



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260320-0087]

RIN 0648-BH72

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Reporting for Federally Permitted Charter Vessels and Headboats in Gulf of America Fisheries; Court Decision

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to clarify the reporting requirements that are in
effect because of a 2023 decision from the U.S. Court of Appeals for the Fifth Circuit.

The 2023 court decision vacated a 2020 final rule that implemented changes to the
reporting requirements for owners and operators of vessels issued Gulf of America (Gulf)
charter vessel/headboat permits (for-hire permits) for Gulf reef fish or Gulf coastal
migratory pelagic (CMP) species. In compliance with the Fifth Circuit ruling, NMFS
issues this rule to formally reinsert the current reporting requirements into the Code of
Federal Regulations (CFR). The reporting requirements set forth by this rule are the same
as those implemented in 2014 and in effect prior to the now-invalidated 2020 final rule.
Further, as a result of the 2023 court decision, NMFS has already been directing permit
holders to comply with these restored reporting requirements.

DATES: This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF
PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to see **FOR FURTHER INFORMATION CONTACT** section or to <https://www.reginfo.gov/public/do/pramain>. Find this particular information collection by selecting “Currently under 30-day Review - Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS Southeast Regional Office, email: rich.malinowski@noaa.gov, phone: 727-824-5305.

SUPPLEMENTARY INFORMATION: NMFS, in collaboration with the Gulf Fishery Management Council (Gulf Council) manages reef fish in Federal waters of the Gulf under the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf (Reef Fish FMP). In Gulf and Atlantic Federal waters, NMFS, in collaboration with the Gulf Council and South Atlantic Fishery Management Council, manages CMP fish species under the FMP for Coastal Migratory Pelagic Resources of the Gulf and Atlantic Region (CMP FMP). NMFS implements the FMPs through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). This action is taken under the authority of section 303(a)(5) of the Magnuson-Stevens Act, which pertains to the specification of pertinent fishery data that must be submitted to the Secretary of Commerce.

In 2014, NMFS implemented management measures contained in a framework action under the Reef Fish FMP and the CMP FMP (Headboat Reporting Framework), which modified recordkeeping and reporting provisions for an owner or operator of a headboat that has been issued a for-hire permit for Gulf reef fish or Gulf CMP species (2014 Rule; 79 FR 6097, February 3, 2014). If selected by NMFS to participate in the Southeast Region Headboat Survey (SRHS), a headboat owner or operator was required

to submit an electronic fishing report weekly, or at shorter intervals if notified by the Science and Research Director of NMFS' Southeast Fisheries Science Center (SEFSC). The selected headboat owners or operators were required to submit an electronic fishing report to NMFS via the internet by the Sunday following the end of each reporting week, which runs from Monday through Sunday; in other words, reports were due within 7 days after a reporting week ends. If the reports were not submitted on time, the owner or operator of the vessel was prohibited from harvesting or possessing the applicable species until any delinquent electronic fishing reports were submitted to NMFS. The purpose of the Headboat Reporting Framework was to obtain more timely fishing information from headboats to better monitor recreational annual catch limits, improve stock assessments, and improve compliance with reporting in Gulf recreational for-hire fisheries.

On July 21, 2020, NMFS published a final rule to modify these reporting requirements (85 FR 44005; 2020 Rule). The 2020 Rule expanded the reporting requirement to all vessels issued Gulf for-hire permits for Gulf reef fish or Gulf CMP species and required the submission of an electronic fishing report after every for-hire trip, a notification to NMFS (trip declaration) each time the vessel left the dock, and an operating vessel monitoring system (VMS). The requirements to submit the fishing reports and trip declarations became effective on January 5, 2021 (86 FR 51014, September 14, 2021), and the VMS requirement became effective on March 1, 2022 (86 FR 60374, November 2, 2021).

Several Gulf for-hire permit holders filed a lawsuit challenging the final rule, and on February 23, 2023, the U.S. Court of Appeals for the Fifth Circuit set aside the 2020 Rule, thereby invalidating the new reporting, declaration, and VMS requirements. The 2023 ruling restored the status quo before the 2020 Rule took effect, *i.e.*, the requirements of the 2014 Rule. Accordingly, since the 2023 court decision, NMFS has directed permit

holders to comply with the 2014 regulations, and this final rule formally reinserts the 2014 regulations applicable to recreational for-hire permits into the CFR.

As a result, Gulf for-hire vessels that NMFS selected to participate in the SRHS program are now required to submit electronic trip-level reports on a weekly basis by the following Sunday after the reporting week of Monday through Sunday. All other Gulf-hire vessels, if selected, must submit a weekly report on forms provided, postmarked no later than 7 days after the end of each week (Sunday).

However, the regulations at 50 CFR 622.26(b) and 622.374(b) currently still include the provisions vacated by the court of appeals and do not include the current requirements for vessels with the Gulf Federal for-hire permits. The regulations at 50 CFR 622.20(b)(1)(ii)(A) and 622.373(c)(1), which specify that permit renewal is contingent on reporting as required, also include provisions that were modified by the vacated final rule. This final rule removes the vacated provisions and reinstates the regulations that specify the current requirements for those vessels issued Gulf for-hire permits.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act, because this action is necessary to remove vacated regulations in response to the decision of the Fifth Circuit issued on February 23, 2023. The NMFS Assistant Administrator has determined that this final rule is consistent with the Fifth Circuit's decision, the Reef Fish FMP and the CMP FMP, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, because they are unnecessary. This action reinstates the regulatory text that was in place prior to the 2020 Rule vacated by the Fifth Circuit. NMFS is unable to consider public comment for an alternative to the action in this rule, because the court ruling does not allow discretion for NMFS to take other action

in this case. Therefore, a public comment period is unnecessary in this case. The regulations implemented by the 2020 Rule are no longer in effect and this action is necessary to reflect the reporting requirements that have been in effect since the Fifth Circuit's decision.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule is considered an E.O. 14192 deregulatory action.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

Because prior notice and opportunity for public comment are not required under 5 U.S.C. 553, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act at 5 U.S.C. 603-605 do not apply to this rule. Accordingly, no regulatory flexibility analysis is required and none has been prepared. When NMFS proposed the electronic reporting requirements for the vessels participating in the SRHS in 2014, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that the action would not have a significant economic impact on a substantial number of small entities. NMFS addressed comments on the economic analysis in the 2014 Rule that implemented those requirements, which are the same requirements currently in effect because of the vacatur of the 2020 Rule.

This final rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This rule changes the existing requirements for the collections of information under 0648-0016, the Southeast Region Logbook Family of Forms. Specifically, this final rule removes regulatory requirements to: (1) submit a trip declaration and an electronic fishing report on a per-trip basis; (2) land at verified locations only; (3) submit a landing location request form if NMFS has not already verified a landing location; (4) install and maintain on the vessel an active VMS; (5) submit a form verifying successful installation and activation of a VMS unit; and (6) submit a form to request an exemption to the requirement to maintain an active VMS unit. Further, NMFS will not conduct the fishermen intercept survey used previously to validate data collected in the program. The estimated number of respondents, anticipated responses, burden, hours, or burden cost all are zero. NMFS did not request an extension through this revision of 0648-0016. The estimated public reporting burden for the remaining information collections under 0648-0016 remain unchanged and vary between components, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

NMFS invites the public and other Federal agencies to comment on proposed and continuing information collections, which helps with assessing the impact of information collection requirements and minimize the public's reporting burden.

To submit any written comments or recommendations for this information collection see **FOR FURTHER INFORMATION CONTACT** section or <https://www.reginfo.gov/public/do/pramain>. Find this information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function and entering the OMB Control Number - 0648-0016.

Notwithstanding any other provision of the law, no person is required to respond to, nor will any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 23, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 622 as follows:

**PART 622--FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND
SOUTH ATLANTIC**

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.20, revise paragraph (b)(1)(ii)(A)(2) to read as follows:

§ 622.20 Permits and endorsements.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) * * *

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

* * * * *

3. In § 622.26, revise paragraph (b) to read as follows:

§ 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.

(ii) *Headboats.* The owner or operator of a headboat 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 submit an electronic fishing record for each trip of all fish harvested within the time period specified in paragraph (b)(2)(ii) of this section, via the Southeast Region Headboat Survey.

(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.

(ii) *Headboats.* Electronic fishing records required by paragraph (b)(1)(ii) of this section for headboats 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 so stating must be submitted for that reporting week by 11:59 p.m., local time, the Sunday

following a reporting week.

(3) *Catastrophic conditions*. During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b)(1)(ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement*. Electronic reports required by paragraph (b)(1)(ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the time specified in paragraph (b)(2)(ii) is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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4. In § 622.373, revise paragraph (c)(1) to read as follows:

§ 622.373 Limited access system for charter vessel/headboat permits for Gulf coastal

migratory pelagic fish.

* * * * *

(c) * * *

(1) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic 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--

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

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

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

(iv) A data collection system that replaces one or more of the surveys in paragraphs (c)(1)(i), (ii), or (iii) of this section.

* * * * *

5. In § 622.374, revise paragraph (b) to read as follows:

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

(ii) *Headboats*. The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf coastal migratory fish or Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf or Atlantic coastal migratory pelagic fish in or from state waters adjoining the Gulf, South Atlantic, or Mid-Atlantic EEZ, who is selected to report by the SRD must submit an electronic fishing record for each trip of all fish harvested within the time period specified in paragraph (b)(2)(ii) of this section, via the Southeast Region Headboat Survey.

(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.

(ii) *Headboats*. Electronic fishing records required by paragraph (b)(1)(ii) of this section for headboats 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 so stating must be submitted for that reporting week by 11:59 p.m., local time, the Sunday following a reporting week.

(3) *Catastrophic conditions*. During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b)(1)(ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means

and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraph (b)(1)(ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the time specified in paragraph (b)(2)(ii) is delinquent. A delinquent report automatically results in the owner and operator of a headboat for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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[FR Doc. 2026-05813 Filed: 3/24/2026 8:45 am; Publication Date: 3/25/2026]