

- (i) Hawaii longline limited access permit.
- (ii) Mau Zone limited access permit.
- (iii) Coral reef ecosystem special permit.
- (iv) American Samoa longline limited access permit.
- (v) MHI non-commercial bottomfish permit.
- (vi) Western Pacific squid jig permit.
- (vii) Crustacean permit.
- (viii) CNMI commercial bottomfish permit.
- (ix) Marianas Trench Monument non-commercial permit.
- (x) Marianas Trench Monument recreational charter permit.
- (xi) Pacific Remote Islands Monument recreational charter permit.
- (xii) Rose Atoll Monument non-commercial permit.
- (xiii) Rose Atoll Monument recreational charter permit.

- (g) **Expiration.** A permit issued under subparts B through I of this part is valid for the period specified on the permit unless revoked, suspended, transferred, or modified under 15 CFR part 904.
- (h) **Replacement.** Replacement permits may be issued, without charge, to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.
- (i) **Transfer.** An application for a permit transfer under §§ 665.203(d), 665.242(e), or 665.801(k), or for registration of a permit for use with a replacement vessel under § 665.203(i), must be submitted to PIRO as described in paragraph (c) of this section.
- (j) **Alteration.** Any permit that has been altered, erased, or mutilated is invalid.
- (k) **Display.** Any permit issued under this subpart, or a facsimile of such permit, must be on board the vessel at all times while the vessel is fishing for, taking, retaining, possessing, or landing MUS or ECS shoreward of the outer boundary of the fishery management area. Any permit issued under this section must be displayed for inspection upon request of an authorized officer.
- (l) **Sanctions.** Procedures governing sanctions and denials are found at subpart D of 15 CFR part 904.
- (m) **Permit appeals.** Procedures for appeals of permitting and administrative actions are specified in the relevant subparts of this part.

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