

§ 630.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) In accordance with regulations issued under the Marine Mammal Protection Act of 1972, as amended, it is unlawful for a commercial fishing vessel, a vessel owner, or a master or operator of a vessel to engage in a longline or gillnet swordfish fishery in the Atlantic Ocean (including the Gulf of Mexico and Caribbean Sea) unless the vessel owner or authorized representative has complied with specified requirements including, but not limited to, registration, exemption certificates, decals, and reports, as contained in 50 CFR part 229.

[56 FR 59222, Nov. 25, 1991]

§ 630.4 Permits and fees.

(a) *Applicability*—(1) *Annual vessel permit*. The owner of a vessel of the United States that fishes for or possesses swordfish from the north or south Atlantic swordfish stocks, or takes such swordfish as incidental catch, regardless of whether retained, must have been issued a valid swordfish vessel permit under paragraph (e) of this section unless such vessel fishes exclusively in the recreational fishery and/or fishes exclusively shoreward of the outer boundary of the EEZ around Puerto Rico and the Virgin Islands with only handline gear on board.

(2) *Annual dealer permit*. A dealer in the United States who first receives from a vessel of the United States swordfish harvested from the north or south Atlantic swordfish stocks must have been issued a valid dealer permit under paragraph (e) of this section.

(b) *Application for an annual vessel permit*. (1) An application for an annual vessel permit under this section must be signed by the owner and submitted to the Regional Director. The application must be submitted at least 30 days prior to the date on which the applicant desires to have the permit made effective. An application form is available from the Regional Director and must contain the following information:

(i) Vessel owner's name, mailing address, and telephone number;

(ii) If the vessel owner is a corporation or a partnership, the names, addresses, and dates of birth of the two principal shareholders or partners;

(iii) Vessel's name, official number, home port, net tonnage, length, and type and amount of gear used;

(iv) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(v) Any other information requested by the Regional Director that may be necessary for the issuance or administration of the permit.

(2) The application must be accompanied by a copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate.

(c) *Application for an annual dealer permit*. (1) An application for a dealer permit must be submitted and signed by the dealer or an officer of a corporation acting as a dealer. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of each state wholesaler's license held by the dealer;

(ii) Business name, mailing address including zip code of the principal office of the business, and employer identification number, if one has been assigned by the Internal Revenue Service;

(iii) The address of each physical facility at a fixed location where the business receives fish;

(iv) Name, official capacity in the business, mailing address including zip code, telephone number, social security number, and date of birth of the applicant; and

(v) If the applicant is a corporation or partnership, the names, addresses, and dates of birth of the two principal shareholders or partners.

(d) *Fees*. A fee is charged for each annual vessel permit issued under paragraph (b) of this section and for each annual dealer permit issued under paragraph (c) of this section. The amount of the fees is calculated, at least annually, in accordance with the

procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service, and may not exceed such costs. Applicable fees are specified with the application form and must be remitted with each application.

(e) *Issuance.* (1) The Regional Director will issue a permit at any time to an applicant if the application is complete. An application is complete when all requested forms, information, and documentation have been received and the applicant has submitted all applicable reports specified at § 630.5.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 90 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(f) *Duration.* A permit remains valid for the remainder of the period for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(g) *Transfer.* (1) A vessel permit issued under paragraph (b) of this section is not transferable or assignable. A person purchasing a permitted vessel who desires to conduct activities for which a permit is required must apply for a permit in accordance with the provisions of paragraph (b) of this section. The application must be accompanied by a copy of a signed bill of sale.

(2) A dealer permit issued under paragraph (c) of this section may be transferred upon sale of the dealer's business. However, such transferred permit remains valid for a period not exceeding 30 days after sale of the dealer's business. A person purchasing a permitted dealership who desires to conduct activities for which a permit is required after that 30 day period must apply promptly for a permit in accordance with the provisions of paragraph (c) of this section.

(h) *Display.* A vessel permit issued under paragraph (b) of this section must be carried on board the fishing vessel and such vessel must be identified as provided for in § 630.6. A dealer permit issued under paragraph (c) of this section must be available on the dealer's premises. The operator of a

fishing vessel or a dealer must present the permit for inspection upon request of an authorized officer.

(i) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(j) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(k) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement permit.

(l) *Change in application information.* The owner of a vessel with a permit or a dealer with a permit must notify the Regional Director within 30 days after any change in the application information required by paragraph (b) or (c) of this section. The permit is void if any change in the information is not reported within 30 days.

[56 FR 65016, Dec. 13, 1991, as amended at 62 FR 55361, Oct. 24, 1997]

§ 630.5 Recordkeeping and reporting.

(a) *Fishing vessel reports.* (1) The owner and operator of a vessel for which a vessel permit has been issued under § 630.4 must ensure that a daily logbook form is maintained of the vessel's swordfishing effort, catch, and disposition on logbook forms available from the Science and Research Director. Such forms must be submitted to the Science and Research Director postmarked not later than the 7th day after sale of the swordfish off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the logbook forms. Logbooks must be kept on board the vessel at all times.

(2) The owner or operator of a vessel for which a vessel permit has been issued under § 630.4 must insure that copies of tally sheets are submitted for all swordfish off-loaded and for other species off-loaded with the swordfish, including, but not limited to, shark,