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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.

§ 300.107 Vessel permits and requirements.

(a) **General.** In addition to the High Seas Fishing Permit requirements at 50 CFR part 300, subpart R:

- (1) Every vessel of the United States that attempts to harvest or harvests any AMLR must have a vessel permit authorizing the harvest issued under this subpart, unless the attempt or harvest occurs during recreational fishing or is covered by an individual permit. Boats launched from a vessel issued a vessel permit do not require a separate permit, but are covered by the permit issued to the launching vessel. Any enforcement action that results from the activities of a launched boat will be taken against the owner and operator of the launching vessel.
- (2) Any vessel of the United States that receives or attempts to receive any harvested AMLR from another vessel at sea, regardless of whether such transshipment occurs in the Convention Area or that receives, or attempts to receive any other goods or materials from another vessel in the Convention Area, must have a vessel permit authorizing transshipment issued under this subpart. Transshipment vessels must comply with the permitting provisions of this section. This requirement does not apply to scientific research vessels or to transshipments covered under an individual permit.
- (3) Permits issued under this section do not authorize vessels or persons subject to the jurisdiction of the United States to harass, capture, harm, kill, harvest, or import marine mammals. No marine mammals may be taken in the course of commercial fishing operations unless the taking is authorized under the Marine Mammal Protection Act and/or the Endangered Species Act pursuant to an exemption or permit granted by the appropriate agency.

(b) **Responsibility of owners and operators.**

- (1) The owners and operators of vessels permitted, or required to be permitted, under this subpart are jointly and severally responsible for compliance with the Act, this subpart, and any permit issued under the Act and this subpart.
- (2) The owners and operators of each such vessel are responsible for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or forbidden by the owners or operators, and regardless of knowledge concerning their occurrence.

- (3) The owner of a vessel issued a vessel permit under this subpart must report any sale, change in ownership, or other disposition of the vessel to the Assistant Administrator as soon as possible but no later than 15 days after the change.
- (4) The owner and operator of a harvesting vessel issued a permit to fish for krill in the Convention Area using trawl gear must install a seal excluder device and may not possess onboard or deploy trawl gear without a seal excluder device installed.
- (c) **Application.** Application forms for vessel permits are available from NMFS Headquarters.
 - (1) A separate, fully completed and accurate application is required for each vessel for which a permit is requested.
 - (2) NMFS must receive applications for vessel permits no later than April 1 for the fishing season that will commence on or after December 1 of that year.
 - (3) Applications for a permit to harvest krill must, to the extent possible, identify the products to be derived from the anticipated krill catch.
 - (4) NMFS will only accept permit applications for vessels that have been issued an International Maritime Organization (IMO) number.
 - (5) NMFS may charge a fee to recover the administrative expense of permit issuance. NMFS will determine the fee in accordance with procedures in the NOAA finance handbook, available from NMFS, for calculating administrative costs of special products and services and user fees.
- (d) **Issuance.** The Assistant Administrator may issue a vessel permit if the Assistant Administrator determines that the harvesting or transshipment activities described in the application will meet the requirements of the Act and will not:
 - (1) Decrease the size of any harvested population to levels below those that ensure its stable recruitment. For this purpose, the Convention provides that its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment.
 - (2) Upset the ecological relationships between harvested, dependent, and related populations of AMLRs and the restoration of depleted populations to levels that will ensure stable recruitment.
 - (3) Cause changes or increase the risk of changes in the marine ecosystem that are not potentially reversible over 2 or 3 decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effects of the introduction of alien species, the effects of associated activities on the marine ecosystem and the effects of environmental changes, with the aim of making possible the sustained conservation of AMLRs.
 - (4) Violate the Convention or any conservation measures in force with respect to the United States under the Convention. The Convention and the schedule of conservation measures in force can be found on the CCAMLR Web site: www.ccamlr.org.
- (e) **Duration.** A vessel permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended.
- (f) **Transfer.** Permits are not transferable or assignable. A permit is valid only for the vessel to which it is issued.
- (g) **Display.** Each vessel must have on board, at all times, a valid vessel permit and the vessel operator must produce it for inspection upon the request of an authorized officer or CCAMLR inspector.

(h) **Changes in information submitted by permit applicants or holders —**

(1) **Changes in pending applications.** Applicants for a vessel permit must report to the Assistant Administrator in writing any change in the information contained in the application. The processing period for the application will be extended as necessary to review the change.

(2) **Changes occurring after permit issuance —**

(i) **Requested changes in the location, manner, or amount of harvesting.** Any changes in the location, manner or amount of harvesting must be proposed in writing to the Assistant Administrator and may not be undertaken unless authorized by the Assistant Administrator through a permit revision or issuance of a new permit. If the Assistant Administrator determines that the requested change in the location, manner, or amount of harvesting could significantly affect the status of any Antarctic marine living resource, the Assistant Administrator will treat the requested change as an application for a new permit and so notify the holder.

(ii) **Changes other than in the location, manner or amount of harvesting.** For changes other than those addressed in paragraph (h)(2)(i) of this section, the owner or operator of a vessel that has been issued a vessel permit must report to the Assistant Administrator in writing any change in previously submitted information as soon as possible but no later than within 15 days after the change. Based on such reported information, the Assistant Administrator may revise the permit and any revised permit would be effective upon notification to the permit holder.

(i) **Conditions and restrictions.** The vessel permit will contain conditions and restrictions that the Assistant Administrator deems necessary for implementation of conservation measures that apply to the harvesting or transshipment activities. The Assistant Administrator may revise the vessel permit to include additional conditions and restrictions on the harvesting vessel as necessary to implement conservation measures in force with respect to the United States or to achieve the purposes of the Convention or the Act. Any additional conditions or restrictions will be effective upon notification to the permit holder.

(j) **Revision, suspension, or revocation for violations.** A vessel permit may be revised, suspended, or revoked if the harvesting vessel is involved in the commission of any violation of its permit, the Act, or this subpart. The Assistant Administrator may deny a vessel permit if the applicant or harvesting vessel was previously involved in the commission of any violation of its permit, the Act, or this subpart. Failure to report a change in the information contained in an application within 15 days of the change is a violation of this subpart and voids the application or permit, as applicable. If a change in vessel ownership is not reported, the violation is chargeable to the previous owner.

(k) **Transshipment notification.** The vessel operator must notify the CCAMLR Secretariat of transshipments of AMLRs, bait, or fuel, and submit a confirmation of the notification to NMFS Headquarters, no later than 72 hours before the transshipment will take place. The vessel operator must notify the CCAMLR Secretariat of transfers of all other goods, and submit a confirmation of the notification to NMFS Headquarters, no later than 2 hours before the transshipment will take place. Notifications of intended transshipments shall include the following information, for all vessels involved:

(1) Names, registration numbers, and IMO numbers;

(2) International radio call signs;

- (3) Flag State;
 - (4) Type of vessels, length, gross registered tonnage and carrying capacity;
 - (5) Proposed time and position, in latitude and longitude, of transshipment; and
 - (6) Details of the type and amount of catches and/or other goods, such as food stores and fuel, involved in the transshipment.
- (l) **Reporting and recordkeeping requirements.** The operator of any vessel required to have a vessel permit under this subpart must:
- (1) Accurately maintain on board the vessel all CCAMLR reports and records required by its permit.
 - (2) Make such reports and records available for inspection upon the request of an authorized officer or CCAMLR inspector.
 - (3) Within the time specified in the vessel permit, submit a copy of such reports and records to NMFS.
 - (4) Install a NMFS-approved EMTU on board U.S. flagged vessels harvesting AMLR for use in real-time C-VMS port-to-port reporting to a NMFS-designated land-based fisheries monitoring center or centers. The requirements for the installation and operation of the VMS are set forth in § 300.112.
 - (5) Provide advance notice of the vessel's entry into port using the CCAMLR Port Inspection Report, including the written declaration that the vessel has not engaged in or supported illegal, unreported and unregulated (IUU) fishing in the Convention Area and has complied with relevant CCAMLR requirements. The CCAMLR Port Inspection Report, and instructions for its submission, is available from NMFS Headquarters.

[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 Radio Transmissions is estimated at 5 minutes and Transshipment Notifications are estimated at 15 minutes 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.