
CEMP Permit Application & Annual Report

Title 50 —Wildlife and Fisheries

Chapter III —International Fishing and Related Activities

Part 300 —International Fisheries Regulations

Subpart G —Antarctic Marine Living Resources

Authority: 16 U.S.C. 2431 *et seq.*, 31 U.S.C. 9701 *et seq.*, 16 U.S.C. 1801 *et seq.*

Source: 82 FR 6223, Jan. 19, 2017, unless otherwise noted.

Authority: 16 U.S.C. 951 *et seq.*, 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 5501 *et seq.*, 16 U.S.C. 2431 *et seq.*, 31 U.S.C. 9701 *et seq.*

Source: 61 FR 35550, July 5, 1996, unless otherwise noted.

Editorial Note: Nomenclature changes to part 300 appear at 64 FR 44431, Aug. 16, 1999, and at 76 FR 59305, Sept. 26, 2011.

§ 300.113 CCAMLR Ecosystem Monitoring Program sites.

(a) *General.*

- (1) Any person subject to the jurisdiction of the United States must apply for and be granted an entry permit authorizing specific activities prior to entering a CCAMLR Ecosystem Monitoring Program (CEMP) site designated in accordance with the CCAMLR conservation measure describing the procedure for according protection for CEMP sites.
- (2) If a CEMP site is also an area specially protected under the Antarctic Treaty (such as the sites listed in 45 CFR 670.29(a)), an applicant seeking to enter such site must apply to the Director of the NSF for a permit under applicable provisions of the ACA or any superseding legislation. The permit granted by NSF shall constitute a joint CEMP/ACA Protected Site permit and any person holding such a permit must comply with the appropriate CEMP site management plan. In all other cases, an applicant seeking a permit to enter a CEMP site must apply to the Assistant Administrator for a CEMP permit in accordance with the provisions of this section.

(b) *Responsibility of CEMP permit holders and persons designated as agents under a CEMP permit.*

- (1) The CEMP permit holder and person designated as agents under a CEMP permit are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under this subpart.
- (2) The CEMP permit holder and agents designated under a CEMP permit are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the CEMP permit holder or agents, and regardless of knowledge concerning their occurrence.

(c) *Prohibitions regarding the Antarctic Treaty System and other applicable treaties and statutes.* Holders of permits to enter CEMP Protected Sites are not authorized to undertake any activities within a CEMP Protected Site that are not in compliance with the conditions of the CEMP permit and the provisions of:

- (1) The Antarctic Treaty as implemented by the ACA and any superseding legislation. (Persons interested in conducting activities subject to the Antarctic Treaty should contact the Office of Polar Programs, NSF).
- (2) The Convention for the Conservation of Antarctic Seals.

- (3) The Convention and its Conservation Measures in force, implemented under the Act.
- (d) **Prohibitions on takings.** Permits issued under this section do not authorize any takings as defined in the applicable statutes and implementing regulations governing the activities of persons in Antarctica.
- (e) **Issuance criteria.** Permits designated in this section may be issued by the Assistant Administrator upon a determination that:
 - (1) The specific activities meet the requirements of the Act;
 - (2) There is sufficient reason, established in the CEMP permit application, that the scientific purpose for the intended entry cannot be served elsewhere; and
 - (3) The actions permitted will not violate any provisions or prohibitions of the site's management plan submitted in compliance with the CCAMLR Conservation Measure describing the procedure for according protection to CEMP sites.
- (f) **Application process.** An applicant seeking a CEMP permit from the Assistant Administrator to enter a CEMP site shall include the following in the application.
 - (1) A detailed justification that the scientific objectives of the applicant cannot be accomplished elsewhere and a description of how said objectives will be accomplished within the terms of the site's management plan.
 - (2) A statement signed by the applicant that the applicant has read and fully understands the provisions and prohibitions of the site's management plan. Prospective applicants may obtain copies of the relevant management plans and the CCAMLR Conservation Measure describing the procedure for according protection to CEMP sites by requesting them from NMFS Headquarters.
- (g) **Conditions.** CEMP permits issued under this section will contain special and general conditions including a condition that the permit holder shall submit a report describing the activities conducted under the permit within 30 days of the expiration of the CEMP permit.
- (h) **Transfer.** CEMP permits are not transferable or assignable. A CEMP permit is valid only for the person to whom it is issued.
- (i) **Additional conditions and restrictions.** The Assistant Administrator may revise the CEMP permit effective upon notification of the permit holder, to impose additional conditions and restrictions as necessary to achieve the purposes of the Convention, the Act and the CEMP Management Plan. The CEMP permit holder must, as soon as possible, notify any and all agents operating under the permit of any and all revisions or modifications to the permit.
- (j) **Revocation or suspension.** CEMP permits may be revoked or suspended based upon information received by the Assistant Administrator and such revocation or suspension shall be effective upon notification to the permit holder.
 - (1) A CEMP permit may be revoked or suspended based on a violation of the permit, the Act, or this subpart.
 - (2) Failure to report a change in the information submitted in a CEMP permit application within 10 days of the change is a violation of this subpart and voids the application or permit, as applicable. Title 15 CFR part 904 governs permit sanctions under this subpart.

- (k) **Exceptions.** Entry into a CEMP site is lawful if committed under emergency conditions to prevent the loss of human life, avoid compromising human safety, prevent the loss of vessels or aircraft, or to prevent environmental damage.
- (l) **Protected areas.** Specially protected areas designated under the Antarctic Treaty and regulated under the ACA are listed at 45 CFR 670.29(a). See also: <https://www.ats.aq/e/protected.html>.

[82 FR 6223, Jan. 19, 2017, as amended at 89 FR 20137, Mar. 21, 2024]

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0194. Without this approval, we could not fulfill our obligations as a Member of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) or ensure the legality of any harvesting activities. Public reporting for the CEMP Permit Application and the Annual Response is estimated at 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are mandatory. U.S. regulations require U.S. individuals engaged in AMLR harvesting, transshipping, and importing or entering and/or conducting activities in a CEMP site to apply for and hold a permit for such activities. Members of CCAMLR are required to provide information about harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Office of International Affairs, Trade, and Commerce, 1315 East-West Hwy, Silver Spring, MD, 20910; Attn: Lauren Fields, lauren.fields@noaa.gov.