

(4) A fish trap endorsement in effect on September 12, 1995, may be transferred to a vessel with a commercial vessel permit whose owner has a record of landings of reef fish from fish traps in the EEZ, as reported on fishing vessel logbooks received by the Science and Research Director from November 20, 1992, through February 6, 1994, and who was unable to obtain a fish trap endorsement for such vessel under paragraph (n)(1) of this section. The owner of a vessel that is to receive the transferred endorsement must return the currently endorsed commercial permit and the unendorsed permit to the Regional Director with an application for a fish trap endorsement for his or her vessel. Revised commercial permits will be returned to each owner.

(5) If a fish trap endorsement is transferred under paragraph (n)(3) or (n)(4) of this section, the owner of the vessel to which the endorsement is transferred may renew the endorsement without regard to the requirement of paragraph (n)(1) of this section regarding a record of landing of reef fish from fish traps.

(6) A fish trap endorsement that is not renewed or that is revoked will not be reissued. A fish trap endorsement is considered to be not renewed when an application for renewal is not received by the Regional Director within 1 year of the expiration date of the permit.

3. In § 641.4, effective April 1, 1996, paragraphs (a)(3) and (o) are added, and the first sentence of newly revised paragraph (a)(4) is revised to read as follows:

§ 641.4 Permits and fees.

(a) * * *

(3) *Charter vessel/headboat permits.*

For a person on board a vessel that is operating as a charter vessel or headboat to fish for or possess a reef fish in or from the EEZ, a charter vessel/headboat permit for reef fish must be issued to the vessel and must be on board.

(4) * * * A dealer who receives from a fishing vessel reef fish harvested from the EEZ, or red snapper from adjoining state waters harvested by or possessed on board a vessel with a commercial permit issued under this section, must obtain an annual dealer permit. * * *

(o) *Permit conditions.* (1) As a condition of a commercial vessel permit issued under this section, without regard to where red snapper are harvested or possessed, a vessel with a commercial permit—

(i) Must comply with the red snapper individual transferrable quota requirements of § 641.10(b).

(ii) May not transfer or receive red snapper at sea.

(iii) Must maintain red snapper with head and fins intact through landing, and the exceptions to that requirement contained in § 641.21(b)(3) and (b)(4) do not apply to red snapper. Such red snapper may be eviscerated, gilled, and scaled but must otherwise be maintained in a whole condition.

(2) As a condition of a dealer permit issued under this section, without regard to where red snapper are harvested or possessed, a permitted dealer must comply with the red snapper individual transferrable quota requirements of § 641.10(b).

§ 641.5 [Amended]

4. In § 641.5, in the first sentence of paragraph (c), the phrase “reef fish permit” is removed and the phrase “commercial reef fish permit” is added in its place.

5. In § 641.7, paragraphs (a), (s), (y), and (bb) are revised and new paragraphs (ll) and (mm) are added to read as follows:

§ 641.7 Prohibitions.

* * * * *

(a) Falsify information specified in § 641.4(b) or (c) on an application for a permit or endorsement, or information regarding transfer or revision of a permit or endorsement.

* * * * *

(s) Purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a reef fish—

(1) Harvested from the EEZ by a vessel that does not have a valid commercial permit, or

(2) Possessed under the bag limits—as specified in § 641.28(a).

* * * * *

(y) Use or possess in the EEZ a fish trap without a valid fish trap endorsement, as specified in § 641.4(a)(2).

* * * * *

(bb) Without a dealer permit, receive from a fishing vessel, by purchase, trade, or barter, reef fish harvested from the EEZ, as specified in § 641.4(a)(4).

* * * * *

(ll) Sell, trade, or barter or attempt to sell, trade, or barter reef fish harvested on board a vessel for which a commercial permit has been issued under § 641.4 to a dealer that does not have a permit issued under § 641.4, as specified in § 641.28(b).

(mm) As a permitted dealer, purchase, trade, or barter or attempt to purchase, trade, or barter reef fish harvested on board a vessel that does not have a commercial permit issued under § 641.4, as specified in § 641.28(c).

6. In § 641.7, effective April 1, 1996, paragraphs (g), (r), and newly revised (bb) are revised and paragraph (x) is added to read as follows:

§ 641.7 Prohibitions.

* * * * *

(g) Possess a finfish without its head and fins intact, as specified in § 641.21(b); or a red snapper without its head and fins intact, as specified in § 641.4(o)(1)(iii).

* * * * *

(r) Transfer reef fish at sea, as specified in § 641.24(f); or transfer or receive red snapper at sea, as specified in § 641.4(o)(1)(ii).

* * * * *

(x) Own or operate a vessel that fishes for or possesses reef fish in or from the EEZ, when such vessel is operating as a charter vessel or headboat without a charter vessel/headboat permit, as specified in § 641.4(a)(3).

* * * * *

(bb) Without a dealer permit, receive from a fishing vessel, by purchase, trade, or barter, reef fish harvested from the EEZ, or red snapper from adjoining state waters harvested by or possessed on board a vessel with a commercial permit, as specified in § 641.4(a)(4).

* * * * *

§ 641.24 [Amended]

7. In § 641.24, paragraph (g) is removed.

§§ 641.28 and 641.29 [Redesignated as §§ 641.29 and 641.30]

8. Sections 641.28 and 641.29 are redesignated as §§ 641.29 and 641.30, respectively, and new § 641.28 is added to read as follows:

§ 641.28 Restrictions on sale/purchase.

(a) A reef fish harvested in the EEZ on board a vessel that does not have a valid commercial permit, as required by § 641.4(a)(1), or possessed under the bag limits specified in § 641.24(b), may not be purchased, bartered, traded, or sold, or attempted to be purchased, bartered, traded, or sold.

(b) A reef fish harvested on board a vessel for which a valid commercial permit has been issued under § 641.4 may be sold, traded, or bartered or attempted to be sold, traded, or bartered only to a dealer who has a valid permit issued under § 641.4.

(c) A reef fish harvested in the EEZ may be purchased, traded, or bartered or attempted to be purchased, traded, or bartered by a dealer who has a valid permit issued under § 641.4 only from a vessel for which a valid commercial permit has been issued under § 641.4.